

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Housing Review Board held at online via Zoom on 11 October 2022**

#### **Attendance list at end of document**

The meeting started at 10.00 am and ended at 1.26 pm

#### **18 Public speaking**

Co-opted tenant member of the Board Sue Saunders spoke with the backing of the Tenants Management Group in relation to the Property and Assets Complaints Policy, highlighting a number of concerns. Sue expressed particular concern that tenants' complaints were routinely being recategorised as repair requests at pre-stage 1 of the complaints procedure, a practice which she stated is inconsistent with the Ombudsman's Code and therefore unacceptable. Lack of due consideration for tenants' concerns has forced some to behave in ways which lead to them being labelled as aggressive, or persistent complainers. There are many aspects of the Property and Assets Complaints Policy that tenants distrust, and they demand that it be scrapped immediately.

Co-opted tenant member of the Board Steve Beer spoke in relation to the difficulties that many residents are likely to suffer this winter with high energy bills. Residents want to know that community centres and churches will be opening their doors to residents as warm, safe spaces for people to go to. He asked whether community centre rental fees will be waived.

Cllr Steve Gazzard asked that an update report comes to the Board in relation to voids across East Devon, with the numbers, and how Ian Williams is progressing with making the voids habitable for new tenants.

#### **19 Appointment of Vice Chair**

It was agreed that co-opted tenant Sue Saunders be appointed Vice Chair of the Housing Review Board.

#### **20 Minutes of the previous meeting**

The minutes of the previous meeting held on 16 June 2022 were received and accepted.

#### **21 Declarations of interest**

There were none.

#### **22 Housing Review Board forward plan**

The Housing Service Lead presented the forward plan and advised members that the forward plan acted as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add further issues to the next forward plan by informing either herself or the Democratic Services Officer.

It was agreed that the following items would be added to the forward plan:

- Creation of a Damp and Mould Policy

- Scoping report for a Retrofit Plan
- Receive the Social Resilience (Poverty) Dashboard (minute 29 refers)

It was also noted that a Void Report would be brought to the next Board meeting following Cllr Gazzard's comments in public speaking (minute 18 refers).

## 23 **Matters of urgency**

There were no matters of urgency.

## 24 **Confidential/exempt item(s)**

There were no confidential/exempt items.

## 25 **Plan for Resident Involvement Strategy**

The Interim Housing Services Manager and the Vice-Chair of the Resident Involvement Management Group, Sue Saunders, co-presented the report which outlines a process to review the Resident Involvement Strategy and scopes the key issues and considerations to ensure that the Council maintains a fit for purpose approach to engaging its tenants in the management and maintenance of their homes.

The presentation included an illustration from Strata of the significance of ensuring the Strategy is communicated out in a cohesive, positive and engaging way, and the value of graphic design and visual presentations to help bring the Strategy to life.

The following points were made in discussion:

- Careful use of colours is important in making visual graphics and presentations accessible to people with visual impairments.
- The Strategy is predominantly aimed at engaging and empowering East Devon tenants and leaseholders. Residents and Community Associations are open to everyone who lives locally however, giving everyone a voice including private rental tenants.
- Part of the review will involve consulting with groups involved in the current structure as well as staff and tenants to ascertain how they are working at the moment, and what can be done better. It will also explore how not-involved tenants can feed back their views and influence the service.
- To ensure that information is widely accessible, people should be made aware that they can request hard copies of documentation, since not everyone is able to use technology.
- It was felt important to be careful with language in how people are referred to e.g. tenant, resident, customer or client. Preferences appeared to differ and it might be appropriate to canvas tenants to find out what their preferences are.

The Board noted the report, and agreed and approved the scope and methodology proposed.

## 26 **Self-Assessment against Ombudsman Code of Conduct - Complaints**

The Housing Service Lead introduced the report concerning self-assessment of the complaints procedure against the Housing Ombudsman's code.

The Housing Ombudsman has updated its complaints handling code taking effect from April 2022. It is a requirement for the Council to assess its approach to complaint

handling against the Complaint Handling Code annually and to report this to its governing body.

The EDDC corporate complaints team, in consultation with the Housing Service have assessed the current procedure against the new code. This report summarises the findings of the self-assessment, which confirms that the current procedure complies with the new requirements.

The self-assessment found that the EDDC complaints procedure is compliant with the Housing Ombudsman code in all but one area:

- Section 5.1 of the code relating to Stage 1 formal complaints requires landlords to respond to the complainant within 10 working days of the complaint being logged, and allows for a further 10 days in exceptional circumstances.
- Under the EDDC corporate procedure, the response time for Stage 1 and stage 2 complaints is 20 working days. This applies across all service areas of the council and the council has been advised that, where compliance in particular areas is not appropriate, an explanation of this within the self-assessment is acceptable. The Housing Ombudsman recognises that local authorities generally operate a complaints procedure which is consistent across all service areas.

The conclusion is that the current complaints policy complies with the new Housing Ombudsman Code, taking into account the aforementioned clarifications.

A broader review of how the Housing Service responds to complaints and service issues will be beginning shortly, with an initial consultation session due to take place at the Designated Tenant Complaints Panel (DTCP) meeting in September.

Changes to the Housing Ombudsman scheme, taking effect from 1st October, include the removal of the “democratic filter” which means that, if complainants remain dissatisfied at the end of the formal complaint process, they will no longer have to refer their complaint to a designated person or wait 8 weeks before referring to the Housing Ombudsman. The Ombudsman considers this to be a positive change which will make it easier for residents to access their service.

The following points were raised in discussion:

- 7.3 of the Ombudsman Code indicates as best practice that a member of the governing body should be appointed to have lead responsibility for complaints. It was suggested that the Board considers which member should take this role.
- It was recognised that dissatisfaction concerning complaints handling is often due to a failure to communicate effectively with complainants about what is being done and timescales. The Housing Service Lead is committed to refreshing this and building a better system going forward.
- Record keeping was also identified from maladministration complaints as an area for improvement. The Housing Service Lead stated it was on managers’ agenda to work with front line teams on record keeping and to audit and spot-check cases. Where issues with recorded keeping are identified, individual cases are raised with officers so that they can understand what was missing.
- Concerns were raised about the service that tenants were receiving from contractors Ian Williams. The Housing Service Lead stated that tenants have been listened to and an action plan is in place with a focus on improvements that need to be made with the contract.
- Details of how to complain are publicised on the website as well as via leaflets, publications, notices in community centres, and staff are also briefed. It was noted that some people would need help to write complaints to ensure their message is legible and covers the points they need to make.

That Board noted that the council have undertaken an assessment of the Corporate Complaints Procedure against the Housing Ombudsman's complaint handling code of practice, and that a review of the procedure for handling housing service complaints is planned with tenant involvement.

## 27 **Update on Housing Task and Finish Forum**

The Housing Task Force Service Lead's report informed the Board of the Housing Task Force's progress to date and outlined future plans for the delivery of affordable social housing across the district. The report set out progress so far and the options that were being explored:

- Recruitment – this had been a challenge, but there would soon be three members of the team in place.
- Exploring opportunities:
  - Initial focus had been on land within the Housing Revenue Account.
  - Council sites, not within the HRA were also being explored, with the potential for them to be transferred into the HRA for further housing use.
  - The Task Force had publicised the desire to acquire development sites externally with land and estate agents.
  - An informal offer had been made on a small piece of land in Axminster that could potentially facilitate a larger development in the future.
  - It was intended to complete a new review of HRA garage sites, taking into consideration the new construction methods available.
  - A spreadsheet of all opportunities was being kept. Following options appraisal and viability exercises these would either go forward on to the Development Pipeline Programme or be archived.
- Stock and estate regeneration – the stock condition survey underway would highlight areas within the portfolio that would greatly benefit from a stock regeneration programme. It was also hoped to utilise large gardens to provide additional new housing.
- Development models and methods of delivery – 3 garage sites in Honiton have been identified as having potential for redevelopment. To maximise the potential of the sites and for reasons set out in the report, the Task Force is looking at using a modular building method known as Volumetric MMC (Modern Methods of Construction). Early discussions are taking place with procurement professionals and ZedPods, a company with a proven record of carrying out meaningful community engagement throughout its developments.
- Options appraisal and financial modeller – discussions are taking place with two companies who provide specialist options appraisal and financial modelling software packages for use in social housing development. This forms a fundamental part of the Council's internal due diligence, risk management and financial monitoring for opportunities explored and/or taken through to development.
- Business as usual – the team continues to do all the tasks that transferred over to it from housing.

Discussion included the following points:

- Compulsory purchase powers for acquiring land for social housing purposes would only be considered rarely and as a last resort, and negotiations would always take place first.
- South West Procurement Alliance is a procurement framework to which the Council subscribes which helps with procurement with a range of different contracts.
- Unless classed as sheltered housing schemes, new social housing would not be exempt from Right to Buy.

### **RECOMMENDED TO Cabinet:**

- That approval be given for the Housing Task Force Service Lead, to complete discussions with the South West Procurement Alliance (SWPA) and ZedPods, for the purpose of procuring a contract to develop new housing on behalf of EDDC.

## 28 **Tenant satisfaction measures**

The Board received a report which summarised the Council's readiness to comply with the new Tenant Satisfaction Measures as proposed in the Social Housing White Paper and which had been finalised and published by the Regulator for Social Housing.

In a brief discussion it was clarified that there is strict guidance from the Regulator on how the Tenant Survey is carried out and it was not possible to alter the form of words for the statements or questions used.

Members noted the publication of the new Tenant Satisfaction Measures by the Regulator and the requirement to ensure compliance of the submission of the data required.

Members also approved a review of the structure and distribution of the Annual Report in partnership with the Tenant Involvement Management Group with a view to providing a proposed approach at a future Housing Review Board meeting that meets the standard required.

## 29 **Emergency winter housing plan**

The Housing Service Lead introduced the report which outlines the Council's plans to respond to the cost of living crisis and its commitment to support vulnerable tenants throughout the winter period. Given the dramatic increases in gas and electricity prices, and the sharp rising costs of many essential items for many, the cost of basic survival needs will exceed household income for some tenants.

The report proposed the adoption of a series of short-term measures to be implemented this winter and the creation of a Housing Winter Pressures Hardship Fund to help combat the worst impacts on vulnerable households.

Discussion included the following points:

- Members felt that in addition to community centres the district's town halls should be opened up as warm spaces for people to access this winter. Consideration would first need to be given to issues such as staffing, access arrangements and risk assessments.
- It would be helpful for residents to access face to face meetings with officers at community locations, particularly for those who are digitally excluded or in cold homes.
- A snapshot of the Social Resilience (Poverty) Dashboard can be made available for the Housing Review Board, to help inform decisions. This can be added to the forward plan.
- As well as detailing support that can be accessed, the special winter newsletter should double up as a Christmas edition. The Housing Service Lead will ensure the editorial panel are involved in its sign-off.

### **RECOMMENDATION TO Council and Cabinet:**

1. The approval of a budget of £50,000 to allocate towards delivering this project and to designate as a Housing Winter Pressures Hardship Fund.
2. To give delegated authority to the Strategic Lead – Housing, Health and Environment and the Housing Service Lead to approve the detail and criteria for the hardship fund and the grounds on which funds will be allocated to households.
3. To approve the other actions highlighted in the report that will deliver housing's contribution to the EDDC Winter Pressures Plan.

## 30 **Finance Report**

The accountant's report provided the Housing Review Board with current year to date and draft forecast financial outturn figures for the Housing Revenue Account (HRA) for the 2022/23 financial year. The report also considered the implications of any forthcoming regulatory changes.

Producing a HRA has been a statutory requirement for Councils who manage and own their housing stock for some time, and therefore a key document for the Board to influence.

The report also made reference to the recent Government launched consultation on the social housing rent cap and invited members to debate the topic in order to capture information that can be put forward as part of the consultation process.

It was noted that the HRA was in a healthy position. The original approved budget generates a surplus of £0.208m in 2022/23. This sum and any additional surplus is due to be added to the Capital Development Fund for future investment.

The most notable risks to the above outturn position, which will be kept under review, are;

- Employee costs due to the uncertainty around the 22/23 pay award and the ongoing consultant pay review.
- Income – the current high levels of income received may be at risk due to the increase in cost of living.

Inflationary pressures are also a concern and will be reviewed prior to and considered during the 23/24 budget preparation process with scenarios considered varying the four main drivers;

- Income – currently set at CPI + 1%, June being the latest release which would mean an increase of 11.1% and is likely to go higher.
- Interest Expense – currently fixed, however, refinancing will be required at the end of the year of £2.9m with interest rates rising.
- Employees Costs & Overheads – currently 28% as a proportion of income received, pay awards for 23/24 will need to consider inflationary pressures.
- Premises related costs – the remaining balance once all above assumptions are made to be reinvested into our stock

There has been very little in capital spend to date within the HRA with the acquisition of 42 Berry Close being the only material item.

The Housing Revenue Account update was noted.

The second part of the accountant's report concerned the Social Housing Rent Cap Consultation.

On the 31st August the Department for Levelling Up, Housing and Communities released a consultation document setting out a rent cap for social housing tenants as part of measures to protect tenants from further impacts of the cost of living crisis.

Under the current policy, rent is increased in line with the consumer price index (CPI) plus 1% which would currently mean a potential increase of 11% from April 2023 onwards. The consultation suggests a rent cap is imposed that will sit at either 3%, 5% or 7% and the Government are asking for views from the sector.

It was noted that the difference between the 10.8% rise compared to other scenarios is significant on income levels:

- 3% cap is a reduction in income of £1.473m a year
- 5% cap is a reduction in income of £1.095m a year
- 7% cap is a reduction in income of £0.717m a year

It was also noted that this income is not lost in just year one but will not be in the base income year after year.

Although the increase and implications on tenants affordability to meet this increase will and should be a key consideration of the Board and the Council, the cost of maintaining the housing stock will be increasing with inflation and by not keeping pace with increase income levels will necessary result in a reduction in available resources to meet current plans to maintain and improve stock.

This Council consulted with tenants by holding a workshop on 27 September 2022. The outcome of the consultation was:

- There was no definite answer in relation to the question on the rent cap as the tenants overwhelmingly felt that there was not enough information provided to be able to make an informed decision.
- In order to take an informed decision they would require:
  - The amount of additional funding required to maintain the current level of service delivery as they understand the costs would have increased and they not wish the current service levels to deteriorate any further.
  - The impact on major / cyclical works delivery based on the levels of increase.
  - Whether any Health & Safety works are required by regulation / legislation which are non-negotiable –
  - The rent charged by other providers in Devon
  - The effect on residents claiming full and partial benefits and the numbers that would be effected.
- They felt that management of repairs and contract management could be greatly improved and this would lead to additional funding without impacting rent levels.

In discussion, a tenant member expressed concern about the affordability of rent increases for tenants during the cost of living crisis, commenting that tenants will be worried that it will lead to them having no home to live in.

### 31 **Housing KPIs Quarter 1**

The Board received and noted the Quarterly Performance Indicator report.

### 32 **Communication from Regulator of Social Housing- Regulatory context for Government announcement on draft legislative clauses**

The Board received and noted the letter of 7 April 2022 from the Regulator of Social Housing.

The Vice-Chair invited the Housing Service Lead to a meeting of the Resident Involvement Management Group to explain the letter to the Group including what it means for tenants.

**Attendance List**

**Board members present:**

Sara Clarke, Independent Community Representative  
Rob Robinson, Independent Community Representative  
Stephen Beer, Tenants  
Sue Saunders, Tenants (Vice-Chair)  
Cindy Collier, Tenant  
Councillor Brenda Taylor  
Councillor Sarah Chamberlain (Chair)

**Councillors also present (for some or all the meeting)**

M Armstrong  
P Arnott  
S Gazzard  
G Jung  
D Ledger  
T McCollum  
P Millar

**Officers in attendance:**

Sophie Davies, Housing Business and Customer Improvement Manager  
Jo Garfoot, Service Lead Housing Task Force  
Simon Davey, Strategic Lead Finance  
James DeLeiburne, Senior Graphic Designer  
Amy Gilbert-Jeans, Service Lead Housing  
John Golding, Strategic Lead Housing, Health and Environment  
Susan Howl, Democratic Services Manager  
Sarah James, Democratic Services Officer  
Andi Loosemore, Rental Manager  
Yusef Masih, Interim Housing Services Manager  
Martin Millmow, Document Processing Manager  
Andrew Mitchell, Housing Solutions Manager  
Giles Salter, Solicitor

**Councillor apologies:**

Sue Dawson, Tenants  
Cat Summers, Tenant  
Councillor Ian Hall  
Councillor Helen Parr  
Councillor Geoff Pook

Chair: .....

Date: .....