Somerset West and Taunton Council

Audit, Governance and Standards Committee – 12 April 2021

Landlord Health and Safety Property Compliance Update Report

This matter is the responsibility of Executive Councillor Member Francesca Smith

Report Author: Ian Candlish, Assistant Director Housing Property

Report Date: 12th April 2021

1 Executive Summary / Purpose of the Report

- 1.1 This report provides an updated position for the main landlord health and safety property compliance disciplines. The Covid-19 pandemic continues to significantly impact upon our ability to progress with a number of the required actions since the last update provided to the Audit, Governance and Standards Committee on 7th December 2020. As well as resourcing issues (both internally, and for contractors), obtaining access from some vulnerable tenants who are shielding or are anxious about allowing people into their homes during the latest lockdown continues to create difficulties in maintaining compliance in some areas. However, we have continued with all compliance activities throughout the latest lockdown and have made considerable progress in many compliance areas.
- 1.2 In addition, an internal audit on Housing Compliance Governance and Reporting Processes has been carried out. This had an objective 'To provide assurance that housing compliance governance and reporting processes are adequately designed and operating effectively'. This provided an Assurance Opinion of 'Reasonable', with seven priority actions to be completed. We are developing a plan to undertake these actions.
- 1.3 The information within this report summarises the current compliance of Somerset West and Taunton Council in relation to the following six key areas:
 - Asbestos management
 - Electrical safety
 - Fire safety
 - Gas safety
 - Lift and Stair-lift management
 - Water safety

Each compliance area is monitored separately as defined by properties contained within either the Council's Housing Revenue Account (HRA) or General Fund (GF) accounts. HRA Blocks refer to all communal area(s) within the block (including any meeting halls), HRA Commercial refers to non-residential properties (e.g. shops or offices), HRA Dwellings refers to the individual property (e.g. house, bungalow, flat, etc.) and GF Property refers to the entire building.

1.4 The report identifies:

- Somerset West and Taunton Council's current compliance status (as at 19th March 2021).
- Comparative performance from the previous report submitted on 7th December 2020 wherever possible. This is shown in brackets on each dataset on the relevant table. Table properties have changed since the last report following completion of a validation process of required compliance activities, and the separation of properties for ease of servicing and reporting.
- Achievements and successes since the last report.
- Issues adversely affecting compliance and action being taken.
- Regulations / legislation which affects the way Somerset West and Taunton Council manages its property safety compliance.

1.5 Risk ratings and timescales:

- Somerset West and Taunton Council will review and where suitable use the ratings and timescales suggested by its approved contractors when receiving an inspection report.
- Where no timescales are given by the contractor, Somerset West and Taunton Council timescales as set out in its relevant policies will be adopted.
- Hazards deemed as urgent or as emergency works will be actioned as soon as reasonably practicable. This may include restricting access to areas immediately until the hazard can be removed.
- Somerset West and Taunton Council may at times review hazards and change their priority if the original priority does not reflect the current use of the building or if there has been additional measures put in place that reduces the overall risk.
- 1.6 The information presented within this report has been compiled from data supplied by the Housing Property team, persons responsible for compliance works, the facilities team and external contractors.
- 1.7 A review of all compliance areas against every property for which Somerset West and Taunton Council has property compliance responsibility has been undertaken. This review has led to improved data, resulting in an updated property compliance database which provides an improved monitoring capability for this activity, and an increased level of assurance on performance. As a result of this work, it should be noted that some of the existing property numbers have changed.
- 1.8 Following on from this review, we are continuing to pursue an approach that all potential compliance activities require checking. This task is considerable there are over 18,000 property compliance checks required over the Council's overall stock portfolio, ranging from weekly checks to 5 yearly inspections. If there is any doubt about the validity of a previous survey or inspection we will re-inspect, or if best practice, or a change in regulations has occurred, we will programme in the necessary works. We have currently undertaken 94.9% of these validation inspections, with those outstanding due to a technical inspection being required which will be carried out as part of future Water Risk Assessments (WRA's), which have been programmed in.

- 1.9 A summary of key activities and successes since the last report include:
 - Ongoing validation of all compliance areas against every property for which Somerset West and Taunton Council has property compliance responsibility.
 - Further reassessment of suitable Risk Assessment and Method Statements (RAMS) to mitigate against Covid-19 risks to residents, staff and contractors.
 - Additional procurement activity to deliver programmes of work to ensure 100% compliance; including water safety servicing, maintenance and remedial work, and additional electrical certification and remedial works.
 - Production of a new compliance policy and associated procedures for Electrical Safety, and Lifts and Lifting Equipment.
 - Continuing with Fire Risk Assessments and recommended remedial actions and maintenance inspections.
 - Undertaking Gas Safety checks.
 - Continuing with Water Risk Assessments and recommended remedial actions and maintenance inspections.
 - Completion of an Internal Audit on Housing Compliance governance and Reporting Processes.
- 1.10 Whilst the works outlined in this report are undertaken to ensure safety, a number of them have a consequential effect of mitigating negative impacts on the environment and climate change. For example, regular servicing of gas boilers to maximise their efficiency, and fire safety measures to reduce the likelihood of fires occurring (such as fire safety housekeeping) both minimise the release of harmful emissions.

2 Recommendation

2.1 The contents of the report and progress being made in relation to landlord property safety compliance be noted.

3 Risk Assessment

3.1 Somerset West and Taunton Council has an obligation to comply with landlord statutory health and safety responsibilities. The required arrangements for managing these responsibilities are in place and activities are carried out in accordance with the relevant regulations, approved codes of practice and associated HSE guidance. These provide the default position of the organisation whether or not internal procedures, policies and practices exist.

4 Background and Full Details of the Report

4.1 Asbestos Management

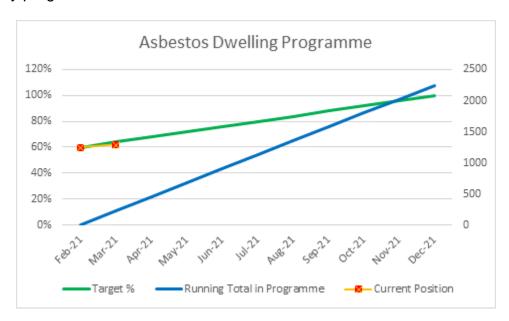
4.1.1 Further positive activities have been undertaken to progress asbestos management since the last report to this committee. Additional asbestos management surveys by specialist external contractors have been undertaken, together with the in-house reinspection programme within our communal areas. Detailed updates are provided below.

- 4.1.2 Somerset West and Taunton Council has a legal duty to manage asbestos containing materials within areas deemed as non-domestic, as outlined in Regulation 4 of the Control of Asbestos Regulations 2012 (CAR2012). It should be noted that any domestic property where works are to be undertaken is deemed as a workplace under the Health and Safety at Work Act 1974, and therefore will require asbestos information to be supplied as part of the pre-construction information. This is a requirement of the Construction (Design and Management) Regulations 2015 (CDM 2015).
- 4.1.3 Somerset West and Taunton Council holds an Asbestos Register containing relevant asbestos information to keep its staff, contractors and visitors safe during normal activities. This information is held within a cloud based server and as a hard copy (commercial properties only) in the building compliance folder.
- 4.1.4 Somerset West and Taunton Council holds asbestos information on both its housing stock and GF Property. However, following a review of the data held, it has been decided that only surveys undertaken after August 2018 (which follow a more robust methodology) will be used to manage asbestos containing materials and supplied to contractors as pre-construction information. This will ensure that a detailed asbestos register of SWT's stock portfolio is maintained and surveys are suitable for works being carried out. Asbestos surveys to communal areas of flat blocks where required by Regulation 4 of CAR2012 have been undertaken, and a programme of updated domestic surveys to validate those currently held by the Council is underway. The approved Asbestos Procedures document allows for safe management of asbestos pending completion of these surveys, e.g. prior to undertaking construction work when asbestos-containing materials are most likely to be disturbed a 'refurbishment and demolition survey' is undertaken, and all void properties have an asbestos management survey undertaken prior to re-letting.
- 4.1.5 The following table provides an update of the current position in relation to asbestos surveys undertaken post-August 2018. Where properties are found to contain asbestos (except for dwellings) they will be subject to future re-inspection.

Property Account Type	Number of Properties	Number Surveyed	Future Re-inspection	Percentage Surveyed
HRA - Blocks	524	524	410	100% (100%)
HRA – Meeting Halls	18	18	9	100%
HRA – Guest Rooms	10	10	6	100%
HRA – Dwellings	5598	3449	N/A	62% (52%)
HRA - Commercial	3	3	1	100% (100%)
GF – All Properties	50	50	25	100% (96%)

Note: The programme of asbestos management surveys for HRA Dwellings is programmed for completion by December 2021.

4.1.6 The following graph shows progress of the HRA Dwellings asbestos management survey programme:



Note: We continue to have a number of refusals during the current lockdown period due to difficulty obtaining access from some vulnerable tenants who are shielding or are anxious about allowing people into their homes.

4.1.7 Following the asbestos surveys undertaken, where we have found asbestos present we have instigated a re-inspection programme. The following table provides an update of the current position in relation to asbestos re-inspections:

Property Account Type	Number of Properties	Number Surveyed	Percentage Surveyed
HRA - Blocks	410	410	100% (100%)
HRA – Meeting Halls	9	9	100% (100%)
HRA – Guest Rooms	6	6	100% (100%)
HRA - Commercial	1	1	100% (100%)
GF – All Properties	25	25	100% (97%)

4.2 Electrical Safety

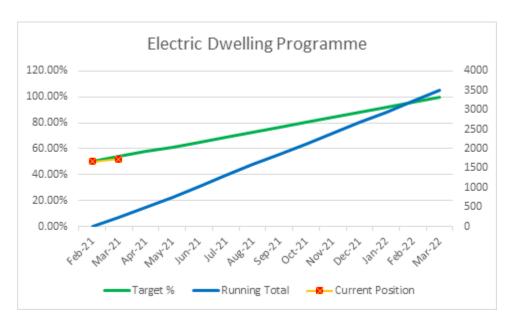
- 4.2.1 Completion of electrical safety checks has been challenging during the Covid-19 pandemic. External contractors have experienced a high level of appointment refusals, in-house electricians have been required to focus on emergency electrical repairs, and difficulties with in-house staff resources due to self-isolation has made progress problematic.
- 4.2.2 Somerset West and Taunton Council have a duty to periodically inspect and test electrical installations within its stock. All void properties have an electrical inspection undertaken prior to re-letting.

- 4.2.3 Somerset West and Taunton Council have an Electrical Safety Policy and associated procedures in place.
- 4.2.4 Somerset West and Taunton Council have adopted the following periodic inspections:
 - Domestic Properties 5 year cycle
 - Common Parts of domestic buildings 5 year cycle
 - Commercial buildings owned and operated by SWT As recommended from previous test certificate
- 4.2.5 Inspections are actively monitored by both the Housing Property team and the Property Compliance team to ensure that the periodic inspection regime is suitable from the amount and type of remedial works that are identified following inspection.
- 4.2.6 All electrical inspections are currently being undertaken by external contractors, project managed by the Housing Property team.
- 4.2.7 All Code 1 hazards ('Danger present Risk of injury') which are identified during the inspection are rectified on site, and if they cannot be rectified the areas are made safe until works can be completed. Code 2 hazards ('Potentially dangerous') are programmed to be undertaken urgently. Any Code 3 hazards ('Improvement recommended') are reviewed and, if required, are included in future planned programmes.
- 4.2.8 The following table provides an update of the current position in relation to electrical inspections:

Property Account Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Blocks	337	335	99% (87%)
HRA – Meeting Halls	18	18	100% (94%)
HRA – Guest Rooms	10	10	100% (90%)
HRA - Dwellings	5727	2952	52% (47%)
HRA - Commercial	3	3	100% (67%)
GF - Properties	51	46	90% (92%)

Note: Electrical tests to HRA Dwellings are due for completion by end March 2022. All GF - Properties electrical tests have been undertaken, however the inspection reports are being validated as part of the rigorous process to check all data entered prior to being recorded as complete.

4.2.9 The following graph shows an updated HRA Dwellings programme for electrical inspections:



Note: During the course of this programme 732 electrical inspection certificates will expire – these have been included in this programme.

4.2.10 Portable Appliance Testing (PAT) is a statutory requirement under the Health and Safety at Work Act 1974, Electricity at Work Regulations 1989, Provision and Use of Work Equipment Regulations 1988, and the Management of Health and Safety Regulations 1999 to ensure electrical safety of portable electrical appliances.

The following table provides an update of the current position in relation to electrical portable appliances:

Property Account Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Blocks	0	0	N/A
HRA – Meeting Halls	18	13	72% (100%)
HRA – Guest Rooms	9	5	56% (100%)
HRA - Commercial	2	2	100%
GF - Properties	12	12	100%

Note: HRA – Meeting Halls and HRA – Guest Rooms are not currently in use due to the Covid lockdown. All PAT testing will be undertaken prior to reopening.

4.3 Fire Safety

4.3.1 Progress on fire safety continues to be challenging during the second lock down of the Covid-19 pandemic. However, a significant progress with our programme of new Fire Risk Assessments (FRA's) and recommended remedial actions has been achieved. In

addition, following recommendations within FRA's to undertake further validation to check compliance of existing fire doors, these have been undertaken and have established a need to develop a further programme of replacement doors. Details of this programme will be provided to the next committee meeting.

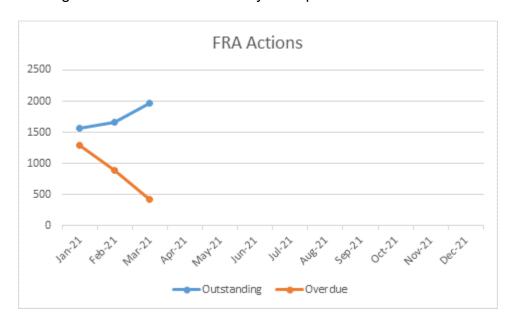
- 4.3.2 The Chief Executive is Somerset West and Taunton Council's responsible person as defined in Article 3 of the Regulatory Reform (Fire Safety) Order 2005 (RRFSO2005). Article 9 of the RRFSO2005 requires that the responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the measures they need to take. To satisfy this requirement, Somerset West and Taunton Council undertake fire risk assessments to all properties deemed as non-domestic, including the communal areas of domestic buildings.
- 4.3.3 The duty to ensure that Article 9 of the RRFSO2005 is met is the responsibility of the Assistant Director Housing Property.
- 4.3.4 Somerset West and Taunton Council have a Fire Safety Policy and associated Procedures to ensure it manages this compliance activity in its property portfolio safely and in line with relevant legislation.
- 4.3.5 Current legislation states that Fire Risk Assessments should be reviewed regularly or when circumstances change relating to the property and / or its occupants.
- 4.3.6 Somerset West and Taunton Council have adopted the following timescales for fire risk assessment based on a risk rating:
 - Communal areas to domestic blocks (excluding sheltered blocks) Biennial with a review annually
 - Communal areas to sheltered blocks Annually
 - Commercial Properties Annually
 - Any high-risk properties identified via FRA's Annually
- 4.3.7 All HRA blocks are 'low rise' (the majority of which are two storey), are mainly of traditional construction, and do not have any aluminium composite material (ACM) type cladding.

The following table provides an update of the current position in relation to fire risk assessments:

Property Account Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Blocks	332	332	100% (45%)
HRA – Meeting Halls	18	17	94% (28%)
HRA – Guest Rooms	10	3 (8)	80% (30%)
HRA - Commercial	4	4	100% (100%)
GF - Properties	28	20	71% (71%)

Note: All outstanding FRA's are programmed for completion by end April 2021.

4.3.8 All remedial actions raised from FRA's are validated and required works actioned by the Property Compliance team, Housing Property team and the Housing team. These actions have been added to a programme of works which are being actively progressed. The following chart demonstrates this year's performance on FRA remedial actions:



Note: The number of outstanding FRA actions has increased following the recent accelerated programme of FRA's undertaken. However, the number of overdue actions has decreased despite this, due to a redeployment of resources within our Housing Property team during the current lockdown period.

The following table shows the current outstanding remedial actions:

Remedial Action Type	Number of Outstanding Actions	Number of Overdue Actions
Bin Store	1	1
Communal Fire Doors	191	97
Compartmentalisation	167	18
Compliance Management	57	12
Detection and Alarm	228	5
Electrical Improvement	259	80
Emergency lighting	160	8
Fire Signage	151	18
Flat Entrance Fire Doors	403	127
Flat Store Fire Doors	27	9
Flooring	21	21
Housekeeping	1	1
Means of Escape	16	0
Repairs, Testing and Maintenance	120	10
Tenancy Management	166	15

Total 1968 (1674) 422 (733)		Total	1968 (1674)	422 (733)
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Note: the number of outstanding actions changes as the recommended remedial actions from the latest FRA's are received, as these will supersede previous FRA's. As works are undertaken to resolve existing remedial actions, and potentially additional recommended remedial actions are added from new FRA's (e.g. due to changes in legislation or best practice), then this becomes, in effect, a moving target.

4.3.9 The following table provides an update of the current position in relation to fire detection and emergency lighting inspections:

Property Account Type	Inspection Type	Number of Properties	Number Inspected	Percentage Compliant
	Fire Alarm: weekly test	19	19	100% (75%)
05 5 4	Fire Alarm: 6 monthly service and test	20	19	95% (100%)
GF – Properties	Emergency Lighting: monthly service and test	27	26	96% (100%)
	Emergency Lighting: annual service and test	27	27	100% (93%)
	Fire Alarm: weekly test	8	8	100% (83%)
	Fire Alarm: 6 monthly service and test	8	8	100% (100%)
HRA - Blocks	Emergency Lighting: monthly service and test	102	102	100% (100%)
	Emergency Lighting: annual service and test	102	102	100% (100%)
	Fire Alarm: weekly test	9	9	100%
HRA – Meeting	Fire Alarm: 6 monthly service and test	9	9	100%
Halls	Emergency Lighting: monthly service and test	13	13	100%
	Emergency Lighting: annual service and test	13	13	100%
	Fire Alarm: weekly test	0	0	N/A
HRA - Guest	Fire Alarm: 6 monthly service and test	0	0	N/A
Rooms	Emergency Lighting: monthly service and test	1	1	100% (0%)
	Emergency Lighting: annual service and test	1	1	100% (0%)
	Fire Alarm: weekly test	1	1	100% (100%)
HRA - Commercial	Fire Alarm: 6 monthly service and test	1	1	100% (100%)
1 1 2 1 2 1 2 1 2 1	Emergency Lighting: monthly service and test	2	2	100% (100%)

Emergency Lighting: annual service and test	2	2	100% (100%)
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Note: All GF – Properties Fire Alarm: 6 monthly service and test, and Emergency Lighting: monthly service and test have been undertaken, but at the time of writing this report we are awaiting receipt of the signed reports.

4.4 Gas Safety

- 4.4.1 Gas Safety checks continue to be required by the Health and Safety Executive (HSE) during the current Covid-19 lockdown period. Gas safety checks, servicing and repairs to 'Domestic' type boilers are undertaken by the Housing Property team, and works to Commercial boilers are carried out by external contractors.
- 4.4.2 Somerset West and Taunton Council has a duty under Regulation 36 of the Gas Safety (Installation and Use) Regulations 1988 to carry out annual safety checks on gas appliances / flues and implement an on-going maintenance regime to ensure the safe operation of gas appliances and associated pipework where gas is present.
- 4.4.3 Somerset West and Taunton Council have a Gas Policy and associated procedures to ensure that they meet their statutory requirements.
- 4.4.4 As noted above, gas safety checks to 'Domestic' type boilers are carried out by the Housing Property team who issue the Landlord Gas Safety Record (LGSR) certificates. Monitoring of gas safety compliance to these properties is facilitated by the use of a dedicated software package, Plentific's 'XTag-Gas', which enables qualified engineers to sign in by touching their mobile device against a 'Tag' and an immediate geo-tagged, time-stamped and photo-verified account of all work carried out is then captured.
- 4.4.5 Somerset West and Taunton Council also undertake responsive repairs on gas appliances and systems owned by the Council, either following annual checks or breakdowns, together with a programme of planned replacements.

4.4.6 The following table provides an update of the current position in relation to gas safety:

Property Account Type	Number of Properties with Gas	Number Inspected	Percentage Compliant
HRA – Dwellings	4498	4497	99% (100%)
HRA – Blocks	3	0	0% (100%)
HRA – Meeting Halls	13	13	100%
HRA - Guest Rooms	0	0	N/A
HRA – Commercial	2	2	100% (100%)
GF – Properties	20	20	100% (100%)

Note: The HRA – Dwellings property is due to the tenant shielding causing an access issue, and the three HRA – Blocks are all related to communal boilers at Broomfield House where a consultant report has advised they require replacement. They have been made safe and procurement is underway for new boilers to be installed.

4.5 Lifts and Stairlifts

- 4.5.1 Maintaining compliancy for stairlift service and inspections during the current Covid lockdown period has been challenging due to difficulty obtaining access from some vulnerable tenants who are shielding or are anxious about allowing people into their homes. We continue to engage with residents to provide reassurance on how these works can be safely undertaken to encourage them to provide access wherever possible within government guidelines.
- 4.5.2 We are working with our new contractor for stairlift servicing and repairs to ensure they provide an effective service, including implementing all necessary processes to remain safe from Covid.
- 4.5.3 Regulation 9 of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), requires Somerset West and Taunton Council to ensure all lifting equipment that is provided for use in work activities are inspected by a competent person at regular intervals.
- 4.5.4 Somerset West and Taunton Council have a Lift Policy and associated procedures to ensure that they meet their statutory requirements.
- 4.5.5 Somerset West and Taunton Council have currently adopted the following intervals for service and inspection:
 - Stair-lifts Annual service and inspection
 - Passenger Lifts 6 Monthly service and inspection
- 4.5.6 The following table provides an update of the current position in relation to lift maintenance:

Property Account Type	Inspection Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Dwellings	Stair-lifts: Annual service and inspection	73	66	90% (97%)
HRA - Dwellings	Through floor lifts: 6 monthly service and inspection	3	3	100% (100%)
HRA - Blocks	Stair-lifts: Annual service and inspection	6	6	100% (100%)
HRA - Blocks	Passenger lifts: 6 monthly service and inspection	3	3	100% (100%)
GF - Properties	Passenger lifts: 6 monthly service and inspection	4	4	100% (75%)

Note: The HRA Dwellings stair-lifts showing as non-compliant are due to tenants shielding from Covid. They have advised that they are awaiting their second vaccination and will then agree to allow access.

4.6 Water Safety

- 4.6.1 Compliance to GF properties and HRA meeting halls, guest rooms and commercial properties for water safety management is currently undertaken by external contractors who undertake water risk assessments (WRA's), identify any potential hazards relating to legionella bacteria and carry out water temperature checks.
- 4.6.2 All HRA Dwellings also require consideration in regard to water safety and we are currently developing a programme to review and undertake the required WRA's during the year.
- 4.6.3 The Control of Substances Hazardous to Health Regulations 2002 and the HSE Approved Code of Practice (L8) The Control of Legionella Bacteria in Water Systems identifies Somerset West and Taunton Council's requirement to minimise the potential of legionella growth within its stock, including communal areas.
- 4.6.4 Somerset West and Taunton Council have a Water Safety Policy and associated Procedures to ensure that they meet their statutory requirements.
- 4.6.5 Somerset West and Taunton Council have adopted the following inspection regime:
 - Risk assessments interval period for re-inspection based upon recommendation in accordance within L8
 - Tank inspections (Communal stored water only) Annual
 - Domestic properties inspections within a block where there is communal stored water – 100% inspection over 5 years (minimum of 20% per year)
 - Void Properties Inspected at the time of being vacant (including undertaking any remedial works and flushing prior to re-letting)
 - Domestic Properties (no communal stored water) Programme being developed
- 4.6.6 Remedial actions are carried out by external contractors and the Housing Property team.
- 4.6.7 The following tables provide an update of the current position in relation to water safety:

Water Risk Assessments

Property Account Type	Properties Requiring a Water Risk Assessment	Properties with a Water Risk Assessment	Percentage Compliant
GF - Properties	55	47	85% (61%)
HRA – Meeting Halls	18	10	56%
HRA – Guest Rooms	10	1	10%
HRA – Commercial	3	2	67%

Note: All GF - Properties WRA's have been undertaken, but at the time of writing this report we are awaiting receipt of the signed reports. As has been noted in previous sections of this report, HRA – Meeting Halls and HRA – Guest Rooms are not currently

in use due to the Covid lockdown and WRA's will be undertaken prior to their reopening. The outstanding HRA – Commercial property, and the GF - Properties are programmed in for completion by April 2021.

Monthly Temperature Checks

Property Account Type	Properties with Stored Communal Water	Properties with a monthly temperature check	Percentage Compliant
GF - Properties	38	32	84% (95%)
HRA – Meeting Halls	18	18	100%
HRA – Guest Rooms	10	10	100%
HRA – Commercial	3	3	100%

Note: A new contractor started these checks in February 2021 and we have now developed a programme with them to following their initial inspections. We anticipate meeting full compliancy by the end of April 2021.

5 Links to Corporate Strategy

No direct links.

6 Finance / Resource Implications

The 2021/22 budget has now been approved by Full Council, and this incorporates funding for property safety compliance related works.

7 Legal Implications

As noted in Section 3 of this report, Somerset West and Taunton Council has an obligation to comply with landlord statutory health and safety responsibilities. All of the specific legislative requirements are outlined under the relevant activity areas in Section 4 of this report.

8 Asset Management Implications

The property stock portfolio owned by Somerset West and Taunton Council is a substantial asset. This report outlines how health and safety compliance of this asset base is being managed.