

Tenant and Leaseholder Health and Safety Policies

Cabinet:	18 June 2020
Report Author	Bob Porter, Head of Housing and Planning
Portfolio Holder	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing, Planning & Safer Neighbourhoods
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes

Executive Summary:

This report recommends the adoption of new tenant and leaseholder health and safety compliance policies for fire safety, water hygiene, gas and electrical safety, passenger lists and asbestos.

The proposed policies reflect both the statutory requirements on landlords for tenant and leaseholder health and safety and industry best practice.

The policies are written to reflect the decision of the Cabinet on 17 February 2020 to deliver the council's tenant and leaseholder services in house and terminate the agreement with east Kent Housing. The new policies will be in place ready for the launch of the new service.

The report proposes that the policies are kept under review to enable a process of continual improvement in performance and recommends a formal policy review every 2 years.

Recommendation(s):

It is recommended that Cabinet agree to:

1. Adopt the proposed compliance policies as detailed in annexes 1 to 6;
2. Delegate authority to the Head of Housing and Planning, in consultation with the Cabinet Member for Housing and Safer Neighbourhoods to make minor operational changes to the policies, as required;
3. Formally review the policies every 2 years.

CORPORATE IMPLICATIONS

Financial and Value for Money	Resources are currently provided to East Kent Housing, through their Management Fee and managed budgets to manage health and safety compliance on behalf of the council.
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	Work is currently underway to fully assess the costs of the new in-house service, and any additional costs, above those already included within existing budgets will be reported to members separately.								
Legal	The legal requirements for health and safety compliance are set out within each policy document.								
Corporate	<p>The proposed policies contribute to delivering the following objective, set out in the council's Corporate Statement 2019-2023:</p> <ul style="list-style-type: none"> • Improve standards and safety in homes across all tenures. <p>The policies reflect both legislative obligations on landlords and best practice and will contribute to reducing risk for both tenants and leaseholders and the council.</p>								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="text-align: center;">X</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>The proposed policies will apply to all council owned and managed homes, including where residents have protected characteristics.</p> <p>The policies recognise that some residents, particularly those with physical disabilities may require additional support, such as personalised evacuation plans, where required.</p> <p>The policies are not considered to have any negative impacts on residents with protected characteristics.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	X	Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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CORPORATE PRIORITIES (tick those relevant) ✓	
Growth	
Environment	
Communities	✓

1.0 Introduction

- 1.1 Following a Monitoring Officer's report to Cabinet on 25 July 2019, the council commissioned detailed work on health and safety compliance from an external specialist consultant. This work has produced:
- A detailed report into the management of Health and Safety Compliance at East Kent Housing.
 - Helped to inform the decision of Cabinet, on 17 February 2020, to bring the council's tenant and leaseholder service back in house.
 - Supported the development of a draft Unilateral Undertaking with the Regulator for Social Housing, supported by a detailed recovery action plan.
 - Prepared draft compliance policies for the 6 core areas of resident health and safety compliance.

2. Proposals

- 2.1 The adoption of new compliance policies, for the following areas, forms and integral part of the recovery action plan agreed with the Regulator for Social Housing:
- Fire Safety
 - Gas Safety
 - Electrical Safety
 - Passenger Lifts
 - Water Hygiene
 - Asbestos

Proposed policies for each of these areas of compliance are attached at annexes 1 to 6.

- 2.2 It is recommended that the proposed policies are adopted, ready for the launch of the new in-house service later this year. In the interim period they will support the work that the council and East Kent Housing are doing to deliver the compliance recovery action plan.
- 2.3 It is recommended best practice that compliance policies are subject to regular review and it is therefore recommended that each policy is formally reviewed by the Cabinet every 2 years.
- 2.4 The policies include proposals for the regular review of key performance indicators in relation to health and safety to be reported to the council's Corporate Management Team, Overview and Scrutiny Panel and Cabinet on a quarterly basis.

3.0 Options

- 3.1 The following options are available to the Cabinet:
- Adopt the proposed policies as drafted. This option is recommended. The draft policies have been developed with the support of specialist external consultants and incorporate both legislative requirements and best practice.
 - Reject the proposed policies. This option is not recommended. Although there are operational arrangements in place for the management of health and safety, the council does not currently have formally adopted policies.
 - Adopt amended policies. The cabinet does have the option to amend the provisions set out in the draft policies before adopting them. The implications

for both residents and the council would need to be considered in full before any amendments are agreed.

- 3.2 The Cabinet is also asked to consider two further recommendations, as follows:
1. Delegate authority to the Head of Housing and Planning, in consultation with the Cabinet Member for Housing and Safer Neighbourhoods to make minor operational changes to the policies, as required.
 2. Formally review the policies every 2 years.

These recommendations are made to ensure that the council is able to effectively respond to future changes in legislation and best practice and to respond to the needs of tenants and leaseholders, if these change over time.

Contact Officer:	Bob Porter, Head of Housing and Planning
Reporting to:	Tim Willis, Deputy Chief Executive and Section 151 Officer

Annex List

Annex 1	Draft Fire Safety Policy
Annex 2	Draft Gas Safety Policy
Annex 3	Draft Electrical Safety Policy
Annex 4	Draft Passenger Lifts Policy
Annex 5	Draft Water Hygiene Policy
Annex 6	Draft Asbestos Policy

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Chris Blundell, Head of Financial & Procurement Services and S151 Officer
Legal	Estelle Culligan, Head of Legal and Democratic Services