

## **Minutes of the Meeting of the Housing Overview and Scrutiny Committee held on 17 October 2017 at 7.00 pm**

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**Present:** Councillors Luke Spillman (Chair), Gerard Rice (Vice-Chair), John Allen, Terry Piccolo, Jane Potheary and Joycelyn Redsell.

Lyn Mansfield, Housing Tenant Representative.

**In attendance:** Roger Harris, Corporate Director of Adults, Housing and Health.  
John Knight, Assistant Director of Housing.  
Charlotte Raper, Democratic Services Officer.  
Wendy Le, Democratic Services Officer.

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **8. Minutes**

The minutes of Housing Overview and Scrutiny Committee meeting held on 18 July 2017 were approved as a correct record.

### **9. Urgent Items**

There were no items of urgent business.

### **10. Declaration of Interests**

There were no declarations of interest.

### **11. HRA Service Charges Update**

The Assistant Director of Housing (ADH), John Knight, introduced the report to the Committee updating the Members on the service charges to Council tenants introduced in December 2016. This had been included as part of the 30 year Business Plan for the Housing Revenue Account (HRA). Although the service charges had gone through consultation with all affected tenants in March 2017 and were set to be implemented from 2 October 2017, an influx of enquiries and concerns regarding the service charges had been received from tenants and Members.

The decision was made by the Leader of the Council with the Chair of the Housing Overview & Scrutiny Committee on 27 September 2017 to suspend the Grounds Maintenance Charge (GMC) pending a review. A motion was carried at Full Council on the same date which called upon the Cabinet to re-evaluate the need for the GMC for general needs tenants. A comprehensive review would be carried out with a wider consultation following the points in

paragraph 4.3 of the report. Members would be welcome to come to the consultation meetings. A full report of the grounds service maintenance charge review would be submitted for consideration at the next Housing Overview and Scrutiny Committee meeting on 19 December 2017.

The Corporate Director of Adults, Housing and Health (CDAHH), Roger Harris, stated that the report of the GMC review would also go to Cabinet in January 2018, once the Housing Overview and Scrutiny Committee had discussed and made recommendations on it.

The Chair felt that the proposal of the GMC would need to be more explicit and informative than had been brought forward to the Committee and Cabinet previously. If the proposal had been more explicit before, it could have saved time. Some information could have also been improved on before going to Committee. With these points in mind, the Chair asked that the report of the GMC review be explicit and ensure all information was accurately captured before it came back to Committee. He went on to ask whether there had been any legal challenges to applications of grounds maintenance charges in other boroughs. The ADH agreed that the wording in the previous proposal of the GMC could have been clearer, especially regarding street properties. He agreed the report could also have been updated when it had come back to Cabinet. A benchmarking exercise on other Local Authorities had been carried out and the service was not aware of any legal challenges, there may be some case law which the ADH could look into. The list of Local Authorities in the benchmarking included Birmingham, Suffolk, Lambeth and Camden amongst others so GMC was not an unusual practice for social landlords.

Councillor Redsell echoed the Chair's comments in that the information provided previously was not enough. She had received complaints from two tenants within her ward that had a grass verge outside their homes which everybody used. The letters regarding the GMCs had also been sent out to residents who did not have entry door lighting but had an entry door. The Chair questioned if Councillor Redsell felt the letters were too generic. She agreed and felt that they had been sent out across the board without considering what services homes received and further discussed the types of properties within her ward. She had also seen nine operatives cutting grass outside a block of flats which she thought was too many considering some of the residents who owned the flats were able to cut the grass themselves. The ADH said there were some areas of complexity and that the GMC was new. In sheltered housing, there had been an existing charge of £8 per week to residents since 2013. Referring to a 'method statement' document which set out how tenants receiving the service was identified and was based on local Members' knowledge and base data, he said the Northgate database had been used for the letters and like all large data systems, was subject to some error. It did need regular cleansing and was not going to be 100% fully up to date. The letters that had been sent out had stated that tenants were receiving one of the above services and the letters had not been sent to all residents. The decision taken was to consult those affected and the FAQ was attached to the letters. There had been very few enquiries from general needs tenants during the consultation phase and a low number of residents

participating which was not unusual during Council consultations. It was not so low that it would lead the service department to believe that nobody understood the GMC. In recent weeks, the service had dealt with nearly 300 residents regarding the GMC and many had been unaware of other areas that were being maintained. Whilst more could have been done to help make the charges clearer, most related to the principle of introducing the charge and not any ambiguities

The ADH went on to discuss a question that had been presented by a resident regarding the GMC at the previous Full Council meeting and reiterated that gardens were not included in the charge. Residents could be assisted with maintaining their gardens if they met the required criteria in the non-chargeable Assisted Gardening Scheme which looked at more than just the age of the tenant. He stated that 'grounds' referred to the wider areas of land, grass edges etc., that was maintained for Housing with a Service Level Agreement (SLA) in place and charged to the HRA. This was a £1.7 million charge overall in 2017/18 and when split equally between tenants benefitting from the services, would come to over £5 per week. The same principles used for sheltered housing and other charges (which were lower but were still based on contract costs) were applied in the GMC costings. Nothing was set in stone; the decision could be made to not collect the charge separate from the basic rent.

The ADH also wished to clarify that the impact of collecting the charge is that the raised cost of collecting the £1.7 million would be paid from the basic rent. If there was no charge, every tenant would still be contributing a small amount from their basic rent whether they received the services or not, which could be argued not to be equitable or reasonable. In collecting the money for the charge, it would give wider scope to the budget to carry out other activities set out in the report of the GMC. This would mean the money would not have to be found elsewhere from other budgets. For half the year, there would be an available £845,000 to spend on other services. As a result of the suspension of the GMC, this was the amount the HRA did not have available to put into repairs and maintenances.

Echoing the Chair's earlier comments, Councillor Potheary agreed the review could have been clearer the first time round. She felt the review should not be restricted to the GMC and that the values of the Council needed to be reconsidered. She went on to mention that tenants in tower blocks had to pay for lift maintenance as if it were a luxury for them. These tenants had not chosen to live in a tower block or chosen to have a lift and she asked that the review be expanded to include all the service charges to be looked at again. She felt that the service department needed to consider what they were trying to achieve through the charges and that the principles of the GMC should be applied to the lift maintenance charge. The ADH said the motion was for the Cabinet to reconsider the need for a GMC and not of other service charges. Service charges were normal in rental property arrangements and no provisional service provided was a luxury or privilege. Some additional services were provided beyond the basic functions which was chargeable outside the basic rent. He assured Members that all the charges could be

included in rents for the purpose of Housing Benefits and Universal Credit. Last year, the Council had evicted 30 tenants but they had also assisted 300 tenants with rent payments. The service was not in the business of finding grounds for eviction and was very much for the assistance of people. The initial report of the GMC was explicit in the continuance of the rent reduction and its impact on the HRA. Revenue raising measures had been sought and the GMC had been identified. As a social landlord, the service was not charging for a range of services provided in addition to the basic rent.

To Councillor Potheary, the Chair expressed his sympathy and suggested raising a motion for the route of the other service charges. Due to the scale of the money involved, the full implications would need to be considered to provide a viable way forward. He stated he was not for the GMC but he did not want to see the HRA struggle either. He would listen to any motion and be open to persuasion if it were to occur but without a motion at that moment, there was no basis for other service charges within the Committee.

The CDAHH stated that the rent reduction would be more over the period of five years than the introduction of the grounds maintenance charges. During that time, the HRA would lose £500,000 to £750,000 a year over the five year period, even with the GMC in place. The ADH reminded Members that the impact of no service charge would be £845,000. He had considered the budget with and without the ground maintenance service charge so there had never been a presumption that this money would be coming in. Assuming the charge would not be implemented until April 2018, the gain from other service charges was considerably less as fewer people were charged. The general needs charges provided £132,000 and sheltered housing charges came to £180,000 which was not enough to bolster the basic repairs budget that was already underfunded. This meant the service would not be able to be too ambitious in future developments or improvements. The Chair sought reassurance that Officers would be available to help Councillor Potheary if she decided to carry a motion on other service charges to which they agreed.

The Vice-Chair asked for the figures of the GMC to be clarified in the report, as the Leader of the Council had quoted £1.6 million and 6300 tenants at Full Council. He also questioned whether the charge would be applied to private landlords or tenants in the same road as a council tenant; and if the charge could be applied in totality towards the General Fund as it was outside the curtilage of those properties. He proposed the charge should come from the General Fund and not the HRA to which a case could be made.

The ADH replied that the land and assets were held in the HRA and not the General Fund. The areas of HRA land were maintained through SLAs which the HRA was currently funding and staff for grounds maintenance were not tasked with maintaining areas that was not within the SLA. He agreed the Vice-Chair's proposition could be considered but the HRA was currently funding £1.7 million for activities carried out in grounds maintenance. There was a bigger consideration relating to the local plan and development opportunities. A bigger piece of work would need to be done on what sat in the HRA and General Fund and some people had been surprised grass

verges were maintained by the housing department. To move those areas of land from the HRA to the General Fund or vice-versa would be a wider strategic process but the service department would need a budget to do this. The service department had no power to levy HRA charges on freeholders or private tenants despite having a council tenant in the same road. As a borough with a lot of development ambition, there needed to be careful consideration on moving land out of the HRA which would risk the financial responsibilities that came with it. The figure of £1.6 million quoted by the Leader of the Council had been for the full year impact and the figure the ADH had given earlier was for the remaining six months of the budget and had no discrepancies.

The Vice-Chair suggested Officers to look into the process of moving land from HRA to the General Fund. He felt that in the fairness of equity, the curtilage remained part of the General Fund and not the HRA as it was part of the road. Council tenants were responsible up to the garden gate, back and side fences. Outside of the gate was the responsibility of the General Fund. If another budget had to pay for this, at least it would be in the right account. The ADH said the land outside the tenant's gate had always been housing land as understood by all parties hence the SLA and GMC.

The Housing Tenant Representative (HTR), Lyn Mansfield, sought clarification on whether the grounds maintenance service charge was the same service charge as sheltered housing and that no extra services were added. The ADH stated the GMC used the same services as sheltered housing and the charge was not to enhance anything. The service would continue to look into the operational side of SLAs to see if there was scope to make it more efficient or to potentially reduce costs. Services would be kept under review to ensure the service was as good as possible to justify the charges. In some areas where services were not as good, measures had been put in place to improve this.

Linking to the HTR's question, Councillor Potheary asked if GMC would change anything. She also asked the Officers to visit Broxburn Drive where there was no ground maintenance work carried out and no door entryways working. The CDAH confirmed he would follow this up. The Chair added that this would be in the Key Performance Indicators.

Councillor Redsell said the borough had changed and people were now capable of cutting the grass themselves so the Council did not always have to do this. She agreed with the Vice-Chair's comments on fairness of equity and the service should look at where letters were being sent.

Councillor Piccolo sought clarification on whether a privately owned flat within a council block also paid service charges which he could understand why. He did not understand why the council tenants had to pay the GMC and not the private tenant in the same road. The Chair said this backed up the Vice-Chair's proposal on moving the charge to the General Fund. This would limit how much council tax could be raised to and whether there was enough scope to do so. The ADH said Councillor Piccolo's point was touched upon in

the third bullet point of paragraph 4.2 but there were very few leaseholders so the income there was low. He stated that the GMC was a part of the HRA raising revenue and would remain so.

The Members and Officers went on to discuss how council tenants had believed they were the only ones to be charged for the grounds maintenance charge and private tenants were evading the charge. They further discussed using the Members' knowledge of their wards for future communications and the Vice-Chair's proposal of moving the GMC to the General Fund. Officers could look into this but swapping land was a bigger issue than the service charges and would need to be separated from the HRA review.

**RESOLVED:**

- 1) That the Committee comments on the report.**
- 2) That the Committee agrees the approach proposed in the report to reconsidering the grounds maintenance charge, following the decision in September 2017 to suspend the introduction of the charge for tenants pending a review.**

**12. Homelessness Reduction Act Update**

Presented by the ADH, the report gave an update of the Homelessness Reduction Act. This would come into force in April 2018 and created a legal framework for people that were homeless; at risk of homelessness; or threatened with homelessness. The Council had done what was mandatory under the Act so far. Earlier on the day of the Committee meeting, the new Code of Guidance had been published which would give different timeframes for the homelessness procedure from April. The service department was going through the guide to ensure they were in line with what was set up in their report. Government had also given an update on the New Burdens Funding, which had increased so that each borough would receive £240,000 for a total of three years which ensured local authorities would have a significant fund to follow through on the Act. Over the next three years, the assumption is that practises and policies would be updated to address homelessness issues and ensure the best practice was put in place.

The Chair was sceptical about the level of efficiency in the homelessness department and asked if this would burden the service department further. The ADH replied that the pilot in the report would help them for a while but they were looking at different service models. The department was also going through a culture change.

Councillor Potheary sought clarification on those who were threatened with homelessness as some tenants who were handed a section 21 (notice of eviction) did not take it seriously until it expired as advised by the Council. She went on to say she was pleased with the increase of the New Burdens Funding and queried whether the £240,000 was limited to what it could be spent on. The fund may be spent on a bespoke IT service to help manage the

service department better but the fund was not limited. The ADH anticipated that most of the funding would be spent on hiring extra staff that specialised in certain case types to create a better infrastructure. The ADH stated that section 21 notices should be taken seriously but it does raise questions on when to accept someone could become homeless. Each applicant had a prevention duty to fulfil in which there was an expectation for them to take reasonable steps to prevent their own homelessness.

The Vice-Chair queried on the definition of single homeless people if it included single status; single with mental health; and people kicked out of their homes by family. The ADH confirmed the definition included all single people and the structure encouraged actions involving vulnerable people. There was a wide range and the service department worked with specialist single teams to identify what housing options single homeless people would need in terms of circumstance and age. Reasonable steps would be taken to find housing for single people and every person was entitled to a personalised housing plan which would include actions the Council would take and actions the individual would take. Currently, the highest cause for single homelessness was section 21 notices; exclusion from family home as the second highest cause; and domestic violence as the third highest cause.

Councillor Redsell commented that there were not enough properties to house single people and queried the plan for this. The service department was looking into the procurement of more properties but new rights did not create new homes. Attempts were made to rescue tenancies or the Council would make discretionary payments but as part of the relief duty as a council, there were reasonable steps to take to relieve homelessness. The service department could refer individuals to other boroughs if they felt the borough suited their needs better, such as lower rents.

The Chair welcomed the legislation and was pleased that provisions for homelessness for single people would be improved. He expressed concern on single people with mental health problems as he felt they were not considered a priority and thought this should be considered. The ADH replied that those with mental health problems were assessed by medical professionals that gave medical recommendations. The service department did not always follow these recommendations and would still consider these people for housing. Mental health was difficult to diagnose compared to physical health and the new legislation was designed to move away from requiring people to prove homelessness vulnerability.

The HTR questioned what would happen to the homeless that were currently on the streets. Referring to 4.8 of the report, the ADH said that other public services would now have a duty to refer them to the local authority. There was an eligibility requirement that people had to pass in order to receive housing options. Those that did not pass the eligibility threshold could be referred to the homeless services.

The Chair queried the role the service department took on with partner agencies for homelessness. There were expectations of the service

department but partner agencies would still have the crucial role of assessing housing. The Local Authority would still be responsible for finding housing in the long term but they expected the prevention ratio to increase.

Councillor Allen asked whether the Council was responsible for providing temporary accommodation to the homeless and if so, what the costs were. The ADH answered the costs were not high and the amount requiring temporary accommodation was small. The bill was in the low £100,000s in terms of cost of hotels per annum. Councillor Allen went on to ask whether temporary accommodation would be provided to single people. The service department would need to maximise what they could attain and it was difficult to acquire private properties. Traditionally, councils provided self-contained studios or one bed flat which was something the service department would look into. Councillor Allen also mentioned he had seen containers used in London as homes and asked whether this would be considered in the Borough. The service department would look into modular options and consider offering these. The ADH was aware of a company that used timber structures that could build homes quickly.

Councillor Redsell questioned whether the service department was in touch with the homeless that were sleeping rough in the Borough. She commented that Family Mosaic did not do as much in Thurrock as they used to. The ADH agreed and stated that it would be good to develop a partnership with independent or charity organisations such as Family Mosaic but the service did not have the budget to set this up as they had done in the past. Family Mosaic had withdrawn from temporary accommodation due to personal reasons. At the last statutory count, there had been five or six homeless rough sleepers the service department was aware of but the number of single homeless people was on the increase as opposed to rough sleepers.

The Vice-Chair suggested the Council could look at quick builds on plots of council land, even through Gloriana. There were 8000 people on the Housing Register at the last head count which was increasing daily. The ADH replied that the figure of 8000 was misleading as it included 4000 people who were deemed to be adequately housed. The statistics for single homeless people were also included in the 8000 but was a relatively low number. He agreed that Gloriana was useful but did not think it was close to the modular housing option and a lot of the land in the HRA and General Fund was already accounted. Providers of modular homes were aware of the need in Thurrock and the government was looking into standardised accommodation options. The Council was committed to delivering more homes but the figures were challenging and needed to be looked at.

**RESOLVED:**

- 1) **That the Committee comments on the information provided on a) the introduction of the Act and b) the progress of the Housing Solutions Service in preparing for implementation.**

**13. Housing Performance (April - August 2017)**



Introduced by the ADH, the report provided an overview of the Housing performance for April – August 2017. 65% of targets had been achieved which was up from 48% in quarter one and performance compared against indicators in August had improved by 17% overall. The report highlighted the following key and local performance indicators:

- The performance related to Housing's Key Performance Indicators remained largely on track.
- The general tenant satisfaction with services provided by Housing was below target but had improved by 3% and had received positive comments from residents.
- The number of households in temporary accommodation had improved and was 10 below the target threshold of 125 at the end of August.
- Tenants were dissatisfied with the anti-social behaviour (ASB) service and the Housing service review would be looking at centralising ASB reports to improve record keeping, case management and accountability.
- The Council planned to engage with landlords in the private sector to encourage them to make properties available to those in receipt of housing benefit.

Referring to the Housing Performance Scorecard (HPS) in appendix 1, Councillor Redsell queried on the outcome of damp and mould which was low in the summer but as the winter was coming, would the outcome change. The ADH confirmed that damp and mould was on the increase again. The indicator in the HPS was designed to capture the data as it stood and sub-divided data into categories of a) what a tenant could do to prevent mould; b) what treatments could be used such as vents; and c) building fabric works. The stock condition survey was almost complete and would provide the service department with improved data on the severity of the damp and mould issues and whether it led to structure damage within council properties.

Councillor Allen referred to the re-let voids data in the HPS which had a reduction of six days and mentioned two cases where the quality of work carried out was unsuitable which led to a longer delay of the re-let time. The ADH replied that voids were carried out by contractors but the service department could carry out a full review of each case.

The Vice-Chair was pleased to see a breakdown for the figures of the Housing Register and he went on to comment on the amount of collectable rent paid by travellers which had risen from 95% to 98% before falling back to 97%. He would be interested to find out in the next Committee meeting where the new sites would be placed for travellers.

The Vice-Chair and ADH discussed cases regarding Economy 7 central heating in specific areas of the Borough. Individual properties would need to be investigated as the Council was not in the business of updating. Although a few properties in the same road were being upgraded, it did not mean the

whole road would also be upgraded as upgrades were based on the needs of households in each case.

Referring to the Council's private tenants team, the Vice-Chair pointed out the issue of overgrown trees within a private tenant's garden which would grow over onto a council tenant's property. He questioned how the private tenants team could instruct private tenants to trim their trees. The ADH replied highways may have more power in encouraging private tenants to trim their trees but each case varied as there was no direct power from one organisation. The Council could recommend the affected tenants to get an enforcement order through the courts.

Councillor Potheary sought clarification on the corporate performance reports in particular staff sickness, staff turnover and absence of staff which was stress related. She asked whether there were figures from other directorates within the Council to compare to and if there was a plan in place to resolve stress related absence from staff given the 40% seen in April and May. The ADH said the figures were based on an account of all staff in a given month and the department was doing well compared to other services. Some of the individuals in the April and May timeframe were no longer employed. Councillor Potheary went on to say that it would be good to see Corporate Performance Indicators (CPI) benchmarked against other departments. The CDAH stated that CPIs were regularly reviewed at Corporate Overview and Scrutiny Committee but these could be brought to the Housing Overview and Scrutiny Committee. The housing department had historically higher figures and there was a target of nine days per employee but had continued to remain at ten and a half days.

Councillor Redsell and the ADH discussed a case regarding the Transforming Homes programme. There had been some homes missed out in the programme but the department was looking into this. The programme had two and a half years left to go with a third of the homes remaining to be transformed so it was ahead of schedule. The contractors should be able to finish on schedule as there was a set target of 15 days to finish per home. The Chair queried whether there was a plan to bring repairs back in house to which the ADH replied that the preference was to use contractors but it could be considered.

Referring to the tenants satisfaction with the Anti-Social Behaviour (ASB) service on the HSP, Councillor Allen pointed out that ASB was on the increase in the Borough. He felt there was room for improvement on how ASB was dealt with. The ADH referred to paragraph 6.5 which reported tenant satisfaction with the ASB service was below target. The reported level of ASB was not on the increase but as mentioned at the Full Council meeting last month, ASB was probably underreported. There was the bigger challenge of centralising ASB as in which department it should sit in and whether it could be shifted. Reassigning some of the tasks could help or increasing the level of tenant participation as there were low levels of tenant representation. Addressing ASB would help to prevent it from escalating but the service department was trying to find a good model to follow for ASB.

Standing Orders were suspended at 9.20pm to allow Members to complete the item.

Councillor Redsell felt it was a good idea to have tenant representatives for ASB services but there were people who were not willing to come forward to give information on ASB if they felt at risk. The ADH stated the service department was doing their best to address ASB and looking at different ways to gather intelligence. No residents had been forthcoming when the ASB service attended a community hub. He agreed it took courage for people to come forward on ASB and felt perhaps the service was stuck within their case management model which needed to be looked at.

Councillor Allen and the ADH discussed a case of ASB between neighbours where CCTV had been relied on to gather evidence in order for the move panel to move the victims. The Chair queried whether good behaviour agreements were enforced between neighbours. This was an informal agreement and CCTV was not usually required as evidence in a move panel. The Chair also sought clarification on the Community Protection Orders (CPO) within his ward of Aveley and Uplands, which had to go through further scrutiny at Council before Officers could agree the issue of the CPOs. These had been agreed upon but the ADH would clarify with the ASB service. Councillor Redsell added that mediation was not always the solution. Victims did not want to use this to resolve neighbour situations when the perpetrator should be removed.

**RESOLVED:**

- 1) That the Committee comments on the report.**

**14. Housing Overview and Scrutiny Committee Work Programme**

Members discussed the work programme for the remainder of the municipal calendar. The Vice-Chair requested that a review of the travellers sites be added. Responding to this, the CDAHH said that the report would not be reviewing the travellers sites as it was a matter for the Planning Department. The report from the Housing Department would be reviewing how the current three existing council sites were running.

The following reports were to be added to the work programme:

- Allocation Policy
- Review of Travellers Sites
- Cases of Mental Health in Homelessness
- Discretionary Payments in Housing
- HRA Service Charge Review

**The meeting finished at 9.36 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**