

## **Somerset West and Taunton Council**

### **Audit, Governance and Standards Committee – 7 September 2020**

#### **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. Understandably, the Covid-19 pandemic has significantly impacted our ability to progress with a number of the required actions since the last update provided to the Audit, Governance and Standards Committee on 11<sup>th</sup> March 2020. In particular, resource availability (both internally, and for contractors undertaking work who furloughed staff) has led to challenges in undertaking the necessary works. Also, obtaining access from some vulnerable tenants who are shielding or are anxious about allowing people into their homes continues to create difficulties in maintaining compliance in some areas. We have, however, now recommenced all required compliance activities.
- 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
  - Lift and Stair-lift management
  - Water management (Legionella)

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 Councils current compliance status (as at 25<sup>th</sup> August 2020)
- Comparative performance from the previous report submitted on 11<sup>th</sup> March 2020 (updated using the data in the presentation at the meeting) 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 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 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 Housing Property team, persons responsible for compliance works, the facilities team and external contractors.

1.6 A review of all compliance areas against every property for which Somerset West and Taunton Council has property compliance responsibility has been undertaken since the last report to this committee. This review has resulted in an updated property compliance database being produced which provides an improved monitoring capability for this activity, and thus will lead to an increased level of assurance on performance. As a result of this work, it should be noted that some of the existing property numbers will have changed.

1.7 Following on from this review, we are pursuing 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 (e.g. asbestos management surveys or previous Fire Risk Assessments), or if best practice, or a change in regulations has occurred, we will programme in the necessary works (e.g. fire doors and bin stores affecting fire escape routes).

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

- A review of all compliance areas against every property for which Somerset West and Taunton Council has property compliance responsibility
- Commencement of a checking process for all potential compliance activities

- Implementation of suitable Risk Assessment and Method Statements (RAMS) to mitigate against Covid-19 risks to residents, staff and contractors
- Recruitment to two new posts within the Property Compliance team - a Compliance Manager and a Landlord and Compliance Specialist. We are also currently recruiting for a Mechanical and Electrical Manager to join the team. These posts, together with support from the new Housing Performance team, will provide additional resource to further improve performance in this important area
- Procurement of an additional specialist consultancy to undertake further asbestos management surveys, and an accelerated programme of asbestos management surveys with the existing surveying consultancy
- Production of two new compliance policies and associated procedures – Asbestos Management and Fire Safety
- Procurement of a specialist consultant to undertake a further programme of Fire Risk Assessments, together with detailed fire door inspections
- Further visits by the Housing team to advise residents on fire safety and, where necessary, enforce clearance of communal areas
- Continuing with the works programme to carry out Fire Risk Assessment recommended remedial actions and maintenance inspections
- Continuing with Gas Safety checks
- Procurement of a specialist consultancy to undertake a programme of Water Risk Assessments
- Delivery of a water risk training programme to staff who have a responsibility for control of legionella bacteria risk in hot and cold water systems

1.9 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 A number of positive activities have been undertaken to progress asbestos management since the last report to this committee. These include the procurement of an additional specialist consultancy to carry out further asbestos management surveys, together with

commencing an accelerated programme of surveys with the existing surveying consultancy, leading to an overall increase in the number of detailed comprehensive asbestos management surveys undertaken. A new Asbestos Management Policy and associated Procedures has also been implemented.

- 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 basic information on both its housing stock and GF Property, using data from a range of asbestos management surveys previously undertaken. 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 are being undertaken, as well as updated domestic surveys to validate those currently held by the Council and surveys to General Fund (GF) properties. 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:

<b>Property Account Type</b>	<b>Number of Properties</b>	<b>Number Surveyed</b>	<b>Percentage Surveyed</b>
HRA - Blocks	551	545	99% (69%)
HRA – Dwellings	5631	2620	47%
HRA - Commercial	3	3	100%
GF – All Properties	50	41	82%

Note: The accelerated programme of asbestos management surveys for HRA Dwellings which has now commenced is programmed for completion by December 2021, and the GF properties are programmed for completion by December 2020.

## 4.2 Electrical Safety

- 4.2.1 Completion of electrical safety checks has been challenging during the Covid-19 pandemic. Non-availability of external contractors during the lockdown period, in-house electricians being required to focus on emergency electrical repairs, and difficulties in recruitment of additional suitably qualified electricians have all combined to make effective progress problematic. Nevertheless, we have recently taken on an additional electrician in the Housing Property team to increase capacity to cope with electrical repairs, one of the existing external contractors have recommenced testing and remedials, and we have commenced a procurement exercise to obtain long-term external support for this area of compliance.
- 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 – Annually
- 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 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	369	254	69%
HRA - Dwellings	5760	2666	46% (46%)
HRA - Commercial	3	2	67%
GF - Properties	49	42	86% (91%)

Note: Electrical tests to HRA Blocks are due for completion by end September 2020, and HRA Dwellings are due for completion by end Dec 2021.

## 4.3 Fire Safety

- 4.3.1 Progress on fire safety has also been challenging during the Covid-19 pandemic. In particular, issues with supply-chains (e.g. fire door suppliers closing their factories) and contractors furloughing staff (thus preventing both procurement and work on-site activities progressing) has had a significant effect on enabling the level of progress we were anticipating pre-lockdown. However, some positive work has been possible, including procurement of a specialist consultant to undertake a further programme of Fire Risk Assessments (together with detailed fire door inspections), further visits by the Housing team to advise residents on fire safety (and where necessary enforce clearance of communal areas), continuing with our works programme to carry out Fire Risk Assessment recommended remedial actions wherever possible, delivery of a training programme for the Housing Property team to enable them to undertake certificated fire door alterations and installations to storage cupboards in communal areas of flat blocks, and procurement of a certificated flat entrance fire door supply and fit contractor.
- 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 has produced a new 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 (FRA's) 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 Fire risk assessments have previously been undertaken to all of Somerset West and Taunton Council's HRA - Blocks. 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.

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

<b>Property Account Type</b>	<b>Number of Properties</b>	<b>Number Inspected</b>	<b>Percentage Compliant</b>
HRA - Blocks	557	494	89% (100%)
HRA - Commercial	4	4	100%
GF - Properties	23	17	74%

Note: the reduction in compliancy for HRA Blocks is due to properties falling out of date for a new FRA during the lockdown period. Outstanding FRA's are programmed for completion by end December 2020.

- 4.3.8 All remedial actions raised from FRA's carried out have been reviewed and are being actioned by the Property Compliance team, Housing Property team and the Housing team. A number 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. These actions, together with other packages of work (e.g. fire safety signage, replacement flat entrance doors) have been added to a programme of works which are being actively progressed. Remedial actions that are being addressed are:

<b>Remedial Action Type</b>	<b>Number of Outstanding Actions</b>	<b>Number of Overdue Actions</b>
Fire safety signage	237 (588)	227
Bin storage	392 (404)	389
Flat entrance doors	370 (485)	27
Windows on fire escape routes	34 (277)	0
Fire safety housekeeping	71 (570)	64
Repairs (e.g. alterations to storage cupboards, etc.)	349 (535)	106
Electrical improvements	317 (337)	5
Compartmentalisation checks	487 (500)	0
Flooring checks	104	0
Communal exit doors inspection	53	0
Landing surveys to fire escape routes	177	0
Electrical testing / electrical heater inspection	169	13
Fire proofing to electrical distribution boards	36	5
Miscellaneous actions	98	21
<b>Total</b>	<b>2894 (3778)</b>	<b>857 (941)</b>

Note: the number of outstanding actions will change as the recommended remedial actions from the further programme of Fire Risk Assessments and fire door inspections currently being undertaken by a specialist consultant 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.

A review of all of these outstanding actions is underway to plan how works may be undertaken as quickly as possible, following issues during the lockdown period as noted in 4.3.1 above.

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

<b>Property Account Type</b>	<b>Inspection Type</b>	<b>Number of Properties</b>	<b>Number Inspected</b>	<b>Percentage Compliant</b>
GF – Properties	Fire Alarm: weekly test	33	27	82% (100%)
	Fire Alarm: 6 monthly service and test	34	34	100% (100%)
	Emergency Lighting: monthly service and test	27	16	59% (100%)
	Emergency Lighting: annual service and test	27	16	59% (100%)
HRA - Blocks	Fire Alarm: weekly test	25	14	56% (100%)
	Fire Alarm: 6 monthly service and test	25	20	80% (100%)
	Emergency Lighting: monthly service and test	26	17	65% (100%)
	Emergency Lighting: annual service and test	26	6	23% (100%)
HRA Commercial	Fire Alarm: weekly test	3	2	67%
	Fire Alarm: 6 monthly service and test	3	2	67%
	Emergency Lighting: monthly service and test	2	2	100%
	Emergency Lighting: annual service and test	2	2	100%

Note: Following a return to work by external contractors and an increase in staff within the Property Compliance team, we are prioritising completion of outstanding inspections.

## 4.4 Gas Safety

4.4.1 Gas Safety checks were required by the Health and Safety Executive (HSE) throughout the 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, Gas Tag, which has been in successful operation since July 2017. This system enables qualified engineers to sign in by touching their mobile device against a 'Gas Tag' and an immediate geo-tagged, time-stamped and photo-verified account of all work carried out is then captured. The original contract with Gas Tag allowed for a two year extension period and we have recently taken this option.

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:

<b>Property Account Type</b>	<b>Number of Properties with Gas</b>	<b>Number Inspected</b>	<b>Percentage Compliant</b>
HRA – Dwellings	4511	4509	99% (100%)
HRA – Blocks	18	18	100%
HRA – Commercial	2	2	100%
GF – Properties	20	20	100% (94%)

Note: Gas checks to the GF properties are being prioritised for completion by the external contractor. The HRA dwellings overdue inspections are as a result of access issues due to the tenants medically shielding, and we continue to engage with the 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 Lift and Stair-lift Maintenance**

4.5.1 Passenger lift service and inspections remain 100% compliant. However, whilst showing an increased level of compliancy since the previous report, it has been challenging to achieve full compliancy for stairlifts to HRA – Dwellings. This has been due to both contractor resource issues, together with difficulty obtaining access from some vulnerable tenants who are shielding or are anxious about allowing people into their homes. Again, 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 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.

4.5.3 Somerset West and Taunton Council have a Lift Policy and associated procedures to ensure that they meet their statutory requirements.

4.5.4 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

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

<b>Property Account Type</b>	<b>Inspection Type</b>	<b>Number of Properties</b>	<b>Number Inspected</b>	<b>Percentage Compliant</b>
HRA - Dwellings	Stair-lifts: Annual service and inspection	79	74	94% (94%)
HRA - Blocks	Stair-lifts: Annual service and inspection	5	5	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 Management (Legionella)**

4.6.1 Compliance to GF 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.

All HRA properties also require consideration in regard to water safety and we have therefore carried out a comprehensive review and survey by the compliance team to identify all HRA properties where there may be a potential water safety hazard. This identified 1249 dwellings, 140 blocks and 3 HRA commercial properties where undertaking an initial water risk assessment was felt to be beneficial in order to provide reassurance that any hazards identified could be remedied. We have therefore completed a procurement exercise and appointed a specialist consultant to undertake a programme of WRA's to these HRA properties, together with any GF properties requiring an updated WRA. This appointment includes obtaining water samples and having them analysed by a laboratory to check for legionella bacteria where required.

In addition, we have recently delivered a Water Risk training programme to staff who have a responsibility for control of legionella bacteria risk in hot and cold water systems.

4.6.2 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.

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

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)
- 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 and the Housing Property team.

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

*Water Risk Assessments*

<b>Property Account Type</b>	<b>Properties Requiring a Water Risk Assessment</b>	<b>Properties with a Water Risk Assessment</b>	<b>Percentage Compliant</b>
GF - Properties	48	21	44% (100%)

The current programme of WRA's being undertaken by the newly appointed specialist consultant is planned to complete all outstanding WRA's for the GF properties by the end of November 2020.

*Monthly Temperature Checks*

<b>Property Account Type</b>	<b>Properties with Stored Communal Water</b>	<b>Properties with a monthly temperature check</b>	<b>Percentage Compliant</b>
GF - Properties	36	14	39% (100%)

Note: Following a return to work by external contractors, we are prioritising completion of outstanding temperature checks.

## **5 Links to Corporate Strategy**

No direct links.

## **6 Finance / Resource Implications**

As noted in 1.6 above, a review of all compliance areas against every property for which Somerset West and Taunton Council has property compliance responsibility has been undertaken since the last report to this committee. This has led to a change in some of

the base-data property numbers and, in addition, a number of further risk assessments are taking place on a range of compliance areas. We are therefore currently working on projections for any potential increase in costs from this work to review against existing budget resources and input into future budget setting.

## **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 Governance and Standards Committee– Yes**
- **Executive – No**
- **Full Council – No**

### **Reporting Frequency: Ad-hoc**

### **Contact Officers**

Name	Ian Candlish
Direct Dial	01823 217513
Email	i.candlish@somersetwestandtaunton.gov.uk

Name	James Barrah
Direct Dial	01823 217553
Email	j.barrah@somersetwestandtaunton.gov.uk