



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Rural and Communities Overview and Scrutiny Committee

23<sup>rd</sup> June 2022

Report of: Councillor Robert Reid

Cabinet Member for Housing and  
Property



## Compliance update

This report seeks to update Committee on actions to ensure regulatory compliance of the Council's social housing landlord function following the non-compliance notice issued by the Regulator of Social Housing.

### Report Author

Craig Spence (Assistant Director of Housing)



01476 406080



craig.spence@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Housing that meets the needs of all residents	Non-Key	All Wards

Reviewed by:	Andrew Cotton (Director of Housing and Property)	8 June 2022
Approved by:	Alan Robinson (Deputy Chief Executive)	10 June 2022
Signed off by:	Councillor Robert Reid (Cabinet Member for Housing and Property)	14 June 2022

### Recommendation (s) to the decision maker (s)

1. That the Committee notes the latest compliance position following the ongoing meetings with the Regulator of Social Housing.
2. That the Committee receives a further update report at its next scheduled meeting.

# 1 The Background to the Report

- 1.1 The Committee will be aware the Chief Executive determined, in consultation with the Leader and Cabinet Member for Housing and Planning, to self-refer the Council to the Regulator of Social Housing. Since this referral Officers have been providing further data and details relating to the core issues of non-compliance for the Regulator to consider and review.
- 1.2 Monthly meetings have been taking place with the Regulator to cover issues of focus in terms of the regulatory framework, focussing on the Homes Standard. Any issues of importance raised will be verbally reported to this meeting. The discussions and requests for information have been provided as required, and this has allowed the Regulator to continue to work with Officers in a constructive and helpful way.
- 1.3 The Committee has now received seven update reports since March 2021 that have confirmed the Regulatory Notice served on the Council and provided an outline of the work that officers would continue to ensure we logically and methodically progress through a programme of improvement.
- 1.4 The Committee determined that it would wish to receive update reports on progress at each of its meeting to ensure that Members had oversight of broad progress around the key areas of activity and could engage with Officers and scrutinise work where required. It identified the following core headings as a means of updating Members and would identify the following information to assist this process. In addition, at the meeting on 01 July 2021, Committee requested sight of the Improvement Plan; the latest version is appended to this report.
- 1.5 **Updating Tenants and Members:** Following on from previous briefings, further All Member Briefings will be arranged to ensure Members are fully informed on progress and continued challenges.
- 1.6 A full tenant consultation exercise has now concluded – “The Big Listen”. This involved several questions on both the current experience of tenants in terms of the services the Council offers as a landlord, and what they would like to see prioritised in the Housing Revenue Account Business Plan, which will require a complete review in 2022/23. The questions are based on the Regulator of Social Housing’s proposed Tenant Satisfaction Measures and the initial report is appended as (Appendix 3 – Tenant Satisfaction Measures June 2022)
- 1.7 This provides a clear starting point to measure the impact of the Council’s comprehensive improvement programmes.
- 1.8 A key activity to support that our HRA Business Plan review is up-to-date information on the Council’s housing stock. As noted in previous reports, the last full Stock Condition Survey was completed in 2009; good practice suggests comprehensive Stock Condition survey should be completed every 5 years, usually by undertaking a survey of 20% of the stock each year. The Survey has now concluded, although it is concerning that several properties have not been surveyed due to a lack of access. These properties will be prioritised for survey as we continue with plans to ensure 20% of the stock is surveyed every year, which will provide up-to-date information to feed the Council’s capital programmes. Analysis of the findings is to take place over the Summer, with Member Workshops being held and reports to relevant Scrutiny Committees to inform and influence the HRA Business Plan.

- 1.9 As confirmed to Committee at the last meeting, the new IT solution platform to provide 'tenant feedback' in real time (Rant and Rave) has gone live; this initiative, along with the Big Listen, will form a critical contribution to meeting the new Charter for Social Housing Tenants White Paper requirements and demonstrates to the Regulator the clear intent by the Council to embrace full tenant participation. A snapshot of performance will be presented verbally to Committee, meaning the very latest data is available.
- 1.10 **Audit Review Process:** as Committee will be aware, the original Audit report was completed and submitted to this Committee and then subsequently submitted to Governance and Audit Committee which was held on the 18 March 2021. The Audit Workplan for 2021 included a further detailed audit for housing services during the summer of 2021, which has concluded, and the report was submitted to Audit and Governance and shared with this Committee. It is anticipated we will seek the assurance of an external audit in the Summer to continue our evidence-base of the journey to full compliance.
- 1.11 **Regular Meeting with the Regulator:** Monthly meetings between the Chief Executive, Director of Housing and Property Services, and the Regulator's Officers take place as scheduled; the next meeting at time of writing was due on the 13 June 2022. These meetings cover specific core areas of compliance progress (attached as Appendix 1 to this report), the Improvement Plan (attached as Appendix 2), and other updates as required. The Regulator continues to express satisfaction at the progress made.
- 1.12 Committee may find additional comment on Appendix 1 helpful and will recall performance in February and March 2022 was subject to some fluctuation, due to a cleansing exercise to improve the quality of our data (especially in relation to the baseline figures held within our IT systems). The resetting of baseline figures triggered a number of further inspections becoming due, which impacted on the overall total of compliant elements. Since then, there is evidence of robust performance improvement:
- 1.12.1 Asbestos – this shows 100% compliance in terms of asbestos inspections.
- 1.12.2 Electrical testing – this shows the position in relation to properties (both dwellings and communal areas) with an up-to-date electrical certificate, with the current position being 86.58% of dwellings with a current satisfactory certificate. Any urgent remedial works are being undertaken as part of the testing and the Housing Management Team are supporting with legal action where access has been refused.
- 1.12.3 Fire Risk Assessments – this shows all communal blocks assessed as "higher risk" have been inspected, and corrective actions are being programmed and completed. It is consistent with the Council's Fire Safety Management Plan.
- 1.12.4 Gas – 99.96% achieved in May, slightly down from the excellent result of 100% of properties with an up-to-date gas certificate in April. Of the two properties without, both have appropriate actions up-to-date, including obtaining warrants to be served to force access.
- 1.12.5 Legionella – 93.94% compliant, showing continued improvement month-on-month and likely achievement of 100% in June 2022.
- 1.12.6 Lift inspections – all properties are currently compliant.
- 1.13 The Regulator has also been updated regarding the work being undertaken that has resulted in the resetting of the Council's performance, including data validation and system

reconciliation; improved internal processes; and more rigorous contract management. The Regulator has confirmed satisfaction with the progress and the planned objectives officers have outlined. Similarly, work has been reported to the Regulator in relation to the management of the Council's Sheltered Housing Schemes and, again, the Regulator has expressed satisfaction.

1.14 **Leadership Compliance Meetings:** Chaired by Cabinet Member for Housing and Planning and attended by the Leader of the Council, the Chief Executive, the Director of Housing and Property, and the Assistant Director of Housing, these meetings have been a continued feature of the more detailed compliance review process being undertaken. Members of this group ensure specific responses to the changing compliance review process and manage tenant and the communication responses to actions associated with key service and regulatory responses such as agreeing the scope and nature of key issues to be covered by the Skyline magazine publication.

1.15 **Regular Reports to Committees and Cabinet:** the necessary reporting to appropriate committees will continue. Members are invited to comment on this report content and confirm their views and observations relating to the detail contained within this report.

## **2 Consultation and Feedback Process, Including Overview and Scrutiny**

2.1 The necessary consultation with the tenants and Members of the Council has been undertaken through timely reporting, dispatch of letters to advise tenants of progress, the latest Skyline publication, dedicated customer telephone enquiry line, and an updated web site detailing compliance issues and signposting services. This process will continue as required and the engagement with tenants particularly will be amended to reflect changing needs and requirements.

## **3 Available Options Considered**

These will be further determined through work with the Regulator, the adjusted Improvement Plan, and consideration of key outputs by Members, Leadership Compliance meetings, and All Member briefing sessions as arranged.

## **4 Preferred Option**

To proceed in conjunction with the support and guidance of the Regulator, and to ensure audit and regulatory requirements are fully met by way of timely actions, reporting, and agreed improvement plan activity and regular reports to this committee, Audit and Governance Committee and Cabinet as required. Additional contact and reporting has been introduced for the Regulator and if necessary the HSE, and again this will continue as necessary.

## **5 Reasons for the Recommendation (s)**

5.1 To secure as determined by the Regulator a return to full compliance in respect of housing services, including the identification of appropriate resources, funds, and service improvements in a timely manner.

## **6 Next Steps – Communication and Implementation of the Decision**

6.1 To continue to build upon the Improvement Plan process, seek to secure a deliverable work plan with the Regulator, and provide timely and necessary information for Members such as this update report, so that robust decision making, and customer improvements can take place and be implemented as required.

## **7 Financial Implications**

- 7.1 The financial considerations arising from the compliance requirements have been substantially incorporated in the HRA budgets for 2022/23. However the HRA financial outlook remains challenging against a backdrop of rising demands, material price increases and managing customer expectations. The re-setting of the respective responsibilities between landlord and tenant will become a key part of the review to enable a sustainable financial outlook to be developed. The report refers to the stock condition survey which is imminent, the findings of this review may require a re-prioritisation of the capital programme in order to respond to any emerging issues.

**Financial Implications reviewed by: Richard Wyles, Chief Finance Officer**

## **8 Legal and Governance Implications**

- 8.1 The updates to Committee allow members to track progress against key risk areas, which is to be welcomed from a governance perspective. The legal implications for non-compliance are incorporated within the risk ratings.

**Legal Implications reviewed by: Alan Robinson Monitoring Officer**

## **9 Equality and Safeguarding Implications**

- 9.1 All the necessary safeguarding and equality issues will be identified and complied with as the necessary compliance and improvement activities take place. Each equality and safeguarding impact are carefully considered when actioning a compliance or regulatory change. This is especially so when managing such matters for vulnerable households and particularly those occupying specialist accommodation such as designated sheltered accommodation.

## **10 Risk and Mitigation**

- 10.1 The necessary risk issues, logs, and mitigations will be identified through the necessary work plans, and any work outputs agreed with the Regulator. Clearly dealing with significant compliance matters requires a comprehensive approach to risk management, particularly in respect of assessing priorities and critical actions. The necessary and agreed risk assessment process will be discussed and agreed with the Regulator at the appropriate time to ensure outcomes are as far as possible managed and objectives achieved.

## **11 Community Safety Implications**

- 11.1 These will be identified as part of the compliance mitigation and implementation plans.

## **12 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?**

- 12.1 Any capital improvement plans especially in the context of dealing with essential gas, electrical and other works will aim to maximise energy efficiency measures, and reductions in carbon emissions.

## **13 Other Implications (where significant)**

- 13.1 None currently.

## **14 Background Papers**

- 14.1 Previous reports, and correspondence with Regulator.
- 14.2 Report to Governance and Audit Committee and Rural Overview and Scrutiny Committee.

## **15 Appendices**

- 15.1 Appendix 1 – Summary Paper relating to core compliance areas.
- 15.2 Appendix 2 – Improvement Plan May 2022.
- 15.3 Appendix 3 – Tenant Satisfaction Measures June 2022.