
Subject:	HOUSING STOCK COMPLIANCE
Meeting and Date:	Cabinet – 9 November 2020
Report of:	Roger Walton, Strategic Director (Operations and Commercial)
Portfolio Holder:	Councillor Derek Murphy, Portfolio Holder for Housing and Health
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To update on the current position in relation to the compliance status of the Council's housing stock.

Recommendation: That Cabinet notes the current status which relates to statutory health & safety compliance associated with managing the housing stock and the actions being taken to verify the accuracy of compliance data.

1. Summary

- 1.1 In 2019 it emerged that East Kent Housing (EKH) did not have up to date gas safety certificates for a significant proportion of its housing stock. Subsequent investigations carried out by the East Kent Audit Partnership (EKAP) found that as well as gas safety, major failings were detected in all other areas of compliance (Water Hygiene, Lift safety, Electrical safety, Asbestos safety, and fire safety)
- 1.2 Whilst managing the service EKH, as an organisation, never shared their base data for compliance with the four Councils (databases/spreadsheets trackers etc) and have always maintained that they were not 100% confident in the accuracy of their compliancy figures when reporting on compliance to the four Councils.
- 1.3 On 5th October 2020, Council officers had first sight of the former EKH compliance data and can confirm that there are inaccuracies and performance figures based on misinterpretation of base data. This report will update members on the issues and progress made verifying data accuracy for compliance. Accurate data is the prerequisite for compliance performance information, in which officers and members can have 100% confidence.

2. Introduction and Background

- 2.1 In 2019 it emerged that East Kent Housing (EKH) did not have up to date gas safety certificates for a significant proportion of its housing stock. Subsequent investigations carried out by the East Kent Audit Partnership (EKAP) found that as well as gas safety, major failings were detected in all other areas of compliance (Water Hygiene, Lift safety, Electrical safety, Asbestos safety, and fire safety)
- 2.2 As a result of these issues, the council decided to self-refer to the Regulator for Social Housing (RSH). Following investigation, the RSH concluded that the council were non-compliant with the requirements set out in the Home Standard and decided to issue a

Regulatory Notice in September 2019, which remains 'live' for 12 months or until full compliance is achieved.

- 2.3 As a result of this, and following consultation with tenants, all four Councils decided to disband EKH and from 1st October 2020 Dover District Council became responsible for delivering all housing management services, including compliance safety.
- 2.4 Whilst managing the housing stock EKH, as an organisation, never shared their base data for compliance with the four Councils (databases/spreadsheets/trackers etc) and have always maintained that they were not 100% confident in the accuracy of their compliancy figures when reporting on compliance to the four Councils. Officers have also been sceptical of the figures presented but despite repeated requests for clarification from EKH the clarifications were not forthcoming.
- 2.5 On 5th October, Council officers had first sight of the compliance data and have since interrogated the data sets and tracker spread sheets of EKH's compliance data. Officers can confirm that there are inaccuracies and figures based on misinterpretation.
- 2.6 One of the key elements to managing compliance is to fully understand and manage the compliance data and certification. The starting point is the need to have a master data base that accurately records the compliance liability against each address. For Dover District Council the Strategic Asset Management (SAM) system which is a module of the Northgate Housing System is the master data base. This will ensure all six areas of compliance use the same property address list.
- 2.7 The compliance data currently resides on numerous spreadsheets and specialist compliance software databases. The address contained in each, be it for certification, confirming compliance and/or for resulting remedial works are not the same. These, along with the current contracts, are being used as a double check to ensure the SAM data base is accurate. It is being found that addresses that we do not own are on contracts and addresses that should be on a contract are not. Officers are well advanced in ensuring that the contracts and SAM match and that all liabilities are correctly identified. This task alone is immense, but it is key to getting the figures right so that all assets are compliant.
- 2.8 Another process to verify the compliance data is to see and check the actual certification. Some certificates are missing for one reason or another, be it that they have been misfiled, not passed onto to DDC by EKH or that they just don't exist for some properties. Where possible copy certificates are being obtained from the contractors and where there is doubt that any remedial works identified on the certificate have not been completed, inspections are being arranged to check, and if there are outstanding matters, any necessary remedial actions are instigated immediately.
- 2.9 Where certification is missing, officers will report the property as non-compliant until the certificates are found, or the property is re-inspected, and a satisfactory new certificate is issued. Members may therefore see some compliance figures dipping and then rising as we officers find batches of certificates and amend the data base.
- 2.10 Officers in the Housing Assets team suspect that some of the databases have not been updated following compliance related remedial works and they have been inspecting properties to ratify that works have been completed so that the compliance data can be updated.

2.11 Although Council officers have only been working on this a few days, good progress has been made. It is anticipated that it will be possible to report accurately data for some of the workstreams at the end of October. The reporting measures will be consistent with those contained in the Voluntary Undertaking to the Social Housing Regulator and in the longer term will be incorporated into the Corporate Performance report.

3. **Identification of Options**

3.1 **That Cabinet notes** the current status, which relates to statutory health & safety compliance associated with managing the housing stock and the actions being taken to verify the accuracy of compliance data

4. **Resource Implications**

4.1 This report appertains to the current compliance position 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 housing asset team structure.

5. **Climate Change Implications**

5.1 The compliance report does not have an impact, either negative or positive, on climate change. Where actions are taken to improve compliance, these will be reviewed on a case by case basis with one of the goals being to reduce carbon emissions as much as is practically possible.

6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: Accountancy have been consulted and have no further comment to make. (DL)

6.2 Comment from the Solicitor to the Council. The solicitor to the Council has been consulted and has no further comments to make. (HR)

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/section/149>

6.4 Comment from the Climate Change & Energy Conservation Officer: The officer has been consulted and has no further comments to make. (AM).

7. **Appendices**

None.

8. **Background Papers**

None.

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