



Public Document Pack

Uttlesford District Council

Chief Executive: Peter Holt

SUPPLEMENTARY PACK

Governance, Audit and Performance Committee

Date: Wednesday, 30th March, 2022
Time: 7.00 pm
Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chairman: Councillor E Oliver
Members: Councillors H Asker, G Driscoll (Vice-Chair), J Emanuel, M Foley,
A Khan, B Light, S Luck and J De Vries

ITEMS WITH SUPPLEMENTARY INFORMATION PART 1

Open to Public and Press

- | | | |
|----------|---|----------------|
| 5 | Planning Committee Working Group- Recommendations relating to constitutional changes | 3 - 11 |
| | To consider the recommendations relating to constitutional changes. | |
| 6 | Uttlesford Norse Services Ltd Update | 12 - 29 |
| | To receive Uttlesford Norse Services Ltd Update report. | |



Uttlesford District Council

Chief Executive: Peter Holt

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Agenda Item 5

Committee:	Governance Audit and Performance Committee	Date:	Wednesday
Title:	Planning Committee Working Group Recommended changes to the constitution		30 March 2022
Report Author:	Jeanette Walsh, Interim Planning Transformation Lead jwalsh@uttlesford.gov.uk		

Summary

1. On 07 December Full Council agreed to set up a Planning Committee Working Group (PCWG).
2. The working group was established in order to take responsibility for implementing of some of the recommended actions in the East of England Local Government Association (EELGA) Peer Review of Planning. The specific areas of focus are Member Development (related to planning) and Planning Committee.
3. The working group had meetings on meetings on 16/12/21, 17/02/22, 02/03/22 and 23/03/22. They specifically discussed and considered reports about changes to the Call in protocol for planning applications, Member Training requirements for Planning Committee, Amendments to the Constitution relating to Planning and the Scheme of Delegation and Changes to the Protocol for Public Speaking. The reports and minutes are public documents and there is a link in the background paper section to this report to that part of the UDC website where these documents are available to inspect.
4. The group have been mindful of the recommendations in the PEER Review report and have sought to improve the functionality of the Planning Committee and support timely decision making.
5. It should be noted that this is one strand of the work that the group is doing. They are continuing to meet and follow up and implement the pathway actions from the PEER review.
6. In relation to Recommendation 1, there is one change to the call in protocol. The working group agreed that in order to support officers with achieving the statutory deadlines for determination of applications the time for a request for an application to be called to planning committee should reduce from 5 weeks to 4 weeks. This would still allow for the 3 week publicity to expire and give time for Cllrs to consider whether to exercise their call in.
7. In relation to Recommendation 2, the working group has considered whether to agree a wording change to introduce a requirement that Cllrs who wish to sit on Planning Committee should attend a mandatory training session. The current wording which introduces the mandatory element of training also

balances this with a requirement that training is offered on a more regular basis during the year and that the programme of training would be in agreement with the Chair of Planning.

- 8 In relation to Recommendation 3. the working group considered the existing scheme of delegation and received two reports about it. There are five changes that have been agreed. All of the changes are intended to increase the efficiency of the authority in dealing with minor applications and remove small applications from the agenda which do not need to be on the agenda.
- 9 In relation to Recommendation 4. the working group in considering any changes to the Protocol for Public Speaking were very mindful that the Protocol had been recently updated in 2020. Therefore, there is only one change. This change was considered to be sensible and part of best practice of and best practice. The change removes the right of an applicant to speak at Planning Committee where there is a recommendation for approval and there are no speakers against the recommendation for approval

Recommendations

- 10 **Recommendation 1.** To recommend to Full Council that the changes to the call in protocol (exact wording) as set out in Appendix 1 should be agreed as changes to the constitution.
- 11 **Recommendation 2** To recommend to Full Council that the changes to Member Training Requirements (exact wording) as set out at Appendix 2 should be agreed as changes to the constitution.
- 12 **Recommendation 3** To recommend to Full Council that the changes relating to Planning and the Scheme of Delegation (exact wording) as set out in Appendix 3 should be agreed as changes to the constitution.
- 13 **Recommendation 4** To recommend to Full Council that the changes to the Protocol for Public speaking (exact wording) as set out in Appendix 4 should be agreed as changes to the constitution.

Financial Implications

- 14 None

Background Papers

- 15 Agendas, reports and minutes of the [Planning Committee Working Group](#) are publicly available on the UDC website.

Impact

- 16

Communication/Consultation	A briefing note for Councillors will be organised should the recommendations be
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	agreed by Full Council in April
Community Safety	None identified
Equalities	None identified
Health and Safety	None identified
Human Rights/Legal Implications	None identified
Sustainability	None identified
Ward-specific impacts	
Workforce/Workplace	None identified

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Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
<p>There are limited risks associated with the changes to the constitution recommended in this report Risk.</p> <p>The actions and work of the group flows from recommendations following a PEER Review of the Local Planning Authority</p>	1	2	<p>The working group continues to be operational and is committed to continuous improvement and especially during a time of hybrid working wants to make changes to ways of working for the Committee. Any consequences of the changes to the constitution can be reviews by the group</p>

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1

Extract Part 5 Codes and Protocols

2. Procedure for calling in an application

2.1. Any member of the council may call in an application which would fall to be dealt with by officers under delegated powers regardless of where the application site is situated within the District.

2.2. If a member is considering calling in an application for a site in a ward in respect of which that member is not a ward member then before calling in the application the member shall inform the member or members for that ward of the intention to do so.

2.3. A request for a planning application to be called in must be:-

2.3.1. In writing (including e-mail);

2.3.2. Made within (delete the number 5 and add the number 4) weeks of the validation date
(which may be ascertained from the Council's website);

2.3.3. State if the application is to be called in if the officer recommendation is for approval or refusal (but not both);

2.3.4. Give valid planning reasons for requesting that the application be called in.

Appendix 2

Current wording:

Officers will arrange training on planning issues. All members of the Council will be invited to attend. All members of the Planning Committee should attend.

To be replaced with:

Officers will arrange an annual basic mandatory training session for Councillors who are members or substitute members of Planning Committee. This training must be undertaken before participating in decision making at Planning Committee. All members of the Council who are not on Planning Committee or a substitute member of planning committee will be invited to attend on a voluntary basis. Officers will arrange and offer (in consultation with the Chair of Planning) a programme of topic focussed training to run throughout the year. Topics to include review of decision made, visits to implemented schemes and updates on changes to planning law.

Appendix 3

Extract Section 2, Part 3 Responsibility for Function

ASSISTANT DIRECTOR PLANNING & BUILDING CONTROL

1. Carry out any functions laid out in the Schedule below, except for the determination of:
 - 1.1 Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission **where the application was accompanied by an Environmental Statement**
 - 1.2 Any application a member has called in for a planning reason within the agreed time period;
 - 1.3 Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009
 - 1.4 ~~Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere.~~ **Approval of major applications which fall into the category of a major application (as defined by the GDPO).**
 - 1.5 Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;
 - 1.6 **Any application where the applicant is an officer of the Council, an elected Member or a spouse, child or partner**
 - 1.7 Applications which would otherwise be delegated but which the Assistant Director Planning and Building Control considers should come before the Committee.
 - 1.8 **Any application for a Dead of Variation to a s106 Agreement which is an alteration to a Head of Term agreed by Planning Committee.**
2. Carry out all functions related to the enforcement of planning legislation contained in the Schedule ~~except that the issue of all~~

~~formal notices must be jointly authorised by the Assistant
Director – Governance and Legal~~

Appendix 4 – Extract Part 5 Codes and protocols.

PROCEDURE FOR PARISH/TOWN COUNCIL REPRESENTATIVES/ MEMBERS OF THE PUBLIC ATTENDING MEETINGS OF THE PLANNING COMMITTEE

1. **Attendance by Parish/Town Councillors and Members of the Public**
 - 1.1 Town/parish councils and applicants/agents, objectors and supporters may make representations on all applications.
If an application is recommended for approval and there are no registered speakers against the application the applicant/agent will not have the right to make representations.
 - 1.2 Two representatives of the town or parish council may also attend site visits. (see Procedure for Members' Site Visits above).
 - 2.3. The Town or parish council representative and members of the public may attend the meeting and speak on any application. They must register with the Democratic Services Officer at Uttlesford District Council (telephone 01799 510410) or email: committee@uttlesford.gov.uk by 2pm on the day before the meeting. The order of speaking for each application will be as follows
 1. Non-committee member
 2. Supporters
 3. Objectors
 4. Town or parish council
 5. Applicant or Agent
 - 2.4 The town/parish council representative may speak for up to 5 minutes, members of the public may speak for up to minutes. Applicants and their representatives may speak for up to 15 minutes
 - 2.5 At the meeting those making representations should sit in the public area until the relevant item is to be considered.
 - 2.6 Those making representations should sit at the allotted desk alongside members to make their statement and having made their statement should then return to the public area (or leave the meeting).

Agenda Item 6

Committee:	Governance Audit and Performance	Date:	30 March 2022
Title:	Update on Housing and other Council property Repairs & Maintenance and Capital Improvement issues, inc Health and Safety works		
Report Author:	Peter Holt, Chief Executive pholt@uttlesford.gov.uk 01799 510400		

Summary

1. Concerns about the management and delivery of housing and other council property repairs and maintenance, capital improvements works, and particularly health and safety works were raised with the Committee late last year, on the back of an Internal Audit Report, and following an outbreak of legionella in a council owned property. The Council Chief Executive shared with elected Members his particular concerns about not being immediately able to gain the necessary degree of confidence he required around the delivery in particular of works relating to health and safety.
2. Following extensive investigation into the handling in particular of health and safety aspects of the services provided to the c3,000 council housing stock, as well as council offices, Officers can report that the necessary substantial improvements have been delivered in the reporting and monitoring of health and safety requirements, covering legionella, gas and electricity checks, fire checks, cladding and lift maintenance.

Recommendations

3. To note this report.

Financial Implications

4. None specific to this report. Provision for both repairs and maintenance and proactive capital improvements in the Council's housing stock is fully funded within the Housing Revenue Account.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - Detailed specification around management and reporting of health and safety works, November 2021 (appendix 1)
 - Itemised response to those reporting requirements, February 2022 (appendix 2)

Impact

6.

Communication/Consultation	nil
Community Safety	This report specifically relates to safety of residents of and visitors to council properties
Equalities	Health and safety risks fall disproportionately on people with disabilities, and those with lesser mobility due to age
Health and Safety	This report specifically relates to safety of residents of and visitors to council properties
Human Rights/Legal Implications	Compliance with health and safety requirements is backed up by extensive legislative duties
Sustainability	Nil
Ward-specific impacts	All wards
Workforce/Workplace	As well as affecting council housing, this work also covers a small number of council offices and buildings.

Situation

7. Following extensive investigation into the handling in particular of health and safety aspects of the services provided to the c3,000 council housing stock, as well as council offices, substantial improvements have been delivered in the reporting and monitoring of health and safety requirements, covering legionella, gas and electricity checks, fire checks, cladding and lift maintenance.
8. Detailed performance reports have now been provided against each of these health and safety performance aspects, and these are generally satisfactory against the rightly-high standards that the Council expects as a housing landlord, and as are required by various statutes. Exceptions to 100% compliance are each individually explained – for example, where a safety check has not been completed because of difficulty in accessing a council property due to tenant unavailability, details are provided of the repeated attempts to gain access, ultimately through to taking Court action to get through the door.

9. Over the coming months, Council Officers will carry out assurance checks intended to give confidence around the solidity of the high reporting measures, such as dip sampling individual cases, carrying out secondary site visits or discussions with tenants and so on.
10. In parallel, now that reporting giving assurance around risk to life and limb appears substantially more under control, Council Officers will develop similar reporting requirements of our providers around a broader range of repairs and maintenance and capital improvement works.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
That satisfactory reporting around health and safety works are not matched by reality	2	3	Assurance checks, as detailed above
That satisfactory performance around other repairs & maintenance and capital improvements work is being inadequately performance managed	3	3	Development of a detailed specification for presentation to the service provider to respond to, following the same pattern as successfully achieved over the prioritised health and safety concerns

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4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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UDC compliance assurance requirements from UNSL for critical health and safety factors

Introduction

Our new chief executive, on the back of the Internal Audit report into the internal governance arrangements for our joint venture that we have shared with you, is urgently requiring this degree of assurance to answer the basic and fundamental question: 'As the landlord – a duty which is not shared with UNSL – how can I be reassured that everything that reasonably needs to be done regarding health and safety activities is being done to acceptable standards, within timescales, in compliance with the law and in line with our SLA with UNSL?'. Unless and until we have not only effective delivery – which may indeed already be in place - but also effective and definitive reporting, then we are not able to give that reassurance, which will inevitably lead to an urgent escalation of this matter.

Gas:

Our expectations of what needs to happen: focusing on critical health and safety issues in particular, (and setting aside for now our broader expectations around ongoing maintenance, repairs, renewal etc.) every single property with gas is to be inspected by a Gas Safety Registered Engineer, and a Landlord Gas Safety Record is provided for that inspection, every 12 months. For any properties where defects are recorded, we expect those to have been recorded as rectified during the inspection visit, or the supply/ faulty appliance to be disconnected pending repair, fitting of a replacement part or replacement of the appliance. As this would then leave the tenant without heating and/or hot water, we'd also expect to see details of when the necessary repair/replacement is scheduled urgently to happen.

For any properties where it has not been possible to arrange access or access has been actively denied, we expect the following processes to be followed:

The Responsible Officer (RO) will request evidence that UNSL has made every endeavour to contact the tenant i.e., phone calls, letters, emails, text messages and knocking on the door of the property. UNSL must inform the RO that all avenues have been exhausted and no contact has been made by/with the tenant within the timescale as defined in the Council's Gas Servicing Policy and Procedures (attached). then the RO will agree that UNSL is to commence legal proceedings to gain access to the property. As well as the individual actions in each such case, we'd expect there to be a collated schedule of all such instances to allow for an at-a-glance overview.

Our expectations in terms of reporting thereof: we would expect to see progress reporting (over the rolling 12 month period) [on a monthly basis] – including both period reporting [the last month's work] and the rolling 12 month figures. The format for your reporting should continue to be via the excel spreadsheet to enable us to clearly see and understand:

- The denominator – namely exactly how many properties have gas, and therefore require an annual inspection
- The numerator – namely exactly how many properties with gas that have been inspected.
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property (as specified above)

- Details of properties 'Disc-ed'
- Where the proportion of those inspected compared to those that need an inspection is not 100%, we further require both the number of properties that have not been inspected and a detailed list of those specific properties, as well as a treatment strategy, with dates, detailing the action being taken by UNSL as agreed in the SLA
- We need to be notified on properties where no carbon monoxide monitor has been recorded.

Current reporting and gaps: The current reporting is helpful and welcome, but isn't as full and clear as set out in our expectations above, and lacks clarity over the threshold triggering the need for UNSL to take legal action to secure access to the property, and we would ask that this is urgently changed now as standard. The reporting mechanism needs to migrate from a locally managed excel spreadsheet to the online SIMPRO or Pirahna by 31 March 2022. A decision on which portal is to be made by 31 November 2021.

Efforts we have made to resolve these gaps: we have raised the threshold for taking legal action to secure access with UNSL's Operations Director on [date].

Legionella

Every single sheltered property whose water supply is from a shared tank is to be tested [at all outlets within each flat every month] by UNSL's chosen supplier (currently Norse Infinity) in compliance with the Approved Code of Practice (ACoP L8, HSG 274), and monthly reports are to be provided to the RO. Water samples must be despatched for laboratory analysis within [24 hours]. For any properties where any unsafe levels of legionella [metric to be stated] are recorded we expect a remediation plan to be notified to the RO on the same day that laboratory test results are supplied.

For any properties where it has not been possible to arrange access or access has been actively denied, we expect the following processes to be followed:

On being promptly supplied with the update, the Responsible Officer (RO) will request evidence that UNSL has made every endeavour to contact the tenant i.e., phone calls, letters, e mails, text messages and knocking on the door of the property. UNSL must inform the RO that all avenues have been exhausted and no contact has been made by/with the tenant within a reasonable period of time [needs to be defined: how often should contacts be attempted and how many attempts allowed] then the RO will agree that UNSL is to commence legal proceedings to gain access to the property.

Where inspected properties are found to have unsafe levels of Legionella we need to be kept informed [daily] of implementation of the remediation plan and retesting of water supplies post treatment.

Our expectations in terms of reporting thereof: we would expect to see progress reporting (over the rolling 12 month period) [on a monthly basis], as well as exception reporting on failed tests and ongoing action until the test is passed for that property on a daily basis, and exception reporting on failed access and follow up action being taken until access is granted and the test passed on a weekly basis, – including both period reporting [the last month's work] and the rolling 12 month figures.

The format for the reporting should be via the Teams portal as demonstrated to the RO on 18 November 2021 to enable us to download reports, and clearly see and understand:

- The denominator – namely exactly how many properties have shared water tanks, and therefore require monthly inspection
- The inspection rate – namely exactly how many properties have been inspected, and a percentage thereof against the denominator.
- The success rate – namely how many properties have fully passed the monthly inspection, and a percentage thereof against the denominator.
- Itemised updates on each individual property that either failed the test the previous month or was not tested because of lack of access
- We would expect the Teams portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded.

Current reporting and gaps: The current reporting mechanism needs to migrate from its ad hoc basis to the Teams portal by 31 December 2021 and for the portal to be populated and back log of reports to be captured by [date]. A number of outstanding low priority actionable items were due for by UNSL in house plumbers by 12th November. Assurance needs to be provided that these have now been completed.

Efforts we have made to resolve these gaps: Confirmation that all outstanding actionable items have been completed requested from UNSL's Operations Director on [date].

Fire Risk Assessments and Cladding Issues

Every single property with shared areas needs to be assessed on an annual basis by UNSL's selected supplier (currently Norse Infinity) who will use competent persons in compliance with the Fire Safety Order 2005, and monthly reports are to be provided to the RO. UNSL to ensure that FRA reports are received [within 14 days of inspection]. For any properties where unmitigated risks are identified a remediation plan to be notified to the RO [within x days] of the FRA reports being received by UNSL.

Where inspected properties are found to have unmitigated risks we need to be kept informed of the remediation plan progress. The necessary frequency of progress reports will be determined by the competent person's assessment of the risk level

Our expectations in terms of reporting thereof: we would expect to see progress reporting (over the rolling 12 month period) [on a monthly basis]. The format for the reporting should be via the SIMPRO portal as demonstrated to the RO on 18 November 2021 to enable us to download reports and clearly see and understand:

- The denominator – namely exactly how many properties have shared water tanks, and therefore require monthly inspection
- The inspection rate – namely exactly how many properties have been inspected, and a percentage against the denominator.
- The success rate – namely how many properties have passed the inspection, and a percentage against the denominator.
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property (as specified above).

- For any properties that were not inspected but are not out of the 12 month inspection window, we expect confirmation that each is programmed in for the following month.
- For any properties that were not inspected and are now outside the 12 month inspection window, we expect full details of the action being taken to secure prompt access.
- We would expect the SIMPRO portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded.

Current reporting and gaps:

The current reporting mechanism needs to migrate from its ad hoc basis to the SIMPRO portal by 31 December 2021 and for the portal to be populated and back log of reports to be captured by [31 December]. The claimed 100% FRA inspection position cannot be accepted, as receipt of [x] reports are understood not to be available until 31 November. It is noted that the closure of fire doors at John Dane Player Court and Hatherley Court sheltered schemes have now been properly adjusted.

The Swedish Houses that were identified as a fire risk. Whilst UNSL is installing L1 Fire Alarms in 2 out of the 7 properties, that still leaves 5 properties unprotected and no explanation as to how UNSL is mitigating this risk in the immediate future; remedial fire stopping works require substantial capital funding of circa £500,000.

We need to ask what is happening with these 5 properties and ask for the report on the costs of these remedial works. This was due to have been received by UNSL on Friday 12th November and is therefore already overdue.

Efforts we have made to resolve these gaps: The need for outstanding reports to be received by 30 November and all outstanding actionable items to be completed by [date] will be raised at the UNSL Liaison Board on 18 November.

Electrical Inspections

Every single property is to be inspected by a EICR qualified electrician to assess the condition and safety of the property's wiring, and a record is provided for that inspection, every 5 years. For any properties where defects are recorded, we expect those to have been recorded as rectified during the inspection visit, or the property/ circuit to be disconnected pending repair or rewiring. As it is not reasonable for a tenant to live without electricity for long, we require the most urgent remedial action to be taken in any and every such case. For avoidance of doubt, we expect this same day or next day, and a detailed explanation action plan if that is not possible.

For any properties where it has not been possible to arrange access or access has been actively denied, we expect the following processes to be followed:

The Responsible Officer (RO) is to be promptly informed and provided with evidence that UNSL has made every endeavour to contact the tenant i.e., phone calls, letters, e mails, text messages and knocking on the door of the property. UNSL must proactively inform the RO that all avenues have been exhausted and no contact has been made by/with the tenant within a reasonable period of time [needs to be defined: how often should contacts be attempted and how many attempts allowed] then the RO will agree that UNSL is to commence legal proceedings to gain access to the property.

Where inspected properties require repair and the property/ circuits have been disconnected, we need to know for each whether this is a temporary and urgent response, but which leaves that tenant without a supply they need, or whether there is a redundant circuit.

Our expectations in terms of reporting thereof: we would expect to see progress reporting) on a monthly basis. – including both period reporting [the last month's work] and the rolling 5 year figures. The format for your reporting should be via an enhanced excel spreadsheet to enable us to clearly see and understand:

- The denominator – namely exactly how many properties are in scope [ie all, as all have electricity], and therefore require a five yearly inspection
- The inspection rate – namely exactly how many properties that have been inspected.
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property of both fault and remediation plan
- For any properties that were not inspected but are not out of the 5 year inspection window, we expect confirmation that each is programmed in for the following month
- For any properties that were not inspected and are now outside the 5 year inspection window, we expect full details of the action being taken to secure prompt access

Current reporting and gaps: The current reporting is subject to backlog with many outstanding properties. Only 71.86% have an EICR up to 5 years old, but just 70 properties are currently with contractors for re-inspection. UNSL advises that the whole estate will not be brought into compliance by the end of Q2 2022. This indicates a deterioration in the situation at the point that maintenance of the stock was transferred to UNSL on 1 April 2020. At that point 100% of properties had an EICR up to 5 years old. Compliance is currently being managed on an excel spreadsheet, but UNSL plans to move this onto the SIMPRO software portal. The target date for completion is 31 March 2022.

Efforts we have made to resolve these gaps: The backlog, and programmed compliance date, has been raised with UNSL's Operations Director on [date].

Asbestos surveys

Every single property constructed prior to 2000 is to be inspected by a UNSL supplier (currently Norse Infinity) using a competent surveyor in accordance with HSE guidance on an Asbestos Containing Materials assessment (a Management Survey), and a record is to be provided for that inspection. This will include some re-survey work to ensure comprehensive information. This is needed to be able to demonstrate all risk areas, monitor staff usage of the Database, manage out removal programmes and on completion be able to demonstrate compliance and risk management.

Where the first inspection showed presence of asbestos, we expect a routine reinspection to check on the current state of containment every [12 months]. Reactive reinspections must take place promptly on any reported concern of disturbed asbestos.

For any properties where it has not been possible to arrange access or access has been actively denied, we expect the following processes to be followed:

The Responsible Officer (RO) is to be proactively and promptly provided evidence that UNSL has made every endeavour to contact the tenant i.e., phone calls, letters, e mails, text messages and

knocking on the door of the property. UNSL must inform the RO that all avenues have been exhausted and no contact has been made by/with the tenant within a reasonable period of time [needs to be defined: how often should contacts be attempted and how many attempts allowed] then the RO will agree that UNSL is to commence legal proceedings to gain access to the property.

Where inspected properties require remediation through removal of the asbestos, we need to know for each whether the competent surveyor assesses this to require an urgent response, or can be programmed.

Our expectations in terms of reporting thereof: we would expect to see inspection progress reporting [on a monthly basis] until the survey of the whole estate is completed. The format for your reporting should continue via the Teams online portal demonstrated on 18 November to enable us to download reports, and clearly see and understand:

- The denominator – namely exactly how many properties were constructed pre 2000, and therefore require an annual inspection
- The asbestos containing properties number
- The inspection rate – namely exactly how many properties have been inspected for asbestos, and a percentage proportion of the denominator
- The proactive reinspection rate – the percentage proportion of those found in the first inspection to have contained asbestos that have been proactively routinely reinspected within the agreed [12 month] window
- The reactive reinspection rate – the percentage proportion of those where specific concerns of disturbed asbestos have been reported that were reinspected within [X] days of the report
- For any of those properties inspected and found to have any asbestos and where a need for its removal was identified, we require adequate details for each specific named property including when that removal is scheduled for

Current reporting and gaps: The database for reports is incomplete. There are outstanding reports to be loaded onto the Teams online portal. All pre 2000 properties have been identified and a programme for completion of the re-surveys has been drawn up. Clarification is required as to whether re-survey work will be phased over the next three years or in year 3 of the contract term (2022-23). The former programme is too extended a timeframe. UNSL claims 87% compliance but it is unclear what this means. It is inconsistent with the stated target of being able to demonstrate compliance and risk management by Year 3.

Efforts we have made to resolve these gaps: The UNSL Operations Director has been chased since October 2021 over the backlog, programmed compliance date and lack of a target date for population of the Teams online portal. The latter has now been confirmed as 31 March 2022.

Lifts and stairlifts

Every single property with lifts and stairlifts needs to be assessed on an [annual] basis by UNSL's selected supplier (currently [Zurich]) who will use competent persons in compliance with [the manufacturers' guidance], and monthly reports are to be provided to the RO. UNSL to ensure that reports are received [within 14 days of inspection]. For any properties where unmitigated risks are

identified a remediation plan to be notified to the RO [within x days] of the FRA reports being received by UNSL.

Where inspected properties are found to have unmitigated risks we need to be kept informed of the remediation plan progress. The necessary frequency of progress reports will be determined by the competent person's assessment of the risk level

Our expectations in terms of reporting thereof: we would expect to see progress reporting (over the rolling 12 month period) [on a monthly basis]. The format for your the reporting should be via the SIMPRO portal as demonstrated to the RO on 18 November 2021 to enable us to download reports and clearly see and understand:

- The denominator – namely exactly how many lifts and stairlifts are installed, and therefore require [annual] inspection
- The numerator inspection rate – namely exactly how many lifts and stairlifts have been inspected, and a percentage against the denominator.
- The success rate – namely how many lifts and stairlifts have passed the inspection, and a percentage against the denominator.
- For any of those lifts and stairlifts inspected and found to have any defect, we require adequate details for each specific named item of equipment (as specified above)
- For equipment not inspected but are not out of the 12 month inspection window, we expect confirmation that each is programmed in for the following month
- For any properties that were not inspected and are now outside the 12 month inspection window, we expect full details of the action being taken to rectify the programme slippage
- We would expect the SIMPRO portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded.
- Where the proportion of those inspected compared to those that need an inspection is not 100%, we further require both the items of equipment that has not been inspected and a detailed list of those specific items, as well as a treatment strategy, with dates, detailing the action being taken by UNSL as agreed in the SLA

Current reporting and gaps:

The current reporting mechanism needs to migrate from its spreadsheet basis to the SIMPRO portal by 31 December 2021 and for the portal to be populated and back log of reports to be captured by [31 December]. All stairlift and lifts have been cross-referenced with the addresses held on the Zurich portal, a few anomalies where found which UNSL are working with RO to rectify the same.

Efforts we have made to resolve these gaps: UNSL has spoken with all of its maintenance contractors, so they are aware of the defects found during the Zurich's inspections and have been given assurances that the defect actions are being corrected and will be completed as a matter of urgency. The need for outstanding reports to be received by 30 November and all outstanding actionable items to be completed by [date] will be raised at the UNSL Liaison Board on 18 November.

The stairlifts in the main building at Walden Place have been isolated and an out of order sign on them so there is not confusion and the SHO is aware of all actions.

18 November 2021

UDC compliance assurance requirements from UNSL for critical health and safety factors

Introduction

Following the paper issued to UNSL by Roger Harborough on the 19th November 2021, and then discussed as part of the Company Board meeting of the same date, UNSL continued with its review of all compliance areas as part of the transition exercise of moving the compliance data from its current method of data capture and certificate storage to a set of new compliance portals. This was going to be a mix of SIMPRO, Piranha or TEAMS, with a deadline of having the portals all live by the 31st March 2022, however following early issues with uploading the data and then checking the functionality of the portals to deliver the outcomes required as part of the paper issued by UDC, UNSL took the decision to look at alternative solutions, this resulted in the Connect Compliance portal being the preferred option. Advantages of using Connect include all compliance information on one portal, KPI dashboards for each area of compliance, the ability to look forward to replacement requirements, therefore assisting in long term budget planning. Although UNSL has changed the portal it is going to utilize for the management of compliance. The go live date remains the same

Having reviewed the paper issued by UDC, UNSL has looked at all the bullet points on each area of compliance and responded with how this is going to be achieved:

Gas:

- The denominator – namely exactly how many properties have gas, and therefore require an annual inspection: – ***The number of properties that have a requirement for an annual gas inspection under the Gas Safe Legislation will be recorded on the Connect Compliance Portal. A full list of those same properties will be available to be downloaded if required and this number will also be detailed on the monthly compliance spreadsheet.***
- The numerator – namely exactly how many properties with gas that have been inspected: – ***The number of properties that have had the annual gas inspection will be recorded on the Connect Compliance Portal. The Gas Certificate will be uploaded to the portal for future reference and for statutory reporting requirements. The total number of properties that have a current Gas Certificate will also be detailed on the monthly compliance spreadsheet.***
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property (as specified above) – ***Any defect found either as part of the annual appliance planned preventative maintenance servicing routine or during the annual gas safety check will if possible be fixed at the time of the visit. If a repair cannot be undertaken, then the property is provided with alternative heating options and the hot water immersion cylinder is checked and left working. A report is then issued detailing the works required by UNSL's sub-contractor and a decision is made on the best solution to rectify the issue. This is business as usual under the contract and not currently reported to UDC unless the rectification period is going to take an unreasonable time. Going forward if required this requirement can be added to the Weekly Gas Servicing report sent to UDC.***

- Details of properties 'Disc-ed' – ***The details of any property which has been Disc-ed is reported to UDC on the Weekly Gas Servicing Report / Dodd Service Program weekly report.***
- Where the proportion of those inspected compared to those that need an inspection is not 100%, we further require both the number of properties that have not been inspected and a detailed list of those specific properties, as well as a treatment strategy, with dates, detailing the action being taken by UNSL as agreed in the SLA: – ***Any property which needs an inspection however, has not received an inspection for whatever reason is captured on the Weekly Gas Servicing Report. This report details the reason why an inspection has not been carried out and the status of the actions being undertaken by UNSL to gain access to complete the inspection.***
- We need to be notified on properties where no carbon monoxide monitor has been recorded: – ***The carbon monoxide monitor is checked as part of the annual Gas safety check with the result recorded on the Gas Certificate. If a battery powered Monitor is not working when tested, the battery is replaced and if required a new Monitor installed. Where a mains carbon monoxide monitor is found to be defected, this is reported by Dodd to UNSL, and treated as an emergency however, as an interim measure a battery carbon monoxide monitor is fitted until a replacement mains monitor is installed. Currently all properties which have a gas appliance have a Carbon Monoxide Monitor fitted. In the exceptional event that this changes UDC will be notified on the Weekly Gas Servicing Report and the monthly compliance report. This will include details of when the property will receive a monitor, and the reason why no monitor is fitted.***
- The reporting mechanism needs to migrate from a locally managed excel spreadsheet to the online SIMPRO or Piranha by 31 March 2022. A decision on which portal is to be made by 31 November 2021: - ***The Connect Portal will be used for management of Gas compliance. It will be live by the 31st March 2022.***

Legionella

- The denominator – namely exactly how many properties have shared water tanks, and therefore require monthly inspection: ***The number of properties that have a requirement for monthly water monitoring under L8 Legionnaires Disease legislation will be recorded on the Connect Compliance Portal. A full list of those same properties will be available to be downloaded if required and this number will also be detailed on the monthly compliance spreadsheet.***
- The inspection rate – namely exactly how many properties have been inspected, and a percentage thereof against the denominator: - ***The number of properties that have been subjected to monthly monitoring / sampling / flushing will be recorded on the Connect Compliance Portal. This will be shown as a percentage against the Denominator and will also be detailed on the monthly compliance spreadsheet as both a numerator and a percentage.***

- The success rate – namely how many properties have fully passed the monthly inspection, and a percentage thereof against the denominator. - ***The number of properties that have fully passed the monthly monitoring / sampling / flushing will be recorded on the Connect Compliance Portal. This will be shown as a percentage against the Denominator and will also be detailed on the monthly compliance spreadsheet as both a numerator and a percentage.***
- Itemised updates on each individual property that either failed the test the previous month or was not tested because of lack of access – ***Currently any property which fails any element of the monthly monitoring checks is dealt with as business as usual by UNSL. No access is not an issue as all properties under the testing regime are communal buildings and any property which has failed monitoring checks is highlighted on the monthly compliance spreadsheet. This details the reason why any element of the monitoring routine has not been carried out and the status of the actions being undertaken by UNSL in order to gain access to complete the inspection.***
- We would expect the Teams portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded: - ***The Connect Portal will be used for management of Legionella. It will be live by the 31st March 2022.***

Fire Risk Assessments and Cladding Issues

- The denominator – namely exactly how many properties have a requirement for a Fire Risk Assessment, and therefore require an inspection: ***The number of properties that have a requirement for Fire Risk Assessment under current legislation will be recorded on the Connect Compliance Portal. A full list of those same properties will be available to be downloaded if required and this number will also be detailed on the monthly compliance spreadsheet.***
- The inspection rate – namely exactly how many properties have been inspected, and a percentage thereof against the denominator: - ***The number of properties that have been subjected to a Fire Risk Assessment will be recorded on the Connect Compliance Portal and will be shown as a percentage against the Denominator. This will also be detailed on the monthly compliance spreadsheet as both a numerator and a percentage.***
- The success rate – namely how many properties have fully passed the inspection, and a percentage thereof against the denominator: - ***The number of properties that have fully passed the Fire Risk Assessment will be recorded on the Connect Compliance Portal and will be shown as a percentage against the Denominator. This will also be detailed on the monthly compliance spreadsheet as both a numerator and a percentage.***
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property (as specified above): – ***Any property in which the Fire Risk Assessment highlight defects will be reported on the monthly Compliance Spreadsheet. Any defect will be actioned or passed to the relevant person within UDC for***

action [An example is poor housekeeping with tenant's old items dumped in communal areas causing access issues] on receipt of the FRA.

- For any properties that were not inspected but are not out of the 12-month inspection window, we expect confirmation that each is programmed in for the following month: – ***The Connect Compliance Portal has a front page for each compliance discipline. This has a next month, two month and annual inspection key and allows UNSL to adequately plan future Fire Risk Assessments throughout the year. Future functionality will allow orders to be directly placed with nominated specialists directly by the system.***
- For any properties that were not inspected and are now outside the 12-month inspection window, we expect full details of the action being taken to secure prompt access: - ***All properties requiring Fire Risk Assessment are communal or corporate. Therefore, access is not an issue. In the event that a Fire Risk Assessment is not undertaken with the 12-month inspection window, this will be reported on the monthly compliance spreadsheet and will detail the reason why Fire Risk Assessment have not been carried out and the status of the actions being undertaken by UNSL in order to complete the same.***
- We would expect the SIMPRO portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded: - ***The Connect Portal will be used for management of the Fire Risk Assessments. It will be live by the 31st March 2022.***

Electrical Inspections

- The denominator – namely exactly how many properties are in scope [i.e. all, as all have electricity], and therefore require a five yearly inspection: - ***The number of properties that have a requirement for an Electrical Installation Condition Report that are undertaken to the applicable IET Wiring Regulations applicable at the time of build, will be recorded on the Connect Compliance Portal. A full list of those same properties will be available to be downloaded if required. This number will also be detailed on the monthly compliance spreadsheet.***
- The inspection rate – namely exactly how many properties that have been inspected: - ***The number of properties that have been subjected to an Electrical Installation Condition Report will be recorded on the Connect Compliance Portal. This will be shown as a percentage against the Denominator and will also be detailed on the monthly compliance spreadsheet as both a numerator and a percentage.***
- For any of those properties inspected and found to have any defect, we require adequate details for each specific named property of both fault and remediation plan: – ***If during the Electrical Installation Condition survey, a property is found to have defects classified as C1 or C2 under the applicable IET Wiring Regulations, these would be repaired at the time of the inspection, where possible. If this is not possible, they are completed the next working day.***

- For any properties that were not inspected but are not out of the 5-year inspection window, we expect confirmation that each is programmed in for the following month: – ***The Connect Compliance Portal has a front page for each compliance discipline and has a next month, two month and annual inspection key. This allows UNSL to adequately plan future Electrical Installation Condition Report surveys throughout the year. Future functionality will allow orders to be directly placed with nominated specialist directly by the system.***
- For any properties that were not inspected and are now outside the 5-year inspection window, we expect full details of the action being taken to secure prompt access: - ***In the event that a Electrical Installation Condition Report test is not undertaken and therefore the property no longer has a certificate that is dated within the previous 5 year window, it will be reported on the monthly compliance spreadsheet. It will detail the reasons why the EICR has not been carried out and what steps are being taken by UNSL to undertake the inspection.***
- Target date for population of the Teams online portal. The latter has now been confirmed as 31 March 2022: - ***The Connect Portal will be used for management of Electrical Inspections. It will be live by the 31st March 2022.***

Asbestos surveys

- The denominator – namely exactly how many properties were constructed pre-2000, and therefore require an annual inspection: – ***The number of properties that were constructed pre 2000 and have a requirement for an annual asbestos inspection under The Control of Asbestos Regulations 2012, will be recorded on the Connect Compliance Portal. A full list of those same properties will be available to be downloaded if required. This number will also be detailed on the monthly compliance spreadsheet.***
- The asbestos containing properties number: ***The number of properties that were constructed pre 2000 and have a requirement for an annual asbestos inspection under The Control of Asbestos Regulations 2012, will be recorded on the Connect Compliance Portal. A full list of those same properties will be available to be downloaded if required. This number will also be detailed on the monthly compliance spreadsheet.***
- The inspection rate – namely exactly how many properties have been inspected for asbestos, and a percentage proportion of the denominator: - ***The number of properties that have been subjected to an Asbestos Inspection will be recorded on the Connect Compliance Portal and will be shown as a percentage against the Denominator. This will also be detailed on the monthly compliance spreadsheet as both a numerator and a percentage.***
- The proactive reinspection rate – the percentage proportion of those found in the first inspection to have contained asbestos that have been proactively routinely reinspected within the agreed [12 month] window: - ***Prior to the start of the JV contract, UDC informed Norse that all properties where compliant with respect to the Management of Asbestos. UNSL now undertake re-inspections on a rolling programme in order that all properties built prior to 2000 will be inspected every 5 years. The exception to this will be any***

property that following risk assessment is deemed High Risk or where asbestos has been disturbed by any means.

- The reactive reinspection rate – the percentage proportion of those where specific concerns of disturbed asbestos have been reported that were reinspected within one day of the report: - ***In the event that a reactive report is logged with UNSL by any means / person, UNSL will undertake an inspection and testing of the area of concern on the same day that it was reported. Post inspection, UNSL carry out any remediation works using a specialist asbestos contractor and implement an asbestos management programme for this property with re-inspection in 12 months, unless the remediation works resulted in total removal of any asbestos containing material. Any incident of this nature will be reported on the monthly compliance spreadsheet.***
- For any of those properties inspected and found to have any asbestos and where a need for its removal was identified, we require adequate details for each specific named property including when that removal is scheduled for: ***Where the asbestos survey identifies that a property has asbestos that needs to be removed, it will be managed by UNSL using a competent asbestos removal contractor. All records relating to the removal will be stored in the compliance portal for future reference and details of all asbestos removals carried out in the month being highlighted on the monthly compliance spreadsheet.***
- Target date for population of the Teams online portal. The latter has now been confirmed as 31 March 2022: - ***The Connect Portal will be used for management of Asbestos. It will be live by the 31st March 2022.***

Lifts and stairlifts

- The denominator – namely exactly how many lifts and stairlifts are installed, and therefore require [annual] inspection: – ***The number of properties which have a requirement for an annual inspection under the Lifting Operations and Lifting Equipment Regulations 1998 [LOLER Regulations], will be recorded on the Connect Compliance Portal. A full list of those same properties will be available to be downloaded if required. This number will also be detailed on the monthly compliance spreadsheet.***
- The numerator inspection rate – namely exactly how many lifts and stairlifts have been inspected, and a percentage against the denominator: - ***The number of properties that have been subjected to an inspection under the requirement of the LOLER Regulations, will be recorded on the Connect Compliance Portal. This will be shown as a percentage against the Denominator and will also be detailed on the monthly compliance spreadsheet as both a numerator and a percentage.***
- The success rate – namely how many lifts and stairlifts have passed the inspection, and a percentage against the denominator: - ***The number of properties that have fully passed the LOLER Regulations required Insurance inspection, will be recorded on the Connect Compliance Portal. This will be shown as a percentage against the Denominator and will***

also be detailed on the monthly compliance spreadsheet as both a numerator and a percentage.

- For any of those lifts and stairlifts inspected and found to have any defect, we require adequate details for each specific named item of equipment (as specified above) – ***Any Lift or Stairlift in which the Insurance Inspection highlights defects will be reported on the monthly Compliance Spreadsheet. Any defect will be actioned in accordance with the SLA's within the contract.***
- For equipment not inspected but are not out of the 12-month inspection window, we expect confirmation that each is programmed in for the following month: – ***The Connect Compliance Portal has a front page for each compliance discipline and has a next month, two month and annual inspection key. This allows UNSL to adequately plan future Insurance Inspections required under the LOLER Regulations throughout the year. Future functionality will allow orders to be directly placed with nominated specialist directly by the system.***
- For any properties that were not inspected and are now outside the 12-month inspection window, we expect full details of the action being taken to rectify the programme slippage: – ***In the event that an insurance inspection is not undertaken, it will be reported on the monthly compliance spreadsheet. It will include the reasons why the inspection has not been carried out and what steps are being taken by UNSL to undertake the inspection.***
- We would expect the SIMPRO portal to be populated by 31 December 2021, including any back log of reports since [1 April 2020] not yet uploaded: – ***The Connect Portal will be used for management of Lifts & Stairlifts. It will be live by the 31st March 2022***