

HOUSING & COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE

MINUTES of the Housing & Community Safety Scrutiny Sub-Committee held on Tuesday 24 February 2015 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Tom Flynn (Chair)
Councillor Ben Johnson (Vice-Chair)
Councillor Damian O'Brien
Councillor Martin Seaton
Councillor Johnson Situ

OTHER MEMBERS PRESENT: Councillor Leo Pollak

OFFICER SUPPORT: Martin Green - Head of Specialist Housing Services
Leigh Richman - Service Group Manager/Temporary Accommodation Procurement and New Initiatives
Ian Swift - Group Services Manager – Housing Options and Homelessness
Richard Selley - Head of Customer Experience
Shelley Burke – Head of Overview and Scrutiny
Fitzroy Williams – Scrutiny Officer

1. APOLOGIES

1.1 Apologies for absence were received from Councillors Claire Maugham and Vijay Luthra.

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

None

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

3.1 There were no disclosures of interests or dispensations.

4. MINUTES

RESOLVED:

That the minutes of the meeting held on 26 January 2015 be agreed as a correct record, subject to councillor Karl Eastham being recorded as present for that meeting.

5. **COUNCILLOR LEO POLLAK - DEPUTY CABINET MEMBER FOR EXCELLENCE IN DESIGN**

5.1 The chair welcomed Councillor Leo Pollak to the meeting and invited him to address the sub-committee.

5.2 Councillor Leo Pollak the Deputy Cabinet Member for Excellence in Design stated that there were 3 areas he had been working on within his role:

- residential design and space standards
- the heritage Supplementary Planning Document (SPD) in the new Southwark plan and the issue of the local list
- the design, procurement code and strategy for new council housing.

5.3 Councillor Pollak reported a study last year from the Building Research and Information Journal showed the UK had the smallest homes in Western Europe with the smallest average room sizes. Shelter had found that children who lived in overcrowded accommodation were 3 times more likely to suffer with respiratory health problems than those that did not and they were 10 times more likely to contract meningitis. In Southwark we had a great deal of HMO's, bedsits, converted flats and different types of accommodation that dip below minimum guidelines that were set out in the London Housing Design Guide.

5.4 Councillor Pollak informed members there were very strong minimum light and space standards as set out in the SPD's in this borough. The Royal Institute of British Architects (RIBA) had launched the HomeWise campaign to promote awareness of the impact of restricted space and light. The licensing and planning function of the local authority have powers in respect of residential design standards but there are a number of areas where they can be strengthened. Contact had been made with RIBA in relation to the HomeWise campaign there was a discussion about whether this could be turned into an accreditation scheme for local authorities. Councillor Pollak was promoting to RIBA that

Southwark could act as a beacon local authority for an accreditation scheme - boroughs could earn the status of being HomeWise.

- 5.5 Councillor Pollak reported that he had been working with a number of officers, heads of amenities societies and the cabinet member for regeneration in relation to the heritage SPD and the fact that this authority did not have a local list of buildings of interest. Lambeth, Lewisham and Tower Hamlets all had such local lists and it was a gap in Southwark considering the architectural breadth, diversity and quality in the borough. Developing a Southwark list would be part of the work around the new Southwark plan - it was likely to be rolled out after the area visions for different parts of the borough were determined and the area action plans which would take precedence. Once it came to developing the local list, public engagement would take place about the variety of buildings and environment.
- 5.6 A member asked what influence do you think the council can have on private rented sector? Is this the sort of thing the council can or should look at through planning or enforcement?
- 5.7 The Deputy Cabinet Member for Excellence in Design suggested that the council should look at both planning and enforcement. He gave an example of someone who had bought a terraced house and tried to convert it into 6 flats. In fact the 2 of the flats were far below our minimum space standards were occupied, this application was deferred to continue negotiations with case officers to ensure those standards were adhered too, Southwark residential design standards are widely seen to be the strongest in London..
- 5.8 A member asked would design be a part of what the private rented sector register be looked at?
- 5.9 The Deputy Cabinet Member for Excellence in Design explained that the two meet halfway - the design side of the private rented sector deal with design related issues which would be around anti-social behaviour, security and safety, these are covered by the guidelines which applied to all council housing. The council cannot tell private developers how to design but they have to stick to the council's residential design standards and there was a private rental sector licensing scheme in place to ensure the worst abuses were avoided.
- 5.10 A member stated that the Parker Morris Standards were quite big and asked will the new build be bigger than that, and what was the source of information regarding children's illness due to being bought up in small homes?
- 5.11 The Deputy Cabinet Member for Excellence in Design responded

yes, Parker Morris Standards were introduced in 1961, and covered much of the council's housing at that stage. From the late 1970's they were not a requirement or considered guidance for local authorities any longer and council house building had dried up. The latest push was the London Design Housing Guide which came into force in 2011 and it was intended that every local authority in London sticks to that guidance. There may be a few small exceptions where constraints of the site may result in minor dipping below the quantity area square figure. The information relating to children's illness was contained in a report produced by Shelter which was circulated last year. The member offered to circulate the report to members.

- 5.12 A member asked how will the local list play into the new Southwark Plan?
- 5.13 The Deputy Cabinet Member for Excellence in Design stated the local list would follow area action plans and visions. Peckham has a local population who are interested in local heritage and this was set up clearly in the Peckham and Nunhead area action plan. It was heritage lead regeneration, in terms of engaging residents in the detail it is a fantastic opportunity for this to be done. This would be a good opportunity to get people thinking about the architectural legacy, talking to each other about the nature of the environment and how they experience different aspects of it, and also given the opportunity to nominate particular buildings and given structures.
- 5.14 On the post occupancy issue, there was the issues of asking people how they experience different housing typologies and formats. There was also another issue in relations to materials used and fittings. The Building Research Establishment is building a national data of defects data covering different housing elements like roofs, windows or even a door knob. When there was a clear schedule of defects and snagging data, this information can then be fed in from the design code to the briefs the architects have on sites and pre-empt a lot of these problems.
- 5.15 One of the RIBA next research projects would be asking about housing typologies and what works and what does not. When you have a mass of data you can use it to help solve anti-social behaviour issues with regards to housing design.
- 5.16 A member asked where there was infilling on estates, would the impact on the light and space issues for existing buildings be taken into account?
- 5.17 The Deputy Cabinet Member for Excellence in Design reported that standards in respect of daylight/sunlight, overlooking privacy and amenity issues would be built into the requirements of both the new flats being built and everything that surrounds it. The council

has competitive feasibility and design concepts for each site providing a good variety of options in terms of site configurations, height, massing, mix and form as well as servicing options and budgets, so that bad options could be avoided.

- 5.18 A member asked how the council will continue to plan for mixed community housing and what was his view on access to shared facilities such as gardens and gyms? The Deputy Cabinet Member for Excellence in Design reported that the commitment to tenure blindness was absolute and categorical. There will be the same space standards, external appearance and access to facilities.
- 5.19 The Deputy Cabinet Member for Excellence in Design reported that the report should go to the cabinet in May or June 2015. The chair suggested that the sub-committee invite councillor Pollak to give an update on the report after it had been discussed by cabinet.

6. TEMPORARY ACCOMMODATION & HOMELESSNESS - UPDATE

- 6.1 The chair with the agreement of the sub-committee had circulated papers relating to a recent legal case concerning the council's homelessness procedure. This had been drawn to his attention and he thought it worth considering along with the report on temporary accommodation and homelessness.
- 6.2 The chair welcomed Martin Green (Head of Specialist Housing Services), Leigh Richman (Service Group Manager/ Temporary Accommodation Procurement and New Initiatives), Ian Swift (Group Services Manager – Housing Options and Homelessness) and Richard Selley (Head of Customer Experience) to the meeting and invited them to update the sub-committee.
- 6.3 The Head of Specialist Housing Services reported that temporary accommodation and homelessness was a very complex and detailed area. It was packed full of legislative enactments, requirements and obligations, but it was the interpretation that made it very complicated and there were reams of case law and judicial review was one of many reviews.
- 6.4 He suggested the committee think in terms of demand and supply. People presenting themselves as homeless were the demand side of the equation. Temporary accommodation was the supply side, helping those people with emergency housing in the short term. In Southwark's organisational structure, temporary accommodation came within Head of Specialist Housing Services remit and the homelessness side ie the demand side came under Head of Customer Experience.
- 6.5 The chair stated that in the context of this report there were some

worrying numbers about access to private rented sector and the cost of bed and breakfast. Did this judgement mean that there will be more people looking for temporary accommodation?

- 6.6 The Head of Specialist Housing Services reported no, that although the judgement had come out now, (and the person in question was rehoused in September) a new policy on homelessness prevention was introduced last May.
- 6.7 The Group Services Manager for Housing Options and Homelessness reported that the service was restructured on the 1st May 2014. Previously a customer would see a receptionist then a homelessness advice officer, then a homelessness caseworker and then passed be to temporary accommodation, but that journey has now been reduced to having one interview with reception and a homeless application is accepted from day one. This did not happen before and technically the judgement was correct
- 6.8 The Head of Specialist Housing Services confirmed that the council had changed its policies - the authority did not do homelessness prevention in the way that it used to do. Some homelessness prevention was done but this was focussed on keeping people in the accommodation they had at the present time.
- 6.9 A member asked during 2013-14 how many people presented themselves as homeless? How many were in temporary accommodations and what impact has the change made over the current year?
- 6.10 The Head of Specialist Housing Services reported the biggest impact on homelessness was not that policy change. The two big impacts on homelessness were the massive increase in market rents in Southwark, and many private sector landlords were evicting their private sector tenants on low incomes and benefits and the council were picking them up. The second reason for the increase in homelessness was because of the welfare reform. He gave the example that housing benefit in Southwark would cover a two bedroom rent of up to £268 per week – however the average two bedroom rent in Southwark was now close to £400 per week. The change in policy was designed to deal with the supply side.
- 6.11 The Group Services Manager for Housing Options and Homelessness reported that the current data was that the council had received and made decisions on 1,521 homeless applications compared to 920 the year before for the same period, i.e. 695 more homeless decisions. Southwark has accepted 191 more homeless customers than for the same period last year. The reasons for increases in homelessness were outside of the council's control in terms of welfare reforms and the positive housing market. The customer in the legal case was never denied

a service - he was placed in bed and breakfast accommodation.

- 6.12 The fact of the matter was homelessness has increased in London as the report says at a rate that was higher than ever it has been since the current data was collected in 2009. 75% of all customers living in temporary accommodation in England come from a London authority
- 6.13 The Head of Specialist Housing Services reported that a couple of years ago officers had certain tools available to them to help to deal with the ups and downs of homelessness demands. Officers were using hostels and properties on estates. Private sector had never been huge in Southwark, but there was enough for officers to tap in to work with landlords to use some of those properties for leasing accommodation for homeless households or people using those properties to privately rent and that was what had fallen away over the last couple of years. The housing crisis is not just about the shortage of council housing - it is the shortage of private sector housing and affordable private sector housing which applicants can access.
- 6.14 A member asked why two of the costs were taken from the Housing Revenue Account (HRA) and two from the General Fund? Why was there a huge spike in the cost of B&B that coincides with the practice change in May? What was the measure for single occupancy in B&B?
- 6.15 The Head of Specialist Housing Services reported prior to 1990 the Government decided to ring-fence the HRA and it was separated from the General Fund which was Section 74 of the Local Government and Housing Act 1989 and that came into effect on the 1st April 1990. The HRA was not a housing account it was a landlord account. There were certain housing functions that fall into the General Fund because they were not a landlord function, Homelessness falls within the General fund because homeless people do not have a landlord. Private sector licensing was not a landlord function and this came under the general fund.
- 6.16 The Service Group Manager for Temporary Accommodation Procurement and New Initiatives stated that the council had effectively managed the schemes which had enabled surpluses on the HRA. The costly side of this to the authority was the general fund and in particular the bed and breakfast net cost had risen to £2.5 million over the last two years.
- 6.17 The Group Services Manager – Housing Options and Homelessness reported that prior to May there would have been 20 or 30 households who the council prevented from being homeless and placed in bed and breakfast. The reason why cost had increased were because the authority had lost some of the supply. Officers were using flats on the estates and had not

expanded the authority hostel profile and the private sector which the council were reliant on had fallen away and had lost a large amount of units. The rise in demand and contraction in supply meant there was now a gap in provision so that the authority had nowhere to place some homeless people but in bed & breakfast. Officers were looking at many new measures and options to try and protect the council's general fund.

- 6.18 Members were informed of the development of Willow Walk, where the authority was creating new units. The authority was also adapting a former care home in Camberwell which would be used for temporary accommodation.
- 6.19 The Group Services Manager – Housing Options and Homelessness stated the last government had a directive regarding families staying in temporary accommodation and bed & breakfast over 6 weeks, and this authority had adhered to that rule. Authorities that had breached this rule had faced fines and their reputations had been damaged.
- 6.20 The Group Services Manager – Housing Options and Homelessness reported there was an officer working full time on doing all we can to get people out of bed & breakfast where the authority was in danger of breaching the 6 weeks rule. This had meant finding short term accommodation outside the borough for some people
- 6.21 Members were informed that private sector owner occupiers were able to charge more rent in the private market or selling their accommodation and realising their asset, some were also splitting up their accommodation into shared units and renting back to the council and the authority was paying over the odds for bed & breakfast, and there were record numbers this year.
- 6.22 The chair asked how far outside the borough have officers had to go with short term accommodation?
- 6.23 The Head of Specialist Housing Services reported the problem was there is very little bed & breakfast accommodation in the borough. Officers tried to accommodate customers in Lambeth or Lewisham as a general rule, then to Bexley and Greenwich. Units were also used in Kent and North London and these arrangements were made by agreement.
- 6.24 A member asked what were officers' views on the current laws regarding priority needs and what councillors can do to try and help those people who have slipped through the net and who do not qualify under priority needs?
- 6.25 The Head of Specialist Housing Services reported the basis of the act has not changed much since 1977, it was about assessing if

someone was homeless and whether or not they meet the other criteria about being in priority need, having a local connection. That had been a real challenge for all local authorities especially now with the state of the economy, the situation with welfare reform and in London with the private market sector.

- 6.26 The Group Services Manager for Housing Options and Homelessness stated the legislation started in 1977 and changed with the code of practice, priority needs of 16 and 17 year olds, anyone affected by fire or flood, families with children and people with vulnerability in terms of mental illness. The difficulty being vulnerability rules change quite a lot and was subject to judicial review all the time. The legislation states that the authority has to prevent homelessness. If they meet the criteria of local connection and priority need the authority has to make a decision as to whether they made themselves homeless. Once a decision has been made the customer may disagree. At the moment the authority was accepting 47% of all homeless applications compared to the regional average of 61%. Priority need applicants can always request a review and case law changes on a regular basis.
- 6.27 A member asked what was the future of the St Mungos temporary accommodation?
- 6.28 The Service Group Manager of Temporary Accommodation Procurement and New Initiatives reported these were services that Southwark had previously commissioned a number of years ago to provide supported accommodation to single vulnerable people, but that funding had been withdrawn a couple of years ago. Officers had been trying to work with St Mungos which was a supported hostel, in order so the council could nominate people to fill vacancies and this had a varying degree of success. They had a previous site in Great Guildford Street and they have moved people from Grange Road Southwark into that address. The council had offered to lease the building in the past for temporary accommodation but they did not want to do that. Since then they had received planning permission to expand the building for development for single vulnerable people
- 6.29 A member asked whether the council still has the homeless at home status? And how does this work – for example where a young adult was at risk of homelessness from parent’s address?
- 6.30 The Service Group Manager of Temporary Accommodation Procurement and New Initiatives reported that officers would undertake a homeless investigation and speak to the parents and try to keep them in the property, as this would be better than b&b or temporary accommodation. They would be given band 3 status so that they could bid for accommodation over a period of time. If they go through the homeless route, they would stay in b&b and

would get a direct letting after a period of time.

- 6.31 A member asked how many b&b units do we have in Southwark?
- 6.32 The Group Services Manager for Housing Options and Homelessness reported there were 4 or 5 traditional hotel type accommodation with rooms above pubs, a lot of properties in the borough are these annexe type accommodation, flats and houses which you would not know were a b&b. Sedgemore Place was also being earmarked for development next year and would provide around 40 new hostel units.
- 6.33 A member asked how long were people in the hostels for? And do housing officers go out and check?
- 6.34 The Group Services Manager for Housing Options and Homelessness stated single homeless people would usually be placed for 6 months on average in the hostels, a couple of years ago before the supply crises people would have been placed for 6 weeks before they were moved on to 2nd stage temporary accommodation like on the Aylesbury Estate. Housing officers check the estate about 4 times a week.
- 6.35 The chair asked in the context of the legal judgement how the council would avoid a similar challenge in future. Officers responded that the new procedure requires officers to get all the information upfront on individuals. In this case, the customer had been treated as a individual applicant and his family had not been taken into account – this was the error in assessing their housing need.
- 6.36 The sub-committee expressed concern that the Cabinet Member for Housing and the Strategic Director for Housing and Community Services were not informed of this case before the outcome was made public and that it was not on the council's risk register. Members were concerned that the time lines appeared to suggest that the for the council was continuing to contest this case through June and July despite the fact that changes that had been made in May.
- 6.37 The sub-committee request that the Audit and Governance Committee review this case for the purpose of assurance that the council's risk management framework is operating effectively.

RESOLVED: (1) The sub-committee expresses its concern about how the risks of individual cases are assessed and communicated to the Cabinet Member for Housing and the Strategic Director for Housing and Community Services.

(2) The sub-committee request that the Audit and Governance Committee

review this case for the purpose of assurance that the council's risk management framework is operating effectively.

Meeting ended at 9.25 pm

CHAIR:

DATED: