

Committee: Cabinet

Date: 5th December 2022

Subject: Housing Enforcement and the Tenants Champion Role

Lead officer: Elliot Brunton, Interim Head of Housing Needs and Strategy

Lead member: Andrew Judge, Cabinet Member for Housing and Sustainable development

Director: John Morgan, Interim Director of Community and Housing

Contact officer: Elliot Brunton, Interim Head of Housing Needs and Strategy

Recommendations:

A. That note the information contained in the report

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. At its meeting on 22 February, the Sustainable Communities Overview and Scrutiny Panel received a feedback report from the then Tenants' Champion, Cllr Nick Draper. The report detailed his experiences while undertaking the role and example case studies. Alongside this report, the Chair included a list of recommendations to support the ongoing work needed in this area. These recommendations were set out in a report for Cabinet on the 19th September 2022.
- 1.2. Following the tragic case of Awaab Ishak, who died of a respiratory condition caused by mould in his housing association home, and the emerging agenda relating to dealing with damp and mould, the Council is reviewing the recommendations below. The council is writing to every registered provider in the borough in relation to providing information on A) their approach to assessing the extent of damp and mould issues affecting their properties, including the prevalence of category 1 and 2 hazards, b) their most recent assessment of this, and c) the action they are taking to remedy any issues and hazards.

2 RECOMMENDATIONS AND RESPONSES

- 2.1. *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.*
- 2.2. Response: The Council is in the process of consulting on selective and additional licencing schemes, which if implemented will see significant expansion of officer resource for the Housing Enforcement Team. Current modelling suggest that 4 full time Enforcement/technical officers will be required to deliver the programme.

- 2.3. *Following confirmation from officers that the one-year trial and other conditions of the original full council motion have been met cabinet should decide to either resource or discontinue the tenants champion scheme*
- 2.4. Response: based on the ongoing requests for support from private sector tenants it is apparent that there is a need for a Tenants' Champion to continue. This role currently consists of identifying and obtaining relevant information from the tenant and then contacting the landlord/agent seeking a remedy. It is considered that this role needs to have a dedicated officer or contractor resource as well as a different website and communications interface with the public. The website should include a form for tenants to complete to detail their concerns. This should come in the first instance to the officer/contracted support to handle. Hazards and outstanding repairs are currently the main issues raised, however with the anticipated abolition of section 21 evictions, it is likely that there will be a rise in unlawful evictions. Cllr Judge, the current tenants' champion, takes the view that the officer or contracted support should have knowledge of landlord and tenant law so that communications can be made to the landlord or landlord's agent pointing out e.g. breaches of the landlord's repairing covenants and the rights of the tenant. This can be very effective in obtaining a response and a remedy. It is anticipated that the dedicated officer/contracted support will report to the Tenants' Champion who will be a councillor reporting to Scrutiny, Cabinet and Full Council. It is anticipated that there will be a published annual Tenants' Champion Report available in an electronic format.
- 2.5. *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).*
- 2.6. Response: The Council will review the existing Housing Enforcement Policy in line with up to date best practice and guidance, the current operational environment and bring the draft to Cabinet for approval in the new year.
- 2.7. *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*
- 2.8. Response: The Council has launched a new housing partnership made up of local registered providers with a focus on the greater provision of genuinely affordable housing and how we can work with partners to achieve this. The partnership had its inaugural meeting on the 3rd November 2022. There will be a programme of meetings and future sessions will look at improving repairs performance, retrofitting of housing and the local green economy and actions to address the cost-of-living crisis.
- The housing service has established a series of regular 6 weekly meetings with senior Clarion officers with responsibility for local repairs to raise and discuss operational issues relating to reports to the Council's housing

enforcement team of disrepair in their properties and providing updates and outcomes.

2.9. *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 tenants 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*

2.10. Response: As part of the Council's selective and additional licencing viability assessment there is currently a consultation process that will address the Council's planned scheme, including expected standards and will involve all relevant stakeholders. There will be a communications plan and strategy as part of the implementation process.

As noted above the Council will review its website pages in relation to its housing enforcement role in relation to private sector landlords and housing associations.

3 ALTERNATIVE OPTIONS

None for the purposes of this report

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. Consultation is part of the selective and additional licencing process

5 TIMETABLE

5.1. As noted in above the recommendations are under further review.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

7 LEGAL AND STATUTORY IMPLICATIONS

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purpose of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report as information only

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

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12 BACKGROUND PAPERS

12.1. None