

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

Date: 21st September 2021

Title of report: Summary of relevant Compliance and Building Safety Regulation and our response

Purpose of report:

The following report updates Ad Hoc Scrutiny (Council Housing Health and Safety Compliance) on the current Regulations relating to Building Safety and Compliance and the arrangements in place to ensure we continue to manage risks relating to the 6 areas of compliance: Fire Safety, Asbestos Management, Gas and Electrical Safety, Water Hygiene and Lift Safety.

It outlines current arrangements in response to key requirements against the current Regulatory framework.

Recommendations for Ad-Hoc Scrutiny:

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

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| 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 current regulatory framework places a duty on building owners to effectively manage all risks across all multiple occupancy buildings and in doing so listens and act on the issues and concerns raised by residents, we expect ongoing reform and increased duty of care that demonstrates suitable arrangements are in place and being maintained to prevent the likelihood of incidence and risk to residents. We have been working hard to establish current arrangements in response to the requirements of reform and continue to develop the approach through collective effort and partnership working
- 1.0.3 The following table summarises the regulatory framework introduced by Central Government in response to the Hackitt Review following the Grenfell disaster. The table summarises each Regulation with key requirements and our arrangements and current position in each case

2. Information required to take a decision

Regulation and Response

| Regulation | Requirement | Our Response and Current position |
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| 1. White Paper on Social Housing (Charter for Social Housing Residents 2021) | Be Safe in your Home | Major capital investment in housing: Fire safety and Asbestos remediation programmes, fully maintained annual inspection programmes across all areas of compliance. Ongoing mitigation measures in High Rise Blocks (24/7 Patrolling watch, daily fire checks, full evacuation protocols with support from West Yorkshire Fire & Rescue Service (WYFRS)) Refreshed compliance communications plan: Digital and on-site information relating to compliance arrangements for high-risk residential blocks. Conclusion of fire engineering assessments to 6 storey blocks in October. Ongoing assessments to Retirement Living Schemes (RLS) from March `21. Ongoing major review of 774 low rise blocks through dynamic risk assessments of the building fabric and occupancy. The establishment of a new Building Safety function with a focus on project management, improved competency and increased resource |

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| | <p>To know your landlord is performing: including repairs, complaints, safety, how it spends £</p> | <p>This information is contained within our tenants' annual report that is published on the services website. The most recent report will be published this month.</p> <p>Performance information is also reported to the Housing Advisory Board and Tenants Advisory and Grants Panel on a quarterly basis for their scrutiny and review.</p> |
| | <p>Have your complaints dealt with promptly and fairly</p> | <p>We have undertaken a self-assessment against the Housing Ombudsman's code of practice for complaints handling. Whilst 95.6% of complaints are resolved at the first stage of the process and this is good performance there are always opportunities to improve complaints handling.</p> <p>We have therefore commissioned the Housing Quality Network to undertake complaints review to identify opportunities for us to improve our complaints handling process.</p> |
| | <p>To be treated with respect backed by a strong consumer regulator and improved consumer standards for tenants</p> | <p>Annual self-assessment against consumer standards; Annual tenant satisfaction survey (STAR) supported by a robust process of action planning and performance monitoring review of how we update tenants on what to do in the event of a fire e.g., updating of all communal notice boards, updated webpages, informational videos. Introduction of a dedicated fire safety engagement team. Bi-monthly newsletters and leaseholder surveys. Introduction of fire safety champions(tenants); Improvements in how we share survey findings and what we intend to do (STAR) with tenants. Clear protocol in place for reporting to the Regulator for Social Housing (RSH) e.g. high-rise fire safety concerns. Developing shared principles with tenants defining what 'respect' looks like and how this can be measured (service excellence).</p> |
| | <p>To have your voice heard by your Landlord</p> | <p>Reviewed and updated Governance structure: Housing Advisory Board with 5 tenant and leaseholder reps, Building Safety Assurance Board, Tenant</p> |

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| | | Advisory Grant Panel; clearly defined route to raise and escalate tenant concerns and suggestions. Completed self-assessment against the housing ombudsman code following which we have commissioned a complaints review. We continue to support a range of engagement mechanisms involving a significant number of residents. Launched a text-based response repairs survey. |
| | Have a good quality home and neighbourhoods to live in | £1.5b 30-year Capital investment programme based on priorities to tackle inherent building defects, fuel poverty, disrepair and lack of community and place infrastructure. 100 New homes a year using off-site and accelerated construction. Ongoing Major regeneration on a number of estates in need of major investment and overhaul |
| | To be supported to take your first home ownership | Ongoing support of the Right to Buy (RTB), house building programme to introduce new tenures; shared ownership, Rent to Buy. |
| 2. Building Safety Bill (2020) what this means for residents and homeowners: | Residents in High rise buildings will have more say in the management of their building, they will be able to raise building safety concerns to the owner or manager of the building who will have a duty to listen to them, if residents feel concerns are being ignored they can raise directly with the Building Safety Regulator. | In the process of recruiting Building Safety Managers to all high-risk residential buildings (HRRB). Appointed a fire safety engagement team. Appointing fire safety champions to each HRRB. Detailed 6 month resident consultation on the plans to remediate Harold Wilson Court, refurbish Buxton House and regenerate Berry Brow |
| 2.1 What this means for building Owners? | Building owners will be required to manage safety risks with clear lines of responsibility for safety during design, construction, completion and occupation of high-rise buildings. A golden thread of information with safety considered at every stage of the buildings lifetime. Building owners need to demonstrate effective and proportionate measures in place to manage safety risks. Those who do not meet their obligations may face criminal charges | Although we are not planning to construct any high-rise buildings that fall into scope, we are actively applying the principles to existing buildings in preparation to produce and maintain a building safety case for 4no high rise blocks, 12no 6 storey blocks and 19no retirement living schemes. The Building Safety case will demonstrate the golden thread and provide assurance to residents and the Building Safety Regulator that suitable measures are being maintained |

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| <p>2.2 What does this mean for the Build Environment Industry?</p> | <p>A clear and proportionate framework for the design, construction and management of safer, high quality homes in the years to come. A strengthened construction products regulatory regime and a National Regulator for construction products to oversee and enforce the rules. A new developed tax and levy on developers to ensure that industry makes a contribution to setting things right</p> | <p>We continue to work to the Royal Institute of British Architects (RIBA) plan of works and Construction, Design and Management Regulations 2015 (CDM) on all new build and major refurbishment works on all housing types, this will be further emphasised following reform of Building Regulations and the introduction of the Local Authority Building Control (LABC) Gateway Approval system for High-risk buildings</p> |
| <p>3. The Fire Safety Act (2021) amends the (Fire Safety) Order 2005 with the intention to improve fire safety in multi occupancy dwellings (due to come into force during 2021)</p> | <p>Although not yet in force the Act applies to all multi occupancy residential premises with 2 or more units irrespective of Height, the Act places a duty on the responsible person to undertake suitable fire risk assessments and manage identified risks affecting the structure and external walls of the building and individual doors opening into the common parts of the building</p> | <p>Type 1 risk assessment programme on all blocks up to date. Conclusion of fire engineering assessments to 6 storey blocks will conclude in October `21. Ongoing major review of 774 low rise blocks through dynamic risk assessments of the building fabric and occupancy.</p> |
| <p>4. MHCLG Consolidated Guidance Note (Jan 2020)</p> | <p>The consolidated note brings the Expert Panel's advice together in a single document and supersedes the existing Advice Notes 1 to 22. This advice represents the Expert Panel's position on the action that building owners should be taking immediately to address the risk of fire spread from unsafe external wall systems, and other components that could present a fire risk namely:</p> <ul style="list-style-type: none"> • ACM Cladding including High pressure laminates (HPL) • Spandrel Panels • Balconies • Smoke Control Systems • Fire Doors <p>In all cases the guidance strongly advises building owners to assess and manage the risk of external fire spread to buildings of any height</p> | <p>An assessment of all high-rise blocks to confirm none contain ACM cladding or HPL. Completed detailed investigations to determine flammable insulation in external wall cladding to 3 HR blocks and a resulting programme of remediation. Major fire door replacements to all blocks to meet Primary Test standards in all cases. Conclusion of fire engineering assessments to 6 storey blocks by October `21 and a remediation programme to follow during 22/23. Ongoing assessments to RLS from March `21 due to conclude in Mar `22. Ongoing major review of 774 low rise blocks through dynamic risk assessments of the building fabric and occupancy due to conclude in December 2021 and a programme of remediation to high risk blocks to commence in early 2023</p> |

3.0 Implications for the Council

3.1 Working with People

This is an ongoing major programme for Kirklees Council that provides assurance of compliance and safety to all stakeholders. The views, concerns and opinions of residents and wider stakeholders are critical in shaping our approach

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 maintains a golden thread of information across all areas of compliance

3.2 Working with Partners

A multi-agency approach is required 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 will 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 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 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 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

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