
Subject:	GAS SAFETY RECORDS
Meeting and Date:	Cabinet – 1 July 2019
Report of:	Louise J. Taylor, Strategic Housing Manager
Portfolio Holder:	Councillor Susan Chandler, Portfolio Holder for Housing and Health
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To respond to the report of the Monitoring Officer (MO) on Landlord Gas Safety Records in respect of Council dwellings.

Recommendation: It is recommended that Cabinet:

1. That Cabinet adopts this report as its report to the Monitoring Officer in accordance with the requirements of S5A (8)&(9) of the Local Government and Housing Act 1989, and that a copy of it be provided to all Members of the Council and the Monitoring Officer.
2. Request a further report on any wider issues of housing management and whether consultation with the Council's tenants on withdrawal from the East Kent Housing (EKH) Arm's Length Management Organisation (ALMO) is now required.

1. Summary

1.1 Cabinet have received a "section 5" report (elsewhere on today's agenda) from the Council's Monitoring Officer in relation to a shortfall in Landlord Gas Safety Records (LGSR) for the Council's dwellings.

1.2 This report sets out :

- The action already taken by the Executive;
- The action proposed by the Executive; and
- The reasons for the actions;
- Other relevant information.

2. Introduction and Background

2.1 The background to the current situation with regard to LGSRs is set out in the MO's report elsewhere on the agenda.

Action Already Taken by the Executive

2.2 As soon as they became aware of the scale of the problem the Council's Client Officer, who manages the day to day interactions with EKH, took steps to regularise the situation as soon as possible. The main steps were:

- (a) Authorise the direct award of work by EKH to a panel of contractors without a formal tendering process in order to accelerate gas safety checks.
- (b) Authorise EKH to raise Purchase Orders direct to contractors instead of using longer contracts
- (c) Direct EKH that incurring additional costs should not be a concern in pursuit of gas safety checks to achieve full compliance; and
- (d) Requested daily updates on progress and the certificates outstanding.

Actions Proposed by the Executive

2.3 The Council's contractors, P&R, have given notice and the contract with them ended at the beginning of July. The Council has therefore worked with EKH to:

- (a) Re-let the contract to a new contractor in order to re-establish an orderly programme of gas safety inspections as quickly as possible.
- (b) In the interim, maintain the panel of contractors to continue inspections until the new contract comes into place.
- (c) Undertake an inquiry into how the current situation arose and how processes can be improved in the future to prevent a recurrence and to maintain full compliance with gas safety requirements and other health and safety regimes.
- (d) Provide a further report, as requested, to Scrutiny (Policy and Performance).

Reasons for the Actions Taken by the Executive

2.4 It is essential that the Council, as landlord:

- (a) Is fully compliant with gas safety requirements;
- (b) Maintains an orderly programme of timely and professional gas safety inspections;
- (c) Maintains proper documentation; and
- (d) Has a formal contract in place, with adequate controls and monitoring to implement points (a) to (c) above.

Other Relevant Information

2.5 It is essential that the Council now investigates whether the issues experienced for gas safety certification were a one-off event arising from issues with a single contract or contractor, or whether they point towards wider procedural or other weaknesses in the arrangements for the management of the Council's housing stock.

2.6 Therefore further information on the management of the housing stock is required in order for the Council to consider whether a more wide-ranging response is required.

3. **Identification of Options**

3.1 There are two main options available to the Council:

- (a) Resolve the gas safety certification issues alone.
- (b) Investigate the wider issues of housing management and consider whether there should be a change to the current housing management arrangements, including whether to give notice to withdraw from the current EKH agreements. This would necessitate consultation with the tenants.

4. **Evaluation of Options**

Resolve the Gas Safety Certification Issues

4.1 Although necessary, this step is not considered sufficient to provide the overall level of assurance the Council requires.

Investigate the Wider Issues

4.2 Although this option will be more onerous, the Council has a duty to ensure it still operates the most appropriate arrangements for its housing stock in the light of the current concerns, and this needs to be investigated. Such investigation should include consultation with tenants on the option to withdraw from the arrangements with EKH. This investigation into the wider issues, with a report back to Cabinet, is the recommended option.

5. **Resource Implications**

5.1 There are likely to be additional costs arising from the need to accelerate gas safety inspections. These costs cannot be quantified at this stage, but are expected to be contained within the existing HRA budget.

5.2 The costs of the additional investigation into the arrangements for housing management are likely to be met in part from existing staff resources and, in part, from the use of consultants. They costs are expected to be contained within the existing HRA budget.

5.3 However, the measures identified in this report will not be delayed for the lack of resources and, if necessary, council approval will be sought for additional resources.

6. **Corporate Implications**

6.1 Comment from the Head of Finance and Housing: The Head of Finance and Housing has been consulted in the production of this report and has no further comments.

6.2 Comment from the Head of Governance: The Head of Governance has been consulted in the production of this report and has no further comments.

6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

7. **Background Papers**

Report of the Monitoring Officer on today's agenda.

Contact Officer: Louise J. Taylor

I:\finance housing and community\LGSR 2019\2019-07-01 Cabinet Report.doc