CABINET

URN: 23-069

Report Title: HRA Service Charge Review Update

Report to: ELT

13 December 2023

Cabinet

29 January 2024

Responsible Cabinet Member: Cllr Graham Plant

Responsible Director/Officer: Nicola Turner, Head of Housing Assets

Is this a Key decision? Yes

Date added to Forward Plan of Key Decisions if a Key Decision: 17 July 2023

EXECUTIVE SUMMARY / INTRODUCTION FROM CABINET MEMBER

This report outlines a proposed revised approach to charging Council Tenants and Leaseholders for services provided to their homes. Currently tenants pay the same charge for caretaking services despite a range of service levels being delivered in different locations. In addition, there are services which are provided to some homes but not all for which no service charge is currently charged and this report proposes de-pooling these charges to allow new service charges to be introduced.

Cabinet previously approved a consultation of tenants and leaseholders on introducing the above changes and this report details the outcome of that consultation and recommends that the new approach is introduced from April 2024.

RECOMMENDATIONS:

That Cabinet:

- 1) Approve the new approach to charging tenants for services provided through the Housing Revenue Account as set out in the report.
- 2) Approve the new approach to charging leaseholders for services provided through the Housing Revenue Account, subject to no material objections being received during the next two stages of consultation.
- Note that the actual costs of service charges will be set as part of the 2024/25 Housing Revenue account budget.



1. Introduction

- 1.1 The Council provides a range of caretaking and gardening services that support the management and provision of a clean, safe environment for residents accessing communal areas adjacent to the Council's social housing homes. Service charges to tenant/leaseholders should fully cover the cost of providing these services, however this is not currently the case as not all services provided are funded by a service charge.
- 1.2 In September 2023, Cabinet considered a report which set out a new approach to charging for the provision of services to Council tenants and leaseholders which would result in the Council de-pooling the cost of a number of services which are provided to some but not all tenants but for which there is not currently a service charge paid. As the cost of these services is not currently recovered via a service charge, the cost of these services is met from the Housing Revenue Account rental income meaning all tenants pay for these services irrespective of whether they receive the service or not. The report also proposed a new approach which would mean the introduction of different charges to reflect the different level of services provided. Overall, the new approach is designed to increase transparency and fairness so that tenants and leaseholders pay specific service charges for the services they receive and the charge reflects the level of service they receive. This will also allow tenants and leaseholders to hold the Council to account for the cost and quality of services provided.
- 1.3 The report approved by Cabinet, recommended that a consultation was undertaken of all tenants and leaseholders to seek their views on the proposed changes to allow Cabinet to make a final decision as to whether or not the approach to service charges would be changed. Following Cabinet's approval of the report and the consultation, a letter and questionnaire was sent to all Council tenants to seek their views on the proposed changes. A separate questionnaire was sent to leaseholders as they currently pay for garden maintenance services and so there was no requirement to consult them on the introduction of such a charge. Copies of the questionnaires are attached at Appendix A. Whilst a paper questionnaire was sent, there was also the opportunity to complete the survey online. The consultation ran from Friday 6 October 2023 to 11.59pm on Sunday 5 November 2023. This report provides details of the outcome of the consultation and seeks Cabinet approval of the next steps.

2 Consultation Results

- 2.1 A total of 855 responses were received to the survey. This included 790 (13.85% response rate) tenant responses and 65 (17.95% response rate) leaseholder responses. 10.38% of surveys were completed online. Whilst 855 completed survey forms were received, not all tenants or leaseholders completed all questions.
- 2.2 The headline results are shown below, with detailed results for each question shown at Appendix B.

Tenant and leaseholder consultation results:

Question	% Of respondents who agree/consider it fairer
Do you agree with the principle that tenants and leaseholders who receive a more frequent service such as caretaking or grounds maintenance should pay more than those tenants who receive a less	
frequent service?	60.91%
Do you agree with the proposal to change the caretaking charge so there are different service charges to reflect how often the caretakers visit and clean an area or how often the grounds maintenance service cut the	
grass/tidy communal areas?	62.23%
Do you think having different costs for services to reflect the frequency of that service will be fairer than all tenants/leaseholders paying the	
same charge?	66.51

Tenant consultation results (reflecting additional questions only asked of tenants)

Question	% Of respondents who agree/consider it fairer
Do you agree with the principle that only those tenants who receive a service should pay for that service? For example, should only tenants who have communal areas pay for the grounds maintenance of those areas, rather than this cost being paid out of the rent of all council homes?	66.63%
Do you agree with the proposal to introduce service charges for the tenants who receive that service, so it is no longer part of the rent (de-pooling)? For example, introducing charges for tenants who live in flats and have communal lighting or charging for grounds maintenance of communal areas.	52.07%
Do you think showing service charges separately from rent is fairer than what we currently do?	64.01%

2.3 The Survey of Tenants and Residents (STAR survey) carried out in December 2022 and January 2023 showed that some tenants and leaseholders had made comments that the Council does not collect grass cuttings when the grass on the Council's housing estates is cut. The survey therefore asked an additional question, to see whether there was support in principle to increase the grounds maintenance service charge to cover the costs of grass collection. Of all those that answered this question, only 25.33% of respondents supported an increased charge, 52.08% did not support an increased charge and 22.59% did not know. It is therefore not proposed to enhance the specification of the grounds maintenance contract to include grass collection and the cost of grounds maintenance will continue to be on the basis of cutting of grass areas only.

- 2.4 Analysis of the survey has shown that there was a difference in views depending on the type and tenure of home occupied by respondents:
 - Leaseholders had a greater tendency to support the principles and proposals than tenants
 - Sheltered tenants tended to be less supportive than tenants as a whole across all questions
 - Tenants with a communal areas / shared space are less in agreement across all questions
 - Where respondents said they had no communal area, they were more supportive of the proposals
 - Tenants living in flats were more in agreement across all questions with tenants in houses less likely to agree.

3.0 Next Steps

- 3.1 Overall, 52% of tenants support the proposed approach of de-pooling. 62% of tenants and leaseholders agreed with the proposal to introduce differential charges to reflect different levels of service provision and 67% thought this would be fairer. On this basis, it is proposed that the Council will de-pool those areas of services which are provided to some tenants and not all and introduce differential levels of service charges to reflect the different levels of service. The earliest these changes could be made are from 1 April 2024, although some service charges may not be able to be introduced before April 2025. This will see the following new service charges being introduced for tenants:
 - Grounds maintenance charge to include differential charges to reflect different levels of grounds maintenance service
 - TV aerial (properties not on current TV aerial contract and service charge)
 - Communal lighting
 - Blinds and other furnishing (Jubilee Court and future new build homes only reflecting what is provided and maintained by the Council)
 - Road and estate maintenance charge (rates will be differential reflecting contractual cost of maintenance charges to the Council)

In addition the Enhanced Tenancy Management Charge for sheltered homes will be renamed the Sheltered Housing Management Fee to aid transparency on what this service charge relates to.

The existing Caretaker Basic and Caretaker Enhanced service charges will be replaced with new Internal Caretaking and External Caretaking charges with differential rates to reflect the frequency of the service.

The following new charges will be introduced for leaseholders:

- Road and estate maintenance charge (rates will be differential reflecting contractual cost of maintenance charge to the Council)
- 3.2 As part of the development of the Housing Revenue Account budget for 2024/5, the Council will review the costs of all services it provides through service charges. The new service charges costs will be approved as part of the approval of the 2024/5 Housing Revenue Account budget.
- 3.3 Tenants will be notified of the new service charge amounts through their statutory rent increase notification. In accordance with legislative requirements, leaseholders require three stages of consultation before the changes can be introduced with effect from April 2024. The initial consultation letter and questionnaire started this process, with a second letter required to be sent following Cabinet and the final letter sent in February 2024. All consultation responses will be considered before the final decision is made to implement the changes set out in this report.
- 3.4 Following consideration by Cabinet of this report, tenants who purchase their home through the Right to Buy scheme and purchase a freehold house or bungalow which benefits from communal area will be charged an annual grounds maintenance fee, with the charge reflecting the applicable rate for a tenanted property.

4.0 Financial Implications

4.1 De-pooling service charges and introducing differential rates for service charges to reflect different levels of service provision will have minimal impact upon the Housing Revenue Account in the medium term. Service charges must reflect the cost of provision and are therefore charged on a cost recovery basis, although the cost charged to leaseholders includes an element to reflect the management costs associated with delivering the services and the costs of the leasehold service. It is however, noted that the Enhanced Tenancy Management Fee for sheltered housing does not fully cover the cost of the sheltered housing service and some cost is therefore met from rental income.

Existing social rent tenants will see no increase in their total housing cost as a result of the changes set out in this report as the cost of de-pooled service charges is deducted from the net rent. The only change in cost from April 2024 onwards will reflect annual rent increase and review of service charge costs. The rent for tenants on Affordable Rents is inclusive of service charges already and so this change will not change the total rent which can be charged, subject to the April 2024 rent increase.

New tenancies created from 1 April 2024 and let on a social rent, will not have their rent discounted to reflect introduction of the new service charges.

5.0 Risk Implications

5.1 The approach will provide all tenants and leaseholders with clear understanding of the services they receive and the cost of these services. This increases transparency and ensures that the Council can be held to account for the services it provides through the Housing Revenue Account. Whilst this may lead to more queries and challenges on service charge costs or the quality of services, the Council has a clear and consistent approach to calculating service charges based on costs of service delivery.

6.0 Legal Implications

6.1 The Housing Act 1985 and Landlord and Tenant Act 1985 legislation includes a specific requirement for landlords to consult on all major changes to a tenant/leaseholders tenancy/lease agreements. All tenants/leaseholders have been consulted on the changes set out in this report, the outcome of that consultation has informed this report and the recommendation to implement de-pooling and the introduction of differential service charges to reflect different levels of services.

7.0 Background Papers

HRA Service Charge Review – Cabinet Report 11 September 2023

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Consultations	Comment
Monitoring Officer Consultation:	Pre-circulated for comment
Section 151 Officer Consultation:	Pre-circulated for comment
Existing Council Policies:	N/A
Equality Issues/EQIA assessment:	All tenants and leaseholders were consulted on the proposed change. An EQIA will be undertaken of the impact of the changes set out in the report.



Service Charge Consultation

We would very much value your views about some proposed changes to how rent and service charges are set by Great Yarmouth Borough Council, investment in the Council's homes and how we communicate with you. Please take a few minutes to answer the questions here and, at the end of the survey, there is some information and definitions to help explain what is being proposed. If you prefer to complete this survey online, please use the link below or scan the QR code.



Link: https://forms.office.com/e/VZPecEwa60

We are asking for your name and address to support feedback to any questions and comments.

Name:		
First line of address:		
Email:		

Section 1 – About your home

1.	What type of home do you live in?
Flat [Bungalow Maisonette House
2.	Do you have a communal area / shared space
Yes [No
3.	Do you live in sheltered housing?
Yes [No No

Section 2 – Service Charges

4. Do you agree with the principle that only those tenants who receive a service should pay for that service? For example, should only tenants who have communal areas pay for the ground's maintenance of those areas, rather than this cost being paid out of the rent of all council homes?

Strongly agree	Agree	Not sure	Disagree	Strongly disagree
5. Do you agree who receive that ser introducing charges charging for ground	vice, so it is n for tenants v	o longer part of vho live in flats :	the rent (de-poo and have comm	
Strongly agree	Agree	Not sure	Disagree	Strongly disagree
6. Do you think s currently do?	howing servi	ce charges sepa	arately from rent	is fairer than what we
Strongly agree	Agree	Not sure	Disagree	Strongly disagree
7. Do you agree v service such as caret tenants who receive	aking or grou	unds maintenai	ts who receive a nce should pay n	
Strongly agree	Agree	Not sure	Disagree	Strongly disagree
8. Do you agree v different service cha how often the grour	rges to reflec	t how often the	caretakers visit a	
Strongly agree	Agree	Not sure	Disagree	Strongly disagree
9. Do you think h service will be fairer	-			e frequency of that
Much fairer 🦳 Ye	s, this is fair [Not sure [Unfair 🗌	Very unfair
The Feedback from and feedback from t and leaseholders had grass is cut. The curr of grass cuttings. The	the Caretakin ve commente rent contract	g and Gardenir ed that grass cu for grounds ma	ng surveys, shows Ittings are not co Intenance does	s that many tenants Illected when the not include collection

of grass cuttings. The council is considering amending this contract to include grass cutting collection, but this would increase the service charge for people as it would be an enhancement of the current service. At the moment, we do not know how much extra this would cost, but we do want your views on the principle of introducing an additional charge to collect grass cuttings. 10. In principle, do you support the grounds maintenance charge being higher if grass cuttings were collected?

Yes	No	I don't know	
	Sec	tion 3 – Getting involved	
	. .	roducing a new Housing Investment Plan which will provid t plan for the next five years setting out how the Great	е

a clear, costed investment plan for the next five years setting out how the Great Yarmouth Borough Council will invest in existing and new council homes. The plan is in its very early stages, and we would like your views on the plan and how your rent is invested in new and existing homes. You can be involved by attending a workshop, answering some survey questions online or via a paper survey. We are also developing a number of new policies, such as the Estates Services Policy and reviewing existing policies and strategies and we would like your thoughts on these to ensure they reflect what you think is important.

If you would like to be involved and share your views, please let us know how you would like to be contacted and what you would like to be involved with. There is no commitment, and you can change your mind at any time. If you do not want to get involved please answer question 13 below.

11. How do you want to be involved? (tick all that apply)
Attend a workshop Complete a paper survey Complete an online survey
12. Do you want to be involved in the development of:
Housing Investment Plan Other strategies and policies
Something else? – If yes please state below (what is important to you that you would like to have a say on)

Section 4 – News & Views Magazine

Please let us know what types of articles and information you would like included in future editions of News and Views. Please tick all that apply. Please also tell us if there is anything else would like to see in News and Views. **Information on:**

Support to help me manage my finances
Support to help me manage my tenancy My rights and responsibilities as a tenant
The service standards for the housing service
Damp and mould – how the Council will respond to reports of damp and mould 🗌

13. Articles on:

How to share your views on the service	
A day in the life of a Housing employee (i.e. Caretaker, Housing Officer)	
Grants available to improve your local area	
New schemes and initiatives	

Please use the space here to list your ideas on what else you would like to see included:

14. News and Views is a magazine which is distributed at least twice a year. Would you be interested in receiving a digital version by email or receiving a link to an interactive online version? Please let us know how you would prefer to receive News and Views in the future:

Through the post as a magazine				
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By email

An email link to an online interactive magazine

Thank you for sharing your views. Please return your completed form using the pre-paid envelope by 6 November 2023.

Service Charge Consultation Information and Definitions

What is a communal area?

Any shared area available for tenants including green space, paved areas, drying areas, stairwells, internal corridors or walkways.

What is grounds maintenance?

Cutting the grass in communal areas, maintaining shrub beds and trees in communal areas, weed control and sweeping of paved areas.

What is caretaking?

Caretaking includes health and safety checks, cleaning of internal areas and removal of litter.

How would new service charges be calculated?

If a grounds maintenance charge was introduced, the annual cost of the service would be divided by the number of homes which benefit from the service. This annual cost per property would be divided by 50 weeks to work out the weekly service charge.



Leaseholder Service Charge Consultation

Please let us know your view on the proposed changes to service charges. At the end of this survey is some additional information and definitions in relation to the proposed changes.

Name:			
First line of addres	55:		
Email:			

Survey Questions

1. Do you have a communal area / shared space
Yes No
2. Do you agree with the principle that tenants and leaseholders who receive a more frequent service such as caretaking or grounds maintenance should pay more than those tenants who receive a less frequent service?
Strongly agree Agree Not sure Disagree Strongly disagree
3. Do you agree with the proposal to change the caretaking charge so there are different service charges to reflect how often the caretakers visit and clean an area or how often the grounds maintenance service cut the grass/tidy communal areas? Strongly agree Agree Not sure Disagree Strongly disagree
Strongly agree Agree Not sure Disagree Strongly disagree
4. Do you think having different costs for services to reflect the frequency of that service will be fairer than all leaseholders paying the same charge?
Much fairer Yes, this is fair Not sure Unfair Very unfair

5. The Feedback from the Survey of Tenants and Residents carried out earlier this year and feedback from the Caretaking and Gardening surveys, shows that many tenants and leaseholders have commented that grass cuttings are not collected when the grass is cut. The current contract for grounds maintenance does not include collection of grass cuttings. The council is considering amending this contract to include grass cutting collection, but this would increase the service charge for people as it would be an enhancement of the current service. At the moment, we do not know how much extra this would cost, but we do want your views on the principle of introducing an additional charge to collect grass cuttings.

In principle, do you support the grounds maintenance charge being higher if grass cuttings were collected?



6. News and Views

Please let us know what types of articles and information you would like included in future editions of News and Views. Please tick all that apply. Please also tell us if there is anything else would like to see in News and Views.

Articles on:

How to share your views on the service	
A day in the life of a Housing employee (i.e. Caretaker, Housing Officer)	
Grants available to improve your local area	
New schemes and initiatives	

Please use the space here to list your ideas on what else you would like to see included:

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Through the post as a magazine
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What is caretaking?

Caretaking includes health and safety checks, cleaning of internal areas and removal of litter.



Appendix B: Consultation Results

A total of 855 surveys were returned:

- Tenant responses 790
- Leaseholder responses 65

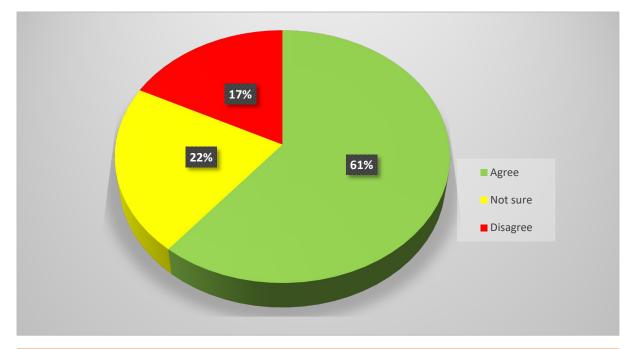
Note that not all questions were responded to for each returned survey. The charts show the percentage of responses to the specific question.

For tenants, where the respondent provided this information, the results below are broken down according to the type of home.

The charts below show the responses for each question in the order asked in the survey.

Section 1: Questions asked of both tenants and leaseholders

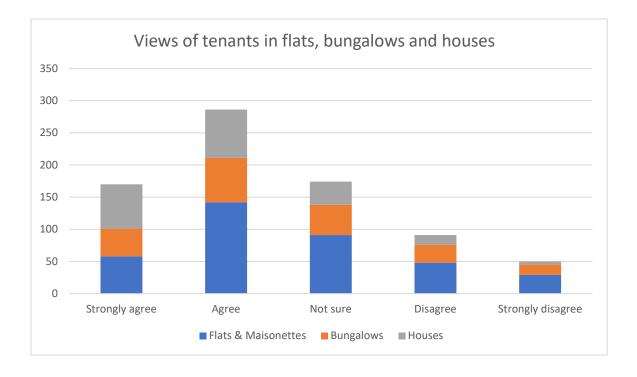
Question: Do you agree with the principle that tenants and leaseholders who receive a more frequent service such as caretaking or grounds maintenance should pay more than those tenants who receive a less frequent service?



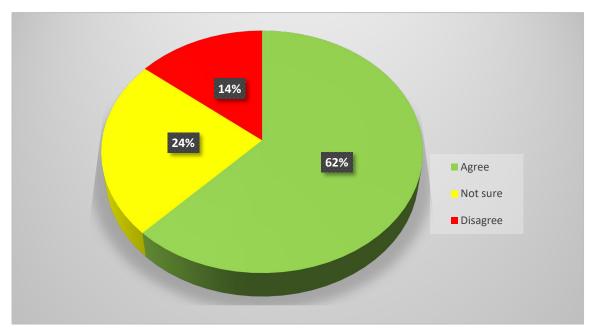
Respondent	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Response percent agree
TOTAL Combined	205	306	181	94	53	60.91%
Tenants only	172	287	175	92	50	59.15%
Leaseholders	33	19	7	2	3	82.54%

The table below provides a breakdown of responses by property type (tenants only):

Answer Options	Bungalow	Flat	House	Maisonette	Not known	Response percent	Response count		
Strongly agree	43	53	69	5	1	22.09%	171		
Agree	69	139	75	3	0	36.95%	286		
Not sure	47	87	36	4	1	22.61%	175		
Disagree	28	46	15	2	1	11.89%	92		
Strongly disagree	16	27	5	2	0	6.46%	50		
	Total tenants answered								
				Total skipped /	' anonymo	ous address	16		



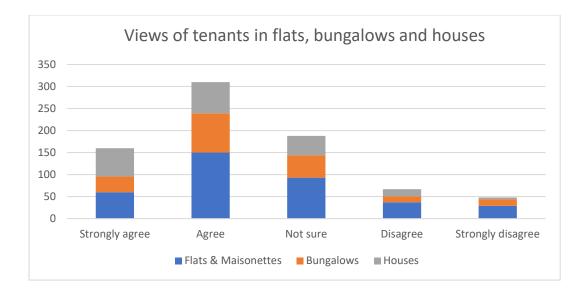
Question: Do you agree with the proposal to change the caretaking charge so there are different service charges to reflect how often the caretakers visit and clean an area or how often the grounds maintenance service cut the grass/tidy communal areas?



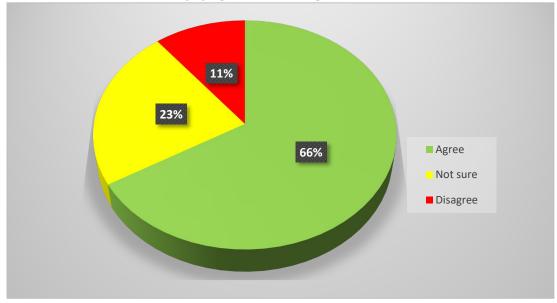
Respondents	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Response percent agree
TOTAL Combined	193	331	199	69	50	62.23%
Tenants	161	313	189	67	48	60.93%
Leaseholders	32	18	10	2	2	78.13%

The table below provides a breakdown of responses by property type (tenants only):

Answer Options	Bungalow	Flat	House	Maisonette	Not known	Response percent	Response count		
Strongly agree	36	56	64	4	1	20.70%	161		
Agree	89	144	71	6	1	40.10%	311		
Not sure	51	89	44	4	1	24.32%	189		
Disagree	14	37	16	0	0	8.67%	67		
Strongly disagree	15	27	4	2	0	6.21%	48		
Total answered									
Total skipped									



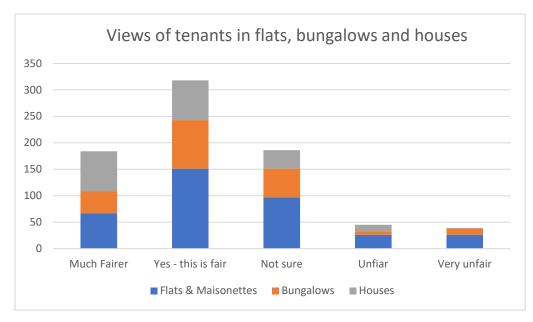
Question: Do you think having different costs for services to reflect the frequency of that service will be fairer than all tenants paying the same charge?



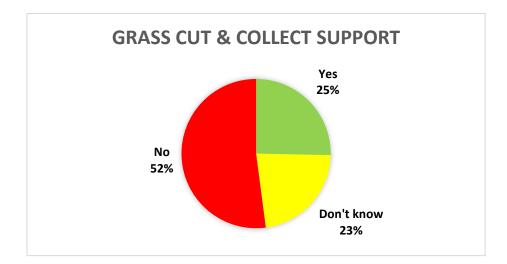
Respondents	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Response percent agree
TOTAL Combined	216	344	192	47	43	66.51%
Tenants	185	322	186	67	48	65.25%
Leaseholders	31	22	6	2	4	82.81%

The table below provides a breakdown of responses by property type (tenants only):

Answer O	ptions	Bungalow	Flat	House	Maisonette	Not known	Response percent	Response count	
Much fair	er	41	62	76	5	1	23.87%	185	
Yes – this	is fair	92	145	75	6	2	41.29%	320	
Not sure		54	94	35	3	0	24.00%	186	
Unfair		7	26	12	0	0	5.81%	45	
Very unfai	ir	12	24	1	2	0	5.03%	39	
Total answered									
	Total skipped								



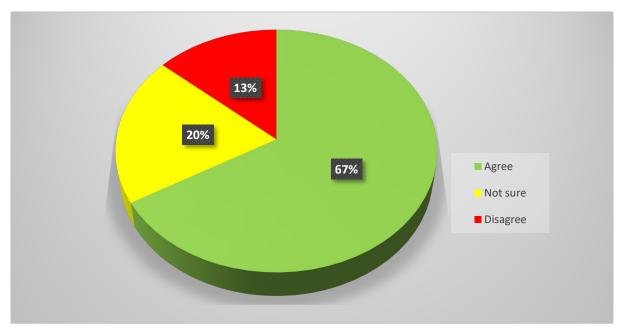
Question: In principle, do you support the grounds maintenance charge being higher if grass cuttings were collected?



Q7 - Grass Collection	Yes communal area	No communal area	Live in sheltered housing	Leasehold	Overall	Percentage overall
Yes	92	113	61	7	213	25.33%
Don't know	64	175	39	15	190	22.59%
No	193	109	122	41	438	52.08%
	841					
	9					

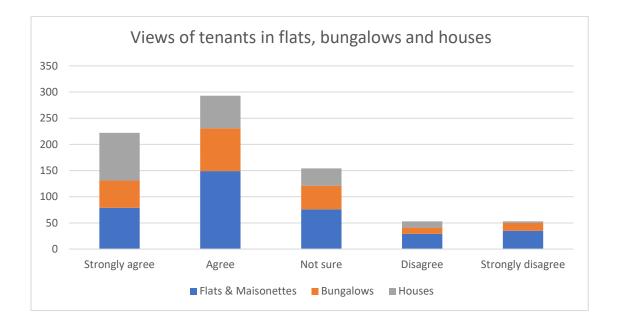
Section 2: Additional questions for tenants

Question: Do you agree with the principle that only those tenants who receive a service should pay for that service? For example, should only tenants who have communal areas pay for the ground's maintenance of those areas, rather than this cost being paid out of the rent of all council homes?

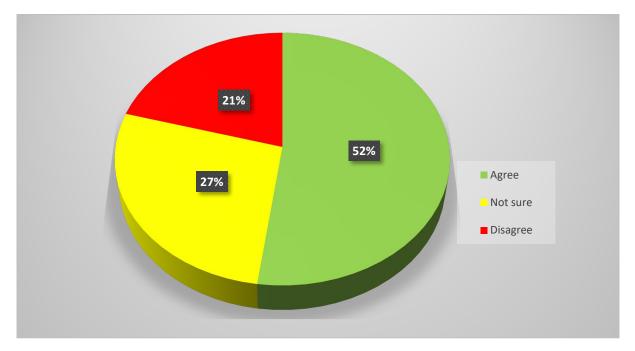


Detail of tenant responses according to type of home on the principle of only paying for services received:

Answer Options	Bungalow	Flat	House	Maisonette	Not known	Response percent	Response count			
Strongly agree	52	76	91	3	1	28.63%	223			
Agree	82	142	62	8	2	38.00%	296			
Not sure	45	73	33	3	0	19.77%	154			
Disagree	12	29	12	0	0	6.80%	53			
Strongly disagree	15	33	3	2	0	6.80%	53			
	Total answered									
			-	Total skipped /	anonymo	ous address	11			

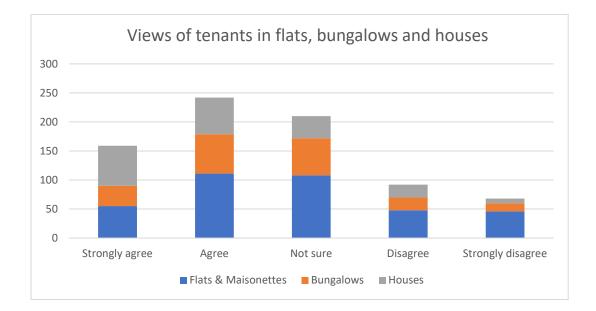


Question: Do you agree with the proposal to introduce service charges for the tenants who receive that service, so it is no longer part of the rent (de-pooling)? For example, introducing charges for tenants who live in flats and have communal lighting or charging for grounds maintenance of communal areas.

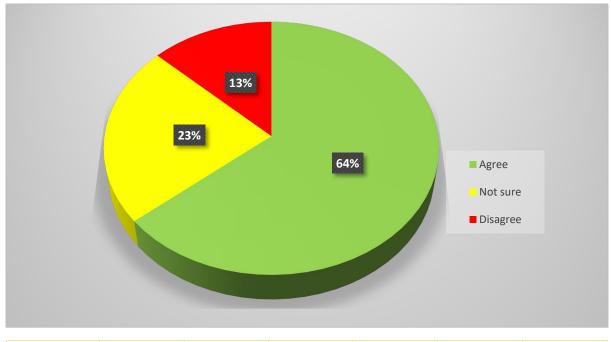


Detail of tenant responses according to type of home Support proposal to introduce service charge for those who receive the service (de-pooling):

Answer Options	Bungalow	Flat	House	Maisonette	Not known	Response percent	Response count		
Strongly agree	35	54	69	1	1	20.67%	160		
Agree	68	105	63	6	1	31.40%	243		
Not sure	64	101	38	7	1	27.26%	211		
Disagree	22	48	22	0	0	11.89%	92		
Strongly disagree	14	44	8	2	0	8.79%	68		
Total answered									
	Total skipped / anonymous address								



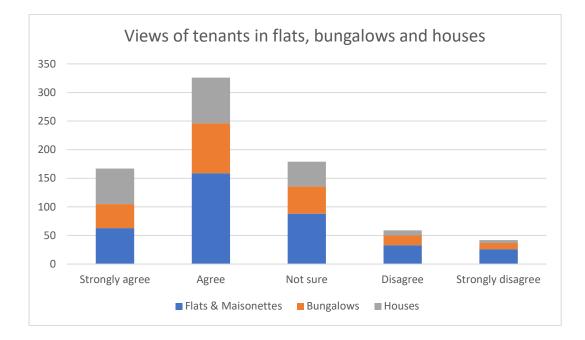
Question: Do you think showing service charges separately from rent is fairer than what we currently do?



Respondents	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Response percent agree
Tenants	169	329	179	59	42	64.01%

Detail of tenant responses according to type of home on showing service charges separately:

Answer Options	Bungalow	Flat	House	Maisonette	Not known	Response percent	Response count
Strongly agree	42	60	62	3	2	21.72%	169
Agree	87	151	80	8	1	42.29%	329
Not sure	e 48	85	43	3	0	23.01%	179
Disagree	e 17	33	9	0	0	7.58%	59
Strongly disagree		24	5	2	0	5.40%	42
		778					
		12					



Summary of comments

Comments – Tenant Survey

There were 107 comments left as part of the completion of the survey. Of these, 32 were directly related to the consultation.

In summary comments and questions were related to:

- Ability to opt in and out of a charge examples given included communal aerial where this is not used due to using an alternative supply / communal aerial dies not support Sky TV
- Consideration to residents adopting areas or taking on responsibility for communal cleaning or gardening
- Support / suggestion for additional charges to cover carpets, blinds, white goods to support new households and existing tenants
- Support that everyone should share the charges to maintain a social community
- The current frequency of services and the choice tenants have (more and less)
- Quality of work and standards what are tenants paying for and best use of time particularly referencing grass cutting when it does not need doing can operatives carry out other jobs including weeding and moss removal. Comments also included re-tendering the grass cutting due to the poor services delivered this year
- Value for money
- Query of standards should expect and confusion with wider borough services and council tax - clearly some respondents not clear on whose role or who is responsible for a local area
- Concern that itemising everything would lead to an increase in charges
- Query about how this is paid where there are private houses (RTB) on a street and whether tenants take an unfair proportion

Comments – Leaseholder survey

There were 15 comments left as part of the completion of the survey. Of these, 10 were directly related to the consultation.

In summary comments and questions were related to:

• Frequency of service (too much/too little)

• Service standards and expectations – clarity of what paying for

Other comments relate to:

- More transparency on expenditure
- Leasehold service management fee (why/high cost)

Tenant and Leaseholder Reponses Analysis

Leaseholders have a greater tendency to support the principles and proposals than tenants, other than in relation to question 4.

