

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 10

Subject: Housing, Health & Safety Update.

Date of meeting: 21st June 2023

Report of: Executive Director, Housing, Neighbourhoods & Communities

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Wards affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The health & safety of our residents and those who visit and work on our homes is our key priority. In light of significant changes in management and maintenance of council housing and in anticipation of forthcoming legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy, the Housing service have commissioned and are working with our consultants, Ridge, to review our approach to health & safety compliance and assurance for council homes. This is part of our long-term service improvement plan. This started with bringing the repairs & maintenance service in house, and is now moving toward a more comprehensive, proactive and integrated Housing Management service for our residents.
- 1.2 This report updates Committee on the key outcomes, actions to date, and resourcing plans arising from our Housing health & safety review against the following six areas of compliance and assurance: fire safety; asbestos; electrical safety; gas / fuel safety; lifts and lifting equipment; water safety.
- 1.3 The Housing Revenue Account Budget & Capital Investment Programme 2023/24 and Medium-Term Financial Strategy reported to Housing Committee in January 2023, anticipated that the investment required from the building safety and fire safety regulations would be significant and will impact upon capital and revenue budgets. The 2023/24 HRA budget proposals sought to address this and prudently included substantial budget provision, both revenue & capital, in the baseline budget in anticipation of investment in the areas of compliance and assurance covered by this review. This includes expected new duties and investment requirements arising from the new Building Safety Act, Fire Safety Regulations and Social Housing Regulation Bill.
- 1.4 Housing & New Homes Committee area asked to note the key outcomes and actions arising from the Housing health & safety review to date. A

detailed Health & Safety Action Plan is being developed. This is identifying and prioritising agreed actions, responsibilities and timelines for completion. We propose to share this Housing health & safety update report with tenants at Housing Area Panels. We also propose to bring a further report with Action Plan & final review to September Housing & New Homes Committee. This will allow for inclusion of any further detail we have on regulatory and legislative requirements anticipated to be published over the next few months.

- 1.5 In anticipation of the forthcoming increase in regulatory powers with enactment of Social Housing Regulation Bill, it is proposed that this Housing & New Homes Committee report is shared with the Regulator of Social Housing (RSH). This is in order to seek assurance on the steps being taken by the Council in preparation for the new regulatory framework becoming law, expected in Spring 2024.

2. Recommendations

- 2.1 That Housing & New Homes Committee note the key outcomes, actions and resourcing plan arising from the Housing health & safety review to date and that a final report and an Action Plan will be brought back for consideration at September Housing & New Homes Committee following engagement with tenants at Housing Area Panels.
- 2.2 That Housing & New Homes Committee agree that this Committee report is shared with the Regulator of Social Housing.

3. Context and background information

- 3.1 The Council's teams responsible for the management of housing assets have been through a period of significant change over the past three years. The commissioning of Ridge to support the Housing service with a review of health & safety compliance was aligned to:
 - The end of the ten-year Term Partnering Contract with Mears Limited to provide repairs, refurbishments and improvements for the for the council's Housing Revenue Account stock across the city, March 2020.
 - In-sourcing of the Housing Repairs & Maintenance service from Mears during the pandemic, April 2020.
 - Procurement of new contractors for the provision of planned improvement programmes and a new multi- contractor framework agreement for major capital projects, after April 2020.
 - Covid recovery, including a backlog of repairs, empty council homes and pandemic related delays in procuring new planned and major works and other contracts.
 - Housing Senior Management restructure, the creation of the Housing Management Service and appointment to new Assistant Director and Heads of Service roles (fully operational from June 2022).
 - Anticipation of significant post Grenfell Tower tragedy changes to the legislative & regulatory framework concerning Housing. In particular, to enable the service to respond to new duties under building and fire safety

regulations and the Social Housing Regulation Bill, including strengthening of Regulator of Social Housing powers.

- Establishment of a new Building Compliance and Services team within the new Housing Investment & Asset Management service to enable BHCC to respond to post Grenfell building safety priorities and other emerging challenges. The new service commenced from 1 April 2022, albeit with key posts remaining subject to recruitment.

- 3.2 The agreed core health & safety compliance areas for review were as follows: asbestos; water safety; fire risk, including fire risk assessments; electrical; gas & fuel safety; and lifts and lifting equipment. The key priority actions, with an update on progress to date and resource plan aligned to these are outlined in this report. A detailed Health & Safety Action Plan is being currently being developed, identifying and prioritising agreed actions, responsibilities and timelines for completion. We propose to share this Housing health & safety update report with tenants at Housing Area Panels. We also propose to bring a further report with final Action Plan and review to September Housing & New Homes Committee.

Regulator of Social Housing

- 3.3 The Regulator of Social Housing (RSH or “the Regulator”) sets consumer and economic standards for social housing providers and can take action if these are breached. Under the existing powers the Regulator expects registered providers to identify problems and take effective action to resolve them. The Regulator will consider the use of regulatory, enforcement and general powers if that approach has failed.
- 3.4 There is precedent for local authorities as social landlords proactively sharing with the Regulator where they have identified there are deficits in meeting the expected standards, and this approach has been welcomed by the Regulator. If a registered provider takes responsibility for self-improvement, is able to identify the problems, and the Regulator concludes it has the capacity and capability to respond to those problems, the Regulator has indicated in current guidance that they will work with the provider to achieve the necessary corrective actions, unless the issues are so serious this is deemed inappropriate.
- 3.5 After many years of being mandated to take a light touch approach the powers of the Regulator are in a transition stage. It is anticipated that the regulator will be expected to take a more robust approach following the enactment of the Social Housing Bill. The purpose of this Bill is “*a stronger and more proactive regulatory regime to drive up standards in the sector and hold landlords to account for the service they provide to their tenants*”. The clear message from the Regulator to the social housing sector has been to prepare early for a new era of proactive inspection.
- 3.6 The RSH is also currently reviewing their Consumer Standards and Code of Practice. RSH engagement and consultation on revised Consumer Standards and Code of Practice is expected over the summer ahead of publication and implementation in April 2024. Along with the Social Housing

Act, this review may include revisions which are material to our ongoing Housing health & safety review.

General - Data & ICT systems

- 3.7 Key to emerging regulatory guidance is ensuring improvements in the quality, analysis and use of data held by social housing landlords in order that we have robust information on the condition and quality of our homes and the needs of our tenants. Our current ICT systems don't integrate and provide challenges around gathering, managing, analysing and prioritising information, risk and actions arising from key data streams.
- 3.8 As previously reported to Housing Committee (15th January 2020), in order to enable the insourcing of the Housing Repairs & Maintenance Service to proceed on schedule and to ensure service delivery, efficiency and customer experience were maintained, BHCC contracted use of key Mears ICT systems for the delivery of the service. This includes the Mears works management system (MCM) & materials supply chain system (MEPOS). In addition, the Housing service also currently use a separate Asset Management ICT system, APEX. The providers of the core Housing Management System are NECH.
- 3.9 The Housing service have committed to significant investment in new Housing ICT infrastructure, including moving toward a one-system approach. This is being achieved through aligning our new Works Management (WMS) and Asset Management (AMS) systems to our existing Housing Management Systems, given the intrinsic link of both WMS & AMS to the council's current, NEC Housing database (NECH). Housing Committee (22 September 2021) approved a report on procurement of a new asset management IT system for Housing.
- 3.10 This one-system Housing ICT approach to create one dataset within Housing Management meets the golden thread for property datasets. This will result in a single point of storage for key information. This will assist in areas such as fire safety management, enabling a single source of information to assure building systems, data and emergency information that supports incident management. Developing such processes and systems will help ensure compliance with building regulations and revised Building Safety Act requirements and importantly support resident safety and engagement in collectively managing and controlling fire risk in buildings.
- 3.11 Requirements for the new Asset Management System have been specified to ensure properties meet current legislative, compliance, regulatory and corporate standards. Implementation of the first phase of the NEC AMS is anticipated by February 2024. In the meantime, we remain under contract with the existing provider until 31 March 2024. The new Works Management System and supply chain arrangements are due to commence by March 2025.
- 3.12 Accuracy of data transferred into, held by and updated within these new ICT systems is crucial. Data cleansing and transfer and staff training,

information and instruction will form a key part of our mobilisation and deployment plans.

General - Policies, procedures and risk management

- 3.13 Our review has identified that a suite of Housing policies, strategies and procedures need to be put in place relating to the six main compliance areas. Gap analysis and resultant development of policies, procedures, Strategic Management Plans, Quality Assurance Framework, action plans and KPIs are underway and being progressed by the Housing teams.
- 3.14 Our review has identified the need to update and develop risk registers, including the Corporate Risk Register to reference identified risks associated with Housing health & safety. Development of risk assessments will be taken forward in partnership with colleagues from relevant corporate teams. It is proposed to request an additional action against Strategic Risk SR32 – *‘Challenges in ensuring robust and effective H&S measures leading to personal injury, prosecution, financial losses or reputational damage’*, to track and report progress against the action plan arising from the Housing health & safety review as well as through established oversight routes.
- 3.15 An officer Housing Health & Safety Compliance Governance Board is being established to oversee and report on progress on actions and compliance arising from the review.

Key areas of compliance & assurance, update & resource plan

Fire Safety

- 3.16 Following the Grenfell Tower tragedy, there has been a significant strengthening of legal and regulatory measures relating to building safety and fire safety and accountability, including in relation to social housing. The Housing health & safety compliance review identified the key actions outlined below. The Housing service is developing policies, processes, Fire Safety Management Plan, Quality Assurance Framework and KPIs.

Risk Assessments

- 3.17 With regard to existing Fire Risk Assessments (FRA), our review has confirmed that that blocks with internal communal areas have Fire Risk Assessments. An action arising is to review, prioritise and contract out outstanding FRA actions. Commissioning of resources to complete more extensive Type 4 fire assessments for our high-rise blocks now required has been completed. The Type 4 FRA will be undertaken on each block as the current FRA expires and will continue across the housing stock as required.
- 3.18 Recording, management, prioritisation, and analysis of FRA data is an area identified for action. Our new Asset Management System (AMS) will improve system interface, integration compliance measurement and reporting and is anticipated to be in place by the end of March 2024. Interim arrangements currently in place pending mobilisation of the new AMS.

3.19 As previously reported to Housing Committee (28th September 2022), we have a programme in place to replace non-compliant flat entrance doors (Manse Masterdors), this is progressing well. It is anticipated that this programme will be complete by the end of March 2024. Assessment of other composite doors installed under the Mears contract is also required. We are aiming to achieve this assessment by the end of the current financial year.

3.20 The Fire Safety (England) Regulations 2022 have made it a legal requirement that a landlord check the condition of common area fire doors four times per year and flat entrance doors on an annual basis. To achieve this, procurement of additional surveying resource is underway. This resource will undertake regular inspections of our existing fire doors in the common parts of our blocks of flats. We are also going through a process of training and upskilling with our existing staff on fire door inspection, fitting and repair. We are procuring external consultants and specialists to undertake the fire door inspections initially, following which we will consider in house resources for future years if practical.

Maintenance of Fire Safety Equipment

3.21 Implementation of servicing & maintenance and contractor KPIs for sprinklers, dry-risers and fire dampers will be taken forward by the service, this will be reflected in our Action Plan.

Function testing – fire safety equipment for general needs homes.

3.22 This includes fire alarms, automatic opening vents and emergency lighting. We are required to reach a position of equivalence between measures already in place in our 23 Seniors Housing schemes in our general needs housing stock. Implementation of this action is to be taken forward by the service and will be reflected in our Action Plan.

Building Safety Act (BSA) Compliance.

3.23 The BSA identifies new responsibilities for people and organisations who are responsible for the safety of high-rise residential buildings, the definition of high-rise buildings being those of more than 18m or 7 storeys or more. Those responsibilities include registering high-rise residential buildings with the Building Safety Regulator. Actions underway to register our 44 high-rise residential buildings with the Building Safety Regulator by end of September 2023 are outlined below:

- Digital floor plan surveys as part of our BSA compliance, plans are being prepared.
- The Large Panel System (LPS) structural investigation survey of 8 HRA blocks (St James House, Nettleton and Dudeney, Swallow, Kestrel, Kingfisher, Heron and Falcon) are underway. This is to ensure we have the required structural information to register these blocks with the Building Safety Regulator.
- Commissioning and delivery of external wall surveys to high-rise blocks is underway.
- Engagement with and information to residents required under BSA and fire safety regulations has commenced and will continue as we come closer to

completion of building safety cases and registration of blocks with the Building Safety Regulator.

Fire Safety- financial Implications

- 3.24 Investment required to support the fire safety compliance works is currently estimated to total £2.808m per annum over the medium term of which £2.654m is already within approved HRA budgets for 2023/24. This investment will result in the recruitment of a Fire Safety Manager (existing establishment post) and a Fire Safety team totaling £0.218m of which 50% of this will be considered to be capitalised. In addition to this investment fire door inspections and replacements with an estimated total of £1.600m and the door replacement programme was reported to Housing Committee in September 2022 with a total budget of £0.990m included in the 2023/24 capital investment programme.

Asbestos

- 3.25 Following a review of asbestos management arrangements, we have identified a need to combine all of our asbestos information into one data base. The aim of this is to provide a simple and robust source of asbestos information in our properties. Work on this is underway with the sourcing of an asbestos management module. This will work with our asset management ICT system and provide a single asbestos register.
- 3.26 We currently hold significant quantities of asbestos information but spread over a number of systems. By combining this information into a single place, we will reduce the risk of a release of asbestos fibre. We have in place a robust management systems to minimise the risks to staff and tenants whilst works are being undertaken. The vast majority of asbestos found in our properties is either considered low or very low risk. We have a risk adverse policy when working with asbestos and only use registered asbestos companies for working with or removing asbestos containing materials.
- 3.27 The guidance from the Health & Safety Executive has long been that asbestos containing materials which are low risk, such as most material that may be found in our council homes, are best left in place and only removed if works require or their condition deteriorates. Tenants are also advised in their Tenant Handbook not to undertake alterations without seeking our permission, at which time we will work with them to minimise any risk from asbestos.
- 3.28 A Strategic Management Plan (SMP) for asbestos is being produced, incorporating the asbestos policy, strategy, management plan and procedures. The SMP will clearly indicate what arrangements are currently in place and what arrangements are programmed with a target date.

Asbestos surveys

- 3.29 Our current position is that all asbestos surveys are ordered in response to planned or responsive works and for all void properties. All common ways have had a management survey. Contractors are engaged to undertake surveys for both responsive repair works and common ways, including an annual common way re-inspection programme.

3.30 There is currently no planned asbestos survey programme for domestic properties. While not a legal requirement, following the Housing compliance review it is agreed that it would be prudent to have one so that all properties have a management survey. A management survey is a non-intrusive survey of a property that identifies and records any asbestos containing materials, their location and condition. A survey programme is allowed for in our resource plan and will be planned during this financial year.

3.31 Any removal/treatment costs that will follow the commencement of the asbestos survey programme are not currently included in the resource plan. Such potential costs are difficult to quantify at this stage. We will have more information once additional the asbestos resource is engaged, and data analysed.

Asbestos Register

3.32 The Control of Asbestos Regulations require that we hold a register of asbestos containing material for all of our common ways in blocks of flats. Whilst we hold this information, it has been held on the APEX asset management system. This system does not give us the ability to interrogate the information and therefore we cannot review asbestos information in a strategic way. Whilst each report will contain management information and recommendations, we cannot review the estate as a whole. This information is adequate if we are undertaking works in a property or reviewing the condition of the asbestos containing material. However, it does not allow us to organise planned asbestos works. Due to this lack of overview across the estate we do not feel that we can demonstrate that we are adequately managing asbestos containing material.

3.33 Our communal asbestos surveys and domestic asbestos surveys are currently stored on different ICT systems, Apex (BHCC system) for common ways & MCM (the Mears legacy system) for dwellings. Comprehensive information held on both systems is up to date with no significant gaps.

3.34 BHCC operatives work to a risk assessment for “Working in Properties Containing Asbestos” last updated 15th March 2022. The operative’s PDA device notifies them of their jobs. If asbestos is present at the address, this is linked to information held on MCM. All operatives receive asbestos awareness training. While external contractors do not have direct access to asbestos survey reports, Housing provide pre-works information to contractors. This includes asbestos report before work starts on site.

3.35 Implementation of the first phase of the NEC Asset Management System which will have the required functionality is anticipated by March 2024. In the meantime, a new module on NECH is being implemented to provide an asbestos register and a repository for asbestos survey reports and removal data. The council’s two new asbestos contractors, surveying for common ways inspections and responsive repairs work respectively, are required to upload data onto the new Asbestos Module. The intention is to upload historic data on common ways and dwellings to an archive data base, the means of doing this are currently being explored.

Asbestos Manager

3.36 In light of our health & safety review we have agreed the appointment of a dedicated Asbestos Manager to manage all requirements relating to the non-domestic (communal ways) and the domestic stock, including: agreement and implementation of the SMP, all training requirements for staff and contractors; and, for the implementation of a compliant Asbestos Register. We will also be recruiting to an Asset Management Officer post to undertake management of the asbestos register.

Asbestos – financial implications

3.37 Investment required to enhance the asbestos safety compliance and assurance works is currently estimated to total £1.755m per annum over the medium term none of this is included within approved HRA budgets for 2023/24. This investment will result in the recruitment of an Asbestos Manager and an Asset Management Officer totalling £0.092m of which 50% of this will be considered to be capitalised. In addition to this an asbestos survey programme will be required with an estimated total of £1.663m, this does not include any costs associated with the removal and remediation works arising from the surveys.

Electrical

Electrical Testing Programme

3.38 The Council responds to electrical repair requests and carries out electrical checks at a change of occupation in our homes. Between 1 April 2022 and 31 March 2023 the Housing Repairs & Maintenance Service undertook 1377 electrical tests (EICRs) on domestic dwellings. This included Temporary Accommodation and Seaside Homes, encompassing 823 EICRs at change of tenancy (700 where a home became void and 123 at Mutual Exchange).

3.39 For the 2022/23 financial year the service commenced a proactive electrical inspection programme for council homes, undertaking 554 EICRs under our new planned testing programme. This programme has initially focused on Seaside Homes and higher risk properties being actioned first. In addition, 16 EICRs were produced for communal areas,

3.40 In light of the review and anticipated changes in legislation and regulation, implementation of a 5 yearly inspection cycle for domestic council dwellings has commenced. Resources and recruitment are agreed and establishment of the expanded inspection programme is underway.

3.41 Recent Government consultation (June 2022) on extending mandatory electrical testing (introduced in the private rented sector in 2020) to social landlords identified varied practices across the sector, a '*patchwork of legislation*' and that '*At present social landlords are legally obliged to keep their electrical installations in repair but not inspect them*'. The Regulator's Home Standard requires that homes be free of high risk (Category 1) electrical and fire hazards (as defined by the Housing Health & Safety Rating System).

3.42 Government consultation on extending the requirement of testing electrical installations sought comments on the following proposals:

- Mandatory checks on electrical installations for social housing at least every 5 years.
- Mandatory Portable Appliance Testing (PAT) on all electrical appliances that are provided by social landlords as part of a tenancy.

3.43 In light of the health & safety review, anticipated legislation on mandatory checks on electrical installations for social housing and regulatory requirements, the 2023/24 HRA Budget includes a significant uplift in resources to support the permanent expansion of our electrical testing programme, embedding and extending the initial funding agreed in 2022/23. This is in order to ensure that electrical installations are in working and safe condition both at the start of any tenancy and throughout that tenancy.

3.44 Resources and recruitment have been agreed. This will enable the service to set up and mobilise a dedicated Electrical Testing and Compliance Team to manage a full cyclical reinspection programme. This is in addition to existing electrical team resources. The team aim to fully test the housing stock, domestic and communal, within 3 years and permanently maintain a 5-year testing cycle. Progress and resources required in meeting this aim will be kept under regular review. Resource planning also included procurement of a contractor resource to renew recently expired EICRs.

Portable & Fixed Appliance Testing.

3.45 In light of the review and in anticipation of legislation on Mandatory Portable Appliance Testing (PAT) on electrical appliances provided by social landlords, our arrangements for testing are being reviewed. A policy and procedure for PAT testing is currently being produced.

Risk analysis

3.46 A full review of available reports on the present position regarding electrical safety & EICRs is underway, with a programme for high-risk installations established.

Electrical works resulting from testing.

3.47 Planned electrical upgrades have been carried out on communal areas by contractors on a long-term contract. This is currently reported as 80% complete. Consideration of any further resource requirements is underway.

3.48 To support the three-year test programme, completion of a Strategic Management Plan (SMP) to incorporate the electrical policy, strategy, procedures and specifications is underway. This plan will set out our analysis of risk and how this will inform priority setting for the programme of works. The SMP will confirm the measures being taken to ensure unsatisfactory reports are monitored and kept under review.

Financial Implications

3.49 The EICR investment is estimated to total £5.261m per annum over the medium term of which £3.114m is already within approved HRA budgets for 2023/24. This investment will result in the recruitment of the EICR compliance team to support an expansion of our planned electrical testing programme totalling £0.826m of which 45% of this will be capitalised. It is also proposed

that this team will take forward the installation of carbon monoxide detection and smoke detection measures. This resource requirement will be reviewed after 6 months.

- 3.50 In addition to this an additional contractor resource estimated to be £0.166m will be required to continue the current testing for those properties. As well it is estimated that materials and testing for EICR compliance will cost £3.154m per annum over the medium term. Finally, any resulting rewires will be funded from the £1.115m capital budget already approved and included in the medium term capital investment programme.

Gas / Fuel Safety

- 3.51 Our existing Corporate KPI 'council properties with a valid Landlord's Gas Safety Record' is measured and reported quarterly to Housing Area Panels and Housing & New Homes Committee. The 2022/23 out-turn is slightly below 100% target at 99.98% (10,108 of 10,110). The target was slightly missed because two checks were overdue on 31 March 2023 owing to access issues. In both instances, a tailored approach was needed to gain access. This was due to high vulnerability and other concerns in relation to the tenants.

Smoke and Carbon Monoxide alarms

- 3.52 Recent regulations, effective from October 2022, require social landlords to install carbon monoxide detection in their homes. Some installation had been undertaken in our council homes, including as part of domestic electrical rewires, however this has not been consistent or well recorded. Carbon Monoxide detector (battery powered) installation is being undertaken by our Heating & Hot Water contractor, currently K&T Heating and is to be continued by PH Jones, our new contractor currently being mobilised. Since the new regulations came into force on 1st October 2022, K&T Heating have installed 4,383 CO alarms. By month: Oct 22, 492; Nov 22, 460; Dec 22, 449; Jan 23, 526; Feb 23, 537; Mar 23, 714; April 23, 528; May 23, 677.
- 3.53 Recent regulations, also effective from October 2022, require social landlords to install smoke detection measures in their homes. We have smoke detection installed in our higher risk homes, including all 23 of our Seniors Housing schemes, two high rise blocks (St James House & Dudeney Lodge), all house in multiple occupation conversion style blocks and any property subject to a recent electrical re-wire.
- 3.54 Installation of hard-wired Smoke Detection and Carbon Monoxide Alarms detection in accordance with the requirements of Smoke and Carbon Monoxide Regulations will be taken forward by the new Electrical Testing and Compliance Team. Our Heating & Hot Water contractor will continue to install battery powered Carbon Monoxide detectors.

Homes with isolated gas supplies

- 3.55 Our review has identified that the council should implement a procedure for homes identified with no gas supplies to determine any at risk vulnerable residents and potential options for providing additional support. A review and analysis is underway to identify vulnerable residents, and any support needs

and alternative sources of heating & hot water. Systems are to be updated and records to be maintained.

Regular BHCC Audit cycle.

- 3.56 A regular audit of gas safety management and review is to be implemented by the service. This will be included in the Action Plan to be reported to September Housing & New Homes Committee.

Financial Implications

- 3.57 The HRA already completes a programme of gas safety certification with the cost this being included in the HRA 2023/24 approved budget of £1.722m.

Lifts & lift maintenance

Database & Data Validation

- 3.58 The review identified that there is currently no database identifying service and maintenance liabilities. Rather there are separate records for each asset. We are taking forward an action to establish one database with data including details of all assets, service schedules and reporting. Once the database is established, we will be taking forward a regular audit to ensure all assets are included in maintenance programmes, including updating and management of systems.

Sample Reports

- 3.59 In light of our review, we are establishing procedures for the reporting and management of lifts inspected by Zurich the insurer (LOLER reports).

Lift Systems Testing

- 3.60 Emergency lift alarm function tests are carried out annually by Zurich, our insurer, and 6 monthly by our contractor Liftec Lifts Limited. Following our review, we are currently considering implementing a more frequent testing programme for lift alarm function, including exploring market options for automatic/remote 3-day testing of housing stock lifts emergency alarm functions.

Financial Implications

- 3.61 Work on lift maintenance and replacement is already accounted for within the current HRA 2023/24 approved budget of £1.008m.

Water

Water Risk Assessments (WRA) and site monitoring.

- 3.62 Water safety in Housing stock is subject oversight as part of the Corporate Annual Statement of Compliance for the Control of Legionella. The Statement of Compliance includes a 'reasonable assurance' opinion in relation to Housing. Our contractor HSL undertake WRA for all BHCC premises. The same company also undertake monitoring, system flushing and some remedial works. The review identifies a need to clarify the structure of BHCC assets held on the HSL portal, to categories, asset types and responsibilities aligned to management responsibilities. The review also identifies that consideration should be given to separating the WRA function from delivery and monitoring of

remedial works to address any potential conflict of interest arising with the same company providing both services. This is to be considered ahead of the re-procurement of the current contract at the end of this financial year.

Financial Implications

3.63 Work on water maintenance is already accounted for within the current HRA 2023/24 approved budget of £0.290m.

Progress against other current key performance measures

- 3.64 **Dwellings meeting Decent Homes Standard.** This Corporate KPI is measured and reported quarterly to Housing Area Panels and Housing & New Homes Committee. The 2022/23 out-turn is below the 100% target, at 95.8% (11,323 of 11,819). There have been capacity issues with our kitchens & bathroom contractor. Housing Committee (16th November 2022) agreed appointment of additional contractor resource, in order to help increase the number of replacements delivered and contribute toward achieving our Corporate KPI of 100% of dwellings meeting the Decent Homes Standard.
- 3.65 In anticipation of emerging regulatory guidance, we are enhancing our proactive stock condition survey programme to add to the information obtained from our most recent stock condition survey undertaken in 2020. Two asset surveyors are being appointed (these are establishment posts within the service) in order to undertake a rolling programme of stock condition surveys to improve information and data we hold on our homes. This is in order to identify issues and prioritise and direct investment to address concerns that may arise within our stock, including in relation to property types that may be more prone to issues such as poor energy efficiency, damp and condensation.
- 3.66 As part of the current national review of legislation and regulation, a review of the Decent Homes Standard is also anticipated. In light of this, we are also reviewing how we currently measure Decent Homes in order to prepare for anticipated changes.
- 3.67 The Council holds asset information for each property on its Asset Management System (APEX). This includes the age and condition of the individual elements such as kitchens, bathrooms and windows. This information is used to determine if a property meets the Decent Homes Standard. It also helps the delivery teams prioritise planned improvement works. Properties can potentially become non-decent on the 1st of January each year when the age of each asset element is updated, as reflected in the quarterly figures. The budget for Decent Homes work is set in accordance with the Council's current Housing Asset Management Strategy priority of "investing in homes and neighbourhoods". The team running our programmes will undertake detailed surveys of homes ahead of the works programme as required to agree exactly which homes meet the detailed replacement criteria.
- 3.68 **Average 'key to key' relet time for previously occupied homes.** This KPI is measured and reported quarterly to Housing Area Panels and Housing & New Homes Committee and continues to reduce, down to 76 calendar days for March 2023 from 96 calendar days in February 2023 and 188 in April 2022. The overall figure for 2021/22 was 210 calendar days and the overall

figure for 2022/23 was 125 calendar days, so performance has improved over the last financial year.

3.69 Housing Repairs

- Challenges remain regarding overall number of works in progress with the team, remaining high, and not meeting the Corporate KPI of 70% of routine repairs being completed on time. As of 7th June 2023, the Housing Repairs & Maintenance Service have 12,036 Works in Progress, which will include both backlog jobs and those within time. We are currently undertaking analysis of the age and nature of these jobs to ensure accurate recording, prioritisation and action being undertaken and whether works are still required.
- During 2022/23, 97.7% (11,377 of 11,635) emergency repairs were completed within 24 hours. This was against a target of 99%.
- Customer satisfaction remains high against all measures. For 2022/ 23 satisfaction with the standard of repair work was 97% (based on 2,382 telephone surveys for completed emergency and routine repairs).
- For 2022/23 the service has completed an average of 7,538 repairs per quarter (2,909 of which are emergency and 4,630 of which are routine repairs) and answered 17,328 phone calls per quarter during 2022/23.
- Overall, 274 more (emergency & routine) repairs were completed in Q4 2022/23 (8,778 jobs) when compared to Q3 (8,504 jobs). This continues on the upward trend which saw 1,745 more (emergency & routine) repairs completed in Q3 (8,504 jobs) when compared to Q2 (6,759 jobs).

3.70 Damp & Condensation. There have been increased pressures on the service owing to significantly higher levels of reported damp and condensation cases following the tragic Rochdale case. As of the 2nd May 2023 the Housing Repairs & Maintenance team have registered 1337 damp and condensation cases. The service has appointed additional specialist contractors to address this issue and have re-prioritised resources within the team to focus on damp and condensation cases. As of 7th June 2023 this figure had fallen to 897 cases registered with the team as we have completed jobs and also reconciled works completed and invoiced by our contractors.

4. Analysis and consideration of alternative options

4.1 The Housing health & safety review, key priority actions and resource plan have been taken forward in anticipation of and in order to ensure that we are prepared for forthcoming legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy. A detailed Health & Safety Action Plan is being developed, identifying and prioritising agreed actions, responsibilities and timelines for completion. We propose to share this Housing health & safety update report with tenants at Housing Area Panels. We also propose to bring a further report with final Action Plan and review to September Housing & New Homes Committee.

5. Community engagement and consultation

- 5.1 Engagement with our tenants and residents will be essential to enable the Housing service to progress key elements of the review. This will include residents being included within our Fire Risk Assessment process, including sharing information on fire safety assessments in high-rise blocks, and also communication with tenants and residents to enable access to homes for essential inspections.
- 5.2 Resident engagement will be taken forward via established communication routes such as Homing In and resident consultation meetings. This includes Housing Area Panels, City Wide Conference, Home Group, Involvement & Empowerment Service Improvement Group and Tenant Disability Network. We will also reach out to residents and communities as part of our wider proposals to expand resident engagement.
- 5.3 East Sussex Fire & Rescue Service are a key stakeholder and regulator, supporting the Council by attending our formal strategic and tactical meetings, whilst working closely with us operational on a day to day basis with shared inspections, exercises, incident management, investigations and remediation work.

6. Conclusion

- 6.1 Housing & New Homes Committee members are asked to note key outcomes, actions and resourcing plan arising from the Housing health & safety review to date and that a final report and an Action Plan will be brought back for consideration at September Housing & New Homes Committee following engagement with tenants at Housing Area Panels. Also, that we propose to share this Committee report with the Regulator of Social Housing to seek assurance on the steps being taken by the Council in preparation for the new regulatory framework becoming law, expected in Spring 2024.

7. Financial implications

- 7.1 The initial annual investment required to bring the council up to the required levels of compliance and assurance relating to Fire Safety, Asbestos safety, Electrical safety, Gas & fuel safety, Lift maintenance and water safety is estimated to total £12.944m of which £8.778m (68%) has prudently already been included in the base line 2023/24 HRA budget (revenue and capital). This is in anticipation of forthcoming regulatory and legislative changes. The current level of investment outlined is the cost for one year only it will be required on a recurring basis over the medium term and as such will form part of the base budget from 2024/25. Investment will be kept under review as part of the Medium Term Financial Strategy for the HRA as it is anticipated that investment will reduce after a period of time.

Revenue

- 7.2 After considering those elements of staffing costs that can be capitalised, the total revenue resource requirement is estimated to be £2.678m of this only £0.266m is not already included in the current 2023/24 budget. Recruitment to

the roles identified may prove difficult in the current climate and may require a market supplement to be applied which could increase the investment required, so will be kept under review and updates supplied accordingly.

7.3 Due to the timing of recruitment to these posts there will not be a full year effect during 2023/24. therefore the additional resource of £0.110m can be managed within the approved budget for additional health & safety resource approved in February 2023.

7.4 For the fire safety manager and asbestos manager and asset management officer this additional investment of £0.156m can be managed within the underspend against the apprenticeship programme which is expected to not be fully operational until September 2023.

7.5 For 2024/25 and beyond the estimated additional revenue resource of £0.266m will be included in the identified service pressures forming part of the base budget in the 2024/25 budget paper. This will allow a review of all available resource for the HRA for the medium term to be undertaken, ensuring value for money continues to be maintained.

7.6 If after the resource review of revenue, there is still a requirement to include a pressure for 24/25 and beyond, it will be funded from existing revenue resources. The use of reserves is a one off decision that could be considered but as this is a longer term investment it would only delay the pressure being recognised, therefore would not be considered a prudent decision.

Capital

7.7 The annual capital investment to meet the six areas outlined in the report is estimated to be £10.166m (including those elements of staffing costs which are assumed to be capitalised) of which £6.376m has been allowed for in the 2023/24 budgets. Similar to the revenue budgets the additional capital resource required of £3.800m won't have a full year effect for 2023/24 and therefore will be manageable within the current budget envelope and reported as part of the council's Targeted Budget Monitoring (TBM) process.

7.8 For 2024/25 and beyond, the estimated additional capital resource of £3.800m will be included in the identified service pressures for the 2024/25 budget paper. Ensuring value for money is maintained will require a full review of the HRA capital programme over the medium term to assess where projects can be reprofiled without impacting tenants but will enable the delivery of these key investment areas.

7.9 Following the review, if there is a requirement to include a new budget then by its nature this can be funded from borrowing or through the use of reserves. Using reserves will be considered as a final point of call as these are one off resources that will be difficult to replenish in the current economic environment. The use of reserves would be more beneficial for one off capital costs as opposed to an on-going commitment.

7.10 Both the revenue and capital investment is an estimate only and is subject to change as surveys are completed, as this is also a medium term investment it will be included within the HRA's Medium Term Financial Strategy. Once the initial cycle of investment is complete it is anticipated that the requirement will drop to just a maintenance cycle and therefore this investment level should reduce.

7.11 The Health & Safety compliance and assurance is a significant risk for the HRA, with close monitoring of the financial impacts being undertaken on a regular basis via the councils TBM. This will include a need to monitor the impacts of this investment on other areas of investment in the HRA and whether this will need to be reduced or paused in order to maintain the integrity of the HRA finances particularly over the medium term.

Name of finance officer consulted: Craig Garoghan Date consulted 9th June 2023.

8. Legal implications

8.1 The Council needs to be satisfied that it maintains a safe environment to live and work by managing and maintaining assets according to statutory and regulatory requirements.

8.2 As identified in the report the Housing service, alongside consultants Ridge, have reviewed the approach to health & safety compliance and assurance for council homes. This ongoing review has already identified a significant number of key areas of risk summarised in the report which require priority action to address to be fully compliant with current legislation, and in order to be confident of the Council's ability to meet its core health and safety obligation to tenants and employees in civil law, and statutory regulation.

8.3 The council already has legal obligations in relation to mould and damp, but those obligations are likely to become more stringent in the near future. Damp and mould are potential hazards under the Housing Health and Safety Rating System; failing to address them could lead to failure of the Decent Homes Standard and our Home Standard. The Housing Regulator of Social Housing identified that all providers should have systems in place to ensure that their homes are free from hazardous levels of damp and mould, and to identify and deal with cases promptly and effectively. The government has subsequently tabled amendments to the Social Housing (Regulation) Bill to introduce 'Awaab's Law', will require landlords to fix reported health hazards within specified timeframes, so requiring social housing landlords to investigate and fix damp and mould in their properties. The guidance in relation to damp and mould is expected to be updated this summer, and under the Bill it is anticipated that the Ombudsman will be able to instruct landlords to measure their service against guidance on issues such as damp and mould, to help drive improvements following complaints from tenants.

8.4 The report also identifies the scale of outstanding repairs, which leaves the Council susceptible to a growing number of housing disrepair claims where

tenants may be entitled to compensation if they are entitled to a repair which is not done in a sufficiently timely manner.

8.5 As a Registered Provider (RP) of social housing the Council must meet the consumer standards set by the Regulator. This includes the tenant involvement and empowerment standard, which amongst other things requires RPs to consult with tenants, as envisaged by the report.

8.6 There is no obligation in law to share the Council findings with the Regulator but the Regulator has previously welcomed this type of transparent approach. Currently the regulator has a duty under the 2008 Act to exercise its functions in a way that minimises interference and (so far as is possible) is proportionate, consistent, transparent, and accountable. The current 2019 'Guidance on the regulator's approach to intervention, enforcement and use of powers' confirms the regulator expects registered providers to identify problems and take effective action to resolve them. The regulator will consider the use of regulatory, enforcement and general powers if that approach has failed. As indicated in the report it is anticipated that the approach to the enforcement of consumer standards and use of powers of the Regulator are likely to become more proactive following the enactment of the Social Housing (Regulation) Bill, expected some time later this year.

Name of lawyer consulted: Natasha Watson Date consulted 12th June 2023:

9. Equalities implications

9.1 The HRA budget funds services for people with a range of needs, including those related to age, vulnerability or health. All capital programme projects undertaken include full consideration of various equality issues and specifically the implications of the Equality Act. To ensure that the equality impact of proposals included in this report are fully considered, equality impact assessments will be developed on specific areas as required.

9.2 In terms of engagement with our residents. It is clear from the current equality monitoring of participation, that there is under representation from minoritised communities. The Housing service continue to work with Community Engagement Team colleagues on proactively seeking the voice of underrepresented groups in line with the Public Sector Equality Duties placed on the council to advance the equality of opportunity, to foster good relations and eliminate discrimination for marginalised communities.

10. Sustainability implications

10.1 Helping residents to live in well-insulated, efficiently heated, healthy homes addressing fuel poverty issues remains a key long-term objective, which is supported through the work of our health & safety review.

11. Other Implications

Social Value and procurement implications

- 11.1 Any procurement process will be undertaken in conjunction with Procurement colleagues and in accordance with the Council Contract Standing Orders, including application of relevant Social Value criteria in the evaluation of bid quality.
- 11.2 Through any procurement process, we will seek to secure support for local business, optimise opportunities for community wealth building, engage with local contractors and help provide employment opportunities for the city's residents. Other options to include in our procurement processes could include, but are not limited to; community projects, volunteering and providing apprenticeship opportunities in the city. limited to; community projects, volunteering and providing apprenticeship opportunities in the city.

