

Report to Cabinet

11 September 2024

Subject:	Approval of Property Compliance Policy
Cabinet Member:	Cabinet Member for Housing and Sustainable Development - Councillor Vicky Smith
Director:	Alan Lunt Executive Director of Place
Key Decision:	No
Contact Officers:	Assistant Director Asset Management and Improvement - Sarah Ager Sarah_ager@sandwell.gov.uk Interim Head of Building Safety and Compliance Tom Jones tom_jones@sandwell.gov.uk

1 Recommendations

- 1.1 That Cabinet approves the Property Compliance Policy for Sandwell's Housing Stock.
- 1.2 That the Executive Director – Place be authorised to make any necessary amendments to the Property Compliance Policy for Sandwell's Housing Stock to ensure it remains compliant with regulatory requirements.

2 Reasons for Recommendations

As a social landlord, we operate in a unique regulatory environment whereby the effect of any non-conformance with regulatory requirements can be amplified through the impact on our relationship with the Regulator for Social Housing (RSH), and notably their assessment of our governance arrangements and our performance in meeting the Decent Homes Standard.

We operate in the spirit of co-regulation with the RSH. We also have important working relationships with some of our local regulators such as other departments within Sandwell Metropolitan Borough Council (SMBC) and local fire services as well as national regulators such as the Environment Agency and the Health & Safety Executive (HSE). The Building Safety Regulator (BSR) sits as part of the HSE.

The Policy sets out the landlord’s approach to ensure it remains compliant with current and any future legislation and:

- how we organise ourselves to meet this objective,
- confirms headline commitments,
- how we report performance
- what Governance is in place to provide scrutiny.

3 How does this deliver objectives of the Council Plan?

Living in Sandwell	<p>Quality Homes in Thriving Neighbourhoods</p> <p>The key to resident safety is knowing that they are safe to occupy their home and have no hidden or unknown issues that may affect the overall safety for our residents, their visitors and Staff that work in and around their homes.</p> <p>Current legislation makes it a legal requirement to ensure buildings are safe to occupy by specifying many requirements Social Landlords must comply with, this policy sets the standards and provides that guidance to staff.</p>
--------------------	---

4 Context and Key Issues

The Property Compliance Policy is an important document in setting out SMBC’s approach to meeting its legislative requirements.

Equality Impact Assessment

An EQIA is provided as part of the documents for the reader to review. Prior to drafting this report, the EQIA has been shared and observations incorporated into the assessment.

Resident Engagement

Engagement has been undertaken with resident groups including Sandwell Community Information & Participation, (SCIPS) to provide input into the final version of the policy.

One of the key observations was that the draft is too technical with the use of abbreviations. It is noted however that this is meant to be a technical document and is generally inward facing for technically qualified staff.

Details on compliance and achievement of Decent Homes standard is reported to tenants via an annual customer satisfaction report.

5 Alternative Options

- 5.1 SMBC could not have a Property Compliance Policy, however this would not be an appropriate option as we need to demonstrate the approach to being a regulatorily compliant landlord. As a result, this option has been discounted.

6 Implications

<p>Resources:</p>	<p>Staffing – The policy sets out how we demonstrate we are compliant. The introduction of the new Consumer Standards, the Building safety Act and secondary legislation requirements have provided an opportunity for realigning the staffing resources and provide additional capacity to ensure we have competent and capable resources to meet the requirements. This has led to an increase in staffing costs in this area which has been funded by a realignment of resource throughout Asset Management.</p> <p>Land/building implications – Improved and increase frequency if access will be required to buildings, with the usual minor disruption during property and site visits and intrusive inspections. This will be managed through current processes.</p>
<p>Legal and Governance:</p>	<p>There are legal implications of not implementing the policy and there is governance in place to ensure we monitor outputs. This is described within the Policies, Assurance and Governance section of the Policy.</p>
<p>Risk:</p>	<p>Risks are current and include:</p> <p>Risk of enforcement and other notices due to non-compliance.</p> <p>Risk of serious injury/death if defects that can affect compliance are not investigated and remediation measures not put in place.</p>

	<p>Risk to reputation as a good Landlord for poor management if assurance is not in place that we provide safe places to live.</p> <p>Risks over lower ratings when inspected by The Regulator.</p> <p>Legal risks including substantial fines and imprisonment for serious breaches leading to injury and death.</p>
Equality:	<p>Supports those with vulnerabilities to remain safe if there were any incidents.</p> <p>Ensures where access is required, steps are taken to ensure consideration for any of the Equality Act characteristics are taken into account.</p>
Health and Wellbeing:	<p>Implementation of the policy will prevent serious injury and death due to poorly managed buildings and elements provided in them</p>
Social Value:	<p>Implications for social value – none noted at present.</p>
Climate Change:	<p>Implications for climate change outcomes and any potential impact on the environment – none noted at present.</p>
Corporate Parenting:	<p>Implications for Corporate Parenting responsibilities – none noted at present.</p>

7. Appendices

Draft Property Compliance Policy for Sandwell's Housing Stock

8. Background Papers

None