

London Borough of Hackney
Living in Hackney Scrutiny Commission
Municipal Year 2023/24
Monday 12 June 2023

Minutes of the proceedings of
the Living in Hackney Scrutiny
Commission held at
Hackney Town Hall, Mare
Street, London E8 1EA

Chair:	Councillor Soraya Adejare
Councillors in Attendance:	Cllr Sam Pallis, Cllr Zoe Garbett and Cllr Caroline Selman
Apologies:	Cllr M Can Ozsen, Cllr Ian Rathbone, Cllr Clare Joseph, Cllr Joseph Ogundemuren, Cllr Ali Sadek and Cllr Yvonne Maxwell
Officers In Attendance:	James Goddard (Strategic Head of Strategy, Assurance and Private Sector Housing)
Other People in Attendance:	Cllr Sem Moema (Deputy Cabinet Member for Private Rented Sector and Housing Affordability)
Officer Contact:	Craig Player ☎ 020 8356 4316 ✉ craig.player@hackney.gov.uk

Councillor Soraya Adejare in the Chair

1 Appointment of the Chair & Vice-Chair 2023/24

1.1 Members noted the confirmed appointments to the position of Chair (Cllr Soraya Adejare) and Vice-Chair (Cllr Clare Joseph) for the municipal year 2023/24, as agreed by Full Council at its Annual Meeting on 17th May 2023.

2 Apologies for Absence

2.1 The Chair updated those in attendance on the meeting etiquette and that the meeting was being recorded and livestreamed.

2.2 Apologies for absence were received from Cllrs Sadek, Rathbone, Ogundemuren, Ozsen, Joseph and Maxwell.

3 Urgent Items / Order of Business

3.1 There were no urgent items, and the order of business was as set out in the agenda.

4 Declaration of Interest

4.1 There were no declarations of interest.

5 Cabinet Question Time - Accountability of Private Rented Sector & Housing Associations

5.1 The Chair opened the item by explaining that the Commission was keen to hear about how the Council worked with its Housing Association partners and the Private Rented Sector to ensure effective accountability and protection for Housing Association tenants and private renters.

5.2 The Commission saw this discussion as timely given the development of a shared Housing Compact between the Council and Housing Associations operating in the borough, the Council's ongoing commitment to supporting private renters and challenging rogue landlords, and the recent publication of the proposed Renters (Reform) Bill.

5.3 Representing London Borough of Hackney

- Cllr Sem Moema, Deputy Cabinet Member for Private Rented Sector and Housing Affordability
- James Goddard, Strategic Head of Strategy, Assurance and Private Sector Housing

Private Rented Sector Presentation

5.4 The Chair invited the Deputy Cabinet Member for Private Rented Sector and Housing Affordability and Strategic Head of Strategy, Assurance and Private Sector Housing to give a short verbal presentation on the relationship between the Council and the Private Rented Sector in Hackney, and how it ensures accountability and protection for private renters.

5.5 There were around 120,000 homes in the borough, 82% of which were flats, 0.2% detached homes (including bungalows) and 5.6% were four bedrooms or over. Of these, 28% were privately rented, 28% privately owned and 44% were social homes (Council or Housing Association). The Council owned over 31,000 units, and there were also 9,153 Right to Buy properties, of which 3,702 (40.5%) were now private market rented.

5.6 There were around 34,000 units of Private Rented Sector (PRS) stock in Hackney. The average weekly rent for Council units during 2022/23 was £107.59, and for Housing Associations it was £148. For the PRS, as of 12th June 2023, it was £600.

5.7 The Private Sector Housing (PSH) Team covered a range of key areas. 32 members of staff were in place to cover key areas such as prevention and advice, licensing, houses of multiple occupation (HMOs), conditions (including fire safety and damp and mould), the Better Renting Campaign and enforcement.

5.8 The most recent Stock Condition Survey estimates that 11% of PRS stock had category 1 housing health and safety rating system (HHSRS) hazards. Key hazards included excess cold, fall hazards, disrepair and fuel poverty. Stock performance was generally above the England average but lower for disrepair and significantly lower for low income households.

5.9 Fire safety had been a key issue across the PRS since Grenfell. There were over 400 tall buildings in Hackney, many of which were complex buildings. The Council had taken enforcement action against the owners of five tall buildings in the borough, having been otherwise able to positively engage owners to carry out related works without the need for enforcement.

5.10 Government policy on fire safety had proved an issue for leaseholders. Whilst there was a cap on the costs of remediating fire safety defects for some leaseholders, at £15,000 this was still considered unaffordable to many.

5.11 Over 200 damp and mould complaints had been made to the PSH team since 1st December 2022, which was above average for the timeframe. All reports of damp were inspected within five working days of the complaint being made, and the action required to resolve the issue also included enforcement notices where necessary and potential enforcement for non-compliance.

5.12 Two Joint Inspection Team (JIT) inspections had been carried out in early 2023. The JIT was a multidisciplinary team with a fire engineer, a building control surveyor and a team of environmental health professionals, supported by intelligence officers and external legal advisors. The JIT assessed fire hazards and advised the Council via an extensive report and HHSRS risk assessment.

5.13 From these two inspections, over 70 enforcement notices had been issued. The entire PSH team had been required to produce and serve notices, and there had therefore been no other enforcement, licensing or compliance activity during this period. Considerable and challenging liaison with residents was and continued to be required.

5.14 The Council had three property licensing schemes in place in Hackney:

- Mandatory HMO licence - this applied to all privately rented properties in Hackney occupied by five or more people, making up two or more households.
- Additional HMO licence - this applied to all privately rented properties in Hackney occupied by three or four people making up two or more households.
- Selective licence - this applied to all privately rented properties in the Bronswood, Cazenove and Stoke Newington wards.

5.15 The Council was looking to extend the requirement for the additional HMO licence and selective licence across the whole borough. This would need Secretary of State approval, and the Council was aiming to provide the evidence base for a decision by September 2023.

5.16 Another area of work for the PSH team was empty properties, and the team would soon be recruiting a dedicated Empty Homes Officer. The Strategic Housing Market Assessment had identified a 2% (around 2,500 properties) vacancy rate in Hackney, which was on the lower side when compared to other London Boroughs.

5.17 Of these, between 500-1,000 had been empty for six months or more. The Council was looking to support owners to bring these properties back into use via case working, hand holding and grants/finance. Where necessary and viable, it would look to serve Empty Dwelling Management Orders, which allowed the Council to take over the management of the property, or Compulsory Purchase Orders, which allowed it to acquire the property.

5.18 There were a number of key challenges and priorities for the Private Sector Housing team throughout 2022/23. These included staff recruitment and the expansion of the team, the new Private Sector Housing Strategy, the rollout of a new IT system, fire building safety and PRS emergencies, complex enforcement, licensing renewal and extension, damp and mould and Home Office programmes such as Homes for Ukraine and Afghan resettlement.

Questions, Answers and Discussion

5.19 *A Commission Member asked for further information on the structure and staffing levels of the PSH team, and what the future plans were for the service.*

5.20 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that the PSH team comprised of 32 members of staff, and was split into three operational areas - enforcement (dealing with compliance and licensing), grants and business support.

5.21 Additional funding had been secured to hire extra members of staff into the team, which would be used to support prevention and enforcement activities. It was hoped that the team would hire an additional team leader, a further five housing officers, and possibly a dedicated legal officer.

5.22 *A Commission Member asked how the Council used its enforcement powers to take action against issues such as disrepair and illegal evictions.*

5.23 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that in the first instance the team would reach out to the tenant and landlord to understand the situation and work with them to resolve any issues informally.

5.24 In cases where a resolution was not reached informally, the Council would look to take enforcement action against the landlord. Enforcement action ranged from a criminal sanction to a fixed penalty fine, which averaged at around £350-500. The Council was currently reviewing its charging structure to bring in higher fines where necessary, and would continue lobbying central government for more extensive enforcement powers to support its work.

5.25 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability added that the Council did not provide legal advice except where it was party to a hearing. However, it did provide grant funding for third sector legal organisations such as the Law Centre and Citizens Advice Bureau to help them provide support to private renters where necessary.

5.26 *A Commission Member asked whether the Council had an idea of how many empty private homes there were in the borough, and whether there were any plans to try to bring them back into use.*

5.27 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability explained that bringing empty private homes back into use had been a manifesto commitment under the previous administration. Officers had estimated that there were around 500-1000 private rented homes in the borough that had been empty for six months or more.

5.28 Bringing empty homes back into use was a complicated process and required additional resources. It was hoped that the introduction of an Empty Homes Officer would increase staff capacity to investigate these empty homes and look at the options to bring them back into use.

5.29 *A Commission Member asked for further information on the timescales that the Council worked to in responding to complaints about tenants' issues with PSH.*

5.30 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that complaints made about issues that posed an immediate risk to life (category 1 HHSRS complaints) were dealt with straight away alongside relevant Council teams and emergency services.

5.31 For category 2 HHSRS complaints, such as damp and mould, the Council would inspect the property within five working days. Since December, the Council had inspected all category 2 HHSRS damp and mould complaints within the five working day target, and had not received a category 1 HHSRS damp and mould complaint.

5.32 *A Commission Member asked whether the Council tracked its PSH complaints response performance.*

5.33 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that all PSH cases were tracked through the housing management system, and that there were currently 198 open damp and mould cases.

5.34 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability added that the case management system had been impacted by the cyber attack, which had increased paperwork and manual workloads. It was hoped that some of the additional funding secured for the service would be put towards improving the case management system, bringing it in line with other Council case management systems.

5.35 *A Commission Member asked whether the Council proactively inspected known HMOs in the borough, particularly in relation to fire safety, and worked with landlords to manage identified risks.*

5.36 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that, as part of the mandatory and additional HMO licences, the Council did inspect HMOs across a range of metrics including fire safety.

5.37 Proactive management was difficult due to the resourcing required to cover the whole of the borough's PSH stock. The Council did hold monthly engagement sessions in the selective licensing wards (Bronswood, Cazenove and Stoke Newington) which involved door knocking on HMOs.

5.38 *A Commission Member asked whether the PSH team had considered having officers covering geographical patches in Hackney, as was typical across Council managed estates.*

5.39 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability explained that giving a PSH a particular geographical area to cover was likely not an efficient use of resources. PSH officers were specialists in their relevant area, and had different relationships to the tenants and landlords in Hackney as a traditional housing officer would.

5.40 The Strategic Head of Strategy, Assurance and Private Sector Housing added that PSH officers did operate in particular geographical patches in Hackney around 20 years ago, but the Council had since moved away from that model. The Council would be looking at the PSH team structure and responsibilities in the near future, and whilst it was unlikely that a patch-based model would be adopted again, it would be considered.

5.41 *A Commission Member asked how many private rented properties the Council expected to apply for property licences should the Council proposals for full borough licensing be approved.*

5.42 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that the licensing scheme would apply to the whole of the borough's PSH stock, and the target was to get 100% of properties licensed. The additional landlord scheme, for example, had 85% sign up throughout its five year period despite the impact of pandemic.

5.43 *A Commission Member asked what progress the Council had made in exploring the options for a Private Renters' Forum for tenants living in PSH to raise issues directly with the Council.*

5.44 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that a Landlord's Forum was already established in Hackney. However, membership of this was not always reflective of the wider PRS and it was attended more often by those that the Council had existing positive relationships with.

5.45 The Tenant's Forum would be relaunched in the summer. It had been difficult to keep continuity in terms of membership as private renters typically moved homes frequently, and often did not want to raise issues and concerns for risk of straining relationships with their landlords.

5.46 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability added that the Landlords' Forum was mostly used to engage with landlords on key issues such as safeguarding vulnerable tenants, and securing temporary accommodation.

5.47 It was important for the Council to get the membership of the Tenants' Forum right, and ensure it was reflective of the income and socioeconomics of the tenants in the private rented sector across Hackney, as well as their race, age and gender.

5.48 The Council had reached out to tenants in PSH to ask what they would like to see in terms of the Tenants' Forum, however it had received a relatively low number of responses which were not necessarily representative of wider PRS.

5.49 *A Commission Member asked how closely the PSH team worked with other council services and external agencies when dealing with more complex cases within the PRS.*

5.50 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that cases almost always involved referrals into other services such as adults safeguarding and/or housing needs. There were formal multi-agency meetings where such cases were reviewed, as well as formal referral mechanisms.

5.51 Cases were becoming increasingly complex, and sometimes could involve a wide range of services or external agencies. Formal referral routes were not always seen as the most practical resolution, and officers retained a level of flexibility in their approach and utilisation of their relationships with stakeholders.

5.52 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability added that she met with officers on a weekly basis to retain oversight on such cases, and worked closely with the Deputy Cabinet Member for Housing Needs and Homelessness and Cabinet Members to ensure a coordinated approach.

5.53 A Commission Member asked how closely the PSH team worked with the Housing Needs team in particular, for example where a resident was at risk of homelessness.

5.54 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that the majority of the PSH team's referrals were to the Housing Needs team. The referral process was not always straightforward, however, and often relied on positive working relationships between individual officers.

5.56 The Council had looked at a range of options to improve the process, for example by embedding specialised staff in each other's services. If the service had further resources, it may also be an option to look at recruiting social workers and/or lawyers to manage the process better.

Housing Associations Presentation

5.57 The Chair then invited the Deputy Cabinet Member for Private Rented Sector and Housing Affordability and Strategic Head of Strategy, Assurance and Private Sector Housing to give a short verbal presentation on the relationship between the Council and Housing Associations operating in Hackney, and how it ensures accountability and protection for Housing Association tenants.

5.58 Housing Associations (HAs) were independent, not for profit housing providers, providing homes for households in housing need. All HAs were approved and regulated by the Regulator of Social Housing, and some by the Charity Commission.

5.59 There were a number of different HA models in Hackney. There were general HAs (with boards and tenant representation, for example), as well as specialist HAs. HAs varied in size, for example North West London Muslim Housing Association had under 1,000 units across the UK, whereas Clarion had over 125,000.

5.60 HAs also varied in the geographical areas they covered. For example, Clarion operated in 170 local authorities, whereas others operated in Hackney only. Their areas of work varied, for example between development, management and commissioning (including repairs).

5.61 There were around 40 HAs in Hackney. The Council dealt with around 20-25 of these on a day-to-day basis. Recently, many HAs had been the subject of mergers - for example, Affinity and Circle had merged and were now operating as Clarion, and Family Mosaic had merged with Peabody. This raised various issues for the Council, particularly around local accountability.

5.62 HA housing stock included assured and fixed term tenancies, and some tenants were able to buy their rented HA home at a discount through the Right to Acquire scheme. Many local authorities, including the Council, had transferred housing stock to HAs as a means of securing investment for the improvement of social housing.

5.63 Many HAs did not offer their tenants social rent (low cost rent set by government formula, significantly lower than a tenant would pay in the normal market). Instead, they offered affordable rent (rent set up to 80% of market rent), which to many tenants remained unaffordable.

5.64 The Hackney Registered Provider Compact was approved by Cabinet in January 2023. It was a comprehensive partnership document outlining shared priorities and commitment, however it was not a contract and was not enforceable. Having said this, there were two specific areas subject to formal agreement and therefore enforceable, namely nominations and domestic abuse.

5.65 Apart from the Compact, there were other mechanisms through which HAs were held to account. For example, all HAs wanting to develop in Hackney needed to meet a certain set of criteria to be approved by the Council (of which there were 17 HAs).

5.67 The Better Housing Partnership was the forum through which the Council and HAs met to discuss key issues and was split into two sub groups, namely development and management. On a day-to-day basis, liaison was through the Housing Strategy team directly, which included management and development queries.

5.68 It was important to note that HAs were varied, and all had different ways of working, particularly in regards to governance and accountability. This meant that the Council had varied relationships with the HAs operating in the borough which it had to manage sensitively.

Questions, Answers and Discussion

5.69 *A Commission Member asked whether the Council monitored HA customer service data, for example call handling and wait times, and whether it held HAs to account over poor performance.*

5.70 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that the Council handled some complaints against HAs operating in the borough and, if a pattern was identified which pointed to wider issues with a particular HA, it would look to discuss that sensitively with them.

5.71 Whilst HAs themselves gathered customer service data, not all routinely shared their data with the Council. This was in spite of quarterly data gathering exercises by the Council on key performance metrics held by HAs.

5.72 *A Commission Member asked how the Council worked with HAs to maximise the supply of social housing in Hackney.*

5.73 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that the Council did work with HAs to unlock development opportunities in the borough, for example by providing advice on the development process, considering

opportunities for sharing and combining land for development, and supporting HAs new homes delivery through the Mayor's Housing Challenge.

5.74 Those HAs that were funded and supported by the Council through planning were obliged to offer a tenure mix of outright sale, shared ownership and social rent. Having said this, they retained a degree of flexibility due various viability factors meaning that rents were often higher in HA developments than the Council's own.

5.75 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability added that many HAs across London were moving to increase their number of private rental homes in response to the demand for quality rental accommodation. This may have the consequence of reducing pressure on social housing through lower than average rents, and improving property management and security of tenure for private renters.

5.76 A Commission Member noted that the Hackney Registered Provider Compact was not a binding document, and asked, with this in mind, how receptive HAs operating in the borough had been to it.

5.77 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that ten of the HAs operating in the borough had been involved in the development of the Compact and had signed up. Now that the Compact had been agreed and was starting to be implemented, it was hoped that others would follow suit.

5.78 A Commission Member noted that a domestic abuse protocol was being developed, detailing an agreed local domestic abuse pathway between the Council and HAs, and asked whether any similar work was underway in relation to gang related violence.

5.79 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that due to resource constraints the Council had been focusing on the domestic abuse protocol. However, a gang related violence protocol would also be developed in due course, co produced and signed up to by the Council and HAs.

5.80 A Commission Member asked whether any oversight and monitoring arrangements had been put in place to track progress against the strategic priorities identified in the Hackney Registered Provider Compact.

5.81 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that, in the short term, the progress of the Compact would be monitored at officer level. In the longer term, however, there would be more formal governance and partnership arrangements in place to monitor progress, which were currently being developed as part of the new Housing Strategy and would be consulted on in the summer.

5.82 A Commission Member asked whether the Council had considered developing and maintaining a database of key contact details to support councillors' communication and advocacy.

5.83 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability explained that the Council had been exploring the means by which it could best collate and present relevant key contact details for the HAs operating in the borough. It was

difficult for many reasons, not least because each HA had its own processes for raising issues and complaints.

5.84 It was suggested that the Deputy Cabinet Member for Private Rented Sector and Housing Affordability updated the Commission on the progress made in developing a key contact details database for HAs operating in the borough in the late autumn/early winter.

5.85 A Commission Member asked how the Councils worked with HAs operating in the borough to minimise, effectively deal with and solve in a timely way any disrepair complaints.

5.86 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that the Council did try to keep in close contact with HAs to raise awareness if recurring problems or patterns of issues arise from the complaints the Council received.

5.87 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability highlighted the importance of both residents and councillors raising issues and, where necessary, making complaints.

5.88 A Commission Member asked whether the Council was working closely with HAs on their responses to damp and mould.

5.89 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that the Council met with HAs on a quarterly basis to discuss their approach to damp and mould cases and monitor their performance data. As of 12th June 2023, there were only two category 1 damp and mould cases across the whole HA housing stock.

5.89 A Commission Member asked for further information on how the Council engaged with HAs when it came to their private rented stock, or issues raised by HA private renters.

5.90 The Deputy Cabinet Member for Private Rented Sector and Housing Affordability highlighted that HAs were regulated in regard to all of their housing stock, including their private rented stock.

5.91 If a HA was not meeting its regulatory obligations there may well be a role for the Council to play in resolving any issues arising. Some of the benefits of having a HA as a private landlord was lower than market average rents, standardised property management and security of tenure.

5.92 The Strategic Head of Strategy, Assurance and Private Sector Housing added that the Council generally found it easier to deal with issues raised by private renters living in HA stock as they had standardised ways in which they dealt with issues and complaints. However, the Council would treat all issues raised and complaints as it would with any other private landlord - for example, taking enforcement action where necessary.

5.93 A Commission Member asked what influence the Council had in encouraging HAs not to sell off homes intended for social renting.

5.94 The Strategic Head of Strategy, Assurance and Private Sector Housing explained that, ultimately, the Council did not have any power to stop a HA from selling its housing stock in Hackney if it wished to do so.

5.95 Having said this, there was a sales protocol in place in Hackney which governed how HAs operating in the borough approached the sale of its stock. This outlined a process whereby HAs had to outline the reasons for selling its stock and the options otherwise considered, offer the stock to the Council first and foremost at a discounted rate, offer the stock to another registered provider if the Council did not want to purchase the stock, and if neither the Council or another registered provider want to purchase the stock ensure the receipt remains within Hackney and preferably the ward in which it was located.

Summing Up

5.96 The Chair thanked Commission Members for their questions and all witnesses for their responses and engagement with the scrutiny process.

5.97 It was explained that, after the meeting, the Commission would reflect on the evidence heard and may make suggestions or recommendations for improvement for consideration.

6 Living in Hackney Work Programme Planning 2023/24

6.1 The Chair opened the discussion by explaining the item would cover the Living in Hackney Scrutiny Commission work programme for the 2023/24 municipal year.

6.2 The Overview and Scrutiny Annual Public Consultation, which asked residents and stakeholders for their suggestions for the work programme, was underway and would close on 22nd June.

6.3 Any suggestions from Commission Members this evening, as well as suggestions made in the public consultation, by officers, by Cabinet Members or by key partners would be collated by the Chair and Vice Chair into a shortlist and presented at the next meeting for agreement.

6.4 After the Commission had agreed the items for the work programme, the Chair and Vice Chair would update the Scrutiny Panel with the proposed work programme for the Commission.

6.5 The Chair then invited Commission Members to make any comments or suggestions for the 2023/24 work programme.

6.6 A Commission Member suggested that the Commission look at the Council's approach to homelessness and rough sleeping, particularly around the needs of transgender and gender diverse residents.

6.7 A Commission Member suggested that the Commission look at the progress made against the Council's work to improve the housing repairs service.

6.8 A Commission Member suggested that the Commission look at the current arrangements across the Community Safety Partnership to ensure a multi-agency approach to community safety issues, as well as examples of best practice elsewhere.

6.9 A Commission Member suggested that the Commission look at the Council's current approach to providing advice services to those that were homeless or at risk of homelessness.

7 Minutes of the Meeting

7.1 The draft minutes of the previous meeting on 20th April 2023 were presented.

7.2 Members agreed the draft minutes as an accurate record.

8 Any Other Business

8.1 None.

Duration of the meeting: 7.00 - 9.20 pm