



## Housing Scrutiny Committee – Supplementary Agenda

**Thursday 25 April 2019 at 6.00 pm**

Boardrooms 3-5 - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

### Membership:

#### Members

Councillors:

Long (Chair)  
Maurice (Vice-Chair)  
Aden  
Ethapemi  
Hassan  
Johnson  
Kennelly  
Stephens

#### Substitute Members

Councillors:

Afzal, Conneely, Hector, Knight, Shahzad, Ketan Sheth  
and Thakkar

Councillors:

Colwill

#### Co-opted Members:

Karin Jaeger, Brent Tenant

**For further information contact:** Nikoleta Nikolova, Governance Officer  
tel: 0208 937 1587, [Nikoleta.Nikolova@brent.gov.uk](mailto:Nikoleta.Nikolova@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
  - To which you are appointed by the council;
  - which exercises functions of a public nature;
  - which is directed is to charitable purposes;
  - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Supplementary Agenda

Introductions, if appropriate.

Item	Page
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<b>7 Tackling Anti-Social Behaviour</b>	1 - 6
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This report provides the Housing Scrutiny Committee with an overview of the handling arrangements for anti-social behaviour complaints perpetrated or affected by resident living in homes and/or estates managed by the Council. In particular, it provides clarity surrounding cases managed by Brent Housing Management and those referred to the Council's Community Protection Team.

<b>8 Rent Arrears (including Registered Providers)</b>	7 - 14
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This report is to provide the Housing Scrutiny Committee with analysis of the Council's rent collection and arrears. It provides detail on rent collection performance for 2018-19. The report outlines some of the key factors influencing rent collection and arrears recovery and describes what action is being taken to maximise collection. Specific focus is given to describing what constitutes technical arrears, small arrears/low levels of debt and how these are managed.

<b>9 Fire Safety</b>	15 - 26
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This report is to update the Housing Scrutiny Committee on the progress made regarding fire safety in the borough, following the unfortunate Grenfell tragedy.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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	<p align="center"><b>Housing Scrutiny Committee</b> 25 April 2019</p>
	<p align="center"><b>Report from the Strategic Director of Community Wellbeing</b></p>
<p><b>ASB Performance Overview</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Troy Francis, Head of Housing & Neighbourhoods 020 8937 2794 Troy.Francis@brent.gov.uk

## 1.0 Purpose of the Report

1.1 This report provides the Housing Scrutiny Committee with an overview of the handling arrangements for anti-social behaviour (ASB) complaints perpetrated or affected by resident living in homes and/or estates managed by the Council. In particular, it provides clarity surrounding cases managed by Brent Housing Management and those referred to the Council's Community Protection Team.

## 2.0 Recommendations.

2.1 Members of the Housing Scrutiny Committee are asked to note the contents of this report.

## 3.0 Procedure for tackling ASB

3.1 Tenancy management related ASB is managed by Housing Management in accordance with its local operating procedure. All serious ASB cases are referred to the Council's Community Protection Team who investigate and manage these using a range of statutory powers. The cost of the service for 2018/19 was circa £436,000, this include the contribution from the HRA for the services provided by the Community Protection Team.

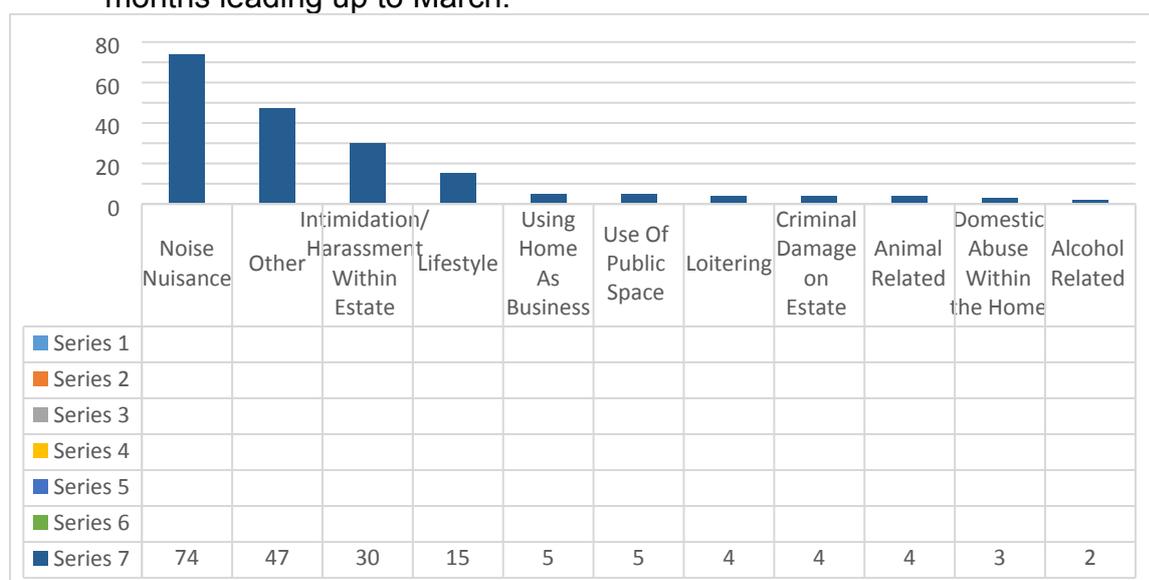
- 3.2 Brent Housing Management will pursue action against a tenant if they commit acts of ASB against other tenants, Council staff and other parties including contractors. This is contained and defined in the conditions of tenancy and various housing legislation.
- 3.3 The tenancy conditions provide clarity on what is expected of each tenant and where there is a breach, the Council has a published process it will follow in dealing with it.
- 3.4 When a report of ASB is received, this will usually be assessed initially by the Housing Officer in accordance with the ASB operating procedure, who will take the appropriate action against the perpetrator if it is reasonable and the acts of ASB can be proven to have occurred. An incremental approach is adopted in terms of the action that is usually taken against a tenant.
- 3.5 Officers will take a risk-based approach to intervention and will exercise their professional judgment when assessing the risk to complainants and considering how to respond. A risk-based approach requires that the time and effort put in to taking action in a case will be proportionate to the level of risk assessed. The corollary of that is that cases assessed as posing little or no risk will attract little or no intervention from the Council. This is likely to be the case in a neighbour dispute where the risk assessment and investigation reveals no aggravating factors.
- 3.6 The appropriate action that can be taken against a tenant can include the following:
- Issuing warnings to ensure the ASB stops and the behaviour of the tenant improves or is modified.
  - Agree an Acceptable Behaviour Contract (ABC). This is a voluntary agreement that is jointly agreed by the Council and the tenant. This document must be signed by the tenant outlining and agreeing to the kind of behaviour that is acceptable and now required for them to continue residing in the Council tenancy.
  - Serve a Notice of Possession Proceedings against a tenant. This is the first stage if any litigation action is to be taken against the tenant. This also allows the tenant one final opportunity to stop and resolve the ASB before the case proceeds to the County Court for resolution. Failure to resolve the ASB can lead to an application being made to the County Court to consider possession proceedings against the tenant.
  - Obtain an injunction in the Magistrates Court to stop the ASB or a specific act that is causing significant concern. A breach of an injunction can usually result in a heavy fine or even imprisonment.
  - For acts of Noise Nuisance, the Noise Nuisance Team also have powers to seize equipment.
  - Suspended Possession Order. This is an order obtained in County Court to stop and reduce the ASB in specific terms with possession of dwelling suspended as long as the terms of the order are complied with.
  - Possession Order. This is an order to seek possession of the dwelling and is usually reserved for very serious cases of ASB.

- Closure Order. This can be taken by the Police and this will mean that the dwelling will be closed for a fixed term and no one can reside in the dwelling during this period.

3.7 Serious cases of ASB are referred to the Council’s Community Protection Team (CPT). Referrals are initiated by Housing Officers using a number of defined allocation rules as set out within the ASB operating procedure and Service Level Agreement between Housing Management and the CPT. The CPT will then investigate the case, work in partnership with other agencies and decide on the most appropriate action to take to reduce the ASB. The CPT deals with complex/ high risk Anti-Social Behaviour cases.

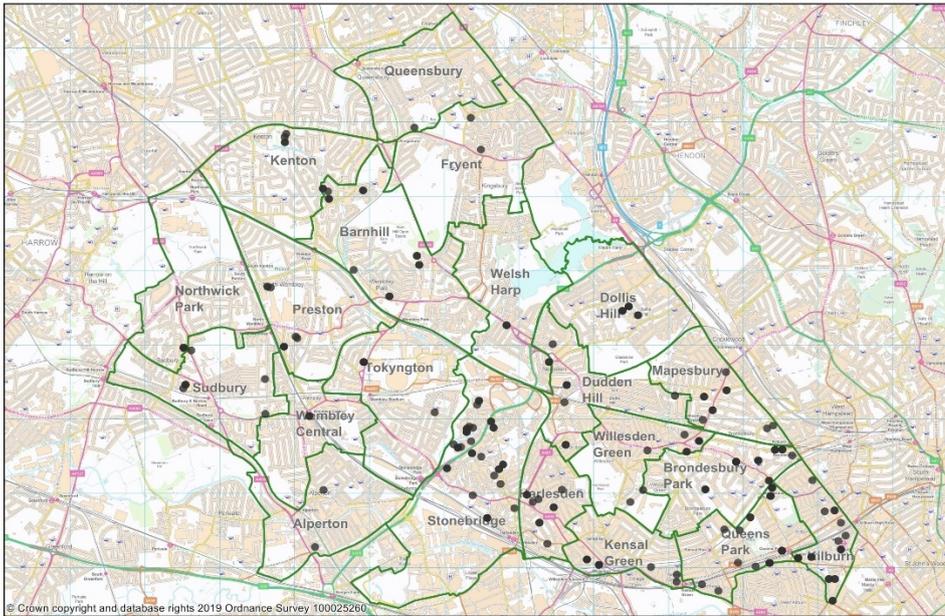
3.8 High level ASB matters include cases that involve those with mental ill health, vulnerability, drug and substance misuse, personal threat, high community impact/tension, families with complex histories and needs, high risk, serious and violent/sexual offenders, high risk victims or witnesses or any combination of these matters which require multi-agency co-ordination, management and progression.

3.9 The number of ASB cases reported over the six months’ period leading up to 31 March was 193. An average of approximately 32 reported cases per month. The chart below provides a breakdown of ASB complaints received over the six months leading up to March.

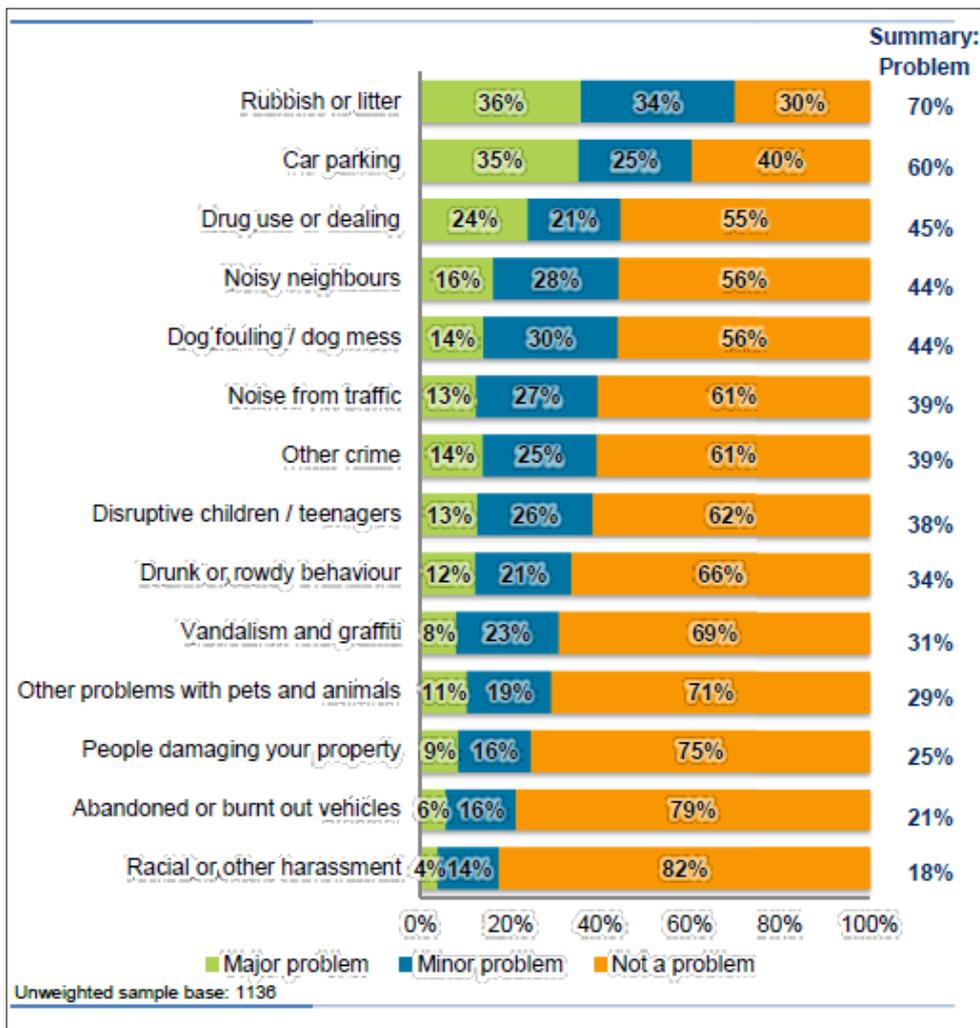


3.10 Noise Nuisance is the highest type of ASB that is reported. This represents 38% of ASB cases that are reported in this financial year. We work with the Council’s Noise Nuisance Team to deal with statutory noise nuisance complaints.

3.11 The Ward with the highest amount of ASB is Stonebridge. This represents 16% of all reported ASB cases. The Ward with the lowest level of reported ASB is Fryent. This represents 1% of all reported cases. Figure 1 provides a view of ASB across Brent Housing estates by Ward



- 3.12 Severe ASB cases are also discussed with the Police and the normal process is that these will be discussed by the Brent Joint Action Group (BJAG). The Group is responsible for focusing on cases of ASB, including the incidents and local crime issues through a multi-agency approach. The Group also deal with perpetrators of ASB through the incremental approach together with focusing on ASB hotspot across the Borough.
- 3.13 Brent Councils' Multi Agency Risk Assessment Conference (MARAC) is used by Brent Housing to provide a victim focused information sharing and risk management approach for residents deemed to be at high risk. MARAC is attended by all key agencies, where high risk cases are discussed. The MARAC group helps to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety. The Group often makes recommendations to Housing Management for victims to be rehoused, either through the Council's Housing supply or through national schemes, in particular the Pan-London Housing Reciprocal.
- 3.14 The Council will take a problem-solving approach to complex ASB cases that affect the rights of residents to enjoy public space and will use all appropriate resources across key internal teams and Community Protection function in order to bring a resolution to bear. This includes the use of CCTV and its own powers of enforcement. It will also be positively disposed towards the use of Police powers (for example the use of Dispersal Orders) in areas burdened by repeated ASB, where evidence and good practice supports the use of such measures.
- 3.15 The above mentioned arrangements are extended to Registered Providers (RPs). RPs can also refer complex cases into BJAG, who are able to utilise enforcement tools and powers under the Antisocial Behaviour Crime and Policing ACT 2014.
- 3.16 The Table below details the results summarised when residents were asked "To what extent are any of the following a problem in your neighbourhood?" ASB Satisfaction information from BMG Customer Satisfaction Survey 2018



3.17 Seven in ten (70%) residents say that rubbish or litter is a problem in their neighbourhood. Over a third (36%) would consider this a major problem. The second most commonly cited neighbourhood problem amongst residents is car parking (60%). Following this are drug dealing/ use (45%), noisy neighbours (44%) and dog fouling/mess (44%). At the other end of the spectrum, four fifths (82%) of residents don't consider racial issues with people abuse or other harassment a problem. 79% say abandoned/ burnt out vehicles is not a problem whilst three quarters (75%) say there are no issues with people damaging their property in their neighbourhood.

3.18 The first meeting of the Customer Experience Panel took place during April. The Panel identified ASB Management as a key priority and have asked for a customer journey mapping exercise to be carried out to understand user experience, what are the pinch points and an improvement plan to address the same. This improvement plan will be provided later in the year.

#### 4.0 Financial Implications

4.1 There no financial implications for this report.

**5.0 Legal Implications**

5.1 There are no legal implications for this report.

**6.0 Equality Implications**

6.1 This is an overview of existing services and for information only

**7.0 Consultation with Ward Members and Stakeholders**

7.1 This is an overview of existing services and for information only

**8.0 Human Resources/Property Implications (if appropriate)**

8.1 This is an overview of existing services and for information only

**Report sign off:**

***Phil Porter***

Strategic Director of Community Wellbeing

	<p align="center"><b>Housing Scrutiny Committee</b> 25 April 2019</p>
	<p align="center"><b>Report from the Strategic Director of Community Wellbeing</b></p>
<p><b>Rent Arrears Performance Overview</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Troy Francis Head of Housing & Neighbourhoods 020 8937 2794 <a href="mailto:Troy.francis@brent.gov.uk">Troy.francis@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report is to provide the Housing Scrutiny Committee with analysis of the Council's rent collection and arrears. It provides detail on rent collection performance for 2018-19.
- 1.2 The report outlines some of the key factors influencing rent collection and arrears recovery and describes what action is being taken to maximise collection.
- 1.3 Specific focus is given to describing what constitutes technical arrears, small arrears/low levels of debt and how these are managed.

## 2.0 Recommendation

- 2.1 The Housing Scrutiny Committee is asked note to the performance information provided associated with the Council's rents and service charge collection activities and the work underway to improve its effectiveness.

## 3.0 Background and context

- 3.1 The Council manages 7,733 tenancies with an in-year rent yield of approximately £51m per annum for the year 2018-19.

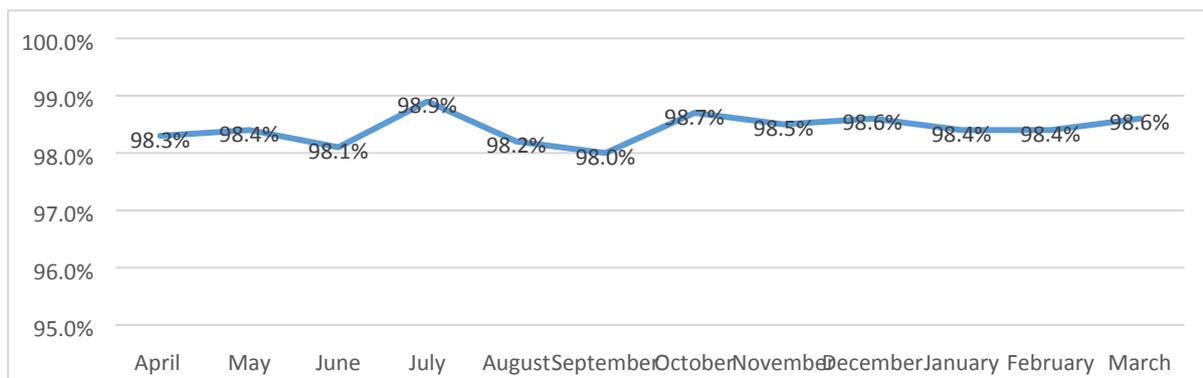
- 3.2 Oversight for the income collection activities rest with the three Income Collection Team Leaders with the support of a team of 15 Income Officers, who are required to carry out activities such as telephone calls, visits, letters etc. on all accounts that are in arrears. This must be in-line with the Court Protocol and Housing Management procedures. There are also 3 Leasehold Finance Officers who collect Service Charge income.
- 3.2 The Council operates a specialist income management service to ensure that the required focus is given to securing the Council's landlord income. Both income collection functions sit under the Income and Sustainment Team. This enables the establishment of the right operational synergies, both in terms of support and enforcement. The cost of the service for 2018/19 was £1.3m, this is mainly made of staffing cost, together with a number of sundry costs including contributions to specialist internal teams and support agencies.
- 3.4 The welfare reform programme results in social landlords now operating in an increasingly challenging financial environment as many of the reforms are having an impact upon household incomes and reduced entitlement to housing benefit. In many cases, tenants are no longer entitled to full housing benefit and must make up the financial shortfall in rent.
- 3.5 To mitigate the risk associated with the Welfare Reform Programme and the economic challenges faced by residents living in Council homes Brent Housing has developed a Housing Income Strategy. The key aims of this strategy is:
- Managing, collecting and minimising arrears
  - Providing customers with accessible income management and payment services
  - Developing and promoting a clear payment culture
  - Meeting our regulatory and legal requirements
  - Preparing and managing the migration to Universal Credit and other welfare reforms
  - Ensuring we maximise the value of support services for customers
- 3.6 This report details the underlying factors impacting on rent arrears, highlights Council initiatives to help mitigate the effect of welfare reform and the steps taken when, despite all the interventions, tenants do not make efforts to pay or refuse to engage with the Council.
- 3.7 Despite the increasing difficulties to keep arrears under control, the Council continues to develop ways of addressing rent arrears at an early stage, encouraging tenants to engage with tenancy support services, signposting tenants to advice agencies and taking action quickly to prevent arrears building up to unacceptable levels where tenants are unable to meet their ongoing payment obligations.

#### **4.0 Performance overview**

- 4.1 Performance is measured in two key areas, the amount of rent we collect (indicator BV66a) and the level of rent arrears.

4.2 Chart 1 below details the borough wide performance on rent collection (BV66a) by month. This is measured by comparing what is collected as a percentage of the rent debit. The rent debit is the amount of rent charged plus the arrears outstanding from the previous year. The figure should be as high as possible. The outturn for year 2018/19 was 98.6% against a target of 99.5%. This placed us at 'Median' quartile when compared to other social landlords in the Country

The total rent debit for 2018/19 was £51,015,000 of which £50,313, 000 was collected leaving a shortfall of £701,522 just above the level of under collection projected. Our collection performance was impeded by the Universal Credit roll out. Together with the transitional arrangements associated with the change management programme last summer and the recent embedding of the new CRM income collection functionality, we are confident that the aforementioned challenges are now behind us and our operational arrangements are being realigned to ensure the required focus is provided.



4.3 In addition to the BV66a Key Performance Indicator (KPI) measure, there are a number of additional performance measures used to monitor the effectiveness of the income.

4.4 Arrears Analysis – 57% of tenants do not owe any money on their rent account. The number of tenants in arrears at week 52 was 3421 and the average amount of debt equated to £994.25 each.

4.5 The term technical arrears are often used to describe the cycle of a rent payment. This is most noticeable when tenants pay monthly in arrears. On the week the monthly rent is paid the tenant will often owe 4 weeks rent. As rent is due weekly the rent account will show 4 weeks rent is due, this is what is classed as technical arrears.

4.6 Technical Arrears – The tenancy agreement states that rent is due on a Monday and in advance. However, many tenants pay monthly in arrears and have done so historically. A lot of monthly payers pay by direct debit or payment card and this ties in with their income cycle. The majority of these customers pay monthly in arrears and that was how the direct debit system operated.

4.7 These tenants are set up as monthly payers and no arrears action are taken against the tenancies as the account is cleared each month. It is only when/if the months' rent is not paid that an arrears letter will be sent out, i.e. when 5 weeks rent is owed. However, since the introduction of the Universal Credit

(UC) explained later in this report, the Council will ask residents in receipt of Universal Credit (UC) to pay in advance. Arrangements are made for residents who can't afford to pay make this advance payment in one go, to build up the four-week advance payment over an agreed period. This is a significant mitigation and is in keeping with other social landlords.

- 4.8 The Council's Employment, Skills and Enterprise Team (ESE) has assisted 45 Brent Housing residents secure employment over the 12 months' period leading up to the end of March. Work is underway between the Income Collection Team, the emerging Corporate Financial Inclusion Service and the ESE to improve employment and skills opportunities. This will help to minimise the risk associated with the Universal Credit change.

## **5.0 Wider impact of Universal Credit**

- 5.1 The full Universal Credit (UC) roll out arrived in the two job Centres in Brent in November and December respectively. The Council is a designated Trusted Partner for the DWP. This enables the Council to apply for Alternative Payment Arrangement for its tenants without having to provide support evidence for each individual case.

- 5.2 There are currently 442 council tenants in receipt of UC. The Council has started to see the impact, in particular, there are more tenants in arrears and the amount of the arrears is much higher for UC claimants than for those on Housing Benefit:

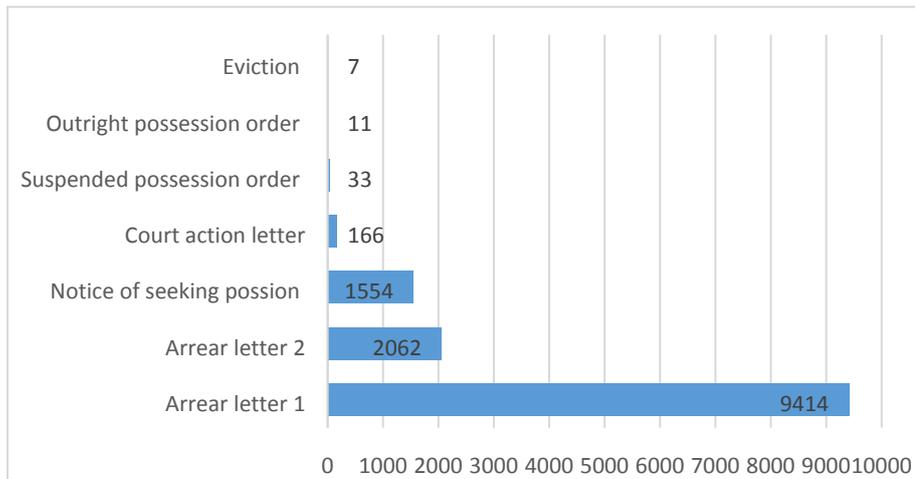
- 5.3 Of the 442 Council tenants in receipt of Universal Credit, 424 (95%) are in rent arrears. Tenants in receipt of Universal Credit are encouraged to pay their Housing Entitlement and any shortfall to the Council by Direct Debit. The Income Team works closely with tenants in receipt of Universal Credit to ensure they have all the information they need to claim the Housing Entitlement element, that they have the facilities to pay directly and to liaise with the DWP as required. Our Income Management service is continually developed using this ethos which is fundamental to the success of the service.

- 5.4 The Council has put in place a number of support interventions to mitigate the impact of UC roll out. This include increasing the HRA contribution to the Employment and Skills function to build capacity for residents looking to get back into work. The Council have also protected the financial inclusion resources which has been used to create the co-located Financial Inclusion Services linked to the extension of the Community Hub. It has also protected its contribution to the Citizen Advice Bureaux who will continue to provide debt advice to residents.

## **6.0 Arrears Actions**

- 6.1 Arrears profiling analysis compares the average arrears values for each ward and the number of arrears activities undertaken by officers over a 6-week period.

6.2 Below is a high level overview of arrears actions over the 12 months' period. It shows that the highest proportion of actions taken at the initial stage of the process (pre- court proceedings).



6.3 Running alongside the measures to support tenants and prevent homelessness, the income collection function continues to address levels of arrears by way of early intervention and taking recovery action at an early stage to avoid cases escalating into more serious level of arrears. Although court action and evictions are always undertaken as a last resort, we are now adopting a more robust approach to the collection of rent arrears, taking a more targeted approach to those tenants who fail to pay and refuse to engage with the Council.

6.4 Court proceedings are a necessary tool to secure payment from tenants who refuse to engage with the Council. In most cases, the judicial process usually results in the vast majority of tenants making payment or receiving an order from the court to pay rather than being evicted

6.5 In 2018-19, 7 evictions took place against those tenants who fail to pay or work with the Council. This compares to a total 16 evictions in 2017-18. Although we may see a reduction in the number of evictions this year, this is a positive outcome to ensure sustainable tenancies and is primarily due to earlier intervention and engagement with tenants to make reasonable repayment arrangements.

6.6 With the roll out of Universal Credit, the DWP will be based at the Civic Centre on a fortnightly basis to resolve any universal credit queries. There is also joint partnership working with the Citizen Advice Bureau. Tenants who are experience financial difficulties can be referred to the CAB for financial advice.

6.7 In many cases there are no quick wins and repayment terms can extend over many years. It is important to ensure that recovery strategies centre on early intervention, signposting tenants to tenancy support services but taking quick and decisive action with rent arrears cases to avoid arrears escalation. To achieve this, a Tenancy Sustainment Panel (TSP) was established to ensure the appropriate challenges are provided before decision to proceed to eviction

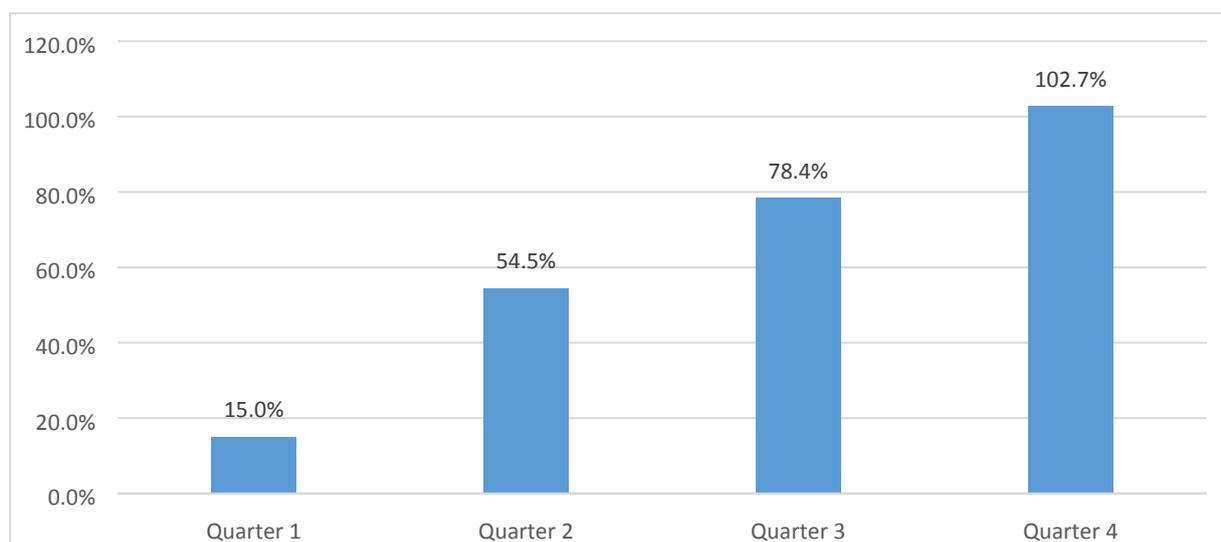
is made. The TSP is co-chaired by the Head of Services for Housing Management and Housing Needs and involve the Income Team Managers and representatives from other department including Adult and Social Care and Children and Young People.

## **7.0 Income collection case management system in CRM**

- 7.1 The Customer Portal is in production and will enable residents to have access to their rent account. They will be able to view rent transactions, make payments, correspondence and initiate payment plans.
- 7.2 The Income collection process has been automated. This works alongside our escalation policy for collecting overdue rent, which is managed primarily in Northgate for Council stock. Our income collection officers now have real time visibility of all arrears 'episodes' for all property schemes, which have reached the stage of 'notice of seeking possession', and can use the CRM system to do what Northgate doesn't permit (keeps records of emails, legal referrals etc.) and it will show what stage of the escalation processes any account has reached. The system automatically closes cases where the overdue balance has cleared, which doesn't happen in Northgate until the end of each week, and this saves the officers time in opening up work that they don't actually still need to so.
- 7.3 The system also has 'smart' views of all 'erratic payers', people whose direct debits have bounced, housing benefits payments due but missing' and so on, so that resources can be diverted from chasing everything, to chasing the highest risk situations. This functionality, had we invested in an off the shelf package would have cost the organisation c£50K to procure.
- 7.4 The Income collection team have been trained on the CRM system and are using it to manage incoming customer requests and contact, and are receiving support to adopt the new functionality to proactively manage rent collection via CRM instead of Northgate
- 7.5 Brent Housing is a member of the Council's Welfare Network Group. The group comes together once a quarter to share performance information and initiatives. In particular, the Group help formulate a number of communication material ahead of the roll out of Universal Credit.
- 7.6 The new Customer Experience Panel plays an important role in representing the voice of residents as part of its resident governance and scrutiny role. Service charge and billing is one of the key service they've shown an interest in as part of annual customer insight programme. Residents are also given the opportunity to provide feedback on the income and service charge collection through the new online Customer Voice Survey. This survey was launched earlier this year and the first round of results will be available at the end of quarter one.

## 8.0 Overview of leaseholder service charge collection performance.

8.1 The table below provides an overview of the service charge collection for the last financial year. Service charge collection profiled across the four quarters within the financial year



8.2 The estimated annual service charge debit for Brent Housing leaseholders in 2018/19 is £2.4M. The collection of annual service charges was below the target collection rate of 107% over the four quarters of the year. The total of service charges collected for the full year was £2.5m which equated to 102% a shortfall of £103,200 against target set.

8.3 Arrears analysis – 75% of leaseholders do not owe money on their leasehold account. The number of leaseholders in arrears as at end March 2019 were 1,009 and the average amount of debt equated to £1389 each.

8.4 Our service charge collection performance has been hindered by a number of resource gaps within the Leasehold Income Collection Team. In particular, there has been a number of difficulties recruiting to a couple of specialist roles, most of which are now covered and work is underway to recruit to the vacancies still remaining. A new service charge collection functionality is being built on the CRM platform, this will optimise a number of our core income collection processes.

## 9.0 Financial Implications

9.1 There are no financial implications for this report.

## 10.0 Legal Implications

10.1 There are no legal implications for this report.

## 11.0 Equality Implications

11.1 This is an overview of existing services and for information only

**12.0 Consultation with Ward Members and Stakeholders**

12.1 This is an overview of existing services and for information only

**13.0 Human Resources/Property Implications (if appropriate)**

13.1 This is an overview of existing services and for information only

**Report sign off:**

***Phil Porter***

Strategic Director of Community Wellbeing..

 <b>Brent</b>	<b>Housing Scrutiny Committee</b> 25 April 2019
	<b>Report from the Strategic Director of Community Wellbeing</b>
<b>Fire Safety</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	N/A
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## 1.0 Purpose

- 1.1 This report is to update the Housing Scrutiny Committee on the progress made regarding fire safety in the borough, following the unfortunate Grenfell tragedy.

## **2.0 Recommendations**

2.1 Members of the Housing Scrutiny Committee are asked to note the contents of this report.

## **3.0 Overview of current fire safety activity**

3.1 The Council has two key improvement programmes that will positively impact fire safety within the borough as follows:

3.2 Low and medium rise fire safety remedial works programme including converted street properties. This is a programme of fire safety improvement and communal refurbishment of 1020 blocks throughout the borough and is currently in delivery.

3.3 Tower block Fire Safety Improvement Programme. This is a programme of fire safety improvement and major works to 6 tower blocks and is currently in design and procurement. This will include the installation of sprinkler systems.

## **4.0 Details of the status of Fire Risk Assessments (FRA) for Brent**

4.1 Brent Council has type-1 FRAs for all blocks that have been conducted in line with their annual re-inspection date and are 100% compliant in this respect.

4.2 In addition, a Type-4 Fire Risk Assessment was undertaken on all tower blocks over 12 storeys high and completed in December 2018. This was an intrusive survey with destructive inspection, in both the common parts and in the flats. This required opening up the construction and making good after the inspection. A type-4 is the most comprehensive fire risk assessment.

4.3 Within flats, a type 4 survey gives consideration to the integrity of compartmentation around openings in walls and floors for services such as gas, water, electricity, telecommunications and drainage. These may be present where such services enter from the common parts or pass between flats. In most cases, the extent of any openings and the extent of fire stopping may require opening up panels in kitchens, bathrooms and other areas.

4.4 From the surveys it was apparent the Council has invested in fire safety measures previously with new 'Gerda' fire doors being fitted throughout the blocks to flat entrances, cross corridors and stairs.

4.5 In addition to the installation of fire doors certified fire proofing and stopping works have also been carried out to a large majority of accessible risers to corridors and lobbies within communal areas.

4.6 The compartmentation in the Common Areas was to a good standard with no major breaches in compartmentation identified to common areas nor any trends in compartmentation deficiencies in the blocks.

4.7 However, the assessments have identified the following areas for investigation and/or remedial action. These will be actioned under our programme for Type-4 FRA High-Rise Remedial Works:

- Local Management Actions i.e. removing obstructions in communal areas.
- Spandrel panels, window panels & infill panels.
- Additional dwelling Smoke and Fire Alarms.
- Ventilation ducting and redundant flues.
- Assessing the need for common area ventilation systems (AOV) systems.
- Any remaining compartmentation issues within dwellings & common areas.
- Common area doors repairs.

## **5.0 Plans for the installation of sprinklers and cost to residents**

5.1 The work to install sprinklers within tower blocks will be integrated with other major works that have been identified from the stock condition survey. The reason for integrating fire improvement works with the planned works programme is twofold: it will be more cost effective to do one set of works on a building; and not all residents may appreciate the fire safety works, they may be unsightly, so doing them alongside planned works, should see overall improvement in the building.

5.2 The works will include refurbishments such as: external repairs, window replacements, lift replacements, (as will be the case on Kilburn Square) and heating system replacement (as will be the case on Lodge and Manor Courts). This may make it more palatable for leaseholders as an improvement would mean an increase in the quality and value of their property.

5.3 The low rise fire improvement programme will also include the refurbishment of the communal parts of blocks particularly on converted properties.

5.4 The investigation work into the physical fire integrity of the tower blocks as discovered through the FRA Type-4 findings along with an understanding of short-term life of the blocks has allowed a balanced consideration of fire safety improvements.

5.5 It is therefore proposed to install sprinklers to all flats within the council's high rise blocks that are not proposed for demolition. These blocks are:

- Watling Gardens
- Lodge Court
- Manor Court
- Windmill Court
- Kilburn Square
- The Oaks

5.6 This decision will be reviewed once the results of the South Kilburn regeneration ballot is known, where eight blocks are planned for demolition.

5.7 The start on site dates for the works to the tower blocks we are retaining currently are:

- The Oaks, Windmill and Watling: November 2019
- Manor and Lodge: January 2020
- Kilburn Square: February 2020

5.8 Sprinkler systems are a significant capital item and from review with other providers it is estimated the cost to residents is likely to be in the order of £4,860 per dwelling on average.

## **6.0 Status of Fire Safety in RP blocks and arrangements for cladding removal/replacement**

6.1 Brent Building Control are in ongoing negotiations with RP Providers, Hotel buildings and Student Accommodation blocks where ACM class C cladding has been identified post Grenfell. Some projects have already commenced work on cladding removal and others we are still in discussions with. We are continuing to work proactively to ensure all defective cladding is removed from all residential type buildings.

6.2 Officers are liaising with colleagues from RPs, to ensure they are appropriately engaging with residents and following due process. They are also engaging us in interaction with their residents, asking us for assistance where necessary.

## **7.0 Details of issues in private blocks**

7.1 Building Control does not have any involvement in ongoing Fire Safety in privately owned blocks. Assuming Brent Building control were the Building Control service provider on new privately owned blocks (and not Private Approved inspectors which is often the case) provided works were completed satisfactorily under The Building Regulations, we would have issued a Completion Certificate which reflects the buildings compliance at that time. We would have no further ongoing involvement after that date.

7.2 In terms of replacement cladding we are in ongoing negotiations with Hotel buildings and Student Accommodation blocks where ACM class C cladding has been identified post Grenfell. Some projects have already commenced work on cladding removal and others we are still in discussions with. We are continuing to work proactively to ensure all defective cladding is removed from all residential type buildings.

## **8.0 Outline the progress on the fire safety task group recommendations**

8.1 **Recommendation 1:** The council and registered providers in Brent should publish the latest Fire Risk Assessments for all of their properties on an ongoing basis.

- 8.2 All our buildings require new FRAs in 2019 in-line with their cyclical target date. Our intention is to publish the new FRAs after the cycle is completed and a solution found that will allow access to FRAs in an auditable way through user logins.
- 8.3 The Council is unable to compel Registered Providers (RPs) to publish their FRAs. However, we have communicated our expectation to them and continue to engage in discussions, which will hopefully result in all RPs operating in Brent agreeing to this recommendation.
- 8.4 **Recommendation 2:** In wards where the landlord licensing scheme is in force, the council should institute an amnesty from prosecution for landlords with unlicensed properties to increase uptake of landlord licences.
- 8.5 It is not felt that an amnesty of this sort would add value in Brent, based on our experience of the licensing scheme so far. In the 1st three wards that were designated as Selective areas (Harlesden, Willesden Green and Wembley Central), we saw 135% of the properties that we anticipated needing a licence being licenced. This has been borne out in a further 5 wards, (Dudden Hill, Kilburn, Queens Park, Kensal Green and Mapesbury) where high volumes of applications have already been received in the first 10 months of the scheme running in those wards.
- 8.6 Given this level of coverage, it is our belief that any property not licenced is more likely than not managed by a landlord avoiding the scheme. Landlords avoiding the scheme should either face prosecution or at least a civil penalty notice and any issues of disrepair, including fire safety, should be addressed by enforcement.
- 8.7 **Recommendation 3:** In wards where the landlord licensing scheme is in force, the council should work to raise tenants' awareness of the landlord licence scheme (and more widely if this is expanded beyond these wards). It should also publish a "plain English" guide for tenants on landlords' obligations under the scheme.
- 8.8 Private Housing Services continues to carry out extensive publicity of all its licensing schemes targeted at landlords, tenants and other residents. We use various medium including The Brent Magazine, Local and national Press, Television, leaflets, attending local events, social media, JC Decaux and internal briefs to elected members. In addition, we have developed a Community Champion initiative which has a dedicated resource, this can be viewed at [www.brent.gov.uk/PRScommunitychampions](http://www.brent.gov.uk/PRScommunitychampions).
- 8.9 In addition, we have updated our web offering to Tenants visiting Brent's website. This includes a revamped section which sets out clearly what tenants should expect and how to take action if things are not as they should be.

- 8.10 **Recommendation 4:** The council should establish an anonymous reporting system through telephone as well as the Council's digital platforms for residents to report non-compliant landlords under the landlord licence scheme.
- 8.11 Anonymous reports of non-compliant landlords can be made on our online referral form [www.brent.gov.uk/reportaproperty](http://www.brent.gov.uk/reportaproperty) or by calling our dedicated telephone number, which is 020 8937 2384.
- 8.12 **Recommendation 5:** The council and registered providers should work with care providers to ensure that the London Fire Brigade has up-to-date information about vulnerable tenants and leaseholders.
- 8.13 The Council and care providers share useful fire safety information with the Fire and Rescue Service concerning residents who are particularly vulnerable. The council uses existing data, sends letters and displays notices in communal areas to identify groups who would benefit from a more detailed assessment of their needs being undertaken and promote the support that is available. This takes the form of a 'Person-Centred Fire Risk Assessment' questionnaire (PCFRA). A PCFRA is a simple risk assessment, completed with the resident, and considers their characteristics, behaviours and capabilities. This is to identify people who may have a higher risk from fire, and consider what actions/measures may be taken to reduce those risks to a reasonable level. The intention is to retain and share this information online and this is part of Customer Relationship Management system (CRM) implementation currently taking place.
- 8.14 If the assessment identifies reduced capacity to evacuate in the event of fire, a Personal Emergency Evacuation Plan (PEEP) is created. This is a plan of action agreed with the resident that outlines what actions they should take, what assistance may be needed to evacuate if a fire occurs in their own flat/room, or if the Fire Service determine that they need to be evacuated due to a fire in another part of the building.
- 8.15 **Recommendation 6:** The council and registered providers should review the appropriateness of fire detection systems in properties based on the specific needs of their tenants and leaseholders.
- 8.16 We have undertaken a comprehensive review of fire prevention and detection measures across our stock. The majority of our stock is made up of 1,059 low, medium and high rise stock including converted properties. The fire safety works arising from this review will be delivered through two major programmes as described earlier in this report. The specification for each fire detection system will be aligned with the building and resident requirements and determined on a case by case basis.
- 8.17 **Recommendation 7:** All social landlords should take a "zero tolerance" approach to bulky items kept in common areas.

- 8.18 To be clear, a 'zero tolerance' approach means residents are not permitted to use communal areas to store or dispose of their belongings or rubbish. No exceptions apply. This ensures that communal areas are effectively 'sterile' i.e. free of combustible material, ignition sources and obstructions. Housing Staff do this via the use of the TORT Notice (legally treating the item(s) as abandoned) for the removal of bulky items in common areas. In addition, FRAs further identify if any items in the communal area would obstruct the means of escape. Implementation and monitoring of the aforementioned arrangements are shared with our cleaning contractor Wettons
- 8.19 **Recommendation 8:** All social landlords should provide storage space for bulky items for all property types and sizes.
- 8.20 Providing storage space for bulky items for all property types and sizes may not be feasible but, where practicable, officers work with tenants and leaseholders to find a solution. Storage in relation to mobility scooters, prams and bikes requires a considered design approach. Additional facilities, alternative housing may be considerations, however these will need to be assessed on a case by case basis. Where facilities are available residents are required to use them to store bulky items. This is being monitored by the Council and the estate cleaning contractor as part of the planned and ad hoc estate inspection.
- 8.21 **Recommendation 9:** The council should continue to develop plans and seek funding for secure bicycle storage units across the borough.
- 8.22 The second round of bike shed installation will be considered as part of this year's estate improvement programme. We will seek to make a decision on this investment by the end of May 2019
- 8.23 **Recommendation 10:** The council should act to reduce unauthorised parking in areas for the use of emergency services, including: clearer and better maintained signage and markings to identify those areas permitted for car parking, and those areas which are to be kept clear and improving awareness of traffic and parking rules, and stronger enforcement of parking rules.
- 8.24 There is ongoing parking enforcement activity on some estates, where Emergency Access points are clearly identified and monitored by our Parking Enforcement Contractor. However, the Council believes the current scheme is insufficient to deal with this issue and we have therefore commenced consultation on 'trial' estates on a new parking scheme. This scheme, which will be based on a Traffic Management Order, will ensure designated parking areas are made available for emergency services.
- 8.25 **Recommendation 11:** The council and registered providers should regularly use their communication channels to inform and raise the awareness of residents in relation to fire safety.
- 8.26 The Council and RP's use a variety of methods to communicate with residents in terms of raising awareness of fire safety. These include social media; publications; internet-based communication including website and intranet;

stakeholder communications; events and community safety campaigns. The new Tenancy Verification functionality in CRM provides a prompt for Housing Officers to promote fire safety information as part of the verification visit

- 8.27 **Recommendation 12:** The council and registered providers should provide, in the main entrance of all types of property, floor plans identifying the location of fire exits, and clearly and simply explaining what to do in case of a fire.
- 8.28 Fire Safety Notices are installed and are updated as part of the Fire Safety Remedial Works Programme. As Landlord responsibilities are similar, RPs are likely to follow the same approach.

## **9.0 Outline the lessons learned from the Windmill Court fire**

- 9.1 The fire in Windmill Court led to the tragic death of one of our residents which is an event we would have all wished never happened. We are satisfied how the building performed in this unfortunate incident and did not allow the spread of fire to other residents. The building had recently had fire safety remedial works undertaken based on a type-1 FRA survey findings. The property was compliant in respect to having up to date and valid FRA, gas and electrical certificates. The fire and smoke were contained in the flat of origin to the point that the adjacent flats were unaffected and some were unaware of any fire incident. This demonstrates the compartmentation was satisfactory and effective in the event of a fire.
- 9.2 However, it transpired that monthly fire safety inspections had not been carried out regularly in the block. Although a subsequent visit was carried out, the Inspecting Officer was still able to focus on discrepancies, which seem to indicate that some block users choose to ignore the restrictions imposed by LBB.
- 9.3 Housing Management will ensure that monthly block inspections occur to a set timetable, and that actions arising are being followed through and completed using the 'zero-tolerance' policy banning all items from the common parts where they impact the means of escape including potential trip hazards such as doormats, shoes, plant pots, prams, bikes. The introduction of CRM will provide transparency in the management and monitoring of inspections and completion of follow-up actions.

## **10.0 An overview of measures in place to raise awareness of other civil emergencies e.g. power outage, flooding**

- 10.1 The Fire Safety Communications strategy forms part of a wider Disaster Recovery Plan Strategies and Processes to cover all major incidents.
- 10.2 A Disaster Recovery Plan will ensure the continuation of vital business processes and ensure the councils response and communication is appropriate in the event that a disaster occurs.

10.3 The Council, both as a landlord and a Local Authority, has in place a robust disaster recovery plan, which is tested on a regular basis.

**11.0 Give an overview of how residents are engaged**

11.1 The Council use a variety of methods to communicate with residents in terms of raising awareness of fire safety. These include social media; publications; internet-based communication including website and intranet; stakeholder communications; events and community safety campaigns. For example, the Council has held fire safety surgeries for every high rise block and we consistently feature fire safety advice in 'Your Voice', the Brent tenant and leaseholder magazine.

11.2 It has been hugely important to engage with residents on the fire safety improvement programme for resident choices and this will continue as we progress the remaining programme. To support this, a dedicated Resident Liaison Officer has been assigned to work with and communicate with residents. Similarly, we are keen to engage ward Councillors and will be providing opportunities for visits to properties that have been completed.

11.3 Leaseholders are to have fire safety works to support the wider health and safety of the blocks and their own demise and to make their own proportionate financial contribution towards the cost of those works. This will safeguard public health and ensure uniformity of fire safety standards irrespective of tenure.

11.4 For works to the internal communal parts such as emergency lighting, decoration and communal fire alarms we consult all leaseholders of our proposal to carry out works. Section 20 notices will be served to leaseholders informing them of our intention to carry out the fire safety and major works programme to the internal communal parts.

11.5 Where fire safety works occur in the home such as providing flat entrance fire doors, we will seek the consent of leaseholders to allow our contractors carry out these works. Leaseholders will be consulted regarding the details of the works, the benefits and the costs to them.

11.6 Where consent is granted and the leaseholder signs a Consent Form waiving their rights and allowing our contractors carry out the fire safety works inside their dwelling; an agreement will be signed by both parties. Under this arrangement it is proposed Leaseholders will be offered an interest free repayment scheme and therefore the same procedure for recovering leaseholder service charges will be applied.

11.7 Leaseholders who do not grant consent to work in their properties and wish to carry out the fire safety works themselves will be advised of the complexity and certification of the works required to safeguard public health and ensure uniformity of fire safety standards in each block and their homes.

## **12.0 Outline joint work with partners including the LFB**

- 12.1 The Council has formed a Strategic Fire Safety Group that includes representatives from within the council, external partners and senior officers of the London Fire Brigade. The Council has also agreed with the London Fire Brigade to create a sub-group for housing that will focus more on the operational aspects of fire safety matters within the borough and that will be attended by senior managers from the Council, representatives from Housing Associations and senior officers from the London Fire Brigade.
- 12.2 Council officers are working closely with the London Councils Engagement Best Practice Group. This is enabling the Council to become a major contributor in the sharing of learning and be one of the first to learn about new findings, changes and government updates relating to fire safety.

## **13.0 Outline current cost of activity and forecasted spend**

- 13.1 The cost of fire safety activity in high rise blocks and converted properties in 2019/19 was £1,123,668. The forecast cost to undertake fire safety works in 2019/20 is £6.8m. This will include fire safety works on low and medium rise blocks and the high-rise tower block programme including remedial actions arising from the FRA4 surveys and sprinkler installations.

## **14.0 Legal Implications**

- 14.1 In coming to any decision on publicity the Council is required by section 4 of the Local Government Act 1988 (the 1988 Act) to have regard to the contents of the Code of Recommended Practice on Local Authority Publicity (the Code). Section 6 of the 1988 Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. Principles set out in the Code states that publicity by local authorities should be lawful, cost effective, objective, even-handed, be appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity.
- 14.2 Paragraph 29 of the Code states that publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided. The recommendations set out in the report relating to publicising and raising awareness of the Council’s functions which are relevant to fire safety would need to comply with the Code.
- 14.3 The Council and the police may act to reduce unauthorised parking in areas for the use of emergency services. Such parking can be tackled in various ways, such as under legislation governing obstruction and dangerous parking or through a Traffic Regulation Order. Further work would need to be undertaken to identify what are the appropriate options for the areas where unauthorised parking is occurring.

- 14.4 Under section 111 of the Local Government 1972 the Council has power to do anything where specifically permitted by legislation, or which facilitates, or is conducive or incidental to the discharge of statutory obligations. The Council's powers and duties which are relevant to fire safety are referred in paragraphs 14.6 – 14.9 below. In addition, section 1 of the Localism Act 2011, the General Power of Competence enhances the power of the Council to do anything that individuals may generally do, which not prohibited by legislation, which are reasonable and proportionate. The proposed actions set out in recommendations 5,6,7,8 and 11 fall within the ambit of these powers.
- 14.5 As to sharing information about vulnerable tenants and leaseholders, organisations the sharing of any personal data must comply with the data protection principles contained in the Data Protection Act 1998 (DPA). It is good practice to have a data sharing agreement in place.
- 14.6 Fire safety for residential accommodation is regulated by both the Housing Act 2004 (the 2004 Act) and the Regulatory Reform (Fire Safety) Order 2005 (FSO). The FSO places duties on housing providers to risk assess fire safety in their properties, to take adequate precautions to reduce that risk of fire and to manage that risk which remains. These duties to apply to a range of property types. However, in HMOS, flats, maisonettes and sheltered accommodation in which personal care is not provided, these duties only apply to the communal parts of residential properties (e.g. stairs, corridors, shared kitchen, bathrooms and lounges etc.) that is those parts of the premises that are (or could be used) used by the occupants of more than one dwelling. These duties are enforced by fire and rescue authorities, but it must consult the Council before taking enforcement action.
- 14.7 Part 1 of the Housing Act 2004 enables the Council to take action to deal with poor housing conditions by means of the housing health and safety rating system (HHSRS), which is an evidence based risk assessment procedure. The HHSRS includes assessing the hazard of fire presented by a particular dwelling. The powers available apply to all types of residential premises, HMOs, purpose built blocks of flats and buildings compromised of converted flats.
- 14.8 The Act 2004 gives the Council power to intervene where it considers housing conditions to be unacceptable, on the basis of the impact of hazards on the health or safety of the most vulnerable potential occupant. There is a general duty to take appropriate action in relation to a category 1 hazard.
- 14.9 There are a wide range of enforcement options to address hazards which include:
- Serve an improvement - for works to be carried out;
  - Make a prohibition order - to prohibit use of part or all of the premises for various specified purposes;
  - Serve a hazard awareness notice - advisory notice for need for improvements;

- Take emergency remedial action – the Council takes remedial action to remove the hazard;
- Make an emergency prohibition order – to prohibit all use of all or part of the premises;
- Make a demolition orders and clearance areas.

14.10 The HMO licensing regime under Part of the 2004 Act provides the Council with procedures for the licencing of HMOs. In relation to fire safety, when granting a licence, the Council must be satisfied that appropriate fire precaution facilities and equipment are provided and the HMO is reasonably suitable for occupation in terms of fire safety. Where, this is not the case, it may attach a condition to the licence requiring that works to ensure that facilities and equipment are installed within a specified period.

### **15.0 Financial Implications**

15.1 The current budget for 2019-20 major works has been set at £14.1m, an additional budget requirement of £6.8m worth of fire safety works completed in year will require additional borrowing estimated to be £3.4m, thus increasing financing cost by £0.09m (2.7% PWLB rate April 2019).

15.2 The fire safety works will be subject to Section 20 recharges to leaseholders, the estimated recoverable amounts are to be confirmed once detailed costings are finalised.

### **16.0 Equality Implications**

16.1 There are no equality implications associated with the content of this report.

### **17.0 Consultation with Ward Members and Stakeholders**

17.1 None

**Report sign off:**

**Phil Porter**

Strategic Director of Community and Wellbeing