



A grassroots campaign taking action against mammoth fuel bills and working towards an affordable, sustainable and democratic energy system

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Fuel Poverty Action response to ‘Housing for the many, Labour’s review of social housing’

Introduction and note on the structure of our response

We welcome the opportunity to contribute to Labour’s Review of Social Housing. In line with our focus, the following responses will address these questions from the perspective of fuel poverty.

In terms of structure, we consider each topic subheading in turn, addressing the overarching themes rather than individual questions. However, in doing so we hope to answer many of your specific questions. Some questions which are less relevant to fuel poverty are not addressed.

Given the importance of securing decent standards to address fuel poverty, we devote a large part of the response to this question. Therefore, this section is split into five additional subheadings: 1) standards of current homes, 2) standards of new homes, 3) heating systems and district heating networks, 4) overheating, and 5) regulation and enforcement. We conclude by making two additional recommendations on estate regenerations and community engagement.

Main points and recommendations

- FPA believe that an Energy Performance Certificate of band B should be a minimum for all existing and new buildings. A Labour Government should support this with funding and requirements on landlords: a crucial infrastructure investment. Fuel poverty costs lives.
- FPA believe that re-committing to the Zero Carbon Homes Policy would be an important start for a Labour Government that aims to address fuel poverty and climate change.

- While FPA understands the potential advantages of District Heating Networks, many existing networks have been a disaster for social housing tenants in their current form. FPA believe that effective measures are urgently required to protect residents where these networks are installed. We have made detailed recommendations on this to the GLA and also recommend that Labour consider [Scottish Government Proposals](#).
- Policy will only be effective if properly regulated and enforced. The watering down of building regulations must be reversed and new measures introduced to ensure tenant safety. The privatisation of regulatory responsibility must be reversed, and resources increased to ensure effective enforcement. Tenants must be central to the regulatory process.
- FPA supports the Labour leader’s position on estate regeneration/demolition, that: 1) Councils should be compelled to ballot all tenants and leaseholders before regeneration, and 2) that all tenants on redeveloped sites should be entitled to move back to the same site, under the same terms and conditions. This should be implemented immediately.
- FPA recommends that the Labour Party utilises the large numbers of party activists knocking on doors to genuinely engage with issues – such as housing and fuel poverty – that affect constituents.

1. Review – how did we get to where we are?

Some material relevant to this question is included in Section 4, below.

2. Definition – what should “affordable” mean?

- A home is not affordable if you cannot afford to heat it. Housing must be effectively insulated, damp- and draught-proofed, and have an efficient heating system that does not cost too much to run.
- High rents leave people not only at risk of eviction, but in many cases unable to pay their bills, or keep prepayment meters topped up. We believe the Labour Party should question the current widespread “consensus” against rent control, which effectively protected many tenants in the past.

3. Building – how do we build the scale of social housing required?

- We are not experts on this issue but we believe it is important to carefully reconsider the rush to build more and more homes when so many are empty, are already good standard, or could be refurbished to make warm, comfortable homes. You are probably familiar with the arguments advanced [here](#). Looking into compulsory purchase orders on unoccupied dwellings, and re-thinking tax discounts should be a priority. We are very glad to see Jeremy Corbyn's promise to, in government, purchase 8,000 homes, give local authorities powers to take over vacant properties, and get housing associations to allocate empty homes immediately. Many would also suggest that the Labour Party also reconsider the trespass laws which have effectively prevented homeless people requisitioning unused homes themselves and thereby escaping the freezing streets.
- Right to buy, and help to buy, appear to be gifts to private landlords who take over ex-council homes and let them out at exorbitant rents and in bad condition, and to developers, who are currently building housing all over the country that is often substandard, leading to problems with cold and/or damp.

4. Standards -- how do we secure decent standards in current and new social housing?

Many - but not all - of the points discussed here also apply to private housing. Housing associations in particular function more and more like private landlords and developers. Meanwhile councils are often in the position of needing to police themselves: a clear conflict of interest. They often have such strong and dependent relationships with housing associations that they cannot be truly independent in enforcing standards in housing association homes, either. There is a clear need for a truly independent resource that residents can turn to (see below, section 5).

4.1. Standards in current homes

- Labour policy must begin with a commitment for central and local government to act on complaints from residents, and to offer practical support in the form of advice (including legal advice) and resources for residents and residents associations working to get bring their homes up to a decent standard; see below, section 5. We have worked with residents in a number of London boroughs and found that despite legal rights to improvement, GLA schemes (RE:NEW), and despite huge commitment and determination by residents, with untold hours of unpaid work put in by Residents Association chairs and committee members, very little changes on the ground. For a few examples of this situation (in Hillingdon, Havering, and Lambeth) please see our [letter to Claire Perry](#) and our various [responses to GLA](#) consultations.
- According to the [National Insulation Association](#), more than half of UK homes have insufficient insulation. About a quarter also have inadequate draught-proofing. It is

this, alongside energy prices, that has long made the UK “the cold man of Europe”, despite our relatively mild climate.

- Fuel poverty costs the NHS £3.6 million per *day*, £27,000 for each local health trust. And that is on top of the cost to the patients, who suffer from strokes, pneumonia, and depression as a result of fuel poverty, and the cost to the people who care for them, unpaid. [One in five cancer patients](#) retreat to bed just to stay warm. Meanwhile, children, ill half the winter in cold damp homes, miss school (or go in, sick, to keep warm) and fall behind. Adults miss work or lose jobs. Students drop out of college. Relationships break up. The sheer human misery caused by cold homes would in itself make this a key issue for housing policy. Add to that the fact that each winter thousands of people - over 11,000 last year in England and Wales -- die because they cannot heat their homes. The biggest factor contributing to all this death and misery is the lamentable state of the UK’s homes.
- So far 26 tower blocks have had cladding removed since the Grenfell fire; 134 more are due to have this done. While removing flammable materials is clearly a priority, residents have been left in homes which are freezing; even 24/7 heating will not keep some homes warm, and discounts offered on heating bills go nowhere near meeting the cost. It should be a principle that residents - who are blameless - should not pay the price for decisions made by central and local government, and construction contractors (see our letter [here](#)).
- Damp and mould cause huge health risks particularly, but not only, for people with asthma or other respiratory problems. It is standard practice for people to be told that the solution is life-style changes - keep a window open or dry clothes outdoors -- even when everyone in the building is experiencing problems due to its poor design or poor maintenance (and even when the mould appeared after cladding was removed). The European Committee of Social Rights has found this practice to be *in violation of Article 16 of the Revised Social Charter, which protects the right of the family to social, legal and economic protection, including the provision of family housing*. We understand that an Environmental Health Officer, Robert Sale, has submitted to you recommendations on how the Labour Party should (now, and in government) respond to this ruling, and we strongly endorse his recommendations.
- You will be aware of the long battle to get the current government to move towards what they are in theory committed to, in terms of energy efficiency, as reflected in the Energy Performance Certificate. They say they have adopted the Coalition government’s schedule and say in their [Clean Growth Strategy](#),

“We **want** all fuel poor homes to be upgraded to Energy Performance Certificate (EPC) Band C by 2030 and our **aspiration** is for as many homes as possible to be EPC Band C by 2035 **where practical, cost-effective and affordable**.” (emphasis ours).

- FPA agree with the authors of the [LETI Report](#) (p 35) who suggest “A minimum EPC of B for existing buildings where new leases are agreed”. This should include new *tenancies*. The more immediate problem, however, is that even the existing commitments are very far from being met.
- The government’s “aspirations” are not matched by policies or funds. In the past, the popular “Warm Front” scheme and other energy saving programmes were beginning to offer insulation to approximately 2.3 million homes[i] -- helping to mitigate climate change as well as saving lives, improving health and well-being, and saving money for the NHS. Over 2011-2014 these programmes were ended, and they were replaced by a money-lending scheme, the Green Deal, which never got off the ground. Progress slowed to a snail’s pace. New, much smaller, schemes to reduce demand for energy have been handed over to the firms which sell energy. Unsurprisingly, in 2015 the Association for Conservation of Energy [documented](#) an 80% cut since 2012 in help to make cold homes more energy efficient, from 1.74m a year to 340,000. A brief history of changing provisions, by National Energy Action (NEA), is [here](#).
- The Clean Growth Strategy says the government will “Support around £3.6 billion of investment to upgrade around a million homes through the Energy Company Obligation (ECO), and will extend support for home energy efficiency improvements until 2028 at the current level of ECO funding.” This is far less than is needed for what is in fact a major upgrading of the UK’s infrastructure -- which should be financed as such, with all that that implies for jobs and health as well as for housing. Friends of the Earth have produced (in 2014) a [summary of what is needed](#), with reference also to Labour Party policy, and to the macro-economic implications of their proposals. Their proposals would be cost-negative.
- Besides making funding available, the other approach to improving EPC ratings is through requirements on landlords. In addition to the plans for 2030 and 2035 there is a far more immediate commitment to bring homes up to at least level E by April 2018, for new lets, or by April 2020 for existing tenancies. These minimum energy efficiency standards (MEES) for private rented properties are currently almost meaningless because of the principle that bringing properties up to EPC rating E is only required if there will be no cost to the landlord. You are no doubt aware of the government [consultation](#) on replacing this exemption with a cost cap on expenditure by landlords (responses due by 13 March 2018); shamefully, after considering a £5,000 cap, the government is now consulting on a cap of only £2,500, which BEIS say will result in only 30% of F and G rated properties being improved to band E). We hope the Labour Party will be vigorously pressing for an end to the exemption, and for a price cap, if any, that will not cost lives. Such a cap is designed to save landlords from what should be a normal level of expenditure to ensure that they are renting out homes that are fit to live in. This is immediately relevant to social housing: the government say they will

consult on how social housing can meet similar standards on the same timetable.

- In addition, please note that the government has recently downgraded the requirements themselves. The Residential Landlords Association [is telling its members](#) that solid walls have been reassessed to uprate their thermal efficiency, and the government propose to recalibrate EPCs in a way which would mean less work would be required on G-rated (the very worst) properties, and potentially not at all on F-rated properties. Note that these are often slum properties where landlords are making millions from charging high rents.
- Even if the aspirations expressed in the policy statements were met, the EPC-based improvement schedule would be a very piecemeal and intrinsically inefficient approach. With the relentless emphasis on “targeting” (aka means-testing), the policy is to bring homes of fuel poor residents up to level E now and then return to the same home to bring it up higher by 2020 or 2035, while ignoring the neighbours, and ignoring the fact that a fuel poor family may in fact move on elsewhere. In the [words of Brenda Boardman](#), respected fuel policy expert, “many people don’t want to respond to a one-off programme; it’s not the appropriate way to reach them and it’s not a particularly cost effective way. It introduces the whole issue of stigma and identification, and so *a community based approach, an areas-based approach* is so much more sensible.” (our emphasis).
- In social housing, the value of such an area-based approach is still more evident than in the private rented sector: homes with one social landlord are close together, and many of them are occupied by low income households. Instead of taking advantage of this, we have seen housing associations do all they can to resist improvements. On A2Dominion’s Pembroke Park estate, for example, where residents have been told they are “heating the street”, one flat, the home of a very ill and disabled child, was insulated under threat of court action when the child nearly died; the neighbours are still fighting for any change. When we got the GLA’s RE:NEW programme to offer help, the Housing Association refused it.
- Even the effectiveness of insulation, where installed, is affected by this context. Where insulation has been retrofitted, it may not in fact be working, in lofts (see [here](#)) or in cavity walls: see an analysis [here](#) where the problem is blamed on insulation being fitted inappropriately or incorrectly in response to “*the false market created by government intervention, the push to spend cash, grant systems that reward volume not quality, an almost total lack of verification and quality assurance. All is made worse by an installation industry that anticipates its own demise.*” Care is needed, drawing on the experience of experts including affected residents and of workers in the field, to ensure that these wasteful, distressing, and health-threatening fiascos are not repeated under a Labour government.

4.2. Standards of new homes

- New builds should be more efficient but this is often not the case, leading to fuel poverty behind a modern facade. Much of this is down to failures of inspection and enforcement (see below), and to a “design and build” procurement process which eliminates independent oversight. Multiple layers of contractors also engage in bidding wars, cutting costs at every stage, and in the end it is hard to hold any one party accountable, leaving residents with a Kafkaesque battle to get redress.
- Official standards have also been allowed to slip. The Zero Carbon Homes policy (in line with [European Directives](#)) was adopted in 2006, confirmed in 2007, and amended in 2011 by the Coalition government. [Written evidence](#) to the Infrastructure Bill Committee in 2014 by the UK Green Building Council (UK-GBC) and the Association for Conservation of Energy (ACE) provides an overview of its importance and its place in housing policy, including in relation to housing supply. It was finally scrapped in 2015 just a year before implementation in order to “[reduce net regulations on housebuilders](#)”. Besides the devastating effect on residents, this (together with the failure to retrofit energy-saving) has serious implications for the climate: the UK has [some of the most wasteful housing in Europe](#). Domestic heating accounts for nearly a third of greenhouse gas emissions. Re-committing to the zero carbon homes policy would be a good starting point for a Labour Government that aims to address fuel poverty and climate change.

4.3. Heating systems and district heating

- As important as the structure of homes, is the heating system used. Current government policy is to promote and financially support the introduction of district or communal heat networks as a green alternative to individual gas boilers or electric heating. We are aware of the debates around various individual or community heating solutions, and are not equipped to advise on these complex issues. It is clear, however, that although district heating *can* fulfil its promises on both carbon and bills - and has achieved this elsewhere in Europe and in some cases in the UK - it has been a disaster for many social housing residents in its current form. Many face huge bills and standing charges, extremely unreliable heating and hot water with frequent outages, overheating, and terrible billing practices and customer service. Residents on district heating networks have no choice of provider or tariff; they are unregulated natural monopolies. We have written about this extensively including in responses to GLA consultations and would refer you to these (eg [here](#)) for detailed recommendations.
- We hope you will also have studied the [Scottish government’s proposals](#) on heat networks, which are far in advance of anything being discussed in the rest of the UK. They are summarised by Michael King, Co-Convenor, UK District Energy Vanguard Network: “The central feature of the Scottish proposals is that local authorities will have a mandatory duty to produce a Local Heat & Energy Efficiency Strategy (LHEES). This can be used to determine where heat networks will be viable and those areas can be defined as district heating zones in which planning controls will prioritise heat networks. However, that does not mean any Tom, Dick or Harry

can set themselves up as a heat network operator. Alongside there will be a centrally controlled system of licensing heat network operators. Thereafter licensed operators will be able to compete to secure a franchise from the local authorities for the exclusive right to operate in a given DH zone. The criteria on which the franchise competition will be judged will include: heat prices to customers; progress to decarbonisation; and development of the network.”

- It is essential that as well as effective measures to protect residents where new District Heating systems are being introduced, landlords and heat providers have a responsibility to rescue those in existing schemes whose heat networks are dysfunctional or unaffordable.
- Among our recommendations to the GLA are that all District Heating proposals supported by a public body must: 1) Have clear lines of responsibility, including: a single named overall responsible body, regular reporting, effective complaints procedures, compensation, and sanctions. 2) Offer active support for customers – eg meeting space, independent advice, secretarial support with minute-taking, recording of problems, etc., as requested, for residents’ organisations. 3) Have a clean track record. No company or public body should be allowed to be involved in commissioning, building or operating any new network until they have dealt with any significant outstanding complaints about networks they manage. As Lambeth councillor Jacqui Dyer explained to BEIS, there are vulnerable people at risk here – there should be a DBS service with disclosure and barring of anyone whose track record is bad, before they are considered for public support. 4) Ensure that effective and deterrent compensation to end users is a part of any contract.
- There are compelling environmental reasons for a national commitment to new infrastructure. However, the cost should not fall arbitrarily on the shoulders of a small pool of users. Residents of regenerated estates – often present or previous council tenants – should not pay more for a carbon saving policy that does not specifically benefit them. Particularly as in many cases they are faced with a worse service.
- A new approach is needed to the funding of District Heating, now being rolled out on the basis of publicly subsidised schemes for private profit. Alternatives are being explored within the industry (see for example proposals for a “[Pipeco](#)”) and by the Scottish Government. A Task Force established by ADE, the industry’s trade body, is now recommending that investors be given - on condition of meeting certain customer protection requirements - a publicly underwritten “Demand Assurance” to eliminate risk, begging the question of what the private sector would actually be contributing. But the bottom line is that District Heating projects require an energy centre and highly insulated underground pipework. Residents of DH estates, who are and will remain for some time a small minority of residents, should not be expected to fund from their own pockets a major infrastructure project. At present, leaseholders and to a lesser extent tenants are expected to cover capital expenditure through standing charges, tariffs, and

sometimes large investments in replacement systems - and to cover these costs at commercial borrowing rates.

4.4. Overheating

As the climate changes, overheating is quickly becoming a major problem for health and welfare, and is causing deaths. Current architectural design, with huge windows and no overhangs, inadequate ventilation, and poor location and insulation of heating pipes (above) make this an urgent issue.

4.5. Regulation and enforcement

- All of the above considerations are entirely irrelevant if they are not effectively regulated and enforced. FPA is based in London, and see residents all over the city, from Havering to Hillingdon. They suffer from a variety of problems: lacking or unsafe insulation, draughts from ill-fitting doors and windows, solar panels not installed, faulty or over-complicated heating controls, prepayment meters, and more. Residents frequently report that even where there are official channels for feedback and consultation, these issues are not followed up.
- Under the Housing Health and Safety Rating System (HHSRS), **cold is a category 1 hazard**. Insulation and draught proofing are therefore fundamental, as are protection from damp and overheating.
- Since Grenfell it has been indisputable that the **bonfire of building regulations** under the current and previous government must be reversed, and new measures introduced to ensure both safety and comfort. We [attach a relevant example](#), based on cladding and fire safety, that illustrates how already insufficient regulations are undermined. However, the same problems exist across the housing and construction industry.
- Equally important is **enforcement of regulations, and inspection** to ensure that contracts are kept to and specifications are met. These require, first and foremost, resources, eg enough environmental health officers. We believe this should be a priority for a Labour government. This could ultimately be funded by those who apply for or win contracts to build or retrofit homes, and by landlords, eg with an effective **licensing** system. They also require empowerment of tenants and residents; see below.
- Please see our [letter to Claire Perry](#) on the issue of enforcement, which gives several relevant examples, and, for your reference, [her reply](#).
- In terms of “how did we get to where we are?”, note that under Margaret Thatcher, builders were offered a privatised alternative to local authority Building Control: The first company to gain CIC approval to carry out inspections was the National House Building Council (NHBC) in the 1990s. More detail on the NHBC’s role in fire safety failures can be found [here](#). There are now more than 150 companies nationwide who offer Building Control services for residential or commercial properties. Site inspectors, or

clerks of works are no longer a constant, or even frequent presence; contractors are often allowed to inspect and certify themselves, with only photographs, taken by themselves, as evidence that specifications have been met. We know of cases where thermal imaging has shown insulation missing everywhere except around the edges where its absence would be visible immediately. Meanwhile building materials can be changed at the last minute because wording is vague and contractors and subcontractors can navigate around it and cut corners to save money.

- If housing providers, developers and contractors are allowed to stint on what they spend for materials, design, building quality, and inspection, the ones who pay the price are those who can least afford it. In particular social housing residents and private rented sector tenants pay in poverty, in their health, and in lost lives. But many leaseholders and shared ownership households, some freehold homeowners, and society as a whole also pay a very heavy price.

5. Tenants and residents - how do we improve involvement, voice and rights?

We discuss tenant rights and consultation on the specific question of demolitions/regeneration below. The following are more general points on tenant rights and regulation:

- We have mentioned regulation in detail above, however it is worth emphasising that tenants must be placed at the centre of social housing regulation. The failure to act on tenant concerns is evident in the case of the disaster at Grenfell Tower. Proactive tenant regulation has been absent in recent years, with the merging of the Tenants Services Authority in the HCA, and cuts to tenant-focused bodies. The regulation of social housing must be managed by an independent body which represents tenants in a meaningful way. Rather than simply focusing on the financial and governance aspects of social housing providers, the performance of the provider should be judged from the perspective of the service user (tenant). This is already the case with schools and hospitals.
- As discussed above, effective regulation depends on the strength of enforcement. Any independent regulator must have the power and resources to ensure that regulations are upheld. FPA supports in principle the 'Fitness for Human Habitation Bill', and its goal of empowering tenants to take their landlords to court if they fail to take action to solve a problem. In particular we welcome the pressure on landlords to act on problems such as damp and mould, which were absent from previous acts.
- However, this also depends on increasing resources to assist tenants to make claims. In the case of private landlords this would be environmental health officers, with an independent alternative in the case of local authority landlords. The same applies to tenants' right to request consent to [carry out](#)

[their own energy efficiency improvements](#), consent which must not be unreasonably refused. The right is meaningless without support for tenants seeking to bring it into effect. Tenants' and residents' rights must be clearly publicised, inviting people to come forward with the problems they face and assuring them of support. This support must include security from retributive eviction, especially in the case of private landlords. These issues are explored more fully in [our response to the GLAs' Draft Fuel Poverty Action Plan](#).

- As discussed in [our response to the GLA Estate Regeneration Consultation](#) in 2017, FPA welcomes a meaningful consultation on the regeneration of council estates. In this response we outlined two key requirements for effective regeneration: 1) Consultations will be made more meaningful if residents are given guarantees of the outcomes they are entitled to expect, and what sanctions and reparations will be imposed on developers, suppliers etc if these standards are not met. Reparations for inadequate performance and unfulfilled contract obligations should go not only to a local authority but to the residents directly affected. 2) We believe that it should be an established principle that contractors should be disqualified from contracts for estate regeneration, until they have resolved any major problems on existing estates. Regeneration involving district heating networks can only live up to their potential if designed, installed, and operated by people who have proved that they a) know how to do it and b) are committed to a good outcome for residents and the environment.

Resident consultation and vetoes on the question of demolitions/regeneration

We believe it is crucial to act now on the rights of residents to meaningful consultations and vetoes on the question of demolitions or regenerations, as put forward by Labour leader [Jeremy Corbyn](#). We support his position that: 1) Councils should be compelled to ballot all tenants and leaseholders before regeneration, and 2) all tenants on redeveloped sites should be entitled to move back to the same site, under the same terms and conditions. If the Labour Party waits until it is in power to back these crucial rights, many residents, including in Labour boroughs, will lose their homes. Not only do many end up in insecure, inferior, and often less well maintained housing, but the break-up of communities means the loss of family and social networks that are critically important for people who suffer ill health, or are at risk of death, due to fuel poverty or for other reasons.

Cold, damp homes and other problems: a proposal for action

FPA are a very small organisation. We are presently knocking on doors eg to find out how people are being affected where cladding has been removed (post Grenfell). We're glad to see that this issue has now been raised in Parliament

including by John Healey, and are hopeful that better provision can be made for people in this situation, who are really struggling with cold and mould.

But we cannot go out to estates on the level that the Labour Party could, and does, every time there is an election. Election periods are one -- but not the only -- time that we believe a great deal could be accomplished by local Labour Party activists.

Fuel Poverty Action is non-party political; our members include supporters of Labour, the Greens, no party at all, and many whose political leanings have never emerged in our group discussions (this is not our focus). However, some members, in a personal capacity, did spend many hours in different parts of London canvassing for Labour in the last election. They observed:

- A. Many people said they were supporting their Labour candidate, who had been helpful to them with one problem or another. However others said they had asked for help and not got it, from their MP or Labour councillor, and that the only time they saw or heard from them was election time
- B. Some - few, experienced - canvassers, who took note of people's problems and promised that someone would be back in touch to deal with them. However, many more cases where the canvassers were only interested in the votes.
- C. Many times when canvassers were told not to get into conversations, even when there were actually far too many people in the team for the ground to be covered, or when it had been covered already the day before.
- D. Huge amounts of valuable volunteer time being wasted. Weirdly, in this 2017 election, no one seems to have done a time and motion study of canvassing. Problems included: people retracing their own and each others' steps many times over as they ran back and forth to the board, too few board runners (with poorly designed forms), poor preparation, large teams sent back and forth or up and down the same stairwell, and, extraordinarily, no use of IT.

This seems to us to add up to a huge opportunity. Cold homes, and problems with damp and mould, are often endemic in a whole estate, building, or neighbourhood. Boots on the ground is the best way to find out what is happening, how people are being affected, and where they have sought help. It is hard, in normal times, to find people to do this work -- but at election time, Labour members and supporters are already knocking on the door (the same applies to supporters of other parties). A short questionnaire, perhaps also distributed in advance with election cards, and a listening ear, could be a step towards genuine community engagement on issues of major importance to constituents.

31 January 2018