

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Housing Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **2 October 2018**

**Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL**

### Membership:

Councillors Gerard Rice (Chair), Luke Spillman (Vice-Chair), James Baker, Clare Baldwin, Andrew Jefferies and Joycelyn Redsell

Lynn Mansfield, Housing Tenant Representative

### Substitutes:

Councillors John Allen, Steve Liddiard, Terry Piccolo, Jane Potheary and Pauline Tolson

### Agenda

Open to Public and Press

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<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 10</b>
To approve as a correct record the minutes of the Housing Overview and Scrutiny Committee meeting held on 10 July 2018.	
<b>3 Urgent Items</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
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**Queries regarding this Agenda or notification of apologies:**

Please contact Tisha Sutcliffe, Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **24 September 2018**

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

## Minutes of the Meeting of the Housing Overview and Scrutiny Committee held on 10 July 2018 at 7.00 pm

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<b>Present:</b>	Councillors Gerard Rice (Chair), Luke Spillman (Vice-Chair), Clare Baldwin and Joycelyn Redsell  Lynn Mansfield, Housing Tenant Representative
<b>Apologies:</b>	Councillors James Baker
<b>In attendance:</b>	Roger Harris, Corporate Director of Adults, Housing and Health Richard Birchett, Interim Head of Housing Tisha Sutcliffe, Democratic Service Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### 1. Minutes

The minutes of the Housing Overview and Scrutiny Committee meeting held on 20 February 2018 were approved as a correct record.

### 2. Urgent Items

There were no items of urgent business.

### 3. Declaration of Interests

No interests were declared.

### 4. Implementation of Mandatory Licensing of Houses in Multiple Occupation and the introduction of an Additional Licensing scheme

This item was presented by the Interim Assistant Director of Housing. The report outlined arrangements for the implementation of the extension of mandatory licensing of Houses in Multiple Occupation (HMO) and proposals to introduce additional licensing for HMOs not covered in the mandatory provisions. The new legislation changed the definition of HMOs that required licensing and provided the authority with the opportunity to encourage landlords to provide better private rented accommodation in the Borough.

The legislation also gave Local Authorities the power to extend licensing to HMOs not included in the Mandatory Licensing requirement where HMOs were identified as a problem in specific neighbourhoods.

The Interim Assistant Director of Housing identified some minor errors on the report and the appendix, which will be corrected.

Councillor Spillman wanted clarity on how the number of HMOs set out within the report had been identified. The Interim Assistant Director Housing stated that the service gathered information from and shared intelligence with a number of organisations and agencies, different departments of the Council such as Council tax, Benefits and others to establish an accurate database of landlords and agents.

The Interim Assistant Director of Housing advised the information shared on page 18 point 4.6 will be published on the Council's website and written confirmation will be distributed to landlords within Thurrock. Councillor Redsell questioned what the solution would be if some Landlords were not informed. It was confirmed most landlords are made aware as the Authority proactively sought to inform them.

**1. RESOLVED the Committee:**

**1.1 Commented on and noted the Central Government changes to implement a mandatory HMO licensing Scheme on 1 October 2018**

**1.2 Commented on and noted the duty to raise awareness of the new changes**

**1.3 Commented on and noted Additional HMO Licensing falls outside the scope of mandatory HMO licensing**

**1.4 Commented and noted on proposal to carry out consultation on the introduction of Additional Licensing of HMOs not covered by the Mandatory scheme**

**1.5 Commented and noted the council adopted the Essex Amenities standards for houses in multiple occupation to develop good quality HMO stock within the Borough and will carry out public consultation with landlords, letting agents and tenants on updating these standards in 2018.**

**5. Service Review of Homelessness Domestic Abuse and Mental Health presentations**

This item was presented by the Corporate Director of Adults, Housing and Health. This subject came before Housing Overview & Scrutiny Committee earlier in the year and at the request from the Chair of the Housing Overview and Scrutiny Committee on 20 February 2018, a review was to be undertaken to allow Officers time to carry out an in-depth survey on 18 cases of homelessness as a result of domestic abuse and single applicants suffering with mental health issues.



There had been room for improvement within the services, although there had been positive feedback and a reduced number of residents placed in temporary accommodation.

Councillor Spillman agreed there had been an improvement and welcomed the report however he felt there needed to be procedures in place to ensure future errors did not reoccur.

Councillor Spillman recommended a review of the findings of the report and when the report is completed to ensure adequate training for staff members is implemented as it would be beneficial to ensure they are dealing with customers effectively and appropriately.

It was recommended by the Chair and Committee Members for this item to be presented back to Housing Overview and Scrutiny Committee in 6 months.

Councillor Redsell agreed with the previous statement. She felt front line staff were in danger on a daily basis. The Authority need to ensure there is safeguarding in place for staff whilst at work. Councillor Redsell wanted clarity around the 1,395 applications that were received according to page 25.

Director of Adults, Housing and Health will gather the information and share with the Members following the Committee meeting. There was a discussion around the refurbishment of the reception area and the need for more security, although the current situation was interim and the work will be completed in around 8 weeks.

Councillor Baldwin highlighted that residents request for call backs from the homeless department which were not happening. Interim Assistant Director of Housing explained there had been some issues with temporary members of staff. However due to a new telephone recording system and posts being filled with permanent employees the issues continued to be resolved. There were some difficulties with homeless officers attempting to contact residents but failing due to many residents on pay as you go telephones and there being no opportunity to leave voicemails.

Councillor Spillman shared his concerns about moving vulnerable residents and families into temporary accommodations outside of the Borough. This could put them in danger meaning they may be targeted by criminals or worse, being sexually exploited. There needs to be more safeguarding in place to ensure this did not happen.

Councillor Redsell felt, most Councillors are aware of the "hotspots" in Thurrock whereas Officers are less aware.

Director of Adults, Housing and Health clarified the investigations on moving families into temporary accommodation is limited and if they were at risk of harm they would be removed immediately.

**RESOLVED the Committee:**

- 1.1 **Commented on and noted the analysis of the specific cases**
- 1.2
- 1.3 **Commented on and noted the common themes highlighted in the report**
- 1.4 **Commented on and noted the improvements already underway with the homelessness service.**
- 1.5 **Commented on and noted the report and review the report in October 2018.**

**Commented on and noted the importance of ensuring staff members are kept safeguarded, ensure they receive adequate training.**

## **6. Procurement of the Internal and External Redecoration programme**

This item was presented by the Interim Assistant Director of Housing. There had been a 5 year programme for internal decoration for properties of vulnerable residents. The Chair questioned whether this included more than one room per year in a property, which was confirmed as one room per year.

Councillor Spillman requested figures for repairs and decorators who have visited and wanted more information in regards to the report as it was not clear whether this was good value for money. This information would be gathered and reported back to members.

The Chair asked if elderly residents would need to apply to be put on a waiting list before they receive the decoration. Interim Assistant Director of Housing confirmed there were a number of residents in the borough who require help and is those the residents would need to be on a waiting list to ensure the help is provided fairly.

Ms Mansfield asked if all elderly and vulnerable residents were aware of the support they could receive. The Interim Assistant Director of Housing stated until the support is requested the residents would not be aware.

Director of Adults, Housing and Health will supply all Members with the information, to ensure the procurement is not delayed.

The Chair felt it would be best intentions to move this item and all Members of the Committee agreed.

### **RESOLVED the Committee:**

**1.1 The Committee commented on the proposed process to commence procurement of the Internal and External decorating programme for a period of up to 5 years (3 years with an option to extend for up to two years in any combination subject to performance and funding).**

## **7. Gas Servicing, Repair and Renewal**

The Chair stated that many residents had difficulties getting through to the advertised hotline as they were often disconnected. Director of Adults, Housing and Health advised the reasons were due to the hotline reaching excessive numbers, however this was rectified and will no longer be an issue.

The Interim Assistant Director of Housing informed that officers were aware of the quality service this system needs and will continue to make improvements.

Councillor Spillman expressed how frustrating it had been for the residents and Ward Councillors. There had been other areas in Thurrock that had improved. However there remained an issue in terms of the communication, repeat visits and no compensation being offered to the low income residents. The repairs team had often attended the homes of residents with the wrong equipment and requested from the resident to use theirs. Over the Christmas period the service offered was not acceptable, especially in the area where there were majority council homes.

The Director of Adults, Housing and Health advised the contract with the current provider will end on 31 March 2019, so potentially another winter with the service. There had been discussions with the highest members of staff at the current provider and it was made clear that the performance was unacceptable and they would be monitored this winter to ensure the residents were receiving the support they needed.

Councillor Redsell mentioned an incident with an elderly resident; the current provider visited and asked to borrow the resident's equipment before they were left in the property without any heating; this should not have happened.

Ms Mansfield mentioned another incident with a 72 year old vulnerable resident.

The Director of Adults, Housing and Health stated, as Officers they were unable to choose the staff hired by the successful contractor. However, it would continue to be monitored.

The Chair explained the current contractor had sometimes struggled to provide the appropriate service to residents, which is unacceptable.

Mr Spillman said the Committee need to see quality and value for money with the service. He wanted to see a procurement contract with local Tradesman and to offer apprenticeships. In future the Local Authority needs to avoid using the cheapest services to ensure the same issues do not re-occur.

**RESOLVED the Committee:**

**1.1 Commented on the process set out in this report to commence procurement of a combined domestic and commercial gas servicing, breakdown, repair and installation contract for a period of three (3) years**

**with the option to extend for a further two (2) years in any period combination.**

## **8. Work Programme**

The work Programme was discussed and updated:

1. October 2018 – Update report on garages.
2. October 2018 – Review on Implementation of Mandatory Licensing of Houses In Multiple Occupation and the introduction of Additional Licensing Scheme.

**The meeting finished at 7.50 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

<b>2 October 2018</b>	<b>ITEM: 5</b>
<b>Housing Overview &amp; Scrutiny Committee</b>	
<b>Update on Fire Safety Measures Including a Review of Fire Suppressant (Sprinkler) Systems</b>	
<b>Report of:</b> Richard Birchett, Interim Assistant Director Housing	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Accountable Head of Service:</b> Richard Birchett, Interim Assistant Director Housing	
<b>Accountable Director:</b> Roger Harris, Corporate Director, Adults, Housing & Health	
<b>This report is</b> Public	
<b>Purpose of Report:</b> To update Scrutiny Committee on fire safety measures in place across the Borough and review the retrospective fitting of fire suppressant (sprinkler) systems	

## **EXECUTIVE SUMMARY**

This report updates members on fire safety measures undertaken by the council and addresses the question of retrospective installation of sprinklers in the council's 15 high-rise blocks.

### **1. RECOMMENDATIONS:**

- 1.1 The Committee is asked to comment on the contents of the report and the ongoing fire safety work undertaken by the housing service to ensure all council rented properties are safe.**

### **2. INTRODUCTION AND BACKGROUND:**

- 2.1** The Grenfell Tower tragedy in June 2017 highlighted the importance of fire safety in residential dwellings. As a result of the fire the council brought forward the programmed inspection of every high-rise dwelling in the Borough by 12 months and every high-rise block was inspected by the in-house team, an external fire safety consultant and Essex County Fire & Rescue Service (ECFRS) by August 2017. Where any safety critical issues were identified they were addressed immediately and a programme of ongoing improvements worked up and implemented. Planned work included installing smoke and heat detectors in every flat, compartmentation in individual flats and service ducts and compliance work on front doors to ensure fire resistance is maintained, for example replacing letter boxes, lock escutcheons and door

closers. Leaseholders who have fitted non-compliant front doors have been instructed to replace them. The council will assist leaseholders who cannot undertake the work themselves.

- 2.2 The council has provided detailed advice to all householders on fire safety measures and placed information in all communal areas advising residents and visitors of what action to take in the event of a fire in the block. The council has advised all residents that personal possessions must not be stored in any communal area, including the drying areas on the landings of each block. Where items are left in communal areas they are removed, temporarily stored and then disposed of.
- 2.3 There are 12 high-rise blocks that have been externally clad to aid thermal efficiency. The cladding is not the same type of material used on Grenfell Tower however, to ensure we are effectively risk assessing our tower blocks and the materials included in their construction we are undertaking extra assessments of our blocks of which includes material sampling and a review of the installation method. In addition the council has not modified the high-rise blocks or changed any of the internal architecture and thereby has maintained the integrity of the fire safety measures designed into the building. This includes the compartmentation approach to fire safety – i.e. occupants are advised to remain in their flats if there is a fire in another flat in the block as the structure of the building is designed to contain the fire in that area. This has been evidenced by the fire in George Tilbury House in June this year where the fire was contained to the flat and ECFRS advised occupants to return to or to stay in their flats whilst they tackled the fire.
- 2.4 In the wake of the Grenfell Tower tragedy the government commissioned extensive testing of commercial fire doors and a number of door types were identified as failing a standard 30 minute test. The council does not have any of these types of fire doors fitted to any dwelling in the high-rise blocks. The council has a total of 56 Masterdor and 682 Permador models across our stock. In July this year the government commissioned further testing of fire doors including testing fire resistance on both sides of the door. Up until this point standard testing had been to measure resistance on the internal side of the door to a fire on the external side of the door. The testing commissioned in July measured the inner leaf's resistance to fire from a fire on the inner side. The majority of fire doors manufactured in or supplied to the UK failed this revised testing regime.
- 2.5 As a result of the majority of doors failing the revised test all manufacture of fire safety doors in the UK was halted pending further guidance from the government. The company that fitted the Masterdor doors has not provided the council with the data from this new testing. Permador have supplied the council with their testing data and evidenced that a solid door (i.e. one without a glazing panel) exceeded the 30 minute test on both sides of the door. For doors with a glazing panel when the fire was on the inner side of the door the inner glazing leaf failed after approximately 20 minutes. At the time of preparing this report no further guidance had been received from government and fire door manufacture is still suspended. Until such time as guidance has been received from the government the council will be unable to agree a course of action regarding the fire doors currently fitted to homes in our stock

where door including glazing has been fitted. We will continue to seek clarification for the door manufactures in relation to the certification of the doors and take any appropriate action necessary.

- 2.6 Fire suppressant or sprinkler systems can play a vital part in fire safety in any building and installing them became mandatory for all high-rise residential buildings over 30 metres in height built in England after 2007. Building Regulations, however, are not retrospective and therefore it is not a regulatory requirement to retrospectively fit them into the fifteen tower blocks in the Borough.
- 2.7 It is important to note that whilst sprinkler systems can play a large part in suppressing the ignition and spread of a fire the safety of the occupants and integrity of the building itself are dependent on the fire compartmentation measures in place. The compartmentation measures are designed and maintained through the lifecycle of the building to ensure that any fire is contained within a specific area. Compartmentation works on the principal that the safest place in the event of a fire in another flat in a high-rise block is the flat you currently occupy. This is because the buildings themselves are specifically designed to contain fire and prevent it spreading. The recent fire at George Tilbury House in Chadwell illustrates how compartmentation works and the Essex County Fire & Rescue Service actively encouraged tenants to return to their flats while they tackled the fire. The rapid spread of fire at Grenfell Tower was in part due to the cosmetic and structural changes made to the building. No such changes have been made to any of the council's 15 high-rise blocks.
- 2.8 There are sprinkler systems in the bin rooms on the ground floor of each high-rise block where the bin chute terminates into a large "Eurobin". The sprinkler systems are fitted at these locations because these areas represent the greatest area of risk in relation to sources of ignition and combustible materials. The sprinkler system works in conjunction with the hoppers that are located at the bottom of the bin chute and on each floor in the bin rooms. Each hopper also has fire and smoke seals fitted to ensure any fire in the bin room does not allow heat or smoke to enter the main structure of the building.
- 2.9 The fire at George Tilbury House on 26 June illustrated the effectiveness of the fire safety measures designed into the building, the response of ECFRS and the response of the council. The fire started in a bedroom in Flat 48 on the 7<sup>th</sup> floor of George Tilbury House and was reported to the Essex County Fire & Rescue Service at approximately 5.40pm. ECFRS implemented their full high-rise procedures and had 8 pumps in attendance. Housing staff were on the scene within 10 minutes and the Emergency Planning arrangements established after the Grenfell Tower fire tragedy implemented.
- 2.10 ECFRS confirmed their "stay put" policy and urged residents who had started to evacuate the block to return to the safety of their flats to enable the fire crews to deal with the fire. The fire was tackled from the landing and contained within the flat itself but the property was been extensively damaged. Heat from the fire has damaged the windows of the flat above and water from tackling the fire entered the flat below. Damage to the landing and stairwell

was restricted by the automatic communal doors closing preventing smoke extending beyond the immediate vicinity of the fire.

- 2.11 The design, construction and layout of the block meant that the fire service's "stay put" policy worked and no injuries were sustained to any resident directly or indirectly as a result of the fire. Council staff and other agencies offered advice and support to everyone affected by the fire. The four households specifically affected were all provided with temporary accommodation overnight and staff worked with them thereafter to help them cope with the immediate disruption to their lives pending more permanent solutions to resolve their housing needs.

### **3. Fire Suppressant (Sprinkler) Measures:**

- 3.1 Thurrock Council have been proactive in reviewing their housing stock regarding fire safety and fire suppression systems and as part of this an initial feasibility study was completed in late 2017 to assess the benefits and costs of retrospectively fitting sprinklers into the fifteen high-rise blocks in the Borough.
- 3.2 All of Thurrock Council's high-rise blocks maintain and enforce "sterile" communal areas as these are kept free of combustible materials by the caretaking teams and the automatic door closing systems further limit the spread of heat and smoke. In addition evidence shows that the majority of fires start in individual flats and therefore this has been the focus of the assessment.
- 3.3 Sprinkler systems operate on the basis of 2 to 4 sprinkler heads set off by the heat working at any one time to suppress the initial fire. If the fire spreads the activation of additional sprinkler heads will cause the water pressure to drop in the system thereby reducing its effectiveness. The high-rise blocks within Thurrock range from 12-15 storeys in height and with the exception of the three tower blocks in Blackshots, the tower blocks are grouped in threes constructed in close proximity to each other. The feasibility assessment was based on a dedicated pump system purpose built centrally at the base of each cluster of three high-rise blocks that would serve all three blocks in the event of a fire.
- 3.4 The installation of sprinkler systems would require a stand-alone pipework system. This would need to be concealed in communal areas and contain anti-vandal fittings. Consideration would also need to be given to concealing the pipework in individual flats for aesthetic reasons.
- 3.5 It is estimated that the total cost of retrospectively fitting sprinkler systems into the borough's 15 high-rise blocks would be £3.3m. Grant funding of £10,000 per high-rise block has been made available to the council from ECFRS. This grant is only payable on completion of the works and at this stage is not time restricted. Whilst this is a significant amount of capital in the form of a grant it would still leave a £3.15m shortfall in the funding requirements if the council were to retrospectively fit sprinklers into each high-rise block.



- 3.6 The Committee will be aware that the authority has actively promoted fire safety in all council owned residential premises. We have undertaken joint fire safety inspections with the Essex County Fire & Rescue Service and addressed all urgent fire safety issues. We have a rolling programme of improvement work for both individual flats and communal areas including landings & drying areas and continue to update information for residents on a regular basis. We have implemented management measures to ensure all communal areas are kept clear of personal property and possessions with unauthorised items removed from communal areas and appropriately disposed of. Estate Caretakers act as the eyes and ears of the service and routine inspections ensure that communal areas are kept clean and clear.
- 3.7 At the time of preparing this report no government guidance or regulation had been received on changed regulation for fire doors or on the retrospective fitting of sprinkler systems into high-rise blocks. These will be kept under review.

#### **4. CONSULTATION (including Overview and Scrutiny, if applicable)**

- 4.1 Residents in all buildings with communal entrances, including the high-rise blocks, have been provided with detailed information on all fire safety measures applicable to where they live. Fire safety information is posted on notice boards in all communal entrances.

#### **5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

- 5.1 The authority has corporate responsibility for all appropriate fire safety measures in dwellings with communal entrances, including low, medium and high-rise dwellings. Failure to provide adequate safety measures including the fabric of the building and the advice given to occupiers and visitors could be a breach of this corporate responsibility. The work undertaken to date to deal with any outstanding safety issues identified by ECFRS, the ongoing work to upgrade fire safety measures in individual flats and communal areas and the regular updating of information for residents and visitors is essential in meeting our corporate responsibilities.

#### **6. IMPLICATIONS**

##### **6.1 Financial**

The funding for the ongoing fire safety measures outlined above has been budgeted for in the current Housing Revenue Account Business Plan. Funding for the retrospective fitting of sprinklers into high-rise blocks is estimated to be in excess of £3m and would have to be met from the Housing Revenue Account. This would be a further pressure on the Housing Revenue Account and would need to be included in future HRA Business Plans.

Implications verified by: **Julie Curtis**

**Housing Finance Manager**

## 6.2 **Legal**

The council currently meets all its obligations regarding the health and safety of its tenants.

Implications verified by: **Richard Birchett**

**Interim Assistant Director Housing**

## 6.3 **Diversity and Equality**

The council's fire safety and enforcement measures are applied equally to all residents and visitors to the council's managed and maintained stock.

Implications verified by: **Natalie Warren**

**Strategic Lead : Community Development**

## 6.4 **Other implications**

None

## 7. **CONCLUSION**

- 7.1 The council responded quickly to the Grenfell Tower tragedy and has a robust and detailed approach to ensuring the safety of all occupants in its high, medium and low-rise blocks and other dwellings with communal facilities. This includes providing up to date advice to all residents and visitors, regular inspection, remedial action where necessary and regular reviews of current measures. This includes assessing the benefits of retrospectively fitting sprinklers to individual dwellings in high-rise blocks.

### **BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

- Essex County Fire & Rescue Service Sprinkler Funding Offer

### **APPENDICES TO THIS REPORT:**

- None

#### **Report Author:**

Richard Birchett

Interim Assistant Director of Housing

<b>2 October 2018</b>		<b>ITEM: 6</b>
<b>Housing Overview and Scrutiny Committee</b>		
<b>Housing Green Paper on Social Housing and consultation on use of Right to Buy receipts</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> N/A	
<b>Report of:</b> Richard Birchett, Interim Assistant Director Housing		
<b>Accountable Head of Service:</b> Richard Birchett, Interim Assistant Director Housing		
<b>Accountable Director:</b> Roger Harris, Corporate Director, Adults, Housing & Health		
<b>This report is Public</b>		

## Executive Summary

This report sets out the main points of the Government’s housing proposals set out in their Green Paper, published on 14 August 2018 and seeks the Committee’s views on the proposals therein. The consultation ends on 6 November.

### 1. Recommendation(s)

1.1 That the main points of the Government’s Social Housing Green Paper be noted.

### 2. Introduction and Background

2.1 The Government issued the Social Housing Green Paper on 14 August proposing “fundamental reform to ensure social homes provide an essential, safe, well managed service for all those who need it”. The Green Paper puts forward a number of proposals and seeks respondents’ views on a range of issues, including new proposals for “league tables” for social landlords, a new inspection regime, proposals to extend the ways in which social tenants can buy their homes and the intention to withdraw measures that would have forced councils to sell high value property when empty and to provide fixed term tenancies.

2.2 This report follows the chapter headings set out in the Green Paper, including the questions posed by Government and provides comment where appropriate.

## 2.3 Chapter 1 – Ensuring homes are safe & decent

2.3.1 The Green Paper references the Grenfell Tower tragedy and Dame Judith Hackitt’s review of Building Regulations and Fire Safety and her final report. The Paper states that residents have a key role in working with their landlord in ensuring that homes are safe and poses the question of whether the Decent Homes standard should be reviewed.

2.3.2 The specific questions are as follows:

1. How can residents best be supported in this important role of working with landlords to ensure homes are safe?
2. Should new safety measures in the private rented sector also apply to social housing?
3. Are there any changes to what constitutes a Decent Home that we should consider?
4. Do we need additional measures to make sure social homes are safe and decent?

2.3.3 Officers’ response to the questions is as follows:

We are committed to providing a broad menu of engagement for all our tenants and leaseholders including ensuring their homes are safe and well maintained. We currently involve the Excellence Panel in the monitoring of our contractors’ performance and are developing engagement further with training in procurement and in assessing and approving the sign off of void properties when they’re handed back by the contractor. We will continue to support and develop resident engagement in all aspects of the housing service.

The council takes the safety of residents extremely seriously but would have no objection to ensuring standards are the same across all tenures. The council is committed to maintaining homes to the Decent Homes standard and has no objection to changes that would improve health and safety, thermal efficiency and the lifetime of the dwelling. There would, however be financial implications for the Housing Revenue Account if any changes were introduced.

The council considers that existing health and safety requirements placed upon the authority as a landlord are sufficient and our actions regarding fire safety demonstrate our commitment to complying with all current statute and regulation.

## 2.4 Chapter 2 – Effective resolution of complaints

2.4.1 The Green Paper outlines the current procedures for dealing with complaints including the local authority’s in-house procedures, the role of the Housing Ombudsman and the role of the Regulator of Social Housing and changes introduced in the Localism Act regarding the involvement of local members.

The Green Paper asks whether the role of mediation in the complaints process could be strengthened.

#### 2.4.2 The specific questions are as follows:

5. Are there ways of strengthening the mediation opportunities available to landlords and residents to resolve disputes locally?
6. Should we reduce the eight week waiting period to four weeks, or should we remove the requirement for the “democratic filter” stage altogether?
7. What can we do to ensure that the “designated persons” are better able to promote local resolutions?
8. How can we ensure that residents understand how best to escalate a complaint and seek redress?
9. How can we ensure that residents can access the right advice and support when making a complaint?
10. How can we best ensure that landlords’ processes for dealing with complaints are fast and effective?
11. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?

#### 2.4.3 Officers’ response to the questions is as follows:

The Council fully supports the role played by the Housing Ombudsman service and considers that the “democratic filter” should be retained – it gives local representatives a significant role in the process and in itself can help mediate complaints before reaching the Ombudsman service. The council’s current processes and procedures for dealing with complaints are robust, well publicised and managed independently of the service being complained about. The process is well signposted and at each stage advises complainants of the next steps they can take if they are dissatisfied with the outcome of their complaint. It is considered that any major changes to the manner in which complaints and disputes are dealt with is unnecessary.

#### 2.5 Chapter 3 – Empowering residents and strengthening the Regulator

- ##### 2.5.1
- The Green Paper states that landlords need to provide good information on how they are performing compared to other landlords and to do so requires a suite of performance measures that can be easily compared to the performance of other landlords, meets residents’ needs in terms of the actions measures and needs to be clear, regular and consistent. Indicators should include information about keeping properties in good repairs, maintaining the safety of buildings, effective handling of complaints, respectful and helpful engagement with residents and responsible neighbourhood management, including tackling anti-social behaviour. The Green Paper proposes that the Regulator publish the performance of each landlord each year as a means of identifying good and bad performers.

The Green Paper outlines the government’s objective in rewarding better performing landlords and penalising poor performance through the allocation

of resources from the Affordable Housing Programme (although this will only affect landlords who access the fund to build new homes).

This chapter also includes the Government's commitment to resident engagement and asks what more can be done to ensure residents are aware of the ways in which they can work with and influence their landlord. The Paper whilst acknowledging in passing that social housing tenants do not have a great deal of choice over who provides them with management services does consider the role of Tenant Management Organisations (TMOs). The Paper also acknowledges the questions raised about TMOs after the failings of the Kensington & Chelsea TMO but does want feedback on proposals for the transfer of housing stock to other organisations, including community based housing associations.

The chapter includes a brief section on leaseholders and how do they get value for money for the services they receive and pay for from their landlord.

The Paper includes proposals for both extending the powers and strengthening the enforcement role of the Regulator in both setting standards that landlords should meet and powers to ensure compliance with any such standards, Code of Practice or other form of direction and control.

2.5.2 The questions in the chapter are as follows:

12. Do the proposed KPIs cover the right areas? Are there any other areas that should be covered?
13. Should landlords report performance against these KPIs every year?
14. Should landlords report performance against these KPIs to the Regulator?
15. What more can be done to encourage landlords to be more transparent with their residents?
16. Do you think that there should be a better way of reporting the outcomes of landlords' complaint handling? How can this be made as clear as possible for residents?
17. Is the Regulator best placed to prepare KPIs in consultation with residents and landlords?
18. What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?
19. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord? What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?
20. Are current resident engagement and scrutiny measures effective? What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?
21. Is there a need for a stronger representation for residents at a national level? If so, how should this best be achieved?

22. Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations? What would it need to make it work?
23. Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?
24. Are TMOs delivering positive outcomes for residents and landlords? Are current processes for setting up and disbanding TMOs suitable? Do they achieve the right balance between residents' control and local accountability?
25. Are there any other innovative ways of giving social housing residents greater choice and control over the services they receive from landlords?
26. Do you think there are benefits to models that support residents to take on some of their own services? If so, what is needed to work?
27. How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?
28. What more could we do to help leaseholders of a social housing landlord?
29. Does the Regulator have the right objective on consumer regulation? Should any of the consumer standards change to ensure that landlords provide a better service for residents in line with the new KPIs proposed, and if so how?
30. Should the Regulator be given powers to produce other documents, such as a Code of Practice, to provide further clarity about what is expected from the consumer standards?
31. Is "serious detriment" the appropriate threshold for intervention by the Regulator for a breach of consumer standards? If not, what would be an appropriate threshold for intervention?
32. Should the Regulator adopt a more proactive approach to regulation of consumer standards? Should the Regulator use KPIs and phased interventions as a means to identify and tackle poor performance against these consumer standards? How should this be targeted?
33. Should the Regulator have a greater ability to scrutinise the performance and arrangements of local authority landlords? If so, what measures would be appropriate?
34. Are the existing enforcement measures adequate? If not, what additional enforcement powers should be considered?
35. Is the current framework for local authorities to hold management organisations such as TMOs and ALMOs to account sufficiently robust? If not what more is needed to provide effective oversight of these organisations?
36. What further step, if any, should Government take to make the Regulator more accountable to Parliament?

#### 2.5.3 Officers' response to the questions is as follows:

The council uses a suite of KPIs to measure and report on performance and can be readily tailored to match the ones proposed in the Green Paper. The Regulator's approach to date has been one of light touch review and guidance and the proposals in the Paper shift the emphasis away from constructive engagement to more formal inspection. This approach can be counterproductive with the emphasis moving from improving services to "passing the inspection".

The encouragement and development of resident engagement is wholly supported by the council however existing regulation, guidance and best practice are sufficient to put tenants at the heart of the council's housing service. Additional powers or regulation should not be necessary for the development of resident engagement.

The proposals for the transfer of management and/or ownership of stock to other landlords, albeit with a resident led focus is not accompanied by any indication of additional resources to either improve management opportunities or build new stock. The TMO managing Grenfell Tower could have been managed more robustly by the council using existing legislation and as such there may not be the need for additional regulation, just a more robust application of existing powers and exercise of existing responsibilities.

## 2.6 Chapter 4 – Tackling stigma and celebrating thriving communities

2.6.1 The Green Paper details the government's assessment of residents' feedback about the perception that many social housing residents have of stigmatisation and acknowledges the role that politicians and the media play in reinforcing negative images of the sector. The questions posed in this chapter about encouraging greater involvement by all parties in the promotion of healthy and balanced communities that work well together have been and continue to be asked across the social housing sector. The chapter refers to the requirements placed on local planning authorities in the National Planning Policy Framework to ensure developments comply with the government's objectives around developing place and are a reiteration of existing guidance and recommended best practice.

2.6.2 The questions posed in this chapter are as follows:

37. How could we support or deliver a best neighbourhood competition?
38. In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?
39. What is needed to further encourage the professionalisation of housing management to ensure all staff deliver a good quality service?
40. What KPIs should be used to measure whether landlords are providing good neighbourhood management?
41. What evidence is there of the impact of the importance role that many landlords are playing beyond their key responsibilities? Should landlords report on the social value they deliver?
42. How are landlords working with local partners to tackle anti-social behaviour? What KPI could be used to measure this work?
43. What other ways can planning guidance support good design in the social sector?
44. How can we encourage social housing residents to be involved in the planning and design of new developments?

2.6.3 Officers' response is as follows:



The council understands the stigma that can be attached to our estates and neighbourhoods and works to address the types of issues raised in this chapter. We have an active Resident Engagement team and work with local residents groups to explore their ideas and promote community cohesion across the borough. The council has an established framework to ensure additional social value is achieved through the procurement of external contracts and this added value is targeted to further support the health and wellbeing of our local communities.

Tackling ASB is a key priority and the council works in partnership with its Community Safety Partners to assess crime including ASB and direct resources to combat borough wide issues within a multi-agency approach of prevention, intervention and enforcement model. However more needs to be done and a more equitable distribution of the costs of tackling ASB made, we will continue to work hard to make our neighbourhoods safe and thriving places to live.

## 2.7 Chapter 5 – Expanding supply and supporting home ownership;

2.7.1 This chapter sets out the government’s aspirations to deliver 300,000 new homes by the mid-2020s and acknowledges that there must still be social housing to meet the needs of those who cannot afford market rent, affordable rent or to buy or who don’t wish to access any alternative housing option. The chapter states that local authorities can often be best placed to deliver new social housing and sets out a commitment to help councils build new homes through removing the requirement to make a payment in respect of high value voids, exploring new flexibilities over the spending of Right to Buy receipts and looking at allowing greater borrowing to build. The government also seeks to give local authorities assurances that the restrictions on raising rents through the HRA will be lifted from 2020/21. In addition, the government has confirmed that it won’t proceed with compelling local authorities to offer only fixed term tenancies to new tenants.

The chapter also proposes new vehicles for unlocking land and delivering new homes through community land trusts and local housing companies, longer term funding models for housing associations and a range of different schemes to extend the Right to Buy as part of their commitment to increase home ownership along with other models for shared ownership with shares of as little as 1%.

### 2.7.2 The questions in this chapter are as follows:

45. Recognising the need for fiscal responsibility, this Green Paper seeks views on whether the Government’s current arrangements strike the right balance between providing grant funding for housing associations and HRA borrowing for local authorities
46. How can we boost community-led housing and overcome the barriers communities experience to developing new community owned homes?

47. What level of additional affordable housing, over existing investment plans, could be delivered by social housing providers if they were given longer term certainty over funding?
48. How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?

### 2.7.3 Officers response is as follows

Confirmation that the proposal to force councils to dispose of higher value voids is not to be implemented is welcome.

Members have made it clear that they want the council to deliver new homes of all tenure types across the Borough – through planning with commercial developers, through TRL and through the schemes delivered through extra borrowing on the HRA. The high costs of building new homes with lower market values have made delivering schemes challenging and any financial certainty from the Government would be welcome.

Extending the Right to Buy, unless the homes taken into private ownership are replaced, will continue to put pressure on the council's own stock. The council sells approximately 100 homes through the Right to Buy each year and until the recent borrowing freedoms on the HRA and access to additional capital receipts from these sales, has not been able to replace them. There are approximately 8,500 applicants looking for a home with us on the Housing Register and between 20 and 25 households presenting as threatened with homelessness or actually homeless each week. The council needs to find ways to provide more social housing and although the relaxation in the rules governing the use of receipts being proposed by the government is welcome, unless there are more freedoms and greater certainty over funding we will struggle to find safe, secure and suitable homes for local families.

### 2.8 Consultation on Use of Receipts from Right to Buy Sales:

2.8.1 Alongside the Green Paper the government also published a consultation seeking views on options for reforming the rules governing the use of Right to Buy receipts from the sale of council housing and whether they should reform the commitment that every additional home sold (as a result of the increase in discounts in 2012) is replaced on a one-for-one basis nationally. The consultation ends on 9<sup>th</sup> October 2018.

2.8.2 The main points outlined in the consultation are as follows:

- Allowing local authorities to hold receipts they currently retain for five years instead of three, to give them longer to spend the receipts that they already have
- Flexibility around the 30% cap in certain circumstances

- Restricting the use of Right to Buy receipts on the acquisition of property and whether this should be implemented through a price cap per unit based on average build costs
- Allowing local authorities to use Right to Buy receipts for shared ownership units as well as units for affordable and social rent
- Allowing the transfer of land from a local authority's General Fund to their Housing Revenue Account at zero cost
- Whether there are any circumstances where housing companies or Arm's-Length Management Organisations should be allowed to use Right to Buy receipts
- Allowing a short period of time (three months) during which local authorities could return receipts without added interest
- Should the Government focus be on a wider measurement of the net increase in the supply of all social and affordable housing instead of the current measurement of additional homes sold and replaced under the Right to Buy?

2.8.3 The council will formally respond to the consultation supporting the points raised above. To help Thurrock build more homes and maximise the use of its one-for-one receipts, we support the view that there is a case for greater flexibility on the use of the receipts from Right to Buy sales.

### **3. Issues, Options and Analysis of Options**

3.1 The consultation on the Social Housing Green Paper closes on 6 November 2018 and respondents are encouraged to use the web-based portal to submit their comments and evidence to support their position.

3.2 Members are asked to consider the key proposals set out in the Social Housing Green Paper and to advise Officers on the response which they wish to convey to Government.

### **4. Consultation (including Overview and Scrutiny, if applicable)**

4.1 The Social Housing Green Paper will be shared with the Excellence Panel.

### **5. Impact on corporate policies, priorities, performance and community impact**

5.1 There are no specific corporate implications in the Green Paper per se. Future legislation that may arise from the proposals outlined above will be brought to members for further consideration.

### **6. Implications**

## 6.1 Financial

Implications verified by: **Julie Curtis**  
**HRA and Development Accountant, Corporate Finance**

There are no direct financial implications as a result of this report, however the consultation includes proposals around greater flexibilities for the use of Right to Buy receipts and suggestions of greater borrowing for the purpose of housebuilding.

## 6.2 Legal

Implications verified by: **Richard Birchett**  
**Interim Assistant Director of Housing**

There are no direct legal implications as a result of this report, however the consultation includes proposals to withdraw measures introduced within the Housing and Planning Act 2016 which would have forced the Council to offer fixed-term tenancies and sell high value void stock.

## 6.3 Diversity and Equality

Implications verified by: **Natalie Warren**  
**Strategic Lead – Community Development and Equalities**

There are no direct diversity and equality implications as a result of this report, however the proposed topics for consultation as part of this Green Paper include tackling the stigma surrounding those who live in social housing, and work to support strong and thriving communities would be encouraged.

## 7. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- "A new deal for social housing", the Government's Social Housing Green Paper

## 8. Appendices to the report

- None

### Report Author:

Richard Birchett  
Interim Assistant Director of Housing

# Work Programme

**Committee:** Housing Overview and Scrutiny

**Year:** 2018/2019

**Dates of Meetings:** 28 June 2018, 2 October 2018, 11 December 2018 and 5 February 2018

Topic	Lead Officer	Requested by Officer/Member
<b>28 June 2018 – CANCELLED</b>		
<b>10 July 2018</b>		
Work Programme	Democratic Services Officer	Standard Item
HMO (House of Multiple Occupation) - update & Private Sector Licensing update	Dulal Ahmed	Officer
Mental Health and Domestic Violence within Homelessness case reviews	Roger Harris / Richard Birchett	Officer
Gas repair procurements	Roger Harris / Richard Birchett	Officer
External decorations	Roger Harris / Richard Birchett	Officer
<b>2 October 2018</b>		
Fire Safety Update – including an assessment on the fitting of sprinklers	Roger Harris	Member
Social Housing Green Paper consultation / Right to	Richard Birchett / Roger Harris	Officer

# Work Programme

Topic	Lead Officer	Requested by Officer/Member
Buy sales consultation		
Verbal update on implementation of HMO licensing	Richard Birchett / Roger Harris	Officer
<b>11 December 2018</b>		
Work Programme	Democratic Services Officer	Standard Item
Housing Fees and Charges Report	Andrew Austin	Officer
Older People's Health & Housing	Marie Payne	Officer
Review on HMO (House of Multiple Occupation) - update & Private Sector Licensing update	Dulal Ahmed / Roger Harris	Officer
Housing Allocation Review	Roger Harris / Richard Birchett	Officer
Update report on garages.	Richard Birchett / Roger Harris	Officer
Annual Public health report	Andrea Clement	Officer
<b>5 February 2019</b>		
Work Programme	Democratic Services Officer	Standard Item