

London Tenants Federation



Problems with landlord contractors?

A briefing for tenants and residents associations

Many council and housing association tenants and residents, and their TRAs have problems in dealing with the large number of contractors and sub-contractors employed by their landlords to carry out repairs, decent homes works and/or major repairs, and have difficulties in holding their landlords to account for the services delivered.

Some feel their landlords spend too much time explaining their own problems in an attempt to justify poor services; that they see tenant representatives as a problem rather than an asset in delivering good services and that they are made to run through a huge number of hoops to get the information they are entitled to have. Some also feel they are getting a raw deal for the amount of rent and service charges they pay.

Dealing with landlord contractors

- 1. Introduction and background:** According to London Councils' register of contracts, 57 housing management contracts and 466 contracts for construction, repairs and maintenance are held by councils in London in 2015. No similar register exists for housing associations.

While in the past councils delivered a number of their services through 'Direct Labour Organisations', from 1980 a range of government acts required 'Compulsory Competitive Tendering' (CCT). Later, regimes for measuring and monitoring of 'key performance targets and indicators' were introduced which often led to complaints that more time was being spent on monitoring than delivering the services needed. In 2010 the number of 'national indicators' that a council could be measured against was reduced from 1,200 to 198. Currently councils are able to outsource services as they see fit, either singly or jointly with others, providing that quality and value for money are maintained.

London Tenants Federation members feel that social landlords' delivery of services to its tenants and leaseholders should be measured and assessed by those in receipt of the services.

- 2. Remember –**

- there is a contractual relationship between contractors and social landlords (councils or housing associations) or their managing agents; while there is none between contractors and tenants or leaseholders. Landlords are duty bound to ensure that good services are delivered by their contractors and should deal effectively with any problems that occur on behalf of their tenants and leaseholders;
- there is a contractual relationship between tenants and leaseholders and their landlord. Tenancy and lease agreements set out both the responsibilities of tenants and landlords;
- as a tenants and leaseholder you should not accept any excuses. You should expect good delivery for the rent and service charges that you pay.

- 3. While tenants and residents should deal individually with problems relating to their own homes, when there are problems affecting a street, block or estate, it is better that they work together through a tenants and residents association (TRA).** Although running TRAs effectively is hard work, they can hold landlords to account for the services they deliver and can provide a strong and democratic voice that can't be achieved through a focus group or panel of selected individual tenants.

In the past councils actively supported the setting up of TRAs as the main way of consulting and negotiating with their tenants and leaseholders (but less so now), although many housing associations have never done so. Don't be put off by your landlords not formally recognising your association. The important thing is that you have a democratic mandate if you are supported by the majority of people on your street, block or estate. This makes it difficult for your landlord to ignore you.

- 4. Where groups of TRAs are able to meet, share and exchange together, this can be an effective way of dealing with issues for all tenants and residents of the same landlord.**
- 5. Having access to good information about your landlord and the way it manages tenants' and leaseholders' homes is essential.** This should help in getting to the source of problems such as why repairs are not being done or works have been carried out badly. Some landlords provide a lot of information on their websites. The most important things to have are:
 - diagrams showing your landlord's staffing structure, with officers names, job titles, email and telephone contacts of all those that may be dealing with and overseeing day to day repairs, communal repairs and decent homes or major repairs work;
 - time scales for when you can expect repairs to be carried out by;
 - detail on how your landlord deals with formal complaints;
 - information on the contractors and sub-contractors your landlord uses;
 - a plan of decent homes or major works that are to be carried out with, for individual streets, blocks or estates, a time line of when different sections of works will be take place;

- a copy of the contract for the decent homes or major works being carried out to your street, block or estate, along with detailed drawings of works that are being carried out, particularly inside tenants homes;
- regular meetings with landlord officers that are responsible for overseeing contractors.

If you are struggling to get hold of information (including any of those above) and you are a council tenants or leaseholder, you can make freedom of information (FOI) requests. Detail on how to do this should be available on your council's websites. You can make FOIs requests through websites such as www.whatdotheyknow.com, which facilitates both FOI requests and landlord responses being placed immediately in the public domain.

Leaseholders get detailed breakdowns of the cost of both regular service charges and of capital works. If tenants and leaseholders work together this can be a good way for tenants to find out how much they are (also) paying for items in their rents. While leaseholders are charged up front for capital works (improvements rather than day to day repairs), tenants pay the same amount but collectively and over long periods of time.

Sometimes asking a local councillor or MP to access information on your behalf can be helpful. Members' enquiries tend to be dealt with as a priority. This may be particularly helpful for housing association tenants who do not have access to Freedom of Information.

5. Staying ahead of the game on major works. Always:

- attend consultation meetings held by your landlord;
- try to get as much information as possible at this stage;
- find out how many different sub-contractors will be used by the main contractor; who they are and what work they will be carrying out;
- keep a good record of what landlords and contractors say they will do;
- ask them how will they will deal with issues if things go wrong;
- ensure that good lines of communication will be open with your landlord throughout the duration of the works.

If you / your TRA is unhappy with what is planned, demand alternatives be provided. Things can be much more difficult to address once works start on site. If you don't ask, you don't get!

Landlords must hold special 'section 20' meetings with leaseholders when major works are being carried out. This is another opportunity for TRAs to access information.

Leaseholders can also find more information on their rights via the Leasehold Advisory Service (LEASE) website <http://www.lease-advice.org/> and may sometimes choose to challenge proposed works and estimated costs through a First Tier Tribunal.

There are two further time periods that tenants, leaseholders and TRA should pay attention to:

- (i) Just before the contractor finishes the contract they drawing up a snagging list of items still to do or not completed. This is also an important time for tenants to get together to draw up their own snagging list and to demand that the issues on their list are addressed.
- (j) During the year after major works have been finished, while the contractor is responsible for dealing with any problems or repairs relating to the works they have carried out. You / your TRA should make its own assessments and report any problems being experienced to your landlord.

6. If your attempts to address issues directly with landlord or their managing agents fail, you might try some of the following:

- carry out a petition on your street, block or estate. This is really only effective if more than half the households (and more if possible) of your street, block or estate have signed it, to demonstrate the level of concern being expressed by those directly affected;
- draw up a standard letter for everyone to sign and submit to your landlord. It is best if you / your TRA collects them and takes them directly to your landlord, so there is a record of the number being submitted;
- get a local newspaper interested. Social landlords don't like to be embarrassed in the local press. A petition from the majority on your street, block or estate and / or a good 'personal story', with photographs, will help;

- if you get something in the local press it is best to take advantage and get individual tenants and leaseholders to sent in follow up letters;
- use your website and or social media to put the issues in the public domain;
- ask a local councillor or MP to write to the landlord about the problems;
- make a formal complaint, using your landlord's complaints procedures and if this fails, take it further to the housing ombudsman. <http://www.housing-ombudsman.org.uk/>
- if you have a serious issue of disrepair you could seek legal advice and take legal action against your landlord.

7. Ensure that you know how your landlord checks that the works they have contracted are carried out to a standard that tenants and leaseholders should expect for the rent and service charges they pay.

TRAs or landlord-wide tenant and residents federations or organisations might lobby or campaign for a landlord agreement or policy on how they do this and how they will ensure that accessible information is provided to their tenants. Important things to consider include:

- What is your landlord demanding of contractors in terms of staff training and ensuring health and safety of their workers and tenants while they are on site? Is this required of contractors when they submit tender documents?
- How does your landlord track the use of sub-contractors, including their staff training and health and safety issues while on site?

With major or decent homes works, there should be a clerk of works, whose job is to see that work is being carried out properly and that health and safety rules are followed. Find out how often they will be calling at residents' doors and what percentage of households they will visit.

8. Individual tenants should always keep a record of job numbers provided by their landlord and take a note of the names of individual contractors or sub-contractors who carry out works in their homes as well as the company he/she works for. Contractors should carry identification.

9. Tenants and residents associations should keep records of problems / issues not being addressed to feed into any negotiating meetings with landlords.

10. Share any of your / your TRA's successes with everyone on your street, block or estate. Publish the details - in your street, block or estate TRA newsletter, on public notices or, if you have them, your website or face book page. This will help to make people feel that their collective voice can make a difference.

11. The employment of temporary staff by landlords is often about cost cutting and does not provide the best service for tenants. While this does not mean that there cannot be very good members of staff who are employed on a temporary basis, having permanent staff that have acquired a good understanding of - the particular landlord working procedures, local knowledge and developed relationships with local tenant representatives always delivers a better service to both tenants and landlords. TRAs should emphasise this in negotiations with their landlord.

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Front page photograph - a snip from **PFI Street Tours** (Islington) video of January 2015, showing workers taking down scaffolding without wearing hard hats, a worker using power tools unharnessed and a door being opened onto a worker holding an 8m scaffold transom. Link to video here: <https://www.youtube.com/watch?v=CdPyjyPGdYM>