

Cabinet Housing Panel
7 March 2022

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET HOUSING PANEL held on Monday 7 March 2022 at 7.30 pm via Zoom

PRESENT: Councillors J. Cragg (Chair)
F. Thomson (Vice-Chair)

M. Birleson, L. Chesterman, A. Hellyer, R. Lass, R. Platt, P. Smith, R. Trigg and P. Zukowskyj

ALSO Residents Panel C. Andrews
PRESENT: Representative A. McHugh
Eversheds P. Crosbie
Sutherland

OFFICIALS Chief Executive (K. Ng)
PRESENT: Head of Housing Operations (S. Pearson)
Head of Community and Housing Strategy (S. Chambers)
Housing Property Consultant (Glen Finch)
Compliance Manager (E. Manzie)
Housing Strategy Manager (R. Sesstein)
Private Sector Housing Manager (J. Smith)
Democratic Services Assistant (B. Taylor)

26. SUBSTITUTIONS

The following substitutions of a Committee Members were made in accordance with Council Procedure Rules:

Councillor R. Platt for Councillor T. Jackson-Mynott
Councillor P. Zukowskyj for Councillor H. Quenet

27. APOLOGIES

Apologies for absence were received from Councillors T. Jackson-Mynott, H. Quenet and A. Dennis.

28. MINUTES

The minutes of the meeting held on 17 January 2022 was approved as a correct record by the Chair.

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29. DECLARATIONS OF INTEREST

Councillor F. Thomson and P. Zukowskyj declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being a Member of Hertfordshire County Council. Councillor R. Trigg declared financial an interest in item 9 and 10 (minute 32 and 33) on the agenda and confirmed he would not participate in the debate or vote for these items.

30. TENANCY STRATEGY REPORT

Report of the Head of Community and Housing Strategy on amending the current tenancy strategy. The previous strategy was drafted in 2012 and gave preference to Fixed Term Tenancies on 5-year terms. A review of the strategy was carried out, internally and nationally, which found that the strategy had not met its intended aims of increasing social mobility and making better use of the housing stock; in addition, the strategy left tenants feeling uncertain. The report proposed switching to secure tenancies. A review of the current secure tenancy terms and conditions had been carried out to clarify landlord and tenant obligations. All tenants would be consulted and notified of any changes to tenancy agreements. The review and consultation of the Tenancy Strategy, Policy and tenancy agreement would be combined to ensure a co-ordinated approach.

The following points were raised and discussed:

- Members welcomed the change and was delighted to give more support to residents. Members felt the review was timely
- Members asked whether tenants were aware of the change in policies, and the time scale of consultation. Officers stated that residents would be consulted on both proposals at the same time so residents would only have to respond once. Officers stated they would report back on the time scale
- Officers stated they wanted robust management of the processes with the tenants and felt that it was good to update the strategy in line with national changes.
- Members sought clarification whether tenancy audits had been impacted. Officers confirmed that the process was resource intensive as there was no IT that supports fixed term tenancy. Data would need to be manually inputted as well as starting 9 months in advance with officers conducting interviews.

RESOLVED
(Unanimous)

A) Members recommend to Cabinet that a consultation process with key stakeholders and tenants was followed to seek views on:

i) The proposal to amend the current Tenancy Strategy and Tenancy Policy to support the use of lifetime secure tenancies for social housing residents in this borough

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ii) The identified and proposed changes to the existing secure tenancy terms and conditions

B) Members recommended to Cabinet that a further report is brought back to Members setting out the findings of the consultation on the Tenancy Strategy, Tenancy Policy and secure tenancy agreement and recommending any relevant updates to all three documents as a result. Tenancy Strategy and Tenancy Policy as a result.

31. RESPONSIVE REPAIRS POLICY REPORT

Report of the Chief Executive on setting out the rules and responsibilities for landlord and tenants. The report clarifies the responsibilities of maintenance and repairing properties as well as providing a time scale to work to. The report sets out a service standard for the council and allows for accountability.

The following points were raised and discussed:

- Members sought clarification on the responsibility for fences and asked whether tenants were made aware of their responsibilities. Officers stated that fences were the tenant's responsibility, and they were not sure what information was provided when signing up to the property and would report back.
- Members asked what the "Right to Repair" entailed and do the tenants claim. Officers stated that the council had a legal obligation to reimburse tenants if they had arranged for a repair if the tenant had requested a repair and the Council had failed to respond.
- Members enquired what the guidelines were to what an "improvement" was and whether tenants need permission. Officers stated that improvements could include changing doors etc. Permission would be needed if tenants wanted a new kitchen fitted or if there were plans for structural changes. Members asked for clearer documentation to be provided to tenants.
- Members asked what a tenant could do if they were unhappy with a rechargeable repair. Officers stated they would not expect a tenant to pay if they were unsatisfied.
- Members stated they could not see a dispute structure in the report. Officers stated they would clarify the dispute structure to residents.
- Members welcomed the policy and felt it was imperative to have clear guidance.

RESOLVED
(Unanimous)

A) Members recommend to Cabinet the adoption of the Responsive Repairs Policy (as set out at Appendix A).

B) As the vote was unanimous, the policy was able to be approved by an Executive Member Decision Notice.

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32. BANNING ORDER POLICY REPORT

Report of the Head of Community and Housing Strategy on introducing a policy about the use of banning orders for the worst offending landlords with the offences listed in Appendix A of the report. The report follows a recommendation by the First Tier Tribunal that a policy be implemented to regularise the process and provide cohesion.

Councillor R. Trigg recused himself from this item.

The following points were raised and discussed:

- Members welcomed the report and felt it good to have a policy in place.
- Members asked how it would be managed and monitored. Officers stated that the case loads were on a database which would regularly update and link to a government database. Officers stated they were not expecting to have many banning orders.
- Members sought clarification how tenants would know of the banning order policy. Officers stated the order would be promoted to tenants and the Shelter would advertise information.

RESOLVED

(unanimous of those present – 9)

A) Members recommend to Cabinet that the final policy as set out at Appendix B is adopted

B) As the vote was unanimous, the policy was able to be approved by an Executive Member Decision Notice.

33. ELECTRICAL SAFETY POLICY REPORT

Report of the Head of Community and Housing Strategy setting out the Council extending its Civil Penalty powers to non-compliant landlords and managing agents for failing to provide an Electrical Safety certificate. The standards were bought in May 2020 in two phases. Private landlords would need to make sure that the requirements are met with 5-year checks by a qualified professional who would provide copies of certificates to the tenant and authority. The policy would help tackle rogue landlords.

Councillor R. Trigg recused himself from this item.

The following points were raised and discussed:

- Members asked whether the Council provided a list of safe electricians and set the standards. Officers stated that landlords have to go with accredited by NICEIC or NAPIT. Members asked if that was in the Policy. Officers confirmed that it would be added.
- Members asked whether the Council would be providing similar reports for its own tenants. Officers stated that it would be looked into following the focus on compliance.

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RESOLVED

(unanimous of those present – 9)

- A) Members recommend to Cabinet that the policy as set out in Appendix A is adopted as part of the council's Civil Financial Penalty Policy
- B) As the vote was unanimous, that the policy was able to be approved by an Executive Member Decision Notice.

34. PERFORMANCE REPORT FOR HOUSING QUARTER 3 2021/22

Report of the Head of Housing Operations on Key Performance Indicators (KPIs) for Housing in Quarter two in 2021/22.

The report provided a summary of the strategic Key Performance Indicators (KPIs). The KPIs were monitored quarterly by Heads of Service.

The following points were raised and discussed:

- The Chair sought clarification on what was being done to address the KPI's in red and get them amber and green. Officers stated that BPI30 had been impacted by Covid and the need to conduct inspections whilst keeping covid safe. Officers were confident remedial actions would pick up pace. Officers stated that a collaborative effort across service teams and monthly reviews of the process was helping improve BPI37 and BPI87.
- Members stated the KPI focussed on gas safe properties and would that change. Officers stated it was part of the business plan review at the performance clinic which would be ready for April onwards.
- Members asked whether CHP was able to pick the KPIs and the process behind. The Chief Executive stated a report would be brought to a later CHP of the KPIs that need monitoring.
- Members expressed a worry of the use of percentages and asked what the overall survey response levels were. Officers stated they were looking at how to improve responses by using other methods, such as technology, to have a legitimate sample size.

RESOLVED

(unanimous)

The Panel noted the contents of this report.

35. HOUSING COMPLIANCE UPDATE

Report of the Chief Executive that provided an update on the Housing Compliance position and the improvement plan. Officers stated that the update followed on from the previous CHP and confirmed that an update would be provided at every CHP meeting. Officers stated they were on track with all areas to be compliant by the end of March 2022. Officers stated that 309 fire safety

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assessments had been completed and 'no access properties' was now 173, which was an improvement.

The following points were raised and discussed:

- Members were happy to see compliance was on target
- Members sought clarification on how officers would remain on top of compliance moving forward. Officers stated a new asset system had been implemented to keep on top of any issues which linked with the housing system. Rolling programmes had been implemented with electrical and gas in a MOT style to be set in place by March 2023.
- Members asked how many fire doors had been installed. Officers confirmed that 898 had been completed but there was an anticipation that more doors would need to be replaced as further checks were made and new standards were introduced. However, these would be completed after the ones required by current legislation and then move toward best practice.
- Members queried the high-risk action that was completed. Officers stated that the process was completed in a week.
- Members asked about the fire alarm system. Officers stated that there are not fire alarm systems in all the blocks as they were not required. The alarms were located in the communal areas and in each flat.
- Members wondered if fire drill occurred. Officers stated that the equipment was checked quarterly rather than 6 monthly and the scheme manager tested the alarms weekly

**RESOLVED
(unanimous)**

The Panel noted the contents of this report.

36. INDEPENDENT COMPLIANCE REVIEW

The Executive Member of Housing and Climate Change again gave an apology to all the tenants and leaseholders for failings which led to the self-referral to the Regulator for Social Housing in May 2021. The Executive Member stated the compliance issue was being tackled.

The Chief Executive also reiterated her apologies to all the tenants and leaseholders. She stated that a new team had been employed to fix the housing compliance issue and gave thanks to all officers working on fixing the issue.

Report of the Chief Executive which outlined the commission of Eversheds Sutherland independent review. Phil Crosbie, Principal Associate, of Eversheds Sutherland presented the report which was to investigate a systemic failing system. The review looked into how the Council got into that position, what were the controls and why it failed. The review process gathered information from a range of documents and interviews with individuals, only those that were still employed by the Council. The review found three main areas of focus:

- The reintegration of the Housing Trust,

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- Who knew about the failings and who should have known,
- Why the BDO report was not reacted to.

From the review several root causes were identified:

- Unnecessary focus on gas safety
- Lack of complete records
- Reliance of exception reporting
- Missed opportunities
- Covid causing operational challenges
- High staff turnover
- Job descriptions being too broad or inaccurate
- Risk & Resilience team being independent
- Lack of health & safety resource in the Council
- Multiple systems not linking up for compliance
- Not sharing or collaborating between teams. Silo working
- Focus on the visible aspects rather than unseen (fire/asbestos)
- Staff reluctance to come forward over issues

The principal associate stated the compliance issues would get better if the root causes were addressed and that it appears the Council were taking the appropriate next steps. However, for the issue to be rectified then the motivation and enthusiasm needed to be maintained.

The following points were raised and discussed:

- Members expressed thanks for the independent review.
- A Member voiced concern that the measures in place would not keep residents safe and there was a lack of health & safety imbedded into the organisation's culture, as the focus was on the 6 main areas of compliance. The Principal Associate stated there was a legal obligation of compliance in the 6 main areas, and health & safety measures should be undertaken when practicable.
- Members felt that health & safety was an issue that needed investigating.
- Member queried if the management response was seen by members prior to it being agreed at Cabinet. It was confirmed that this was sent to all members prior to the meeting.
- A Member expressed fear that the management response was not sufficient, and the council would make the same mistakes if the culture and approach to health and safety was not changed. The chief executive stated that part of the rationale of the restructure of senior management was to tackle silo working. The proposed structure was currently in consultation and would try to bring housing compliance, health and safety, and risk & resilience together.
- Members felt the root causes were important to investigate and these were identified in the report.
- The Executive Member stated that the Council needed to look forward and address the issues highlighted by the root causes for the tenants and leaseholders and that the management response sought to address these.

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- Members agreed that the tenant's safety should be a priority.
- Members raised concern over silo working issue and staff turnover. Members asked if CMT had the tools it needs. Officers stated there were challenges on recruitment and were looking at ways to address the problem.
- Members asked for a paper on how compliance and health & safety would work together.
- Members felt concern that officers may experience burnout when tackling the compliance issues. Officers stated they had support from across service teams and processes were in place to make sure people stayed on track.
- Members expressed appreciation to the work that Officers were doing.

RESOLVED
(8 in favour, 2 against)

The Panel noted the contents of this report.

Meeting ended at 9.35 pm
BT