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Tuesday 14 December 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 10.00 am on Wednesday 22 December 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.

**Julie Muscroft** 

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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 Elizabeth Smaje (Chair)
Councillor Susan Lee-Richards
Councillor Amanda Pinnock
Councillor Elizabeth Smaje
Councillor Anthony Smith
Councillor Harpreet Uppal
Linda Summers
Kevin McAllister (Co-Optee)

# Agenda Reports or Explanatory Notes Attached

1: Membership of the Panel

To receive any apologies for absence.

2: Minutes of Previous Meetings

To approve the minutes of the meetings of the Panel held on 26<sup>th</sup>
October 2021 and 10<sup>th</sup> November 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

### 4: Admission of the Public

an item, or any other interests.

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 and 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.

### 7: Fire Safety Resident Engagement Framework

A presentation will be given in respect of the Fire Safety Resident Engagement Framework.

Representatives of the Tenant Advisory & Grant Panel, the Housing Advisory Board, a High-Rise Tenants and Residents Association and a Fire Safety Champion have been invited to attend the meeting to speak with the Panel.

### 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 26th October 2021**

Present: Councillor Elizabeth Smaje (Chair)

Councillor Susan Lee-Richards Councillor Amanda Pinnock Councillor Anthony Smith

Linda Summers

### 10 Membership of the Panel

Apologies were received from Councillor Harpreet Uppal and Kevin McAllister.

### 11 Minutes of the Previous Meeting

The minutes of the meeting of the Panel held on 21<sup>st</sup> September 2021 were agreed as a correct record.

#### 12 Interests

No interests were declared.

#### 13 Admission of the Public

All items were considered in public session.

### 14 Deputations/Petitions

No deputations or petitions were received.

### 15 Public Question Time

No questions were received.

#### 16 Terms of Reference

The Panel's Terms of Reference were submitted, for information.

### 17 Fire Safety Champions - Update

Michelle Anderson-Dore, the Head of Partnerships - Homes and Neighbourhoods provided an update in respect of the recruitment of the Fire Safety Champions (FSC).

She explained; the objectives of the role, the aim to have one champion (a tenant or leaseholder) for each of the high-rise, six-storey blocks and the Retirement Living Schemes (RLS), and the results of the recruitment process to date.

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

- In response to a query about how the champions would engage with the other residents in their block and how the Council would support them in doing this; it was explained that the Fire Safety Engagement Team undertook patrols on a daily basis and were highly visible, the champions would also patrol the blocks accompanying the team and/or the housing officers so that they would become familiar to other residents. The role was suitable for people who liked to, and found it easy to, engage with others but was also prepared to provide challenge and question when necessary. It was stressed that this was an additional method of encouraging and reinforcing the key messages about fire safety, it was not a replacement for the formal process. In addition, the champions would be introduced in the relevant newsletter and the role promoted. They would be assisted to become familiar with other tenants and provided with continued ongoing support.
- The aim was to get one FSC per block but, if unable to recruit for any particular building, the Tenants and Residents Associations and 'Street Voices' could act as a back-up arrangement.
- The RLS all retained independent living officers and the FSCs would be expected to walk the same routes as these officers to become familiar and to help reinforce the messages around health and safety compliance. They would be on-site all the time and could therefore pick up concerns, such as if communications and messages were not clear, and relay them back.
- It was acknowledged that there were a lot of vulnerable people in the RLS and any support necessary to undertake the role of a FSC could be discussed with interested individuals. There was flexibility if someone felt unable to undertake all aspects of the role. In respect of the possibility of tension with peers, it was explained that the FSCs were not intended to enforce but to keep the Council updated if they noticed any issues; this was a voluntary role and first and foremost these individuals were residents.
- It was noted that tenants/leaseholders' views on the role could be ascertained at the December meeting when representatives were to be invited to attend. It was suggested that a Fire Safety Champion could also be invited to attend to speak about their experience of the role.

### 18 Role of the Social Housing Regulator

Naz Parkar and Eric Hughes presented a report on the role of the Regulator for Social Housing in respect of ensuring that Registered Providers were meeting their statutory obligations as set out under the regulatory framework. This included information in respect of the regulatory framework, the Regulatory Standards and the approach to intervention and enforcement.

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

- It was confirmed that there was a co-regulatory approach which placed responsibilities on the Registered Provider as well as the Regulator.
- There were currently two aspects of involvement with the Regulator; the highrise issues, where the Council had self-referred in February 2021; and the
  broader compliance review which had been shared in order to maintain the
  approach of openness and transparency. The Regulator was satisfied with the
  approach and that the Council was aware of the issues and that these were

being addressed. Dialogue would continue until the Regulator and the Council were satisfied that all programmes were being delivered at pace and in a timely manner.

- There had been extensions to timescales due to issues in appointing a suitable contractor for remediation works but this had now been resolved. Some of the high-rise work was to be done by the in-house teams and the pre-contract service agreements were being discussed with the contractor for the low-rise fire safety works. These works would commence between March and April 2022 and there was confidence that the new timetable could be delivered.
- Although the 'low-rise' buildings of six-storey and below were not currently in scope it was anticipated that they may become so in the future. The programme could be shared with the Panel when available.
- There were six tenant representatives on the Housing Advisory Board (HAB). The opportunity to undertake this role had been promoted through the regular newsletter and a text had been sent to all tenants when the recruitment went live. There had been an excellent response with more than fifty tenants making contact. From the applications made, a long-list of fifteen had been identified and six high-calibre candidates appointed. One of the six had since been unable to take up the place. It was considered that there was a reasonable mix of age, gender and ethnicity and that they would effectively hold the Council to account and have a positive influence on future decision-making. Induction and training had been provided and the Board had now met three times on a formal basis. Currently the meetings took place on a bi-monthly basis. A review would be undertaken after six months and feedback had already been received to suggest that meetings be focussed on single topics. In addition to the tenant representatives, the Board also included four independent co-optees chosen for their particular professional expertise and experience.
- The term of office would be two terms of three years but this would be managed to try and ensure that there was an overlap and not all tenant representatives reached the end of their term of office at the same time.
- The Board was undertaking 'deep-dives' into each of the four standards. There was also a need to identify key decisions and ensure the Board had sight of these and that there was pre-decision scrutiny including the tenants' voice; a process for this was to be established.
- In respect of the structure and the relationship between the different bodies it
  was explained that the Building Safety Advisory Board (BSAB) reported into the
  HAB but the communication between these bodies was two-way as appropriate.
  There was a link between the BSAB and the Corporate Safety Assurance Board
  and then to the Health and Safety Oversight Board onto Executive Team and
  into Cabinet.
- The HAB had worked with the Tenant Participation and Advisory Service (TPAS) to ensure transparency and good practice in the recruitment. The Tenant Advisory and Grants Panel (TAGP) also fed into HAB but also had a regular place on the BSAB agenda in case they wished to escalate any issues or concerns.
- In terms of other tenants raising concerns; for high-rise and six-storey tenants
  these could be fed in via the Fire Safety Engagement Team and there was a
  standing item on the agenda of TAGP which could then feed up to the BSAB.
  Tenants and Residents Associations (TRAs) could also feed into the TAGP.

- It was noted that the engagement strategy would be discussed at the meeting of the Panel in December; there was a wish to understand how the flow of information would be ensured and the role of the housing officer in this process.
- It was expected that, as a result of the review of the White Paper, the Decent Homes Standard would be revised and would include a focus on a significant number of health and safety issues such as damp and mould, excess heat or cold, physical environment and domestic hygiene. The Council had been working towards meeting these anticipated new requirements for some time. It was possible that additional resources may be required as a result, there were also resource requirements arising from the big six compliance issues, together with the low- carbon, green agenda. These would all be considered as part of the thirty-year Housing Revenue Account Business Plan.
- The current Decent Homes Standard was a basic standard. The Council had piloted an 'Enhanced Lettable Standard' targeted at the most vulnerable residents. The Council's Asset Management Strategy now included investment in cyclical and life cycle replacement. Work was also planned to address fuel poverty including investment in retro-fit to decarbonise the housing stock. The Council aspired to be an excellent social landlord.
- The enhanced lettable standard was welcomed and the damp workstream certainly needed to be addressed.
- In terms of cyclical maintenance of communal areas, it was recognised that this
  had suffered at the expense of the 'your home your place' approach but the
  Asset Management Strategy was being reviewed with a view to re-introducing
  cyclical maintenance programmes. This was an important issue to address as it
  had an impact on health and safety.
- In terms of environmental legislation and standards it could not be said that the stock conformed currently in terms of two-way ventilation, heating and cooling but investment was being made into retro-fitting. Recruitment was being undertaken for a Principal Designer to plan and design the Council's first Passivhaus scheme. The Authority was engaging with the Government in relation to the social housing de-carbonisation fund to facilitate moving retro-fit works from a pilot scheme to mainstream. As part of the remedial works to Buxton House the feasibility of switching the heating to ground source heating pumps would be explored.

The request for the programme for the low-rise works be shared with the Panel when available was noted.

Contact Officer: Sheila Dykes

#### **KIRKLEES COUNCIL**

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

### Wednesday 10th November 2021

Present:

Councillor Elizabeth Smaje Councillor Susan Lee-Richards Councillor Anthony Smith

Co-optees Kevin McAllister

**Linda Summers** 

In attendance: Councillor Cathy Scott, Portfolio Holder for Housing

and Democracy

### 19 Membership of the Panel

Apologies were received from Councillor Amanda Pinnock.

#### 20 Interests

No interests were declared.

#### 21 Admission of the Public

All items were considered in public session.

### 22 Deputations/Petitions

No deputations or petitions were received.

### 23 Public Question Time

No public questions were received.

#### 24 Terms of Reference

The Panel's Terms of Reference were submitted for information.

### 25 Governance Arrangements

Eric Hughes, the Head of Business Assurance and Transformation presented a report on the new governance arrangements introduced in the Homes and Neighbourhoods Service, since the transfer of the Housing Management and Maintenance Services from KNH in April 2021.

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

 In respect of wider elected member involvement in the boards, the Council had a Cabinet-led model of governance. It was pointed out that there were other

- boards within the Council that involved different partners and which had representatives from different groups.
- Councillor Scott suggested that this issue sat alongside the issues around visibility, access to information and the ability to make a contribution and could be discussed with the Service Director for Legal, Governance and Commissioning. It was recognised that effective communication was crucial, and that Councillors were at the heart of the organisation and could provide a valuable link to tenants.
- When the Arms Length Management Organisation (ALMO) had been brought back in to the Council there was a clear aim to strengthen the tenants' voice and to ensure their ability to influence Cabinet, as the decision maker, was supported. The Chair of the Board, as a Cabinet Member was a conduit for this.
- The creation of a forward plan of key decisions had been discussed to ensure visibility and transparency and it was acknowledged that there was a need to make the plan more broadly visible so that elected members could engage, where they considered it was appropriate.
- It was noted that the Housing Advisory Board (HAB) advised the Cabinet and that scrutiny played a crucial role in acting as a critical friend.
- In response to a question about the structure and the element of independence that it was considered would usually be in place for an assurance board, it was explained that the Strategic Director, Environment and Climate Change now chaired the Building Safety Advisory Board (BSAB) and the board included officers from outside the Homes and Neighbourhood Service to provide a level of independent challenge. Its role was a technical advisory group to the HAB. An example was given of an issue where in-house thinking may have limited the challenge provided. In response it was explained that it was considered that Anthony Brown, the independent consultant, did offer that independent challenge and Internal Audit and Mazar's also added to that scrutiny. However, the point was acknowledged and a conversation could be held with the Board on this issue.
- Work was currently being undertaken with Internal Audit to scope.an audit on data integrity in the compliance system. This would not be done by anyone on the BSAB and would be reported back to the HAB and also feed into the Council's Governance and Audit Committee with any recommendations.
- It was confirmed that there was a three-year audit plan. Policies were currently being re-written and would include frequency of audit. Where necessary, special expertise would be brought in to undertake technical audits on the Council's behalf.
- It was anticipated that it may be possible to share the audit plan with the Panel in December, prior to submission to BSAB in early January.
- An explanation of the 'patch model' was given; currently approximately forty
  patches covered designated estates and/or communities. A four-area model was
  to be introduced, to allow the more effective deployment of resources, work was
  ongoing on this and it would be discussed at the HAB in December.
- The Passivhaus scheme would be developed as part of a development of 100+ homes and the market had been asked for a minimum of 20. The project was still at the design and planning stage.
- All tenant places on the HAB and Tenants Advisory and Grants Panel (TGP) had not yet been formally taken up but it was early days and this would be formalised

going forward. There was a tenant vacancy on the HAB, due to an appointee not being able to take up the place but a decision had been made to allow the current body to bed-in before recruiting to this position; this would aid in staggering terms of office.

- It was considered that the composition of the tenant representatives fairly reflected the areas across Kirklees. Profiles were being prepared and would be included on the website in due course.
- It was proposed that Panel \members take the opportunity to observe meetings of the BSAB, HAB and TGAP.
- There was an overlap in Terms of Reference between the HAB and the TAGP in respect of overseeing the Consumer Regulatory Standard. If the two bodies took different views then a joint meeting could be facilitated to discuss it. It was considered important that both these bodies had an oversight of this area.
- Currently the HAB met bi-monthly and the TAGP more often. Each body fed into
  the other and although the schedules were not quite coordinated at this point,
  the position was to be reviewed shortly and this would include considering the
  meeting schedules and linkages to ensure this was working effectively.

#### It was noted that:

- The revised three-year audit plan would be shared with the Panel.
- Details of meetings of the BSAB, HAB and TGAP would be provided so that arrangements could be made for members of the panel to observe.

### 26 Communications

Michelle Anderson-Dore - Head of Partnerships, Homes and Neighbourhoods and Graham Sykes – General Manager, Partnerships gave an update on the approach to effectively communicating and engaging with tenants and leaseholders, focusing on the Council's high risk residential buildings on matters relating to fire safety.

It was explained that the approach was the use of a friendly and restorative tone of communication, with a focus on face-to-face engagement where possible. The Fire Safety Engagement Team had a very visible presence across the blocks. A bimonthly newsletter was circulated to residents of the high-rise blocks, primarily focussing on fire safety and compliance but including any other key messages. There were also opportunities for tenants to get involved and communication would also take place associated with the resolution of any specific concerns. A quarterly survey was sent out to tenants, noticeboards and signage had been reviewed, social media was utilised, and information animations were being produced.

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

• In terms of the The Tenant Advisory Grants Panel (TAGP's) role in allocating small grants; the pot was £38,000 and traditionally this had only been open to tenants and residents associations with projects having to meet Council priorities. This had now been extended to other community groups and widened to encompass any project related to safety. The Tenant Involvement Team were the main source of communication in terms of making people aware of this opportunity but the Fire Safety Champions (FSC) could also access this funding.

- In respect of the barriers to recruitment of the FSCs, officers had been very
  conscious of the need to ensure that the communications were as friendly as
  possible and, where possible, recruitment had been undertaken face-to-face; it
  had quite often been undertaken successfully when linked into engagement on
  another issue. It was suggested that there could also be a role for the existing
  FSCs in this regard and it was explained that this was planned for the next stage
  of recruitment.
- It was clarified that the term 'Building Safety Gateways' was taken from the Ministry of Housing, Communities and Local Government (MHCLG) guidance and referred to the new arrangements being brought into place to ensure that all new buildings that fell within scope followed prescribed gateways for building control and planning.
- In response to a question about fire safety concerns associated with excess waste in bin chutes it was explained that this had been the subject of a newsletter, the chutes were checked on a regular basis and cleaned annually.
- Although it was early days, the FSCs not having yet received their initial training, it was considered that they could become involved in issues such as this going forward, and they would be important in pulling together items for the newsletter.
- In respect of the staffing position in the high-rise blocks, it was explained that although there could be vacancies or absence due to sickness the aim was always to provide cover as appropriate and work to a full complement of staff.
- In response to a comment it was acknowledged that newsletters should be sent to Ward Councillors; the last edition of the Berry Brow newsletter had been provided to the Newsome ward councillors and this practice would be adopted from now on.
- In terms of training, the housing officers and the Residents Engagement Team had received an overview from the compliance team so that they were able to carry out a block inspection to the same level as the neighbourhood housing officers. Details of the training provided to the Fire Safety Champions could be provided for the Panel.
- Where there were issues, the approach that would be taken was restorative, whereby relationships were established and resolution achieved through conversations and ensuring understanding and this had proved successful so far. Although it was accepted that there may be cases where enforcement proved necessary, and action would be taken in these instances, this would always be the last option.
- The Environmental Protection Act (EPA) process was not currently used in terms
  of the gas safety programme but was being trialled in respect of electrical
  testing, there were currently 560 properties which did not have a five-year
  certificate. There were currently no issues in respect of the high-rise blocks but
  it was believed that there may be more of a challenge with the low-rise blocks
  where there were a lot more leaseholders.
- The Council was mindful of the impact of taking the route of an injunction in terms of the individual then potentially having a criminal record.
- In terms of the visibility about where the 560 properties were in the process and the last time each had been contacted, it was explained that all were within a ten-year electrical testing regime and an up to date record was maintained.

- The TAGP was the principle body in respect of oversight of the engagement framework and the tenant involvement strategy and fed into the HAB, which took a strategic oversight.
- In response to questions in relation to the accessibility of communications, it was
  explained that no requests had been received, to date, in respect of providing
  the newsletter in different formats or languages but this could be done and would
  be picked up on a case by case basis in consultation with the individual
  concerned. The Council was working to better understand the demographics of
  the blocks. A lot of the newsletters were hand delivered and the Housing
  Management Team would work to identify any such needs.
- The new Housing Management system would log preferred methods of communications for residents; and officers were working closely with the accessibility team to ensure website content was appropriate.
- The importance of information being in accessible format was stressed.
- A question was asked about the ongoing resourcing of communication once
  work rolled out to other properties and the continuation of the flow of information
  for the future. It was explained that there was a Fire Safety Engagement Team
  in addition to the Housing Officers and the Independent Living Officers and there
  was an additional resource plan in respect of the high-rise regeneration
  programme and all these elements would work together. Additional resources
  had been approved to support the longer-term regeneration programme.

#### It was noted that:

 Information on the training to be provided to the Fire Safety Champions would be circulated to Members.

# Alignment of Compliance Review Actions and Regulatory Requirements Asad Bhatti – Head of Building Safety, Homes and Neighbourhoods presented an update on all compliance recommendations resulting from the compliance review and ongoing Fire Risk Assessment (FRA) Actions notified to the Regulator.

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

- In response to a question, it was clarified that the 901 total work actions, of which 83% related to fire door replacement, just related to the high-rise actions and all were medium and low priority actions.
- All works other than those relating to the high-rise and high priority actions had been packaged and tendered, six returns had been received and these were to be evaluated the following week. The expectation was that these works would be in progress from April 2022. Information on the programme period and milestones could be provided to the Panel once the programme was established.
- In respect of the 70 assets assigned as communal assets, these had already been identified under the compliance programme but just not assigned as a communal asset.
- In respect of the exceptional and widespread issues across the sector in terms of the availability of suitable contractors and resources and the potential for flexibility in procurement; it was explained that if the initial tendering process was unsuccessful then a second round would be tried and in the event of a similar response consideration would have to be given to this.

- A formal process for completion and sign-off (of actions) was in place, with a proforma, with supporting evidence, being submitted to the independent consultant.
   This was then sent to the sponsor for approval and from there to the Building Safety Advisory Board (BSAB) for sign-off. In terms of visibility of timescales, if any dates were pushed this would be agreed by the working group and the consultant and would be recorded in the smartsheet. Now the dependencies had been identified the dates were not expected to move.
- It was clarified that the 'original review' (the Anthony Brown Compliance Review) had identified 48 recommendations resulting in 55 actions, in addition there were 13 historical recommendations from the Mazar's Audit. It was clarified that the dashboard at paragraph 2.0.3 of the report related to the compliance review, Mazars audit and regulator actions whereas the dashboard at paragraph 2.0.4 related purely to the compliance review and Mazar's audit, the additional actions and sub-actions having been removed at the request of the BSAB to avoid distorting progress on the compliance review. The BSAB had sight of all on a monthly basis.
- It was questioned how the Panel could understand the relative risk of uncompleted actions and it was explained that a priority had been assigned to each action together with a completion date and this information could be submitted to a future meeting
- Further detail could be provided in respect of the Fire Risk Assessment (FRA)
  works to the balance of the housing stock. The work would be undertaken on a
  block by block basis and the programme would be developed around priority
  areas based on the vulnerability of the residents and the risk assessment.
- Clarity was sought in respect of how all risk was being kept in view at any one time.
- In terms of resourcing and capacity, as the focus moved towards the remainder
  of the housing stock, it was explained that recruitment was to take place to
  twenty-seven new posts within the building safety structure. It was
  acknowledged that there were currently challenges in the market and to help
  address this a graduate and apprentice cohort was being pursued, in addition to
  a workforce development programme for existing staff.
- The timeframes for the completion of the works would be clearer once the tenders had been evaluated. It was necessary to work with the contractors to achieve a deliverable programme.

#### It was noted that:

- Information on the low-rise programme period and milestones would be provided to the Panel.
- The Panel wished to understand the relative risk of uncompleted actions and how all risk was being kept in view at any one time.
- Further detail would be provided in respect of the Fire Risk Assessment (FRA) works to the balance of the housing stock.