

# Council

4 November 2019

<b>Report of:</b>	<b>Chief Executive</b>
	<b>Leader of the Council and Portfolio Holder for Housing and Communities</b>

## HOUSING IMPROVEMENT PLAN

<b>1.0 Corporate Priority:</b>	<b>Decision Type:</b>
1.1 Increasing the availability of good quality homes, which meet local needs.	Council Decision
1.2 Delivery quality services to business and residents; understanding what really matters to our customers.	

<b>2.0 Summary:</b>
2.1 This report proposes the adoption of a Housing Improvement Plan (HIP) in order to address current resourcing issues, manage health and safety obligations and to deliver a step change within the housing and landlord service to enable the Council to effectively manage and maintain the 1,835 homes within its housing stock.
2.2 In the last few years there has been a much sharper focus at a national level on health and safety issues for tenants as a result of recently issued guidance and high profile events. This report addresses identified structural and cultural issues developed over many years and seeks to provide a much greater focus on delivering the best quality houses possible, in order to ensure that residents are safe, and feel safe. A key aim of the actions arising from this report is to ensure Melton Borough Council provides the best possible landlord services and high quality council homes, and is at the forefront of what the sector has to offer.
2.3 Over the past 18 months the Council has re-invested in and focussed on improving long standing issues and underinvestment within the housing and landlord service. Additional resources and a series of actions were approved in June 2018 and again in January 2019. This provided an increase in resources to support tenancy management but also enabled a series of improvement actions specifically in relation to fire safety. In addition, in January 2019, landlord health and safety compliance was added to the Corporate Risk Register and in March 2019 the Senior Leadership Team proactively commissioned an Internal Audit of landlord health and safety. This was to obtain a holistic picture which could feed into the HIP and to establish a level of assurance in respect of health and safety compliance and whether it was being effectively managed.

- 2.4 Whilst the report has not as yet been finalised members should note that the final version is due to be considered formally by the Audit and Standards Committee in November 2019 and highlights issues that require the Council's urgent attention in relation to the requirements imposed as a landlord for health and safety and the Council's legal responsibilities. In view of this, the Council has informed the Social Housing Regulator of the current position and the remedial actions being implemented to address the situation. The Council will work with the Regulator as part of ensuring the required improvements are delivered in a timely manner.
- 2.5 Since the new Cabinet was established they have made ensuring compliance and improving housing landlord services and the management and maintenance of its housing stock the Council's key priority. They have given considerable focus to addressing the long standing issues and the adoption of the proposed Housing Improvement Plan demonstrates a continuing commitment to that. If approved it will deliver a significant investment in housing services to address the current issues, ensure compliance with safety requirements and ultimately to deliver a high quality housing service.

### **3.0 Recommendations**

- 3.1 **To approve the Housing Improvement Plan at paragraphs 6.10 to 6.18 and any associated financial and resource commitments.**
- 3.2 **That delegated authority is given to the Chief Executive in consultation with the Director for Corporate Services to access the HRA Development and Regeneration Reserve to fund works in support of the HIP and Health and Safety Works.**
- 3.3 **To note the specific remedial actions taken and proposed with regards to landlord health and safety.**
- 3.4 **To note the proposed governance arrangements as set out at paragraph 6.19 to ensure effective oversight and monitoring of progress in relation to the Housing Improvement Plan.**

### **4.0 Reason for Recommendation:**

- 4.1 The Housing Improvement Plan has been formulated to address some of the landlord and tenant issues that have been identified over the past 18 months. Further investigation into the issues has highlighted a need for the Council to address some issues that appear to have developed over a period of 10 years specifically relating to the standard of homes and meeting Consumer Standards. Upon identification of specific issues the Council has responded promptly and diligently to rectify weaknesses and the Housing Improvement Plan shows a significant and continuing commitment to improving standards in housing landlord responsibilities.
- 4.2 The Council, as a registered provider, has an obligation to act to ensure the homes where their tenants live are safe. Providers must meet the full range of statutory health and safety obligations set out in various pieces of legislation, namely:

- Regulatory Reform (Fire Safety) Order 2005,
- Health and Safety at Work Act 1974
- Control of Asbestos Regulations 2012
- Gas Safety (Installation and Use) Regulations 1998
- Electrical Equipment (Safety) Regulations 1994 and
- Housing Act 2004.

4.3 The change in governance structure to a Cabinet and Scrutiny model has provided a focus on key areas which means there is greater oversight and accountability from the leadership of the organisation and the Cabinet have made addressing the long standing issues that have been identified within the housing landlord function a key priority and have been working closely with officers to develop this Housing Improvement Plan. The governance arrangements proposed will provide even greater focus and scrutiny from the leadership of the organisation as well as receiving external check and challenge to improving the Council's housing stock.

## 5.0 **Alternate Options Considered**

5.1 Continue with current resources: Given the landlord responsibilities the Council has, and the risks highlighted in respect of compliance, maintaining the status quo is unacceptable and further resource and focus is required to ensure compliance with Consumer standards, guidance and legislation can be satisfactorily demonstrated. Improvements will not be delivered with the current level of resource allocated to the service and therefore the Housing Improvement Plan details the additional resources required to meet its obligations and improve the standard of the Council's housing.

## 6.0 **Report Detail**

6.1 The Council currently owns and manages 1,835 council homes. Recent electrical and fire safety guidance as well as high profile events require a culture shift in the sector and better focus on tenant health and safety. As a landlord, the Council has a legal obligation to ensure that checks are undertaken in accordance with legislation and that it meets Consumer Standards set by the Regulator for Social Housing. The Council wants to ensure that the safety of its tenants is a paramount consideration and also has an aspiration to deliver high quality homes and housing services. This report proposes a plan that will provide a focus in this area.

6.2 Since 2010, a series of restructures have seen the resources deployed to supporting the management and maintenance of council housing rationalised and there has been considerable instability in the team, both in terms of leadership and wider turnover of staff. Over the last 18 months it has become increasingly apparent that there have been significant and long standing challenges in relation to effectively delivering the housing and landlord service. In addition:

- the HRA Business Plan was last published in 2012 and needs to be refreshed
- there has been insufficient planning and resources committed to proactive maintenance projects for some time, with an over reliance on responsive repairs
- the cost and complaints associated with repairs and void properties has been stubbornly high and there has over recent years been very limited proactive

management of tenancies, enforcement action and tenancy engagement

- Since 2010, the number of 'non-decent' homes (one of the measures through which housing quality is assessed), has risen steadily from around 1% to 32% in 2018. Since 2018, deterioration has been actively monitored and at the current time the number of non decent homes has reduced to 29%. It should be noted that how we assess the Decent Homes standard is currently under review.
- There has been a lack of clarity and transparency regarding the identified issues over a number of years and it would appear that prior to 2018 there has been limited strategic action taken to address them.

6.3 There are a number of reasons which have contributed to the issues identified above. These are set out below alongside a range of positive steps the Council has taken over the last 18 months to improve the situation;

6.4 An LGA Governance Review in early 2018 made it clear that leadership, clarity of direction and accountability were significant issues for the council under the previous committee structure. Initial improvements made in May 2018 and ultimately the move to a Cabinet and Scrutiny model from May 2019 has significantly strengthened the Council's ability to grip and focus on the issues that need to be addressed.

6.5 In relation to the deterioration in the number of 'non-decent' homes, the rolling replacement programme has previously been based upon a lifecycle programme only. It is clear however that the council should incorporate quality and condition of various components within their assessments which were not included before, so as to more effectively understand whether the council's housing stock are meeting the Decent Homes standards. A stock condition survey sample of 30 properties has been commissioned to enable a specification to be developed for a full stock condition survey and this will provide a clearer picture. Specific actions to achieve an improvement in the amount of 'non-decent' homes (as we currently report) have included accelerating the re-wiring contract implementation; supported by the appointment of Construction Design and Management Consultants and Asbestos Contractors. Clearly the Council recognises there is still some way to go before the level of 'non-decent' homes reaches an acceptable level.

6.6 A refresh of the HRA Business Plan has been commissioned and is due to be completed by January 2020. This work is critical in understanding the overall financial position of the Housing Revenue Account. A new projects and programme management toolkit and governance structure has been piloted since November 2018 and following the trial will be assessed and formally introduced.

6.7 Complaints in relation to repair and void properties have been high due to processes not being reviewed and insufficient investment in resources. A review of the voids process and policy is currently underway; working alongside a Scrutiny Task and Finish group. Work has also started in relation to wider process improvement across housing repairs more generally, which will utilise the recently procured new customer engagement platform to support enhanced digital service access. In addition, complaints have significantly reduced in relation to the electrical rewiring project in the last 6 months as a result of management of the council contractor and communications with tenants. This demonstrates that where resource has been focussed over the past 6 months to enable processes

and procedures to be implemented there has been a significant improvement.

6.8 Limited proactive maintenance of both assets and tenancies has been a consequence of reducing investment over a number of years, however over the last 18 months the Council has taken action to help improve the situation. In 2018 the Council created an in-house legal team and new Housing and Communities Lead role and re-established and invested in two housing officer roles where previously there were none. In addition, three new Neighbourhood Support Officer roles were established to work within our priority neighbourhoods and housing areas, increasing the engagement with tenants and active management of tenancies that had previously been limited. This additional resource has improved tenant engagement and management; improving the structure and capability of the tenancy management team. Reviews are underway of the Tenancy Agreement and Allocations Policy. The work with tenants will continue and expand and the Housing Improvement Plan includes a number of measures to enable this, set out below.

6.9 In spite of these positive improvements, to ensure the housing landlord service had sufficient resources to deliver a step change improvement, officers worked with the new Cabinet on this more fundamental and substantial improvement plan. Alongside this work, in light of a number of issues identified with the management and maintenance of council homes in late 2018 and early 2019 and to establish a full and comprehensive position, in March 2019 officers proactively requested an Internal Audit in relation to Landlord Health and Safety. The issue was also added to the Council's Corporate Risk Register in January 2019 and reported to the Audit and Standards Committee in accordance with their Functions and Responsibilities. The first draft audit report was provided in August 2019 and is still currently being reviewed and finalised. The final report will be presented to the Audit and Standards Committee in November 2019. The audit report will highlight the current issues and make recommendations as to the actions that are necessary for the Council to demonstrate compliance and make improvements to the management of its housing stock.

#### 6.10 **Housing Improvement Plan**

In response to the issues outlined above, a comprehensive Housing Improvement Plan is proposed. The key focus of this plan is to address the compliance issues as set out below but alongside this a range of wider improvements actions are proposed.

#### 6.11 **Compliance with Health and Safety Obligations**

A gap analysis of all available information and data is being undertaken and the currently available compliance data is being co-ordinated into an accessible and meaningful format with new baseline information. The current position in relation to broader compliance issues is set out below.

#### 6.12 **Electrical safety**

In June 2018, a new lifecycle programme of rewiring was commenced on council owned properties. Contractors were appointed to carry out electrical tests and re-wiring for 629 council owned properties. This programme of works is due to be completed by October 2020. A total of 533 properties were tested in 2018 and

285 properties have been rewired in the period of July 2018 to September 2019. The Council is in receipt of full electrical certificates for these properties which are valid for the next five years.

The following has been identified;

- The Council does not hold records of electrical inspection condition reports for 595 properties. To address this, an instruction has been issued to the current contractor to undertake electricals tests for these 595 properties. The expected completion date is April 2020. Members should note that the dates specified represent the last date by which the required interventions will be completed. The Council is continuing to explore additional options and resources in an attempt to bring forward expected completion dates.
- A further 734 properties have got records of inspection which are over 5 years old. The Council is seeking to appoint further contractors through a framework arrangement to undertake electrical tests for these 734 properties by December 2019. This work will be undertaken in parallel to the works mentioned above in an attempt to accelerate the process.
- The Council is aware of 15 Council owned properties which have certificates in place that identify 'unsatisfactory' results. The Council has appointed consultants to undertake immediate re-inspections of all 15 properties to assess the risk and schedule any required works which will be complete by 7<sup>th</sup> November 2019.

#### 6.13 **Asbestos Safety**

The Council has also identified that it does not have asbestos management surveys for 414 properties.

In order to remedy this, the Council is in the process of appointing consultants from a framework to undertake asbestos management surveys for the 414 properties to ensure its records are up-to-date and accurate. The Council's specification requests a completion date of December 2019 for all surveys.

Following the commissioned surveys, a rolling programme of re-inspections will be put in place in accordance with the recommendations from the surveys.

In addition to this, the updated Asbestos Policy and Asbestos Management Plan and an updated Asbestos Register is in the process of being approved.

As part of a comprehensive communications campaign, all tenants will be advised not to undertake any intrusive repairs work without contacting the council first. The Council will then be in a position to prioritise asbestos assessments for these properties.

#### 6.14 **Gas safety**

The Council's records show a total of 1353 properties are required to have annual gas safety checks for gas supply, gas installation and gas appliances. The Council is satisfied that there are mechanisms in place to undertake annual checks, service and repairs for gas safety in these properties. Gas safety checks

are monitored monthly and are progressing effectively to ensure that none are overdue.

There are no gas certificates outstanding as of the date of the publication of the date of this report.

The remaining 482 properties, which are not on the annual rolling programme, will be subject to a survey by a contractor appointed by the Council. These survey works will provide the Council with reassurance that these properties still do not require gas safety checks and/or certificates and ensure its records are up-to-date and accurate.

#### 6.15 **Water Hygiene**

For sheltered schemes, weekly checks (flush through and temperature) are carried out by the respective wardens and the Council is satisfied that sufficient systems are in place for regular checks on an annual basis for all sheltered schemes.

The Council's available data shows that individual flats in purpose built blocks have a direct supply from the mains therefore no checks are required for those.

Additionally, and in order to ensure the Council's records are up-to-date and accurate, the Council is currently surveying all purpose built flats to review and update the database and ensure that no further checks are required.

#### 6.16 **Fire Safety**

The Council has established a Fire Safety Management Working Group comprising officers, councillors and members of tenants' forum which seeks to support the council in the implementation of the Fire Safety policy and oversee tenant engagement.

A fire risk assessment programme is ongoing for purpose built flats and the Council has appointed qualified Fire Risk Assessors in accordance with the NFCC guidance and competency framework to provide specialist advice to the Council on Fire Safety.

All inspections have been completed and the Council is awaiting final reports which are expected by the end of October 2019. The Council is expecting to be notified of further works required to be undertaken in respect of purpose built block to achieve compliance with Fire Safety. Any actions identified from these inspections will be prioritised based on risk and informed by the newly-established person based assessments.

The approach to prioritisation and risk management will be shared with Leicestershire Fire and Rescue Service for any additional advice and to ensure that all works are prioritised accordingly. A contractor has been appointed which will provide the Council with the ability to undertake any further works required in a timely fashion minimising any risk to tenants.

## 6.17 Wider actions to manage and improve compliance with Health and Safety obligations more generally

In addition to the above actions which seek to ensure that the Council is meeting its landlord obligations related to each area of property safety compliance, the actions set out below seek to ensure an overall comprehensive compliance regime within the Council.

- Policy framework: A framework including policies, procedures and guidance notes is being developed. A compliance officer post has been created to support this work.
- Monitoring: For effective monitoring of compliance, an efficient data collection mechanism is being created with procurement of consultants where necessary to undertake cyclical and periodic checks. To ensure all actions identified through monitoring are actioned in accordance with the risk management strategy, it is proposed to prepare a programme of works over short, medium and long term. Specific performance indicators will be developed to monitor the council performance on compliance going forward and will be reported to Cabinet regularly.
- Prioritisation: Prioritisation of resources and efforts is proposed to be done based on risk profile and person specific assessments in order to ensure that high risk actions are addressed with appropriate urgency.
- Engagement with regulatory authorities: The Council has worked positively with Leicestershire Fire and Rescue Service (LFRS) over the last 12 months. The Council is engaging proactively with the Regulator of Social Housing (RSH).
- Competency: It is proposed to create and maintain a central record of essential training needs for staff members and monitor it and update it on an annual basis. It is proposed to use robust competency criteria for appointment of consultants and contractors.
- Tenants awareness: Considering that safety is the responsibility of everyone involved, awareness needs to be raised among the tenants, visitors and staff as well as TFEC members through signage, tenants handbook, information on website and social media.
- Interim resources: To immediately increase capacity and support the extensive programme of compliance works currently being undertaken by the housing assets team, resources from across the organisation have already been redirected. An interim housing asset manager and an interim responsive repair officer have been appointed starting from 28<sup>th</sup> October 2019. An interim data officer is being appointed with a view to the starting early November.

## 6.18 Wider actions to improve landlord services

- Structure and Leadership: The improvements and resources set out within this report should be considered alongside the Corporate Restructure report which will establish a new, consolidated Housing and Communities directorate and creates the potential for additional housing expertise and capacity at a senior



level within the organisation. It establishes a new permanent Housing Asset Manager role to provide clear direction and leadership to the team and improve accountability and responsiveness for housing maintenance functions.

- Data Management: A central and accessible database will be created to ensure there is sufficient control and coordination of information in relation to the location, condition, compliance, works and repairs log, valuations, service charges and tenancy history. Consultants have been appointed to undertake gap analysis of available information in order to inform the specification for commissioning the next stage of data collection.

It is proposed to maximise the use of the current available software in the interim, with a view to consider procuring a new asset management solution with greater functionality in the future.

A full stock condition survey as described above will help to inform this work.

It is proposed to establish and fund a **Data Officer** post for an initial 2 year period.

- Development of a Planned Maintenance Programme: The data co-ordination work will facilitate the preparation of a comprehensive programme of planned maintenance projects. Effective management of these projects will require the appointment of qualified personnel with capital programme and project management capability. This programme will need to be built into the refreshed HRA to ensure it is appropriately costed and clearly greater investment in the Council's current housing stock may reduce the scale of potential investments in new housing projects.

To facilitate these improvements it is proposed to create and fund the following roles:

- One full time permanent **Planned Maintenance Officer**;
  - One fixed term (2 year) full time post for **Planned Maintenance Officer** to help with the current backlog;
  - One full time permanent **Finance Officer** role (referenced within the Corporate Restructure report)
  - One part time permanent **Legal Officer** role to support the works (also referenced within the Corporate Restructure report).
- Housing repair and voids: A multidisciplinary team is undertaking a review to assess and revise the void process by working with all relevant stakeholders including a range of contractors. The Scrutiny Committee has approved the establishment of a Task and Finish Group to review Housing Voids Management and Temporary Accommodation. It is proposed to prepare a voids policy, revise voids specification and consider all recommendations from the Scrutiny committee following the review in January 2020.

It is proposed to create a number of other additional roles within the Housing Assets Team:

- Two fixed term **Response Repairs officers** to help with the backlog of

works.

- One permanent **Electrical Officer** and one **Mechanical Officer** to ensure sufficient expertise and capacity within the team.
- One permanent **Voids Co-ordinator** role to oversee the improvements being identified through the process review and ensure these are sustained.
- Housing development: Whilst the current focus has to be on improving the current housing stock it is recognised there is an increasing need for social housing and the opportunity to use HRA resources to do this. It is proposed to consider energy efficiency, digital inclusion and modern methods of construction as part of this work.

Linked to the Corporate Restructure and to form part of the new Corporate Property Team who will retain responsibility for development, it is proposed to create a **Development Manager role** to ensure sufficient internal capacity and capability to lead the development and delivery of new housing alongside existing.

- Tenancy management: To build on and accelerate the improvements in proactive tenancy management and increase the levels of engagement and where necessary enforcement, additional resources are required. It is also necessary to ensure that as the Council accelerates its planned maintenance programme to make a step change in housing quality, additional tenancy liaison and support will be required.

To facilitate these improvements it is proposed to establish and fund the following:

- One **Tenancy Liaison Officer** roles for fixed term (2 years) to support the housing repairs team in managing the backlog of works
- Two additional **Housing Officers for fixed term (2 years)** to increase the capacity of the team to undertake tasks such as robust tenancy management, inspections, site visits, case management and working closely with the repairs team to increase responsiveness and reduce the number of complaints.
- One **Tenancy Enforcement Officer** post in the newly established Regulatory Services team (see Corporate Restructure Report) to support the Housing Officers in taking action as needed.

The current work to review and strengthen the Tenancy Agreements will be completed in November 2019. A review of Service Charges will be completed by April 2020. A programme of undertaking person based assessments is underway with a view to inform the prioritisation process for works related to property safety and compliance issues.

- Redesign of IHMS: There is also a commitment to review and integrate all case management and support services including Intensive Housing Management, Me and My Learning and Customer Services Seniors to ensure there is a single and coherent offer to tenants and residents who require support for more complex and multi-faceted issues.

- **Housing Allocations:** The Housing Allocations policy is due to be reviewed by April 2020 and will include a reassessment of designated properties, priority bandings, consideration of the wider community and adherence to the Homelessness Reduction Act. This will also assess the effectiveness of temporary accommodation in the borough, and assess means by which reliance on bed and breakfast accommodation for temporary periods could be reduced.
- **Customer journey:** As part of the focus on customer service improvement, within the corporate restructure, a strategic change consultant role has been established. It is recognised that the process improvement work must include both council resources and those provided by the repairs contractor. The mapping of customer journey and review of 'end to end' process is proposed to continue until June 2020.

The current procurement for a new corporate customer engagement and self service platform will allow customers to interact seamlessly online with services, allowing them to track requests in real time, assess their balance, make payments and request services without the need to call or have face to face discussions with officers, if appropriate. The adoption of greater digital technology will operate alongside the process improvement work.

#### 6.19 **Governance and Oversight**

In light of the compliance issues regarding the council meeting landlord health and safety obligations set out in the report, the Council has referred the position to the Regulator of Social Housing. A letter from the Regulator sent to all Councils in May 2019 can be seen at appendix A for information. The Council has also sought advice and support from the Local Government Association (LGA) following the positive transformational work delivered as a result of the Peer Challenge in December 2017 and the Governance Review in March 2018. The Council has invited the LGA to provide further support and it is proposed that a Housing Improvement Board is established to oversee the delivery of the plan and that this board should include representatives from the LGA and an external critical friend, as well as the political and officer leadership of the Council.

Regular updates will be provided to Cabinet, Council and the Audit and Standards Committee in relation to the required improvements. There will also be regular informal updates through the internal Members Bulletin and all member briefings as necessary.

The revised project management toolkit, programme board arrangements and documentation management system will be rolled out following the restructure in November 2019.

#### 6.20 **Tenant Engagement**

Tenants will be informed of the proposed Housing Improvement Plan in a letter sent to all properties. Additional temporary resources will be placed within Customer Services and a dedicated line created to enable tenants to contact the council easily and receive any advice and guidance should they require it. Officers will also be available with all the Council's community centres so tenants can drop in to receive assistance.

## 6.21 **Human Resource Implications**

The report proposes the establishment of a number of new posts within both the Housing Assets team and the Tenancy Management team. These are as follows:

- 1 x Mechanical officer (70-30 split with general fund) (full time, permanent)
- 1 x Electrical officer (70-30 split with general fund) (full time, permanent)
- 1 x Planned maintenance officer (full time, permanent)
- 1 x Planned maintenance officer (fixed term 2 years)
- 2 x Responsive repairs officers (fixed term 2 years)
- 1 x Housing asset manager (full time, permanent)
- 0.5 x HRA legal support (permanent)
- 1 x HRA finance support (full time, permanent)
- 1 x Development manager (housing development) (full time, permanent)
- 2 x Housing Officers (fixed term, 2 years)
- 1 x Tenancy Liaison Officer - Planned works (fixed term, 2 years)
- 1 x Tenancy Enforcement Officer (full time, permanent)
- 1 x Repairs and voids co-ordinator (full time, permanent)
- 1 x Data officer (fixed term, 2 years)

A dedicated HR support has been brought in to help with the change management process. For all new proposed roles, grade and pay-scales will be determined subject to job evaluation process.

Once the new director and management team is in place it is anticipated that a further review of existing job descriptions of all current roles within the housing assets team will be necessary. This will be the subject of a future formal consultation and decisions as required.

## 7.0 **Consultation and Feedback (including Scrutiny Committee)**

- 7.1 Issues identified in the plan and proposed actions are as a result of ongoing regular discussions and meetings with the Tenants Forum (TFEC).
- 7.2 All voids related issues have been discussed with the Scrutiny committee task and finish group.
- 7.3 The political leadership have been maintaining significant oversight of the matters raised within this report.

## 8.0 **Next Steps**

- 8.1 Commence recruitment.
- 8.2 Continue to implement the Housing Improvement Plan.
- 8.3 Report back to Cabinet on progress with the review of action plan in accordance with the governance arrangements noted within the report.

## 9.0 Financial Implications

- 9.1 The Housing Improvement Plan proposals would represent an investment of £1.366m in HRA staffing over the next 3 years for both permanent and temporary resource to help address the issues raised. This funding can be covered from the surpluses generated in the HRA as predicted by the current business plan.
- 9.2 Alongside this are a number of one-off improvement activities required over the coming years which are currently estimated to total £1,042m. These costs will be reviewed as the improvement plan is implemented and may be subject to change particularly as works are identified through the various surveys that will be undertaken. It is proposed to fund these one-off works through a combination of the working balance and the Development and Regeneration Reserve which has a current balance of £5.052m and after taking into account these works, plus financing of the current capital programme and an allowance for maintaining our affordable housing provision the estimated balance will be £1.088m as at 31 March 2020/21. The impact of this will be that the council will have reduced ability to invest in the short to medium term on any significant council housing-related regeneration projects whilst the housing service is stabilised. In order to ensure works progress without delay it is proposed that delegation is given to the Chief Executive in consultation with the Director for Corporate Services to access the HRA Development and Regeneration Reserve to fund works in support of the HIP and Health and Safety Works. Delegation to access the HRA working balance is already contained within the current scheme of delegation.
- 9.3 It must be acknowledged that the refreshed HRA Business Plan is crucial to ensure the long term sustainability of any investments and that any assumptions will have to be revisited once this piece of work is complete. This work will be able to assess the impact of a reduced development and regeneration reserve alongside the needs of the housing stock as assessed through the condition surveys and future revenue flows. Council will ultimately consider the refreshed HRA Business Plan early in 2020 and will be updated accordingly.
- 9.4 In terms of funding the decent homes works this is undertaken from the Major Repairs Reserve which is unaffected by these proposals and subject to resourcing priorities which are being addressed through this improvement plan, as such these programme of works will continue to be delivered in line with the current business plan.

## 10.0 Legal and Governance Implications:

### 10.1 Section 5 Local Government and Housing Act 1989

Where it appears to the Council's Monitoring Officer that there has been a contravention by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any such joint committee of any enactment or rule of law it is her personal duty by law to report to the Authority. The Authority must consider the report within 21 days of receipt.

- 10.2 The Monitoring Officer believes that the compliance issues relating to electrical safety, asbestos and fire safety amount to a contravention of obligations required by law. This report is being considered by all elected members and identifies the concerns that would be raised by the Monitoring Officer in a stand alone section 5 report and therefore the Monitoring Officer believes that the duty has been discharged and is satisfied that the Council will provide response within consideration of the report to concerns raised. The Monitoring Officer will have intensive oversight of the issues raised and monitor in accordance with her personal duty under legislation.
- 10.3 Fire Safety: Three pieces of legislation govern the actions of landlords in relation to fire safety; the Housing Act 2004, the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and the Regulatory Reform (Fire Safety) Act 2005 (RRO). Whilst legislation specifies the frequency for carrying out fire risk assessments as 'regularly'. Fire Risk Assessments report will provide priorities for the programme of works as High, Medium or Low so that works can be undertaken using the priorities therein.
- 10.4 Electrical Safety: Currently there is no regulation, standard or act that defines a frequency for electrical installation inspection and testing in Social Housing managed properties. In January 2019 however the Code of Practice for the Management of Electrotechnical Care in Social Housing was published. This document was written by the Electrical Safety Roundtable, a group of housing associated and local authority colleagues in collaboration with experts from The Compliance Workbook; this document provides guidance on delivering electrical safety to all housing providers. The code clearly recommends the frequency for testing and inspection to be every 5 years.
- 10.5 Water Quality: Whilst there is a legal duty under the Control of Substances Hazardous to Health Regulations 2002 (COSHH), for landlords to assess and control the risk of exposure to legionella bacteria, the law does not prescribe specific review periods. Health and Safety law does not require landlords to produce or obtain, nor does the HSE recognise, a Legionnaires Testing Certificate'. The Approved Code of Practice: Legionnaires Disease: The control of Legionella bacteria in water systems (L8) outlines best practice guidance and this should be followed.
- 10.6 Gas Safety: Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998 deal with landlords' duties to make sure gas appliances, fitting and flues provided for residents are safe. It details the duties of landlords to ensure that each appliance and flue to which the duty extends; has been checked within a 12 month period, that proof of this is kept for two years and is available for the tenant(s) of the premises.
- 10.7 Asbestos: At present there is no directive within the regulations as to how frequently communal areas should be re-inspected, but they should be assessed 'periodically'.

10.8 The Head of Paid Service has responsibility to consider the manner in which the discharge by the authority of their different functions is co-ordinated, the number and grades of staff required by the authority for the discharge of their functions, the organisation of the authority's staff; and the appointment and proper management of the authority's staff. All Directors have delegated authority to deal with effecting any changes to the establishment.

#### **11.0 Equality and Safeguarding Implications:**

11.1 An Equalities Impact Assessment has been considered for the budget by the Housing & Communities Manager which confirms that there are no specifically adversely affected groups and therefore no action plan is necessary. The proposed additions outlined in the report are predominantly based on the property and not on the occupants from any particular groups. Support is available to all tenants through Housing Officers, Liaison Officers and Case Managers if required by any tenant, and this is offered from tenancy sign up onwards.

#### **12.0 Community Safety Implications:**

12.1 The proposals outline a significant increase in the council's ability to manage tenancies effectively from sign up to termination. Additional resource will allow more effective management of antisocial behaviour, tenancy enforcement and support services to all tenants, impacting across the borough and the four 'priority neighbourhoods' in the town. Tenants will be better informed of planned maintenance on their property, improving engagement and ensuring tenants have an increased stake in the management of their community.

#### **13.0 Other Implications**

13.1 None

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**14.0 Risk & Mitigation:**

14.1 <b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>		1	2, 3, 5, 6	
	<b>C</b>	<b>Significant</b>		4		
	<b>D</b>	<b>Low</b>		7		
	<b>E</b>	<b>Very Low</b>				
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
<b>1</b>	When the databases are refreshed/ created, new evidence comes to light that we are not aware of currently and will require attention with additional pressure on resources.
<b>2</b>	Stock condition surveys highlight additional works and funding requirements that are not included within the HRA Business Plan
<b>3</b>	Additional volume of work is overwhelming and priorities are not focussed upon
<b>4</b>	Unrealistic expectations from members and tenants on timescales of implementation
<b>5</b>	Unable to fill the proposed posts with the required skill sets
<b>6</b>	Retention of staff through the process
<b>7</b>	Reduced financial resources as a result of these proposals impact on future improvement and regeneration schemes

**Background Papers:**

List any background papers that have informed the report

1. Corporate Restructure and Resource Plan – Cabinet Report 30<sup>th</sup> October 2019
2. Internal Audit Report - Beckmill court – Audit and Standards Committee 19<sup>th</sup> November 2019

**Appendices**

1. Letter to all Councils from the Social Housing Regulator (May 2019)



	<b>Report Timeline:</b>	<b>Date of sign-off:</b>
	<b>Equalities Check &amp; Challenge</b>	N/A
	<b>SLT Sign off</b>	October 2019
	<b>Previously Considered by Cabinet</b>	Informal oversight
	<b>Director Approval</b>	24/10/2019
	<b>Legal Approval</b>	24/10/2019
	<b>Finance Approval</b>	24/10/2019
	<b>Chief Finance Officer Sign Off</b>	24/10/2019
	<b>Monitoring Officer Sign Off</b>	24/10/2019

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### **Report Author**

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