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| Subject: | HOUSING STOCK COMPLIANCE |
| Meeting and Date: | Cabinet – 7 December 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 Cabinet on the current position in relation to the compliance status of the Council's housing stock.

- Recommendation:**
1. That Cabinet notes the contents of this report, which relates to the statutory health & safety compliance matters associated with managing the housing stock, as well as the actions being taken to verify the accuracy of compliance data.
 2. That Cabinet approves the adoption of a single set of compliance performance data, which will be reported to each body that has oversight of compliance and agrees that the relevant performance data is the latest data set reported to the Regulator for Social Housing.
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1. Summary

- 1.1 This is the second monthly compliance report since the housing service reverted to the direct control of Dover District Council from East Kent Housing on 1st October 2020. The report outlines: progress towards creating the requisite reliable compliance management and reporting framework; establishing accurate raw data; and reporting performance based on this verified data.
- 1.2 The report also seeks cabinet approval to adopt a single set of compliance performance data that informs each body having oversight. The importance of getting compliance right means that much time and effort is being devoted to improving the situation and performance levels are very much in a state of flux. Since a number of bodies have oversight, each scrutinising performance on different dates, unless a single set of data is being scrutinised there is much potential both for confusion about the actual performance and for time and effort being wasted in coming to a shared understanding of the position. The relevant performance data will be the latest data reported to the Regulator for Social Housing until such times as the Regulator ceases to be involved, at which point an agreed alternative data set will be reported on.
- 1.3 The report draws attention to the features and constraints of the reporting system in order that members have a deeper understanding of the significance of the data being reported. In particular, the reporting figures can only indicate performance at a specific moment in time. Compliance is dynamic because individual certificates

expire, necessitating retesting. Also, of note are the current increased volatility of performance data, resulting from the inherited lack of robust data and the risks associated with reporting performance figures derived from inaccurate or incomplete data.

2. Introduction and Background

2.1 This is the second monthly compliance report since the housing service reverted to the direct control of Dover District Council from East Kent Housing. The first report was considered by cabinet on 9th November 2020 and outlined the state of the compliance data shared with Dover District Council by East Kent Housing on 5th October. That report also stressed the importance of establishing a master data base, which for Dover District Council is the Strategic Asset Management (SAM) system, a module of the Northgate Housing System. That report also emphasised the importance of thorough interrogation of the base data in order to verify accuracy, a substantial piece of work.

2.2 This report outlines subsequent progress towards creating the requisite reliable compliance management and reporting framework, establishing accurate raw data and reporting performance based on this verified data.

3. Compliance Management and Reporting Framework.

3.1 Robust policy documents, including those concerning compliance, were drawn up by Pennington Choices on behalf of the four authorities as part of the recovery plan associated with the joint voluntary undertaking to the Regulator for Social Housing. These were adopted by Dover District Council on 1st June 2020. However, an effective compliance regime relies on those managing the system to have the tools at their disposal to implement the policies. Hence since November 9th work has been undertaken to create a Compliancy Data Management and Data Storage Manual document which will be used by everyone delivering compliancy. The first draft was produced on 11th November. The manual translates the policies into a working document for officers that describes the scope of each compliance area, the data that needs to be collected for that particular compliance area, why this data is necessary, how and where the data is stored and the measures needed to verify the data. The act alone of writing the manual focusses minds on the processes and procedures involved and acts as a tool for uncovering and rectifying any weakness in the system.

3.2 The involvement of the Regulator for Social Housing initially involved a joint voluntary undertaking by East Kent Housing and the four local authorities, which underpinned the recovery programme. Following the transfer of responsibilities on 1st October each authority is in the process of agreeing individual undertakings with the Regulator. Draft undertakings have been submitted and early indications are that these satisfy the Regulator. Part of the undertaking concerns the requirement for the emerging systems to be exposed to independent audits, designed to ensure that past weaknesses and flaws have been eradicated and that there is a plan and programme to remediate legacy compliance issues. At the heart of the audit will be robust testing of compliance data management and the knowledge of those using that data.

4. Establishing Accurate Raw Data

4.1 The paramount importance of complete, accurate data in ensuring all properties are safe has been recognised by both members and officers. It is a top priority to verify data as quickly as possible. Members understandably wish to be in possession of performance data at the earliest opportunity but there are risks of individual

appliances/properties being missed from the testing regimes if the drive to report performance takes precedence over establishing a comprehensive, accurate reporting regime.

4.2 The performance monitoring reports will contain entries for all areas of compliance but actual figures will be reported only where the data has been verified. Elsewhere the returns will simply state 'data not verified'. This approach gives members the information they need to challenge progress with respect to the verification process as well as accurate performance figures on compliance areas where verification has been completed.

4.3 As reported to cabinet on November 9th good progress has been made with verifying data and it is now possible to commence reporting reliably on the performance of some areas of compliance

5. **Compliance Performance**

5.1 The compliance performance figures are attached at appendix 1. These figures relate to performance as at 2nd November 2020 of note is the performance in relation to Landlord's Gas Safety Certificates since this was the initial area of concern with respect to the management of compliance by East Kent Housing.

6. **Identification of Options**

6.1 **Option 1:** Cabinet notes the contents of the report and approves the adoption of a single set of compliance performance data.

6.2 **Option 2:** Cabinet notes the contents of the report but does not approve the adoption of a single set of compliance performance data.

7. **Evaluation of Options**

7.1 **Option 1:** Adoption of a clear set of performance data to be scrutinised, understood by all relevant bodies reduces, perhaps even eliminates, the risk of confusion and the resultant avoidable activity to bring clarity. **This is the recommended option.**

7.2 **Option 2:** This option has potential for performance data to cause confusion not only hampering effective scrutiny but also creating unnecessary tension between the various bodies with oversight of the housing compliance. **It is not recommended.**

Resource Implications

7.3 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.

8. **Climate Change Implications**

8.1 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.

9. **Corporate Implications**

- 9.1 Comment from the Section 151 Officer: Accountancy have been consulted and have no further comments to add (BW)
- 9.2 Comment from the Solicitor to the Council. “The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make”.
- 9.3 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> (KM)
- 9.4 Comment from the Climate Change & Energy Conservation Officer: “The Climate Change & Energy Conservation Officer has been consulted and has no further comments to add”.
10. **Appendices**
- Appendix 1 Compliance Performance Table
11. **Background Papers**
- Cabinet report CAB45 of 9th November 2020

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