

**TENANTS' AND LEASEHOLDERS'
CONSULTATIVE FORUM****28 FEBRUARY 2008**

Chairman: * Councillor Mrs Camilla Bath

Councillors: * Don Billson * Phillip O'Dell
* Bob Currie

* Denotes Member present

Tenants' and Leaseholders' Representatives

Representatives from the following Associations were in attendance:-

Antoney's Close Tenants' and Residents' Association
Berridge Estate Tenants' and Residents' Association
Pinner Hill Tenants' and Residents' Association

In total 6 Tenants/Representatives attended.

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**123. **Attendance by Reserve Members:****RESOLVED:** To note that there were no Reserve Members in attendance at this meeting.124. **Declarations of Interest:****RESOLVED:** To note that the following interests were declared:

- (i) Councillor Bob Currie declared a personal interest in all items on the agenda, in that he attended monthly meetings of Brookside Close Tenants' and Residents' Association. Accordingly, he would remain in the room when the items were discussed.
- (ii) Councillor Phillip O'Dell declared a personal interest in all items on the agenda, in that he attended meetings of the Wealdstone Community Association. Accordingly he would remain in the room when the items were discussed.

125. **Arrangement of Agenda:**

The Forum was asked to consider two items, which had been admitted late to the agenda, as follows:

| <u>Agenda item</u> | <u>Special Circumstances / Grounds for Urgency</u> |
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| 10. Housing HRA Capital Programme 2008 - 10 | This report had not been circulated with the agenda to allow up to date information relating to the Housing Capital Programme to be provided to the Forum. |
| 11. Information Report – Grounds Maintenance Service | This report had not been circulated with the agenda due to concerns relating to confidential information in the original report. |

Following a vote, it was:

RESOLVED: That the items would not be admitted late to the agenda.126. **Minutes:****RESOLVED:** That the minutes of the extraordinary meeting and the ordinary meeting, held on 9 January 2008 be taken as read and signed as correct records.

127. **Public Questions:**

RESOLVED: To note that no public questions were received at this meeting under the provisions of Advisory Panel and Consultative Forum Procedure Rule 16 (Part 4E of the Constitution).

128. **Petitions:**

RESOLVED: To note that no petitions had been received.

129. **Deputations:**

RESOLVED: To note that no deputations were received at this meeting under the provisions of Advisory Panel and Consultative Forum Procedure Rule 15 (Part 4E of the Constitution).

130. **Quarter 3 Housing Revenue Account (HRA) Monitoring Report as at 31 December 2007:**

An officer introduced the report and explained that the end of year Housing Revenue Account (HRA) Budget was likely to achieve a surplus of £219,000.

The officer reported that:

- the estimated outturn of over £300,000 was an improved position compared to the original budget;
- key variances suggested that the budget would allow additional surpluses;
- a key area of expenditure was the salaries of officers who supported the delivery of the housing priorities. A marginal overspend in terms of staffing costs was expected;
- an increase in charges by energy suppliers had resulted in increased costs of gas, water and electricity and a subsequent overspend of approximately £267,000;
- there had been an overspend of £140,000 on repairs across housing estates due to increased costs relating to void repairs and the use of specialists;
- in total, the HRA expenditure was approximately £17.54 million;
- the income received under the HRA would meet the majority of expenditure. The Council would be recovering more than had been originally budgeted for;
- the Council had experienced a lower than expected rental loss although there had been lower Right to Buy sales;
- voids were being made habitable much more rapidly. As a result, the Council were experiencing less rental loss at below budget;
- it was estimated that £1.1 million would be recovered in Service Charges from leaseholders;
- facility charges recovery was in line with the changes in the Budget. The level of charges was below costs as the costs of utilities were increasing above assumed levels of inflation;
- the Council is in negative HRA subsidy due to the formula and policy employed by Central Government.

In response to a Member's request for further information on the insurance premium recovered from leaseholders, the officer advised that the Council had budgeted to recover through leasehold charges up to £259,000. Service charges also services such as ground maintenance and caretaking. This was reflected by the £215,000 variance. The HRA only supported £43,000 of leaseholder costs.

RESOLVED: That the Housing Revenue Account position at the end of the third quarter of 2007-08 be noted.

131. **INFORMATION REPORT – Update On Decent Homes Progress:**

An officer introduced the report of the Divisional Director (Housing) and explained that Housing, Property Services and Kier had put a considerable effort into the delivery of decent homes. The officer explained that it had been previously reported that there were 108 completions as part of the Decent Homes programme. Due to several difficulties encountered with the Council's contractor, Kier, the Council had not quite achieved this target.

The officer explained that as of 8 February 2008, there were 735 completions with 1006 outstanding. The officer explained that the Council's target for 2007/08 was to complete Decent Homes work on 1720 properties.

The officer qualified the statistics by stating that the Council were placing importance on ensuring that the works being carried out were being done correctly. In addition, the Council had increased the number of contractors on site to perform work, sub contractors had been dismissed and management resources had been increased by Kier.

During the discussion on this item, Members and representatives of individual housing estates' Tenants' and Residents' Associations raised a number of issues, which officers responded to as follows:

- in response to concerns over the installation of 4 foot long fluorescent lights, lights currently being installed as part of the programme would be changed and other bulbs used instead;
- that when a boiler had reached the end of its useful life it would be replaced. A Member expressed his concern about boilers having yearly checks. The Chairman advised that certificates were issued to residents confirming gas safety inspection. In response to a concern about condensation on windows, the officer responded that windows were double glazed which meant that the panels could be taken out and replaced;
- the Council was in the process of appointing an additional Tenant Liaison Officer. The officer had only recently left and apologies were offered to tenants and residents if they had been unaware of the changes in staff. The Council was in the process of sending out information to the residents informing them of the changes;
- satisfaction forms stating that works had been completed satisfactorily under the Decent Homes programme should not be signed unless residents were satisfied that the works were completed. Residents should speak to Resident Liaison Officers. In terms of the concerns over baths, this had been investigated and they were a British Standard approved design. The officer reported that pre-assessments were carried out by the Resident Liaison Officer. If there were any issues regarding designs of components these would be fed back to the Council to determine what was fit for purpose;
- the programme for Decent Homes was based on information relating to Stock Condition that the Council held. As a result, not every resident could expect to have new facilities. The Council had communicated the Decent Homes Standards and used the information it held to develop the programme. Works were being conducted on empty properties to bring them up to the Decent Homes Standard. The Council would agree the level of works to be undertaken. A key factor considered in developing the programme related to the life expectancy of the components. In response to a query on the actual number of houses that had been surveyed as part of the stock condition survey. The Divisional Director (Housing) responded that 20% of the properties under the Council's management were surveyed. This was in accordance with guidelines issued by the government for conducting stock condition surveys. It was the Council's intention to hold information on all properties in the borough but this would develop over a period of time. The Council was already in the process of working with Kier to start next year's validation programme of the published so that there was no delay in progressing the Decent Homes works;
- the 232 outstanding properties from the Apollo Project had been transferred to Kier;

- the Council had experience of working with the two sub contractors who were performing well. A number of new sub contractors had been employed and would be closely monitored by Kier;
- in response to a concern regarding a fuse box being condemned shortly after installation, the situation would be investigated and a response provided to the Member of the Forum.

A Member of the Forum expressed his concern that there was a continuous pattern of issues raised by the tenant representatives present which was not conducive to an optimistic atmosphere at the Forum. The Divisional Director (Housing) stated that she was willing to organise a meeting between officers, concerned tenant representatives and relevant Councillors to resolve these issues prior to the next meeting of the Forum.

RESOLVED: That the progress on the delivery of the Council's Decent Homes programme be noted.

132. **INFORMATION REPORT – Gas Safety Inspections – Progress Report:**

The Forum received a report which had been prepared as a result of concerns on the Council's approach to gas safety inspection.

The officer explained that the Council had a statutory responsibility, as a landlord, to check safety relating to gas installations. The officer further explained that since 1 July 2007, the Council had delegated this task to Kier. He advised that Kier followed a programme approved by the Council's Property Services team to ensure that gas checks were completed. The officer reported that all properties had to be tested and safety certificates issued before expiration.

The officer described the process followed in accessing gas safety in properties. This involved:

- Kier conducting a first visit to the premises in question. If no contact was made then a letter was sent to the resident;
- a second visit would then be made. If there was still no contact, a third visit would be made after which the Council would serve a Section 54 Notice. This was a statutory power under the Housing Act which enabled the Council to undertake necessary inspections.

The officer emphasised that the Council's objectives were to ensure that installations were safe and not to take tenants to court.

The officer reported that the Council had undertaken to inform all tenants that gas inspection needed to be undertaken. He added that the Council would attempt to reduce the number of properties without gas safety certificates by allowing Kier to be flexible and utilise the Environmental Protection Act.

A representative of a Tenants and Residents Association commented that officers should work more closely with them to gain access to those properties which they were having difficulty with. The officer and Divisional Director (Housing) stated that they would welcome the assistance of the TRAs.

In response to a Member's query as to what the cost implications of submitting section 54 notices, the Divisional Director (Housing) stated that there were no significant costs.

RESOLVED: That the background and current position of the Council's gas safety programme within HRA tenanted properties be noted.

133. **INFORMATION REPORT – Right to Manage Process:**

The Forum received a report which stated that Cabinet had agreed in June 2005, following the conclusion of the housing stock options appraisal, to investigate the potential for establishing a Tenants' Management Board supported by an Independent Tenants Adviser Service. First Call had been appointed as the Independent Tenant Adviser by a panel of tenants and leaseholders.

The officer explained that legislative requirements were applicable in the establishment of a Tenant Management Organisation (TMO). These were prescriptive and he/she detailed the procedures to be followed.

The next stage of the process involved entering the feasibility stage. This would address identified concerns, would the TMO address the concerns and would the scheme be both financially and generally viable.

The officer explained that in order to enter the feasibility stage, a TMO had to be established. The conditions included that 20% of secure tenants or tenants overall had to be members of the TMO and a constitution based on the model constitution provided by the Government had to be adopted. Once these conditions had been adhered to, a Right to Manage notice would be distributed to tenants and leaseholders within a relevant area of the TMO and notice served on the Council.

The officer reported that First Call were successful in applying for Section 16 funding from the Housing Corporation for a borough wide pre-feasibility study. The Council was currently undertaking this study and had carried out a survey to identify the level of interest. There had been a 22% response rate to the survey and of those who did respond, 82% had expressed an interest in exploring tenant management further. The officer also reported that a meeting had been organised for those who had expressed an interest in establishing a steering group.

During the discussion on this item, Members and representatives of Individual housing Estates Tenants and Residents Associations raised a number of issues, which officers responded to as follows:

- there would be implications for funding if Tenants and Residents Associations opted out of the Right to Manage Scheme. The Tenants and Residents Association and TMO were separate schemes. The prime responsibility for the Tenants and Residents Association was to be a key consultee of the Council. The purpose of the TMO was to manage all housing services in a specific area;
- there was a clear distinction between the roles of TRA, TMOs and the Council;
- TMOs, as prescribed in law, related solely to tenants and leaseholders;
- the way in which tenants could vote was different at each stage of the right to manage process. At the end of the feasibility study, a report would be produced and would specify whether to conduct a final ballot. It would be the responsibility of the Council to organise a final ballot and a TMO could not be established unless 51% of those eligible to vote agreed to the establishment. The officer did inform the Forum that there were proposals to amend legislation to ensure that the final ballot was more reflective of all other previous ballots which had taken place;
- the legislation was clear on who could and could not vote on the setting up of a TMO. Each tenant and leaseholder concerned had a right to vote at each stage of the process. To further clarify, in cases of joint tenancies those tenants listed on the tenancy agreement would be eligible to vote on the basis of the vote for tenant.

RESOLVED: That the update on the Right to Manage process in Harrow's Council Housing report be noted.

134. **Suggestions for agenda items for next meeting:**

The following items were suggested as agenda items for the next meeting of the Forum:

- Housing HRA Capital Programme 2008 – 10;
- Grounds Maintenance Service.

RESOLVED: That the above be noted.

135. **Any Other Urgent Business:**

Garden Fences

A member of the Forum representing the Tenants and Residents Association requested the Forum to consider the Council's policy on garden fences. The member had been informed by a Council officer that tenants had to pay for fences to be installed / reinstalled and wished to know the reasons for this.

The officer explained that she understood that this question related to an incident which had occurred last year. The officer explained that it was understood that a passer by

had been injured by a brick wall. An order had been issued to replace the brickwall. The job had been carried out in September 2007 but a surveyor had said that the works were not satisfactory and the Council requested that the fence be replaced as requested by the initial works order.

The officer explained that the tenant's handbook did state that fencing was the responsibility of the Council. However, new tenancy agreements under item 3 did now state that the tenant was responsible for gardens, patios and fencing.

The Member representing the tenants and residents association stated that he/she had seen the tenant knock down the wall in question whilst other neighbours had seen the tenant selling the bricks. The Member questioned why the tenant in question should get a new fence. A Member of the Forum also commented that they knew that the tenant had knocked down the wall in question.

The officer explained that they could only provide information that they had received. An officer stated that the Council did not have any background information on the wall being knocked down but that the repair had been handled by Kier without any further cost to the Council.

RESOLVED: That the position be noted.

Organisation Funded by the Council

A Member raised an item on an independent report investigating an organisation funded by the Council. The item was raised in a private session of the meeting.

The Member asked questions of officers present who provided responses to the queries asked.

RESOLVED: That the above be noted.

136. **Date of Next Meeting:**

RESOLVED: To note that the next meeting of the Forum would be held on 22 July 2008.

137. **Extension and Termination of the Meeting:**

In accordance with the Advisory and Consultative Procedure Rule 13 (Part 4E of the Constitution) it was:

RESOLVED: At (1) 9.59 pm to continue until 10.15 pm;

(2) 10.14 pm to continue until 10.20 pm;

(3) 10.19 pm to 10.30 pm.

(Note: The meeting having commenced at 7.30 pm, closed at 10.25 pm)

(Signed) COUNCILLOR CAMILLA BATH
Chairman