

Area Panel items from Central Area Residents Meeting 2nd January 2020

1. Leaseholder Disputes - Action: 3 Stars (★★★)

Leaseholders are continuously raising numerous problems over work carried out by the Council. There seems to be very little improvement.

The following overall problems were noted:

- Disputes are logged by the council but no stats are drawn from them or presented to Housing Committee. Formal dispute stats can be used for prevention of disputes, and for councillors to be aware of the issues. At Select Committee in December 2018, Larissa Reed stated that there had been 500 formal leaseholder disputes in a period of 10 years. Why has the information contained in these disputes not been used to prevent disputes?
- At Saxonbury there have been 5 lots of works over 7 years to a total cost of £55K per leaseholder. Both the level of cost and the level of disruption are unreasonable and outrageous.
- Disputes are dealt with on an individual basis, which means that one person might get satisfaction from the dispute process but every other leaseholder who has suffered the same thing on the same estate doesn't. The same applies to tribunal outcomes.

The importance of raising these concerns at every possible forum was noted, and it was agreed to put these items on the agenda for the next Area Panel.

Conditions at The Willows, following roof replacement:

Between July and November, 4 months, there were 9 reports of water ingress to different parts of The Willows from:

- roofer putting foot through roof
- guttering badly installed
- lead flashing inexplicably removed
- downpipes smaller than the ones they replaced
- gutter brush not clipped
- major cause - roofing teams unprepared for adverse weather and not safeguarding de-tiled roof.

Between each of these 9 breaches, repairs were done which created more breaches. The only reason we know about this is because one resident there kept a log with photos, videos, and emails, which is 125 pages long.

The leaseholder has been advised to apply to P & I for compensation, with no advice as to how. There is no process in place for compensation, which sort of suggests

that no one gets any. Can the council supply numbers and figures for those compensated during the life of the Mears contract?

The leaseholders there are paying £14K for this catalogue of bodgemanship, and bodgemanship is not occasional, it is standard. Is this fair?

-----Response -----

**Response from Geof Gage Acting Head of Housing (Property & Investment) / Business & Performance Manager – Housing –01273 293235 and Gary Gurr - Leasehold Services Manager
T 01273 294676**

Thank you for your questions and feedback. The council does welcome feedback from our leaseholders and we are committed to engaging and responding proactively to leaseholders concerns.

1. We do recognise that this is an important area and therefore we log each and every dispute we receive. Disputes cover a range of service charge issues and, in many cases, do not involve large numbers of leaseholders in one block or even large sums of money. The subject for disputes varies between different services as you would expect. Currently we do not report the detail of disputes to Housing Committee however we will discuss with the Housing Committee adding this to the quarterly performance indicators report.
2. We recognise that this individual block has seen a number of capital work contracts over the period mentioned which has resulted in contributions from some leaseholders in the region of the £55,000 mentioned. For some leaseholders the costs are challenging. This is why we have introduced the extended payment options and Tracy Mears, our Leasehold Liaison Officer will meet with any leaseholder who wishes to discuss payment options. Stock conditions surveys will guide plans for future maintenance and we have given a commitment to early engagement and to taking on board, as far as possible, suggestions made at the Leaseholder Event held on 11 January for leaseholder involvement in future maintenance plans. We have undertaken extensive engagement with residents at Saxonbury with regard to the current works. As part of our future works planning we will be considering all works required to an estate or block and working with tenants and leaseholders around how best to schedule work either in one project or over a number of years.
3. We can confirm that where the leasehold team receive a dispute under the Leaseholders' Disputes Procedure which results in a credit to an individual leaseholder, all leaseholders of the block who have incurred the charge will receive the same credit based on the proportional share they pay. This will be the case for all disputes not just those relating to repairs and maintenance. The council does learn from cases where we don't get things

right first time and are making a number of changes in how we deliver our services through the current Future Repairs & Maintenance Programme and other change programmes in Housing.

4. The works to the Sylvan Hall estate comprised of roofing and other works to four blocks. We have acknowledged the reported incidents to The Willows and to one area of this roof in particular. All works are managed on site by qualified Site Managers and then signed off by council surveyors and Building hence we are confident that the overall standard of workmanship undertaken by the roofing contractors is of an acceptable standard and quality. However, we do acknowledge and apologise for the particular issues which residents have brought to the council's attention. We have been working with Mears to resolve these and ensure the works are completed to the required standard.

We hope that the above information is helpful. The council is working closely with the Leaseholder Action Group and all leaseholders to develop our new Repairs and Maintenance services and we are looking forward to continuing this work over the rest of this year as new services are introduced.

Other Area's Three Star Responses

2. Parking: Mears's Vans (West) - Action: 3 Stars (★★★)

Two problems were reported:

- Mears vans are regularly parking in resident permit spaces in Conway Court
- Parked vans are blocking access to wheel-chair storage space used by Alison Gray in Ellen Street. They move when requested, but then re-park in the same space.

It was agreed that parking by Mears staff has been a general, city-wide problem over the period of Mears's contract with the Council. When the service is taken in-house in April, the problem of parking and respect for residents' access and parking spaces needs to be addressed. Two specific suggestions were made:

- a) signage on wheel-chair storage doors to indicate access is needed at all time
- b) the possibility of providing designated parking for repairs staff be considered.

Action: ★★★ for agenda setting meeting

-----Response -----

Response from Delia Hills, Mears Customer Care Team, 01273 296821

Mears response to the 2 bullet points:

Mears sincerely apologise for the discourteous parking at Conway Court; this is a clear breach of the Mears Code of Conduct. This issue has been cascaded to all line managers to address with their operatives and Mears has asked that should any future parking issues arise, they are reported immediately to the Mears Helpdesk on 0800-052-6140. Also photographic evidence emailed to bhcc.repairs@mearsgroup.co.uk would be very helpful. Once again, please accept our apologies.

Response from Robert Keelan, Housing Manager for Hove and Portslade, 01273 293261

Mears operatives have a map of where they can park on housing estates and they should keep to these areas. They also have dispensations that are in the van windscreens that give for example an hour's parking in controlled parking in the city. Sometimes, operatives will try and tuck in to various corners on housing estates so that they can load or unload their materials or do a quick job and this is the situation that Ms Gray refers to on Ellen St which is an area between the low-rise blocks and the garages.

The scooter store mentioned in the enquiry is a non-standard store put up when the major refurbishments were happening on the Clarendon estate and has been left there since. The store is not obviously a scooter store and I have had previous conversations with Ms Gray about keeping it that way to not highlight there is a valuable scooter inside. A Housing Officer in the West team has as a result of this enquiry been tasked with contacting Ms Gray and this should happen before the end of January. The Housing Officer will look at the store and sort any signs or floor markings required.

The housing team rent out parking spaces to individuals, so any spaces that are removed from this pool to turn into contractor spaces would give a reduction in income to the Housing Revenue Account. It would inevitably be the sites in the city centre where parking is at its tightest, where revenue from renting is maximised that the problems occur, and contractor van spaces would be requested. Contractor bays would bring its own problems e.g. if a leaseholder has someone working in their property and had their own contractor who may be in a standard car etc so it would be difficult to enforce.

There are no plans to bring in contractor spaces on the Clarendon estate but we can resolve Ms Gray's immediate problem. If there are any examples of inconsiderate parking, please raise with Mears giving them the registration numbers and the operatives will be spoken to.

3. Estate Development budget (EDB) (West) - Action: 3 stars (★★★)

It was agreed to ask for an update on all EDB bids and outstanding work at the next Area Panel.

-----Response -----

Response from Lian Baker, Community Engagement Assistant (EDB), 01273 294651

The new Community Engagement Assistant Lian Baker started in post at the end of last year, and has taken over the running of the Estates Development Budget. Lian will be the contact point for all residents', leaseholders' and other council officers for any EDB issues. We do acknowledge and appreciate the frustration groups may feel, having worked hard producing and consulting on a bid, as in past years the communications about the progress of bids has not always been as good as it could have been and sometimes groups have been unaware of the outcome of the panel's decision. To resolve this, Lian is contacting all of the associations/groups about the outcome of their bid within 3 working days of the panel meeting and final decisions.

This new process will mean that Lian will ensure that Mears, the groups and the Community Engagement Officer are all aware of any correspondence. The Community Engagement Team will be able to follow communications about the progress of projects and make sure residents and groups are kept fully informed at each stage of a project.

4. Knightguard contract - Action: 3 stars (★★★)

There are lots of concerns about:

- standard of work
- failure to complete on time
- Knightguard renewing doors when they only need repair

This has been going on for some time and the council do not appear to be taking action to enforce Knightguard's contractual obligations, or fining them for poor performance.

It was agreed to raise this at the Agenda Setting meeting and request the following information:

- What oversight is there of the contract in relation to performance?
- When Knightguard inspects doors and decide that they should be renewed rather than repaired, what checks are carried out by the council to ensure value for money?

- Is there a break clause in the contract that would enable the council to terminate it and invite tenders from more suitable contractors?
- Have Knightguard been fined or penalised for poor performance or failure to complete on time?

-----Response -----

Response from Geof Gage Acting Head of Housing (Property & Investment) / Business & Performance Manager – Housing –01273 293235

Thank you for your questions relating to main entrance door contracts.

When installation of a new door entry system has been finished, they are 100% quality control checked and signed off by the councils Housing Mechanical & Electrical Team. This is documented with a sign off sheet and photos. Repairs carried out are percentage checked monthly.

Knightguard do not deal with main entrance doors and do not install, replace or survey any main entrance doors. Inspection works are carried out by surveyors and the doors are installed by Mears.

The low voltage contract awarded to Knightguard does have Key Performance Indicators (KPIs) which are monitored during monthly contract meetings. Knightguard were exceeding the figures original set out and these were increased, Knightguard are exceeding these figures.

These KPIs include;

- Contact resident with 24hrs is 97% and Knightguard have been achieving 100%.
- Repaired within one week is 90%, current performance has been maintaining mid 90%.
- Right first time fix is 90%, current performance has been achieving high 90% and often 100%

Main entrance door replacement is neither managed nor ordered through the door entry contractor. Main entrance doors are on a programme that is managed directly by a surveyor of BHCC and in considering a replacement many factors will be considered not only the condition and residents are consulted accordingly.

Main entrance doors are not procured by the door entry manager or contractor and will be a separate Lot of planned works under the new contract, which is being tendered at this time.

The appointed contractor will be subject to KPI's and there will be conditions that would allow for termination of contract if deemed to be necessary as there are in any contract.

- **What oversight is there of the contract in relation to performance?**

The councils Housing Mechanical & Electrical team oversees the Knightguard contract which relates only to maintaining and upgrading door entry systems including individual flat handsets and associated cabling. The contract also covers CCTV in housing. The contract is managed by a dedicated council electrical engineer who oversees the contract and associated works on a day to day basis, all works are approved, signed off and inspected by a council officer. Knightguard are not responsible for replacing main entrance doors and do not have any role in deciding whether doors should be replaced or maintained. Main entrance door maintenance and replacement is overseen by a council surveyor and works are delivered via a different contractor.

- **When Knightguard inspects doors and decide that they should be renewed rather than repaired, what checks are carried out by the council to ensure value for money?**

Knightguard do not have any role in the process of deciding if main entrance doors are replaced or maintained, their involvement is limited to ensuring that the door entry system such as the panel is refitted or upgraded into a new or refurbished main entrance door. This is overseen and managed by a council electrical engineer.

- **Is there a break clause in the contract that would enable the council to terminate it and invite tenders from more suitable contractors?**

All our contracts do have appropriate break clauses including the new planned contract for main entrance doors.

- **Have Knightguard been fined or penalised for poor performance or failure to complete on time?**

As detailed above these works are delivered through two separate contracts. An update on current performance is included above. As part of our future repairs programme we will be developing performance indicators for planned works contracts which will be reported through Area Panels and Housing Committee. We are also working with the residents Task and Finish group to set up resident monitoring arrangements for the new services.

5. Antisocial behaviour response (East) - Action: 3 Stars (★★★)

Some of the problems at Robert Lodge have been resolved as a result of raising them at the Area Panel. It is hoped that the council will now take action to sort out the problems with residents on the other side of the block.

There is still concern that elderly and vulnerable residents do not feel they can report antisocial behavior, even when it is having a serious impact on them, due to fears that they will be targeted.

It was also felt that the council is not enforcing the tenancy agreement and probationary tenancy conditions, in relation to antisocial behaviour and drug dealing by tenants. There was a previous commitment by the Council to carry out visits to new tenants after three months, six months, and one year. The meeting wanted to check that this is still taking place following recent changes to staffing structure.

It was agreed to raise this at the Agenda Setting meeting and request the following information:

What percentage of new tenants are being visited to ensure they are meeting their tenancy conditions at three months, six months and one year?

-----Response -----

Response from Rachelle Metcalf, Housing Manager East Housing Team

T: 01273 293196

As part of our Introductory Tenancy procedure, Introductory tenants are visited by the Rehousing Team 14 days after their tenancy starts, then the area Housing Teams carry out a second visit at four months and a third visit at 8 months. The purpose of the visits is to answer any questions the tenant may have, confirm their responsibility for rent payments and adhering to the terms of the tenancy agreement and to identify any support needs. We raise any complaints that have been received about the behaviour of the tenant or their visitors during these visits. If there are tenancy breaches during the course of the Introductory Tenancy we can serve a Notice to Extend, which extends the Introductory Tenancy by a further 6 months, to allow time to remedy the breach. Alternatively, in the most serious cases, we can serve a Notice to Terminate the Introductory Tenancy and take possession action in the County Court to end the tenancy. As with any tenancy action, we need evidence from witnesses to support our action.

6. Estate Development Budget (EDB) (East) - Action: 3 stars (★★★)

Chris reported on the following matters:

- A survey has gone out to residents to consult on the type of work that is carried out under the Estate Development Budget.
- Any outstanding work from 19/20 is to be completed before the Mears contract terminates on 31 March 2020.

There was a discussion about Quick Bids, as Associations are still not being advised of the outcome. This was previously discussed at the East Residents meeting on 18th October 2018 and the problem has still not been resolved.

-----Response -----

Response from Lian Baker, Community Engagement Assistant

T: 01273 294651

The new Community Engagement Assistant Lian Baker started in post at the end of last year, and has taken over the running of the Estates Development Budget. Lian will be the contact point for all residents', leaseholders' and other council officers for any EDB issues. We do acknowledge and appreciate the frustration groups may feel, having worked hard producing and consulting on a bid, as in past years the communications about the progress of bids has not always been as good as it could have been and sometimes groups have been unaware of the outcome of the panel's decision. To resolve this, Lian is contacting all of the associations/groups about the outcome of their bid within 3 working days of the panel meeting and final decisions.

This new process will mean that Lian will ensure that Mears, the groups and the Community Engagement Officer are all aware of any correspondence. The Community Engagement Team will be able to follow communications about the progress of projects and make sure residents and groups are kept fully informed at each stage of a project.

Lian and the Community Engagement Manager will continue to work with the new in-house repairs and maintenance team to ensure that the hand over is as smooth as possible for all current and future Estates Development Bids. Any outstanding EDB works will still be honoured if not complete by April 2020.

7. Door Entry Systems and Antisocial behaviour in low rise blocks (North) - Action: 3 stars (★★★)

This has now been discussed at two North Area Panel meetings and reported in the Argus. It has also been discussed by the other Residents' Meetings around the city, particularly in relation to problems of residents feeling too scared to report antisocial behaviour and the need for the Council to look at alternative ways for reporting that could overcome this problem.

Those present didn't feel that the response to Area Panel adequately addressed the problems that had been raised, particularly in relation to Horton Road, Hollingdean, where there have been known problems of antisocial behaviour for 5 years.

a. Collecting evidence and complaints from residents

Residents in Horton Road have stopped reporting antisocial behaviour to the Council, because they feel that nothing is being done and they are fearful of possible repercussions from perpetrators when they do report it. However, the Residents' Association has a log of 70 complaints. They are particularly concerned about two flats that have been taken over by drug dealers (known as cuckoos).

It is understood that anonymous reports cannot be used as legal evidence. However, it was felt that they should be recorded by the Council and used to plan appropriate responses. This would give the Council a more detailed picture of the concerns of local residents and the possible need to collect evidence in alternative ways when there is known to be ongoing and serious problems of antisocial behaviour that are affecting the lives of local residents.

b. Surveillance cameras

At the October Area Panel there was an offer to install temporary cameras in some of the blocks to collect evidence of the problem. This has still not happened and as a result two months' worth of evidence is not available. The meeting felt that the installation of temporary cameras should now happen urgently.

c. Estate Services team and evidence of drug use

The Estate Services team have not reported evidence of antisocial behaviour or drug use. This is because they only clean the blocks once a week. In between a local resident cleans the block because they don't want to have to live in a dirty and unsafe environment.

The meeting agreed that this matter should be addressed at the Area Panel again, specifically in reference to the two following proposals:

a. Installation of door entry systems

That plans for door entry installation in low-rise blocks be reviewed, and for Horton Road to be added to the schedule of major work for new secure door entry systems.

b. Reporting of antisocial behaviour

That antisocial behaviour recording be reviewed. Firstly, people should be able to report problems in a way that does not result in them feeling that they are in danger, or there is a risk that the perpetrators will find out they've made a complaint and take revenge. Secondly, the Council should consider how it could collect its own evidence without having to rely on reports from residents.

-----Response -----

Response from Sam Warren, Community Engagement Manager, 01273 296821

We note that the resident only meeting on 17th December was close after the area panel on 9th December, so there was not much time for any actions suggested to be taken. We ask residents to take this into account.

The main action offered in that response was that the Community Engagement officer would work with and support a cross service meeting, involving the association, Housing Officer, PCSO to talk through the issues face to face. We understand at time of writing that the Community Engagement Officer has met with the Hollingdean rep several times since 17 December, with the following suggested ways forward from those conversations being actioned:

In relation to the lack of Estate service reporting due to the resident cleaning the block, firstly we would like to acknowledge the work and effort put in by this resident and secondly we would suggest that Rebecca Mann works with this resident to look at what is being found and how to report this without risk.

With the support of the Community Engagement Officer and the Resource Centre, Hollingdean group committee has drafted a questionnaire. The purpose was discussed; to gauge whether this is a community issue, designed to address issues of anti-social behaviour in Horton Road, including the positives of living in Hollingdean, what can be made better as a basis, rather than asking if there are drug problems in the area.

Following discussions with the Housing Officer team, due to the sensitivity of the concerns raised around this matter the committee have been advised to allow further time for investigation, unravelling the different stories and incomplete information. The Housing Team are also trying to liaise with Hollingdean rep directly on this matter and it would be good to see a timescale in place for this work. The Hollingdean Rep and Rebecca can work with the Housing team to get this in place. When the investigations are complete there is an agreement to have a multi-agency meeting which will decide on next steps to resolve the issues.

The Hollingdean Rep has also asked Housing North to send a generic letter to give advice on drug dealing/what to look out for to residents. Rebecca Mann will support and liaise with them on how best to do this and report back with a timescale

Regarding Installation of door entry systems

Note from Community Engagement Team

We note that there are no doors on which to install door entry systems as the blocks at Horton Road are the open stairwell design. Therefore the question is also about main entrance doors as well as the electronic door entry system.

Response from Geof Gage, Acting Head of Housing (Property & Investment) / Business & Performance Manager 01273 293235

We have looked into this and there is no possibility of our considering installing doors to these blocks.

Our main entrance door programme has a limited budget, and this is for the replacement of existing doors where they fall into disrepair or require upgrade.

The requirement for these blocks would also entail the installation of new door entry systems throughout which whilst a separate budget is also committed to upgrades and replacements of existing not installs of completely new.

Should further down the line there become an opportunity that we have met our obligations on our upgrades and replacements we may be able to consider this as a new install, but this would not be in the foreseeable future and not a consideration until 2024/25 if at all.

Regarding Reporting of antisocial behaviour

Response from Michael Raywood, Housing Manager – North Housing Team, 01273 290674

That antisocial behaviour recording be reviewed. Firstly, people should be able to report problems in a way that does not result in them feeling that they are in danger, or there is a risk that the perpetrators will find out they've made a complaint and take revenge. Secondly, the Council should consider how it could collect its own evidence without having to rely on reports from residents.

Thank you for your enquiry for which I address each point in turn below:

- (i) *“Firstly, people should be able to report problems in a way that does not result in them feeling that they are in danger, or there is a risk that the perpetrators will find out they've made a complaint and take revenge.”*

In the first instance all complaints regarding antisocial behaviour received by the council's housing team are dealt with in the strictest of confidence. Personal information about the complainant is not disclosed to the alleged perpetrator unless consent is obtained. In some instances, due to the very nature of a complaint, for instance threatening behaviour, the identity of the complainant would be invariably exposed. In others, there is a risk of exposing the identity of the complainant as the case progresses and is escalated to court. In such instances however, council officers are fully aware of the potential harm to victims and therefore protecting a

person's identity is integral when implementing a robust risk assessment that prevents victims from feeling that they are in danger upon reporting a problem such as antisocial behaviour.

If it was a matter of issuing a warning as a response to a complaint the council are able to send out generic warning letters however in order to address a specific problem, it can be difficult to conceal the identity of the reporter.

If the matter required a more formal enforcement action such as an injunction (or other) then the matter would be required to be referred to court. In accordance with the rule of law, a person is innocent until proven guilty and as such is entitled to a fair hearing/trial. This means that they would have the right to defend any allegations made against them. In absence of empirical evidence any case against an alleged perpetrator is weakened. Therefore, whilst it is admissible to submit anonymous accounts of an incident, the council's legal advice always encourages first hand testimony that can not only affirm the events that had taken place but also provide a first-hand account of the impact that such incident has had. This is not to say that the council's legal team would not accept anonymous or independent witness' but without first-hand accounts it can weaken the case. In support of protecting the victim the court can also make the necessary adjustments to conceal a person's identity such as the implementation of screens or using video link.

- (ii) *Secondly, the Council should consider how it could collect its own evidence without having to rely on reports from residents.*

Depending on the nature of the complaint the council can collect evidence in absence of a victim, such as, recording equipment for noise, covert surveillance in the form of cctv (although there is tight legislation surrounding this) for antisocial behaviour in the public domain, and in person (as a professional witness). To witness antisocial behaviour as a professional witness however, can be difficult as more often the incidents that occur are sporadic and outside council hours. That is not to say that they cannot be witnessed as in the absence of council officers the police (who work in partnership with the council) can also act as a professional witness.

I hope that I have answered the elements of your enquiry, if however you would like to speak further on the matter please do not hesitate to contact me.

