



London Borough of Hackney
Living in Hackney Scrutiny Commission
Municipal Year 2016/17
Monday, 30th September, 2019

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

Chair:	Councillor Sharon Patrick
Councillors in Attendance:	Cllr Sade Etti (Vice-Chair), Cllr M Can Ozsen, Cllr Ian Rathbone, Cllr Penny Wrouth and Cllr Anna Lynch
Apologies:	Cllr Anthony McMahon
Officers In Attendance:	Ajman Ali (Director of Housing Services), James Goddard (Director, Regeneration), Donna Bryce (Head of Resident Safety, Housing Services) and Steve Platt (Head of Building Maintenance and Estate Environment)
Other People in Attendance:	Councillor James Peters
Members of the Public:	1
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Councillor Sharon Patrick in the Chair

1 Apologies for Absence

1.1 Apologies had been received from Cllr McMahon.

2 Urgent Items / Order of Business

2.1 There were no urgent items and the order of business was as laid out.

3 Declarations of Interest

3.1 Interests were declared as below.

- In relation to items 4 and 6 the Chair declared she was a Council leaseholder
- In relation to items 4 and 6 the Vice Chair and Cllr Ozsen declared they were Council tenants
- In relation to agenda item 5 Cllr Lynch declared she was a Southern Housing tenant

- In relation to agenda item 5 Cllr Rathbone declared his wife was a Peabody tenant
- In relation to agenda item 5 Cllr Wrout declared she was a Member of the Board of Hackney Parochial Alms-houses.

4 Management of asbestos in Council-managed homes

4.1 The Chair welcomed the following guests for this item:

- Ajman Ali, Director, Housing Services
- Donna Bryce, Head of Resident Safety, Housing Services

4.2 The Chair also welcomed Cllr James Peters who had an interest in the subject of asbestos management from his case work.

4.3 Invited to make any opening comments, the Head of Resident Safety presented the paper which was available in the agenda packs. She made the following points:

- The paper provided the history, processes and procedures in place for the management of asbestos within Housing Services.
- She would not detail the full report. However, key points included work to reach out to Council leaseholders, in addition to tenants to ensure they got the advice around asbestos as and when they needed it.
- Historically, one of the major partnering contracts had been used for works related to asbestos management. The Council wanted to exert greater control. Two in-house surveyors had been recruited who would be predominantly focused on void properties and on re-inspections of asbestos left in situ (where asbestos was left where it was and managed and monitored, rather than being removed). A specialist asbestos contractor was in place to complement this resource so that support was available on a 24 hour basis.
- The service was working towards being able to carry out all air testing itself following works itself rather than for this to be done by contractors.
- It was also seeking to get a consistent and effective approach in place around information available to residents regarding asbestos in homes. Contractors carrying out asbestos survey work and removals often used jargon in reports. The service was getting in place standardised templates for recording information around asbestos. These were designed to be clear and user friendly, and accessible for residents who were not specialised in the area.
- The Planned Asset Management service sometimes delivered asbestos works through major works programmes, via other contractors. The Resident Safety Team was liaising closely with them. This was in order to ensure that records of this work would follow the same user-friendly, accessible format.
- The service was improving information for residents. New Council residents were given information leaflets about asbestos, and copies of asbestos reports if asbestos was present in their property. There was a dedicated phone line and email address in place.

- Prior to a resident moving into a property, a decision would be made on whether to remove the asbestos or to leave it in situ. Often, it would be removed, particularly when a survey deemed it a risk that it could be disturbed. However, in some cases it was safer to leave it untouched. In these cases, annual inspections were carried out to ensure that it remained in a safe condition.
 - A new and very knowledgeable Asbestos Manager had been recruited. All Officers in the asbestos team had been trained to P405 (a Management of Asbestos Standard). This meant that Officers were able to deal with enquiries to better ensure residents received advice promptly. This training would be rolled out to the full Resident Safety Team.
 - The service was seeking to launch an online portal enabling residents to access asbestos and fire safety reports for their homes. Alongside this the service was exploring whether the current IT system could be made fit for purpose and future proofed, or if it needed replacing.
- 4.4 The Chair thanked the Head of Resident Safety. She noted points around new residents being given information on where asbestos was in their homes. She asked how the Council addressed the risk of existing tenants, leaseholders or freeholders inadvertently disturbing asbestos as they were not aware that it was there. She felt that information should be re-provided on a regular basis.
- 4.5 The Head of Resident Safety agreed that giving information on asbestos – on an ongoing basis - was crucial. The service engaged existing residents in a number of ways. She had attended and spoke at the Tenant and Management Organisation Forum the previous week. The service was delivering roadshows to help highlight asbestos and the risks from disturbing it. The first roadshow would take place in November. They were working with Communications around doing more. The key message for residents was to contact the Council at any time they were considering carrying out works in their homes so that they could be informed of where any asbestos was.
- 4.6 The Chair noted the upcoming open day for leaseholders and freeholders. She noted that these groups were responsible for repairs and works inside their homes, where asbestos might be present. She asked if the Asbestos Team would be present at the event.
- 4.7 The Head of Resident Safety confirmed that the Fire Safety and Asbestos Safety teams would have a stall at the event.
- 4.8 In response to a question the Head of Resident Safety confirmed there was not a cost for the advice and surveying function for leaseholders.
- 4.9 Cllr Peters recalled meeting with the Head of Resident Safety some months ago. This was further to him having concerns about what had appeared to be the unsafe removal of asbestos by contractors, during their delivery of major works in homes. He had been reassured from these meetings. He had heard that in future sample inspections would be carried out of a number of units in any block subject to major works, and if asbestos was identified in any it would be presumed that asbestos was present in all units.

- 4.10 He wished to explore how this was working with other departments; for example whether an operative visiting a property to fix a leak would be versed around where asbestos was likely to be present.
- 4.11 The Head of Resident Safety said she was fully confident that this approach would be followed prior to any planned works going ahead. The service had also done significant work with the Reactive Repairs service so that they were much more aware of asbestos considerations, and where advice should be sought prior to starting a repair.
- 4.12 This said, there was still room for improvement. For example, currently, operatives needed to contact the Resident Safety Team to get information on the presence of asbestos. The service was working on a solution where this information would be available on their hand held devices, and where an active warning was given around asbestos being present as soon as a job was raised.
- 4.13 They wanted to go further. There was a four stage clearance process following asbestos works, to ensure the safety of the site. The Service was working towards a position where this exercise was only carried out by the Council itself. This would provide greater quality assurance.
- 4.14 A Member recalled issues explored by the Commission previously around the performance of housing contractors. This had included issues around sub-contractors. He welcomed the move to deliver the quality assurance function around asbestos works, directly.
- 4.15 The Head of Resident Safety confirmed that contractors carrying out works where asbestos was present needed –by law - to get a licensed asbestos specialist to carry out testing after the works to ensure the site was safe.
- 4.16 She accepted there had been issues with contractors and sub-contractors in other areas of housing. Reflecting this, the service carried out audits to ensure this testing was done accurately. Moving forward, the service wished to perform the testing function directly, using the expertise of the Asbestos Manager and Surveyors. This would take time to get in place; it would require access to a laboratory in which to do the air testing.
- 4.17 A Member welcomed that residents were able to find out if asbestos was present in their homes, and for a visit to be carried out if this was necessary. She asked how long a resident would need to wait for a visit.
- 4.18 The Head of Resident Safety advised that visits would be carried out within 24 hours in most cases. The clear message to residents was that if they suspected there may be asbestos in their homes to contact the Council so they could visit to assess this.
- 4.19 The Member asked – in broad terms - what share of the Council’s housing stock contained asbestos. If this was high, she suggested that highlighting this in publicity campaigns could better encourage people to check with the Council prior to doing any works in their Council homes.

- 4.20 The Head of Resident Safety thanked the Member for the suggestion, which she said was very helpful. She confirmed that – given the age of much of the Council’s stock – that around 50% of homes contained asbestos. This was being managed in an effective and improving way, including through annual inspections to ensure that asbestos was either in a safe and sound condition and otherwise removed.
- 4.21 However, she agreed that messaging on how common asbestos was could be powerful in persuading more people to come forward to seek advice. This would build on the service already having seen increases in calls received. She said this was a helpful point which she would give further thought to.
- 4.22 A Member asked if information on asbestos in properties was made available to residents purchasing or renting ex Hackney Council homes.
- 4.23 The Head of Resident Safety confirmed that solicitors acting on behalf of people buying ex Council homes would request both asbestos and fire safety certificates from the Resident Safety Team. Moving forward, the service was hoping to make this information available online.
- 4.24 A Member noted the action being taken to improve information on asbestos, which he welcomed. He asked if this could include publicity in newspapers targeted at groups from whom English was not a first language.
- 4.25 The Head of Resident Safety said this was a helpful suggestion that service could take forward.
- 4.26 A Member asked what residents should do if they saw others discarding what they suspected was asbestos, carelessly and not through a licensed specialist.
- 4.27 The Head of Resident Safety advised that residents should contact the Council or the Health and Safety Executive in these cases.
- 4.28 The Chair thanked the Head of Resident Safety. She felt the discussion had been very useful. She looked forward to future updates, where the Commission would explore the progress made on bringing greater direct delivery of quality assurance of asbestos works, on greater publicity around asbestos, and on making information on asbestos surveys more readily available.
- 4.29 As a final point, Cllr Peters agreed that the item had been helpful. He asked the Chair whether the Commission was intending on exploring the Council’s role around asbestos in relation to the private rented sector. He understood that this came largely within the remit of the Health and Safety Executive. However, he understood that the Council’s Private Sector Housing Services did come into contact with issues in its work. He felt there was some lack of clarity around the roles of the Council and the Health and Safety Executive in regards to asbestos in some cases.
- 4.30 James Goddard, Director Regeneration - who was in attendance for another item – advised that he had lead responsibility for the Private Sector Housing Service. He confirmed that his area did encounter issues and take enforcement action in some cases. He felt that a scrutiny item would be useful which explored a range of issues, including flytipping of asbestos.

4.31 The Chair thanked Cllr Peters. She would give thought as to when a wider item on asbestos could be incorporated into the work programme.

5 Item to inform likely review - Context on Registered Providers operating in Hackney

5.1 The Chair welcomed James Goddard, Director, Regeneration for this item.

5.2 She reminded Members that in its last meeting the Commission had discussed exploring a range of areas around housing management - in relation to both the Council and Housing Associations – for its main review of the year.

5.3 During the summer she had held further discussions with Officers. These meetings had left her with a view that the review should focus only on housing associations, and the varying practice by different providers. This was due to the variance across housing associations meaning that a review of this area alone would already be a substantial one.

5.4 Alongside this, the Commission would continue to hold one off items in relation to the Council's Housing Services throughout the year, including on fire safety, resident engagement and community halls management.

5.5 This item was intended to give the Commission a broad insight into the housing associations operating in Hackney, and the interaction between these and the Council. Noting the slides available in the agenda packs, the Chair asked that the Director, Regeneration made any opening comments.

5.6 The Director, Regeneration made the following points:

- There were many types of organisations which could be broadly described as Housing Associations; Registered Providers, Registered Social Landlords, Housing Co-ops, Community Groups, Community Trusts, Charities and Registered Providers. There were differences between them in some cases, highlighting the varying types of organisation his area dealt with.
- Broadly, Registered Providers were described by the Ministry of Housing, Communities and Local Government as "*Independent, not for profit housing providers, approved and regulated, provide homes for households in housing need*". This was not a legal definition, but could act as some guide.
- Some housing associations were registered. These were accountable to the Regulator of Social Housing, as were local Housing Authorities (including the Council). Others were charities, with reporting lines to the Charity Commission.

5.7 In response to a question, the Director, Regeneration advised that the Regulator of Social Housing was a formal government body, regulating all forms of social housing. This said, it applied different forms of regulation to the different types of organisations providing social housing. For example, some of the data indicators reported to the regulator by Councils, would not be reported by housing associations.

5.8 Also, some approaches followed by Housing Associations – including around the extent of gearing (borrowing) to support investment – were less relevant to

Councils. In short, this made comparisons between Councils and Housing Associations difficult.

- 5.9 Housing Associations followed different models. Some saw themselves as specialist; for example by focusing their housing resources on older people and or people from particular community groups. This was now less common, due to a range of mergers and also an increasing consensus that a mainstreaming approach was better. There were some specialist providers in Hackney – including Anchor and Hanover - which focused on older people.
- 5.10 The size and reach of housing associations varied substantially. North London Muslim Housing Association (NLMHA) operated in three boroughs, with a total of less than 1,000 units. This compared to Clarion which managed more than 125,000 units, across 170 local authority areas.
- 5.11 The size of operations had a strong influence on the approaches Housing Associations took to housing management, including their contracting arrangements and the nature of their repairs services. It also effected the extent to which the Council was able to influence and engage with them, and secure their commitment to contributing towards local priorities.
- 5.12 Structure also differed. Housing Associations were social purpose organisations. This meant they were providers of general needs housing and the factors wrapping around this; for example forwarding the employment and skills agenda.
- 5.13 Some delivered new development; mainly the larger providers. These providers sometimes supported smaller ones to develop in the local area.
- 5.14 L&Q were the largest housing association in London with 95,000 units.
- 5.15 They had developed 2862 new homes over the most recent reporting period. Only 250 of these were at social rent levels.
- 5.16 The remainder were sold or rented at market levels, or rented at Affordable Rent levels. Affordable Rents could be charged at 50%, 65% or 80% of market rent. The majority of those rented by L&Q on the Government's Affordable Rent definition were priced at 80% of market rent, making them inaccessible to the majority of households in housing need.
- 5.17 He was giving L&Q as an example given its size. However, the trend of development moving away from social rents towards tenure types which were unaffordable to many, was applicable to many other housing associations.
- 5.18 A Member noted the points around Affordable Rents. She did see a place for homes at levels of rent which were between social rent and open market rent. This was providing a service to some of Hackney's residents. However, she was concerned at an issue she was aware of from her casework around housing associations 'flipping' units which were previously rented on a social rent basis, to an affordable rent. She felt that this is something which a scrutiny review might explore.
- 5.19 The Director, Regeneration, agreed with this point.

- 5.20 Continuing with the presentation he said an important development in recent years had been a merging of a number of already large housing associations. This had led to the emergence of some very large housing associations. Key examples included Affinity Sutton and Circle merging to create Clarion, and Family Mosaic joining with Peabody. There were likely to be more in the future.
- 5.21 There had also been an emergence of for-profit housing associations.
- 5.22 On tenancies, since 2010 housing associations had been encouraged to provide assured and fixed term tenancies rather than life time tenancies. These tended to last for five years. There had been movement back by some towards providing life time tenancies in more cases, but there was a legacy of less secure tenancies for some residents.
- 5.23 Earlier that day at the Conservative Party Conference the Secretary of State for Housing had announced that housing association tenants would have the right to shared ownership buy, with a discount attached. This risked the borough losing more of its social housing stock. The planned funding arrangements for the scheme were unknown.
- 5.24 There was also the ongoing prospect of full right to buy being extended to housing association tenants. Previous iterations of this policy if enacted would have left Councils being required to sell off shares of their social housing stock to fund the discounts applied to the right to buys.
- 5.25 A Member said that from casework and from speaking to her residents she was aware of the frustrations of some of those who lived in housing association properties. There was sometimes a view that they were not accountable. A number had said that they would have welcomed the Council owning and managing this stock rather than housing associations.
- 5.26 The Chair said she was aware of issues where residents living in housing association properties who were overcrowded, were advised by their landlord to seek rehousing by the Council through its waiting list, rather than the housing association offering them paths to suitable housing through its own stock.
- 5.27 The Director, Regeneration, confirmed that this was a problem. He felt that the Commission could add value by exploring approaches to transfers by different providers.
- 5.28 A wide range of issues could be covered within this. This included some housing associations sometimes not providing adequate support to households where there was a domestic violence issue. Instead of engaging with the situation and providing support to vulnerable household members (including rehousing), it sometimes appeared that housing associations only sought to pass all issues straight to the Council to deal with alone.
- 5.29 Part of the definition of housing associations was that they were not for profit. Recently, there had been an emergence of bodies which did work for profit. Sage had been taken to court to stop it naming itself as a housing association. This organisation was funded by Blackstone, the single largest equity fund in

the world. Sage had tried to enter Hackney on some of the borough's small Section 106 sites. The Council had worked hard not to allow this.

- 5.30 There were other profit-making housing providers, including pension funds.
- 5.31 Clarifying a point made by a Member the Director, Regeneration confirmed that while Housing Associations were not able to make profit, they were able to achieve surpluses. They were encouraged to do so by the Regulator for Social Housing as this evidenced financial sustainability. The regulator stipulated the generation of surpluses as a success measure.
- 5.32 A Member understood that – whilst housing associations were not allowed to have shareholders – that some got around this by issuing bonds against which shares of surpluses would be paid. She understood Peabody to be one of these.
- 5.33 The Director, Regeneration agreed with this. In terms of Peabody, its structure had enabled the payment of bonds since 1905.
- 5.34 For 2019/20, L&Q were forecasting a £202 million surplus. In theory, all surpluses were ploughed back into the organisation be this through staffing, the skills agenda, or others. Questions for providers around how surpluses were used could form a helpful element of a scrutiny review.
- 5.35 The Housing and Planning Act 2016 set out policies including the extension of right to buy to housing associations funded by the forced sale of the most expensive third of councils' housing stock. Policies in the act were sometimes referred to as zombie policies, as they were still there. They had not been repealed. This meant that there was the legislative scope to move forward with it.
- 5.36 Presenting a slide looking at the number of Hackney units held by the largest 14 housing associations (by Hackney stock size), the Director, Regeneration advised that there was an error. The 285 figure on the slide for the number of units held by Sanctuary was incorrect and should have been given as 3,288.
- 5.37 He also noted that in advance of the meeting the Chair had asked for a list covering all housing associations operating in Hackney. He said that the service did have a list. The total number of operators was around 50. However, this did depend to some extent on the definition being used.
- 5.38 The 50 operators ranged widely in size; from the large providers like Clarion and Peabody, to very small charities and organisations with one or two almshouses in the borough. He would provide this list to Members. However, there was a health warning as it was currently being updated, with completion due at the end of December.
- 5.39 In response to a question, he confirmed there were approximately 24,000 housing association units in the borough.

- 5.40 In terms of the liaison between the Council and housing associations, the Council had an Approved List. Only housing associations which were on this list were able to develop or to be partners to other developers in the borough.
- 5.41 Those on the Approved List had agreed / were assessed as meeting criteria covering 17 aspects. Examples of these included having a secure financial base, not evicting tenants unnecessarily, and not making a profit. This list was similar to the criteria set out by the regulator. The Council could not reasonably insist on more stringent standards than these as it would be open to losing any legal challenge against it.
- 5.42 His service monitored housing associations against nominations agreements in place. Nomination agreements set out the share of the voids of each housing association which the Council was able to nominate households for, from its own waiting list.
- 5.43 In addition, it monitored the impact of the Homelessness Reduction Act. The Council was beginning to see an increase in referrals from housing associations based on this act. As social purpose organisations housing associations had duties around supporting residents, and it was concerning that in some cases there appeared to be a lack of taking responsibility. The Council had met with a number of providers about their approaches to individual cases.
- 5.44 The partnership arrangements between the Council and housing associations were set within Better Housing Partnerships. There were two – one covering Development, and the other Housing Management.
- 5.45 Other boroughs followed different arrangements.
- 5.46 For example, Tower Hamlets had a Housing Association Federation. Within this, housing associations made a financial contribution and signed up to a range of articles in order to be a member of the federation.
- 5.47 Another example was Waltham Forest's recent establishment of a Housing Association Compact. This contained a number of standards and expectations which those signing up were expected to meet, and which they would be governed against.
- 5.48 In comparison to these models, Hackney's approach in terms of its relationships with housing associations had been relatively informal up to now. He suggested the Commission might wish to explore the Council approach compared to others.
- 5.49 This said, it was important to note that Councils had reduced capacity to shape the approaches of housing Associations compared to more historical periods. In the past grants to Housing Associations were paid via local authorities. Now this was no longer the case. This had impacted on the level of influencing and steering which was possible locally.
- 5.50 One way which the Council was providing funding to Housing Associations was through the Mayor of Hackney Housing Challenge, funded by right to buy receipts. These were offered to housing associations for them to develop in the borough. Morpeth Garages was one example, with Peabody developing with

- Council funding. Where the Council was issuing a grant there was tighter control.
- 5.51 The Housing Strategy Team led on day to day liaison with housing associations. This ranged from the management of detailed individual casework (where residents had raised concerns with the Council about a housing association) through the liaising with housing association Chief Executives within the Better Homes Partnership.
- 5.52 The Director, Regeneration presented the dashboard slide showing data against a number of measures from the largest housing associations, as reported by the housing associations themselves.
- 5.53 In response to a question, the Director, Regeneration confirmed that the repairs figure was the number of repairs which Housing Associations had reported doing. Comparing the numbers of repairs, complaints and other aspects against the number of units they managed could help give some proportionate insight into activities of different providers.
- 5.54 There were limitations to the data which needed to be acknowledged. Different methodologies would be in place for the measures, depending on the housing association, and caution needed to be applied. For example, the satisfaction rates reported by Southern Housing were based on overall rates across all the housing they managed, rather than separate monitoring within boroughs. The ways that satisfaction rates were calculated would vary – for example the numbers of residents surveyed.
- 5.55 He was aware that Hackney had very robust methodologies in place around satisfaction data collection. This had produced an outturn of 75.2% for the most recent reporting period. He noted that some of the figures in the table might be seen as surprising when compared against this. For example one provider reported a 95.4% satisfaction rate, and having received only 2 complaints regarding the 177 units that it managed.
- 5.56 A Member agreed with this point. She noted that Sanctuary Housing Association had reported a satisfaction rate of 81%. She said she would wish to apply scrutiny to the basis for this finding.
- 5.57 The Director, Regeneration said the information in the table constituted the starting point of work to gain a better range of data from Housing Associations, to better allow fair and valid comparisons. He offered to keep the Commission updated on this work throughout any review.
- 5.58 It was the first time that the Council had requested this information. It was now collecting the second round of data. This was including discussions with providers where the Council was seeking to persuade them to provide Hackney-specific data for all metrics. Not all housing associations had accepted this request. It was important to note that they were providing the information in the table on a voluntary basis. This data was not available elsewhere, and providers were not compelled to report it.
- 5.59 The Chair thanked the Director, Regeneration. She asked that in any future updates on these measures information was also given on the sources of this

information, the timeframe to which it related, and any other broad information which could enable to the Commission to better gain the context.

- 5.60 Presenting the next slide, the Director, Regeneration advised that this broke down the complaints received by Housing Associations, as reported by those Housing Associations.
- 5.61 The Chair asked whether there were a set of key performance indicators which Housing Associations were required to collect and report to the regulator. She suggested that there might be clear definitions around these which might give greater assurance around data quality and being able to compare figures across Housing Associations. She asked if these measures might provide a baseline level of information to the Commission.
- 5.62 The Director, Regeneration confirmed there were measures which Housing Associations were required to report on. These had been changed under the previous Prime Minister and it was likely they would change again. There were 15 indicators currently. Some of these were not relevant to Councils; for example financing arrangements. There were some others which were more relevant, including reactive repairs.
- 5.63 As a final point on the presentation the Director, Regeneration said that a review comparing the practices and approaches of Housing Associations would be challenging. This was given the wide differences in the scales of their operations. He suggested that the most practical approach might be hearing from a number of smaller providers and – separately – a number of larger ones.
- 5.64 Evidence did point to smaller, more locally based organisations generally providing a better service to residents. This was compared to larger organisations which were sometimes more business-focused and removed from the local context. He suggested that this might be tested further during a review which heard from both around their approaches, before comparing them.
- 5.65 A Member noted the point made around the Waltham Forest Compact. She asked what other types of arrangements were in place between local authorities and Housing Associations.
- 5.66 The Director, Regeneration advised that in general local authorities either had a compact or a partnership model in place. There were different types of both of these. For example, Tower Hamlets' Federation of Housing Associations could be described as a partnership arrangement.
- 5.67 In response to the Member suggesting that a review might explore what the most effective approach might be for Hackney, the Director, Regeneration agreed that this would add value. This might include exploring the impact of Waltham Forest's move to a Compact arrangement.
- 5.68 A Member felt there had been significant communications by the Council around its role and action in tackling poor standards and management in the private rented sector. However, she suggested that housing association residents were often unaware that the Council had a role in providing support to them, in the same way that it did to private rented sector tenants generally.

- 5.69 She felt that a review might explore how the Council communicated the rights of Housing Association residents and how it could provide support where this was needed. She noted that the service had gathered complaints data from Housing Associations. She asked if data was available on complaints made to the Council's Private Sector Housing Service by housing association tenants, and what the responses of the Council had been to these.
- 5.70 She said she would welcome a review which aimed to better ensure that housing association residents had positive experiences from their providers. The Council housed some of the residents on its housing waiting list, within Housing Association stock. It therefore had a duty of care to help ensure that these residents were treated fairly and well, and that a long term relationship with them was maintained.
- 5.71 She was aware that many tenants of one of the major housing associations operating in the area would welcome a stock transfer back to the Council, given their experiences. She was aware that residents could be left feeling that their housing associations were unaccountable and unreachable; with little local presence. This was sometimes demonstrated when residents were given national telephone numbers to make contact with providers.
- 5.72 The Director, Regeneration thanked the Member for her points. It needed to be acknowledged that the main focus of the Private Rented Sector Housing Service had been on the main-stream private rented sector, given issues around poor conditions and management. This had included work to make private rented sector tenants aware of their rights and the support which was available to them; including through the Better Renting Campaign. All 34,000 private rented sector tenants had been written to as part of this work.
- 5.73 However, moving forward, there would be a focus on housing associations. This would include a more stringent approach in tackling poor management. As an example, following a complaint by a tenant the previous week, the service was preparing to carry out an urgent inspection of a housing association property. It would be issuing an enforcement notice if there were grounds to do so, rather than seeking a resolution through more informal measures. It would apply the maximum charge that it was allowed to for this notice. It would seek to publicise any action which was taken.
- 5.74 This would be the approach moving forward. This would help ensure that both housing associations and their residents were more aware of the Council taking an active role in improving conditions and management where this was needed.
- 5.75 If he was offering advice to the Commission, he would suggest organising items according to size of provider. He could give advice on different practices and approaches amongst Housing Associations of similar sizes. This could allow scrutiny items which made valid comparisons of approaches. He felt that areas to explore might be how providers dealt with transfers and repairs. Looking at transfers could include explorations of the support given to residents suffering difficulty, including domestic violence. Exploring repairs would help gauge the extent to which housing management was localised. In addition, he felt the Commission might explore the roles for social good which providers played in Hackney.

- 5.76 A Member noted an earlier point around the service starting to seek data from housing associations and to improve the quality of this to allow for better monitoring. However she also noted that this was provided on a voluntary basis and worried that this might stop at the point that the Council started to use it to produce intelligence with which to challenge providers. She asked if the Council might seek agreement on a pan-London level around a set of indicators which each provider should report. She suggested that London Councils could be one possible avenue.
- 5.77 The Director, Regeneration thanked the Member. However, he said that efforts had made all efforts around this over a very long period, including through the London wide Housing Directors Group. One recent response to this lack of transparency in some cases, had been the greater use of Housing Association Compacts.
- 5.78 A Member worried that Hackney might be particularly vulnerable to housing associations selling off social housing in the borough in order to develop elsewhere, given the significant rises in property values locally. She asked if there were measures in place to mitigate this risk, including obtaining assurance from providers that they would not do this.
- 5.79 The Chair recalled a previous review where a Chief Executive of a large housing association had categorically stated that he would be willing to sell units in Hackney if it was seen to benefit his organisation overall.
- 5.80 The Director, Regeneration said there was a Sales Protocol in place, which had been agreed with housing associations.
- 5.81 This set out firstly that providers would not sell in Hackney. Secondly, if the Council reluctantly accepted that a sale was required (for example where a property was in a state of disrepair which made it financially unviable to put right), then the Council or the Hackney Housing Company was given first refusal and otherwise given opportunity to facilitate a sale to another registered provider. If these options were exhausted and a sale on the open market did occur, the agreement stated that the funds from the sale would be reinvested back into Hackney.
- 5.82 The service worked hard to ensure this protocol was followed. Recently, it had come to its attention that one housing association – Peabody – was preparing to sell two properties in a location close to a new Peabody development funded through a grant from the Council. This was unacceptable, and following meetings between Peabody’s Chief Executive and the Mayor of Hackney, the units had been taken out of auction.
- 5.83 This said, there was an issue in some cases where - despite the agreement in place - housing associations sold properties without informing the Council. The agreement was voluntary, and was not one the Council could enforce. He suggested that Scrutiny could add value by seeking to ask housing associations around their approaches to sales, and their level of commitment to supporting the Council to deal with what was a housing crisis. Selling units which had provided affordable housing very much went against this.

6 Item to inform likely review - Context setting around Housing Services - stock, budgets, and performance

6.1 The following guests were in attendance for this item:

- Ajman Ali, Director Housing Services
- Jahedur Rahman, Head of Housing Transformation
- Steve Platt, Head of Building Maintenance

6.2 The Chair noted that the main review for the year would focus on housing associations. However, she still felt that the Commission would find it useful to receive the context around the performance of Housing Services.

6.3 She had therefore asked the Head of the Housing Transformation Service to present to the Commission on the work of his service. His area led on satisfaction monitoring, research and improvement, reviewing and reporting the performance framework, benchmarking, statutory returns to Government, and business and strategic plans.

6.4 The Head of Housing Transformation delivered a presentation, the slides of which are available via this link:

<http://mginternet.hackney.gov.uk/documents/s67426/Housing%20Transformation%20Service%20presentation%20to%20Living%20in%20Hackney%20Scrutiny%20Commission.pdf>

6.5 Following the presentation, the Chair said she welcomed the increases in levels of satisfaction between 2016 when the management of the Council's housing stock came back into the Council, and 2019.

6.6 She also noted the strength of the data on which this was based, in terms of the numbers of residents surveyed.

6.7 She asked if on an overall level the data suggested that the Council had made enough progress since housing management had been transferred back into the organisation.

6.8 The Head of Building Maintenance offered to answer this question as a wide range of the satisfaction measures mentioned in the presentation were relevant to his area (which included repairs). He said progress had been made but there was a lot more still to do. The repairs service restructure went live in April. Area Surveyors were now in place, each with lead responsibility for geographical areas. This had been put in place in reflection of resident feedback. He looked forward to later surveys helping to indicate the impact of this on levels of satisfaction.

6.9 Adding to this, the Head of Housing Transformation said that lower rates of satisfaction among leaseholders compared to tenants in Hackney and also the smaller increases in rates over time, reflected a national issue.

6.10 However, this was not to say there was not room for improvement locally, which the service was looking to address. Leaseholder experience would be an area of focus.

- 6.11 There was lower satisfaction among leaseholders around value for money and also communal repairs. There was a call for greater transparency around the works being required, the quality of it, and the costs.
- 6.12 Tenants now had access to their rent accounts online. However leaseholders were not able to access their service charge accounts this way. The service was working to get this in place.
- 6.13 The Division was also hoping to set up a specific body which would be accountable to leaseholders, therefore enabling a greater say by leaseholders in the management of communal areas.
- 6.14 There was an acknowledgement that letters to leaseholders were sometimes inaccessible and unclear. The service was working to improve this.
- 6.15 The Chair felt that the service needed to differentiate its approaches to different types of leaseholders. Leaseholders who had bought their properties under right to buy and who were still living in the property, sometimes had different needs and circumstances than those residents who had bought ex Council homes on the open market. She felt that full consideration needed to be given to the needs of each group. This was in particular relation to leaseholders receiving bills for significant amounts of money for major works to housing blocks.
- 6.16 A Member agreed with these points. This said, also felt there was room in some cases for more realistic expectations amongst leaseholders around the need to invest in works on their homes and communal areas, as did all homeowners.
- 6.17 Some leaseholders had benefitted from very significant discounts when buying their homes, and were sitting on very high property values. Those purchasing properties were given full information around responsibilities they would have as leaseholders.
- 6.18 The Head of Housing Transformation agreed with these points. There was a need for tailored approaches. An analysis by the service suggested that significant numbers of leaseholders were using their homes as investment vehicles by renting them out rather than living them.
- 6.19 Housing Services did feel that it needed to give consideration to different approaches to this group, compared to leaseholders who lived in their homes. This was in particular regard to levels of flexibilities around payment options for major works; for example whether to provide resident leaseholders with an option to pay over a 10 year periods but to provide a lower time period for those renting out their leasehold units.
- 6.20 He also acknowledged the points around leaseholders having bought under the right to buy having received significant discounts. This said, some of these households were asset rich, but cash poor. He suggested that the service needed to take separate approaches to payment arrangements for leaseholders who were in genuine financial hardship, and others.

- 6.21 A Member said these points highlighted the need for full information being made available on likely ongoing costs of building maintenance, to those preparing to purchase their home under the right to buy.
- 6.22 He suggested that information should be provided on costs which leaseholders could sometimes incur over a long term period, and case studies to highlight this. He also felt there was a need for better quality information at the point of works starting. There had been real upset in his ward over costs of major works. In these cases, the Head of Building Maintenance had dispelled a lot of these by spending time in the ward and speaking to those affected.
- 6.23 The Director of Housing Services thanked the Member. He agreed that ensuring information on major works was provided in an accessible format, was crucial. The service was currently working on making letters and wider information around major works, more user friendly and accessible.
- 6.24 A Member thanked the Head of Housing Transformation for the benchmarking data provided in the presentation, comparing satisfaction rates in Hackney with a number of other local authorities with similar stock sizes.
- 6.25 She welcomed the findings that Hackney was in the top quartiles for tenant satisfaction with repairs and maintenance, with their neighbourhood, and with their views being listened to and acted upon, and that it was close to the top quartile for overall tenant satisfaction.
- 6.26 She asked if there were any measures which were less positive. She asked if any had seen decreases in satisfaction.
- 6.27 The Head of Housing Transformation said that not all satisfaction measures showed increases.
- 6.28 In some cases, this could be at least partly explained by changes in methodologies.
- 6.29 As an example, some satisfaction measures had been based on residents being asked to give feedback directly to an officer, at the end of an interaction with them. In these cases people could sometimes feel more compelled to report positive experiences. Therefore, the service had changed the methodology of these indicators to be based on a text message being sent to the person, at the end of the interaction. This offered a more valid approach, and it had led to a reduction in satisfaction levels reported. The challenge now would be to achieve increases in satisfaction, as evidence by this more robust measure.
- 6.30 However, on an overall level, the direction of travel on both satisfaction and service performance indicators generally, had been one of improvement. There were a very wide range of indicators which were reported to the Audit Committee.
- 6.31 As a final question a Member asked if data was available on the number of complaints received by Housing Services, and also the amounts paid in compensation.

- 6.32 The Director of Housing Services advised that the upcoming Scrutiny Panel meeting was receiving an annual report, which evidenced the number of complaints by all areas of the Council. He asked the Scrutiny Officer shared this with the Commission. He would provide information back to the Commission on the amounts paid in compensation for complaints related to Housing Services.

ACTION 1 (Director of Housing Services):

To provide information to the Commission on the value of compensation payments relating to Housing Services complaints.

7 Item 7 - Item to note - Resident Engagement by Housing Services - hand over of findings to Cabinet Member for Housing, and response

- 7.1 The Chair advised that the Commission's letter to the Cabinet Member for Housing Services and his response, had been included in the agenda in order to make them public.
- 7.2 The Commission's letter had set out recommendations for Housing Services to consider within its reviews of community halls and the Resident Participation Team. The Commission would receive later items looking at the outcomes of these reviews.
- 7.3 Cllr Rathbone noted that the wording for recommendation 11 (which appeared twice in the Commission's letter) contained repetitions of words 'that the'.
- 7.4 Cllr Lynch advised that a Budget Scrutiny Group looking at fees and charges, would be continuing under her chair ship. She felt it likely that this would continue to give consideration to community halls aspects including hire charges and levels of usage. She felt that ensuring the effective usage of community halls could play a role in helping the Council to meet its very significant financial challenges.

8 Minutes of the Previous Meeting

- 8.1 The minutes of the Commission meeting of 15th July were agreed as an accurate record.

9 Living in Hackney Scrutiny Commission- 2019/20 Work Programme

- 9.1 The 2019/20 Work Programme was noted.

10 Any Other Business

- 10.1 Cllr Rathbone recalled the Commission's meetings with Thames Water in November 2018 and April 2019. This followed the flooding and damage caused by a burst Thames Water main in his ward of Leabridge.
- 10.2 He reminded Members that the Old Schoolhouse - which a charity was working to bring back into community use - had been effected by the flood. The flood had also prevented the charity from being able to deliver the activities on the site from which it had planned to raise funds for the fuller renovation. At the

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point of the meetings, the charity was liaising with Thames Water around compensation arrangements.

- 10.3 He said that the charity had now called an end to its dialogue with Thames Water on the issue, due to what it had said was Thames Water's poor and dishonest behaviour. The company were taking no responsibility for the charity's loss of fund raising opportunities.
- 10.4 He said that another resident who was vulnerable and whose home was severely damaged, had lost all of her goods and furniture. Upon her return she had no furniture or curtains, and had been helped by neighbours donating blankets. He had been trying to help the resident but both her housing association (Clarion) and Thames Water were saying that the other was accountable for her having no furniture. He was continuing to seek to advocate on her behalf.
- 10.5 The Chair thanked Cllr Rathbone. She offered to take up the case with Thames Water, on behalf of the Commission.
- 10.6 Cllr Rathbone thanked the Chair and said he would liaise with her as appropriate.

Duration of the meeting: 7.00 - 9.40 pm