



## **Right to Buy Process and Leaseholder Forum Investigation**

*February 2021*



Kingston Residents' Scrutiny Panel

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\*These appendices are available upon request from the resident scrutiny officer, RBK housing

## INTRODUCTION

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The Kingston Residents Scrutiny Panel, KRiSP is an autonomous Panel of council tenants and leaseholders set up by the Royal Borough of Kingston upon Thames Council in conjunction with the Kingston Federation of Residents. The role of KRiSP is to investigate and review the Council's housing services and to propose improvements that will be of benefit to all residents. KRiSP is central to the Council's 'Resident Involvement Framework' and has a commitment to co-regulation. It was formed in October 2013 and is currently composed of 10 tenants and leaseholders.

The role of KRiSP is to carry out service investigations and report on them to the Council. This is KRiSP's eleventh investigation and the area of Right to Buy and Leaseholder Forum was chosen.

The KRiSP Investigation was led by Monique Green and the Panel comprised Raewyn Hammond, David Miller, Geof Yates, David West, Jackie Paddon, Mohamed Ali, Gill Willson, Mark Veitch and Siân Smith. This review was unusual in that it was impacted by COVID. The Panel has carried out its work virtually and this unplanned change has led to this report taking longer than planned.

The Panel was supported by Kelly Shirley from the Council along with mentoring support from Phil Morgan. The KRiSP Investigation Panel would like to thank all the members of staff and residents who gave up their time freely to support this investigation.



## EXECUTIVE SUMMARY

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KRISP are pleased to report positive feedback from Right To Buy (RTB) applicants and evidence that statutory timescales were being met although some residents were not clear on what these were. The process is supported by a RBK Steps and Process document that aids staff including training in fulfilling their roles. This has been developed internally, but is not fully shared by all staff involved. This may be leading to staff at times needing to chase other departments, where they do not have an understanding of the process as a whole. During the review KRISP uncovered some areas which should help with an update of this live document, and propose that such updates should continue to happen regularly. Having a single up to date IT system would aid the RTB process and there should be capture of performance both against statutory deadlines and for applicant feedback.

KRISP notes the separation of the Leaseholder Forum into a surgery, to deal with personal issues, and the main Forum, to deal with strategic issues. KRISP supports the separation being enforced more clearly, with more rigour applied to both the surgery session and ensuring that discussion during the Forum meeting is kept to general issues of importance to the Council and/or leaseholders rather than individual or local estate topics

KRISP also notes the issues with attendance and engagement through Forum meetings. There is an appetite from staff and leaseholders for trying different options including on-line meetings, estate based meetings, varying times of meetings and topic based meetings. These should be trialled and successful approaches adopted for the future.

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## METHODOLOGY

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### **The Panel agreed the following two objectives:**

1. To review the Right to Buy process
2. To review the Leaseholder Forum

These were changed from the original objectives following discussions with Robert Richmond about the scope of the review, and the previous coverage of service charges.

### **The Panel carried out the following tasks:**

#### **Desktop Review which considered the following documents**

- Leaseholder Forum Terms of Reference
- Leaseholder Forum minutes 12<sup>th</sup> March 2019, 12<sup>th</sup> September 2019, 12<sup>th</sup> November 2019, 23<sup>rd</sup> January 2020
- Existing and new Balancing Charge letter
- Example invoice
- Facilities for payment sheet
- Information sheet on leasehold service charges
- Existing letter regarding the Notice of Intention and Estimate to Carry out Works under a qualifying Long Term Agreement
- Proposed New Notice of Intention and Estimate to carry out Works under A Qualifying Long Term Agreement
- Leaseholder Surgery
- RBK website
- Right to Buy (RTB) Processes and steps
- Plus a further 25 documents
- RTB statistics for past 3 years

#### **Staff Interviews:**

- Robert Richmond, Lead Officer Leasehold Services
- Danny Massingham, Clerk to the Leaseholder Forum
- Ismet Munir, Shared Legal Services
- Dennis Sullivan, Right to Buy Officer
- Amanda Champion, Housing Investigations Officer
- Annette Lancaster, Legal Assistant, South London Legal Partnership
- Rob Bush, Lead Officer Responsive Repairs - Voids

#### **Information from other Councils**

- London Borough Hounslow website



Kingston Residents' Scrutiny Panel

- London Borough Havering website
- London Borough Croydon website
- Barking and Dagenham website
- Greater London Authority report into leasehold services 2012<sup>1</sup>

**Resident engagement:**

- Survey of 28 leaseholders for Leasehold Forum
- Survey of 33 applicants for Right to Buy process
- Virtual discussion group with 3 leaseholders

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<https://www.london.gov.uk/moderngov/documents/s8756/Appendix%20-%20Highly%20Charged%20report.pdf>

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## RECOMMENDATIONS

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Below is the complete list of recommendations which have been made following the Panel's investigation. The reasons for these recommendations and findings behind these are detailed in the *Findings and Evidence for Recommendations* section of this report.

1. That the separation of personal issues from Forum business continues, and is strictly enforced by the Forum Chair. (Ref. leaseholder forum meetings findings 2 - 4)
2. That the surgery approach continues, with a review of how leaseholders attending are welcomed and triaged and/or signposted. (Ref. leaseholder forum surgery findings 2 - 4)
3. That a consistent record is kept of all queries, with a report for noting to the next Surgery whether issues raised had been successfully resolved. (Ref. leaseholder forum surgery findings 2 - 4)
4. That the Leaseholder Team and Forum considers a range of different approaches including on-line meetings, topic based meetings, local estate meetings and varying the times of meetings. (Ref. leaseholder forum meeting arrangements findings 5 - 7)
5. That the Leaseholder Team and Forum consider the viability of an on-line platform for leaseholders.<sup>2</sup> There should continue to be engagement with leaseholders around topics for the Forum. (Ref. leasehold forum engagement finding 8)
6. That once decisions have been made on the above recommendations that the Terms of Reference are amended to allow for new governance arrangements, and more flexibility in how meetings are held. (Ref. leaseholder forum terms of reference findings 10 - 11)
7. That RBK Steps and Processes is reviewed to note points raised in the desktop review and then on a regular basis or following major policy changes from Government. That review dates and updates are logged on the document. (Ref. RBK steps and processes findings 12 - 15)
8. That a simple flow chart be considered explaining the process for applicants and staff. That information for applicants is reviewed on a regular basis, taking into account applicant and staff feedback. (Ref. RTB application pack findings 17 - 18)
9. That the need for the RTB team to have a workable IT system is part of the client specification for any new or upgraded IT housing management system. (Ref. RTB IT system findings 19 - 20)
10. That publication or resident scrutiny of existing KPIs is considered to ensure transparency and tenant feedback about the RTB process is included in this. (Ref. performance findings 23 - 24)

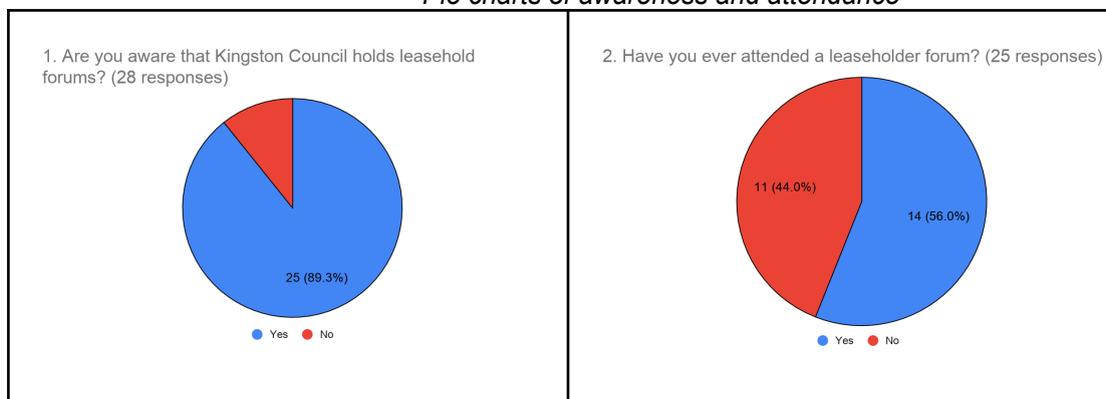
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<sup>2</sup> Of course leaseholders could set one up in any case.

## FINDINGS and EVIDENCE for RECOMMENDATIONS

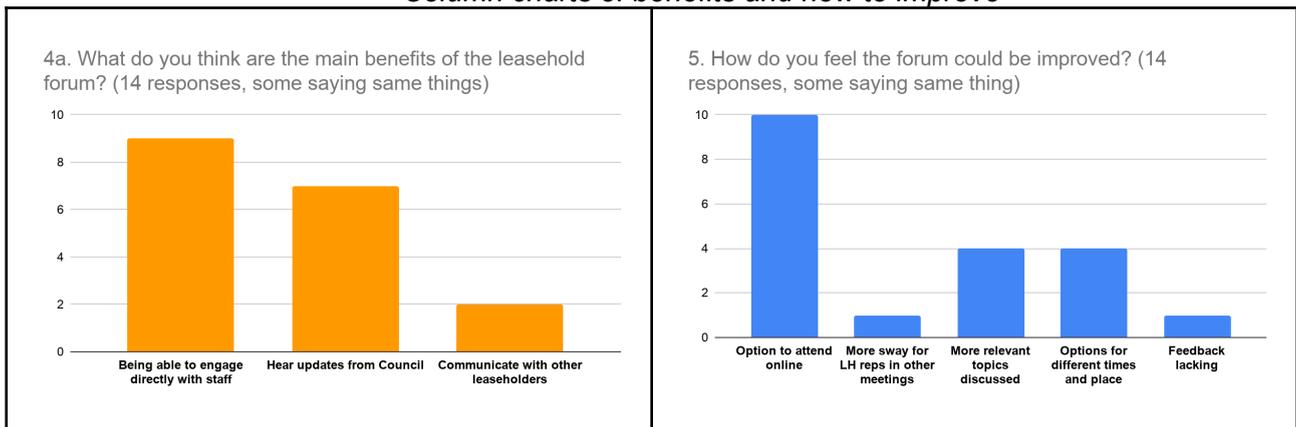
1. The Leaseholder Forum is held 4 times per year. All 1500 leaseholders are invited, with about 30-50 attending. A leaseholder chairs the meeting and the Portfolio Holder and Opposition Portfolio Holder attend. They, plus the Leaseholder representative, attend Strategic Housing and Planning Committee (SHAP). The Forum is used to review policies and documents before going to SHAP and is seen as the main information and engagement channel for leaseholders.
2. The Forum is preceded by a leaseholder surgery to deal with individual issues. Observation of surgery was that it generally worked well although some residents reported that at busy times the meet and greet / triaging process sometimes did not work as intended. People attending the surgery session do not always stay on for the later sessions covering more strategic discussions.
3. The concept of having a surgery session of one to one discussions between individual leaseholders and relevant officers is good with regard to resident engagement. The intention is thereby to keep specific individual problems out of the open part of the Forum itself. However there was resident feedback that personal issues continue to be raised at the open part of the Forum meeting. This was a driver for a middling score (50% scoring 3/5) in the survey for the Forum fulfilling its role to encourage engagement. The Focus Group also criticised having to listen to other people's gripes saying this was a "moan session" and proposed a tighter agenda.
4. There was a high level (89%) of awareness from the survey of the existence of the Forum and a good (56%) attendance from those who responded to the survey. It was seen as an opportunity to raise issues with staff (64%) and raise concerns and hear updates (both 50%).

*Pie charts of awareness and attendance*



5. Attendance had dropped recently despite attempts to increase interest. There was recognition by staff that it might be worth trying different approaches and timings, including making meetings shorter. Staff also raised the issue of on-line meetings, although some thought would need to be given to managing surgery queries and topic-based meetings. There was resident support from the survey (71%) for on-line meetings, estate based forums and (43%) trying different times. The Focus Group also supported on-line meetings and trying different times.

Column charts of benefits and how to improve



6. Staff also highlighted the option of local estate meetings. There was also resident feedback that the Cambridge Road estate regeneration had dominated some previous meetings, perhaps to the exclusion of other issues. Again there are examples elsewhere of more locally based leaseholder meetings.
7. There had been a wide and extensive list of topics discussed at meetings including service, consultation and estate based issues. Although there is leaseholder feedback about choosing more relevant topics (64% thought the issues were sometimes relevant) no single topic gained support. The Focus Group did highlight major works – which are subject to Section 20 consultation<sup>3</sup>. The Leaseholder team do canvass views before setting the agenda for Forum meetings that rightly has a blend of Council and leaseholder driven items. These could include service performance.
8. The Forum appears used as the sole non-statutory mechanism for engagement. The Focus Group were critical of the lack of consultation on “big issues that cost them money” and proposed an on-line mechanism for leaseholders to discuss issues (which could include items for the agenda of Forum meetings).
9. The RBK website is quite detailed compared to some others and includes information on the Leaseholder Forum. A clearer link to recordings of Forum meetings would be useful.
10. SHAP are not meeting during the COVID-19 pandemic and it is expected that Council governance will change in any case.
11. The Terms of Reference for the Forum are due for review.

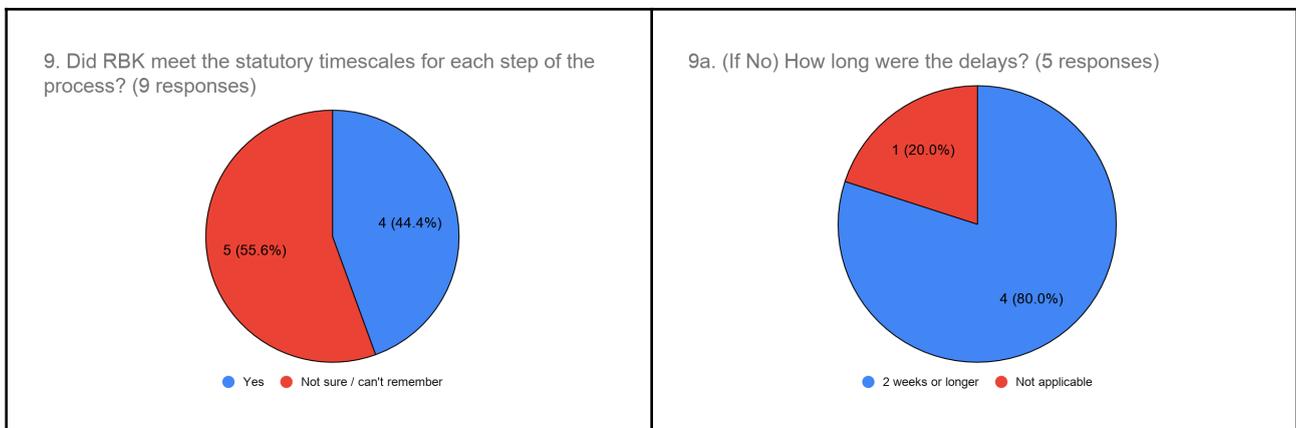
12. Right to Buy allows most RBK tenants to buy their home at a discount. There is a dedicated team within RBK who manage this process, sending and receiving applications, seeking legal and surveyor advice, checking on potential fraud and sending out the appropriate notices in line within set timescales. There is a starter pack and the option of home visits.
13. There have been about 60 applications per year and about one third to a half complete their RTB purchase. Some are withdrawn by the tenant, and others by RBK following checks.
14. This process is quite “dense” and potentially complex. There is a RBK Steps and Processes document which has been developed internally, and is used when training staff. It has been updated and continues to evolve.
15. The Desktop Review said that the information in the RBK Steps and Processes document was generally very good but may need updating to ensure that information and key contacts was up to date. Specific issues include timescales and information for freeholders, the need for clearer distinctions as to which types of property the timescales are referring to, and updates to the maximum discount allowed and advice on solicitors. These can be found in Appendix A.
16. There is a high level of engagement with RBK colleagues as well as legal and surveyor advice. The legal team are unaware of RBK’s approach and instead focus purely upon their own role. Otherwise there is some emphasis on ensuring that RBK colleagues adhere to the RTB process. However the RTB stats do not show any applications falling outside the timescales suggesting that whilst chasing up takes place, that it is effective.
17. KRISP are pleased to report that people who had been through the RTB process were satisfied with the information they received on the rights and responsibilities of a leaseholder. KRISP also noted the home visits for more elderly applicants.
18. During the review KRISP noted that there is a helpful Government website<sup>4</sup> for those interested in RTB. It also noted that there was no obvious feedback sought from RTB applicants about the process.
19. There are clearly limitations with the current Civica housing management system used by RBK. Staff report that they are “not aware of software that allows the sharing of all documentation. There is a RTB function in Civica (our housing management system) but does not .....allow us to load all the documentation, as we receive the Valuation reports via email and these are in Word & Excel form, which Civica does not store.” Instead a series of mechanisms are used including an IBM package, Word, Excel spreadsheet and Google calendar.
20. There are other IT systems, such as those for planning, which may be better, and KRISP also note that the current Civica system may be upgraded in the near future. One proposal was to have the RTB 1 form on-line.
21. KRISP note that there are a range of types of leases which can impact on discussions with lenders. Any changes to leases would require consultation.
22. There were suggestions that tenants use the initial part of the RTB process as a way of having their property valued, and this might account for the tenant drop out rate.
23. There was some uncertainty from staff about what performance of the RTB process is. There are statistics kept which show during that past three years that nearly all forms were sent on time. This is welcome.

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<sup>4</sup> <https://www.gov.uk/right-to-buy-buying-your-council-home>

**Pie charts of meeting timescales and delays**

*Note: pie charts 9 and 9a refer to residents' recollection of the timescales as reported in the survey, rather than the actual measured performance in this area which meet targets. This may indicate a need for better communication to residents around what the statutory timescales are.*



24. However there is no public scrutiny of performance which may aid accountability to applicants, and further help the RTB team understand any blockages which should be addressed. It is also hard to gauge the applicants' view of the process and whether it might be improved.

## CONCLUSION

There was general dissatisfaction expressed by leaseholders regarding the timing, location, and content of the Leaseholder Forum. It is not surprising, therefore, that attendance had dwindled in recent times. Given that we are in a new era of virtual meetings, it should be possible to rethink the format with additional flexibility and perhaps frequency.

Conversely, the few residents responding to the right to buy (RTB) process were generally highly satisfied. A review of the internal processes, however, should enable closer team working, and a reduction of non-productive time spent 'chasing' colleagues so that deadlines can be met.

## LEARNING

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Obviously COVID was an unforeseen circumstance and impacted on KRISP's ability to conduct the review. To its credit it has managed to carry out this investigation through virtual, rather than face-to-face interviews. To the credit of staff, who were given the option of virtual interviews or written Q&As, the majority of them opted for virtual interviews and all contributed.