

**Committee:** Governance, Audit and Performance Committee

**Date:**  
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**Title:** Update on Council Housing Maintenance and Regulatory Compliance

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## Summary

1. This report updates Councillors on progress regarding the repairs and maintenance services provided by Uttlesford Norse Services Ltd (UNSL). It follows the Chief Executive's report to GAP on the same matter, on 30<sup>th</sup> August 2022.
2. Following the Council's self-referral to the Regulator of Social Housing on 23 August 2022 for potential breach of the regulatory Home Standard in relation to health and safety compliance, this report sets out the current position with the Regulator, in their ongoing consideration of the issues raised by the Council in the self-referral – the Regulator is yet to decide whether the Council has breached the Home Standard.
3. This report updates Members on other regulatory matters concerned with the housing service and the activities being undertaken by the Council to ensure that all areas of the landlord service meet the regulatory standards.
4. This report provides an update to Members on how the Council is addressing in relation to its own housing stock, the recent nationally spotlighted issue of damp and mould in the social-rented sector.

## Recommendations

5. Members are invited to discuss the detail provided in this report and to raise any queries and issues they determine appropriate for further consideration and potential action.
6. Members are invited to note the information provided within the contents of this report.

## Financial Implications

7. There are no additional financial implications to be considered by Members at this time. Any costs arising from the activities set out in this report have been budgeted for within the current year's budget and will be included in the budget-setting process for the new financial year 2023-24.

## Background Papers

8. 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:
- Report of the Chief Executive to GAP at the meeting of GAP held on 30<sup>th</sup> August 2022, with appendices.

## Impact

9.

Communication/Consultation	<p>An extensive and coordinated programme of stakeholder communication took place at the time of the self-referral to the Regulator in August 2022. There was a very low response from tenants and queries could be answered by the Council, with no further escalation. No media enquiries were received in relation to this matter.</p> <p>A new Communications Plan will be devised in the event the Regulator takes the decision that the Council has breached the Home Standard.</p>
Community Safety	<p>There are no specific impacts in relation to the wider community.</p>
Equalities	<p>Tenants and residents who have a long-term illness or disability, the very young and old, will be more adversely affected by homes which are in a poor-state of repair. In particular homes which have poorly performing heating systems, where health and safety risks are inadequately managed or where there is damp and mould. Where there is a cultural or language barrier, this may impact on a tenants' ability to properly access council services, including reporting repairs and/or arranging access for their completion.</p>
Health and Safety	<p>The health and safety of our tenants and leaseholders, their visitors, and also of staff is the central driving factor behind the urgent management actions in relation to property maintenance.</p>
Human Rights/Legal Implications	<p>Legal, statutory and contractual issues are again a set of driving factors addressed</p>

	explicitly in this report.
Sustainability	There is no direct impact arising from this report.
Ward-specific impacts	All wards
Workforce/Workplace	This report specifically addresses not only those staff (not only housing, but others such as benefit advisors) whose work takes them into tenants' and leaseholders' homes in the course of their duties, but also a much wider group of staff, as this issues in this report include, for example, the fire and legionella checks of council buildings such as the London Road headquarters.

## Situation

10. The Council's decision to self-refer to the Regulator of Social Housing arose from issues highlighted in the internal audit of November 2021 relating to the management of health and safety compliance for council homes. Full details of the reasons for self-referral, with supporting documentation, are contained in the Chief Executive's report to GAP on 30<sup>th</sup> November 2022. At the time of self-referral, the Council provided to the Regulator the current known performance as reported by UNSL in relation to the six areas of health and safety compliance. The Council shared with the Regulator its 'Path to Compliance' Action Plan, setting out the actions it would take to improve its approach to ensuring that UNSL delivered an acceptable level of service and crucially, to ensure that the Council's tenants were kept safe in their homes.
11. The Chief Executive and the Interim Director of Housing, Health and Communities met with the Regulator following the self-referral and also had various email communications with the Regulator, where further information was provided at the request of the latter. Given that one of the actions in the Path to Compliance Action Plan was for the Council to commission an independent validation of performance reported by UNSL, the Regulator agreed to withhold its judgement as to whether the Council has breached the Home Standard until the publication of findings arising from this independent validation process. The validation project is in progress, with findings expected mid-December 2022. At that time, the Council and UNSL will be clear on the true compliance position, and this will provide an accurate baseline, upon which to build on and/or maintain performance, depending whether the actual performance meets the required standards. It will be at this time that the Regulator will make its final determination on whether further intervention will be required; this may include the service of a Regulatory Improvement Notice on the Council.
12. Immediately following the self-referral, the Council has embarked on the delivery of the Path to Compliance Action Plan and demonstrable progress has

been made, not only in improving on the compliance position reported to GAP in August 2022, but also in building relationships between the Council and UNSL and engaging in robust contract management. These measures have included a successful 'Fresh Start' team-building event involving staff across the two organisations, weekly in-person 'Touchpoint' meetings and robust weekly reporting, based on the legally required performance metrics. The Council has appointed an interim Partnership Client Manager who is based at the Newport depot and 'micro-manages' performance and day to day service delivery. The Council has also introduced a new approach to gaining access where tenants fail to engage – previously the Council was relying on legal action towards the possession of the properties, whereas now the Council is seeking the more speedy 'enduring injunctions', whereby it will have the legal power to enter the tenants' property by force, if necessary, to effect essential maintenance, including safety checks. This measure, along with the new, overall approach to clienting the partnership has also extended to other areas of the repairs service.

13. As a result of this new approach, there has been a marked improvement in reported compliance performance, when compared with the position reported to GAP in August 2022. For example, gas compliance achieved 100% for a week during November and currently there is one overdue case (now in the legal process), compared with 12 overdues in August. In August there were 59 homes with no reported electrical safety certification within 10 years and this figure is now reduced to 30, half of which have appointments and half of which are now in the legal process for non-access. The number of homes without a reported electrical safety certification within 5 years has fallen from a peak of 720 in August 2022, to under 480. Whilst the Council is awaiting the outcome of the data validation exercise as described in Point 11 above, it is able to report an improvement on the reported baseline outturn as previously shared with Members and the Regulator in August 2022.
14. In relation to the Council's new legal obligations relating to CO2 and smoke alarms, the checking of alarms is now included as part of the statutory gas and electrical safety inspections. An appropriate approach to reporting this is in development, and this will form part of a new, permanent, reporting regime which will become operational following the conclusion of the data validation exercise.
15. The Council has rightly focused on operational matters relating to the delivery of the repairs and maintenance service over recent months, in order to mitigate the known risks arising from unsatisfactory performance delivered by UNSL. The Council will be now also be focussing on the wider governance issues, putting in place a business assurance framework for the future. The Council is also in the process of reviewing its arrangements with Norse, to ensure that the Service Agreement is fit for purpose and properly reflects the expectations of the Council and its current and emerging regulatory obligations.
16. As part of its proactive work in ensuring that all regulatory obligations are met, for all elements of the housing landlord services, the Council has also recently commissioned an expert audit company, Altair, to assess whether the Council is properly setting social housing rents, in accordance with the regulatory Rent

Standard. Members will be updated on the final outcome of this audit before the end of December 2022.

17. In light of the emerging, more robust regulatory framework for housing arising from the Social Housing White Paper and Social Housing Regulation Bill, the Council has also embarked on a gap-analysis project against the new standards and is in the process of putting in place a more stringent approach to managing complaints about the housing landlord service. Members will be kept updated on these developments at future GAP meetings.
18. Another key area of scrutiny for the Council has been the approach taken by UNSL in managing reported cases of damp and mould. Members may be aware of a tragic case whereby Awaab Ishak sadly died in social housing in Rochdale. The Council can report that there are five open complaints by tenants and leaseholders about damp/mould in their homes. Although these are already being addressed, a further visit is being carried out jointly this week by the Council's Partnership Liaison Manager and a UNSL surveyor. Of particular note, is the influx of new damp and mould-related repair requests, since the national media and now the Secretary of State for Levelling Up highlighted the case of Awaab Ishak. The Council has sought and gained the agreement of UNSL that all new requests of this nature will be sub-contracted out to specialist damp and mould survey companies to investigate urgently. The Council is also in the process of contacting tenants who have a closed complaint which related to damp and mould, so that a post-complaint inspection visit can be carried out, to provide extra assurance that the problems have been resolved. The Council and UNSL are also in the process of devising a new Damp and Mould policy, supported by bespoke operating procedures. Any reports of damp and mould are now managed aside from other repairs requests and escalated on a weekly basis to the Maintenance Touch Point meetings, so that they can be closely monitored.

## Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
The risks associated with the various six (soon to be seven) key health and safety elements are each obvious, whether fire, explosion, electrocution, poisoning, physical injury etc. This inspection and repair and maintenance regime is precisely there to manage, mitigate and minimise such risks. Successful completion of this work will reduce the likelihood down from 2 – some, to 1 – low.	Some - 2	High - 4	As detailed throughout this report

- 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.