

Annex 3

Tenant and Leaseholder Health and Safety Compliance Performance

The following report highlights Tenant and Leaseholder Services (TLS) compliance with relevant tenant and leaseholder health and safety requirements since transition of the service from East Kent Housing (EKH) in October 2020

1. Introduction

TDC has an experienced, collaborative and motivated team managing compliance. Prior to transition, as part of the recovery plan, TDC adopted new compliance policies, with advice and support from specialist external consultants.

The team have faced some challenges on transition, as follows:

- Managing compliance workstreams with multiple systems
- Current systems do not hold critical information(ie date next inspection is due)
- Many systems do not hold up to date information
- Monitoring and managing compliance programmes using manual spreadsheets
- Outstanding works due to tenants not giving access
- Processes to ensure works are carried out when a tenant refuses access were not in place
- Insufficient contract management.

The team has already completed a lot of work to address these shortfalls, including:

- Putting in place robust contract management.
- Running workshops to create new processes against newly adopted compliance policies.
- Created a specification for a new system to contain all compliance workstreams.
- Investigated appropriate compliance systems and preparing for procurement
- Implemented interim measures in place to monitor programmes of works and give assurance on our position

The body of this report will provide further detail of each compliance workstream and our current position

2. Gas

The percentage of properties with a valid and in date LGSR certification is 99.96%

One property does not have a valid LGSR. The property is occupied by a very vulnerable tenant, the operative cannot reach the meter due to hoarding issues. This case is an example of the improved working relationships that are being forged as our Compliance Team is now working closely with the Housing Team, Legal Team and Social Services to resolve the position.

On the 1 October, there were 10 properties without a valid gas certificate and the team has worked hard to improve and maintain our position. The reasons for this were:

- Poor contract management
- Poor communication between teams
- Poor system of data management (current system does not record the next due date)
- Reactive rather than proactive processes
- Culture of non urgency around maintaining statutory compliance.

We are very proud of our team in the turn around they have made in this area of Landlord Compliance. They have done this by:

- Putting in place a robust contract management framework
- Improving communication with contractors and residents
- Implementing their own trackers with an early warning system
- Changing processes to be proactive and preparing each incidence of no access for an injunction, should this last resort action be necessary.
- Using the 'forced access' process, where appropriate
- Self training to improve understanding of gas safety legislation
- Putting in place risk assessments where we know an LGSR will go overdue, because a vulnerable person is self isolating.
- Developing systems with our contractor to monitor remedial works from gas safety testing
- Completing the 10 outstanding addresses without an LGSR

3. Fire Safety

The percentage of properties with a valid and in date Fire Risk Assessment (FRA) is 99.42%

As of 30 November 2020, there was only one property without a valid FRA. In this case the assessment had taken place and the report needed to be written up.

There are currently 194 works identified from the FRA's that need to be carried out. Of these 127 are shown as overdue but within these are a number of long term items, that will be resolved in Passive and Active projects programmed in during 2021. A total of 87 separate items, involving Door replacement, compartmentation and fire alarm upgrades. The remaining are legacy actions that need to be confirmed as having been closed out.

We continue to work to close out actions identified from recent FRA's.

Fire safety in the council's six tower blocks is seen as a particular priority. The current position is as follows.:

- Passive Fire Works at Invicta House
A £325,000 programme of passive fire works at Invicta House, has been

mostly completed. Works to 3 properties are outstanding, where the tenants are refusing access.

We are working with our legal team to put injunctions in place to complete the works.

Kent Fire and rescue have signed off on the works, giving us the approval to replicate this programme in our other tower blocks.

- Tower block external wall systems (EWS)
Kent Fire & Rescue Service have requested confirmation that the fire break in the EWS, or cladding are adequate. EKH had previously advised that this was the case, however, we do not hold any specific certification to this effect. We therefore plan to instruct the consultants, recently appointed to carry out full structural surveys on the tower blocks, to provide us with this information. KFRS have been informed of the approach being taken.

We anticipate that the structural surveys will highlight structural works required to the blocks, including the replacement of the current cladding. The consultant surveyors we have appointed will provide us with an options appraisal for this work.

- Interim mitigation
To mitigate the risk to our residents of the occurrence of fire in our tower blocks, we have in place an interim service that patrols each block 2 x per night between the hours of 10pm - 2am. This service checks all floors for obstructions or combustible materials in the communal areas and removes them, check the bins and will throw water over the bins if they are full.

This service has served a dual purpose as they have also been instrumental in controlling many incidents of ASB in our tower blocks, for example, moving on people that are loitering in the communal areas or knocking on doors of people that are creating a noise nuisance.

Other interim measure to improve fire safety include:

- Installing sprinklers in all bin rooms
- Providing regular updates to tenants and leaseholders on fire safety in the news letter

4. Legionella

TDC has 26 blocks that have communal water systems that require regular inspections and maintenance.

As of 30/11/2020, 100% of our properties in the programme had a valid Legionella risk assessment in place.

From the risk assessments, we have the following actions outstanding:

- High Risk - 22
- Medium - 55
- Low - 3

When we took on the water programme, there was no clear process to give us assurance that the contractor is carrying out the actions and prioritising the high risk actions.

To give assurance in this area we have:

- Defined our own processes to take remedial works into account
- Negotiated the process with our contractor
- Established a tracker to monitor progress of actions.

5. Electrical safety

We are not confident in the data we received from EKH regarding electrical safety.

For example:

- properties still live on the programme that have been sold
- the incorrect document has been loaded against a property and passed with an EICR.
- current system cannot hold EICR's older than 2018 (EICR programme is a 5 year rolling programme)
- irregular reporting of 'invalid' EICR's
- many EICR's carried out by the contractor have not been recorded on the system
- Of the EICR's checked, 87 EICR's have C2 remedials outstanding

How we are giving assurance of electrical safety:

- reviewing every EICR to check its validity
- created our own tracker to verify the programme and remedials required
- working with our contractor to complete all outstanding remedial works

The electrical inspection programme is completed by the council's contractor, Mears, who are due to inspect 20% of the housing stock annually. Of this year's programme we have identified 208 that remain outstanding due to no access. No previous action was taken by EKH to address no accesses on the electrical safety programme. We are now putting this into place, by following a process that allows us to apply for an injunction to gain access and carry out this inspection.

No. of EICR's verified as valid at 30/11/2020:

- Communal blocks 24.18%
- Domestic properties 39.02%

We have committed, and are on target to complete the exercise of verification of the EICR's by the end of December 2020

6. Lift Safety

We have 14 passenger lifts within our housing stock,

Compliance with Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) is at 100%

Category B remedial works outstanding = 70. These are with the contractor and are on target to be completed before the next LOLER inspection in April 2021.

Even though our passenger lifts are compliant, they are at the end of their life cycle and breakdowns are a regular occurrence.

We have now awarded a contract to fully refurbish all lifts over the coming two financial years.

7. Asbestos

As of 30/11/2020, 100% of our communal blocks held a valid asbestos survey and 40.5% of our domestic housing stock held a valid asbestos survey. Domestic surveys are completed on void and prior to any programme works or destructive repairs.

There were 193 actions outstanding, many of which are legacy actions from EKH. The team is working with our asbestos service provider to resolve these, with the 67 high/medium risk remedials prioritised.

Total of 18 surveys carried over from EKH have not had the actions carried out.