

# HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

## Agenda Item 59

Brighton & Hove City Council

### BRIGHTON & HOVE CITY COUNCIL

#### HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

3.00pm 7 DECEMBER 2009

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Caulfield (Chairman); Carden, Davey, Fryer, Pidgeon, Simpson (Opposition Spokesperson) and Wells

**Tenant Representatives:** Stewart Gover (North & East Area Housing Management Panel), Ted Harman (Brighton East Area Housing Management Panel), Heather Hayes (North & East Area Housing Management Panel), Chris Kift (Central Area Housing Management Panel), Pat Miles (West Hove & Portslade Area Housing Management Panel), David Murtagh (Brighton East Area Housing Management Panel), Muriel Briault (Leaseholder Action Group), Tom Whiting (Sheltered Housing Action Group), John Melson (Hi Rise Action Group) and Barry Kent (Tenant Disability Network)

#### PART ONE

#### **35. PROCEDURAL BUSINESS**

#### **35A Declarations of Substitute Members**

35.1 Councillor Harmer-Strange substituted for Councillor Barnett.

#### **35B Declarations of Interests**

35.2 Councillors Harmer-Strange, Simpson and Wells, Ted Harman and Heather Hayes declared a personal interest in agenda items 44 and 47 as they are Board Members of Brighton and Hove Seaside Community Homes (the Local Delivery Vehicle).

#### **35C Exclusion of the Press and Public**

35.3 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to

whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

35.4 **RESOLVED** - That the press and public be not excluded from the meeting.

**36. MINUTES OF THE PREVIOUS MEETING**

36.1 **RESOLVED** – That the minutes of the meeting held on 12 October 2009 be approved and signed by the Chairman.

**37. CHAIRMAN'S COMMUNICATIONS**

37.1 The Chairman reported that that the Council had been awarded £30,000 funding towards a project that would look at unlawful sub-letting. The project would start in the New Year.

37.2 The Chairman reported that the Council had made a bid for HRA funding in order to build council homes in Ainsworth House. Committee members would be informed when the outcome of the bid was known.

37.3 The Chairman reported the sad news of the death of Nick Tew. Chris Kift informed the Committee that the St James CA was hoping to take a lease on the WRVS part of the building. If this went to plan then it would be known as the Nick Tew Centre.

**38. CALLOVER**

38.1 The Chairman asked the Committee to consider which items listed on the agenda it wished to debate and determine in full.

38.2 **RESOLVED** - That all items be reserved for debate and determination.

**39. PETITIONS**

39.1 The Chairman noted that no petitions had been submitted for the meeting.

**40. PUBLIC QUESTIONS**

40.1 The Chairman noted that there were no public questions.

**41. DEPUTATIONS**

41.1 The Chairman noted that no deputations had been submitted for the meeting.

**42. LETTERS FROM COUNCILLORS**

42.1 The Chairman noted that no letters from councillors had been submitted for the meeting.

**43. WRITTEN QUESTIONS FROM COUNCILLORS**

- 43.1 The Chairman noted that no written questions from councillors had been submitted for the meeting.

**44. LOCAL DELIVERY VEHICLE - PRESENTATION**

- 44.1 The Committee received a presentation with slides from the Head of Housing Strategy and Development and Private Sector Housing (for copy see minute book). The presentation provided an update on the current situation and explained the revised application and the need for consent from the Secretary of State. Plan B could proceed if consent was refused or delayed or if the council were prevented from lending to the LDV. If express consent and lending was approved, a decision would be needed over which funding route was best for the council and Brighton and Hove Seaside Community Homes. Committee members would be kept up to date with current project issues. The council would seek HMCC members support for funding choices to be made by Cabinet once all the detailed project issues had been worked through.
- 44.2 Stewart Gover suggested that it might be better to wait until the May election before proceeding to Plan B. He stressed that it was not known how much interest would have to be paid if private sector finance was required.
- 44.3 The Chairman explained that she personally did not want to wait until May to make a decision. The CLG had undertaken to make a decision by 8 December. The HMCC had given support to Plan B at the last meeting, and if there was no news from the CLG then Plan B would proceed. It was proposed to take a report to Cabinet on 14 January 2010. The Chairman suggested that a special meeting of the HMCC be arranged before 14 January.
- 44.4 The Director of Adult Social Care & Housing explained that the revised application had been submitted to the CLG two weeks ago and that there had been no further requests for additional information.
- 44.5 John Melson agreed with Stewart Gover and thought that a decision should be delayed. Meanwhile, he thought that the council should not lend the money to the LDV as this would be counter productive.
- 44.6 Councillor Simpson explained that when a meeting took place with the CLG in October there had been a warmer reception. She hoped that the revised application would be acceptable and felt that there was no need to panic at this stage.
- 44.7 The Chairman suggested that a special meeting be arranged on 6 January 2010. In the meanwhile, members would be informed if a response was received from the CLG.
- 44.8 **RESOLVED** – (1) That the presentation be noted.

- (2) That a Special meeting of the Housing Management Consultative Committee be arranged on Wednesday 6 January 2010 at 3.00pm in the Council Chamber, Hove Town Hall.

#### 45. OUT OF HOURS SERVICE IN SHELTERED HOUSING

- 45.1 The Committee considered an update report of the Director of Adult Social Care and Housing on the work of the officer and resident project group set up to review the out of hour's service provision in sheltered housing (for copy see minute book). A report on the work the project group had carried out to date was attached as Appendix 1.
- 45.2 The Older Persons Housing Manager thanked Brian Balchin, Jasmine Court Sheltered Housing Action Housing Group representative for his work for the resident project group. He also thanked Tom Whiting and Louis Loizou as Chair and Vice Chair of the Sheltered Action Housing Group.
- 45.3 Brian Balchin reported that out of the 12 schemes he visited, Southern Housing Group had been very interesting. Ragland Housing Association used the Chichester Care Line.
- 45.4 Tom Whiting thought the report was excellent, and stressed the need to re-consult. Methods of communication were important.
- 45.5 Chris Kift asked how the proposals would affect people who were not in sheltered housing and used CareLink Plus.
- 45.6 The Chairman agreed this was a valid concern and when progress was made it would be necessary to look at the impact on other users.
- 45.7 Tom Whiting stressed the need to consider the quality of the service in relation to what was being paid, rather than looking at cost considerations alone.
- 45.8 Councillor Simpson considered that there were many sensible recommendations in the report such as the key safes outside blocks. However, she was worried about the proposal to go out to competitive tender, and stressed that not everyone had close relatives or close contacts. CareLink Plus did provide extra services and there was added value to having a local based service. She was not aware of any other firm that provided telecare options.
- 45.9 John Melson asked how the council would provide for people who did not have a local helper. He suggested that there should be some provision for having key holders in these circumstances.
- 45.10 The Chairman considered the key safe a good idea, as it would be available to everybody. She thanked everyone for their hard work on the review.
- 45.11 **RESOLVED** – (1) That the contents of the report be noted.
- (2) That a further report is presented to the Housing Management Consultative Committee when a specification has been drawn up for the out of hours service and a process is in place to determine how this service will be provided.

**46. TENANCY AGREEMENT REVIEW**

- 46.1 The Committee considered a report of the Director of Adult Social Care & Housing which presented the results of the statutory consultation carried out with all the tenants on the adoption of a revised tenancy agreement for tenants living in council housing. The Committee was presented with an amended draft of the revised tenancy agreement as a result of comments received during the consultation (for copy see minute book).
- 46.2 The Housing Manager thanked the Chairman's Resident Focus Group for their hard work and support. Barry Hughes, Trish Barnard and Chris Kift had been members of the group and were present at the meeting.
- 46.3 John Melson commented that the colours used in Appendix one had made the type difficult to read. The Chairman replied that this would be noted for future reference.
- 46.4 Ted Harman thought it was a good document. He asked what would happen if there was a joint tenancy and one partner did not want to sign the agreement. The Housing Manager replied that both partners would be expected to sign the agreement. The agreement would apply to all tenants.
- 46.5 Chris Kift made the point that it should be emphasised that the document was legal. It needed to be controlled and made to work properly.
- 46.6 The Chairman agreed that there needed to be robust enforcement. She thanked all those people who had been part of the working group.
- 46.7 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Housing Management Consultative Committee recommend to the Cabinet Member for Housing that:
- (1) That the results of the consultation exercise and the themes arising as detailed in appendix 1 be noted.
  - (2) That the new version of the tenancy agreement, attached at appendix 2 be endorsed and forwarded to the Housing Cabinet Member for approval.

**47. HOUSING MANAGEMENT SERVICE IMPROVEMENT PLAN**

- 47.1 The Committee considered a report of the Director of Adult Social Care & Housing that explained the progress made in the delivery of the Housing Management Service Improvement Plan 2009-12 (for copy see minute book).
- 47.2 **RESOLVED** - That the progress to date and the priorities for year two of the service improvement plan, be noted.

**48. IMPROVING ACCESS TO HOUSING ADAPTATIONS**

- 48.1 The Committee considered a report that outlined proposals to promote a more preventable approach to managing major adaptations demand through a single point of

access in Housing Strategy to enable customers to maximise their independence and quality of life through a range of housing options. The preventable approach and early intervention would be promoted through the development of trained Trusted Assessors within Housing. A more proactive approach to procurement would be promoted by working closely with housing management and Mears to bring more council homes up to Lifetime Homes and wheelchair accessible standard through the best use of mainstream capital budgets.

- 48.2 Where cases went through Community Care Assessment and the need for an adaptation was identified, a “whole systems approach” to delivery of that major adaptation would be developed as quickly as possible by fully integrating the assessment, recommendation and delivery of all major adaptations (those over £1,000) within the existing Housing Adaptations Team in Housing Strategy Division to ensure better, clearer and quicker delivery. Adult Social Care and the Integrated Community Equipment Service would continue to deliver minor adaptations in the private sector (for copy see minute book).
- 48.3 The Chairman informed the Committee that there had been an improvement in waiting times but there needed to be further improvement. The process had been made more efficient but there was now a need to look at the system as a whole.
- 48.4 Councillor Simpson wholeheartedly welcomed the report. She had come into contact with people who had been caught up in the system. The report was an honest analysis of the current situation. She hoped the changes would be a great success. Councillor Simpson commented that the changes could lead to a greater demand for the service.
- 48.5 Chris Kift thought it was a good report. He expressed concern about communication in the service. He had made a phone call and heard nothing further. He had also been allocated an occupational therapist to deal with an initial problem but had been subsequently allocated different occupational therapists. He had also experienced different quality of work. Mr Kift stressed the need for consistent quality of work in procurement.
- 48.6 The Chairman noted the above points and stated that the report was proposing a more simplified system of Occupational Therapy assessment.
- 48.7 Concerns were expressed about the link between the adaptations and repairs service and the Chairman replied that this matter would be investigated.
- 48.8 There was general agreement that there was a high demand for wet rooms rather than bathrooms with showers.
- 48.9 Barry Kent asked questions on behalf of the Tenants Disability Network. He was informed that 60 to 70% of the £750,000 spent on adaptations was used for showers. A more detailed breakdown could be sent to Mr Kent. The Disabilities grant was provided by the government and topped up by the council.
- 48.10 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Housing Management Consultative Committee recommend to the Cabinet Member for Housing that:

- (1) That the Council moves towards a preventative approach to managing major adaptations demand proactively rather than as a response to a request for a Community Care Assessment.
- (2) That the council improves and simplifies the assessment and delivery of major adaptations (over £1,000) by focusing all assessment, recommendation and service delivery of major adaptations within the Housing Adaptations Service.
- (3) That capital and staff resources are realigned to this effect (as outlined in 3.11 below).

#### **49. WHEN A SOLE COUNCIL TENANT REQUESTS A JOINT TENANCY**

- 49.1 The Committee considered a report of the Director of Adult Social Care & Housing that confirmed that Council Allocations policy did not provide for the lawful creation of joint tenancies to existing sole tenants and a new partner. It was reported that maintaining this position would help the Council make best use of existing stock in order to meet housing need, without any significant disadvantage to tenants (for copy see minute book).
- 49.2 Steward Gover stated that he would not be voting for joint tenancies. He spoke of cases where relationships had broken down and women had ended up in refuges.
- 49.3 Heather Hayes asked if siblings would have succession rights to joint tenancies. She was informed that joint tenancies were for couples and not for siblings.
- 49.4 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Housing Management Consultative Committee recommend to the Cabinet Member for Housing that:
  - (1) That the current policy position is confirmed and no provision is made for the creation of joint tenancies where one party is already a sole tenant of the council.

#### **50. PROPOSED AMENDMENT TO LOCAL LETTINGS PLAN - BLOCKS FOR PEOPLE AGED 50 OR OLDER**

- 50.1 The Committee considered a report of the Director of Adult Social Care & Housing that explained that in November 2009, The Cabinet Member for Housing agreed a Local Lettings Plan that restricted lettings of flats that do not meet mobility standards in certain blocks to people aged 50 years or older. The Cabinet Member for Housing asked that consideration be given to extending this Local Lettings Plan to other suitable blocks (for copy see minute book).
- 50.2 Stewart Gover asked the Senior Solicitor if a son or daughter moving back to a flat leased to their parents, would be entitled to succession. The Senior Solicitor replied that the letting policy overrides the succession. Stewart Gover asked why the legal position regarding succession rights was not set out in the legal implications. The Senior Solicitor replied that the legal implications needed to be concise. The Chairman suggested that the legal position on succession could be added to the Cabinet Member report.

- 50.3 John Melson thought that the lettings policy should not be used to deal with anti-social behaviour. He thought the committee should look at vulnerability and need rather than age.
- 50.4 The Head of Housing Management reported that if Clarke Court were to become difficult to let, the council could vary the policy to let flats to people under 50.
- 50.5 Pat Miles welcomed the proposal for Clarke Court to be let to people over 50.
- 50.6 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Housing Management Consultative Committee recommend to the Cabinet Member for Housing that:
- (1) Clarke Court to be designated as an over 50s block. All new lettings, except those of flats meeting the council's mobility standard, would be to people aged 50 years or older.

**51. LOCAL LETTINGS PLAN - BUNGALOWS IN LOCKWOOD AND KIPLING AVENUE, WOODINGDEAN**

- 51.1 The Committee considered a report of the Director of Adult Social Care & Housing which reminded members that in October the Committee had requested that a feasibility study was carried out to look at the most suitable future lettings arrangements for the 6 bungalows in Kipling Avenue and Lockwood Crescent. It was suggested that these might be excluded from the general bungalow Local Letting Plan, as this small development was a uniquely settled community of older and some very vulnerable, residents (for copy see minute book).
- 51.2 Councillor Wells informed the Committee that he was not happy with the report. He mentioned that there had been two recent cases where anti-social people had moved to the bungalows.
- 51.3 John Melson stressed that not all disabilities were physical and that psychological needs were as important as physical needs. He supported Councillor Wells.
- 51.4 Councillor Harmer-Strange asked about the difference between sheltered housing and mobility housing. The Head of Housing Management replied that sheltered housing was intended for people with support needs. Mobility housing available for everyone with a mobility need. She quoted paragraphs 3.5 and 3.6 of the report which stated that there were 782 households on the joint register who had been assessed as needing mobility standard accommodation.
- 51.5 The Assistant Director, Housing Management informed the Committee that the council was trying to get the balance between the local community and city wide need.
- 51.6 The Chairman stressed that anti-social behaviour was the key issue rather than the type of person the bungalows were let to. She made the point that over 50s could also cause problems.



- 51.7 Stewart Gover supported Councillor Wells and mentioned problems at Mayflower Court caused by anti-social behaviour.
- 51.8 Healthier Hayes commented that more should be done to ensure people allocated properties received the support they needed.
- 51.9 **RESOLVED** – That, following an indicative vote, the recommendations are not agreed by the Committee.

## **52. WHEN A TENANT DIES - CUSTOMER CARE, SUCCESSION AND PEOPLE LEFT IN OCCUPATION**

- 52.1 The Committee considered a report of the Director of Adult Social Care & Housing that informed members that the council granted introductory and secure tenancies. This policy confirmed the council's succession policy when a secure or introductory tenant died. The council recognised that this was a sensitive area of tenancy management, and was committed to making consistent, fair decisions and implementing this policy sensitively. The Council was committed to making the best use of housing stock within the context of a very high demand for family housing. This informed policy around people left in occupation who were not entitled to succeed a tenancy and where people entitled to succeed were in occupation of property larger than they reasonably needed (for copy see minute book).
- 52.2 Stewart Gover raised the issue of sons and daughters who lived with parents who were joint tenants. When the parents died they had to move and in some cases notices to quit had been pinned on the door on the day of the funerals. The Head of Housing Management assured the Committee that notices on doors on the day of funerals would not happen again. She confirmed that there was no right for a child to succeed to their parent's joint tenancy. A child of a sole tenant could succeed to the property if they had lived in the property for 12 months before the parent died. They might however, have to move to a smaller property if the parent lived in a three bedroom flat.
- 52.3 The Chairman explained that the council was guided by housing law and this was confirmed by the Senior Solicitor. The Chairman suggested that it would be helpful for the Committee to have an information session on succession, in which members could be guided through case law.
- 52.4 The Senior Solicitor said he would be happy to give a presentation to the Committee on human rights issues in relation to succession.
- 52.5 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Housing Management Consultative Committee recommend to the Cabinet Member for Housing that:
- (1) The policy is confirmed.
  - (2) That the customer care work undertaken around bereavement is noted.

**53. NEW REPAIRS PARTNERSHIP PROGRESS REPORT - PRESENTATION**

- 53.1 The Committee received a presentation with slides from the Senior Project Manager. The presentation explained that there would be a 10 year comprehensive partnership with Mears Limited. It went on to discuss partnership mobilisation, the Partnership Workshop in October and the proposed "Super Centre". The Term Partnership Contract was to be signed in early December and residents would be fully involved in procurement and would be seen as equal partners (for copy see minute book).
- 53.2 The Senior Project Manager explained that it was hoped that the 'Super Centre' would be up and running soon after April and fully functional by April 2010. The Residents Action Zone would have designated space in the building.
- 53.3 Councillor Simpson asked whether the cost of the "Super Centre" had been in any budget and what impact it would have on the amount of savings in the new contract.
- 53.4 The Assistant Director, Housing Management explained that a report to Cabinet was seeking financial approval for the cost of refurbishment of the Super Centre. There would be a capital saving of 47 million over 10 years. There was no special budget provision as there had been no identified building. Now there was an identified building that the council would like to lease, officers were seeking approval for the lease of the building and the budget.
- 53.5 Chris Kift asked officers if they would be monitoring Kiers in the last four months of the contract. The Head of Repairs and Maintenance assured members that he was carefully monitoring the way Kiers performed. Their performance had improved in the last few months.
- 53.6 Stewart Gover requested that Mears were monitored as diligently as Kiers. He made the point that kitchens were not to the tenants' satisfaction.
- 53.7 The chairman reported that a clerk of works would be employed soon.
- 53.8 David Murtagh suggested that tenants representatives with knowledge of building works should check up on repairs. The Chairman thought this was a good suggestion. Volunteers would be required for 'Turning the Tide'. Meanwhile, she stressed that there was more than sufficient money in the budget to carry out repairs.

(1) **RESOLVED** – That the presentation be noted.

**54. THREE YEAR CAPITAL INVESTMENT PROGRAMME**

- 54.1 The Committee received a presentation with slides from the Head of Repairs and Maintenance which gave details of the proposals for City-Wide Improvement Programmes of Work 2010 to 2012 (for copy see minute book).

- 54.2 Heather Hayes asked why decent home standard kitchens and bathrooms were not being fitted in all properties. Some properties were not up to standard.
- 54.3 The Head of Repairs and Maintenance replied that all properties let met health and safety standards even if they did not meet decent home standards. Properties were improved on a need basis.
- 54.4 David Murtagh expressed concern that bedroom radiators in Moulscroomb properties were too undersized and ineffective. The Chairman suggested he brought up this matter at the Area Panel.

(1) **RESOLVED** – That the presentation be noted.

**55. TENANT SERVICES AUTHORITY CONSULTATION ON NEW ARRANGEMENTS FOR REGULATING THE COUNCIL'S LANDLORD SERVICES**

- 55.1 The Committee considered a report of the Director of Adult Social Care & Housing that reported that the Tenant Services Authority (TSA) was expected to become the regulator of the council's landlord services from 1 April 2010 when, subject to Parliamentary approval, it becomes responsible for regulating all social housing landlords. The TSA had now published details of its proposed regulatory approach and standards for landlords for formal consultation.
- 55.2 The report outlined the content of the consultation document for noting by the Committee and proposed arrangements for Committee members, tenant representatives, residents, staff in both Housing Strategy and Housing Management divisions and other stakeholders, including the Social Landlords Forum, to be involved in the consultation (for copy see minute book).
- 55.3 The Housing Stock Review Manager informed the Committee that comments were required by 15 January 2010.
- 55.4 Stewart Gover commented that the Tenant Services Authority was a very powerful super quango. He suggested the Chairman wrote a letter to the TSA to assure them that the tenant movement in Brighton & Hove would never allow anything that fell below the standards they expected.
- 55.5 Councillor Simpson welcomed the proposals. She made the point that although the TSA might not be needed in Brighton & Hove, they might be needed elsewhere. One area that would be covered was local area co-operation and anti social behaviour. Housing Associations also struggled with this issue and a requirement for housing associations to work with the council would be advantageous.
- 55.6 **RESOLVED** – (1) That the contents of the report be noted.
- (2) That the consultation arrangements proposed in section 4 of the report be endorsed.

**56. HOUSING MANAGEMENT PERFORMANCE REPORT (QUARTER 2)**

- 56.1 The Committee considered a report of the Director of Adult Social Care & Housing that presented the Quarter two report for Housing Management Performance for the year 2009-2010. The report continued the new style of presentation and comparative benchmarking outlined in the end of year and quarter one reports presented previously to Housing management Consultative Committee (for copy see minute book).
- 56.2 **RESOLVED** - That the report be noted.

**57. ENERGY EFFICIENCY WORKING GROUP**

- 57.1 The Committee considered a report of the Director of Adult Social Care & Housing that explained that the Cabinet Member for Housing's Energy Efficiency Working Group had been set up for several months. Its aim was to mobilise, over time, the actions of many people to contribute to our society's wide and important sustainability agenda. As time progresses, officers would be seeking increasing support for the work to reduce fuel poverty, encourage change in individual behaviours, and increase community action on climate change initiatives (for copy see minute book).
- 57.2 Councillor Fryer welcomed the report and made some suggestions to for the Energy Efficiency Working Group to investigate, including individual metering where there were communal boilers. The Head of Housing Management (East Brighton) stated that some of the suggestions were included in the capital programme and would be taken up by the contract. Officers would be working closely with Mears to encourage the best outcome for the efficiency agenda.
- 57.3 Stewart Gover congratulated the Head of Housing Management (East Brighton) for her work on efficiency agenda. However he considered that energy efficient light bulbs should be used with care, as some lights had been known to cause epileptic fits. The Chairman stated that the issue of deposal of energy efficient light bulbs would be taken up.
- 57.4 John Melson stated that the Energy Efficiency Working Group were doing a great job and that the tenants were on board with this initiative.
- 57.5 **RESOLVED** - (1) That the contents of the report as an update on the work of the Cabinet Member for Housing's Energy Efficiency Working Group be noted.

The meeting concluded at 6.50pm

Signed

Chairman

Dated this

day of

