

HEALTH AND HOUSING SCRUTINY COMMITTEE
30 AUGUST 2023

HEALTH AND SAFETY COMPLIANCE IN COUNCIL HOUSING

SUMMARY REPORT

Purpose of the Report

1. To provide Members with an update on the health and safety compliance standards for our Council housing stock and our performance against these in 2022-23.

Summary

2. The Regulator of Social Housing (RSH) sets a number of consumer standards, which social housing providers must comply with, including a condition that we meet all applicable statutory requirements that provide for the health and safety of our tenants in their homes.
3. The Council has well established and robust processes in place to monitor health and safety compliance in relation to its Council housing stock. Compliance is monitored on a regular basis, ensuring that any areas of non-compliance are addressed as a matter of priority.
4. The RSH expect that Members will play a significant role in ensuring that our Council housing meets those regulatory health and safety standards.

Recommendation

5. It is recommended that Members:-
 - (a) Consider the contents of the report, and
 - (b) Ensure that reports on health and safety compliance in Council housing are considered on an annual basis.

Anthony Sandys
Assistant Director – Housing and Revenues

Background Papers

- (i) The RSH Consumer Standards

S17 Crime and Disorder	There are no implications
Health and Wellbeing	Compliance with statutory requirements for health and safety in Council housing is essential for the health and well-being of our tenants
Carbon Impact and Climate Change	There are no issues which this report needs to address
Diversity	There are no implications
Wards Affected	There are no implications
Groups Affected	All wards with Council housing
Budget and Policy Framework	Council tenants and leaseholders
Key Decision	There are no implications
Urgent Decision	This is an Executive decision
Council Plan	This report supports the Council plan to provide our tenants with good quality Council homes
Efficiency	There are no implications
Impact on Looked After Children and Care Leavers	There are no implications

MAIN REPORT

Information and Analysis

6. The RSH sets a number of Consumer Standards, which apply to all social housing providers, including Councils.
7. Specifically, in relation to the Home Standard, social housing providers must:
 - (a) Provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time.
 - (b) Meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
8. The Council has well established and robust processes in place to monitor health and safety compliance in relation to its Council housing stock. Compliance is monitored on a regular basis, ensuring that any areas of non-compliance are addressed as a matter of priority. Specifically, the following areas are monitored.

Asbestos

9. Some of our properties built prior to the 1990's feature some building products with Asbestos Containing Materials (ACMs). Prior to undertaking any planned maintenance, we will survey properties to identify any ACMs, if these haven't been carried out in the past.
10. Survey details are kept on our asbestos register, so that we can prevent disturbing ACMs in the future, as and when we carry out repair work. Most ACMs are perfectly safe if left

alone and will probably be left in place if they are likely to remain undisturbed.

11. Where the only safe option is removal, or where work on a property is likely to disturb ACMs, we will arrange for ACMs to be removed by a licenced contractor. Asbestos surveys are therefore carried out on an ad hoc basis as and when they are required.
12. In 2022-23, 64 asbestos refurbishment surveys were carried out and none of those properties are out of compliance. An asbestos refurbishment survey is required where a property (or part of it), requires upgrading, refurbishment or demolition.
13. In addition, 26 asbestos management surveys were carried out and none of these properties are out of compliance. An asbestos management survey is required to manage ACM's during the normal occupation and use of a property.

Electrical Safety

14. Electrical installations in our properties are subject to an Electrical Installation Condition Report (EICR) at 5-year intervals, or 10-year intervals for new build properties. Testing and inspection is completed in accordance with BS7671, the Institution of Engineering and Technology (IET) Guidance Note 3 Inspection and Testing, and guidance from the NICEIC.
15. All portable electrical appliances owned by the Council undergo a Portable Appliance Test (PAT) at a frequency specified in guidance from the Health and Safety Executive. These tests, along with repairs to electrical equipment and electrical installation work are carried out by suitably qualified staff, guidance provided by IET Code of practice for the In-Service Inspection and Testing of Electrical Equipment.
16. Health and safety checks and inspections include basic checks to ensure electrical equipment, cables, switches and sockets are free from obvious damage and that sockets are not overloaded. Any issues from these checks and inspections are reported and addressed.
17. In 2022-23, 760 electrical safety checks were due. Of these, 526 were completed (or 69.2%), with 234 still outstanding, including 46 properties where no access to the property could be made. Unlike gas servicing, there is no legal requirement for social landlords to carry out electrical safety inspections, which means that we cannot obtain a court order to gain access to a property.
18. A backlog of electrical safety checks due to the suspension of these checks during the Covid pandemic continues to impact on performance. However, a programme of electrical safety checks has been implemented for 2023-24, which should ensure that all Council properties will have an electrical condition report carried out within the last 5 years, by March 2024. We are continuing to raise the importance of EICR's with tenants through our tenant newsletters, our website and through tenant engagement. All Council sheltered and extra care schemes are within compliance for 2022-23.

Gas Safety

19. All gas systems and equipment are properly specified, designed by qualified staff and installed by Gas Safe Engineers. By law, all gas appliances including gas boilers in tenant's

homes are serviced and safety checked at least every 12 months, by a qualified Gas Safe engineer. Once completed, the tenant is provided with a Landlord's Gas Safety Certificate.

20. Compliance with gas servicing is monitored through a performance indicator (HBS072 – the percentage of Council dwelling without a gas service within 12 months of the last service date) and reported to Members on a quarterly basis.
21. Unvented cylinders are serviced annually. To guarantee future access, they are now linked to the gas boiler service or air source heat pump service, and this consists of; inspection to ensure the system conforms to the building regulations, cylinder condition, temperature controls, pressure controls, relief valves operation and testing other safety devices.
22. In 2022-23, 5,045 Council properties were due for their annual gas service, and 5,020 were completed in 2022-23 (or 99.5%). The remaining 25 were completed in April and May, ensuring that all gas services due in 2022-23 have been completed. The main reason for the 25 properties not being completed in 2022-23 were due to no access issues.
23. 920 gas services (or 18.3%) were completed out of the 12-month compliance period in 2022-23. Normally, the number of properties where a gas service is completed outside of the compliance period would be less than 1%. Typically, these would be cases where an appointment could not be arranged with the tenant and in some cases a court order has to be obtained to gain access to the property.
24. For 2022-23, the majority of the gas servicing completed out of the compliance period was during the third quarter and the following were the main reasons for non-compliance:
 - (a) We are in the process of changing to an MOT style servicing programme to allow more services to take place during the summer period. This will result in fewer services during the winter months, resulting in more staffing availability for responsive repairs, which typically increase during this period. However, this change has resulted in additional work for our Repairs and Maintenance team.
 - (b) Continuing difficulties in recruiting and retaining qualified Gas Safe Engineers, which has meant that we have had to sometimes rely on agency staff to ensure gas servicing and safety checks were carried out.
25. For Sheltered accommodation, extra care schemes and Community Centres, all 16 buildings are currently within the service date. Sheltered accommodation and extra care schemes display the latest safety check/service certification in common areas of buildings where the gas appliance serves a communal heating system to multiple homes.

Fire Safety

26. Fire risk assessments are carried out on all communal areas in sheltered housing and apartment blocks. The purpose of the assessment is to ensure that adequate and appropriate fire safety measures are in place to minimise the risk of injury or loss of life in the event of a fire. Risk assessments include:

- (a) How a fire could start – the condition of gas and electrical appliances, heaters and the general condition of the building.
 - (b) People affected by a fire – any tenants who may require assistance to evacuate the building.
 - (c) Evacuation plans in place – ensuring fire alarms have been tested, exits and corridors are free from obstruction and the correct fire signage is in place.
27. Fire risk assessments are carried out by Housing Services staff at least every 3 years. In apartment blocks tenancy management carry out a review every 12 months or following a change to the building or in the event of an incident or near miss.
28. Regular testing and servicing are also in place for fire detection and warning equipment, emergency lighting and fire-fighting equipment. We ensure all fire risk assessments have been completed when due and address any issues reported.
29. Specialist fire inspectors provide the regulatory reform audits for the extra care and sheltered housing schemes, and this is in recognition of the greater risks they present. All documents received are reviewed by a qualified risk assessor.
30. In addition, our Housing Services Fire Safety Policy 2022-2027, recently approved by Cabinet, sets out how we will provide staff, residents, visitors and partner organisations in Council owned Sheltered Housing and Extra Care schemes with clear guidelines as to how to prevent fires and what action to take in the event of a fire, to protect themselves and others.
31. In 2020-21, 69 fire risk assessments were due to be reviewed and all of these were completed on time, with a 100% compliance rate.

Fire Door Safety

32. The Fire Safety (England) Regulations 2022 made it a legal requirement for owners of all multi-occupied residential buildings in England with storeys over 11 metres in height to:
- (a) Undertake quarterly checks of all fire doors (including self-closing devices) in the common areas.
 - (b) Undertake annual checks of all apartment entrance doors (including self-closing devices) that lead onto a building's common areas.
 - (c) Record the outcome of these checks and any damage or defects, and the actions taken to rectify these, including referring to a specialist organisation.
 - (d) Replace fire doors by a competent person, where it has been found that the existing door is inadequate and needs to be replaced.
33. Whilst there are no specific issues with the existing fire doors within our housing stock, because of the age of the doors and the lack of certification in relation to any previous

installation and testing, we have deemed them as not compliant with the new regulations.

34. 236 blocks and approximately 1,200 doors are affected by the new regulations and will all be replaced over the next 3 years, as part of our door replacement programme. Our Housing Surveying team will ensure certification is in place for all new fire doors installed and will carry out the required annual checks.

Water Safety (Legionella)

35. Risk assessments are carried out on the water systems for all communal areas in sheltered housing by a suitably qualified member of staff. A separate policy for the Control of Legionella bacteria in Council premises sets out the responsibilities and arrangements for managing Legionella risks.
36. The Council must ensure that the health risk from Legionella bacteria in Council premises is assessed, managed and controlled in order to protect employees and residents who may be affected by its undertaking. Risk assessments will include:
 - (a) The identification and assessment of the risks of Legionella.
 - (b) How the use of systems that give rise to a reasonably foreseeable risk of Legionella can be avoided or the risk minimised.
 - (c) The implementation and management of a scheme of precautions to manage any risks.
37. In 2022-23, 17 Legionella file audits were due and 15 were completed within the year (or 88%). One of the outstanding audits has now been completed and the other has been booked in to complete; the delay has largely been due to staffing pressures and workloads. 17 Legionella risk assessments were due for review in 2022-23. 12 of these (or 71%) have been completed and the remaining 5 have been booked in. Again, staffing and workload pressures have been a factor, but these are being reviewed and we are confident that all file audits and risk assessment reviews due in 2023-24 will be completed on time.

Damp and Mould

38. Our approach to damp and mould in Council homes is set out in our Damp, Mould and Condensation Policy, recently approved by Cabinet. This policy confirms that dealing with damp and mould is a high priority including reports of issues from tenants.
39. The policy sets out the specific responsibilities for Darlington Borough Council as landlords, including:
 - (a) How we respond to reports of damp, mould and condensation from our tenants.
 - (b) Undertaking property inspections, carrying out remedial work to address any issues of damp, mould and condensation, and undertaking post inspections to ensure the work has rectified the problem.

- (c) Offering advice and assistance to tenants on how to prevent, report and deal with damp, mould and condensation.
 - (d) Undertaking property inspections of empty Council homes, including an assessment of any damp, mould or condensation in the property and carrying out work to remedy any issues before a new tenant moves in.
 - (e) Undertaking regular and proactive stock condition surveys on our properties, to ensure they continue to meet the Decent Homes Standards and to inform our capital programme of works, as part of our 30-year business plan. These surveys include an assessment of any signs of damp, mould and condensation.
40. The policy also sets out responsibilities for tenants, including:
- (a) Ventilating and heating their homes effectively to prevent damp, mould and condensation occurring.
 - (b) Reporting any instances of damp, mould and condensation in their homes to Housing Services straight away, so that we can deal with any issues promptly and effectively.
 - (c) Following all advice and guidance issued by Housing Services on managing and controlling damp, mould and condensation.
41. A Stock Condition Survey was carried out in 2022-23. 10% of our stock was surveyed by an external contractor and out of the 550 properties surveyed, 5 had issues with condensation or ventilation not working and 8 had signs of damp and mould (or 1.5% of the properties inspected), although none of these were classed as serious hazards. None of these issues had previously been reported by the tenants and all have now been rectified. However, this survey confirmed that our properties are of a good standard and that damp and mould is not a significant or widespread issue.
42. Going forward, we have now recruited our own Stock Condition Surveyor, who will carry out a rolling programme of stock condition surveys covering 100% of Council homes, ensuring we have a more up to date and complete picture of the condition of our properties. All stock condition surveys will include an assessment of any damp and mould issues and hazards, and remedial action will be taken straight away to address these.
43. In 2022-23, we carried out inspections and remedial work to 237 Council properties where damp and mould had been reported. This compares to a total of 17,563 responsive repairs carried out in 2022-23 (or 1.3%) and reflects the outcome of the Stock Condition Survey.

Recommendations

44. It is recommended that annual updates continue to be provided to Members through this Scrutiny Committee to ensure appropriate oversight and monitoring of health and safety arrangements for Council housing that meet the RSH's standards.