



HILLINGDON  
LONDON



# Petition Hearing - Cabinet Member for Social Services, Health and Housing

**Date:** TUESDAY, 27 SEPTEMBER  
2011

**Time:** 7.00 PM

**Venue:** COMMITTEE ROOM 3 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

## **Cabinet Member hearing the petitions:**

Philip Corthorne, Cabinet Member for  
Social Services, Health and Housing

## **How the hearing works:**

The petition organiser (or his/her  
nominee) can address the Cabinet  
Member for a short time and in turn the  
Cabinet Member may also ask questions.

Local ward councillors are invited to these  
hearings and may also be in attendance  
to support or listen to your views.

After hearing all the views expressed, the  
Cabinet Member will make a formal  
decision. This decision will be published  
and sent to the petition organisers shortly  
after the meeting confirming the action to  
be taken by the Council.

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further information.**

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# Agenda

## **PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND**

- 1 To confirm that the business of the meeting will take place in public.
- 2 To consider the report of the officers on the following petitions received.

	<b>Start Time</b>	<b>Title of Report</b>	<b>Ward</b>	<b>Page</b>
<b>3</b>	7pm	Objections from Jupiter House Residents to the Change of Support Service Provider	Botwell	1 - 8
<b>4</b>	7.30pm	Avondale Drive, Hayes - Window Safety, Suitability and Function	Townfield	9 - 16
<b>5</b>	7.45pm	Austin Road Estate, Hayes - Petition in Relation to Heating Charges and Refund	Townfield	17 - 24

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## OBJECTIONS FROM JUPITER HOUSE RESIDENTS TO THE CHANGE OF SUPPORT SERVICE PROVIDER

<b>Cabinet Member</b>	Councillor Philip Corthorne
<b>Cabinet Portfolio</b>	Social Services, Health and Housing
<b>Officer Contact</b>	Paul Feven, Head of Commissioning, Social Care, Health and Housing
<b>Papers with report</b>	Appendix 1

### HEADLINE INFORMATION

<b>Purpose of report</b>	This report gives information to the Cabinet Member following the receipt of a petition from residents of Jupiter House objecting to the Council's recent award of contract for a young people's support service.
<b>Contribution to our plans and strategies</b>	Sustainable Community Strategy and Wellbeing Strategy.
<b>Financial Cost</b>	The cost of the new housing support contract is contained within existing revenue budgets and achieves an efficiency saving.
<b>Relevant Policy Overview Committee</b>	Social Services, Health and Housing
<b>Ward(s) affected</b>	All

### RECOMMENDATION

**That the Cabinet Member acknowledges the petitioners' concerns and notes the content of the report for the purpose of responding to the petition.**

### INFORMATION

#### Reasons for recommendations

1. The Cabinet Member has all the required information available to enable him to respond to the petition.

#### Alternative options considered

2. No alternatives were considered.

## **Comments of Policy Overview Committee(s)**

3. None at this stage.

## **Supporting Information**

### ***Background***

4. Stonham Housing Association (part of the Home Group) is the owner of Jupiter House in Hayes. Stonham currently provide 3 housing-related support services in the building:

- a 90-bed foyer support service (NB: a foyer offers training and helps with young people obtaining work)
- support to 12 units of move-on accommodation
- support to 20 units of accommodation for homeless families.

The value of the current contract for these services is £506K per year.

5. Services to young people and care leavers were reviewed by the Council in 2009 and this led to the tendering of these and several similar services in 2010. As a result, Cabinet agreed in April 2011 to award a new contract for a single Jupiter House service in 2011.

6. In May 2011, the Cabinet Member was made aware that the recommendation to purchase a new housing support service for Jupiter House led to a petition being received from residents of Jupiter House. The petition was received by the Council on 12<sup>th</sup> May with 85 signatories, all of whom were current residents. The petition states that no consultation had taken place with residents concerning the tender and that this has infringed the Human Rights Act. As a result, the petitioners asked for the Council to defer implementation of the decision to change the present service provider in order to allow time for a full and meaningful consultation.

### ***The Council's approach to consultation***

7. The Council's Consultation Strategy sets out a commitment to engage, consult and respond to the views and priorities of all communities. The strategy supports and informs corporate policy and decision making, including the commissioning and procurement of services. The Council will consult on service strategy that leads to tendering, engaging with service users in purchasing decisions and including service users on tender evaluation panels. However, the Council does not involve service users affected in decisions due to the potential conflict of interest. Once the recommendation has been made by the tender evaluation panel, it is reported to Cabinet for a decision based on service quality and value for money. Service users are informed of the Cabinet decision although no further consultation is undertaken as the decision has been made by Cabinet. The Council process for challenging a Cabinet decision is within the scrutiny and call-in arrangements included within the Council's Constitution.

### ***The review of housing support services for young people and care leavers***

8. An officer-led strategic review of housing support services for young people and care leavers in Hillingdon was undertaken in 2009. It recommended the purchase of a single new service based at Jupiter House and Ventura House. Local service users were engaged in that review through a dedicated focus group and also through a questionnaire that Stonham gave to residents to enable them to give their views.

9. The strategy was reviewed by a multi agency group (the Supporting People Core Strategy Group) with representatives from housing, children's services, youth offending services, commissioners as well as service providers. The purpose of the group was to oversee the development and implementation of the supported housing programme. Consultation on the strategy included engagement with the Supporting People Client Forum which has service user membership from a variety of services.

### ***The tender and contract award***

10. As a result of feedback from service users and other stakeholders, changes were made to the service specification and to the sets of services that were tendered (referred to as "lots"). In 2010, five lots - for young people and care leaver services - were put out to competitive tender. These included a new single service just based at Stonham's Jupiter House rather than the original intention to group Jupiter House and Ventura House together into a single lot.

11. The Tender Evaluation Panel, which considered the shortlisted organisations for interview, included two care leavers who were not in receipt of any of the existing services. Involving care leavers who were not users of these services was intended to avoid potential conflicts of interest or the perception that a conflict of interest existed from any unsuccessful bidders.

12. West London YMCA's tender for the Jupiter House lot was evaluated as giving best value to the Council for this service (as well as three other lots for services). In April 2011, Cabinet agreed that they should be awarded the contract for these services. The contract is now expected to be let on 1<sup>st</sup> October 2011. Delaying implementation would have opened up the prospect of challenge by the successful tendering organisation and would also have had financial implications at a time when council budgets are under considerable pressure.

13. The award of contract to West London YMCA can now only be overturned by the High Court.

### **Financial Implications**

14. The new contract with WLYMCA - at £328K per year – will secure a saving of 9.8% for the Council.

### **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

#### **What will be the effect of the recommendation?**

15. The new service is expected to start in October 2011. Under TUPE regulations, Stonham's housing support staff are expected to transfer to West London YMCA, which will assist with continuity of service for the service users involved.

16. In order to ensure that the service continues to provide high quality and good value for money during the life of the 3 year contract, an assessment of the utilisation of the service and performance against local and national performance indicators and targets will be made on a quarterly basis through existing contract management processes. Additionally, the service will be subject to an annual risk assessment, an assessment against a quality assessment framework and a contract management review as part of a West London Performance

Management Framework for housing support services. Service engagement will be a core part of managing the new contract with West London YMCA.

### **Consultation Carried Out or Required**

17. Consultation is a standing facet of the housing support programme and includes:

- engagement with service providers through a Provider Forum
- engagement with service users through a Client Forum
- gleaning the views of service users through focus group meetings

18. As part of the preparation of this report, officers met with representatives of residents of Jupiter House on 30<sup>th</sup> June 2011. The residents felt passionately about the positive impact that the service at Jupiter House had had on their lives and were anxious to ensure that other young people should be able to benefit from it in the future. A record of the questions raised by the residents and a summary of the response of officers are attached as Appendix 1.

19. As a result of the discussions with residents, there are two changes that will be made to procurement processes in the future:

- Future consultation will more strongly emphasise the potential implications of information received from service users and stakeholders on the way that services may be provided in future: It will be made very clear how important it is that those consulted express their views.
- Residents at accommodation-based schemes will be informed where service tenders are to be undertaken so that they are aware of the possible consequences.

### **CORPORATE IMPLICATIONS**

#### **Legal**

20. This was a Part B service with the procurement process conducted in full compliance with the Public Contract Regulations 2006. The contract is for a period of 3 years with the option to extend for a further 2 year period. However, the Council may terminate the contract at any time on giving 3 months notice to the service provider.

21. The Member is advised that the provision of this service is not a statutory duty but rather supports the Council's Sustainable Community Strategy. Cabinet was authorised by Regulation 7.08(c) (22) of the Constitution to determine the contract award.

### **BACKGROUND PAPERS**

22. None.



## **APPENDIX 1**

### **NOTES OF THE MEETING WITH SERVICE USERS: 30<sup>th</sup> JUNE 2011**

The following information includes the questions raised by residents and a summary of the response given by officers.

**1. Why were we not consulted on something of such importance to our lives? Has legal advice been taken about our right to be consulted and about the provisions of the Human Right Act? If so, what did it say?**

It was explained that there had been a number of consultations with stakeholders including a focus group meeting of service users and consideration by a multi-stakeholder group including service providers. The council did secure legal advice on whether it had met the requirements of the Human Rights Act. As the changes involved identifying and appointing a new provider rather than decommissioning the service, the council's advice was that the Act did not apply.

**2. The Council's decision was taken in secret and we knew nothing about it in advance. If we had known we could have put forward our views. Can we now see the papers on which the decision was made?**

There is a formal process by which Cabinet makes decisions, which is transparent. In this case, however, the report was not made public due to the commercially sensitive nature of the information it contained. However, Cabinet does rely on recommendations being subject to relevant input from service users and this is covered in the report.

**3. We gather that the Council has gone ahead with the transfer to the YMCA without giving us a chance to have our say. Is that true? If so does it make a mockery of the petition procedure?**

It was explained that on the 14<sup>th</sup> April the Cabinet had made the decision to award the contract(s) to the new provider(s). Stonham subsequently had some meetings to clarify some of their concerns and this was resolved in June. Decisions about contract awards are not made in public because this could make publicly available information that might cause commercial harm to companies bidding for contracts. However, consultation was part of the process leading to the recommendation to Cabinet. The Cabinet decision has now been made and is not subject to any further consultation. The contract is expected to be let on 1<sup>st</sup> October 2011.

**4. Can you confirm that in agreeing to meet with you that we are not losing our right to present our petition to the Cabinet member so that he can hear the strength of our views and explain why this decision was made?**

This was confirmed.

**5. We understand that a number of organisations were invited to make bids. Can we be given a list of the services which they were asked to quote for?**

The specification for the Jupiter House service was provided.

**6. Does the new range of services mean that Jupiter House Foyer will no longer be a foyer and will lose the benefits of being part of a scheme?**

The contract with West London WYMCA is to provide housing support to a foyer. Stonham will continue to own and manage the building in conjunction with West London WYMCA as a foyer.

**7. We have heard that there is a £100,000 gap between the Home Group and YMCA bids. Is that true?**

This is commercially sensitive information and the council is not able to provide this. However, the Council did base its decision on an assessment of value for money which included both the quality of the service and the cost. By way of context it was explained that the decision was based on an assessment of price / quality using a 60/40% split. As part of this assessment, the Cabinet took into consideration a significant difference in cost between the existing provider and West London YMCA.

**8. What services will be cut in order to make the savings expected? In particular can we continue the following services:**

- **One to one personal support**
- **Access to courses**
- **Help from education advisers**
- **Guidance on money management, sensible eating, drugs, sexual health**
- **Breakfast Club**
- **Client involvement through floor representatives and regular consultation**
- **Help in developing ideas and projects such as the garden scheme**
- **Provision of laptops and computer room facilities**
- **Promotion of community volunteering opportunities**
- **Access to lounge at all reasonable hours for socialising, table tennis etc?**

It was noted that the council does not fund some of these services as part of the housing support contract. However, the specification for the new service did include a requirement that it must have learning & development activities including:

- Budgeting
- DIY
- Health issues
- Self awareness
- Employability workshops
- Educational workshops
- Cookery

The detail of who will be providing which services or whether there are going to any changes to the way services are provided has yet to be worked through between West London YMCA, Stonham and the council. It is planned to secure agreement on all the points raised in this question by the end of August.

**9. What account was made of quality of service and how was it measured?**

The council has a process of accrediting all providers of housing support. West London YMCA has previously formally evidenced their competence to provide housing support services. Quality check measures are in place in accordance with the nationally agreed quality framework for housing support services called the Quality Assurance Framework (QAF), service reviews and the monitoring of performance indicators.

**10. Will there continue to be strict vetting of applicants so that people with past problems are given a second chance but not at the price of putting others at risk?**

**11. We have heard of incidents at the YMCA including stabbing. What steps will be taken to ensure our safety?**

These two questions cover similar ground so are grouped together. There will be no change to the strict vetting of applicants which are standard expectations of housing support providers funded by the council. Consideration of applicants will involve Stonham as the landlord. It was noted that young people with complex needs would not be accommodated by Jupiter House but will be assisted as part of the service provided by P3.

**12. We have heard that a number of bed spaces is to be cut from 90 to 70. Is this true and if so how was the new figure arrived at?**

To fund higher support need clients in Hillingdon, the strategic review concluded that the council needed to resource a higher level of staffing for schemes supporting young people with more complex needs (e.g. in services provided by P3). It was also concluded that the capacity of the housing support service provided at the Foyer should reduce to 70 people. The resources released by this decision were reallocated to support young people with more complex needs. As there were no additional resources to fund services, these required changes could only come about by reprioritising existing funding streams.

**13. What will happen to the people on the waiting list for the foyer at present?**

Stonham have been asked to reduce the number of their residents needing housing support down from 90 to 70 by the 1<sup>st</sup> October. It was explained that no new referrals were being accepted by Stonham pending the decision to award the new housing support contract. Those with a prior commitment to being accommodated at Jupiter House were still being considered.

**14. What will happen to local young people who can not get a place in the future?**

There is ongoing competing demand for limited resources to the extent that it is not possible to meet all the needs of young people in Hillingdon. The review of the housing support services for young people led to a greater focus of resources towards young people with more complex needs for whom the council has a statutory responsibility. Preventative services for people with lower needs were maintained but at a reduced level.

**15. What will happen to the rooms?**

Stonham are currently leaving some of the vacated rooms empty pending a general review of the use of Jupiter House.

**16. We really value the job the staff do for us. We have not been asked to speak on their behalf but can you tell us what sort of protection they will have if there are less jobs to go round?**

Housing support staff will mostly transfer across to West London YMCA. Stonham will retain the housing management function – e.g. collection of charges from residents, maintenance and tenancy management – and the staff who undertake this. If West London YMCA subsequently restructure the housing support operation then this may have an impact on staff. However, the West London YMCA has not said that they plan to do this.

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## AVONDALE DRIVE, HAYES – WINDOW SAFETY, SUITABILITY AND FUNCTION

<b>Cabinet Member</b>	Councillor Phillip Corthorne
<b>Cabinet Portfolio</b>	Cabinet Member for Social Services, Health and Housing
<b>Contact Officer</b>	Grant Walker, Head of Housing Maintenance, Social Care, Health and Housing
<b>Papers with report</b>	None

### HEADLINE INFORMATION

<b>Purpose of report</b>	To inform the Cabinet Member that a petition signed by 77 tenants and leaseholders of Avondale Drive estate, Hayes has been received. The petition is regarding the safety, suitability and function of the windows installed to the three tower blocks on the estate last year.
<b>Contribution to our plan and strategies</b>	Healthy Communities, Older People and Housing
<b>Financial cost</b>	Other than the cost of fitting additional safety devices which would be funded from the Housing Revenue Account, there would be no other costs and no financial implications for the General Fund.
<b>Relevant policy Overview Committee</b>	Social Services Health and Housing
<b>Ward(s) affected</b>	Townfield

### RECOMMENDATION

**That the Cabinet Member notes the actions being taken by Hillingdon Housing Service to address the concerns raised by the petitioners about the safety, suitability and functions of the new windows installed in their flats.**

### INFORMATION

#### Reasons for recommendation

Officers believe that they have identified a way forward that addresses the concerns of residents about the safety, suitability and function of the windows.

#### Alternative options considered / risk management

Officers have reviewed the risks associated with the use of the new windows and are satisfied that the window design is safe, but understand the perceptions of residents and that their

concerns are very real. If the Tenants & Residents Association (TRA) remains of the view that what has been done so far, and what we propose to do as described in this report, is not sufficient to bring about practical solutions to those concerns, then a further option is to commission an independent window expert to advise. Officers are not recommending this as they believe they have identified a way forward.

### **Comments of Policy Overview Committee(s)**

None at this stage.

### **Supporting Information**

#### *The decision to replace the windows*

1. Between August and December last year we replaced the windows to the three blocks of flats in Avondale Drive – Glenister House, Fitzgerald House and Wellings House. There are 48 flats in each block, and a total of 792 windows were replaced – 720 to the flats and 72 in the shared areas.

2. The contract sum for the work was £618,792.71. This included removal and replacement of the windows, installation of new automatic opening vents linked to smoke detectors in the shared areas, and external access to carry out the work – mast climbers were used rather than scaffolding as this was some 46 per cent cheaper.

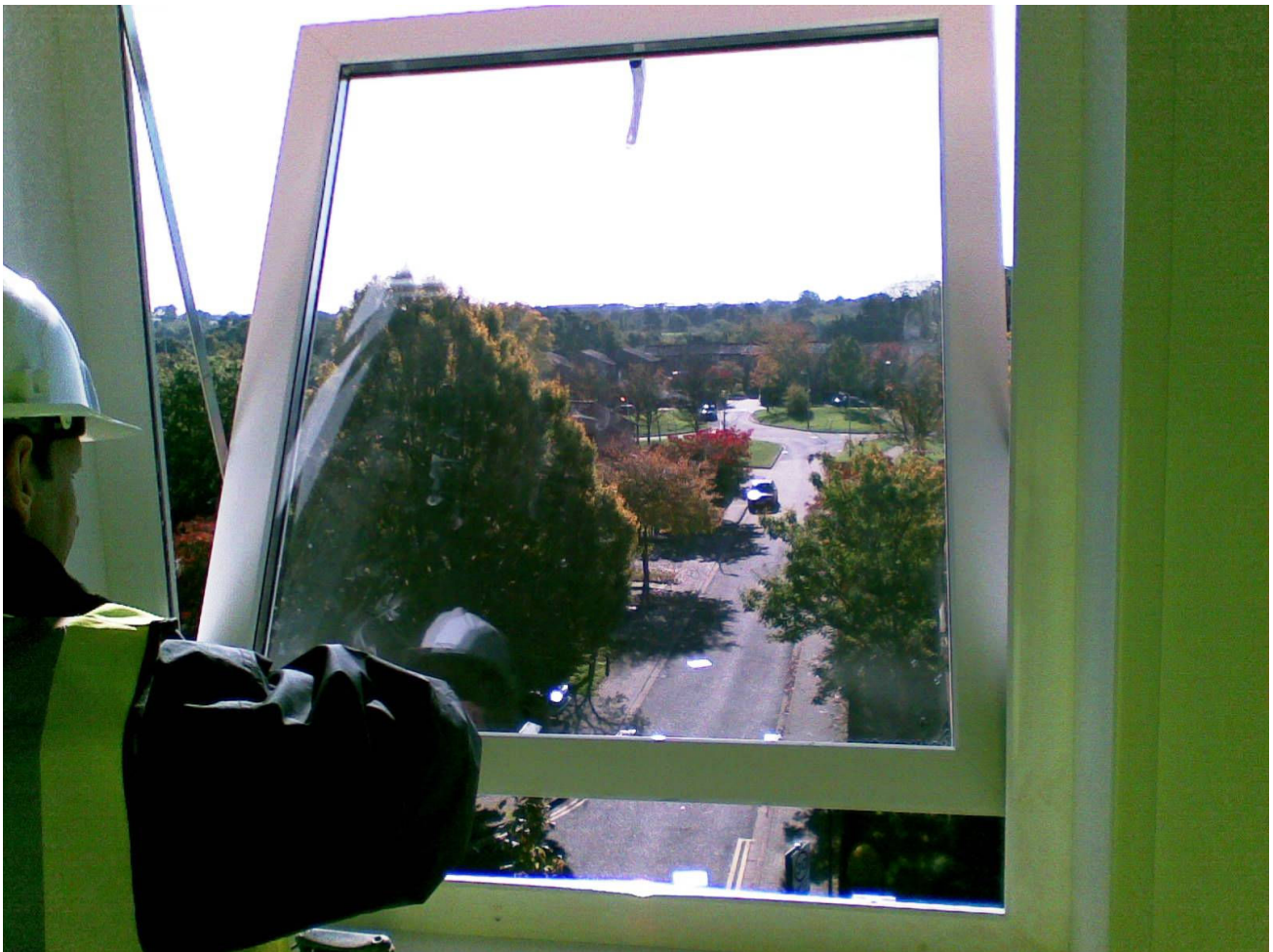
3. The decision was taken to replace these windows following a number of enquires and complaints from residents, including a survey carried out by the TRA calling for new windows. The decision was based on a number of factors. The previous windows did not comply with current standards - the frames were not thermally efficient, the double glazing units were inefficient compared with more modern glazing, the draught and weather seals and external pointing needed renewing, and the ironmongery required repair or replacement. Consideration was given to the practicality of refurbishing the windows but this was not deemed feasible in terms of cost and the end result, i.e., the repairs would not bring the windows up to current standards.

#### *The window type we fitted*

4. We selected a top swing window as the replacement as this is best suited to high rise buildings because (amongst other things) of the ability to clean from the inside. This window type had been used a number of years earlier on another tower block. The windows were designed and installed by Bowater Projects - one of the appointed companies under the LHC U8 window framework - as a subcontractor to Apollo Property Services Ltd, our partnering contractor. The windows are installed so that they comply with all relevant building regulations and British Standards. The window safety features and design comply with BS 8213-1 *Design for safety is use and during cleaning of windows, including door height windows and roof lights. Code of practice.*

5. The windows are fitted with a safety restrictor to limit how far the window opens – this prevents the window being opened beyond an initial 100mm without first pushing a button to disengage the restrictor. We also fitted a key operated device (child restrictor) which needs to be removed with a key before the window can be opened beyond the initial 100 mm. Initially this was only offered to families with children, but it was subsequently fitted in all flats.

6. The windows are also fitted with a reversing catch which engages automatically to hold the sash whilst in the cleaning position – after cleaning the operator is required to push a button to allow the sash to fully reverse back to its original position. We also offered all residents a hook and pole to help with the operation of the windows for cleaning – 20 residents elected to have this fitted.







#### *Consultation with residents*

7. An open meeting for residents was held in March 2010. A corner section of the window was on display to illustrate the proposed material of the new windows. Posters and a slide show illustrated the style and shape of the new windows.

8. The windows were replaced to a pilot property in early September and we offered members of the TRA the opportunity to have a look at a completed installation before progressing with the rest. Demonstrations of the new windows were then given on two separate presentations later in September, in the morning and evening to allow as many residents as possible to attend. A full size example of what was being installed was used to demonstrate how to operate the windows. The window was secured in a timber bracket in the car park adjacent to the blocks. The turnout was poor for both sessions.

9. All residents were shown how to operate the windows as the installation was completed in their flat and instructions on operation and maintenance were issued.

#### *Concerns expressed by residents*

10. Residents, and in particular the TRA, raised concerns with us regarding the safety of the windows from early on, in particular seeking safety certificates for the design of window and their suitability for use in a tower block. Our health and safety manager visited in November before the work was complete and recommended that the additional restrictors were offered to all residents, and that written operating instructions be issued as soon as possible. The TRA also told us that a lot of the flats were experiencing increased condensation following the installation of the new windows. There is also mention of draughts. The TRA carried out its own post installation survey in December and sent this to us – it had received 63 responses.

11. In addition to the ongoing discussion with the TRA about its concerns, one of the Ward Councillors raised these concerns on behalf of the residents in November, and a reply was



given. The local MP, John McDonnell, wrote to the Council at the end of January and received a reply in February. Following the receipt of his letter, an inspection of the windows was completed by officers with John McDonnell and members of the TRA on 6 April 2011.

12. Following the tragic accident in June where a boy aged six fell from an eighth storey window in a Leeds tower block, we received further correspondence from the MP. An email was sent on 3 June 2011 by John McDonnell to the Chief Executive which was replied to on 9 June 2011. In addition, we received a press enquiry from the Gazette at around the same time and we provided a statement - it has followed this at the end of July with further questions. The TRA chair also wrote to the Leader and Cllr Kaufman replied on his behalf on 23 June 2011. Following a further letter in response from the chair of the TRA, officers were subsequently requested to liaise with the chair. The petition arrived before officers had acted on this.

#### *The petition*

13. This petition is the culmination of the ongoing concerns of residents, and what they perceive as a lack of adequate response to those concerns. The survey accompanying the petition lists the following issues and residents were asked to tick *Yes* or *No* against each one, as well as being given the opportunity to make further comments.

- Do you think your recently installed windows are safe?
- Do your windows suffer from condensation?
- Do your windows suffer from draughts?
- Has your home developed mould since these windows were installed?

#### *The safety of the windows*

14. The windows in the Leeds tower block appear to be of the same top swing reversible type as we installed at Avondale Drive. What safety devices are fitted though is not obvious. Until the police complete their investigation and details are made available as to how the accident occurred, it is premature to speculate that the window design was a contributory factor in this accident or that the windows are unsafe. It may be that the accident would have happened whatever the type of window.

15. We reviewed the design of the windows we installed against the requirements of BS 8213-1 (see para 4 above). The code identifies that the main risks are of falling out of the window, both in use and when cleaning. It sets out how these risks should be mitigated and lists the factors that impact on safe use. These include the provision of safety fittings and guarding.

16. The replacement windows at Avondale are the same size as the windows taken out – we did not make any change to the window openings or to the size of the openable part of the windows, albeit the window hinge mechanism is different. However any window large enough to fall through when open can be dangerous. The windows we fitted incorporate a built-in safety restrictor, so that when opening the window it stops and locks automatically in the vent position – approx 100mm. By releasing this, the window can then be opened wider until the restrictor engages at its second position. The press button release on the restrictor must be operated again to fully open the window.

17. The top swing gear is suited to high rise applications and offers a reliable and repetitive function. The reversing operation for cleaning can be done quickly and is carried out from the inside, standing on the floor so that there is no risk of overreaching or need to use a step ladder. The reversible catches engage automatically to secure the window whilst in the cleaning position. The window does leaves a large unobstructed opening while reversing, but once fully reversed is easy to clean.

18. Residents can choose whether they want to carry out the reversing operation to clean their windows, or to not do this – they don't have to open the window past its restricted position if they are uncomfortable with the unobstructed opening that is left during the reversing operation. However the lowest part of the opening window is at a height such that in normal circumstances an adult standing on the floor will not overbalance and fall out of the window.

19. Another concern that exists, especially following the accident in Leeds, is the ability of a child to manipulate the safety devices. We fitted an additional safety device - a key operated blocking device in the hinge which must be removed with the use of the key to allow the window to open beyond 100mm (and then it is still necessary to operate the push button release). This feature wasn't part of the previous window design – there was no locking attached to the restrictor fitted to the horizontal pivot windows.

20. If this additional safety device is not engaged, or if a child is given access to the key then they may be able to open the safety devices, especially older children. If furniture is placed below the window then a child would also be able to climb onto the window sill.

#### *The suggested way forward*

21. Following the Leeds incident and as a result the continuing concerns raised by residents, we looked at ways of providing additional restriction and controls to the windows. We attended a TRA committee meeting on 28 June 2011 and offered to fit a different lockable restrictor device to all of the windows to help mitigate the risk of children overcoming the existing safety devices.



22. Residents who attended this meeting agreed that this new restrictor dealt with their concerns. They also agreed to share this offer with all the residents and the chair of the TRA completed a survey of all flats asking if they wished this device to be installed. We received this survey back with a letter dated 8 July 2011 – only six of those residents approached thought that this new restrictor would not help.

23. We are therefore now seeking a company to install the restrictor and we hope to have this completed by the end of August. At the same time, we will remove the existing key operator restrictor that we had previously fitted as this will not serve any useful purpose once the new one is in place. The new one is simpler to operate and provides visual reassurance to residents that it is attached and locked.

24. We will also issue further guidance to residents on the safe use of the windows, and the TRA has provided comments on our draft of this.

25. At the TRA meeting we learnt that some tenants who have the hook and pole to help with the operation of the windows for cleaning (para 6 above) find the pole heavy, thus restricting its usefulness. There is an option to offer a window cleaning service (perhaps at cost) if residents do not wish to, or cannot, do this themselves. The TRA has sourced a window cleaner who already does this for a number of residents, and when we made this suggestion at the meeting with the TRA committee, it was not something that we were asked to follow up.

26. We remain of the view that the window design is safe, but understand the perceptions of residents and that their concerns are very real. A number of the measures we have taken have been on the instigation of the TRA passing on its members' concern. It remains of the view that what we have done so far has been insufficient to bring about practical solutions to those concerns. Residents' safety is of the utmost importance to us and we have listened and now believe that we have identified how to address the concerns about these windows.

#### *Other issues raised in the petition*

27. In respect of the issues raised by the residents about condensation, we commissioned specialist surveys of three sample flats in December last year. The conclusions of the expert were that there was no obvious evidence of water penetration from the outside and that the moisture forming on windows, ceilings and walls was due to condensation. We have separately investigated any issues of draughts raised with us but so far cannot substantiate these.

28. The form of heating provided in these tower blocks (storage heaters) does not produce consistent levels of heating in the flat over the daily cycle, and the heaters are often not in the best positions to reduce condensation risk. The flats also suffer heat loss through the external walls, and the ventilation in the flats visited was not always effective in helping to remove moisture. The installation of the new windows had removed some of the fortuitous ventilation that was created by the poor seals around the old windows. Life style choices were also found to contribute to the production of moisture – drying of clothes on racks, not closing the doors to kitchen and bathroom when using these, not using the ventilation fans provided.

29. We have developed some solutions to address these issues - specifically around upgrading the heating and ventilation provision to the flats. We had always intended to renew the storage heaters following the window installation. In addition we may apply insulation to the inside face of the outside walls in the flats to make these warmer and less susceptible to condensation. In order to progress these ideas, we are awaiting a void flat so we can carry out an installation and then see how this performs and whether it will be the answer.

### **Financial Implications**

The cost of the proposed actions will be contained within the current HRA budget.

### **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

#### **What will be the effect of the recommendation?**

Actions being taken by officers will address all the complaints made by tenants and leaseholders as regards the safe use of the windows.

## **Consultation carried out or required**

We have consulted with the TRA committee about our proposals to address the concerns of its members. As we move forward with detailed planning for the heating, ventilation and insulation project we will carry out further more detailed consultation.

## **CORPORATE IMPLICATIONS**

### **Legal**

The Cabinet Member has before him a recommendation seeking that the Cabinet Member notes the actions being taken by Hillingdon Housing Service to address the concerns raised by the petitioners about the safety, suitability and functions of the new windows installed in their flats.

Under Article 7.08(d) of the Council Constitution, Cabinet Members have a general delegation to deal with petitions in their portfolio area in accordance with Council procedure. Therefore, this recommendation falls within the Cabinet Member's delegations.

Article 13 of the Council Constitution requires that all key decisions taken by Cabinet follow the seven principles set out therein.

There are no legal impediments to the recommendation being made.

### **Corporate Landlord**

This report does not relate to land or property and Corporate Landlord comments have not therefore been sought.

## **BACKGROUND PAPERS**

None.

## AUSTIN ROAD ESTATE, HAYES – PETITION IN RELATION TO HEATING CHARGES AND REFUND

<b>Cabinet Member</b>	Councillor Phillip Corthorne
<b>Cabinet Portfolio</b>	Social Services, Health and Housing
<b>Contact Officer</b>	Grant Walker, Social Care, Health and Housing
<b>Papers with report</b>	None

### HEADLINE INFORMATION

<b>Purpose of report</b>	To inform the Cabinet Member that a petition signed by 60 tenants and leaseholders of Austin Road estate, Hayes was received by Hillingdon Homes Ltd. Because the petition could not be heard by Hillingdon Homes Ltd before it closed, the petition is to be actioned using the Council's petition procedure.
<b>Contribution to our plan and strategies</b>	Healthy Communities, Older People and Housing
<b>Financial cost</b>	There are no costs associated with this report, and no financial implications for the General Fund.
<b>Relevant policy Overview Committee</b>	Social Services, Health and Housing
<b>Ward(s) affected</b>	Townfield

### RECOMMENDATIONS

That the Cabinet Member notes:

1. the reasons for the delays in hearing this petition;
2. the actions being taken by Hillingdon Housing Service to address the concerns raised by the petitioners;
3. the actions taken to implement a permanent solution by replacing the obsolete heating and hot water meters; and
4. the developments that emerged during the installation of new meters and actions taken to resolved these.

### INFORMATION

#### Reasons for recommendation

With the project to install new heat meters now complete and gone live, the charges for 2010/11 will be made using data on actual usage. Officers remain of the view that using dwelling size as the basis for charging in the interim was a fair, reasonable and transparent method.

## **Alternative options considered / risk management**

Hillingdon Homes and the Council jointly looked at the following alternative methods of charging:

### *Using the previous year's readings*

This method was considered to be flawed on the basis that:

- it assumed that residents' hot water and heating usage pattern had not changed from the previous year to the next
- there was the issue of how to handle new residents with no previous readings (both tenants and leaseholders)
- there had been a number of complaints about the accuracy of the meters in the past
- it was also known at the time that there would be no accurate reading for 2008/09 and possibly 2009/10 because a new method of metering would not be commissioned until at least 2009/10
- for every year we do not get a reading, using previous years' readings becomes more problematic in that the last reading will be older by one year, essentially making the whole exercise meaningless

### *Distribution based on number of bedrooms*

- in the absence of any accurate readings the only fair way of distributing the central heating and hot water costs was considered to be to pro-rata the charge to the relative size of the properties
- it was accepted that this method would not take account of individual usage and refunds received in 2007/08 would be different to those made the previous year. However this method of sharing the true costs of operating the Hayes central boiler was at least transparent
- heating charges for new residents could be based on the size of their dwelling
- it was understood that usage would vary individually, e.g., the flat above the boiler room not needing to turn on radiators, etc. However, without an accurate means of measurement we could not devise a fairer way to set the charge

Based on the fact that the calorific meters were obsolete and there was no means of obtaining accurate readings from the current meters, it was decided that the fairest way of distributing the central heating cost was therefore to use dwelling size. It was acknowledged that there were variances in the amounts calculated for residents for heating and hot water charges and refunds between 2006/07 and 2007/08. The amount collected in total was calculated to cover the actual cost of running the boiler.

## **Comments of Policy Overview Committee(s)**

None at this stage.

## **Supporting information**

### *The petition and delays in reporting*

1. During July 2010, Hillingdon Homes Ltd received a petition from residents of the Austin Road estate in Hayes. The petition relates to the reduction of the 2008/09 heating charge refund and the method being used to calculate the heating and hot water charges, pending the replacement of obsolete heating and hot water meters. In February 2010, Hillingdon Homes had received an

“interim” petition with 17 signatures from the residents in connection with the 2008/09 heating charge refund. A response to the “interim” petition was sent to the lead petitioner in accordance with the Hillingdon Homes petitions procedure. In April 2010, the lead petitioner informed Hillingdon Homes that the heating charge refund petition had been put on hold by the petitioners *“till after the elections in May 2010”*.

2. The July petition states *“We the undersigned do not consider the heating refund should be dependent on the size of the property, to be in any way fair.”*

3. Sixty residents signed this new petition submitted in July 2010. It could not be heard before Hillingdon Homes was closed in September 2010 because the lead petitioner could not make the Petition Hearing dates available for the Operations Committee of Hillingdon Homes in August and September 2010. It was agreed with the lead petitioner that the petition would be transferred to the London Borough of Hillingdon.

4. During the transfer process, this petition was listed as part of the governance process and actions to be taken up by the relevant Council units. The investigation we subsequently carried out indicates that this petition was not picked up in any of the actions after the transfer back to the Council.

5. On 17 January 2011, we were alerted to this omission by a Member’s Enquiry. The officer in Democratic Services responsible for petitions was notified and a new report prepared for the Council’s petition process. However, because of the time it has taken to reach this stage, the fact that the central heating meter replacement project had started and there were additional issues as a result of the replacement project, we felt that it would be necessary to capture as much of the current issues as possible instead of just reporting on the original issues in the petition. We have updated the report to include issues encountered during the replacement project which was completed in April 2011.

6. Also, because of the lapse of time, officers wrote in July to the lead petitioner to apologise for the delays, and to ascertain how she wished to proceed. She confirmed that she still wished for the report on her petition to be presented to the Cabinet Member, and for the matter to be resolved as soon as possible.

#### *The background to the petition*

7. The petition was brought about by the obsolescence of the calorific meters which were used to measure hot water and central heating usage by the Hayes Town Centre flats. The metering system used was installed in the early 1980s and the technology was based on late 1960s and early 1970s technology. In early 2008, the only manufacturer in Europe stopped production of replacement parts for these calorific vials. Prior to this, Hillingdon Homes had worked with Switch2Energy - the company that serviced the meters - to find an alternative source for the supply of calorific heat meter vials without success. As a result, in 2008 Switch2Energy stopped servicing and reading the meters, because annual replacement parts could not be sourced and readings from existing out of date meter vials would be inaccurate and invalid.

8. Since it was no longer possible to take accurate meter readings, the Council opted to use property size to calculate the charges at Hayes Town Centre as a temporary measure, pending the installation of a new way of metering. This is the same method used for other shared heating schemes where there is no metering system. All tenants and leaseholders affected were informed of this decision and the system was explained to them. They were also informed that this was a temporary solution and that a permanent solution would be found.

9. In 2007/08, a transitional refund was paid to tenants and leaseholders in the central heating scheme to soften the impact of moving from metered supply to flat rate charges. The transitional refund was not paid beyond 2008 because it was meant to be a temporary relief, and this was explained to tenants and leaseholders.

10. In 2008, Hillingdon Homes engineers reviewed alternative metering solutions. These solutions were very expensive and would have cost between £1,500 and £2,000 per dwelling, giving a total cost for the estate of between £390,000 and £520,000. This range of cost would have been difficult to fund out of the Housing Revenue Account (HRA) in the 2008/09 financial year, because of resource pressures and a number of high priority health and safety investment needs in the HRA.

11. In July 2008 a bid was submitted to the London Development Agency (LDA) for funding for an innovation project at Austin Road estate to introduce remote metering and convert the communal heating system to combined heat and power unit. This project had an initial estimate of £215,000 and funding of £130,000 was sought from the LDA with the balance to be met from the HRA works to stock programme. When the board of Hillingdon Homes approved the 2009/10 works to stock programme the outcome of this bid (and others) to the LDA was not known, but initial funding of the HRA contribution was included in the programme. Funding for the 2009/10 programme was given by Cabinet in February 2009, with subsequent capital release of this funding in May 2009.

12. Hillingdon Homes engineers had identified a further solution which was piloted in 2009. The pilot was successful and was well received by those tenants that took part in it. This solution involved a water flow meter and a sonic sensor that would cost an average of £1,000 per dwelling - this is at least £500 (50 per cent) cheaper than the least expensive solution previously identified. Two meters are fitted in each flat – one to measure hot water usage and one heating usage.

13. The project was subsequently carried forward into 2010/11 programme, and the new meter installation project started in 15<sup>th</sup> November 2010 after a lengthy statutory consultation with leaseholders on costs and services provided by the new meter. Installation was programmed for completion by end of March 2011. The contractor had a number of problems and delays to the project caused by some tenants and leaseholders not keeping booked installation appointments.

14. At the end of March 2011, of the 259 properties, the installation of new meters had been completed in 249 properties. We are still having problems with installation to ten properties and, as the main installation project is now completed, these ten properties are being picked up as part of project closure.

15. Six out of the ten properties are leaseholders. To install the heat meters and isolation valves we need a partial shutdown of the system. Once we have resolved access and the cost to the leaseholders of completing the meter installation, we can progress these. The other four flats are in Skeffington Court. This will require a complete system shutdown for the installation. The cost of the actual installation is less than the cost to shut down the system and restore it, so again the leaseholders need to agree for the total cost. Considering the system disruption, it would be advisable if we can plan this works at the same time with our planned boiler replacement works later this year.



16. The system is now live on the majority of flats as the engineers were able to switch the system on without the remaining properties having meters. There may be some problems with the hot water meters in 22 flats (the heat meters are working okay in these) which we are taking steps to resolve - we will continue to analyse data in order to get the perception of a fully working metering system at least until winter months when everyone is consuming energy.

17. During the new meter installations we encountered a number of issues due to the age and configuration of the service pipe-work and residents experienced loss of heating supplies caused by air locks and air venting problems. We have arranged refunds of the heating charge to be made to reflect that they were without heating and hot water for a cumulative period of up to four weeks, and for reimbursement of the additional cost of running the temporary heaters that we provided.

#### *Heating and charges and refunds*

18. In August 2008, we wrote to tenants and leaseholders in Hayes Town Centre with the information that the calorific meters used for measuring the use of hot water and central heating were not being manufactured any more. We explained that, as a result of this, the method of charging would be changing to a standard charge based on bedroom sizes. A number of discussions took place with the Tenant and Resident Association and assurances were given that this was a temporary measure until replacement metering devices were installed.

19. In response to enquiries on the heating charge and refund for 2007/08, Hillingdon Homes conducted a review of all the calculations used to distribute the total cost of running the boiler and the resulting refunds for each dwelling (tenants and leaseholders). This exercise was led by the Head of Finance at Hillingdon Homes and the review looked in detail at:

- the cost of running the boiler for 2007/08 – gas costs, electricity costs, boiler maintenance and servicing costs, non domestic rate charges for the boiler house, etc;
- the heat meters – meter readings, supplies, maintenance and servicing of parts for the current meters; and
- alternative ways of distributing costs.

20. The review found the following:

- *Boiler running costs for 2007/08* - The cost allocation was correct and in summary the total running costs for the boiler in 2007/08 was £116,675. The cost for 2006/07 was £110,350. All charges were checked to ensure that amounts billed to the Hayes boiler account were correct.
- *Heat meters* - The main issues for refunds in 2007/08 and subsequent years was the reading of meters. We were informed by the technical experts contracted to service the meters that the contents of calorific vials on the meters could not be relied on to give accurate readings. Calorific vials are glass containers with graduated measurements containing special liquids. The liquid in the vial evaporates as hot water or heat passes through the heating pipe that the vial is attached to. These vials were designed to be replaced annually and for a number of years the contractors had problems replacing the vials as they were not manufactured anymore. As a result, the meters were obsolete and the contractor could not obtain replacement parts. Service companies declined to carry out further readings - on the basis of information provided by the manufacturer that the accurate reading of the meters could not be guaranteed.

Hillingdon Homes considered sending out caretakers to take readings but, based on the information from the manufacturer and servicing agents, it was known that readings would not be accurate. As a result, readings could not be relied upon and any resulting charges and refunds would be unreliable. It was agreed that, if we want to continue with the policy of measured hot water and heating supplies, the only alternative would be to replace the obsolete meters.

- *Alternative methods of distributing 2007/08 costs* - Hillingdon Homes and the Council jointly looked at the following alternative methods of charging - using the previous year's readings and distribution based on number of bedrooms. The pros and cons of each are described above under the section heading *Alternative options considered / risk management*

21. Based on the fact that the calorific meters were obsolete and there was no means of obtaining accurate readings from the current meters, it was decided that the fairest way of distributing the central heating cost was therefore to use dwelling size. It was acknowledged that there were variances in the amounts calculated for residents for heating and hot water charges and refunds between 2006/07 and 2007/08. The amount collected in total was calculated to cover the actual cost of running the boiler.

22. Nevertheless, there was recognition of the strength of feeling among residents on the estate, and the impact the level of refunds would have on their personal finances. 104 residents got a larger refund in 2007/08 than in 2006/07, whilst 155 residents got less. To soften the impact on those that were worse off, it was decided by officers to refund any amount over £50 of the difference (i.e., where the refund in 2007/08 is less than the refund in 2006/07). As an example:

Refund 2006/07	£294.35
Refund 2007/08	<u>£184.96</u>
Difference	£109.39
Less cushioning	-£ 50.00
<b>Refund due</b>	<b><u>£ 59.39</u></b>

23. The fact that this adjustment would only be made for 2007/08 and that the following year's charges would be based on bedroom sizes pending a new meter installation was communicated to all tenants and leaseholders.

24. In 2008/09, six complaints were received from residents in relation to the methodology used for heating refunds by the Council. These were resolved with the exception of one ongoing complaint which resulted in the current petition.

25. The installation of the new meters is now virtually completed, with the exception of ten flats where we have had difficulty getting access, and there may be some problems with the hot water meters in 22 flats. The 227 remaining systems have been tested and from 1 April 2011 the metering system is live.

## **Financial Implications**

The costs of heating are properly chargeable to tenants. In the absence of meters, the practice of basing the charge on property size including number of bedrooms is acceptable.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

Actions being taken by officers will address all the complaints made by tenants and leaseholders as regards the use of dwelling size to charge for heating and hot water.

### **Consultation carried out or required**

In August 2008, we wrote to tenants and leaseholders in Hayes Town Centre with the information that the calorific meters used for measuring the use of hot water and central heating were not being manufactured any more. We explained that, as a result of this, the method of charging would be changing to a standard charge based on bedroom sizes. A number of discussions took place with the Tenant and Resident Association and assurances were given that this was a temporary measure until replacement metering devices were installed.

## **CORPORATE IMPLICATIONS**

### **Legal**

The Cabinet Member has before him a recommendation seeking that the Cabinet Member note:

- (1) The reasons for the delays in hearing this petition;
- (2) The actions being taken by Hillingdon Housing Service to address the concerns raised by the petitioners;
- (3) The actions taken to implement a permanent solution by replacing the obsolete heating and hot water meters; and
- (4) The developments that emerged during the installation of new meters and actions taken to resolved these.

Under Article 7.08(d) of the Council Constitution, Cabinet Members have a general delegation to deal with petitions in their portfolio area in accordance with Council procedure. Therefore, this recommendation falls within the Cabinet Member's delegations.

Article 13 of the Council Constitution requires that all key decisions taken by Cabinet follow the seven principles set out therein.

There are no legal impediments to the recommendation being made.

## **BACKGROUND PAPERS**

None.

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