

# Brighton & Hove City Council

## Housing & New Homes Committee

## Agenda Item 51

**Subject:** Housing, Health & Safety Update Report.

**Date of meeting:** 24 January 2024

**Report of:** Executive Director for 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 homes is our key priority. In light of significant changes in management and maintenance of council housing and in anticipation of legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy, the Housing service continue to review our approach to health & safety compliance and assurance for council homes. This is part of our long-term service improvement plan.
- 1.2 Housing & New Homes Committee on 21<sup>st</sup> June 2023 and 20<sup>th</sup> September 2023 considered reports on key outcomes, resourcing, Action Plan and progress arising from the Housing, Health & Safety Compliance Review undertaken to ensure resources and action in the service were aligned to compliance with new legislation and regulations. This includes the Building Safety Act, Fire Safety Regulations and Social Housing (Regulation) Act.
- 1.3 This report provides a further update on progress toward health & safety compliance and on current engagement between the Housing service and the Regulator of Social Housing (RSH) with whom we have shared information on our backlog of routine repairs and our Housing, Health & Safety Compliance Review. The Regulator is currently considering the council's repairs backlog and landlord health and safety compliance in line with their consumer regulation process.

#### 2. Recommendations

- 2.1 That Committee notes the Housing, Health & Safety Update Report and current engagement 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.

Undertaking the Housing Health & Safety Compliance Review was aligned to a number of factors previously shared with Committee. In particular, to enable the service to respond to new duties under building and fire safety regulations and the Social Housing (Regulation) Act, including strengthening of Regulator of Social Housing powers.

- 3.2 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; policies and procedures; and risk management.
- 3.3 The key priority actions arising from the Review, with an update on progress to date and resource plan aligned to these, were outlined in our Housing, Health & Safety Update report presented to Housing & New Homes Committee on 21<sup>st</sup> June 2023. Housing Health & Safety Update presentations have been shared with tenants and residents at September 2023 Housing Area Panels and the Council Tenant Annual Conference. We have also engaged with council tenants through a range of relevant resident engagement groups and included updates in our tenant publication Homing In.
- 3.4 A further Housing Health & Safety Update, Report & Action Plan was taken to Housing & New Homes Committee on 20<sup>th</sup> September 2023. This included our Health & Safety Review Action Plan, Key Priority Actions 2023/24. This Action Plan is aligned to the Review, prioritising agreed actions, responsibilities and timelines for completion.
- 3.5 A Housing Health & Safety Compliance Governance Board, chaired by Assistant Director, Housing Management, and including senior officers from Housing, Legal and Corporate Health & Safety, has been established and meets monthly to oversee and report on progress on meeting Target Completion Dates in the Action Plan and against wider compliance priorities arising from our Housing Health & Safety Review.
- 3.6 We have also incorporated tracking and reporting of progress against actions arising from our wider Housing Health & Safety Review, including fire safety actions, into our Corporate Strategic Risk SR 32 – ‘Challenges in ensuring robust and effective H&S measures leading to personal injury, prosecution, financial losses or reputational damage’. This Strategic Risk is subject to regular reporting and Committee review.

#### **Regulator of Social Housing.**

- 3.7 The Social Housing (Regulation) Act 2023 received Royal Assent on 20<sup>th</sup> July 2023. Provisions relating to the powers of the Regulator of Social Housing come into force 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*'. The legal implications of regulatory non-compliance are set out in paragraph 8.1 of this report.

- 3.8 Housing & New Homes Committee agreed that the Housing Health & Safety Update report would be shared with the Regulator of Social Housing (RSH) in order to seek assurance on the steps being taken by the Council in preparation for the new regulatory framework becoming law, expected in April 2024.
- 3.9 Following an article in Inside Housing (published on 2 October 2023) reporting on Housing & New Homes Committee (20<sup>th</sup> September 2023) agreement to procure an additional specialist contractor resource to support the Housing Repairs & Maintenance Service recovery plan, the RSH requested information from the Council on the outstanding repairs aligned to consideration of a referral in line with their consumer regulation process.
- 3.10 In responding to RSH on their request for information on the backlog of routine repairs. and as agreed by Housing & New Homes Committee, the Council also brought our Housing, Health & Safety Compliance Review to the attention of the Regulator and shared comprehensive information on the latest compliance data and concerns covering the council's housing stock.
- 3.11 An update on progress and our latest compliance data based on information we have shared with RSH, with some further updates, is outlined below. We continue to share information with the RSH and will update Committee on the outcome of their consideration of the council's repairs backlog and landlord health and safety compliance in line with their consumer regulation process.
- 3.12 Housing, Health & Safety Update reports to June and September 2023 Housing & New Homes Committees provided a comprehensive information on the legislative and regulatory context of each area of health & safety compliance outlined in this report. The aim of the service is to achieve 100% compliance with legislative and regulatory requirements. As outlined above, the Health & Safety Review Action Plan, Key Priority Actions 2023/24 sets out Target Completion Dates for meeting key compliance priorities with progress being overseen by the officer Housing Health & Safety Compliance Governance Board.

**Latest compliance data covering all the council's social housing stock.  
Gas safety**

- 3.13 '*Council properties with a valid Landlord's Gas Safety Record*'; is a Corporate Key Performance Indicator (KPI) reported quarterly to Housing Area Panels and Housing & New Homes Committee members. Our most recent performance on compliance is as follows:
- As of January 10<sup>th</sup> 2024, 99.99%, 10,075 of 10,076 council domestic dwellings with gas supply and 100% of the 34 council blocks with communal boilers, had a valid Landlord Gas Safety Record.
  - For Quarter 2 (July, August & September) 2023/24, 99.92% council properties, 10,069 of 10,077, had a valid Landlord Gas Safety Record.

- For Quarter 1 (April, May June) 2023/24, 99.95% (10,092 of 10,097) council homes had a valid Landlord Gas Safety Record.
  - The 2022/23 out-turn was 99.98% (10,108 of 10,110) council homes with a valid Landlord Gas Safety Record.
- 3.14 In order to meet legislative and regulatory requirements our KPI target is 100%. Performance has been impacted by a period of change as we have mobilised our new heating & hot water contractor providing this service. Issues can also arise with access, which we address robustly, and high vulnerability and other concerns with tenants which can require a more tailored approach to gain access.
- 3.15 Dwellings out of compliance are closely monitored by our Gas Contracts & Compliance Manager. In addition, and in the interest of minimising the number of cases of 'no-access', we have recently instituted a process through which properties that have historically been difficult to access for gas safety checks receive earlier engagement than would normally be the case.

**Electrical safety**  
**Domestic electrical supplies.**

- 3.16 In June 2022 Government consulted on extending the requirement of testing electrical installations, including seeking comments on proposals for mandatory checks on electrical installations for social housing at least every 5 years. 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). As previously reported to Committee, in light of the Housing Health & Safety Compliance Review, including consideration of the RSH Home Standard and anticipated changes in legislative and regulatory requirements, the Council has implemented a 5 yearly inspection cycle for domestic council dwellings.
- 3.17 We have made a significant investment in setting up a dedicated Electrical Testing and Compliance Team within the Housing Repairs & Maintenance service, consisting of 15 staff. This team has been set up in addition to existing electrical team resources within the service, with the specific aim of managing a full cyclical electrical reinspection programme. The aim of the Electrical Testing and Compliance Team is to fully re-test the housing stock, domestic and communal, within 3 years, by December 2026, and permanently maintain a 5-year testing cycle.
- 3.18 In addition, procurement and mobilisation of an additional electrical contractor resource to renew recently expired electrical certificates (between 800-850 per annum) has also been completed.
- 3.19 As of 10<sup>th</sup> January 2024 we have 12,010 properties on this domestic electrical certification programme. This includes all HRA owned properties, including HRA owned temporary accommodation. Of this number, our records show that:
- 42% (4988 of 12,010) of properties have a satisfactory electrical certification issued within 5 years.

- 66%, (7900 of 12,010) of properties have satisfactory electrical certification issued within 10 years.
- 86%, (10,369 of 12,010) of properties have satisfactory electrical certification issued since records commenced in 2007.
- 13% (1611 of 12,010) of properties have no electrical certification record.
- 0.25% (30 of 12,010) of properties have an unsatisfactory certificate. Properties with an unsatisfactory certificate either have works or an inspection booked, or work is underway with Tenancy Services to support vulnerable tenants or to follow the formal no access procedure to gain entry.

3.20 As of 10<sup>th</sup> January 2024, a total of 1,576 electrical certificates have been issued by the Housing Repairs & Maintenance service since April 2023. This is across all work programmes, including, domestic testing programme, domestic rewire, voids, mutual exchanges. These figures are broken down in the table below.

Electrical certification per quarter	Number of certs issued
Quarter 1 (April, May, June)	404
Quarter 2 (July, August, September)	487
Quarter 3 (October, November, December)	666
Quarter 4 so far	19

3.21 Between 1 April 2022 and 31 March 2023 the Housing Repairs & Maintenance Service undertook 1377 electrical tests (EICRs) on domestic dwellings.

3.22 By way of risk mitigation, the priorities for the domestic electrical testing programme are:

- **Priority 1** – Properties with unsatisfactory certification.
- **Priority 2** – Properties with no certification.
- **Priority 3** – All properties based on age of certification, starting with the oldest first.

3.23 As a service we are working to maximise the number of full satisfactory certificates generated. We are doing this by:

- Focusing the domestic rewire programme on properties with unsatisfactory certification or no certification on file.
- Ensuring that when a new kitchen is installed, that requires the installation of a new consumer unit, that the whole property is upgraded, and a full test is issued.
- Working with colleagues to maximise the number of full satisfactory electrical certificates issued as part of our Sustainability and Energy planned works programmes, including solar photovoltaic programmes.

#### **Communal areas with electrical supplies**

3.24 Upon commencing the Electrical Testing and Compliance Programme the team collated all electrical certification held on our communal areas. In relation to 732 common areas that we had identified as having electrical

supplies the team identified 514 electrical certificates, of these 287 were issued within the last 5 years. Based on this initial information we have electrical certification on 70% of communal areas with electrical supplies with 39% issued in the last 5 years.

- 3.25 However, as part of our review we have committed to checking data to ensure accuracy for compliance, assurance and reporting purposes. In line with this and in order to mobilise our Electrical Testing and Compliance Programme, we have been undertaking a comprehensive review of the information we hold on communal areas with electrical supplies.
- 3.26 The actual number of certificates needed to establish compliance is subject to a more in-depth piece of work as individual blocks may have more than one electrical supply, equally some addresses have been split into address units that do not have separate electrical intakes and are therefore covered by one electrical test certificate. Due to this the service has decided to completely retest all communal ways over the next three years, by December 2026. It is our intention to finalise this address list whilst testing the communal areas.
- 3.27 The communal retesting programme is now underway. As of 10<sup>th</sup> January 2024 the team have fully tested, carried out any necessary remedial works and issued satisfactory electrical certification for 35 communal areas consisting of 13 high rise blocks, 1 seniors housing scheme and 21 medium/low rise buildings. This is out of the 796 listed assets that have a communal electrical supply.
- 3.28 In line with the Housing Health & Safety Action Plan, an Electrical Testing and Compliance Strategic Management Plan has been established with a commitment to improving compliance in this area. The strategy to reach compliance is regularly reviewed with input from Ridge (Housing's Compliance Consultants).
- 3.29 The programme is being prioritised as follows:
- **Priority 1** - Communal supplies in high rise blocks. This priority has been assigned due to the number of residents living within the building.
  - **Priority 2** - Communal supplies in converted houses/non purpose-built flats. This priority has been assigned due to potential issues with fire compartmentation between homes.
  - **Priority 2** - Communal supplies in seniors housing schemes. This priority has been assigned due to the fact that many of the residents may have increased needs and higher levels of mobility issues.
  - **Priority 3** - Communal supplies in larger lower rise blocks. This priority has been assigned due to the fact there are generally more residents living in these blocks compared to the smaller blocks.
  - **Priority 4** - All other communal supplies.
- 3.30 The team remain on target to completely retest all communal ways over the next three years, by December 2026. This progress is overseen, and resource reviewed via the Housing Health & Safety Compliance Governance Board.

## **Fire safety**

- 3.31 Comprehensive information previously shared with Housing & New Homes Committee on legislative and regulatory compliance and assurance work completed or underway by the Council for all our 45 high rise residential blocks under the Building Safety Act and Fire Safety (England) Regulations 2022 has also now been shared with RSH. An update on recent areas of action is included below.

### **Communal**

- 3.32 For 635 communal areas requiring a fire risk assessment (FRA), as of January 10<sup>th</sup> 2024, 100%, 635 out of 635 properties, were covered by a current Type 1 FRA.
- 3.33 For fire detection alarm systems, we have 171 assets on our asset list. 94.14% of these properties have a fully operational fire detection alarm system installed. The remaining 5.85% of assets have partially operational fire detection systems installed. The 10 properties (5.85%) referred to as partially working are currently subject to review. Temporary detection has been fitted to these properties until we can implement a permanent solution to the issues arising in these homes.
- 3.34 Testing of communal fire detection alarm systems is conducted quarterly with every detector tested within each 12-month period. Recommendations raised during these tests help us build an upgrade or replacement programme.
- 3.35 We continue to keep our common ways clear by removing items daily and using appropriate (Section 41) Notices. Our Estates Team are removing approximately 120 items per week and in addition, around 40 incidences a month of removing items dumped in electrical cupboards.
- 3.36 With regard to actions arising from fire risk assessment, our newly appointed Fire Safety Manager has commenced their employment with the Council and a new contractor to undertake works arising from fire risk assessments will be mobilised imminently. We are also recruiting to two Fire Safety Surveyor posts. In line with this we are currently checking and validating information on outstanding fire safety remedial actions and ensuring correct ordering by theme, risk and priority to make sure that this is accurate for both contractor and reporting purposes. We have advised the RSH that we anticipate being able to share validated data in January 2024.

### **Domestic**

- 3.37 The council maintain a clear focus on prevention, 'life safety', particularly for those we recognise as more vulnerable. One example is our investment in an additional care link support provisions in our Seniors Housing blocks. With this focus in mind, we are proposing to establish how many flats have had a recent Home Fire Safety Visit by East Sussex Fire & Rescue Service (within the last 2 years) and invite further collaboration with ESFRS to achieve a proactive approach to preventing fires in the homes of all our residents.

- 3.38 Working with ESFRS we are considering how we might adopt a shared 'safety in the home' campaign, beyond just letters and communications and actively involve the fire service's experienced Community Fire Safety Teams and staff. We are also liaising with ESFRS on the provision of information on vulnerable residents.
- 3.39 Communications to tenants regarding fire doors and what to do in the event of a fire have been sent to residents across our high rise blocks and updated on our website <http://www.brighton-hove.gov.uk/fire-safety-in-flats>. Resident engagement has and will continue to be taken forward through a range of relevant resident engagement groups and has included updates in our tenant publication Homing In. We will also reach out to residents and communities as part of our wider proposals to expand resident engagement. We continue to work with ESFRS to promote home safety visits and targeted joint case work with vulnerable households.

### **Asbestos safety Communal**

- 3.40 The Control of Asbestos Regulations require that we hold a register of asbestos containing material in common parts of blocks of flats. We have management re inspection surveys for our common ways. These surveys form the basis of an asbestos register which holds data on the asbestos containing material located in the common ways of 544 properties.
- 3.41 The re inspection programme is undertaken by UKAS accredited Asbestos Survey contractors on an annual cycle. There was a delay in the procurement of the current contractor so the time between the last re inspection and the current programme is greater than 12 months, the oldest survey from the previous contractor being the 19th July 2021.
- 3.42 However, the annual re-inspection programme has now re-commenced under the new contractor (Gully Howard Technical) who have been issued with 544 works orders for re-inspections. As of 13<sup>th</sup> December 2023, our contractors have completed 78 of the 544 required asbestos re-inspections. We are aiming for this programme to be completed by April 2024, with a 100% re-inspection rate. The remaining 466 properties currently overdue a re-inspection can be banded as follows (based on length of time overdue).

<b>Time Overdue</b>	<b>Number of Properties</b>
<1 year	46
1 – 2 years	407

In addition, there are 13 properties we have identified which will be surveyed to validate the data.

### **Domestic**

- 3.43 In addition to the 544 common way surveys already referred to, we have 14780 pieces of asbestos information for tenant's homes which include 9023 unique pieces of information, against a stock of c 11,900 properties. This information is currently available in a written report format which allows



information to be shared with tenants, our staff and contractors but does not allow analysis at an estate level which impacts our ability to programme planned asbestos works.

- 3.44 Currently all asbestos works outside of the re inspection works to common ways is reactive either to the outcome of surveys or the need to undertake other work impacted by the presence of asbestos. Following the Housing Health & Safety Compliance Review it was agreed that it would be prudent to have a cyclical asbestos survey programme for domestic properties so that all properties have a management survey. This is allowed for in our resource plan and is being developed.
- 3.45 Housing & New Homes Committee have previously been advised that our communal asbestos surveys and domestic asbestos surveys are currently stored on different ICT systems and that following the Housing Health & Safety Compliance Review it has been recommended that we combine this information to form a more comprehensive record of asbestos materials and ensure regulatory and legislative compliance. Implementation of the first phase of the NECH Asset Management System which will have the required functionality is on track for March 2024.
- 3.46 We have in place robust management systems to minimise the risks to staff and tenants whilst works are being undertaken. Our processes set out to ensure that no work is commenced without either an existing survey being reviewed or a new survey being undertaken. The vast majority of asbestos found in our properties is either considered low or very low risk. We have a 'don't touch' policy when working with asbestos and only use registered asbestos companies for working with or removing asbestos containing materials. Asbestos information is made available to contractors working on our properties and to tenants on request. We have also included asbestos reports in our fire document boxes in our high-rise buildings and can make reports available to the emergency services on request.
- 3.47 Whilst good progress is being made bringing together the existing data and managing surveying and removals, following the Review we have agreed to and are currently seeking to appoint an Asbestos Manager to bring these work strands together and provide a focus for this activity.

### **Lift safety**

- 3.48 100% of the 127 lifts the Housing service have under management and the relevant items of lifting equipment have received all necessary LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspections. Lifting equipment is subject to a robust inspection scheme, with in-house, contractor, and insurance provider inspections undertaken. As with other areas of compliance this will be subject to oversight and monitoring via the Housing, Health & Safety Compliance Board.

### **Water safety**

- 3.49 Our contractor, HSL, undertakes water risk assessments for Council housing stock including properties with water tanks and all Seniors Housing schemes which includes flushing for legionella purposes. HSL also undertake any

remedial works required. Our contractor stores information in relation to their contract with the Council on a proprietary system. All related documents and information are retained on the contractor database and are not currently held on council systems. As reported to Housing & New Homes Committee on 21st June 2023, our Housing Health & Safety Compliance Review identified a need to clarify the structure of BHCC assets held on the HSL portal to categories, asset types and responsibilities aligned to management responsibilities.

- 3.50 Our Health & Safety Review Action Plan, Key Priority Actions 2023/24 reported to Committee on 20<sup>th</sup> September 2023, includes a key action in relation to Water Risk Assessment & Site Monitoring, to '*Review assets held in the contractor portal*'. This is aligned to enabling development of a suite of Key and Operational Performance metrics to demonstrate the effective management of water safety. Also, to support the Council to design and implement requirements for retaining water safety data and information on council systems. From April 2024 we anticipate that water safety assets and data will be held on the Housing service Asset Management System.
- 3.51 In progressing this action, we are currently in discussion with HSL on provision of an agreed form of monthly reporting of compliance figures, including information on outstanding remedial actions, from January 2024. HSL have assured the Council that our high priority properties are compliant. We have also implemented a plan of action to raise water safety compliance levels across our entire estate. An update on progress and a new risk-assessed asset list is to be provided to the RSH and will also be shared in future Housing, Health & Safety Update reports to Committee.

### **Smoke & carbon monoxide detection**

- 3.52 Installation of hard-wired smoke detection and carbon monoxide detection in accordance with the requirements of Smoke and Carbon Monoxide Regulations is being taken forward by the new Electrical Testing and Compliance Team within the same 3-year timescale as electrical testing programme, by December 2026. Regular review of progress and resource requirements to support meeting the target will be overseen by the Housing, Health & Safety Governance Board.
- 3.53 The team will be installing AICO smoke/carbon monoxide detection systems. To date, since July 2023, the team have installed gateways and appropriate detection in 283 properties.
- 3.54 The amount of hardwired detection being installed will increase significantly in the new year once the Electrical Testing and Compliance Team operatives complete their UKATA non-Licensed Asbestos Operative course. Currently our operatives are only installing full LD2 systems when carrying out electrical certification where there is no textured coating (containing chrysotile asbestos) ceiling. These installations will follow the same priority order as the electrical testing programme, starting with properties that have unsatisfactory certification, then moving on to properties with no full

electrical certification on file, finally we will be attending to properties in order of age of electrical certification.

- 3.55 The contractor we have engaged to carry out testing as part of the Electrical Testing and Compliance programme has the ability/training to fix into textured coating (containing chrysotile asbestos) and has been instructed to install LD” systems in all properties tested, excluding houses in multiple occupation and Seniors Housing which is covered by the Sure Serve contract.

#### **Smoke detection**

- 3.56 As part of our Review, we identified that the information on installation of smoke detection in our c 11,900 council homes has not been consistently or well recorded.
- 3.57 The Council have smoke detection installed in our higher risk homes, including all 23 of our Seniors Housing schemes, our Extra Care scheme, 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. These systems are serviced by our contractor Sure Serve who currently cover 1720 flats and 366 HMOs.
- 3.58 In addition to the above, since 2011, LD3 smoke detection systems have been installed in all Council owned HRA properties when properties went through the void process. There is no register of this smoke detection but there is a record of properties that have been completed by the Empty Homes team since January 2015 which totals 3952 properties. Excluding Seniors Housing this gives a figure of 3380 properties with smoke detection. Also, as of 22 November 2023, the Housing Repairs & Maintenance service hold 2214 certificates for properties with smoke detection fitted.
- 3.59 Further analysis of certification held in our current works management system (MCM) is being undertaken in order more accurately and confidently report on compliance in this area.

#### **Carbon Monoxide detection.**

- 3.60 As with smoke detection, albeit carbon monoxide detection is only installed within 10,076 council homes with a gas supply, 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 currently being undertaken by our Heating & Hot Water contractor. Since the new regulations came into force on 1st October 2022 our contractor (K&T Heating then PH Jones under the new contract) has fitted 7,224 carbon monoxide detectors as of January 9<sup>th</sup> 2024, a compliance rate of 71.7%
- 3.61 Notwithstanding the programme to install hard-wired smoke and carbon monoxide detection, our Heating & Hot Water contractor will continue to install battery powered carbon monoxide detectors. In order that we reach a compliant position with regard to carbon monoxide detection as soon as

possible we have been liaising with the contractor to increase the pace of installation of battery powered detectors in order to ensure all of our homes with a gas supply have these by the end of April 2024.

### **Damp & Condensation**

- 3.62 The RSH also requested an update on the council's approach and activity in relation to reports of damp & condensation. The response provided to RSH, as of November 2023 is outlined in Appendix 1.

## **4. Analysis and consideration of alternative options**

- 4.1 The Housing Health & Safety Review and engagement with the RSH has been taken forward in anticipation of and in order to ensure that we are prepared for and compliant with recent and forthcoming legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy.
- 4.2 Progress against actions arising from the Review 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 were shared with September Housing Area Panels as well as Housing & New Homes Committee. We currently await the outcome of the RSH Consumer Standard consultation.
- 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 current engagement with the Regulator of Social Housing and that further updates will be brought back to Committee following the outcome of the RSH consideration of the council's compliance with their current consumer regulation process.
- 6.2 This review into our approach to Housing health & safety compliance and assurance in council homes has been undertaken in anticipation of a new legislative and regulatory framework for social housing arising from the Social Housing (Regulation) Act becoming law in Spring 2024.

## **7. Financial implications**

- 7.1 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 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 capital and revenue investments for 2023/24 continue to be met from within existing budget resources and are monitored through the councils Targeted Budget Monitoring (TBM) process.
- 7.3 The 2024/25 budget paper has addressed the gap in investment to ensure compliance and now includes provision of £14.905m across capital and revenue, this is an increase of 44% from the 2023/24 investment. The HRA budget paper is also being presented to the 24 January 2024 Housing and New Homes Committee.

Name of finance officer consulted: Craig Garoghan      Date consulted:  
09/01/2024

## **8. Legal implications**

- 8.1 The June 2023 report set out the legal implications of regulatory non-compliance at length. This report indicates that whilst the council is making progress in meeting its health and safety obligations towards tenants and leaseholders, there is still some way to go. Compliance with these obligations is part of the Regulator of Social Housing's Consumer Standards. 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 only consider the use of regulatory, enforcement and general powers if that approach has failed. However, as indicated in the report, the Regulator's enhanced powers under the Housing and Regeneration Act 2008 as amended by the Social Housing (Regulation) Act 2023 are expected to come into force in April of this year. The Regulator has issued draft guidance on the new enforcement powers, which include service of an enforcement notice on a registered provider. Such a notice can

be served for a number of reasons, including where the provider has failed to meet the section 193 Consumer Standard, or where the affairs of the provider have been mismanaged in relation to social housing. Mismanagement has a specific meaning in the Act. Section 275 defines it as 'Mismanagement in relation to the affairs of a registered provider' means managed in breach of any legal requirements (imposed by or under an Act or otherwise). An enforcement notice will specify grounds on which it is being given, specify the actions the registered provider is required to take and specify the timescales for the completion of those actions.

Name of lawyer consulted: Liz Woodley      Date consulted 11/01/24:

## **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 under-represented 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 - Damp & Condensation update, Response to Regulator of Social Housing. 23<sup>rd</sup> November 2023.

### **2. Background documents**

1. Housing & New Homes Committee, 20<sup>th</sup> September 2023. Agenda Item 24 – Housing, Health & Safety Update, Report and Action Plan.
2. Housing & New Homes Committee, 21<sup>st</sup> June 2023. Agenda Item 10 – Housing, Health & Safety Update.
3. Housing Health & Safety Compliance Review, Brighton & Hove City Council, Ridge, March 2023.

**Appendix 1**

**Damp & Condensation update, Response to Regulator of Social Housing. 23<sup>rd</sup> November 2023**

The Council are committed to working with our tenants and residents to address the issues of damp and mould and ensure the health and safety of those living in our homes.

Our approach is to work with tenants to understand the cause of the damp and mould issues they may face and work together to find a solution. While there are some measures a tenant can take to reduce damp and mould problems, we recognise that there may be other factors outside of a tenant's control. This may be linked to issues such as: vulnerability; low income; overcrowding in some of our homes; increases in heating costs; a lack of clothes drying facilities in flats.

Unfortunately, condensation dampness issues do occur in our housing stock. Different properties have different challenges, for example lack of adequate insulation or adequate ventilation, insufficient heating system, or the condition of the external fabric (brickwork, pointing etc).

There may be barriers to resident reporting problems. We try to work with tenants and other stakeholders to remove barriers to ensure tenants are able to engage with our services, and to report issues, including damp and mould.

We are working hard to maintain our continuous improvement of the standard of our council housing stock. Helping residents live in well insulated, efficiently heated, healthy homes is a key investment objective, supported through our Housing Revenue Account (HRA) capital programme. In terms of asset management there will be particular emphasis on improvements in property insulation, window installation and mechanical ventilation.

Our 23/24 HRA budget includes investment of over £34m in existing council homes, including increasing our investment in damp and condensation measures as well as our overall investment in planned and major works.

In October 2021, the Housing Ombudsman released a spotlight report on damp and mould issues. This produced a 26-point list of recommended improvements for landlord to consider how their current and future approach can be modified/improved to better manage this serious issue. We have used these recommendations as guidance when shaping our response to damp and mould concerns and particularly when selecting the specialist contractors to support us with this work.

**The number of current open damp and mould cases.**

The total number of individual tasks (Work in Progress – WIP) associated to damp and mould cases open currently is 850. This is split across 797 unique addresses.

Of these open cases 748 tasks are related to permanent council homes, split across 701 unique addresses.

The type of works can broadly be split down into 6 categories, see below, figures are included for permanent council homes only:

**Housing Repairs & Maintenance service damp washdown jobs** – currently sitting at 286 tasks (38%), these are raised across 278 unique addresses. (please note that this is the first place a new damp job is raised to – a number of these jobs will likely be assigned to contractors when they are reviewed).

**Contractor washdown jobs** - currently sitting at 248 tasks (33%) these are raised across 241 unique addresses.

**Housing Repairs & Maintenance service damp remedial works** – currently sitting at 153 tasks (20%), these are raised across 148 unique addresses. 105 of these jobs are raised to the electrical team to install extractor fans.

**Contractor cavity wall insulation & associated works** – currently sitting at 36 tasks (5%), these are raised across 34 unique addresses.

**Contractor damp remedial works** – currently sitting at 14 tasks (2%), these are raised across 13 unique addresses.

**Specialist external surveyor works** - currently sitting at 11 tasks (1%), these are raised across 11 unique addresses.

We are currently undertaking further analysis, including with our contractors, on current timescales for completion of these jobs.

**Whether any category 1 or 2 hazards have been identified.**

None identified.

**The Council's plan to remedy the damp and mould.**

- The Council have a proactive approach to managing damp works. We have a dedicated team to manage reported damp concerns. To support this team and extend the scope of our works we have appointed specialist contractors. This gives us additional resource to respond to damp problems and be more proactive in dealing with the route cause.
- We are working with colleagues in other council services, including Families, Children and Learning and Public Health, to identify families and vulnerable individuals particularly at risk. We are also working to identify properties with damp and mould and raise awareness to the risks and the need to report cases.
- We are prioritising cases following a risk-based approach to ensure an effective and timely response to families and vulnerable residents potentially most at risk. When attending to new damp and mould jobs, contractors complete a survey and risk assess the situation, identifying any vulnerabilities or underlying health concerns which could exacerbate the



effect of the damp problem on tenant's health. This is reported back to the Damp team at the council for proactive action to be taken.

- If an issue is identified where a property has a significant damp and mould issue that may cause concern for tenant's health, then we would consider options to either decant or install a temporary air scrubber until works could be completed. We have access to air scrubbers through a contractor that can be installed at short notice (same day).
- The responsive Damp team has been identifying properties where cavity wall insulation would improve or resolve damp and mould issues and currently has two contractors which are being instructed on an ad-hoc basis. To the end of Q2 '23/24 the service had spent £202,390.00 across 23 jobs (average. £9453.91 per job) with a further 38 jobs identified, and orders placed to be completed this year. The plan is to extend this work in '24/25 to achieve £1m spend.
- Aico Environmental Sensors have been installed in two properties to date. Visiting inspectors have these systems in their vehicles to install if they come across any properties that we are concerned about and feel the need to monitor. This will allow us to track the environmental causes leading to cases of damp and mould and better diagnose repairs and alterations required to properties. The rollout of the Aico HomeHub in properties where we are carrying out periodic electrical testing. and in all voids, means that the infrastructure to support environmental sensors is already in place if the need arises.
- The periodic electrical testing programme has been highlighting properties where damp and mould issues are being discovered but have not been reported by tenants, these jobs can then be picked up and potential health risks to tenants who would not normally contact us (for a number of reasons) are being dealt with.
- We have reached out to colleagues across Housing services and provided information through Homing In (which is delivered to all tenants) to highlight the issue of damp and condensation and the importance of reporting.
- We are working with contractors to ensure we have adequate resource and skill to tackle damp and condensation and the resulting repair works.
- Information is also being made available to help tenants who are worried about fuel bills and the general pressure on the cost of living. Information has been included on our web site, other information leaflets and we would encourage anyone worried by these issues to contact us.
- For general advice, our '[Condensation, damp and mould in your home](https://www.brighton-hove.gov.uk/housing/council-housing/condensation-damp-and-mould-your-home)' webpage <https://www.brighton-hove.gov.uk/housing/council-housing/condensation-damp-and-mould-your-home> is live and linked with an extra line on our main [Ask for a repair to your council home webpage](https://www.brighton-hove.gov.uk/housing/council-housing/ask-repair-your-council-home) - <https://www.brighton-hove.gov.uk/housing/council-housing/ask-repair-your-council-home>. We also have a leaflet that we share with tenants which gives practical advice on prevention and early treatment of condensation and mould.

