

THANET DISTRICT COUNCIL

RECORD OF OFFICER DECISION

Name of Officer:	Head of Housing Services and Planning
Directorate:	Housing and Planning Services
Relevant Portfolio Holder:	Deputy Leader and Cabinet Member for Housing and Safer Neighbourhoods
Date of Decision	09 December 2019
Subject of decision:	Governance of East Kent Housing

Decision made:

- a) That every Board member currently on the East Kent Housing Board be removed from the Board thereby leaving 12 vacancies on the Board.
- b) That the four East Kent Council Chief Executives/Heads of Paid Service be appointed by the Panel to sit on the East Kent Housing Board namely:-
Colin Carmichael - Canterbury City Council
Nadeem Aziz - Dover District Council
Dr Susan Priest - Folkestone and Hythe District Council
Madeline Homer- Thanet District Council
- c) That the required Notices arising from the decisions in 1 and 2 above be served on East Kent Housing at their registered address at which point it will take effect by no later than Friday 13 December 2019.
- d) That a Press Statement be issued on or before 13 December 2019 with information on Board changes

Reasons for the Decision:

A 2019 report from the East Kent Audit Partnership on behalf of the four East Kent Councils, of Canterbury, Dover, Folkestone and Hythe and Thanet, highlighted serious concerns about the management of tenant and leaseholder health and safety compliance at East Kent Housing (EKH). As a result, Thanet District Council, on behalf of all four councils, commissioned Pennington Choices to produce a report on the management of tenant and leaseholder health and safety compliance at EKH. The final report has been reviewed by officers of the council. The report is a background paper to this decision and has been published on the council's website.

In preparing the report Pennington Choices identified a number of significant health and safety failures and considered the causes of these. The four East Kent councils each self referred these failures to the Regulator for Social Housing. The Regulator concluded the councils were in breach of the "Home Standard", as set out within the consumer standards framework for social housing, and served and published regulatory notices to that effect. The Regulator has subsequently asked the four councils to enter into a Voluntary Undertaking to improve performance, outcomes, compliance with legislation and ultimately

tenant and leaseholder safety.

I concur with the recommendations set out within the report from Pennington Choices. In particular the report concludes that the board of East Kent Housing has not exercised the required level of leadership, governance and oversight of the organisation and that this has been a significant factor in the identified health and safety failures. The report states that "the Board is effectively redundant" and concludes that had it been operating as a board should be, we would not now be facing the scale of compliance issues we have. In reaching this decision I have considered the option of keeping the existing Board or altering it in some way, but consider that replacement, in its entirety, is essential to ensure the required level of leadership, governance and oversight.

Having appointed Independent Housing Advisors, the council is committed to ensuring the delivery, at pace, of the conclusions and recommendations reached. Replacing the existing Board with the Chief Executives/Head of Paid Service from each of the four councils will lead to effective, joined up and informed decision taking and refocus the work of the Board.

The Council has taken legal advice on the options and the way forward and has received advice that supports the proposed action. It further supports the proposed recommendations in that there are necessary powers and provisions within the documentation governing the operation of EKH. The Council has considered whether there could be additional separate contractual appointment terms with Board members (in particular independent members) and do not think that there should be.

Alternative options considered and why they were rejected when the decision was made:

Option 1 – To remove the existing Board members and replace them with the Chief Executives/Heads of Paid Service of the 4 East Kent Councils. This is the recommended option for the reasons set out in the report

Option 2 –Keep the existing Board or alter it in some way.

Details of any conflict of interest declared by any executive Member who has been consulted by the officer making the decision and of any dispensation granted to that executive Member by the Head of Paid Service:

None

Please attach any report considered when making the decision (if applicable):

Pennington Choices Report
Regulatory Notice served by the Regulator for Social Housing
Internal Audit Report into Tenant and Leaseholder Health and Safety