

London Borough of Islington

Housing Scrutiny Committee - 25 September 2023

Minutes of the meeting of the Housing Scrutiny Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 25 September 2023 at 7.30 pm.

Present: **Councillors:** Jackson (Chair), Cinko-Oner (Vice-Chair),
Bossman-Quarshie, Ozdemir and Jegorovas-
Armstrong

Councillor Jason Jackson in the Chair

30 APOLOGIES FOR ABSENCE (Item 1)

Apologies were received from Councillors Gilgunn, Graham and O'Sullivan. Also apologies from Rose Marie McDonald, Co-Optee.

31 DECLARATION OF SUBSTITUTE MEMBERS (Item 2)

Councillor Mackmurdie substituted for Councillor Graham.

32 DECLARATIONS OF INTERESTS (Item 3)

There were no declarations of interest.

33 MINUTES OF PREVIOUS MEETING (Item 4)

RESOLVED:

That the minutes of the meeting held on 17 July 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

34 CHAIR'S REPORT (Item 5)

The Chair informed meeting that since the last meeting he met Resident groups and representatives of Notting Hill Housing noting that there are areas for communication improvement. He also met Southern Housing leaseholders on the ongoing issues of cladding and its impact.

35 EXTERNAL ATTENDEES (IF ANY) (Item 6)

None

36 ORDER OF BUSINESS (Item 7)

The order of business would be B1,B3,B4,B2, B5 and B6.

37 PUBLIC QUESTIONS (Item 8)

None.

MAJOR SCRUTINY REVIEW 2023/24: NEW BUILD HOMES-OFFICER PRESENTATION AND WITNESS EVIDENCE (Item B1)

Committee received a presentation on New Build Homes from Stephen Nash and Alistair Gale, Head of Strategic Development & Delivery and Head of Programming Design & Customer Care. The following points were highlighted:

- There is a housing crisis with a desperate shortage of genuinely affordable homes with over 15,700 registered on Islington's housing waiting list.
- At present under 3,000 Islington households live in overcrowded accommodation of which over 500 are severely overcrowded households.
- Homelessness is on the rise and temporary accommodation availability is declining.
- Meeting was advised that 146 applicants on the housing register require wheelchair accessible accommodation.
- In 2008 Islington Council became one of the first local authorities to start building new council housing again for 25 years, following a period which it had been forced sell off housing stock through the Right To Buy scheme.
- Islington remains one of the smallest and most densely populated boroughs in London, that much of the borough is already built up, resulting in a scarcity of land for new housing.
- The lack of land supply and high property values in Islington has driven the council to look for opportunities to build new homes on land it already owns. Most of the completed and under construction new housing projects consist of building new homes alongside existing homes on council-owned estates.
- It was noted that 'infill' projects are often on constrained sites that require carefully considered design and well managed construction which tends to result in higher construction and development costs.
- Members were advised that with every project, the new build team aims to build as many new council homes as possible; improve communal areas, improve facilities and landscaping; making sure the new homes and any improvements made meet the residents' needs on the estate.
- In addition to the above, other aims of the new build team is to ensure that there will be minimal disruption to its residents; achieving the best value for money; that proposals prioritise a mix of homes more closely aligned with housing need, including larger family homes, accessible homes and specialist supported housing.
- Islington's local lettings policy gives local residents priority for the new council homes built, particularly those living in homes that don't meet their current needs which then provides another opportunity to release existing homes that are then re-let to meet the needs of other Islington residents.
- With regards to design and construction, meeting was advised that council's aspiration is to achieve higher standards for housing design and build quality homes.
- Council aims to be at the forefront of building safe, secure, high quality, maintainable, energy efficient new homes that residents would be proud to live in, that its approach is bespoke to each individual site but pinned to a

core set of principles to achieve a consistently high level of quality and performance.

- All new homes are designed to be tenure blind, with no visible difference in the appearance and common areas of buildings of different tenure.
- The Council has worked successfully with its contractors to maximise the training and employment opportunities for residents arising from our housing development projects.
- In terms of resident engagement, meeting was advised that its contractor framework provides the Council with access to the right contractors to deliver the quality homes and to manage the construction impacts on local residents. Officer advised that committee will be receiving a presentation on resident engagement at a future meeting.
- All schemes involve a significant amount of engagement with local residents, through a variety of different ways to ensure all residents have an opportunity to get involved and have their say.
- Council is committed to involving residents at its earliest stages, encouraging them to provide their lived experience about their home and estate. Feedback received helps the team to design schemes that can address housing need, tackle anti-social behaviour and upgrade or provide new facilities for the community.
- In terms of housing delivery, between 2009 and the end of August 2023, 580 new high quality, genuinely affordable council homes were built. Also new specialist supported accommodation was also provided, enabling Islington residents to live in their communities rather than outside the borough and to receive the best care and support possible.
- The Housing Director acknowledged that development has taken place at more than 40 locations in 17 wards with the result Council has been able to house over 2,500 Islington residents.
- Islington Council has built 28 shared ownership, and 102 outright sale homes in the period stated above, with receipts from the sale of these private homes helping to pay for the new affordable housing and other associated estate and social infrastructure improvements.
- In terms of funding for new homes, meeting was advised of rental income from the new council rent homes; prudential borrowing from the Public Works Loan Board; open market sales; Right to Buy (RTB) receipts and GLA grant funding.
- Islington has a target to build 750 new council homes between 2023-2027, noting the schemes at Finsbury Leisure Centre and Vorley Road. All will contribute to meeting the target with 200 new homes, 50% council rent which meets Passivhaus standards and includes new leisure and medical centres, new public realm, play and landscaping.
- In light of the current wider economic climate, the programme of new build homes presents significantly viability pressures and considerable risks such as high inflation, interest rate rises leading to higher borrowing rates for councils; construction costs at a 40-year high which is unlikely to fall; flatlining sales values and increased mortgage rates.
- Delivery of homes has become increasingly challenging and many public and private sector housing developers have either paused, slowed,

or radically altered their delivery programmes, resulting in fewer affordable homes being built, particularly in London, noting that work is underway to mitigate these challenges.

- Director informed the meeting that as part of the review exercise, topics for discussion at future meetings will include consultation and engagement methods and communications; partnership working activities and opportunities; measures in place to meet the current and potential future economic challenges; lobbying activities to increase financial support and access to potential sites for development; how other Local Authorities are meeting the current economic challenges; compare performance with other LA housebuilders to measure performance; innovative practices, including modular, build-overs, garage conversions; estate transformation opportunities to increase new housing supply and address issues in existing housing stock.
- In response to concerns about monitoring of works carried out by sub-contractors, Interim Director advised that a dedicated small After Care team has been in place in the last 18-24 months do carry out checks noting that lessons have been learnt and reassuring members that personnel involved have a construction background.
- Meeting was advised that car parks on existing council estates are possibilities however acquisition of private car parks is more challenging as Council has no control over such land and such land attract exorbitant land values which is unaffordable. Meeting was advised that committee will be receiving a presentation at a future meeting on council's partnership with land owners.
- A member request for a further breakdown of bedrooms sizes could be provided especially in light of Council's commitment to build more family homes was noted.
- On a suggestion that Council consider using one standard design similar to well-known national home builders instead of having multitude of designs, the Director advised that this could not be replicated as most of the new build homes are being built on existing estates and it is important to note that besides building affordable homes, it is important that such developments do not have an impact on the amenity of existing residents.
- On the number of homes being delivered, the Director clarified that the 28 shared ownership noted in the report is not included in the 580 homes built. The Chair requested that officers provide number of homes built year by year in the last 5 years so that members can have a full understanding of the trend.
- On the role of planning and council policies, Karen Sullivan reassured members that following a discussion on Tall Buildings in the context of addressing overcrowding issues at previous committee meeting, issues around density are being discussed at corporate level and that going forward schemes will be brought to planning committee in the near future.
- The Chair acknowledged the challenges in this area, noting that the Council will need to be both bold and innovative in order to address overcrowding and building affordable high quality homes stating that he welcomes the numerous awards that the council has received in terms of design but would

be more delighted if awards could be received for building more affordable homes.

RESOLVED:

That the presentation be noted.

39 **MAJOR SCRUTINY REVIEW 2022-23 , STRATEGIC REVIEW OF OVERCROWDING IN ISLINGTON - DRAFT RECOMMENDATIONS , TO AGREE (Item B2)**

Member requested recommendation 4 be more robust, change the wording to read "Council build larger 4-5 bedroom accommodation.

Chair informed Members that at the next meeting in November final report on Overcrowding and draft recommendations is to be considered for approval after which it will be scheduled on the Executive's work programme.

RESOLVED:

- 1- Draft recommendations approved subject to amending the wording of recommendation 4 for it to be robust.
- 2- Final report and recommendations to be scheduled at the November

40 **DAMP AND CONDENSATION MOULD - OFFICER UPDATE (Item B3)**

Councillor O'Halloran the Executive Member of Housing and Needs gave a statement in response to a recent online coverage of damp and mould in one of Islington's Council homes originating on social media.

Executive Member stated that with regards to the case reported online, Council repeatedly tried to access the property so as to carry out the necessary works, offering the resident temporary accommodation on several occasions which he refused, and turning down all affairs of a temporary accommodation.

Executive Member informed Committee that following resident's request for a permanent new home and instructing solicitors to seek an outcome through disrepair, the Council has provided all parties its surveyors report on condition and the specification for works.

In light of the above, meeting was advised that Council has pursued an injunction to secure access so that urgent repairs could be carried out while continuing to engage with the resident in the hope of gaining entry.

Meeting was advised that Council has now gained access to the property on the 11th September 2023 so as to undertake the required works. Also Council will also consider the Council's injunction request to ensure the works can be completed.

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Finally Executive Member informed the meeting that in light of the above and going forward, the Council has reviewed its approach to seeking injunctions especially when residents fail to provide access, that Council will automatically begin proceedings if no response is received after three letters from Council solicitors .

Executive Member reassured the council and its residents that despite this legal option being a last resort, the Council takes its safeguarding responsibilities serious to prevent cases of damp and mould and other disrepair escalating .

The Chair thanked the Executive Member for her statement clarifying the Council's position and thanked housing officers for their actions so far on addressing not only with this particular case but in general and that it is important that all cases of damp and mould are dealt with effectively and quickly.

Meeting received an update on the progress on how the Council addresses its damp and mould within its housing stock . The following issues were highlighted:

- Meeting was informed of the recently published Government new guidance on 7th September 2023: **Understanding and addressing the health risks of damp and mould in the home** for social and private sector landlords.
- Guidance sets out a clearly the health risks of damp and mould, regulation on damp and mould, what is damp and mould and root causes, how to respond to reports, taking a proactive approach to reduce the risks, collaborative working with other professionals and building relationships with tenants.
- The guidance states "This guidance is a direct response to the Coroner's report, and has been developed with a multidisciplinary group of experts in housing and health. Members of the government's expert **Committee on the Medical Effects of Air Pollutants** were also consulted. It makes sure that social and private sector landlords have a thorough understanding of their legal responsibilities, and of the serious health risks that damp and mould pose". Islington is assessing itself against this best practice guidance.
- Meeting was advised that Islington is assessing itself against this best practice guidance.
- In terms of reviewing all damp and mould cases from the last three years, meeting was advised that all tenants on this list have been contacted via multiple communication methods, that the remaining no access cases have been passed for priority tenancy audit. Members were informed that the dashboard created for this activity has been used to design an operational damp and mould dashboard for new and live cases.
- In terms of investment, Officer advised that although the Council has invested an extra £1million every year for a new damp and mould action team, including specialist surveyors and more funding for ventilation and insulation, Council has invested over £2 million this year on damp and mould activities. This includes additional works, additional surveying resources and increase number of administrators and operatives.

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- Meeting was advised that the damp and mould Power BI dashboard will be available in Q2 2023, providing real-time updates on damp and mould performance, monitoring data over time, identify 'hotpots' and look at damp and mould through an equalities lens and that there is still ongoing work to quality assure the figures in the dashboard.
- In response to a question on the 3 reports produced by University College London for the Council, meeting was advised that this will include a report on the academic basis use and validity of methods to detect and quantify damp and mould; a report of the academic basis use and validity of remediation methods and a report cross referencing UCLs work on insulation and net zero carbo opportunities with damp and mould data.
- On the Paragraph 49 special investigation by the Housing Ombudsman, meeting was advised that this is still underway, that since the beginning of August 2022, the Housing Ombudsman has issued 23 determinations of Severe Maladministration, 15 cases relating to Islington Council, two of which are related to damp and mould.
- Meeting was reminded that some of the committee recommendations may have already been adopted or underway, noting that some of the actions as stated in the report have already been set in place but have been included in the report for completeness.
- In terms of accessing and the reporting of Damp and Mould, the Council has established a dedicated online and phone channel for residents to report damp and mould and receive support and advice.
- In response to a question on identifying root causes of damp, Director acknowledged that technical staff are trained and competent to identify and manage root cause of damp and that technical staff have sufficient equipment to conduct diagnosis.
- Meeting was reassured that Council continues to provide training to nontechnical staff to recognise and report damp and that all newly employed staff were provide details during their induction day.
- Communication with residents has been improving, setting out the reporting of damp and mould issues and explaining the process and the actions that the Service will undertake to address both the immediate and root cause.
- On the question of identifying the causes of damp and mould, officer acknowledged that they are many and varied, that some are easily addressed and rectified quickly, some are structural and complex and will be included in the council's capital programme, that funds have been allocated to address this issue.
- With regards to street properties brought back in house experiencing damp and mould, the Director acknowledged the difficulty of managing the properties because of how they were built, however a capital programme is in place for these properties and that all these properties have been surveyed.
- On the number of live cases, the Director acknowledged that final figures will be provided to clerk to share with members, however noting that presently the Service has 34 cases of high priority down from 67 last year.
- On whether a pattern had been identified on causes of damp and mould for example in a tower block maybe on particular side of the building, meeting

was advised that there were some estates where this has been observed, that more work analysis needs to be done in this area with some estates being piloted .

- Members were reminded that it is difficult to force entry into residents properties to address damp and mould however the legal route is only employed only after all attempts to access the property fails.
- On the cases highlighted by the Housing Ombudsman were recent the meeting was advised these were backlogs dating back a few years and that officers do not foresee any increase as in most cases reported by residents, things are quickly resolved.
- The Director noted that going forward if Committee is minded he would be putting together a list of recommendations and welcome members input.
- Members of the committee are invited to amend or add to the draft recommendations.

RESOLVED:

That the officer update be noted.

41 HOUSING OMBUDSMAN SEVERE MALADMINISTRATION DETERMINATIONS AND REPORTS (Item B4)

The Interim Director for New Builds, Jed Young updated the meeting about the Housing Ombudsman Severe Maladministration Determinations and the following issues were highlighted:

In the last 12 months (August 2022 – September 2023), the Homes and Neighbourhoods directorate has seen a significant increase in the number of Severe Maladministration determinations being issued by the Housing Ombudsman and particularly within the last six months.

- In December 2022, the Housing Ombudsman notified the council of its intention to launch a 'Paragraph 49 Investigation' into the council's handling of reports of damp and mould, and complaints submitted as a result of these issues.
- A strategic action plan will be presented to Committee at the November 2023 Housing Scrutiny Committee to ensure that the Homes and Neighbourhood address the areas identified by the Housing Ombudsman and continuous improvements around the delivery of services to our residents takes place.
- Meeting was advised that as part of the council's response to the 15 cases, a total of £46,744 has been paid in compensation to our residents.
- The earliest of these was issued in March 2023. Prior to this, the department had not been issued with a determination of Severe

Maladministration for over five years, which suggests that the criteria for this determination may have changed. It should be noted that the Housing Ombudsman has not published a definition or criteria for 'Maladministration' or 'Severe Maladministration' on its website or in other guidance.

- 67% of these determinations were issued in June 2023, bringing them within the scope of the P49 Investigation.
- This growing trend is not unique to Islington. Since 2019-20, the Ombudsman no longer reports annually on Severe Maladministration rulings but, instead, issues press releases on individual cases.
- Looking at the most up-to-date information published by the Housing Ombudsman 1284 determinations were made in the April 2023 to June period a 69-percentage increase on the January 2023 to March period when 759 determinations were made. Fifty-two percent of all determinations results in compensation being made to residents across England.
- Meeting was advised that when fully analysed of residents who have accessed Housing services in the period of the Housing Ombudsman investigation, evidence shows Council has provided services to 456788 individual requests for service provision. This, therefore, shows that severe maladministration has been identified in 0.003 percent of interactions for the areas within the determination framework of the Housing Ombudsman.
- Complaints handling accounted for 39% of the determinations of Severe Maladministration issued against Islington Council.
- Despite these determinations being issued between March and August 2023, due to a historical backlog of complaints at Stage 2 of the council's complaints procedure, as well as lengthy delays in the Ombudsman's own investigations, many of the cases being reviewed date back a number of months or even years.
- Meeting was advised that in November 2022, the council developed a corporate Complaints Improvement Board and council-wide Complaints Improvement Plan.
- At the time, the Stage 2 backlog, which accounts for the vast majority of the Severe Maladministration determinations in this area saw complaints being responded to at Stage 2 between eight and ten months outside of the timeframe set out by the Ombudsman's complaints handling code. This matter was also the subject of an investigation by the Local Government and Social Care Ombudsman.
- In response to questions about the orders and calculations in the report, meeting was advised that final orders made by Housing

Ombudsman, an external body and is based on factors such as stress caused to residents over a long period of time and other external factors etc.

- Members were reminded that in all these cases in the report, the findings are made only after the Council's complaints procedure has been exhausted and that the council has failed to provide the service. In the case of the findings about replacement of fob key, meeting was advised that this was due to a technical breakdown for a long period as Council was unable to reprogram some of the key fobs.
- The Director acknowledged disappointment that the Council has to pay compensation, it should be noted that this represents a small proportion of the work that the council delivered and that in all cases, noting that council spends £100m and pays £45,000 in compensation and importantly it is important to note that the Council complies with the orders.
- On the definition of Severe Maladministration, the Director noted this is not Council's but that of the Housing Ombudsman, but can be this could be repairs not be resolved over a long period.
- On vulnerable people being sought by lawyers seeking to assist residents experiencing damp and mould and receiving incorrect advice, meeting was advised that it is important to note that communication with residents have been improved, that the Council has now made it easy to report, that the council should be the first point of contact.
- On the question of holding leaseholders to account especially after it is determined that works they have carried out in their properties has resulted into damage to properties below them, the meeting was advised that the Council has adopted a robust approach on claiming back damages caused by leaseholders.
- The Director of New Build advised that Housing Ombudsman's final report is to be published in October, that Council will be given a minimum of 7 days advance to fact check, after which council will be expected to respond.
- Director suggested an annual report on maladministration cases be brought to committee that members can monitor how the Council manages these cases. Committee welcomed the suggestion.
- Chair welcomed the good news that the backlog had been cleared up and thanking the good work carried out by officers

RESOLVED:

- That the report be noted

- That committee receive an annual update on issues of Maladministration Determinations for monitoring purpose

42 **QUARTERLY REVIEW OF HOUSING PERFORMANCE (Q1 2023/24) (Item B5)**

Councillor O'Halloran reported to Committee on quarter 1 2023/24 Housing Performance and the following points were highlighted:

- 71% of homeless decisions were made in the target timeframe in Q1. Performance is below the annual target of 80% (stretch target of 90%). The service has continued to experience a significant increase in demand as homelessness increases across the borough and London as a whole.
- 86.0% of repairs have been fixed first time this year. Performance is above the annual target of 85%. Although performance is below last year Q1 (88%), around 4,000 more repairs have been completed in Q1 this year compared to last year (13,326 in Q1 2022/23, 17,358 in Q1 2023/24). Some of this increase is due to the insourcing of PFI however the remainder is due to a range of factors the service is still exploring.
- On the issue of first time repairs , the Director acknowledged the slight drop in performance, that the volume of works has increased in comparison to the previous year.
- In terms of compliance checks and the difficulty of accessing properties, a suggestion to employ a trained person to carry out both gas and water safety checks at the same time, the Director welcomed the idea but reminded the meeting that regrettably water tanks are not in residential spaces but roofs and lofts which is difficult to access and some of these works require specialist. It was noted that although some boroughs do employ this approach, Council is keen on ensuring that experts are looking at each item separately.
- In response to a question, the Director acknowledged that checks are carried by a small in house team and external contractors.
- On some external contractors not carrying out their safety checks and claims that they are unable to access properties, the Director informed the meeting that in such instance the Service request for evidence on not being able to access, that generally most visits are carried out.

RESOLVED:

That the report be noted

43 **WORK PROGRAMME 2023/24 (Item B6)**

Chair noted that in light of the packed agenda during the last few meetings due to legacy matters such as damp and mould, he would be liaising with the Vice Chair Councillor Cinko-Oner on the way forward with future agenda for the Committee.

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A suggestion on whether a report on scaffolding could be scheduled for a future meeting in light of its increasing cost and its impact on residents. Meeting was informed that this item was reviewed about four years ago.

Chair requested that item be brought back to Committee at a later meeting not the November meeting. Director requested that Member provide the specific area of interest so that officers could address it.

RESOLVED:

- That a report on scaffolding be scheduled at a later meeting.
- That the report be noted

The meeting ended at 9.55 pm

CHAIR