

Cheltenham Borough Council

Cabinet Housing Committee – 12 September 2024

Property Compliance Performance

Accountable member:

Cllr Flo Clucas, Cabinet Member for Housing and Customer Services

Accountable officer:

Vicky Day – Head of Technical & Investment

Ward(s) affected:

All wards with council owned homes

Key Decision: No

Executive summary:

Property Compliance KPI report, Appendix 1, provides the compliance status as at 31st July 2024, together with an explanation of actions and plans proposed as a result of the areas of non-compliance, in relation to gas, electrical, water, fire, asbestos and lift safety and the management of damp, mould & condensation within homes.

There is ongoing improvement required to achieve compliance and meet the requirements of the regulatory framework, most notably:

1. Completion of overdue fire actions, there is a plan in place to complete all overdue fire actions by March 2025, with all high priority actions being completed by December 2024.
2. Completion of programme of 5 yearly electrical safety checks; 349 checks remain overdue, these relate to access issues, a legal process is being followed to gain access.
3. Procurement of new asbestos survey and remediation contracts; it is expected that contracts will be placed by late September and early October respectively, enabling acceleration of the programme to undertake management surveys on domestic properties. Further improvement is required with regard to recording of all actions required as a result of surveys and to provide assurance that these are managed through to completion.

Recommendations:

1. To note and understand the position regarding compliance with statutory and regulatory requirements.
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1. Implications

1.1 Financial, Property and Asset implications

Budgetary provisions are in place to manage compliance in line with statutory and regulatory requirements. Long term contracts are in place, or in procurement to cover most areas and therefore the majority of the costs associated with achieving and maintaining compliance can generally be predicted. The exceptions to this are fire safety actions identified through fire risk assessments and asbestos remediation. If additional budget is required, then this can be provided for by adjustments to other less critical programmes of work. The 2025/26 HRA budget proposals will include for an expected increase in spend requirements in relation to both fire safety and asbestos management.

Signed off by: Gemma Bell gemma.bell@cheltenham.gov.uk

1.2 Legal implications

As a landlord of residential properties, the Council must comply with a number of regulations and legislation. The compliance report monitors whether or not the Council is complying with the relevant legislation relating to the areas listed above.

As identified in the report the council is currently non-compliant in some areas of property compliance and therefore may be subject to a regulatory judgment and intervention from the Regulator.

Signed off by: Claire Hughes, Monitoring Officer claire.hughes@cheltenham.gov.uk

1.3 Environmental and climate change implications

No specific arising from the report and actions being undertaken.

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

The Council needs to know its tenants and leaseholders to be able to ensure that they are not at high risk in their homes. Understanding the home and those that live in it are of equal importance.

Tenancy Audits are being carried out to understand any particular needs and vulnerabilities which tenants may have. For example, if they need information in a different language or if they have a disability which means that they cannot leave the building without help in an emergency.

1.6 Performance management – monitoring and review

Overall performance in relation to property compliance is monitored through monthly KPIs, these are

reviewed by the Leadership Team, the Compliance Performance Monitoring Group and reported to this Committee.

2 Background

2.1 The highest priority for the Council is to ensure, the health and safety of its residents; it can demonstrate this by meeting relevant legislation as well as the requirements of the revised Consumer Standards introduced by the Social Housing (Regulation) Act 2023 and effective from 1st April 2024.

2.2 Appendix 1 presents the KPIs relating to the individual areas of compliance as at 31st July 2024. as follows:

- **Gas safety**

Performance remains good with 99.98% compliance with the requirement for appliances to have an up to date gas safety certificate. Only one property was out of date, due to access issues, this is being pursued through the legal process.

- **Electrical safety**

A decision to move to a 5 yearly cycle for electrical safety tests was taken in line with the requirement for 5 yearly tests in private rented accommodation, which was introduced in 2021. Inspections are still required for 349 properties, and these are expected to be completed by the end of August, except where access has proved difficult and legal action is required. A verbal update on the position can be given at the meeting.

All category 1 (highest risk) issues that are identified on inspection are dealt with immediately. The medium risk, but still potentially dangerous, are dealt with at the time of inspection if possible, and if not, they are logged as a further repair to be completed. At this stage these repairs are not systematically monitored but this is being actioned and will be completed by the end of September.

- **Fire safety** – All required fire risk assessments (FRAs) remain in date with none due for renewal until December 2024. However, there remain a significant number of actions (217) outstanding and overdue, with 32 of these being high priority. Some of these have been outstanding for a substantial period. 50% have been overdue for more than 12 months. A verbal update on progress on these can be given at the meeting.

There is a delivery plan in place for these actions, with the majority to be completed through the new contract arrangements for timber fire door replacement and passive fire protection. The procurement for these contracts is underway, with contracts expected to be in place by late September and early October respectively.

All high priority actions are expected to be completed by end December 2024 and all overdue actions by end March 2025.

The Briefing: Fire Safety Exception Report, Appendix ii, provides further detail on the current position with regard to delivery of outstanding fire actions.

An action from some FRAs has been to undertake compartmentation surveys. These have been completed and have resulted in additional actions being identified. These will be delivered as an

ongoing programme through the passive fire protection contract currently being procured; progress on these will be reported separately to the compliance KPIs.

- **Asbestos safety** – All non domestic areas have asbestos management surveys and re-inspections in place. 51% of relevant homes (those built prior to the year 2000) also have asbestos management surveys.

Procurement of new contracts for surveying and asbestos remediation are well progressed with tenders having been evaluated, it is expected that contracts will be placed late September/early October. The new asbestos survey contract includes for the acceleration of domestic surveys, with the aim for all homes to be surveyed by 2027. The new arrangement includes for improved systems to manage and distribute asbestos information, whether that be to contractors working on homes or tenants for their own homes.

At this time, the current process does not enable reports to be generated that show that all actions arising from the surveys have been completed. Process improvement is planned as part of the new contract arrangements so that this information will be monitored and reported starting from the beginning of 2025.

- **Water safety** -All legionella risk assessments were renewed recently with management regimes, including flushing and temperature testing in place.

As at 31st July 2024 there were 9 overdue actions recommended by the risk assessments, with 7 of these being high priority. Action is being taken to ensure these are completed without further delay and a verbal update on progress will be given at the meeting.

Investigations are currently taking place to identify how we can use systems more effectively to manage water hygiene.

- **Lift safety** – All lift safety inspections are in date, with no outstanding remedial actions.
- **Risks associated with and management of damp mould and condensation (DMC)** – We have established a robust process to manage instances of DMC within homes and as at end July there were 177 live cases being managed. There are no instances designated as Housing Health and Safety Rating System Category 1, which is the category for hazards which pose the most severe risk to the health and safety of residents. 87 cases are either completed or close to completion. New cases reported over the summer months have, as expected, been low, however as we move into the Autumn it is expected that the number of cases being reported will increase.

Additionally, with the stock condition survey to commence in September and the majority of surveys being undertaken through the colder months, it is likely that higher than previously reported instances of DMC will be identified and it is essential that adequate resource is available to react to these within required timescales.

As well as the internal audit programme undertaken by SWAP and following on from the Pennington's 'Big Six' Healthcheck undertaken in 2022, it is proposed to implement a programme of external technical audits to support in identifying improvements and provide greater assurance. It is expected that a programme of technical audits will commence in Q3.

3 Reasons for recommendations

3.1 This report is for information and does not contain recommendations.

4 Alternative options considered

4.1 N/A

5 Consultation and feedback

5.1 None

6 Key risks

6.1 Instances of non-compliance present an increased health and safety risk to residents, potential for Regulatory or legal action and as a result reputational risk. It is therefore essential that the extent and nature of any non-compliance is understood with supported robust plans in place to move to a position of compliance.

Report author:

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Appendices:

- i. Property Compliance KPIs – July 2024
- ii. Briefing Report: Fire Safety Exception Report

Background information:

None