

Committee:	Cabinet	Date:	29 June 2023
Title:	Update on the Housing Repairs and Maintenance Services		
Report Author:	Peter Holt, Chief Executive pholt@uttlesford.gov.uk 01799 510400	Key Decision:	No

Summary

1. This report updates Cabinet on the current status of the repairs and maintenance services provided by Uttlesford Norse Services Ltd (UNSL) and the work being delivered by the council in working with UNSL to drive up performance and increase tenant satisfaction.
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 and its subsequent decision in March 2023 not to serve a Regulatory Notice against UDC, this report sets out the current position in terms of health and safety compliance.
3. Following the recent Stock Condition Survey commissioned by the council in December 2022, this report updates Cabinet on the outcome of the survey and actions being taken to address the issues identified. This includes damp and mould issues.
4. This report provides an update to Cabinet on the creation of a new capital improvement programme, in light of the findings of the stock condition survey, including damp and mould issues.
5. This report updates Members how UNSL is performing across other areas of the repairs and maintenance service.
6. This report provides an update to Cabinet on the current position regarding remediation works at Reynolds Court, Newport, in relation to fire safety measures.

Recommendations

7. Cabinet is invited to discuss the detail provided in this report and to raise any queries and issues it determines appropriate for further consideration and potential action.
8. Cabinet is invited to note the information provided within the contents of this report.

Financial Implications

9. There are no additional financial implications to be considered by Members at this time, however Cabinet’s attention is drawn to the claim to the original property developer for costs in relation to Reynolds Court (point 5 below) and rent income lost as result of unacceptable void turnaround times (point 4 below).

Background Papers

10. 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, Housing Update to Cabinet, 22 December 2022
 - Report of the Chief Executive, Housing Update to GAP 30 August 2022

Impact

11.

Communication/Consultation	<p>The new regulatory Tenant Satisfaction Measures survey which UDC will deliver this year focuses on gaining the perspective of tenants on how landlord services are provided, with a specific focus on repairs, maintenance and safety in the home.</p> <p>Communication on the progress being made in respect of repairs and maintenance is key, to provide tenants with reassurance on UDC’s commitment to delivering safe and good quality homes.</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	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.
Human Rights/Legal Implications	Legal, statutory and contractual issues are again a set of driving factors addressed explicitly in this report.
Sustainability	The Capital Improvement Programme delivered by council in future years, will focus on the sustainability of the housing asset.
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 the issues in this report include, for example, the fire and legionella checks of council buildings such as the London Road headquarters.

Situation

1. Health and safety compliance

Following UDC's self-referral to the Regulator of Social Housing in August 2023, and the Regulator's subsequent decision to take no further action, the council has been robustly clienting this part of the service, with weekly reporting and on-going weekly in-person 'Maintenance Touch Point' meetings.

The recent appointment by the council of a highly qualified and experienced housing compliance specialist as part of the new client team, has further bolstered the council's ability to micro-manage UNSL in this crucial area. The council's new interim 'Safer Homes Officer' is working side-by-side with the UNSL's Compliance Manager, at the UNSL depot. A key part of this new role is to 'bring home' all of the housing asset and compliance data, with every piece of certification shared by UNSL being checked, before it is allowed into the council's new asset database.

All operational procedures and assurance systems are being reviewed, to ensure that health and safety compliance is being properly delivered and agreement has now been reached with UNSL that UDC's Safer Homes Officer will attend all contract meetings held between UNSL and the heating and electrical contractors.

The council is seeking Injunctions to gain access to carry out safety checks, where tenants have persistently refused to cooperate. A number of cases are scheduled to be heard before Chelmsford Court during June and July. Some tenants have now given access, once notified of the Court date and associated costs, for which they would become liable where the matter proceeds to Court. The council's newly appointed client-side surveyor is also cold-calling tenants who are not engaging, before and during the legal process, for the purpose of gaining access.

The current performance position for health and safety compliance against 6 C's plus CO and smoke detectors, is set out in the table below. The data has been validated through the external process carried out between November 2022 and January 2023 and through ongoing validation by the council's client team.

Compliance area	Performance		Comments
	No. expired	% compliant	
Electrical safety domestic	18	99.35%	The council was granted its first injunction with costs on 20 June – more cases are scheduled for July – and more court dates are starting to come through now. All outstanding cases are with the council's out-sourced lawyers.
Within 10 years (legal req.)			
Within 5 years (best practice)	240	92%	
Electrical safety communal areas within 5 years	0	100%	N/A
Annual gas service, domestic	8	99.59%	Two injunctions with costs were awarded on 20 June at court. There are two further injunction hearings currently scheduled for July. All cases are with the council's lawyers and in various legal stages, including final legal letter/awaiting court dates.
Annual gas service, communal areas	0	100%	N/A
Fire Risk Assessments (FRAs) in date	0	100%	There are no high-risk actions outstanding from previous FRAs.

Compliance area	Performance		Comments
	No. expired	% compliant	
			N/A
Water hygiene	0	100%	UDC is working with UNSL to identify and report on follow-up actions arising from risk assessments.
Lifting equipment	1	99.15%	Awaiting a replacement part – therefore poses no risk as cannot be operated.
Asbestos risk assessments communal	0	100%	There are no high-risk follow up actions outstanding from previous risk assessments.
CO and smoke alarms – additional regulatory requirement	Being verified	Being verified	Properties which are deemed non-compliant as identified during the stock condition survey – a number are legally compliant although not hard-wired. Site visits are in progress to follow up and these will then be reported on in future reports.

2. Stock Condition Survey and identification of hazards

In December 2022 UDC commissioned an independent stock condition survey via Savills, for all its 2800 homes. The purpose of the survey was to provide a real-time assessment of the condition of the property, focusing on whether council homes meet the statutory ‘Decent Homes Standard’ and other factors such as their ‘green’ credentials. This includes identifying the presence of health and safety hazards, based on the government’s statutory Housing Health and Safety Rating System (HHSRS). HHSRS categorises 29 types of hazards, classified within a prescribed formula, with ratings being ‘minor, moderate or severe’, or categories 3,2, and 1 respectively. This includes damp and mould, as recently highlighted to Members, in the aftermath of the death of Awaab Ishaak and the subsequent instruction to authorities from the Secretary of State in November 2022. The other key purpose of the survey is to identify where capital works are required and when they should be carried out, based on a series of requirements laid down in legislation.

The stock condition survey was completed at the end of March 2023, with 90% being successfully visited. Where tenants refused access, a further tranche of visits will be scheduled over coming months and if necessary, enforcement action will be taken to gain access.

The council is now managing post-survey actions, including arranging follow-up surveys and works for all severe and moderate cases, before addressing the minor cases. UNSL have been unable to deliver follow up in-depth surveys in any significant number, due to a self-acknowledged lack of capacity and as such the council commissioned external surveying companies to carry out full surveys of severe damp and mould cases. The council has now appointed two temporary surveyors to visit each property with moderate cases of damp and mould. All other types of hazards are also being addressed, as appropriate to the type of hazard. For example, electrical hazards were visited immediately upon identification by Savills. Specialist surveys and housing management visits have also been the required approach for other types of hazards and UNSL's heating contractor is visiting properties which were identified as having insufficient CO and heat detectors. The council's client team is monitoring progress on an almost daily basis.

Remediations will take the form of either a responsive repair, and/or being included on the capital improvement programme, and/or requiring a housing management intervention. For responsive repairs, the council has provided UNSL with a list of required works. There is concern that due to lack of capacity, UNSL will not be able to deliver the responsive repairs within a reasonable timescale and UDC has pressed UNSL to commit to delivering these works and has requested that Norse provide additional capacity ring-fenced for this purpose. UDC is awaiting a response. Should this not happen, UDC will need to re-consider how these works can be delivered on account of the fact that these are works to remediate identified health and safety hazards.

3. Capital Asset Improvement Programme

In light of the information provided above, the council has been working alongside Savills to draw up a revised capital programme. This will ensure that where properties do not meet the Decent Homes Standard, they are prioritised within the next few years of the programme, on a risk-based approach. Discussions are underway with UNSL, to ensure that any additional works which they have identified as being required, can be assessed and where appropriate, included on the programme, again taking a risk-based approach. UDC is currently awaiting UNSL's information, so that the capital programme for 2023-4 can be signed off. There is no anticipation that the budget already agreed for this year's programme will be exceeded.

It has come to the council's attention recently that some tenants have been told by UNSL contractors that their new kitchen/bathroom etc has been delayed and the council will need to put in place a communication plan, to provide clarity on the situation.

4. General performance of the wider repairs and maintenance service

UNSL continues to underperform against all areas of the service, in particular the management of voids, and there are continued complaints by tenants about responsive repairs. Performance against KPIs is not being achieved. This is despite UDC engaging in intensive contract management.

In relation to voids, UDC is losing significant income, due to the unreasonable lengths of time taken to prepare homes for re-let, with some empty homes standing empty for 50-100 days, for no acceptable reason. There is also concern with the quality of voids being returned to UDC and as such, each and every void is being inspected by the UDC client team, before the council can accept the property back. There is poor/unclear communication from UNSL to UDC of issues or delays in the voids process, making it difficult for the housing management team to have confidence that sign-up dates agreed with tenants can be honoured.

In addition to lost rent income and high resource requirements on the part UDC's housing team, this situation is impacting on the council's ability to provide for people in housing need, including those living in emergency accommodation.

Across the service more widely, there have also been a number of concerning incidences of service failure, which have been occurring on an almost weekly basis, in relation to properly preparing homes for re-letting, failing to properly manage asbestos in individual dwellings and failing to alert UDC when issues occur.

As a result of the above issues, UDC's client team and the Interim Director are spending a dis-proportionate amount of time in 'crisis management', in order to keep tenants safe and provide good quality homes.

5. Update on Reynolds Court – fire safety issues

As previously reported to Cabinet, the development company has been held to account for the identified failings in the fire safety provision within Reynolds Court, for which it is responsible.

Over previous months, the council has been overseeing the original property developer's improvement programme and works have now been completed. This includes intrusive inspections of additional flats by the original property developer upon the instruction of the council. The flats chosen had no previously reported issues, and the aim of this activity was to provide assurance that those flats originally properly signed off are safe. These additional inspections did not find any failure.

To provide additional assurance, UDC commissioned an accredited fire safety company to provide independent sign-off to the original property developer's work. Issues have been identified by the independent company and discussions are now underway with the original property developer and the independent company so that these matters can be resolved. Once signed off, UDC will update the Fire and Rescue Service, with the aim of gaining their approval to remove the waking watch.

The original property developer have accepted liability and have confirmed that they will compensate the council for costs incurred, including those relating to the waking watch.

Following the issues at Reynolds Court, the council has arranged for inspections of other sheltered schemes to take place, to ensure that there are no similar issues elsewhere. However, it should be noted the Reynolds Court is unique in its structure, and as such, there is no reason at this time to have concerns – the first of these inspections has now taken place and no issues of concern were identified. The quality of fire risk assessments is also being audited by UDC’s new Safer Homes (compliance) officer.

Risk Analysis

6.

Risk	Likelihood	Impact	Mitigating actions
<p>Health and safety failure</p> <p>The risks associated with health and safety compliance failings have reduced significantly, due to ongoing management of UNSL by UDC, regular monitoring and direct intervention.</p> <p>However due to the ongoing issues across the UNSL operation, there remains some likelihood that there will be failings in health and safety management.</p>	2	4	As detailed throughout this report
<p>Reputational risk</p> <p>The issues highlighted in the report above impacts on the council’s tenants and as such carries a reputational risk – given the high prominence in the media regarding social housing providers and tenants’ complaints, the impact will be relatively high. This is coupled with the risk of regulatory intervention, which under the emerging new legislation, can be triggered by poor customer satisfaction.</p>	2	3	As detailed through 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.