

Somerset West and Taunton Council

Audit and Governance Committee – 13 June 2022

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

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. Whilst Covid continues to have an impact upon our ability to progress with some compliance areas, due to resourcing issues for in-house staff and contractors, we continue to maintain a clear focus on all compliance requirements and have made 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 25th May 2022).
- Comparative performance from the previous report submitted on 13th September 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 compartmentation, further electrical property testing and remedial works (additional contractors), another asbestos surveying company to accelerate the programme, and extension and renewal of compliance contracts.
- New programmes established, procured and ready for mobilisation this financial year are radon monitoring where required within the housing portfolio, and street lighting safety assessments.
- Production of a new compliance policy and associated procedures for Non-Gas Heating Appliances.
- Obtaining up-to-date Fire Risk Assessments for all properties, including those not previously required under the Regulatory Reform Fire Safety Order 2005, as amended by the subsequent change in legislation under the Fire Safety Act 2021.
- Maintaining 100% compliance for annual gas safety checks.
- Maintaining 100% compliance for annual asbestos re-inspections (excluding dwellings).
- Maintaining 100% compliance for fire detection and emergency lighting inspections.
- Achieving 100% compliance for passenger lifts and stairlifts service and inspection.
- Third party audits commenced on both gas and electrical safety checks and programmes.

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, progress on undertaking new management surveys to HRA dwellings continues to be challenging due to both specialist contractor resource availability, and access issues from tenants not wishing a survey to be undertaken in their home. An additional contractor has been utilised in the period to accelerate completion of the surveys, but we have reworked the programme to allow for the issues being found (see graph in item 4.1.6 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'

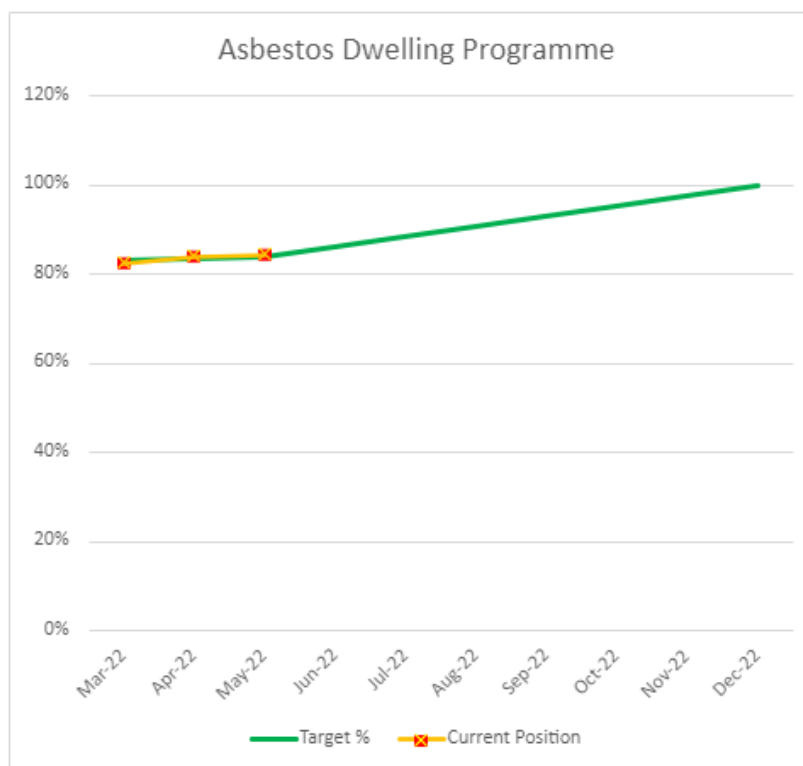
is undertaken, and all void properties have an asbestos management survey undertaken prior to re-letting.

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	Re-inspection surveyed	Percentage Surveyed
HRA - Blocks	524	524	408	408	100% (100%)
HRA – Meeting Halls	18	18	8	8	100% (100%)
HRA – Guest Rooms	10	10	6	6	100% (100%)
HRA – Dwellings	5523	4664	N/A	N/A	84.45% (70%)
HRA - Commercial	3	3	1	1	100% (100%)
GF – All Properties	50	50	20	20	100% (100%)

Note: The HRA dwelling programme for asbestos surveys undertaken post-August 2018 has achieved 84.45% completion, although if all surveys are considered this would rise to an overall percentage surveyed figure of 92%.

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 programmed for completion by March 2022 has been extended to the end of the calendar 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 surveys to void properties, continues to be undertaken.

4.2 Electrical Safety

- 4.2.1 Electrical safety checks continue for all property types, although progress on undertaking testing, including any consequent remedial works, to HRA dwellings continues to be challenging due to a lack of staff resource capacity by both our external contractors and our in-house electrical team, as well as an ongoing high level of remedials being found during testing. Recruitment of appropriately qualified and experienced electricians is an issue generally within the sector, and we continue to undertake an active recruitment exercise for our own electrical team, as well as carrying out further procurement exercises to engage additional external contractors to accelerate progress for both testing and remedial actions. We have therefore reworked this programme to allow for the issues being found (see graph in item 4.2.9 below).
- 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.

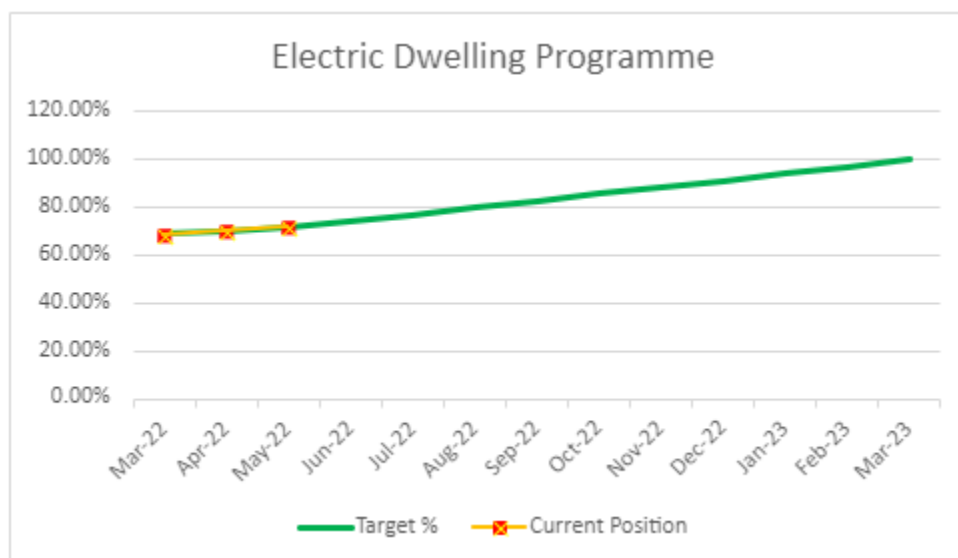
4.2.8 The following table shows the current position for electrical inspections:

Property Account Type	Number of Properties	Number Inspected	Percentage Compliant
HRA - Blocks	338	338	100% (99%)
HRA – Meeting Halls	18	18	100% (100%)
HRA – Guest Rooms	10	10	100% (100%)
HRA - Dwellings	5680	4057	71.43% (57%)
HRA - Commercial	3	3	100% (100%)
GF - Properties	57	55	96.49% (87%)

Note: As detailed in 4.2.1 above, the programme of electrical inspections for HRA Dwellings has been extended to deliver both the outstanding balance as well as this year's requirements. We have now procured and mobilised a total of seven external contractors to deliver the full programme. The HRA Dwellings completed figure in the table above excludes those properties where a satisfactory EICR has been undertaken, but we are awaiting receipt of the certificate to complete the quality assurance process – if these are included the overall percentage compliant would rise to 76.23%.

For GF Properties we have two properties outstanding, although all works have been completed and we are awaiting certificates from the new supplier.

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	18	100% (94%)
HRA – Guest Rooms	9	9	100% (100%)
HRA - Commercial	3	3	100% (100%)
GF - Properties	13	13	100% (100%)

4.3 Fire Safety

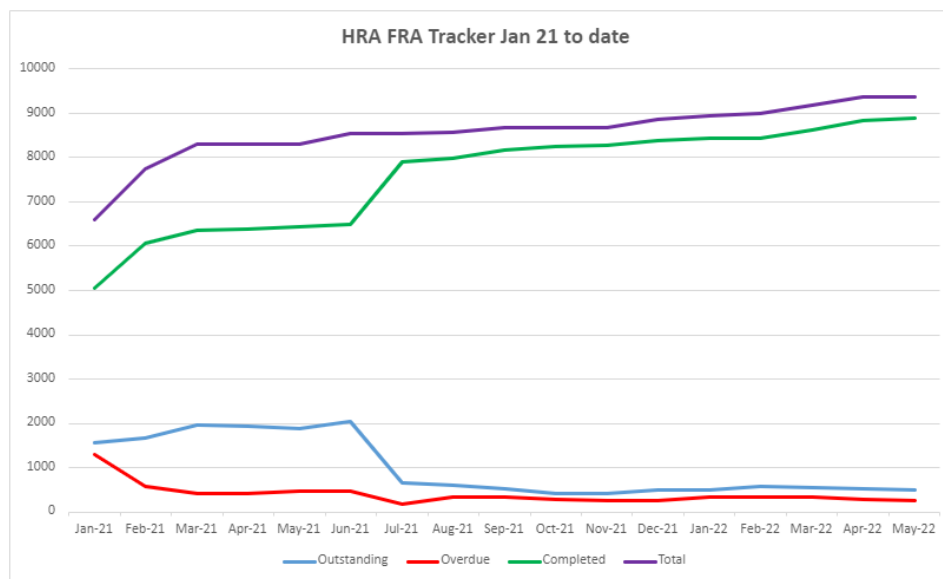
- 4.3.1 We have maintained achievement of 100% up-to-date Fire Risk Assessments (FRAs) for all property types, and a further reduction in associated remedial actions.
- 4.3.2 The Chief Executive is Somerset West and Taunton Council’s responsible person – as defined in Article 3 of the Regulatory Reform (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	325	325	100% (100%)
HRA – Meeting Halls	18	18	100% (100%)
HRA – Guest Rooms	10	10	100% (100%)
HRA - Commercial	4	4	100% (100%)
GF - Properties	31	31	100% (100%)

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 24 months over 9400 FRA remedial actions have been addressed, despite the pressures on all 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	0	0
Communal Fire Doors	0	0
Compartmentalisation	228	151
Compliance Management	15	7
Detection and Alarm	24	10
Electrical Improvement	0	0
Emergency lighting	0	0
Fire Signage	19	0
Flat Entrance Fire Doors	0	0
Flat Store Fire Doors	0	0
Flooring	0	0
Housekeeping	0	0
Means of Escape	0	0
Miscellaneous Actions	0	0
Records, Testing and Maintenance	33	15
Tenancy Management	160	85
Arson Risk	0	0
Total	479	268

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. For reference, an additional 829 actions were raised on updated FRA's during the period since the last report to the committee.

Key areas being addressed include compartmentalisation remedial actions which have been programmed for delivery following a procurement exercise, with mobilisation of the programme due to commence June 2022. Also, the tenancy management actions are being urgently progressed by communicating directly with our vulnerable tenants and carrying out both person centred risk assessments and personal emergency evacuation plans. A working group has been formed between the tenancy management and compliance teams to ensure effective cross-team working in this area.

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% (100%)
	Emergency Lighting: monthly service and test	29	29	100% (100%)
	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	117	117	100% (100%)
	Emergency Lighting: annual service and test	117	117	100% (100%)
HRA – Meeting Halls	Fire Alarm: weekly test	11	11	100% (100%)
	Fire Alarm: 6 monthly service and test	11	11	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	4458	4458	100% (100%)
HRA – Blocks	3	3	100% (100%)
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	65	65	100% (100%)
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 Water safety continues to be a key priority, with maintenance of 100% up-to-date Water Risk Assessments (WRAs) for GF properties and HRA meeting halls, guest rooms and commercial properties. Progression of remaining remedial actions is underway, with 6 actions outstanding and all are programmed for completion.
- 4.6.2 We are still awaiting 'go-live' for the new Open Housing/Open Asset IT system to enable implementation of an updated stock condition survey template process for WRAs to HRA dwellings. Following completion of the asset data transfer, we will undertake dwelling WRAs with our in-house teams and complete any identified remedial actions.
- 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% (100%)
HRA – Meeting Halls	18	18	100% (100%)
HRA – Guest Rooms	10	10	100% (100%)
HRA – Commercial	3	3	100% (100%)

Monthly Temperature Checks

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

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 2022/23 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.

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.

Democratic Path:

- Audit and Governance Committee – Yes

Reporting Frequency: Bi-Annually

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