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Wards: All

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL – 26 JANUARY 2023
REPORT OF THE SERVICE DIRECTOR (PROPERTY MAINTENANCE AND CLIMATE CHANGE)

HOUSING COMPLIANCE AND BUILDING SAFETY REGULATIONS UPDATE

1 Executive Summary

- 1.1 The purpose of this report is to provide an update to Members of the Cabinet Housing Panel on the Housing Compliance position, and;
- 1.2 To brief Members on the Council's preparedness for the implication of new Fire Safety and Building Safety Regulations.

2 Recommendation(s)

- 2.1 Members of Cabinet Housing Panel are asked to note the content of this report.

3 Performance

- 3.1 This report follows on from the update given to the Cabinet Housing Panel on 24th October 2022 and this report sets out the Compliance Position as at 11th January 2023.

- 3.2 Fire – The completion of fire risk assessments is 100% compliant. We have completed a rolling programme of Fire Risk Assessments (FRAs) to ensure this area stays compliant.

There was a total of 239 high risk actions resulting from the FRA's. 227 have been completed. The remaining 10 are fire doors which have been surveyed and ordered and 2 are surveys in loft spaces where access is required. There has been some no access in this area for which we are following the access process.

There were 1581 medium risk actions. 1286 have been completed and there is a programme in place for the remaining.

- 3.3 Water – This area is 100% compliant and we have completed a rolling programme of reviews to be completed.

- 3.4 Asbestos – This area is 100% compliant. The 2022/2023 programme is well underway and moving forward smoothly.

- 3.5 Electricity –The communal blocks programme is 100% compliant. The 5-year rolling programme is being followed.

The domestic testing is 99.1% compliant and there are still a number of 'no access' to properties. We have managed to bring the no access numbers down to 76 properties. We will continue to attempt to gain access to these properties to ensure they are completed.

- 3.6 Gas - This area has two parts, domestic (dwellings) and communal (blocks). The communal blocks are 100% compliant and the domestic is 99.98% compliant with two properties outstanding due to access issues which we are following the process to complete.

- 3.7 Lift – This area continues to be 100% compliant.
- 3.8 We have completed rolling programmes for all areas of compliance which will mean we will complete some assessments, surveys and tests slightly earlier than required over the next year to ensure we have a smooth programme each year.
- 3.9 The Regulator of Social Housing wrote to the Chief Executive on 17 January 2023 confirming that the Regulatory Notice will be removed on 25 January 2023 following the recent period of engagement satisfactorily addressing the areas of non-compliance. A copy of the letter is attached as an appendix to this report. The Council's website has been updated.

4 Building Safety and Fire Safety Legislation Update

- 4.1 Following the tragedy at Grenfell Tower in London in 2017, the Government continues to strengthen legislation around building and fire safety. There are two new important pieces of legislation that come into force in 2023 which will have an impact on the Council. They are:
- Building Safety Act 2022, and
 - Fire Safety (England) Regulations 2022

- 4.2 The paragraphs below summaries the legislation and the work the Council is doing to comply.

4.3 Building Safety Act 2022

In summary:

- Applies to new or existing occupied buildings with a particular emphasis on buildings over 18 metres high or seven storeys or more, which contain at least two residential units. The design, refurbishment and construction requirements also apply to care homes and hospitals meeting the same height threshold.
- Creates a universal change in responsibility and culture within the building industry.
- Establishes a more effective regulatory and responsibility framework for the construction industry and introduces clearer standards and guidance.
- Puts residents at the heart of a new system of Building Safety.
- Clarifies who has responsibility for Fire and Building Safety throughout the life cycle of a higher risk building.
- The provision for regulations in relation to construction products.

Introduces a new regulator with 3 main functions:

- To oversee the safety and standards for all buildings. This will be done through overseeing the performance of building control bodies across the public and private sectors, and by understanding and advising on existing and emerging building standards and safety risks.
- Encourage increased competence by setting the direction of an industry-led competence committee and establishing competence requirements for registration of building control professionals.

- Lead the implementation of the new regulatory regime for higher-risk buildings, including having the powers to involve other teams, including the Fire Service, when making regulatory decisions regarding Building Safety.

Council's Position:

- The Council owns the freehold of two high rise buildings in scope of the regulations which come into force in April 2023.
- Queensway House, Hatfield is currently in the process of being de commissioned with all the tenanted flats and many of the leased flats empty. We are in discussions with the remaining leaseholders. If the building remains occupied it will need to be registered with the Regulator within the relevant timescale and the other relevant requirements will need to be met. Interim safety controls are in place including 'waking watch' and dialogue continues with the fire service.
- The other building is Goldings House, Hatfield which is under the management of Paradigm Housing. The Council owns the freehold but the flat tenancies are with Paradigm. On the basis of this Paradigm have been asked for a copy of their plan for complying with the new legislation.

4.4 Fire Safety (England) Regulations 2022

In summary:

- Duties that apply to all buildings regardless of height:
 - Provide relevant fire safety instructions to their residents on how to report a fire and what a resident must do once a fire has occurred and information relating to the importance of fire doors in fire safety.
- Residential buildings over 11m (typically 4 storey):
 - To undertake best endeavours to check annually flat entrance doors and quarterly checks on communal fire doors.
- Residential buildings of 18m (or 7 storeys) and above:
 - Install and maintain secure information boxes. They must contain the name and contact details of the responsible person and hard copies of the building floor plans.
 - Provide the local fire & rescue service with information about the design of and materials used in the building, the level of risk and any mitigating steps taken.
 - Provide their local fire & rescue service with up-to-date building floor plans by electronic means and to place a hard copy of these plans, along with a single page building plan that identifies key firefighting equipment, in the secure information box on site.
 - Undertake monthly checks on the operation of lifts intended for use by firefighters, and evacuation lifts in their buildings and check the functionality of other key pieces of firefighting equipment. Additionally, where any equipment is identified to be

defective it will need to be reported to the local fire & rescue service as soon as possible if the fault cannot be fixed within 24 hours. These checks will need to be recorded and made available to residents.

- Install wayfinding signage visible in low light or smoky conditions that identifies flat and floor numbers in the stairwells.

Council's Position:

The Council has prepared and has the following in place in preparation for the new legislation that comes into force on 23 January 2023:

- Duties that apply to all buildings regardless of height
 - Signage has been installed in all multi occupied residential buildings (HRA and General Fund). A process of annual review and briefing new residents is being introduced.
 - Provide information relating to the importance of fire doors in fire safety is being introduced.
- Residential buildings over 11m (typically 4 storey):
 - A programme is being developed to complete annual checks on flat entrance doors to 28 buildings (HRA and General Fund) in scope of the legislation and quarterly checks on fire doors in common areas.
- Residential buildings of 18m (or 7 storeys) and above:
 - Install and maintain a secure information box to Queensway House. This is in place.
 - Give information to local fire service and building plans. The fire service have been kept up to date with Queensway House.
 - Check lifts monthly at Queensway House. This is in place.

Implications

4.5 Legal Implication(s)

4.6 There is potential for further regulatory action if the Council does not evidence compliance. The Regulator will have various enforcement powers, including to authorise remedial works and the replacement of key officers.

5. Financial Implication(s)

5.1 There are no direct financial implications arising from the recommendations at this time as all compliance matters are included in existing compliance budgets.

6. Risk Management Implication(s)

6.1 There is potential for reputational damage if the Council does not remain in a compliant position.

7. Communication

7.1 We have regular communications and engagement meetings with the Regulator of Social Housing to ensure the progress required is completed. These have now concluded.

7.2 We have continued to update the website with information on the compliance position (this has now been removed following the letter from RSH) and we are actively communicating with residents when works are being completed within their home or communal block.

7.3 We have a dedicated email address for tenants to contact if they have any questions or concerns relating to any of the compliance areas.

8. Security & Terrorism Implication(s)

8.1 There are no security and terrorism implications arising from this report.

9. Procurement Implication(s)

9.1 There are no procurement implications arising from this report.

10 Climate Change Implication(s)

10.1 There are no Climate Change implications arising from this report.

11. Human Resources Implication(s)

11.1 There are no HR implications arising from this report.

12. Health and Wellbeing Implication(s)

12.1 There are no Health and Wellbeing implications arising from this report.

13. Link to Corporate Priorities

13.1 The subject of this report is linked to the following Council's Corporate Priorities 'Our Housing' specifically to Improving Housing Need in the Borough.

14. Equalities and Diversity

14.1 An EqlA was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

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Date: 18th January 2023

Appendices:

Appendix A – RSH letter to WHBC 17 January 2023