

Somerset West and Taunton Council

Audit, Governance and Standards Committee – 11 March 2020

Landlord Health and Safety Compliance Update

This matter is the responsibility of Executive Councillor Member Francesca Smith

Report Author: Ian Candlish, Interim Head of Housing Property

1 Executive Summary / Purpose of the Report

1.1 This report has been created as an overview of the main compliance disciplines. Following the appointment of the Director of Housing in December 2019, a comprehensive review of property related compliance arrangements is underway, including enhanced reporting functionality, together with a recruitment process to increase focus on this key area of activity. A new Interim Head of Housing Property has been recruited, together with two Building Safety Managers, and a post of Compliance Manager is currently being recruited to.

1.2 The information within this report summarises the current compliance of Somerset West and Taunton Council in relation to the following 6 key areas:

- Asbestos management
- Electrical safety
- Fire safety
- Gas safety
- Lift and Stair-lift management
- Water management (Legionella)

1.3 The report identifies:

- Somerset West and Taunton Councils current compliance status.
- Any high-risk hazards identified related to compliance.
- Review of issues adversely affecting compliance and action being taken.
- Regulations / legislation which affects the way Somerset West and Taunton Council manages its 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 or where hazards need to be brought into line with Somerset West and Taunton Council timescales, the following will be adopted;

- High Risk – Within 3 months of receiving the hazard
- Medium Risk – Within 12 months of receiving the hazard
- Low and Very Low Risk – Within 24 months of receiving the hazard
- 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.

1.5 The information presented within this report has been compiled from data supplied by the Localities team, persons responsible for compliance works, the Facilities team and external contractors.

2 Recommendations

Members of the Committee note the report and progress being made in relation to landlord compliance.

3 Risk Assessment

Somerset West and Taunton Council has an obligation to comply with statutory health and safety responsibilities as an employer and provider of housing and services. The required arrangements for managing health and safety 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 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 (CDM2015).

4.1.2 Somerset West and Taunton Council has an Asbestos Management Plan (AMP) and associated procedures to assist in managing asbestos within the organisation. The Council holds an Asbestos Register.

4.1.3 Somerset West and Taunton Council does not hold complete asbestos information. A company has been procured to undertake asbestos inspections to communal areas of flat blocks where required by Regulation 4 of CAR2012, as well as to provide updated domestic surveys to validate those currently held by the Council. The AMP 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.

4.1.4 The following table provides an update of the current position in relation to asbestos surveys:

Type of Property	Number of Properties	Total Number Surveyed	Percentage Surveyed
Flat Blocks (including sheltered housing) Communal area surveys	563	386	69%

4.1.5 The following list details actions being undertaken in relation to asbestos management:

- a) The asbestos management surveys for the communal areas within the flat blocks will be completed by the end of March 2020
- b) A review of the management surveys for individual domestic properties
- c) On completion of the asbestos management flat block common area surveys, an asbestos re-inspection programme will be created to ensure we maintain 100% compliance
- d) As noted above, there is no duty under CAR2012 to inspect domestic properties. However, the Health and Safety at Work Act 1974 requires that all persons undertaking any works should be notified of any hazard that may cause them harm when carrying out works. To ensure compliance with the Health and Safety at Work Act 1974 Somerset West and Taunton Council have commenced a programme to have all domestic properties surveyed. This will allow Somerset West and Taunton Council to proactively manage the risk of asbestos within its stock and make informed decisions relating to budgeting and planning of future works
- e) The asbestos management policy is due to be reviewed in April 2020

4.2 Electrical Safety

4.2.1 Somerset West and Taunton Council have a duty to periodically inspect and test electrical installations within its stock.

4.2.2 Somerset West and Taunton Council have an Electrical Safety Policy and associated procedures.

4.2.3 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 – Annually

4.2.4 Inspections are actively monitored by both the Localities 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.

4.2.5 All electrical inspections on domestic properties are undertaken by the Localities team.

4.2.6 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.

4.2.7 The following table provides an update of the current position in relation to electrical inspections:

Type of Property	Number of Properties	Total Number Inspected	Number and Percentage of Inspections overdue
Domestic properties	5750	2638	3112 (54%)
Commercial properties	99	77	22 (22%)

4.2.8 The following list details actions being undertaken in relation electrical safety:

- a) Additional resources have been allocated to prioritise the properties which do not have a valid electrical certificate. This includes additional SWT staff and the use of two external companies
- b) The programme has been developed to ensure that properties with a valid certificate do not fall out of compliance, without losing focus on reducing the number of properties without a valid certificate
- c) The current Electrical Safety Policy needs to be reviewed and amendments made to ensure that this reflects the new structure and aims of the organisation

4.3 Fire Safety

4.3.1 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.

4.3.2 The duty to ensure that Article 9 of the RRFSO2005 is met is the responsibility of the Head of Housing Property.

4.3.3 Current legislation states that Fire Risk Assessments (FRA's) should be reviewed regularly or when circumstances change relating to the property and / or its occupants.

4.3.4 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

4.3.5 Somerset West and Taunton Council have 563 flat blocks (including sheltered housing) and fire risk assessments have been undertaken to all of these areas. All of these 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.

4.3.6 Recent activity in relation to progressing fire safety includes:

- All FRAs reviewed and re-inspected
- Letters to residents advising them of the importance of keeping communal areas clear, and updating them on fire safety improvement works
- Undertaking visits by the Housing team to advise residents on fire safety and, where necessary, enforce clearance of communal areas
- Deployment of the two new Building Safety Managers
- Review of current best practice within the sector on appropriate replacement fire doors

4.3.7 All remedial actions raised from FRAs have been reviewed and are being actioned by the Property Compliance team, Localities team and the Housing team. Some of the remedial actions require substantial works be undertaken to address the issues found (e.g. re-siting of bin stores where adjacent to means of escape routes, and alterations to storage cupboards). These improvement works provide additional fire safety measures to existing properties which met building regulations current at the time of their original construction. Works are being undertaken by both internal and external contractors. Remedial actions being addressed include:

Remedial Action Type	Number of Outstanding Actions
Fire safety signage	588
Bin storage	404
Flat entrance doors	485
Windows on fire escape routes	277
Fire safety housekeeping	570
Repairs (e.g. thumb-turn locks, door closers, alterations to storage cupboards, etc.)	535
Electrical improvements	337
Further detailed survey actions (e.g. full check of compartmentalisation)	500

It should be noted that there is currently a backlog of these actions (see table 'Fire Risk Assessments / Remedial Actions' in section 4.3.8 below), and a prioritised programme of work is in place to address this work.

4.3.8 The following table provides an update of the current position in relation to Fire Risk Assessment remedial actions:

Type of Property	Total Number of FRA Remedial Actions	Number of FRA Remedial Actions (split by priority)			Number of Completed Actions	Number of Overdue Actions
		Low	Medium	High		
Flat Blocks (including sheltered housing)	5421	3224	892	1305	854	1100

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

Type of Inspection	Frequency	Total Number of Properties	Total Number Properties Inspected	Number and Percentage of Inspections overdue
Fire Detection and Warning Systems – battery check and test	6 Monthly	27	27	0
Fire Detection and Warning Systems - test	Weekly	27	17	10 (37%)
Emergency Lighting - test	Monthly	29	28	1 (3%)
Emergency Lighting - battery check and test	Annual	29	28	1 (3%)

4.3.10 The Estates team and Building Safety Managers have instigated a communication programme to support the current national “Fire Kills” campaign.

4.3.11 The following list details actions being undertaken in relation to fire safety:

- a) A programme for 2020/21 of fire risk assessments is being developed
- b) Somerset West and Taunton Council are currently procuring an external audit of FRA’s to further validate the process
- c) As a result of the Hackett Review into the Grenfell Tower Fire, the inspection of current Fire Doors are being included in the procurement requirements of the external audit of FRA’s
- d) An ongoing review into the findings of the Phase 1 Grenfell report and what impacts this could have on the way Somerset West and Taunton Council manage their responsibilities relating to fire
- e) There is a programme in place to carry out all remedial actions and maintenance inspections, prioritising those which are overdue, whilst ensuring that no additional actions or inspections become overdue

- f) Current service programmes are being reviewed to ensure that all properties have been included in the maintenance schedules.
- d) The current Fire Safety Policy needs to be reviewed and amendments made to ensure that this reflects the new structure and aims of the organisation.

4.4 Gas Safety

- 4.4.1 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.
- 4.4.2 Somerset West and Taunton Council have a Gas Policy and associated procedures to ensure that they meet their statutory requirements.
- 4.4.3 Landlord Gas Safety Record certificates are carried out by the Localities team and external contractors. The programme operates on an 11-month cycle.
- 4.4.4 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.
- 4.4.5 The following table provides an update of the current position in relation to gas safety:

Type of Property	Number of Properties with Gas	Total Number Inspected	Percentage of Inspections completed
Domestic properties	4551	4551	100%
Commercial properties	18	14	78%

- 4.4.6 The following list details action being undertaken in relation to gas safety:
 - a) The current Gas Safety Policy needs to be reviewed and amendments made to ensure that this reflects the new structure and aims of the organisation

4.5 Lift and Stair-lift Maintenance

- 4.5.1 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.
- 4.5.2 Somerset West and Taunton Council have a Lift Policy and associated procedures to ensure that they meet their statutory requirements.
- 4.5.3 Somerset West and Taunton Council have currently adopted the following intervals for service and inspection:
 - Stair-lifts (Domestic) – Annual service and inspection
 - Commercial Lifts – 6 Monthly service and inspection

- Passenger Lifts (Domestic) – 6 Monthly service and inspection

4.5.4 The following table provides an update of the current position in relation to lift maintenance:

Type of Property	Number of Properties	Total Number Inspected	Number and Percentage of Inspections overdue
Stair-lifts (Domestic)	86	81	7 (8%)
Commercial and passenger lifts	12	11	1 (8%)

4.5.5 The following list details actions being undertaken in relation to lift maintenance:

- a) The current programme for the service and inspection of stair-lifts is being updated to bring this in line with best practice of every 6 months
- b) The current contract to service stair-lifts is being re-procured
- c) The current lift policy needs to be reviewed and amendments made to ensure that this reflects the new structure and aims of the organisation

4.6 Water Safety Management (Legionella)

4.6.1 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.

4.6.2 Somerset West and Taunton Council have a Water Safety Policy and associated procedures to ensure that they meet their statutory requirements.

4.6.3 External contractors are employed by Somerset West and Taunton Council to inspect its stock to identify any potential hazards relating to Legionella. This includes obtaining water samples and having them analysed by an independent laboratory on a planned and reactive basis.

4.6.4 Somerset West and Taunton Council have adopted the following inspection regime:

- High Risk Properties – Annual water risk assessments
- 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). This is to ensure a full schematic is available for the block
- 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 to be created

4.6.5 Remedial actions are carried out by external contractors.

4.6.6 The following tables provide an update of the current position in relation to water safety:

Water Risk Assessments

Property Type	Properties Requiring a Water Risk Assessment	Properties with a Valid Water Risk Assessment	Number and Percentage of Water Risk Assessments overdue
Commercial and sheltered properties	50	44	6 (12%)

Monthly Temperature Checks

Property Type	Properties with Stored Communal Water	Properties with a monthly temperature check	Number and Percentage of monthly temperature checks overdue
Commercial and sheltered properties	50	48	2 (4%)

4.6.7 The following list details actions being undertaken in relation to water safety:

- a) Current service programmes are being reviewed to ensure that all properties have been included in the maintenance schedules and water risk assessments
- b) Water risk training to staff who have a responsibility for control of legionella bacteria risk in hot and cold water systems in compliance with regulatory requirements.
- c) The current Water Safety Policy needs to be reviewed and amendments made to ensure that this reflects the new structure and aims of the organisation.

5 Links to Corporate Strategy

No direct links.

6 Finance / Resource Implications

The necessary funding to ensure property related compliance arrangements are undertaken is contained within the current approved budgets.

7 Legal Implications (if any)

As noted in Section 2 of this report, Somerset West and Taunton Council has an obligation to comply with statutory health and safety responsibilities as an employer and provider of housing and services. All of the specific legislative requirements are outlined under the relevant activity areas in Section 4 of this report.

8 Climate and Sustainability Implications (if any)

N/A

9 Safeguarding and/or Community Safety Implications (if any)

N/A

10 Equality and Diversity Implications (if any)

N/A

11 Social Value Implications (if any)

N/A

12 Partnership Implications (if any)

N/A

13 Health and Wellbeing Implications (if any)

N/A

14 Asset Management Implications (if any)

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.

15 Data Protection Implications (if any)

N/A

16 Consultation Implications (if any)

N/A

17 Scrutiny Comments / Recommendation(s) (if any)

N/A

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – Yes / No** (delete as appropriate)
- **Cabinet/Executive – Yes / No** (delete as appropriate)
- **Full Council – Yes / No** (delete as appropriate)

Reporting Frequency: **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

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