



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Housing Overview and Scrutiny Committee

21 September 2023

Report of: Councillor Phil Dilks  
Cabinet Member for Housing and  
Planning

# Housing Regulatory Compliance Update

### Report Author

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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.

### Recommendations

#### That Committee:

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.

## Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents
Which wards are impacted?	All

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 The financial considerations arising from the compliance requirements have been incorporated in the HRA budgets presented and approved by Council on 1 March 2023.

Completed by: Alison Hall-Wright, Assistant Director of Finance and Deputy S151 Officer

### ***Legal and Governance***

- 1.2 This compliance update provides Members with an opportunity to track and consider 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.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

### ***Risk and Mitigation***

- 1.3 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.

### ***Health and Safety***

- 1.4 The key focus in meeting the regulatory standard is to ensure tenants, leaseholders, their households and visitors live in homes that are, as far as is reasonably practicable, safe with hazards minimised. This is reflected in the key compliance areas that are monitored and reported to Committee.

### ***Diversity and Inclusion***

- 1.5 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.

### ***Climate Change***

- 1.6 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.

## **2. Background to the Report**

- 2.1 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 in 2021. 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.
- 2.2 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. Our current performance and plans are shared at 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.
- 2.3 This is the second update report to the newly formed - Housing Overview and Scrutiny Committee. The update reports 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.

- 2.4 The Housing Overview and Scrutiny Committee determined that it would wish to receive update reports on progress at each of its meetings 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.
- 2.5 This update report communicates the performance as of the end of July 2023 as communicated with the Regulator of Social Housing in August 2023. This will still identify the following core headings as a means of updating Members and would identify the following information to assist this process, including the latest version of the Improvement Plan (Appendix 2).

### **3. Key Considerations**

- 3.1 **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.
- 3.2 A full tenant consultation exercise was undertaken – “The Big Listen” – in 2022. 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. The questions were based on the Regulator of Social Housing’s proposed Tenant Satisfaction Measures and the initial report was provided to Rural Overview and Scrutiny Committee in the meeting on 23 June 2022.
- 3.3 In July 2023 we have completed the second annual Tenant Satisfaction Measures survey with the results due shortly. It is proposed the results from this survey are shared at the next Housing Overview and Scrutiny Committee.
- 3.4 We commit to an ongoing programme of stock condition surveys to inform a proactive, planned maintenance programme and reduce the need for more expensive reactive repairs.
- 3.5 A key activity to support the HRA Business Plan review is up-to-date information on the Council’s housing stock. The last full Stock Condition Survey was completed in 2009; good practice suggests comprehensive Stock Condition surveys should be completed every 5 years, usually by undertaking a survey of 20% of the stock each year.
- 3.6 The Council continues to utilise its Rant and Rave feedback, seeking real time feedback from tenants following responsive repairs. We continue to see overall satisfaction of 4.5 out of 5 following completion of more than 1,400 responses, demonstrating sustained high satisfaction at the point where repairs are undertaken.
- 3.7 SKyline continues to provide key information to all tenants and ensure positive engagement for what is happening in the housing service. The next edition is for Winter 2023 and is currently in the content planning stage.

3.8 **Regular Meetings with the Regulator:** Monthly meetings between the Chief Executive, Acting Director of Housing and the Regulator's Officers take place as scheduled; the next meeting at time of writing is due on the 29<sup>th</sup> of September 2023. Progress has been significant right across the landlord health and safety compliance function (latest monthly figures attached as Appendix One to this report) and the relationship with the Regulator is positive, with the Regulator acknowledging that the Council is moving to a position to seek removal of the Notice that was formally served in February 2021.

3.9 That removal is contingent on three issues:

- (a) Sustained maintenance of performance in relation to the key landlord health and safety areas (i.e. those shown on Appendix One)
- (b) Clear programmes of work related to the actions that arise from those areas (these are provided to the Regulator on a monthly basis)
- (c) A satisfactory external audit of the above, providing external assurance. This external audit is complete, with actions to address potential gaps identified and clear responsibilities and timescales for those actions delegated.

To enable the Regulator to remove the notice we have completed the external audit of our compliance related functions. The outcome of this audit has been shared with the Regulator, a copy of this audit report can be found as Appendix Four - Compliance Review Report Issued 14.07.2022. With the resulting action plan detailing progress on the resulting recommendations for information of the committee at Appendix Five - External Audit Action Plan. We have also included the KPI overview document which identifies the starting position of compliance performance at the point of notice and our current performance, this can be seen as Appendix One – Compliance Areas Direction of Travel.

Committee may find additional comment on Appendix Three - Summary Paper relating to core compliance areas as at July 2023

- 3.9.1 Legionella – 100% compliance in relation to water hygiene.
- 3.9.2 Gas – 99.13% in July, this has increased slightly since February 2023 and of the forty properties without valid certificates all have appropriate up to date actions.
- 3.9.3 Electrical testing – this shows the position in relation to properties (both dwellings and communal areas) with a valid electrical certificate, with the current position being 90.80% in July.
- 3.9.4 Asbestos – this shows 100% compliance in terms of asbestos inspections.
- 3.9.5 Fire Risk Assessments – 100% compliant, 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.
- 3.9.6 Lift inspections – all properties are currently compliant at 100%.

- 3.9.7 Smoke and CO – this shows the position for all the alarms within our properties being 100% compliant. This is a significant achievement and the first time we have reported total compliance in this area. This is a Regulatory requirement which came into force on the 1<sup>st</sup> of October 2022.
- 3.9.8 Damp and mould – this shows 99.78% compliance and the appointments for CAT1 and CAT2 inspections and works have been made with several tenants refusing access.
- 3.10 **Leadership Compliance Meetings:** Chaired by the Chief Executive and attended by the Leader of the Council, the Cabinet Member for Housing, and the Acting 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 communication responses to actions associated with key service and regulatory responses.
- 3.11 **Regular Reports to Committees and Cabinet:** the necessary reporting to appropriate committees will continue and have changed as per the committee needs. Members are invited to comment on this report content and confirm their views and observations relating to the detail contained within this report.

#### **4. Other Options Considered**

- 4.1 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.

#### **5. Reasons for the Recommendations**

- 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. Consultation**

- 6.1 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.

#### **7. Appendices**

- 7.1 Appendix One – Compliance Areas Direction of Travel

Appendix Two – Housing Improvement Plan July 2023

Appendix Three - Summary Paper relating to core compliance areas as at July 2023

Appendix Four - Compliance Review Report Issued 14.07.2022

Appendix Five - External Audit Action Plan