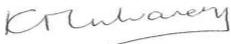


REPORT TITLE: UPDATE REGARDING PROGRESS WITH THE REGULATORY NOTICE

Meeting:	Cabinet
Date:	8 July 2025
Key Decision Eligible for Call In	No N/A
<p>Purpose of Report: This report provides an update on the Council's progress in meeting the requirements set out in the Regulatory Notice issued by the Regulator of Social Housing. It outlines developments in fire safety, damp, mould and condensation (DMC), water hygiene, data and systems improvement, governance, and resourcing. The purpose is to ensure continued transparency, demonstrate accountability, and reinforce the Council's commitment to delivering safe and compliant housing services.</p>	
<p>Recommendations Cabinet is asked to note the contents of this report and approve its dissemination to stakeholders including residents, partners, and relevant regulatory bodies.</p> <p>Reasons for Recommendations This report supports transparency and accountability, demonstrating the Council's continued commitment to improving housing safety and compliance. It ensures stakeholders remain informed of progress and actions taken to safeguard tenants.</p>	
Resource Implications	
<p>Date signed off by <u>Executive Director</u> and name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd, Executive Director of Place 28 May 2025</p> <p> Kevin Mulvaney, Service Director of Finance 24 June 2025</p> <p> Sam Lawton, Service Director for Legal Services 24 June 2025</p>

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? N/A

1 Executive summary

1.1 Background & Context

On 6 March 2024, Kirklees Council received a Regulatory Notice from the Regulator of Social Housing following a self-referral that highlighted substantial shortcomings in its compliance with statutory health and safety obligations. The primary issues identified were overdue fire safety actions and a large backlog of unresolved DMC cases. Further investigations revealed weaknesses in governance, data integrity, and water hygiene risk management.

These findings constituted a breach of Part 1.2 of the Home Standard, which mandates that registered providers must ensure tenant health and safety and maintain a responsive, cost-effective repairs service. In response, the Council launched a far-reaching improvement programme that includes structural governance reforms, recruitment of key personnel, investments in new IT systems, and engagement of external partners to support delivery.

1.2 Governance

1.2.1 To ensure effective oversight and delivery of the improvement programme, the Council has implemented a revised governance framework. This includes the establishment of the Homes and Neighbourhoods Improvement Board (HNIB), chaired independently with membership from elected councillors and tenants.

1.2.2 Weekly programme management meetings are held with Turner & Townsend, who have been engaged to support the delivery of the fire safety programme, and all activity is overseen by the Portfolio Holder and Executive Leadership Team.

1.2.3 Additionally, bi-monthly reporting to the Building Safety Assurance Board allows for continuous monitoring and accountability.

1.2.4 A governance review is also in progress to assess the effectiveness of these structures and identify opportunities for improvement, including the integration of external independent oversight.

1.3 Fire safety

1.3.1 The Council has taken comprehensive steps to address fire safety deficiencies. All buildings requiring a Fire Risk Assessment (FRA) are being reassessed under a new 12-month programme conducted by Pennington Choices.

1.3.2 As of 16 June 2025, a total of 505 out of 860 (59%) FRAs have been completed since November 2024, from which 4724 fire safety actions have been identified.

1.3.3 The Council has appointed Turner & Townsend to provide programme and contract management to manage the scheduling and quality assurance of action remediation between 12 contractors and the Council's Property Services. This includes fire doors, signage, electrical work, and compartmentation.

1.3.4 Mitigations for all high-risk buildings including evacuation plans, weekly safety inspections, sprinkler systems, and alarm installations remain in place to protect residents.

1.3.5 Significant fire safety upgrade works are underway across the Council's high-rise blocks with Harold Wilson nearing completion currently at defect remediation stage in readiness for final sign off in July 2025, Berry Brow and Buxton House are fully decanted and awaiting decommission.

1.4 **Damp, mould, and condensation (DMC)**

- 1.4.1 To address the DMC backlog and prevent future cases, the Council has established a multidisciplinary team to manage case triage, surveys, treatments, and repairs. This approach has led to improved output and significant progression towards the achievement of a business-as-usual position, which the Council is on track to achieve from August 2025, at which point the backlog of cases will have been addressed and the overall number of cases will be stable for the Council's teams to manage within its usual processes.
- 1.4.2 From an initial backlog of over 1,800 cases in March 2024, the open caseload has been reduced to 532 cases at 16 June 2025.
- 1.4.3 A formal DMC Policy was approved by Cabinet in September 2024, underpinned by a strategic approach that prioritises cases involving vulnerable tenants. Capital investment is being designed to target at high-incidence areas such as Bradley and Chinewood, with preventative works focusing on ventilation and structural repairs.
- 1.4.4 Performance monitoring of the effectiveness of repairs has also been strengthened through 3-month and 6-month post-inspection procedures that identify whether there is any recurrence of DMC requiring further remediation and informing surveying accuracy.
- 1.4.5 The development of revised tenancy agreement mandating access for necessary repairs will enable hazards to be addressed at the earliest convenience preventing any further risk to tenants. Additionally, a recent trial of the EPA legal enforcement process was successful enabling the Council to have clear escalation to support resolution in no-access scenarios.
- 1.4.6 Training for operational and management staff is ongoing, including sessions focused on compliance with the forthcoming Awaab's Law and the Housing Health and Safety Rating System (HHSRS) management. Further, new communication materials and web content have been developed to support tenant engagement and understanding.

1.5 **Water hygiene**

- 1.5.1 The Council has made significant strides in improving water hygiene compliance. Legionella assessments have been incorporated into the annual gas safety inspection cycle. As of 16 June 2025, 15,207/67.5% of assessments have been carried out over 33 weeks.
- 1.5.2 Properties with higher-risk systems will be prioritised for assessment and are scheduled to be completed by December 2025.

1.6 **Stock condition surveys**

- 1.6.1 A new stock condition survey programme will commence in July 2025. The survey is planned over a three-year period and aims to cover 100% of the Council's housing stock. The first year will assess 20% of properties, followed by 40% in both years two and three. These surveys will collect data to support investment planning, ensure compliance with decent homes standards, and identify Category 1 and 2 hazards under the HHSRS framework. The results will also support the Council's response to Awaab's Law from October 2025.

1.7 **Data quality and systems**

- 1.7.1 Accurate and transparent data is critical to delivering an effective compliance programme. The Council is currently upgrading its asset management (July 2025) and repairs systems (Jan 2026) to enable enhanced data governance and reporting.
- 1.7.2 In parallel, the Council is rolling out CX, a new housing management system due to go live by October 2025 which will enable improved service delivery and customer service.

1.8 **Regulatory compliance**

- 1.8.1 The Council is working towards its ambition for the removal of the Regulatory Notice by the end of the calendar year.
- 1.8.2 Whilst this report specifically addresses the Council's response to the regulatory notice concerning damp and mould and fire safety, it should be viewed within the broader context of the Council's enduring commitment to full compliance with all regulatory standards set by the Regulator of Social Housing.
- 1.8.3 In particular, the Council remains committed to meeting the expectations of the Consumer Standards, which encompass not only the quality and safety of homes, but also tenant engagement, neighbourhood management, and the fair and effective management of tenancies. This includes the Home Standard, which is of direct relevance to the issues outlined in this report, as well as the wider framework that ensures tenants are treated with respect, empowered to participate in service delivery, and live in well-managed, sustainable communities.
- 1.8.4 The actions outlined in this report form part of a wider and sustained programme of work designed to achieve and maintain compliance across the full suite of regulatory requirements, and to deliver high-quality, safe, and accountable housing services to all residents.

2 **Resourcing and recruitment**

- 2.1 To support delivery of improvement plans, the Council has significantly strengthened its staffing. A new Director of Housing will join in June 2025, bringing senior-level experience in asset management and housing compliance.
- 2.2 The Council is preparing to recruit a new Head of Assets and Building Safety whilst undertaking a review of the service structure to ensure that the Council benefits from the required roles and skillsets to ensure successful delivery of its capital programme.
- 2.3 Agency staff have been deployed to provide short-term capacity and will remain in place until permanent staffing structures are embedded.

3 **Communications and engagement**

- 3.1 A building safety communications plan is in development which will be aligned to other communication initiatives across the service and wider Council to enable accessibility and alignment.
- 3.2 In the meantime, regular communications are sent to tenants to advise of planned inspections, works and updates to ensure tenants are aware of any Kirklees staff or contractors attending blocks and individual properties and to ensure that tenants are kept informed of the progress of any cases.

- 3.3 Engagement with the Tenant Led Panel (TLP) continues to ensure that resident voices are reflected in programme delivery. Feedback gathered through this engagement will inform ongoing improvements to service standards and communication strategies.
- 3.4 A service wide communications plan is being drafted that will focus on engagement with a range of audiences. As part of this work, the Council is committed to providing updates to councillors relating to planned works and any potential impacts on residents.

4 Information required to take a decision

- 4.1 N/A.

5 Implications for the Council

- 5.1 The Regulatory Notice has been in place since March 2024. Significant improvements have taken place and regular progress updates are provided to the Regulator for Social Housing with bi-weekly trajectory updates, monthly narrative improvement plan reporting, and meetings setting out progress made to address the most urgent cases and achieve a business-as-usual position.
- 5.2 Failure to deliver the programme and meet the requirements of the regulatory notice could result in several outcomes: inspection, sanctions for the Council or other such measures as stipulated by the regulation.
- 5.3 Failure to deliver the programme will result in the Council not fulfilling its commitment to keeping residents safe.
- 5.4 Reputational damage to the Council could be significant.

6 Council Plan

6.1 Thriving People and Communities

- 6.1.1 Ensure people are living in homes that are modern, safe, and warm, addressing all outstanding issues in compliance relating to fire safety, water quality, and DMC.

7 Financial implications

- 7.1 Budgets have been provided to support the current pressures identified in this report. For damp and mould works, the outturn position at 31 March 2025 reported an overspend of £239k against a budget of £2m. For 2025-26 the budget for damp and mould works has been increased to £2.750m to provide for additional works required. For fire surveys there is a revenue budget of £500k, for 40% stock condition surveys a budget of £1.7m and a budget of £316k has been provided for water quality testing as a large proportion of this work was carried out in the last financial year.
- 7.2 There is a baseline capital budget of £39.5m which includes £23.5m for planned component replacements and estate improvement, £9.8m for general building safety works, which includes budgets for the works to the six storey blocks, low rise blocks and the retirement living scheme. There is an approved budget of £57m for the high-rise blocks of which £2.8m relates to 2025-26.

8 Legal Implications

- 8.1 Section 198A of the Housing and Regeneration Act 2008 (as amended by the Social Housing (Regulation) Act 2023) states that the Regulator's regulatory and enforcement powers may be used if a registered provider has failed to meet a consumer standard.

Following the self-referral by the Council the Regulator determined that the Council had potentially breached part 1.2 of the Home Standard (which has subsequently been superseded on 1 April 2024 by the Social and Quality standard). As the Council has put in place a programme to rectify these failures the Regulator determined there was no need to take statutory action. The Council will need to continue to provide assurance to the Regulator that any breach is being remedied.

8.2 Kirklees Council is seeing an increase in disrepair claims because of homes being impacted by DMC. A separate report is planned to understand the scale of DMC resulting in a disrepair claim. A disrepair improvement plan is being developed and additional financial provision has been set aside within the HRA business plan to fund claims.

8.3 A review of the self-assessment against the introduction of Awaab's Law is to be undertaken to ensure Kirklees Council is compliant with the regulations being introduced from October 2025.

9 Climate Change and Air Quality

9.1 The impact DMC has on tenants' health and particularly young people and those with any vulnerability is considerable. The improvement plan aims to eradicate damp and mould in Council homes which should improve this position.

10 Other

10.1 N/A.

11 Consultation

11.1 A consultation was carried out with tenants affected by DMC with learning used to revise the process. Improved communications are planned as part of the delivery of the improvement plan.

12 Engagement

12.1 A full review of the letters and communications channels for reporting and carrying out works has been undertaken to inform the new suite of communications with tenants.

12.2 Tenant Led Panel has been consulted and engaged throughout the improvement planning and delivery of work associated with the regulatory notice.

12.3 There is an agreed resident engagement and communications strategy which includes regulatory notice requirements as well as the key building safety priorities. Resident engagement is carried out as part of the wider building safety engagement strategy. This ensures that there are consistent messages and opportunities for residents' feedback which can and will be incorporated into the delivery of the programme.

12.4 All individual projects for delivery have dedicated engagement teams to ensure that all residents are fully aware of any changes, improvements and requirements. Regular updates will be provided on the website, and regular communications will be published throughout the length of the programme.

13 Options

13.1 N/A.

14 Reasons for recommended option

14.1 N/A.

15 Next steps and timelines

15.1 The delivery of the DMC improvement plan is on track to arrive at a business-as-usual position by August 2025.

15.2 The fire safety risk assessment programme will run until January 2025 and remedial works delivered until completion of any identified actions.

15.3 The stock condition surveys will begin in July 2025 over a three-year period.

15.4 The Council will continue regularly engaging with the Regulator for Social Housing through reporting and meetings until the Regulatory Notice is removed.

16 Contact officer

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17 Background Papers and History of Decisions

17.1 [Update regarding progress on the regulatory notice – 8 October 2025](#)

17.2 [Regulatory Notice – Gov.uk](#)

18 Appendices

18.1 None.

19 Service Director responsible

19.1 Janet Sharpe: Interim Service Director for Homes and Neighbourhoods
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