

Name of meeting: Economy & Neighbourhoods Scrutiny Panel

Date: 31 October 2018

Title of report: Green Paper – A New Deal for Social Housing Consultation and the Hackitt Review

Purpose of report: To provide members of the Economy and Neighbourhoods Scrutiny Panel the opportunity to provide comments to support the drafting of the Council's response to the Social Housing Green Paper: A new deal for social housing that relate to recommendations from the Hackitt Review.

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 Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Karl Battersby, Economy and Infrastructure 18.10.18
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Not applicable
Cabinet member	Cllr Cathy Scott – Housing and Democracy

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or private: Public

1. Summary

- 1.1 Following the Grenfell disaster In June 2017, the Government commissioned Dame Judith Hackitt to undertake a comprehensive review of the existing Building Regulations and Fire Safety system as part of its response to the horrendous fire and its consequences. Building a Safer Future; Independent Review of Building Regulations and Fire Safety – The Hackitt Review – final report was published on 17th May 2018.
- 1.2 The report called for major reform and culture change in the construction and fire safety industries and the establishment of a new regulatory framework. It identified a system failure built on **ignorance** of regulations and guidance; **indifference** to consequences with a primary motivation being how to do things as quickly and cheaply as possible rather than providing quality homes that are safe for residents; a **lack of clarity on**

roles and responsibilities due to ambiguity of responsibility and the fragmentation of the industry and finally, **inadequate regulatory oversight and enforcement tools** with little connection between the size and complexity of a project and the degree of regulatory oversight and an ineffective enforcement system. The Review concluded that the new system needed to have greater transparency and clear accountability to ensure that residents are safe and feel safe in their homes. The recommendations of the review are far-reaching and it is important to note, place a **greater accountability** on the **Council** for effective oversight **for building safety** through a **new Local Authority Building Standards** that only Approved **Inspectors** can certify.

- 1.3 Government are considering the recommendations made in the Hackitt Report and how to implement them. However, in addition to some early changes the government has introduced or is consulting on, it has set out its response to the Hackitt Review within the Social Housing Green Paper - A new deal for social housing. Responses to the Green Paper should be made by the 6th November 2018.
- 1.4 Government has also issued a call for evidence in relation to the Review of Social Housing Regulation, responses by 6th November 2018. This asks the question; *What are your views on the risks and opportunities presented by the regulatory regime suggested by Dame Judith Hackitt and how should that work with social housing regulation?*
- 1.5 A Kirklees Council response to the Green Paper is being drafted taking into account comments from other partners including Kirklees Neighbourhood Housing and the Fire Service.

2. Information required to take a decision

The current position

- 2.1 Based on the Hackitt Review Government has accepted the need for major reform of the current regulatory system governing high rise and complex buildings and a change of culture across the sector. In order to inform its response Government are consulting on a range of issues and have indicated they intend to publish an implementation plan in autumn 2018.
- 2.2 It is clear that change is coming and therefore that we need to give consideration as to how the Council and its housing management provider Kirklees Neighbourhood Housing (KNH) will react and deal with this change. There are 10 sections which cover the whole spectrum of **building safety from the inception of a new development through design & construction to occupation and maintenance**. Whilst all the sections are important, the latter section should be highlighted since this section contains recommendations on the changes needed to ensure building safety in the **occupation and maintenance** phase as this is the phase the Council's stock is in. Some of the key findings/recommendations and the implications for the council are listed below:
 - a) The current **regulatory system** for occupation and maintenance of High Rise Residential Buildings (HRRB) is **not fit for purpose**.
 - b) There will need to be a **clearly identifiable duty holder during the occupation and maintenance phase with responsibility and accountability for building safety covering the whole building**.

- c) This would be a named UK based person, identifiable to the proposed new Joint Competent Authority (JCA) and residents. The review recommends that the **duty holder should be the building owner or superior landlord** (a person who for the time being owns the interest in the premises which gives him the right to possession of the premises at the end of the landlord's lease of the premises). **Meaning the duty holder would be the Council**
- d) The **duty holder** must retain **overall responsibility, be accountable to residents and be traceable by the regulator** and by residents of their buildings.
- e) The duty holder must also **nominate** a **"building safety manager"** with the relevant skills, knowledge and expertise to assist in discharging their duties and to be available to residents concerned about the safety of their building which **is a role for KNH**.
- f) Responsibility for certain tasks can be delegated to the "building safety manager" but **accountability must remain with the duty holder – it cannot be passed or delegated to the "buildings safety manager"**.
- g) The JCA will require the duty holder to produce a **"safety case"** to the regulator every five years or whenever there is a major refurbishment
- h) The duty holder will be required to develop and maintain a **resident engagement strategy**, which will be approved by the JCA.

2.3 The Council's Executive Team have authorised a working group to convene, chaired by Joanne Bartholomew, Service Director Commercial, Regulatory and Operational Services, encompassing officers from across the Council and KNH, to work through the detailed implications of the Review and to prepare action plans which would identify the impact of the changes on our systems, processes, finances and staffing resources. The first meeting of the working group will take place in November 2018 and build on the work already undertaken post-Grenfell.

2.4 A draft response to the Housing Green Paper consultation is being developed for consideration by the Leadership Management Team; Scrutiny Panel is asked to comment in relation to the proposals and questions in the Green paper around the following core themes:

- Ensuring homes are **safe and decent** – given the comprehensive set of recommendations in the Hackitt Review what does the Kirklees Housing Standard aspire to and what does decency need to factor in given the 'race to the bottom' culture Dame Hackitt highlighted?
- Effective resolution of **complaints**: enabling the tenant's voice to be heard and get proper redress when concerns are raised – this is not simply about having good tenant engagement and involvement strategies; and
- **Empowering residents** and strengthening **the Regulator** to extend its remit to **govern all** social housing providers **including Councils** with the ability to downgrade its service – a little like the 1*,2*,3* rating system the Audit Commission inspections awarded. This is also intended to empower tenants.

Work required/undertaken in response to the Hackitt Report

2.5 An initial analysis of the **ten sections** in the Hackitt Report has been carried out with greater emphasis on those chapters that will have the greatest impact on the Council and KNH.

2.6 The Kirklees Council Fire Safety Policy has been refreshed and updated and was approved by Cabinet on 21st August 2018. The policy sets out how the Council will discharge its responsibilities in relation to fire safety.

2.7 KC and KNH have worked closely together to identify and take early action to improve and strengthen our joint approach to fire safety. In relation to the Council's housing stock this has included:

- Established and reported to DCLG that the four high rise block construction do not contain highly flammable materials (ACM) and hence mitigated the need for any further material testing;
- Completed Type 1 and 4 Fire Risk Assessments (FRA) to common parts of higher risk properties;
- Provided `further assurance` Type 4 (intrusive surveys) underway to high risk properties including:
 - o Additional flats to high rise blocks
 - o Common parts and flats to 6 storey blocks
 - o Retirement Living Blocks; communal parts and flats
- Completed resulting high priority actions (management and works) arising from the FRAs to high risk properties;
- A comprehensive inspection regime is in place for all high rise properties, with daily visual checks of the buildings, supported by technical assessments of key elements such as emergency lighting, fire alarms, dry risers, to an agreed programme;
- Consulted with all affected tenants and residents throughout both in face to face meetings and written communication;
- Developed a robust working relationship with West Yorkshire Fire and Rescue Service (WYFRS);
- Weekly fire alarm testing, monthly emergency light testing;
- Acted on guidance from MHCLG and obtained fire door testing assurance from Britdoor under BS476
- Upgraded fire door repairs to replacements in response to MHCLG guidance.
- Revised and updated the KNH Fire Safety Policy approved by the KNH Board in December 2017.

Plans envisaged going forward

2.8 The initial analysis of the Hackitt Review recommendations will be developed by the working group mentioned above and following publication of Government's response to the Hackitt Review and Housing Green Paper action plans will be further developed and implemented.

2.9 A tenant and resident communication and engagement plan that better informs and empowers residents and is in line with the recommendations from the Hackitt Review and Housing Green Paper will be developed.

2.10 The Kirklees Council response to the Social Housing Green paper will be finalised for approval by the Portfolio Holder and submitted to MHCLG by 6th November 2018.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

No impact

3.2 Economic Resilience (ER)

No impact

3.3 **Improving Outcomes for Children**

If implemented as proposed the Green Paper/Hackitt Review will lead to better assurance for residents/families and the Cabinet on building safety and a strengthened residents voice.

3.4 **Reducing demand of services**

No impact

3.5 **Other (eg Legal/Financial or Human Resources)**

In approving the Council's new Fire Safety Policy in August 2018 Cabinet noted that to implement the policy additional capital and revenue costs would be required. Capital funding of £3m has been put in place to address the immediate fire safety issues in the Council's high risk buildings (e.g. those with sleeping accommodation). Existing revenue resources of £75k and additional revenue resources of £230k are needed to fund additional staff and training and to commission external fire risk assessments.

4. **Consultees and their opinions**

Not applicable

5. **Next steps**

5.1 The Kirklees Council response to the Social Housing Green Paper 'A new deal for social housing' consultation will be finalised taking into account the views and comments of the Economy and Neighbourhoods Scrutiny Panel and others.

5.2 The final response will be approved by the Portfolio Holder, Housing and Democracy before it is submitted to MHCLG.

6. **Officer recommendations and reasons**

6.1 Comments and views of the Economy and Neighbourhoods Scrutiny Panel on the Social Housing Green Paper 'A new deal for social housing' response should be noted and shared with the Portfolio Holder, Housing and Democracy for consideration when approving the Kirklees Council response to MHCLG.

7. **Cabinet portfolio holder's recommendations**

7.1 The comments and views of the Economy and Neighbourhood Scrutiny Panel are welcome in helping to strengthen and inform the Council's response to the Social Housing Green Paper.

8. **Contact officer**

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9. **Background Papers and History of Decisions**

Kirklees Fire Safety Policy – Cabinet 21.8.18 (Agenda item 11 - PDF)
<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CI=139&MI=5604>

10. **Service Director responsible**

Naz Parkar, Service Director for Housing.