

---

<b>Subject:</b>	<b>HOUSING STOCK COMPLIANCE POLICIES</b>
<b>Meeting and Date:</b>	<b>Cabinet - 1 June</b>
<b>Report of:</b>	<b>Roger Walton, Strategic Director (Operations and Commercial)</b>
<b>Portfolio Holder:</b>	<b>Councillor Oliver Richardson, Portfolio Holder for Environment and Commercial Services</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

---

**Purpose of the report:** To adopt a suite of compliance policies appertaining to the management of the Council's housing stock.

---

**Recommendation:**

1) That the Council adopts the suite of policies, written on behalf of the four local authorities whose assets are currently managed by East Kent Housing, which relates to the various aspects of statutory health & safety compliance associated with managing housing stock.

2) That Cabinet delegates to the Strategic Director (Operations and Commercial) the authority to adopt minor amendments.

---

## 1. Summary

- 1.1 In 2019 it emerged that East Kent Housing had got itself in to a position whereby a significant proportion of its housing stock did not have up to date gas safety certificates. As a result members of Dover District Council were advised formally that they could no longer place reliance on the fact that the Council was discharging its statutory duties with respect to the health & safety compliance of its housing stock.
- 1.2 The resultant recovery plan is predicated on creating and adopting robust health and safety compliance policies, together with devising and implementing robust methods for ensuring operations are in accordance with these policies,
- 1.3 The statutory nature of health and safety compliance effectively determines the vast majority of the policies and the fact that the policies have been drafted by an external organisation with considerable experience and expertise will reassure members that they can place reliance on the policies.
- 1.4 The nature of compliance policies, which are largely dictated by legislation, means that they are subject to minor changes that are often technical and statutory. These changes can also, on occasion, be required at short notice. Delegating authority to the Strategic Director (Operations & Commercial) provides the ability for the Council to respond nimbly to any minor changes.

## 2. Introduction and Background

- 2.1 In 2019 it emerged that East Kent Housing had got itself in to a position whereby a significant proportion of its housing stock did not have up to date gas safety certificates.
- 2.2 Subsequent investigation by the four Councils revealed that the East Kent Housing management and information systems were inconsistent and, in a number of areas, incomplete to the extent that East Kent Housing were not able to demonstrate health and safety legislative requirements had been met, not only in relation to gas safety but also in relation to the other strands of health and safety: legionella; fire safety; electrical safety, asbestos safety and the safety of lifts. As a result, members of Dover District Council were advised formally that they could no longer place reliance on the fact that the Council was discharging its statutory duties with respect to health & safety compliance of its housing stock.
- 2.3 Serious concern about this matter, together with wider management issues, was expressed not only by the four Councils but also in the press, in parliament and by Central Government, resulting in a requirement on the four Council's to submit a recovery plan to the regulator. Creating robust health and safety compliance policies, together with devising and implementing robust methods for ensuring operations are in accordance with these policies, are central to the recovery plan.
- 2.4 One of the actions of the four Council's was to appoint Pennington's, who have substantial relevant experience, skills sets and knowledge, to assist with the creation and implementation of the recovery plan. One particular work strand assigned to Pennington's was writing robust health and safety compliance policies for adoption by the Council. That suite of policies is appended to this report and will constitute the health and safety compliance policies relating to management of the Council's housing stock with immediate effect.
- 2.5 It should be noted that the draft policies were not only shared with tenant representatives but also with an independent surveyor and an independent fire engineer, who have in depth understanding of the technical requirements and how these might be addressed in policy terms.
- 2.6 The statutory nature of health and safety compliance effectively determines the vast majority of the policies and the fact that the policies have been drafted by an external organisation with considerable experience and expertise will reassure members that the policies are robust. On this basis, Members should note that the suite of policies have not been reviewed in detail by the Council 's legal team. It should further be noted that a key feature of the policies is that they impose an obligation on the Council to undertake regular formal reviews to ensure both that they are implemented operationally and that any future legislative changes are adopted in timely manner.
- 2.7 As noted in paragraph 2.6 policies need to be reviewed regularly to ensure that they are fit for purpose and are completely up to date. Such reviews often identify minor changes, such as name changes or changes of responsibility within the establishment, which make management of the compliance function more robust. Furthermore, the nature of compliance policies, which are largely dictated by legislation, means that these minor changes are often technical and statutory. These changes can also, on occasion, be required at short notice. Delegating authority to the Strategic Director (Operations & Commercial) to authorise minor policy changes provides the ability for the Council to respond nimbly to enhance management procedures and reflect any minor legislative changes.

### 3. **Identification of Options**

- 3.1 The Council adopts the suite of compliance polices.
- 3.2 The Council does not adopt the suite of compliance policies.

#### 4. **Evaluation of Options**

- 4.1 **The Council adopts the suite of compliance policies:** Robust and clear policies are a pre-requisite to any management system and in the case of a health and safety statutory compliance system ensure that statutory obligations are and continue to be discharged. Since the policies underpin the robust compliance management system the regulator will expect them to be at the heart of the recovery plan. This is the recommended option.
- 4.2 **The Council does not adopt the suite of compliance policies:** Without robust compliance policies robustly implemented Councillors will remain in the position that they cannot place reliance on the fact that the Council is discharging its statutory duties with respect to health & safety compliance of its housing stock. Such a decision also risks being seen as perverse by the regulator.

#### 5. **Resource Implications**

- 5.1 This report appertains only to the adoption of the compliance policies and hence there are no direct resource implications. Compliance is at the heart of the wider management of the service and the resources needed to manage compliance have been included with the draft proposed structures.

#### 6. **Climate Change Implications**

- 6.1 The compliance policies themselves are specific to certain areas of health and safety, as defined by statute. Adoption of the policies, of itself, therefore does not have an impact, either negative or positive, on climate change however the actions arising from the future on-going implementation of the policies, such as the procurement of services to manage compliance and construction projects needed to ensure continued compliance, do have an impact. Actions will be reviewed on a case by case basis with a one of the goals being to reduce carbon emissions as much as is practically possible.

#### 7. **Corporate Implications**

- 7.1 Comment from the Section 151 Officer: Accountancy have been consulted and have no further comments to add (BW).
- 7.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to add.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications however in discharging their duties members reminded 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/contents>
- 7.4 Comment from Climate Change & Energy Conservation Officer: Whilst many aspects of compliance do not have an impact on climate change it must not be forgotten that there are statutory requirements for the Housing Stock to meet Minimum Energy Efficiency Standards (MEES) to help residents live safely, independently and affordably warm in their homes at the same time as reducing emissions from the domestic sector in line with Climate change ambition. Whilst the MEES regulations do not apply to housing stock owned by local authorities and registered social providers there is a potential risk of reputational damage if DDC's stock is less energy efficient.

8. **Appendices**

Appendix 1 - Suite of Compliance Policy Documents

9. **Background Papers**

None.

Contact Officer: Martin Leggatt – Head of Assets and Building Control