

Committee: Sustainable Communities Overview and Scrutiny Panel

Date: 22 February 2022

Wards: Borough wide

Subject: Supporting Merton residents living in social and private rented accommodation

Lead member: Cllr Aidan Mundy, Chair Sustainable Communities Panel

Contact officer: Rosie McKeever, Scrutiny Officer

Recommendations to Cabinet:

- A. Review full time equivalent support to the Housing Enforcement Team with the purpose of recruiting a minimum of one additional officer. This enacts the recommendation of our Tenant's Champion. To be completed by end of calendar year 2022.
- B. Retire the role of Merton Tenant's champion in May 2022 unless appropriate resource and support can be identified as recommended in concluding remarks of champions report
- C. By end of 2022 review and update as required Merton's Housing Enforcement Policy 2019-2024 to enable clarity of scope, escalation and resolution for officer's responsibility to inspect and audit repairs reported by tenants of registered providers i.e. housing associations operating in the borough.

Note: This maybe through stronger dialogue or an audit of referred casework. A similar arrangement exists under Mitcham and Morden MP and Clarion Housing.

- D. As part of the panels performance monitoring item report quarterly metrics on numbers of (i) private and social housing condition complaints (ii) inspections and category 1 vs category 2 hazards identified (iii) other metrics as appropriate to support the Housing Enforcement team convey the full scope of their work and responsibilities
 - E. Identify and report back to scrutiny options to engage local housing sector for the purposes of Merton's house building and housing enforcement policies e.g. MERHAG II
 - F. Commission an internal and external communications strategy that will (i) promote the aims and objectives of Merton's Housing enforcement policy to both social and private tenant's in an accessible and engaging format, (ii) streamline reporting of risks due to poor housing conditions (iii) targets and shares learnings with appropriate stakeholders to reduce common issues experienced by tenant's and increase confidence.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Merton Council's Sustainable Communities Overview Scrutiny panel has heard evidence from officers, regulators, housing associations in regards to the conditions social housing tenants are experiencing on the Eastfield's Estate and across the borough.
- 1.2. The panel has heard from Clarion Housing Association who informed members that the conditions on Eastfield estate were not representative of company best practice and that steps have been taken to improve current stock. The panel receives monthly reports updating on process and keeps the situation under review.
- 1.3. The panel has worked with the Cabinet member, Clarion Housing and Tenants associations to agree recommendations to improve residents reporting experience and reduce delays in delivering high quality social housing.
- 1.4. In July full council established Cllr Nick Draper as Merton's first tenants champion to provide additional oversight and public representation to tenants on issues of repair and equality of access to information.
- 1.5. Cllr Draper agreed to write a report on his experience as tenants champion to inform the next steps of that role. The report finds without significant investment in the role it is unclear how sustainable a tenant's champion is. The report also makes clear there is a need for increased enforcement and support for tenants in the borough. The full report is available in appendix a

2 DETAILS

- 2.1. On 21 May 2021 Kwajo Tweneboa tweeted pictures of his home on the Eastfield's estate. The images of disrepair were circulated in both print and broadcast media. A subsequent ITV documentary by journalist Daniel Hewitt identified persistent issues relating to living conditions and repair in the estate.
- 2.2. Prior to the documentary Clarion Housing were asked to attend the panel and answer questions on the condition's experiences by residents. Over four meetings of the panel we've heard recognition of failures and steps the housing association are putting in place to improve the quality of existing stock.
- 2.3. While regeneration of Eastfield's and estates like it are the long term solution there are steps that can be taken to address disrepair in the existing stock. In recognition of this Council appointed Cllr Nick Draper as Tenants Champion to pilot an approach similar to (the non-stock holding) Richmond Council's Tenants' Champion, a service that that has been in place for more than 10 years. Within the remit included:
 - (i) Work to support both tenants and leaseholders who rent or lease their properties from a housing association and also private renters in the borough,
 - (ii) Provide support by giving someone for residents to contact if they had long running, unresolved complaints with their landlord, and by providing relevant information to renters more generally;

- 2.4. Cllr Draper has reported back to the panel and identifies while the champions work has benefited residents limitations regulating from available resources and support means the role cannot grow. The paper outlined options for succession and advocates for strengthening the existing housing enforcement team through additional recruitment and building up relationships with the wider sector.
- 2.5. The three options outlined in the paper are:
- (i) A **single Councillor** appears at first to be the cheapest and most effective solution. An experienced Councillor, fully conversant with which Officers and other individuals to call on where needed, with a good grasp of the law, an open yet analytical mind, loyalty to the needs of the job rather than to Party advantage, and with a very thick skin, could perform adequately.
 - (ii) A **cross-party group** of Councillors acting in accord would in theory get past any accusation of partisanship: work could be shared, lead spokesperson rotated, experience pooled.
 - (iii) A **dedicated Officer**: recruited for the role for his/her existing skills, would in my opinion be the most effective response. The Officer would report to both the Head of Housing and to the Cabinet Member, with access to various Officer teams, in particular Legal, Adult Social Care and Environmental Health. I believe there would be sufficient work to keep such an Officer permanently employed in Merton, and that his/her proactive work might actually save the Council (and, incidentally, the Housing Associations) money in the longer term.
- 2.6. In response to the report this paper pulls together available information from the panels deliberations and recommends a way forward to improve the quality of housing through greater information for tenants and enforcement in social and private housing sectors.

3 ALTERNATIVE OPTIONS

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Extensive stakeholder deliberations in scrutiny. See list of meetings below. Further engagement with tenants and their experience is encouraged to successfully deliver the aims of these recommendations.

5 TIMETABLE

- 5.1. It is anticipated these recommendations will be rolled out and complete by end of calendar year 2022.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There are implications on FTE and scaling of Merton Council's Housing enforcement unit. Additionally, there will be financial implications for putting in place new IT systems such as online reporting, automation or routine

submissions for support but more work will have to be undertaken to identify the cost of these. There will also be an additional pressure on our communications team.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Council will have increased capabilities available to enforce Housing Act across domestic social and private landlords.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Increased equity of information access and improve living conditions.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. No specific implications at this time

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. No specific implications at this time

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Cllr Nick Draper, Tenants Champion Feedback report

12 BACKGROUND PAPERS

- 12.1. Merton Council Sustainable Communities Panel

- (i) [24 June 2021](#)
- (ii) [2 September 2021](#)
- (iii) [1 November 2021](#)
- (iv) [18 January 2022](#)

- 12.2. Full Merton Council meeting

- (i) [7 July 2021](#)

Tenants Champion Feedback report

February 2022

Cllr. Nick Draper

This report deals with the first, experimental, Tenants Champion role. It offers suggestions as to how the role could proceed in the next Council.

Overview

I was asked to take on the role of Tenants Champion last summer (2021) and initially defined the role during the autumn. At that time the expectation was that most complaints would come from Clarion tenants. I worked with Clarion to restate and redefine their complaints process. The resultant brochure/leaflet was distributed throughout the Clarion Group's properties in October/November. The expectation was that results would be statistically significant by February. Where Clarion is concerned this has not proved to be the case.

Since Clarion's process was distributed I have had two complaints about their repairs passed to me, which I advised on. I have also had similar complaints from Wandle, L&Q and Moat tenants, in very low quantities, and in each case referring the tenant to their complaints processes proved successful.

I have however had a significant number of complaints from **private sector** tenants, and the worst disrepair cases have come from this sector. I have had varying success with these cases, as the sector is by its nature far less regulated than the Housing Association (HA) sector, and solutions have had to be found on a case-by-case basis. Eviction is occasionally used as a persuader in the sector, usually legally, as is rent increase. As often as not I have found myself offering limited legal advice on matters which deviated from the tight definition I gave myself.

Two factors which I included briefly in my initial definition have taken up a disproportionate amount of time: firstly, where tenants have been less than honest about their situation and second, far more seriously, where tenants have mental health problems that their complaint to me has uncovered.

Definition

At Scrutiny I defined the role as ONLY dealing with repair issues, thereby ruling out:

- Overcrowding
- Rent arrears
- Legal and other similar problems
- Dissatisfaction with the area or type of accommodation

I made it clear that I would attempt to pass these cases on to ward Councillors.

The object of the exercise was to encourage Clarion tenants in particular and HA tenants in general to use their reporting and complaints processes to get repairs done as quickly and effectively as possible: I was only to intervene where Clarion or other HAs could be shown to have failed to follow their own process.

In defining the above, I acknowledged that the private sector would bring its own problems, although it is clear that I underestimated the number and complexity of these.

An area which I have redefined over the past few months is that of mould (as opposed to damp), which has been a dominant cause of complaint. Mould can often lie dormant in a property that has become empty and reappear with a new tenant, particularly where curtains and soft furnishings have transferred from one tenant to the next; equally, tenants can bring the problem onto themselves by, for instance, not ventilating their property or by drying clothes in large quantities over time on radiators. Part of the role has therefore been to establish through careful questioning whether the mould is the tenant's or the landlord's responsibility.

The Champion role has been advertised on the Council's website. It has also been advertised through the CAB, from who I have received a number of referrals.

Sample Casework

Given the small number of referrals to date and their relative complexity and diversity, I believe it is better to give a couple of anonymized casework samples to illustrate the role.

Case 1. A single parent with three children and who speaks little English is living in a virtually uninhabitable privately owned flat (damp, electrical faults, dangerous ceilings). She has been bullied by her landlord who told her she had to leave and find her own accommodation, at her cost, while he made repairs to the flat, for which he incidentally receives £1,250 pcm. via the housing benefit scheme. I have worked with the acting Head of Housing and the tenant's ward Councillor: Environmental Health have visited the property, confirmed findings, and arrangements are being made at the time of writing.

Case 2. A Wandle tenant had a boiler with ongoing repeat faults and was without heating just before Christmas. Wandle referred her to their maintenance subcontractor, who in turn referred her to Wandle. I spoke to a regional Director and explained the problem: he amended Wandle's complaints practice, and a new boiler was fitted within the week

Case 3. A single unemployed tenant lives in a sought-after Clarion flat. Currently the flat is in a good state of repair, although the tenant told me vClarion needed to make repairs to the kitchen ceiling because of water penetration from the flat upstairs, to which the tenants (according to the tenant) refused entry. The tenant has also allegedly had parcels stolen by neighbours on one side, while the disabled son of the neighbours on the other side, who allegedly screams all night, has allegedly been deliberately moved to a bedroom next to the tenant's. The neighbours from across the road have allegedly begun rumours about the tenant and the police have allegedly cautioned him following this. I have begun work on moving the tenant to a place of safety, as have Clarion, but to date he has refused to fill in any paperwork (literacy is not a problem) or otherwise cooperate. I have contacted Clarion, who know him well, and his ward Councillor, who he has also approached with a similar – but not identical – scenario; and I have had communication with a third source, to who he gave another slightly different story. In short, the tenant displays mental health difficulties. I do not see an easy solution.

Case 4. A single, elderly tenant in upstairs Clarion flat in the west of the borough wants a ground floor flat because of genuine mobility problems. He contacted me and although this is technically beyond the scope of the Champion, I contacted his ward Councillor. It transpired that the tenant is well known to both Clarion and Housing. He has been offered a ground floor flat in Mitcham with, I believe, a small garden, and has refused it as he does not like the area.

Case 5. A private sector tenant's boiler broke down in the Christmas week and was replaced by the landlord within 3 days. The tenant wanted compensation for her time without hot water, and was simultaneously refusing a rent increase. It appeared, according to the landlord, his letting agent, and

my own knowledge of the law, that the tenant did not have a case: I advised her, after a fairly long correspondence, that a lawyer might help her but that the Tenant's Champion could not.

Future of the role

I believe that there is a genuine case for championing tenants, both for repairs and for some –not all – of the wider complaints that I have found myself dealing with. After a great deal of thought, I have come to the conclusion that this is not a role for an elected member.

As previously stated, the role came from concerns about Clarion's performance. Those concerns remain, although my experience is that they may have become ingrained into our political conscience by past shortcomings while we have ignored pressing problems elsewhere – in short, that we have aimed at an easy, constant target. This may be politically useful, but it doesn't help their tenants much.

Like most other Housing Associations throughout Britain, Clarion have suffered from a withdrawal of state funding over the last twelve years. They were not an effective organisation at the outset, and have found it difficult to adapt. Clarion deemed that a complete rebuilding and regeneration of three of their estates was necessary, and some would say that this was an underestimate. The solution to all of this, reclaiming possession of our housing, is in fact no solution at all: Merton is not in a position either to buy it back or to manage it. In my opinion the only hope we have of improving life for our tenants – and leaseholders – is to work cooperatively rather than aggressively with Clarion: repairs, and the Tenants Champion, form a small part of that cooperative work. I appreciate that this viewpoint may be politically unacceptable.

Part of the thinking behind the Tenants Champion was to copy the Richmond model. The model, which was introduced by Richmond Conservatives at the time of their stock transfer, has been adopted and adapted by the ruling Liberal Democrats with some success. It was however set up essentially to improve engagement between tenants and housing associations, and while that is a valid aim, I don't think it addresses the real (or perceived) hardships I described in the case studies. It certainly is of no help to tenants of private landlords. I believe that the approach I have taken is what is most needed for Merton. The following is a suggestion as to how this could be made practicable.

There are three options for who could take on the role of Champion:

- a) A Councillor
- b) A cross-party group of councillors
- c) A dedicated Officer, working with fellow Officers as necessary

A **single Councillor** appears at first to be the cheapest and most effective solution. An experienced Councillor, fully conversant with which Officers and other individuals to call on where needed, with a good grasp of the law, an open yet analytical mind, loyalty to the needs of the job rather than to Party advantage, and with a very thick skin, could perform adequately. Such a Councillor would however be in high demand for other roles as well and, short of constant delegation to other Councillors and to Officers, would quickly become overwhelmed. He/she would almost certainly need to come from the ruling Group and have the ear and approbation of the Cabinet Member. Succession would also present challenges. Long-term, this would not be the bargain it first appears to be.

A **cross-party group** of Councillors acting in accord would in theory get past any accusation of partisanship: work could be shared, lead spokesperson rotated, experience pooled. In my experience,

such an arrangement would be too fragile to survive, particularly if Members failed to share the work, and the occasional blame, equally. The risk of failure is too great.

A dedicated **Officer**, recruited for the role for his/her existing skills, would in my opinion be the most effective response. The Officer would report to both the Head of Housing and to the Cabinet Member, with access to various Officer teams, in particular Legal, Adult Social Care and Environmental Health. I believe there would be sufficient work to keep such an Officer permanently employed in Merton, and that his/her proactive work might actually save the Council (and, incidentally, the Housing Associations) money in the longer term. If, however, a case for a full-time Officer in just this Borough does not add up, there is scope for sharing with other boroughs, as we do our regulatory services team. The Officer could also be used to map out the case for a register of private landlords, assisting the ruling Group should they wish to pursue a clean-up of the private sector.

There is however also a case for abandoning the Champion project as over-complicated and insufficiently supported. Tenants' properties are their greatest asset and, when this is threatened, they may choose to sidestep a Champion system they may see as obstructive, and go instead for a sympathetic ward Councillor, or an Opposition Councillor, or any independent person who may support their cause. They may not enjoy the prospect of following a Housing Association's repairs and complaints procedure if what appears to be a quicker and easier solution presents itself. In coming months, for instance, we will see teams of canvassers knocking on Housing Association doors and asking tenants to report problems direct to us as politicians, and some will do so, assuring us that their complaints have fallen on deaf ears, and we will promise action. In doing so we will jeopardise the success of the Tenant's Champion, but I know that we will do it anyway. It's in our nature.

The decision to continue with or to abandon the Tenant's Champion won't be mine. Councillors may choose to adapt the model I chose or to adopt something completely different. In conclusion, though, I sincerely hope that some form of Champion system is retained, if only for private sector tenants, the least regulated and most vulnerable of all or many tenants.

Nick Draper
09/02/2022