

MINUTES OF MEETING Overview and Scrutiny Committee HELD ON Tuesday, 1st December, 2020, 7.30 - 10.30 pm

PRESENT:

Councillors: Peray Ahmet (Chair), Pippa Connor (Vice-Chair), Erdal Dogan, Ruth Gordon, Khaled Moyeed,

Co-optees: Lourdes Keever, Anita Jakhu, Kanupriya Jhunjunwala

Also Attending: Councillors Dawn Barnes, John Bevan, Zena Brabazon, Luke Cawley-Harrison and Emine Ibrahim

29. 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.

30. APOLOGIES FOR ABSENCE

Apologies for absence were received from Yvonne Denny.

31. URGENT BUSINESS

There was no urgent business. It being a special meeting under Part 4, Section B, paragraph 17 of the Council's Constitution, no other business was considered at the meeting.

32. DECLARATIONS OF INTEREST

The Chair advised that she was a Ward Member for Noel Park.

Lourdes Keever declared that her son and his partners were both Council leaseholders

Cllr Ibrahim declared that an immediate family member was a tenant on the Noel Park estate.

33. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

The Committee heard representations from Michael Hardy and Barbara Tierney from Haringey Leaseholders Association. In summary, the Deputation Party raised the following key points:

- a. The Deputation party challenged the level and quality of resident engagement on the proposed changes to the Leaseholder Alterations Policy which had only received 147 responses when there were over 5000 leaseholders in the borough. This was not felt to be an adequate context on which to base the progression of these changes to the Leaseholder's Alterations Policy.
- b. How the questions in the consultation were framed was felt to be misleading and did not provide any of the positive aspects of leaseholders replacing their own windows and doors and the cost savings this could provide them.
- c. The deputation party sought justification as to why Homes for Haringey was best placed to replace leaseholder and tenants' windows and doors and why leaseholders were not being provided the opportunity to replace their own windows and doors at a lower cost.
- d. An example was relayed to the Committee of a leaseholder fitting some of her own windows and doors in 2008, then being subsequently required to replace all her windows and doors as part of her blocks decent homes works. A personal account was also provided which raised concerns relating to; conflicting information from Homes for Haringey, lack of time available for financial decision making and insufficient communication about the scheduling of the works, which culminated in the leaseholder being billed with significantly increased costs. This had caused a significant amount of stress and for the leaseholder and there were many other leaseholders facing similar circumstances.
- e. The first-tier tribunal process was an appeal option only available to the leaseholders where they could dispute the costs of the work, but this was expensive, complicated and time consuming; especially in comparison to the leaseholder undertaking the works themselves.
- f. Mainly leaseholders were frustrated with the process and ended up having to undertake the works themselves and then having to seek retrospective consent which left them in a precarious financial position. Leaseholders were directly invested in safety of their properties and had more of an incentive to procure better products for their properties than HfH.
- g. It was accepted that the Council had to reconsider the fire safety of their housing stock in light of Grenfell. However, it was contended that there were different types of properties in the Council's housing stock and they should not all be treated in the same way. There should be different solutions put forward for ensuring the safety of properties.
- h. Confidence in Homes for 'Haringey procured fittings was also questioned given Homes for 'Haringey board reports of failed fire safety burns tests on contractor fitted doors
- i. Inconsistencies in the charging for door installations by Homes for Haringey, indicated that there were different costs being put forward to leaseholders which was likely to be connected with the procurement packages being taken forward for Major Works for different blocks. This was leading to unequal charging of leaseholders around the borough.

The Chair thanked the deputation party.

34. CALL-IN: ALTERATIONS POLICY FOR LEASEHOLDERS

The Committee considered Cabinet's decision to approve the Alterations Policy for Leaseholders on 10th November 2020. The signatories to the Call-In were Cllr Barnes, Cllr Cawley-Harrison, Cllr Palmer, Cllr Ogiehor and Cllr Da Costa. The signatories did not claim that the decision was outside of the policy or budget framework. The reasons for the Call in were set out in the second dispatch agenda pack at page 71.

Stephen Lawrence Orumwense introduced the Joint Chief Finance Officer and Monitoring Officer's Report, The Committee was advised that the Chief Finance Officer & Monitoring Officer agreed that this decision fell within both the budget and policy framework. Following an outline of the process for the call-in meeting, and the possible outcomes available, the Chair invited Councillor Barnes and Councillor Cawley-Harrison to present the arguments for why the signatories had requested the Cabinet decision to be called in and the alternative action proposed. The concerns of the signatories were noted as follows:

- a. It was contended that the changes to the policy put forward made the installation of doors and windows less safe and there were local specific examples provided of leaseholders paying for works and not receiving communications about the progression of the works, delays, and then being charged increased costs.
- b. There seemed to be an inconsistency in the approach taken with two different Council blocks where there were urgent safety works to be undertaken.
- c. Questions were raised about whether Homes for Haringey had sufficient processes in place to adequately manage an important safety programme and communicate sufficiently with leaseholders.
- d. Leaseholders had been put in a difficult situation with safety works mandated to them and then these works not being carried out in a timely manner.
- e. It was questioned whether Homes for Haringey could fulfil the proposition of commissioning, managing, and delivering works that ensured the safety of residents.
- f. Examples of specific casework were given relating to Homes for 'Haringey works' on windows which had to be rectified and the delays in completing these works. It was questioned whether Homes for Haringey were actively learning from these cases and rectifying processes accordingly.
- g. Assurances were sought that fire safety works identified would be completed in a timely way by Homes for Haringey to keep residents safe and provide leaseholders with peace of mind.
- h. Further concerns were noted with the performance of Homes for Haringey on delivering on works and the length of time taken from when the issues were first reported.
- i. Before agreeing this policy, there was a need for assurance that Homes for Haringey had the correct procedures in place, could carry out the works to the required standard and that there was also a process in place for this to be independently checked. Ultimately, the Council needed to ensure that if leaseholders were not permitted to undertake the works themselves, then the quality of work undertaken by Homes for Haringey needed to be up to standard.
- j. Concerns were put forward that the response to call in report did not provide sufficient evidence that the safety standards being put in place were to the

- highest standard and that all of the required information was being provided to leaseholders.
- k. There was also a lack of information in the response to the call in on the quality assurance measures being taken forward. It was suggested that there was a survey being done with leaseholders and tenants, but it was unclear if this was a new measure or an existing QA process.
 - l. The Call-in signatories proposed that the Cabinet decision on the introduction of a new Alterations Policy should be delayed until evidence could be provided that Homes for Haringey were able to provide the same level of safety and quality in the installation of doors and windows that leaseholders and tenants could receive from the open-market and that there was confidence in the quality assurance process to meet safety standards.

Cllr Ibrahim, the Cabinet Member for Housing and Estate Renewal, along with Robbie Erbmann, AD for Housing and Mark Baigent, Interim Director of Property at Homes for Haringey (HfH) responded to the representations, questions from Committee members and call-in as follows:

- a. The policy addressed a wide range of property issues, not just windows and doors. HfH and Council officers reviewed the policy and proposed amendments to clarify responsibilities in line with best practice across the social housing sector. It was further clarified that the only substantive changes to the policy were concerning windows and doors and the remainder of the policy was unchanged.
- b. In line with post-Grenfell advice from the Government to housing providers, HfH commissioned a series of burn tests to front entrance doors installed by major works contractors in recent years. The Council have yet to receive certificated results of these tests. HfH Board has been informed that officers understand there have been test failures (i.e. doors did not withstand fire for the specified 30 minutes) and were acutely aware of the challenge. The Committee was advised that a detailed report on remedial action was being drawn up. These issues related to composite door manufacture reflected an industry-wide set of concerns being pursued by the Government and many other local authorities.
- c. The Cabinet Member advised that she understood frustration of leaseholders and they were encouraged to put forward this casework to Cllr Ibrahim. Councillors did care about the situation of leaseholders and it was hoped that interaction on this issue would change perceptions.
- d. It was acknowledged that windows and doors fittings were important in the prevention of the spread of fire and there were examples of this recently at an incident at Shepherds Court, Lacknell House fire and Garner Court where fire had spread through the window panels. It was accepted that the legislation had not changed since 2005 but this was not a reason to continue with the policy
- e. The Cabinet Member advised that in her view, the 2008 policy changes to allow alterations by leaseholders to windows and doors should not have been agreed because of the risk around fire safety.
- f. The safety of residents, both tenants and leaseholders, were of paramount importance and guided this change in policy. The Cabinet Member had to action safety concerns which were brought to her attention, especially in relation to the Council's role as a landlord and the need ensure the safety of residents who are leaseholders and tenants.

- g. It was important to prevent alterations that undermined the safety of residents as it only took one bad alteration to affect a whole building. The key issue was accountability, and the Council could not pass this responsibility for fire safety to leaseholders and tenants.
- h. The Cabinet Member could not find another Council with the current alterations policy, allowing leaseholders to take forward alterations to windows and doors. Every Council had its specific challenges since Grenfell in ensuring fire safety of their housing stock. Every Council also had challenges with the management of its stock and repairs.
- i. In regard to the specific casework issues raised by the call-in signatories, there had been an number of steps taken by Homes for Haringey to meet some of the challenges expressed by the call in.
- j. HfH had recruited 6 fire safety officers including 4 fire safety posts within the Council, including a compliance officer and contract monitoring roles. This demonstrated that Haringey were responding and endeavouring to meet the concerns expressed.
- k. As a Council there were mechanisms to have oversight of Homes for Haringey, including the cross-party Homes for Haringey Board.
- l. The Cabinet Member acknowledged that consultation was always a challenge. However, there was in-depth engagement on fire safety, and this had been ongoing. However, the longer the Council took to make this policy decision, the longer the risk the Council was exposed to. Officers were content that there was sufficient effort to contact people and officers were disappointed with the number of responses. This was however typical of the level of engagement responses to the Council.
- m. It was noted that there was a 95% customer satisfaction score from residents in relation to the major works programme monitoring perhaps this reflected that residents did not wish, or have the time to respond to the consultation on the Alterations Policy.
- n. There would be a competitive procurement process in place for the contracted works and some of the time this would be through a pre-qualified panel. There would therefore be significant competition to ensure quality and price. The certification process and specification of the product being installed was critical in making sure right products were chosen that met legal requirements for fire safety.
- o. There was a need for quality control and the Council also needed to be satisfied that appropriate quality assurance was in place and factored in the procurement process. This was also the case for installation with Homes for Haringey surveyors for inspecting works. The procurement process allowed for a number of checks to be in place to ensure the right product and installation was carried out correctly. It was accepted mistakes could sometimes be made and Homes for Haringey were working hard to make things better.
- p. It was noted that some manufacturers made claims to meet standards but that in some cases they did not and the Council had been undertaking its own burns tests as a result. The cost would be high for a leaseholder fitting a door under the current policy as potentially they would need to complete a burns test for their door before installation.
- q. With regards to composite doors, there was not the confidence in the industry that there had been thorough quality assurance examination, and this was why Councils had to take forward these additional tests.

- r. Officers acknowledged that there were different compartmentalisation challenges in different buildings and 3 apparent cases of issues with windows and doors, Shepherds court was a recent example. There was also a need to respect and consider information from the fire brigade.
- s. The Cabinet Member highlighted examples of surveys that have found substandard installations by leaseholders, highlighting the risk of allowing leaseholders to carry out their own works.
- t. Fire safety assessments were taking place on housing stock on a cyclical basis with issues being discovered. Ultimately, the Council needed to manage this risk and there were processes in place where issues were identified but this was not a long-term solution.
- u. When issues were discovered in fire safety assessments, these were reported to a specific board in Homes for Haringey and attended by senior housing officer from the Council's housing service.
- v. Officers acknowledged that there was a need to complete significant fire assessment works and bring forward a programme of compartmentation works next year. Fire safety reviews were ongoing and this included a review of all buildings so that when issues were identified actions carried out.
- w. The Council were maintaining oversight of this procurement process and there was a process for leaseholders to challenge the costs through the first-tier tribunal process. Homes for Haringey would take this challenge seriously as they would need to justify the works through this process. So there was an added assurance of needing to meet legal requirements when Section 20 notices were issued. HfH would also need to be able to justify that the costs were appropriate to leaseholders.

The Committee noted that there was a lack of information in the Cabinet reports about the Procurement processes that would be followed in taking forward the windows and doors installation works, guaranteeing quality products and good installations. Safety was a predominant concern but there was also a need to provide assurance on the procurement process to be followed. Providing confidence that it was robust to enable the Council to meet its safety obligations. Also, if leaseholders were being asked to meet a cost for the alteration, they needed to know how this sum had been arrived at.

The Committee recognised the anxiety amongst leaseholders about the potential cost of windows and doors installation. There was a lack of confidence outlined in the representations from the call in and deputation in the ability of Homes for Haringey to provide value for money and deliver these works.

There was information provided on the Homes for Haringey role in maintaining safety for all residents in the Council Housing stock and the Council meeting its safety obligations as a freeholder.

The Committee took into account the advice of the Monitoring Officer that the decision was within the policy and budgetary framework and the decision options available to the Committee. The Committee deliberated on the evidence that it had received, and views expressed. The Committee decided that the called-in decision was within the budget and policy framework.

The Committee expressed the following concerns about the decision:

- The absence of evidence to support the Cabinet decision to approve the Leaseholder Alteration Policy and that installation of doors and windows were only carried out by the Council and its approved contractors.
- The need to await the outcome of the Grenfell inquiry report which it was felt should inform the policy decision.
- Further assurances should be sought on the procurement process for the contractors, including the need to be open and transparent on delivery, value for money, quality, and cost.
- The need to engage and involve leaseholders and tenants in the procurement process.
- The quality of the installation works to be undertaken and the safety and cost of the works.
- The need for fitted doors and windows to meet required safety standards and need for certification of works.
- Oversight of the procurement and installation arrangement to achieve high standards in the process for windows and doors fittings.
- The need for an accessible and clear complaints process prior to the first-tier tribunal.
- The poor response rate to the consultation and the need for improved communication with leaseholders.

RESOLVED

In consideration of the report from the Monitoring Officer and Section 151 Officer, the Committee determined that the Cabinet decision was within the Budget and Policy Framework.

The Committee decided that the decision be referred back to Cabinet for reconsideration. The Committee recommend that Cabinet pause or suspend its decision (i.e. resolution CAB 348 - Alterations Policy for Leaseholders]) to allow for a time limited scrutiny review to take place and be completed by March 2021.

If Cabinet decided to proceed with its decision despite the concerns expressed above, the Committee recommended that the Policy be amended to include the following:

- a. The Council's or Homes for Haringey's commitments on the standards for safety, quality, monitoring and oversight and completion of installations of doors and windows. Also, the processes and timescales to be adhered to.
- b. An open and transparent process for the procurement of the contractors and that will deliver value for money, quality standards and be cost effective.
- c. That Leaseholders be engaged and involved in the procurement process for contractors and in the purchase of the doors and windows that meet the safety standards and represent value for money.

- d. A robust complaints process for leaseholders and tenants to challenge decisions or actions regarding repairs and installations prior to instating the First Tier Tribunal Process.
- e. The Committee further recommended that the Council take steps to improve engagement and consultation with leaseholders as the response rate to the Policy consultation was very poor.

CHAIR: Councillor Peray Ahmet

Signed by Chair

Date