



**Extraordinary Cabinet**

**15.30 – 16:15**

**12 November 2021**

**Present:** Councillors Waters (chair), Harris (vice chair), Davis, Hampton, Kendrick, Oliver and Packer

**Apologies:** Councillors Jones and Stonard

**Also present:** Councillors Galvin and Lubbock

**1. Declarations of interest**

Councillor Kendrick declared an interest in item 3 below as a director of NPS Norwich Limited (NPSN), he would not take part in the below the line section of the meeting and would not vote on the recommendations. Councillors Harris, Kendrick, Oliver and Waters declared interests as council tenants and Councillor Harris declared a non-pecuniary interest as a board member of Norwich Norse Building Limited. Councillor Oliver declared an other interest as a non-executive director of Norwich City Services Ltd.

**2. Public Questions/Petitions**

There were no public questions or petitions.

**3. Health, safety and compliance in council homes**

The chair highlighted that before the meeting of cabinet an extraordinary scrutiny committee had reviewed the report and made a number of recommendations to cabinet.

Councillor Harris, deputy leader and cabinet member for social housing presented the report. She sincerely apologised to residents and leaseholders for the issues which had led to the report and emphasised that the safety of council homes was of paramount importance. The council had fallen short of what could be expected from it in terms of health and safety compliance matters. However, there was now the opportunity to show the council's commitment to act.

A programme for outstanding compliance work was in place and was a priority for the council to deliver. The intention was to be open and transparent with this work and to bring regular updates to cabinet. Work to transfer services back into city council control would continue and was gaining pace, with two joint ventures scheduled to return in April 2022. This provided the opportunity for the council to

have greater control over the delivery of the repairs and maintenance and strategic property services.

Councillor Harris thanked the scrutiny committee for their excellent work considering the report; cabinet consideration was better for the rigorous and forensic examination achieved and she accepted the additional recommendations made by the committee. In summary, there was a strategy in place to deliver the compliance work along with the necessary finances. She urged cabinet members to support the recommendations in order to get on with the job ahead. She thanked the Director of Community Services for her support and hard work and was grateful to have a supportive team in place who wanted to solve the problem.

Councillor Davis, cabinet member for social inclusion asked how access would be gained to properties where tenants had previously refused entry and how would the service work with vulnerable tenants to provide support. Councillor Harris advised those properties where there had previously been access issues had been identified and work was ongoing to support those residents. It maybe that the council would work with a support worker, a councillor, a family friend or relative to assist.

The Interim Housing Operations Director explained the process to cabinet, and how the team would make every effort to make contact to gain access to properties. If necessary, the Council may be required, as a last resort, to seek a court issued warrant to force entry or gain an injunction to carry out work in order to undertake the very serious legal responsibilities the Council has.

Councillor Lubbock asked whether it had been possible to identify when compliance work was last carried out to a satisfactory standard. The Executive Director of Community Services explained there were varying degrees of compliance in each area. The longest outstanding works would be prioritised first and some work had already been completed as the compliance programme was underway.

There had not been a robust system in place in terms of reviewing the progress of remedial actions, logging what work was needed and checking the action was completed. The process was underway to identify where these works were and to identify new checks and assessments which may be needed.

Councillor Galvin asked how the council would repair the reputational damage the compliance issue had caused and questioned if one session of scrutiny committee was enough to understand what had happened. In response, Councillor Waters, the leader of the council explained that the report detailed the steps being taken to build trust including that new governance structures were to be introduced, new performance measures and a new management structure which was already in place.

There had been an opportunity for pre scrutiny of the report at the request of cabinet. Further information would be presented in December and he reassured the public, residents, tenants and leaseholders associations and all councillors that scrutiny was welcome in order to address the compliance issue and achieve the best possible outcome.

Councillor Lubbock referred to Councillor Harris, deputy leader and cabinet member for social housing's comments regarding openness and transparency. She queried

why Councillors were not informed of the issues until 14 October 2021, when in June 2021 the council had referred itself to the social housing regulator.

The Executive Director for Community Services set out the timeline of events; a high level review began in late May to early June 2021, after which additional work was commissioned. During July the service recommended to the leader and deputy leader that the council should self-refer to the regulator. In August and September, the team worked with the regulator whilst waiting for additional findings, after which information was provided to councillors and residents. The regulator in its finding had given some reassurance that it approved the approach the council were taking.

Councillor Galvin asked what percentage of the compliance issues were due to residents not providing access to their properties. The Executive Director for Community Services did not have the information to hand but advised she would provide after the meeting.

In response to Councillor Lubbock's supplementary question the Chief Executive Officer acknowledged that it took an amount of time to get a clear picture of the situation. It had started with a new executive director being in place who had asked questions and then dug into the problem. The timeline which had been explained detailed the process of collecting more information and working with the regulator. It had taken time to be certain of the situation and establish the position and when that was achieved tenants, residents and councillors were informed.

The leader of the council emphasised that there was no merit in a situation where information was presented too early about the quality of compliance because it would raise questions at a stage when there were no answers. The leader, deputy leader and the cabinet as the council's executive body were informed about the issue. The executive were waiting for the full scope of the issue to be revealed before information was provided to all councillors.

The leader highlighted that 17,000 thoughtfully crafted letters had been sent to leaseholders and tenants and only a very small number had responded. Councillor Harris, the deputy leader and cabinet member noted that the communication strategy had been carefully considered to provide information to residents in a calm and informative way. There was information published in the Tenants and Leaseholder magazine which was sent to all properties. A number of channels for communication were opened; a dedicated telephone line which was available on a Saturday morning, a dedicated email address and information was on the council's website. There had been two letters sent out to households and the council had received 100 contacts in response, which included queries that were not about compliance.

Councillor Galvin asked if any legal action was anticipated from residents or if the council were considering taking any action against those who had not conducted the compliance work.

Councillor Waters the leader of the council responded that the social housing regulator considered there were detrimental effects to the health and safety of residents. If the council had failed to self-refer to the regulator when compliance failures were found it would be problematic. However, the regulator had confidence in the programme in place to address the issues and letters had been sent out to residents and a number of means of communication established. That transparency,

the assurance to address the issue with dedicated resources in place in a timely and effective way demonstrated the council's commitment to rectify the problem.

The leader presented the recommendations from the scrutiny committee which he considered were very helpful.

(Councillor Kendrick left the meeting at this point)

#### **4. Exclusion of the public**

**RESOLVED** to exclude the public from the meeting during consideration of the exempt appendix to item 3 on the grounds contained in the relevant paragraphs of Schedule 12A of the Local Government Act 1972 (as amended).

#### **\*5. Health, safety and compliance in council homes – exempt appendix (para 3)**

An exempt minute exists for this item.

#### **6. Health, safety and compliance in council homes**

(Councillor Kendrick returned to the meeting at this point)

After considering the report and the exempt appendix it was:

**RESOLVED** to:

- 1) endorse the information in this report and the action proposed to secure compliance with the Homes Standard;
- 2) approve the utilisation of HRA revenue repairs and maintenance budget to fund revenue works relating to the Compliance Improvement Plan;
- 3) note the technical virement approved by the Section 151 Officer, as referenced in the table shown in paragraph 46 to enable water safety works relating to the Compliance Improvement Plan to commence immediately;
- 4) approve the proposed virement of HRA revenue budgets set out in the table shown in paragraph 44 to support delivery of revenue works relating to the Compliance Improvement Plan;
- 5) recommend to November Council that the HRA capital programme is increased by £1m in 2021/22 and £1m in 2022/23 to support delivery of capital upgrade works relating to the Compliance Improvement Plan as set out in paragraph 48;
- 6) approve the creation of a new HRA Compliance earmarked reserve to enable any HRA amounts established to support the Compliance Improvement Plan, unspent at year end, to be utilised in future years in relation to compliance works to HRA properties;
- 7) approve extending the remit of the existing General Fund Commercial Property Reserve and General Fund Repairs Reserve to cover the costs of compliance works to General Fund properties as detailed in paragraph 48;

- 8) note that quarterly progress reports against the Compliance Improvement Plan will be presented to Cabinet;
- 9) for the Chair of the Committee and the Executive Director to determine a mechanism to inform the Scrutiny Committee of progress with regards the matters referred to in the exempt paper;
- 10) that a report comes to Scrutiny Committee in early Summer on the progress in delivering services referred to in the report following the transfer to NCS Ltd;
- 11) that the Housing Compliance Board regularly updates the Tenant Improvement Panel on its progress in securing compliance with required housing standards;
- 12) that Cabinet considers how compliance and safety risks are reflected in the Council's Risk Register; and
- 13) the provision of training to Councillors on contract management, compliance and performance management is reviewed

CHAIR