

Overview and Scrutiny Report

Title: Update on the voluntary undertaking with the Regulator of Social Housing	Ref:
Date: 18th October 2021	Portfolio:
Strategic Director: Colin Huntington	

Purpose of Summary

1. To provide an update on progress to the action plan contained within the voluntary undertaking entered into with the Regulator of Social Housing (The Regulator) on 29 November 2019 and performance of landlord compliance.

Background

2. This report follows on from previous update reports and should be read in conjunction with the monthly updated detailed action plan report that is reviewed by the Regulator at a monthly meeting. The latest meeting was 11th October 2021.

Summary of Key Issues for consideration

3. A draft follow up report was received from Pennington Choices on 5th October 2021. This report reviews the domestic property portfolio compliance position subsequent to the embedding of new governance arrangements and clarification of the communal area compliance data held in Northgate and Keystone. Pennington Choices have upgraded all areas to reasonable assurance.
4. In response to the risk from a lack of operational resource in Gateshead Construction Services for building safety compliance work, a further managerial role to address is being progressed. The priority of the role is to deliver operational compliance via specialist contractors.
5. At a meeting with the Regulator of Social Housing on 11th October 2021 it was agreed that the Council could submit a letter of request that the voluntary undertaking is reviewed. A position statement on progress against the agreed actions would also be sent to support the request.
6. Tyne and Wear Fire and Rescue Service have carried out an interim visit to Redheugh and Eslington Court and are satisfied with progress on the fire action plan. A final visit is due mid-October.
7. Historical fire safety remedial works have confirmed completion dates of December 2021 for high rise blocks and March 2022 for mid and low rise blocks.
8. All high risks Asbestos works have been completed. Asbestos remedial works are affected by a lack of operational resource and are being prioritised for completion by Construction Services.
9. Domestic lift servicing and inspection continues to be intermittent. These are lifting devices provided for personal care.

10. Electrical inspections and remedial works now with contractors due to a lack in internal resource. Year three remedial works are to be subcontracted with confirmation of a start of work date and target completion dates awaited from Construction Services.

Compliance Audit

11. The Compliance Recovery Review report provided by Pennington Choices had two areas of limited assurance - governance and communal areas in domestic buildings.
12. Additional information and clarification have been provided and the assurance level lifted to Reasonable Assurance.
13. Some additional actions are in progress that are expected to lift both areas to substantial assurance. This mainly consists of surveyors visiting those properties cited as without a communal area and signing these off as correct on Northgate.

Current Position – Fire Safety

14. Fire safety remedial work has an expected completion date of December 2021 for high rise blocks and March 2022 for low and mid-rise blocks. Works will continue to be raised from the fire risk assessment programme and from other invasive schemes of work.
15. The fire risk assessment programme is on schedule.
16. The fire safety action plan agreed with Tyne and Wear Fire and Rescue Service at Redheugh and Eslington is complete apart from some flat fire alarm connections where 22 residents have refused access. The Building Safety Manager is coordinating access with Housing Management, and legal action is likely to gain injunctions and warrants to force entry.
17. The Northgate risk assessment module has experienced further issues with how Adobe Acrobat presents the risk assessment document. This is with Northgate developers. In the interim risk assessments continue to be recorded via the IAuditor software and loaded to Northgate.
18. Procurement for an independent assessment of the external wall materials of buildings in scope has been drafted. This meets the requirements of the amended Regulatory Reform (Fire Safety) Order 2005. Current cost estimates place the high-rise block surveys at up to £0.5m. Cost avoidance options are under review for low and mid-rise block surveys in the next financial year.
19. Availability of reactive Council resource for fire safety works remains a key risk and forms part of the rationale for the use of specialist contractors.

Building Safety

20. Two Building Safety Coordinator roles are to be advertised to support the Building Safety Manager (BSM).

21. Northgate have produced the first 'golden thread' reports that provide compliance data for the high rise blocks along with heat maps for the borough. These are now in the live testing phase.
22. A resident engagement strategy is in progress.

Asbestos

23. The annual monitoring programme for identified asbestos containing materials is on target.
24. There are no high-risk remedial actions outstanding.
25. Completion of medium risk remedial actions have been split between contractors and Construction Services. 17 Butterfly houses/ other construction style houses with loft issues, whilst of a restricted access design, to be sealed by Construction Services. A resident involvement exercise is in progress to liaise with residents and coordinate the work programme.
26. Low and very low risk remedials from historical surveys are within a desktop review to locate completion certification or confirm as no action required.
27. As with fire safety works, availability of reactive inhouse resource for asbestos safety pre and post works remains a risk and is currently supported by subcontractors.

Electrical Safety

28. The fixed wire testing programme has been moved in its entirety to contractors who will also complete any remedial works arising to prevent further backlogs.
29. Year one and year two electrical remedials are with a subcontractor and have an expected completion date of March 2022 with Year three remedials awaiting final arrangements with a contractor. All are C2 repairs and due to the age and numbers considered a risk.
30. The accumulated rewires and electrical distribution board renewals are to be contracted out. These properties have a shorter retest period to ensure safety until work is completed. This work under previous electrical regulations would have been C3 remedials rather than C2.
31. The fixed wire testing programme remains on target for year three of five.

Gas Safety

32. At the end of September 2021 39 landlord gas safety records were out of time with 99.89% of Council owned properties compliant.
33. During September 2021, 2,084 gas services were completed with 784 doorstop no accesses. This is a cost to the business of £19,600 lost time, not including additional administrative time to reschedule appointments.
34. 714 emergency repairs and 71 emergency boiler replacements were completed.

35. 7 warrants were obtained from court for access.

Domestic Lifts

36. Slow progress is being made to complete service and inspection of the disabled adaptation lifting devices. Access continues to be difficult and contractors experiencing multiple entry refusals.
37. Administrative delays are also affecting performance figures with Council insurers HSB Munich refusing to use the Northgate portal to upload thorough inspection certification and work order completions. This will be referred to internal audit due to the way the Council contract and pay HSB Munich.
38. Support is in place from Housing Management and Child/Adult Services.
39. As this is not an area that the Courts would grant an injunction or warrant for we are limited in our responses and this continues to be a concern. Risk is limited to those persons in the household using the adaptations provided.

Water Safety

40. There is a national shortage of plumbers. The domestic property legionella risk assessments have now been put into a procurement exercise.
41. The back log of water dead leg removals is now 90% complete. The remaining 10% have had three access attempts and are now under review for housing management support.
42. Thermostatic mixing valve servicing commenced during August with contractors carrying out inspections and remedial works.

Data

43. System improvements and live testing are in progress for both the Northgate risk assessment module – which is operational apart from the final presentation of the risk assessment document, and the service and inspection module.
44. The suite of Northgate reports has undergone a detailed review with simplifications and enhancements implemented to make them easier to use and understand.

Recommendation

45. The note the current position on the voluntary undertaking.