

MINUTES OF THE MEETING OF THE CORPORATE COMMITTEE HELD ON MONDAY, 17TH JUNE, 2019, 18:30.

PRESENT:

Councillors: Isidoros Diakides (Chair), Mike Hakata (Vice-Chair), Dawn Barnes, Patrick Berryman, Mahir Demir, Makbule Gunes, Liz Morris, Daniel Stone and Noah Tucker

77. 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.

78. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (IF ANY)

Apologies for absence were received from Cllr Rossetti, Cllr Ahmet and Cllr B. Blake.

79. URGENT BUSINESS

None

80. DECLARATIONS OF INTEREST

None

81. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

None

82. REPORT BY THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN INTO COMPLAINTS AGAINST LONDON BOROUGH OF HARINGEY

The Committee considered the findings of a report issued by the Local Government Ombudsman in response to complaints about Temporary Accommodation allocated and managed by Homes for Haringey (HfH) to a resident (Ms B). The report was issued on 11th April 2019 and the Council had three months to consider the findings of that report. The report was set out in the agenda pack at pages 1-32 and was introduced by Sean McLaughlin, Managing Director (MD) of HfH. The following was noted in discussion of this report:

- a. The case related to a resident in Temporary Accommodation who had been allocated two properties in the borough during the timeframe of the Ombudsman's report. A fundamental element of the complaint was around the allocation of unsuitable accommodation, however this was not found to be the

- case in the Ombudsman's report. A further aspect of the report related to repair issues, including boiler defects, mould and a cockroach infestation. The Ombudsman upheld some of these complaints. The Managing Director HfH advised that the most significant finding/s against the Council related to the fact that the timescales for responding to a review of suitability were exceeded (for both properties). The Ombudsman's findings in relation to the suitability review were exacerbated by similar failings from a previous Ombudsman's report in 2017.
- b. The MD HfH advised that following the outcome of this case, HfH had stopped using an independent reviewer due to the delays caused. HfH acknowledged that the Ombudsman had found against the Council in respect of it calculating the 56 day time period incorrectly as it should start when the request was received rather than from when the request was acknowledged. The Committee was advised that there were no cases currently exceeding the 56 day period.
 - c. The MD HfH set out that part of the reason for the failings was due to the complexity of the case and understanding where responsibility lay between the private sector landlord and HfH. In response to a question, the Committee was advised that in this case, the Council had leased a property from a private sector landlord and so there were a number of issues around determining responsibility between the leaseholder and the freeholder. In response to this issue, HfH were in the process of employing a specialist private-sector surveyor to undertake inspections.
 - d. HfH advised that, as a management team, they needed to learn lessons about coordinating responses to individuals who had lodged a high number of complaints, and ensure that the broader requirement of undertaking a suitability review within the statutory timescales was not undermined by attempting to resolve repair issues.
 - e. A further key conclusion outline by HfH was that they failed to engage constructively with the Ombudsman from the outset.
 - f. In response to a question around the volume of similar Ombudsman complaints, officers advised that there were two separate Ombudsmen that covered housing matters, the Local Government Ombudsman and the Housing Ombudsman. Complaints to the Housing Ombudsman were a lot more frequent and tended to focus on repairs and underlying construction issues, rather than failure to carry out a suitability review.
 - g. The Committee sought clarification about the standards expected of a property when it was given to a new tenant. In response, officers advised that this was governed by the Landlord and Tenant Act and the property should be in a good state of repair before a tenant moved in. The MD HfH assured the Committee that they did not intentionally send new tenants into a property that was not up to standard. Sometimes viewings were done with the new tenant before they moved in with the understanding that any repairs would be completed by the time they moved in. In response to a follow-up question, HfH acknowledged that they should inspect the property before the landlord.
 - h. The Committee set out that although the properties were let and managed by HfH, the report was very clear that it was the Council who was held accountable all the way through the report. The Committee suggested that there were some clear lessons to be learned about lack of control and accountability.

- i. In response to a request for clarification around the nature of some of the cultural issues identified in the report; HfH advised that these related to defensiveness and a failure to engage thoroughly, the respective responsibilities of the Repairs service and the landlord, and a failure to deal with the matter in time and in line with the correct process.
- j. The Committee sought reassurance around whether there were likely to be any similar cases arising. In response, the MD HfH advised that he was not aware of any that were in the system at present. HfH had undertaken a review following the Ombudsman's request to review existing cases, some of these were found to have exceeded the 56 day timeframe but none of these were found to be detrimental. HfH set out that they had subsequently brought suitability reviews back in-house.
- k. In response to a query around the level of demand for similar properties in Temporary Accommodation, officers confirmed that there were around 3000 households in TA and that demand for three bedroom properties was particularly acute with around 1000 households on the waiting list. The average waiting time was around 12 years.
- l. The Committee sought clarification around whether there was an issue in undertaking surveying reports and the level of demand experienced. In response, HfH advised that between August and September 2018 there was around 36 reviews requested. This was in comparison to around 300 Temporary Accommodation applications received. HfH advised that the majority of reviews were in relation to location, particularly if the offer was for an out of borough property.
- m. The Committee questioned whether the management team were confident that a similar incident wouldn't happen again, given the actions that had been put in place. HfH responded that they were confident that the processes were in place to meet the 56 day timescale. HfH also set out that the actions taken by management had also reduced the risk of residents being offered properties that were in not in a good state of repair. However, the Committee were advised that occurrences like mould and cockroaches were difficult to prevent entirely as they were partially caused by factors such as overcrowding. The MD HfH set out that infestations would happen and that these needed to be dealt with promptly.
- n. In response to a question around how often HfH terminated contracts with private landlords, HfH advised that they very rarely terminated a lease but would review it at the end of the lease period, which was usually three to five years. Instead, HfH should have withheld the rent in this instance until the repairs were completed. In response to a question around the SLAs in place and the seven month wait to replace rotten door frames, HfH acknowledged that this was an unacceptable time frame and that they were working closely with their contractors to ensure prompt repairs.
- o. The Committee enquired about the rate of tenants who took their complaints to the Ombudsman and whether there were any further cases in the pipeline. The MD HfH that the number of complaints to the Local Government Ombudsman was quite low but he would come back to the Committee with more details on the number of cases in the pipeline. **(Sean McLaughlin)**.
- p. In response to a question around the level of compensation in this particular case, HfH set out that the level of compensation was relatively low considering the context of the case. However, bringing the report to a formal meeting of the

Council for review and being required to publicise the report was quite an unusual step.

- q. In response to concerns about HfH's record keeping, the Committee was advised that they had recently upgraded to a new system that provided easy access to all records kept of repairs. In response to concerns about an upcoming Cabinet report on implementing another new system, HfH advised that this related to updating the wider housing management system which kept track of rents, voids and lettings etcetera, rather than repairs. HfH acknowledged that there would need to be a decision made in future about integrating the repairs database into this.
- r. The Chair advised that he was concerned that previous promises had not been kept and sought assurances that this would not happen again. The Committee requested a list of all of the Ombudsman cases from the last 3 years. **(Action: Sean McLaughlin).**
- s. The Committee also requested that an independent assessment be undertaken into reviews of suitability to ensure that HfH were on top of this issue and that the service continued to monitor these cases going forwards. **(Action: Sean McLaughlin).**
- t. The Chair also requested that a follow up report come back to the Committee. The Chair asked for Internal Audit to work with HfH to review the organisational issues and put in place an audit process and action plan for monitoring the issue. The Head of Audit and Risk Management agreed to speak to the MD HfH about putting this in place and bringing a follow-up report back to Corporate Committee. The Head of Audit and Risk Management suggested that this would likely be in 6 months' time. **(Action: Minesh Jani/Sean McLaughlin).**

RESOLVED

- I. That Corporate Committee noted the outcome of the Ombudsman's investigation set out in the LGO report dated 11th April 2019 and included at Appendix 1 of the report.
- II. That the Corporate Committee noted the recommendations made by the Ombudsman to remedy the injustice, as set out in paragraph 6.22 of the report.
- III. That the Corporate Committee accepted the Ombudsman's recommendation that compensatory payments are made to Ms B.
- IV. That the Corporate Committee retrospectively authorised officers to make the compensatory payments to Ms B set out in paragraph 6.25 of the report.
- V. That Corporate Committee further noted the actions which have been put in place to comply with the Ombudsman's recommendations along with the timescales.

CHAIR: Councillor Isidoros Diakides

Signed by Chair

Date