



Minutes of the Leasehold Panel for the meeting in the Civic Centre Monday the 11 June 2007.

1. Attendance. Mr P Burroughs, Ms E Obilaso, Ms D Grandson, Mr B Hines, Mr M Laheen, Ms S Rooney, Mr R Towerzey, Ms S Brown (Secretary of the HLA), Mr N Martin-Clark (Chair of the HLA).

2. Officers. Mr N Thevanesan, Home Ownership Manager, who chaired the meeting, Ms P Hinds, Strategic Client Representative, Mr W Reid, Head of Tenancy Management (West) and Mr B Nicholas, Project Officer who took the minutes.

3. Minutes of the last meeting (31 May 2007). These were agreed as a true record of the meeting.

4. Decent homes programme – the role of the Strategic Client Representative in the preparation and carrying out of the works - Pauline Hinds, Strategic Client Representative. Ms Hinds commenced by explaining the Strategic Core Group would be in overall control of the programme. It consisted of Bob Watts, Executive Director of Building Services and the Directors of the Constructor Partners. An organisation diagram is given on the next page.

Role of the Strategic Client Representative (SCR)

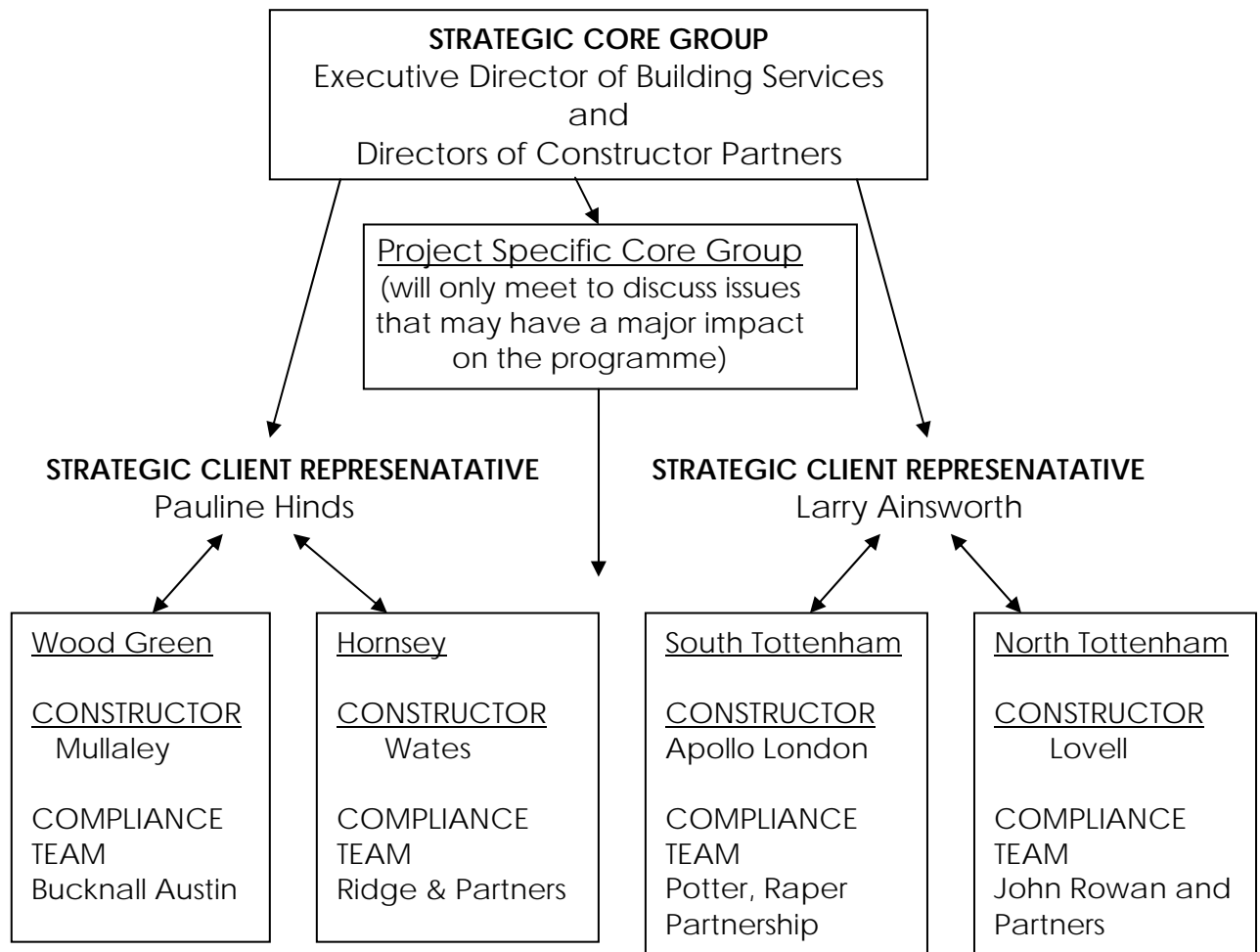
The role of the two SCRs would be to manage the relationship between the Constructor Partners, the Compliance Team and the suppliers of parts, fittings and materials (forming the supply chain).

The SCRs will agree the annual delivery programme with the Constructor Partners, the Compliance Team and the Residents to ensure that the programme is implemented on time, to budget and meets all the Key Performance Indicators.

Constructor Partners.

Four have been appointed. These are the main contractors who will be responsible for day to day matters and the project management of the Decent Homes Programme.

PARTNERING CONTRACT STRUCTURE FOR THE DECENT HOMES PROGRAMME



The Compliance Teams

There will be one for each area. They will act as client representatives and be responsible for administering the contract on a day to day basis. They will make monthly reports regarding key performance indicators, etc.

Ms Hinds said that a number of workshops involving the Constructor Partners and the Compliance Teams were planned to take place to discuss preparations for the programme. These would cover issues concerning the planning and undertaking of the works down to project level.

Workshops identified so far:

- Materials and specification
- Surveyor briefing
- Key performance indicators
- Residents Associations, tenant and leaseholder communication
- Document Management – how documents will be stored and referenced

- Codeman 4 system, utilisation to carry out analysis of the housing stock condition survey

Decent Homes Survey.

Ms Hinds explained that the briefing of the surveyors would take place at the end of June. Letters would then be sent to residents introducing them to their Constructor Partner, who would then notify them of the survey dates etc at the appropriate time.

Draft Outline Plan

1. Commence workshops – June 07
2. Start surveys – July 07
3. Constructor Partners to develop year 1 programme – Sept 07
4. Agree final specification, material supply chain arrangements – Oct 07
5. Constructor Partners to develop year 2 to 4 programme – Jan 08
6. Set up administrative offices for each contract area – Jan 08
7. Agree Approved Maximum Price for each year 1 project – Feb 2008
8. Start on pilot projects (previously identified) – March 08
9. Start on site – main programme year 1 – May 08

Mr Towerzey asked who would be the person on site to contact about any problems. Ms Hinds responded that this would be the Resident Liaison Officer (RLO). Mr Martin-Clark expressed the view that the RLO should be employed by the Compliance Team rather than the Constructor Partner. Ms Hinds responded that the Compliance Team would have project managers with responsibility for these matters and there would also be a complaints procedure. Ms Rooney asked how the most competitive prices would be obtained. Ms Hinds responded that this would be done through the use of models and surveys. Mr Martin-Clark asked whether more details could be provided about the models which were used in the tendering process. Ms Hinds said that she would look into the matter.

Mr Burroughs suggested that it would be advantageous if a more detailed breakdown of proposed works could be provided with the estimate included with the Section 20 Notice. This would enable leaseholders to monitor more closely the work and report if anything was omitted. Mr Towerzey said he agreed with this – he felt that more detail needed to be provided to avoid the possibility of any ambiguity. Mr Thevanesan agreed that as much information should be provided as practically possible.

5. Policies to combat low level anti-social behaviour (ASB) - Winston Reid, Head of Tenancy Management (West). Mr Reid provided some detailed explanatory notes which are attached to these minutes (Appendix A). He commenced by saying that he was one of four heads of tenancy management, the others being: Paul Dennehy Head of Tenancy

Management (South), Rachel Hawley joint Head of Tenancy Management (North) and Sharon Morgan joint Head of Tenancy Management (North). He explained that Homes for Haringey work closely with the Council's Anti Social Behaviour Action Team (ASBAT) regarding the more serious cases. It includes a Police Officer and a Solicitor.

In the first place the person who wishes to report low level ASB should contact their Tenancy Management Officer or phone 0800 195 3404. The TMO will be able to log the details on the system. Within 24 hours of the call being logged someone will contact you.

Action that can be taken in less serious cases (low level).

- **Interviews:** Generally we will need to meet and talk to get a picture of the problem, e.g. who is affected, how they are affected, where and when it happens. Our target time to contact and or interview the person who has reported the matter is **5 days** from the date the case is referred to the TMO.

The interview will cover matters such as obtaining agreement to contact and or write to the alleged perpetrator, explanation of the Victim Support Pack and so on. The Police and other agencies may be involved as appropriate.

- **Action Plan:** This may be required in more complex cases. It sets out the range of actions to be taken to try and resolve the problem. It involves monitoring and review of outcomes. However in many instances the victim may only want us to write/speak to the perpetrator(s) to get them to change behaviour/cease their ASB activities.
- **Mediation:** problems can sometimes be resolved at an early stage by the use of an independent mediation service – Camden Mediation Service. Mr Reid explained that it seeks to help you and the other person talk to each other to try and come to an agreement. It operates completely independently of Homes for Haringey and the Council and does not submit reports or have any contact with either body about individual cases.

Action that can be taken in more serious cases

All these policies for addressing serious ASB are carried out by the Anti Social Behaviour Team (ASBAT).

- **Anti Social Behaviour Order:** This is applied for through Civil Court Action. There is no need for witnesses to attend court to give evidence. Hearsay evidence can be submitted. An ASBO lasts for 2-5 years. Any breaches can lead to imprisonment for up to 5 years.

- **Injunction:** This is Civil Action and lasts for 2 years.
- **Dispersal Order:** This is often used to stop groups engaging in unruly, drunken behaviour.
- **Crack House Closure:** This is when the Council closes a property that is being used by drug users, drug dealers. The Closure Order can last for up to 3 months and can be extended to 6 months. During the period of closure the premises are sealed and it is an offence to enter or be in the property. However the tenants (or owners) do not lose the property permanently.
- **Acceptable Behaviour Contract:** This is an agreement between the perpetrator and the council, along with the police and lasts for 6 months.
- **Possession Order:** This results in eviction in the case of a tenant but is a lengthy process.
- **Committal.** This results in the imprisonment of a person who has broken the terms of an order such as an ASBO or an Injunction.

Mr Reid said that ASBAT works closely with the Police and other agencies, such as youth associations. It is now also developing closer working relations with local housing associations. It has an education programme to promote awareness among young people as to the damaging effects of ASB on the health and wellbeing of the victims of such behaviour. The team had considerable success in combating ASB last year – further details are contained in the notes provided by Mr Reid.

Mr Towerzey said that there were sometimes problems where leaseholders sublet their properties and the tenants caused problems to their neighbours. Mr Reid replied that under the terms of the lease the leaseholders are responsible for the behaviour of anyone living in the property. They would therefore be held accountable for the actions of their tenants.

Ms Brown referred to groups of children playing in areas where they should not, when they caused a nuisance near to people's flats. She pointed out that all the signs which used to prohibit such activities have been removed – "Residents only" and "No ball games", etc. However these signs she said serve an extremely important purpose. Mr Reid explained that new signs have been produced in accordance with the pictogram style which has now become the standard. He agreed that some of the old signs might have been removed before the new replacements were ready. Ms Brown requested to know what action was now being taken regarding these matters.

- ❖ **Action points.** Mr Thevanesan agreed to obtain more information regarding the policies for installing such signs on the Council's estates.

A question was raised concerning noise nuisance. Mr Reid responded that the Council's Noise Nuisance Team deals with all issues of excessive noise – ASBAT do not get involved. Mr Burroughs said that it would be a good idea if more use could be made of specialist noise monitoring equipment in such cases. Mr Reid explained that it had not been found to be very effective. It requires a high level of expertise for it to be used and it was apt to be unreliable in many cases. The problems caused by laminated flooring were mentioned and Mr Reid confirmed that specific permission was now required from tenants prior to its installation.

Mr Towerzey suggested that more use should be made of independent witnesses in cases of harassment and ASB. Mr Reid responded that this type of approach incurred a lot of costs and was often not very effective. The Council was able to deploy CCTV monitoring vans in areas where there were significant problems and these have achieved some very good results. He explained that the use of these vans has to comply with strict regulations regarding privacy. Their methods of operation have been strictly vetted by the Police and have been carefully checked for compliance with Home Office guidelines.

6. Options for paying for major works - consideration of a report on the options provided by other boroughs which had been presented to the last meeting on the 31 May. At this meeting Ms Badiani had explained the current options. Since the Council now proposed to start billing leaseholders soon after the issue of the Section 20 Estimate, a review is being undertaken of the payment options.

Mr Martin-Clark said that the report on other boroughs which had been provided to the meeting on the 31 May contained a lot of very useful information. However the HLA considered that in view of the amount of information contained in the report and the number of issues involved, the Panel should have more time to consider the issues. Mr Thevanesan agreed and said that the subject would be discussed at the Leaseholders Forum (7 July) and tabled again at the Panel meeting on the 30 July.

Mr Laheen expressed the view that there should be a minimum interest free period of 3 years for people to pay large bills – other Panel Members concurred. It was agreed that it was very much to the advantage of the Council to take a flexible approach to payment options, since leaseholders who get into debt cause a lot of work administratively. Furthermore it was noted that in some cases when these matters go to Court, the Judge can decide to waive interest on the debt, which results in significant losses to the Council.

Mr Burroughs advocated the use of some type of system of advance payments. Mr Thevanesan said that this had been used in the past, but it had incurred a lot

of problems. Many leaseholders objected to making payments in advance and disliked the fact that they received no interest in respect of the amounts paid. Mr Towerzey said that leaseholders would be better off holding the money themselves in their own accounts. Ms Brown referred to the fact that under the proposed change leaseholders would now receive the invoice before the work was completed. She felt there was a danger that under this system less notice would be taken of any comments or complaints leaseholders wished to make about the quality of the work. Mr Thevanesan responded that there would be clearer procedures in future to provide leaseholders with full assurance that their complaints would be addressed before the contractors left the site.

7. Top ten performance areas. All Panels are being consulted about these at present – to find out what they feel should be the priorities.

It was agreed to defer this matter until the next meeting.

8. Leaseholders Forum – proposed arrangements. Mr Thevanesan advised the meeting that a constructor partner had been invited as a guest speaker and that Ola Akinfe, Head of Asset Management would speak on the subject of consulting and involving residents in the decent homes programme. Panel Members indicated their agreement to these proposals.

9. Any other business.

Mr Martin-Clark raised a question about the Council's application to the Leasehold Valuation Tribunal (heard on the 30 March 2007). It was made to obtain dispensation from strict compliance with the regulations in respect of the Section 20 Notice concerning the appointment of the contractors for the Decent Homes Programme. He asked how much leaseholders would be charged for the cost of this application. Mr Thevanesan responded that he anticipated the cost to each leaseholder would be about £2.80 and that this would be added to the management fee. Ms Brown said she understood that three quarters of the costs were incurred on account of the engagement of a QC to represent the Council at the hearing. She considered that the use of such a pre-eminent lawyer could not be justified in this case.

Mr Thevanesan responded that the sums recoverable over the next 5 years would exceed £40 million. Jonathan Brock was the leading authority in this area of the law, so it was felt appropriate to draw upon his expertise. Ms Brown countered that other barristers would have cost far less and that the Council's Legal Department were already providing advice on these matters. Mr Martin-Clark agreed – a QC was not appropriate for a Tribunal he felt. After all leaseholders were not legally represented and no other council had used the services of a QC in such cases – they had all been represented by barristers. He

felt that in future the Leasehold Panel should at least be consulted prior to the finalisation of the arrangements in such cases.

10. Conclusion. Mr Thevanesan thanked Ms Hinds and Mr Reid for their very interesting talks.

APPENDIX A

Tackling Anti Social Behaviour in Haringey

The Anti Social Behaviour Action Team (ASBAT) was launched in North Tottenham as a pilot scheme in October 2003 and was established across the borough in April 2004. The team is dedicated to tackling more serious and complex cases of ASB, along with complimenting and supporting Homes for Haringey's Housing Management Service. ASBAT also work in partnership with other agencies.

The team consists of 1 Team Manager, 2 Team Leaders, 9 ASB Officers, 2 Assessment Officers, 1 Police Officer, and 1 Solicitor. They work Monday – Friday, 9-5pm. At times they carry out duties outside office hours if a case requires this. ASBAT have their own CCTV equipment which is used for covert surveillance on very serious cases to gather evidence.

HOW YOU MAKE A COMPLAINT.

- The council has invested some of your money in providing a dedicated telephone line and database for residents of Haringey to call and make complaints. The number is **0845 671 1177**. This line is open on Mondays and Fridays 8am till 6pm. On Tuesdays, Wednesdays and Thursdays 8am till 8pm.
- You call the number and Customer Services log your complaint onto the database. The call is then passed onto our Assessment Officers who will contact you and assess your complaint with **24 hours**. If it is low level nuisance it is referred to Homes for Haringey's Tenancy Management Officer or the Private Sector Team. If the matter is serious, it remains with ASBAT for investigation.
- If your complaint remains with ASBAT, it is assigned to one of the ASB Officers who will then contact you and carry out the investigation. The Officers will provide you with a detailed action plan; nothing will be done without your knowledge/permission. Their role is also to gather evidence and liaise with the solicitor as to what legal action can be taken.

Homes for Haringey and ASBAT has a detailed and comprehensive procedure manual to work to when dealing with ASB.

ACTION THAT CAN BE TAKEN – Less serious cases (Low level)

- **Interviews:** In most cases we will need to meet and talk to get a picture of the problem eg who is affected, how they are affected, where and when it happens, and why you think the person is acting anti-socially. Our target time to contact and or interview the victim is **5 days** from the date the case is referred to the TMO.

The interview discussion should, where appropriate, include

- Agreement to contact the alleged perpetrator
 - Offer to contact other agencies
 - Advice about enforcement powers, security measures, support available
 - Advice and encouragement to report the matter to the Police
 - Explanation of the Victim Support Pack, including the importance of keeping accurate diary sheets
- **Action Plan:** This sets out the range of actions to be taken to try and resolve the problem. In many instances the victim may only want us to write/speak to the perpetrator(s) to get them to change behaviour/cease their ASB activities.

On more complex or serious issues, an Action Plan is drawn up with the victim and this is closely monitored and reviewed to see if it was successful.

- **Mediation:** problems can be resolved at an early stage by the use of mediation. This independent service could help you and the other person talk to each other to try and come to an agreement

ACTION THAT CAN BE TAKEN – Serious cases

- **Anti Social Behaviour Orders:** This is Civil Action. No need for witnesses to attend court to give evidence. Hearsay evidence can be submitted. Lasts for 2-5 years. Any breaches can lead to imprisonment for up to 5 years.
- **Injunctions:** This is Civil Action. No need for witnesses to attend court to give evidence. Hearsay evidence can be submitted. Lasts for 2 years. Any breaches can result in imprisonment for up to 2 years.
- **Dispersal Orders:** This stops people from congregating in certain areas in large groups. Police can ask people to move on from a Dispersal zone. Our team collect the evidence and the police obtain the orders.
- **Crack House Closures:** This is when the Council seize properties that are been used by drug users, drug dealers. We work very closely with the police, close the property and ban the tenant, guests from returning to the property.

- **Acceptable Behaviour Contracts:** This is an agreement between the alleged perpetrator and the council, along with the police. The perpetrator agrees not to engage in certain types of behaviour. Their behaviour is monitored for a period of 6 months; if the behaviour does not improve further legal action can be taken.
- **Possession Orders:** The Council can make an application to the courts to repossess a council property. This means that the courts grant an order for the person to be evicted from their property. This is a long process and is used as a last resort.
- **Committals:** This is when a person has breached an order that has been granted by the courts, ASBO, Injunction. The Council makes an application to the courts to have the person sent to prison for breaching a court order.

PARTNERSHIP WORK:

ASBAT work very closely with other agencies. A few examples are:

- Police.
- Social Services.
- Youth Inclusion Support Panel and Youth Offending Team.
- Drug Advisory Services Haringey.
- Mental Health Teams.
- Victim Support.
- Home Office/Immigration
- Housing Associations..... to name but a few.

SUCSESSES in 2006/07.

- 3 Anti Social Behaviour Orders.
- 22 Crack House Closures
- 28 Injunctions.
- 26 Acceptable Behaviour Contracts.

Winston Reid
Head of Tenancy Management West
June 2007