

REPORT TO:	MARCH CABINET 2022 <i>Monday 21st March 2022, 18:30</i>
SUBJECT:	Update on the Housing Improvement Board, and the development of the Croydon Housing Improvement Plan
LEAD OFFICER:	<i>David Padfield, Interim Corporate Director, Housing</i> <i>Yvonne Murray, Director of Housing- Resident Engagement & Allocations</i> <i>Stephen Tate, Director of Housing- Estates & Improvement</i>
CABINET MEMBER:	<i>Councillor Patricia Hay-Justice, Cabinet Member for Homes</i>
WARDS:	All

COUNCIL PRIORITIES 2020-2024

The Croydon Housing Improvement Plan and Housing Improvement Board will allow the Council to improve the housing service, with particular regard to the Council's landlord responsibilities. Both the Plan and the Board will ensure the Council's improvement plans address the ARK investigation recommendations, reflect the views of tenants and leaseholders, and provide the best quality service the Council can afford in line with the priorities below:

- We will live within our means, balance the books and provide value for money for our residents.*
- We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice.*
- We will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe. To ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand.*

FINANCIAL IMPACT: Approval of the recommendations would not have financial implications.

KEY DECISION REFERENCE NO.: 2022CAB

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out below:

RECOMMENDATIONS:

The Cabinet is requested to:

- I. Note feedback from the Housing Improvement Board, which was established by Cabinet on 17 May 2021, contained in this report and the presentation from the Chair;
- II. Note the final membership, constitution and Terms of Reference of the Housing Improvement Board agreed under exercise of the delegation given to the former Corporate Director of Place in consultation with the Cabinet Member for Homes as set out in Appendix 2; and
- III. Agree to update the delegation given on 17 May 2022 to the interim Executive Director of Place as follows: Delegate authority to the Corporate Director for Housing in consultation with the Cabinet Member for Housing or such other Member as has portfolio responsibility for Housing to revise as necessary the Membership, constitution and Terms of Reference of the Housing Improvement Board
- IV. Agree the content of the Croydon Housing Improvement Plan in Appendix 1;
- V. Delegate authority to further amend the Croydon Housing Improvement Plan to the Corporate Director for Housing in consultation with the Cabinet Member for Housing or such other Member as has portfolio responsibility for Housing

1. BACKGROUND

- 1.1 Following the revelation of poor housing conditions at Regina Road, the Cabinet agreed to the establishment of an independently-chaired Housing Improvement Board to oversee the development and implementation of the Housing Improvement Plan in May 2021. The Cabinet agreed that the purpose of the Plan and Board would be to address the failings of the housing service highlighted in the ARK Consultancy Investigation into conditions at 1-87 Regina Road, South Norwood.
- 1.2 The Plan has been developed in response to the declared breach of the Home Standard and the Tenant Involvement and Empowerment Standard by the Regulator for Social Housing. It will form a key part of the Council's voluntary undertaking of improvements to the housing service made to the Regulator. Achieving compliance with the Regulator of Social Housing standards will be a key output of the Plan.
- 1.3 The Plan has also been developed to reflect tenant and leaseholder views. The Housing Improvement Plan reflects the feedback received in the summer 2021 door-knocking survey of council tenants.
- 1.4 In July 2021 a report was made to the Scrutiny Streets, Environment and Homes Sub-Committee recommending the sub-committee to note: the Council's progress in improving conditions at 1-87 Regina Road, the draft Terms of Reference of the Housing Improvement Board, and the approach

to the development of the Croydon Housing Improvement Plan. The sub-committee made a series of recommendations which have been largely incorporated into the Housing Improvement Plan and Terms of Reference for the Housing Improvement Board which are included in the Appendices to this report.

- 1.5 The Housing Improvement Plan has been considerably revised based on initial feedback from our external governance structures. In November 2021, the Council's Non-Statutory Review was highly critical of the draft Plan. In January and February 2022, further draft versions of the Plan were presented to the Housing Improvement Board for comment. Feedback from the Improvement & Assurance Panel and the Housing Improvement Board is also included in this report.
- 1.6 The Plan will inevitably continue to evolve over time to reflect further input from the Board, residents, Members and other stakeholders.

2. CROYDON HOUSING IMPROVEMENT PLAN

- 2.1 The Croydon Housing Improvement Plan has been developed to improve the housing service, with particular regard to the Council's landlord responsibilities. The Plan addresses the following five areas of focus:
- Vision & Governance
 - Customer Service & Resident Engagement
 - Repairs & Safety
 - Improving Your Homes
 - Our Workforce
- 2.2 Each of the five areas has been assigned to project managers within the service who are responsible for delivering the activity, whilst a senior accountable officer (Director or Corporate Director) is accountable for the delivery of the work. The delivery of the Plan will follow the Council's agreed programme management framework.
- 2.3 In response to issues raised in the ARK Consultancy Investigation, Equalities, Diversity & Inclusion will be embedded throughout each of the five work-streams. The Council's Equalities Manager has met with each project manager to ensure that the output of the improvement actions explicitly addresses concerns raised by tenants. Each project manager will be responsible for completing an Equalities Impact Assessment for the work-streams which will be regularly reviewed.
- 2.4 An internal workshop with directors, heads of service, and project managers was held in October 2021 to launch the Plan across the directorate. The workshop provided project managers and senior accountable officers with the opportunity to scrutinize the content of the Plan, and highlight the interdependencies between the work-streams.

- 2.5 Delivery of the Plan is being supported by the Council’s Project Management Office. The delivery of the Plan is being overseen by Council officers through the Housing Improvement Plan Working Group which currently meets fortnightly. The Working Group is chaired by the interim Corporate Director for Housing, and provides a forum for progress to be monitored and shared, and for risks to be mitigated or escalated. The Chair of the Working Group also acts as a direct link to the Corporate Management Team.
- 2.6 The draft Plan was shared with the Council’s Non-Statutory Review who commented that the draft Plan was “weak”, “poorly presented” and lacked “SMART targets”. Section 3.4 of this report details how these comments have been addressed.
- 2.7 The draft Plan was also presented to the Housing Improvement Board in January and February 2022 to allow the Board to scrutinise and challenge the Council’s improvement plans with regards to tenant experience and best practice demonstrated by other social landlords. The Board commented that the draft requires simplification, ‘what good looks like’ is not clearly defined, and that the impact the Plan would have on tenants and leaseholders was unclear. The feedback from the Board has been incorporated into the finalised version of the Plan found in Appendix 1. The incorporation of further feedback into the Plan will be an iterative process as the Plan develops over time.
- 2.8 Beyond the feedback provided by tenant and leaseholder representatives from the Housing Improvement Board, resident views will continue to shape the Plan. Whilst resident engagement is included within the Plan as a separate area of focus, engagement with our tenants and leaseholders will form a golden thread throughout the areas of focus. Feedback from the Survey of Tenants and Residents (STAR) which is commissioned by the Council on a quarterly basis will also inform the focus of the Plan as it continues to evolve.

3. CROYDON HOUSING IMPROVEMENT BOARD

- 3.1 The establishment of the Housing Improvement Board was agreed by Cabinet on 17 May 2021 with the purpose of providing independent scrutiny and challenge to the Council’s improvement plans. The Board provides evidenced feedback to Cabinet, as and when it is required, examining whether the Housing Improvement Plan will deliver the recommendations made in the ARK Consultancy Investigation.
- 3.2 The Board is independent of both Council members and officers, and four of the eight board members are existing council tenants from across the Borough. Board members also includes representatives from London Councils, the Local Government Association, and the Department for Levelling Up, Housing and Communities.
- 3.3 The Board will initially focus on the following five themes:

- Conditions at 1-87 Regina Road, South Norwood
- Respect for Tenants & Effective Communication
- Data & Performance
- Member & Officer Governance
- Staff Capability Issues

3.4 Feedback from the Board on the extent to which the Housing Improvement Plan addresses the issues across the five themes above will be presented to Cabinet via the Chair of the Board alongside this report. The Board's assessment of the Council's plans will be supported by both tenant experience, and best practice from other social landlords. The Council has provided a series of performance data reports to the Board to support the Board's enquiries. In concurrence with comments in the Independent Non-Statutory Review, the Board has recommended that our improvement plans have measurable targets and outcomes. Each of our milestones in the Plan now have associated metrics, and officers will be working with the Tenant & Leaseholder Panel to develop revised key performance indicators which will enable tenant and leaseholder scrutiny of the Council's improvement measures.

3.5 All of the Housing Improvement Board meetings are open to the public, and the Board is able to request both Officers and Members to be in attendance at the meetings. The inaugural meeting of the Housing Improvement Board was held on 7 December 2021 at Stanley Halls, South Norwood. The second Board meeting was held remotely on 20 January 2022 where the Housing Improvement Plan was reviewed by the Board. The third Housing Improvement Board meeting was held on 24 February 2022. Following the beginning of the next financial year, the frequency of the Board meetings will be reduced. All papers discussed at the Board are made available on the Council's website ahead of the meetings.

3.6 The revised Terms of Reference for the Housing Improvement Board can be found in Appendix 2. The original Terms of Reference for the Board were presented to Cabinet to note on 26 July 2021 to be agreed under delegated authority of the Executive Director of Place in consultation with the Cabinet Member for Homes. Cabinet should note that these Terms of Reference will require further updating when the Council moves to a Directly Elected Mayor and this will be done under the delegated authority which sat with the Executive Director for Place and which it is now proposed is revised to reference the Corporate Director for Housing as set out in recommendation III of this report..

4. FINANCIAL CONSIDERATIONS

4.1 The proposals set out in this report have no direct financial implications, although the outcome of the work streams that will flow from the Board and strategies may impact on future spending plans and resources.

Approved by: Matthew Davis, Interim Director of Finance (Deputy S151), Finance

5. LEGAL CONSIDERATIONS

The Head of Litigation and Corporate Law comments on behalf of the interim Director of Legal Services that:

Repairing responsibilities

- 5.1 The Council is generally responsible for making sure the structure of rented property is kept in good condition (which includes the walls, ceiling, roof and windows); gas and electricity appliances work safely; and shared parts of a building or housing estate are kept in good condition.
- 5.2 The Council's Tenancy or Lease Agreements set out express terms in relation to both the rights and obligations of the Landlord and the Tenant regarding repair and maintenance responsibilities.
- 5.3 Whether a housing disrepair claim can be made against the Council, principally arises out of contract and statute law.
- 5.4 The basis of a claim can arise under s.11 of the Landlord and Tenant Act 1985 (LTA 1985). In addition, repairing obligations are implied in certain circumstances pursuant to a range of other legislation such as the Defective Premises Act 1972. There are also some standard implied terms developed by the Courts that: 1) if a landlord carries out repairs, they must be done with reasonable skill and care using proper materials; and 2) a landlord must not derogate from its grant. This means where a landlord has taken steps, or granted rights to another party, which render the premises unfit or unsuitable for the purpose for which they were let.
- 5.5 Failure to comply with these implied terms can result in a civil claim for damages and specific performance. A claim for compensation can also be made under the Housing Act 1985. Claims in common law nuisance or negligence can similarly arise. Allegations of statutory nuisance can also be pleaded in the Magistrates' Court under the Environmental Protection Act 1990 where this is evidence to support such a claim. A housing conditions claim may include a personal injury element.
- 5.6 Separately the Homes (Fit for Human Habitation) Act 2018 contains implied covenants that residential rented accommodation is provided and maintained in a state of fitness for human habitation.

Regulatory Requirements

- 5.7 The Housing Ombudsman (THO) established under the Housing Act 1996 (as amended by the Localism Act 2011) is responsible for investigating complaints about member landlords in accordance with a scheme approved by the Secretary of State. The role of THO is to seek to resolve disputes involving members of the Scheme, including making awards of compensation

or other remedies when appropriate, and to support effective landlord-resident dispute resolution by others.

- 5.8 In addition, the Housing and Regeneration Act 2008 established the Regulator of Social Housing (RSH) an executive non-departmental public body of the MHCLG. The RSH sets regulatory standards, codes of practice and guidance for registered providers of social housing. The regulator will consider complaints and referrals to determine whether there is evidence of a breach of its regulatory standards and to whom the Council has self-referred.
- 5.9 The Charter for Social Housing Residents – the Social Housing White Paper published in November 2020 sets out actions the government propose to take to include a Charter for Social Housing Residents, plans for new regulation, a strengthened Housing Ombudsman to speed up complaints, and a set of tenant satisfaction measures that social landlords will have to report against.

Best value

- 5.10 The Local Government Act 1999 imposes a requirement on all local authorities to deliver 'best value' which requires the Council to demonstrate that it is making arrangements that are economic, efficient and effective and the Council has had regard to the need to secure continuous improvement in how it carries out its work.
- 5.11 The review of the Council's housing function, creation and compliance with a Housing Improvement Plan is designed to assist the Council in meeting its core legal responsibilities regarding the keeping in good condition of the Council's housing stock and will be a significant contributor to meeting the Council's legal duty of 'best value'.

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the interim Director of Legal Services & Deputy Monitoring Officer.

6. HUMAN RESOURCES IMPACT

- 6.1 It is essential that staff working with tenants and residents are fully aware of and undertake equality, diversity and inclusion (EDI) good practice. The council has commissioned a wide-ranging culture change programme which will be aimed at addressing workforce improvement in EDI practice and will be implemented during financial year 2022/23.
- 6.2 Where there is evidence of staff capability issues the council has established capability procedures to seek to support staff performance improvement

Approved by: Dean Shoesmith, Chief People Officer

7. EQUALITIES IMPACT

- 7.1 The Council has a statutory duty, when exercising its functions, to comply with the provisions set out in the Sec 149, Equality Act 2010. The Council must, in the performance of its functions, therefore, have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The Ark Report outlined the conditions of housing at Regina Road but added only one line about investigations carried out regarding racial discrimination. There was no narrative that explained what the allegations were from tenants and how the decision that “there was no clear evidence that race discrimination had taken place” had been arrived at.
- 7.3 There were several anecdotal stories about discriminatory behaviour towards tenants from senior officers who were employed by the Council at that time that were absent from the report.
- 7.4 In order to address the issues raised by the tenants it is necessary to understand what was meant by the original allegations made by the tenants from their perspective. Noting that the perception of the tenants is highly relevant and should be explored, understood and accepted by the department.
- 7.5 The failure to address these issues was exasperated by the absence of equality data held both by the department and the suppliers. This meant that complaints could not be logged by characteristic, or any pattern identified of complaints arising from tenants who believed that they were treated adversely in respect of their race. The lack of data collection also impacted other housing areas where complaints of discrimination arose such as allocations. This is an issue of urgent importance for housing to address during efforts to improve the delivery of housing services.
- 7.6 Recommendation 12 of the McPherson report defines a racist incident as one that is perceived so by the victim or other person. This requires the Council to act as if the perception of the victim was accurate when offering solutions. It should not be assumed that the allegations were merely an issue of lack of respect and dignity experienced by everyone. The experience of ethnic groups spanned several ethnicities and was not isolated to one ethnic group.
- 7.7 The work streams identified in the HIP should ensure that equality implications are transparent and visible in the work that is carried out, rather than be merely

implied. It is essential that each workstream should undertake an equality analysis at the start of each project which should be constantly reviewed and revisited, rather than at the end. It is essential that this includes collection of equality data across all services. Advice should be sought about equality implications of proposals, and they should not be dismissed as having no relevance to equality without further discussion.

- 7.8 Due consideration should be given to residents who may need to be treated even more favourably under the Equality Act 2010. These include: disabled residents, parents of disabled children, people who do not have English as a first language.

Approved by: Denise McCausland, Equality Programme Manager

8. ENVIRONMENTAL IMPACT

- 8.1 The delivery of an extensive housing capital programme will be an important route towards delivering Croydon's carbon neutrality aspirations. This work will need to be explored in more detail as part of the development of an Asset Management Strategy as set out in the Plan.

9. CRIME AND DISORDER REDUCTION IMPACT

- 9.1 Improvements in the Council's tenancy management service are likely to have a positive impact on anti social behaviour within the Borough. It is important that the work set out in the Improvement Plan is developed in conjunction with the Sustainable Communities team.

10. DATA PROTECTION IMPLICATIONS

10.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

No

10.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

No

The subject of the report does not involve the processing of 'personal' data. There are therefore no data protection implications.

CONTACT OFFICER: *David Padfield, Interim Corporate Director, Housing*

APPENDICES TO THIS REPORT:

LBC HOUSING IMPROVEMENT PLAN (1)

REVISED HOUSING IMPROVEMENT BOARD TERMS OF REFERENCE (2)