

This Report will be made public on 18 May 2021

Report Number **C/21/03**

To: Cabinet
Date: 26 May 2021
Status: Non key
Responsible Officer: Andy Blaszkowicz, Director of Housing and Operations
Cabinet Member: Councillor Godfrey, Cabinet Member for Housing, Transport and Special Projects

SUBJECT: Housing Compliance Policies

SUMMARY: This report seeks approval for six policies in relation to Housing Landlord Health and Safety Compliance, updated to reflect F&HDC's operational structures.

REASONS FOR RECOMMENDATIONS

As the Housing Service has returned to the Council, it is of vital importance that these policies reflect the operational structure of the new service and that responsibilities for ensuring compliance are clearly identified within each policy.

RECOMMENDATIONS:

1. To receive and note the report C/21/03.
2. To approve the appended Housing Compliance policies in relation to: Asbestos; Electrical Safety; Fire Safety; Gas and heating Safety; Lift Safety; Water Safety (see Appendices 1 to 6).
3. To give delegated authority to the Director of Housing and Operations, in consultation with the Cabinet Member for Housing, Transport and Special Projects, to approve minor amendments to Housing Compliance policies in the future.

1. BACKGROUND

- 1.1 In September 2019, the Regulator for Social Housing (RSH) served Folkestone & Hythe District Council with a regulatory notice, stating that the Council, through a shared ALMO (East Kent Housing), breached the social housing 'Home Standard' (set out below), with the potential for serious detriment to its tenants.
- 1.2 A subsequent audit of wider health and safety compliance concluded “no assurance for fire safety, electrical safety, lift safety and legionella and limited assurance for gas safety”. The result of which led to the development of six policies by [Pennington Choices](#) (industry consultants in surveying and property compliance) in collaboration with the RSH.
- 1.3 The policies were adopted for use by the new F&HDC housing service on 22 September 2020, as an executive decision by the Director of Transformation and Transition, in consultation with the Cabinet Member for Housing, Transport and Special Projects.
- 1.4 The current adopted policies have been in operation since October 2020 and are being implemented successfully. After more than six months of operation they have been fine-tuned to reflect the FHDC operating model and checked to ensure they meet current legislation. The revised policies are presented to Cabinet for approval as set out in Recommendation 2.

2. REGULATORY REQUIREMENTS

- 2.1 The legislation governing specific health and safety requirements is set out within each policy by Pennington Choices and has been assessed by FHDC officers. The overarching legislative requirements for landlord health and safety compliance are outlined below.

Regulator for Social Housing (Home Standard)

The Council must adhere to following sections of the Home Standard in relation to Health & Safety compliance:

- **Quality of accommodation**

Registered providers shall:

- a) Ensure that tenants' homes meet the standard set out in section five of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard

And

- **Repairs and maintenance**

Registered providers shall:

- (b) Meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

2.2 Social Housing White Paper

Chapter 1 of the Social Housing White paper: 'To be safe in your home' focuses on rebuilding trust in building safety measures and ensuring residents 'feel safe' as well as 'are safe'.

All landlords will need to have a nominated, publicly named person who is responsible for health and safety compliance. In addition, there must be consistency in safety measures across the private and social rented sectors, with mandatory installation of smoke and carbon monoxide alarms, and an increased focus on electrical safety.

The policies set out in Appendices 1 to 6 demonstrate the Council's commitment to meeting the requirements set out in the White Paper.

3. CONSULTATION

- 3.1 External consultants (Pennington Choices, see 1.2 above) were commissioned to develop and produce this suite of policies. Subsequently, they have been reviewed by the Housing Leadership Team (HLT) and Compliance specialists with the new housing service to ensure they are reflective of FHDC practices and current legislation.

4. OPTIONS

- 4.1 **Keep policies unchanged:** The policies were created by industry specialists and meet regulatory requirements. However, responsibilities and monitoring arrangements do not reflect FHDC operational structure.
- 4.2 **Adopt amended policies (as appended):** The amended policies work within the FHDC operational structure and clear lines of accountability are identified. Monitoring and scrutiny arrangements fit with current practice.
- 4.3 **Undertake a full review of the policies:** This work has already been undertaken and there is no requirement to conduct a further review at this stage. All policies are subject to periodic reviews (as identified within each policy) in line with legislation.

5. RISK MANAGEMENT ISSUES

- 5.1 This is a high risk area and these policies are required to ensure the safety of our tenants and leaseholders.

Perceived risk	Seriousness	Likelihood	Preventative action
Policies are not fit for purpose	High	Low	Policies were created by industry specialists and meet regulatory requirements. They are subject to periodic

			review in line with legislation.
Amended policies are not adopted and do not reflect FHDC operating model	Medium	Low	Policies have been amended to ensure they work within the FHDC model and there is clear accountability and monitoring. They are being presented to Cabinet for formal adoption.
Policies are not adhered to and we are 'non-compliant'	High	Low	Stringent and robust monitoring and scrutiny arrangements are in place within the housing service and CLT, in conjunction with the EK Audit Partnership and the Regulator Social Housing.

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal Officer's Comments

There are a large number of statutory duties which the Council as a landlord must comply with. These are considered more fully within each of the policies appended to this report and are therefore not repeated here. The Council must ensure that it complies with all statutory duties imposed on it not only as a landlord but also as a Local Authority.

Failure to comply with these duties could result in formal action against the Council as a landlord, such as criminal prosecution for offences including corporate manslaughter and/or civil claims for personal injury or damage.

The attached policies assist the Council in discharging the statutory duties imposed upon it as a landlord and following the policies will help to ensure that the Council complies with its various statutory duties in relation to asbestos, electrical safety, fire safety, gas and heating, lift safety and water safety.

6.2 Finance Officer's Comments

There are no financial implications arising directly from this report.

6.3 Diversities and Equalities Implications

There are no Equality and Diversity implications arising directly from 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

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

(Note: only documents that have not been published are to be listed here)

Appendices:

Appendix 1: FHDC Asbestos policy

Appendix 2: FHDC Electrical Safety policy

Appendix 3: FHDC Fire Safety policy

Appendix 4: FHDC Gas and Heating policy

Appendix 5: FHDC Lift Safety policy

Appendix 6: FHDC Water Safety policy