

**HEALTH AND HOUSING SCRUTINY COMMITTEE
28 AUGUST 2024**

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 2023-24.

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 must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.
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.

Recommendations

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.

Reasons

6. The recommendations are supported by the following reasons :-
 - (a) The RSH's Safety and Quality Standard sets outcomes for social housing providers about the health and safety of tenant's homes.
 - (b) Specifically, social housing providers must identify and meet all legal requirements that relate to the health and safety of tenants in their homes and communal areas.

Anthony Sandys
Assistant Director – Housing and Revenues

Background Papers

- (i) The RSH Consumer Standards

Anthony Sandys: Extension 6926

Council Plan	This report supports the Council plan’s HOMES priority to provide affordable and secure homes that meet the current and future needs of residents
Addressing inequalities	There are no implications
Tackling Climate Change	There are no issues which this report needs to address
Efficient and effective use of resources	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
S17 Crime and Disorder	There are no implications
Wards Affected	All wards with Council housing
Groups Affected	Council tenants and leaseholders
Budget and Policy Framework	This report does not recommend a change to the Council’s budget or policy framework
Key Decision	This report does not represent a key decision
Urgent Decision	This report does not represent an urgent decision
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

7. The RSH sets a number of Consumer Standards, which apply to all social housing providers, including Councils.
8. Specifically, in relation to the Safety and Quality Standard, social housing providers must:
 - (a) Identify and meet all legal requirements that relate to the health and safety of tenants in their homes and communal areas.
 - (b) Ensure that all required actions arising from legally required health and safety assessments are carried out within appropriate timescales.
 - (c) Ensure that the safety of tenants is considered in the design and delivery of landlord services and take reasonable steps to mitigate any identified risks to tenants.

9. 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

10. 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.
11. 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.
12. 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.
13. In 2023-24, 165 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.
14. In addition, 67 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.
15. All Council sheltered and extra care schemes are compliant for 2023-24; this covers 212 properties.

Electrical Safety

16. 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.
17. 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.
18. 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.
19. In 2023-24, 1,461 electrical safety checks were completed. As previously reported to Members, a backlog of electrical safety checks due to the suspension of these checks

during the Covid pandemic has impacted on performance. As at the end of 2023-24, 4,058 Council properties were compliant, out of a total of 5,275 (or 76.93%). The backlog is due to be fully completed by November 2024, and therefore, we are expecting 100% compliance for 2024-25.

20. Electrical installations in our sheltered and extra care schemes are subject to an EICR at 5-year intervals. Four of our schemes were due for an EICR in 2023-24 and all were completed within compliance.

Gas Safety

21. 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.
22. Compliance with gas servicing and safety checks 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.
23. 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.
24. In 2023-24, 5,006 Council properties were due for their annual gas safety check, and 4,980 were completed in 2023-24 (or 99.48%). Of the remaining 26, 20 were compliant by end of June, with 6 still outstanding. The main reason for the 26 properties not being completed in 2023-24 were due to no access issues. 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.
25. For Sheltered accommodation, extra care schemes and Community Centres, all 16 buildings have had their gas safety checks completed on time in 2023-24. 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 (FRA) 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. FRA's 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 FRA's have been completed when due and address any issues reported.
 29. Specialist fire inspectors provide the regulatory reform audits for the sheltered and extra care schemes, and this is in recognition of the greater risks they present. All documents received are reviewed by a qualified risk assessor. In 2023-24, 18 sheltered schemes and community centres were due a fire regulatory audit, and all were completed within compliance.
 30. In addition, our Housing Services Fire Safety Policy 2022-27 sets out how we 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 2023-24, 76 apartment blocks were due to have their FRA reviewed and all of these, 64 were completed on time (or 84.2%). The risk assessments for 5 of the apartment blocks were completed at the end of May 2024 and the risk assessments for the remaining 7 blocks are currently being undertaken.
 32. We put a pause on completing the FRA's at the end of 2023-24 until we had undertaken the relevant FRA training, which has now been completed. We received our certification and relevant registration on 14 June 2024, so the outstanding FRA's and those due in 2024-25 re-started on 18 June and we anticipate all FRA's to be completed on time.
 33. Overall, for the 2,321 apartments in blocks, 2,260 were in compliance at the end of 2023-24 (or 97.37%).
 34. All Council sheltered and extra care schemes are within compliance for 2023-24.

Fire Door Safety

35. 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.
36. Whilst there are no specific issues with the existing fire doors within our communal apartment blocks, 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.
37. We commenced a 3-year programme of works in 2023-24 (quarter 4) to replace all fire doors in communal apartment blocks, to ensure they comply with the new regulations. A total of 1,011 fire doors require replacement. 190 of these were replaced in 2023-24, with a further 380 due in 2024-25 and the remaining 441 due in 2025-26. The 190 doors replaced in 2023-24 will, therefore, be due an annual inspection in 2024-25.
38. An increased inspection regime to complement the Fire Risk Assessment is also due to commence in 2024-25, to ensure any fire doors that fail their original compliance are replaced on a responsive basis.
39. In sheltered schemes, we will be undertaking some detailed surveys of existing fire doors to understand their compliance and whether they need replacing. This work is due to be completed in 2024-25, after which, a more detailed picture of compliance will be known, together with a planned programme of replacements. Therefore, it is not known how many are due to be replaced until all surveys have been completed. These figures are therefore not included above.

Water Safety (Legionella)

40. 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.
41. The Council must ensure that the health risk from Legionella bacteria in Council premises is assessed, managed and controlled 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.

42. In 2023-24, 18 Legionella risk reviews were due (353 apartments) and 15 were completed within the year (272 apartments), or 77%. The risk reviews for the 3 schemes that were outstanding at the end of 2023-24 were completed in April 2024 and, therefore, we are currently 100% compliant. The delay to these schemes was due to our Corporate Landlord team having to prioritise a major water leak at Dalkeith House.

Lift Safety

43. The Lift Operations and Lifting Equipment Regulations 1998 (LOLER) require a thorough examination (or LOLER inspection), for all passenger lifts within communal blocks, where they are provided for the use of the occupants. The LOLER inspection is a systematic and detailed inspection of the lift and all associated equipment by a competent person who must then complete a written report.
44. We have 10 sheltered and extra care schemes for which a test is required, and all were completed within compliance during 2023-24.
45. In 2023-24 we had 56 Stairlifts and 50 of those were serviced on time and within compliance (89.29%). The main reasons for non-compliance were:
 - (a) Access issues
 - (b) Data issues with the contractor
46. We are taking measures with our contractor to improve the notification period where access cannot be gained and reviewing our procedures for gaining access to properties.

Smoke Alarms and Carbon Monoxide Detectors

47. All of our Council homes have smoke alarms and carbon monoxide detectors (for properties with gas heating systems), which are tested as a routine aspect of our annual gas safety checks and annual heating system checks for our non-gas properties. Any necessary repairs or issues with smoke alarms or carbon monoxide detectors are raised on a callout ticket and typically resolved within 24 hours, with most being resolved same day.
48. 5,251 smoke alarm checks were due in 2023-24, with 5,231 completed in compliance (99.62%). The 20 outstanding have all now been checked (these were part of the same properties that were non-compliant for their gas safety checks).
49. 5,136 carbon monoxide detector checks were due in 2023-24, with 5,110 completed in compliance (99.49%). For the 26 outstanding, 20 have now been checked (these were the same properties that were non-compliant for their gas safety checks).

Damp and Mould

50. Our approach to damp and mould in Council homes is set out in our Damp, Mould and Condensation Policy 2023-27. This policy confirms that dealing with damp and mould is a high priority including reports of issues from tenants.
51. 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.
52. 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.
53. In 2023-24, we carried out inspections and remedial work to 311 Council properties where damp and mould had been reported. This equates to 462 inspection or repair jobs, compared to a total of 15,372 responsive repairs carried out in 2023-24 (or 3%).

Recommendation

54. 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.