



# Agenda

Meeting: **Overview and Scrutiny Committee**  
Date: **10 September 2019**  
Time: **7.00 pm**  
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Overview and Scrutiny Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Apologies for Absence**

2. **Declarations of Interest**

Members of the committee should declare any interests which fall under the following categories\*:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 3 - 10)**

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Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
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To consider and approve, as a correct record, the minutes of the meeting held on 16 July 2019.

**4. Key Performance Indicators Review 2019-20 (Pages 11 - 20)**

This report sets out a proposed list of Key Performance Indicators (KPIs) to be monitored during 2019/20 in line with the Council's Corporate Plan strategic priorities and objectives.

**5. Romney Marsh Employment Hub (Land at Mountfield Road Industrial Estate, New Romney) (Pages 21 - 32)**

This report seeks Cabinet agreement to a financial contribution from Folkestone & Hythe District Council towards the development of a new business centre at Mountfield Road Industrial Estate, New Romney and delegated authority to the Corporate Director for Place and Commercial to finalise the terms of the legal agreements with co-funders.

**6. Folkestone & Hythe District High Streets Fund (Pages 33 - 44)**

This report sets out proposals for investing and managing the Council's £3 million High Streets Regeneration Fund that has been established to support and help high streets in the district adapt for the future.

**7. East Kent Housing Update (Pages 45 - 120)**

This report provides members of the Overview and Scrutiny Committee with an update on the performance of East Kent Housing (EKH) during the first quarter of 2019/20.

\*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

# Minutes

## Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 16 July 2019
Present	Councillors Laura Davison, Michelle Dorrell (Vice-Chair), Peter Gane, Terence Mullard, Tim Prater, Patricia Rolfe, Rebecca Shoob (Chairman) and Lesley Whybrow
Apologies for Absence	Councillor Miss Susan Carey
Officers Present:	Tim Bailey (Senior Planning Officer), Gavin Edwards (Policy and Improvements Officer), Adrian Hammond (Housing Strategy Manager), Andy Jarrett (Chief Strategic Development Officer), Sue Lewis (Committee Services Officer), Tim Madden (Corporate Director - Customer, Support and Specialist Services), Susan Priest (Head of Paid Service), Andrew Rush (Corporate Contracts Manager), Adrian Tofts (Planning Policy Manager) and Lee Walker (Group Accountant)
Others Present:	Deborah Upton, East Kent Housing Councillors David Godfrey, Mrs Jenny Hollingsbee and Ian Meyers

### 10. **Declarations of Interest**

There were no declarations of interest.

### 11. **Minutes**

The minutes of the meeting held on 18 June 2019 were submitted, approved and signed by the Chairman following the amendment below:

Community Safety Partnership Annual Plan and Strategic Assessment – members made a number of comments and bullet point 2 should read as follows - “Noted increase in recorded crime. Suggested regular surgeries with Police in Folkestone Central”.

### 12. **Treasury Management Annual Report 2018/19**

Report C/19/10 reviewed the council's treasury management activities for 2018/19, including the actual treasury management indicators. The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Lee Walker, Group Accountant presented the report to members paying particular attention to the following which are all highlighted within the report:

- Section 2 summarises the economic background
- The Council's Treasury Activities for 2018/19
- The Financial Summary of Treasury Activities
- The Non-Treasury Investment Holdings and Returns
- Compliance Issues which are covered in section 8 and appendix 2 of the report with no exceptions to report.

Members asked a number of questions relating to the following:

Local Authority Loans – It was confirmed the council's investments made with other local authorities that were due to mature since 31 March 2019 had taken place. It was also outlined that local authorities are viewed as very high quality counterparties for cash investments as they are subject to statutory requirements regarding their ability to meet their financial commitments.

Treasury Management Strategy and the consideration of social, ethical and green investments – The current approved strategy does not specifically refer to these types of investments. However, they could be considered for inclusion in the Treasury Management Strategy for 2020/21.

Money Market Funds (MMF) and Other Pooled Funds – A MMF is a collection of short term investments or financial instruments such as certificate of deposits and bonds managed by a fund manager, are very secure and have the top credit rating of AAA, give the investor with instant access to their cash and typically provide a yield close to that of the official Bank Base Rate. The Multi-Asset Income Funds are typically a collection of equities, government bonds, corporate bonds, property funds and alternative financial instruments managed by a fund manager. These are viewed as much longer term investments with an expectation of holding for a minimum of 3 years. The price of the fund can be subject to volatility however the annual dividend yield is expected to be between 3% and 4%. The council also invest in an externally managed commercial property fund which typically holds warehouses, offices and retail outlets in its portfolio. Again, this is viewed as a long term investment and is currently providing a annual yield of about 4.5%.

Proposed by Councillor Peter Gane  
Seconded by Councillor Lesley Whybrow and

**Resolved:**

**1. To note Report C/19/10.**

(Voting: For 8; Against 0; Abstentions 0)

**13. Annual Performance Report - Making a difference: a snapshot of our year 2018/19**

Report C/19/14 set out how the Council has continued to deliver for local people in the district in 2018/19 in response to the Corporate Plan (2017-20) vision of *investing for the next generation ~ delivering more of what matters*.

Gavin Edwards, Policy and Improvement Officer presented members with the report. He informed that a review of performance measurements is constantly taken throughout the year and any additional information such as figures relating to health was noted and will be looked into with the appropriate service manager.

Members will be provided with additional information relating to the % of other planning applications to be determined with statutory periods following the meeting.

It was noted that the British Vehicle PCN recovery rate appears to be low but this is due to the length of time on the PCN recovery process which can take up to 9 months in some cases to recover payment.

Proposed by Councillor Patricia Rolfe  
Seconded by Councillor Peter Gane and

Resolved:

**1. To receive and note report C/19/14.**

(Voting: For 8; Against 0; Abstentions 0)

**14. Places and Policies Local Plan - Gypsy and Traveller allocation site**

The Planning Inspector considering the Places and Policies Local Plan (PPLP) at the Examination in Public indicated that the District Council should be allocating a site(s) to meet the future needs for the Gypsy and Traveller community. This report set out the work that has been undertaken to identify a preferred site. Report C/19/13 also seeks Cabinet approval to carry out a six-week period of public consultation on the preferred site allocation.

Adrian Tofts, Planning Policy Manager presented the report to members paying particular attention to the process that the Council has gone through and how they have now come to the conclusions set out in the report.

Members paid particular attention to the following:

Site allocations – although the shortlisted sites were all in the Romney Marsh area, with the new site, Land adjacent to ‘The Retreat’, Lydd Road, Old Romney, being in this area too, the Romney Marsh area was not specifically chosen; this was a result of general site availability across the district and the filtering process of assessing sites.

The preferred site would was chosen as it provides the necessary space required, has good road access and is well-screened with some mature trees and hedgerows.

Various other sites were looked at across the district and if an alternative site is put forward during the consultation, this would be considered in the same way judging on environmental impacts, amenities and neighbouring properties.

The traveller family who have recently bought the site are well established and well known within the gypsy traveller community and the proposal is that the site is allocated for 4 traveller pitches; if a larger scheme was put forward this would be judged against the policy and the planning merits of the scheme. The constraints to the south of the site would be unlikely to allow for significant expansion due to a higher flood risk.

It was felt by some members that this work should have been done sooner and that a review of the whole district should have taken place to fulfil the council's obligations to this community.

Publicity for local plan consultations is carried out via a number of ways with the council using its already established data base, together with local parish and town councils, neighbouring properties and social media.

Proposed by Councillor Peter Gane  
Seconded by Councillor Lesley Whybrow and

**Resolved:**

**1. To receive and note Report C/19/13.**

(Voting: For 8; Against 0; Abstentions 0)

**15. East Kent Housing performance update**

A briefing note OS/19/02 entitled East Kent Housing was presented to the Committee which was followed by a presentation. This is attached to the minutes for information.

Also in attendance for this item was Deborah Upton, East Kent Housing (EKH) to answer any questions members may have.

Adrian Hammond, Housing Strategy Manager presented the presentation paying particular attention to the performance concerns listed in the papers

attached and the measures that have been taken by the Council and East Kent Housing to date to deal with the issues of non-compliance across the Council's housing stock managed by EKH.

A timeline of recent the performances issues and the actions taken by the Council and EKH are shown in the papers. Due to the gravity of the situation in relation to the gas contract, EKH are now providing the 4 councils with daily updates. There is an independent investigation underway due to non-compliance issues which will be reported back to members in due course. The Council is also investigating potential overcharging within the previous gas contract arrangements.

A detailed action plan is being prepared by EKH to ensure that all areas of non-compliance are dealt with as a priority. The Council's Monitoring Officer will be presenting a report to Cabinet on 31 July which will set out details of the Council's non-compliance in respect of gas safety across its housing stock.

The Council's Client officer will also be responding to this report to advise Cabinet of the ongoing action being taken by the Council and EKH to deal with all areas of non-compliance. The Client officers will also set out proposals for the Council to review how it's Housing and Tenant Services are delivered, including the options for returning the service to its direct control. At its meeting on 31 July, Cabinet will also be requested to approve the award of the long-term Heating maintenance, servicing and installation contract following the termination of the contract by the previous contractors.

Members paid particular attention to the following:

- Relationship with EKH – the report to Cabinet on 31 July will state that arrangements for managing the Council's housing stock will be reviewed. Officers will work with tenants and members to move this forward.
- Deborah Upton informed members that the temporary contract now and when the new long-term Heating Services contract (once awarded) will subject to weekly monitoring arrangements by EKH.
- Complaints procedure – members asked for an update on the number of complaints received, the procedure used and the how long responses take. In response to this question it was reported that any complaints about contractors is sent directly to them to action and if these are not dealt with in the appropriate way then EKH take on the issues and respond within 10 days.
- Gas certificates – it was noted that these are provided to tenants once the checks have been made, this is followed up by standard audit checks. Susan Priest informed members that we are in a better place now with lots of work already done, an action plan is in development and all high risk actions have been completed, with a number of actions to be undertaken.
- EKH HQN investigation – this will be completed by the end of July by EKH.

- The 4 Councils are commissioning their own independent review of all areas of non-compliance. This will be reported to members once completed
- Fraud investigation – members were informed that external barristers had been advising on this which is ongoing and a report will be brought back following the findings being made available.
- Additional costs of £27,000 have been incurred by the Council over the period of 3 months (since May) to cover the temporary contract arrangements.

Members were informed that the 4 councils have a number of options that will need to be considered as part of the review of future arrangements for delivering the Council's Housing and Tenant Services.

Apologies have been made to tenants and will be made clear on the Council's website and EKH website and any social media outlets.

The Council intends finding out what happened, how it happened and that this never happens again as the service provided to tenant over the recent months is simply not good enough.

Alongside the presentation information relating to performance indicators were circulated to members and the public gallery, these are also attached to the minutes for information. Mr Hammond informed that rent arrears are increasing but remain below the annual target for the year end. The Mears contract is performing well overall, again this is monitored regularly.

Proposed by Councillor Peter Gane  
Seconded by Councillor Laura Davison and

**Resolved: That a further report be presented to the Committee in respect of the Complaints procedure and the numbers and decisions made.**

(Voting: For 8; Against 0; Abstentions 0)

Proposed by Councillor Peter Gane  
Seconded by Councillor Patricia Rolfe and

**Resolved: To receive and note the briefing report.**

(Voting: For 8; Against 0; Abstentions 0)

16. **Biggins Wood Delivery**

Report C/19/12 recommended the acceptance of two bids to deliver the Biggins Wood development.

Andy Jarrett, Chief Strategic Development Officer gave a presentation to members which is attached to these minutes for information. He also advised



that additional confidential information was available for members to scrutinise, should they wish to go into a private closed session due to the information being commercially sensitive.

This provided members with the background explaining that with no movement on the site the Council chose to acquire the land in 2016. The site benefited from planning permission for 77 houses and commercial use of the site.

There are a number of constraints on the site particularly that of land contamination which requires remediation. It is also proposed that there will be acoustic barriers between the proposed commercial development and housing development.

Mr Jarrett informed that following adverts in Estates Gazette various offers had come forward and these are shown within the attached papers.

The development would meet the Council's aims of providing more home and jobs and would include 23 affordable houses.

Members paid particular attention to the following:

- Site risk – site is considered risky and further information on risk mitigation is required
- Transparency – there is a desire to be more transparent, recognising the information that could be provided to members is commercially sensitive
- Housing – That there is no additional housing other than the 77 granted under the existing permission as it is already very close to existing residential properties
- Additional costs/joint venture – the joint venture is in respect of the commercial part of the site and any additional costs would be the council's responsibility on land on the site for use as gardens and landscaping
- Information – members felt that in the public papers there was little detail for them to discuss
- Financial implications – members would have liked more detail on this, recognising it was commercially sensitive
- Contamination – members were advised that advice had been sought from specialists in that field and that contamination costs were expected to be covered by the Homes England Grant
- Company information – further information relating to the companies in discussions would have made it easier for members to understand the recommendations made by officers
- Audit process – a copy of this will be provided to members following the meeting

Mr Jarrett made it clear to members that this was a joint venture which is a good proposal and meets the Council's objectives and aspirations for the site. Members were reminded that if they have specific questions or lines of enquiry,

advance notice to officers listed at the end of the report would allow for necessary information to be given.

Proposed by Councillor Peter Gane  
Seconded by Councillor Tim Prater and

**Resolved: That no additional housing, other than the 77 proposed in the planning application be put onto the site.**

(Voting: For 4; Against 0; Abstentions 4)

Officers advised the Committee that there was additional information that could be made available to members for discussion but as this was commercially sensitive would be required to be presented as an exclusion of the public item and would therefore need a vote to do so.

Councillor Patricia Rolfe proposed to request that members go into a private session but as there was no seconder this fell.

The Committee therefore made it clear it did not wish to go into private discussions.

Proposed by Councillor Lesley Whybrow  
Seconded by Councillor Laura Davison and

**Resolved: To advise Cabinet that the Committee felt the project was risky and with insufficient information provided, they could not make a recommendation to Cabinet.**

(Voting: For 7; Against 1; Abstentions 0)

This Report will be made  
public on 3 September  
2019

Report Number **C/19/20**

**To:** Cabinet  
**Date:** 11 September 2019  
**Status:** Non Key Decision  
**Responsible Officer:** Gavin Edwards, Policy and Improvement Officer  
**Cabinet Member:** Councillor David Monk

**SUBJECT:** Key Performance Indicators Review 2019-20

**SUMMARY:** This report sets out a proposed list of Key Performance Indicators (KPIs) to be monitored during 2019/20 in line with the Council's Corporate Plan strategic priorities and objectives.

**REASONS FOR RECOMMENDATIONS:**

- a) Relevant key performance indicators (KPIs) are essential to provide a 'golden thread' to the delivery of the Corporate Plan strategic objectives.
- b) The Council needs to ensure that performance is measured, monitored and the results are used to identify where services are working well and where there are failings and appropriate action needs to be taken.

**RECOMMENDATIONS:**

1. To receive and note report C/19/20.
2. To approve the proposed KPI measurements for 2019/20 in Appendix 1.

## 1. Background

1.1 The Council's Corporate Plan (2017-20) for the district, introduced six new strategic objectives:

- More Homes
- More Jobs
- Health Matters
- Appearance Matters
- Achieving Stability
- Delivery Excellence

1.2 Underpinning each strategic objective is a set of priorities that explain how each objective will be achieved.

1.3 The existing KPIs were collated on a quarterly basis and reported to Overview and Scrutiny and Cabinet. They were not reviewed as part of the Corporate Plan refresh and do not fully align to how the Council will measure progress in delivering the strategic objectives and priorities. Therefore 2018/19 has been something of a transitional year.

1.4 The current format of performance reporting was first presented to Cabinet in July 2018 with the '2017/18 Annual Performance Report' as first a step towards creating a clearer link between KPIs and corporate plan strategic objectives. To compliment the new reporting format some existing internally focused indicators known as PIs were upgraded to KPIs in agreement with service managers.

1.5 In addition, Cabinet approved for a review of the existing KPIs to be undertaken to ensure they provide a 'golden thread' to the delivery of the Corporate Plan strategic objectives. The report outlines the results of the review undertaken with Assistant Directors, Chief Officers and Managers.

## 2. What defines a KPI?

2.1 A Key Performance Indicator (KPI) can be defined as: *'A measurable value that demonstrates how effectively an organisation is achieving key business objectives'*

2.2 To ensure KPIs are effective in measuring achievement against objectives, the following general principles should guide the development of KPIs:

- **Aligned** - *Make sure they align with the strategic goals and objectives of your organization*
- **Attainable** - *The indicators you choose to measure should have data that can be easily obtained*
- **Acute** - *They should keep everyone on the same page and moving in the same direction*
- **Accurate** - *The data flowing into the performance indicators should be reliable and accurate*

- **Actionable** - *Does each one give insight into the organisation that is actionable?*
- **Alive** – *An organization is always growing and changing. KPIs should evolve as well*

### 3. KPI review

- 3.1 Between August 2018 and April 2019, the Policy and Improvement Officer commenced a review, working with Assistant Directors, Chief Officers, Managers and Team Leaders across the Council to review their KPIs in light of revisions to corporate plan priorities.
- 3.2. Many of the existing KPIs previously approved as part of the 2017/18 review are still fit for purpose and should therefore remain in place with target or output revisions. A total of 37 new KPIs are being proposed to be retained, updated or introduced, with a further 25 to be deleted to ensure performance information appropriately reflects the delivery of current corporate plan priorities. Appendix 1 provides an overview of the suite of KPIs being proposed to support the Corporate Plan and could take effect from 1<sup>st</sup> October 2019, subject to Cabinet approval.
- 3.3 However, it has been noted, the current corporate plan is due to expire next year and further work on the creation of a new corporate plan is due to commence in the Autumn of 2019. The work set out within this review ensures the Council's continues to monitor its performance against strategic priorities for the full life span of the current plan until a new corporate plan is formally adopted in 2020.
- 3.4 The Council is also currently undergoing an organisation-wide transformation programme, which will bring new ways of working alongside new ICT systems in 2019/20. As a result, this may bring further changes and KPIs will therefore continue to be monitored.
- 3.5 An overview of the KPIs to be removed and the new or revised KPIs identified against the Corporate Plan strategic objectives is set out below:

**Priority: More Homes** - *Provide and enable the right amount, type and range of housing*

#### New or revised KPIs

- Number of new homes built within the District
- Number of homelessness approaches
- Homelessness approaches under Prevention Duty
- Number of rental properties provided through the Social Lettings Agency
- Average number of households in Bed and Breakfast accommodation

#### KPIs to be removed

- Number of days taken to check full plans applications from receiving a valid application

- Number of homeless decisions made
- Average length of stay for families in B & B
- Average length of stay for singles in B & B
- Average number of people in temporary accommodation, of which how many are:
  - Families
  - Families over six weeks
  - 16/17 year olds
  - 16/17 year old over 6 weeks

**Priority: More Jobs** - *Work with businesses to provide jobs in a vibrant local economy*

New or revised KPIs

- Square metres of employment space granted permission
- Number of employment sites or schemes where new employment space has been delivered
- Increase in employment or turnover by at least 5% for businesses that participate in the Scale up Folkestone & Hythe programme
- External funding sources applied for to deliver better infrastructure or business accommodation within the district
- Number of key employers met and supported as of the business engagement programme
- Value of Grant Funding Agreements agreed under the Folkestone Community Works SME Business Grant Scheme funding programme

KPIs to be removed

- Applications for external funding
- Investment in the Folkestone & Hythe District Council area scheme
- Delivery of the business accommodation scheme
- Delivery of the engagement programme to key employers

**Priority: Appearance Matters** - *Provide an attractive and clean environment*

New or revised KPIs

- Number of unauthorised encampments successfully removed from FHDC Land
- Community environmental events (e.g. litter picks) held
- Community environmental volunteer hours committed
- Corporate social responsibility environmental events held
- Corporate social responsibility hours committed
- Number of recorded See It, Own It, Do it, interventions completed
- Average time for graffiti to be removed from the time of being reported

KPIs to be removed

- Percentage of streets surveyed clear of detritus within the district

**Priority: Health Matters** - *Keep Our Communities Healthy and Safe*

#### New or revised KPIs

- Number of people engaged in Public Space Protection Order education and prevention activity
- Fixed Penalty Notices issued under the Public Space Protection Order
- Number of young people engaged in ASB diversionary activities
- Number of visits and inspections to licensed premises
- Hospital admissions prevented or hospital discharges accelerated as a result of Private Sector Housing Team and partner intervention
- No of Disabled Facilities Grants administered

#### KPIs to be removed

- PSPO Breaches
- Number of supported community litter picks
- Number of community volunteer hours
- Number of corporate social responsibility business volunteer hours
- No of caravan sites inspected

**Priority: Achieving Stability** – *Achieve financial stability through a commercial and collaborative approach*

#### New or revised KPIs

- Total annual income accrued from Oportunitas for the Council.
- Total income collected from the Council's corporate property portfolio
- Total income received from delivery of East Kent apprenticeship programme
- Total income received from FHDC apprenticeships
- Total value of Community Infrastructure Levy Liability notices
- Total value of Community Infrastructure Levy receipts

#### KPIs to be removed

- Value of grounds maintenance works invoiced

**Priority: Delivering Excellence** – *Deliver excellent customer service through commitment of staff and members.*

#### New or revised KPIs

- Number of social media followers (Facebook and Twitter, Instagram, LinkedIn)
- Number of website unique visits
- % change in unique website visits
- Number of apprenticeships available for East Kent Authorities (Folkestone & Hythe, Thanet, Dover and Canterbury)
- Employee Net Promoter score
- % Customers satisfied with the Web Chat service
- All Subject Access Request responses to be provided within the statutory period (1 calendar month or lawful extension).

#### KPIs to be removed

- Customers seen within 10 minutes of an appointment

- Process Temporary Events Notice applications within 24 hours
- Process new licensing applications and renewals within 30 working days
- Respond to all Local Land Charge searches within 10 working days
- Respond to all Fixed Penalty Notice challenges within 20 working days

### 3. RISK MANAGEMENT ISSUES

Perceived risk	Seriousness	Likelihood	Preventative action
The key performance indicators (KPIs) do not link to the objectives of the Council's Corporate Plan.	High	Medium	Monitor progress against key performance indicators and take remedial action for those areas where targets and actions are unlikely to be achieved.

### 4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

- 4.1. Legal Officer's Comments (NE)** -There are no legal implications or risks arising directly out of this report. The Key Performance Indicators (due to be amended) must continue to take account of both existing and new statutory duties and responsibilities that are imposed on the Council by the Government. Failure to do so will put the Council at risk of legal challenge by affected residents and/or businesses. Whilst reporting on performance is not a statutory requirement, it is considered best practice to review the Council's progress against the Corporate Plan and Service Plans on a regular basis.
- 4.2 Finance Officer's Comments (CS)** -There are no finance implications arising from this report.
- 4.3 Human Resources (RB)** - There are no direct Human Resource implications emanating from this report. The council's People Strategy has been created to support the corporate plan and achievement of associated KPIs.
- 4.4 Equalities and Diversification (GE)** - There are no equalities implications directly arising from this report.
- 4.5 Communications (AW)** -There are no communications implications arising from this report.

### 5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting



Gavin Edwards  
*Policy and Improvement Officer*  
Tel: 01303 85 3436  
Email: [gavin.edwards@folkestone-hythe.gov.uk](mailto:gavin.edwards@folkestone-hythe.gov.uk)

## **Appendices**

### **Appendix 1 – Proposed 2019/20 Key Performance Indicators**

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**APPENDIX 1**

<b>PROPOSED KEY PERFORMANCE INDICATORS - 2019/20</b>	<b>Time Period</b>	<b>TARGET</b>
<b>MORE HOMES</b>		
Number of new homes built within the District	Annual	350
Council new builds and acquisitions started on site	Annual	20
Additional affordable homes delivered in the District by the Council and its partner agencies	Annual	80
Affordable homes provided in the District for low cost home ownership	Annual	32
Long-term empty homes brought back into use	Annual	70
Private sector homes improved as a result of intervention by the Council and its partner agencies	Annual	150
% of major planning applications to be determined within statutory period	Quarterly	60%
% of non-major planning applications to be determined within statutory period	Quarterly	70%
% of other planning applications to be determined within statutory period	Quarterly	85%
Number of homelessness approaches	Monthly	75
Number of homelessness preventions under Prevention Duty	Annual	550
Average number of households in temporary accommodation	Quarterly	35
Average number of households in Bed and Breakfast accommodation	Quarterly	0
Number of private rental properties provided through the Social Lettings Agency	Annual	60
<b>MORE JOBS</b>		
Number of employment sites or schemes where new employment space has been delivered	Annual	2
% Increase in employment or turnover for businesses that participate in the Scale Up Folkestone & Hythe programme	Annual	5%
External funding sources applied for to deliver better infrastructure or business accommodation within the district	Annual	3
Number of key employers met and supported as part of the business engagement programme	Annual	12
Square metres of employment space granted permission	Annual	20ha (Accumulative over 20 years)
Value of Grant Funding Agreements agreed under the Folkestone Community Works SME Business Grant Scheme funding programme	Annual	£70,000
<b>APPEARANCE MATTERS</b>		
Maintain a 4+ rating on trip advisor for the Coastal Park	Annually	4+
Community environmental events (e.g. litter picks) held	Quarterly	15
Community environmental volunteer hours committed	Quarterly	600 hours
Corporate social responsibility environmental events held	Quarterly	5
Corporate social responsibility hours committed	Quarterly	240 hours
Number of recorded See It, Own It, Do it, interventions completed	Quarterly	1200
Average time for graffiti to be removed from the time of being reported (Local Area Officers)	Quarterly	48 hours
Warning Letters issued (Environmental Protection and Enforcement)	Annual	100
Number of enforcement notices served (e.g. Abatement Notices, Community Protection Notices)	Annual	100
% of successful prosecutions	Annual	100%
Fixed Penalty Notices issued	Annual	150
Enviro-crime patrol hours (dog fouling and littering)	Annual	2800hrs
Number of unauthorised encampments successfully removed from FHDC Land	Annual	1
Compliant air quality monitoring sites	Annual	14 sites
% of household waste recycled	Quarterly	50%
Number of missed collections per 100,000 population	Quarterly	50
% of street surveyed clear of litter within in the district	Quarterly	95%
% of returns to empty a missed bin by the end of the next working day if it is reported within 24	Quarterly	95%
Number of days to remove fly tipped waste on public land once reported	Quarterly	3 days
Number of PCNs issued	Monthly	No Target
British PCN recovery rate	Quarterly	70%
Foreign PCN recovery rate	Quarterly	50%
<b>HEALTH MATTERS</b>		
% of premises rated 3 or above for food hygiene	Quarterly	95%
Number of licensing complaints investigated	Monthly	<100
Number of visits and inspections to licensed premises	Quarterly	45
Number of people engaged in Public Space Protection Order education and prevention activity	Quarterly	200
Fixed Penalty Notices issued under the Public Space Protection Order	Quarterly	No Target
Number of young people engaged in ASB diversionary activities	Quarterly	100
Number of hospital admissions prevented or hospital discharges accelerated as a result of Private Sector Housing Team and partner intervention	Annual	100
No of Disabled Facilities Grants administered	Quarterly	No Target
<b>ACHIEVING STABILITY</b>		
Total annual income accrued from Oportunitas for the Council	Annual	£275,000
Total income collected from the Council's corporate property portfolio	Annual	£1.6 million
Total income received from delivery of East Kent apprenticeship programme	Annual	£100,000
Total income received from FHDC apprenticeships	Annual	£8,000
Business Rates collection target is met	Annual	97.50%
Council tax collection	Annual	97.3%
Council tax reduction collection rate	Annual	82.5%
Total value of Community Infrastructure Levy Liability notices	Annual	No Target
Total value of Community Infrastructure Levy receipts	Annual	No Target
<b>DELIVERING EXCELLENCE</b>		
Calls served (versus volumes of calls received)	Monthly	80%

Reduction in abandoned calls	Annual	1%
Increase of customer self serve transactions (compared to 2018/19)	Annual	5%
% of dissuaded calls	Annual	2%
% Customers satisfied with Web Chat service	Annual	88%
Lifeline - Number of calls answered within 60 seconds	Monthly	97.50%
Lifeline - Number of calls answered within 180 seconds	Monthly	100%
Average time taken to re-let council dwellings excluding major works	Quarterly	15 Days
East Kent Housing - % of emergency repairs completed on time	Quarterly	98%
East Kent Housing - % of routine repairs completed on time	Quarterly	90%
All complaints will be acknowledged within 5 days as required in the policy	Monthly	100%
All Freedom of Information / Environmental information Requests to be responded to within the statutory period of (20 working days or lawful extension).	Monthly	90%
All Subject Access Request responses to be provided within the statutory period (1 calendar month or lawful extension).	Monthly	100%
No of website unique visits	Quarterly	>100,000
% change in unique website visits	Quarterly	5% increase
Number of social media followers (Facebook, Twitter, Instagram, LinkedIn)	Quarterly	>36,000
Number of absence days per employee (Per full-time equivalent)	Annual	7 Days
Number of apprenticeships available for East Kent Authorities (Folkestone & Hythe, Thanet, Dover and Canterbury)	Annual	26
Employee Net Promoter score	Annual	Minus 20 or above

This Report will be made public on 3 September 2019



Report Number **C/19/19**

**To:** Cabinet  
**Date:** 11 September 2019  
**Status:** Key Decision  
**Responsible Officer:** Katharine Harvey, Chief Economic Development Officer  
**Cabinet Member:** Councillor David Wimble, Cabinet Member for the District Economy

**SUBJECT:** ROMNEY MARSH EMPLOYMENT HUB (Land at Mountfield Road Industrial Estate, New Romney)

**SUMMARY:** This report seeks Cabinet agreement to a financial contribution from Folkestone & Hythe District Council towards the development of a new business centre at Mountfield Road Industrial Estate, New Romney and delegated authority to the Corporate Director for Place and Commercial to finalise the terms of the legal agreements with co-funders.

**REASONS FOR RECOMMENDATIONS:**

The construction of a new business centre at Mountfield Road is required to meet the needs of growing businesses that will help diversify the local economy and create alternative employment to mitigate the loss of some 1000 jobs arising from the de-commissioning of Dungeness A and future closure of Dungeness B power stations.

**RECOMMENDATIONS:**

1. To receive and note report C/19/19
2. To jointly fund with the East Kent Spatial Development Company (EKSDC) the development and management of a new business centre at Mountfield Road Industrial Estate, New Romney.
3. To seek a grant contribution from the Magnox Socio-economic Fund towards the cost of the new business centre.
4. To delegate to the Corporate Director for Place and Commercial the authority to finalise terms for the contractual and operational arrangements for the Council's funding contribution to the business centre.
5. To invite expressions of interest for the remaining undeveloped land to assess the potential for bringing forward for employment purposes.

## 1. BACKGROUND

- 1.1 The Council owns land at Mountfield Road Industrial Estate, New Romney known as Phase 4. The land was designated for employment uses in the 2013 Core Strategy and remains to be developed.
- 1.2 Mountfield Road is in close proximity to Dungeness where Magnox is decommissioning 'A' power station and EDF are programmed to close 'B' power station in 2028. This will result in the combined loss of some 1000 jobs.
- 1.3 Mountfield Road is identified in the Romney Marsh Delivery Plan as the key opportunity in the area to diversify and provide more resilience to the local economy, which Magnox research on the economic impact of Dungeness A shows to be highly dependent on the nuclear industry. Overall, Phase 4 is expected to create 700 jobs over ten years.
- 1.4 Magnox partnered the Council in commissioning a feasibility study and masterplan for Phase 4 which reported in March 2018. This advised bringing forward some 6 hectares of land to provide 'grow-on' space for local businesses and the construction of business workspace for smaller businesses that is lacking in the area.
- 1.5 Delivering this scheme is challenging commercially in the current market so a report to Cabinet in January 2018 (C/17/74) requested approval to apply for external funding towards the costs of a business centre and this was approved.
- 1.6 The masterplan included a market assessment of the need for business workspace as 'grow-on' units for small enterprises and identified five possible options for siting a business centre.
- 1.7 The business centre site recommended was approved by Cabinet (C/18/22) in July 2018. It is a self-contained plot which allows the remainder of Phase 4 land to be developed separately. The site chosen also allows for future expansion of the business centre and this part of the site can be used for visitor car parking in the interim.
- 1.8 The location and site for the business centre is shown in Appendix 1 as approved by Cabinet in July 2018.
- 1.9 Following more detailed design of the business centre (Appendix 2), a planning application was submitted and then approved in September 2018.
- 1.10 External funding for Phase 4 has been pursued and submissions made to the Coastal Community Fund (CCF), Magnox Socio-economic Fund and SELEP's Local Growth Fund (LGF).
- 1.11 While the Phase 4 scheme was shortlisted by SELEP it is unlikely that SELEP funding will come forward. Magnox have encouraged a full bid for some grant funding towards the scheme once FHDC has secured match-funding.
- 1.12 Given this funding position, alternative ways have been explored to bring forward the overall scheme, which includes the construction of business workspace and the servicing of the five hectares of undeveloped land, such as bringing it forward in phases and other funding options.
- 1.13 The Council's existing approved Medium Term Capital Programme now includes £2.53m for the development of a new business hub and the employment land at Phase 4 of the Mountfield Road scheme.

## **2. TAKING FORWARD THE PHASE 4 DEVELOPMENT**

- 2.1 In view of the funding position, it is proposed to phase the development of Mountfield Road Industrial Estate (Phase 4) by taking forward the construction of the business centre as the first stage.
- 2.2 It is proposed that the Council invests jointly with the EKSDC and seeks a grant from Magnox to bring forward the business centre.
- 2.3 EKSDC is a 'not for profit' regeneration company established in 2002. Member organisations are Kent County Council, University of Kent, Locate in Kent, Thanet District Council, Dover District Council, Folkestone & Hythe District Council and Canterbury City Council. Each member organisation is represented on the Board and the company is managed independently with its own secretariat. It is experienced in bringing forward and operating business centres which include the Canterbury Innovation Centre. Funding for new schemes is generated from the successful operation of its portfolio of properties and re-investment of profit gained.
- 2.4 The detailed design by consultants also included a cost review which concluded a cost of £1.7m (March 2018 prices) for a 751 sqm (externally) business centre. An updated costing, which also includes the land value is shown in Appendix 3.
- 2.5 The business centre will comprise 13 office-type units of flexible workspace capable of being converted to meeting or training rooms according to demand. The total net lettable area will be 5,092 sq.ft.
- 2.6 Further advice has been sought from Savills on market demand and market rents and they have advised that an average rent of some £14 per sq.ft should be achievable. A service charge is advised to be capped at £4-5 per sq. ft.
- 2.7 It is estimated the business centre will create some 220 jobs over a ten year period, through growth of businesses and turnover of tenancies that allows other growing enterprises to occupy the workspace.
- 2.8 There has been continuing positive dialogue with Magnox over the scheme and the indications are that an application for grant funding towards the development of the business hub will be successful.
- 2.9 Positive discussions have been held with EKSDC management about being a co-investor to bring-forward new business space. As a result, a report recommending a joint investment with the Council to bring forward the business centre is to be considered at the next EKSDC Board meeting in September.
- 2.10 An indicative timetable for the business centre is shown at Appendix 4.
- 2.11 The remainder of the Phase 4 site (as indicated in Appendix A) comprises some 5 hectares of undeveloped land that requires major investment to bring it forward for employment uses. Nevertheless, there has been significant interest in this land from local companies seeking to expand. It is therefore proposed that the Council invites expressions of interest for the sale of this land, with any feasible propositions coming forward to be considered by Cabinet.

## **3. Business Centre Financial Plan**

- 3.1 Based on Savills advice and discussions with EKSDC, a financial projection for the first 5 years is shown at Appendix 5. It is based on an average rent of £14 plus a £5 service charge per sq.ft.

- 3.2 It is projected 'full' occupancy will be achieved after 18 months.
- 3.3 'Full' occupancy is set at 92% to allow for units becoming vacant for short periods as businesses leave and new occupiers take possession.
- 3.4 It is assumed that EKSDC and FHDC will each receive 50% of the net income generated.
- 3.5 Phase 4 is the major employment generating project in Romney Marsh. Bringing forward the business centre as a first stage will create the initial 220 jobs over ten years to help sustain the local economy. The business centre is not an attractive proposition commercially as, based on the rental income over 25 years, it achieves a low return on investment of slightly less than 2%. Hence the need for alternative funding.

#### 4. CONSULTATION

- 4.1 The original master planning work involved public consultation with local residents and organisations and included an Open Day at Romney Resource Centre in January 2018 where development options were presented and explored.
- 4.2 The Romney Marsh Partnership has been involved throughout the development of the feasibility study and masterplanning work and supported the final version published in March 2018.
- 4.3 The masterplan proposals were supported by the New Romney Coastal Community Team and included in its Economic Plan.
- 4.4 Consultation has also been carried out with the Folkestone and Hythe Business Advisory Board which was supportive of the proposal.
- 4.5 The processing of the related planning applications for the business centre and land invited public comments including from New Romney Town Council. The planning applications have been approved subsequently with no objections raised.

#### 5. RISK MANAGEMENT ISSUES

- 5.1 There is risk management involved in this project.

Perceived risk	Seriousness	Likelihood	Preventative action
EKSDC decides not to jointly invest in the business centre	High	Low	Good liaison and briefing of CEO and Board members to ensure this opportunity is well understood and supported.
Magnox Socio-economic grant funding is unsuccessful	High	Low	A good working relationship has been established with Magnox and direct advice and input to be sought on application
Construction costs increase significantly	High	Medium	Costs will be closely monitored and if necessary, the scheme



			will be reviewed to find cost savings
Lack of take up of units	Medium	Low	Active management of the business centre and business support provision potentially by EKSDC who actively manage similar centres Potential use of the remainder of the Marsh Million fund for grants/loans specifically to attract tenants. Flexibility of workspace for other uses such as for training purposes

## 6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 6.1 Legal Officer's Comments (NE)

The report has no legal implications but, depending on the Options pursued, legal advice on contractual arrangements will be required including external legal advice where required.

### 6.2 Finance Officer's Comments (LW)

The Council's General Fund Medium Term Capital Programme to 2023/4 makes budgetary provision of £2.53m for Phase 4 of Mountfield Road. The proposed scheme would require the Council and EKSDC to contribute £735,000 each (with a further £500k grant from Magnox). The Council's contribution would be funded from the Kent 100% business rates pilot (total of £1,007,671 available) and value of the land to be developed. Appendix 5 indicates the new business centre achieves full occupancy in Year 3 to generate a net annual income of £57,560 which is to be shared equally between FHDC and EKSDC resulting in additional income of £28,780 to the General Fund in a full year.

### 6.3 Diversities and Equalities Implications

There are no diversities and equalities implications in this report.

### 6.4 Human Resources Comments (PR)

There are no HR implications in this report.

## 7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Graham Hammond, Senior Specialist (Economic Development)  
Telephone: 07841 801050  
Email: graham.hammond@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

Mountfield Road Industrial Estate, New Romney Masterplan Report (Curl La Tourelle Head) – March 2018  
Report & Valuation (Confidential - Savills) - October 2018  
Business Workspace Cost Plan (Martello) – August 2018

**Appendices:**

- Appendix 1: Location and site plans
- Appendix 2: Business workspace layout and future expansion space
- Appendix 3: Cost and proposed funding
- Appendix 4: Key timelines for business centre
- Appendix 5: 5-year financial projection

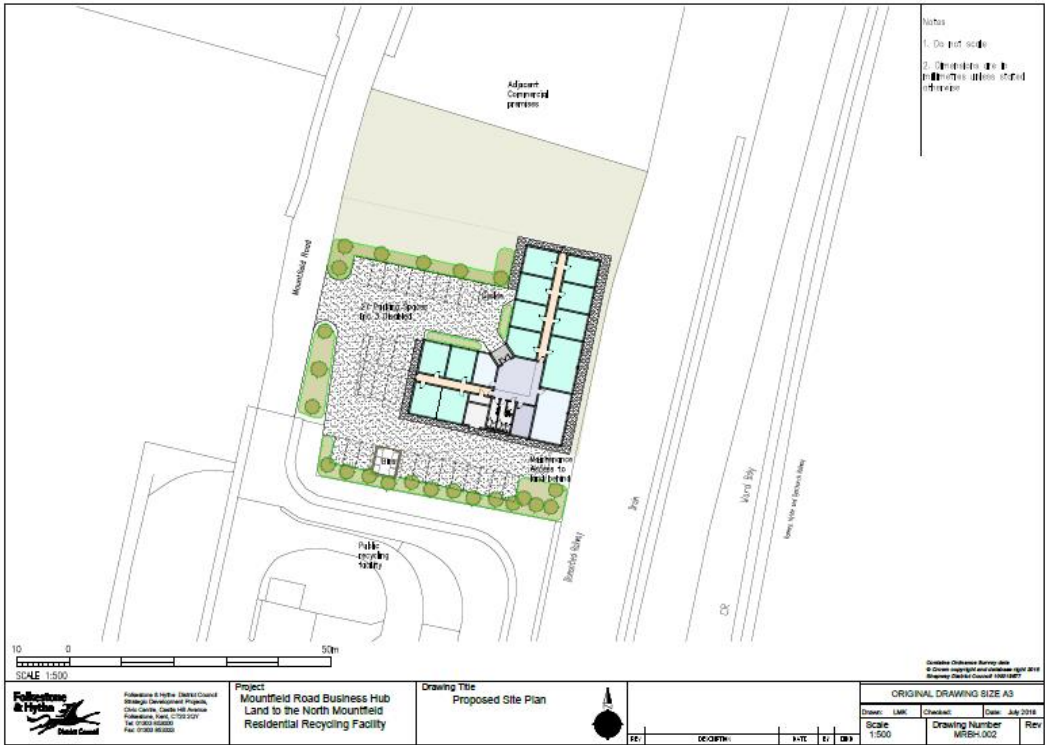
# APPENDIX 1

## Location and site plan for business centre (business hub)



# APPENDIX 2

## Business Centre layout and future expansion space



## APPENDIX 3

### Financial cost and proposed funding

<b>Investment source</b>	<b>Amount £</b>
EKSDC	735,000
FHDC*	735,000
Magnox Socio-Economic Fund	500,000
<b>Total</b>	<b>1,970,000</b>
*FHDC contribution includes land value of £164,500	

## APPENDIX 4

### Key timelines for business centre

Key stages	Timeline	Status
Masterplan report	March 2018	Completed
Business centre design reviewed and revised	June 2018	Completed
Revised design costings	August 2018	Completed
Planning consent for business centre	September 2018	Completed
Building regulations (part)	November 2018	Completed
Funding applications submitted to Magnox, CCF and SELEP	October 2018 – February 2019	Completed
EKSDC Board funding decision	September 2019	
FHDC funding decision	September 2019	
Full application to Magnox	September 2019	
Develop business centre design & build contract specification	September – December 2019	
Joint venture between EKSDC and FHDC agreed	December 2019	
Magnox grant awarded	December 2019	
Tender contract	January 2020	
Appoint contractor	May 2020	
Construction commences	July 2020	
Practical completion	June 2021	

# APPENDIX 5

## Five-year financial projection

	Year 1	Year 2	Year 3	Year 4	Year 5								
100% rent	96748	96748	99650.44	102640	105719.2								
Year 1													
	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%	55%	60%	
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Total
Income	403	806	1209	1612	2016	2419	2822	3225	3628	4031	4434	4837	31443
Rates	0	0	0	0	0	0	1602	1479	1355	1232	1109	986	7762
Utilities	740	740	740	740	740	740	740	740	740	740	740	740	8880
Cleaning	370	370	370	370	370	370	370	370	370	370	370	370	4440
Maintenance	250	250	250	250	250	250	250	250	250	250	250	250	3000
Insurance	0	0	0	0	0	0	0	0	0	0	0	0	0
Marketing	505	505	505	505	505	505	505	505	505	505	505	505	6060
Staff costs	300	300	300	300	300	300	300	300	300	300	300	300	3600
	-1762	-1359	-956	-553	-149	254	-945	-419	108	634	1160	1687	-2299
Year 2													
	65%	70%	75%	80%	85%	92%	92%	92%	92%	92%	92%	92%	
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Total
Income	5241	5644	6047	6450	6853	7417	7417	7417	7417	7417	7417	7417	82155
Rates	862	739	616	493	370	197	197	197	197	197	197	197	4460
Utilities	762	762	762	762	762	762	762	762	762	762	762	762	9146
Cleaning	381	381	381	381	381	381	381	381	381	381	381	381	4573
Maintenance	258	258	258	258	258	258	258	258	258	258	258	258	3090
Insurance	4000	0	0	0	0	0	0	0	0	0	0	0	4000
Marketing	520	520	520	520	520	520	520	520	520	520	520	520	6242
Staff costs	309	309	309	309	309	309	309	309	309	309	309	309	3708
	-1852	2674	3201	3727	4253	4990	4990	4990	4990	4990	4990	4990	46935
Year 3													
	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Total
Income	7640	7640	7640	7640	7640	7640	7640	7640	7640	7640	7640	7640	91678
Rates	203	203	203	203	203	203	203	203	203	203	203	203	2437
Utilities	785	785	785	785	785	785	785	785	785	785	785	785	9421
Cleaning	393	393	393	393	393	393	393	393	393	393	393	393	4710
Maintenance	265	265	265	265	265	265	265	265	265	265	265	265	3183
Insurance	4120	0	0	0	0	0	0	0	0	0	0	0	4120
Marketing	536	536	536	536	536	536	536	536	536	536	536	536	6429
Staff costs	318	318	318	318	318	318	318	318	318	318	318	318	3819
	1020	5140	5140	5140	5140	5140	5140	5140	5140	5140	5140	5140	57560
Year 4													
	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Total
Income	7869	7869	7869	7869	7869	7869	7869	7869	7869	7869	7869	7869	94429
Rates	209	209	209	209	209	209	209	209	209	209	209	209	2510
Utilities	809	809	809	809	809	809	809	809	809	809	809	809	9703
Cleaning	404	404	404	404	404	404	404	404	404	404	404	404	4852
Maintenance	273	273	273	273	273	273	273	273	273	273	273	273	3278
Insurance	4244	0	0	0	0	0	0	0	0	0	0	0	4244
Marketing	552	552	552	552	552	552	552	552	552	552	552	552	6622
Staff costs	328	328	328	328	328	328	328	328	328	328	328	328	3934
	1051	5294	5294	5294	5294	5294	5294	5294	5294	5294	5294	5294	59286
Year 5													
	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	92%	
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Total
Income	8105	8105	8105	8105	8105	8105	8105	8105	8105	8105	8105	8105	97262
Rates	215	215	215	215	215	215	215	215	215	215	215	215	2585
Utilities	833	833	833	833	833	833	833	833	833	833	833	833	9995
Cleaning	416	416	416	416	416	416	416	416	416	416	416	416	4997
Maintenance	281	281	281	281	281	281	281	281	281	281	281	281	3377
Insurance	4371	0	0	0	0	0	0	0	0	0	0	0	4371
Marketing	568	568	568	568	568	568	568	568	568	568	568	568	6821
Staff costs	338	338	338	338	338	338	338	338	338	338	338	338	4052
	1082	5453	5453	5453	5453	5453	5453	5453	5453	5453	5453	5453	61065

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This Report will be made public on 3 September 2019.



Report Number **C/19/21**

**To:** Cabinet  
**Date:** 11 September 2019  
**Status:** Key Decision  
**Head of Service:** Katharine Harvey, Chief Economic Development Officer  
**Cabinet Member:** Councillor Wimble – Cabinet Member for District Economy

**SUBJECT:** Folkestone & Hythe District High Streets Fund

**SUMMARY:**

This report sets out proposals for investing and managing the Council's £3 million High Streets Regeneration Fund that has been established to support and help high streets in the district adapt for the future.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because approval is required to allocate the £3 million reserve funds earmarked for the regeneration of high streets in the district.

**RECOMMENDATIONS:**

1. To receive and note report C/19/21.
2. To consider the appropriateness of the proposed funding split between high streets in the district as set out in paragraph 2.4.
3. To agree to the establishment of the Folkestone & Hythe High Streets Fund and the application process as set out below.
4. To agree to delegate the decisions on approving the expenditure of these funds as set out in paragraphs 2.7 and 3.4.

## **1. INTRODUCTION**

- 1.1 Many high streets are currently facing significant challenges as a result of structural changes to the way in which consumers shop for goods. With the rise of online sales and the increased cost pressures facing retailers, many high streets are struggling with falling footfall and sales.
- 1.2 In recognition of these issues, the FHDC Cabinet agreed in February 2019 to establish a £3 million earmarked reserve fund for 'High Streets Regeneration' to support the delivery of regeneration projects within the district. This was in recognition of "the challenge being faced by the high streets in our communities at this time", and as high streets across the district are "looking to deal with a number of adverse pressures" (Cabinet C/18/74).
- 1.3 The aim of this fund is to "support and sustain high streets for the foreseeable future .... [and] support the Council's work in meeting this aim through investment in planning, studies and direct investment where appropriate" (Cabinet C/18/74).
- 1.4 This report sets out a proposed mechanism for allocating this funding to support high streets across the district, which will ensure that it has the greatest impact on addressing the issues and the district's high streets adapt for the future.

## **2. THE FOLKESTONE & HYTHE HIGH STREETS FUND**

- 2.1 The Folkestone & Hythe High Street (FHHS) Fund will be used in three ways:
  - a) To take forward major capital investments opportunities and other initiatives led by FHDC to help transform Folkestone town centre, the largest town in the district.
  - b) To provide contributory funding to external organisations to take forward initiatives to address issues and improve Folkestone and other key High Streets in the district
  - c) To provide a fixed term 2 year contract for a resource within the Economic Development team to support successful grant applicants deliver projects and to promote the contribution of the Council towards the initiatives.

### **A. FHDC investments in Folkestone Town Centre**

- 2.2 FHDC recently submitted an Expression of Interest to the government's Future High Streets Fund for Folkestone Town Centre. This submission required FHDC to identify the issues facing the town centre and the vision and plans, including a capital investment programme, to address these.
- 2.3 Although the council was not successful, this was anticipated because of the early stage of plans and no capital scheme was yet identified. Nevertheless, the submission was made to demonstrate the council's ambition and commitment to improving Folkestone town centre and earmarking the FHHS Fund also highlighted this commitment.
- 2.4 It is proposed that £2.5 million of the £3 million FHHS Fund (available from 2019/20) is focused on Folkestone town centre. This proportion is because:

- Folkestone is the largest and most important retail centre in the district and its success is important to all parts of the district.
- Folkestone offers the only opportunity for leveraging in government investment to the district to bring forward new opportunities to future-proof its town centre. The Future High Streets Fund call for projects limited the district to funding for only one location and Folkestone was chosen as the largest centre in the district. FHDC's will have a second call for projects in 2020.
- Folkestone offers the best opportunity to deliver a commercially viable proposition that would attract private investment.

2.5 FHDC is at an early stage in the process of developing a capital programme for a scheme in Folkestone town centre, but work is progressing rapidly. This has been made all the more important following the recent Debenhams announcement to withdraw from Folkestone town centre in 2020.

2.6 It is proposed to use the FHHS Fund in Folkestone to:

- Support the development of a wider town centre masterplan and development framework which identifies a programme of capital investments for improving Folkestone town centre.
- Support business case development work for specific town centre capital schemes.
- Provide funding towards capital schemes (including land and building acquisition) for which private sector funding and/or the government's Future High Streets Fund could also be sought.
- Provide funding for and to support key infrastructure projects coming forward around the town centre.
- Provide funding for a range of 'softer' initiatives to improve Folkestone town centre (such as maximising the impact of the street market, developing a 'digital high street', providing 'pop-up shop' opportunities and support for new independent businesses, etc.). These initiatives could be led by FHDC or by other organisations that would apply to the proposed Folkestone & Hythe High Streets Grant Fund.
- Provide a resource to manage town centre initiatives to ensure maximum impact.

2.7 For Folkestone Town Centre activities and initiatives that council officers lead on, the decision to fund these will be taken by the Leader in conjunction with the Corporate Director for Place and Commercial.

## **B. Folkestone & Hythe High Streets Grants Fund; Contributory Funding**

2.8 It is proposed that up to £500,000 of the FHHS Fund is made available as a grant towards investments in other high streets in the district's retail hierarchy centres. These high streets include:

- Cheriton
- Sandgate

- Hythe
- New Romney
- Lydd
- Hawkinge
- Dymchurch
- Elham
- Lyminge
- Sellindge

2.9 To ensure that investment is specifically focused on the high street areas within these locations, the areas and properties eligible for this funding will be identified and these maps will be issued as part of the Call for Projects.

2.10 This element of the FHHS Fund will provide grants between £5,000 and £50,000 towards any individual project, and in normal circumstances this will be expected to comprise a maximum of 50% of the total project cost. However, in exceptional circumstances, and at its discretion, the Council may award 100% of the funding for a project. Exceptional circumstances will be considered as part of the formal decision making process as outlined in paragraph 3.4 below.

2.11 Where match funding is required, this will need to be secured from other sources, such as:

- Own reserves/sources
- Bank loans
- KCC No Use Empty/ No Use Empty Plus scheme loans
- Parish or Town Council funds

2.12 The types of organisations that will be eligible for grant funding includes:

- Commercial property freehold owners or leaseholders with at least 5 years left on lease when the work is expected to be completed and permission for the works from the freeholder
- Town or Parish councils
- Other public organisations such as Folkestone Town Team CIC

2.13 The types of projects that will be eligible for grant funding includes, but is not limited to:

- External renovations or improvements to front elevations of buildings (areas visible from the high street), including repairs, repainting of shop fronts in suitable colours, signage, external lighting, security grilles and/or security glazing, repair of external stonework and brickwork and repair and reinstatement of guttering and down-pipes.
- Internal ground floor fit-outs or conversion to commercial properties.
- Improvements to the townscape, including the introduction of signage, new route ways, new public realm, such as art works or landscaping.
- Introduction of technology and new innovative products, to support the development of commercial operations.
- Initiatives and events to increase the vitality of the High Street.

- Work towards developing a project to improve the vitality or physical environment of the High Street, as a precursor to a further application to the fund or other funding source.

2.14 The towns of Folkestone, Dymchurch, Hythe and New Romney have previously received government funding to establish coastal community teams (CCTs) and develop economic plans which identify initiatives to improve these towns. The FHHS Fund is a potential source for a funding contribution towards any of these initiatives that relate to the High Street.

### 3 THE FHHS FUND APPLICATION PROCESS

3.1 Grant applications from external organisations will be made via an online form accessible on the Folkestone & Hythe District Council website. A draft online application form and details of the additional information required by applicants is set out in Appendix 1.

3.2 The Grant scheme will be launched on 1<sup>st</sup> October 2019 and grant applications can be submitted at any time until the closure of the scheme. The scheme will run until either 31<sup>st</sup> March 2021 or until the funds are allocated.

3.3 Applications will be considered on a first come first served basis and will be assessed in the first instance on the basis of criteria set out in Appendix 2 by the Economic Development Team.

3.4 Final decisions on individual applications will be made by the Leader of the Council, in collaboration with the Lead Cabinet Member for the District Economy, and a councillor drawn from the ward where funding is proposed.

### 4. RISK MANAGEMENT ISSUES

4.1

Perceived risk	Seriousness	Likelihood	Preventative action
A high number of applications puts resource pressure on the ED team	High – the ED team comprises only 2.6 FTEs and this is a new activity that was not identified in the 2019/20 Service Area plan	Low	The additional 1FTE resource paid for from this fund to work with successful applicants, will be able to provide additional support to help assess applications if needed.
A low number of applications due to a lack of resource within organisations to develop a project idea/ application	High – lack of capacity due to limited public sector resources.	Low	Applications can be made to the fund for capacity to develop project ideas in the first instance

A low number of applications due to a lack of resource to provide match funding for projects	High – lack of finance available due to limited public sector funds	Low	The fund will be able to provide 100% funding for projects, at the discretion of the council, where match funding is an issue
Funding is used to support small projects which have limited impact	High – lack of match funding and resource available due to limited public sector funds	Low	The criteria used to assess projects will ensure that only those impacting positively are supported and the value for money will consider the impact in relation to the size of grant sought. The provision of support within the ED team to take forward projects will help encourage significant projects to come forward. The availability of funding for project development will encourage projects that will have a significant impact to come forward.
The council does not benefit from positive publicity for the investments	High – lack of finance available due to limited public sector funds	Low	The provision of support within the ED team to take forward projects will help to ensure that the council gets maximum positive publicity through close working with the Communications team.

**5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

**Legal Officer’s Comments (NE)**

- 5.1 There are no legal implications associated with the recommendations in this report. However, any grants that are made available to third parties by FHDC will need to be legally documented and the legal team can assist with this.

**Finance Officer's Comments (LK)**

- 5.2 There is £3m available in the High Street Regeneration Reserve to be drawn down against as and when required

**Human Resources Officer's Comments (AS)**

- 5.3 The additional 1fte officer would be on a time limited role, two year funded from the High Streets fund and would not have a direct impact on the annual salary base budget. However, in order to be able to provide an annual salary for the role HR would need to review a job description and ensure it was considered by a job evaluation panel before advertising for the role.

**Communications Officer's Comments (AW)**

- 5.4 A communications strategy will need to be developed to promote the fund and there are many opportunities for positive communications around supporting businesses. This can also become part of the district place narrative

**Diversities and Equalities Implications**

- 5.5 There are no diversities or equalities implications arising.

**7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Telephone: 01303 853287

Email: [katharine.harvey@folkestone-hythe.gov.uk](mailto:katharine.harvey@folkestone-hythe.gov.uk)

**Appendices**

1. Folkestone & Hythe High Street Fund Application form and Information required
2. Folkestone & Hythe High Street Fund Gant Assessment Criteria

**Appendix 1: Folkestone & Hythe High Street Fund  
Application form and Information required**

**FOLKESTONE & HYTHE HIGH STREET FUND  
APPLICATION FORM**



<b>1. Name of applicant organisation</b>	
<b>2. Name and details of contact in applicant organisation</b>	
<b>3. Location or Property Address (including postcode) for project</b>	
<b>4. Project title and description</b>	
<b><u>If your project relates to a specific property address, please answer question 5.</u></b>	
<b>5a. Indicate the status of your organisation in relation to the property (e.g. leaseholder, freeholder, prospective leaseholder, prospective freeholder)</b>	
<b><u>If you are a leaseholder, please provide the following information</u></b>	
<b>Lease dates</b>	
<b>Name and address of Freeholder</b>	
<b>Has permission been granted by the freeholder for the project (Y/N)</b> <i>Please note: a letter from the freeholder confirming this is required with this application</i>	
<b>5b. Indicate if planning and/or building consents have been granted for the project.</b> <i>Please note that copies of these permissions are require with this application</i>	



<b>6. Project Financial Details</b>	
<b>Total Project Cost (£)</b> <i>Please break this into the different spend components as appropriate</i>	
<b>Grant required (£)</b>	
<b>Is your match funding secured? (Y/N)</b>	
<b>Source of match funding</b>	
<b>7. Project start date</b>	
<b>8. Project completion date</b>	
<b>9. Please identify any support you have from other organisations for this project and the origins and reasons for this support.</b> Please indicate if your project is identified in a Coastal Community Team (CCT) Economic Plan. Letters of support from partners supporting the application are desirable.	
<b>10. How and why this project will benefit the High Street.</b>	
<b>11. How significant will this project be to improving the High Street</b>	
<b>12. What importance and priority should be given to this project for this High Street?</b>	
<b>13. What are your plans for ensuring this project is sustainable once grant funding ends?</b>	
<b>14. How should the success of your project be determined?</b>	

<b>15. Do you have a business plan for your project (Yes/No)?</b> If Yes, please submit with application.	
<b>Signature :</b> <b>Name:</b>	
<b>Dated:</b>	
<b>Please submit this application to:</b>	<b>For further information please contact:-</b>
economy@folkestone-hythe.gov.uk	Lorraine Smith Economic Development Officer 01303 853274 lorraine.smith:@folkestone-hythe.gov.uk

## **Appendix 2: Folkestone & Hythe High Street Fund**

### **Grant Assessment Criteria**

1. Eligibility of property/high street
2. The nature and timing of the proposed works/project
3. Significance and priority of project (e.g. is it a project identified in the CCT Economic Plan?)
4. Level of partner support
5. Size of grant required
6. Match funding source
7. Credibility of the lead applicant
8. Impact on improving the high Street
9. Value for money – size of grant versus impact
10. Sustainability of project and plans after completion

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This Report will be made public on 2 September 2019

Report Number **OS/19/03**

**To:** Overview and Scrutiny Committee  
**Date:** 10 September 2019  
**Status:** Non-key decision  
**Responsible Officer:** Susan Priest, Head of Paid Service  
**Cabinet Member:** Councillor David Godfrey, Cabinet Member for Housing, Transport and Special Projects

**SUBJECT:** East Kent Housing update

#### **SUMMARY:**

This report provides members of the Overview and Scrutiny Committee with an update on the performance of East Kent Housing (EKH) during the first quarter of 2019/20. Deborah Upton, Chief Executive of EKH, will be in attendance to address questions and points of interest raised by members.

#### **REASONS FOR RECOMMENDATIONS:**

- a) To ensure Overview and Scrutiny Committee is informed on four key areas of EKH's performance. These are:
- Performance against key indicators for the period from 1 April 2019 to 30 June 2019.
  - Progress against the key outcomes identified within the EKH Improvement Plan.
  - A current update in relation to EKH's management of tenant and leaseholder health and safety.
  - A current update in relation to EKH's complaints policy/procedure and performance.

#### **RECOMMENDATIONS:**

1. To receive and note report OS/19/03.
2. To scrutinise the contents of the reports provided by EKH, attached as Appendices 1, 2, 3 and 4.

## 1. BACKGROUND

- 1.1 East Kent Housing (EKH) is an Arms-Length Housing Management organisation (ALMO) jointly owned by four East Kent councils of Canterbury City Council, Dover District Council, Folkestone and Hythe District Council and Thanet District Council. It was established on 1 April 2011 to provide housing management and maintenance services to tenants and leaseholders of the four councils.
- 1.2 EKH is directly managed by an Independent Board and provide services to the four councils under the terms of four respective management agreements. EKH provide regular quarterly reports on their performance against a range of key indicators to each of the four councils. The EKH performance report for the first quarter (1 April 2019 to 30 June 2019) is attached as Appendices 1 and 2.

## 2. INTRODUCTION

- 2.1 The EKH Performance Report provides an update relating to EKH activity across three key areas. These are:
  - Performance against agreed Key Performance Indicators.
  - Progress against the outcomes and performance indicators set out in the EKH Improvement Plan.
  - Actions in relation to tenant and leaseholder health and safety, following the Monitoring Officer's report to Cabinet in relation to gas safety certificates on 31 July 2019.
- 2.2 EKH has further provided updates on:
  - Actions in relation to tenant health and safety audit undertaken by the East Kent Audit Partnership on behalf of EKH (Appendix 3)
  - A current update in relation to EKH's complaints procedure and performance (Appendix 4), following July's Overview and Scrutiny Committee recording an action for EKH to provide an update on its complaints procedure, including *"the number of complaints received, the procedure used and how long responses take."*
- 2.3 Members of the Overview and Scrutiny Committee are invited to scrutinise the performance and audit reports provided by EKH. The Chief Executive of EKH will be attending the meeting to address questions committee members may have.

## 3. CURRENT SITUATION

- 3.1 The four client councils have raised concerns about a number of key areas of the services provided by East Kent Housing. These concerns have arisen as a result of a number of factors including the performance of East Kent Housing, constraints on inflationary increases in the management fee paid by the four councils over time and emerging pressures on the service as a result of welfare reform and increases in homelessness.
- 3.2 The 2016/17 Housemark benchmarking data showed that East Kent Housing provided their services at a lower cost than all others in their peer group. It also showed strong performance in areas of rent collection and void management.

- 3.3 The EKH Improvement Plan was developed in response to concerns about areas of weakness that EKH have been unable to resolve. At the time key areas of concern related to:
- Procurement of key contracts for the delivery of the council's planned maintenance and capital improvement programmes.
  - Contract management of a number of key contracts.
  - Rent collection, particularly in relation to tenants in receipt of Universal Credit.
  - Single System implementation.
  - Organisational health and sustainability
- 3.4 Additional resources were provided to EKH to improve performance in these areas and the outcomes and indicators set out in the plan were agreed.
- 3.5 More recently significant performance issues materialised in relation to Landlord Gas Safety Records (LGSRs) and these were reported to Overview and Scrutiny Committee and Cabinet on 16 and 31 July 2019 respectively. The position in relation to LGSRs has now been recovered, ensuring the council has no properties with an outstanding LGSR. As reported in Report C/19/15 to Cabinet, we continue to work closely with the Social Housing Regulator, following our self-referral. A further update will be given at the meeting.
- 3.6 EKH has since commissioned the Housing Quality Network (HQN) to undertake an independent investigation into non-compliance of LGSR across its housing stock. The report was presented to the EKH Board on 22 August 2019, the results of which will be shared with the four councils.
- 3.7 However, the above service failure raised questions about the reliability of data and the performance of EKH in other areas of statutory compliance such as electrical certification, lifts, fire safety and legionella testing. The initial responses to these service failures was set out in the report to Cabinet, and the quarter 1 performance report from EKH provides an update on progress to date. More information on the broader compliance issues is set out in section 4 of this report.
- 3.8 Officers of the council have scrutinised the quarter 1 performance report provided by EKH and bring the following issues to the attention of the committee, based upon the information provided.
- **Rent arrears:** The report from EKH indicates that total current rent arrears have increased during the quarter. Additional resources were provided in this area as part of the Improvement Plan and it had been hoped that improvements would be showing by now. EKH have explained that arrears built up when households moved onto Universal Credit are having a significant impact and that on average these debts take many months to be cleared. EKH anticipate improvements in the level of rent arrears by next quarter.
  - **Voids:** EKH have reported that a high number of voids requiring major works before they can be re-let, including asbestos removal works, is impacting on overall average void times. This remains unacceptably high.
  - **Capital programme delivery:** Despite progress in recent months on a number of procurement projects there remain concerns about the speed of delivery of the approved capital programme and EKH are reporting slippage.

Significant spend is now expected in quarters 3 and 4 of the financial year, which is a common pattern, as is capital works under spend each year.

- **Single system implementation:** Overall the single system project is significantly behind the original implementation for East Kent, although the system has been implemented and is operational within Folkestone & Hythe.
- **Tenant and leaseholder health and safety (gas):** Significant concerns were relating to gas safety certification in the Monitoring Officer's report to Cabinet on 31 July 2019. The concerns have been reported to the Regulator for Social Housing, who is monitoring progress and the position has now been recovered. Weekly meetings are being held with senior EKH staff to ensure that appropriate focus is maintained on broader compliance areas. EKH's report provides an update on progress so far towards providing greater assurance in relation to tenant and leaseholder health and safety (see section 4).

3.9 Council officers are meeting regularly with representatives from EKH to ensure that there is a continued focus on improving performance and EKH will continue to report progress quarterly.

3.10 Folkestone & Hythe District Council has established an internal officers group that meets weekly to oversee four work streams including:

- Contracts and performance management
- Health and safety compliance
- Strategic review of housing management
- Communications

3.11 A work stream update was presented by officers to Cabinet on 31 July 2019 (see Report C/19/15 in Appendix 5).

3.12 As part of work agreed by Cabinet on 31 July 2019, the four councils are undertaking a strategic review considering the potential future options for the future of the council's landlord service. An update on the review will be presented for scrutiny and approval at October's Overview and Scrutiny and Cabinet meetings.

#### **4. AUDIT – TENANT HEALTH AND SAFETY**

4.1 In early 2019, East Kent Audit Partnership was commissioned directly by EKH to provide assurance on the adequacy and effectiveness of the procedures and controls established by EKH to ensure the safety of all residents in all properties across East Kent for which they are responsible.

4.2 Testing undertaken during this review concludes that there have been major failings in relation to the internal control of health and safety, and a number of the necessary systems of control surrounding fire safety, electrical safety, lifts and Legionella were absent.

4.3 The audit recommended urgent management intervention in all key areas tested.

4.4 East Kent Housing has responded to the audit's recommendations and is preparing a detailed action plan, providing updates on the proposed action or action taken,



alongside proposed completion dates. The report is attached as Appendix 3, with an updated audit of findings dated August 2019.

- 4.5 The Chief Executives of the four Councils and EKH continue to meet weekly to raise and review the ongoing response to issues of non-compliance and subsequent audit report and investigation matters.

## **5. EKH Complaints Procedure and Performance**

- 5.1 Detail of the EKH Complaints procedure and Quarter 1 performance is set out in Appendix 4 of this report.
- 5.2 EKH have provided an analysis of Quarter 1 complaints performance due to the heightened interest in EKH performance over this period. Complaints performance is reviewed by the council officers and EKH's Board on a quarterly basis.

## **6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

- 6.1 **Legal (SR)** - There are no legal implications arising from this report.
- 6.2 **Resources (SR)** – Although the performance of EKH has a direct impact on both finance and value for money, this report does not result in any specific financial implications.
- 6.3 **Equality (SR)** – There are no equality or diversity implications arising from this report.
- 6.4 **Communications (AW)** – This report outlines that communications is a key work stream with the aim of ensuring tenants receive timely updates as and when required. Improving communications to inform and involve tenants is an aim of the work stream.

## **7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting/

Sarah Robson  
sarah.robson@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

### **East Kent Housing – compliance update**

**Cabinet: 31 July 2019**

<http://www.folkestone-hythe.gov.uk/moderngov/mglIssueHistoryHome.aspx?lId=17670>

### **East Kent Housing performance update**

**Overview and Scrutiny Committee: 16 July 2019**

<http://www.folkestone-hythe.gov.uk/moderngov/ieListDocuments.aspx?CId=437&MId=4624&Ver=4>

## **Appendices**

Appendix 1: EKH Performance covering report – Quarter 1 2019/20

Appendix 2: EKH Performance data – Quarter 1 2019/20

Appendix 3: Audit report for East Kent Housing – tenant health and safety

Appendix 4: EKH complaints policy/procedure update and quarter 1 2018/19 analysis

Appendix 5: Cabinet paper C/19/15: Work stream update – 31 July 2019

## Appendix 1

<b>Title:</b>	EKH Report of Folkestone & Hythe Q1 2019 Performance
<b>Meeting:</b>	Overview & Scrutiny Committee
<b>Date:</b>	10 September 2019
<b>Author:</b>	Deborah Upton
<b>Summary :</b>	Details of Quarter 1 Performance for East Kent Housing
<b>Recommendations:</b>	That the contents of the report be noted.

### EKH Performance Report

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Folkestone & Hythe District Council provided East Kent Housing with an additional £182,250 revenue funding for the financial year 2019/20. Approximately 61% (£111,000) of this funding was to support additional income and benefits advisors being appointed, to help deal with the impact of the rollout of Universal Credit, as well as a share towards a further procurement officer (£9,000) and towards staff increments and annual pay rise (£43,000). This is the first year that East Kent Housing has had an increase in their management base fee since its inception (other than for one off items), and pay rises, increments and other pressures have all been contained within the 2011 fee.

In order to help monitor the performance of EKH in certain additional areas, as part of the Improvement Plan additional indicators were developed and details of these and performance against these are included within Appendix one.

#### Procurement

We completed 6 specifications within the quarter across all areas, but we were on target with this indicator in April and May. One of the agreed improvements was the Council allowing us to use external consultants to provide specifications where we don't have the in-house capacity or expertise. In May and June, most of our procurement time was spent on the heating and hot water contract which was not a planned procurement and this diverted our resource from other, planned procurements.

We are still behind target on delivery of procurements, and this is our most challenging and complex area, as the process involves staff from EKH teams as well as the Council, and has added complexity when all four councils are procuring together. We received 281 procurement enquiries during the quarter, and we have improved our performance in responding to those enquiries over the three months and are now slightly outside target.

#### Capital Programme

The level of spend will increase through the year against the agreed budget, and current spend has been limited which is partly due to the procurements which are still being

progressed. This includes roofs and cyclical decorations, which are two of the largest spending contracts. There has been a delay on roofs due to further clarifications being needed during the tender process. We have profiled and pre-inspected work to ensure that the programme is accurate and, provided the contractors can deliver the agreed contractual volume, then spend will be on track for the period of the contract. There has also been a delay on cyclical decorations, due to proposed revisions to contracts. Again, provided the chosen contractor can meet our programme of work, then this contract will achieve its spend, but the delay has meant that we have had to re-profile works to fit in around winter weather conditions, and works also have to be managed alongside external structural repairs to get the best value from the contracts.

There has been some slippage on the kitchens and bathrooms programme, due to the new asbestos contractor not having sufficient resources in place to deliver the amount of surveys required. Alternative arrangements have been made and performance is now improved.

The table sets out at Appendix Two the plan for spend over the financial year.

### **Heating and Hot Water**

As expected, the heating and hot water indicators for the contractor are below target. The current position is that LGSRs are at 100% across the EKH area, and Swale Heating (the interim contractor) is now carrying out boiler installations until the new contract commences.

### **Invoices Paid on Time**

This was a new indicator for EKH to collect and is calculated using information from our client Councils.

The information provided by the Council indicated that the 93 contractual invoices were paid on time, the data indicated that there were 11 other invoices that were not paid on time sadly the data provided does not indicate whether these were received late by EKH or related to other non-contractual payments. Clarification on this is being sought from the Council and the indicator will be reviewed to reflect appropriately.

### **Income Collection**

The target for rental income is a target for the end of the year. Where households have built up arrears they generally do not have the funds available to repay in large amounts and performance should improve steadily during the year as repayment plans are organised, and performance against the target will only be met at year end.

The data however provides an indication of performance at the point of monitoring. The additional resources provided have been used to recruit 2 additional Income Officers and a Money & Benefits Advisor, to help deal with the impact of Universal Credit and the additional work that the system that this creates for EKH. These posts have been recruited to, and this is allowing us to contact 100% of those households that we know are moving to Universal Credit, to provide advice and assistance.

Overall performance is at expected levels, as modelled by us. Figures are affected by the timing of Direct Debits which are received monthly, whilst rent is due weekly, which can distort the figures.

Folkestone & Hythe District Council is different to the other three areas, in that insurance is provided to tenants if they pay for the premiums. However the insurance company has advised us that they will cancel this insurance for anyone three weeks in arrears, and so we have focused on recovering the position with these tenants to ensure their insurance is not invalidated.

As was expected the level of arrears associated with UC has risen as the number households moving to this benefit continues to increase, but it remains within target. Most recent performance indicates that the level of arrears for households not on UC is decreasing, as opposed to increasing as was seen for all of the previous year.

In addition, our money & benefits advisors helped households to achieve additional income and help maintain their tenancies.

### **Rechargeable works orders raised**

Whilst these have been able to be established in other areas there have been issues with clarifying the agreed process between EKH and FHDC. These revisions and clarifications have now been resolved and we were able to achieve 100% for the following month.

### **Single system actions**

This is a new target for EKH, and we have achieved 100% on these actions. We have been working on implementing the system in Thanet Council for this quarter, and are on target for the system to be implemented at the beginning of September 2019. For more information on the single system project please see below.

### **Complaints**

Responding to complaints was outside target for April, but performance has improved and it is on target for the current quarter. We only have one complaints officer, and we had an increase in member enquiries prior to the election, as well as the Easter holidays. We have now moved line management for this post, to build in greater resilience and cover.

### **Permanent staff in the organisation**

We are slightly below target in this area. We have high turnover levels in our customer contact service, which are our entry level roles. We are working with a recruitment consultant to come up with a different model of recruitment in order that we can keep these posts fully filled.

We are also struggling to fill our management level posts whilst the councils undertake a review of East Kent Housing, and are having to use interim consultants in these areas.

## **Day to Day Repairs**

Performance generally remains strong in this area with targets set at high levels and performance in most cases exceeding targets. The one area where performance is 0.32% below target is with the percentage of routine repairs being completed on time. This is an area that we are working with the contractor to ensure that the target is met going forward.

## **Gas Servicing and Heating Repairs**

Although for most areas performance has been below target, considering the wider issues with the heating and hot water contractor, performance has been at higher levels that may have been expected and was on target for repairs appointments kept for Folkestone & Hythe. At the end of Q1 there were 15 outstanding LGSRs, and at the end of July this number was 0.

## **Void re-let times**

Whilst EKH has responsibility for the letting and any works that are required to properties before they are let, but the Council manages the waiting list and nominates households for the properties. Over the list quarter there have been a number of properties where the time taken for a suitable tenant to be identified has been considerable in one case this was in excess of 150 days. This has a significant impact on the performance with performance in July reflecting the normal timescales that EKH would expect without delays for suitable nominations and where major works are not required.

Where works are more extensive in most cases an assessment will need to be made for the presence of asbestos, which includes a period for statutory notification of 14 days, which combined with a period to complete the work make this target challenging, sadly delays with the new asbestos contractor and delays in waiting for recommendations from Kent County Council for adaptations means that performance has been below target.

## **Improvement Plan Outcomes**

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### **Improved Procurement**

An overall procurement plan is in place with timescales attached to it, to help support delivery of the capital programme. Where contracts are in place, we usually meet the agreed spend but for a large amount of the capital programme, contracts have to be procured and this can result in delays as it can be difficult to meet the timescales for a number of reasons. Part of the procurement process is delivered by EKH, and part of the process by the Councils. EKH has recognised it lacks the skills sets in its staff (other than senior managers) to be able to produce specifications and so the Councils agreed that specifications could be outsourced, which has resulted in some improvement in quality. However the procurement process itself is complex and not easily understood by all

members of staff, particularly as the process differs in each council. We have provided training to our staff and are working on providing supporting information to help them understand the process.

We have published our planned programmes to residents on a street basis, and staff are also able to provide this information to residents. However as there is only a 30% stock condition survey, the programme is only indicative until we have surveyed the properties to see if they are in need of the work.

There has been some progress in this area, and the appointment of an additional procurement officer has helped, but it still remains challenging and procurements take a long time to deliver.

### **Improved Contract Management**

Contract management has been patchy across EKH and there has been a number of examples of poor contract management identified by internal audit, although they have also identified good contract management in some areas i.e. kitchens & bathrooms contracts with substantial assurance. All staff have received training in contract management, with written procedures in place to support this. In addition, the single system has a number of contract management controls built into the system which will help to provide more robust monitoring, when the planned and repairs modules are implemented.

### **Rent Collection**

Historically EKH has delivered extremely good performance in this area and been upper quartile, until the introduction of Universal Credit (UC). This has had a significant impact for all landlords whose tenants move to the new benefit. The impact has been acknowledged nationally and has been recognised by the Council providing additional resources to allow EKH to not only to help limit the level of arrears but also to provide additional support and advice for residents.

EKH has recruited to the new posts, and revised and updated its operational procedures to reflect new working practices. The repayment of arrears for the majority of households will take many months and work by the National Audit Officer found that, on average, this will take 18 months. Analysis of rent arrears in Thanet (our area with the most UC cases) shows that this area has matched national trends and we have already seen the levels of arrears reduce for those households not on UC, and this reduction will continue throughout the year. We expect a similar reduction for households on UC as their payment plans come into effect, and we have targeted those households with the largest arrears first as these take longest to pay off. This does mean that it can take longer to see an improvement, but that the speed of recovery increases in Q3, and Q4.

### **Single System Implementation**

Implementing the single system has been extremely challenging for EKH. The scale and complexity of the implementation, and the amount of resources needed, was not anticipated at the start of this project, as it is four separate system implementations, one for each council, as well as their respective interfaces and contractor interfaces. This has led to delays with implementation across all four councils.

The project has been financed by East Kent Housing, with loan funding provided by the Councils, and one repayment has already been made, with the remaining repayments due to commence next year.

The system has been in use in Folkestone & Hythe for some time, but we expect to implement additional modules (repairs & planned maintenance) in the Autumn, which will interface directly with the Councils financial systems.

### **Organisational Health and Sustainability**

EKH has a People Strategy and has delivered a number of the actions, including developing values in conjunction with its staff, a new appraisal scheme based on those values, refreshing its staff health & wellbeing committee, and putting in place a staff reward scheme. Staff recruitment is traditionally challenging across the property services function, and retention can be difficult in customer services. We have a history of 'growing our own' staff and we have two staff in property services who have just completed their HNC with a further two who are on their final year, but they do of course require extra support until they gain experience as well as a qualification.

EKH carries out monthly complaints learning logs and this learning is also shared with our residents panel as well as with our staff, to ensure that we get a full range of inputs. We have changed our complaints service based on a response to resident scrutiny and this is an area that residents add real value to our services.

We now have a communications officer in post, and we now produce a fortnightly e-bulletin to our staff, and this is also helping support our communications with residents, including our resident newsletter, as well as ad-hoc communication messages and is working with our Residents Communications Group. They are also looking at getting our positive stories to help tackle the stigma of social housing, such as the Gardens competitions.

### **Resident Health & Safety**

As you will be aware, we have had difficulties with the heating and hot water contractor, P&R, who failed to complete a number of gas safety certificates resulting in the need for urgent action and for new contractors to be appointed to ensure that the outstanding certificates were completed as quickly as possible. This service moved back to 100% compliance in July.

However, issues arose over other health and safety areas as a result of an internal audit commissioned by EKH, and this has shown limited or no assurance in a number of other areas; lifts, legionella, fire and electrical safety. All identified areas have either been completed or have actions being undertaken to ensure that residents remain safe in their homes, and the internal audit report will be discussed in full at the EKH Board meeting on 22 August.



## EKH Key Performance Report June/Q1 FHDC



	Improvement Plan KPIs - PROCUREMENT	2018/19 Year End	April 2019	May 2019	June 2019	Q1 2019	Short Term Trend Arrow	Traffic Light Icon	Current Target
		Value	Value	Value	Value	Value			
IMP01 EKH	Average Days to produce procurement specifications	-	N/A	7.33	0	4.40	↑	🟢	20
	<i>Total days to complete procurement specifications</i>		0	22	0	22			
	<i>Number of specifications completed in the period</i>		1	3	1	5			
IMP02 EKH	Percentage of Capital procurements (projects) delivered	-	100%	33.33%	50%	50%	↑	🔴	95%
	<i>Number of Capital procurements delivered (YTD)</i>		1	1	3	3			
	<i>Number of Capital procurements required (YTD)</i>		1	3	6	6			
IMP03(a) EKH	Percentage of procurement enquiries responded to on time	-	70.63%	95.31%	99.17%	89.29%	↑	🟡	100%
IMP03(b) EKH	Average days to respond to procurement enquiries	-	-	0.43	0.32	0.39	↑	🟢	5
Of the 6 procurements due by end of June, 3 were completed on time; the remaining 3 were awaiting the issuing of the contract documentation and this has now been completed.									

	Improvement Plan KPIs – CONTRACT MANAGEMENT	2018/19 Year End	April 2019	May 2019	June 2019	Q1 2019	Profiled Target (Q1)	Traffic Light Icon	Year-end Target
IMP04 EKH	Number of Core group meetings held (YTD)	-	None held	None held	2	2	↑	🟢	8 per annum
	<i>Number of Core group meetings held</i>		-	-	2	2			(2 per Qtr.)
	<i>Number of Core group meetings scheduled</i>		-	-	2	2			
IMP05 FHDC	Percentage of capital programme spent (YTD)	50.25%	-	-	-	0.61%	(3.6%)	🔴	95%
	<i>Latest agreed Capital Budget</i>	4,143,000	-	-	-	3,572,150			
	<i>Total actual spend at end of period</i>	2,081,946	-	-	-	21,926			
IMP05 EKH	Percentage of capital programme spent (YTD)	52.26%	-	-	-	3.37%	(5.38%)	🔴	95%
	<i>Latest agreed Capital Budget</i>	16,689,829	-	-	-	21,989,231			
	<i>Total actual spend at end of period</i>	8,721,944	-	-	-	740,626			
IMP06 FHDC	Percentage of properties that meet decent homes standard	97.96%	97.96%	97.96%	97.62%	97.62%	↓	🟡	99%
	<i>Number of properties as reported on SAM database</i>	3531	3531	3531	3529	3529			
	<i>Number of inspected properties that meet DHS</i>	3459	3459	3459	3445	3445			
IMP06 EKH	Percentage of properties that meet decent homes standard	98.24%	98.24%	98.24%	98.27%	98.27%	↑	🟡	99%
IMP07 EKH	Percentage of heating installation pre-inspections completed	-	0%	0%	0%	0%	▬	N/A	100%

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**Capital Programme** - In general the first quarter is when procurements are planned, surveys are undertaken and delivery plans are agreed, we have developed profiled targets calculated from an average of the Q1 positions for the past two financial years, to give an indicator of where we have been at this point in previous years. Individual budgets have been set for each local authority; there have been some delays in procuring key contracts for the capital programme, we're unlikely to see significant spend until later in the year.

**Decent Homes** - As at 30 June, 1.73% (289) properties across EKH were 'non-decent'; the highest being at Folkestone 2.38% (84 properties). This is based on the number of inspected properties as listed on the SAM database. The number of non-decent properties will reduce during the year as planned works proceed.







**Pre-inspections** - This indicator related to works undertaken by P&R under their heating and hot water contracts, notice was provided on this contract which has now come to an end. This indicator will now be reported against the new interim contracts and will be reported accordingly.

	Improvement Plan KPIs – CONTRACT MANAGEMENT	2018/19 Year End	April 2019	May 2019	June 2019	Q1 2019	Short Term Trend Arrow	Traffic Light Icon	Current Target
IMP08 FHDC	Percentage of heating installation post-inspections completed	-	0%	DIV/0	DIV/0	100%	▬	🟢	100%
IMP08 EKH	Percentage of heating installation post-inspections completed	-	44.44%	90%	100%	72.73%	⬆️	🟡	100%
IMP09 FHDC	Percentage of day-to-day repair post-inspections completed	-	3.33%	8.18%	7.63%	7.78%	⬇️	🔴	10%
IMP09 EKH	Percentage of day-to-day repair post-inspections completed	-	5.45%	9.71%	9.22%	8.31%	⬇️	🟡	10%

**Post inspections** - Installations are undertaken throughout the period, and whilst installations will have taken place during the period, some post inspections will take place in the next period.

	Improvement Plan KPIs – INCOME AND ARREARS	2018/19 Year End	April 2019	May 2019	June 2019	Q1 2019	Short Term Trend Arrow	Traffic Light Icon	Current Target
IMP10 FHDC	Percentage of contract invoices paid within 30 days		100%	95.12%	88.17%	94.43%	⬇️	🟡	99%
IMP10 EKH	Percentage of contract invoices paid within 30 days		98.17%	95.88%	88.17%	95.43%	⬇️	🟡	99%

	Improvement Plan KPIs – INCOME AND ARREARS	2018/19 Year End	April 2019	May 2019	June 2019	Q1 2019	Short Term Trend Arrow	Traffic Light Icon	Current Target
IMP11 FHDC	Percentage of potential UC claimants contacted on time	No Data	100%	100%	100%	100%	▬	✔	100%
IMP11 EKH	Percentage of potential UC claimants contacted on time	No Data	100%	100%	100%	100%	▬	✔	100%
IMP12 FHDC	Current tenant arrears (UC only) as % rental income	-	0.98%	1.08%	1.12%	1.12%	↓	✔	Year-end target 3.3%
	<i>UC Figure (Arrears)</i>		£151,258	£166,349	£172,003	£172,003			
IMP12 EKH	Current tenant arrears (UC only) as % rental income	1.65%	1.85%	2.01%	2.20%	2.20%	↓	✔	Year-end target 3.3%
	<i>UC Figure (Arrears)</i>		£1,325,863	£1,414,886	£1,548,264	£1,548,264			
IMP13 FHDC	Current tenant arrears (non-UC) as % rental income	-	1.3%	1.38%	1.36%	1.36%	↑	⚠	Year-end target 1.25%
	<i>Current tenant arrears (excluding UC)</i>		£200,378	£212,640	£210,242	£210,242			
IMP13 EKH	Current tenant arrears (non-UC) as % rental income	1.75%	1.82%	1.79%	1.8%	1.8%	↓	⚠	Year-end target 1.25%
	<i>Current tenant arrears (excluding UC)</i>		£1,304,988	£1,261,789	£1,264,467	£1,264,467			
<p><i>These are year-end target and performance against the target will only be finalised at year end, the data however provides an indication of performance at the point of monitoring. Overall performance is at expected levels and figures are increasingly influenced by the timing of Direct Debts, and work has been progressing on higher complex cases, to allow time for these to be repaid over the year. These have all now been actioned and work has now moved on to more general arrears, with performance expected to steadily improve over the year.</i></p>									
	Improvement Plan KPIs – INCOME AND ARREARS	2018/19 Year End	April 2019	May 2019	June 2019	Q1 2019	Short Term Trend Arrow	Traffic Light Icon	Year-end Target
IMP14 FHDC	Total Current tenant arrears as % rental income	2.22%	2.29%	2.46%	2.48%	2.48%	↓	✔	4.55%
	<i>Total Current tenant arrears</i>		£351,637	£378,989	£382,245	£382,245			





IMP14 EKH	Total Current tenant arrears as % rental income	3.51%	3.67%	3.8%	4%	4%			4.55%
	<i>Total Current tenant arrears</i>		£2,630,851	£2,676,675	£2,812,731	£2,812,731			
IMP15 FHDC	Garage arrears as % garage rental income	1.37%	1.08%	2.09%	1.61%	1.61%			0.39%
IMP15 EKH	Garage arrears as % garage rental income	1.03%	1.17%	1.64%	1.41%	1.41%			0.39%

*This is a year-end target and performance against the target will only be finalised at year end, the data however provides an indication of performance at the point of monitoring.*



*Current performance is in line with expectations.*

*Garages - This is year-end target and performance against the target will only be finalised at year end, the data however provides an indication of performance at the point of monitoring.*

*Current performance is in line with expectations; payment of garage rents is generally made by direct debit and arrears levels change dramatically over the period due to timing of the payments over the period.*

	Improvement Plan KPIs – INCOME AD ARREARS	2018/19 Year End	April 2019	May 2019	June 2019	Q1 2019	Short Term Trend Arrow	Traffic Light Icon	Year end target	
Page 61	IMP16 FHDC	Percentage of Rechargeable Works Order charges raised	-	0%	N/A	N/A	0%			100%
		<i>Number RWO charges raised</i>		0	0	0	0			
		<i>Number RWO charges required</i>		4	0	0	4			
	IMP16 EKH	Percentage of Rechargeable Works Order charges raised	-	34.62%	100%	100%	82.5%			100%
		<i>Number RWO charges raised</i>		9	12	12	33			
		<i>Number RWO charges required</i>		26	12	12	40			

*Within the process for recharging there is a period for appeal prior to the charges being formally raised this means that the number of charges raised and those required will not match due to this period. The process is currently working effectively in some areas but there have been issues in FHDC which have now been resolved and the backlog will be reported in future reports.*

	Improvement Plan KPIs - COMPLAINTS	2018/19 Year End	April 2019	May 2019	June 2019	Q1 2019	Short Term Trend	Traffic Light Icon	Current Target	
	IMP19 (a) FHDC	Percentage of all complaints responded to within 10 working days	85.9%	20%	100%	100%	82.61%			95%

IMP19 (a) EKH	Percentage of all complaints responded to within 10 working days	90.94%	63.64%	95%	95.08%	86.67%			95%
IMP19 (b) FHDC	Average days taken to close complaints	8.31	14	8.17	5.67	8.78			10
IMP19 (b) EKH	Average days taken to close complaints	8.18	9.59	7.45	7.13	7.9			10
	<b>Improvement Plan KPIs – SUSTAINABILITY</b>	<b>2018/19 Year End</b>	<b>April 2019</b>	<b>May 2019</b>	<b>June 2019</b>	<b>Q1 2019</b>	<b>Short Term Trend Arrow</b>	<b>Traffic Light Icon</b>	<b>Current Target</b>
IMP20 EKH	Percentage of residents satisfied with Overall Service provided	-	Not due	Not due	Not due	Not due			82%
IMP21 EKH	Percentage of staff that see themselves working at EKH in 2 years	-	Not due	Not due	Not due	Not due			<14% disagree
IMP22 EKH	Percentage of permanent staff in the organisation (YTD)	86.5%	92.78%	92.05%	92.2%	92.2%			93%

Page 62	Day to day repairs	2018/19 YE	April 2019	May 2019	June 2019	Q1 2019	Short Term Trend Arrow	Traffic Light Icon	Current Target
		Value	Value	Value	Value	Value			
REP01 FHDC	Percentage of emergency repairs completed on time	99.59%	100%	100%	98.91%	99.62%			98%
REP01 EKH	Percentage of emergency repairs completed on time	99.56%	99.38%	99.81%	99.07%	99.41%			98%
REP02 FHDC	Percentage of routine repairs completed on time	96.77%	96.19%	98.14%	98.5%	97.66%			98%
REP02 EKH	Percentage of routine repairs completed on time	98.56%	98.77%	99.12%	98.44%	98.79%			98%
REP03 FHDC	Percentage of repair appointments kept	96.99%	97.84%	94.85%	95.57%	96.02%			96%
REP03 EKH	Percentage of repair appointments kept	97.11%	97.7%	96.75%	97.14%	97.18%			96%
REP04 FHDC	Percentage of tenants satisfied with day to day repairs	97.89%	100%	100%	100%	100%			98%
REP04 EKH	Percentage of tenants satisfied with day to day repairs	98.86%	99.87%	100%	100%	99.96%			98%

	<b>Gas Servicing and Heating repairs</b>	<b>2018/19 YE</b>	<b>April 2019</b>	<b>May 2019</b>	<b>June 2019</b>	<b>Q1 2019</b>	<b>Short Term Trend Arrow</b>	<b>Traffic Light Icon</b>	<b>Current Target</b>
GAS01 FHDC	Percentage of emergency heating repairs completed on time	93.53%	92.92%	93.75%	95.92%	94.12%	↑	🛑	100%
GAS01 EKH	Percentage of emergency heating repairs completed on time	93.05%	93.21%	91.53%	94.62%	93.08%	↑	🛑	100%
GAS02 FHDC	Percentage of routine heating repairs completed on time	98.44%	96.32%	96.81%	90.76%	94.99%	↓	⚠️	98%
GAS02 EKH	Percentage of routine heating repairs completed on time	97.95%	96.54%	94.54%	90.3%	94.62%	↓	⚠️	98%
GAS03 FHDC	Percentage of heating repair appointments kept	94.43%	96.58%	95.67%	97.52%	96.57%	↑	✅	95%
GAS03 EKH	Percentage of heating repair appointments kept	95.1%	96.56%	96.79%	75.48%	91.42%	↓	⚠️	95%
GAS04 FHDC	Percentage of tenants satisfied with most recent heating repair	90.88%	77.42%	67.57%	73.08%	72.34%	↑	🛑	98%
GAS04 EKH	Percentage of tenants satisfied with most recent heating repair	88.86%	82.71%	78.32%	75%	78.61%	↓	🛑	98%

This data relates to work associated with contractual arrangements that can to an end as of the beginning of July 2019, alternative interim arrangements have been put in place and performance is expected to improve.

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	<b>Gas Servicing and Heating repairs (LGSR)</b>	<b>2018/19 YE</b>	<b>April 2019</b>	<b>May 2019</b>	<b>June 2019</b>	<b>Q1 2019</b>	<b>Short Term Trend Arrow</b>	<b>Traffic Light Icon</b>	<b>Current Target</b>
GAS05 FHDC	Percentage of properties with a valid LGSR	99.32%	97.3%	96.42%	99.49%	99.49%	↑	🛑	100%
	<i>Number of properties with a valid LGSR</i>	<i>2922</i>	<i>2881</i>	<i>2855</i>	<i>2944</i>	<i>2944</i>			
	<i>Number of properties requiring a LGSR</i>	<i>2942</i>	<i>2961</i>	<i>2961</i>	<i>2959</i>	<i>2959</i>			

As of 5 July 2019 the position was:- 7 overdue in FHDC all of which had either an appointment booked or action was being taken to gain access as part of a legal process.

	Voids and re-lets	2018/19 YE	April 2019	May 2019	June 2019		Short Term Trend Arrow	Traffic Light Icon	Current Target
			Value	Value	Value				
VOID01 FHDC	Average days to re-let all properties excluding major works	20.56	31.94	22.5	14.22		↑	✔	16.5
VOID01 EKH	Average days to re-let all properties excluding major works	20.15	20.14	20.4	20.16		↑	⬛	16.5
VOID02 FHDC	Average days to re-let all properties including major works	24.76	31.94	22.5	25.78		↓	⬛	22.75
VOID02 EKH	Average days to re-let all properties including major works	27.61	32.49	31.28	42.45		↓	⬛	22.75

*We have now developed a void action plan which covers all area, which will help address issues, and include action for both EKH and the client Council's.*

*All areas the number of properties requiring major works has increased, and the extent of these works in a number of cases has been considerable, the performance for these areas is also effected by the number of properties requiring asbestos removal and the statutory 14 notice period required during which works van not take place. Out of target for major works due to ASB works.*





# CONFIDENTIAL AUDIT REPORT FOR EAST KENT HOUSING

## TENANT HEALTH AND SAFETY

**Period of Audit:** 2019/20  
**Date of Final Report:** 19/07/19  
**Auditor:** David Griffiths  
**Audit Report Number:**2481

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## 1. EXECUTIVE SUMMARY & ASSURANCE

1.1 East Kent Housing (EKH) has been appointed by each of the councils in East Kent to undertake the management of all tenanted properties.

1.2 Testing undertaken during this review concludes that there are systemic failings in relation to the internal control of health and safety, and a number of the necessary systems of control surrounding fire safety, electrical safety, lifts and Legionella are currently absent.

1.3 Assurance levels for each area tested are as follows:

Area	Assurance
Gas Safety	Limited assurance
Fire safety	No assurance
Electrical Safety	No assurance
Lifts	No assurance
Legionella	No assurance

1.4 Urgent management intervention is required in all of the key areas tested as part of the review as each Council could be considered to be acting unlawfully in all of the areas tested due to non compliance with the regulations applicable to each area tested.

1.5 It is the following findings which result in a conclusion of **No Assurance** in these areas.

- As at 12/06/19 there were 369 properties without a current Landlords Gas Safety Certificate. We understand that this number is now 14 as of 17 July 2019.
- It is unlikely that the Councils will have a new permanent contractor for gas servicing and maintenance in place for 03 July when the current contract expires. Instead EKH will be relying on the use of temporary contractors until the new contractor is able to mobilise, and commence work under the newly tendered contract.
- Approximately 4,800 issues identified on fire risk assessments remain outstanding. While work is ongoing to rectify some of the less technical issues, approximately 800 of those are overdue their recommended completion dates.
- No action is being taken to repair emergency lighting identified as faulty as part of the annual emergency lighting testing process. The same emergency lights are being reported as faulty on subsequent tests. Audit testing estimates there to be in the region of around 2,000 faulty emergency lights across a combination of all 4 areas.
- Large parts of some buildings have faulty emergency lighting, and consequently the Council as landlord may be in breach of the Regulatory Reform (Fire Safety) Order 2005 for failing to provide emergency lighting of adequate intensity.
- Action is not being taken to rectify faults identified on Electrical Installation Condition Reports (EICR) where the overall condition is being reported as

unsatisfactory. From 830 EICR reports on landlord blocks, around 230 of these are categorised as unsatisfactory.

- Action is not being taken to rectify electrical faults categorised as C1 & C2. A C1 fault is defined as ***Danger Present - Risk of injury. Immediate remedial action required***). Testing identified C1 & C2 issues identified in April 2016 as still not having being rectified.
- Lift servicing is carried out at monthly intervals but lift examinations are not being completed by an independent person on passenger lifts at the 6 monthly intervals required by law, due to the insurance examiner not being able to safely examine the lift for a variety of different reasons. Despite the examinations being incomplete and therefore use of the lifts not being in accordance with the relevant regulations, lifts continue to be left in operation and available for use by tenants. Four lifts were found to be non-compliant with regulations due to a lack of independent examination reports yet still being used for 575, 426, 393 & 91 days.
- Remedial work identified on lift examination reports is not being carried out resulting in the same Category B defects being evident on the next examination six months later.
- Little or no action is being undertaken to address the 1,916 recommendations made on Legionella Risk Assessments, of which 930 have been categorised as high risk and date back to 2016.
- The summary evacuation sheets were out of date at the three of the 4 sites inspected as part of this review.

1.4 Sixteen recommendations have been made within this report of which, 7 have been classified as Critical priority, and 9 as High priority, please see the action plan at page 19 for full details.

1.5 In accordance with standard audit procedures, a follow-up review will be undertaken later in the year to provide management with assurance that the recommendations contained within this report have been implemented.

## 2. **SCOPE OF THE REVIEW**

### 2.1 **AUDIT OBJECTIVE**

To provide assurance on the adequacy and effectiveness of the procedures and controls established by East Kent Housing to ensure the safety of all residents in all properties for which they are responsible for is not compromised.

### 2.2 **SCOPE**

The audit has examined and evaluated the procedures and controls established by management to ensure that health and safety related risks to tenants are reduced and mitigated wherever practical, and has included the following key areas:-

#### Gas Safety - Governance, Monitoring and Compliance:

- Is there a clear procedure to gain access to properties to undertake a gas safety check every 12 months.
- Is this followed and clearly documented/recorded.
- Are actions taken within the prescribed timescales.
- How many properties have CP12s older than 12 months and what stages of action are they all at.
- In cases of no access how is the housing organisation ensuring it meets its legal obligations?
- Is the final stage letter sent by Recorded Delivery or hand delivered?
- In cases where Recorded Delivery has been found to be locally ineffective have other options been considered?
- Has the fitting of limiting devices been considered?
- Is there a 'policing' role for gas safety check within the landlord function? If so are they suitably qualified?
- Is progress on safety checks and servicing monitored at least weekly?
- Does the landlord do its own cross-checks upon completion of servicing?
- Does the landlord cross-check whether paperwork has been completed appropriately?
- Are front line housing staff and other agencies involved in cases of persistent no access?
- Are there clear procedures for dealing with persistent no-access properties and prioritising them for access in subsequent years?
- Has the housing organisation's gas servicing policy been approved and reported through its governance structures?
- Have the governance structures been informed of risk in relation to its policy on gas servicing and are there assessments of progress and effectiveness of its practices?
- Do the governance structures receive progress or monitoring reports on a regular or an exceptions basis?
- Does the organisation involve contractors, quality assurance agents and residents in reviewing the effectiveness of its arrangements for servicing and the legal remedies available to it?
- Is there an external independent quality & compliance audit?

### Gas Safety - Contractors:

- What checks does the housing organisation undertake to ensure the competency of the contractors they employ?
- Are the same competency checks of contractors applied to planned maintenance contract works?
- What quality checks are undertaken of the gas paperwork and by whom?
- Is servicing approached on a structured basis (area/street etc) and clear procedure for advising tenants in advance
- Are there regular meetings/liaison arrangements with contractors?
- Is performance on annual servicing at or very close to 100 per cent?
- Do contractors make appointments for servicing and are the arrangements flexible and tailored for tenants' needs?
- What use is made of evening and weekend appointments?

### Gas Safety - Residents

- Do tenants know when gas servicing will take place?
- What measures are in place to identify and make specific access arrangements for vulnerable and non-English speaking residents?
- Do the procedures have a safety net built in for potentially vulnerable tenants or those with particular needs and is there liaison with support services and carers?
- Is the importance of gas safety positively promoted to tenants?
- Are CP12 (safety certificates) provided to tenants at the time of the safety check and are they also issued to any new/incoming tenants including transfers and mutual exchanges?
- Are customer satisfaction surveys undertaken on a regular basis?
- Are newsletters, letters, and local press used to inform tenants of the importance of gas checks?
- Is there specific provision within the tenancy agreement to the obligation to provide access for servicing?
- Is there an escalation procedure based on risk assessment of the length of period overdue, property type, and previous non compliance by the resident?
- Are access arrangements for servicing works widely available and customer focussed?
- Is sufficient notice given to residents of their proposed appointment and is there sufficient opportunity to rearrange it to a mutually convenient appointment?
- Are appointment reminders sent to residents? Some positive examples seen to date include the use of SMS text messaging, follow up letters and advance phone calls

### Fire Safety:

- Has the organisation undertaken a fire risk assessment for all of the types of properties which they manage?
- Does the organisation service fire detection and extinguisher systems, in accordance with manufacturers' guidelines, statutory requirements and current good practice guidelines?
- Has this fire risk assessment taken into consideration all potential hazards and then weighed up the risk, possible prevention/control measures etc to come to a decision about what to do. The organisation should document this and be able to demonstrate that they have done everything reasonably practicable to address the

risks associated with fire.

Legionella:

- Has the organisation undertaken a risk legionella risk assessment and has this identified all of the different types of system(s) that they have installed - clearly some systems, e.g. those that do not have stored water such as combi-boilers, will present a much lower risk than others.
- Has this risk assessment taken into consideration all potential hazards, e.g. legionella, scalding, biocides and then need to weigh up the risk, possible prevention/control measures etc to come to a decision about what to do. The organisation should document this and be able to demonstrate that they have done everything reasonably practicable to address the risks associated with water.

Scope exclusions:

- The scope of this review has not included Asbestos as EKH is currently in the process of moving to a new Asbestos Portal.

### 3. FINDINGS

<b>Gas Safety</b>	
<b>1</b>	<p><b><u>Expected Control</u></b> There should be clear and well publicised procedures in place to gain access to properties to undertake a gas safety check every 12 months. The housing organisation's gas servicing policy should have been approved and reported through its governance structures.</p> <p><b><u>Result</u></b> From the audit enquiries and testing undertaken, the control was found to be effective.</p> <p>EKH is required by law to undertake a gas safety check on all gas appliances in its properties every 12 months. The Tenants handbook pages on the EKH website have pages specifically around gas safety as do various elements of the tenancy agreements.</p>
<b>2</b>	<p><b><u>Expected Control</u></b> Management should be satisfied that they have accurate records of all properties requiring safety checks.</p> <p><b><u>Result</u></b> From the audit enquiries undertaken the control was found to be effective. Testing established that current records of properties requiring safety checks have been developed over a number of years using a variety of different sources of information to arrive at a complete database of all properties and the type of heating in each property.</p>
<b>3</b>	<p><b><u>Expected Control</u></b> Accurate Management information should be available to report the properties with and without a valid Landlord Gas Safety Record (LGSR). Levels of LGSR compliance should be at or near the target of zero.</p> <p><b><u>Result</u></b> From the audit enquiries and testing undertaken the control was found to be partially effective. Accurate management information is being provided, however levels of non compliant LGSRs are currently unacceptable due to the poor performance of the contractor.</p> <p>There is a statutory requirement for LGSR checks to be undertaken at least annually. Up until late April 2019, accurate monthly management information detailing LGSR compliance was being reported by EKH to the Councils, with non compliant LGSR numbers being around 25 split across all four Councils.</p> <p>The Councils employ an independent gas specialist (GCS) as their independent gas auditor. Since 1 April 2019 EKH increased their role to support the demobilisation of P&amp;R, including GCS managing additional contractors and appointments for residents.</p> <p>Since the contractor gave notice in March 2019 to terminate the contract on 03 July 2019, levels of LGSR compliance have deteriorated significantly to the extent that since mid May, EKH has been receiving daily compliance reports from GCS detailing the number of non compliant LGSR's.</p>

	<p>On 1<sup>st</sup> October 2018 there were 26 non compliant LGSR's reported. As at 13/06/19, that number had increased to 369. Due to LGSRs being undertaken by temporary contractors and LGSR's continuing to expire on a daily basis that number is likely to fluctuate day by day. We understand that this number is now 14 as of 17 July 2019.</p> <p>As a result of the poor levels of compliance, EKH has taken two steps to improve levels of compliance:</p> <ol style="list-style-type: none"> <li>1) Diversion of existing resources across EKH to attempt to reduce the numbers of non compliant LGSR's; and</li> <li>2) Officers across EKH working evenings and weekends to make appointments and arrange access for LGSR checks to be undertaken, to supplement the work undertaken by GCS.</li> </ol> <p>It is unclear how long staff will be able to commit to these interim working arrangements. Similarly is also unclear what other areas of compliance are being left unchecked. No risk assessment has been undertaken to record and document the risks arising from the temporary arrangements.</p> <p><b>Therefore please see <a href="#">Recommendations 1 &amp; 2</a> in the Action Plan.</b></p>
<p><b>4</b></p>	<p><b><u>Expected Control</u></b></p> <p>In cases of no access the organisation should ensure it is taking the necessary steps to gain access to the property to undertake gas safety checks.</p> <p><b><u>Result</u></b></p> <p>From the audit enquiries and testing undertaken the control was found to be effective.</p> <p>Under the current (soon to expire) contract there is suitable provision within the contract to enable the Council, through EKH, and the contractor to gain entry into properties to undertake gas safety checks. Where required, EKH in conjunction with the contractor takes the necessary steps to gain access to a property. In light of current levels of LGSR compliance, at the time of the audit, EKH was undertaking numerous forced entries into properties in accordance with the procedures agreed with the Councils, where residents refused access on two or more occasions and had received notice of a third appointment.</p>
<p><b>5</b></p>	<p><b><u>Expected Control</u></b></p> <p>EKH acting as the landlords agent should undertake sample testing to ensure that contractor has completed the paperwork correctly to support gas safety checks.</p> <p><b><u>Result</u></b></p> <p>From the audit enquiries and testing undertaken the control was found to be effective. EKH has appointed GCS to oversee the gas maintenance and servicing contract. As part of that process they review every LGSR certificate to ensure that the information contained on it is correct.</p>



<p><b>6</b></p>	<p><b><u>Expected Control</u></b>  The new gas contract should suitably detail the requirements of the incoming contractor in terms of:</p> <ul style="list-style-type: none"> <li>• Hours of work;</li> <li>• Appointments;</li> <li>• Servicing &amp; safety inspections;</li> <li>• LGSR compliance;</li> <li>• Quality control;</li> <li>• Performance Monitoring;</li> <li>• Requirements for breakdowns and repairs;</li> <li>• Non gas appliances; and</li> <li>• Communal heating systems.</li> </ul> <p><b><u>Result</u></b>  From the audit enquiries and testing undertaken, the control was found to be effective.</p> <p>The specification used for the tender to select the new contractor for gas servicing and repairs was reviewed where it was found to contain all of the expected elements to ensure that gas servicing and maintenance is undertaken in accordance with expected standards.</p>
<p><b><u>Fire Safety</u></b></p>	
<p><b>7</b></p>	<p><b><u>Expected Control</u></b>  EKH and the Client Councils should be clear on their respective duties and those of the “Responsible Person”.</p> <p><b><u>Result</u></b>  From the audit enquiries and testing undertaken the control was found to be effective. All Fire Risk assessments list on them who the responsible person for fire is for the building. East Kent Housing have appointed Director of Property Services as the Responsible Person who confirmed that he was aware of his appointment as Responsible Person. However the Director of Property Services has very recently left EKH’s employ so this responsibility needs to be reallocated.</p> <p><b>Therefore please see <a href="#">Recommendation 3</a> in the Action Plan.</b></p>
<p><b>8</b></p>	<p><b><u>Expected Control</u></b>  EKH should have a complete database that clearly identifies: properties subject to fire safety requirements, the risk category for each property, the inspection programme, fire risk assessment review dates and supports reporting of key information.</p> <p><b><u>Result</u></b>  From the audit enquiries and testing undertaken, the control was found to be effective. Testing established that EKH Project Manager (Fire Safety)has recently reviewed the fire safety data set against the main block data set to ensure all buildings are captured across all 4 areas which may require an FRA due to having communal areas.</p>

	<p>EKH use a software system (Pyramid) to record the details of all FRA's. Review of the system established that it holds all of the necessary details relating to the current and historic FRA for every building including the risk category for each. The system can be used to generate various reports which are then used by officers to identify the status of each FRA or outstanding issues on each FRA.</p>
9	<p><b><u>Expected Control</u></b></p> <p>EKH should adequately plan FRA reviews in advance of their expiry / review date and employ sufficient resource to deliver these.</p> <p><b><u>Result</u></b></p> <p>From the audit enquiries and testing undertaken, the control was found to be effective. The Pyramid software is able to produce management reports listing the expiry date of FRA's. This enables management to be able to identify and subsequently plan workloads to ensure FRA's are completed on time. Until recently, EKH had to make use of contractors to supplement in house resources to keep FRA's updated. It is anticipated that going forwards current staff levels will be sufficient to reduce reliance on contractors to undertake FRA's.</p>
10	<p><b><u>Expected Control</u></b></p> <p>EKH should have undertaken FRA's for all properties which are subject to legislation. The details of each FRA should be recorded.</p> <p><b><u>Result</u></b></p> <p>From the audit enquiries and testing undertaken the control was found to be effective. Testing established that as of late May 2019, all properties listed on the FRA database had a current FRA in place. However please see findings below in respect of the quality and completeness of these FRAs.</p>
11	<p><b><u>Expected Control</u></b></p> <p>Fire risk assessments should take into consideration all potential hazards and then weigh up the risk, possible prevention/control measures in place to come to an overall risk score for each building.</p> <p><b><u>Result</u></b></p> <p>From the audit enquiries and testing undertaken the control was found to be only partially effective.</p> <p>From a sample of 3 FRA's reviewed which had been completed by the contractor, a number of potential fire safety hazards were identified during the visits which were not raised as an issue on the FRA. The EKH Compliance Inspector (Fire Safety) agreed that all of the issues identified during the audit visits should have been raised as issues on the FRA's. EKH have already raised their concerns with the contractor and plans are being agreed to ensure that EKH staff undertake sample testing of FRA's completed by contractors.</p> <p>Therefore please see <a href="#">Recommendation 4</a> in the Action Plan.</p>
12	<p><b><u>Expected Control</u></b></p>

	<p>Remedial work should be taken to rectify all issues identified on FRA's which require action to be undertaken by the responsible person.</p> <p><b>Result</b> From the audit enquiries and testing undertaken this control was found not to be working.</p> <p>A report detailing all outstanding issues was obtained where it was identified that as at the end of April 2019, there were 4,912 outstanding issues which have been identified on FRA's but are yet to be rectified. We understand that this is because all works are contained within one council contract for fire protection works for each area and that this is still to be completed.</p> <p>A second report obtained showed that of the 4,912 outstanding issues, around 809 actions are reported as overdue as they have not been actioned in accordance with the timescale recommended in the FRA.</p> <p>Fire Safety staff from EKH are working through some of the issues on FRA's and currently closing issues are around 250 per month. However this work is focussing on 'quick wins' and means that areas requiring works (of which there are many) currently continue to remain outstanding. In recognition of the outstanding fire prevention work, EKH have implemented some mitigation measures such as regular inspections of communal areas to reduce the likelihood of fire starting.</p> <p><b>Therefore please see <a href="#">Recommendation 5</a> in the Action Plan.</b></p>
13	<p><b>Expected Control</b> All fire detection systems should be serviced and tested in accordance with legislation and manufacturers' guidelines. Issues identified as part of the testing regime should be rectified as soon as practical.</p> <p><b>Result</b> From the audit enquiries and testing undertaken this control was found to be partially effective. Sufficient information was provided during the course of the audit to indicate that fire alarms are being tested at regular intervals by a competent person in the sample of 9 buildings selected for testing.</p> <p>It was however noted on 4 reports test certificates that the fire alarm zone plan was unsatisfactory.</p> <p><b>Please see <a href="#">Recommendation 6</a> in the Action Plan.</b></p> <p>Discussions with officers also established that a number of lifts are not connected to the fire alarms. This means that in the even of a fire alarm activation, the lifts do not descent to the ground floor and instead, persons are able to continue to use the lift as they so wish. Testing identified that 27 of the 48 lifts in place do not descend to the ground floor in the event of a fire alarm activation. EKH officers have already started to obtain quotes for the work where it is capable of being completed in isolation. For other areas, this forms part of a wider programme of works needed in the block as identified in the FRA, and cannot be completed as a separate action, and is contained with the fire protection works contract referred to above.</p> <p><b>Please see <a href="#">Recommendation 7</a> in the Action Plan.</b></p>

14	<p><b><u>Expected Control</u></b> All emergency lights should be subject to monthly and annual testing with faulty lights being repaired as soon as practical.</p> <p><b><u>Results</u></b> From the audit enquiries and testing undertaken this control was found not to be working to the extent that urgent management intervention is required.</p> <p>Testing confirms that emergency lighting is being tested on a monthly basis with records of tests undertaken being retained in a log book which is held on site. Emergency lighting also has to be subject to an annual test which includes testing the lights to ensure that they remain illuminated for 3 hrs. The result of the annual test are recorded on a certificate with is provided to EKH.</p> <p>Test certificates for Sunny Corner and Lambert House (DDC properties) report numerous lights as faulty on both the initial and subsequent testing certificates for each building. Of particular concern was the number of sequentially numbered faulty lights at Lambert House suggesting that large areas of the building have working no emergency lighting coverage which means that the Council could potentially be failing to provide occupants of the building with a safe means of escape from the building which is contrary to The Regulatory Reform (Fire Safety) Order 2005 and therefore could be considered to be acting unlawfully by not repairing faulty emergency lighting.</p> <p>When this issue was raised with EKH Compliance staff it emerged that a decision was taken to not repair faulty emergency lighting in Dover as it is identified through the testing programme, and instead to wait until the new fire protection works contract referred to above is in place, as it was expected to be completed by February 2019. The same policy has been applied to emergency lighting across other area, however discussions with EKH staff have established that they estimate there to be around 2,000 faulty emergency lights across all areas.</p> <p><b>Please see <a href="#">Recommendation 8</a> in the Action Plan.</b></p>
15	<p><b><u>Expected Control</u></b> Fire drills should be regularly undertaken in all sheltered accommodation.</p> <p><b><u>Result</u></b> From the audit enquiries and testing undertaken it was concluded that this control is partially effective.</p> <p>A recent EKH policy change now requires fire drills to be undertaken in accordance with what the FRA recommends which is normally that fire drills should be undertaken at 6 monthly intervals at sheltered accommodation. Since the change in policy, fire drills have already been undertaken at schemes in Canterbury F&amp;H DC and are planned to take place at DDC over early summer months.</p> <p><b>Therefore please see <a href="#">Recommendation 9</a> in the Action Plan.</b></p>
16	<p><b><u>Expected Control</u></b></p>

	<p>Fire extinguishers should be subject to an annual maintenance and servicing regime.</p> <p><b>Result</b> From the audit enquiries and testing undertaken the control was found to be effective.</p> <p>While undertaking visits to a number of sheltered accommodation schemes, checks were undertaken on fire extinguishers and emergency blankets to confirm that they have been checked within the last 12 months. All equipment inspected during the visits was found to have been serviced in the last 12 months.</p>
<b>LIFTS</b>	
17	<p><b>Expected Control</b></p> <p>All lifts should be examined by a competent person at 6 monthly intervals in accordance with Lifting Operations Lifting Equipment Regulations 1998 (LOLER).</p> <p><b>Result</b> From the audit enquiries and testing undertaken, it was concluded that <b>this control is not working to such an extent that each Council is acting unlawfully and urgent management intervention is required.</b></p> <p>We raised similar concerns as part of the audit of Tenants' Health and Safety in 2014 concerning lifts. Since then there has been little or no improvement in controls surrounding the maintenance and examination of lifts.</p> <p>Under current LOLER regulations, the Duty Holder is legally responsible for ensuring that the lift is safe to use and that it is thoroughly examined. These responsibilities include:</p> <ul style="list-style-type: none"> <li>• maintaining the lift so that it is safe to use;</li> <li>• selecting and instructing the competent person;</li> <li>• ensuring that the lift is examined at statutory intervals (every 6 or 12 months) or in accordance with an examination scheme drawn up by a competent person;</li> <li>• keeping the competent person informed of any changes in the lift operating conditions which may affect the risk assessment;</li> <li>• making relevant documentation available to the competent person, e.g. manufacturer's instructions and maintenance records;</li> <li>• acting promptly to remedy any defects;</li> <li>• ensuring that all documentation complies with the Regulations; and</li> <li>• record keeping.</li> </ul> <p>Testing identified that whilst lift 6 monthly examinations are being undertaken by Zurich on all of the lifts in the sample tested, there are considerable gaps in procedures.</p> <p>In a number of cases tested the lift examiners from Zurich were unable to complete the examinations due to safety concerns being identified with the</p>

	<p>inspection process of the lift during the examination. The early termination of a lift examination means that the lift has not been examined. In a number of cases, the following examination 6 months later also had to be terminated early due to the same concerns being raised by the examiner as those which were raised 6 months previously. The early termination of a 6 monthly examination means that the Council is failing to operate the lift in accordance with the LOLER regulations as it has not had the lift examined every 6 months.</p> <p>Testing identified the following points of notable concern:</p> <ul style="list-style-type: none"> <li>• Trove Court left hand lift (Thanet tower block) went without a completed examination certificate from 23/09/17 to 10/04/19 (575 days) and therefore the Council was not operating the lift in accordance with LOLER regulations and consequently the Council has been acting unlawfully.</li> <li>• Trove Court right hand lift (Thanet tower block) went without a completed examination certificate from 23/09/17 to 10/10/18 (393 days) and therefore Council was not operating the lift in accordance with LOLER regulations and consequently the Council has been acting unlawfully.</li> <li>• Lang Court (Canterbury) lift examination of 21/01/18 was completed, the next exam completed was 09/11/18 as the 10/08/18 was cancelled. Therefore in the period 10/08/18 to 09/11/18 (91 days) the Council was not acting in accordance with LOLER regulations.</li> <li>• Harbour Towers (Thanet tower block) lift servicing odd floors. The last lift examination report is dated 12/10/17, all other subsequent lift examinations have been terminated early by the examiner to potential safety concerns to the lift examiner preventing him from being able to safely complete the examination. The April 2019 examination was also cancelled and therefore the lift continues to be used despite not being examined in accordance with LOLER regulations.</li> </ul> <p>Testing also identified that where lift examinations are being completed, EKH is not rectifying the defects reported on lift examination reports as requiring corrective action as soon as reasonably practicable. This means that the same defects are reported as outstanding on numerous six monthly lift examination reports. The main cause of lift examinations having to be terminated early by the examiner is likely to be that safety issues raised with the lift examination process are not being addressed.</p> <p><b>Therefore please see <a href="#">Recommendations 10 &amp; 11</a> in the Action Plan.</b></p>
18	<p><b><u>Expected Control</u></b></p> <p>All lifts should be serviced at regular intervals as part of an ongoing lift maintenance programme.</p> <p><b><u>Result</u></b></p> <p>From the audit enquiries and testing undertaken it was concluded that this control is not working. Legislation surrounding lifts requires the owners of all</p>

	<p>passenger carrying lifts to be both serviced at suitable intervals by a competent person, Under current LOLER regulations, the Duty Holder is not only legally responsible for ensuring that the lift is examined, it is also requires the Duty Holder to ensure that lifts are regularly maintained so that they continue to remain safe to use.</p> <p>Sample testing of lift service and inspection records indicates that all of the lifts are being regularly maintained, and all are in good working order with no issues being recorded on any of the service reports.</p> <p>However, as discussed above, numerous issues are being identified with lifts when the lift examinations are being completed indicating that lift servicing is not as thorough as it should be as some faults are not being rectified. However some faults are being managed on those lifts which are due for replacement.</p> <p><b>Therefore please see <a href="#">Recommendation 12</a> in the Action Plan.</b></p>
<b>ELECTRICAL SAFETY</b>	
<p><b>19</b></p>	<p><b><u>Expected Control</u></b> All fixed electrical installations should be tested at regular intervals.</p> <p><b><u>Results</u></b> From the audit enquiries and testing undertaken it was concluded that this control is only currently partially effective.</p> <p>The Electricity at Work Regulations 1989 (EAWR) fall under the Health &amp; Safety Act 1974 (HSWA). While the EAWR does not specifically make reference to inspection and testing of electrical installations, best practice does require that systems are maintained to prevent danger. The Guidance states that:</p> <p><i>Regular inspection of equipment is an essential part of any preventative maintenance programme. In the case of residential accommodation the inspection frequency should be a maximum of 5 years between inspections.</i></p> <p>Audit testing was undertaken on a sample of 9 buildings to confirm that electrical systems have been tested within the last 5 years. The date of the last test was only recorded on 3 of the 9 certificates; in all three cases, the last test had been outside of the 5 year period. The date of the last test was reported on the certificate as 'unknown' for the remaining 6 buildings.</p> <p>On the basis that 3/3 where the dates were recorded were outside of the 5 year period, is it reasonable to conclude that at least some of the 6 with no date to have also been inspected outside of the 5 year inspection period.</p> <p><b>Therefore please see <a href="#">Recommendation 13</a> in the Action Plan.</b></p>
<p><b>20</b></p>	<p><b><u>Expected Control</u></b> Faults identified on Electrical Installation Condition Reports (EICR) testing which pose an actual or potential danger to occupants of the building should</p>

be rectified as soon as practical.

### **Results**

From the audit enquiries and testing undertaken, it was concluded that **this control is not working to such an extent that each Council is acting unlawfully and urgent management intervention is required.**

Once an electrical installation has been tested, the tester provides EKH with an Electrical Installation Condition Report (EICR) which details the condition of the installation. The report will also include a section detailing the severity of any faults in the installation, and the timescales for rectification of any faults.

The faults are coded as follows:

#### **C1 – Danger Present, Immediate Action required.**

The person responsible for the installation's maintenance is advised to take action without delay to remedy the defect, or take other appropriate action to remove the danger i.e. switching or isolating the installation.

#### **C2 - Potentially Dangerous: Action should usually be taken within 30 days**

The installation may not pose an immediate risk to those using it but urgent remedial action is required to remove the potential danger.

#### **C3: Improvements Needed: No time limit provided**

Non-compliance with a current safety standard has been revealed which, whilst not posing an immediate or potential danger, would significantly improve safety if remedial action was taken. Duty holders should, therefore, give careful consideration to the safety benefits in carrying out the remedial work.

Review of a sample of 9 EICR's identified a number of faults coded as C1 & C2. Any electrical installation with C2 faults is normally considered to be unsatisfactory.

From the sample of 9 EICR's tested, 8 were found to be unsatisfactory. Officers later confirmed that from around 840 blocks requiring an EICR, 230 of which are unsatisfactory.

For the audit sample of 8 unsatisfactory EICR's, further enquiries were made to confirm that EKH has taken the necessary action to rectify the faults categorised as either C1 or C2 on the EICR's. Two officers responded separately that there is no information available on EKH systems to show that the faults reported on the unsatisfactory EICR's have been rectified on the EICR's, the oldest of which is dated 2016.

In light of the fact that the oldest EICR is dated 2016 and a number of other EICR's have multiple faults requiring rectification, EKH is not considered to be taking reasonable steps to rectify faults reported to them on EICR's and is therefore not acting in accordance with Health and Safety at Work regulations.



	Therefore please see <a href="#">Recommendation 14</a> in the Action Plan.
<b>Legionella:</b>	
21	<p><b><u>Expected Control</u></b></p> <p>Suitable action should be undertaken to implement any recommendations arising from Legionella Risk Assessments.</p> <p><b><u>Results</u></b></p> <p>From the audit enquiries and testing undertaken, it was concluded that <b>this control is not working to such an extent that each Council is acting unlawfully and urgent management intervention is required.</b></p> <p>As a landlord, the Council has a duty to take the necessary precautions to reduce the risks of exposure to legionella. Those duties include:</p> <ol style="list-style-type: none"> <li>1. Identify and assess sources of risk (ie – undertake a risk assessment)</li> <li>2. Manage any risks</li> <li>3. Prevent or control any risks</li> </ol> <p>Copies of the Legionella Risk assessments were obtained for a sample of 9 buildings. Testing confirms that each building has a legionella risk assessment in place with each risk assessment containing a varying number of recommendations detailing work required in the building to manage the risk of legionella to the occupants of the building.</p> <p>A report was obtained detailing all of the recommendations made on all of the legionella risk assessments undertaken for EKH. That report lists 1,916 recommendations, and gives each a risk of High, Medium or Low. On that basis, each has fulfilled its duties in terms of identifying and assessing sources of risk.</p> <p>EKH staff confirmed however that from the 1,916 recommendations arising from Legionella Risk assessments, less than 5% have been actioned, 930 of which are high risk. Considering that some of the risk assessments date as far back as 2016 it would be reasonable to have expected EKH to have actioned at least a fair proportion of the high risk recommendation by 2019. By not taking the necessary action to implement the recommendations, each Council has not fulfilled its duty to prevent or control exposure in accordance with the Regulations.</p> <p>Therefore please see <a href="#">Recommendation 15</a> in the Action Plan.</p>
22	<p><b><u>Expected Control</u></b></p> <p>All legionella outlets should be tested at regular intervals.</p> <p><b><u>Results</u></b></p> <p>From the audit enquiries and testing undertaken it was concluded that this control working effectively. Testing confirms that for all of the buildings selected, records are in place by means of a legionella logbook to confirm that legionella outlets are being tested on an ongoing basis.</p>

## Emergency Evacuation Summary sheets

<b>23</b>	<p><b><u>Expected Control</u></b> Emergency evacuation summary sheets should be kept up to date.</p> <p><b><u>Results</u></b> From the audit enquiries and testing undertaken it was concluded that this control only partially effective.</p> <p>While undertaking visits to sheltered schemes to review FRA's, where it was possible to gain access to the documents, the emergency evacuation summary sheets held on site were also reviewed. From the limited sample of 2 emergency evacuation sheets which were reviewed, both were found to be out of date. They need to reflect the overall situation rather than provide commentary on individual circumstances.</p> <p>Therefore please see <a href="#">Recommendation 16</a> in the Action Plan.</p>
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#### 4. DISTRIBUTION LIST

Prepared by: - David Griffiths	Reviewed by: -	Date	To
Discussion Draft Report	Deputy Head of Audit Partnership (SW) & Head of Audit Partnership	21/06/19	EKH Chief Executive
			Interim Operations Manager (Repairs & Compliance)
Draft Report	Deputy Head of Audit	17/07/19	EKH Chief Executive
			Interim Operations Manager (Repairs & Compliance)
Final Report	Deputy Head of Audit	18/07/19	EKH Chief Executive
			Interim Operations Manager (Repairs & Compliance)
			CCC, DDC, F&HDC & TDC Client Officers
			CCC, DDC, F&HDC & TDC S151 Officers
			CCC, DDC, F&HDC & TDC Chief Executives

**SUMMARY OF AUDIT RECOMMENDATIONS AND ACTION PLAN**

**APPENDIX 1**

<b>Priority</b>	<b>Main Control Risk</b>	<b>Audit Recommendation to mitigate risk</b>	<b>Proposed Action or Action Taken</b>	<b>Proposed Completion Date &amp; Responsibility</b>
<b>Gas Safety</b>				
Critical	Levels of non compliant LGSR's may go unchecked.	1. Provide weekly reports detailing levels of non compliant LGSR's to each Council until levels of LGSR compliance reach the KPI target.	Daily reports are currently being obtained detailing LGSR compliance. These reports are being shared with each Council every two days at present. Compliance is now at 14 overdue LGSRs across all four Councils, with 2 of these in a legal process. The new contractor will be asked to provide this information on a weekly rather than monthly basis.	Complete  Servicing and Compliance Manager (MCB)
High	Levels of non compliance in other work streams reach unacceptable levels.	2. Undertake a risk assessment to identify the risks arising from diverting staff from other areas of compliance onto gas safety. Share the outcome of the risk assessment with each Council.	Staff from across EKH, rather than just compliance staff, were used for a short period of time (approximately 2 weeks) to support the recovery of LGSRs. A risk assessment was not considered necessary.	Chief Executive
<b>Fire Safety</b>				
High	No individual identified as the Responsible Person for fire.	3. Appoint a suitably senior EKH employee to be allocated the responsibility of 'Responsible Person' for all FRA's.	The Chief Executive has taken over responsibility as the Responsible Person in all	Complete

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Priority	Main Control Risk	Audit Recommendation to mitigate risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
			Health & Safety policies, and this action was taken prior to the departure of the Director of Property Services.	
High	Weaknesses in FRA's may go unnoticed and remedial fire safety works are not undertaken as they have not been identified on FRA's.	4. Put in place an ongoing process of undertaking sample checks on FRA's completed by contractors.	A procedure is now in place to quality assure 5% of FRAs completed, whether or not that is by a member of staff or a contractor.	Complete.
Critical	Remedial fire prevention work may not receive sufficient funding.	5. Put in place and share with each Council a risk based action plan which ensures that outstanding fire prevention work is completed as soon as practical.	<p>All fire protection work was prioritised, provided to each council and tendered by each Council in October 2018, using a specialist fire protection works framework.</p> <p>The tenders were evaluated in February 2019 but we are still waiting for the contract to be completed. Regular meetings are held with Kent Fire and Rescue Service, who are aware of the position, and a letter of intent has been sent to the successful tenderer who has indicated that they will be in a position to start the contract on 1 September 2019.</p>	<p>Risk based programme of works provided to the Councils in October 2018.</p> <p>Each Council to conclude their contract for 1 September 2019.</p> <p>Works to be completed over the next year.</p> <p>Project Manager</p>

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Priority	Main Control Risk	Audit Recommendation to mitigate risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
			In the meantime, EKH has increased its block inspections until these works are completed. This includes daily visits at high risk blocks, and night security where necessary.	(Fire Safety)
Page 85  High	In the event of an alarm activation, it may not be possible to identify the source of the activation.	6. Ensure that suitable fire alarm zone plans are in place and up to date for every building which has a fire alarm.	Work has started on this where possible, but cannot be completed in full until after the fire prevention work has been completed in each building. This is because the zone plans will change once the FRA works are completed.	All fire alarm zone plans are being reviewed, where possible, and new drawings will be produced where necessary. This will be completed by September 2019.  For the remainder, the zone plans will be completed after the works contained in the Fire Prevention Works contract.  Interim Operations Manager (Repairs & Compliance)
High	In the event of a fire alarm activation, occupants of the	7. Ensure that work to connect lifts to fire alarms is completed as soon as practical	Work orders have already been issued to the relevant	

Priority	Main Control Risk	Audit Recommendation to mitigate risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
	building may will still be able to use the lift.		contractors where it is possible to address this issue.  For some areas, the works to connect the lifts to fire alarms are dependent on the Councils Fire Protection Works contract.	Interim Operations Manager (Repairs & Compliance)
Page 86 Critical	Potential non compliance with the Regulatory Reform (Fire Safety) Order 2005.	8. Put in place and share with each Council an action plan which ensures that all emergency lighting identified as faulty is repaired as soon as possible.	The renewal of the emergency lighting was contained in the Fire Protection Works contract. As this is not due to commence until 1 September 2019, we have commenced work on repairs and this work will be completed by 31 July 2019.	31 JULY 2019 Interim Operations Manager (Repairs & Compliance)
High	Potential non compliance with the Regulatory Reform (Fire Safety) Order 2005.	9. EKH should ensure that a fire drill is carried out at each sheltered scheme at least every 6 months.	This is carried out, and there is a schedule of fire drills in place.	COMPLETE
<b>Lifts</b>				
Critical	Lifts may not be examined in accordance with LOLER regulations and therefore the Council may be acting unlawfully.	10. Senior Management should ensure that the 2 most recent LOLER reports for all passenger carrying lifts across all 4 areas are reviewed and that outstanding defects listed on reports are rectified as soon as possible.	All LOLER reports have been checked and any outstanding repairs have been ordered where appropriate. There were no category A repairs on the LOLER reports.	COMPLETE Interim Operations Manager (Repairs & Compliance)
Critical	Lifts may not be maintained in accordance with LOLER regulations and therefore the	11. Management should implement more robust procedures for ensuring that defects identified on LOLER examination	Procedures are now in place to ensure that reports are run on a regular basis and that the	COMPLETE Interim Operations Manager (Repairs &

Priority	Main Control Risk	Audit Recommendation to mitigate risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
	Council may be acting unlawfully.	reports are rectified as soon as possible and always before the next examination.	Zurich lift examinations take place.	Compliance)
High	Lifts may not be maintained in accordance with LOLER regulations and therefore the Council may be acting unlawfully.	12. EKH should ensure that robust contract management procedures are implemented to monitor the lift servicing contract.	All EKH staff have had external training in contract management, and a new lift engineer (competent person) is due to start in post on 29 July 2019. A procedure manual is in place for contract management, and this will be covered during his induction period.	31 August 2019 Interim Operations Manager (Repairs & Compliance)
Electrical safety				
High	Electrical installations are not inspected resulting in faults not being identified.	13. EKH should ensure that all electrical systems for blocks are tested at least every 5 years.	Thanet District Council already have a five year programme in place. Canterbury City Council EICRs are currently underway and will be completed by December 2019. Dover District Council and Folkestone & Hythe Councils do not currently have a five year programme but it is their intention to move to this. All outstanding EICRs for DDC and F&H Council will be completed by their existing repairs contractor.	December 2019 Interim Operations Manager (Repairs & Compliance)
Critical	Persons may be electrocuted	14. EKH should ensure that all faults	All block EICRs have been	September 2019

Priority	Main Control Risk	Audit Recommendation to mitigate risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
	as a result of faulty electrical installations.	reported on EICR's for blocks are reviewed and that reasonable action is taken to act on any faults reported in the EICR.	checked and any outstanding C1 actions have been completed. There are a number of C2 repairs required within Sheltered and High Rise buildings, these works are due to be completed by end of September	Interim Operations Manager (Repairs & Compliance)
Legionella				
Page 88  Critical	Danger of occupants of buildings contracting Legionnaires disease.	15. EKH should ensure that all recommendations made in legionella risk assessments are reviewed and actioned in order of level of risk as soon as practical.	<p>EKH currently control the risks on blocks by monthly water sampling and weekly temperature checks where necessary.</p> <p>The Councils do not currently have a contract in place for risk assessment works to be undertaken, as this work was contained in the Heating &amp; Hot Water contract which has now been terminated.</p> <p>The legionella works were sub-contracted by the Heating &amp; Hot Water contractor, and it is the Councils intention to make a direct contract award to that sub-contractor.</p> <p>The sub-contractor is currently working across all four areas to provide pricing schedules</p>	<p>Pricing schedules to be completed by End August 2019</p> <p>High &amp; medium risk works to be completed by End December 2019 subject to contracts being awarded.</p> <p>Interim Operations Manager (Repairs &amp; Compliance)</p>



Priority	Main Control Risk	Audit Recommendation to mitigate risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
			for the outstanding works and the Councils will then make budget available for EKH to commission the works.	
<b>PEEPS</b>				
High	PEEP's may be out of date and may not reflect the needs of the residents in the event of a fire.	16.EKH should remind all Sheltered Scheme Managers of the ongoing requirement to keep emergency evacuation summary sheets up to date at all times, especially where void flats become occupied or occupied flats become void.	All PEEPs are up to date. We are liaising with Kent Fire & Rescue as to what information they require us to put on the summary sheets.	August 2019 Director of Customer Services

**EKH Mitigation Measures**

**Appendix 2**

Issue	Mitigation Action identified	Frequency	Owner	Resources Required	Start Date	Due Date	Progress
<b>FIRE SAFETY</b>							
Fire Prevention Works Contract still not commenced	Increased visits to Sheltered & Towers & any substantial blocks to be visited for rubbish, ASB etc.	Morning & Afternoon daily	MG	AMcK to provide list of blocks  Security company to be used in short term.	27 June	Ongoing	Resources in place and this is underway and covered either by staff or external resources.  Overnight security is being used on Invicta House which has recently had several small fires
	Newsletter to all residents with fire safety tips	Once per month	MG	Tower block information has been reviewed and is with printers, wider advice being reviewed	To be undertaken w/c 1 July	Underway	Kent Fire & Rescue have agreed wording. Sheltered schemes have been completed, and Invicta House. Remainder of tower blocks is underway and will be completed by 25 July.
	Contractor to make good any fittings which can be repaired	Once	MCB	PJC/Mears instructed to carry out urgent repairs	26 June	5 July	Fittings have been checked, works have been ordered and will be completed by 31 July.
	All other blocks with emergency			Inspection regime being reviewed.	1 July	ongoing	See above

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	lighting issues to receive additional inspections (if required)						
<b>LEGIONELLA</b>							
High Risk Actions not completed & contract awaited	Water sampling in tower blocks and sheltered schemes	Once	CP	Envirocure (EKH to cover cost if Council do not award contract)	3 July	Over July with monthly inspections	Additional tank inspections underway by EKH.  Envirocure are inspecting tanks and pricing high and medium risk actions. Thanet is now completed, Canterbury to be completed by 2 August, Folkestone & Hythe to be completed by 16 August and Dover to be completed by 30 August.
	Additional temperature checks for tower blocks & sheltered communal areas	Weekly	MG	ILMs/CP	5 July	Ongoing	Additional temperature checks are being carried out and recorded.
	Additional inspections of	Once	MCB	CP	3 July	End July	Further tank inspections underway by EKH over July.

	<b>water tanks</b>						
	<b>Drain down any unbooked guest rooms and treat as void property</b>	<b>As necessary</b>	<b>MG</b>	<b>CP/Mears</b>	<b>5 July</b>	<b>Ongoing</b>	<b>All guest rooms have been checked and these are regularly booked. A regime of tank cleansing is already in place, as well as recorded temperature checking.</b>
Page 92	<b>Order tank cleansing in readiness for Council contract award</b>	<b>Once</b>	<b>MCB</b>	<b>CP/Envirocure (EKH to cover cost if Council don't award contract)</b>	<b>28 June</b>	<b>Ongoing</b>	<b>Envirocure are checking all tanks over July.</b>
	<b>Scheme managers to start testing</b>						<b>Testing kits received and ILMs have been trained and are recording temperatures.</b>
<b>LIFTS</b>							
<b>Some Zurich checks may be outstanding</b>	<b>Crimson report to be checked and appointments made with Zurich</b>	<b>Once</b>	<b>MCB</b>	<b>Nicola to check Crimson Reports</b>	<b>28 June</b>	<b>Complete</b>	<b>There are no gaps from inspections and any identified repairs are actioned</b>
<b>ELECTRICAL</b>							
<b>Some EICRs may have unmitigated</b>	<b>All EICRs to be checked for C1 actions</b>	<b>Once</b>			<b>25 June</b>	<b>28 June</b>	<b>COMPLETE</b>

<b>C1 actions</b>							
	<b>6 blocks to be checked to ensure distribution board is locked &amp; stickered or other mitigation action taken</b>	<b>Once</b>	<b>MCB</b>	<b>Compliance Inspectors</b>	<b>31 June</b>	<b>4 July</b>	<b>COMPLETE</b>
	<b>Block inspections as above</b>	<b>As Above</b>	<b>MG</b>				

## Definition of Audit Assurance Statements & Recommendation Priorities

### Assurance Statements:

**Substantial Assurance** - From the testing completed during this review a sound system of control is currently being managed and achieved. All of the necessary, key controls of the system are in place. Any errors found were minor and not indicative of system faults. These may however result in a negligible level of risk to the achievement of the system objectives.

**Reasonable Assurance** - From the testing completed during this review most of the necessary controls of the system in place are managed and achieved. There is evidence of non-compliance with some of the key controls resulting in a marginal level of risk to the achievement of the system objectives. Scope for improvement has been identified, strengthening existing controls or recommending new controls.

**Limited Assurance** - From the testing completed during this review some of the necessary controls of the system are in place, managed and achieved. There is evidence of significant errors or non-compliance with many key controls not operating as intended resulting in a risk to the achievement of the system objectives. Scope for improvement has been identified, improving existing controls or recommending new controls.

**No Assurance** - From the testing completed during this review a substantial number of the necessary key controls of the system have been identified as absent or weak. There is evidence of substantial errors or non-compliance with many key controls leaving the system open to fundamental error or abuse. The requirement for urgent improvement has been identified, to improve existing controls or new controls should be introduced to reduce the critical risk.

### Priority of Recommendations Definitions:

**Critical** – A finding which significantly impacts upon a corporate risk or seriously impairs the organisation's ability to achieve a corporate priority. Critical recommendations also relate to non-compliance with significant pieces of legislation which the organisation is required to adhere to and which could result in a financial penalty or prosecution. Such recommendations are likely to require immediate remedial action and are actions EKH must take without delay.

**High** – A finding which significantly impacts upon the operational service objective of the area under review. This would also normally be the priority assigned to recommendations relating to the (actual or potential) breach of a less prominent legal responsibility or significant internal policies; unless the consequences of non-compliance are severe. High priority recommendations are likely to require remedial action at the next available opportunity or as soon as is practical and are recommendations that EKH must take.

**Medium** – A finding where EKH is in (actual or potential) breach of - or where there is a weakness within - its own policies, procedures or internal control measures, but which does not directly impact upon a strategic risk, key priority, or the operational service objective of the area under review. Medium priority recommendations are likely to require remedial action within three to six months and are actions which EKH should take.

**Low** – A finding where there is little if any risk to EKH or the recommendation is of a business efficiency nature and is therefore advisory in nature. Low priority

recommendations are suggested for implementation within six to nine months and generally describe actions EKH could take.

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Appendix 3 (2)

INTERIM AUDIT FINDINGS IN RESPONSE TO EKH HEALTH AND SAFETY RISK MITIGATION MEASURES

Issue	Mitigation Action identified	Resources Required	Due Date	EKH Progress at time of Final Audit Report	Audit Findings as at 19/08/19
<b>FIRE SAFETY</b>					
Fire Prevention Works Contract still not commenced	Increased visits to Sheltered & Towers & any substantial blocks to be visited for rubbish, ASB etc.	AMcK to provide list of blocks  Security company to be used in short term.	Ongoing	Resources in place and this is underway and covered either by staff or external resources.  Overnight security is being used on Invicta House which has recently had several small fires	Fire prevention surveys scheduled to commence 20/08/19 onwards.  Work in recent weeks has concentrated on the high rises in Thanet while the Re-Allies contract is finalised and signed.  Surveying in Maple House as the 1 <sup>st</sup> block is scheduled to commence 20/08/19 with works starting on the issues identified shortly thereafter. Anticipated that the work to address findings of surveys to start early September. Surveying of other blocks will continue, and work will

Issue	Mitigation Action identified	Resources Required	Due Date	EKH Progress at time of Final Audit Report	Audit Findings as at 19/08/19
					then be undertaken on a block by block basis to rectify the issues identified from the surveys.
	Newsletter to all residents with fire safety tips	Tower block information has been reviewed and is with printers, wider advice being reviewed	Underway	Kent Fire & Rescue have agreed wording. Sheltered schemes have been completed, and Invicta House. Remainder of tower blocks is underway and will be completed by 25 July.	Copy of newsletter obtained, delivery and distribution not independently tested.
	Contractor to make good any fittings which can be repaired	PJC/Mears instructed to carry out urgent repairs	5 July	Fittings have been checked, works have been ordered and will be completed by 31 July.	Emergency lighting in DDC, F&H and TDC has all been checked and all faulty emergency lighting has been repaired and is now working.  At CCC a large number of emergency lights have already been repaired, and work to repair remaining lights should be complete by 23/08/19.
	All other blocks with emergency lighting issues to receive additional inspections (if required)	Inspection regime being reviewed.	1 July	See above	As above

Issue	Mitigation Action identified	Resources Required	Due Date	EKH Progress at time of Final Audit Report	Audit Findings as at 19/08/19
<b>LEGIONELLA</b>					
High Risk Actions not completed & contract awaited	Water sampling in tower blocks and sheltered schemes	Envirocure (EKH to cover cost if Council do not award contract)	Over July with monthly inspections	Additional tank inspections underway by EKH.  Envirocure are inspecting tanks and pricing high and medium risk actions. Thanet is now completed, Canterbury to be completed by 2 August, Folkestone & Hythe to be completed by 16 August and Dover to be completed by 30 August.	New interim contract with Envirocure started the beginning of July for all four councils.  Some work has already started in terms of annual tank cleans.  Water sampling is underway and will continue to be ongoing. Orders are starting to be placed with the contractor to address issues arising from initial sampling and inspection work.
	Additional temperature checks for tower blocks & sheltered communal areas	ILMs/CP	Ongoing	Additional temperature checks are being carried out and recorded.	Scheme Mangers have been provided with training and necessary equipment to undertake water temperature testing in sheltered accommodation.
	Additional inspections of water tanks	CP	End July	Further tank inspections underway by EKH over July.	Where testing and inspections have identified potential concerns, additional work has been commissions to address

Issue	Mitigation Action identified	Resources Required	Due Date	EKH Progress at time of Final Audit Report	Audit Findings as at 19/08/19
					those concerns.
	Drain down any unbooked guest rooms and treat as void property	CP/Mears	Ongoing	All guest rooms have been checked and these are regularly booked. A regime of tank cleansing is already in place, as well as recorded temperature checking.	See above.
	Order tank cleansing in readiness for Council contract award  Scheme managers to start testing	CP/Envirocure (EKH to cover cost if Council don't award contract)	Ongoing	Envirocure are checking all tanks over July.  Testing kits received and ILMs have been trained and are recording temperatures.	See above
<b>LIFTS</b>					
Some Zurich checks may be outstanding	Crimson report to be checked and appointments made with Zurich	Nicola to check Crimson Reports	Complete	There are no gaps from inspections and any identified repairs are actioned	Any previously incomplete lift examinations have now been completed. Any remedial works arising from examinations are now being actioned as soon as the examination report is received.
<b>ELECTRICAL</b>					
Some EICRs may have unmitigated C1 actions	All EICRs to be checked for C1 actions		28 June	COMPLETE	All C1 faults on EIRC's have now been rectified and made safe. EKH are now looking to address C2 issues as part of a planned

Issue	Mitigation Action identified	Resources Required	Due Date	EKH Progress at time of Final Audit Report	Audit Findings as at 19/08/19
					programme of work.
	6 blocks to be checked to ensure distribution board is locked & stickered or other mitigation action taken	Compliance Inspectors	4 July	COMPLETE	As above
	Block inspections as above				As above

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# East Kent Housing Complaints policy

<b>Approved by Board</b>	March 2019
<b>Next review date</b>	March 2022

# Complaints policy

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**East Kent Housing Complaints procedure (flow chart)**



# Appendix 4

## 1. Introduction

- 1.1 We believe that complaints should be dealt with promptly and effectively and wherever possible at the first point of contact. This Policy sets out our approach to managing complaints, enquiries and other types of feedback, and has been written in accordance with the Regulator of Social Housing's guidance on Consumer Standards.

## 2. Aim of this policy

- 2.1 We aim to offer a simple, clear and accessible service that ensures complaints are dealt with fairly, impartially and consistently when things go wrong.
- 2.2 We believe a complaint should be dealt with in a timely manner and, if possible, offer a 'first point resolution' to resolve the issue straightaway without the need to go through a formal process.
- 2.3 However, should you wish to make a formal complaint, we aim to ensure it is clear what you need to do, how you can be supported in making your complaint and how you can escalate your complaint if you are not satisfied with our response. This policy explains how to do this.
- 2.4 It is also an aim of this policy that complaints relating to Health and Safety concerns are prioritised ahead of other complaints so that these concerns can be addressed quickly and effectively.

## 3. What is a complaint?

- 3.1 We encourage you to give feedback if you are dissatisfied with the service you have received. This will help us to address the problem and prevent it from happening again. However, for the purpose of this policy, we define a complaint as being:

*"An expression of dissatisfaction regarding the action, lack of action or standard of service received from East Kent Housing or any person(s) or company acting on behalf of East Kent Housing or its client Councils."*

- 3.2 Examples may include:

- delays in responding to enquiries and requests
- failing to provide a service that would usually be our responsibility to provide
- failing to meet the service standards we have promised to deliver; and/or
- failing to follow our own procedures

## Appendix 4

3.3 We will not deal with the following through this policy:

- requests for specific services (for example first reports of a repair or neighbour nuisance);
- appeals or disputes for decisions made under other EKH policies, procedures or processes;
- issues that are in court or have already been heard by a court or tribunal, or where legal action has been taken;
- insurance claims including personal injury claims, or claims that would normally be covered by home contents insurance
- complaints about contractors, where they have not had the opportunity to address the complaint in the first instance (see Contractor complaints below)

3.4 Where issues do not fall under the scope of this policy, we will explain why these will not be handled as a complaint and, where appropriate, advise you of the best course of action.

### **4. How we deal with complaints**

All complaints received will be triaged at first point of contact. Any complaints relating to Health and Safety concerns will be acknowledged immediately and an appropriate response made within three working days. Non-Health and Safety complaints will be dealt with as follows:

#### **4.1 First point resolution**

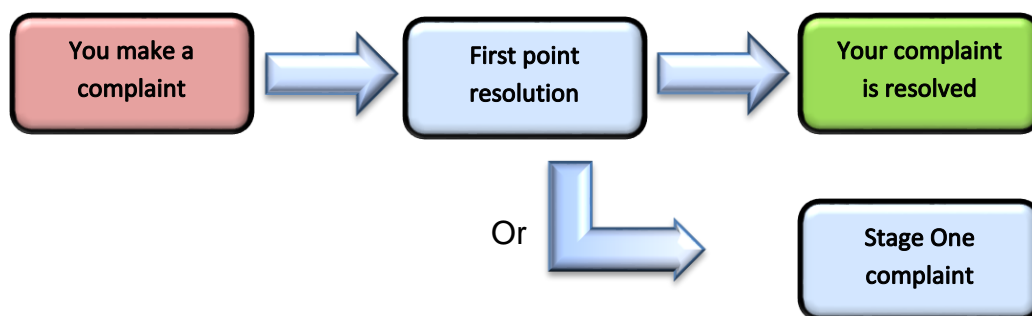
4.1.1 If you tell us you are unhappy, our priority is to put things right for you. Our 'first point resolution' is about finding a quick and effective solution without the need for lengthy investigations or correspondence. In these cases we will agree a reasonable outcome with you and inform you of any associated timescale.

4.1.2 If we think we can resolve your issue quickly, or feel a formal investigation is unnecessary, we will telephone you as soon as possible to let you know. We will treat your complaint with additional urgency if your complaint is a Health and Safety concern.

4.1.3 If we are able to put it right for you at this point we will class your complaint as resolved and no further action will be taken. However, if you tell us we have not put it right to your satisfaction, we will inform you of the next steps in-line with this policy.

4.1.4 In all instances complaints will be logged centrally to identify patterns and trends to support learning and improvements to our services.

## Appendix 4



### 4.2 Stage One Complaints

4.2.1 When you submit a formal complaint, it will be recorded and acknowledged within two working days from the date of receipt. You will receive an automated response if you submitted it by email or a written postal response if you submitted it by post. Your complaint will be dealt by a dedicated complaints officer who will carry out a thorough and impartial investigation.

4.2.2 We aim to respond to you in full within ten working days from the date of receipt. If it is not possible to resolve your complaint within this time, we will keep you informed of our progress and advise you how long the investigation will take.

### 4.3 Stage Two Complaints

4.3.1 If you are not satisfied with our response to your complaint we will escalate it to the next stage of our complaints process. Your complaint will be reviewed by the Chief Executive or a Director independent of the initial investigation. They will make a decision and advise you of any further action they intend to take.

4.3.2 The Chief Executive or Director will aim to provide you with a full response within ten working days from the date of receipt of your stage two request. As with Stage One, if it is not possible to resolve your complaint within this time, they will keep you informed of their progress and how long the investigation will take.

### 4.4 Independent review

4.4.1 If you are unhappy with the outcome of your complaint or the way we have dealt with it, you can ask a 'designated person' to consider it. However, you can *only* refer your complaint to a designated person if it has already been through our two-stage complaints procedure (as listed above). Your local Councillor or MP can act as a 'designated person' and details of how to contact them can be found on your local council website.

## Appendix 4

4.4.2 A local Councillor or MP acting as a ‘designated person’ may ask us to look at the complaint again or refer your complaint to the Housing Ombudsman to investigate. They do not have the power to make a decision regarding the outcome of your complaint.

You do not need to refer your complaint to a designated person and you can go straight to the Housing Ombudsman if you wish. See paragraph 4.5 below

### 4.5 Housing Ombudsman

4.5.1 You may also refer your complaint directly to the Housing Ombudsman service. However, they are unlikely to consider your complaint unless it has already been through our complaints process and/or a period of at least eight weeks has passed since the end of our complaint process. Details of what the Housing Ombudsman service is and what it does can be found on their website:

## 5. What happens next?

### 5.1 An opportunity to apologise and redress

If your complaint is either fully or partially upheld, a range of remedies will be considered to put things right, which may include one or more of the following:

- an apology for any failings or distress caused;
  - an explanation giving a full answer to all points raised in the complaint;
  - an assurance that every effort will be made to ensure the same thing does not happen again;
  - action taken to put things right to demonstrate that the complaint has been taken seriously;
  - a review of our policies and/or procedures;
  - staff guidance or training; and
- in *exceptional* circumstances
- financial or other forms of compensation or reimbursement (see below)

### 5.2 Discretionary compensation

5.2.1 Financial or other forms of compensation or reimbursement will *not* be used because something went wrong, but may be considered where we have not been able to put it right.

5.2.2 Discretionary compensation will *only* be considered where service failure has been identified that causes exceptional inconvenience, stress, disturbance or annoyance. Any offers of discretionary compensation will be made on the basis that it does not constitute an admission of legal liability.

5.2.3 No compensation will be awarded unless it has been agreed and approved by the Chief Executive or a Director of East Kent Housing.

## Appendix 4

5.2.4 Compensation may be awarded by one of our contractors as a result of a complaint made directly to them. If this is the case it will be agreed and authorised by the contractor independently, and is not governed by this policy. (See Contractor complaints below)

### **6. Contractor complaints**

6.1 We currently employ the services of a number of contractors to carry out work for us. If you are complaining about the conduct or service provided by one of our contractors, we ask that you refer your complaint directly to them.

6.2 We give our contractors the opportunity to respond to complaints in the first instance in order that they redress and resolve the issue(s) themselves. However, if you are unhappy with the response you have received from the contractor, then you may complaint to us direct under this policy.

### **7. MP and Councillor Enquiries**

7.1 Complaints and enquiries from Members of Parliament or local Councillors will be logged and acknowledged in the same way as other complaints.

7.2 Where an MP or Councillor is acting on behalf of a constituent, the same opportunities for redress and learning will be applied as to other complaints outlined in this policy.

### **8. Persistent or vexatious complaints**

8.1 A very small minority of customers make complaints that are vexatious, in that they persist unreasonably with their complaint(s) even after a decision has been made. We will always attempt to deal with these cases sensitively and professionally, but in rare cases where a complainant's behaviour is deemed to be unacceptable or unreasonably persistent, we may impose restrictions on the type and/or nature of contact with the complainant in order to manage the situation more effectively.

8.2 Should we decide to impose restrictions on you following unreasonable or persistent behaviour, we will aim to do this in a way, wherever possible, that allows your complaint to progress to completion through our complaints process. In all cases, a decision to impose restrictions will be taken by the Chief Executive or a Director, who will write to inform you of the decision and explain the reasons why.

8.3 If you have made unreasonable or persistent complaints in the past, we will not assume that your next complaint will be unreasonable. Each case will be considered on its merits and all relevant correspondence will be evaluated before any action is taken.

## Appendix 4

### 9. Providing assistance

9.1 We recognise that sometimes our customers need help to raise their issue with us or to have someone act on their behalf. If you require additional assistance we will, wherever possible, make reasonable adjustments to make it easier for you to raise your complaint. Your needs will be considered on a case-by-case basis and if we are unable to provide assistance, we will provide you with advice about who may be able to help (see below).

### 9.2 Advocacy

9.2.1 We will refer you to relevant service or support agencies if we are not able to help or where we feel this would be more appropriate. We welcome the use of advocates or third parties to support a complainant and recognise that this may be helpful for vulnerable individuals. However, we do not accept the use of lawyers as this is then a litigation process and is excluded from our Complaints procedure.

9.2.2 If you are making a complaint through an advocate or third party, we may ask for your written consent before we deal with them directly.

9.2.3 To find out more information and make a referral, visit the [Kent Advocacy website](#).

### 10. Learning from complaints

10.1 We believe that a complaint is an opportunity to learn about what we need to do to improve. We therefore want to learn from all the complaints and feedback we receive to make improvements where appropriate and help shape the service we provide to you.

### 11. Monitoring and review

11.1 In order to do this effectively, we will record and monitor every complaint including details such as what the complaint was about, how it was resolved, how quickly it was resolved and what we learnt.

11.2 We will maintain a performance management framework that monitors, reports and reviews performance in complaints handling. We will carry out regular reviews of our policy to ensure that it meets Best Practice and reflects current procedures.

# Appendix 4

## East Kent Housing Complaints procedure

### First Point Resolution

It is our intention to resolve all complaints at the earliest possible stage. If you are unhappy with the service we have provided or with the way we have dealt with you, we will try to resolve the problem immediately and put things right. If you are not satisfied we have resolved your complaint, we will investigate this at Stage 1 of our complaints procedure.

**Health and Safety** complaints will be acknowledged immediately and responded to within three working days

### Stage 1

Stage 1 complaints will be logged and responded to by a designated complaints officer who will carry out a thorough and impartial investigation. They may discuss the problem further with you, and ask how you would like the problem to be dealt with. Your complaint will be acknowledged within **two** working days and a full response made within **ten** working days from the date of receipt.

### Stage 2

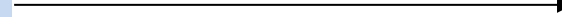
If you are not satisfied with our response to your complaint we will escalate it to Stage 2. Your complaint will be reviewed by a senior manager independent of the initial investigation. They will make a decision and advise you of any further action they intend to take. Your complaint will be acknowledged within **two** working days and a full response made within **ten** working days from the date of receipt.

### Independent review

If you are unhappy with the outcome of your complaint or the way we have dealt with it, you can ask a 'designated person' to consider it, but *only* if it has already been through our complaints procedure (above). A local Councillor or MP act as a 'designated person' and may ask us to look at the complaint again, or refer your complaint to the **Housing Ombudsman** to investigate.

Complaint Resolved

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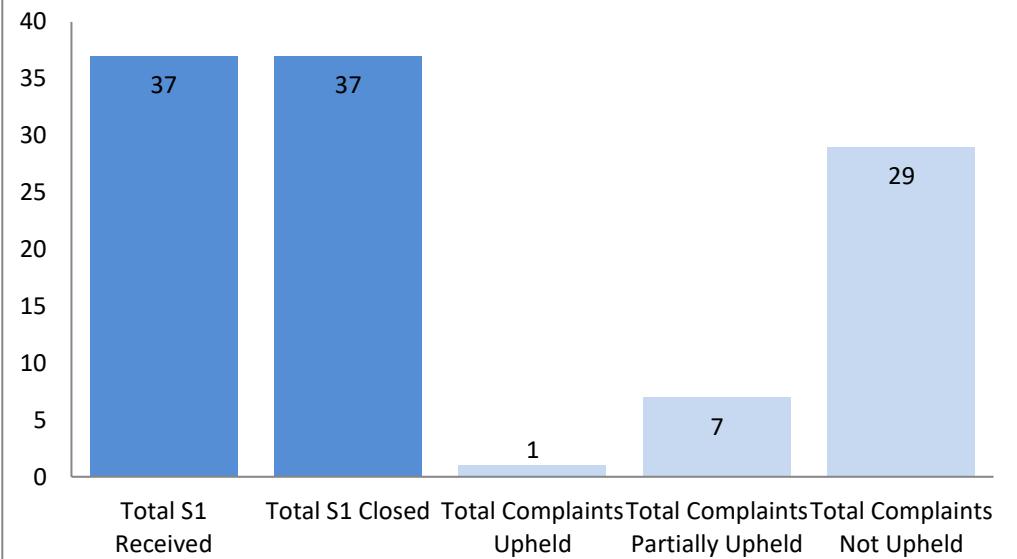
# Appendix 4 - EKH Complaints Report – F&HDC (Apr-Jul' 2019)

We responded to 37 Stage 1 complaints between 1<sup>st</sup> Apr and 31<sup>st</sup> July 2019. 7 were partially upheld and 1 was fully upheld. The upheld complaint was regarding the amount of compensation offered following boiler issues. This was referred to Gas Contract Services for resolution.

The highest amount of complaints related to repairs and maintenance, totalling at 19 complaints (or 51% of total received) and the highest cause of complaints was poor timeliness (13 complaints or 35%).

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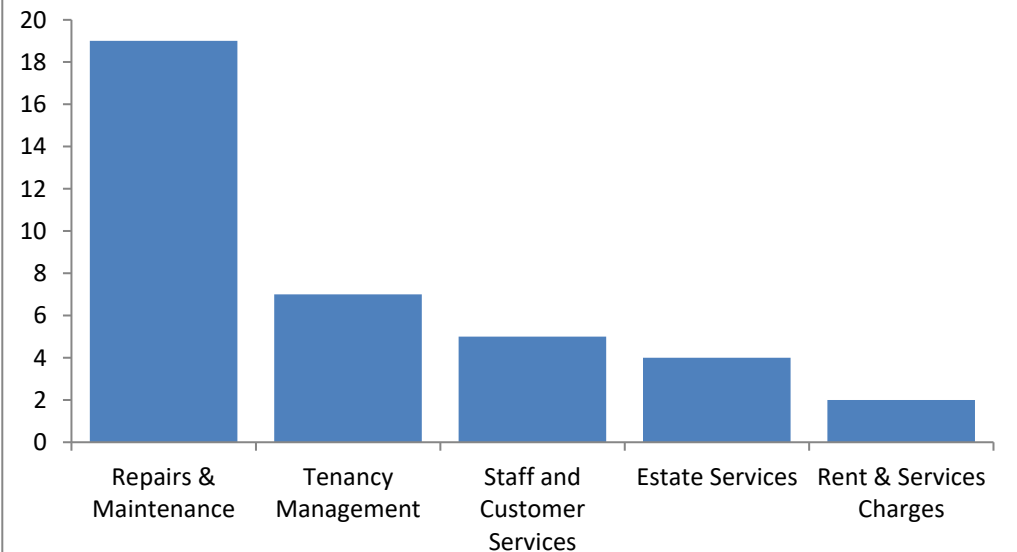
### Stage 1 Resolution Statistics (Apr-Jul '19)



Key Data	01/04/2019 - 31/07/2019
Total S1 Received	37
Total S1 Closed	37
Total Complaints Upheld	1
Total Complaints Partially Upheld	7
Total Complaints Not Upheld	29

Percentage of Complaints Upheld	2.70
Percentage of Complaints Partially Upheld	18.92
Percentage of Complaints Not Upheld	78.38

### Stage 1 by Category (Apr-Jul '19)



Of the repairs and maintenance complaints, **8** were directly related to Mears; **4** directly related to P&R heating contractor(s).

The top 3 complaint issues are surrounding timeliness, communication & EKH decision.

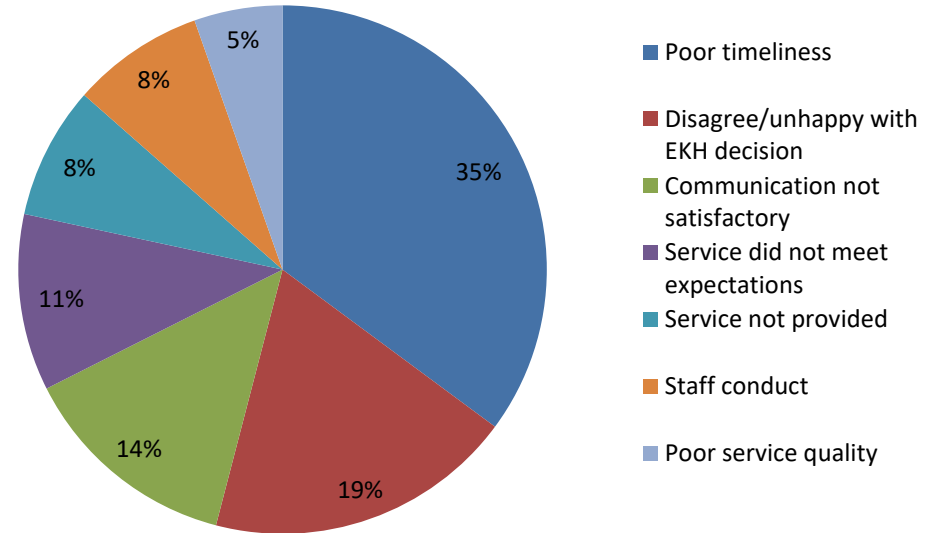
Despite service provision and quality not being the majority cause(s), Repairs & Maintenance generated the majority of complaints received.

The services provided produced minority of complaints, with lowest percentage being "service quality"

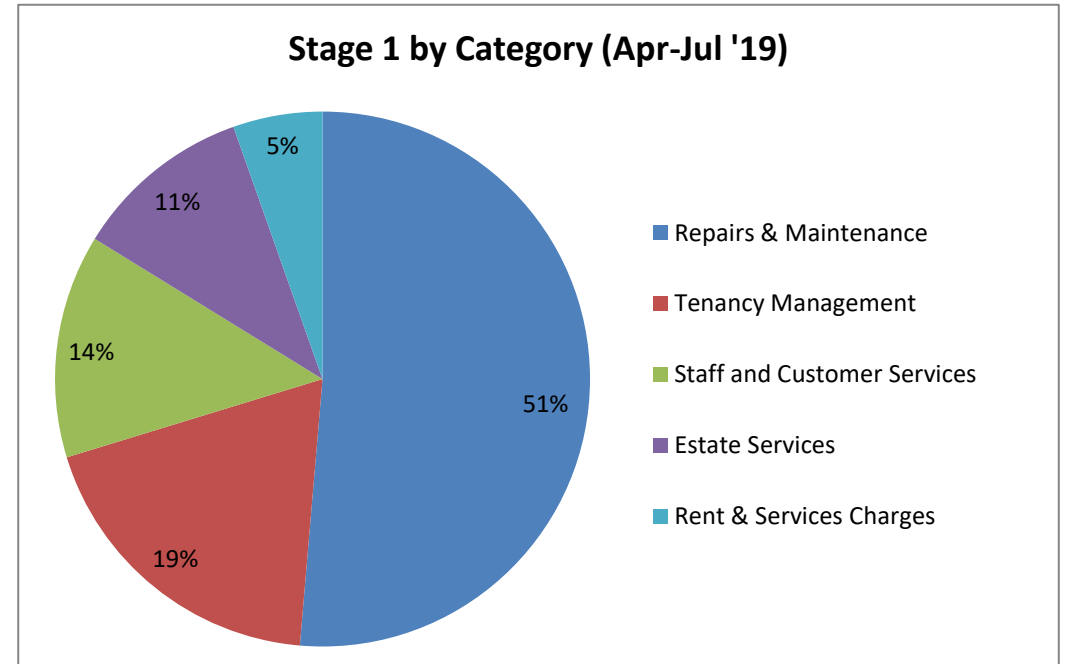
Causes	Count for this period
Poor timeliness	13
Disagree/unhappy with EKH decision	7
Communication not satisfactory	5
Service did not meet expectations	4
Service not provided	3
Staff conduct	3
Poor service quality	2

Housemark Category	Count for this period
Repairs & Maintenance	19
Tenancy Management	7
Staff and Customer Services	5

**Breakdown of Stage 1 Causes (Apr-Jul '19)**



Estate Services	4
Rent & Services Charges	2



Only 2 complaints were escalated to stage 2.

Both complaints related to repairs and maintenance, one about issues with heating and damage caused when repairs were also carried out, the other relating to 'move-in' dates which were put back due to work required at the property in question.

Neither of the two Stage 2 complaints were upheld.

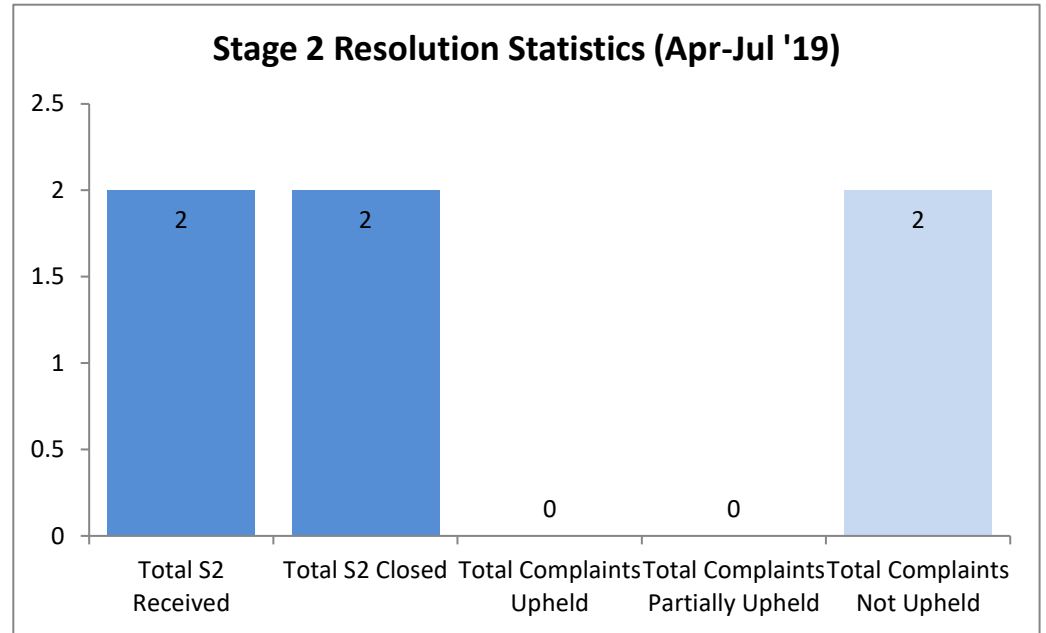
Both causes are categorised "Unhappy with EKH decision"

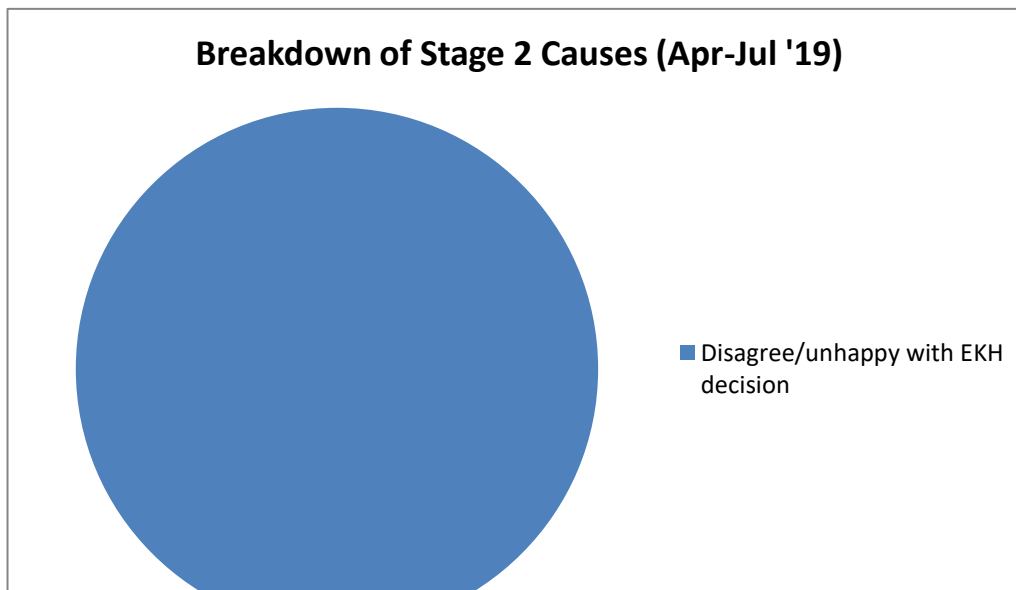
Key Data	01/04/2019 - 31/07/2019
Total S2 Received	2
Total S2 Closed	2
Total Complaints Upheld	0
Total Complaints Partially Upheld	0
Total Complaints Not Upheld	2

Percentage of Complaints Upheld	0.00
Percentage of Complaints Partially Upheld	0.00
Percentage of Complaints Not Upheld	100.00

Causes	Count for this period
Disagree/unhappy with EKH decision	2

Housemark Category	Count for this period
--------------------	-----------------------





In addition to our records, our contractors have provided numbers of complaints they have received directly. We have been supplied with figures from GCS, MEARS and Town & Country Cleaners.

We have been advised that P&R did not supply any information concerning complaints received whilst carrying our repairs work to GCS for May and June (table on the right), however April shows 0 number received which should be correct.

**GCS/SWALE - FHDC Q1**

2019/20 Q1	Properties Serviced	No. Received	Serv %
April	233	1	99.57
May	367	0	100.00
June	358	0	100.00

Repairs Carried Out	No. Received	Serv %
439	0	100.00
300	0	100.00
282	0	100.00

**MEARS - FHDC Q1**

2019/20 Q1	No. Upheld	No. Not Upheld	Total Complaints
April	6	1	7
May	8	0	8
June	6	0	6

Complaint Cause (Q1)	No. Upheld	No. Not Upheld	Total Complaints
Planned	2	1	3
Response	16	0	16
VOIDs	0	0	0
Other	2	0	2
<b>Total</b>	<b>20</b>	<b>1</b>	<b>21</b>

**TOWN & COUNTRY CLEANERS - FHDC Q1**

2019/20 Q1	Complaints	Compliments
April	1	0
May	1	0
June	0	0

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## Appendix 5

### Cabinet – 31 July 2019

#### Addendum to Report C/19/15 - Supplementary Report

This report provides an update of the various work stream activity being proactively undertaken by the Council in partnership with East Kent Housing (EKH) and the other three local authority owners of EKH.

#### 1. **Contract & Performance Monitoring**

- Council officers and the East Kent Housing (EKH) Chief Executive presented to Folkestone & Hythe Council's Overview and Scrutiny Committee (OSC) in July providing an update on issues relating to East Kent Housing contract performance and the emerging health and safety compliance concerns. East Kent Housing is preparing a response to the resulting actions, providing further information regarding complaint levels in respect to housing management and related services of their contractors, which will return to OSC for consideration.
- Corrective actions are being undertaken by EKH across a range of poorly performing areas, including new contract procurement supplemented with additional resourcing where necessary.
- Regular monitoring of performance of the Improvement Plan, approved by Cabinet in early 2019, remains ongoing:
  - Client Officers are scrutinising in detail overall delivery of the Improvement Plan and the reasons for any shortcomings.
  - Client Officers, Cabinet Member for Housing and the EKH Board councillor representative have been meeting and will continue to meet EKH to monitor local delivery of performance against the Improvement Plan.

#### 2. **Health & Safety Non-compliance**

- The four Council Leaders met with the Chair of the EKH Board in June to express their concerns about the seriousness of the non-compliance issues identified and the need for the issues to be resolved urgently. Regular updates are being provided to Leaders.
- The Chief Executives of the four Councils and EKH have established a weekly meeting regime to raise and review the ongoing response to issues of non-compliance and subsequent audit report and investigation matters.
- A Folkestone & Hythe Council internal officer task group has been established and meets weekly to review all non-compliance matters and to review progress against actions.
- As at 31st July 2019 there is 100% compliance of Landlord Gas Safety Records (LGSR) in Folkestone & Hythe.
- EKH has commissioned the Housing Quality Network (HQN) to undertake an independent investigation into non-compliance of LGSR across its housing stock. The report will be presented to the EKH Board mid to late August, the results of which will be shared with the four councils thereafter.
- The Chief Executives self-reported the issue of non-compliance to the Social Housing Regulator, advising the Regulator of corrective actions being taken, and taking advice on the extent and range of the associated council-led investigations taking place.
- As part of its annual audit plan, East Kent Audit was commissioned to review a broader range of health and safety compliance relating to tenants. The audit has

identified significant areas of non-compliance across the Council's housing stock. EKH are preparing a detailed action plan to address the issues urgently including the potential for further additional funding to improve compliance arrangements. The final audit summary and action plan will be presented to relevant Audit & Governance Committees in August / September.

- Estate matters delegated to EKH relating to water treatment works, owned by the council, are also being reviewed to provide assurance that appropriate compliance matters have been addressed by EKH.
- The Council is jointly commissioning (with other council owners) an independent investigation into all aspects of health and safety non-compliance across its housing stock. This will be reported to Members as the work concludes through the coming months.
- The Council Chief Executives are assessing the EKH proposed financial implications arising from the internal audit recommendations. Associated budget decisions are expected to be presented to Members in July and through the autumn period.
- The four councils have commissioned a forensic investigation of invoice overpayments with the previous gas servicing and maintenance contractor. This may be the subject of separate legal action which will be reported to Members as the investigation progresses.

### **3. Strategic Review of Housing Management**

- A strategic review of future housing management options is expected to report to Members during the autumn. Further, more detailed, analysis may need to be undertaken that considers transitioning from the current arrangements to a future model.
- There is a legal requirement for the Councils to consult tenants, testing opinion on changes to housing management. Guidance is provided by MHCLG and detailed work is in hand to consider this more fully. Members will be advised on the detail and proposals relating to this.
- The Council is reviewing the impact on the HRA Business Plan in terms of any additional changes to the way the housing and tenants services are delivered in the district.
- The Chief Executives are working closely with the Chief Executive of EKH to ensure that any potential implications are handled appropriately and sensitively with staff and unions.

### **4. Communications**

- The key issue communicated to date has been that the matter has been taken seriously, resources mobilised swiftly to deliver the necessary corrective action, and that ensuring tenant safety is the critical priority. Care has been given not to alarm or cause unnecessary distress to tenants by signposting to specific contact points for further information.
- The Cabinet Member for Housing has scheduled a programme of visits to the EKH estate in the district throughout September to hear and understand the views of its tenants. The relevant Ward Members will be invited to join him in the programmed visits as these are arranged.
- The Council's communications team and East Kent Housing continue to manage all communications messaging to tenants and internal/external parties.