

Report subject	<b>Housing and Property Compliance Update (Housing Revenue Account)</b>
Meeting date	12 January 2022
Status	Public
Executive summary	<p>This report provides information on how the council meets its responsibilities in ensuring that all council housing within the Housing Revenue Account is managed in a way that meets compliance with current health and safety legislation, best practice and regulatory standards to ensure the health and safety of residents. It sets out issues concerning compliance across the Bournemouth and Poole neighbourhoods and demonstrates how these are being managed.</p> <p>During quarter three, 2021/22 concerns were identified within the Bournemouth neighbourhood regarding overdue fire risk assessment actions and electrical safety tests and potential non-compliance with the Regulator of Social Housing's (Regulator) Home Standard. A robust action plan is in place and issues continue to be addressed at pace with additional resources. To ensure full transparency the council has made a self-referral to the Regulator to make them aware of the situation.</p> <p>Over the coming years there will be increased responsibilities placed on social landlords to manage the health and safety of residents. These will be primarily included in the Building Safety Bill which is progressing through Parliament. Future changes will also be made to the regulatory regime overseen by the Regulator through the "Charter for Social Housing Residents; a social housing white paper".</p> <p>In preparation for these changes, we are ensuring that we are taking steps to improve our existing monitoring and recording of compliance work.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>(a). Cabinet notes the compliance information provided which details how the council is performing against statutory building compliance relating to its council housing.</b></p> <p><b>(b). A performance report will be made annually to Cabinet in future years.</b></p>

Reason for recommendations	<p>The council, as a landlord, has many legal obligations it must satisfy to ensure the health, safety and welfare of its tenants and leaseholders. It must also adhere to the regulatory standards as set out by the Regulator, particularly the Home Standard.</p> <p>Councillors should also have oversight and assurance of compliance against the legal and regulatory requirements that are placed upon it through this annual report to Cabinet.</p>
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Wards	Council-wide
Classification	For Recommendation

## Background

1. This report demonstrates how compliance within the Housing Revenue Account (HRA) housing stock for the Bournemouth and Poole neighbourhoods is managed. There is no HRA housing stock in the Christchurch neighbourhood of BCP Council because it was previously transferred across to Sovereign Housing Association several years ago.
2. The HRA is the ring-fenced account within BCP Council relating to the income and expenditure for its rented council homes.
3. The ring-fenced HRA includes two neighbourhoods. The Bournemouth neighbourhood housing stock is owned and managed directly in-house by BCP Council. The Poole neighbourhood is owned by the council but managed by Poole Housing Partnership (PHP), an Arm's Length Management Organisation (ALMO). PHP is wholly owned by the council and a "Commissioning and Performance Management" framework is in place between the council and PHP to monitor performance. The total rented stock as of 31 March 2021 for the Bournemouth neighbourhood was 5,058 homes and the Poole neighbourhood had 4,502 homes, giving BCP Council a total of 9,560 rented homes.
4. There are also 1,139 leasehold properties managed across both neighbourhoods as well as 33 shared ownership properties. The council is not responsible for gas safety

or electrical checks to these properties, but we are responsible for compliance issues relating to communal areas and services that may impact on these properties.

5. A Housing Management Model review has commenced across Bournemouth and Poole to look at aligning the two services. The preferred model is a single in-house service across BCP Council that combines the best of the two existing services, co-designed with residents. Consultation with stakeholders has recently ended to determine their views on the preferred model, objectives of the new service and around delivery. The results will help shape the new service.
6. The report excludes the following properties: the council's General Fund hostels, leased temporary accommodation, Seascope Homes and Property Limited stock and corporate non-residential properties across BCP Council. Statutory compliance in respect of these properties is monitored separately on a monthly, quarterly and annual basis, depending on the relevant legislation and is not the subject of this report.
7. The council, as a housing landlord, has many legal obligations it must satisfy to ensure the health, safety and welfare of its tenants. These obligations form part of an ongoing cyclical inspection and maintenance regime to ensure key elements in the home do not pose undue risk.
8. The minimum standards that must be met are set out in legislation, codes of guidance and good practice. There are also regulatory requirements as set out within the Regulator's Home Standard. As a registered provider of social housing the council is expected to adhere to the standard.
9. Section 1.2 of the Home Standard states:
  - Repairs and maintenance Registered providers shall:
    - (a) provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time
    - (b) meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
10. Failure to comply with this standard can result in a Regulatory Notice being issued against a landlord if the Regulator believes that the failure has resulted in actual or potential serious detriment to residents. When applying the serious detriment test they will balance the factors of the case including the number of tenants, the duration of the harm (or risk of harm) and the seriousness of the issue.
11. The Regulator also expects social landlords to self-refer if they have information that suggests that they have failed to comply, although referrals can also come from other sources.
12. There are procedures and policies for both the Bournemouth neighbourhood Property Maintenance Team and the PHP Property Team. These have been developed from the legislation governing health, safety and welfare of tenants.
13. The legislation that covers general topics around the requirement of a landlord, include The Health and Safety at Work Act 1974 (HSWA), The Landlord and Tenant Act 1985 and The Housing Act 2004. There is more specific guidance around fire safety, electrical safety, gas safety, water hygiene and lift safety.

14. The following areas of compliance are of the highest risk and therefore the ones that are high priority and are measured and monitored on an ongoing basis.

- Water Quality
- Gas Safety
- Asbestos
- Electrical Safety
- Fire Safety
- Lift Safety

15. There are many more repairs that happen on a day-to-day basis, as and when they arise, that are undertaken to ensure the safety of our residents.

### **Regulatory and legal changes**

16. The government has introduced new legislation to improve building safety following recommendations from an independent review of building regulations and fire safety after the Grenfell Tower Fire in 2017.

17. The Building Safety Bill was introduced to Parliament on 30 June 2021, and it is expected that the bulk of its provisions will be in place by April to October 2023 as much of the detail will need to be set out in secondary legislation. The Bill is intended to:

- Create a new Building Safety Regulator within the Health and Safety Executive to implement and oversee a new regulatory regime for higher- risk buildings and drive improvements in building safety and performance for all buildings.
- Establish the new regulatory regime for higher-risk buildings, i.e., those buildings that are over 18 metres tall or have seven or more storeys.
- Ensure residents have a stronger voice in the system through a Residents Panel to help the new regulator fulfil its role.
- Strengthen the obligations under the Regulatory Reform (Fire Safety) Order 2005.
- Provide a stronger and clearer framework for oversight of construction products.
- Assist and encourage the improvement of competence in the building industry and amongst building control professionals.

18. The new regulatory regime for higher-risk buildings will include new design and construction obligations:

- Dutyholders will have clear accountability and statutory responsibilities as buildings are designed, constructed and refurbished.
- Gateways (stop/go decision points) will provide rigorous assessment of regulatory requirements to ensure building safety and regulatory compliance is considered at each stage of a building's design and construction.
- The requirement for a golden thread of building information – created, stored and updated throughout the building's lifecycle.

- Mandatory reporting to the new Building Safety Regulator of prescribed fire and structural safety occurrences.
  - Building Safety Regulator oversight of building work as the building control body for high-rise residential and other in scope buildings. This will strengthen regulatory oversight and require dutyholders to implement appropriate measures to manage building regulations compliance.
19. The Bill will also create obligations for buildings in occupation and each higher-risk building will need to have an Accountable Person. This is the person or entity that owns the building and will usually be the landlord. They will need to appoint individuals to discharge their duties and obligations as set out below:
- Registering a higher risk building.
  - Applying for a Building Assessment certificate every 5 years.
  - Appointing a competent Building Safety Manager prior to occupation of a building. There will be time to do this for buildings that are already occupied.
  - Ongoing obligation to manage and prevent fire safety risks and maintain a safety case report for each higher risk building.
  - Providing residents with information and developing an engagement strategy.
20. The safety case report should identify major hazards associated with fire and structural risks and demonstrate the measures in place to manage and control these. It will need to be reviewed and updated to provide continued assurance and submitted to the Building Safety Regulator.
21. The primary role of the Building Safety Manager will be to manage the building in accordance with the safety case report; and to provide certain information to the Building Safety Regulator under mandatory reporting obligations. It is envisaged that a Building Safety Manager will oversee up to 10 buildings and the BSI, the UK's National Standards Body, has consulted on a draft framework for competence of the role.
22. The Bill has several other provisions which include:
- New Homes Ombudsman
  - Removal of the democratic filter for complaints to the Housing Ombudsman
  - Obligations on residents in high-risk buildings to comply with requirements to maintain safety as well as requirements not to act in a way that creates a significant risk.
  - Landlord right of entry for building safety purposes.
23. The Fire Safety Act 2021 has been passed and extends the provisions of the Regulatory Reform (Fire Safety) Order 2005 to the following parts of multi-occupied residential buildings:
- The building's structure, external walls and any common parts. The external walls include doors or windows in those walls, and anything attached to the exterior of those walls, e.g., balconies and cladding
  - All doors between the domestic premises and common parts.

24. The Act places additional duties on the responsible person for the building to ensure that these areas are included in the fire risk assessment and that action is taken to remove or negate any risks.
25. The Charter for Social Housing Residents – Social Housing White Paper was published in November 2020. This will have a significant impact on the way in which services are delivered to residents and how social landlords engage with them especially on health and safety matters.
26. The Charter sets out what every social housing resident should be able to expect. This includes to be safe in their home and the government will work with industry and landlords to ensure that every home is safe and secure. There are several key themes regarding safety:
  - Important that social housing regulation supports fire safety and that it also works effectively with the proposed building safety regime.
  - Legislation will ensure that the Regulator’s consumer regulation objectives will include safety and improve co-operation between with the HSE and the proposed Building Safety Regulator.
  - Legislation will require social landlords to have a nominated person responsible for compliance with health and safety.
  - Residents need to feel safe in their homes for their mental and physical well-being. They need to be able to communicate with their landlord regarding health and safety matters and be confident that they will be listened to. Landlords need to communicate effectively with residents. This will be delivered through the Building Safety Bill.
  - The government has been engaging with social landlords to test approaches to engagement on building safety through the Social Sector (Building Safety) Engagement Best Practice Group.
  - Consultation on extending requirements for smoke and carbon monoxide alarms and protection from harm caused by poor electrical safety.
27. The Charter also sets out the intention to remove the serious detriment test and introduce routine inspections for the largest landlords rather than waiting for information to be referred to them. This will result in more proactive regulation and raises expectations for landlords to self-refer where there are failures to comply with standards.
28. The government has also set out proposals for Personal Emergency Evacuation Plans (PEEP’s) in high-rise residential dwellings following the Grenfell Tower inquiry.
29. PEEP’s are evacuation plans prepared in advance between those responsible for fire safety and residents whose ability to evacuate a building may be compromised. These are intended to work without the intervention of the fire and rescue service but can be utilised by them in emergency evacuations.
30. The government proposal is that those responsible for fire safety prepare PEEP’s for every resident who voluntarily self identifies as being unable to self-evacuate in the event of a fire. The proposals include keeping this information up-to-date and the use of standard national templates to ensure consistency. Legislation to implement PEEP’s would be by the introduction of regulations through powers in the Fire Safety Order.

31. These regulatory and legal changes will be considered in the design of the aligned housing management service to ensure that the council is meeting all its statutory and regulatory obligations.
32. Both neighbourhoods are also taking steps to ensure that information, performance data and systems used to manage compliance are robust. This will provide assurance that residents are safe in their homes and that the council's obligations and duties are being met and highlight issues when they arise.
33. Some of the council's existing and proposed new homes will fall within the definition of higher-risk buildings. These include 6 existing tower blocks in Poole and the development of 4 high rise buildings in Westbourne, Bournemouth, due for completion late 2022, that will range from 6 to 9 storeys high. However, the definition of a higher risk building may change either before the Building Safety Bill is passed or after it has been implemented.
34. The new regulatory regime for higher-risk buildings is also likely to drive up standards of good practice in relation to other complex buildings that are not in scope. Landlords will need to take a risk-based approach to how they manage their buildings and may decide to apply the new regulatory requirements to buildings outside the scope of the Building Safety Bill.
35. Regular compliance meetings take place within each neighbourhood, focusing on a scorecard of well-established performance indicators. Quarterly meetings take place as part of the Commissioning and Performance Management Framework currently in place to manage the contract with PHP where key performance indicators relating to health and safety are compared and discussed. Additional quarterly meetings to discuss performance and any underlying issues across teams is in place. These will help ensure consistency between the two neighbourhoods.

### **Summary of Performance**

36. Compliance continues to be managed separately within each neighbourhood although the future delivery model of the wider housing management service is being considered. Reporting has been aligned as much as is possible. The compliance dashboard for quarter two 2021/22, (July – September 2021), is provided in appendix 1.
37. Both neighbourhoods use the same health and safety legislation and best practice to ensure the housing in their neighbourhood is compliant with current regulation and standards.
38. There were concerns with compliance within the Bournemouth neighbourhood identified during quarter three, 2021/22 regarding the completion of remedial actions following fire risk assessments and the timeliness of electrical safety tests undertaken in homes and communal areas. These are set out below. An action plan is now in place and well underway to remedy as soon as possible. Many actions are now complete with higher risk actions being dealt with first. New systems are being put in place to help effectively manage the future programmes and a formal fortnightly robust review is in place to ensure a timely delivery.
39. The compliance concerns mean that the council has potentially failed to comply with the requirements of the Regulator's Home Standard to meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
40. To ensure full transparency the council has made a self-referral to the Regulator to make them aware of the situation. They have recently contacted the council to

request further information which has been provided and no further action has been required as yet over and above what is already in train.

41. An internal audit of the key compliance areas in Bournemouth had already been planned. This has been brought forward and is now underway. The audit will help to provide additional assurance in this important area of work and identify any areas for improvement to systems and practices across all six compliance areas.

### **Water Quality – (Legionella Management)**

42. This applies to stored water in the communal parts of buildings, for example where there are cold water storage tanks, and communal water supplies. While there is a legal duty under the Control of Substances Hazardous to Health Regulations 2002 (COSHH), for landlords to assess and control the risk of exposure to legionella bacteria, the law does not prescribe specific review periods. Health and safety law does not require landlords to produce or obtain, nor does the HSE recognise, a 'Legionnaires Testing Certificate'. The Approved Code of Practice: Legionnaires' disease: The control of Legionella bacteria in water systems (L8) outlines best practice guidance and this is followed by both neighbourhoods.
43. Risk assessments should be reviewed frequently as determined by the assessment to ensure that they are up to date. They should also be reviewed any time there is a significant change such as additions or modifications to water systems, changes to the use of the water system, where key personnel have changed, or legionella control measures are no longer working.
44. Regular safety inspections measure temperature and ensure tanks are clean or covered. In some circumstances water samples may be taken. This work is carried out by external contractors and the frequency and type of testing undertaken varies according to the nature of the water system. Tests are carried out monthly, 6-monthly or annually. Remedial actions are identified from risk assessments and testing and the necessary work orders raised to rectify these.
45. The remedial actions in the Poole neighbourhood were completed in November. The remedial actions in Bournemouth are low risk items.
46. Not all monthly checks in the Bournemouth neighbourhood have been carried out as the contractor has been unable to gain access to some flat blocks on nine occasions out of 111 monthly tests due to 36 blocks. However, each block has been checked at least twice in the last quarter. All water tests are carried out monthly in Poole.
47. Within the Bournemouth neighbourhood there are 92 flat blocks that require either a six-monthly or annual test. Of these there are 22 flat blocks where it has not been possible to carry out testing because of access issues and these are now outstanding. The contractor responsible for testing has requested additional work to provide safer access to tanks for their staff following updated risk assessments. Our In-House team arranged for site visits with a separate specialist contractor to provide anchor fixings to ensure safe access to the communal lofts where tanks are situated. This work will commence in early January and it will take about a week to be completed before tests can then be completed.

### **Gas safety**

48. Regulation 36 of The Gas Safety (Installation and Use) Regulations 1998 deals with landlords' duties to make sure gas appliances, fittings and flues provided for residents are safe. It details the duties of landlords to 'ensure that each appliance

and flue to which the duty extends; has been checked within a 12-month period, that proof of this is kept for two years and is available for the tenant(s) of the premises.

49. The Covid-19 pandemic created difficulties in gaining access to properties and ensuring that work could be completed safely but these have been resolved. The pandemic may continue to cause problems with access but there will also be other reasons why residents fail to provide access for gas safety tests. There are well established procedures in place across both neighbourhoods to deal with these and to ensure that gas safety tests are carried out.
50. Performance in both neighbourhoods is excellent with no outstanding tests at the end of the quarter.

### **Asbestos**

51. Communal areas within flat blocks are inspected on a regular basis. There is no directive within the regulations as to how frequently communal areas should be re-inspected, but they should be assessed periodically. Asbestos can be present as asbestos insulation board (AIB) or as asbestos containing material (ACM), e.g., floor tiles and aertex ceilings. All communal areas within both neighbourhoods have been surveyed.
52. The condition of any asbestos in communal areas is managed through regular annual visual inspections. There were no outstanding re-inspections at the end of the quarter or issues of concern.
53. Asbestos also exists within domestic properties and surveys have been carried out to determine where it is located. This information is used to ensure that correct procedures are undertaken when work to the property is being carried out. Asbestos is removed before major refurbishment such as kitchen replacement.

### **Electrical Safety**

54. Currently there is no regulation, standard or act that defines a frequency for electrical installation inspection and testing in homes managed by social landlords. The Landlord and Tenant Act 1985 requires landlords to ensure that electrical installations are in working and safe condition both at the start of any tenancy and throughout that tenancy.
55. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 require private landlords to carry out electrical installation inspections every five years. This does not apply to social housing but the Code of Practice for the Management of Electrotechnical Care in Social Housing recommends the frequency for testing and inspection to be every five years which is the inspection interval used in both neighbourhoods. Inspections can be carried out sooner if deemed necessary by risk assessment. At the end of the inspection an Electrical Installation Condition Report (EICR) is produced.
56. Within Bournemouth testing and servicing is carried out in-house as well as by contractors while in Poole it is solely contractors who carry out the work.
57. Failure to carry out these inspections can result in fires in homes and injury to residents.
58. The electrical safety programme was particularly affected by the Covid-19 pandemic as the work requires access to the whole of a property for a considerable period of time. It was agreed across both neighbourhoods that because of the intrusive nature

of the work that it would be suspended but it has recommenced once lockdown restrictions eased.

59. There is a backlog in completing electrical safety inspections in both neighbourhoods, but additional resources are being used to deal with this and works orders are in progress.
60. Within the Bournemouth neighbourhood concerns were raised about the programme during work that had commenced to improve the monitoring and reporting of performance and the robustness of the data collected. It was found that there were inconsistencies in the codes used for works orders to raise inspections, cases where access was denied were not recorded correctly in the past and some data was missing.
61. At the end of September 2021, 85.83% of domestic and communal properties in Bournemouth had a current satisfactory electrical safety inspection. The total number outstanding was 780 including 249 relating to communal areas of flat blocks. The electrical safety programme had been suspended from the 18 March 2020 to the 1 July 2020 due to the pandemic which had contributed to much of the backlog but there were concerns that some of these tests were several years old.
62. The Inhouse team were immediately instructed and several external contractors were also appointed to help deal with the backlog. Works orders have been raised and appointments continue to be booked in with tenants. Further interrogation of the data and some sample checking has also been carried out. A summary of the situation as at the 17 December 2021 is set out in the table below.

	<b>Domestic</b>	<b>Communal</b>
<b>Total number of inspections last undertaken over 10 years ago</b>	37	0
<b>Total number of inspections last undertaken between 5 and 10 years ago</b>	342	2
<b>Total outstanding</b>	<b>379</b>	<b>2</b>
<b>The number of properties where there is no record of an inspection</b>	18	64

63. Of the 342 domestic properties that have inspections of between five and 10 years old, 331 of these became outstanding during 2020 and 2021. During this time the programme had been suspended because of the pandemic.
64. All inspections that became overdue before 2020 have had appointments made or have been referred to the Neighbourhood Management team to secure access to the property if appointments could not be made.

65. Works orders have been raised for all domestic properties where there is no record of an inspection. These will be completed as soon as possible. Many of these properties have had issues in securing access in the past.
66. There is some further data validation being carried out to 104 of those domestic properties where electrical safety inspections are outstanding but where a previous works order to complete the inspection was recorded as abortive following failed attempts to access the property. This validation will establish if safety tests are indeed outstanding and if so, confirm the length of time outstanding.
67. Visual inspections are being carried out to those communal areas where there are no internal electricity supplies. This will confirm the presence of an external electrical supply and if an inspection is therefore outstanding. Where there is a supply, a visual inspection will be carried out and the full inspection arranged for a later date. These inspections have removed several communal areas from the programme where no external communal electricity supply has been found.
68. Works orders have been raised for those communal areas that require an inspection. A programme of work is also being reviewed for those more complex communal areas such as Independent Senior Living accommodation. This programme will be completed by the end of December so that the number of inspections required can be confirmed and programmed in. In the meantime, the mitigation actions set out below will apply and domestic properties within Independent Senior Living will continue to have their individual inspections carried out.
69. Some further checks of the data relating to completed properties will also be carried out to ensure accuracy of historical inspections to validate systems and processes.
70. There are several actions in place to mitigate the risk to tenants because of outstanding inspections.
  - Additional resources have been employed through private contractors to complete inspections.
  - Housing Officers are identifying vulnerable tenants to help prioritise these cases.
  - Where residents have not responded to requests to make appointments Housing Officers carry out home visits.
  - Cases are referred to Neighbourhood Management where access has been denied.
  - Properties are fitted with modern consumer units.
  - Arrangements are being made to send letters to those tenants with outstanding tests to remind them of electrical safety in the home and to contact the Council if they have any concerns.
71. There are other actions in place to mitigate to risk caused by outstanding inspections to communal areas.
  - Emergency lighting is tested quarterly by approved contractors.
  - Fire alarms are tested weekly by approved contractors.
  - Door entry systems are tested quarterly.
  - Other fire safety measures are tested annually.
  - All communal areas are inspected three times a year.
  - Consumer units are behind locked doors and wiring behind trunking.

72. The Asset Management team are meeting each week to map progress on dealing with the backlog of tests and improving the performance data.
73. In Poole, 99.25% of domestic and communal properties had a current satisfactory electrical safety inspection. The total number outstanding at the end of September was 34 which has now been reduced to 20.

## **Fire Safety**

74. Three pieces of legislation govern the actions of landlords in relation to fire safety; the Housing Act 2004, the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and the Regulatory Reform (Fire Safety) Act 2005 (RRO). While legislation specifies the frequency for carrying out fire risk assessments' (FRA's) as 'regularly'.
75. An effective fire safety programme incorporating a frequent FRA programme looking at a range of measures, including facades, compartmentalisation, doors and closers and clear communal areas is in place across both neighbourhoods. These are reviewed regularly within each neighbourhood.
76. The Fire Risk Assessment reports rate priorities as high, medium or low. A programme of work, based on these priorities, continues to be undertaken using the action priorities contained therein.
77. Where we have concerns regarding a resident's use of a property, referrals can be made to the Dorset and Wiltshire Fire Service under the fire safety referral scheme. Concerns would range from; hoarding, repeated false alarm activations, actual minor fire, portable fires, dirty ovens / cooking appliances and chaotic lifestyles often due to addiction. Mitigating actions can be put in place to reduce the risk and we will work with other teams within the council and other agencies to see if support can be provided to improve the situation. Where necessary legal action will be taken against the resident.
78. Smoke alarm tests are carried out at same time as the gas safety test in both neighbourhoods. Smoke and fire alarms within sheltered housing in both neighbourhoods are linked to the out of hours service through the emergency alarm systems. This provides information on activations and can help raise awareness of issues with individual tenants. Information can also be used to help the decision-making process regarding repairs.
79. Both neighbourhoods have opportunities to raise awareness of fire safety with residents through newsletters, websites, general correspondence and residents' groups.
80. Previous compliance reports set out fire safety issues that had been identified in the tower blocks at Sterte Court, Poole. Work to remove and replace the cladding with wholly non-combustible materials was approved by Full Council in 2020 and work commenced earlier this year. The combustible cladding has now been removed and the work to complete the installation of the new wholly non-combustible cladding will be complete in April 2022. Progress has been monitored jointly by BCP Council and PHP and there are now no additional risks as all remedial fire prevention work has been completed.
81. The risk levels in relation to Sterte Court are now back to relevant levels as expected for the building along with the added benefits of the measures below. The fire alarm has been removed from all communal areas and the building has reverted back to a

stay put policy due to the risk level being reduced. The alarm system remains in individual flats and will operate within the flat if there is a fire. The system can also be used for the purpose of evacuation if the fire service deems it necessary. The evacuation alarm will allow proposed national recommendations to be implemented ahead of release by the government. A sprinkler system has also been installed in the buildings and is fully operational.

82. In 2020, the government announced that it would provide £1 billion through the Building Safety Fund, to support the remediation of unsafe cladding systems on residential buildings 18 metres and over in both the private and social housing sectors. An application to the fund has been submitted by the council in respect of Sterte Court. While there is no indication yet if this will be successful, the bid has been allowed to proceed to the next stage.
83. Project Admiral to refurbish tower blocks in Poole at Drake Court, Grenville Court, Nelson Court and Rodney Court continues. The programme of includes the installation of a cladding system to improve insulation levels and extend the life of the buildings. This will be wholly non-combustible and extend the life of the buildings. The work will also include the installation of sprinkler systems.
84. Previous compliance reports referred to a red-rated high priority action at Craven Court, Knyverton Road, Bournemouth concerning the escape route from two flats. The building was identified for redevelopment and planning permission has been granted. The residents to these flats have now moved to alternative accommodation and the risks mitigated. Two legacy issues remain at Bethany House, Bournemouth from 2015 where a fire escape stair leading from the top floor of the rear wing exits through land the council does not own and as a result does not lead to a place of safety if used without the emergency services being present. As the building operates a stay put policy this has been mitigated in liaison with the fire brigade who would only use the stairs if the stay put policy was no longer operationally safe and evacuation was necessary.
85. In quarter three 2021/22, as a result of more detailed validation, the data identified an additional 19 red-rated high priority actions outstanding in the Bournemouth neighbourhood. These were identified in fire risk assessments carried out between 2016 and 2020 and work should have been completed to remove these risks. Most of the actions 16, related to buildings with an overall medium or low risk level but are no less a priority to resolve.
86. There were also 189 medium priority actions outstanding.
87. All these actions have now been reviewed and the necessary work completed or planned. The table below provides a summary of the position as at the 10 December 2021. High risk actions have been reduced from to 10 and medium risk actions to 98.

	<b>High-risk remedial action</b>	<b>Medium risk remedial action</b>
<b>Year identified in fire risk assessment</b>		
2015	2	
2016	1	
2017	2	
2018		14

2019		
2020	5	12
2021		72
<b>Total</b>	<b>10</b>	<b>98</b>

88. There were 506 red-rated low risk actions which has now reduced to 501. 152 of these relate to the availability of electrical safety certificates and 225 to issues with letterboxes which will be dealt with through a fire door replacement programme. These low-risk actions do not make a building non-compliant.

89. Risks to residents are being mitigated through the following actions.

- Priority is being given to reduce high risk actions.
- Emergency lighting is tested quarterly by approved contractors.
- Fire alarms are tested weekly by approved contractors.
- Other fire safety measures, e.g., smoke vents are tested annually.
- Communal internal areas are inspected 3 times per year to ensure that the areas are in good condition, free from obstruction and to check on fire safety. These visits have been increased to weekly for those buildings with outstanding high-risk actions.

90. The fire service has carried out fire safety audits to several blocks of flats in the Bournemouth neighbourhood and found that there was reasonable standard of fire safety at the time of their visit. This provides further assurance regarding fire safety.

91. Within the Poole neighbourhood there are three outstanding high priority legacy actions relating to the replacement of fire doors. These are due to be completed by the end of December.

### **Lift Safety**

92. The Councils duties for managing lifts are contained within the LOLER (Lifting Operations Lifting Equipment Regulations 1998 and PUWER (Provision and Use of Work Equipment Regulations 1998). Both neighbourhoods have a shared contract with an external contractor to carry out any inspections or work.

93. Non-domestic (communal) lifts are subject to two thorough inspections each year alongside monthly servicing schedules. This work is carried out by contractors. Lifts are also subject to one annual inspection from our insurer. Domestic stairlifts are subject to two thorough inspections per year and one annual inspection by our insurer. Any unsatisfactory or worn items are reported alongside a quote for repair and undertaken.

94. The outstanding non-domestic lifts in Bournemouth have now been serviced but there continue to be problems accessing those domestic properties that are outstanding.

### **Summary**

95. As a major landlord with a significant number of homes, there have been concerns regarding building safety within both neighbourhoods over the last two to three years, including those brought about by backlogs generated through lockdown.

96. There will always be challenges but it is one of the most important areas of work for landlords to meet these and improve on reporting and performance. One of the main areas that landlords should be looking at is the quality of the data that they hold to ensure that it provides assurance of compliance with the Home Standard and that residents are safe. It will be especially important following the changes set out in the Building Safety Bill and the Housing White Paper which will increase the responsibilities and expectations on landlords to maintain safety in its homes and buildings.
97. The Housing Management Model review will continue. Residents will continue to be involved through a Joint Residents Group to help design the new service. Design will also be influenced by the changes that will result from the Building Safety Bill and the Housing White Paper.
98. A review of systems and processes with input from internal audit colleagues already underway will provide further assurance around compliance in the Bournemouth neighbourhood when concluded.

### **Links to the BCP Corporate Health and Safety team**

99. The Corporate Health and Safety team's link to the Bournemouth neighbourhood Housing Team is to provide health and safety advice and assistance to all staff who work on the Housing stock. This includes:
  - working with relevant managers to review policies and procedures and appropriate implementation. All legacy council policies and procedures will need to be reviewed and updated to reflect any changes that have occurred since the formation of BCP Council. This will include policies and procedures for asbestos, legionella, gas and electricity.
  - updating the relevant teams on any new or significant changes to Health and Safety legislation and codes of practice that are relevant to the management of the council homes.
  - assisting management in monitoring health and safety standards in council homes.
  - assisting in the identification of Health and Safety training needs for relevant managers and staff.
  - investigating any serious accidents or ill health occurrences and work with management to prevent a reoccurrence.
100. The Corporate Health and Safety team includes qualified Health and Safety professionals who undertake continuing professional development to ensure they keep up to date with legislation and best practice.
101. The Housing Team will continue to work with Corporate Health and Safety to further develop policies and procedures and share this with PHP.

### **Summary of Financial Implications**

102. There is a cost associated with the delivery of inspection, remedial works and improvement programmes associated with these policies, however the duties are mandatory, and the cyclical programmes associated with such have been factored into the respective HRA Neighbourhood Business Plans.

103. This report does not contain a request for a decision on spend as this is already within agreed budgets that are set out in the annual Housing Revenue Account Budget Report.

#### **Summary of legal implications**

104. Policies and procedures assist the Council in discharging its statutory duties associated with landlord compliance. It is important that there is full compliance with good practice standards, regulatory standards and the relevant legislation.
105. Failure to comply with these duties could result in formal prosecution being brought against the council as a landlord e.g., potential of a corporate manslaughter case for the most serious of breaches. Failure can also result in a breach of the Regulator's Home Standard and a regulatory notice if there was actual or potential serious detriment to council tenants.

#### **Summary of human resources implications**

106. There are no immediate implications on staffing levels. However, compliance is seen as an increasingly important area of work through work that is undertaken to monitor and report on performance. The Building Safety Bill will require the council to appoint a Building Safety Manager to manage safety in its higher-risk buildings. It is expected that this post will cover up to 10 buildings and the number of posts required will be influenced by the number of buildings classified as higher risk.
107. The implementation of PEEP's will also require greater resources to work with residents to complete, implement and then keep up to date.

#### **Summary of sustainability impact**

108. Adherence to appropriate and consistent standards for compliance protects both the interest of our tenants and the council as a landlord. The correct functioning of gas and electrical systems reduce the impact of the systems on the environment through efficient operation. Having good knowledge of the condition of our systems allows planning for their replacement when appropriate times with more efficient upgrades that benefit the environment and our tenants.

#### **Summary of public health implications**

109. Complying with policies, procedures and statutory duties ensures the wellbeing of our tenants and provides safe and well-maintained homes. Our compliance work protects tenants from hazards that might otherwise exist.

#### **Summary of equality implications**

110. None. There are no changes to the way in which services are provided because of this report.

#### **Summary of risk assessment**

111. Failure to comply with duties to maintain the health and safety of residents could result in formal prosecution being brought against the Council as a landlord e.g., potential of a corporate manslaughter case for the most serious of breaches.
112. If there is breach of the Home Standard then the Regulator might serve a regulatory notice on the council which would have a detrimental impact on its reputation. The

Regulator expects councillors to ensure that they have proper oversight of all health and safety issues to ensure compliance with the Home Standard.

### **Background papers**

Published works:

[The Charter for Social Housing Residents – Social Housing White Paper](#)

[The Building Safety Bill](#)

[The Regulator of Social Housing – Home Standard](#)

### **Appendices**

Appendix 1 – Health and safety reporting dashboard quarter 2, 2020/21