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London Borough of Islington

Housing Scrutiny Committee - 20 September 2022

Minutes of the meeting of the Housing Scrutiny Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 20 September 2022 at 7.30 pm.

Present: **Councillors:** Jackson (Chair), Bossman-Quarshie, Cinko-Oner, O'Sullivan, Ogunro, Donaghey (Co-Optee) and McDonald (Co-Optee)

Councillor Jason Jackson in the Chair

1 **APOLOGIES FOR ABSENCE (Item 1)**

Before meeting commenced, a 2 minute silence was observed in relation to the death of HM Queen Elizabeth II who was buried the day before.

Apologies were received from Councillors Gilgunn and Spall.

2 **DECLARATION OF SUBSTITUTE MEMBERS (Item 2)**

There were no declarations of substitute members.

3 **DECLARATIONS OF INTERESTS (Item 3)**

There were no declarations of interest.

4 **MINUTES OF PREVIOUS MEETING (Item 4)**

RESOLVED:

That the minutes of the meeting held on 17 July 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

5 **CHAIR'S REPORT (Item 5)**

The Chair welcomed the new Borough Fire Commander Karl Smith to the meeting to update Committee on what the Service is doing regarding fire safety in the borough.

The Chair informed the meeting that a recent training scheduled by the Fire Service which he attended briefly had to be terminated following the news of the death of HM Queen Elizabeth I, that a new date for the training is to be rescheduled, encouraging members to attend.

Cllr O'Halloran, the Executive Member for Homes and Communities updated the Committee in light of the ongoing energy crisis.

Meeting was informed that over 12% of council tenants and leaseholders presently receive their heating via communal heating system and pay a heat charge to the

Council, while other residents with individual systems pay directly to their energy supplier.

The Executive Member stated that while the Council has over the years managed to get good wholesale prices for the gas for communal heating so as to heat homes cheaply, unfortunately due to the global energy crisis, markets prices have increased massively.

The Executive reiterated that the Council will do everything within its powers to protect residents from price rises.

Meeting was informed that it is important that Council makes all efforts to limit energy use, that at present dwellings receive over 18 hours of communal heating however there are plans to reduce this to 13hours per day, split across a morning and evening period. The council will be communicating with residents over the autumn about the arrangements for each individual estate as system vary.

In response to the Chair's request for an update on Council's plan on communal heating and in particular how it plans to limit energy use, the Corporate Director of Homes and Neighbourhood agreed that officers will bring a report/oral update to the Committee at the November meeting.

6 EXTERNAL ATTENDEES (IF ANY) (Item 6)

None

7 ORDER OF BUSINESS (Item 7)

The order of business would be as per the agenda.

8 PUBLIC QUESTIONS (Item 8)

9 FIRE BRIGADE -VERBAL UPDATE ON FIRE SAFETY BY THE BOROUGH COMMANDER (Item B1)

Committee received an update from Matt West, Islington's Service Director , Housing Property Services and Karl Smith, Islington Borough Fire Commander on issues relating to fire safety within the council's stock and other properties in the borough. The following points were highlighted

- Members were advised of the Council's strategy in preparation for the new/updated legislative framework following the Grenfell Tower tragedy.
- The meeting received an update on the Council's Fire Risk Assessment (FRA) programme, including status of actions arising , fire safety works upgrade programmes and other relevant fire/building safety related matters.
- The Fire Safety Regulations 2022 comes into law from 23 January 2023 which sets out new duties that External Wall (EW) construction will now be in scope of Fire Risk Assessment, provision of information on EW construction to Fire and Rescue Services (FRS), doors between dwellings and common parts explicitly 'in scope' , annual inspection of flat front entrance doors in blocks 11m+(5 storey) etc.
- The Council has 86 buildings within its portfolio which are considered within scope as HRRB's (High Risk Residential Buildings) including 17 Tenant Management Organisations (TMO) buildings. Members were reminded that the first BSA (Building Safety Act) places a duty on Council in relation to

existing HRRB to be registered with the Building Safety Regulator between April and October 2023.

- Meeting was advised that since the last update to committee, a total of 390 Fire Risk Assessments have been carried out on the Council's housing stock.
- Homes and Neighbourhoods have worked closely with residents to increase awareness of the importance of keeping communal areas free of hazards.
- The Council received notification from the London Fire Brigade that Council had satisfied the requirements of the Enforcement Notice that was served in respect of Godfrey House in June 2021.
- In addition to the above, the Council received 3 notifications of Fire Safety Deficiencies in the current financial year and that progress against any enforcement action is being monitored via the Council's Homes and Estates Safety Board to ensure that all issues are effectively tracked to completion.
- On the issue of fire door replacement, the Service Director acknowledged the difficulty of convincing some residents not keen on having doors being replaced, noting that things will improve when the new legislation comes into force.
- In response to concerns that some floors in older high rise dwelling blocks do not have fire exits, the Service Director assured the meeting that risk assessment is carried out on all building, however he agreed to undertake a site visit and report the outcome to the Chair if details are sent to him after the meeting.
- With regards to alleviating the cost of the doors being replaced on leaseholders, meeting was advised that options will be offered to leaseholders.
- Meeting was advised that any incidents of BBQ held on balconies of flats should be brought to the attention of relevant departments so that it can be quickly addressed.
- In response to a question on whether the Fire Brigade undertakes safety checks to leaseholders dwellings, the Borough Fire Commander advised that the Service works in conjunction with the Council's Emergency Planning Manager, the Head of Housing Safety and Compliance and also it has an online Fire Safety Checker which encourages home owners to undertake safety checks, which it shares with Council.
- The Service Director advised the meeting that the Building and Fire Safety Programme Board is chaired by the Director of Housing Property Services and comprises of several workstreams, with each workstream having a range of duties arising from the Fire Safety Act 2021; Building Safety Act 2022; and the Fire Safety Regulations 2022.
- The Borough Commander advised that going forward the relationship between responsible officers and the Service has been positive noting the numerous meetings that he attends with officers, reminding the Council the need to recognise the use of increasing technology and the need to raise the awareness of risk from batteries.
- The Service Director advised that besides regular liaison meetings with Housing Associations, the Fire Service is engaged in tall buildings group meetings.

RESOLVED:

That the verbal update from the Fire Borough Commander be received and the Service Director be noted.

10

MAIN SCRUTINY REVIEW - STRATEGIC REVIEW OF OVERCROWDING IN ISLINGTON (WITNESS EVIDENCE) (Item B2)

Committee received evidence from Fiona Mogre and Serdar Celebi of the Islington Law Centre highlighting a number of cases to demonstrate the severity of overcrowding which the Centre supports. The following points were raised:

- Islington Law Centre provides a range of advice and assistance to Islington residents regarding their housing needs and runs two outreach projects in partnership with Islington Council to provide accessible housing advice to residents.
- A significant number of enquiries relate to residents seeking to be moved to more appropriate accommodation due to overcrowding.
- Islington Council uses a choice based letting scheme, with points awarded to residents based upon their circumstances which is in line with the Council's Housing Allocation Scheme.
- Most Islington residents do not meet the average threshold of points to successfully bid for a larger property and experience shows that residents living in severely overcrowded conditions are highly unlikely to successfully bid for size appropriate accommodation
- Allocation schemes are required under the Housing Act 1996 to be framed to secure that reasonable preference is given to overcrowded households.
- Members were advised that households that experience opposite sex type of overcrowding only acquire 10points.
- Evidence shows that overcrowding alone is unlikely to result in the tenant having sufficient points to be able to bid for and move to larger accommodation.
- At present Council literature states that to bid for 2 bedroom a tenant will require 226 points, 252 points for a 3 bedroom and 289 points for a 4 bedroom.
- In the 2 typical overcrowding cases shared with Committee, it was noted the difficulty for tenants bidding for a suitably sized property, given that more points were required, for instance in the case of a secure tenant living with his wife and 3 children in a 1 bedroom property with 190 points, they would require 252 points.
- Meeting was advised that additional points would be required to improve the chances of bidding by tenants like medical problem, a welfare/social issue/a disrepair /decant issues, harassment/ASB from a neighbour.
- In most cases handled by the Law centre, tenants rarely have additional issues that will attract additional points besides overcrowding concerns, so little prospect of them moving on to bigger and suitable accommodation.
- It was noted that lack of available larger properties especially 4 plus bedrooms remains a big issue, that there is a recognition the need for more joined up working between Housing Options, Social services and the

Disrepair team. Members were advised that even if medical and welfare points are awarded, larger households with disabled members seeking to move to more size appropriate accommodation it is virtually impossible to obtain rehousing through the Housing Allocation Scheme.

- The availability of larger properties is very much limited and highly sought after leaving families stuck in unsuitable and severely overcrowded conditions indefinitely.
- Condensation in severely overcrowded accommodation is common, however recognised with an award of welfare points only after the Centre intervenes on behalf of their clients as most times when tenants complain about condensation they are sometimes wrongly informed that this is not something for which rehousing points could be awarded but a disrepair issue.

Committee received a presentation from Godwin Omogbehin, Islington's Environmental Health Manager on overcrowding enforcement in the private rented sector and the following points were highlighted such as:

- Relatively few households are assessed as statutorily overcrowded as the legislation in existence does not meet the criteria for overcrowding as standards are very low and prescriptive, outdated and does not reflect modern day standards, that space and room standards are not used by Residential Teams to enforce overcrowding.
- Local Authority's regulatory teams have been advised to use their powers under Part 1 of the Housing Act 2004 and follow the Enforcement Guidance rather than Part 10 of Housing Act 1985.
- Meeting was advised of local authority's need to consider meeting its statutory duties versus it's duty to rehouse occupiers, an understanding of homelessness implications and compensation, clarifying enforcement options under Housing Act via the Most Appropriate Course of Action (MACA)
- Manager advised that due to lack of housing stock, it is difficult to serve notices as reasons would need to be provided.
- The Manager reiterated the powers available under Part 1 Housing Act 2004 and notices served include issuing landlords Hazard Awareness Notice, Improvement Notice, Prohibition Orders, Suspension of Prohibition Order's which is most commonly used power for crowding and space hazard), Emergency Action.
- Meeting was advised that although HHSRS can be used, there are more specific regulations under HMO Licence conditions which limits occupation levels, the HMO standards which regulates HMO space standards
- In addition to the above, specific powers exist for overcrowding in non-licensable HMO's, that notices can be issued where a non –licensable HMO is likely to be overcrowded and that maximum levels of occupancy can be set for overcrowding and authorities can impose a civil penalty as an alternative to prosecution for offences (in both dwellings and HMO's):
- In instances where there is failure to comply with HMO licence conditions (over occupation for example), offences can attract an unlimited fine or penalty of up to £30k

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- Meeting was informed that 5 x overcrowding notices (non-licensable HMO's), 5x PO's for overcrowding in SFO's, 2x Hazard Awareness Notices in SFO's have been issued and in terms Selective Licensing Schemes (SFO's), 952 applications were received while 2647 applications have been received for HMO Licensing.
- Meeting was advised that the serving of a SPO will not entitle the tenants to any additional points under the council's system and is not likely to speed up any re-housing claim.
- The Housing Department assess applications according to their housing allocation policy.
- On the issue of extending the Licensing scheme beyond the Finsbury ward into other wards, meeting was advised that although public consultation closed in March 2022, the second phase which is the designation stage is yet to be finalised.
- On whether the Council's Planning Department has powers in addressing the increasing demand for 3/4/5 bedroom, meeting was advised that this is being handled via the Council's new build programme. In addition to above Council officers continue to liaise with GLA to access funds to purchase 3 and 4 bedroom dwellings.
- On what role, the planning department plays in terms of addressing overcrowding in the borough, Committee requested an invitation be extended to an officer in the department to give evidence to committee.
- With regards to the Council's Allocation Scheme, meeting was advised that the item will be scheduled for members input at the November meeting.
- Concerns that tinkering with the Allocation scheme will not address the overcrowding but that the main issue lies with the lack of suitable type of housing, that the Council should be looking at other solutions was noted
- In response to a suggestion by a member, that issues of overcrowding should be considered in parallel with residents that want to downsize, the Director informed the meeting that in the last 12 months over 200 households have downsized, noting its success. Issues around downsizing will be considered at a future meeting.
- On the suggestion of finding suitable accommodation for overcrowded households outside the borough, meeting was advised that most are secure tenants and have the right to remain due to family ties, schools and medical reasons, that the refreshing of the Allocation Scheme aims to address this issue.
- In response to a question raised by the Community Plan for Holloway, the Director advised that in terms of the local letting scheme for the Holloway site, organisations will be involved reminding the meeting of Councillor Ward's commitment.
- With regards the type of housing being built, the Director acknowledged that the Council builds the right type of housing noting that Islington is a dense urban area with limited land that makes it difficult. In addition, issues of the funding mechanism from central government worsens the housing crisis. Meeting was advised that Islington Council like other authorities are awaiting an autumn announcement which may address the funding gap.

- The suggestion that Council should not be averse to building more tower blocks instead of its preference of demolishing estates and building on such sites single dwellings, town houses and apartments was noted.
- Meeting was advised that Islington's initiative in addressing the issue of under occupiers was a lot successful in comparison to the neighbouring authority of Hackney.
- In summary, Islington's Director of Housing Needs acknowledged that the housing crisis is not unique to Islington but a national issue and factors such as lack of funding from both central and local government over many years have worsened the housing crisis.
- The Chair thanked Fiona Mogre and Serdar Celebi of Islington Law Centre for their contribution and the presentation from the Godwin Omogbehin, Environmental Health Manager.

RESOLVED:

- That update and the presentation be noted
- That Committee receive an officer report regarding the Housing Allocation Scheme at the November meeting

11 **QUARTERLY REVIEW OF HOUSING PERFORMANCE (Q 1 2022/23) (Item B3)**

Councillor Una O'Halloran, Executive Member of Homes and Communities and Maxine Holdsworth, Corporate Director of Homes and Neighbourhood was present and outlined the report. The following points were highlighted:

- In response to the high number of people sleeping rough when compared to Q1 last year , the Corporate Director acknowledged that 10 out of the 14 people sleeping rough on the streets of Islington had no connection to Islington but were from neighbouring authorities, however the Council is working to address this issue.
- On the breakdown details of people sleeping rough in the borough in terms of demographics, the Corporate Director advised that details will be circulated to committee members after meeting.
- On the number of sales of affordable homes being sold by Housing Associations, the Director acknowledged that information collated by the Housing Regulator can be provided to members in due course.
- With regards to fixed first time repairs, the Corporate Director acknowledged that although the reported target is lower, it is still above the annual target of 85% for 2022/23. Members were reminded about the reintegration of the properties managed by Partners into the Council housing stock and that future reporting of repairs will show an improvement.
- In response to a question on whether the repairs could be linked to certain areas of the borough or particular type of buildings, the Corporate Director stated that there was no evidence to that effect. There are some notable areas in the borough that experience damp and condensation.

The Chair thanked Maxine Holdsworth for her many years of dedicated service to the Council and in particular her support of the Housing Scrutiny Committee, requesting her to share her observations or views with committee of any areas that members should focus on.

In response the Corporate Director thanked present and past membership of the Committee for ensuring that she was kept abreast of housing issues, welcoming the 'critical friendly' nature of the committee as it undertook its review of the Service and reminding members to keep listening to its residents, welcoming how the Council has tackled homelessness, its creative work regarding refugee and importantly its aim to address climate emergency , all initiatives which are commendable.

RESOLVED:

1. That data on the demographics of rough sleepers be circulated to Members
2. That information regarding sale of homes especially by Housing Associations be provided.
3. That the report be noted

12 WORK PROGRAMME 2022/23 (Item B4)

RESOLVED:

That the work programme be noted

The meeting ended at 9.35 pm

CHAIR