

HOUSING SCRUTINY SUB-COMMITTEE

Monday, 11 September 2017 at 6.30 p.m.

MP702, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,
London E14 2BG.

This meeting is open to the public to attend.

Members:

Chair: Councillor Helal Uddin

Vice-Chair: Councillor Dave Chesterton

Councillor Andrew Wood, Councillor Gulam Robbani, Councillor Rabina Khan and
Councillor Shiria Khatun

Substitutes:

Councillor Chris Chapman, Councillor John Pierce, Councillor Marc Francis and
Councillor Rajib Ahmed

Co-opted Members:

Anne Ambrose

Tenant Representative

Moshin Hamim

Leaseholder Representative

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

The Committee Services Officer

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APOLOGIES FOR ABSENCE

- 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS** **1 - 4**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

- 2. MINUTES OF THE PREVIOUS MEETING** **5 - 14**

To confirm as a correct record the minutes of the meeting of the Housing Scrutiny Sub-Committee held on 12th July, 2017.

- 3. REPORTS FOR CONSIDERATION**

- 3.1 Housing Performance Monitoring: Quarterly Performance Data for Key Registered Providers**

The Sub-Committee will receive a presentation on the Quarterly Performance Data for Key Registered Providers.

- 3.2 Overview and Scrutiny Report: Homelessness Reduction Act 2017 Tower Hamlets Implementation** **15 - 24**

- 3.3 Overview and Scrutiny Report: Housing Scrutiny Sub-Committee Work Programme 2017-18** **25 - 32**

- 4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT**

Next Meeting of the Sub- Committee

The next meeting of the Housing Scrutiny Sub-Committee will be held on Monday, 13 November 2017 at 6.30 p.m. in

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:

Asmat Hussain, Corporate Director Governance & Monitoring Officer Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE HOUSING SCRUTINY SUB-COMMITTEE

HELD AT 6.35 PM ON WEDNESDAY, 12 JULY 2017

**701, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Andrew Wood
Councillor Dave Chesterton
Councillor Gulam Robbani
Councillor Helal Uddin
Councillor Rabina Khan
Councillor John Pierce

Co-opted Members Present:

Anne Ambrose	Tenant Representative
Moshin Hamim	Leaseholder Representative

Other Councillors Present:

Councillor Sirajul Islam	Statutory Deputy Mayor and Cabinet Member for Housing
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Others Present:

Tony Hughes	Chair of the Tower Hamlets Housing Forum Asset Management Sub-Group
Sandra Fawcett	Chair of Tower Hamlets Housing Forum
John Tunney	Director of Asset Management, Tower Hamlets Homes
Ann Otesanya	Director of Neighbourhoods, Tower Hamlets Homes

Officers Present:

Mark Baigent	Interim Head of Strategy Regeneration Strategy
Muhibul Hoque	Strategy, Policy and Performance Officer
Ahmed Choudhury	Senior Strategy, Policy and Performance Officer
Anthony Jackson	Committee Officer

1. APPOINTMENT OF CHAIR

The Clerk opened the meeting and asked for nominations for a Chair for the meeting. The Clerk explained that the Chair's appointment would last for the

duration of the meeting and not for the remaining meetings in the 2017/18 municipal year. It was noted that the Overview and Scrutiny Committee would appoint a permanent Chair at its next meeting on 20 July 2017.

Councillor Chesterton moved that Councillor Helal Uddin be appointed Chair of the Housing Scrutiny Sub-Committee. The motion was seconded by Councillor Pierce.

There being no further nominations, it was resolved that Councillor Helal Uddin be appointed Chair of the Housing Scrutiny Sub-Committee.

2. APPOINTMENT OF VICE-CHAIR

The Chair asked for nominations for a Vice-Chair of the Housing Scrutiny Sub-Committee for this meeting and the remaining meetings in the 2017/18 municipal year.

Councillor Pierce moved that Councillor Dave Chesterton be appointed Vice-Chair of the Housing Scrutiny Sub-Committee. The motion was seconded by the Chair.

There being no further nominations, it was resolved that **Councillor Dave Chesterton** be appointed Vice-Chair of the Housing Scrutiny Sub-Committee.

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Pierce declared a pecuniary interest as he sat on the board of Tower Hamlets Homes.

The Chair declared a pecuniary interest as his employer – The Bromley by Bow Centre – undertook partnership work with the registered provider – Poplar Harca.

4. MINUTES OF THE PREVIOUS MEETING(S)

The Chair referred members of the Sub-Committee to the minutes of the previous meeting held on the 20th April 2016. She asked members to approve these as an accurate record of the meeting.

The Members agreed the minutes to be an accurate record of the meeting subject to the following amendments:

- Councillor Rabina Khan apologies for absence being recorded; and
- A bullet point being added to Members' comments with regard to maintenance and caretaker costs on an hourly basis and the fact that anti-social behaviour may have had an effect on the number of repairs.

The point was made that actions detailed in the previous minutes were not logged. Councillor Pierce suggested that a log of actions is submitted for each meeting with the minutes to enable accurate records to be kept on the status of whether actions were completed.

5. REPORTS FOR CONSIDERATION

6. HOUSING SCRUTINY SUB-COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

Anthony Jackson, Committee Officer, introduced the report, explaining that the report set out the Terms of Reference, Quorum, Membership and Dates of meetings for the Housing Scrutiny Sub-Committee for the 2017/18 municipal year.

Members made the point that when the Housing Scrutiny Sub-Committee was first set-up; it was made clear that the purpose of the committee was to enable the public to actively engage in the scrutiny of housing in their borough. It was pointed out that not all sub-committee meetings should be held in the Town Hall as if meetings were held in other venues, it would provide further publicity and allow for access to meetings by the public. It was suggested that the Terms of Reference of the sub-committee be extended to allow the sub-committee to receive petitions. Members stated that it was important that there was clarity on how the public can engage with the work of the sub-committee.

ACTION: Members asked that officers consider the above points and report back to a future meeting with recommendations.

Sandra Fawcett, Chair of Tower Hamlets Homes, explained that there was a set procedure and that petitions would have to go to the appropriate Registered Provider first.

Members also pointed out that the Housing Scrutiny Sub-Committee, scheduled for 29 January 2018, clashed with a Labour Group meeting.

RESOLVED:

That the Housing Scrutiny Sub-Committee notes its Terms of Reference, Quorum, Membership and Dates of Future Meetings as set out in Appendices 1, 2 and 3 to the report.

7. HOUSING SCRUTINY SUB-COMMITTEE - HOW IT WILL WORK

Ahmed Choudhury, Senior Strategy, Policy and Performance Officer, provided a presentation on how the Housing Scrutiny Sub-Committee will work. In

doing so, he first focussed on the rationale for the sub-committee and said that housing was:

- now subject to greater public transparency and scrutiny
- a high profile amongst Members
- a priority for local residents
- a key determinant of quality of life
- subject to rapid changes (local, regional and national)
- a top priority for the Government in terms of affordable housing and the Mayor of London's Housing Strategy 2016-21.

Mr Choudhury then explained how the sub-committee would work and its responsibilities. He focussed on the following points:

- the sub-committee would consider practical improvements
- Mayor and Cabinet would be fully engaged in the work of the sub-committee
- the need for an in-depth review or challenge session
- pre-decision scrutiny of Cabinet papers
- to listen, observe and learn
- to provide challenge, spotlight and evidence
- that the sub-committee will be solution focussed
- the sub-committee would recommend improvements, develop policy, manage performance, service visits and meet with officers.

Mr Choudhury explained that the purpose of the sub-committee would be to provide scrutiny and to identify best practice, with the intention of:

- making an impact
- finding solutions to local housing challenges
- driving up standards
- highlighting improvements
- independent reviewing and challenging
- recognising good practice
- partnership working

Members referred to the presentation, specifically "finding solutions to local housing challenges" and asked what the challenges were exactly. Mr Choudhury in response outlined issues such as under occupation, and overcrowding as some of the challenges and referred to item 8 of the agenda – which would provide a detailed presentation on the key housing challenges in Tower Hamlets.

Members pointed out that an achievement that the sub-committee should strive for was better communication. They said that there were good reviews undertaken over the last few years and that there was a structure in place to ensure that work was implemented. Members suggested that it would be helpful to have a stakeholder plan in place. They pointed out that the sub-

committee should want to change behaviours and it was important to consider how to engage with the public.

Members also noted that the design guide was now complete and asked that its progress be reported to a future meeting, so that the impact on affordable housing could be examined.

8. HOUSING IN TOWER HAMLETS - UNDERSTANDING THE KEY CHALLENGES

Mark Baigent, Interim Head of Strategy Regeneration Sustainability and Housing Options, gave a presentation which provided Members with an update on the 2016/21 Housing Strategy, the challenges faced and how the Council were responding. [*Slides circulated*]

Mr Baigent then took questions from Members on the following:

Members asked what communication had been undertaken to inform residents of the contents of the Housing Strategy. On the subject of passing of tenancies after the death of a family member they pointed out that, in some cases, there could be a grandparent, parent and children in one house and it was unclear what would happen to the other residents if the main tenant died. The Chair pointed out that new legislation referred to new tenancies and not existing ones. Mr Baigent stated that the regulations had not yet been released. He confirmed that the new regulations would be subject to consultation and that would be the time to ask such questions. Councillor Islam highlighted the impact of the Landlords and Tenants Act. He said there had been communication and succession planning and that there were cases where the relevant Housing Manager had made arrangements for a resident whose mother, the main tenant, had passed away to ensure they did not lose their home.

Members also stated that there was a lack of understanding of what exactly constitutes a House of Multiple Occupation (HMO). They impressed that the rules around HMO were made clearer and communicated properly. Mr Baigent responded by referring to a HMO licensing scheme which had been introduced. He added that they were looking into the prospect of additional licensing. He confirmed that officers were taking the issue very seriously as much of the homelessness in the borough was as a result of private landlord evictions. Councillor Islam referred to the fact that a digital licensing scheme was currently being consulted on.

Members then asked whether there was a budget for the better care fund. Mr Baigent confirmed that he would send a written response to the Member.

Members also suggested that domestic violence in hostels was an important subject and should have been listed as one of the key challenges. Mr Baigent confirmed that it would be in the Strategy.

Members stated that affordable housing was a significant issue and that there was a real risk that many individuals could not pay their rent in homes that were considered to be affordable. Members referred to the challenge for young people in relation to housing and suggested that officers scrutinise the issue.

Members referred to the issue of benefit caps and asked whether there were any incentives to give those subject to the caps support. Mr Baigent confirmed that the Mayor had set aside budgets to address the issue and that officers were currently looking on how to apply those budgets. He confirmed that the Council were in the process of ascertaining those affected by the benefit caps and stated that Housing Associations needed to consider whether their tenants could afford to pay their rent.

Members asked for clarification on what “Local Housing Companies” were. Mr Baigent explained that it was proposed to create two new organisations:

- Seahorse Homes Ltd – this company would have no ownership of property. Mr Baigent stated that options for this company were currently being explored, however said that the proposed company would need to meet the requirements of new legislation. He confirmed that legal advice was currently being sought.
- Mulberry Housing Society – Mr Baigent stated that this company did not yet exist. He confirmed that it would be a charity organisation and that they had recruited those that would sit on the Board. He confirmed that the Council would be funding the organisation and that all of its housing would be “affordable”.

Mr Baigent confirmed that he would circulate a presentation on the set up of two abovementioned companies, which had previously been delivered to the Overview and Scrutiny Committee, to all Members of the Sub-Committee.

9. FIRE SAFETY IN HIGH RISES

Mr Baigent provided a presentation on housing fire safety issues within Tower Hamlets Council [*slides circulated*]. In doing so, he focussed on the following points:

Fire Risk Assessments

Mr Baigent confirmed that the person responsible for the building was responsible for assessing the “common parts” in terms of fire safety. He said that the “common parts” did not include the outside of the building e.g. cladding. Mr Baigent pointed out that Council’s did not have the power to force fire risk assessments and confirmed that the London Fire Brigade could identify an issue and could consequently enforce.

Building Regulations

In relation to building regulations, Mr Baigent confirmed that local authorities did have the power to force adherence and stated that any refurbishment to buildings needed to comply with them. He explained that the Council received reports from private companies and approved inspectors, who undertake fire risk assessments, but had no powers to enforce.

Environmental Health

Mr Baigent explained that the Council's Environmental Officers could approach private landlords in instances where they were not managing fire safety issues properly.

Cladding Material

Mr Baigent confirmed that there was huge interest in cladding materials and stated that it was still unknown as to what had caused the fire at Grenfell Tower to spread as it did.

Post-Grenfell DCLG-led testing programme

He confirmed that DCLG had introduced a cladding testing regime. He confirmed there were many unanswered questions, such as "were there tests of these materials prior to Grenfell or had the testing only started after the Grenfell Tower fire?" Mr Baigent also stated that, of the small samples of cladding materials tested, all had failed fire safety tests. He stated that there were a number of buildings in the London Borough of Tower Hamlets that had been tested and officers expected the materials to fail also. Mr Baigent also explained that DCLG had stated that they were intending to start testing materials for fire safety in a different way, however he stated that it was unknown how that testing would work or whether they would invalidate previous tests.

Council Housing/Social Housing/Private Housing

Mr Baigent pointed out that in the private sector there was very little information about fire safety and the Council had no powers in relation to private sector housing providers.

Sandra Fawcett, Chair of Tower Hamlets Housing Forum, together with Tony Hughes, Chair of the Asset Management Sub-Group provided a presentation on fire safety in tall buildings [*slides circulated*].

John Tunney, Director of Asset Management at Tower Hamlets Homes, together with Ann Otesanya, Director of Neighbourhoods at Tower Hamlets Homes, then provided a presentation on Fire Safety in Council Homes, which focussed on the following points:

What Tower Hamlets Homes (THH) was doing in response to Grenfell

- THH written to all residents to let them know what was being done by THH. Special letters were written to residents of high rises.
- Confirmed no Council Owned blocks were clad in Grenfell material.
- Increased weekend caretaking to ensure any dumped combustible material was disposed of.
- Increased operating hours of concierges.

- Working with Mayor and Tower Hamlets Council officers on key issues.
- Mayor had made a commitment to make fire risk assessments available to residents.
- THH surveyors carried out additional fire safety visits to all high rise blocks.
- Providing information and reassurance at resident meetings.

What THH were already doing

- More comprehensive fire risk assessments
- Identified 9 'substantial risk' blocks
- Work being completed on site for one block (Brodick).
- Proposals agreed with the Council about 6 tower blocks with spiral stairs (Cranbook Estate).
- Agreed proposals for 2 blocks requiring fire stopping works in corridor ceilings (Brewster and Malting's on Barley Mow Estate).
- In response to 2016 Shepherd's Bush tower block fire – reviewed cladding on all LBTH owned blocks in spring.
- All decent homes blocks with cladding; fireproof mineral fibre material was used.
- No Aluminium Composite Material (ACM) as used at Grenfell in LBTH owned blocks.
- Regular visits to all blocks and removal of dumped materials as part of caretaker's duties.
- 34 new bin cages outside of blocks being taken forward this year.
- Obstructions procedure was updated in May 2017 following discussion with residents groups.
- Action taken to remove door grilles and other items on communal walkways.

Dickinson House Fire – 24 June

- Domestic fire on top floor of Avebury estate 4 storey block.
- No one was hurt, fire got into roof space, block mineral fibre cladding totally resisted the fire.
- 12 households being rehoused temporarily rehoused within the stock
- Joint inspection of roof spaces with LFB.
- Programme of improved fire breaks.

What is needed from Government

- A measured response that matches rhetoric with resources.
- Clarification of the stay put vs evacuation policy.
- Clarity on the introduction of sprinklers (and funding – costs are c.£650K per tower block).
- New regulation of leaseholders needed – especially to require them to have fire rated flat front doors and smoke alarms fitted.
- Can anything be done to help hoarders, or to help landlords manage hoarders?

Next Steps

- There was a lot of activity nationally. THH will work with the Council to take action as issues are identified and as regulations and advice change.
- Complete the fire risk assessment actions on all of the 'Substantial Risk' blocks.
- Put the lower risk works into programmes starting as soon as possible. This is a large piece of work, not an overnight fix.

Members expressed concerns that approved inspectors had no obligation to respond to local authorities. They also raised concerns in relation to the safety of properties listed under the section 106 agreement. Mr Baigent stated that he shared Members concerns and pointed out that officers were doing what they could with the limited powers that Council's had. Ms Fawcett suggested taking concerns to the London Fire Brigade and encouraging Registered Providers to take enforcement action.

Members asked whether Registered Providers were pursuing private developers to ensure fire safety matters addressed where they had residents in occupation in their blocks. Sandra Fawcett outlined that RPs were doing their utmost to engage developers to find out what action was being taken and to request copies of fire risk assessments.

Members then gave the view that fire safety needed to be a priority for this committee. They referred to a fridge-freezer that caught fire and was subject to a product recall and asked how residents were being informed that the product had been recalled. Mrs Otesanya confirmed that the issue of product recalls was being included in communications with residents.. Councillor Islam confirmed that the Council's disaster preparedness and emergency plans was on the agenda to be scrutinised by this committee. He agreed that it was important to keep residents informed and educate them in regards to fire safety.

Members also pointed out that some buildings had had recent refurbishments and that it was paramount that the works undertaken complied with fire safety legislation and building regulations. Members stated that many landlords had not undertaken mandatory risk assessments and pointed out that residents needed to know who to trust. Councillor Islam suggested that the Chair of Tower Hamlets Homes contacts Registered Providers to see if they might make the risk assessments available. He added that Councillors had a community leadership role in terms of health and safety of residents.

Members stated that partnership working on this issue was paramount and impressed the importance of having a plan in place to deal with potential issues and communicating that plan to the public.

The Chair of the Committee proposed that fire safety was a standing item on future Housing Scrutiny Sub-Committee agendas.

10. DEVELOPING THE HOUSING SCRUTINY SUB-COMMITTEE WORK PROGRAMME

A draft work programme for the Housing Scrutiny Sub-Committee for the 2017/18 municipal year was tabled at the meeting.

Mr Choudhury asked for Members comments and suggestions on the work programme. He stated that their views would be incorporated and then the amended work programme would be circulated to Members for final comments.

Members referred to the two reviews proposed on the work programme and made the point that meetings with reviews on the agenda could meet more frequently and could last as long as necessary. They stated that it was important to be able to delve into a subject comprehensively with no time constraints.

Members also suggested that the 'Housing White Paper' be removed from the work programme and that the 'London Plan' be substituted in its place.


Members also suggested visiting other Councils' to potentially obtain examples of best practice.

11. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

There was no other business discussed.

The meeting ended at 8.52pm

**Chair, Councillor Helal Uddin
Housing Scrutiny Sub-Committee**

<p>Non-Executive Report of the:</p> <p>Housing Scrutiny Sub-Committee</p> <p>11 September 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Ann Sutcliffe - Corporate Director of Place</p>	<p>Classification: Unrestricted</p>
<p>Implementation of the Homelessness Reduction Act 2017</p>	

Originating Officer(s)	Janet Slater
Wards affected	[All wards]

Summary

The commencement of the Homelessness Reduction Act 2017 in April 2018; a summary of the main additional duties of the Act, the additional burdens on the Council and the timescale for implementation in light of the necessary outstanding actions by the DCLG.

Recommendations:

The Scrutiny Sub-Committee is recommended to:

[Consider and note the contents of the report]

1. REASONS FOR THE DECISIONS

1.1 [No decisions required. This report is for noting]

2. ALTERNATIVE OPTIONS

2.1 [There are no alternative options at present unless the Government revises the date of commencement of the Homelessness Reduction Act in light of the outstanding actions required by the DCLG]

3. DETAILS OF REPORT

3.1 Background

The origins of the Homelessness Reduction Act 2017 are a mystery shopping exercise by CRISIS in 2014 to monitor the service given to and experience of single homeless people approaching their local authority for assistance. The resulting report, published in October 2014 and entitled 'Turned Away' prompted an independent panel brought together by Crisis. There followed a Select Committee inquiry chaired by Clive Betts, MP and a House of Commons DCLG Committee report 'Homelessness' was published in August 2016 addressing the issues around homelessness, affordability and availability of accommodation. In the same month Bob Blackman MP published a Private Members Bill and following several iterations and some consultation the Act received Royal Assent in April this year.

3.2 Context

The Crisis report centred around the experiences of single homeless people seeking advice and assistance and highlighted gatekeeping, signposting, placing the burden of proof on the client, not providing interim accommodation pending enquiries and not being given the opportunity to see a Housing Adviser as common.

The 'Welsh model' was discussed as a model of good service delivery and helped shape the Act, despite the context of housing provision in Wales being very different to that in England and particularly London Local Authorities. Nevertheless, for the most part these statutory provisions have been adopted in the Homeless Reduction Act.

3.3 Provisions of the Act

The Act imposes the duty to assess, prevent and relieve homelessness. Explanatory Notes giving details of each clause of the Act are attached at Appendix 1.

In summary, the new duties are:

- a person is now threatened with homelessness within 56 days rather than the current 28 days
- a new duty to assess and agree a plan to secure and retain suitable accommodation with all eligible applicants who are homeless or threatened with homelessness is imposed. The plan must be agreed by both the Council and by in writing; there is a right of review of this plan

- where an applicant is threatened with homelessness there is a duty to prevent homelessness through taking reasonable steps to secure that accommodation does not stop being available for occupation and this should be informed by the assessment plan. This duty can come to an end in several ways including securing suitable accommodation for six months, an offer of suitable six-month term accommodation is refused, the applicant unreasonably refuses to co-operate or prevention has not been possible (in which case the relief duty applies, as below). The decisions taken under this clause must be in writing and there is a right of review
- a new duty to take reasonable steps to help applicants, regardless of whether they are in 'priority need', to secure accommodation. That duty can come to end in the same ways as the duty to relieve and again needs to be in writing with a right of review. For homeless applicants who have a 'priority need' there is a duty to provide interim accommodation whilst the relief duties are carried out.
- a duty for all public authorities to notify a local housing authority of the homelessness or threatened homelessness of a person (with their consent) and to provide the contact details of the person

3.4 Implementation of the Act

In a letter address sent to all Local Authorities, Marcus Jones, MP, announced in August that it was the intention of the government to commence the Act in April 2018. Given the level and timing of discussions regarding the additional burdens funding and the new Code of Guidance outlined below, this gives a very short timescale for implementation.

3.5 Additional burdens and funding

The primary concern of Local Authorities is the additional costs incurred in implementing the new duties. The level of reconfiguration of services required by each Authority depends on the services currently provided. Pan-London there is the recognition that the lack of availability of PRS accommodation severely limits the options for prevention and relief by assisting to secure accommodation. Whilst this will not be a breach of the duty, it will necessitate a robust approach to ensuring excellent record keeping, casework management and sound decision letters as there is now an additional **five** rights of review of decisions made under the Act. From April 2018 the expectations of housing solutions through the Homelessness Reduction Act will be raised and there is a predicted surge in applications in the first few months at least.

In January 2017 Marcus Jones MP announced that the Government would provide an additional £61m to local authorities to meet the new burdens cost of the Act. The announcement also advised that 'the distribution formula is being finalised following consultation with local authorities'. There have been several formulae proposed since the spring, based on RO4 returns, costs of temporary accommodation, costs of Service provision including staff costs and predictions of the percentage increase in applications. At the time of writing this is still being discussed; London Councils, the

GLA and the East London Housing Partnership have all contributed to this discussion.

The government has advised that it will announce allocations of funding in autumn and make the first payments in winter 2017/18. Precisely which months they will be open to speculation.

The DCLG has also announced that the current data collection system needs to be changed. It has consulted with Local Authorities on the proposed additional data requirements which will impose additional financial burdens of each Local Authority. LA leads have requested that the DCLG work with software providers common to Local Authorities (in Tower Hamlets this is Northgate, used by a considerable number of Local Authorities), to coordinate the needs and thus reduce costs to each Authority. The DCLG has resisted taking on this responsibility and at the time of writing and following Marcus Jones's announcement, it seems that 'additional funding' will be provided to each LA to 'support you with this change'. No indication has been given as to the amount of funding and the costs involved in software updating are likely to be large.

3.6 Tower Hamlets implementation of the Act

The DCLG has been in consultation regarding a revised Code of Guidance over the last few months and a working group of Local Authorities have been reviewing the current Guidance (which is now 11 years old) with proposals for amendments. The final draft will be available for consultation in the autumn and will be published in the spring (again no months specified).

The HRA provides that "a local housing authority must have regard to a code of practicein exercising their functions."

Currently there is no government guidance on which to base an action plan for implementing the HRA from April 2018; the draft published in autumn will be subject to amendments.

There is also no indication as to additional funding that will be made available and so recruitment of additional officers and amendments to the database cannot start.

We would also wish to consult with key colleagues in adult and children's social care services and legal services as well as third sector partners.

3.7 Proposals

Any timetable for implementation is necessarily at this stage fluid but the key dates and actions are captured below.

Action	Date	Responsible officer
Training for Options Officers on the Provisions of the HRA	November 2017	Janet Slater with NHAS
Draft consultation on CoG published	Autumn 2017	DCLG
Announcement of	Autumn 2017	DCLG

allocation of additional burdens funding		
Review of funding allocation and service requirements	Autumn 2017	Team Managers and Service Head
Recruitment of additional officers	Autumn/Winter 2017/18	Team Managers
First payment of above	Winter 2017/18	DCLG
Training and workshops on new duty letters and PHPs	Winter 2017/18	Team Managers
Code of Guidance publication	Spring 2018	DCLG
Consultation with key partners	Spring 2018	Service Head
Additional funding for updating data collection	TBA	DCLG
Software options for data collection review	TBA	Head of Service and Principal ICMO
Implementation of HRA	April 2018	Housing Options Service

3.8 Glossary

CoG – Code of Guidance

DCLG – Department for Communities and Local Government

ICMO – Information and Change Management Officer

HRA -Homeless Reduction Act

NHAS – National Housing Advice Service

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report provides the Housing Scrutiny Sub-Committee with an outline of the requirements of the Homelessness Reduction Act 2017. The Act requires that local authorities take on additional responsibilities in relation to the assessment, prevention and relief of homelessness amongst single people.
- 4.2 Although it is intended that the Act will come into effect in April 2018 with the DCLG preparing a revised Code of Guidance which will be consulted on in the autumn, at this stage limited detail is available.
- 4.3 It is likely that there will be significant financial implications for local authorities, particularly in the early months after the legislation has come into effect when an increase in homeless applications is anticipated. The DCLG has announced an intention to provide additional 'one-off' financing to each local authority to support this change. The New Burdens funding allocations (totalling £61 million nationally) will be announced in the autumn, however no information is currently available on the formula that will be used to assess the

relevant distribution between authorities. The DCLG has also announced that existing data requirements will need to be changed which will probably require updates to council software systems. Additional funding will also be provided to support this requirement, although again, no further detail is available.

- 4.4 As a result of the combination of the increasing numbers of applications to the homelessness section, the scarcity of available temporary accommodation and the high levels of rent charged to the Council, significant service pressures are already being faced. Due to the difficulties in procuring suitable accommodation within the borough, it is necessary to place families in temporary bed and breakfast accommodation as well as an increasing need for properties to be provided outside Tower Hamlets. In order to alleviate this, the Council has recently introduced various initiatives to increase supply, including approving a significant capital investment of £30 million to purchase properties to be let as temporary accommodation.
- 4.5 The gross budget of the Homelessness Service for 2017-18 is £35.5 million, with the major cost element being the £27.4 million budget for the rent payable to landlords for the supply of temporary accommodation. The main source of income derives from the rents and charges that are levied to customers.
- 4.6 The majority of the rental income is however met through benefits payments, so the financial implications within the service budget cannot be looked at in isolation. Although the Council has a statutory duty to pay benefits, the level of subsidy that is recouped from the DWP is capped. The high rent levels charged by suppliers of temporary accommodation are leading to budgetary pressures within the Housing Benefits budget due to this variance between the statutory benefits paid out and the Government subsidy received.
- 4.7 The Homelessness Act will have implications for various Council services in both the Adult Services and Children's Services directorates as well as within the Housing Options service. There will also be a potential impact on the Council's partner organisations, including Registered Providers of Social Housing. As outlined above however, at this stage the financial consequences arising from the Homelessness Act cannot be quantified, but the implications must be incorporated within the Council's Medium Term Financial Strategy and the 2018-19 budget process as soon as further detail is available.

5. LEGAL COMMENTS

- 5.1 This report provides details of the changes the Homelessness Reduction Act 2017 will make to the current legislation and the new duties which the Council will need to comply with.
- 5.2 At present the Council's statutory duties in respect of homelessness are primarily set out in Part VII of the Housing Act 1996 as amended ("the 1996 Act"), includes reference to providing advisory services, interim accommodation, making enquiries in respect of eligibility and the duties owed to those in priority need and those threatened with homelessness.

- 5.3 The 2017 Act places additional duties on the Council, requiring it to intervene earlier and take steps to prevent homelessness in their areas. Homeless applicants will be entitled to assistance to avoid becoming homeless, those already experiencing homelessness will be able to access assistance regardless of whether they have a priority need. It is difficult to predict the impact of the new legislation. However, the changes are likely to lead to an increase in the number of homeless applications.
- 5.4 The Secretary of State will produce mandatory codes of practice dealing with the Council's functions in relation to homelessness or homelessness prevention
- 5.5 The 2017 Act will also include the following new provisions:
- i) An extension of the current period of time when someone might qualify as being threatened with homelessness from 28 days to 56 days. This means earlier intervention by the Council. Council's will be required to take reasonable steps to prevent homelessness for any individual *regardless of priority need* and to relieve homelessness for any eligible household. A new 'relief' duty lasting up to 56 days will require Councils' to take reasonable steps to assist the applicant with securing accommodation during the 56 days.
 - ii) An extension of the existing duty to provide free homelessness advice to any person in the local authority area on preventing homelessness, securing accommodation and the assistance available. Advice will need to be designed for vulnerable groups including care leavers, victims of domestic violence, people leaving hospital etc
 - iii) Following an assessment, a personalised homelessness plan must be agreed with all eligible homeless applicants or those threatened with homelessness.
 - iv) Council's will be able to take action where an eligible applicant deliberately and unreasonably refuses to take any steps set out in the personalised plan or if an applicant refuses a suitable final offer of accommodation.
 - v) Care leavers will find it easier to show they have a local connection with both the area of the Council responsible for them and the area in which they lived while in care, if that was different.
 - vi) An extension of applicants rights to request a review of a homelessness decisions. These will include decisions relating to the new prevention and relief duties.
 - vii) Specified public authorities will be required (with the consent of the service user) to notify Councils of if they think someone may be homeless or threatened with homelessness. The service user can choose which council they are referred to.

- 5.6 In preparing for the implementation of the 2017 Act, scheduled for implementation in April 2018, Council's will need to consider staffing resources, training new staff, implementing new procedures and updating IT systems.
- 5.7 When considering its approach to homelessness, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010; the need to advance equality of opportunity; and the need to foster good relations between persons who share a protected characteristic and those who do not.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 [This report is in relation to the implementation of statute and thus will have been subject to scrutiny by Parliament as to any equalities or diversity implications. The implementation will widen the scope of access to assistance and advice when homeless or threatened with homelessness, this now being a duty under the Act. An assessment of housing need will produce a Personal Housing Plan in collaboration with the client taking into account their housing and social needs and will thus contribute to the achievement of One Tower Hamlets.]

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 [As this relates to statute and is thus not negotiable any consideration of Best Value must be seen in that context. It is not considered to be Best Value to be required to conduct a review at every stage of the process, this being a costly exercise. Additional burdens funding is to be determined but may not meet the additional costs incurred.]

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 [This will have no impact and will not to a sustainable environment]

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 [The additional risks are in relation to expectations as to the provision of housing that the Act will bring. The risk to the Council is additional stress to front line officers leading to sickness and thus in reduction in service provision. There may also be increased mitigation with associated costs. Proposals to mitigate those risks are preparatory training and adequate software, case management tools and workflow systems. Consultation with partners and other Council services will help to inform and manage expectations.]

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 [Continued liaison with partner agencies such as the police and probation as well as Community Safety will continue to work towards contributing to the reduction of crime and disorder.]
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE .

Appendices

- Homeless Reduction Bill – Explanatory Notes
- State NONE if none.

Officer contact details for documents:

- N/A

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<p>Housing Scrutiny Sub-Committee 11 September 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Will Tuckley, Chief Executive</p>	<p>Classification: Unrestricted</p>
<p>Housing Scrutiny Sub-Committee Work Programme 2017/18</p>	

<p>Originating Officer(s)</p>	<p>Afazul Hoque, Interim Service Manager Strategy, Policy and Performance</p>
<p>Wards affected</p>	<p>All wards</p>

Summary

The report outlines the draft work programme for the Housing Scrutiny Sub-Committee for the municipal year 2017/18.

Recommendations:

1. Housing Scrutiny Sub-Committee is asked to consider and comment on the proposed draft work programme.
2. Authorise the Interim Service Manager, Strategy, Policy & Performance - after consultation with the Chair of the Housing Scrutiny Sub-Committee, to finalise the work programme.

1. BACKGROUND

- 1.1 The Overview and Scrutiny Committee at its meeting on 9 May 2016 agreed to establish the Housing Scrutiny Sub-Committee and delegate its housing responsibilities and functions to this Sub-Committee. The terms of reference of the Sub-Committee and its membership were also agreed at the same meeting. The Sub-Committee was established to reflect the high profile of housing-related issues within the borough with local people identifying more affordable and better quality housing as a key priority for them. The Sub-Committee will carry out comprehensive scrutiny across the range of the Council's housing functions and relationships with other housing providers and seek to address and find solutions to some of the most difficult housing issues facing the borough. The Sub-Committee will work in partnership with key stakeholders, such as local registered partner social landlords and housing tenants, and try to establish consensus in making its recommendations.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee can decide not to adopt a work programme. This is not recommended as the work programme provides a clear plan of key activities that the Committee will undertake this year.

3. DETAILS OF REPORT

- 3.1. The business for the Sub-Committee will consist of a number of elements (type of scrutiny). Firstly, Spotlight Sessions where a particular policy area or portfolio is the focus, with a relevant Cabinet member, Council officers or partners in attendance. Secondly, Reviews and Challenge Sessions – this type of scrutiny usually takes place outside of the committee's formal meetings, and usually concluded with a report containing a series of recommendations; Thirdly, Strategic Performance report is geared towards taking a closer look at the performance of housing services in the borough. Fourthly, Overview and Scrutiny Reports are usually requested by the Committee or even by senior officers to gauge Members' views of certain aspects of housing, in the borough.
- 3.2. At the first 2017/18 Housing Scrutiny Sub-Committee meeting, held on 12 July 2017, Members discussed and commented on the draft work programme – Appendix A is a reflection of this which includes items at the Committee's standing meetings. The Committee will also undertake an in-depth review on 'fire safety in high rise buildings'. The scope for this review will be developed in consultation with the Chair and key stakeholders. The Chair of the Housing Scrutiny-Sub Committee has been consulted on the draft work programme - as well as relevant officers from the Place Directorate.
- 3.3. Officer and Member resources available to support scrutiny in delivering the work programme will need to be used as effectively as possible, to meet realistic Member expectations of what can be achieved.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report sets out the draft work programme for the Housing Scrutiny Sub-Committee for the municipal year 2017/18.
- 4.2 It is envisaged that the work programme will be delivered through existing resources and thus there are no additional financial implications arising from the recommendations within this report. However, in the event that additional resources may be required to deliver particular aspects of the work programme, officers will be obliged to seek appropriate approval through the Council's financial approval process.

5. LEGAL COMMENTS

The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny may consider any matter affecting the area or its inhabitants. The Committee may also make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.

- 5.1 Under the Terms of Reference for the Overview and Scrutiny Committee, it can appoint such sub-committees or scrutiny panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.
- 5.2 The work programme of this sub-committee will enable the Council to exercise comprehensive scrutiny over all of its housing functions and ensure transparency in how these functions are discharged.
- 5.3 When carrying out its functions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty).

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The work programme contains many issues that will have equality or diversity implications. The Sub-Committee will be mindful of its responsibilities to promote greater equality and diversity in framing its recommendations for improvement, which contribute to the achievement of One Tower Hamlets aims.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 It is anticipated that many issues addressed as part of the Sub-Committee's work programme will have BV implications, for example, ensuring that service improvements are made on the basis of securing better value for money, using the most cost effective form of delivery, or streamlining processes that don't add any customer value to the service. The Sub-Committee is aware of its responsibilities in this area and will reflect BV considerations in making its recommendations.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 The extent to which positive action can be taken to promote the Greener Environment will depend on the topics and issues included in the work programme. However, key corporate objectives such as protecting green public space, especially in areas of high housing density, will be reflected in any recommendations made by the Sub-Committee that are relevant to contributing to a sustainable environment.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The Sub-Committee will be mindful in developing and executing its work programme that the recommendations it formulates should take into account and seek to mitigate any risk to the Council and/or any risks arising from the recommendation themselves and the action taken to address these.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 It is likely that the work programme will include several topics or issues that will have community safety implications. In reaching conclusions and framing recommendations the Sub-Committee will identify any relevant implications and actively seek to contribute to the reduction of crime and disorder in the borough.

Officer contact details for documents:

- Afazul Hoque, Interim Service Manager, Strategy, Policy and Performance, 020 7364 4636

Draft Work Programme for the Housing Scrutiny Sub-Committee

Appendix A

Meeting date	Type of scrutiny	Item	Outcome	Service area	Lead
12/07/2017	Overview & Scrutiny Report	Housing in Tower Hamlets – understanding key challenges	Presentation to provide key challenges faced by the authority and also future opportunities to meet housing demands.	Housing & Regeneration	Mark Baigent
	Overview & Scrutiny Report	Fire Safety of High Rises	Presentation from Tower Hamlets Housing Forum to provide an overarching update on fire safety in tall buildings. This was requested by O&S Committee – in response to the tragic fire at Grenfell Tower.	Housing & Regeneration Tower Hamlets Housing Forum Tower Hamlets Homes	Mark Baigent Sandra Fawcett John Tunney
	Housing Performance Monitoring	Quarterly Performance data for key Registered Providers (RPs) who work in the borough	This report will provide an overview of Housing quarter 1 performance in 2017/18.	Housing & Regeneration	Mark Baigent
11/09/2017	Overview & Scrutiny Report	Homelessness Reduction Act – Tower Hamlets Implementation Plan	To consider the impact of the Act and how the council proposes to implement it.	Housing & Regeneration	Mark Baigent
	Overview & Scrutiny Report	Housing Scrutiny Sub Committee Work Programme	Approve the work programme for 2017/18	Strategy, Policy & Partnership	Afazul Hoque

Meeting date	Type of scrutiny	Item	Outcome	Service area	Lead
13/11/2017	Spotlight	The impact of AirBnB in the Private Rented Sector	Presentation to explore the impact of AirBnB in the local area.	Housing & Regeneration (Private Sector Housing)	Martin Ling/Marc Lancaster
	Housing Performance Monitoring	Quarterly Performance data for key RPs who work in the borough.	This report will provide an overview of Housing quarter 2 in 2017/18.	Housing & Regeneration	Mark Baigent
	Overview & Scrutiny Report	Update on acquiring properties to manage demands on Temporary Accommodation (TA)	A presentation/report on how TH is meeting the needs for TA through its acquisition programme	Strategy - Innovation & Sustainability	Mark Baigent Alison Thomas
	Spotlight	Cabinet Member for Housing Management and Performance	This session will allow Lead Member for Housing to discuss and bring to the attention of the committee any new initiatives, pressing challenges and opportunities that could improve housing services and better serve residents, partners and stakeholders. Members of the committee will have the opportunity to raise any concerns; seek clarification; and recommend improvement action etc.	Housing & Regeneration	Mark Baigent
	Spotlight	Cabinet Member for Development & Renewal	This session will allow Lead Member for Development and Renewal to discuss and bring to the attention of the	Housing & Regeneration	Mark Baigent

Meeting date	Type of scrutiny	Item	Outcome	Service area	Lead
29/01/2018			committee any new initiatives, pressing challenges and opportunities that could improve housing services and better serve residents, partners and stakeholders. Members of the committee will have the opportunity to raise any concerns; seek clarification; and recommend improvement action etc.		
	Housing Performance Monitoring	Quarterly Performance data for key RPs who work in the borough	This report will provide an overview of Housing quarter 3 performance in 2017/18.	Housing & Regeneration	Mark Baigent
	Overview & Scrutiny Report	The London Plan – a review by the GLA	Scrutiny to consider the review and to seek the necessary opportunity to feed into it.	Strategic Housing	Mark Baigent Alison Thomas
19/03/2018	Overview & Scrutiny Report	Review of the effectiveness of LBTH current Tenancy Strategy and changes ahead	Report/Presentation on whether the current tenancy strategy is fit for purpose – and meeting the needs to residents.	Strategic Housing	Mark Baigent
	Review	Final report: Fire Safety in High Rise Buildings	This report will consider the recommendations of the review and if accepted by the committee, an action plan would need to be produced	Housing & Regeneration Property & Major Programmes	Mark Baigent/ THHF Ann Sutcliffe Afazul Hoque

Meeting date	Type of scrutiny	Item	Outcome	Service area	Lead
			by the service area for Cabinet approval.		
	Overview & Scrutiny Report	Report on the Council's void properties	This item was referred to this committee by the Overview and Scrutiny Committee – to look at what the council is doing about reducing void properties and paying central government	Housing & Regeneration	Mark Baigent