

MINUTES OF THE BRENT HOUSING PARTNERSHIP BOARD MEETING HELD ON THURSDAY 26th NOVEMBER 2009

Present:

Board Members

Karin Jaeger (In the Chair)	TRA
Brian Litchfield	TRA
Chirag Pandya	TRA
David Unwin	TRA
Shaidah Ramzan	TRA
Dennis Woolcock	TRA
Alec Castle	Councillor
Sami Hashmi	Councillor
Colin Moone	Independent
David Offenbach	Independent

Officers

Helen Evans (HE) (Managing Director), Gary Chase (GC) (Director of Finance), Gerry Doherty (GD) Director of Technical Services, Sandra Royer (SR) (Director of Housing Management), Janice Robert-Edwards (JRE) Head of General Needs, Sue DeSouza, (SDS) Special Projects Manager, and Jim Cranfield (Clerk).

Also Present: Arnold Meagher - Brent Legal Services

18 Apologies for Absence:

Apologies were received from Joyce Baldy Gray, Annette Collins, Kathy Ellison and Janice Long.

19 Declarations of Interest

Dennis Woolcock in respect of his membership of the South Kilburn Football Club

20 Minutes of Board Meeting held on 24th September and the Special Board Meeting held on 21st October 2009

Resolved

That the minutes of the Board meeting held on 24th September and the Special Board Meeting held on 21st October 2009 be agreed as a correct record.

21 Matters Arising

None

22 Introductory/Demoted Tenancies

Janice Robert-Edwards presented this report which explained the nature and purpose of Introductory and Demoted tenancies and provided an assessment of their strengths and weaknesses, to assist Members to determine whether they should seek their use for Brent tenanted properties.

Key points noted:

Both measures were intended to provide landlords with additional sanctions to assist with the management of their properties where tenant behaviour was an issue.

Introductory tenancies apply to new tenancies for the first 12 month period of the tenancy and allow the landlord to short circuit eviction proceedings in the event of the tenant breaching the tenancy terms and conditions.

Demoted tenancies allow the landlord to apply to the court to reduce the security of tenure for an existing tenant where the tenant has caused nuisance or annoyance.

Both measures required a measure of additional administration, staff training and other costs.

An assessment of the strengths and weaknesses of each measure was submitted. This suggested that the use of Introductory Tenancies would not be in the best interests of BHP, but that a six month trial of demoted tenancy orders would be worthwhile.

In Discussion

AVC noted the references to the additional administrative requirements attached to the procedures and sought further officer comment. **SR** agreed that there were undoubted costs and procedures involved as detailed in the report. However those ALMOs which had made use of demoted tenancies had found the processes to work reasonably smoothly after initial staff training etc.

HE commented that the Government had now provided social landlords with a range of optional tools to assist with the management of their properties and it would be prudent to seriously consider using some of these or to show good cause why it would not be reasonable to do so.

CM suggested that the introduction of one procedure and not the other might be deemed to be inconsistent with equal treatment.

Having noted that there were currently some uncertainties as to the full nature and extent of the consultation required to enable BHP to use either of the procedures it was:

Resolved

To defer consideration of the matter until the next meeting to enable a full appraisal of the consultation requirements and an equality impact assessment to be submitted.

23 Tenancy Agreement Issues

Arnold Meagher presented this report which addressed two issues relating to the Council's Tenancy Terms and Conditions

The Audit Commission had suggested that the Council's Tenancy Terms and Conditions should be amended to take into account recent legislative changes.

The Commission had also stated that there was a lack of clarity on where updates could be found to inform tenants of their rights and responsibilities following legislative changes.

AM reported that necessary updates had been included in the new tenants guide which would be distributed to all tenants in March 2010. The BHP website would also be appropriately updated.

Furthermore BHP had updated its succession procedures to include civil partners following a change to the law.

In the circumstances it was not felt it was necessary or justifiable to incur the considerable expenditure involved in amending the Council's Tenancy Terms and Conditions and a letter to that effect had been sent to the Audit Commission.

It was noted that the Audit Commission's reply was awaited.

The second issue concerned a possible approach to dealing with tenants who engage in abusive behaviour towards BHP staff, including making false or malicious allegations. The issue had been the subject of some discussion at the Board's recent away day.

The legal position was set out for members including the relevant terms of the Tenancy Agreement.

A three stage approach was proposed where verbal abuse of staff and/or false malicious allegations by tenants were made. Firstly a warning letter should be sent to the tenant making clear that the continuation of such behaviour could result in the service of a Notice of Seeking Possession. If the behaviour continued a Notice of Seeking Possession would be served. If such behaviour was then repeated possession proceedings would be issued on grounds of breaching the terms of the tenancy Agreement.

In discussion members agreed that the three stage approach outlined in respect of abusive behaviour would send a strong message that such behaviour would not be tolerated and could have serious consequences for the tenant.

Resolved

1 To note the response of BHP officers and the Council in respect of the concerns raised by the Audit Commission, and to consider the matter further in the light of the Commission's reply, and

2 To approve and adopt a procedure of sending warning letters and, if necessary Notices of Seeking Possession, in cases of abusive behaviour by tenants towards BHP staff which is in breach of clause 3 of Part F of Brent Council's Tenancy Terms and Conditions and where other alternative options, such as applying for an injunction, are inappropriate.

24 Brent New Homes Management Structure

HE submitted proposals for the future management arrangements of the new homes brought into BHP's ownership through the Granville New Homes, Market rented properties, settled homes initiative and new builds.

The experience gained so far in developing the above initiatives suggested that a separate management structure within BHP was necessary. **HE** identified a number of differences between the management demands of the new homes and the existing housing stock. These included imperatives around rent collection, the existence of different types of tenancies, a separate accounting process and the nature of the risks involved.

A temporary team had been established for the acquisition of GNH which it was proposed to now establish on a permanent basis, but as a separate entity within BHP, to manage the directly owned new homes.

It was also proposed to establish a Board of Management to oversee the management of this arm of BHP. The suggested composition of the Board comprised three BHP officers, two BHP Board Members one co-optee with appropriate skills and one resident of the directly owned homes.

The benefits of establishing a separate management structure together with the key skill areas required of Board members were outlined

In Discussion

AVC suggested that the South Kilburn Ward members should have some involvement and **HE** advised that this could be achieved by inviting the councillors to attend the meetings of the Board of Management.

CM and **CP** noted that in the longer term this level of ward involvement might not remain appropriate if properties were acquired and managed in different parts of the borough.

Brian Litchfield, David Unwin and Karen Jaeger expressed interest in serving on the Board.

Any other Members who were interested were invited to advise **HE** by the end of the week.

Resolved:

- 1 To approve the creation of a separate Board of Management to oversee the management of the directly owned new homes;
- 2 That the composition of the Board should comprise three BHP officers, two BHP Board Members, one co-optee with appropriate skills and one resident of the directly owned homes;
- 3 That the two South Kilburn ward members should be invited to attend meetings of the Board and
- 4 To note that terms of reference will now be drawn up for the Board

25 Chief Executives Report

HE presented this report containing a digest of news and developments affecting BHP and made specific reference to the following:

One Council and Efficiency Agenda – Impact on BHP - HE provided further background on this council management review process which would include seeking savings of at least £50millions over four years and reducing staff numbers by around 300.

The process would be complex and comprehensive involving over 40 separate projects. **HE** advised that BHP would be expected to carry out its own review of

expenditure and management arrangements and confirmed that options were being worked up for Board consideration in January

A key objective would be to seek to deliver existing services at less cost whilst also preserving BHP's ability to continue with the various strategic initiatives.

In Discussion

It was noted that whilst the Council might view BHP surpluses as a legitimate target for contributing to required savings. It would doubtless also be understood that surpluses were required to support various BHP initiatives and undertakings entered into with the support of the Council and in furtherance of Council housing policy.

Travellers Site – it was noted that there had been only one bid for the management agent contract and this had now been withdrawn. **HE** advised that a way forward would be discussed with the Council and that a further report would be submitted to the Board.

26 Board Decisions

The Board noted this report which detailed the current position on outstanding matters from Board decisions.

27 Sub Committee Reports

The minutes of the sub committee/panel meetings detailed below were presented by the Chairs of each sub committee with key points and matters of particular interest drawn to the attention of the Board.

Community Development Fund Panel – 22nd October 2009

Service Delivery Sub Committee – 6th October 2009

Development Sub Committee – 13th October and 12th November 2009 – presented by CM in the Chairs absence

Arising:

Modern Methods of Construction - DU signified his reservations concerning the possible use of timber framed buildings as detailed in minute 5. Members had been advised that MMC had environmental, quality and safety benefits in appropriate circumstances. **SDS** advised that a visit could be arranged for members to attend the British Research Establishment and this was agreed.

Finance & Audit Sub Committee – 28th October 2009

Remuneration Panel – 24th September 2009

Arising

HE confirmed that a note to clarify the timing of payments to Members would be circulated shortly.

Resolved

To note and ratify the minutes of the above sub committee and panel meetings.

28 Any Other Business

The following matters were raised by **AVC**

Environmental Improvement Procedure

AVC referred to concerns which had been raised concerning a recent Tenant ballot. Specifically the number of votes required to determine the result of the ballot had been questioned by a councillor. Although the position had been explained to and accepted by the councillor concerned, **AVC** felt that it would be in the interests of BHP to provide a clear explanation of the rules and process involved to avoid any confusion and possible criticism in the future.

HE explained that the ballot had been undertaken under the Environmental Improvement Procedure a copy of which was tabled. Experience had shown that it was unwise to attempt to introduce environmental improvements schemes on the basis of a simple majority of votes in favour since, depending upon the percentage of tenants actually voting, there could still remain a majority of tenants who did not support the proposals. Accordingly, the introduction of such schemes required the votes in favour to equate to a majority of those tenants entitled to vote.

BHP Policy Documents

AVC felt that, given the complexity of some policy documents, it would be helpful if they were accompanied by a simple guide in plain English.

HE acknowledged the point and advised that this was done on occasions.

HE agreed to report further on the general issue at the next meeting.

26 Private & Confidential

The public were excluded from the remainder of the meeting in view of the confidential nature of the business to be discussed.

27 Schedule of Contracts

The schedule identified any contracts which were due to be awarded under delegated powers and provided an opportunity for the Board to “call in” the contract for consideration.

Two contracts, one for pest control work and one for disabled adaptations work were due to be awarded in November and January.

Neither contract was called in.

28 Award of Housing Development Joint Venture Framework

This report provided corrections to the spreadsheet which had accompanied the report on awarding the Housing Development Joint Venture framework which had been agreed by the Board at its last meeting.

The spreadsheet had recorded the scores achieved by each contractor and Members noted the corrected figures.

29 Development Strategy

At its meeting on the 13th October the Development Strategy Sub-committee had approved the content of a revised Development Strategy and commended this to the Board.

SDS submitted the new strategy document. This set out the key changes that had occurred in the policy context and also the progress achieved with the original development sites.

The revised strategy sought to enable BHP to take advantage of new opportunities to deliver both new build affordable housing, and to participate in regeneration activity.

The strategy included using consultants and a construction company to develop a partnering approach with the aim of risk sharing and containing costs.

Resolved

To approve the content of the revised Development Strategy as submitted with the officers’ report.

The meeting closed at 8.15pm having completed its business.

Chair

Date