

# HOUSING

## IT'S GRENFELL AGAIN!

***At 9am on Friday 7<sup>th</sup> May, fire blazed through flats at Fairmont Avenue, New Providence Wharf in Tower Hamlets, London, affecting up to 550 households.***

*Residents had been urging Ballymore, the building's developer, and the government to meet the cost of making their homes safe ever since the Grenfell tragedy.*

*The fire broke out on the eighth floor of the 19-storey apartments and spread over at least three storeys.*

*Residents were trapped on smoke-filled balconies before 125 firefighters got the blaze under control. More than 40 residents were treated by crews from the London Ambulance Service.*

***Neither fire-alarms nor the "waking watch" surveillance were effective.***

*Ballymore have told residents that the cost has risen to £11.6m while government funding would cover only £8m. The developer has refused to contribute more than £500,000, leaving leaseholders with a £3.1m bill.*

*Mayor John Biggs said "Tower Hamlets has been hard hit by the cladding scandal and concerns about fire safety particularly in tall buildings. There appears to be no end in sight to this crisis. We urgently need to see more action from the government and developers, and we will work with our residents to get the solutions they need."*

Councillor Rachel Blake, LHG Executive Member and Tower Hamlets Councillor said "This is terrible for our community. Years after the Grenfell fire, the Government has not taken action. Labour has set out proposals to make sure buildings are made safe, but the Government has just not listened."



## QUEEN'S SPEECH

**The Queen's Speech, which set out the Government's agenda for the next Parliamentary Session, has shown that this Conservative government is not serious about ending the housing crisis.**

Opportunities to invest in this country's future through reform of social housing finance, social housing regulation and the national planning system have been passed-up. Providing proper rights for private renters and action to tackle the high costs of home ownership are not on the agenda.

Promises are made, but only in general terms. For instance:-

*Continued on page 2*

**IN THIS ISSUE:** Page 1 It's Grenfell Again! The Queen's Speech. Page 2 The Queen's Speech (continued); Grenfell Update. Page 3 Still No Reprieve for Renters. Pages 4 - 6 What's Wrong With Renting? Pages 7 - 8 LHG AGM Report. Page 8 Networking.



- 'help more people to own their own home' – no detail provided
- 'modernise the planning system' - the long-trailed Planning Bill fails to provide the certainty needed for long term investment

- 'enhance the rights of those who rent' - despite a promise in the 2019 Queen's speech, no Bill has been published to end 'No Fault Evictions' and no detail is offered on how private rented tenancies will be made secure

Missing from the Speech were proposals to:

- **Address the appalling rise in rough sleeping.** No long term, sustainable funding for front line services provided to people sleeping rough, often delivered by the community sector and commissioned through local authorities.
- **Tackle the impact of poor quality housing on disadvantaged groups.** Women and households from Black, Asian and minority ethnic communities are more likely to be living in homes in poor quality, undersized homes.
- **Establish community representation** for tenants or local authority representatives on Housing Association governing bodies to help tenants and leaseholders hold their landlords to account.
- **Provide funds to support the leaseholders** who are facing the huge costs of fire safety works. The Government has not responded to Labour's proposals.
- **Reduce the rising number of homeless families in Temporary Accommodation,** despite the devastating impact on children who have to move schools and are unable to settle into their education.

Labour-run strategic authorities, such as Bristol and Manchester, have shown that local leadership is best placed to respond.

They have innovated to respond to their area's housing needs and challenges, yet the Government's promises of "*Levelling Up*" do nothing to empower regional and local authorities to deliver. To sum up, this Queen's Speech, ignores the needs of communities. Families hoping for a rented or owned home have been offered no reassurance.

**Those facing unfair costs will have to wait for a Labour Government to make the investment needed.**

## GRENFELL UPDATE

April/May has been a busy time for shocking revelations at the Grenfell Enquiry.

### Manufacturers' deliberate deceit

**Arconic** knew in 2015 that the cladding panels it sold for use on Grenfell were "*dangerous on facades and everything should be transferred to (FR) fire-resistant as a matter of urgency*" but it continued selling them in the UK.

When **Kingspan** changed its Kooltherm K15 insulation in 2006, the new version performed disastrously in tests, so Kingspan used test results from the old product to continue selling it! Internal texts showed they had lied.

### Contractors should still have known the dangers

Highly experienced facade engineer, Jonathan Sakula, identified 20 serious cladding fires preceding the June 2017 disaster, including one at a 63-storey hotel in Dubai where a huge blaze was fuelled by panels similar to those on Grenfell.

**Sakula said the construction industry had displayed a "head in the sand view" and "a failure of imagination" because the fires had not led to "great loss of life". He told the inquiry: "The combustibility of these panels was, in my opinion, well known in the industry, particularly since the UAE fires in 2012 to 2016."**

### Failure of regulation

When the National House Building Council realised in 2015 that their product did not comply with regulations, Kingspan threatened legal action and successfully campaigned for the NHBC to change its mind. An internal Kingspan email boasted that this was the "*direct result of our testing and campaigning on this issue*".

### Failure to protect the vulnerable

Kensington and Chelsea Tenant Management Organisation (TMO) admitted that they had not considered personal evacuation plans for the most vulnerable people. Although 52 of the 120 flats had disabled occupants, TMO records on the night of the fire only listed 10 disabled residents. Among the 72 killed, 15 were from the 37 vulnerable residents.

### Who should pay?

Boris Johnson told Parliament in February 2021 in the wake of the cladding scandal that "**no leaseholder should have to pay for the unaffordable costs of fixing defects that they didn't cause**". This is proving to be yet another unreliable promise made by the Prime Minister.

# STILL NO REPRIEVE FOR RENTERS

As the country heads towards the easing of the Covid19 restrictions and the implementation of the national 'road map', renters continue to find themselves in dire straits. Whilst homeowners and landlords have been able to ask for mortgage payment holidays, renters are not offered equivalent support.

During the course of the pandemic, renters have benefited from measures providing security as landlords were encouraged to pause any legal action and negotiate alternative short-term payment arrangements.

## **Sticking-plaster approach short-lived**

This sticking-plaster approach was short-lived because, as the Courts opened their doors again at the end of September 2020, we saw a flurry of eviction cases, with landlords citing rent arrears accumulated over a period of time.

More recently, the National Residential Landlords Association (NRLA) reported that 840,000 renters had built up arrears across England and Wales as a result of the pandemic. In particular, those between the ages of 18 and 24 were twice as likely to have fallen behind and the self-employed were most likely to be struggling.

Many argue that the Government needs to provide urgent financial assistance to address the build-up of debt caused by the pandemic, as delays would inevitably lead to the loss of homes. *Putting-off or banning evictions temporarily is not a long-term solution for either landlords or renters.*

## **Renters suffer cut to Local Housing Allowance**

Last month, another blow struck low income renters when the Government froze the Local Housing Allowance (LHA) which is paid to in the private rented sector.

This applies even if rents increase and leaves almost 70% of private tenants on LHA with a rent shortfall.

Needless to say, some landlords may indeed feel a rent increase is necessary to keep afloat as a consequence of the pandemic and financial pressures.

## **Illegal evictions**

Another worrying trend finds renters at greater risk of being forced to leave their homes by frustrated landlords because of mounting arrears.

*Rather than go through the hassle and expense of serving a notice and obtaining a Court Order, unscrupulous landlords are taking the law into their own hands, forcing tenants to flee their homes under duress.*

**Unlawful evictions are a criminal offence**, which occurs when a landlord uses harassment, intimidation and violence to evict a tenant instead of going through the legitimate means of obtaining a Court Order.

Last year Shelter recorded a 95% increase in tenants asking for legal advice and assistance around unlawful evictions. In September 2020, The Independent also reported an increase 50% since the pandemic began.

Although these forced evictions are illegal, the lack of deterrent emboldens landlords to pursue pernicious methods of recovery and renters who are unaware of their legal rights often accept it as a *fait accompli*.

## **Law enforcement**

Regrettably, the police are not always sympathetic and in some bizarre instances have been known to assist landlords in removal of the tenants.

Urgent reform of police training is needed to combat what appears to be a growing trend and ensure that the law is upheld wherever innocent tenants are being mistreated.

*Local Authorities also need wider powers and greater resources.*

**A clear message must be sent to those who flout the rules and cause misery to others in the wake of an already cataclysmic global pandemic.**

Amanda Pinnock, LHG Executive Member



# WHAT'S WRONG WITH RENTING?

The pandemic has shone a very bright light on the sometimes harsh reality of renting, particularly in the private sector but also in social housing.

This article is part of LHG work-in-progress which aims to show how unnecessarily and unhelpfully complex the law is in England and Wales and how politics has influenced this key part of everyday life. *Thanks are due to Marianne Hood for most of the detail and background.*

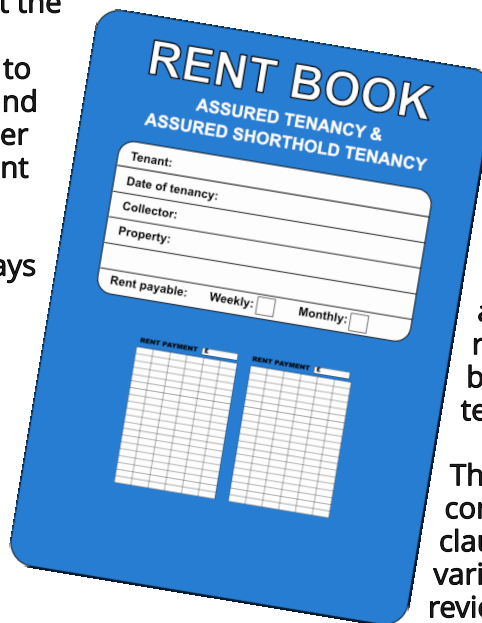
## What is Renting?

"Renting" is a form of contract between a property owner ("landlord") and a person, the 'tenant' who occupies the property, subject to payment of rent. It implies that the tenant normally has exclusive access to the property subject to the periodic payment of rent and that the landlord may only enter with permission from the tenant or in the case of emergency.

There are other contractual ways in which premises may be occupied, generally called licences.

The right to live somewhere is known as "tenure" and the precise arrangements – and costs – are determined by the contract, often called the "tenancy agreement".

The purpose of the rental will be fixed, e.g. for residence rather than primarily as a place of work. Details must be given about how the tenancy can be ended by either the landlord or the tenant.



There are likely to be conditions relating to the behaviour of tenants e.g. "not causing nuisance". All tenants in both the private and social housing sectors have a right to be given a written copy of their tenancy terms and conditions and this should include the rights and responsibilities of both the landlord and the tenant.

The Tenancy Agreement or contract should also include clauses about how rents may be varied and the process for reviewing them.

## Why does it matter?

Although "home-ownership", usually brokered through large loans known as mortgages, is the form of tenure most often discussed in the media, a substantially greater number of people live as tenants in rented accommodation.

One of the key variations is the nature of the landlord and, in law, the form that the contract of tenancy takes.

In the UK, the contract for rent is governed by a number of laws, regulations and precedents.

## What might be contained in the tenancy agreement?

Key elements in the tenancy contract include the charge made to the tenant for renting for a given period e.g. weekly, monthly payments.

## Why is it so complicated?

In part, because renting has been practised for centuries, the complexity is due to court cases and precedents set over time. However, since WW2, at least nine Acts of Parliament have had a significant bearing on tenants and landlords.

A further complication is caused by different laws imposing different rights and responsibilities, depending upon whether the ownership is in the private sector or in social housing (housing associations and councils).

All these Acts were introduced with political intent to influence the relationships between landlords and tenants, usually to alter the balance of power.

# What's wrong with renting? (continued)

## What are the main criticisms of the current tenancy arrangements?

### Complexity

In the case of *Parry v Harding* in 1925, Lord Justice Hewart observed:

"It is deplorable that in dealing with [residential tenancies], a Court, and still more a private individual, and most of all a private individual who lives in a small tenement, should have to make some sort of path through the labyrinth and jungle of these sections and schedules. One would have thought that this was a matter above all others which the Legislature would take pains to make abundantly clear."

Nearly a century later, the position is no clearer.

### Destabilisation

Lack of security of tenure fuels instability, particularly in deprived areas, and makes household turnover higher than it would otherwise be. This in turn destabilises families and communities and makes work harder for local public services such as GP surgeries, schools and public health.

## What efforts have been made to reform tenancies?

In 1998, the Chartered Institute of Housing (CIH), published 'One For All – A Single Tenancy for Social Housing' in the hope that "this study will provoke a debate which could pave the way for changes to be made in the next Housing Act".

The report examined the different forms of tenure and statutory and contractual rights for social housing tenants in England, Scotland, and Wales and proposed the development of a single form of tenancy for social housing.

In 2001 The Law Commission was asked to look at ways in which the law relating to

housing tenancies might be reformed. The aim was to provide "a simple and flexible statutory regime for both the social and private housing sectors".

In May 2006, the Law Commission's report 'Renting Homes' recommended the creation of a single social tenure across local authorities and other social housing providers.

It proposed a new 'consumer protection' approach for both private sector and social housing tenants, focusing on the contract between the landlord and the occupier and incorporating consumer protection principles of fairness and transparency.

Similar proposals based on a 'model' tenancy agreement, came into law in Scotland, but the recommendations were not taken up for England.

## WHAT NEXT?

We have argued here that legal complexity makes it unnecessarily difficult for tenants and landlords to reach an equitable balance of rights and responsibilities and that the lack of security for tenants destabilises families and communities.

As the table *Housing Laws and Their Impact* shows (overleaf on page 6) this has been the case for decades, exacerbated by Tory laws and insufficiently addressed under Labour.

What makes this state of affairs now a matter of urgency and importance is the painful shortage of good quality, affordable and suitable homes in many parts of the country, including both urban and rural settings.

There is a growing consensus that new homes must be built in England on a historic scale.

Yet it must also be acknowledged that this will still leave many people living precariously in poor conditions unless secure tenure is made the norm and existing housing is upgraded.

**We cannot just "build our way out of a crisis of housing".**

# HOUSING LAWS AND THEIR IMPACT

Law /Government	Functions	Comment
Rent Act 1977 (Labour - Callaghan)		
Created <i>Protected Tenancies</i> which gave security of tenure and fair rents set by a rent officer to tenants of private landlords but not to council tenants.		<b>Landmark!</b>
Housing Act1980 (Conservative - Thatcher)		
Introduced 'Assured Tenancies' for private landlords letting new-built properties.		<i>This is the start of the slippery slope! Landmark!</i>
Introduced a 'Tenants' Charter' with rights for council and housing association tenants to security of tenure, succession, repairs, consultation, information, and a written Tenancy Agreement.		<i>Despite cross-party support, not all that tenants wanted was included</i>
Introduced the 'Right To Buy' with a discount for tenants who had lived in their home for over 3 years.		<b>Landmark!</b> <i>Not one of the features of the original Charter!</i>
Housing Act 1985 (Conservative - Thatcher )		
Introduced a 'register' for social housing landlords.		
Introduced Compulsory Competitive Tendering (CCT) for management of council housing.		<b>Landmark!</b>
Gave councils the power to transfer some, or all, of their housing to another landlord.		
Re-stated tenants' rights to be consulted about all matters of housing management including CCT.		
Facilitated the transfer of <u>council housing</u> to not-for-profit <u>housing associations</u> , which was then carried out partly through the system of <u>Large Scale Voluntary Transfer</u>		
Housing and Planning Act 1986 (Conservative - Thatcher)		
The use of Assured Tenancies in the Private Sector was extended via the '86 Act to newly repaired homes in the private sector		
Housing Act 1988 (Conservative - Thatcher)		
Introduced Assured Tenancies for all new Housing Association tenants.		<b>Landmark!</b>
Security of tenure ended for new housing association tenants renting for the first time after 15 <sup>th</sup> January 1989.		
Housing Act 1996 (Conservative - Major)		
Homelessness Act 2002 (Labour - Blair)		
Amended the <u>Housing Act 1996</u> and sets out the duties owed by local housing authorities to someone who is <u>homeless</u> or threatened with homelessness		<b>Landmark!</b>
Antisocial Behaviour Act 2003 (Labour - Blair)		
Strengthened the power of <u>registered social landlords</u> (RSLs) to take action against tenants who cause nuisance or annoyance to neighbours		
Localism Act 2011 (Conservative/LibDem Coalition)		
Housing authorities must publish a "tenancy strategy" giving the types of tenancy provided, the circumstances under which they are granted, their length and the circumstances in which they may be extended. This section also includes many changes to tenancy law, to the financing of local authority housing and to the handling of complaints.		

# LHG AGM REPORT 2021

Our first AGM on Zoom was well-attended, with 37 members present at the meeting on March 20<sup>th</sup>. There had been no AGM in 2020 as we were about to go into our first lockdown.

Reflecting on the last year, John Cotton (LHG Chair) noted that the Executive had continued to meet regularly on Zoom and that we had held four major virtual events as well as a monthly *In Conversation With....* session. We had developed a strong and active relationship with Thangam Debbonaire MP, appointed as Shadow Secretary of State for Housing in early 2020, and carried on with our other activities, including the Red Brick blog, work with other Socialist Societies, and briefings and newsletters.

Our Treasurer told the meeting that the financial position was very healthy, partly as a result of there being no Annual Conference in 2020 and only virtual EC meetings, but also due to an increase in our membership. The Membership Officer was congratulated for the progress made in sorting out the membership records, made rather easier with a revamped website and new membership system.

Thangam Debbonaire's presentation to the AGM opened with her thanking LHG (and the other housing campaign groups in the Labour Party) for all our work to bring housing issues to the fore. She noted how the Coronavirus pandemic had exposed what is wrong with the UK housing system. She had recently set up a regular contact group involving Labour councillors and the LGA. She spoke about the disparities between men and women in both housing needs and the ability to access housing, and referred to the need for housing to be considered as a human right.

Key issues raised by Thangam were the need for new homes; the recent Government proposal to change the way that Right to Buy receipts can be used by local authorities; the critical link between climate change and housing; recent planning proposals, and the Government's failure to invest in skills. Finally, Thangam urged us all to continue to work for housing to move up the agenda in the Labour Party on the basis that the issue

will be critical in helping to win the next General Election for Labour.

## **Priorities for the coming year: LHG briefings and activities**

50 members had responded to the survey of views on LHG activities and priorities.

Priorities identified included:

- Establishing a Parliamentary group and looking for input from members in Scotland
- Getting more articles about housing into the national press and social media, and developing housing campaigning tools
- Raising key issues such as social rented housing, cladding, leasehold, climate change, and Tenant Management Organisations

These priorities will be considered by LHG Executive Committee, alongside the idea of a campaign on Housing as a Human Right, which is to be the key theme for our 40th anniversary events, and the Council Home Building Project initiated by James Murray MP and being led by LHG.

## **4 motions were voted on and passed at the AGM:**

### **Motion 1: Changes to the LHG Constitution (moved by the EC):**

- a) Anyone seeking election to the Executive Committee must have been a paid-up member for a continuous period of 12 months at the point of nomination
- b) To be co-opted to the EC, people must have been paid-up members for at least 6 months
- c) To attend and to vote at an AGM, members must have been paid-up members by the time that the notice of the meeting is given, i.e. 8 weeks before the AGM date.

### **Motion 2: Cladding removal and fire-safety (moved by Paul Martin)**

This motion set out to require the Ministry of Housing, Communities and Local Government to liaise with other Government Departments to resolve all the issues of unsafe cladding. It also set out what local government should focus on. Amendments were made to

*Continued on page 8*



## LHG AGM REPORT (continued)

*Continued from page 7*

reinstate Fire and Rescue Service responsibility for fire safety inspections of buildings, ensure properly-funded local authority staffed and funded building control teams with on-site inspections as a standard not just desk-based approval, and end self-regulation of these services, and to require local councils to work with all social housing providers.

### **Motion 3: Leaseholders and cladding (moved by Dermot McKibbin)**

This motion noted the excellent work done by the Shadow Housing Minister in exposing the Government's mishandling of the safer buildings issue. It asked LHG to raise the awareness of this issue among its members, and to encourage them to campaign locally to persuade their local council and/or MP to sign up to the End Our Cladding Scandal. It also sought to encourage CLPs to support leaseholders in their campaign for safer housing and in the transition to the Commonhold tenure.

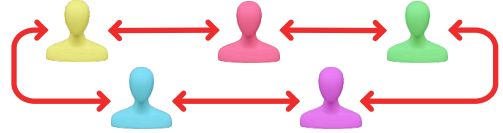
### **Motion 4: Council housing and Labour's policy (moved by Martin Wicks & Ben Clay)**

This motion asked the Labour Party to:

- Maintain its commitment to a policy of large scale council house building
- Press the Government for funding for building at least 100,000 council homes a year and to end the Right to Buy and Right to Acquire
- Urge the Government to cut HRA debts and seek a re-opening of the Housing Revenue Account debt settlement of 2012
- Build an alliance of housing organisations and campaigns, including the new tenants' movement, so as to pressure the Government to make a U-turn on funding council housing, both existing homes and new build.

If you would like to receive a copy of the four motions in full, as amended at the AGM, please contact Sheila Spencer at [info@labourhousing.org](mailto:info@labourhousing.org).

## LABOUR HOUSING GROUP



## MEMBERS' NETWORKS

### **We'd like to know you better**

LHG's Executive is keen to broaden its membership and engage more members in its work. In order to do so, we have decided to ask some questions of new recruits but we would also like to "fill in the gaps" for existing members by means of a survey.

### **Three specific areas we plan to ask about concern gender, ethnicity and disability.**

We have decided to use exactly the same questions that the Labour Party does which are drawn from the Office of National Statistics guidance.

### **What will Labour Housing Group do with this data?**

We will use it to check how diverse we currently are, help us focus future recruitment plans and, with permission, encourage members to form policy networks.

*All data will be stored securely on our membership database and will not be shared with any other organisations without your express permission.*

### **Call for Country Cousins**

Meanwhile, if you are interested in developing rural housing policies – or you just live, work or have strong ties to rural areas – please get in touch with me about networking with other members.

Paul Martin [pauljmartin@clara.co.uk](mailto:pauljmartin@clara.co.uk)

*Opinions expressed here are not necessarily those of the Labour Housing Group.*