

**EXCERPT OF THE MINUTES OF MEETING OF CABINET HELD ON Tuesday,
10th November, 2020,6.30pm**

PRESENT:

Councillors: Joseph Ejiofor (Chair), Seema Chandwani, Charles Adje, Mark Blake, Kirsten Hearn, Emine Ibrahim, Sarah James and Matt White.

ALSO ATTENDING: Cllr Cawley – Harrison, and Cllr Morris

347. DEPUTATIONS/PETITIONS/QUESTIONS

[Cllr Chandwani left the meeting at 6.42pm]

Deputation in relation to item 9

Mr Michael Hardy and Ms Gaby Vandanberg, Haringey Leaseholders Association, addressed the Committee in relation to item 9 – Alterations Policy for Leaseholders. Mr Michael Hardy noted that leaseholders cared a lot about their properties and that they sought high standards for works carried out. In relation to consultation, he stated that he would like the policy to be reconsidered as he was not convinced that councillors had been provided with an accurate reflection of leaseholder views. He commented that there should have been more consultation and noted that, in considering the revision to this policy, there had not been a leaseholder panel or a comparison of the policies in other London Boroughs.

Mr Michael Hardy stated that the consultation letter to leaseholders, which implied that there was an inherent risk from windows in relation to fire safety, was misleading as windows did not have fire ratings and there were no fire safety regulations for windows, except for fixed panels. It was noted that there had been no indication to leaseholders that the ability to undertake their own works could result in cost savings and higher quality works. Mr Michael Hardy commented that leaseholders understood concerns about fire safety but considered that protection from fire could be retained based on the existing policy for alterations. He stated that the regulations on fire safety had not changed since 2018 and there was no evidence that doors or windows fitted by leaseholders had a role in causing or exacerbating fires.

Ms Gaby Van Den Bergh noted that the front door to her property was not secure and she did not feel safe in her home. She had applied to have her front door re-fitted in 2017 but had been directed to an incorrect form and then the policy had come under review. She outlined that locksmiths had looked at the door and it was not considered to be secure, but she had been unable to obtain a replacement and had reached an impasse. Ms Gaby Vandanberg explained that her shed had been broken into and, as she did not feel that the property was secure, had lived with others. She urged the Cabinet to reconsider the policy and explained that, if leaseholders could afford to install doors and windows in accordance with the fire safety regulations, they should have the choice to do so.

The Cabinet Member for Housing and Estate Renewal thanked leaseholders for attending the meeting and for their deputation. She noted that it was important that issues could be raised and urged residents to contact her where they felt that there had been inadequate performance or responsiveness and she would raise it directly

with Homes for Haringey. In particular, she urged Ms Gaby Vandanberg to contact her so that this issue could be resolved as soon as possible.

The Cabinet Member for Housing and Estate Renewal explained that the Council's primary concern was the safety of residents and that the decision to change the Alterations Policy for Leaseholders was not taken lightly. It was the Council's view that allowing leaseholders and their contractors to install their own windows and doors presented an increased fire risk and the Council had an overwhelming duty as a freeholder to keep all buildings and all residents safe. In relation to windows, the Cabinet Member stated that windows could make a significant contribution to the spread of fire and therefore did pose a concern in relation to fire safety.

The Cabinet Member noted that there had been a suggestion that the Council could allow leaseholders to fit their own windows and doors but could sue leaseholders where fitted items presented a risk to the building. She acknowledged that this was possible but highlighted that, following the Grenfell fire, the Council could not take risks that could lead to fire and physical harm to residents. It was added that the ability to sue would not provide any comfort and that ensuring safety was part of the Council's responsibility as the freeholder.

It was stated that, regardless of a change in policy, the Council was still responsible for the maintenance of buildings, including the windows and doors of each flat. It was noted that, if leaseholders believed that the Council was in breach of its maintenance obligations, they could make a claim of disrepair against the Council. The Cabinet Member encouraged use of this right if it was applicable. In addition, if leaseholders believed that the quality of works carried out was insufficient or that the costs were not reasonable, they could apply to the First Tier Tribunal to seek redress.

In relation to consultation, the Cabinet Member noted that all leaseholders were written to and asked to submit their views on the proposed change to the policy. It was explained that residents' views had been summarised and included in the Cabinet report. She commented that it was unclear how these views had been misrepresented but the Cabinet Member noted that residents were welcome to contact her about this. It was explained that there was not a clear majority of leaseholders in favour of the proposals and that this may not be a very popular decision but it was noted that views were fairly evenly divided between those in support, those against, and those who did not know. The Cabinet Member acknowledged that there was some opposition to this policy and stated that Homes for Haringey had not sought to avoid presenting these views.

The Cabinet Member noted that the previous policy, 'Service Improvements Initiatives for Leaseholders', had been introduced in 2008. She stated that she had not been a councillor at this point but highlighted that the current position was difficult as the risks attached to the previous policy were significant. The Cabinet Member noted that she had gauged views from other boroughs and found that they were taking a similar approach to that set out in the proposed policy; she considered that this was a more appropriate course of action. It was added that it would still be possible to have conversations about how the policy could be implemented with some options for manoeuvre and choice.

The Leader noted that deputations were not normally permitted to ask additional questions but stated that, without setting a precedent, the deputation could ask an additional question. Ms Gaby Vandenberg noted that, during the past two years, she had been unable to have a secure door fitted. She accepted the fire safety issues in principle but explained that, if she purchased a door, she could be assured that it was secure and fire safe. She stated that her front door was not safe against burglary and she did not believe it was safe against fire. Ms Gaby Van Den Bergh noted that it was possible to get repairs but that, as the door had been replaced within the last 10 years, she was not permitted to have or to purchase a replacement. She enquired what would be done about people in her position who felt unsafe, particularly vulnerable people.

The Cabinet Member noted that these were legitimate questions about Homes for Haringey's responsiveness and ability to resolve situations and she asked Sean McLaughlin, Managing Director Homes for Haringey, to respond. The Managing Director for Homes for Haringey stated that he was not familiar with this individual case but would be happy to investigate the details. In relation to doors in general, he noted that this was one of the reasons for the change in the policy. It was explained that front doors needed to be fire resistant and that it was very difficult to obtain certifications, across the industry, that new doors met the required standards. It was added that the industry was not regulating to a sufficiently high standard and that Haringey Council and Homes for Haringey had commissioned their own tests to ensure that doors were acceptable.

The Leader thanked the deputation for attending and presenting their views.

348. ALTERATIONS POLICY FOR LEASEHOLDERS

[Cllr Chandwani remained absent for the duration of this item.]

The Cabinet Member for Housing and Estate Renewal introduced the report which sought to ensure that the Council fulfilled its obligations as a 'responsible landlord' in accordance with current legislation and, by removing the permission that allowed leaseholders to procure and install their own windows and doors, sought to take the necessary fire precautions to ensure safety was not compromised. It was noted that some of the information had been covered in the deputation under item 8.

The Cabinet Member outlined that the alterations policy for leaseholders would provide clear guidance on the different categories of work within and outside their homes for which the Council's consent would be required. The implementation of the policy would ensure that external installations adhered to the current regulatory standards and did not compromise fire safety. This would ensure that leaseholders and other residents would be safe in their homes. It was noted that the policy would also provide clear guidance on fees for leaseholders so that they could make fully informed decisions before deciding to undertake alterations to their homes.

The Leader enquired whether this change in policy would mean that Haringey was taking a different approach to other councils or whether this would bring Haringey in line with other councils. The Cabinet Member explained that, where a policy allowed leaseholders to replace windows and doors, it was difficult to understand and regulate works. The Cabinet Member clarified that there was no suggestion that leaseholders were more likely to undertake non-compliant work but highlighted that it

would only take one piece of non-compliant work to cause harm. She added that she had spoken to some other London Boroughs and that their policies were broadly similar to the current proposal.

Sean McLaughlin, Managing Director (Homes for Haringey), noted that there was a range of policies across London Boroughs but that, on issues such as alterations and use of communal areas, many authorities were seeking increased restrictions and enforcement. It was explained that the new policy was not just based on comparing practice between boroughs but on advice from the London Fire Brigade and feedback from fires. In relation to front doors, practice could depend on the status of an individual Council's replacement and fitting programme and which doors they were permitted to fit. It was explained that, under Building Regulations, existing doors were held to the standard that applied when they were fitted but newly fitted doors were required to comply with new standards. So, although there were some differences between councils, most councils were seeking higher standards and a tougher enforcement approach.

The Cabinet Member noted that there were some variations between boroughs; she had spoken to one borough which had never permitted leaseholders to fit their own windows but did permit leaseholders to test a door and ask the council to fit it. However, she highlighted that some installations, including safety grilles on windows and security doors, could put residents at risk as they made it difficult or impossible for the London Fire Brigade to enter properties in emergencies. It was noted that there was a broad approach across London to prevent these types of installations. The Cabinet Member stated that it was the Council's responsibility to recognise if residents did not feel safe and to increase assurance and other work to ensure that the doors fitted were safe and that there were other, broader safety measures in place.

Cllr Cawley-Harrison highlighted two cases in his ward where works by Homes for Haringey had been poor quality or had never been undertaken. He enquired how residents could be assured that the standard of works was sufficient and that they were receiving a fair price when there was one provider for works. The Cabinet Member noted that it was important to receive feedback on works and for councillors to raise these issues; she stated that she raised constant challenges on these types of issues and she was sure that other councillors did the same, particularly councillors who sat on the Homes for Haringey Board. It was commented that, when issues arose, there were avenues to provide constant challenge on quality. The Cabinet Member acknowledged the merits of the open market but stated that this did not always ensure the highest quality of materials or works.

The Managing Director (Homes for Haringey) noted that he would not comment on the individual cases mentioned as he would need to look into the issues but he acknowledged some deficiencies in works and standards over time and that the levels of complaints were higher than he would like. It was explained that a number of actions were underway to make improvements and from the Council side there had been support to do this. The Council was strengthening the team that oversaw the relationship between the Council and Homes for Haringey with increased expertise in buildings and in property services to provide appropriate challenge and support. It was stated that on the Homes for Haringey Board there was an

independent board member who had responsibility for building safety for large housing associations and was chairing a group on compliance with safety standards in homes.

In addition, Homes for Haringey had their own health and safety board and on membership there was representation from the British Safety Council to ensure a level of independent assurance. The Council were funding growth in the management of property services and this week there would be recruitment to a new Executive Director for Property Service's for Homes for Haringey. Also, later in the month, there would a new post of Director of Building Compliance . There had already been recruitment to a building safety manager position that will enable Homes for 'Haringey to meet the incoming regulations for high rise blocks.

With regards to costs, the Managing Director (Homes for Haringey) stated that he was not convinced that it was possible to get the very high safety and quality standards applied by Homes for Haringey elsewhere. He added that leaseholders could apply to the First Tier Tribunal for redress if costs were not felt reasonable. Homes for Haringey would always need to demonstrate that their costs were reasonable.

In relation to front doors, it was noted that weaknesses had been identified in the self-regulation of the industry and there had been some delays in replacement works as it had been difficult to find doors that were completely satisfactory and met the 30 minutes burns test that should be applied. It was explained that the Council were supporting Homes for Haringey to commission their own burn tests on doors and the Director was awaiting the results of this.

The Managing Director for Homes for Haringey outlined that, legally or ethically, they could not proceed with replacement works on the basis of assurance from the industry when there was reason to believe that this should be doubted.

RESOLVED

1. To approve the revised 'Alterations Policy for Leaseholders' regarding the improvement works that leaseholders are permitted to make to their property as set out in appendix 1 of the policy.
2. To approve the introduction of a requirement that, where a leaseholder's external windows and doors need to be changed, all such installations are to be carried out by the Council and its approved contractors.
3. To approve the fee structure detailed in paragraphs 6.13, 6.16 and appendix 1 of the policy which will be subject to an annual review.
4. To note the process for deciding whether landlord consent can be granted as detailed in paragraphs 6.6 to 6.12 and appendix 1 of the policy.

Reason for decision

The recommendations in section 3 are being proposed to ensure there is a clear and transparent process in place for allowing leaseholders to improve their properties. In providing consent, the Council will give consideration to the effect works may have

on the structural integrity of Council owned buildings and the possible impact of these works on other tenants and leaseholders.

The recommendations also seek to ensure that all external installations have been manufactured and fitted correctly, in accordance with current regulatory standards and do not compromise fire safety. This is because the Council, as landlord, is ultimately responsible for the health and safety of all residents within Council owned buildings.

The recommendation also seeks to provide leaseholders with clarity on the fees payable for obtaining landlord's permission for alterations to their home.

Alternative options considered

The only alternative option was to continue with the existing 'Alterations Policy for Leaseholders' which was not feasible due to the Housing Health and Safety Rating System Regulations 2005 conferring powers on local authorities to ensure fire safety in occupied buildings. It is ultimately the Council's responsibility to have robust processes in place to ensure doors and windows are installed to current regulatory standards in the event of a fire.

END.