

Public Document Pack

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A meeting of **Overview & Scrutiny Committee** will be held in Committee Room 1, East Pallant House on **Tuesday 15 September 2015 at 10.00 am**

MEMBERS: Mrs C Apel (Chairman), Mrs N Graves (Vice-Chairman), Mr P Budge, Mr M Cullen, Mrs P Dignum, Mr N Galloway, Mrs E Hamilton, Mr G Hicks, Mr S Lloyd-Williams, Caroline Neville, Mrs P Plant, Mr H Potter, Mr J Ransley, Mr A Shaxson and Mrs J Tassell

AGENDA

- 1 **Chairman's announcements**
Any apologies for absence that have been received will be noted at this point.
- 2 **Minutes** (Pages 1 - 11)
To approve as a correct record the minutes of the Overview & Scrutiny Committee meeting held on 2 July 2015.
- 3 **Urgent Items**
The Chairman will announce any urgent items that due to special circumstances are to be dealt with under the agenda item below relating to Late Items.
- 4 **Declarations of Interests**
Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.
- 5 **Public Question Time**
The procedure for submitting public questions in writing no later than 12:00 on Monday 14 September 2015 is available upon request to Member Services (the contact details for which appear on the front page of this agenda).
- 6 **Hyde Review Task and Finish Group Final Report** (Pages 12 - 18)
The committee is requested to consider the findings of the Task and Finish Group and make recommendations accordingly.
- 7 **Corporate Plan Task and Finish Group Terms of Reference** (Pages 19 - 20)
- 8 **Late Items**
Consideration of any late items as follows:
 - a) Items added to the agenda papers and made available for public inspection.
 - b) Items which the Chairman has agreed should be taken as matters of urgency by reason of special circumstances reported at the meeting.

NOTES

1. The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of “exempt information” as defined in section 100A of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the appendices relating to reports listed under Part I of the agenda which are not included with their copy of the agenda on the Council’s website.
3. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. (Standing Order 11.3)
4. Restrictions have been introduced on the distribution of paper copies of longer appendices to reports where those appendices are circulated separately from the agenda as follows:
 - 1) Members of the Overview & Scrutiny Committee, the Cabinet and Senior Officers – receive paper copies including the appendices
 - 2) Other Members of the Council – Appendices may be viewed via the Members’ Desktop or the Council’s website or intranet pages and paper copies will be available at the meeting.



Minutes of the meeting of the **Overview & Scrutiny Committee** held in Committee Room 1, East Pallant House on Thursday 2 July 2015 at 1.30 pm

Members Present: Mrs C Apel (Chairman), Mr P Budge, Mr M Cullen, Mrs P Dignum, Mrs E Hamilton, Mr G Hicks, Caroline Neville, Mrs P Plant, Mr H Potter, Mr J Ransley, Mr A Shaxson and Mrs J Tassell

Members not present: Mrs N Graves, Mr N Galloway and Mr S Lloyd-Williams

In attendance by invitation: Mrs G Keegan

Officers present: Mr R Dunmall (Housing Operations Manager), Mr S Hansford (Head of Community Services), Miss L Higenbottam (Member Services Assistant), Mrs J Hotchkiss (Head of Commercial Services), Mrs B Jones (Principal Scrutiny Officer), Mr P Legood (Valuation and Estates Manager), Miss A Loaring (Partnerships Officer), Mrs V McKay (Deputy Estates and Valuation Manager) and Mr S Oates (Economic Development Manager)

1 **Chairman's announcements**

Mrs Apel welcomed all new and returning members to the committee.

Apologies were received from Mrs Graves, Mr Galloway and Mr Lloyd-Williams.

2 **Minutes**

In reference to minute 247 Mrs Dignum informed the committee that residents should write to West Sussex County Council (WSSCC) including a photo of the problematic pavement or if the pavement is outside a shop to reference the shop.

RESOLVED

That the minutes of the Overview and Scrutiny Committee (OSC) held on Tuesday 17 March 2015 are approved as a correct record.

Accordingly, Mrs Apel signed and dated the official version of the minutes.

3 **Urgent Items**

There were no urgent items.

4 **Declarations of Interests**

Mr Ransley declared a disclosable pecuniary interest in relation to agenda item 9 with a property soon to be part of the Homefinder service and left the room for this item.

Mrs Apel declared a personal interest in relation to agenda item 10 as a trustee of Stonepillow.

Mrs Apel, Mrs Dignum and Mrs Tassell all declared personal interests in relation to agenda item 12 as friends of Chichester Festival Theatre and Pallant House Gallery.

Mr Ransley declared a disclosable pecuniary interest in relation to agenda item 12 as a trustee of Pallant House Gallery and left the room during the item.

5 **Public Question Time**

There were no public questions.

6 **Committee work programme 2015-16**

Mr Hansford clarified the Novium item in the work programme will take place 12 months after the last review and the Westgate Leisure item would be subject to the outcome of a procurement exercise.

Mr Shaxson asked for clarification on the Hyde review scheduled for Spring 2016. Mrs Jones explained the process would start towards the end of 2015 with a final report to the March 2016 OSC.

Mr Cullen asked why the review of the Internal Lettings Agency (Homefinder) had been brought to this committee when the original plan had been for September 2016. Mrs Jones explained it had come to the committee ahead of Cabinet the following week.

RECOMMENDED TO COUNCIL

That Council notes the OSC work programme for 2015/16.

7 **Land at Church Road, Chichester**

Mrs Apel read a statement of support for the call in from Mr Connor who was unable to attend the meeting.

Mrs Apel set out the procedure to be followed for the call-in.

Mr Ransley requested the item be discussed in part II with Mr Cullen seconding the motion.

RESOLVED

That in accordance with section 100A of the Local Government Act 1972 (the Act), the public and the press be excluded from the meeting during the consideration of the following items on the agenda for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of 'exempt information' being information of the nature described in Paragraphs 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information) and 5 (legal professional privilege)) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Mr Ransley set out his intention to discuss the call-in only, stating his objection to the inclusion of his additional paper which made recommendations to Cabinet in the committee's private document pack. Mr Ransley outlined his reasons for the call in suggesting that Cabinet's decision 3 in relation to agenda item 6 made at its meeting of 2 June 2015 was without the benefit of a clear analysis of additional bid information being provided.

Mr Hansford explained that all papers relevant to the bids were provided to Cabinet in advance of the meeting on 2 June 2015. Members of the committee were provided with copies of the original appendix to the Cabinet paper at the start of the meeting to enable them to compare with the amended appendix circulated to Cabinet on the day of 2 June 2015 (included in the private pack of the agenda for this meeting).

Mr Shaxson commented on the short length of time Cabinet had to assess the new appendix.

Mrs Keegan, the portfolio holder for Commercial Services, explained that the site in question had been part of a long disposal programme. In reference to Mr Ransley's comment on the changes to the appendix provided to Cabinet on 2 June 2015 Mrs Keegan explained that Cabinet had considered the additional information which had provided clarification on some of the bids rather than a material change to the bids themselves. The additional information had been received after circulation of the papers and was in response to a request for clarification from the bidders.

Mrs Keegan explained that the concerns raised regarding securing the best outcome for the Council and its residents if the preferred bid fell through was unnecessary as delegated officers would carry out a thorough process of discussions with the original bidders. Cllr Keegan emphasised that the minimum sale price was only a 'minimum' and negotiations would seek to achieve a higher price than that.

Mrs Keegan emphasised the importance of reaching agreement on a decision as a referral back to Cabinet would continue to delay the process.

Mr Ransley asked what the procedure was if the preferred bid was not realised. Mrs McKay confirmed that all bidders would be invited to clarify their position prior to a decision being reached by officers and agreed by Mrs Keegan.

Mr Ransley advised that his position was that Cabinet had not facilitated full discussion with members prior to the decision being taken.

Mr Legood explained that at the Cabinet held on 11 February 2015 the proposal had been considered at some length. The amended appendix had been necessary as the desire to proceed quickly had meant that the closing date for bids was close to the 2 June 2015 meeting. The 2 June 2015 Cabinet reviewed the bids before a preferred bid was selected and a contingency plan decided. Cabinet accepted officer advice and chose to delegate contingency plan negotiations to officers if required.

Mr Potter asked Mr Legood to clarify whether the roundabout contribution would be sufficient to pay for the construction of the roundabout. Mr Legood advised Mr Potter that the sum specified was the amount to be paid to the Council if the purchaser did not construct the roundabout and that it was for the developer to determine the actual cost of these works.

Mrs Hamilton asked if keeping the site had been considered. Mrs Keegan assured Mrs Hamilton all options had been investigated.

Mr Shaxson emphasised the importance of having a part II debate at Cabinet in order to avoid the issue of today's call-in.

Mrs Keegan concluded that any decision made as a consequence of the first bid falling through would be subject to her approval as Cabinet Member for Commercial Services.

Mr Ransley concluded that Cabinet needed to give confidence in the transparency of the disposal process.

RESOLVED

That the meeting return to part I and the press and public be invited back into the room.

Mr Budge and Mr Hicks left the meeting.

The remaining OSC members voted on the recommendation below, with seven members for and one member against.

RECOMMEND TO CABINET

1. That decision (3) in respect of minute 6 of the Cabinet meeting of 2 June relating to Land at Church Road Chichester be reconsidered
2. That Cabinet gives further consideration to alternative ways of securing best financial value and community benefits from the site

Mr Shaxson introduced the item explaining Hyde properties in the Chichester District had seen an increase in service charges of up to 100% in some cases. Members of OSC had volunteered to take part in a task and finish group, with the first meeting held on 24 June 2015. The next meeting is scheduled to take place towards the end of July with tenants invited to give evidence in advance of questions to a Hyde representative. The meeting will take place in private and report back to OSC.

RESOLVED

The committee endorsed the Hyde Task and Finish Group terms of reference.

9 Review of the Internal Lettings Agency (Homefinder)

Mr Dunmall explained that recommendation 2.2 should read:

‘To recommend to Cabinet that the internal lettings agency Homefinder be continued.’

Mrs Dignum praised the value of sustaining tenancies and asked for clarification on the following points:

1. The Universal Credit effect causing concern for landlords unable to receive direct payment of housing benefit
2. Repayment arrangements for tenants in rent arrears
3. Time spent on individual cases
4. Officer skill sets to provide support amounting to social psychology

Mr Dunmall explained:

1. Landlords do not want to evict tenants with rent arrears as they will lose the money owed
2. Increasingly rent arrears are a problem
3. When payments are made directly to tenants there is a fear of whether payment will reach landlords
4. Officers utilise lifeskills to often act as mediator between landlords and tenants

Mrs Plant asked for clarification on the difficulty to attract landlords to the scheme and whether the loss of revenue to landlords would be outweighed by the benefits of the Homefinder scheme. Mr Dunmall explained that a possible subsidy scheme for landlords would be investigated.

Mrs Plant asked how the Homefinder service was staffed. Mr Dunmall explained there are two officers whose workload sustains 100 properties.

Mr Cullen asked if there is a joint landlord forum. Mr Dunmall explained that there was and it was important landlords understood that the local authority wanted to work with them.

Mr Cullen asked if commercial lettings fees are taken into account. Mr Dunmall confirmed that this was the case.

Mr Cullen asked if any guarantee could be provided to landlords. Mr Dunmall explained that the Council offers a rent guarantee scheme.

Members agreed that a review would be appropriate approximately a year after the implementation of Universal Credit.

RESOLVED

That the internal lettings agency, Homefinder, provides value for money to the Council by preventing homelessness at a reasonable cost.

RECOMMENDED TO CABINET

That the internal lettings agency Homefinder be continued

10 Homelessness Strategy

Mr Dunmall explained that as a requirement of legislation a five year review of the Homelessness Strategy was required. The previous strategy had been around 70 pages long and difficult to read. The new strategy aimed to be shorter with five key objectives. The key focus of the strategy would be partnership working.

Mrs Apel asked Mr Dunmall to comment on the service received from Stonepillow. Mr Dunmall explained that Stonepillow supports rough sleepers from out of the district as well as within and subsequently some rough sleepers from out of the district will put forward applications to the Council.

Mr Shaxson asked for clarification on the trend of homelessness and rough sleeping. Mr Dunmall explained that the Rough Sleeping Panel in April 2012 saw 39 rough sleepers in the district which has subsequently reduced at times to as low as nine. The panel consists of organisations such as the Police, WSCC and Stonepillow. In the last 12 months 44 cases had produced an outcome of reconnecting people with either family and friends or the provision of housing. As preventative work becomes more successful the number of applications for homelessness will continue to decrease.

Mrs Dignum asked for clarification on the following points:

1. Managing homelessness in 16 and 17 year olds
2. The national issue of care leavers
3. Whether the division of age in transient and entrenched rough sleepers is for a particular reason or administrative purposes

Mr Dunmall explained:

1. The Youth Prevention team at WSCC have been successfully reducing the number of homeless 16 and 17 year olds by mediating with young people

- who have left home as a result of arguments with their parents and in a majority of cases returning them to the family home
2. WSCC and CDC have responsibility for those who have a care background until the age of 21 at which point it can be difficult for young people without support to find accommodation so links are being made with South Downs Housing Association to provide help in these situations
 3. There is no reason for the division of age as it stands as rough sleepers can be from a variable age group

Mrs Tassell suggested that the Council's costs be reimbursed from the local authorities of those travelling into the district. Mr Dunmall explained that if someone presents themselves as homeless with a priority need funds cannot be reclaimed but if the Council can refer them to another district due to established local connections then emergency accommodation costs such as bed and breakfast costs could be reclaimed.

Mr Cullen asked if the core issues of the strategy have been retained then what changes have been made. Mr Dunmall explained the strategy is in draft and the committee are invited to comment during the consultation period. The prime focus for the new strategy is prevention of homelessness.

Mr Ransley suggested the strategy is proactive rather than reactive. He asked for clarification on whether demand for housing would be likely to grow or remain steady. Mr Dunmall explained the strategy would work within the current resources but if demand grew it would need reassessing. Mr Ransley suggested the council support future investment in resources when required. Mr Dunmall explained any future funding requirements would be taken to Cabinet for approval.

Mr Ransley suggested an annual review of resources be added to the strategy. Mrs Apel suggested Cabinet review the financial situation of the strategy in a year and will share the views of the committee when contributing to this item at Cabinet on 7 July 2015.

RECOMMENDED TO CABINET

That the draft Homelessness Strategy be approved for consultation.

RESOLVED

That the Chairman provide an oral summary of the Committee's views on the draft Homelessness Strategy to Cabinet on 7 July 2015.

11 The Grange Post Project Evaluation

Mrs Hotchkiss introduced Mr Boyce (Operational Manager of the Grange).

Mrs Keegan spoke on behalf of Mrs Lintill about the excellent first year of operation of the Grange. She explained that the Grange had become the centre of the community and thanked all the staff involved for their hard work in setting up and promoting the service.

Mrs Hotchkiss outlined the key aspects of the report providing a post project evaluation of the outcomes and achievements in the first fully operational year. The tables highlight the original budget and revised budget and any overspend. The target of 800 direct debit memberships had now been met with 807 to date. A new target of 850 direct debits has been set for the next financial year. Mrs Hotchkiss acknowledged the internal pressures faced during the project which would be avoided in future by the creation of programme boards to allocate resources at pinch points. The final meeting to discuss any defects will take place next week.

Mr Cullen acknowledged the fantastic achievement of the project and how well it had been managed by the team.

Mr Cullen asked for an update on the disposal of the rest of the site. Mrs Hotchkiss explained discussions were continuing with Kimberley and Waitrose.

Mr Shaxson asked for clarification on the following factors:

1. The additional cost of parking at the site of Midhurst Rother College
2. Availability of the anticipated budget for 2016
3. Why direct debits are down on the estimated budget
4. Why income from non-members comes in lower than expected despite a strong events calendar

Mrs Hotchkiss explained:

1. Additional meterage had been paid at the Midhurst Academy site to maintain a minimum number of spaces
2. The budget book is available for general view
3. Direct debit figures are lower due reaching the 800 member target part way through the year
4. The yield per member is affected by a large number of concessions due to the general demographic of the area and the lack of availability for casual use during evenings and weekends due to the number of events booked at these times
5. The first weddings took place producing a gross income of £4000

Mr Ransley asked about the impact of a future decision on Leisure Management. Mrs Hotchkiss explained that the leisure service day to day operation and its efficiencies would constitute part of the decision making process.

Mr Shaxson referred to the dryside being £13,500 under budget and requested future reports state the original budget allocated for comparison purposes.

Mrs Hotchkiss clarified that the area office no longer required a separate building resulting in an ongoing saving from the revenue budget.

Mr Ransley asked for an update on the biomass. Mrs Hotchkiss explained it was in operation and functioning well and an application to register renewable energy would be completed shortly.

Mrs Tassell asked about the impact of a staff member leaving part way through the project. Mrs Hotchkiss explained the member of staff left three quarters of the way through the project and was not replaced. Other members of staff carried out the relevant work.

RESOLVED

That the Grange Community and Leisure Centre post project evaluation including the actions in sections 7 and 8 of the report be noted.

12 Cultural Grants - Task and Finish Group final report

Mr Hansford explained to new members of the committee that Chichester Festival Theatre (CFT) and Pallant House Gallery (PHG) currently receive annual grants from CDC. Task and finish groups are set up annually for both projects to review progress against service level agreements and action plans. A more in depth review takes place on a tri-annual basis.

Mr Hansford commented on the highly successful re-opening year for CFT who had achieved a 73% audience average with an average of £60 spend per visit.

Mr Hansford commented on the healthy projections of PHG who would be targeting engagement with local schools next year.

Both CFT and PHG took part in the Dementia festival and have actively worked with those suffering from Dementia and their carers.

CFT has engaged with Reading University to produce an economic impact study and PHG have been encouraged to do the same.

RESOLVED

1. That the Cultural Grants task and finish group report be noted
2. That the 2014/15 annual reports and 2015/16 Service Level Agreements from Pallant House Gallery and Chichester Festival Theatre be endorsed
3. That a full three year review be carried out by the committee in March 2016

13 Chichester in Partnership - Getting People into Work Strategy

Miss Loaring explained that the Getting people into Work Strategy 2012-2015 had been a brand new area for CDC.

Miss Loaring outlined some of the successes of the strategy. The Choose Work scheme provided value for money, Selseyworks would be continuing with a new community hub office located in Selsey Town Council and Chichester College had run successful work experience in the community projects.

Chichester in Partnership (CIP) has agreed to take the policy forward for three more years.

Mr Oates explained the strategy involved working with partners in the capacity of influencer rather than decision maker.

Mrs Apel asked if some of the organisations involved are more helpful than others. Miss Loaring explained the Department for Working Pensions (DWP) had funded some projects despite cuts and generally partners were becoming more involved.

Mrs Hamilton congratulated the Choose Work programme and asked how residents in Midhurst could access the service. Miss Loaring explained the centre ran a drop in service to talk to officers about the Choose Work scheme or simply improving their job prospects.

Mr Cullen commented on the risks to CDC being kept to a minimum. He asked whether other organisations were concerned about the impact of welfare reform. Miss Loaring explained other organisations have shown concern about the potential impact.

Mrs Dignum was impressed by the huge aspirations of the report and asked for clarification on the following areas:

- The staying in work rate
- The ability to match jobs to those without qualifications
- Whether apprenticeships in the district were being allocated to older people as they are elsewhere in the country
- Whether 13 week intensive courses have greater success rates

Miss Loaring explained:

- The staying in work rate is hard to ascertain as many jobs are seasonal with people working several part time jobs at the same time with some cases of zero hour contracts
- Selseyworks has successfully matched peoples job skills
- Apprenticeships in the Chichester District are not typically allocated to older people, however there are more older people out of work who would benefit
- The DWP have not released success rate figures for their 13 week intensive course

Mr Ransley commented on the wonderful achievements in the report and how important it will be to continue funding projects. Mr Hansford explained the difficulties facing these projects trying to continue in a sustainable way having received initial set up funding.

Mr Hansford encouraged members to read the Grants and Concessions annual report. Mr Ransley asked if a task and finish group could be established to review project sustainability.

Mr Shaxson commented on positive impact of the projects and the savings this made to the public purse.

Mr Oates explained that much of Choose Works success came from Mr Hill getting to know his clients and keeping in contact with them moving forward.

Miss Loaring explained a bid would be put forward for Coast to Capital funding.

RESOLVED

1. That progress made against the original Getting People into Work Strategy and action plan 2012-2015 be noted
2. That the revised strategy for 2015-2018 be noted
3. That a task and finish group be established following the next annual report from the Grants and Concessions Panel to discuss sustainability of Getting People into Work Strategy projects

14 Late Items

There were no late items.

The meeting ended at 4.48 pm

CHAIRMAN

Date:

Chichester District Council

OVERVIEW AND SCRUTINY COMMITTEE

15 September 2015

Final report of the Hyde Review Task & Finish Group

1. **Contacts**

Mr A Shaxson, Chairman of the Hyde Review Task & Finish Group
Tel: 01730 825254 Email: ashaxson@chichester.gov.uk

2. **Recommendations to Cabinet**

To instruct the Head of Housing and Environment Services to write a letter to the Hyde Group, Chichester setting out the Council's concerns and recommending the following:

- 1) **A full and urgent review is carried out of blocks/estates where tenants have complained that incorrect service charges have been applied, in particular those considered as part of this review namely Pilgrim Court (Chichester), Butts Meadow (Wisborough Green), Bishop Luffa Close (Chichester), Warrenside (South Harting) and Townfield (Kirdford). However these properties are illustrations of something that the group has reason to believe is widespread and ultimately we would wish all serviced properties in the Chichester district to be re-examined.**
- 2) **A full report is made to the January 2016 meeting of the Overview and Scrutiny Committee covering:**
 - a) **the methods used to calculate the service charge increases in these properties and the justification for the changes that have been implemented**
 - b) **the progress made in resolving complaints and improving communication**
 - c) **current performance against the organisation's key performance indicators**

3. **Background**

- 3.1 Following reports of concern by local Hyde tenants regarding a breakdown in communication regarding the backlog of maintenance works, Hyde representatives were invited to attend a meeting of all Council members chaired by the Overview & Scrutiny Committee on 10 March 2015 and asked to explain the issues which tenants were experiencing and to provide answers. This meeting was held in private session.

3.2 Hyde gave details relating to issues experienced with their repairs service, in particular a new IT system and changes to an appointments system and processes. Complaints had increased and Hyde was working to improve its maintenance operation and communication with customers. We received Hyde's key performance indicators showing performance as at March 2015. Hyde agreed to attend a meeting of this committee in early 2016 with an update on this performance. A list of Hyde housing officers responsible for specific areas was received and this information was circulated to members.

3.3 In March/April 2015 Councillors and council staff started to receive reports from Hyde tenants of their dissatisfaction following the receipt of Hyde invoices for rent and increased service charges effective from 6 April 2015.

4. **Terms of Reference**

4.1 The Council's Constitution lists the functions of Overview and Scrutiny, two of which relate to 'reviewing the deliverability of local services whether provided by the Council or external organisations' and 'examining matters of wider local concern'. Legislation requires partner authorities or external organisations to 'have regard' to a scrutiny report or recommendations.

4.2 The Centre for Public Scrutiny Tenant Scrutiny guidelines suggest two areas for a scrutiny committee to be involved:

- a) referral of social housing providers to the regulator on the grounds of causing detriment to tenants and
- b) Councillors/Scrutiny helping to support tenants to submit evidence to the Ombudsman. Councillors could also act as representatives for tenants at a tribunal.

4.3 This Task and Finish Group was established by the Overview & Scrutiny Committee to carry out a review of the reasons for customer concern following this recent increase in Hyde service charges and its terms of reference were as follows:

- To identify the reasons and understand the justification for the increase in service charges and the processes used by Hyde in assessing and initiating these.
- To consider the evidence available from residents and from analysis carried out by officers.
- To establish how the Council can assist Hyde in considering its processes and in carrying out more effective consultation with residents.

4.4 The outcomes agreed for this review were:

- Review of the service charge assessment, its implementation and the processes available to mitigate the impact on individual tenants.
- Clarification from Hyde as to communication and consultation policy with tenants and future options to address issues raised by tenants.

4.5 The review was carried out over two meetings in June/July 2015 and meetings were held in private.

5. Evidence considered

5.1 Evidence was gathered from a number of areas. These included:

- Information from Hyde tenants on former and new service charges
- Evidence from the administrator of a newly set up Facebook page called Hyde Independent Resident Group of 580 members and from some of its members
- Analysis showing Hyde rents and service charges compared those of Affinity Sutton
- Information from Hyde's website relating to frequently asked questions (FAQs) and guidance on service charges
- Information from Arun & Chichester Citizens Advice Bureau on Hyde tenants who have approached that organisation for advice
- Legal advice on issues such as whether Hyde had a statutory duty to consult with tenants; the 'reasonable' test in respect of costs incurred and standard of works and services; statutory protection for tenants; making a section 21 request for relevant information; service charge disputes and escalation; and case histories.
- Attendance and questioning of Hyde tenants
- Attendance and questioning of Hyde representatives

5.2 Members heard that the Hyde Group had carried out a national exercise to increase services charges. Of the 7,890 social/affordable housing association properties in Chichester, 5,772 are Hyde properties, the vast majority of which are let at a social rent.

5.3 The difference between social rents and affordable housing rents needs to be explained. In the past social rents were based on a formula that combined local wages and local property values so that rents would be set at around 50% of local market rents. Social housing rents allowed people to work without being dependent upon housing benefit. Housing Associations are now encouraged by the Government to replace social rented housing with a new product called affordable housing. The affordable rent will be set at up to 80% of the local market rent and will normally include the service charge element within the rent.

6. Reasonableness of charges

6.1 Councillors had received multiple enquiries relating to a number of estates and blocks across the district. There appeared to be an inconsistency in services and service charges for identical properties. Examples include:

- staffing costs had increased by 215% between 2014 and 2015 despite no (or minimal) changes in cleaning service
- on an estate of 11 flats and 19 bungalows the flats had been charged £9,500 p.a. for the grass cutting and the bungalows £1,069 p.a. The tenant (from the flats) had received an estimate from a local gardener to carry out this work at a cost of £2,244.
- tenants at one estate in Chichester with multiple blocks of the same style of flats had received charges which varied considerably
- one block of flats had been charged for a communal telephone and for a lift when neither existed
- Tenants in some cases reported increases of up to 1900% in service charges

- Many tenants state that they receive minimal maintenance for the high service charges imposed.
 - At some Hyde properties there are posters up inside the stairwells stating that it is up to tenants to maintain the cleanliness and upkeep of the communal areas. These same tenants are being charged communal cleaning costs.
- 6.2 Hyde representatives explained that service charges are calculated from a standard list – such as Care Call/monitoring systems, caretaking/other staff costs, cleaning costs, communal electric bills, communal telephone calls, communal water charges, controlled door entry, fire safety including servicing and inspections, grounds maintenance, TV aerial costs, and communal Legionella – and based on historical information. Hyde holds six years of historical data to handle discrepancy issues.
- 6.3 Hyde had not been able to carry out individual visits to properties to assess the reasonableness of the increased charges - a Hyde team evaluated this as a desktop exercise.
- 6.4 Information available on the Hyde website attributes the increase in charges to certain inspection tasks and administration costs.
- 6.5 As social housing providers Hyde is unable to make money out of service charge increases.
- 6.6 Tenants' service charges are based on what is reflected in the tenancy agreement and should not normally include charges to maintain the fabric of the property they rent.
- 6.7 The management charge was 8% in 2012 and is now fixed at 15% across the board, an increase of 87.5% in 3 years.
- 6.8 An analysis of rents and service charges carried out by officers had identified some anomalies. In some cases the difference between social rents and affordable rents was marked, with social rents (including increased service charges) coming out higher than affordable rents.
- 6.9 Hyde advised that budget statements are issued to tenants detailing the estimated costs spread over the year and then up to 18 months later tenants receive the actual statement with applied variations at which point there could be either a balance to pay or credit due back to the tenant. Any variation would be as a result of amendment to contractor invoices. Hyde has in place an internal challenge process for any contractor invoice deemed incorrect.
- 6.10 Hyde is to be requested to re-examine the service charges at the properties considered as part of this review. However these properties are illustrations of something that the group has reason to believe is widespread, and whilst these properties illustrate the problem, the group would wish them to re-examine all serviced properties in the Chichester district.

7. Consultation

- 7.1 Hyde explained that the company had no legal requirement to carry out consultation with tenants prior to issuing service charge statements; however upon pressing they agreed that morally they should have consulted with tenants. No councillors are involved with or invited to attend Hyde tenants' panels.
- 7.2 Hyde did not discuss the proposed increase in service charges with Council housing officers. They did, however, raise the increase at the meeting with members on 10 March 2015 and responded further to Mrs Rudziak, Head of Housing Services, towards the end of March 2015 with further detail.
- 7.3 The first indication tenants had to the hike in service charges was receipt of their invoice statement.
- 7.4 Hyde advised that they had not carried out an impact assessment or put in place any mitigation for tenants' hardship and difficulty in paying the increased costs.
- 7.5 Despite requesting details from Hyde of the local Chichester tenants' panels, this information was not provided to us, therefore it is unclear how many local tenants are on this panel and what issues are consulted on.

8. Communication and complaints

- 8.1 There had been claims from tenants that their calls were answered by a South London operator who then had no knowledge of the Chichester operation and who to put calls through to. Hyde advised that there is a freephone telephone line and call centres in Lewisham, South London and Chichester. Calls are answered by the next available operator, the call is logged and put through to the relevant extension in Chichester. There is a minimal call charge from mobile phone.
- 8.2 Hyde advises that it aims to deal with service charge enquiries within 10 days however tenants will be informed if there is likely to be a delay of up to 28 days. There is a fast track procedure for dealing with queries for MPs and Councillors.
- 8.3 Councillors are aware of some tenants, particularly single parents, facing hardship and unable to find the extra money to cover the increased charges. These tenants have contacted Hyde to advise them of this and have received no response or scant advice on what to do. Hyde advised that their Income team handle calls relating to hardship and payment difficulty.
- 8.4 There are reports of tenants feeling fearful to approach Hyde directly to complain. They are also frustrated that they cannot get assistance or help from those they speak to at Hyde, sometimes for long periods of time. Tenants are reporting loss of work time and loss of money chasing up enquiries.
- 8.5 The group was concerned that there appeared to be a lack of ownership and empowerment by Hyde operatives in finding out relevant information and returning calls to tenants. Staff should be adequately trained in the issues they can expect to receive calls on.

9. Process of Hyde's review of properties

- 9.1 Hyde stated that they are currently in the process of creating a multi-tasking workforce to cut down on the number of contractors they use and they have a new management team in place. A new mapping system will provide greater detail for more accurate assessment of what should be included in services charges. The new system will allow Hyde to provide more detailed data for future customer enquiries.
- 9.2 Hyde had recently begun a three year project to audit all its buildings and complete a full estates review. This included asking contractors to submit tenders covering a minimum standard and providing value for money. A Residents Assurance Panel would be given access to review the tender process.
- 9.3 Hyde is sending the Council's benefits department a weekly list of service charge amendments. It is not clear whether Hyde is making these amendments to service charges by block/estate or to the tenants who have raised them.

10. Findings and Outcomes

10.1 The following findings were noted:

- There are anomalies between service charges in similar properties
- In some cases service charges have been wrongly applied
- There is no confidence in the methodology applied in reviewing these charges
- Hyde has not consulted with its tenants and has had no communication with the Council housing department regarding the service charge increases
- Communication with tenants has been poor
- There is no confidence in Hyde's ability to review queries in a timely manner
- It is costly for the tenant to pay the increased charges
- It is also costly for the tenant to take time off work and to pay telephone call costs in trying to resolve their queries (as well as frustrating and inconvenient)
- The higher service charges and the relation to benefit payments is costly to the Government and to the taxpayer
- There is a resource implication to the Council with the requirement to process benefits amendments as a result of Hyde reviewing service charges

11. Resource and legal implications

There are no significant resourcing or legal implications as a result of this review.

12. Alternatives that have been considered

There are no alternatives to consider.

13. Consultation

Consultation has been carried out with members and with tenants affected by the service charge increases imposed by Hyde to understand the scale of the problem.

14. Community Impact and Corporate Risks

There is an impact to local residents who are tenants of Hyde due to wide scale

complaint and dissatisfaction with Hyde following the introduction of increased service charges. There is a corporate risk to the council's ongoing relationship with Hyde.

15. **Other implications**

Are there any implications for the following?		
	Yes	No
Crime & Disorder:		x
Climate Change:		x
Human Rights and Equality Impact:		x
Safeguarding		x

16. **Appendices**

None

17. **Background papers**

Notes from the Task and Finish Group

CORPORATE PLAN REVIEW - TERMS OF REFERENCE, SCOPING OF WORK AND PLAN

Review topic	Corporate Plan Mid-Year Progress Review 2015
Terms of Reference	To consider a mid-year progress report for the period April to September 2015. To identify any further action that needs to be taken to challenge poor performance and to reduce any risk to an acceptable level.
TFG members	To be advised. Chairman to be advised.
Officer Support	Mr J Mildred, Mrs B Jones and service areas where necessary.
Background	The Council's Corporate Plan 2015-2018 was agreed by Council in early 2015. A number of new project proposals were developed and actions to meet the priorities within the plan. It is timely that a review is undertaken mid-way through the year to ensure that the council is achieving satisfactory levels of performance against the key project areas of the plan.
Outcomes to be achieved	<ul style="list-style-type: none"> • The council's key projects are monitored for successful delivery. • Action is taken to address any risks to the Council as a result of poor performance.
Methodology/ approach	As set out in the project plan below.
In scope	Review of progress against 2015/16 Corporate Plan projects.
Excluded from scope	Review of the council's priorities.
Consultation	None required.
Evidence sources	<ul style="list-style-type: none"> • A mid-year performance report against Corporate Plan projects taken from the Council's Covalent performance management system. • Performance updates from services areas. • Action plans to address failing performance.
Site visits	None.
Review completion date	Report to OSC 17 November 2015.
How does the review link to strategic aims and priorities?	Links to strategic priorities in the council's Corporate Plan.

PROJECT PLAN

The following Project Plan interprets the above action plan into a programme of work.

	Action	Timescale
1	First meeting to consider progress against the Corporate Plan projects for the period April to September 2015 and to identify areas where poor performance or non-completion is posing a risk to the Council and to the achievement of the expected project outcomes.	Late Oct 2015
2	Second (and possibly third) meeting should there be a need to hear from service managers and assistant directors as to progress and issues affecting non-delivery of projects.	Early Nov 2015
3	Report to Overview & Scrutiny Committee	17 November 2015