

Somerset West and Taunton Council

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: 13th September 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 impact upon our ability to progress with some compliance areas, in particular due to resourcing issues by contractors. Nevertheless, we continue to maintain a clear focus on all compliance requirements and have made significant progress in many areas.

1.2 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
- Passenger lift and stairlift 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.

1.3 The report identifies:

- Somerset West and Taunton Council's current compliance status (as of 2nd August 2021).
- Comparative performance from the previous report submitted on 12th April 2021 wherever possible. This is shown in brackets on each dataset on the relevant table.
- 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.

1.4 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 have been additional measures put in place that reduces the overall risk.

1.5 The information presented within this report has been compiled from data supplied by the Housing and Communities teams, the Facilities team and external contractors.

1.6 A summary of key activities and successes since the last report include:

- Additional procurement activity to deliver compliance programmes, including fire door installation, emergency lighting installation and additional electrical property testing and remedial works.
- Production of a new compliance policy and associated procedures for Non-Gas Heating Appliances
- Obtaining up-to-date Fire Risk Assessments for all properties
- Achieving 100% compliance for annual gas safety checks
- Maintaining 100% compliance for annual asbestos re-inspections (excluding dwellings)
- Achieving 100% compliance for fire detection and emergency lighting inspections
- Achieving 100% compliance for passenger lifts and stairlifts service and inspection
- A review of options for further utilising our Plentific software currently used for monitoring and managing our gas safety process and fire door tagging. This system provides an immediate geo-tagged, time-stamped and photo-verified account of checks undertaken. We have also successfully beta-tested for electrical activities (e.g. safety tests, and repairs / replacements) and will be implementing this in the near future. Finally, we are looking to use this software functionality for water safety going forwards, as well as potentially other property safety compliance areas.

1.7 Whilst the works outlined in this report are undertaken to ensure safety, several 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 internal procedures, policies and practices exist.

4 Background and Full Details of the Report

4.1 Asbestos Management

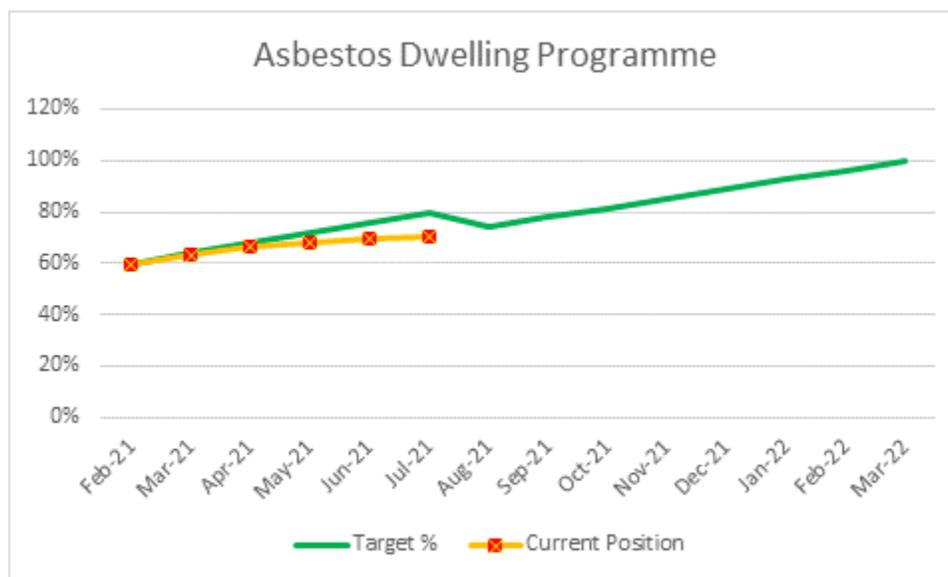
- 4.1.1 Asbestos management activities continue for all property types, both for new management surveys and re-inspections. However, it should be noted that progress on undertaking new management surveys to HRA dwellings by our specialist external contractor has been hampered by their loss of a number of key staff (75% of those assigned to our contract). We are reviewing options to recover this position, although a general shortage of appropriately qualified asbestos surveyors creates a challenge to resolving this issue. We have therefore taken the prudent step to extend the existing management survey programme to March 2022, as detailed 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 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, i.e. 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 shows the current position for 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	408	100% (100%)
HRA – Meeting Halls	18	18	8	100% (100%)
HRA – Guest Rooms	10	10	6	100% (100%)
HRA – Dwellings	5575	3916	N/A	70% (62%)
HRA - Commercial	3	3	1	100% (100%)
GF – All Properties	51	51	23	100% (100%)

4.1.6 The following graph shows the current position for the HRA Dwellings asbestos management survey programme:



Note: As detailed in 4.1.1 above, the programme of asbestos management surveys for HRA Dwellings originally programmed for completion by December 2021 has been extended to the end of the financial year. In addition to this programme, it should be noted that the ongoing need for 'refurbishment and demolition surveys' to capital investment programmes, together with management surveys to void properties, continues to be undertaken.

4.1.7 Following the asbestos surveys undertaken, where we have found asbestos present, we have instigated a re-inspection programme. The following table shows the current position for asbestos re-inspections:

Property Account Type	Number of Properties	Number Surveyed	Percentage Surveyed
HRA - Blocks	408	408	100% (100%)
HRA – Meeting Halls	8	8	100% (100%)
HRA – Guest Rooms	6	6	100% (100%)
HRA - Commercial	1	1	100% (100%)
GF – All Properties	23	23	100% (100%)

4.2 Electrical Safety

- 4.2.1 Electrical safety checks continue for all property types, although progress on undertaking testing, and any consequent remedial works, to HRA dwellings by has been hindered by a lack of staff resource capacity by both our external contractor (who have therefore not been able to adhere to the agreed programme of testing and remedial works) and our in-house electrical team, as well as a high level of remedials being found during testing. Recruitment of appropriately qualified and experienced electricians is an issue generally within the sector, and we are undertaking an active recruitment exercise for our own electrical team, as well as carrying out a procurement exercise to engage additional external contractors to accelerate progress for both testing and remedial actions.
- 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 yearly cycle
 - Common Parts of domestic buildings – 5 yearly cycle
 - Commercial buildings owned and operated by SWT – As recommended from previous test certificate
- 4.2.5 Inspections are actively monitored by the Housing 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 undertaken by both our in-house electrical team and external contractors, project managed by the Housing Property Compliance 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

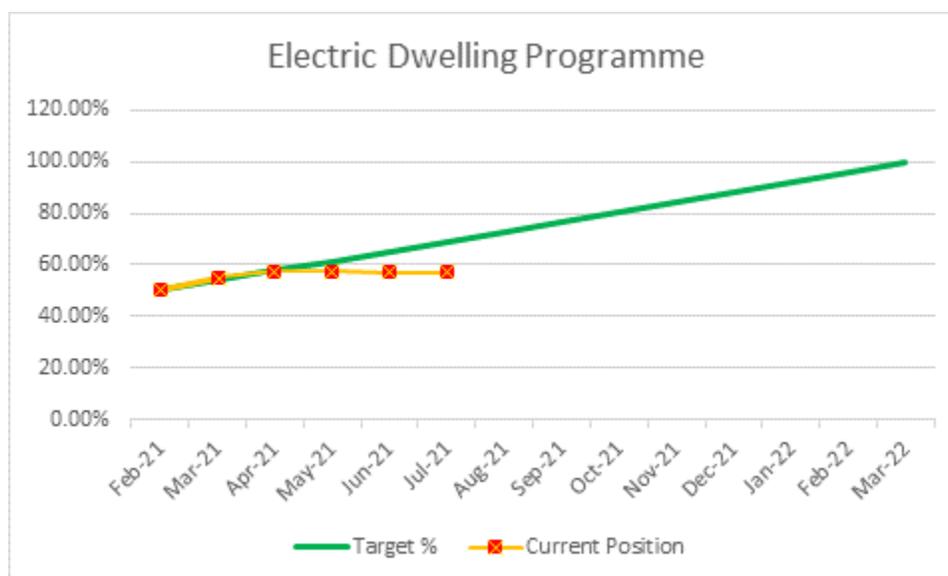
to be undertaken urgently. Any Code 3 hazards ('Improvement recommended') are reviewed and, if required, are included in future planned programmes.

4.2.8 The following table shows the current position for electrical inspections:

Property Account Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Blocks	337	336	99% (99%)
HRA – Meeting Halls	18	18	100% (100%)
HRA – Guest Rooms	10	10	100% (100%)
HRA - Dwellings	5706	3267	57% (52%)
HRA - Commercial	3	3	100% (100%)
GF - Properties	55	48	87% (88%)

Note: Electrical tests to HRA Dwellings are due for completion by end March 2022. HRA – Blocks have one outstanding test which is due for completion in August 2021. GF – Properties have seven properties outstanding, although it should be noted that all of these are currently closed to the public. They are all due for completion in August 2021.

4.2.9 The following graph shows the current position for the HRA dwellings programme for electrical inspections:



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 shows the current position for electrical portable appliance testing:

Property Account Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Blocks	0	0	N/A
HRA – Meeting Halls	18	17	94% (72%)
HRA – Guest Rooms	9	9	100% (56%)
HRA - Commercial	2	2	100% (100%)
GF - Properties	12	12	100% (100%)

Note: HRA – Meeting Halls are not currently open following the Covid lockdown. All PAT testing will be undertaken prior to reopening.

4.3 Fire Safety

- 4.3.1 Considerable progress has been made regarding fire safety since the last committee report, with achievement of 100% up-to-date Fire Risk Assessments (FRAs) for all property types, and a reduction in associated remedial actions. In particular, a major procurement exercise has been completed for replacement fire doors and a contractor has been appointed to undertake this programme, which is due to commence in September 2021.
- 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

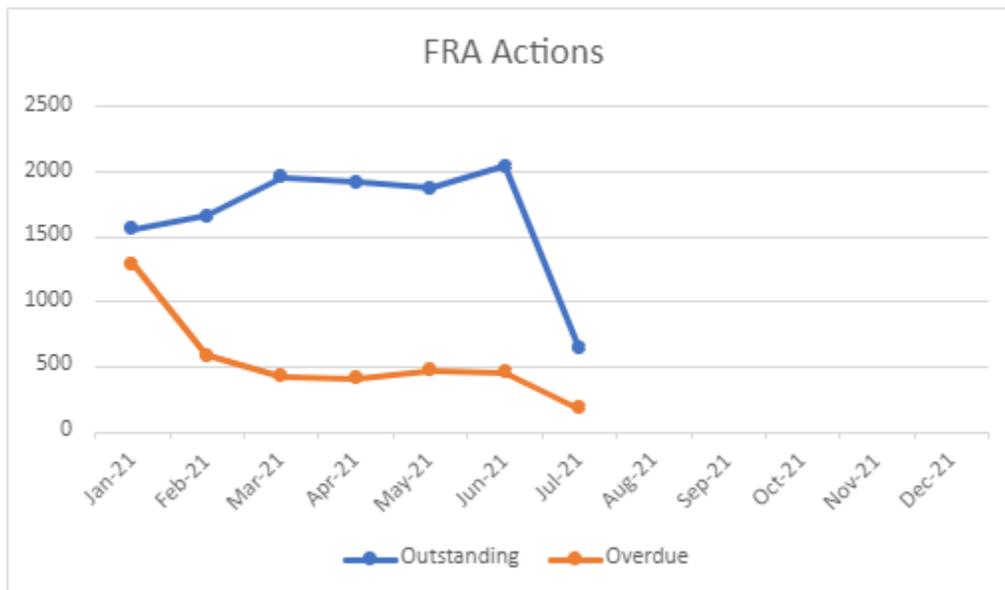
4.3.7 All HRA blocks are 'low rise' (the majority of which are two storey), are mainly of traditional construction, and do not have any aluminium composite material (ACM) type cladding.

The following table shows the current position for fire risk assessments:

Property Account Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Blocks	323	323	100% (100%)
HRA – Meeting Halls	18	18	100% (94%)
HRA – Guest Rooms	10	10	100% (80%)
HRA - Commercial	4	4	100% (100%)
GF - Properties	29	29	100% (71%)

4.3.8 All remedial actions raised from FRA's are validated and required works managed by the Housing Property teams (Compliance, Maintenance and Capital Programme) and the Housing teams (Sheltered and Tenancy). Works are either undertaken as repairs, management actions or added to capital programmes.

The following graph shows the current position for FRA remedial actions:



Note: Both outstanding and overdue actions have reduced following completed remedial works (e.g. fire signage signage), safety checks (e.g. gas and electric certification and subsequent smoke alarm upgrades), and work incorporated into capital works programmes (e.g. fire doors, emergency lighting and flooring).

For context, it is also worth noting that over the last 18 months over 5000 FRA remedial actions have been addressed, despite the pressures on all of the Housing and Communities teams during the Covid pandemic, and we maintain a strong focus on continuing to deliver both the programme of FRAs and the recommended remedial actions.

The following table shows the current position for FRA remedial actions:

Remedial Action Type	Number of Outstanding Actions	Number of Overdue Actions
Bin Store	1	1
Communal Fire Doors	1	1
Compartmentalisation	169	81
Compliance Management	81	30
Detection and Alarm	0	0
Electrical Improvement	0	0
Emergency lighting	0	0
Fire Signage	2	2
Flat Entrance Fire Doors	0	0
Flat Store Fire Doors	0	0
Flooring	0	0
Housekeeping	0	0
Means of Escape	16	3
Miscellaneous Actions	0	0
Repairs, Testing and Maintenance	146	59
Tenancy Management	188	92
Arson Risk	10	0
Total	614 (1850)	269 (547)

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 shows the current position for fire detection and emergency lighting inspections:

Property Account Type	Inspection Type	Number of Properties	Number Inspected	Percentage Compliant
GF – Properties	Fire Alarm: weekly test	19	19	100% (100%)
	Fire Alarm: 6 monthly service and test	20	20	100% (95%)
	Emergency Lighting: monthly service and test	29	29	100% (96%)
	Emergency Lighting: annual service and test	29	29	100% (100%)
HRA - Blocks	Fire Alarm: weekly test	8	8	100% (100%)
	Fire Alarm: 6 monthly service and test	8	8	100% (100%)
	Emergency Lighting: monthly service and test	111	111	100% (100%)
	Emergency Lighting: annual service and test	111	111	100% (100%)
HRA – Meeting Halls	Fire Alarm: weekly test	9	9	100% (100%)
	Fire Alarm: 6 monthly service and test	9	9	100% (100%)
	Emergency Lighting: monthly service and test	13	13	100% (100%)
	Emergency Lighting: annual service and test	13	13	100% (100%)
HRA - Guest Rooms	Fire Alarm: weekly test	0	0	N/A
	Fire Alarm: 6 monthly service and test	0	0	N/A
	Emergency Lighting: monthly service and test	1	1	100% (100%)
	Emergency Lighting: annual service and test	1	1	100% (100%)
HRA - Commercial	Fire Alarm: weekly test	1	1	100% (100%)
	Fire Alarm: 6 monthly service and test	1	1	100% (100%)
	Emergency Lighting: monthly service and test	2	2	100% (100%)
	Emergency Lighting: annual service and test	2	2	100% (100%)

4.4 Gas Safety

- 4.4.1 Gas safety checks, servicing and repairs to ‘domestic’ type boilers are undertaken by the in-house gas 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 Landlord Gas Safety Record (LGSR) certificates are provided to tenants following gas safety checks.
- 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 shows the current position for gas safety:

Property Account Type	Number of Properties with Gas	Number Inspected	Percentage Compliant
HRA – Dwellings	4480	4480	100% (99%)
HRA – Blocks	3	3	100% (0%)
HRA – Meeting Halls	13	13	100% (100%)
HRA - Guest Rooms	0	0	N/A
HRA – Commercial	2	2	100% (100%)
GF – Properties	20	20	100% (100%)

4.5 Passenger Lifts and Stairlifts

- 4.5.1 We have continued to work with our external contractor and engage with residents (particularly those with stairlifts) since the last committee report, with achievement of 100% service and inspection for all property types.
- 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 shows the current position for passenger lifts and stairlifts service and inspection:

Property Account Type	Inspection Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Dwellings	Stairlifts: Annual service and inspection	70	70	100% (90%)
HRA - Dwellings	Through floor lifts: 6 monthly service and inspection	3	3	100% (100%)
HRA - Blocks	Stairlifts: Annual service and inspection	7	7	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% (100%)

4.6 Water Safety

4.6.1 Significant progress has been made regarding water safety since the last committee report, with achievement of 100% up-to-date Water Risk Assessments (WRAs) for GF properties and HRA meeting halls, guest rooms and commercial properties. Following these WRAs, 252 remedial actions have been identified and we are working with our in-house teams and external contractors to resolve these, and are tracking actions in a management database.

4.6.2 We have also reviewed our approach to undertaking WRAs to HRA dwellings which, whilst low risk, also require consideration. We are formulating a plan for undertaking dwelling WRAs with our in-house teams, including developing as part of the current Open Assets software implementation an updated stock condition survey template, and moving from existing paper-based data to using Plentific's software.

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 with the HSE ACoP and Guidance L8
- Tank inspections (Communal stored water only) – Annual
- Domestic property 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 in development

4.6.6 Remedial actions are carried out by external contractors and our in-house property maintenance team.

4.6.7 The following tables shows the current position for water safety:

Water Risk Assessments

Property Account Type	Properties Requiring a Water Risk Assessment	Properties with a Water Risk Assessment	Percentage Compliant
GF - Properties	56	56	100% (85%)
HRA – Meeting Halls	18	18	100% (56%)
HRA – Guest Rooms	10	10	100% (10%)
HRA – Commercial	3	3	100% (67%)

Monthly Temperature Checks

Property Account Type	Properties with Stored Communal Water	Properties with a monthly temperature check	Percentage Compliant
GF - Properties	41	39	95% (84%)
HRA – Meeting Halls	18	18	100% (100%)
HRA - Blocks	5	5	100%
HRA – Guest Rooms	10	10	100% (100%)
HRA – Commercial	3	3	100% (100%)

Note: The two outstanding GF properties are being prioritised and will be undertaken by the end of August 2021.

5 Links to Corporate Strategy

No direct links.

6 Finance / Resource Implications

Landlord health and safety property compliance funding costs are incorporated into the annual budget approved by Full Council. The required funding is in place for the 2021/22 financial year. However, it should be noted that the scale and range of required compliance activity following ongoing compliance checks and recent and impending changes in legislation (e.g. Fire Safety Bill and Building Safety Bill) will continue to place increased pressure on revenue budgets. We will consider these requirements when we review our part of the HRA Business Plan.

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.