

Notice of KEY Executive Decision (Special Urgency)

Subject Heading:	Temporary changes to Housing repairs and maintenance services
Cabinet Member:	Cllr Joshua Chapman Cabinet Member for Housing
SLT Lead:	Patrick Odling-Smee
Report Author and contact details:	Garry Knights Assistant Director of Property Services Garry.knights@havering.gov.uk 01708 432834
Policy context:	LBH has a legislative duty to undertake repairs and maintenance works to its properties owned and managed by the HRA
Financial summary:	This should have no overall cost impact however the delay in some works will require re-profiling of spend further into the financial year
Reason decision is Key	Significant effect on two or more Wards
Date notice given of intended decision:	This is a decision pursuant to para 11 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, made under “special urgency” with the consent of the Chair of the Overview and Scrutiny Board.

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Relevant OSC:	
Is it an urgent decision?	Yes
Is this decision exempt from being called-in?	Yes, due to Special Urgency

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

It is requested that the following changes to service are agreed

1. To limit our repairs service to emergency repairs only, those which have an immediate H&S risk or which would provide significant inconvenience to residents (loss of heating, loss of power, block drains, significant leaks etc.) This reflects the availability of labour and materials currently available, reduces unnecessary travel and limits the risk of cross contamination. All operative will wear appropriate PPE, have hand gel or hand washing available and self-isolating residents will be asked to stay away from any work areas where possible.
2. To stop all planned programmes of works with the exception of H&S related works (Fire stopping programmes, emergency lighting etc) for the reasons given above.
3. To continue to undertake all areas of compliance works but to stop any planned surveying programmes
4. To continue to undertake Fire Risk assessments in our blocks but move to a Type 1 survey (communal areas only and non-invasive) from Type 4 surveys which include inspections in individual flats and are invasive (these would require separate visits from operatives to make good),

Type 1 surveys meet all current regulations and provide a sufficient level of assurance in our properties; we will however resume type 4s as soon as practicable, and we will undertake any urgent actions, which arise from the Type 1 surveys.

5. To continue to undertake a robust approach to ensure 100% gas compliance across all properties, this is however, becoming increasingly difficult as some residents are refusing to let operatives into their homes.

We will therefore start the servicing process earlier, moving from a 10-month cycle to a 9-month cycle, which will give us an extra 4 weeks to arrange access, and identifying those residents that have previously been difficult to access and pro-actively work with our contractors to gain access.

Where we remain unable to gain access, and in the absence of a court system to issue warrants for forced entry, we will take the appropriate approach to

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ensuring H&S for all residents either by capping the gas where possible, and providing temporary electric heaters, or forcibly entering properties. This will be subject to legal advice being received.

We will follow the full due diligence approach we would take when needing a warrant and ensure all records are kept to provide evidence that all reasonable attempts have been made to gain access.

All changes will be communicated to residents via our call centre and through the website.

Following the outbreak of the Covid 19 virus Central Government has taken unprecedented steps to limit the impact of the outbreak by announcing a number of measures which have a direct impact on the ability to provide a full repairs and maintenance service to our housing residents.

These include the guidance on social distancing, the directive on self-isolating, the advice for only essential travel and the closure of all but essential retailers.

Additionally we have seen the closure of core services on which some parts of our service rely, including the court system and supply chain partners

To comply with these directives is necessary to temporarily change the delivery of our repairs, maintenance, compliance and planned works programmes as detailed above to reflect the current situation.

These changes will be implemented until 31st May 2020 at which time they will be reviewed in line with the prevailing situation at that time.

AUTHORITY UNDER WHICH DECISION IS MADE

Section 3.3 of the constitution;

Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

General powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.
- (b) To exercise all the powers delegated to them personally and those powers

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delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a

(f) Each member of SLT shall ensure that the rules of procedure set out in Part 4 of this constitution are observed throughout their service.

STATEMENT OF THE REASONS FOR THE DECISION

This decision is required under “Special Urgency” to allow the Council to plan and undertake effective strategies for working and service delivery during the current Covid 19 outbreak.

OTHER OPTIONS CONSIDERED AND REJECTED

To continue to deliver a full uninterrupted service

This option was rejected for a number of reasons;

Following government advice regarding essential services and the guidance on limiting travel, both of which have a significant impact on the availability of staff and materials to continue to undertake works.

It would also be impossible to ensure social distancing of operative undertaking works

Continue to work in residential dwellings

PRE-DECISION CONSULTATION

The Cabinet Member for Housing has been consulted on these changes and understands the rationale of ensuring the safety of residents, officers and contractors whilst supporting the governments approach.

Under normal circumstance we would look to consult with the wider stakeholder group, including residents and Councillors, but given the urgency of current situation this has not been possible at this time

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

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Name: Garry Knights

Designation: Assistant Director, Property Services

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. Pursuant to the terms and conditions of tenancy agreements, the Council, as Landlord has repairing obligations to the tenant, usually for repairs required in the property and within communal areas.
2. Section 11 Landlord and Tenant Act 1985 implies into tenancy agreements the obligation on landlords to repair: the structure and exterior of the property; to keep in repair and proper working order installations for supply of water, gas and electricity and for sanitation; and to keep in repair and proper working order installations in property for space heating and heating water. It is also a requirement that the property is fit for human habitation throughout the life of the tenancy.
3. Section 4 Defective Premises Act 1972 provides that a landlord owes a duty of care to all persons who might reasonably be affected by a defect, to take such care as is necessary to see that they are reasonably safe from personal injury or damage to property caused by a defect.
4. Gas safety regulations require a landlord to inspect all gas fittings and flues every 12 months.
5. Part 3.8.2(dd)(v) delegates the provision of service to repair and maintain Council housing stock to the Assistant Director for Housing.
6. Once the Council is on notice of an issue of repair, it should be undertaken within a reasonable time period. Failure to do so leaves could leave the Council open to a claim against it for breach of repairing obligations. Claims for disrepair can have financial consequences for the Council as the tenant may be entitled to damages for loss of amenity for living within the property with the defect, and there can be a requirement to pay the legal costs of tenant's advisors in any claim.
7. The decision to limit repairs as set out in this report, is likely to constitute a breach of the repairing obligations. However, in the current circumstances, the decision is one which is proportionate and necessary, and risk of successful challenge appears limited. The most urgent repair works will still be undertaken to protect the health and safety of residents and the most vulnerable residents are being prioritised. This is the area where the highest level of risk sits, and works of this nature will still be undertaken so the risk is mitigated.
8. There may be financial consequences of potential damages for disrepair and legal costs arising out of this decision, but as this is a decision to take effect for a temporary period, again this would appear to be limited.
9. A procedure should be put in place to ensure that all non-urgent repairs that are reported during the period of temporary measures, or gas safety checks that are not able to be conducted during this period, are picked up when the full service is resumed to ensure compliance with the statutory requirements and limit risk of challenge.

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FINANCIAL IMPLICATIONS AND RISKS

This report requests temporary changes to the Housing repairs and maintenance service. This will result in slower spend of the repairs and maintenance expenditure budget. There are no other financial implications.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Given the Coronavirus outbreak, the paramount consideration of the Council is the health and wellbeing of Members and officers

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The service will continue to be offered to all residents in LBH HRA properties and PSL properties where we have responsibilities

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HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Provision of an effective repairs service is essential to ensure residents are able to safely and comfortably use their homes, being provided with good quality services which support promote good health and wellbeing

However there is a significant risk of contamination from Covid 19 at this time and therefore limiting the service to essential visits only fall in line with the governments of limiting contact and social distancing

This approach therefore is aimed at helping to reduce the spread of the virus as much as possible

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Patrick Odling-Smee

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____