

Subject:	HOUSING STOCK COMPLIANCE
Meeting and Date:	Cabinet – 11 January 2021
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.

1. Summary

- 1.1 This is the third 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 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.
- 1.3 Considerable progress has been made in verifying the accuracy of the data and just three information streams still need to be verified. The verified data shows that in all but two of the categories the performance has improved and the drop in performance of the remaining category is marginal.

2. Introduction and Background

- 2.1 This is the third 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 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. The 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.
- 2.3 Considerable progress has been made in verifying the accuracy of the data and just information streams still need to be verified. The verified data shows that in all but one of the categories the performance has improved and the drop in performance of the remaining category is marginal.

3. Compliance Management and Reporting Framework.

- 3.1 Work continues to refine the 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 Workshops have been arranged for those concerned with the various compliance work streams in order that those running the service are fully conversant with new procedures and can help shape the manual to cover all the practicalities on site.
- 3.3 Simultaneously a review of the policies drafted by Pennington Choices on behalf of the four Council's as part of the recovery plan is being undertaken. When the policies were adopted by cabinet on 1st June 2020, East Kent Housing were managing the service and ,of necessity, EKH were both referred to in the policies and , to a degree, influenced the policies themselves. The East Kent Housing references are being replaced by Dover District Council references and, at the same time, experiences found in first 8 weeks of running the service direct are being used to hone the policies to help tailor the service. Any minor adjustments to the policies will be formally adopted by the Strategic Director (Operations and Commercial) in consultation with the Portfolio Holder for Housing and Health, under the delegated powers authorised by cabinet on 1st June 2020.
- 3.4 Dover District Council formally submitted a voluntary undertaking which was agreed with the Regulator for Social Housing on 25th November 2020. This agreement underpins the recovery programme.. 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. The audit will take place in January in 2021, conducted by East kent Audit Partnership, as agreed with the regulator.

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. Considerable progress has been made in verifying the accuracy of the data and just three information streams still need to be fully verified. 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 continue to 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.

5. **Compliance Performance**

- 5.1 The compliance performance figures are attached at appendix 1. These figures relate to performance as at 2nd December 2020. Of the 16 reporting streams, the data has been verified on 13 and performance is recorded in Appendix 1
- 5.2 With respect to asbestos, the focus currently is establishing that the Council is fulfilling its obligations under the Control of Asbestos Regulations 2012, which stipulate that it has a duty to manage asbestos risks in designated areas. Work is currently being undertaken to resolve unanswered questions on 7 assets in order to confirm that these assets too are compliant. Since doubt remains the assets have not been included in the 94% figure. The contract for the asbestos surveys included undertaking the work necessary to resolve any issues revealed by the survey.
- 5.3 The performance with respect to Landlord Gas Safety Regulations certificates remains at virtually 100% with just one property without a certificate, due to the refusal of tenant to provide access. Formal forced entry procedures are currently being followed. It is fair to say that this aspect of compliance is no longer in the recovery phase and Appendix 1 demonstrates that many of the compliance aspects are in a similar situation.

6. **Identification of Options**

- 6.1 **Option 1:** Cabinet notes the contents of the report.

6.2

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.**

8. **Resource Implications**

- 8.1 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.

9. **Climate Change Implications**

- 9.1 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.

10. **Corporate Implications**

- 10.1 Comment from the Section 151 Officer: Accountancy have been consulted and have no further comments to add (BW)
- 10.2 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".
- 10.3 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)
- 10.4 Comment from the Climate Change & Energy Conservation Officer: "The Climate Change & Energy Conservation Officer has been consulted and has no further comments to add".

11. **Appendices**

Appendix 1 - Compliance Performance Table

12. **Background Papers**

Cabinet report CAB45 of 9th November 2020

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