

Decisions of the Housing and Growth Committee

17 January 2023

Members Present:-

Councillor Ross Houston (Chair)
Councillor Anne Clarke (Vice-Chair)

Councillor Zahra Beg	Councillor Alex Prager
Councillor Richard Cornelius	Councillor Ella Rose
Councillor Paul Edwards	Councillor Daniel Thomas
Councillor Humayune Khalick	Councillor Sarah Wardle
Councillor Kath McGuirk	

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Housing and Growth Committee held on 16 November 2022 be approved as a correct record.

2. ABSENCE OF MEMBERS

There were none.

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

Councillor K McGuirk declared an interest in relation to item 7 by virtue of being a social housing tenant although their provider was not present.

Councillor S Wardle declared an interest in relation to item 7 by virtue of their employer acting on behalf of some of the Registered Providers.

Councillor S Wardle declared an interest in relation to item 10, Fire Safety Update by virtue of their employer acting on behalf of a number of the parties involved.

Councillor A Clarke declared an interest in relation to item 10, Fire Safety Update, by virtue of being a Member of the Greater London Authority.

Councillor A Clarke declared an interest in relation to item 11, Month 8 Housing and Growth Outturn Report, by virtue of being a Member of the Greater London Authority.

Councillor A Clarke declared an interest in relation to item 12, 1000 Homes, by virtue of being a Member of the Greater London Authority.

Councillor A Clarke declared an interest in relation to item 15, Brent Cross Town Update, by virtue of being a Member of the Greater London Authority.

Councillor S Wardle declared an interest in relation to item 17 by virtue of their employer being involved in the project.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

There was none.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

The Chair reported that a number of questions had been raised by Gin Emmanuel relating to item 15 on the agenda, Brent Cross Town Update. Prior to the meeting Officers had prepared a detailed response and this had been published as a supplement to the agenda. The Chair apologised for how Purbeck Drive had been dealt with, including communication with the public and Members. This had been identified as an area for improvement.

The Chair invited Gina Emmanuel to ask supplementary questions for each of her substantive items. A number of the questions related to details outside of the report, including issues which would be covered through the planning process, rather than through the Housing and Growth Committee.

The Assistant Director Economy & Growth proposed to meet with the questioner to go through the details of some of the question.

6. MEMBERS' ITEMS (IF ANY)

There were none.

7. REGISTERED PROVIDERS OF HOUSING

The Chair introduced the item as being a slightly different format with the Registered Providers of Housing invited to present. This had been raised at the last meeting due to the issues around damp and mould that had been highlighted by the Committee in previous meetings. The Registered Providers would present and then a period for Member questions would be held.

The presentations had been circulated to Members as a supplement prior to the meeting.

The first presentation was given for Home Group by Karen Yearly, the Head of Service Delivery for London and South East. Members questioned how the change of emphasis from blaming tenants to engaging had been received. The presenter stated that they had consulted first and had had positive feedback. They had changed the fundamental way that they considered both physical aspects and other things such as overcrowding. Looking at staff attitudes as well as technical solutions and costs, (such as heated rails) and looking to engage with residents. When they did a sweeping check, they had identified two residents with long term damp and mould issues who had never raised them.

Where necessary they were looking at flats which were difficult to heat and insulate and considering operations to demolish and rebuild. This would help to deal with issues around things like internal bathrooms and poor ventilation. They were also looking at the other tools available and running costs, for example around the use of dehumidifiers vs a heated clothes horse. There was not a singular or simple solution and they continued to monitor customer satisfaction.

In response to Member questions they could not answer how many were proactive vs reactive cases but they did have a Service Level Agreement in place to respond within a given time frame and this was monitored. Members noted that not all residents were able to advocate for themselves and many would not consider themselves "customers" but tenants. Members queried how tenants could make contact. The presenter responded that they had a service centre for national enquiries with a dedicated

complaints team, however they also had a local office. Feedback had resulted in the reinstatement of housing managers which gave people a named contact. The previous manager had been in post for four years, providing stability, and they were currently recruiting a replacement. The presenter was happy to provide more data after the meeting.

The second presentation was given for Metropolitan Thames Valley Housing by Jules Bickers, Director of Property, Experience. They highlighted how they had worked to change attitudes so that problems were seen as cases with individuals assigned to look at how repairs were done and whether further work following up was needed. They were also looking at what could be shared with contractors as they collected a lot of information from tenants on issues such as cultural issues and language barriers. They were keen to be judged not on that they happened, but on how they responded to cases of damp and mould.

Members queried the causes of dampness and whether overcrowding was a significant issue. They responded that the minority appeared to be overcrowding. Half were from leaks or minor issues which were easily rectified. The majority were from normal living, which could be linked to the number of people in the property. There were always going to be issues but they were changing the attitude from “Do it and Walk away” to ameliorate the problem and then monitor.

Members asked about the response timescales. The presenter noted that there was potential legislation coming that would set minimum standards. As a provider they published their standards and aimed to do urgent visits within 48 hours and general surveys within a week and works booked in within a month. It did vary depending on the nature of the issues. They actively encouraged tenants to take out contents insurance when taking on tenancies but would pursue if there was evidence that they had wilfully caused the issue.

Members queried the issues around “go slow”. The presenter reported that in some cases tenants had engaged solicitors who encouraged the tenant to use delaying tactics which could cause issues in getting access. This had been an issue with “claims farmers” and was partly due to a misunderstanding of what was possible. Protracted proceedings primarily benefitted the solicitor.

A question was raised around the level of responsibility for leaseholders and shared owners. The presenter stated that it would depend on the property although in many cases the Registered Provider owned the fabric of the building and would be responsible. They did get contact from sub tenants but the responsibility in some cases was with the owner of the property.

The next presentation was given for Network Homes by Elizabeth Lill, Service Quality Manager. They reported that although they had already placed a spotlight on mould and had a process in place, they were always looking to improve.

Members noted that with repeated cases of damp across different buildings which had similar designs in housing association properties, was work being undertaken to ensure that it was not an issue in future builds. The presenter confirmed that they were aware of the damp issues, especially around those built in the 1960s and this is part of why they had looked to redevelop and build a different type of structure. The development team could provide more information on this if required.

The final presentation was given for Peabody by Annemarie Fenlon, Managing Director North West London. Further to the responses from other presenters they reported that they were moving to a regional system so that residents had a named contact. They had also moved to a case management process to help residents and reduce the need to escalate issues. This included looking at how many different touch points that they had with them and how this experience could be improved. So for example while the annual gas safety check was completed, they would look out for signs of mould and damp.

Members of the Committee thanked the presenters for attending. The Chair noted that Notting Hill Genesis Housing Association would be attending the March meeting of the Housing and Growth Committee.

8. DAMP AND MOULD

The report followed a similar form to the Fire Safety Update which had been well received by the Housing and Growth Committee.

It was noted that the age of the stock held by Barnet Homes was an issue and that the works would have an impact on the Housing Revenue Account. Costs were being identified and officers appointed to support the work.

The issues ranged from no impact through to severe damp issues with a wide variance even within the same block of flats depending on their location and the levels of insulation. This made it important to speak to individuals and raise awareness of the impact, for example, of not using fans in bathrooms to retain heat, but also resulting in retaining moisture. All properties had been assessed and there was now a rolling programme to review 20% each year with an associated budget requirement being identified.

There were concerns that it was a hidden issue with many not knowing how to ask for support, or not realising it could be an issue. Many of those who made contact with the service had damp issues, or were subsequently identified as having issues during the engagement with the service. Meetings had been held with Barnet Homes and the Public Health directorate to ensure a consistent approach was taken to both public sector and private properties.

Members felt that more needed to be done around the private sector to raise awareness through Council publications and media channels as it was currently a high profile issue nationally but was not a new thing. There were concerns about whether reporting would continue once the media interest moved on. Officers said that overall numbers hadn't changed significantly, however the levels of concerns in those reporting was enhanced with some having had problems for years previously. There was work to get the message out proactively to residents and this was ongoing.

Members queried whether the issues with Barnet Homes properties were reoccurring or new cases. Officers stated that it was difficult to be specific. It might be due to a property needing more insulation, or overcrowding which was causing the condensation, or a combination. Some of the cases could be resource intensive where it required moving people out of a property whilst works were completed. It could be difficult to diagnose all of the causes which could lead to multiple visits or other issues being identified.

The Chair noted that, as a 100% survey had been completed there was a level of assurance as Barnet Homes was not using extrapolated data from a survey sample (which most other housing providers were doing).

RESOLVED unanimously that the Housing and Growth Committee noted the report.

9. HOUSING & GROWTH PRIORITIES UPDATE

The Chair introduced the regular report. He noted that this also included an update on rough sleepers which was an area impacted by the high levels of demand in the private rented sector. The netZero campaign was highlighted if fuel poverty could be tackled this would help with tackling climate change and also help with heating and ventilation which in turn would help to prevent mould and damp.

RESOLVED unanimously that the Housing and Growth Committee note the report.

10. FIRE SAFETY UPDATE - JANUARY 2023

The Chair welcomed the update and noted that the actions of the Officers to secure fire safety works at tribunal had had a positive outcome after two years of work.

Members queried what had changed to allow access to some of the properties with outstanding concerns. Officers responded that there were a few properties that had presented challenges with access issues but believed that they were now in a position to resolve these.

The Chair thanked the officers and the steady progress which had been made compared to a year ago. There had been a lot of investment in the Council's stock which had provided reassurance about the programmes of work being undertaken.

RESOLVED unanimously that the Housing and Growth Committee noted the Fire Safety Update – January 2023.

11. MONTH 8 HOUSING AND GROWTH OUTTURN REPORT

The Chair commented that overall this was a positive report with a forecast to reach the Committee's savings targets, although there were a number of challenges. Many of these were external and related to the economy which were leading to additional risks around temporary accommodation. Officers were working to manage this as there had already been a slight increase in the number in temporary accommodation.

Members queried whether the impact of various changes had led to a net loss of accommodation and the impact of changes to the cost of borrowing. Officers responded that there was an increased in costs as well as an increase in demand that were causing the pressures. The Chair noted that the financing issue would have been impacting private investors as well.

RESOLVED unanimously that the Housing and Growth Committee noted:

- 1. the current forecast financial outturn for 2022/23.**
- 2. the projected use of reserves.**

12. 1000 HOMES

The Chair introduced the report and noted the pressures due to changes in the economic climate. Members queried whether the target was still achievable and the Chair responded that it was more challenging, especially with the increase in the cost of financing but that it remained a top priority.

A Member queried whether the Council would be target or resident led due to the tensions where residents might want lower density developments. The Chair recognised the issue and highlighted that the aim would always be to work alongside residents.

Other Members noted that it was possible to achieve regeneration in difficult times and the Chair confirmed that they would be looking at all opportunities across both future and existing estates.

RESOLVED unanimously that the Housing and Growth Committee noted the report and the commitment of the council to deliver 1000 homes at 50% of market rent or lower.

13. ANNUAL REVIEW OF COUNCIL DWELLING RENTS AND SERVICE CHARGES AND TEMPORARY ACCOMMODATION RENTS FOR 2023/24

The Chair reported that the normal model for increases had been CPI+1% (Consumer Price Index). After extensive consultation across London, the proposal was to follow Government policy. This approach had been taken across London Boroughs.

Officers noted that there were two elements. The rents had been increased by 7% and service charges had also been increased. However this rate was below the level of inflation and would therefore have an impact on the Housing Revenue Account as costs, such as repairs, had risen at a faster rate.

In the special case of Grahame Park it was noted that the service charges, whilst being increased significantly as this covered a two year period, were still being kept at a subsidised rate. The Council would keep this under review and monitor the use of the hardship fund.

One of the Members asked whether it would be possible to get a break down on rent reviews from the registered social landlords.

RESOLVED unanimously that the Housing and Growth Committee noted and agreed for recommendation to the Policy and Resources Committee, and to be noted by Full Council:

- 1. The proposed rent increase in line with government policy for existing council tenants, as set out in paragraph 1.9 for social rent dwellings and 1.11 for Affordable Rent dwellings of the report;**
- 2. The proposed rent increase for temporary accommodation, as set out in paragraph 1.13 of the report; and**
- 3. The proposed service charges and garage rents as set out in paragraph 1.18 of the report;**

all to take effect from 1 April 2023.

14. CRICKLEWOOD

The Chair introduced the item as a positive development in the local area. Another Member thanked Officers for a good design, but queried how the situation had arisen in the first place.

RESOLVED unanimously that the Housing and Growth Committee:

- 1. Approved the Outline Business Case (OBC) for 164-168 Cricklewood Broadway (Cricklewood Junction Project) as set out in Appendix 1 to the report.**
- 2. Noted the funding strategy outlined within the Outline Business Case (Appendix 1) and approved the allocation of £1.25m capital funding from the Town Centres Capital Fund to deliver the Cricklewood Junction Project as set out in paragraphs 5.6-5.20 of the report.**
- 3. Delegated authority to the Director of Growth to approve the Full Business Case, when completed, in accordance with the Council's internal governance and assurance processes.**
- 4. Delegated authority to the Director of Growth to proceed with planning application(s) associated with the project in accordance with the Council's internal governance and assurance processes.**
- 5. Delegated authority to the Director of Growth to commence the procurement workstreams for design, construction and operation of the proposed units, in accordance with the Council's Contract Procedure Rules.**

15. BRENT CROSS TOWN UPDATE

The Chair noted the progress that had been made since the last report. Officers also reported that they were awaiting the outcome of a Levelling Up Fund bid.

Members raised concerns about how the emphasis and value was being placed on different parts of the project. Officers confirmed that they would look to address this. Members noted the change from Council housing to registered social landlord provision and that more needed to be done to reassure council tenants of the differences between the two provisions. It was noted that the agreements included protections on rent and that this should be highlighted.

A Member raised a query as to whether the requested delegations in the recommendations should be made to the Cabinet Member, rather than to the Chair of the Housing and Growth Committee. The Governance Officer confirmed that delegations under the current governance structure would continue to be made to the Chair. Once the new structure was in place it would be to the Cabinet member. Any existing delegations would be dealt with through a clause to allow the transfer of delegated powers as appropriate.

RESOLVED unanimously that the Housing and Growth Committee:

- 1. Noted the progress across the Brent Cross programme as detailed in the report; notably the start on site of above ground works for the first plots of Brent Cross Town, and the continued good progress of the station works programme.**
- 2. Approved the approach to carry out works to the former Hendon Waste Transfer Station to remove the council liability to pay National Non-Domestic Rates (NNDR) on the vacant premises as set out in paragraph 1.39 of the report.**

3. Delegated to the Chief Executive in consultation with the Chair to approve the form of the template Infrastructure Lease and template Service Charge Lease, pursuant to the project agreement, as set out in paragraphs 1.19 to 1.22 of the report.
4. Delegated to the Chief Executive in consultation with the Chair to finalise and enter into the required agreements to enable the drawdown of the primary substation and energy centre on Plot 59 to enable Brent Cross Town to deliver on the net zero carbon pledge for the new town as set out in paragraph 1.23 to 1.24 of the report. Agreements are expected to include;
 - i. Grant by LBB of an infrastructure lease for Plot 59 and entry by LBB into associated documents required to facilitate the granting of the infrastructure lease for plot 59 and;
 - ii. Grant by LBB of leases to various utility providers relating to the operation of the substation and energy centre on Plot 59.
5. Delegated to the Brent Cross Programme Director to agree and enter into relevant agreements with BXSLP or directly with services providers to grant required wayleaves for telecoms or other services being installed for delivery of the Brent Cross Town development, utilising the standard council wayleaves process wherever applicable, as set out in paragraph 1.25 of the report.
6. Delegated to the Deputy Chief Executive in consultation with the Chair to finalise the station construction contract as set out in the Exempt report.

16. THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020 THE ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) REGULATIONS 2015

The Chair introduced the two papers which brought forward enforcement powers in line with the legislation. The Private Sector Housing Manager reported that they already used several processes under the Housing Act and that they had had applied this to the new regulations.

The Chair took the two votes, one on each set of recommendations, separately.

RESOLVED unanimously with regards to Implementation of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 seeks agreement that the Housing and Growth Committee:

1. Endorsed the approach detailed in Appendix 1 of the report to determine the amount of the (civil) penalty charge under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, and for this addition to be made to the Regulatory Enforcement Policy.
2. Delegated authority to the Deputy Chief Executive to implement any minor amendments needed to the Council's Regulatory Enforcement Policy in respect of the imposition of these civil penalties.
3. Noted that the schemes of delegation will be updated as appropriate to include the powers under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

The Chair then took the second set of recommendations.

RESOLVED unanimously with regards to Implementation of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 that the Housing and Growth Committee:

- 1. Endorsed the approach detailed in Appendix 1 of the report to determine the amount of the (civil) penalty charge under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, and for this addition to be made to the Regulatory Enforcement Policy.**
- 2. Delegated authority to the Deputy Chief Executive to implement any minor amendments needed to the Council's Regulatory Enforcement Policy in respect of the imposition of these civil penalties.**
- 3. Noted that the schemes of delegation will be updated as appropriate to include the powers under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.**

17. APTHORP CARE HOME LEASE SURRENDER

Councillor S Wardle left the meeting for the item due to a pecuniary interest as their employer was involved.

The Chair stated that this report continued an existing commitment that had been made by the Council previously. This paper was to ensure that the correct legal processes were met and there was a Part 2 exempt report which accompanied the recommendations.

RESOLVED that the Housing and Growth Committee:

- 1. Approved the surrender payment costs, and;**
- 2. That authority be delegated to the Deputy Chief Executive, in consultation with the Chair, to enter into a Deed of Surrender with Catalyst Housing Ltd to terminate the Council's lease (dated 28 March 2013) as soon as possible.**

18. BUSINESS IMPROVEMENT DISTRICT FOR EDGWARE

The Chair introduced the proposals and noted that the Business Improvement District (BID) would be subject to a ballot of the eligible business so that there would be a democratic element to the decision as to whether businesses wished to contribute. Officers highlighted that this was a paper for noting as there were a number of steps to be completed. They highlighted that they recognised that it was a difficult period for businesses and that a BID Steering group had been formed to ensure that the project was led by businesses rather than the Council.

Members raised concerns about the timing when businesses were under pressure and new funding would be coming available through the Edgware fund and the CIL funding. They queried whether it would be possible to use this to fund activity and then potentially move to a formal BID once there was visibility of the benefits. They were conscious of the dangers that the BID might be being pushed by a small vocal minority with a different reaction on the ground. This would require clear thresholds for both the response rate and the outcome of the ballot. The thresholds were set at 51% or above voting in favour with no minimum turn out. Officers confirmed that these issues were a consideration and that they were looking at how the different work streams could support each other and the business community with the changes coming to the area. Businesses tended to like the autonomy that a BID could provide with the use of funding, with the council one step

apart from the processes. There are a number of priorities emerging and they were looking at how businesses could get their voice heard through the use of the BID Steering Group. They confirmed to Members that the steering group had a range of bodies including shopping centre managers, Town Team and others.

It was noted that the BID would be in addition to the money and work being undertaken by the Council. The lion share of any levy would be picked up by large business and that it would be important to get the level of engagement right. Officers confirmed that they would be tracking attitudes across businesses in general to ensure there was support before any ballot took place. The Chair responded that it was important that comments and feedback were taken onboard and that the process would need to be looked at if the establishment of the BID failed.

A question was raised about continuity of the BID as evidence from other areas were that they relied heavily on individuals to maintain momentum and continuation. Members also noted that the time frame was set at five years for the first BID if successful. Officers responded that they were looking at this and that the length would be for the BID steering group to consider.

Officers agreed to report back to the next Housing and Growth Committee as part of the Priorities Update. Members asked that the local councillors be engaged in the process.

A Member of the Housing and Growth Committee asked for a vote on the recommendations. The results were:

Votes in favour: 7

Votes against: 0

Votes in abstention: 4

RESOLVED that the Housing and Growth Committee:

- 1. Noted that proposals are being developed for an Edgware Business Improvement District and the Council has received formal notice in accordance with the statutory BID regulations (Appendix C).**
- 2. That, upon receipt of the Edgware Business Improvement District Proposal, and the proposed Business Plan from the BID proposer, the Committee delegate authority to the Director of Growth in consultation with relevant council services and the Chair of Housing and Growth to:**
 - a. Consider, on behalf of the council as billing authority, whether the BID Proposal conflicts with any council policy or places an unjust financial burden on rate payers, and, if it does, gives notice of this veto in accordance with the Business Improvement Districts (England) Regulations 2004 (“the BID regulations”);**
 - b. Determine whether the council should support the Edgware BID Proposal including by voting in favour in the BID ballot;**
 - c. Ensure compliance with BID regulations and oversee the ballot process accordingly.**
- 3. Noted section 4 of this Report and, subject to a “yes” vote at ballot, agrees that:**
 - a. The council will act as the relevant billing authority and will manage the billing and collection of the additional levy, and its transfer to Edgware BID;**

- b. The council must meet its obligations in paying the BID levy, as a non-domestic ratepayer in the BID area, in accordance with the BID regulations over the life of the BID;
- c. The council will enter into operating agreements with the Edgware BID Company regarding the operation of the BID and its engagement with council services.

19. COMMITTEE FORWARD WORK PROGRAMME

The Chair introduced the Committee Forward Work Programme.

A Member queried whether the deferred report on the deferred petition with regards to Parklets could be extended to cover all of them. They noted that, whilst there was support from the business that benefitted, there was less support for those in the general area. The Chair responded that the original petition had been geographically specific and this would therefore be the focus. It would then be up to the Committee to decide if it wished to have the issue considered further.

RESOLVED that the Committee noted the Work Programme.

20. ANY OTHER ITEMS THAT THE CHAIR DECIDES ARE URGENT

There were none.

21. MOTION TO EXCLUDE THE PRESS AND PUBLIC

The Committee resolved – that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (as amended).

22. EXEMPT: BRENT CROSS TOWN UPDATE

RESOLVED unanimously that the recommendations as set out in the Exempt Report be approved.

23. EXEMPT: APTHORP CARE HOME LEASE SURRENDER

RESOLVED unanimously that the recommendations as set out in the Exempt Report be approved.

24. ANY OTHER EXEMPT ITEMS THAT THE CHAIR DECIDES ARE URGENT

There were none.

The meeting finished at 9.53 pm