

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Monday 18 October 2021

Notice of Meeting

Dear Member

Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance

The **Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance** will meet in a **Virtual Meeting - online** at **2.00 pm** on **Tuesday 26 October 2021**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance members are:-

Member

Councillor Susan Lee-Richards

Councillor Amanda Pinnock

Councillor Elizabeth Smaje

Councillor Anthony Smith

Kevin McAllister (Co-optee)

Linda Summers (Co-optee)

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Panel

To receive any apologies for absence.

2: Minutes of the Previous Meeting

1 - 4

To approve the minutes of the meeting of the Panel held on 21st September 2021.

3: Interests

Councillors will be asked to advise if there are any items on the Agenda in which they have a disclosable pecuniary interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Panel will receive any petitions and hear any deputations from members of the public.

A deputation is where up to five people can attend the meeting and make a presentation on a particular issue of concern, relevant to that body's terms of reference. In accordance with Council Procedure Rule 10 (2) members of the public should provide at least 24 hours' notice of presenting a deputation.

A member of the public can also hand in a petition at the meeting subject to the petition relating to something on which the body has powers and responsibilities.

6: Public Question Time

The Panel will hear any questions from the general public in accordance with Council Procedure Rule 11.

Questions should be emailed to:
executive.governance@kirklees.gov.uk no later than 10.00 am on
25th October 2021.

7: Terms of Reference

5 - 6

The Panel's Terms of Reference are attached for information.

8: Role of the Social Housing Regulator

7 - 14

The Panel will receive a report on the role of the Regulator for Social Housing in respect of ensuring that registered providers are meeting their statutory obligations as set out under the regulatory framework.

Contact: Asad Bhatti - Head of Building Safety, Homes and Neighbourhoods

9: Fire Safety Champions - Update

A verbal progress report will be given in respect of the recruitment of the Fire Safety Champions.

Contact:
Michelle Anderson-Dore – Head of Partnerships, Homes and Neighbourhoods

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

AD HOC SCRUTINY PANEL – RESIDENTIAL HOUSING STOCK, HEALTH AND SAFETY COMPLIANCE

Tuesday 21st September 2021

Present:

Councillor Susan Lee-Richards
Councillor Amanda Pinnock
Councillor Elizabeth Smaje
Councillor Harpreet Uppal
Linda Summers (Co-optee)

In attendance: Kevin McAllister, Independent Advisor

Observer: Councillor Harpreet Uppal

Apologies: Councillor Anthony Smith

1 Election of Chair

That Councillor E Smaje be appointed Chair of the Panel.

2 Interests

No interests were declared.

3 Admission of the Public

All items were considered in public session.

4 Deputations/Petitions

No deputations or petitions were received.

5 Public Question Time

No public questions were received.

6 Terms of Reference

The Panel's Terms of Reference were noted.

7 Regulatory Background

Asad Bhatti, Head of Building Safety (Homes and Neighbourhoods) presented a report which set out the regulatory framework in respect of building safety and compliance, clarified what was required of the Council in each case, and detailed the work being undertaken to fulfil those requirements.

Naz Parkar, Service Director for Homes and Neighbourhoods and Eric Hughes, Head of Business Assurance and Transformation were also in attendance to respond to Panel members' questions.

Asad explained that the regulatory framework placed a duty on building owners to effectively manage all risks across all multiple occupancy buildings and, in doing so, to listen to and act on the issues and concerns raised by residents. He highlighted the Council's current position in respect of the following key regulatory areas:

- The Charter for Social Housing Residents (White Paper 2021)
- The Building Safety Bill 2020
- The Fire Safety Act (2021)
- Ministry of Housing, Communities and Local Government Consolidated Guidance Note (January 2020)

Questions and comments were invited from Panel members, with the following issues being covered:

- The Council had a number of three and four storey blocks but there were no five storey blocks in Kirklees.
- The assessment of the six storey blocks had been completed and assessment of the retirement living scheme accommodation was ongoing; it was noted that all these properties already had fire suppression. Following this, the focus would move to completion of the assessment of the 774 blocks with a communal access/egress.
- In response to a question about the recommendations of the White Paper in respect of the provision of smoke detection/carbon monoxide detectors and electrical testing, it was explained that detectors were already in place in buildings where there was a solid fuel appliance and consideration was being given to the introduction of detectors to all Council owned domestic properties. Electrical testing was already in place via a five-yearly testing regime. Efforts were being made to address the issue of properties where there were problems with achieving access.
- The Housing Quality Network (who had undertaken the complaints review) was a well-respected independent consultancy and it was considered that it had provided an objective view of the handling of complaints to assist in bringing about improvement.
- In respect of vacancies and staff turnover in the high-rise blocks, the vacancy management rate was running at the usual level. It was acknowledged that there were a number of new housing officers, but this had occurred over a period of time. The pandemic had caused some issues in terms of these officers being able to fully introduce themselves to tenants, but this was in process and the aim was to strengthen the connection with residents. In addition, a multi-disciplinary high rise engagement team had been appointed to respond to queries from residents and recruitment of fire safety champions for all blocks was underway.
- The feedback in respect of interest in the fire safety champion role had been positive and a further report could be provided to the Panel.
- Considerable work was in progress in relation to both digital and on-site communications and understanding the best ways to convey information. This included the development of animations to explain what we do and why. It was recognised that the success of programme relied on working with residents and achieving the necessary access to undertake inspections and remediation checks, and to carry out repairs. A dedicated Building Safety webpage was in

development and noticeboards and notices were to be revamped, alongside the update of the branding.

- In respect of the dedicated Building Safety function; a Head of Building Safety role had been established, a temporary fire safety lead had been appointed and recruitment was underway for a project officer in respect of asbestos, water and fire. The recruitment to the building safety manager roles had begun, with two posts being advertised initially. It was noted that there was a lot of competition for people with the relevant technical skills but it was anticipated that the team would be fully staffed by March 2022. The existing compliance team would also transfer to the Council.
- The use of the 'dynamic' risk assessment model meant that they would be left open to review, to allow them to be updated and evolve as necessary if there was a change in circumstances.
- In relation to assurance and tracking of both the statutory and compliance review actions, it was explained that this report provided the current status in response to the regulatory requirements. In addition, the Council had commissioned its own Compliance Review which had considered operational improvements and governance, in addition to the regulatory requirements, and this was dealt with in the next report on the agenda; it was acknowledged that some cross-over of the actions. The Improvement Plan picked up all the statutory requirements, but it was suggested that further work could be undertaken to align the actions and provide the Panel with an overview so that the actions could be tracked in one place.
- The £21 million set aside for remediation included everything in scope at this time including the Retirement Living Schemes and the low-rise blocks.

8 Compliance Review and Improvement Plan

The Panel received a report in respect of the Compliance Review and Improvement Plan.

Questions and comments were invited from Panel members, with the following issues being covered:

- The dashboard was clear and helpful but did not include the relative priority of actions and it was questioned how the Panel could assess progress in that respect. It was explained that actions had been prioritised by due to start date. A lot of the actions had been high priority, so the programme had been managed to ensure the highest risks were dealt with first whilst commencing other streams of work in parallel. The dashboard aimed to provide assurance that the actions were being addressed and completed. A further breakdown could be provided.
- In terms of the third line of defence associated with the Compliance Review (establishing independent and objective assurance), internal auditors or other sources from outside the service would be used to validate the completion of actions. Each recommendation was tracked and formally signed off by the consultant and presented to the sponsor for approval, prior to being recorded as complete.
- The first, second and third lines of defence had been identified within the Quality Assurance framework. It was confirmed that responsible operational line managers had been briefed. In respect of policy and process, officers were working on this, including alignment with Council policies, and an update would be provided to the Panel in due course.

- A review of the Council's Housing Strategy document was substantially complete.
- In terms of the key issue of the tenants' voice; significant engagement had taken place over the preceding twelve months both at all-tenant level and specifically for residents of the high-rise blocks. Five, high-calibre tenant members were part of the Housing Advisory Board and discussions had taken place with them in respect of particular areas of interest. Engagement was also undertaken via communications and the provision of information on the progress being made on remediation works at specific blocks. No significant areas of concern had been identified through the communications channels from other tenants. As progress was made in the programmes of inspection, and understanding any issues that needed to be addressed, information would be communicated once a full and accurate explanation could be provided.

9 Meetings Schedule

The schedule of meetings was noted, as set out below:

Tuesday 26th October 2021

Wednesday 10th November 2021

Wednesday 22nd December 2021

Ad Hoc Scrutiny Panel in respect of Residential Property - Health and Safety Compliance

Proposed Terms of Reference:

The Ad Hoc Scrutiny Panel will consider the Council's policies, procedures and arrangements for managing the health and safety of its tenants and its residential property portfolio, with a particular focus on high rise and multiple occupancy blocks.

The Panel will give consideration to:

- How the health and safety regime adopted by the Authority supports compliance with regulatory standards and puts appropriate risk mitigation strategies in place to ensure the health and safety of tenants.
- The six compliance areas: Fire; Gas; Electrical; Asbestos; Legionella; and LOLER (lifts) and the steps being taken to keep tenants safe.
- The impacts of the Social Housing White Paper, Draft Building Safety Bill and Fire Safety Bill 2019-21 for tenants.
- Progress in relation to the Ad Hoc Scrutiny Panel in respect of the Future Arrangements for the Council's Residential Housing Stock's recommendation that an Assurance Board be established focussing on housing compliance.
- Feedback from the Regulator and how that is being progressed.
- Governance and ensuring that a sustainable and adaptable system is in place to ensure that safety is embedded for the future.
- Engagement with, and provision of information for, tenants on health, safety and compliance issues.

Following consideration of all the evidence presented, the Ad Hoc Panel will produce a findings report, including recommendations, which will be considered by the Overview and Scrutiny Management Committee prior to submission to Cabinet.

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Name of meeting: Ad Hoc Scrutiny (Council Housing Health and Safety Compliance)

Date: 26th October 2021

Title of report: The role of the Regulator of Social Housing

Purpose of report:

The following report updates Ad Hoc Scrutiny (Council Housing Health and Safety Compliance) on the role of the Social Housing Regulator in respect to ensuring registered providers are meeting their statutory obligations set out under the Regulatory framework, it outlines the Regulators Role, Framework, Standards and the approach to Intervention and Enforcement

Recommendations for Ad-Hoc Scrutiny:

- a) Consider the contents of the report and provide feedback on the current arrangements

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Naz Parkar, Service Director Homes and Neighbourhoods
Cabinet member portfolio	Cllr Cathy Scott

Electoral wards affected: ALL

Ward councillors consulted: No

Public:

Has GDPR been considered? Yes

1. Summary

1.0.1 The Grenfell Tragedy has resulted in major regulatory reform and sweeping changes such as an extension of the combustible materials ban, mandatory sprinkler requirements in lower rise buildings and building safety regulator with powers to enact harsher penalties for breaches and malpractice.

1.0.2 The Regulator for Social Housing (RSH) plays a major role in ensuring providers are meeting their statutory obligations as set out in the Regulatory framework, we fully expect the RSH and the recently announced Building Safety Regulator (BSR) to establish a concordat, sighting each other on concerns where there may be multiple failures requiring further investigation against other standards or statutory requirement.

1.0.3 In February 2021 Kirklees Council wrote the Regulator to notify of the discovery of flammable insulation in the external wall insulation of 3 high rise blocks and outline our proposals to rectify the issues through a programme of major improvements and the completion of Fire Risk Assessment (FRA) repairs while maintaining interim measures to ensure the ongoing safety of residents in each block

1.0.4 We have since maintained regular dialogue formally and verbally to update the Regulator on the progress of the various fire safety work programmes, notify of delays and provide assurance on maintained interim measures

2. Information required to take a decision

2.1 The Regulator`s Role

2.1.1 The objectives of the Regulator of Social Housing are set out in the Housing and Regeneration Act 2008. In summary;

- Protect social housing assets and support the provision of social housing that is well-managed and of appropriate quality
- Ensure providers are financially viable and properly governed
- Maintain confidence of lenders to invest into the sector
- Encourage and support supply of social housing
- Ensure tenants are protected and have opportunities to be involved in the Management of their housing
- To ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection
- To encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated
- Ensure value for money in service delivery

2.2 The Regulatory Framework

2.2.1 Economic Standards:

- The Governance and Financial Viability Standard

- The Value for Money Standard
- The Rent Standard (this is the only one of the Economic Standards that the RSH applies to Local Authority Providers)

The Regulator has issued 2 codes of practice; Governance and Value for Money

2.2.2 Consumer Standards:

- The Tenant Involvement and Empowerment Standard
- The Home Standard
- The Tenancy Standard
- The Neighbourhood and Community Standard

The role of the Regulator in this case is reactive in response to referrals or other information received, it will intervene where a failure to meet the standard has caused or could cause serious detriment to tenants

2.2.3 In assessing compliance with the above standards the RSH uses the Decent Homes Standard (**DHS**) as part of its assessment of the suitability of the accommodation being provided. In Kirklees we are at 100 % compliance with the current standard. As part of the post White Paper review of compliance the RSH has consulted on revising the DHS, along with updating its Economic and Consumer standards. This review is ongoing, and we do not expect any firm proposals arising from it until later in 2022. No announcements have been made however we are anticipating a revision to the Home Standard with a shift from component replacement to a focus on tackling fuel poverty, disrepair and achieving the highest possible health and hygiene standards in line with the Housing Health and Safety Rating System (HHSRS) in all cases.

Some changes may require primary legislation to enact. However as soon as proposals are made by the regulator, we will conduct a gap analysis between the old and new standards. This will inform our service planning, reinvestment and neighbourhood service delivery to ensure compliance with the revised standards.

Post Grenfell the Tenant Involvement and Empowerment standard has taken on an enhanced significance. In response we have designed the tenant voice into our new governance arrangements with half of the Housing Advisory Board membership and all of the Tenants Advisory and Grants Panel being tenants or leaseholders. In addition, we have consulted with tenants on our Service Excellence initiative, conducted a complaints handling review and developed a customer focused improvement plan in response to our Survey of tenants and Resident (STAR) results, to ensure that tenants are at the centre of all we do.

2.3 The Approach to Regulation

2.3.1 Co-Regulation

The co-regulatory approach relies upon a Registered Providers Board (in our case the ultimate responsibility rests with the Cabinet) to deliver the regulatory

standards or explain any areas of noncompliance. Co-regulation also requires providers to support tenants in the shaping and scrutinising of service delivery and in holding boards and councillors to account. There is particular emphasis on ensuring providers are meeting the Governance and Financial Viability Standard and will maintain regulatory judgements on poor performance and failures to meet each economic standard (only the rent standard is currently applicable to Local Authority Providers)

Following the return of KNH to the Authority in April 21 a new Governance framework has been established (see appendix 1). This framework established the Housing Advisory Board (HAB) that is Chaired by the Portfolio Holder for Housing and Democracy and has up to six tenant members, four co optees and the Strategic Director for Growth and Regeneration. This Board provides scrutiny and oversight of the Homes and Neighbourhoods operational performance and can advise Cabinet (as the RP Board) of any policy or other matter that would require their attention. HAB is ably supported by the Building Safety Assurance Board and the Tenants Advisory and Grants Panel. These bodies provide a triangulated assurance framework to ensure the health and safety, tenants engagement key performance and policy matters are well scrutinised and are fed into Cabinet decision making.

The Regulator adopts a risk-based approach and uses the sector risk profile to identify the key risks that the sector is exposed to and those providers at greatest risk of noncompliance or failure. The sector risk profile is updated and published annually (normally in October) to help providers assess and manage risk effectively.

2.4 Intervention and Enforcement

2.4.1 The Regulator expects providers to identify issues and to take effective action to resolve them. The Regulator further expects providers to maintain open and transparent engagement with them. Should circumstances arise that could potentially or actually result in the providers inability to meet any of the standards the Regulator expects providers to bring this to their attention at the earliest opportunity. Such circumstances arose for the Authority following intrusive fire safety investigation works at our high-rise properties. The Authority has self-referred to the regulator and has been in regular engagement since the beginning of the year.

The Authority has kept the Regulator fully informed about the situation within three, of our four, high rise properties and the mitigations that have already been put in place. In addition, we have shared our plans for remediation works with them and kept them fully informed of our progress. In our most recent communication, we have informed the regulator of some extensions of anticipate timescales for the completions of works that has been due to delays in appointing a suitable contractor.

To date the Regulator has been satisfied with the approach we have taken and has not taken any regulatory action. We will continue to cooperate fully with the Regulator until all of the remediation works to our high-rise blocks are brought to a satisfactory conclusion. Engagement with our tenants has been key

throughout this process firstly informing them of the mitigating actions we have put in place and then with further consultation on the works that are to be carried out.

In addition, we have shared our wider compliance reports and activities with the regulator to provide them with a complete understanding of our position in relation to the six key compliance areas. We are currently responding to the Regulator's request for additional detail in relation to this wider compliance programme.

Should the Regulator assess that there has been a breach of the standards they have a range of enforcement powers available to them. For a Local Authority these could range from (but not limited to) issuing an enforcement notice, undertake an extraordinary audit or deregistration. It is widely anticipated that post Grenfell the Regulator will gain enhanced regulatory powers (though this will require primary legislation) and that these powers will, in particular, have a greater recourse on Local Authority providers.

3.0 Implications for the Council

3.1 Working with People

We continue to engage with residents to keep them informed of changes in regulation and what this means for their home, we are investing heavily in dedicated resource to maintain strong lines of communication with all residents to keep them informed of ongoing programmes of inspection and remediation as we develop a building safety case for each high-risk block and maintain a golden thread of information across all areas of compliance

3.2 Working with Partners

We continue to develop an effective relationship with the Regulator ensuring we are transparent and proactive in sighting issues while provide requisite assurance. We maintain a multi-agency approach for the successful delivery of compliance programmes, relationships internally, and with external partners are key to success. The Council cannot deliver programmes on its own; partners play a vital part in shaping and delivering successful outcomes,

3.3 Place Based Working

Consultation plays a major part in our approach, we have carried out major consultation on proposals to undertake major improvements to high rise blocks and in each case adopted the Place Model to capture and shape our decisions, the same approach will be applied to all other blocks in the building safety and compliance programme

3.4 Climate Change and Air Quality

Remediation programmes and work activity conforms to the current environmental legislation and CDM 2015. Products and materials are procured using sustainable methods and procurement routes

3.5 Improving outcomes for children

The Council's approved housing strategy focusses on early intervention and prevention of homelessness thus leading to improved outcomes for all households who are at risk of, or experiencing, homelessness, including households with children, and young people. The compliance programme considers the Council's responsible approach for tackling the ongoing loss of Council housing through Right to Buy (RTB) and hence establish one for one replacement to meet increasing affordable housing demand.

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

Regulatory reform will require ongoing investment to maintain and increase our programme of inspection, this will invariably lead to capital investment required to remediate blocks to ensure they continue to meet the building standards set out in regulatory guidance

The current 30-year Housing Revenue Account (HRA) business plan makes a capital provision to invest in high rise blocks and therefore set aside £21m for remediation. As we continue to commission detailed investigations into the building fabric of all blocks we will develop capital programmes and therefore expect the capital requirement to increase, as we complete remediation programmes we will increase the inspection regime and therefore require further revenue funding to maintain programmes

The recent compliance review has resulted in the formation of a dedicated building safety function with additional resource, capacity and competency. The additional resource has been stress tested in the HRA business plan and is affordable, we are therefore in the process of recruitment

4. Next steps and timelines

Continue to deliver the ongoing Building Safety Programme ensuring there are no breaches in regulation while reporting progress against the various compliance and building safety programmes. Continue to maintain robust lines of communication with the Regulator and ensure co-regulation is effectively demonstrated

5. Officer recommendations and reasons

Consider the contents of the report and provide feedback on the current arrangements

6. Cabinet Portfolio Holders Recommendations

Keeping tenants safe is the Council's highest priority, we must ensure we meet the requirements of each regulation and demonstrate absolute compliance at all times. I fully support the approach to meeting our obligations detailed

against the regulations and ongoing, inspection, repair and improvement programmes.

7. Contact officer

Asad Bhatti: Head of Building Safety (Homes and Neighbourhoods)
Tel: 01484 221000 and ask for Asad Bhatti
Email: asad.bhatti@kirklees.gov.uk

8. Background Papers and History of Decisions

Not Applicable

9. Service Director responsible

Naz Parkar, Service Director Homes and Neighbourhoods

Housing Assurance

