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## **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

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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

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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 TAGP.
- 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 TAGP 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 bi-monthly 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.

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- 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.

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- 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.

### **27 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.

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- A formal process for completion and sign-off (of actions) was in place, with a pro-forma, 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.