

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 24

Subject: Housing, Health & Safety Update, Report and Action Plan.

Date of meeting: 20th September 2023

Report of: Executive Director Housing, Neighbourhoods & Communities

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Ward(s) 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 council homes is a key Housing Management service 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 service has undertaken a review of our approach toward health & safety compliance and assurance for council homes.
- 1.2 Housing & New Homes Committee (21 June 2023) considered and noted a Housing Health & Safety Update report on the key outcomes, actions to date, including resourcing plans arising from our Housing health & safety review. This review was completed 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 Housing & New Homes Committee also agreed that the Committee report be shared with the Regulator for Social Housing in order to seek assurance on the steps being taken by the Council in preparation for the new regulatory framework and increased regulatory powers becoming law in Spring 2024.
- 1.4 This report updates Committee on progress against some key Housing health & safety review outcomes and actions to date.
- 1.5 A Housing Health & Safety Action Plan, Key Priority Actions 2023/24, is included in Appendix 1 for Committee consideration. This Action Plan will be subject to review and update to reflect the outcomes of Government and Regulator of Social Housing (RSH) consultation aligned to new legislative and regulatory provisions. It is proposed that further updates are shared with Committee once we have the outcomes of this consultation.

- 1.6 The report also updates on the Social Housing (Regulation) Act 2023 and current RSH consultation on draft consumer standards. These are proposals on standards registered providers, including BHCC, must meet ‘so tenants live in safe, quality homes, have choices and protection, and can hold landlords to account’.
- 1.7 As agreed at Committee, engagement with tenants on the Housing health & safety review has been undertaken via a presentation to September Housing Area Panels. We have also updated Area Panels on the current RSH consultation on their proposed new consumer standards. The presentations shared with Housing Area Panels are appended in Appendix 2 & 3.

2. Recommendations

- 2.1 That Housing & New Homes Committee note the Housing health & safety update and Action Plan and that further updates will be brought back for Committee consideration following the outcome of current Government and Regulator consultation.

3. Context and background information

- 3.1 The Housing health & safety review is part of our long-term Housing Management 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. The full background to the Housing health & safety review being undertaken was comprehensively covered in the June Committee report.
- 3.2 As reported to June Housing & New Homes Committee, the 2023/24 Housing Revenue Account budget anticipated that the investment required from the new Building Safety Act, Fire Safety Regulations and Social Housing Regulation Act would have a significant impact upon capital and revenue budgets and prudently included substantial budget provision for investment in the areas of compliance and assurance covered by the review.
- 3.3 The 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 review also considered overarching areas for compliance and assurance, including data and ICT systems and policies, procedures and risk management. The key priority actions, with an update on progress to date and resource plan aligned to these were outlined in the June Committee report. A detailed Health & Safety Action Plan has been developed aligned to the key compliance areas for review, identifying and prioritising agreed actions, responsibilities and timelines for completion. This Health & Safety Review Action Plan, Key Priority Actions 2023/24, is attached as Appendix 1 to this report.
- 3.4 This Action Plan will be subject to review and update to reflect the outcomes of Government and Regulator of Social Housing (RSH) consultation aligned

to new legislative and regulatory provisions. An officer Housing Health & Safety Compliance Governance Board, chaired by Assistant Director, Housing Management, and including senior officers from Housing, Legal and Corporate Health & Safety services, has been established and will meet monthly to oversee and report on progress on actions and compliance arising from the review and to prepare for the new regulatory inspection regime. Responsible officers have been assigned accountabilities in the Action Plan to be monitored by the Board to ensure clarity over delivery of the actions against the timescales outlined.

- 3.5 Updates on the legislative and regulatory developments since the June 2023 Committee report are outlined below along with progress updates against some key Housing health & safety review outcomes and actions to date.

Social Housing (Regulation) Act 2023.

- 3.6 The Social Housing (Regulation) Act 2023 received Royal Assent on 20th July 2023 and will become legislation in April 2024. Following the Grenfell Tower tragedy and more recent issues such as the death of Awaab Ishak in Rochdale and Housing Ombudsman findings of severe maladministration against some social housing providers, there is a focus on a new, improved and more proactive approach towards regulating social housing, ensuring standards are met and action taken against landlords who fail to do so. The purpose of the Act is to '*reform the regulatory regime to drive significant change in landlord behaviour*'. Some of the key changes introduced by the Act include:

- Strengthening the Regulator of Social Housing (RSH) with new enforcement powers, including to carry out regular inspections of the largest social housing providers seeking to ensure it can effectively intervene where required. This is particularly the case in relation to the new proactive consumer regulatory regime and breaches of the new consumer standards on which the RSH is currently consulting. The Act also allows the RSH to issue unlimited fines to social landlords who are not able to demonstrate they are compliant with the legislation.
- Giving tenants a stronger voice, including that the Housing Ombudsman will be given additional powers to publish best practice guidance to landlords following investigations into tenant complaints. A specific intention of the Act is to ensure a more joined up approach to regulation and handling of complaints between the RSH and the Housing Ombudsman for the benefit of tenants. Both the RSH and Housing Ombudsman service are currently undergoing significant expansion in capacity to meet their new wider remits.
- The Act focuses on health & safety, requiring registered providers to nominate a designated person to lead on health and safety in relation to compliance with obligations towards tenants.
- The Act gives the Secretary of State the power to introduce new requirements for registered providers relating to electrical safety checks. As advised in the June Committee report, the Government ran a consultation exercise on electrical safety in the social rented sector in 2022. This included specific proposals around mandatory checks for social housing at least every 5 years and mandatory portable appliance testing on all

appliances provided by social landlords as part of a tenancy. We await the outcome of this consultation.

- Social landlords will be required to set strict time limits for addressing hazards such as damp and mould. If they fail to meet these time limits, they could face enforcement action from the RSH.
- Introducing new qualification requirements for social housing managers: This is intended to ensure that managers have the skills and knowledge necessary to provide high-quality housing services.

3.7 Statutory Instruments are expected to follow the Act which will deal with the details such as what exactly the time limits will be for repair of damp and mould. Officers from Housing & Legal teams are reviewing and process mapping these changes. Other changes introduced by the Act include:

- Enabling the regulator to set standards for the competence and conduct of staff working for registered providers.
- Having safety, transparency and energy efficiency as part of the regulator's objectives.
- Giving the regulator power to direct registered providers to collect and publish performance information.
- Allowing for regular inspections of registered providers. Publication and implementation of a plan relating to the carrying out of both regular and one-off inspections of registered providers. Requiring the regulator to publish a plan for regular inspections of the largest landlords.
- Broadening the regulator's power to require people to provide documents or information for regulatory purposes.
- Removing the 'serious detriment' test, which is a barrier to the regulator's action on consumer issues which will allow the regulator to act without the need for serious detriment to be proven.
- Giving the regulator the power to require a registered provider to prepare and implement a performance improvement plan.
- Giving the regulator the power to set standards relating to energy efficiency including a minimum energy efficiency in the sector.
- Enabling the regulator to carry out surveys and authorise emergency remedial action (at the cost of the registered provider).

Regulator of Social Housing Consultation on Consumer Standards

3.8 In line with the enhanced consumer regulation role under the Social Housing (Regulation) Act, the Regulator of Social Housing is seeking views on revised regulatory consumer standards. Consultation has been issued on four draft consumer standards which set out the specific expectations and outcomes that all registered providers will be expected to achieve. It is anticipated that the final set of standards will apply from April 2024.

3.9 The Consumer Regulation Review seeks to ensure that Councillors and other senior leaders within local authorities understand their core landlord responsibilities and accountability. This includes ensuring effective oversight is in place and that there are effective mechanisms to quickly identify and tackle under-performance.

3.10 The RSH vision for consumer regulation is:

- Landlords maintain tenants homes so that they are safe and of a decent standard and that landlords provide a quality service.
- Where things go wrong, complaints are handled effectively, and things are put right.
- The relationship between tenants and landlords is underpinned by shared expectations of fairness and respect and a shared understanding of their respective rights and responsibilities.
- Landlords demonstrate that they understand the diverse needs of the communities that they service, and that their services reflect that.
- Tenants understand, use, and have confidence in the recourse that they have to get problems resolved.
- Stakeholders have confidence that landlords' commitment to their tenants is underpinned by effective consumer regulation, whether that landlord is a housing association, council, or for profit provider.

3.11 The proposed consumer standards cover the areas outlined below. The RSH is also consulting on a draft Code of Practice:

1. The Safety and Quality Standard: Requires landlords to provide safe and good quality homes and landlord services to tenants.
2. The Transparency, Influence and Accountability Standard. Requires landlords to be open with tenants and treat them with fairness and respect so that tenants can access services, raise complaints when necessary, influence decision making and hold their landlord to account.
3. The Neighbourhood and Community Standard. Requires landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.
4. The Tenancy Standard. Sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.

3.12 The consultation closes on 17th October 2023. In addition to engaging with tenants via Housing Area Panels and our Council Tenant Annual Conference, we are currently preparing our BHCC response. Following the analysis of consultation responses, it is anticipated that the RSH will publish the new consumer standards and Code of Practice in February 2024 with expanded consumer regulation to commence in April 2024.

Key areas of compliance and assurance.

3.13 Comprehensive details of the Housing health & safety review, key areas of compliance & assurance and resource plan were included in the June 2023 Committee report. Our Health & Safety Action Plan aligned to this, identifying and prioritising agreed actions, responsibilities and timelines for completion is attached in Appendix 1 of this report. Progress against meeting Target Completion Dates in the Action Plan and any further review necessitated by the outcomes of current consultation aligned to new legislative and regulatory requirements will be overseen by the officer Housing Health & Safety Compliance Governance Board. Below is an

update on progress against some key Housing health & safety review outcomes and actions since June Committee.

Fire Safety

Building Safety Act (BSA) Compliance.

3.14 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. An update on actions underway to register our 44 high-rise residential buildings with the Building Safety Regulator by end of September 2023 are outlined below:

- We have commenced registration of our high-rise blocks with the Building Safety Regulator.
- The Large Panel (LPS) structural investigation surveys of 8 Housing blocks (St James' House, Nettleton, Dudeney, Swallow, Kestrel, Kingfisher, Heron and Falcon) continue. This is to ensure we have the required structural information required to register these blocks with the Building Safety Regulator.
- We currently hold information on the construction of external walls to our taller buildings. However, we have commissioned more detailed surveys as part of our Building Safety Act compliance works.
- Our programme of flat entrance door (Manse Masterdor) replacement is progressing well. It is anticipated that this programme will be complete by the end of March 2024.
- We are in the process of procuring a contractor to undertake our fire door inspection programme.
- We are currently up to date with type 1 fire risk assessments to all our blocks. We have appointed external consultants to carry out intrusive FRA type 4 surveys.
- We have completed our surveys to provide digital floor plans and are finalising review and adding of this information to relevant databases as part of our BSA compliance. These plans detail each floor including ground floor lobby, basement levels and plant rooms. Building services such as the main electrical intake, gas shut off valves, main fire alarm panel and dry risers will be plotted.
- We propose to improve the current provision of way finder signage within blocks following our review, replacing existing signage with new signage. This work is now in progress aligned with the completion of the digital floor plan surveys to ensure consistency and clarity.
- Red Fire rated boxes to contain essential information on the building in the event of a fire have been installed in communal areas of all blocks. We propose to update these boxes with the relevant information as it becomes available, including copies of the surveys undertaken to provide digital floor plans.
- We have in place long standing methods of engagement with tenants through regular tenant representative meetings. These meeting have been updated on the fire safety works and health and safety works we are

undertaking. This engagement with residents will continue as we come closer to completion of the Building Safety Cases and Registration of blocks with the Building Safety Regulator.

- All progress will be tracked through our existing Building Safety Act (strategic) and Fire Review Board (operational) meetings. We continue to work closely with ESFRS staff to assist with ongoing stakeholder collaboration and shared governance assurance.

Electrical

Electrical Testing Programme.

- 3.15 Between 1 April 2022 and 31 March 2023 the Housing Repairs & Maintenance Service undertook 1377 electrical tests (EICRs) on domestic dwellings. As advised in the June Committee report, the Council responds to electrical repair requests and carries out electrical checks at a change of occupation in our homes. In light of the Housing health & safety 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 an expanded inspection programme is underway.
- 3.16 The service has set up and is mobilising 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.
- 3.17 In Quarter 1 (April, May and June) 2023 the service has completed 405 EICRs overall. 137 of these were generated in empty council homes, 30 were completed as a result of our contractor rewiring tenanted properties and 238 were completed by electricians working on the Electrical Testing and Compliance Programme. As this team become fully mobilised and the programme progresses it is anticipated that the number of EICRs generated will increase. Access to tenanted homes to undertake electrical testing and certification has proved challenging in many instances. We are following our 'no access' procedures and will be reviewing all our options, including legal measures, to improve access.
- 3.18 In establishing our programme to fully test the housing stock, domestic and communal, within 3 years and permanently maintain a 5-year testing cycle, we have undertaken a review of electrical certification currently held within the service. Following this review, as at the end of June 2023 we estimate that our programme to fully test the domestic housing stock within three years will include 7626 properties where there is either no EICR held by the service, an EICR issued over 5 years ago or an unsatisfactory EICR. The programme will initially focus on properties with unsatisfactory EICRs and then those with a high volume of electrical repairs reported followed by homes in higher risk buildings. The work required in these properties is likely to be more significant and take longer than more straightforward

electrical certification. Through our review we estimate that 4286 domestic properties have an EICR issued within the last 5 years.

- 3.19 Electrical testing resource planning also included procurement of a contractor resource to renew recently expired EICRs. Procurement of this contractor has been completed. Once fully mobilised the contractor is anticipated to carry out 700 EICRs in council homes annually.
- 3.20 Progress and use of resources with the electrical testing programme will be kept under regular review with reporting via the Housing Health & Safety Compliance Governance Board.

Gas / Fuel Safety

- 3.21 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. As of Quarter 1, 2023/24 99.95% (10,092 of 10,097) of council homes have a valid Landlord's Gas Safety Record. The 100% target was slightly missed because five checks were overdue on 30 June 2023. Performance was affected by the change in gas contractor, as the previous contractor experienced staff shortages towards the end of their contract. Now that the new contract is in place with PH Jones performance is expected to improve.

Smoke and Carbon Monoxide alarms

- 3.22 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.
- 3.23 PH Jones have installed 527 carbon monoxide detectors between contract start to 24th August. We expect this performance to improve as we continue to mobilise this contract. Adding 527 to the previous total of 4383 reported to June Committee gives a total of 4910 detectors installed up to the 24th August 2023.
- 3.24 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.

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, Key Priority Actions 2023/24, is appended to this report. Progress against Target Completion Dates and any changes to the Action Plan, including those arising following completion of current Government and RSH consultation, will be overseen by the officer Housing Health & Safety Compliance Governance Board. Further updates will be brought back to Housing & New Homes Committee for consideration as required.

5. Community engagement and consultation

- 5.1 Engagement with our tenants and residents is essential to enable the Housing service to progress key elements of the review. This will include residents being engaged within our Fire Risk Assessment process, incorporating 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 has and will continue to be taken forward via established communication routes such as Homing In and resident consultation meetings. This includes Housing Area Panels, Council Tenant Annual 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 Housing Health & Safety Update and RSH Consumer Standards presentations shared with September Housing Area Panels are appended to this report.
- 5.4 East Sussex Fire & Rescue Service are a key stakeholder and regulator with whom we continue to work closely on legislative and regulatory matters.

6. Conclusion

- 6.1 Housing & New Homes Committee members are asked to note the Housing health & safety update and Action Plan and that further updates will be brought back for Committee consideration following the outcome of current Government and Regulator consultation. This review into our approach to Housing health & safety compliance and assurance in council homes and resultant Action Plan have been undertaken in anticipation of a new legislative and regulatory framework for social housing becoming law in Spring 2024.

7. Financial implications

- 7.1 The June 2023 Housing & New Homes Committee paper, Housing, Health & Safety Update outlined in detail the investment required for the financial year 2023/24 and over the medium term for the Housing Revenue Account. The update provided by this paper has not impacted on the required investment outlined in that report and as such there are no direct financial implications from this paper.

7.2 The investments both capital and revenue for 2023/24 will be met from within existing resources. The 2024/25 HRA budget paper will include the updated investment required based on surveys undertaken and the updated action plan. The budget paper is presented to Housing Committee in January 2024.

Name of finance officer consulted: Craig Garoghan Date consulted:
06/09/2023

8. Legal implications

8.1 As this report is for noting, there are no significant legal implications to draw to Members' attention. Detailed legal implications were included in the June 2023 Committee report.

Name of lawyer consulted: Liz Woodley Date consulted 08/09/23:

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 Housing health & safety review.

Supporting Documentation

1. Appendices

1. Appendix 1 – Health & Safety Review Action Plan, Key Priority Actions 2023/24.
2. Appendix 2 – Housing Health & Safety Update, Area Panel Presentation, September Area Panels.
3. Appendix 3 – RSH Consumer Standards Consultation, Area Panel Presentation, September Area Panels.

2. Background documents

1. Housing Health & Safety Compliance Review, Brighton & Hove City Council, Ridge, March 2023.

