

Housing Panel Recommendations for City Executive Board - Wednesday 10 April 2019

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To: City Executive Board
Date: 10 April 2019
Report of: Housing Panel (Panel of the Scrutiny Committee)
Title of Report: Scrutiny Committee recommendations concerning Building Control enforcement

Summary and recommendations	
Purpose of report:	To present Housing Panel recommendations on building control enforcement for consideration by the City Executive Board
Key decision:	No
Scrutiny Lead Member:	Councillor Nadine Bely-Summers, Chair of Housing Panel
Executive Board Member:	Councillor Alex Hollingsworth, Board Member for Planning and Transport
Corporate Priority:	An Efficient and Effective Council
Policy Framework:	Corporate Enforcement Policy
Recommendation: That the City Executive Board states whether it agrees or disagrees with the recommendations in the body of this report.	

Introduction and overview

1. The Housing Panel commissioned a report from the Head of Regulatory Services and Community Safety on Building Control enforcement. The Panel considered this report at its meeting on 8 April 2019 and would like to thank Councillor Alex Hollingsworth, Board Member for Planning and Transport (which includes Building Control), and Paul Smith, Building Control Team Leader, for providing the report and attending the meeting to take questions.

Summary and recommendations

2. The Building Control Team Leader provided an overview of the various aspects of the Building Regulations, which provide minimum standards for design, construction and alterations to buildings. The Council's Building Control team is not primarily driven by enforcement, which will rarely meet the public interest test due to the low levels of fines and costs awarded by the courts. Instead, compliance is encouraged through informal negotiation and the Council uses an 'escalator' approach when contraventions are identified. Building Control will identify

unauthorised developments in a number of ways and will seek to ensure compliance through a retrospective approval process known as regularisation.

3. The Panel explored the interactions between local authority building control functions and Approved Inspectors (AIs), which were originally introduced for residential building work in 1985 and whose role was significantly expanded in 2013. Local authority building control teams have to compete for work with private sector AIs but remain the only agencies that can take enforcement action. The Panel noted that AIs will undercut local authorities by providing the building control service for rock bottom prices, which raises concerns about their diligence. Where an AI is providing the service they must submit an initial notice to the Council but, once approved, the Council has no powers to inspect their work unless it is formally reverted back to the Council for enforcement. Such reversions are rare and the bodies responsible for 'marking their own homework' have little incentive to find fault with their work. It is hoped and expected that the Hackitt Review into the Grenfell Tower fire will help to drive up standards and improve accountability within this sector.
4. The Building Control Team Leader assured the Panel that the Council's Building Control team does what it can within the law to ensure high standards, citing an example of the Council standing its ground in a pressurised situation in the hours before the Westgate Shopping Centre was due to open. The service has been audited within the last couple of years and no major issues had been identified.
5. The Building Control Team Leader explained that as a consequence of the competitive market that exists, the Council's in-house Building Control team will not necessarily be selected to provide the building control function for Council-led development projects. This would have benefit of providing stronger quality control and keeping finance within the Council. Consideration could be given to whether it would be possible to address this through procurement.
6. In view of reported issues with defects ("snagging") at new build developments outside the city and skills shortages in the construction sector, the Panel considered how the Council can ensure that its new build social housing is delivered to the highest standards by third parties. The Panel heard that Building Control Surveyors will take a risk-based approach to sampling and inspecting the work of contractors but will be focused on ensuring minimum standards. The building control process alone therefore cannot be relied upon to deliver the higher standards the Council would expect. It is suggested that employing a Clerk of Works is one way for the Council as the client to exert its influence during the construction phase to ensure quality of delivery. Another approach might be to undertake a full condition survey.

Recommendation 1: That consideration is given to how to ensure that high quality delivery and best value will be secured when the Council (or its housing company) will be taking ownership of multiple new build properties, for example by employing or insisting on the employment of a Clerk of Works to oversee the quality and safety of the building work.

7. It was noted that the Council's Building Control service, in common with the wider Local Government Building Control sector, is stretched due to difficulties recruiting and retaining Building Control Surveyors. This is largely due to demographic challenges and competition from the private sector. Due to these staffing

challenges officers are exploring the option of entering into a working agreement with another local district council, in order to improve resilience and provide for a more robust service on a larger scale. In response to a question the Panel heard that one Building Control Apprentice has been successfully promoted to an Assistant Building Control Surveyor role. The Building Control Team Leader said that he is keen to take on a second apprentice and wants to ensure that good quality training and support can be provided from within the team. The Panel suggest that training building control apprentices locally by using permanent staff should remain a priority regardless of other solutions that may be used to address the staffing issues.

Recommendation 2: That the Council continues to prioritise the successful practice of employing and training apprentices within the Building Control Service, giving particular emphasis to the need to ensure that an appropriate level of training and mentoring is provided by permanent staff.

Further Consideration

8. The Panel noted that there may be merit in revisiting this topic once the recommendations of the Hackitt Review have been implemented.

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City Executive Board response to recommendations of the Housing Panel (Panel of the Scrutiny Committee) made on 10 April 2019 concerning Building Control Enforcement

Provided by the Board Members for Planning and Transport and Housing (Building Better Homes)

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<i>Recommendation</i>	<i>Agree?</i>	<i>Comment</i>
1. That consideration is given to how to ensure that high quality delivery and best value will be secured when the Council (or its housing company) will be taking ownership of multiple new build properties, for example by employing or insisting on the employment of a Clerk of Works to oversee the quality and safety of the building work.	Agree	The Council already employs a clerk of works for the more complicated projects an example being the towers refurbishment. The latter also included the funding of a full time building control officer with a specific focus on fire safety. Smaller projects will have internal project management that has a quality control function but this is usually in tandem with ODSL as contractor. The Housing Company also employs a clerk of works function for their developments and will consider the use of OCC building control subject to a procurement process. The Council also employs a CoW for the Council/ OCHL units coming from the BOLLP on Barton Park. This is in addition to an exacting design and quality specification established by BOLLP.
2. That the Council continues to prioritise the successful practice of employing and training apprentices within the Building Control Service, giving particular emphasis to the need to ensure that an appropriate level of training and mentoring is provided by permanent staff.	Y	

Date of agreed response: 10/04/2019

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To: City Executive Board
Date: 10 April 2019
Report of: Housing Panel (Panel of the Scrutiny Committee)
Title of Report: Scrutiny Committee recommendations concerning Floyds Row

Summary and recommendations	
Purpose of report:	To present Housing Panel recommendations on agenda item 9 for City Executive Board consideration
Key decision:	Yes
Scrutiny Lead Member:	Councillor Nadine Bely-Summers, Chair of Housing Panel
Executive Board Member:	Councillor Linda Smith, Deputy Leader (Leisure and Housing)
Corporate Priority:	Meeting Housing Needs An Efficient and Effective Council
Policy Framework:	Housing and Homelessness Strategy 2018-21
Recommendation: That the City Executive Board states whether it agrees or disagrees with the recommendations in the body of this report.	

Introduction and overview

1. The Housing Panel on 8 April 2019 considered the report to the City Executive Board on the proposed development of a homeless shelter and assessment hub at Floyds Row. The Panel would like to thank the following people for attending the meeting to introduce the report, provide a presentation and answer questions:
 - Dave Scholes – Affordable Housing Lead
 - Polly McKinlay – Senior Commissioner
 - Lucy Warin – Transition by Design
 - Harry Tuke – Jessop and Cook
 - Dan Wadsworth – Jessop and Cook

Summary and recommendations

2. The Panel warmly welcomed the report and commended a number of aspects of the proposals, particularly the work undertaken to engage with homeless service users and involve them in the design of the facilities, and the fact that the continuous winter provision would be open to people with no local connection and those with no resource to public funds.

3. In discussion the Panel heard that the intention is to provide an adaptable space that can be adjusted over time to meet the changing profile and needs of service users. A lack of flexibility had been identified as being an issue at some other homelessness facilities. The provision of private rooms and separate spaces for women and vulnerable groups are written into the brief, as are provision for dogs, accessibility and the secure storage of belongings. Safety will be at the forefront and a range of safety measures will be in place such as secure entry, CCTV, panic alarms and a high staff to client ratio.
4. The Panel noted that there are lots of challenges associated with delivering this important project to a good standard in a very compressed timeframe, particularly as full funding is yet to be secured, as reflected in the length of the risk register. Planning consent will be required for external works including an extension of the lobby area and the installation of ramps, signage and lighting.
5. The Panel questioned whether the funding envelope is realistic and noted that revenue would need to be allocated to run the services in addition to the capital funding. The Affordable Housing Lead provided assurance that suitable contingencies have been factored in and the Council is seeking to mitigate risks, while cautioning that this remains an evolving process. Failure to secure Government funding to make up the capital shortfall would significantly affect the sustainability of the scheme over the medium term and would result in difficult decisions being taken in regards to the use of the homelessness reserve (which is already due to be substantially drawn down over the coming 4 years). The Panel also heard that there may be opportunities within the scheme to draw on other external funding sources such as energy grants and local charitable funding.

Recommendation 1: That the Council continues to encourage the Government to provide funding to plug the capital shortfall while also exploring opportunities to draw on other local and national funding streams for specific purposes.

6. The Panel considered how the Council can build on the positive engagement activities that have recently taken place involving service users at the Gatehouse and other homelessness projects in the city. This had included undertaking insight interviews, seeking views on drawings and photos of comparable spaces and reviewing outline layouts in an interactive way. It was considered possible and desirable to build an ongoing culture of participation at Floyds Row, notwithstanding the temporary nature of the services and the need for throughput and suitable move on options. This can be achieved by establishing the right contract with the service provider, including the use of volunteers. The Panel suggest that the Council should look for opportunities to replicate the approach to service user participation and co-production in future projects.

Recommendation 2: That the Council builds on the successful service user engagement activities that have taken place by:

- a) ***Ensuring (through the contract with the service provider) that a culture of service user participation will be maintained at Floyd's Row.***
 - b) ***Taking a similar approach to service user participation and co-production in future projects.***
7. The Panel agreed to formally endorse the recommendations in the report of the Head of Housing Services.

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City Executive Board response to recommendations of the Housing Panel (Panel of the Scrutiny Committee) made on 10 April 2019 concerning item 9: Project approval for the development of a homeless shelter and assessment hub at Floyds Row

Provided by the Board Member for Leisure and Housing (Homelessness and the Private Rented Sector)

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Recommendation	Agree?	Comment
<p>1. That the Council continues to encourage the Government to provide funding to plug the capital shortfall while also exploring opportunities to draw on other local and national funding streams for specific purposes.</p>	Yes	<p>Council Officers (including the Head of Housing and Assistant Chief Executive) met with the Council’s MHCLG Specialist Rough Sleeping Advisor on 9th April 2019 to further highlight the merits of the Oxford bid in the Rapid Rehousing Pathway (RRP) funding round currently being evaluated by the MHCLG.</p> <p>We will also make representations at senior level in CLG and the LGA and ask the other Oxfordshire authorities to do likewise to further support this bid and stress the importance of this funding opportunity to deliver a project to significantly address and reduce rough sleeping across Oxfordshire.</p>
<p>2. That the Council builds on the successful service user engagement activities that have taken place by:</p> <ul style="list-style-type: none"> a) Ensuring (through the contract with the service provider) that a culture of service user participation will be maintained at Floyd’s Row. b) Taking a similar approach to service user participation and co-production in future projects. 	Yes	<p>Officers will seek to embed the practice of service users engagement in the service delivery of this new service, recognising that this can be best achieved through various measures, including pro-active participation and co-design; organisational culture and staff attitudes; using volunteers and persons with lived experience in the mainstream delivery of services, etc. This approach can be underpinned through requirements in the service specification and contracts.</p> <p>Officers will disseminate the approach used in this design exercise through the Project Management Office and seek to co-produce other services based on these principles and lessons learnt, to maximise the user voice in service delivery.</p>

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