

	Cabinet 7 April 2025
	Report from the Corporate Director of Partnerships, Housing & Resident Services (with effect from 1 April 25 – Corporate Director Residents & Housing Services)
	Lead Member – Cabinet Member for Housing & Resident Services (Councillor Fleur Donnelly-Jackson)
Housing Management – Building safety update, new Building Safety Policy and update on fire safety at Lynton Close	
Wards Affected:	All
Key or Non-Key Decision:	Non-key decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix 1: Building Safety Policy Draft
Background Papers:	
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Spencer Randolph, Director of Housing Services 020 8937 2546 Email: Spencer.Randolph@brent.gov.uk

1.0 Executive Summary

- 1.1 This report provides an update on all compliance and building safety streams in housing management property services and also presents a newly drafted Building Safety Policy (Appendix 1) for the Housing Management Service. This report also provides an update on fire safety at the council-owned traveller site, Lynton Close.

2.0 Recommendations

- 2.1 That Cabinet note the performance update against each key compliance stream.

- 2.2 That Cabinet note the update on fire safety at Lynton Close.
- 2.3 That Cabinet endorse the Building Safety Policy found in Appendix 1.

3.0 Detail and Background

Cabinet Member Foreword

- 3.1 Following the Grenfell Tower tragedy in 2017, the government commissioned an independent review of building regulations and fire safety management. This review led to the development and implementation of the Building Safety Act 2022 along with various secondary legislation, including the Fire Safety Regulations 2022.
- 3.2 The Housing Management Service has been implementing the requirements of this legislation, including introducing an approach to engaging on building safety with our residents living in high-risk blocks (the Housing Management Service has responsibility for 33 high-risk blocks). The Building Safety Engagement Strategy was approved at Cabinet alongside the wider Tenant and Leaseholder Engagement Strategy in June 2024. Since then, a full year of in-person meetings have been held for residents living in high-risk blocks where they are informed of the compliance and building safety work that happens in their block, where they can discuss any outstanding issues and have an opportunity to raise concerns and questions to the housing management staff there. Following feedback from residents after the first year of meetings, the second year of meetings have commenced and are a mixture of online and in-person.
- 3.3 Under the current Asset Management Strategy, we agreed to invest in four of our high-risk blocks. Refurbishing them to achieve their next major lifecycle of at least 40 years further occupancy. This work has included upgrades to the fire protection and detection in the blocks with the introduction of upgraded smoke alarms, the installation of sprinklers and evacuation lifts.
- 3.4 A new IT system (True Compliance) has also been implemented for improved logging and monitoring of compliance streams and outstanding actions from compliance inspections. The Resident Data Team are finalising a new Power BI dashboard which presents high level performance information across all compliance workstreams in an accessible format. This is scheduled to be live for use and sharing by start of financial year 2025-26.
- 3.5 The below report provides a high-level performance update for each key compliance stream, an update on fire safety at Lynton Close Traveller Site and presents the new Building Safety Policy for feedback.
- 3.6 The work detailed in this report and that of the Housing Management Service more generally supports the Council's wider borough plan to Move Brent Forward Together. In particular, the work and the newly drafted policy

presented with this report supports the borough plan priority to provide prosperity and stability in Brent through helping to deliver the desired outcome for safe, secure and decent housing across the Borough.

- 3.7 The Borough Plan includes two priorities specific to Housing, these are:
- Strategic Priority 1 – Prosperity and Stability in Brent
 - Strategic Priority 2 – A Cleaner, Greener Future
- 3.8 These two priorities re-affirm the Council's ambition to continue building new Council homes with a target of 1,700 by 2028 and improving the quality of housing across the private sector and in our own housing stock, providing safe, secure decent housing. Housing is also a key stakeholder in the delivery of Green Neighbourhoods both through the engagement with Registered Providers and investment in Council owned homes, specifically retrofitting poorly performing housing. It is acknowledged whilst Housing is not specified in the remaining priorities set out in the borough plan, a safe and secure place to call home is a foundation for Thriving Communities, The Best Start in Life and a Healthier Brent.
- 3.9 Other strategies that are relevant to Housing include:
- Black Community Action Plan
 - Climate and Ecological Emergency Strategy
 - Homelessness and Rough Sleeper Strategy
 - Equality Strategy
 - Health and Well-being Strategy
 - Procurement Strategy
 - Private Sector Housing Strategy
 - Tenant and Leasehold Engagement Strategy.

4.0 Compliance

- 4.1 Performance of the main compliance areas is noted below. The introduction of the centralised system, True Compliance has allowed for real time reporting on compliance. However, it is important to note that the figures can fluctuate throughout the month due to several different factors. These can range from awaiting court warrants to waiting for contractors to quality check their certificates before they are uploaded to True Compliance. Due to these fluctuations, we usually report at the end of the month. The figures below are a snapshot from 13 March 2025.

4.2 Fire Safety, Fire Risk Assessment (FRAs) - 98.69% Compliant

The Housing Management Service carry out Fire Risk Assessments (FRA's) across all residential blocks and the Gypsy and Traveller site where there are communal spaces present, this totals 1134 residential blocks. Overdue FRA's are with specialist contractors being completed.

4.3 Gas Safety - 99.97% Compliant

Annual gas safety checks are carried out in all homes that the HMS manage where a gas supply is present. Properties who choose not to use gas are checked in on every 12 months to ensure the health and wellbeing of the resident, as well as the condition of the property, is not being negatively affected by the lack of gas heating.

4.4 Electrical Safety - 94.53% Compliant

Electrical inspections are carried out on the homes managed at least once every 5 years. 94.53% of managed homes have a valid Electrical Installation Condition Report (EICR) in place. To support our contractors the Contract Officers will be contacting residents and arranging appointments for contractors to visit the properties and complete the outstanding EICR. Where access is not possible, we have a robust injunction process in place.

4.5 Asbestos Management - 100% Compliant

For buildings with communal areas, a dedicated asbestos inspection program, including an Asbestos Management Survey, is crucial. It involves identifying, assessing, and managing asbestos-containing materials (ACMs) to ensure the safety of occupants and workers.

4.6 Passenger Lift Safety - 93.75% Compliant

A monthly lift inspection is undertaken to all passenger lifts. Most lifts will be compliant by the end of the reporting month when certificates are received from the contractor. As well as the above, Lifting Operations and Lifting Equipment Regulations (LOLER) inspections are undertaken every 6 months to ensure passenger lifts are safe to use. The inspections involve a thorough examination of the equipment by a competent person. Any defects must be reported to the responsible person and the relevant enforcing authority.

4.7 Water safety (Legionella) - 99.68% Compliant

A Water Risk Assessment (WRA) is a review of the business's exposure to water related risks, these are carried out between 1 & 3 years (depending on the type of building), as per Health & Safety Guidance 274 Part 2.

5.0 Fire safety at Lynton Close

5.1 Lynton Close Travellers site was officially opened in February 1997, after a group of Irish Travellers moved onto the land and campaigned successfully for a permanent area to dwell.

5.2 The site is established on a piece of waste ground just off the north London arterial road (now occupied by SELCO) and has planning consent for 31 pitches with a license agreement for one mobile home per pitch but has as many as 74 mobile homes on site.

- 5.3 The residents living on the site all live in caravans or static mobile homes, and this is their protected cultural preference. Between 2010 and 2018 the site was managed by Oxfordshire County Council's Gypsy and Traveller Service. The management of the site was insourced from 1 April 2018 to the council's Housing Management Service (HMS).
- 5.4 The Lynton Close Traveller site has been overcrowded since at least 2017. Despite the council's best efforts to work with the residents of Lynton Close to mitigate the situation, the overcrowding has got worse over the years.
- 5.5 The most recent Fire Risk Assessment (FRA), carried out in August 2024, deems the site to now be at 'Intolerable Risk'. Meaning '*the building (or relevant area) should not be occupied until the risk is reduced*'.
- 5.6 The main cause of this risk is the growing number and proximity of mobile and static homes, caravans, and touring vans, as well as sheds and items, on each pitch, the lack of unimpeded escape routes and inability for fire services to enter and exit the site unobstructed.
- 5.7 Fire safety law changed in October 2006 with the introduction of the Regulatory Reform (Fire Safety) Order 2005 (the Order). The Order applies in England and Wales. It covers 'general fire precautions and other fire safety duties, which are needed to protect 'relevant persons' in case of fire in and around most 'premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.
- 5.8 Unlike fixed dwellings, caravans and mobile homes are not constructed of non-combustible materials and as such are especially vulnerable to the effects of a fire, and the potential for total loss.
- 5.9 BS3632 is the British Standard for 'residential park homes' and mobile homes should be limited to those designed under this code. The motorised variety of homes present an especially high risk and should not be permitted for long-term site occupation as they are currently on Lynton Close.
- 5.10 The British Standards general guidance states that residents should be able to escape unimpeded to a 'place of final safety'. The route should not be surrounded by combustible materials and should be lit along its length until the safety point is reached. In the case of Lynton Close this is not being achieved.
- 5.11 The guidance states that due to the risk of a fire 'jumping' from dwelling to dwelling, a 6 metre separation between units, assisted by brick boundary walls to the pitches, is a minimum requirement. This requirement is not being met across the site and presents an intolerable risk of fire.
- 5.12 The site should be maintained in a condition where residents are discouraged from storing combustible materials adjacent to dwellings, even when this is part of their daily business activity. This is not being met across the site despite

multiple communications and multiple attempts at proactive engagement with residents to explain the risks dating back several years.

- 5.13 The council completed a major refurbishment of all the site's utility blocks in 2019. The basic construction elements at Lynton Close are individual hard-standing pitches separated by brick boundary walls and each with a 'utility' block featuring kitchen and bathroom facility. However much more work is needed such as the banning of major fire hazards (e.g. all types of LPG cylinder) in line with the fixed housing policy, and decongestion of mobile homes from the site. Current guidance does not support the fighting of even 'small' fires within the dwellings and residents are encouraged to call the fire brigade to deal with any outbreaks. However, the ability to evacuate safely while enabling the fire service to access the site unimpeded is limited at best.
- 5.14 The Responsible Person (Head of Property Services in Brent Council Housing Management) must provide and maintain suitable access for the Fire and Rescue Service and other emergency vehicles. It should be made clear that with the current layout and management issues this is not possible. Enforcement action can be taken to move cars and issue warnings, but the access issues return immediately after.
- 5.15 At present it is not possible to meet the above required safety standards.
- 5.16 Work to address the overcrowding included funding a dedicated Housing Officer resource to work with families on site to establish their needs and household numbers and coordinate moves off site (in 2017). These moves would be through the then Housing Needs preventative service of Find Your Home, matching families to landlords in the private sector. This was not successful with the Travellers being reluctant to move into accommodation where they felt they could be at risk of stigmatisation.
- 5.17 In 2019 an architect was commissioned to work with representatives of the site, as chosen by residents, to consider how to improve the site using the available space. The options set out would reconfigure the site and pitch sizes to accommodate legal occupation. At the same time residents were encouraged to consider exploring settled accommodation with support from Housing Needs and the Site Manager and were advised that any families or young people who wanted to move from Lynton Close would be given priority to bid on social homes in Brent.
- 5.18 A consultation event was held with residents on 27 February, 2020. 51% of Lynton Close site residents attended the Civic Centre. The event was facilitated by the Service Manager and Gypsy and Traveller Site Manager at the time. The architects' plans were discussed however the event did not go well with key members of the resident population not allowing discussion, vocally speaking out against the proposals as an infringement of their rights and disrupting the meeting.
- 5.19 A further meeting took place at Lynton Close with the former Council Chief Executive and Operational Director, but the residents again refused the options

proposed and stated they were discriminatory to their way of life, demanding an alternative, or additional, site that met their needs.

- 5.20 The pandemic lockdowns stalled engagement, but the Gypsy and Traveller Site Manager continued to make efforts to liaise with residents where possible. Those who had seemed more engaged about the proposals in the original meeting had changed their minds and almost all now said that they would refuse the plans.
- 5.21 When any pitch becomes available, either through a voluntary cessation of a tenancy or enforcement action, the directive is that it be cleared and not relet to aid with decongesting the site. However, to *enforce* the removal of an unauthorised vehicle would require intense logistical support from police. Despite being made aware of the fire risks related to overcrowding more mobile homes have been brought on site as recently as 2024, with any pitches vacated quickly taken over.
- 5.22 Prior to the Covid pandemic the intention was to regenerate the site to safely accommodate those residents whose families had grown and those who had a legal right to remain. This was not successful.
- 5.23 Attempts have also been made to extend the Lynton Close Travellers site by buying land from Network Rail but were not successful.
- 5.24 It is considered extremely difficult to address overcrowding at the site due to concerns around discrimination, cultural sensitivities, human rights and the lack of available re-settling options that will meet the needs of the Gypsy and Traveller community.
- 5.25 In 2019 a search took place to find new potential sites that could be redeveloped however was not successful due to a lack of land that could feasibly be developed.
- 5.26 In 2023 a Community Protection Warning Notice was issued to all residents of the site to ask they address all issues that were leading to increased fire risks. This led to engagement but no meaningful change in risk level, with the residents' representatives requesting more sites, and not being willing to take 'bricks and mortar' accommodation that would be available immediately.
- 5.27 Officers from the Housing Management Service have met with the London Fire Brigade (LFB). However, the LFB have no jurisdiction over anything at Lynton Close except the common areas and can only provide fire safety advice.
- 5.28 Work was commissioned to identify all Brent owned land that may be feasible to develop into an additional site by the council's Property team. At the same time the Housing Management Service went to great lengths to make the site safe through the installation of 'waking watch' officers (wardens who would patrol the site throughout the night and ensure that should a fire break out residents would be able to safely evacuate) in September 2024. The watch was

agreed by the LFB as a sensible and appropriate method to mitigate the fire risks.

- 5.29 However, despite engaging with the residents' representatives and license holders of the site, as well as sending site wide letters explaining the purpose behind waking watch, on the day the officers started work, and after the installation of a Welfare Unit for them to work from, they were violently attacked by a group from within the site. The officers had to be evacuated by police, after being assaulted as they tried to escape. The Welfare Unit was also then vandalised and flooded out.
- 5.30 Work is ongoing by the Corporate Property department to locate land to be redeveloped into Traveller sites however this is not an immediate fix. To date residents have remained unwilling to move into alternate accommodation in 'bricks and mortar', have been unwilling to accept architect designs from 2019 to redevelop and decongest the site, have not abided by the Community Protection Warning Notice or additional warning letters, and have not accepted waking watch to mitigate the fire risks.
- 5.31 In summary, all attempts from the council to keep residents safe in the least intrusive way, which respects the Travellers' way of life, have been blocked to date.
- 5.32 The council, as a responsible landlord, must therefore continue to focus on the overwhelming need to make the current site safe and improve living conditions for the residents living in and around the site, The council is therefore in the process of serving civil litigation Notices for breach of license. This will give license holders 28 days to address the fire risks and the opportunity for non-license holders to move off site in a managed way with the support of the council. If license holders do not comply with the notices the Housing Management Service will progress to apply for possession of individual pitches in breach and will need to consider further necessary actions to protect residents in full compliance with the law.

6.0 New Building Safety Policy

- 6.1 The housing management service has recently developed an updated building safety policy which sets out how social tenants, licensees and leaseholders' homes are kept safe, what they can expect from the service across each key compliance stream and what is expected from them in terms of behaviour and use of their home and communal spaces in order to keep them and their neighbours safe. See Appendix 1 for the full drafted policy document.
- 6.2 An initial draft of the policy was consulted on with residents in August 2024, where 32 respondents gave feedback on the proposed policy document and their experience of how building safety is managed generally. Key feedback included:
- Some low attendance at building safety meetings;

- A lack of effective communication of building safety information, both generally and specifically relating to individual blocks;
- A lack of confidence and trust in the service to ensure safety is maintained; and
- Misunderstanding about what is meant by 'managing building safety' e.g. tenants often conflated this with anti-social behaviour, building security and managing the safety of the neighbourhood, rather than the physical building, its structure and compliance.

6.3 The policy has been re-drafted to move towards a Plain English style, aiming for a reading age of 9 where possible. Collaborative work is taking place with the web team to draft up new webpages for building safety which will be ready to go live along with final approval of the new policy. Policies for housing management aren't currently published online. However, moving forward this will change and the new policy will be published in full online, accessible for residents. The web team are also assisting in developing a short, animated video to accompany the new policy, providing an alternative format.

6.4 The policy, video and new webpages include an introduction section around "What is Building Safety?" so it will be very clear about what is meant by Building Safety. Residents will be signposted to the anti-social behaviour process or other communication channels to log security or other concerns.

6.5 The new round of building safety engagement meetings are a mixture of online and in-person to encourage more attendance. Updates with the key information is then provided to all tenants, whether they attended or not, via post/email.

6.6 Once final approval of the new policy has been confirmed, a briefing session will be scheduled for all housing management staff to ensure they are sighted on the landlord's responsibilities when it comes to managing building safety and will feel more confident answering basic building safety questions from residents. It is expected that the above will improve understanding and the confidence that residents have in the service around ensuring building safety is maintained.

7.0 Financial considerations

7.1 The building safety compliance can be managed by the existing establishment in the HRA.

7.2 The funding for the Traveller site costs will come from regular operational costs and supplemented from a range of Earmarked and General Fund Reserves.

8.0 Legal considerations

8.1 The Council is responsible for managing fire safety in its housing or housing-related assets with the objective of reducing the risk of fires starting and reducing the risk of injury.

- 8.2 Following the tragedy at the Grenfell Tower in 2017, The government have enacted various legal changes with the aim of fortifying the legal framework governing building safety, ensuring a more secure environment for residents.
- 8.3 The Fire Safety (England) Regulations 2022 and The Building Safety Act 2022 has also brought in additional duties for Responsible Persons.
- 8.4 The Council as a Landlord/Owner is a Responsible Person for the purpose of the legislation and therefore must comply with the legal duties imposed. It is the responsibility of the Responsible Person and those they appoint to assist them, to comply with the fire safety legislation.
- 8.5 A failure to implement appropriate policy has widespread legal implications, particularly in the unfortunate event that an incident occurs. A failure to comply with fire safety law can also result in enforcement action and sanctions being imposed.
- 8.6 In respect to Lynton close, consideration includes the option to serve notice to licence holders of breach of the licence agreement. It will be necessary to issue possession proceedings if the breach is not remedied as required by the notices. A court can terminate the agreement forthwith if it considers satisfied that there has been a breach of the agreement and if it considers it reasonable for the agreement to be terminated. If an order is made and the licensees do not leave on the making of such an order it will be necessary to instruct the court bailiff to execute the possession order(s). Only a possession order granted by the court can secure permanent repossession of the site.
- 8.7 In addition, the Council is collating evidence to enable it to consider other options to manage the serious risk to life from fire including whether to obtain a closure order against the site as a whole, which is treated as a premises, for the purposes of section 80 of the 2014 Act. This will have the effect of excluding everyone from the land for an initial period of three months with the option of extending that for a further three months.
- 8.8 Should a closure order be thought appropriate once the evidence has been reviewed, the application will be made at the relevant Magistrates Court once a Closure notice has been served in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.
- 8.9 The situation is constantly being reviewed and any action decided upon will be based on the prevailing circumstances at the site, the health and safety of all relevant persons and any other relevant factors. As always, the Council will seek to draw a good balance between the interest of justice, equality considerations and the human rights of all involved.
- 9.0 Equity, Diversity, and Inclusion (EDI) considerations**
- 9.1 By ensuring strong compliance across all properties managed by the council it ensures equality and that housing is of a good compliant standard for all of its residents including the most vulnerable.

- 9.2 There are significant equality implications in taking legal action to ensure the compliance and safety of the Lynton Close Traveller Site, as it will necessarily mean the re-accommodation of a vulnerable group of residents who have at least one protected characteristic.
- 9.3 However, the Housing Management Service and council as a whole have a responsibility to ensure that all licensees and tenants are safe in their homes.
- 9.4 A Corporate Strategy for Gypsies and Travellers is being developed to support engagement and is combined with the development of a waiting list for pitches, and the purchasing and development of new sites, as well as the redevelopment of Lynton Close to promote equality, health and prosperity and ensure that the Travellers at Lynton Close have their rights protected.

10.0 Climate change and environmental considerations

- 10.1 The legal routes proposed for the Travellers Site will reduce the negative environmental impacts that living on the site is currently having on residents caused by poor air quality, and a drainage system which is continually in need of intensive maintenance due to overcrowding and a lack of access. It will also reduce or eliminate the damage to the environment which would be caused if a large scale and fast spreading fire were to occur.
- 10.2 There are positive climate change implications with ensuring that all Brent managed homes are compliant, energy efficient and support the council's climate change aspirations.

11.0 Human resources considerations

- 11.1 There are no Human Resource implications.

12.0 Communication considerations

- 12.1 A full communications and engagement plan to ensure accurate and timely information is provided to relevant stakeholders, including primarily the residents affected, is being finalised and will be implemented in line with the operational timeline.

Report sign off:

Peter Gadsdon

(as Corporate Director of Partnerships, Housing and Resident Services)