

Brighton & Hove City Council

Cabinet

Agenda Item 15

Subject: Housing Health & Safety
Update and Procurement

Date of meeting: 27 June 2024

Report of: Cabinet Member for Housing & New Homes

Contact Officer: Martin Reid, Acting Corporate Director for Housing, Care
and Wellbeing (Housing Lead)
Email: martin.reid@brighton-hove.gov.uk

Report author: Justine Harris
Email: justine.harris@brighton-hove.gov.uk

Ward(s) affected: All wards

Key Decision: Yes

Reason(s) Key: It is significant in terms of its effect on communities living or working in an area comprising two or more wards

1. Purpose of the report and policy context

- 1.1 The commitment of the Housing Service to the health & safety of our residents and those who visit and work on our homes is our key priority. In light of significant legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy, the Housing service have undertaken Housing Health & Safety Compliance Review. This aligns with the Council Plan priority Homes for Everyone, to invest in building and fire safety to meet new duties under the Building Safety Act and ensure the Council complies with anticipated new social housing regulations.
- 1.2 In order to ensure that Councillors understand their core landlord responsibilities and accountability and that there is effective oversight in place of our progress in meeting our health and safety obligations toward tenants and leaseholders, Housing & New Homes Committee received regular Housing, Health & Safety Update reports. Regular updates have also been provided to our 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.
- 1.3 This report provides an update on progress towards health & safety compliance and on the current engagement between the Housing service and the Regulator of Social Housing (RSH). The Regulator is currently considering the council's landlord health and safety compliance and repairs backlog in line with their consumer regulation process. This report contains compliance information shared with the Regulator in May 2024.

- 1.4 The report recommends that Housing commence with the procurement of key contracts for three main areas of work within the Housing Repairs and Maintenance Service. These will also enable us to meet our health and safety obligations. Each Contract will consider sustainability and social value.
- 1.5 This report seeks delegated authority to the Acting Corporate Director Housing, Care & Wellbeing (Housing Lead), to enter into contracts tendered through compliant procurement routes outlined in the report, subject to budget approval. This is aligned to the Council Plan, Homes for Everyone priority to complete post pandemic recovery, including reducing backlog of housing repairs and the number of empty properties.

2. Recommendations

- 2.1 Cabinet notes the Housing, Health & Safety Update Report, and current engagement with the Regulator of Social Housing.
- 2.2 Cabinet delegate authority to the Acting Corporate Director Housing, Care & Wellbeing (Housing Lead) to procure and award the contracts for the following work streams for a period of 3 years with the option based on successful performance of a further 1 year plus 1 year extension.
- Repairs and Maintenance (General Building) (£11M Total)
 - Damp, Condensation and Cavity Wall Insulation (£9M Total)
 - Empty Homes Work (£15M Total)

3. Context and background information

Housing Repairs and Maintenance Procurement

- 3.1 Following the insourcing of the repairs service from Mears in April 2020 a contractor framework was designed and procured.
- 3.2 Much of this framework has been successful and is working well, supplementing the activities of our directly employed staff. However, there have been challenges in attracting suitable contractors. To mitigate this, we have used a combination of agreed waivers and Contract Standing Orders.
- 3.3 We would like to now put in place a formal long-term arrangement and procure suitable contractor resource as follows:
- 3.4 **Repairs and Maintenance (General Building)**-This area of work provides additional resource to our direct employees in providing general building repairs including garden walls, rendering, structural repairs, property renovation following fires, disrepair cases and all other general building tasks.
- 3.5 **Damp, Condensation and Cavity Wall Insulation** -This area of work provides additional capacity to respond to the growing number of damp, mould and condensation cases. We have been proactive in encouraging reporting of damp and mould, this has led to a significant increase in the number of reported cases in the past two years.

- 3.6 We are also anticipating significant legislation to be passed in relation to damp and mould alleviation, following the inquest into the tragic death of Awaab Ishak. Based on the consultation papers the legislation is likely to require a significantly quicker response to reported cases. This will require additional resource within the repairs and maintenance service, including a larger direct labour and contractor resource.
- 3.7 In addition to increasing our capacity for responsive works we have also piloted a planned programme of cavity wall insulation. This will significantly reduce instances of condensation and reduce heat loss. This should also lead to reduced energy costs for residents and help tackle fuel poverty.
- 3.8 **Empty Homes Work** This area of work provides contractor resource to undertake empty home renovations at the change of tenancy. Only one of the contractors appointed in 2020 has continued to provide a good service. To maintain performance, we have procured additional contractor capacity from a framework, this needs to be replaced with a more stable long-term solution.

Health & Safety Update

- 3.9 The Council teams responsible for the management of housing assets have been through a period of significant change over the past four years. Undertaking the Housing Health & Safety Compliance Review was aligned to a number of factors previously shared with Housing & New Homes Committee. In particular this was 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.
- 3.10 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.
- 3.11 The Council has strengthened corporate oversight, governance, and resourcing of our priority work toward ensuring housing health & safety and regulatory compliance in our homes. In addition to existing governance measures, a corporate Housing Building Safety Project has also been initiated. This is managed as part of our Corporate Modernisation Board, reflecting that this area of work is a council priority and any resource requirements and risks arising are organisationally impactful.
- 3.12 Progress against actions arising from our wider Housing Health & Safety Review are reported in 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.

- 3.13 Our HRA Budget & Capital Investment Programme 2024/25 and Medium Term Financial Strategy, approved by January 2024 Housing & New Homes Committee reflects the legislative and regulatory changes impacting social landlords. The HRA budget proposals include significant investment being undertaken in relation to building, health and fire safety compliance and in anticipation of the strengthened role of the Regulator of Social Housing, in particular ensuring adherence to Consumer Standards.
- 3.14 We also continue to invest to strengthen our data, systems and processes in order that we have reliable and robust data sources that show what health & safety testing is being undertaken and what has been completed across the homes we manage. Our Review identified that a key issue impacting upon our health & safety compliance and assurance is that our current Housing ICT systems don't integrate and at present don't fully support these requirements. This provides challenges around gathering, managing, analysing, prioritising and reporting information, risk and actions arising from key data streams.
- 3.15 The Housing service have committed to significant investment in ICT infrastructure, including moving toward a one-system approach.
- 3.16 Pending implementation of the new ICT systems the service continues to verify the data we hold in order to ensure that it is as comprehensive and accurate as possible, and that it can be reported upon in a form that supports required measures of assurance, compliance and performance.

Regulator of Social Housing

- 3.17 The Social Housing (Regulation) Act 2023 received Royal Assent in July 2023. On 1 April 2024, the Regulator for Social Housing launched the new consumer regulation regime. This brings with it a focus on an improved and proactive approach towards regulating social housing, to ensure standards are met and action taken against landlords who fail to do so. The Act requires the Regulator to publish a plan for the regular inspections of landlords with more than 1,000 homes.
- 3.18 The Council continues to engage with the Regulator, responding to their request for further information on the backlog of routine repairs and proactively sharing details of our Housing, Health & Safety Compliance Review and comprehensive information on the latest compliance data and concerns covering the Council's housing stock.
- 3.19 An update on the latest compliance data on the Council's housing stock shared with the Regulator on 1 May 2024 is outlined below.

Gas Safety

- 3.20 Council properties with a valid Landlord's Gas Safety Record is a Corporate Key Performance Indicator (KPI). As reported to the Regulator on 1 May 2024, 99.99% (10,075 of 10,076) of council domestic dwellings with a gas supply had a valid Landlord's Gas Safety Record. Also, 100% of the 35

council blocks with communal boilers had a valid Landlord's Gas Safety Record'.

- 3.21 Should any issues arise with accessing someone's home we have a tailored approach to support more vulnerable residents.
- 3.22 We currently have 77 tenanted properties which have a capped gas supply, a reduction of 106 since we last reported to the RSH in February 2024. Properties with gas capped-off long-term are predominantly properties where residents choose to not use gas. They are retained on the asset list in order that we continue to track compliance should the gas get reconnected without us being notified.
- 3.23 A referral pathway has been developed for all gas capped cases, through to offering tenant support. On notification of a capped supply by our gas contractor, the tenant is contacted to check on their welfare and any fuel poverty or other issues in order that we can understand any vulnerabilities in the household. Should it become apparent that further input would be helpful, the tenant is offered advice and support, including with finance and utility charges. Any safeguarding or other concerns are also followed up.

Electrical Safety. Domestic testing

- 3.24 In line with our Housing, Health & Safety Compliance Review we have made significant investment in setting up a dedicated Electrical Testing & Compliance Team consisting of 15 staff with the specific aim of managing a fully cyclical electrical reinspection programme. The aim of the Team is to fully re-test the housing stock, domestic & communal, within 3 years, by December 2026, and then maintain a 5-year testing cycle.
- 3.25 Positive progress continues to be made on electrical safety. The service is ahead of the 1,377 electrical tests undertaken on domestic dwellings during 2022/23 financial year. From 1st April 2023 to 31st March 2024 a total of 2647 electrical certificates were issued by the service across all work programmes.
- 3.26 In terms of testing cycles and age of certification, the following has been reported to the Regulator: 5 Year EICR domestic testing cycle – 49.1% compliance (5,959 of 12,138 assets); 10 Year EICR domestic testing cycle – 70.1% compliance (8,509 of 12,138 assets).
- 3.27 In addition to the figures above 87% (10,493 of 12,013) properties have satisfactory electrical certification issued since our records began in 2007. By way of risk mitigation, the priorities for the domestic electrical testing programme are: Priority 1, properties with an unsatisfactory certificate; Priority 2, properties with no certification; Priority 3, all properties based on age of certification, starting with the oldest first.
- 3.28 If Category 1 hazards (C1s) are discovered by our electricians or electrical contractors then these are immediately repaired. If it is not possible to repair (due to the need to order materials) then the associated circuit will be isolated and made safe until a full repair is possible. The number of overdue

actions since reporting in February 2024, has reduced from 23 to 6, all relate to the C2 actions on EICRs carried out in domestic dwellings. All properties with a C2 have a future appointment booked. The service is on track to have these completed by July 2024.

- 3.29 The service has recently started using The Compliance Workbook to analyse electrical certificates. The number of advisory C3s has reduced from 6970 to 6850. Advisory C3's include retrospectively applied rules to existing certification information following on from updates to the electrical regulations. Our intention is to review and address the retrospective application of improvements recommended when the properties in question are due a test on the electrical testing programme.

Communal Electrical testing

- 3.30 As of January 2024, there are 794 identified communal areas with electrical supplies, of which the service holds satisfactory certification on 220 (28%) buildings issued within 5 years and 526 (66%) buildings issued within 10 years. In order to establish and ensure full compliance, the Electrical Testing & Compliance Team will retest all communal areas within the next 3 years, by December 2026. This re-testing programme is underway. We have reported to the Regulator that we are 14%, 108 out of 777 assets, through this programme of retesting.

- 3.31 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 Executive review.

- 3.32 The retesting of the communal areas is prioritised as follows:

Priority 1 - Communal supplies in high rise blocks. The target date for completion -December 2024.

Priority 2 – Communal supplies in blocks that are conversions for residential use. Target date for completion- December 2024.

Priority 3 - Communal supplies in seniors housing schemes. The service aims for this priority to be completed by August 2025.

Priority 4 - Communal supplies in larger lower rise blocks. Target date for completion June 2026.

Priority 5 - All other communal supplies. Target date for completion December 2026.

Fire Safety

- 3.33 The return sent to the RSH on 1 May 2024, reported the following compliance: Fire Risk Assessments in high risk buildings, 100% compliance across 68 assets; Fire Risk Assessments in non-high risk buildings, 100% compliance across 569 assets.

- 3.34 The Council carry out Type 1 Fire Risk Assessments (FRA) on a yearly basis on our high-rise properties and our Seniors Housing properties, this

consists of 68 properties, all others are carried out every 3 years. All FRAs are amended if there any significant changes to the property or are reviewed after a serious incident.

- 3.35 In line with the Council's obligations under the Building Safety Act and Fire Safety (England) Regulations the following compliance and assurance work has been completed by the Council for all our 45 high rise residential blocks.
- 3.36 The Council have undertaken and kept under review analysis of all 45 high rise council blocks utilising the Fire Safety Prioritisation Tool; Block by block action plans for each council high rise residential building have been prepared.
- 3.37 East Sussex Fire & Rescue Service (ESFRS) have been supplied with electronic floor plans and building plans via the online portal and information on design and materials in external walls in the form requested. Wayfinding signage has been installed which is visible in low light or smoky conditions. Relevant fire safety instructions have been provided to high rise residents, including instructions on how to report a fire and any other instruction which sets out what a resident must do once a fire has occurred, based on the evacuation strategy for the building.
- 3.38 A secure information box is in place at each block. These contain the documents and information ESFRS may need. Our mobilisation of contractors to undertake more intrusive Type 4 FRAs and to ensure a programme of works is in place to carry our annual checks of flat entrance doors and quarterly checks of all fire doors in common areas is completed.
- 3.39 The council's programme of flat entrance door upgrades to FD30 (Manse Masterdor replacement) continues to progress and is on track to be completed by the end of July 2024. This programme was expected to be completed by March 2024, it was delayed is due to additional works necessary. Monthly checks on essential fire-fighting equipment and taking necessary steps to remedy any issues are underway, with faults to be reported to East Sussex Fire & Rescue Service. Procurement & mobilisation of a contractor to enable the Council to ensure an appropriate record is prepared of the design of the external walls of the building, including details of the materials from which the external walls are constructed, is complete and the programme of works is underway to complete September 2024.
- 3.40 All 45 high rise residential council blocks have been registered with the Building Safety Regulator in compliance with the Building Safety Act 2022. Our Large Panel System (LPS) structural investigation survey of 8 HRA blocks are underway to ensure that we have the structural information required for these blocks by the Building Safety Regulator.
- 3.41 Of the 171 fire detection alarm systems we have on our asset list, 91.14% have a fully operational fire detection system installed, the 10 remaining properties (5.85%) have temporary detection fitted while we review a permanent solution for these homes. Testing of communal fire detection

alarm systems is conducted quarterly with every detector tested within each 12-month period.

- 3.42 All of our Seniors Housing residents have Individual Safety Plans. Residents living in our general needs blocks have been sent correspondence and we are proactively calling vulnerable residents in our high-rise blocks requesting they inform us of any health conditions that mean they may require assistance to evacuate, residents are also asked when contacting us if they may require assistance. This information can be supplied to ESFRS on request.
- 3.43 To ensure ongoing fire safety compliance, we have commissioned a contractor to undertake a full new set of Type 1 FRA's on our 65 high risk buildings to provide a new set of up-to-date risk assessments for these properties and remediation actions. This is being followed by a second phase of new FRAs to be undertaken by the contractor on our remaining low risk buildings to ensure that we have a new set of fire risk assessment records and remediation actions for all our properties.
- 3.44 We reported to the Regulator in May 2024 that the Council is in receipt of 78 new FRAs from our contractor, this included FRAs on our 65 high risk residential buildings. The second phase of new FRAs has now commenced on our remaining low risk buildings. This programme started April 2024 and will be complete by October 2024. Any new remediation actions arising from these new FRAs will be undertaken and managed within the prescribed timelines.

Overdue Fire Risk Assessment remedial actions

- 3.45 In line with our Housing, Health & Safety Compliance Review & Action Plan and creation of the Council's dedicated Housing Management Service a Building Compliance & Services Team within the Housing Investment & Asset Management Service has been established. This includes the creation of a Fire Safety Manager post, later enhanced by a Fire Safety Surveyor post.
- 3.46 The actions highlighted are from previous fire risk assessments and actions noted at fire service inspections and have been risk assessed accordingly, we are actively working on these actions to bring them to order as expediently and quickly as possible. We have appointed and mobilised contractors who are now fully engaged on addressing the actions raised, prioritising outstanding remedial actions arising in high-risk buildings.
- 3.47 Prioritisation is based on the risk assessment prioritisation tool and reviewed and raised by the Fire Safety Manager who analyses and re-rates the risk accordingly. We anticipate completion of current outstanding remediation actions by December 2024, albeit some structural remediation with planning and resident consultation requirements may take longer.

- 3.48 Our risk prioritisation is as follows:

High risk = Intolerable & remedial works to be carried out within 24 hours.

Medium risk = Moderate/ substantial & remedial works to be carried out within 30 to 90 days.

Low risk = Insignificant/ tolerable / ongoing & remedial works to be carried out within 180 to 365 days.

- 3.49 If an insignificant, tolerable, moderate, or substantial deficiency is identified it will be managed through a programme of works, provided it is within the expected time scales. If an intolerable deficiency is identified it is raised as an urgent 24-hour repair through our in-house repairs and maintenance service. We have a programme in place and have additional contractors engaged to manage all existing and future remediation actions. The fire risk remedial actions is a live document which is tracked and reviewed monthly with completed works removed.
- 3.50 Given that a review of remediation actions arising from the new 2024 FRAs is underway and will supersede the previously reported actions, no update on fire safety remedial actions is included in this report. We propose to update the Regulator by the end of June 2024 with further information. once we have completed our review and reconciliation of the of the new FRA remediation information.

Smoke and Carbon Monoxide Alarms / Detection

3. 51 Following our Housing, Health & Safety Review, installation of hard-wired smoke detection and carbon monoxide detection in accordance with the requirements of Smoke and Carbon Monoxide Regulations will be taken forward by the Electrical Testing & Compliance Team. The aim is to take this forward within the same 3-year timescale as the electrical testing programme, by December 2026.

Carbon Monoxide (CO) Alarms/ Detectors

- 3.52 Notwithstanding the programme to install hard wired smoke and carbon monoxide detection, our Heating & Hot Water Contractor is also continuing to install battery powered CO detection in order that we reach compliance as soon as possible. We have reported 98% compliance, 9,906 out of 10,076 assets, to the Regulator in our latest return in May 2024.

Smoke Alarms/Detectors

- 3.53 In our latest regulatory return we have reported that the number of properties with known smoke detection is 77%, 9,343 of 12,138 assets, as of 30 April 2024.
- 3.54 In addition to our planned programme to install hard wired smoke detection we have commenced a proactive initiative to install smoke detectors in our homes where not already provided. By 29th March 2024, we had written to all tenants living in properties, that according to our records, did not have hard wired smoke detection, requesting them to contact us to arrange an appointment to install detection.
- 3.55 Notwithstanding the programme to install hard wired smoke detection, all operatives within the Housing Repairs & Maintenance team are issued with

battery powered self-adhesive smoke detectors, which they will install where needed.

Water Safety

- 3.56 Water risk assessments and remedial actions for council housing stock are undertaken by our water safety contractor. This includes properties with water tanks and all Seniors Housing schemes.
- 3.57 Our Health & Safety Review Action Plan, Key Priority Actions 2023/24 reported to Housing & New Homes Committee on 20th 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.
- 3.58 We continue to progress this action with our contractor, including provision of an agreed form of monthly reporting of compliance figures, and information on outstanding remedial actions.
- 3.59 We are reviewing and validating figures around Legionella risk assessments and water safety remedial actions. The review of the figures has arisen from a review of the approved code of practice and re-classification of flats within blocks that have a water risk assessment as compliant as a minimum 10% of the properties are checked as part of the block's Water Risk Assessment. Recognising this as a priority the Council has also engaged consultants Ridge to review and validate figures to assure of their accuracy in meeting regulatory requirements and to develop a Strategic Management Plan for water safety. The Improvement Action Plan will form part of the Management plan/strategy to prioritise and address specific identified issues.
- 3.60 Verified figures indicate that for all Priority Corrective Action Form (PCAF) actions within one-month, remedial tasks are complete. We are building a priority list for Water Risk Assessments for individual properties that have been identified in a desk top study as having a stored water system.
- 3.61 We have also implemented a plan of action to raise water safety compliance levels across our entire estate.

Asbestos Safety

- 3.62 The figure for asbestos re-inspections reported to the Regulator in May 2024 was 98.9% compliant, 537 compliant assets from an asset total of 543. We have appointed an Asbestos Manager, they started with the Council in March 2024. A first draft of an Asbestos Management Plan is being undertaken and a continuing review into systems currently in place.
- 3.63 The Asbestos reinspection programme is currently on track to be completed by June 2024.

Lift Safety

- 3.64 Our compliance update to the Regulator reports 100% compliance on Passenger lifts (LOLER) servicing for 121 assets and 100% compliance on Domestic lift and stair lift servicing for 192 assets.

Damp & Mould

- 3.65 The damp and mould figures provided to the Regulator on 1 May 2024, reported 950 damp and mould cases. A comprehensive update on the Council's response to Damp and Condensation has previously been provided to Housing & New Homes Committee.
- 3.66 We triage reports of damp and condensation based on scale, age, health, and vulnerability of the household. Reports identified as urgent will be offered an initial inspection within 24hrs.
- 3.67 We have proactively communicated with residents to encourage reporting. We raise around new 82 jobs each month. The deployment of a dedicated Damp and Mould team is enabling us to keep pace with new reports and enabled us to maintain an equilibrium throughout the winter.
- 3.68 The seasonality of damp and mould issues with lower temperatures and poor weather dictates that the majority of this work is reported and undertaken during the winter months. To support this team and extend the scope of our works we have appointed specialist contractors. The one-year priority jobs relate to more significant works such as cavity wall insulation.
- 3.69 Open damp and Mould cases broken down by category:

Priority	1Yr+	6mth - 1Yr	3- 6mth	0- 3mth
1 Year	6	5	27	222
28 Day	14	78	203	395

Stock Condition – Meeting the Decent Homes Standard.

- 3.70 Our update to the Regulator reports 97.2% compliance with the Decent Homes Standard.
- 3.71 In anticipation of emerging regulatory guidance, the Council established two surveying posts in October 2023 to support a proactive programme rolling stock condition surveys.
- 3.72 Delivery of planned works for all areas is ongoing following some initial delays in establishing contracts following the end of the Mears Partnering Contract and the pandemic, five-year programmes are now in place, additional contractor resource has been appointed to deliver this. The five-year programmes include:
- Kitchen and Bathroom Replacement / Upgrade
 - Window replacements
 - Roof replacement

- Door replacement (dwellings)
 - External Repairs and Redecorations
 - Common area Redecorations.
- 3.73 The last major 'one-off' stock survey was in late 2019 and was carried out by an independent surveying specialist company. This included surveys of all our blocks and 20% of homes. The results were cloned against archetype and area to be statistically accurate before being added into our asset management database.

Investigations & Enforcement Action

- 3.74 In response to a request to provide information on current investigations and enforcement actions being undertaken by third parties into health and safety, we advised the Regulator of the Fire Service Enforcement Notices previously reported to Housing & New Homes Committee, served upon the Council in relation to: Saxonbury; Nettleton Court; Clarendon House; Somerset Point; Hereford Court. This information was included in information shared with the Regulator.
- 3.75 East Sussex Fire & Rescue Service (ESFRS) are a key stakeholder and regulator, and we work closely with them on all fire safety compliance in our buildings. In common with their approach to various 'Responsible Persons' for all high-rise residential blocks in their area and in order to discharge their regulatory duties, following recent inspections of 5 council high rise blocks, in September 2023 ESFRS served the Council with 5 Enforcement Notices specifying the dates for completion of some aspects of fire safety work, ranging from the end of October 2023 to September 2024. 534 residents were affected by the Enforcement Notices. The Notice at Somerset Point has been withdrawn, this brings the number of residents affected by these down to 451.
- 3.76 Enforcement Notice actions have been progressed. There were 33 actions across all five blocks of those 26 have been completed. All outstanding actions relate to planned works and are being progressed within the required ESFRS timescales. East Sussex Fire & Rescue Service agreed extension of the Enforcement Notices whilst these planned works are undertaken. Progress is being monitored against a fire safety action plan and overseen by the Housing, Health & Safety Compliance Board. Weekly meetings are held with between the Council and East Sussex Fire & Rescue with progress and escalation discussed and actioned. Outstanding actions are on timescales in compliance with the Notices.
- 3.77 We have completed a number of the actions specified in the Notices and are continuing to work closely with ESFRS to ensure full assurance and compliance with their requirements. Since receiving the Notices, we have been through our planned fire safety work on our 45 high-rise blocks and reprioritised the actions needed. This includes bringing forward some of the work that we have previously planned that requires specialist contractors in order that we can address all outstanding issues on the fastest timescales possible.

- 3.78 The Council has subsequently awarded a number of surveying contracts to address the initial requirements of these notices alongside provision to undertake the required surveys. Given the Enforcement Notices and other legal requirements, the remedial works and / or more extensive surveys that will arise as initial surveys are completed will urgently require the Council to complete works. The current volatility of the construction market alongside high demand for specialist fire safety remedials means that the more flexibility the Council has to award contracts, will improve how quickly remedial works will be completed.
- 3.79 In light of this, our Housing & New Homes Committee (15th November 2023) delegated authority to the Executive Director to of Housing, Neighbourhoods & Communities to procure and award contracts for works and services related to Building Safety Act and relevant fire safety regulations, including Fire Safety (England) Regulations 2022.
- 3.80 The Council wrote to all residents in the 5 blocks that were subject to enforcement notices to share the detail of the fire safety work we will be carrying out. We also held drop-in sessions for residents and let them know how to follow up with any questions.

Council housing repairs & maintenance

- 3.81 During Quarter 4 2023/24 the service completed 8,593 repairs, this was against an average of 7,538 repairs completed per quarter for 2022/23.
- 3.82 Over this period the Council's Housing Repairs & Maintenance service completed 95.27% (3,159 of 3,316) of emergency repairs within 24 hours. Our target is 99%. We continue to work toward this target. The 2023/24 result for the proportion of emergency council housing repairs completed within 24 hours is 95.36%.
- 3.83 Our customer satisfaction remains high against all measures. For Quarter 4 2023/24 tenant satisfaction with the standard of repair work was 98% (778 of 793 telephone surveys for completed emergency and routine repairs). This was against a target of 96%. Our Repairs Helpdesk answered 91% of calls in Quarter 4 2023/24 (17,991 of 19,681) against a target of 85%.
- 3.84 The 2023/24 result for the proportion of routine council housing repairs completed within 28 calendar days is 46.38% (10,048 of 21,664). This is impacted by the number of very old non-urgent jobs (4,700 were originally issued before 1st April 2023). Of the 16,964 newer jobs issued on or after 1st April 2023, 58.07% (9,851 of 16,964) were completed within 28 days, which is closer to the 70% target.

Routine repairs backlog.

- 3.85 All tasks are triaged on receipt. Any task that represents a risk to the tenant will be responded to as an emergency which has a target response time of 24hrs. Any task not considered to be an emergency will then be reviewed alongside the other tasks. Teams will regularly review the outstanding tasks in their work streams to ensure that tasks with a health & safety impact are

responded to in the appropriate time scale. Any repair that develops into a more significant task would be prioritised based on risk. By managing the backlog in this way tasks in the backlog will be low risk works.

- 3.86 Progress is reported and monitored via our Housing Health & Safety Compliance Governance Board.
- 3.87 As part of our Service Recovery Plan to reduce the current routine repair backlog, we have now completed engagement of two contractors to reduce the number of outstanding low risk routine repairs. These contractors have now been transferred c 6000 jobs to undertake. We expect them to be mobilised by June 2024. The works being undertaken by contractors have been reviewed prior to being transferred. Tasks that have been identified as having a higher risk profile have been retained for action by the Council.

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.

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 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.

6. Financial implications

- 6.1 The 2024/25 HRA budget includes a revenue budget of £2.689m and capital budget of £14.714m specifically relating to the Health & Safety works. Costs associated with the health & safety works outlined in the main report are expected to be met from within this budget provision with any variations reported as part of the councils TBM process.
- 6.2 On 20th September 2023 approval was given to procure an additional specialist contractor resource to support the work related to the repairs backlog. The estimated cost of this work was £1.6m, this is to be funded through the use of the earmarked reserve balance of £0.940m, with the

additional funding for this work will be met from the capitalisation of allowable works costs and utilising in year underspends where possible.

- 6.3 Should recommendation two of the report be approved it would result in a more structured approach to the works required. To fund the three strands of work there is an annual revenue and capital budget of £4.7m and £2.3m respectively included within the approved 2024/25 HRA budgets.
- 6.4 These are recurring budgets totalling £7m and are included within the HRA's medium term financial strategy presented and approved by Full council in February 2024.
- 6.5 Future budget reports will continue to include these costs which will be approved on an annual basis, officers will closely monitor the costs associated with the works and report any variances via the councils TBM process.

Name of finance officer consulted: Craig Garoghan Date consulted: 14/06/2024

7. Legal implications

- 7.1 While this report recognises progress in improving the condition of the council's housing stock, it is clear that there are still problems which bring with them the risk of enforcement action from regulators, such as RSH and East Sussex Fire and Rescue Service. In addition, tenants and leaseholders may have claims for damages. Legal Services are already dealing with a number of disrepair claims. According to the council's constitution, expenditure exceeding £1,000,000 requires Cabinet approval, so it is appropriate for Cabinet to receive this report.

Name of lawyer consulted: Liz Woodley Date consulted 31/05/24

8. Equalities implications

- 8.1 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.
- 8.2 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.

9. Sustainability implications

- 9.1 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.
- 9.2 The installation of cavity wall insulation as part of the Damp, Condensation and Cavity Wall Insulation procurement will directly improve the energy efficiency of homes, reducing energy bills and carbon emissions as part of net zero ambitions.

10. Health and Wellbeing Implications:

- 10.1 This report is concerned with improving and maintaining homes. This has direct impact on the health and wellbeing of residents.

Other Implications

11. Procurement implications

- 11.1 The three proposed works areas are all over the regulatory threshold for works contracts (£5.3M) and are therefore subject to the Public Contract regulations 2015 / Procurement Act 2023.
- 11.2 **Repairs and Maintenance (General Building)**- Up to £11M will be delivered through a competitive flexible tender process to appoint up to 10-15 contractors to a general building framework.
- 11.3 **Damp, Condensation and Cavity Wall Insulation** – Up to £9M will be delivered through a restricted tender process to appoint up to 8 contractors to a framework of 4 lots; Lot 1; surveys (Up to 4 contractors), Lot 2; General Damp and Condensation works (Up to 4 contractors), Lot 3; Specialist Damp and Condensation works (Up to 4 contractors) and cavity Wall insulation specialists (Up to 2 contractors).
- 11.4 **Empty Homes Work** – Up to £15M will be delivered through a mixture of a further award to our incumbent empty homes contractors via a compliant framework and a competitive flexible tender process to appoint up to 5 further contractors.
- 11.5 **Social Value** – Each of the contracts will include when tendered a minimum 10% of the quality evaluation given to Social Value. The newly developed Social Value toolkit will be used to ensure that clear commitments and monitoring arrangements are considered as part of the tender evaluation. The successful contractors will be required to report on their commitments as key performance indicators throughout the life of their contracts. The contractors will be required to commit to a minimum of 1 full apprenticeship scheme per £1M of committed contract value.

12. Conclusion

- 12.1 Cabinet members are asked to note the Housing Health & Safety update and current engagement with the Regulator of Social Housing
- 12.2 This review into our approach to Housing health & safety compliance and assurance in council homes was undertaken in response to the new legislative and regulatory framework for social housing arising from the Social Housing (Regulation) Act which became law in April 2024.
- 12.3 Delegating authority to the Acting Corporate Director Housing, Care & Wellbeing (Housing Lead) to commence with this procurement. will enable the service to continue to provide a responsive repairs service.

