
London Borough of Hackney
Living in Hackney Scrutiny Commission
Municipal Year 2020/21
Monday 17 January 2022

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 M Can Ozsen, Cllr Ian Rathbone and Cllr Penny Wrouth
In Virtual Attendance:	Cllr Clare Joseph, Cllr Ajay Chauhan, Cllr Anthony McMohan and Councillor Soraya Adejare
Officers In Virtual Attendance:	James Goddard (Interim Director, Regeneration), Michal Jankowski (Head of Resident Safety), Kevin Thompson (Head of Private Sector Housing) and Steve Waddington (Director of Housing)
Other People in Virtual Attendance:	Councillor Clayeon McKenzie (Cabinet Member for Housing Services) and Councillor Sem Moema (Mayoral Adviser Private Renting and Housing Affordability)
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Councillor Sharon Patrick in the Chair

1 Apologies for Absence

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

1.2 Councillor Joseph, Councillor Adejare, Councillor McMahan and Councillor Chauhan were in virtual attendance.

2 Urgent Items / Order of Business

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

3 Declaration of Interest

3.1 None.

4 Fire Safety Update

4.1 This item would cover the fire safety of buildings in Hackney, specifically the arrangements in place covering the fire safety products fitted and the checks on the products used to ensure they were of the highest standard grade available.

4.2 Representing London Borough of Hackney

- Councillor Clayeon McKenzie, Cabinet Member for Housing
- Steve Waddington, Strategic Director of Housing Services
- Michal Jankowski, Head of Resident Safety

4.3 Representing the Resident Liaison Group

- Steve Webster, Co-Chair
- Helderda Costa, Co-Chair

4.4 The Chair invited the Cabinet Member for Housing to give a short verbal presentation to supplement the written reports received and included in the agenda pack. The main points from the presentation are outlined below.

4.5 The Council placed resident safety as its number one priority for its residential properties. As a residential landlord it was one of the first London boroughs to establish a dedicated Resident Safety Team.

4.6 The Resident Safety Team undertook all fire safety works and coordinated the Council's response to regulatory fire safety changes.

4.7 The Council had undertaken a number of major fire safety works to ensure its housing stock was safe.

4.8 This included the removal and replacement of external wall insulation with inert mineral fibre insulation at Lincoln Courts, Nye Bevan and Seaton Point and planned internal cladding works at Fellows Court.

4.9 The Chair then invited the Head of Resident Safety to give a short verbal presentation to supplement the written reports received and included in the agenda pack. The main points from the presentation are outlined below.

4.10 Specialists within the Resident Safety Team were split between three areas: fire safety, asbestos management and risk and compliance.

4.11 The fire safety service predominantly focused on fire risk assessments in residential blocks of flats as defined by legislation.

4.12 The primary piece of legislation that applied to the work of the fire safety service was the Regulatory Reform (Fire Safety) Order 2005 which introduced the concept of responsible person fire risk assessments - moving responsibility from the fire service to landlords.

4.13 There was guidance around fire safety in purpose-built blocks of flats as used by fire risk assessors but this was widely criticised following the Grenfell Tragedy and had now been withdrawn. An updated version was yet to be published.

4.14 Since the Grenfell Tragedy various pieces of guidance and legislation have been introduced, including design and build regulations for the developers and designers of residential buildings, a revised approved code of practice for fire risk assessors and a number of recommendations made for landlords to gradually implement before legislative requirements were introduced.

4.15 The Council categorised fire risk into three main categories - low, medium and high - as was the industry standard approach.

4.16 However, it also split its medium category into three further categories - 24, 36 and 12 - to give a more individualised approach to its buildings, recognising the Council's wide-ranging portfolio.

4.17 In 2021 the Council had completed 252 fire risk assessments. Of these, 90% were rated as medium risk, 1.8% as high risk and 5.5% as low risk.

4.18 A total of 357 high risk actions were picked up through those fire safety assessments, of which 72.8% had been completed. These may include replacement of fire doors, works to improve compartmentalisation and fire detection systems.

4.19 16% of the high risk actions identified in 2021 were in progress. These were works that had been issued to contractors or the direct labour organisation (DLO) and were awaiting completion on site.

4.20 The remainder of works (11.2%) had been added to the active or future programme and would therefore be included in major works both underway and planned in the future.

4.21 3.5k medium risk actions had been identified in 2021, which included the replacement and installation of signage, removal of combustible materials in communal areas and the installation of premises information boxes.

4.22 In addition to the removal and replacement of external wall insulation with inert mineral fibre insulation at Lincoln Courts, Nye Bevan and Seaton Point previously mentioned, internal cladding works were planned at Fellows Court and a consultation with residents was currently underway to enable the commencement of works.

4.23 Other fire safety works undertaken by the Council included fire door replacements, fire alarm upgrades, Dry Riser installations, sprinklers, fire stopping, resident insight, premises information boxes and wayfinding signage.

4.24 However, there had been challenges in undertaking these fire safety works such as Covid-19, supply chain delays, manufacturing delays, access to contractors and residents refusals.

4.25 The Council had a number of quality assurance methods to ensure high standards of construction materials. For new build developments this included written design standards, engagement with professional service providers and compliance with the Royal Institute of British Architects Gateway Process.

4.26 For major works and refurbishment of existing stock the principles of the Asset Management Strategy were followed which prioritised fire safety works, along with

additional design responsibilities put on contractors to ensure only materials that comply with the latest set of regulations were used.

4.27 Through the use of stringent procurement processes due diligence was given to the development of detailed contract specifications and particular attention was given to fire safety elements of the specifications.

4.28 One of the biggest challenges for the Council over the last 18 months was the implementation of EWS1 surveys which were introduced in 2019 as a means of confirming to mortgage providers whether remediation work was needed on a property and to help during their appraisal process for loan requests.

4.29 The Council had made a commitment to provide leaseholders with EWS1 surveys on request and had introduced a flat fee of £750 in order to recoup some of the costs.

4.30 Due to the lack of suitably qualified fire engineers and unprecedented demand there was a minimum wait of 16 weeks for a leaseholder to obtain a EWS1 survey and in some cases it took much longer.

4.31 As a matter of course the Council reviewed the risk assessment of any property that did not comply with current building requirements and if any remedial actions were required they were added to the major works programme.

4.32 In terms of future challenges, there were two major pieces of legislation set to be introduced. These were the Fire Safety Act 2021 and the Building Safety Act 2022/23, both of which directly affected fire safety in Hackney.

4.33 The Fire Safety Act required the Council to risk assess external fire spread in a similar fashion to the EWS1 survey.

4.44 The Building Safety Act would require landlords to employ Building Safety Managers and introduce the concept of a 'golden thread' of information which would change the way the Council manages information in regard to building safety.

4.45 All building safety records would need to be digital, made available to residents and submitted to the newly established regulator to obtain a licence to operate the building.

4.46 The Council had already employed a Building Safety Manager and was implementing an online database where it would store all building compliance documents and fire risk assessments.

Questions, Answers and Discussion

4.47 *A member of the Resident Liaison Group asked whether the recent announcement from central government which stated that developers should foot the bill for the removal of cladding on buildings over 11 metres applied to Council-owned properties.*

4.48 The Strategic Director of Housing Services explained that the Council would likely be classed as a developer as it had built and improved properties across Hackney.

4.49 Whilst central government had suggested that developers should foot the bill for the removal of cladding on buildings over 11 metres, it had not yet put forward any legislation to force developers to do so.

4.50 A member of the Resident Liaison Group asked whether leaseholders had to wait until any remedial actions identified through an EWS1 survey were completed before being able to sell the property.

4.51 The Strategic Director of Housing Services explained that if any remedial actions identified through a EWS1 survey were high risk, works would be undertaken immediately.

4.52 If they were identified as medium to low risk remedial actions, they would be undertaken in the next round of capital works on the property.

4.53 The Council was one of the few, if not only, London boroughs which had committed to undertaking EWS1 surveys for leaseholders on request with other London boroughs of the view that there was no requirement on local authorities to do so.

4.54 A Commission Member asked whether there was a financial cost to the Council's policy to undertake EWS1 surveys for leaseholders on request.

4.55 The Head of Resident Safety explained that EWS1 surveys factored in not only the cost of the specialist fire engineering contractor that undertook the surveys but also the cost of separate contractors to facilitate access to buildings.

4.56 The cost to the Council was significantly higher than the flat fee of £750 charged to leaseholders.

4.57 A Commission Member asked why those remedial works identified by B2 rated EWS1 surveys had not been previously identified by the Council through its fire risk assessments.

4.58 The Head of Resident Safety explained that EWS1 surveys were implemented in 2019 and as such came into effect after much of the Council's housing stock had been built and refurbished.

4.59 The Council was unable to build and refurbish against the current regulations at the time because they had not yet come into effect, and therefore there were sometimes remedial actions identified through EWS1 surveys that had not been before.

4.60 Going forward the Fire Safety Act 2021 required the Council to risk assess external fire spread which should lead to a decrease in remedial actions identified through EWS1 surveys.

4.61 A Commission Member asked for clarification on the extent to which cost and staffing pressures affected the Council's ability to undertake fire safety risk assessments.

4.62 The Strategic Director of Housing Services assured those in attendance that the Council saw resident and fire safety as a priority and as such the relevant teams had been afforded the resources to carry out their role effectively.

4.63 Whilst there would be additional cost pressures as a result of the further phases of Grenfell related requirements, the Fire Safety Act 2021 and the Building Safety Act 2022/23 it was felt that the Council was in a good position to meet those requirements.

4.64 A Commission Member asked how the Council worked with the private sector to ensure private developments were fire safety compliant.

4.65 The Strategic Director of Housing Services explained that the Resident Safety Team itself did not work with the private sector. This team was funded through social housing rents and leasehold service charges and focused on council-owned properties.

4.66 The Interim Director of Regeneration added that the Council had inspected around 250 private and housing association blocks in Hackney for fire safety compliance, three of which needed intervention works.

4.67 The Council had enforcement powers on certain aspects of fire safety in private and housing association properties. For example a block in South Hackney was currently in the process of being served notice.

4.68 The Mayoral Advisor, Private Rented Sector and Affordability recognised that many leaseholders within the borough were adversely affected by fire safety issues. Particular concerns included the situations of shared ownership leaseholders, long-term leaseholders who were not in a position to remortgage and those leaseholders on lower incomes.

4.69 Ultimately, the concern was around who covered the cost of fire safety works once identified, whether that be landlords, freeholders or leaseholders. Whilst there had been good examples of the cost being shared, there were also numerous examples of leaseholders being hit with unaffordable bills.

4.70 A Commission Member asked for further information on instances of residents refusing fire safety works and the extent to which this happened.

4.71 The Strategic Director for Housing Services highlighted a particular incident in which a number of residents were refusing to let the Council into a property to undertake remedial works.

4.72 It remained important to engage with residents effectively to ensure they understood the need for the works and that they were undertaken without minimal disruption to residents.

4.73 However, fire safety works were critical to the health and safety of residents and in some cases the Council was prepared to take legal action to ensure they were undertaken.

4.74 A Commission Member sought further information on the high risk actions both in progress and in active or future programmes, projected timelines for completion and how it compared at the same stage last year.

4.75 The Strategic Director of Housing Services explained that some of the works “in progress” may well be completed, but the Council was waiting for confirmation of completion from contractors or the DLO, certification of completion and/or awaiting post-works inspections.

4.76 Those works in active or future programmes included dry riser installations, replacement of materials and major works which would not be classed as urgent and were too complex for responsive repairs.

4.77 There may be additional pressures which cause the delay in the commencement of works including Covid-19, supply chain delays, manufacturing delays and access to contractors.

4.78 All fire safety actions were assessed from a risk management perspective to ensure mitigations were in place. Directorate level Fire Safety Board meetings were held on a monthly basis to review all low, medium and high risk fire safety actions.

4.79 *A Commission Member asked what the Council had done to ensure blocks were equipped with appropriate fire safety signage.*

4.80 The Head of Resident Safety explained that the Council had fitted the majority of its buildings with fire action notices indicating what action needed to be taken in the case of an emergency. This signage was installed in the lobby areas of each building.

5 Private Sector Housing - Licensing Scheme Update

5.1 This item would cover the private sector housing scheme and an exploration of an extension to the scheme across Hackney.

5.2 London Borough of Hackney

- Councillor Sem Moema, Mayoral Advisor, Private Rented Sector and Affordability
- James Goddard, Interim Director of Regeneration
- Kevin Thompson, Head of Private Sector Housing

5.3 The Chair invited the Interim Director of Regeneration to give a short verbal presentation. The main points from the presentation are outlined below.

5.4 The three licensing schemes in Hackney were the borough-wide Mandatory Licensing Scheme for larger HMOs with 5 or more occupiers sharing, the borough-wide Additional Licensing Scheme for all other HMOs with 3, 4 or more occupiers sharing and the Selective Licensing Pilot Scheme for everything else not covered by the previous two schemes but limited to Brownswood, Cazenove and Stoke Newington wards.

5.5. There were around 30,000 of private rented stock in Hackney which represented the fastest growing private rented stock over the last 20 years in the UK, increasing from around 3,000 around 25 years ago.

5.6 Data modelling suggested that there were around 8667 licensable properties across all three schemes in Hackney, and there were likely to be more due to "hidden" additional HMOs.

5.7 The Mandatory Licensing Scheme was introduced in 2006 and was ongoing. The Additional Licensing Scheme and Additional Licensing Pilot Scheme had been introduced in October 2018 and would operate until September 2023.

5.8 The Private Sector Housing Team sat within the Chief Executive's Directorate. There were 36 posts in the team including management, approximately two thirds of which were devoted to licensing.

5.9 As of December 2021, 5818 licensing applications had been received across all schemes, of which 2949 had been issued.

5.10 The applications received were 67% of the total predicted licensable properties, ahead of the predicted profile.

5.11 Fee income was around £4.5 million as of November 2021, in line with the predicted profile.

5.12 Licences issued were 34% of the total predicted licensable properties, below the predicted profile.

5.13 There were a number of challenges for property licensing in Hackney. For example, the number of licences issued were significantly lower than the number of applications.

5.14 There was also a large backlog of licensing inspections (5389) due to Covid-19 restrictions during 2020-21.

5.15 Licences for higher risk properties (e.g. HMOs) were dependent upon inspections, therefore a number of licences had not been issued as they were awaiting inspection.

5.16 The Council had put corrective measures in place to mitigate against these challenges. This included licensing applications now being carried out and an enhanced inspection programme under consideration to work through the backlog.

Questions, Answers and Discussion

5.17 *A Commission Member asked whether officers felt that the Additional Licensing Scheme and Additional Licensing Pilot Scheme had been successful thus far.*

5.18 The Interim Director of Regeneration explained that licensing applications were dealt with thoroughly and on a case-by-case basis. For example, when an application is received officers will inspect the property itself, the landlord's history and the public realm amongst other factors.

5.19 The Head of Private Sector Housing added that initial data modelling had predicted that around 20% of the HMO stock would have serious hazards and poor conditions.

5.20 However, since the introduction of the Additional Licensing Scheme the Council was finding that this was closer to 50%. This suggested that there was a clear need for such a scheme within the borough.

5.21 Officers were at the early stages of implementing the Additional Licensing Pilot Scheme but initial data modelling had predicted that around 15-20% of those properties not covered by the previous two schemes in Brownswood, Cazenove and Stoke Newington wards would have poor conditions.

5.22 The introduction of licensing schemes had allowed the Council to be more proactive in the private rented sector. Prior to these schemes the Council would only engage with landlords that were subject to a complaint.

5.23 Landlords remained engaged with the Council once a licence had been issued, and licences had strict criteria for good and better renting that landlords had to adhere to or risk facing penalties.

5.24 A Commission Member asked what the process was for identifying issues in properties and overseeing improvements once communicated to landlords.

5.25 The Head of Private Sector Housing explained that the Council carried out comprehensive inspections against a range of criteria.

5.26 Should improvements be deemed necessary, officers would draw up a schedule of works that were deemed necessary to bring the property up to the required standard.

5.27 The Council would decide what course of action it would take against a property. The most common course of action was issuing an improvement notice which specified the commencement and completion of works, and failure to comply was a criminal offence.

5.28 In some cases of extremely poor conditions the Council would look to prosecute the landlord, and if it was deemed impractical to bring a property up to a required standard it may prohibit the property from being used for human habitation.

5.29 A Commission Member asked how private tenants living in poor conditions could contact the Council to seek advice and support.

5.30 The Head of Private Sector Housing explained that information on how private tenants could report issues to the Council was available on the website. Complaints could be made via email or via the dedicated telephone number.

5.31 Whilst residents were able to make complaints anonymously, they were encouraged to engage with the Council to ensure that robust action could be taken against their landlord.

5.32 A Commission Member asked whether there was any scope to extend the duration of the Additional Licensing Scheme and Additional Licensing Pilot Scheme to reflect the impact of Covid-19.

5.33 The Head of Private Sector Housing explained that the duration of the schemes were determined by the Housing Act 2004 which specifically stated that licensing

schemes may not extend beyond a five year period (excluding the Mandatory Licensing Scheme).

5.34 The schemes would end on 30th September 2023, at which point the Council could look to extend either or both of the schemes. However, that process was bureaucratic and resource intensive.

5.35 Whilst the Council could not carry out routine inspections during Covid-19, it was able to deal with more serious issues remotely by contacting landlords via telephone and email.

5.36 A Commission Member asked how many private properties had been prohibited from being used for human habitation as they were not up to the required standard.

5.37 The Head of Private Sector Housing confirmed that the Council had issued a number of prohibition orders since the implementation of the licensing schemes.

5.38 Prohibition orders were seen as a last resort, and were commonly issued for fire safety related reasons.

5.39 A Commission Member asked for further information on the level of resource needed to support the private sector licensing schemes in the borough.

5.40 The Head of Private Sector Housing explained that various resourcing scenarios had been modelled within the service, particularly in regard to reducing the backlog of inspections.

5.41 The Interim Director of Regeneration added that comparisons had been made with similar boroughs such as Islington and Camden and it was clear that the team was smaller than other comparable teams across London.

5.42 The Mayoral Advisor, Private Rented Sector and Affordability then explained that the team had taken on additional responsibilities since the initial modelling took place, for example in regard to fire safety requirements and Covid-19.

5.43 If the Council sought to expand the schemes it would likely need additional funding to do so.

5.44 A Commission Member asked whether the Selective Licensing Pilot Scheme had seen any impact outside of the three wards it applied to (Brownswood, Cazenove and Stoke Newington).

5.45 The Head of Private Sector Housing explained that the effect of the Selective Licensing Pilot Scheme on areas outside of the three designated wards was identified as a risk prior to its implementation.

5.46 The Council had been unable to collect meaningful data on this, largely due to the effects of Covid-19 and the cyber attack. However, it would need to be done as it would form a critical part of the evidence base when it came to reviewing the effectiveness of the schemes.

5.47 *A Commission Member asked whether the Council was working with neighbouring boroughs to share experiences and resources in relation to the private sector licensing schemes.*

5.48 The Head of Private Sector Housing explained that all London boroughs met every eight weeks through the Greater London Authority (GLA) Partnership to share information and good practice.

5.49 The GLA also had a rogue landlord database to which landlords subject to civil penalties or prosecutions were added. The database had both a resident access section and local authority access section.

5.50 The Council maintained good working relationships with other London boroughs and information sharing was commonplace and encouraged. More formal working arrangements were in place with local boroughs such as Tower Hamlets and Islington.

5.51 *A Commission Member asked whether the Council would put pressure on central government to extend the licensing schemes in Hackney and other London boroughs.*

5.52 The Mayoral Advisor, Private Rented Sector and Affordability explained that the Council had taken a public approach to lobbying central government, in which residents were encouraged to participate.

5.53 It also sought to engage with landlords to educate them on what it meant to be a good landlord and the renting standards that were expected in the borough.

5.54 It was important to highlight the human impact that poor renting conditions had on residents in Hackney and London more widely, and the Council would continue to build an evidence base to this end to support its lobbying efforts.

5.55 *A Commission Member asked for clarification on the shortfall in the amount of licences issued compared to the amount of licensing applications received, and asked what could be done to reduce the gap.*

5.56 The Head of Private Sector Housing explained that the shortfall was down to the backlog that had been built up due to Covid-19 and the cyber attack.

5.57 The Council was looking at ways to reduce this backlog quicker such as issuing licences to those properties that were not deemed high risk and inspecting them at a later date.

5.58 *A Commission Member asked what the Council was doing to engage residents and landlords and increase awareness of the private sector licensing schemes in Hackney.*

5.59 The Head of Private Sector Housing explained that the Council had sought to engage residents and landlords in a variety of ways, including targeted leafleting in the three wards under the Selective Licensing Pilot Scheme.

5.60 A wider communications campaign was soon to be undertaken in order to engage residents and landlords in those areas outside of the Selective Licensing Pilot Scheme.

5.61 *A Commission Member asked what recourse options were available for private sector tenants who had found themselves in poor conditions.*

5.62 The Head of Private Sector Housing explained that there were a number of civil actions that tenants could take against landlords with the support of the Council, including rent repayment orders if a tenant was living in a property that should be licensed.

5.63 There were also a number of other civil actions that they could take privately, and there were agencies in place to support these processes.

6 Minutes of the Previous Meeting

6.1 The draft minutes of the previous meeting held on 8th November 2021 were agreed as a correct record.

7 Living in Hackney Work Programme 2021/22

7.1 The Living in Hackney Scrutiny Commission for the 2021/22 municipal year work programme was noted.

8 Any Other Business

8.1 None.

Duration of the meeting: 7pm – 9.15pm