



# Haverling

LONDON BOROUGH

## PLACES OVERVIEW & SCRUTINY SUB COMMITTEE AGENDA

7.00 pm

Thursday  
14 December 2023

Appointment Centre  
Room 10 &11

Members 12: Quorum 5

### COUNCILLORS:

#### Conservative Group (4)

David Taylor (Chairman)  
Osman Dervish  
Ray Best  
Jason Frost

#### Haverling Residents' Group (4)

Gerry O'Sullivan  
Natasha Summers  
Bryan Vincent  
Sue Ospreay

#### Labour Group (2)

Katharine Tumilty (Vice-Chair)  
Matthew Stanton

#### East Haverling Residents Group (1)

Brian Eagling

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For information about the meeting please contact:

Taiwo Adeoye - 01708 433079  
taiwo.adeoye@onesource.co.uk

***Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.***

***Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.***

### **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

## **What is Overview & Scrutiny?**

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements. Each overview and scrutiny sub-committee has its own remit as set out in the terms of reference but they each meet to consider issues of local importance.

The sub-committees have a number of key roles:

1. Providing a critical friend challenge to policy and decision makers.
2. Driving improvement in public services.
3. Holding key local partners to account.
4. Enabling the voice and concerns to the public.

The sub-committees consider issues by receiving information from, and questioning, Cabinet Members, officers and external partners to develop an understanding of proposals, policy and practices. They can then develop recommendations that they believe will improve performance, or as a response to public consultations. These are considered by the Overview and Scrutiny Board and if approved, submitted for a response to Council, Cabinet and other relevant bodies.

Sub-Committees will often establish Topic Groups to examine specific areas in much greater detail. These groups consist of a number of Members and the review period can last for anything from a few weeks to a year or more to allow the Members to comprehensively examine an issue through interviewing expert witnesses, conducting research or undertaking site visits. Once the topic group has finished its work it will send a report to the Sub-Committee that created it and will often suggest recommendations for the Overview and Scrutiny Board to pass to the Council's Executive.

## **Terms of Reference**

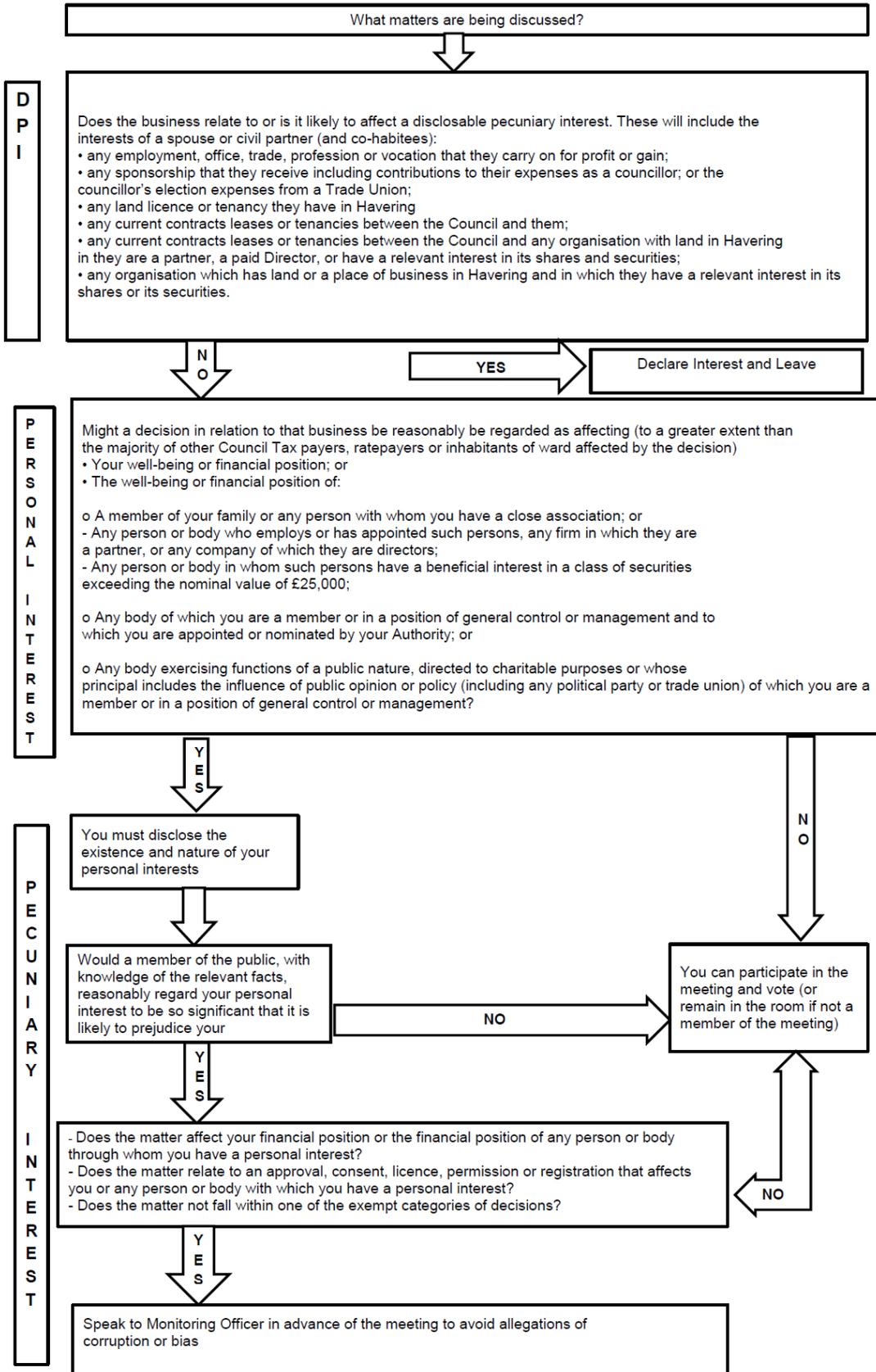
The areas scrutinised by the Committee are:

- Housing & Accommodation Services
- Land & Property Services
- Planning
- Building Control
- Business Services
- Inward Investment
- Asset Management
- Property Services
- Facilities Management
- Sports

## **Places Overview & Scrutiny Sub Committee, 14 December 2023**

- Leisure
- Arts
- Music
- Libraries
- Heritage
- Parks & Open Space
- Highways
- Parking & Traffic
- Waste & Recycling
- Climate Change
- Transport & Infrastructure
- Public Protection & Licensing
- Emergency Planning
- Technical Services

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

Receive (if any)

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

### **4 MINUTES (Pages 7 - 10)**

To approve as a correct record the minutes of the meeting of the Sub-Committee held on 14 September 2023 and authorise the Chairman to sign them

### **5 TACKLING DAMP AND MOULD (Pages 11 - 30)**

Report attached

### **6 HOUSING RESIDENT SAFETY AND COMPLIANCE PERFORMANCE (Pages 31 - 56)**

Report attached

**Zena Smith**  
**Head of Committee and**  
**Election Services**

**MINUTES OF A MEETING OF THE  
PLACES OVERVIEW & SCRUTINY SUB COMMITTEE  
Appointment Centre Rooms 10 & 11  
14 September 2023 (7.00 - 8.50 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	David Taylor (Chairman), Ray Best, Jason Frost and Osman Dervish
<b>Havering Residents' Group</b>	David Godwin, Gerry O'Sullivan and Natasha Summers
<b>Labour Group</b>	Matthew Stanton and Mandy Anderson (In place of Katharine Tumilty)
<b>East Havering Residents Group</b>	Brian Eagling

**30 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

Apologies were received for the absence of Councillors Sue Ospreay and Bryan Vincent.

**31 DISCLOSURE OF INTERESTS**

There were no disclosures of interests.

**32 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded members of the actions to be taken in case of an emergency.

**33 MINUTES**

The minutes of the previous meeting were agreed as a correct record and signed by the Chairman.

**34 HOUSING REPAIRS AND VOIDS UPDATE**

The Sub-Committee was presented with a report on Housing repairs and voids.

It was explained to members by officers that the performance of the service was at the correct level to meet the contractual targets however small and

large voids had not met their targets due to the condition of the properties. Members noted the Council took on over 100 voids at the start of the contract and this had been reduced to just over 50.

Officers discussed the challenges surrounding the housing stock as many houses were built in the early 1940s which are now difficult to manage, however, the Council were insulating external walls to prevent mould whilst aiming for net zero carbon. It was explained to members that a large problem faced with voids is the financial impact on the council of hiring skips to clear out possessions that have been left at the property. In total, the council had 738 void properties across all types within the last year but assurances were made by officers that target would still be aimed for regardless of the amount of voids the Council had.

Officers explained to members that properties were 100% gas compliant which was better than neighbouring boroughs but gas heaters were to be slowly phased out for electric heaters for futureproofing reasons.

The Sub-Committee made no recommendations and noted the report.

### 35 **GREEN FLAG AWARD - HAVERING'S PARKS**

The Sub-Committee was presented with a report on the Green Flag awards for Havering's parks.

Members received an oral representation from a member of the Friends of Raphael & Lodge Farm Parks group as agreed by the Chairman prior to the meeting.

Officers explained to members that the green flag awards process was done annually. However, the awards could not judge all 16 parks every year so 10 parks were judged one year and the remaining 6 the year after. It was explained that the judging takes place in the summer months and the parks were judged on 24 different criteria across 7 areas. It was also explained that a 'mystery shop' exercise could be carried out which is an unannounced visit however there would be less criteria and comments as opposed to formal judging.

Members were delighted to note the Council had never failed an assessment since 2007, however, noted the concerns raised by the Friends of Parks group representative regarding the irregularity of the grass cutting and the poor sewage and drainage when there are severe weather storms. Officers responded to the concerns raised and assured members that working groups between the Council and volunteer groups were being developed.

Members requested information on the criteria for smaller parks and green spaces to receive the Green Pennant and London in Bloom awards.

The Sub-Committee made no recommendations and noted the report.

36 **STATE OF CHILDREN'S AREA - HAVERING PARKS**

The Sub-Committee was presented with a report on state of children's play areas within Havering Parks.

An oral representation was once again given by a member of the Friends of Raphael & Lodge Farm Parks group.

Officers explained the process of assessing the risk of play areas which involved 3 checks; a basic visual, an operational and an annual independent check. Members noted only skate parks were assessed as high risk due to the nature of the activities within those specific areas. Members also noted that play areas are subject to damage and vandalism, of which some damage can be repaired by in-house Council teams however some damage requires specialist contractors but officers were looking at the feasibility of having the specialist work done in-house. It was highlighted to members that there was a dedicated phone, text and website that the public could contact if they wished to report damage or vandalism including graffiti.

Officers explained that there had been a significant increase in the use of play areas across Havering but acknowledged that there was little new equipment and little improvement to the existing equipment. Members recognised the need of the Council to provide play equipment that was manufactured from more sustainable and natural materials to meet the net zero carbon targets. Council officers described to members that contractors were challenged to design new, innovative and inclusive play equipment with an example of the basket swings given as a good example of inclusive play. Members noted the lack of communication between the Council and Disabled groups within the Borough and asked for officers to look into bridging that gap.

The Sub-Committee made no recommendations and noted the report.

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**Chairman**

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## PLACES OVERVIEW AND SCRUTINY SUB COMMITTEE

**Subject Heading:**

Tackling Damp and Mould

**SLT Lead:**

Neil Stubbings  
Strategic Director of Place

**Report Author and contact details:**

Ian Saxby  
Assistant Director of Housing Property  
Services  
ian.saxby@havering.gov.uk

**Policy context:**

For information only  
The report provide details of our  
performance against our statutory duty as  
a landlord in regards to resident safety

### SUMMARY

The report is for information only. No decision is required.

The report provides information to Places OSSC in relation to current issues relating to damp and mould and describes some of the measures that are currently being undertaken in relation to this issue. Please note that this report is in the form of a presentation, which is contained within Appendix 1.

### RECOMMENDATIONS

Members note the report

### REPORT DETAIL

Please see the information contained within Appendix 1.

## BACKGROUND PAPERS

Appendix 1 – Tackling Damp and Mould

## IMPLICATIONS AND RISKS

**Financial implications and risks:** None for this report.

**Legal implications and risks:** None for this report.

**Human Resources implications and risks:** None for this report.

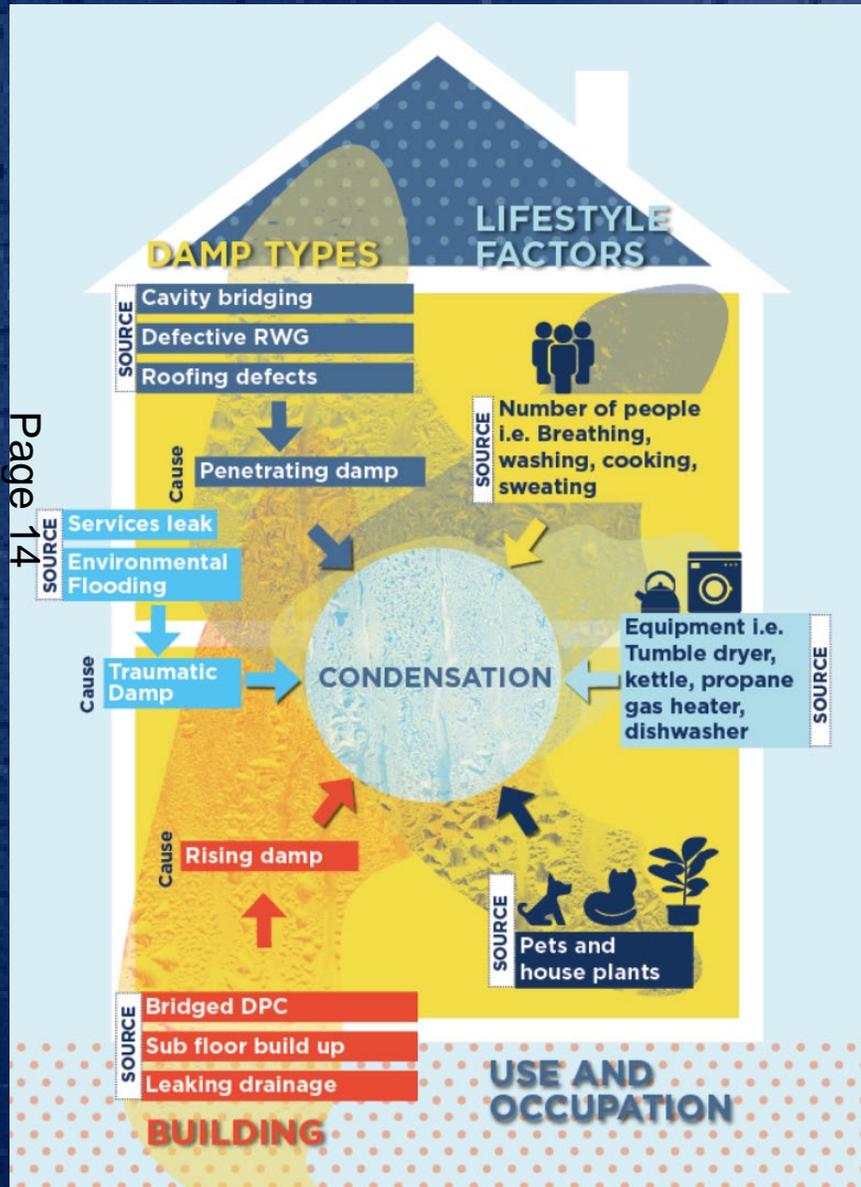
**Equalities implications and risks:** None for this report.

# Tackling Damp and Mould

Ian Saxby

Assistant Director of Housing, Property and Assets

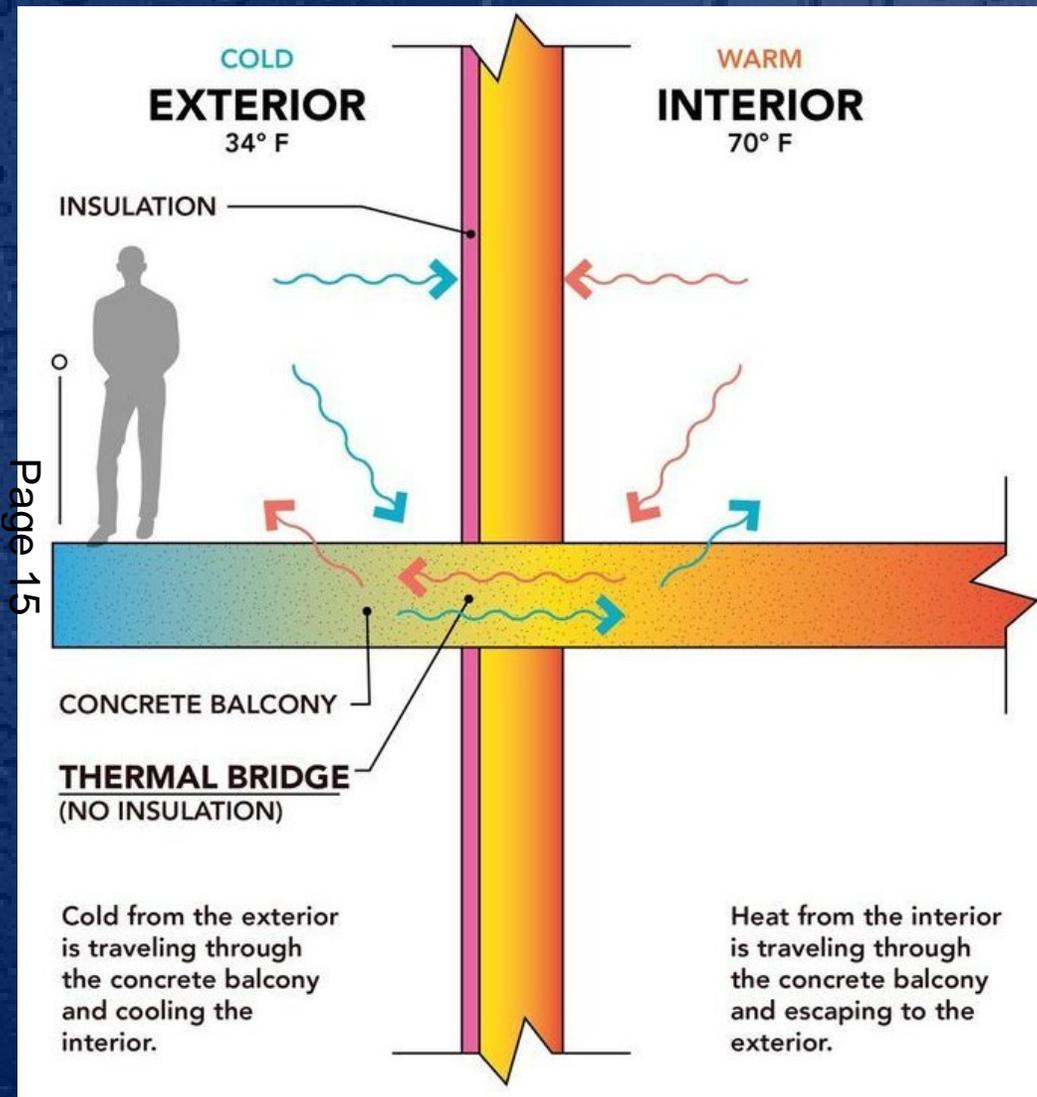
# Why do we get damp and mould?



There are many reasons that we might get damp and mould in properties in Havering. Some of which include:

- Building Defects (roofs, walls, floors etc.)
- Environmental Issues (flooding etc.)
- Lifestyle issues (washing, cooking, drying clothes etc.)
- Overcrowding
- Type of property (cold bridging, single glazing etc.)

# Why do we get damp and mould?



The London Borough of Havering housing stock is comprised of a large number of dwellings constructed in and around the 1960's.

Dwellings constructed in this period were not subject to current building regulations and therefore lack the thermal values of modern construction.

This presentation will discuss some of Havering's common archetypes highlighting the building deficiencies that create cold bridging leading to damp & mould within Havering's housing stock.

A cold bridge is an area that lacks thermal insulation creating a colder surface area within a dwelling, this area will be at a far greater risk of condensation.

The following archetype slides will highlight examples of Havering's housing stock detailing the building deficiencies that cause cold bridging.

When condensation occurs on an area that is not regularly wiped the added problem of mould will occur.

# Why do we get damp and mould?

Archetype No (and Table S1 age band)	Typical representative photos	Construction Period	RAG rating
1 (A)		Georgian 1714-1837	Amber (3)
2 (A)		Victorian 1837-1901	Amber (4)
3 (B)		Edwardian 1901-1910	Amber (4)
4 (B)		1920-1930	Amber (4)
5 (C)		1930-1940	Amber (4)
6 (C/D)		1940-1960	Red (5)
7 (D/E/F)		1960-1980	Red (5)
8 (G/H/I)		1980-2000	Amber (4)
9 (J/K/L)		2000-present	Amber (4)

## Risk by property type

All buildings may be subject to damp and mould, but certain types of construction are more vulnerable.



# Havering Architypes and Cold Bridging



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## Macon Way Upminster

The concrete detail around the front door has a low thermal performance, so when the external temperature drops the concrete element becomes colder.

The temperature of these concrete elements will be directly linked to the external temperature.

This concrete detail is directly connected and linked to the internal walls without any thermal insulation or thermal break, thus when the external temperature drops the internal sections of the wall that are directly connected become colder and condensation occurs.

# Havering Architypes and Cold Bridging



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## Dagenham Park Drive Harold Hill

The concrete balcony's in the attached image are cantilevered into the concrete elements that form the ceilings and floors of the dwellings within this block.

The concrete balcony's have the same low thermal performance, so when the external temperature drops the concrete element become colder.

The balcony is direct connected and linked to the internal ceiling and floor line without any thermal insulation or thermal break, thus when the external temperature drops the internal sections that are directly connected become colder and condensation can form.

The walls are also solid 9" walls and have not had the benefit of cavity wall insulation.

# Havering Architypes and Cold Bridging



## Canfield Road, Rainham

The concrete detail forming the main structure of this block has a low thermal performance, so when the external temperature drops the concrete element become colder.

The concrete detail that forms the balcony walkway is direct connected and linked to the internal ceilings and floors of the dwellings without any thermal insulation or thermal break, thus when the external temperature drops the internal sections of the wall that are directly connected become colder and condensation can form.

# Havering Architypes and Cold Bridging



## Petersfield Avenue, Harold Hill

The concrete detail that forms the balcony walk way is directly connected and linked to the internal bathroom and bedroom ceilings of the ground floor dwellings without any thermal insulation or thermal break, thus when the external temperature drops the internal sections of the ceiling that are directly connected become colder and condensation can form.

# Haverling Architypes and Cold Bridging



## Petersfield Avenue, Harold Hill

The concrete balcony's in the attached image are cantilevered into the concrete elements that form the ceilings and floors of the dwellings comprising this block.

The concrete balcony have the same low thermal performance, so when the external temperature drops the concrete element become colder.

This balcony is direct connected and linked to the internal ceiling and floor line without any thermal insulation or thermal break, thus when the external temperature drops the internal sections that are directly connected become colder.

The walls are also solid 9" walls and have not had the benefit of cavity wall insulation.

# What is condensation ?

## Damp and Condensation

Controlling condensation is important to prevent mould from developing. Condensation is caused by moisture in the air. It is not usually caused by a building fault.

Condensation is the process by which water vapour in the air is changed into liquid water.

In other words, the water in the air, created by hot showers, cooking, drying clothes, is cooled and meets its dew point. If the air temperature is 21°C and relative humidity is 70% or higher condensation would occur on surfaces at 15°C or less.

In some cases, the cold bridging detailed in the Havering's archetypes creates the ideal surface areas for condensation to occur as surfaces can drop easily below 10°C.

The moisture that is deposited onto the walls & ceilings within the dwellings, if not regularly wiped can cause the creation of mould.

Walls and ceilings within typical dwellings are normally comprised of porous surfaces, like plaster that will absorb moisture easily allowing mould to form.

# Additional Pressures and Overcrowding

## The Impact of Additional Pressures and Overcrowding

The amount of condensation and mould can be increased by factors such as overcrowding and furniture, clothing, and bags being placed close to external walls as airflow is restricted and moisture containing air can settle more easily.

This can often result in residents belongings becoming damp and spoiled and consequently complaints and frustration from resident.

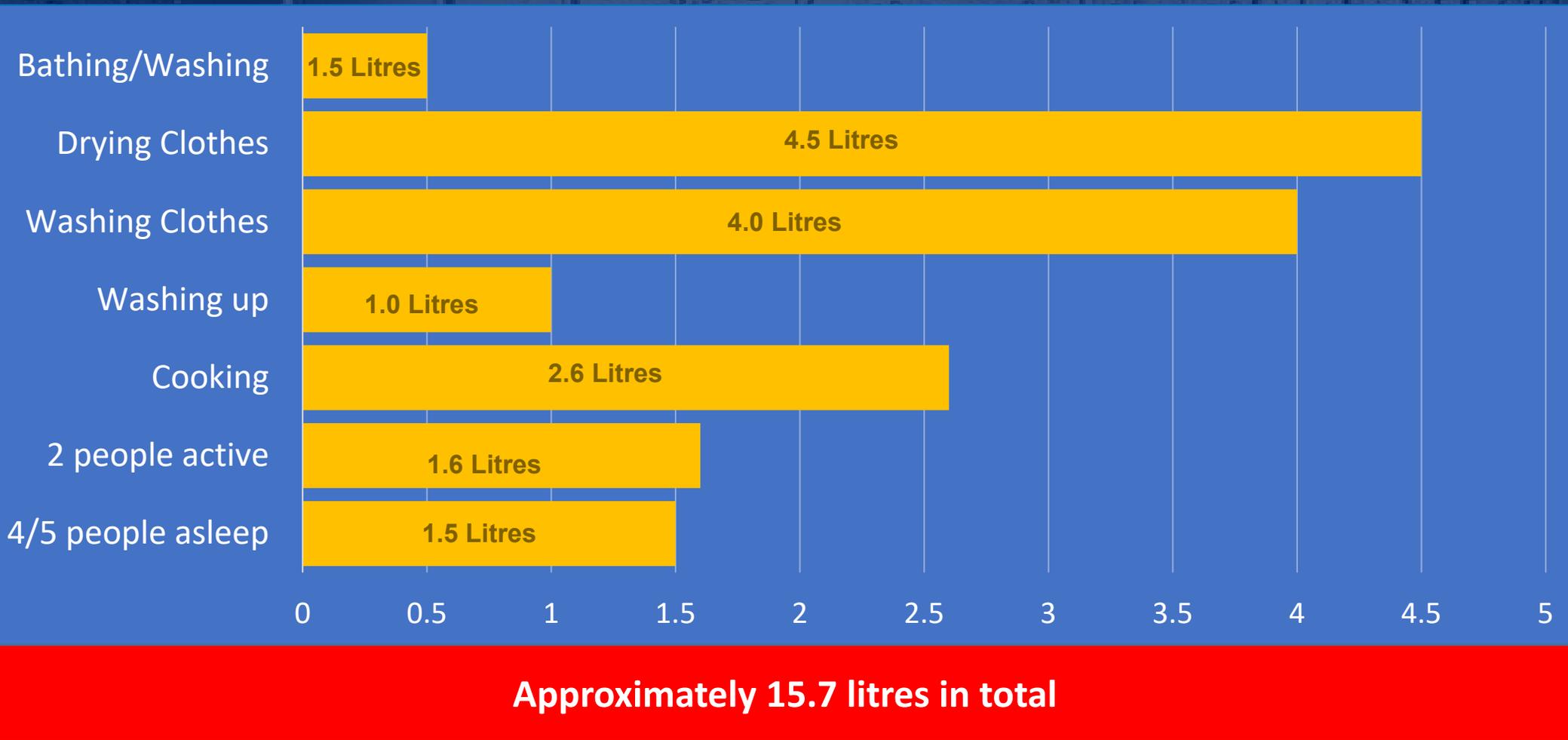
The cost of living crisis is also adding additional pressure, whereby residents cannot afford to use there heating.

Many families within Havering are not legally overcrowded even though their living conditions may be very cramped.

Larger families within smaller dwelling that have the building deficiencies highlighted in some of housing most common Archetypes will be at a far greater risk of condensation occurring.

The table in the slide below details how much moisture is created by daily tasks, this moisture settles on the cold surface areas created by the cold bridging building deficiencies detailed above.

# Water Vapour source in an 'average' house per day (in litres)



# Modifications & Changing Building Use

Some historic building modernisation has exasperated the issue. Havering have upgraded the original crittall windows that acted like condensation traps due to their cold surface area this has greatly improved the dwellings but the moisture held within the air is now hitting its due point on the cold surface areas on the walls.

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Havering have also introduced electric showers, central heating system blocked up open air bricks & fire places

# Maintenance Approach to Damp & Mould



## Supporting our residents

We've improved our processes so that anyone can report a damp and mould concerns to us quickly and easily, all residents who report damp and mould issues will be offered a surveyors inspection within a target time of 3 weeks.

We also understand that condensation isn't the only cause of damp, it can also come from building defects like leaking gutters, burst pipes, leaking roof, rising damp.

Our surveyor will undertake a detailed property inspection identifying any building defects, raising works orders to remedy any defect identified.

We will look at measures designed to help, such as installing better mechanical ventilation where appropriate.

# Maintenance Approach to Damp & Mould

## A guide to treating mould growth

It's always unsettling when you find mould growth in your home, and it's understandable to think there is something wrong.

However, a majority of mould issues come from a build-up of moisture, which is often caused just by living in your home. Millions of homes across the country experience mould issues, but there are easy steps we can all take to help tackle the problem.

### Supporting our residents

However we understand that the majority of damp & mould complaints are seasonal, directly linked to the external temperature that drops between November and April therefore we have implemented a damp & mould MOT approach to fully support our residents over this period.

We will fully explained the cause of the mould to our resident and offered advice on moisture reduction and management, explaining the underlying issue that makes the dwelling more prone to condensation and how adjustments to life style can dramatically improve conditions and reduce condensation and subsequently mould.

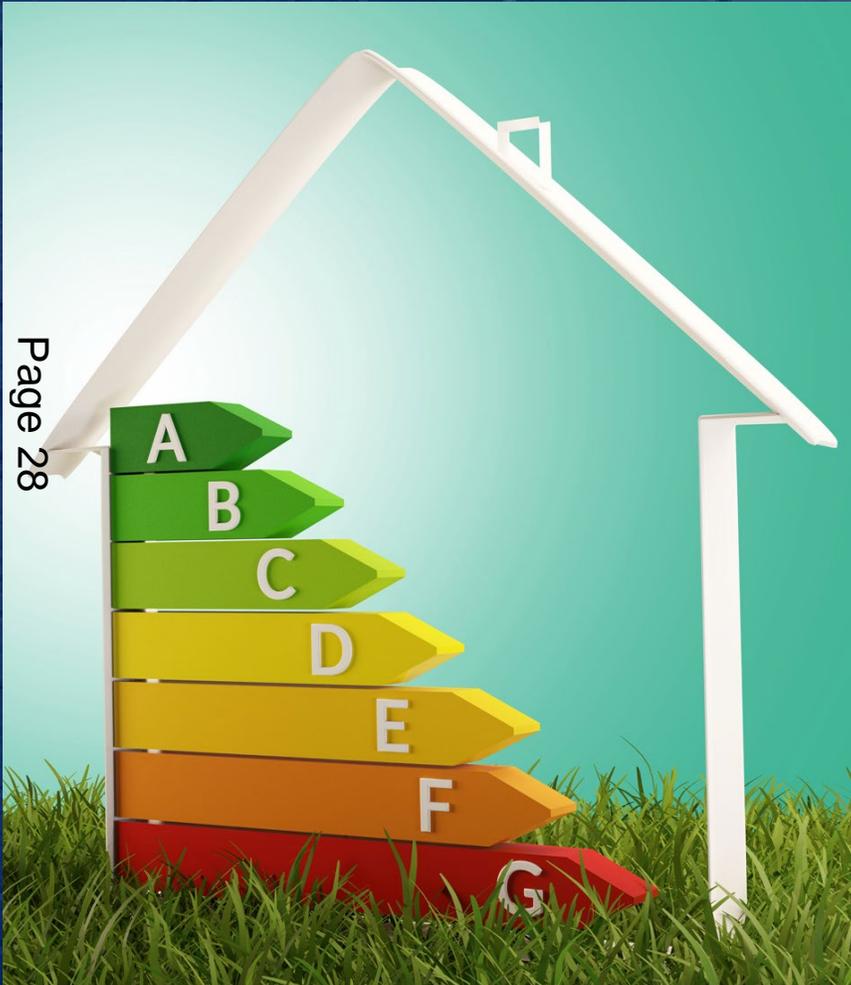
We will offered all resident assistance in the form of a Damp & Mould MOT that includes a regular monthly mould wash programme over a four month period during the colder winter months. The damp & mould MOT also offers a range of other supports like improved extractor fans, draft excluders, window overhauls and much more.

# Capital Works

The repairs and capital teams liaise with each other on a regular basis to identify any problem blocks and look at developing our future capital programmes to try and alleviate some of the current issues through our retrofit agenda.

We are exploring further external grant funding options such as Wave Three Decarbonisation Funding, that is yet to be announced by the government.

We have allocated £7million in 24/25 and £11million in 25/26 for energy efficiency measures on council properties, which will help to address some of the current issues.



# Conclusion

**The damp and mould issues within Havering is a complex matter with many contributing factors including historic building deficiencies that create surfaces areas that are more prone to condensate.**

- We will continue to survey and inspect each and every property where damp and mould issues have been reported and take remedial actions where needed.
- We will continue to provide residents with detailed advice on how they can prevent mould growth in their property and offer advice on moisture reduction and management.
- We will continue to offer all resident assistance in the form of a Damp & Mould MOT that includes a regular monthly mould wash programme over a four month period during the colder winter months.
- We will look at measures such as improved extractor fans, draft excluders, window overhauls etc. where appropriate.
- We will look to identify any problem blocks and consider whether these issues can be rectified as part of our future capital programmes.
- We will continue to explore further external grant funding opportunities.

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## PLACES OVERVIEW AND SCRUTINY SUB COMMITTEE

**Subject Heading:**

Housing Resident Safety and Compliance Performance

**SLT Lead:**

Neil Stubbings  
Strategic Director of Place

**Report Author and contact details:**

Ian Saxby  
Assistant Director of Housing Property Services  
ian.saxby@havering.gov.uk

**Policy context:**

For information only  
The report provide details of our performance against our statutory duty as a landlord in regards to resident safety

### SUMMARY

The report is for information only. No decision is required.

The report provides an update to Places OSSC of the position of LBH Housing services resident safety and compliance programmes against its statutory and regulatory duties.

The report also deals with duties under the Building Safety Act 2022.

As agreed by Cabinet on the 16<sup>th</sup> February 2022 Places OSSC will be provided with regular reports on the Housing compliance performance as part of the internal governance approach, performance is also scrutinised monthly by both the Compliance board and the Asset Management Sub Steering Group.

### RECOMMENDATIONS

Members note the report

## REPORT DETAIL

LBH owns and manages circa 9,400 homes and circa 2,500 leasehold properties including circa 14 tower blocks (including the new tower, Riverbank Court at Park Rise) and plus 1,000 medium and low rise blocks.

LBH has a duty to ensure each of these properties are safe and meet all relevant statutory duties around testing and servicing equipment and meets the relevant consumer standards of the Regulator for Social Housing and the requirements of the Building Safety Act monitored by the new Building Safety Regulator.

We consider Resident Safety around the big compliance areas:

- Gas Safety – all gas appliances should be inspected annually and a Landlord Gas Safety Record (LGSR) provided.
- Electrical Safety – all social rented properties must have an electrical inspection (EICR) every 10 years, although recent regulation changes require private landlords to have 5 year inspections and this is considered best practice in social rented properties and the approach we have adopted.
- Lift Safety – Monthly inspections and planned maintenance regimes and an annual certificate provided by our insurer.
- Water Safety – all relevant water systems must be checked for legionella risk, this is based on a risk based approach which can be a cyclical programme every 2 years. All actions flowing from the legionella inspection must be completed within prescribed timescales.
- Fire Safety – All relevant properties must have a valid Fire risk assessment (FRA) undertaken on a risk based approach which can be on a cyclical programme between 1 and 3 years. All actions flowing from the FRA must be completed within prescribed timescales.
- Asbestos – under the asbestos regulations all communal areas must have a valid management level asbestos survey which must be held on a relevant asbestos register. In addition, we are completing a survey programme of all domestic properties to ensure we manage all risk appropriately, this is not however a statutory requirement under the asbestos regulations.
- Fire Door Checks – We carry out flat entrance door checks in all our tower blocks. We have commenced monitoring these since June 2023 as part of the new requirements under the 2022 Building Safety Act. In addition, we are completing fire door checks in all our blocks with communal heating to ensure we manage all risks appropriately. These additional checks are not a statutory requirement under the new Building Safety Act.

Alongside the main compliance areas we also have a duty to ensure compliance across a number of other associated areas such as PAT testing, lightening protection testing, Dry Riser testing and Fire alarm testing and as we bring new properties on stream we will also need to ensure areas such as sprinkler and communal extract systems are included in compliance programmes.

Given the seriousness of resident safety all KPIs are set at 100% as shown in Appendix 1. These figures are for the month of October 2023, which is the latest available at the time needed to submit this report.

After a significant programme of work, we have been able to complete most programmes and to ensure we have the relevant evidence to support this position.

We have a small number of EICRs to complete since regular testing began in 2019. These are our hard to reach properties and we are working through approaches to resolve these. We have exhausted all approaches on a number of properties and plan to go down the legal route to obtain injunctions. We have had some success in combining EICRS and asbestos surveys and continue to work with the tenancy teams to gain access to the remaining 66 properties. In addition, we continue to work on fully populating our asbestos register for domestic properties.

The Committee will note that we have now included a full section on compliance of our Private Sector Housing (PSH), homes which we rent from private landlords and place residents.

Whilst we are not the landlord in these properties, (but possibly the freeholder in the blocks these homes are in), and therefore have no legal obligation to undertake compliance programmes, we do have a duty of care to our residents, and are taking a much more robust approach to monitoring compliance by landlords and dealing with those who fail to provide relevant information.

We have progressed to synergise the same systems to collate and monitor these figures; these figures are included so the Committee can see the continuing progress of our monitoring and reporting approaches. Most of the data reflects current compliance and is reflective of the information we directly hold. There is some more progress to be achieved to complete this project over the coming months.

We have also seen some new legislation introduced which flowed from the Grenfell Enquiry, The Fire Safety Regulations 2022. We have already introduced some additional monitoring regimes to ensure compliance such as communal doors checked every 3 months and flat front entrance doors checked every 12 months. These have now been included in the report.

The legislation also introduced some additional requirements around way finding signage requirements, floor plans, lifts and essential firefighting equipment and are working to ensure we comply with these.

To help achieve this we have looked at a tool which has allowed us to 3D model each high rise building. We are now able to identify all relevant equipment, isolation of services and other relevant information. We are still populating this tool and are now sharing some sections with the LFB. We will also progress to share relevant sections with residents as part of our engagement strategy. This will also be the core methodology for providing information to the new Building Safety Regulator as part of the building safety case file.

We are still developing documents for the appropriate procurement across all areas of compliance to ensure we have contracts that deliver a high level of performance whilst meeting the upcoming changes in technology. We are in the final stages of completing the main heating contract and we will be bringing this strategy to cabinet ahead of procurement exercises commencing later this year.

**BACKGROUND PAPERS**

Appendix 1 – Housing Compliance Performance Report

Appendix 2 – Building Safety Act 2022 Presentation

**IMPLICATIONS AND RISKS**

**Financial implications and risks:** None for this report.

**Legal implications and risks:** These are sufficiently covered in Appendix 2 to this report, particularly regarding the implementation of the Building Safety Act 2022.

**Human Resources implications and risks:** None for this report.

**Equalities implications and risks:** None for this report.

# LONDON BOROUGH OF HAVERING - HOUSING COMPLIANCE

DATE: October 2023

	NUMBER	August	September	October	COMMENTS
<b>FIRE SAFETY COMPLIANCE</b>					
New NODs received		0	0	0	
Outstanding NOD's		1	1	1	Remedial actions currently in progress.
<b>PROPERTIES WITH FRA OR RE-ASSESSED FRA</b>					
Cumulative total	893	852	871	893	
Dry Riser Testing		100.00%	100.00%	100.00%	
	18	18	18	18	
Fire Alarm Testing		100.00%	100.00%	91.67%	
	24	24	24	22	Cockabourne Court, Broseley Road HMO and Mimose Close HMO completed on 9th November 2023 due to FRA remedial works in progress.
In scope buildings registered with regulator and certificate issued		76.92%	100.00%	100.00%	
	14	10	13	14	All 14 buildings registered. Riverbank Court added on 31/10/23. Confirmations received. Awaiting update on rest of 10.
Communal Door Checks (quarterly by block)		100.00%	100.00%	100.00%	
	13	13	13	13	Plan to reconcile programme on Keystone ongoing
Flat entrance front doors checks in High Rise Buildings (annual)		0.00%	7.00%	23.32%	
Cumulative total	686	0	48	160	686 properties in total. No access rate is currently very high. K&T initially carried this out and included the remainder on programme at time of Gas service. This is a 12 monthly inspection and is a cumulative figure which will improve over the coming months.
Fire Safety Inspections (In scope, sheltered schemes and hostels ) Quarterly & Half Yearly		100.00%	100.00%	100.00%	
	41	41	41	41	
<b>GAS COMPLIANCE</b>					
Domestic Gas - General Needs		100.00%	100.00%	100.00%	
	8574	8574	8574	8574	
Gas Carcassing		100.00%	100.00%	100.00%	
	87	87	87	87	
Communal Gas servicing		100.00%	100.00%	100.00%	
	67	67	67	67	
<b>ELECTRICAL COMPLIANCE</b>					
EICRs domestic		99.06%	99.16%	99.28%	

	9182	9096	9105	9116	66 are overdue out of a total of 9182. 12 have now been Booked in and 4 further properties are now voids which will be carried out as part of this process. Access issues for the 66 properties are currently being escalated.
EICRs Communal		100.00%	100.00%	100.00%	
	870	870	870	870	
Emergency Lighting testing - monthly		100.00%	100.00%	100.00%	
	863	863	863	863	
Lightning Protection testing		100.00%	100.00%	100.00%	
	43	43	43	43	
PAT Testing		100.00%	100.00%	100.00%	
	46	46	46	46	
<b>LIFT COMPLIANCE</b>					
Monthly maintenance		100.00%	100.00%	100.00%	
	36	36	36	36	
Annual servicing		100.00%	100.00%	100.00%	
	36	36	36	36	
Bi-Annual insurance certificate		100.00%	100.00%	100.00%	
	36	36	36	36	
<b>LEGIONELLA COMPLIANCE</b>					
Legionella - Risk Assessment		100.00%	100.00%	100.00%	
	1189	1189	1189	1189	
Legionella - Risk Assessment (Two Year Review Programme)		100.00%	100.00%	100.00%	
	360	360	360	360	
Properties accessed under risk assessment reviews		20.79%	20.79%	19.54%	
	2477	484	484	484	10% access is attempted on every risk assessment to over time build up record of all properties. Currently in year 1 of 10.
Properties covered by archetype data under risk assessment reviews		79.21	79.21	80.46%	
	2477	1993	1993	1993	With at least 10% accessed previously we can use these as archetype data until such time as we can access all properties
Legionella - Routine Monitoring (Monthly)		100.00%	100.00%	100.00%	
	16	16	16	16	
Legionella - Routine Monitoring (Six - Monthly)		100.00%	100.00%	100.00%	
	12	11	11	12	
Overdue actions from L8 reports					
High - to be completed within 3 months	0	0	0	0	
Medium – to be completed within 6 months	0	0	0	0	

Low – to be completed within 12 months	0	0	0	0	
<b>ASBESTOS COMPLIANCE</b>					
Asbestos Surveys - Domestic		87.98%	89.61%	90.18%	
	8910	7731	7874	8035	This is a cumulative figure and we are hoping to achieve 100% compliance by the end of the financial year (2 year programme)
Asbestos Surveys - Communal		100.00%	100.00%	100.00%	
	1173	1173	1173	1173	
Asbestos Surveys - Garages		100.00%	100.00%	100.00%	
	49	49	49	49	
<b>PSH (Private Sector Housing ) COMPLIANCE (584 Properties)</b>					
Domestic Gas - PSH		100.00%	100.00%	100.00%	
	505	505	505	505	
EICRs Domestic – PSH - Third Party Responsible		84.67%	83.07%	84.50%	
	555	475	466	469	We are currently working through this to improve the percentages.
FRA - PSH - Under Havering Management		100.00%	100.00%	100.00%	
	153	152	156	153	
FRA - PSH - Third Party Responsible		0.00%	0.00%	0.00%	
	161	0	0	0	FRA's are being requested on upcoming lease renewals. 2nd stage will focus on FRA's of dwellings with time on lease.
Lift Compliance - PSH - Under Havering Management		100.00%	100.00%	100.00%	
	9	8	9	9	Number of properties, not number of blocks
Lift Compliance - PSH - Third Party Responsible		100.00%	100.00%	100.00%	
	0	0	0	0	Currently no PSH properties in blocks with lifts
L8 Legionella Reports - PSH - Under Havering Management		100.00%	100.00%	100.00%	
	162	162	166	162	
L8 Legionella Reports - PSH - Third Party Responsible		0.00%	0.00%	0.00%	
	171	0	0	0	Included within the 2nd stage of FRA enquiries.
Asbestos Surveys - PSH		54.19%	54.37%	54.41%	
	555	304	305	302	Progressing satisfactorily.

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Housing Residential Safety and Compliance report

# The Building Safety Act 2022

**Ian Saxby**

Assistant Director of Housing, Property and Assets

# Background

- Following the tragic event at Grenfell Tower in 2017 Dame Judith Hackitt was appointed to lead a review of building safety
- Her review, Building a Safer Future, made a number of recommendations many of which have been incorporated into the new Act
- The new Act received Royal assent on 28<sup>th</sup> April 2022 and we are expecting a number of secondary pieces of legislation to be passed over the coming months, there is a possibility of some further changes to the Act given that there were a number of last minute changes made in April

# Key Points

- The Act only applies Higher Risk buildings - buildings at least 18m high or with at least 7 stories and that contain two or more dwellings (it therefore excludes hospitals, hotels and office buildings). It is likely that this will be reduced in the future to include buildings of 11m or 5 stories
- The Act establishes a new Building Safety Regulator, a branch of the HSE
- The Act doesn't just relate to fire safety but explicitly states structural safety and allows placeholders for other areas of safety in the future
- The Act establishes a number of new dutyholders, 5 during the design and construction phase (which largely mirror the CDM regulations) and an Accountable person during the occupation phase. Each has explicit duties and responsibilities but must be able to demonstrate competence to undertake the role.

# Buildings in Havering that the Act applies to

LBH High Rise Buildings Stock				
Order	Building	Post Code	Floors	No of Dwellings
1	BLK 1-57 DRYDEN TOWERS HEATON AVENUE HAROLD HILL ROMFORD ESSEX	RM3 7HS	15	57
2	BLK 1-57 KIPLING TOWERS HEATON AVENUE HAROLD HILL ROMFORD ESSEX	RM3 7HT	15	57
3	BLK 1-76 HIGHFIELD TOWERS HILLRISE ROAD COLLIER ROW ESSEX	RM5 3DQ	16	76
4	BLK 1-53 EDINBURGH HOUSE ELVET AVENUE ROMFORD ESSEX	RM2 6JP	11	53
5	BLK 1-53 ELIZABETH HOUSE DURHAM AVENUE ROMFORD ESSEX	RM2 6JU	11	53
6	BLK 1-53 MOUNTBATTEN HOUSE ELVET AVENUE ROMFORD ESSEX	RM2 6JT	11	53
7	BLK 1-53 VICTORIA HOUSE DURHAM AVENUE ROMFORD ESSEX	RM2 6JL	11	48
8	BLK 1-48 OVERSTRAND HOUSE SUNRISE AVENUE HORNCHURCH ESSEX	RM12 4YN	13	48
9	BLK 3-52 PARKVIEW HOUSE SUNRISE AVENUE HORNCHURCH ESSEX	RM12 4YW	14	50
10	BLK 1-48 UPHAVERING HOUSE PARKHILL CLOSE HORNCHURCH ESSEX	RM12 4YX	13	48
11	BLK 1- 35 BROOKSMOUTH COURT, NEW ROAD, RAINHAM	RM13 8YB	7	35
12	BLK, 1-54 DAMSELFY COURT, GREENSTONE WALK, RAINHAM	RM13 8G	10	54
13	BLK, 1-54 SILVERFERN COURT, GREENSTONE WALK, RAINHAM	RM13 8YJ	9	54
14	BLK, RIVERBANK COURT, SUNRISE AVENUE, HORNCHURCH	RM12 4GH	10	55
15	BLK, MAYLARDS COURT, PARKHILL CLOSE, HORNCHURCH (yet to be handed over)	RM12 4GL	8	40

# Building Safety Regulator (BSR)

**The Building Safety Regulator (BSR) is an independent body established by the Building Safety Act, 2022, and is part of the Health and Safety Executive (HSE).**

Core function is to oversee the safety and performance systems of all relevant buildings

- The regulator will become the building control authority for all in scope buildings
- Oversee the performance of building control bodies
- Review and advising on changes to Building Regs
- Facilitating improvements in the competence of the building industry and building inspectors

# Building Safety Regulator (BSR)

The Building Safety Regulator (BSR) is an independent body established by the Building Safety Act, 2022, and is part of the Health and Safety Executive (HSE).

- Maintaining registers of buildings in scope
- Oversee the inspection of in scope buildings during design and construction including the express powers to authorise remedial works, stop non-complaint projects, impose special measure and order replacement of key officers
- Assess safety case files for buildings during their occupation
- Has the ability to take enforcement action as required.
- The Act place an express requirement on the (Building Safety Regulator) BSR to facilitate and secure the safety of disabled persons in in-scope buildings

# Three Limbs of the Act

The Act has three distinct limbs which need to be considered separately

- **Building Control** - A duty as a part of the regulatory approach on building control bodies
- **Developers** - A duty on developers of in-scope building to follow a prescribed gateway approval process
- **Freeholders** - A duty on freeholders in-occupation

Plus

- **Residents** - A duty on residents and owners of properties in in-scope buildings

LBH has responsibility under all three but this presentation mainly considers LBH freeholder/landlord in-occupation function

# Key In-Occupation Points

- LBH currently has 13 buildings which fall in the scope of the legislation (an additional two will be handed over at Park Rise)
- The act also introduces changes to the Landlord and Tenant Act 1985, allowing changes to the service charge regime and aligns both sets of legislation
- The act is chiefly concerned with building safety risk;
  - **Fire** - The spread of fire (previously just fire not its spread)
  - **Structure** - Structural failure (we therefore have to have much greater influence over what leaseholders do in their properties)
  - **Other** - Any other matter prescribed by the Secretary of State (essentially the legislation has been designed to very quickly incorporate any emerging issues)

# Accountable Person (AP)

- The act requires that an accountable person is established;
  - a person who holds a legal estate in possession in any part of the “common parts”.
  - This can be a corporate body or a named individual.
  - The accountable person is responsible for the in-occupation duties under the Act and must have sufficient delegated authority to take appropriate actions

# In-Occupation Duties

## Register all in-scope properties with the Building Safety Regulator

- The Act introduces the requirement for a completion certificate in relation to construction of high risk buildings, creation of additional units in high risk buildings or works which make a building become a high risk building.
- The Accountable Person is responsible for obtaining the certificate, any occupation before receiving the certificate is punishable by prison or a fine (or both)

## Building Assessment Certificate (BAC)

- The Accountable Person will also be required to apply for Building Assessment certificates for existing buildings. The Building Safety Regulator is expected to roll out this requirement over 5 years based on a risk based approach.
- There will be a number of pieces of information required, including the safety case, mandatory occurrence reporting systems, information demonstrating compliance by the Accountable Person and a copy of the resident engagement strategy
- The Building Safety Regulator will have to approve the Building Assessment Certificates and this will need to be displayed in each building (as yet the BSR has not issued and BAC)

# In-Occupation Duties

## Assessment and Management of building safety risks

- The Accountable Person must assess building safety risks as soon as reasonably practicable. Assessments must be carried out;
  - at regular intervals
  - at any time that an Accountable Person has reason to suspect that the current assessment is no longer valid; and
  - at the direction of the Regulator within a specified period.

## The Accountable Person must;

- prevent a building safety risk materialising (i.e. a risk to the safety of people in or about the building arising from the spread of fire, structural failure or any other prescribed matter)  
and
- reduce the severity of the incident resulting from such a risk materialising (the act accepts that risks exist, the duty is to minimise them)

# In-Occupation Duties

## Safety Case Reports

- The Accountable Person must produce a Safety Case report which will be presented to the Building Safety Regulator as part of the building assessments certificate application.
- It must be revised as and when the Accountable Person considers it necessary
- It must contain information on the golden thread showing how risks are being managed

## Resident Engagement Strategy

- The Accountable Person must put in place a Resident Engagement strategy which must promote the participation of residents in the making of building safety decisions

# In-Occupation Duties

## In-occupation duties

- Residents request for further information
  - The Accountable Person must provide prescribed information to the residents of a property including;
    - The resident engagement strategy
    - full, current and historical fire risk assessments
    - planned maintenance and repairs schedules
    - the outcome of any building safety inspection checks
    - how assets in the building are managed

# In-Occupation Duties

- Complaints Procedure
  - The Accountable Person must establish a complaints procedure to handle any relevant complaints made by a resident (this is LBH existing process)
- Compliance Notice and Special Measures
  - the Building Safety Regulator can issue a Compliance notice to the Accountable Person where it believes people in or around the building are in imminent danger
  - The Accountable Person commits an offence where
    - breaches a Compliance Notice; or
    - contravenes a relevant requirement that places one or more people in or about the building at significant risk of death or serious injury.
- These offences are punishable on summary conviction to imprisonment for a term not exceeding six months or for conviction on indictment to imprisonment not exceeding two years; or a fine or both.

# Duties on Residents and Owners

- Residents and owners of properties in-scope buildings must observe the following duties;
  - Not to act in a way that creates a significant risk of a building safety risk materialising
  - Not to interfere with a relevant safety items
  - To comply with a request made by the appropriate Accountable Person for information reasonability required for the Accountable Person duties
- The Accountable person will be able to issue Contravention notices which may be enforced by the County Court, which may require a resident to do something, stop doing something or pay a specified sum to the Accountable person.
- The act also allow the Accountable person to make a request to access to their premises to assess building safety risk, and can apply to the County court for an order if necessary

# Progress & Way Forward

- An action plan is in place highlighting all of the relevant actions and who/how they are being managed ✓
- All in scope buildings have been registered (deadline of 1<sup>st</sup> October) and all Key Building Information (KBI) provided ✓
- Full Building Safety Case file are being prepared and will be ready for the 31<sup>st</sup> March 2024 deadline ✓
- A full golden thread approach is being determined to ensure all information is kept up to date ✓
- We continue to respond to consultations around some of the secondary legislation and will react as that legislation become law ✓
- We continue to work with the Regeneration team to ensure the new builds meet the requirements and data provided will support the Safety Case files ✓

# Implications on New Developments

- Ban on combustible materials for residential buildings, hotels, hospitals and student accommodation above 18m, and additional guidance for residential buildings between 11m-18m.
- Lower threshold for the provision of sprinklers in new blocks of flats from 30m to 11m.
- Requirement for wayfinding signage for firefighters in residential buildings above 11m.
- Requirements for residential buildings over 18m to have an Evacuation Alert System, and for new residential buildings over 11m to include a Secure Information Box (SIB).
- Second staircases in new residential buildings above 18m.

# Implications on New Developments (Transitional Arrangements)

An Initial Notice must be deposited (and not rejected), or full plans deposited before the day the new regime came into force (1<sup>st</sup> October 2023)

Any approved applications that do not follow the new guidance will have 18 months for construction to get underway in earnest. If it does not, they will have to submit a new building regulations application, following the new guidance.

The Secretary of State for DLUCH , Michael Gove announced in a Commons statement on 25th October 2023, that developers/clients will have a 30 month transitional period for the introduction of the new Approved Document B . The announcement make it clear it is the clients decision should they wish to proceed with a single core option on buildings over 18m.

Any new residential development must have cast the foundations or driven piles prior to 30/04/24 to remain in the current building regulation process . After this date all new building will be under the Building Safety Regulator regime .