

MINUTES OF MEETING Housing, Planning and Development Scrutiny Panel HELD ON Tuesday, 27th June, 2023, 18:30

PRESENT:

**Councillors: Dawn Barnes, Harrison-Mullane, Tammy Hymas,
Khaled Moyeed, John Bevan and Alexandra Worrell (Chair)**

109. FILMING AT MEETINGS

The Chair referred Members present to agenda Item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein'.

110. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Blake and Cllr Gordon.

111. URGENT BUSINESS

There were no items of Urgent Business.

112. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

113. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

None.

114. MINUTES

RESOLVED

The minutes of the previous meeting on 27th February were agreed as a correct record.

115. MEMBERSHIP & TERMS OF REFERENCE

The Panel received a report which set out the terms of reference and membership for Overview and Scrutiny and its panels for 2023/24.

RESOLVED

That the Panel:

- I. Noted the terms of reference (as set out at Appendix A of the report) and Scrutiny Protocol (as set out at Appendix B of the report) for the Overview and Scrutiny Committee and its Panels.
- II. Noted the Non-Voting Member protocol (as set out at Appendix C of the report).
- III. Noted the policy areas/remits and membership for each Scrutiny Panel for 2023/24 (as set out at Appendix D of the report).

116. UPDATE ON WORKING WITH THE SOCIAL HOUSING REGULATOR

The Panel received a presentation, which provided an update on progress on working with the social housing regulator, following the Council's self-referral in March 2023. It was noted that Homes for Haringey transferred back into the Council on 1st June 2022, following consultation with residents and staff. The Council were particularly concerned about overdue electrical inspections and high risk fire safety actions. In December 2022, Pennington Choices undertook a health check of the Council's approach to meeting statutory Health and Safety requirements in December 2022. Following the report from Pennington, the Council referred itself to the regulator. In March 2023, the regulator issued its judgement.

The presentation was introduced by Jahedur Rahman, Operational Director for Housing Services and Building Safety, as set out in the additional reports pack at pages 1 to 15. David Joyce, Director of Placemaking & Housing was present. Cllr Sarah Williams, Cabinet Member for Housing Services, Private Renters & Planning was also present for this item. The following arose as part of the discussion of this report:

- a. The Panel were advised that following the judgement, the Council grouped the key compliance risks into six categories: Fire Risk Safety Assessments; Gas Safety Inspections; Electrical Inspections; Asbestos Re-inspections; Passenger Lift Inspections; and Water Hygiene Risk Assessments. In response, the Panel suggested the primary area of concern that they got from talking to residents was around disrepair and questioned to what extent this was a result of how the ALMO was managing the houses, and how confident Members could be of improvements within a 12 month time frame. In response, officers advised that the three main causes of the situation they inherited were around; issues with governance, issues with data quality and issues with programme management and reporting. Cllr Williams advised that her primary focus had to be around compliance issues, in order to ensure that residents were safe in their homes. It was recognised that compliance checks had to happen over time and that it required a continuous focus.
- b. In response to a question, officers advised that the Council absolutely took the decision to self-refer to the regulator of its own volition. This was done in order to ensure that it created a high-quality housing service. In order to do that, it was recognised that it needed to be open and transparent about where there were gaps.
- c. The Panel noted concerns with issues identified in the presentation about the use of spreadsheets and the need for a dedicated compliance system. It was suggested that this had been a problem for a number of years and questioned whether there was an end date. In response, officers acknowledged that one of the key challenges was around how information was recorded and monitored

- and that they had agreed with the regulator about the need for a fully functioning compliance system and to move away from spreadsheets. A procurement exercise was due to be undertaken but this would take some time. It was anticipated that the tender process would start the following month and it was hoped that it would be in place by April 2024.
- d. In response to a question around the long term partnership programme to improve estates, officers advised that this related to the contract to get long term partners to do the major estate refurbishment programme, over a ten year period. Officers acknowledged that there had been delays to this and that there had been a significant turnover of staff involved in asset management, following the ALMO coming in-house. The Operational Director was working to recruit a senior team in this area. The Director advised that the service had been working to finalise some of the packages in the background and had also been undertaking market engagement.
 - e. In light of the governance issues within HfH, the Panel sought assurances around how the Council could ensure that the in-house housing service was properly accountable. In response, officers advised that there would be an annual assurance statement submitted to Cabinet, which set out progress against the six key objectives outlines in the presentation. External checks would also be carried out by an outside body to verify that what was supposed to have been done, had been done. Establishing a fully functioning compliance system would also help to provide assurance. The Cabinet Member advised, that in addition to the above, the Council had also set up a Housing Improvement Board with cross party membership. Further updates would also be brought to the scrutiny panel in future.
 - f. In response to a question about engagement and the need for locality based engagement, the Cabinet Member set out that the Council was trying very hard to engage with residents. One of the first actions taken as part of engaging around the new housing service was identified as ensuring that residents knew who their local housing officer was.
 - g. The Panel sought clarification about where the Housing Improvement Plan sat within the overall governance structure and how it could report into the panel. In response, the Cabinet Member set out that the Board was ran by the Chief Executive and that she would have to speak to him about whether it could report to the Scrutiny Panel. **(Action: Cllr Williams/David Joyce).**
 - h. In response to a question around what our work with the housing regulator looked like, officers advised that in relation to fire safety assessments, there were around 80 overdue and that had been brought down to zero. This had been carried out by an internal team but that had been complimented with external support, so it was acknowledged that there had been a capacity issue. In terms of electrical certificates, officers set out that there was now a very good supply chain in place and that they had been tasked with focusing on the 4000 properties that had not had a valid safety certificate for 10 years during January to May 2023. The rest would be completed by December. So there had also been some work around repurposing resources.
 - i. In response to a query about what could be learned from the progress made for other areas of the Council such as repairs, officers advised that the Housing Improvement Plan looked at specific challenges within the repairs team and an additional £2.7m had been invested into this service. There was also a very data driven performance culture in place.

- j. The Panel sought further information about the new management structure and governance arrangements that had been put in place. In response, officers advised that there was a Housing Improvement Board, chaired by the Chief Executive which met every six weeks and received updates on overall progress against the Housing Improvement Plan. There was also a building safety and compliance Board and a Capital Board, which looked at bringing homes up to the Decent Homes standard. Officers advised that there were also teams that reported weekly into the Operations Director about different areas of compliance. There were also monthly meetings with the regulator.
- k. In response to a question about what improvements had been made that would explain the improved outcomes since January. In response, the Director advised that the recruitment of an Operations Director was an important factor, to ensure that Housing Services had the dedicated leadership and oversight on issues across the service. The Director also emphasised that the self-referral and appointment of an independent assessor was also a key milestone. There had been some issues with the reliability of data presented to the Homes for Haringey Management Board. It was only when Pennington was appointed as the independent assessor that the service had reliable data and a roadmap on how to take forward improvements.
- l. The Panel sought clarification about electrical certificates and how many required further works. In response, officers advised that there were 4000 cases where a valid electrical safety certificate had been outstanding for longer than 10 years. This figure was down to 440. All of the remaining 440 properties were because the contractors were unable to gain access to the property. Officers clarified that a certificate could only be issued once a satisfactory electrical safety inspection had been carried out, so there were no instances where a certificate had been issued but further works were required.

RESOLVED

That the update on progress on working with the social housing regulator was noted.

117. DAMP & MOULD UPDATE

The Panel received a report which provided an update on damp and mould, following the Ombudsman's intervention at the end of 2022. The report was introduced by Jahedur Rahman, Operational Director for Housing Services and Building Safety, as set out in the reports pack at pages 47 to 80. Lynn Sellar, Private Sector Housing Team Leader introduced an appendix to the report, which set out the work the Council was doing in relation to damp & mould in the private rented sector, as set out at pages 80 to 82 of the agenda pack. David Joyce, Director of Placemaking & Housing was present. Cllr Sarah Williams, Cabinet Member for Housing Services, Private Renters & Planning was also present for this item.

Jahedur Rahman advised that the Council had used a predictive modelling tool to identify cases where it was thought there could be category 1 cases of damp and mould (the most severe category, which involved a risk to life). This predictive tool identified 64 possible cases. Of those 64, 10 were found to be category 1, with 6 further category 1 cases subsequently identified. The Damp and Mould Policy was agreed by Cabinet in April 2023. The response to a category 1 case was for an immediate damp

and mould wash to be done and for the tenants to be temporarily decanted whilst this took place. One of the key factors identified in damp and mould was around overcrowding, as well as the quality of some of the housing stock. A dedicated damp and mould hotline had been established for tenants to use to make the reporting process better.

The following arose as part of the discussion of this report:

- a. The Panel sought clarification around the three key challenges identified in the report; fuel poverty, overcrowding and window replacement. The Panel requested more information about what was being done to tackle these issues. In response, officers advised that in cases of severe damp and mould the Council had been offering de-humidifiers and had also picked up the additional running costs for their use. Officers commented that there was a financial inclusion team within Haringey and it was acknowledged that more could be done to signpost the most vulnerable residents to this team to help seek external grants and different tariffs from energy suppliers. In relation to the 30% of non-Decent Homes stock, officers set out that they were working to bring 1000 properties up to Decent Homes standard over the next 12 months. It was recognised that, due to funding pressures within the HRA, it would take five years to bring the level of homes that met the Decent Homes standard up to the target figure.
- b. The Panel queried what was being done to identify under occupied housing stock where, for example, the children may have left home. In response, officers set out that the Neighbourhood Moves programme within the new homes policy, prioritised offering those with larger family homes the opportunity to downsize to new one or two bed properties. The incentive for those tenants is that those new builds were some of the best stock that the Council had. Officers clarified that this scheme was entirely voluntary. It was noted that the business case for building single bedroom homes was the most robust and that it was hoped that Neighbourhood Moves would be an important part of the overall housing strategy.
- c. The Panel enquired whether the dedicated damp and mould hotline was also available for private sector housing tenants. Officers advised that it was not and that the hotline was specifically for Council tenants. However, there is a dedicated private rented sector extension as part of customer services, where the caller could speak directly to a customer service advisor, specifically trained to answer private rented sector housing queries.
- d. The Panel questioned whether, under the licensing regime for private sector housing, it was possible to refuse a licence based on damp and mould. In response, officers advised that they were unable to refuse a license per se but that a person could be refused as a license holder, based on the fit and proper person test. This was process set out in legislation. However, it was noted that the purpose of the licensing regime was to gain compliance and to bring landlords up to standard, rather than it being a punitive measure. A key advantage of the licensing regime was that it allowed the Council to inspect properties and to do so without receiving complaints from tenants who could then be subject to eviction.
- e. In response to a questions about housing associations, officers advised that they all received the same letter that Haringey did as a housing provider and that they would have had to provide their own response to the regulator. The

- Council had held a meeting relatively recently with all housing association providers in Haringey to discuss their shared experiences on damp and mould and what could be done to make improvements across the sector. The Council's private sector housing team could advocate on housing association tenants behalf but this was fairly rare and the Council would ask that the tenant has as least been through the stage one complaint process with the housing association, before getting involved.
- f. In response to a question, officers advised that 519 calls had been received to the damp and mould hotline. Officers agreed to come back with a written response on how many of these cases had seen action taken and had been resolved. **(Action: Jahedur Rahman)**.
 - g. The Panel noted that 16 category 1 cases seemed quite low, given the amount of housing stock in the borough. Officers responded that this was to some degree a reflection of the high bar that existed to be deemed as a category 1 case and that the damp and mould in these cases could often be exacerbated by structural issues.
 - h. The Panel sought clarification about how to tell between a category 1 and category 2 case. In response, officers advised that a science based risk assessment was used, which sought to establish the level of harm to residents and was assessed against a scoring system. Category 1 hazards would result in immediate enforcement action being taken, whilst for category 2 hazards, a remedial improvement notice could be issued to landlords. In relation to a follow-up question about the most severe category one cases, officers reiterated that the scoring was based on the judgment of a surveyor who undertook a physical inspection of the property.
 - i. In relation to decanting tenants, officers advised that a temporary decant would be offered in the most serious cases. The Panel queried the mention of a decant panel in the report. Officers advised that this was in relation to a wider decant policy that went beyond just damp and mould.
 - j. The Panel questioned whether any consideration was given to the fact that damp and mould were seasonal when carrying out inspections, for example did we try to undertake inspections in winter when it would be worse. In response, officers acknowledged that there was an issue around the use of spreadsheets for logging visits and follow-up inspections and that the introduction of a proper damp and mould case management system would help to improve the regime.
 - k. In relation to tenants in temporary accommodation, officers advised that these residents could be placed in variety of types of accommodation including council managed properties, the private sector and bed and breakfasts. Damp and mould inspections would be carried out in the same way as for any other tenant of this tenure. There may be some additional complications in particular circumstances around who was responsible for the repair, the Council or the leaseholder.
 - l. The Panel set out that they had heard of cases where tenants had taken a blood test in order to demonstrate certain markers with links to problems caused by damp and mould. In response, officers advised that they were not aware of cases like this but that officers from Public Health may have more knowledge. Officers advised that they were working with Public Health colleagues in the run up to the winter season to see what new communication information they could get out and engagement with local VCOs. Public Health were also looking at a study being carried out with the Chartered Institute of

- Environment Health Officers around the effects of damp and mould. The Director added that there had been cases where medical certification was used as a contributing factor to the scoring system, such as cases of children with respiratory illness.
- m. The Panel agreed to have a future agenda item on the Lettings policy. **(Action: Philip).**
 - n. In relation to concerns about the level of staff who were initially qualified to undertake HRS training, officers advised that the private sector team employed qualified Environmental Health Officers and there were six of these who have been fully trained throughout the relevant timeframe. Recruitment of additional Environmental Health Officers had proven difficult as there was a shortage of qualified staff and they could command a high salary. Haringey has just recruited two apprentices through the University of Middlesex programme. In relation to Council-owned accommodation, there had been no previous need to have HRS trained officers in housing but that officers had recognised there was a skills gap and they had been training up surveyors.
 - o. In response to a question, officers advised that the initial 10 properties that had category one defects arose from the predictive modelling exercise and these ten were identified from the 64 once a physical inspection had taken place. The additional 6 cases were as a result of tenants reporting these to the Council and an inspection then taking place. It was noted that following a lot of news coverage on the issue the number of reports of damp and mould received from tenants increased.
 - p. In response to a question about dealing with the demand for decants, officers advised that the Council now had a pool of decant properties that it could make available to families in category 1 cases and that this had improved over time.
 - q. In response to a question, officers acknowledged that carrying out damp and mould could put pressure on the wider repairs service but that work was underway to increase the supply chain for repairs work. Officers advised that they could not always give a deadline for how long the works would take as more than one inspection may be required, however the family would be advised how long the process of returning them to their home would take at the earliest opportunity.
 - r. The Chair requested that the Panel receive some repairs data at a future meeting. **(Action: Scrutiny Officer).**
 - s. In response to a question, officers acknowledged that the licensing powers in the private sector were limited at that there were loopholes that rogue landlords could exploit. It was suggested that landlords could just appeal an improvement notice and, given delays within the court system, could just ride it out for 12 months until their day in court. Officers could also issue a community protection notice which levied a fine and was dealt with at a lower level of court.

RESOLVED

Noted.

118. HOUSING SCRUTINY - FUTURE AGENDA ITEMS

The Operations Director for Housing Services & Building Safety advised that rather than giving a verbal update, he anticipated this item to be a discussion about what

areas within Housing Services and Building Safety, that Members would like to have future reports on and to forward plan when the Panel might want to see those. In response, the Chair set out that she had wanted an update on Voids and also the Housing Improvement Plan at this meeting.

In regards to the Housing Improvement Plan, officers set out that this was agreed by Cabinet in April and that there was an action plan, investment programme and recruitment drive associated with the Plan. It was suggested that it would be instructive for an update on the Housing Improvement Plan to come after these had been put in place and a degree of improved performance could be demonstrated.

In relation to voids, officers agreed to bring a future update. It was set out that void properties formed part of the Housing Improvement Plan and that a number of actions were underway to improve performance on turning voids around: Recruiting additional internal staff; expanding the DLO service to carry out the works; and also provide additional supply chain resources to support the work. It was also noted that the Haringey Community Benefit Society were going out to contract for a package of works to bring 20 properties up to standard. It was hoped this would be in place by October.

The Panel agreed that the next item on the work plan would inform discussions about future reports from Housing Services & Building Safety and that an updated work programme would be circulated to officers in due course.

119. WORK PROGRAMME UPDATE

The Panel considered its outline work plan for the year.

In relation to the Scrutiny Review on Landlord Licensing, Panel Members expressed a wish to complete the review in a timely fashion in order to start further pieces of scrutiny work. The Scrutiny Officer agreed to circulate a summary of the evidence received to date. **(Action: Philip).**

In relation to possible future agenda items, the following was noted:

- A follow up update in relation to Aids and Adaptions.
- Wards Corner – an update on the recommendations to this review.
- Allocations Policy
- Housing Improvement Plan
- Voids
- An update on zero carbon future building projects and zero carbon demolition projects. It was suggested that this could dovetail with an update on the Local Plan.
- A discussion on the previous practice of undertaking (holistic) cyclical improvement works to whole estates, rather than doing it in piecemeal work packages.

In relation to possible items for a future scrutiny review:

- Overcrowding and disrepair
- Allocations policy, possibly combined with some element of a looking at voids.

RESOLVED

Noted.

120. NEW ITEMS OF URGENT BUSINESS

N/A

121. DATES OF FUTURE MEETINGS

- 19 September 2023
- 14 November 2023
- 18 December 2023
- 26 February 2024

CHAIR: Councillor Alexandra Worrell

Signed by Chair

Date