

**Appendix A to Council:
Public Questions
12 September 2016**

**London Borough of Sutton
Council: 12 September 2016
Questions under Standing Order 8.7
From Members of the Public**

1. Question asked by David Taber to Councillor Jayne McCoy, Chair of the Housing, Economy and Business Committee

Are members aware that Encompass LATC Ltd, a wholly owned council company, is achieving its focus upon preventing or delaying homelessness in the borough by advising tenants in private rented accommodation in the borough to:

- Not pay rent or pay over Housing benefit received from the council to the landlords?
- Ignore county court orders to vacate the accommodation on receipt of a valid order of possession or pay costs awarded to the Landlord?
- Await eviction from the bailiff before leaving the property?
- Penalise Landlords by charging landlords council tax from the day of eviction?
- Will members as guardians of public money ensure in future that public monies are used for the purposes claimed by tenants and private sector landlords in the borough do not have to incur financial penalties caused by council policies?

Declaration of Interest by David Taber

I have to make a declaration of interest for the question, but my question is actually an indirect interest. My direct interest is that of my wife whose pension's been resolved of the council's policy. I also have a direct interest as a council tax payer that resources are not wasted and contractors employed by the council do not profit unfairly at council tax payers' expense. My wife is the landlord.

Reply by Councillor Jayne McCoy

Good evening Mr Taber and thank you for your question. I'll try and address each of your points in turn. So first point, under no circumstances should officers advise tenants to withhold rent for which they are contractually liable. They shouldn't be doing this but we have gone back and just confirmed to Encompass officers that they shouldn't do this. We don't believe they are but we're just reinforcing the message.

Under your second point about awaiting eviction, Encompass processes and practices that reflect legislation that's laid down by statute and case law, having regard to the provisions in the Code of Guidance.

The issue about penalising landlords by charging council tax from the day of eviction, I can point out that council tax is payable by the owner of a property and the landlord is liable to pay council tax on an empty property from the date it becomes empty to the date when tenancy ends and remains payable until the property is re-let. And since 1 April 2013 there's not been an exemption period or discount on the amount charged. Have I got them all there?

On the final one, 'will members act as guardians of public money', we have a statutory duty to act on behalf of residents to prevent homelessness. That's our statutory duty and the best way to get best value for money in those circumstances is for us to prevent homelessness in the first place, so that is what we'll try to do and we cannot, in those circumstances, we cannot take account of the circumstances of the landlord.

Reply by David Taber

I'm sorry I tried, I couldn't understand exactly what was said. Did you say something about a code of guidance? Sorry I didn't catch what you said.

Reply by Councillor McCoy

I can send you a link to the code of guidance. It's in respect of landlords and statutory responsibilities.

Supplementary Question asked by David Taber

Thank you Mr Mayor. No it's just that the code of guidance, I think you'll find suggests that councils should not await until the bailiffs arrive and evict before dealing with homelessness. My question is this, because what the council's new company Encompass is doing, is encouraging people who are likely to be homeless to stay in their properties, not paying rent, not paying council tax, not discharging any of their orders from the court until the bailiffs arrive. Now, under normal course of events a landlord would seek to re-let his property to a person who needs a home the moment it's vacated, but by the council adopting this policy, I'm sure you agree, the landlord does not know when the property is going to become vacant because he's got to wait for the eviction. That means then the property is left vacant for probably 4-6 weeks, two months before the person can be housed in it. Now this is a crazy policy, and one that's been brought about because you've somehow decided that because a property is empty the landlord has to pay council tax on it. Now landlords are quite happy to pay council tax if it's their fault it's empty, but what you're doing is forcing. But don't you agree that by

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forcing the tenant to stay there until he's evicted, the landlord doesn't stand any chance of letting the property straight away, and so instead of your policy of delaying homelessness, you're encouraging.

Reply by Councillor Jayne McCoy

Thank you Mr Taber. It's not council policy to advise tenants to stay until the bailiff's warrant. What the council does is advise them of their rights and they can choose to stay until the bailiff's warrant. We did have a scrutiny on this raised a few years ago and we had a scrutiny exercise that looked at that and we found that we were following best practice according to Shelter. So we don't advise, we just, we don't advise tenants to stay, we advise them of their rights and then it's up to the tenant what they do. What we sometimes find, and it's looked at on a case by case basis, but what we sometimes find is that where a tenant has been served with a possession order and they, an eviction order, and they cannot find somewhere else to live, that little bit of extra time until the bailiffs arrive is just the extra time they need in order to find somewhere else to go, otherwise they are homeless. And also a point of law, a tenant is not statutorily homeless and therefore eligible for council support until they've been served with a bailiff's warrant.

Supplementary Question asked by Councillor Graham Whitham

Thank you Mr Mayor. In these economically difficult and financially worrying times with low wages and part time work underpinning expanding employment levels, will the lead member reassure members that this council will support and advise good tenants who fall into difficulties?

Reply by Councillor Jayne McCoy

Thank you Councillor Whitham. Not only does the council have a statutory duty to help people falling into homelessness, we put in all efforts we can to try and prevent it in the first place by a variety of means, by giving them additional advice and support, but the key thing we're trying to do is to actually build houses and deliver new properties so the accommodation is out there that they can afford.

**2. Question asked by Emily Brothers to Councillor Jill Whitehead,
Environment and Neighbourhood Committee**

What support did Sutton Council provide to Sutton Theatres Trust during its operating period and what action is Sutton Council taking to address the current impasse since the Trust went into administration?

Reply by Councillor Jill Whitehead

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Mr Mayor, I would like to make a public statement in regards to Sutton Theatre's Trust in response to Emily Brothers' question.

Due to government reductions and funding, the Council took the decision to stop running theatres in Sutton in 2014/15. A procurement process followed including a thorough due diligence exercise which took place over a period of nearly six months. The business of running theatres was transferred to the successful bidder the Sutton Theatres Trust, a company limited by guarantee in June 2015. The two theatres themselves, that is the Secombe and Charles Cryer, were transferred on a leasehold basis for a period of ten years. The Sutton Theatres Trust asked for an initial rent free period to help to establish themselves and a period of 15 months was agreed by the Council. Additionally, fittings within the theatres were transferred to the trust, and thereafter the Council held no liability in respect of this equipment.

All of these steps were taken in order to give the Trust the best possible chance of success. I'm as disappointed as others that the venture in the event did not succeed.

Following the transfer of the business, the only role for the Council was a liaison role. This liaison took place as agreed and no problems, financial or otherwise, were reported to the Council. In fact, in January 2016 the Sutton Theatres Trust confirmed that they had secured grant funding and expected to win more bids and audience targets were being exceeded. No help was sought from the Council or significant problems of any kind reported by the Trust.

Regarding the finances of the trust, at no point did Sutton Theatres Trust suggest or state that they were experiencing any financial difficulties.

The Council will only require a commercial business to submit monthly management accounts if it retains a financial interest in the business, for example where there are profit share arrangements in place. As this was not the case with the theatres, there was no requirement for Sutton Theatres Trust to provide these accounts.

The Sutton theatres Trust entered into administration on 11 August 2016 at which point the council were notified. Since that date, council officers have maintained contact with the administrators Herron Fisher and offered an additional rent free month so that the administrators had time to complete their task to try and find a party who could take over the business of Sutton Theatres Trust without incurring further debt. Herron Fisher has commented that the council's been very helpful to them in their attempt to seek interested parties that might be able to acquire the two theatres as ongoing concerns. The administrator has considered all expressions of interest in the business, and extended the deadline for bidders from 22 August to 6 September 2016 to allow time for an offer to be made.

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Unfortunately no offer was made. The administrator holds responsibility for taking all steps possible to raise funds to pay debtors. In the case of the Trust, this includes the powers to sell all the companies assets to raise money. At this point, therefore, with no offers made for the Sutton Theatres Trust business, the fittings within the Secombe and Charles Cryer Theatres, which belong to the trust, went on sale by auction on Friday 9 September 2016. When the administrator has completed its task, the leases for the theatres will return to the Council. Any actions regarding the future of the theatres will then be subject to committee member decision.

Supplementary Question asked by Emily Brothers

Thank you Councillor for that response. I'm glad that you haven't taken stage fright this evening. In light of what you've said, I have to say it wasn't an abdication of responsibility that I thought happened 12 months ago but a partnership and that hasn't been set out tonight. My supplementary, therefore, is in light of Sutton being the second lowest investor in arts in London, at 50p per head, and at lack of any strategy for arts and the theatres in the near or medium term future, can Councillor Whitehead tell us what she is not going to do about the leases when they return to the Council? And is it not time, as I said in my letter to her, which she answered point by point, except that Sutton needs fresh leadership, and is it not time for the curtain to fall on her career so that we can move ahead with a long term strategy on arts and particularly the theatres in the London Borough of Sutton?

Reply by Councillor Jill Whitehead

Ms Brothers will be pleased to hear that the Environment and Neighbourhoods Committee of the Council will in fact be considering an arched heritage and cultural strategy at its meeting to be held in February 2017 and work is already starting on this. And as mentioned in my statement, as soon as the lease is returned to the council, we will then be considering within the Environment and Neighbourhoods Committee what actions we need to take next.

Supplementary Question asked by Councillor Tim Crowley

Thank you Mr Mayor and thank you Councillor Whitehead for answering. What was the value, what did we value the FF&E at when we originally handed the FF&E over to Sutton Theatres Trust. And would not the councillor agree with me, that how the heck can Herron Fisher sell the properties as going concerns as theatres, when we've handed all the FF&E to Sutton Theatres Trust to sell off? It seems to be a complete state of madness that we actually allowed them to do that. And what concerns me also Mr Mayor, with regards to this, is that we are doing this with other aspects of Sutton's assets including our parks machinery to the TLG Group through the South London Waste Partnership and I would urge the council, I would urge them to relook at it because we could be coming back here in a year and a

half time with the TLG Group selling off all our parks machinery and not have anything to cut our grass. So thank you.

Reply by Councillor Jill Whitehead

The lease was handed over to the Sutton Theatre's Trust for a period of ten years. At that stage we had no idea that this would be happening at this moment in time. The Sutton Theatres Trust were offered the equipment for both theatres to give them the best possible start and I think that's what everyone wanted to see. We wanted to see Sutton Theatres Trust to succeed and in order to help them succeed the equipment was offered to them.

I would point out, I've lost my track. Yes, we wanted to give them the best possible option to succeed and at that moment in time we could not foresee what would happen.

Reply by Councillor Tim Crowley

Sorry Mr Mayor, I asked the question, what was the value of the FF&E, it was a specific question. Would Councillor Whitehead, if she hasn't got that information, agree to write to me with that information? That was a specific question.

Reply by The Mayor, Councillor Richard Clifton

Will you write to Councillor Crowley with that information?

Reply by Councillor Jill Whitehead

I'm afraid I didn't know until I just asked my colleague what FF&E was and I don't like people using acronyms. Now I know that you mean fixtures and fittings I'm afraid I do not know the value of the fixtures and fittings but I can get that answer to you.

3. Question asked by Emily Brothers to Councillor Marian Radford, Vice Chair of the Adult Social Services & Health Committee

Why does Sutton Council issue vibrating pagers to deaf and hard of hearing people which are incompatible with London Fire Service smoke alarms and standards?

Reply by Councillor Marian Radford, Vice Chair of the Adult Social Services & Health Committee

Thank you Mr Mayor, thank you Ms Brothers.

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The Bellman Alert System is held in the Integrated Community Equipment Service as standard stock. It's a very versatile system as it can be set up as an alert to doorbells, telephone systems, baby sounds, smoke and heat and other accessories, and therefore it's an excellent system to support people and hence that's why it's used.

But given that the Fire Service use a smoke alarm that is not compatible to the Bellman Alert System, the sensory team routinely refer to the London Fire Service who carry out a home safety check and they fit a loud smoke alarm that has a bed shaker and flashing beacons etc. as needed for deaf and hard of hearing clients. That then ensures the right arrangements are in place to meet their needs and it avoids duplication of our and their resources.

Supplementary Question asked by Emily Brothers

I would put it the other way around that London Borough of Sutton are providing vibrating pagers which are incompatible with the Fire Brigade. It would seem to me that the most effective people to determine the most safe smoke alarms would be indeed the London Fire Service, so what I'd like to know in this lack of joined up thinking, and the day that Roald Dahl has entered the English dictionary with phrases perhaps that suggest that Sutton Council is being run by the Oompa Loompas, that perhaps Councillor, you could tell me why the London Borough of Sutton is better placed to determine the safest and most standard vibrating pagers for smoke alarms than the London Fire Brigade. And if you're not the experts in this field, then will you commit tonight to provide deaf and hard of hearing people in the London Borough with compatible vibrating pagers?

Reply by Councillor Marian Radford

Thank you Ms Brothers. I think the London Fire Service are the experts in providing the alarm system and I think as you already know some conversation has taken place with the borough commander and ongoing conversations will be had to look at how in the future things can be more compatible. But I do know that you've had a meeting with the team manager and if there is anything else that the sensory team can do for you Ms Brothers, to ensure that you feel safe, then you know that you've only got to make an appointment to see them. Thank you.

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