



Epping Forest District Council

CABINET ***Monday 9th October 2023***

You are invited to attend the next meeting of **Cabinet**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Monday 9th October 2023**
at **7.00 pm**

Georgina Blakemore
Chief Executive

Democratic Services
Officer: V Messenger (Democratic Services)
Tel: (01992) 564243

Members: Councillors C Whitbread (Leader of Council & Leader of the Conservative Group) (Chairman), N Bedford (Deputy Leader & Place Portfolio Holder) (Vice-Chairman), R Balcombe, S Kane, S Patel, J Philip, H Whitbread and K Williamson

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

[This meeting will be broadcast live and recorded for repeated viewing.](#)

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on MS Teams do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking”.

2. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'.

3. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

4. MINUTES (Pages 5 - 8)

To confirm the minutes of the meeting of the Cabinet held on 18 September 2023.

5. REPORTS OF PORTFOLIO HOLDERS

To receive oral reports from Portfolio Holders on current issues concerning their Portfolios, which are not covered elsewhere on this agenda.

6. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

To receive any questions submitted by members of the public and any requests to address the Cabinet.

(a) Public Questions

To answer questions asked by members of the public after notice in accordance with the provisions contained within Part 4 of the Constitution (Council Rules, Rule Q3) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

(b) Requests to Address the Cabinet

Any member of the public or a representative of another organisation may address the Cabinet on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at the meeting, in accordance with the provisions contained within Article 7 of the Constitution (The Executive, Paragraphs 27 and 28).

7. OVERVIEW AND SCRUTINY

To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function and to identify any matters that the Cabinet would like the Overview and Scrutiny Committee to examine as part of its work programme.

8. LANDLORD COMPLIANCE POLICIES (Pages 9 - 79)

(Housing and Strategic Health Partnerships – Cllr H Whitbread) To adopt the Landlord Compliance Policies (C-018-2023-24).

9. GROUNDS MAINTENANCE UPDATE (Pages 80 - 82)

(Regulatory Services – Cllr K Williamson) To consider and comment on the contents of the report (C-019-2023-24).

10. PUBLIC SPACES PROTECTION ORDER (PSPO) - DOG CONTROL (Pages 83 - 86)

(Regulatory Services – Cllr K Williamson) To agree to the 28-day public consultation on the proposed PSPO (C-020-2023-24).

11. PUBLIC SPACES PROTECTION ORDER (PSPO) - DEBDEN BROADWAY (Pages 87 - 92)

(Regulatory Services – Cllr K Williamson) To agree to the 28-day public consultation on the proposed PSPO (C-021-2023-24).

12. TAXI TARIFF CONSULTATION (Pages 93 - 99)

(Regulatory Services – Cllr K Williamson) To agree to the 28-day public consultation on the proposed taxi tariff (C-024-2023-24).

13. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 24 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

14. EXCLUSION OF PUBLIC AND PRESSExclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

Article 17 of the Constitution (Access to Information) define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

EPPING FOREST DISTRICT COUNCIL CABINET MEETING MINUTES

Monday 18 September 2023, 7.00 pm - 7.55 pm

Council Chamber, Civic Offices, High Street, Epping

Members Present:	Councillors C Whitbread (Chairman), N Bedford (Vice-Chairman), R Balcombe, S Kane, J Philip and H Whitbread
Other Councillors:	Councillors R Brookes, J Parsons, J M Whitehouse and D Wixley
Other Councillors (Virtually):	Councillors S Heap and C McCredie
Apologies:	Councillors S Patel and K Williamson
Officers In Attendance:	Georgina Blakemore (Chief Executive), Surjit Balu (Interim Director of Housing and Property), Tom Carne (Corporate Communications Team Manager), Jennifer Gould (Strategic Director and Chief Operating Officer), Vivienne Messenger (Democratic Services Officer), Rebecca Moreton (Corporate Communications Officer), Nigel Richardson (Service Director (Planning Services)), Krishma Shah (Senior Urban Design Officer) and Gill Wallis (Community, Culture & Wellbeing Service Manager)
Officers In Attendance (Virtually):	Christopher Hartgrove (Interim Chief Financial Officer), Andrew Small (Strategic Director, Corporate and Section 151 Officer) and Gary Woodhall (Team Manager - Democratic & Electoral Services)
By Invitation:	Mr S Hunt (Museum Consultant)

[A RECORDING OF THIS MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

27 WEBCASTING INTRODUCTION

The Leader of Council made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

28 DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Members' Code of Conduct, Councillor H Whitbread declared a non-pecuniary interest in the Epping Forest District Museum (restricted) agenda item by virtue of being a Trustee of the Epping Forest District Museum, and that she would remain in the meeting for its consideration in private session.
- (b) Pursuant to the Council's Members' Code of Conduct, Councillor R Brookes declared a non-pecuniary interest in the Epping Forest District Museum (restricted) agenda item by virtue of being a member of the Museums Association, and that she would remain in the meeting for its consideration in private session.

29 MINUTES

That the minutes of the Cabinet meeting held on 10 July 2023 be taken as read and signed by the Leader as a correct record.

30 REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports made by Members of the Cabinet on current issues affecting their areas of responsibility.

31 PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

The Cabinet noted that no public questions or requests to address the Cabinet had been received for consideration at the meeting.

32 OVERVIEW AND SCRUTINY

The Chairman of the Committee, Councillor D Wixley, reported that the Cabinet and Scrutiny Chairmen Joint Meeting in September had been postponed to 14 November 2023. The next meeting of the Overview and Scrutiny Committee would be held on 24 October 2023.

33 APPROVAL FOR CONSULTATION OF LATTON PRIORY DESIGN CODE

Councillor N Bedford introduced the report. The Strategic Design Code focused particularly on strategies to encourage sustainable movement and create a high-quality public realm with the aim of realising a vibrant and resilient new neighbourhood in line with the Garden Town Vision. The design code also supported other policies within the adopted Local Plan, SP2 (Placeshaping) and SP3 (Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town), including those relating to green and blue infrastructure (policies SP6 and DM5), sustainable transport choices (Policy T1) and high-quality design (Policies DM9 and DM10). The report provided an update on the aims, objectives and scope of the design code and confirmed the proposed consultation timescales on the draft design code document.

The Cabinet noted that the Strategic Design Code would be endorsed at a future Cabinet meeting, as a material consideration in the determination of planning applications for the Latton Priory strategic masterplan area.

The report set out the options considered, if any, and the reasons for the recommendation and the decision.

Decision

- (1) That the Draft Latton Priory Strategic Design Code (Appendix A) be approved for public consultation for a six-week period; and
- (2) That the Planning Services Director, in consultation with the Place Portfolio Holder be authorised to make minor amendments to the Draft Latton Priory Strategic Design Code prior to publication for consultation.

34 QUALIS QUARTERLY MONITORING REPORT QUARTER 3 (YEAR 4)

Councillor J Philip (Finance and Economic Development Portfolio Holder) presented the third quarterly monitoring report that covered the period from 1 January – 31 March 2023. Beyond the difficulties and challenges created by the economic factors previously reported, Qualis continued to make positive returns in 3 of its 4 companies, albeit below target levels. As

reported in quarter 2, Qualis Living was finding achieving targets the most difficult, which was attributed to over optimistic targets for the year given the current economic conditions. This would be addressed in the next Qualis Business plan when targets would be revised again to reflect current market conditions. Despite the difficult trading conditions, the position still included almost £2 million of interest payments made by Qualis to the Council (over the previous 12 months) for its lending and these directly supported the Council's continued provision of valued services. Although Qualis reported a loss for quarter 3, this was largely attributed to delays in completing the Cottis Lane car park in Epping and receiving car park income and lower fees for the management of the EFDC assets. The Portfolio Holder answered members questions', but no further actions were raised.

The report set out the options considered, if any, and the reasons for the recommendation and the decision.

Decision:

That the Cabinet noted and agreed the report.

35 ANY OTHER BUSINESS

(a) Financial Planning Framework 2024/25 to 2028/29

The Finance and Economic Development Portfolio Holder introduced the report and highlighted the financial pressures that were being driven by a difficult economic backdrop, as the Council had no control over inflation, energy costs and construction costs. The report set out the financial challenges on the General Fund budget and Housing Revenue Account. A tailored Financial Planning approach, which developed the 2024/25 Budget and updated Medium-Term Financial Plan (MTFP) through to 2028/29 was therefore proposed, within a governance framework spanning five months that began with this report and would culminate in full Council setting a balanced budget in February 2024. The Portfolio Holder answered questions from councillors which centred on employee costs, unfilled posts, and interim positions.

The report set out the options considered, if any, and the reasons for the recommendation and the decision.

Decision:

- (1) That the Cabinet noted the backdrop to the Financial Planning process for 2024/25 to 2028/29, including the Balance Sheet trajectory in the light of the 2022/23 budget outturn and the latest 2023/24 spending forecast; and
- (2) That the Cabinet agreed the proposed approach to Financial Planning for 2024/25 to 2028/29, including the reporting and governance timetable summarised in Appendix A.

(b) Quarter 1 Budget Monitoring Report 2023/24

This report set out the 2023/24 General Fund and Housing Revenue Account budget positions, for both revenue and capital, for the first quarter as at 30th June 2023. It also considered a range of other Financial Performance and Risk indicators alongside the budget position. In terms of General Fund revenue expenditure, a budget overspend of £1.523 million was projected. The position at quarter 1 was generally positive with performance and compliance in most areas not raising any concerns, although there were some challenges that should be noted, including the collection of Sundry Debts and rising Financing costs. In

response to questions, the Portfolio Holder advised service areas would be looking at overspends and looking to make savings, if possible.

The report set out the options considered, if any, and the reasons for the recommendation and the decision.

Decision:

- (1) That the Cabinet noted the General Fund revenue position at the end of Quarter 1 (30th June 2023) for 2023/24, including actions being undertaken or proposed to ameliorate the position, where significant variances had been identified (including Appendix A);
- (2) That the Cabinet noted the General Fund capital position at the end of Quarter 1 (30th June 2023) for 2023/24 (including Appendix B);
- (3) That the Cabinet noted the Housing Revenue Account revenue position at the end of Quarter 1 (30th June 2023) for 2023/24, including actions proposed to ameliorate the position, where significant variances had been identified;
- (4) That the Cabinet noted the Housing Revenue Account capital position at the end of Quarter 1 (30th June 2023) for 2023/24 (including Appendix C); and
- (5) That the Cabinet noted the wider position on Financial Performance and Risk at the end of Quarter 1 (30th June 2023).

36 EXCLUSION OF PUBLIC AND PRESS

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below on grounds that it would involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
12	Epping Forest District Museum	3

37 EPPING FOREST DISTRICT MUSEUM

Councillor J Philip (Finance and Economic Development Portfolio Holder) introduced the report, which was discussed in private session and answered the Committee's questions along with Mr S Hunt (Museum Consultant) and G Wallis (Service Manager – Community and Wellbeing).

The report set out the options considered, if any, and the reasons for the recommendation and the decision.

Decision:

That the Cabinet considered the Epping Forest District Museum Grant Support Options Report as set out at Appendix 1 and agreed to grant funding support Option 2.

CHAIRMAN

Report to the Cabinet

Report reference: C-018-2023/24

Date of meeting: 9 October 2023



**Epping Forest
District Council**

Portfolio: Housing and Strategic Health Partnerships (Cllr Holly Whitbread)

Subject: Landlord Compliance Policies

Responsible Officer: Surjit Balu, Interim Director for Housing
(sbalu@eppingforestdc.gov.uk)

Democratic Services Officer: V Messenger (democraticservices@eppingforestdc.gov.uk)

Recommendations/Decisions Required:

- (1) **First Recommendation;**
To adopt the Electrical Safety Policy
- (2) **Second Recommendation;**
To adopt the Fire Safety Policy
- (3) **Third Recommendation;**
To adopt the Gas Safety Policy
- (4) **Fourth Recommendation**
To adopt the Lift Safety Policy
- (5) **Fifth Recommendation**
To adopt the Water Hygiene Policy

Executive Summary:

The Council has duties to comply with regulations relating the 'Big Six' areas of health and safety. These being Asbestos, Electrical, Fire, Gas, Lifts and Water Hygiene. In May 2023, Cabinet approved the asbestos safety policy. This paper asks the Cabinet to approve the adoption of the attached proposed policies on the remaining five.

These policies have been produced by officers with the advice of Pennington Choices, an expert company on matters of compliance for social housing landlords.

The policies form part of the Council's wider organisational commitment to driving a health and safety culture amongst staff and contractors.

The key aspects of each policy are highlighted in this report, but the attached full policies are the key working documents.

Reasons for Proposed Decision:

The Council is required to ensure compliance with the regulations concerning health and safety in the homes and buildings we manage.

Report:

1 Scope of the Policies

1.1 The policies apply to:

- The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices and communal spaces.
- Any commercial premises which are owned by the HRA.
- Any depots, operational and commercial buildings owned or managed by EFDC.

2 Roles and Responsibilities

2.1 Cabinet

- Cabinet has overall governance responsibility for ensuring these policies are fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally review and approve the policies every two years (or sooner if there is a change in legislation or regulation).
- For assurance that the policies are operating effectively in practice, the Cabinet will receive regular updates on their implementation, performance and any non-compliance.

2.2 Senior Leadership Team

- The Senior Leadership Team (SLT) will receive monthly performance reports in respect of all 'Big Six' areas of compliance. They will also be notified of any non-compliance issue identified.

2.3 Service Responsibilities

- The Director of Housing has strategic responsibility for the management of health and safety covered by these policies.

2.4 Responsible Persons

- The appointment of a 'Responsible Person' is required under regulations concerning fire safety and water hygiene. The policies specify these as follows:
- Fire Safety - EFDC is the Responsible Person. Under the Regulatory Reform (Fire Safety) Order 2005, the 'Responsible Person' can be a corporate entity.
- Water Hygiene - The Service Manager for Assets is the Responsible Person.

3 Key Features of the Policies

3.1 The following headlines list the main activities to comply with each of the policies. Please see the policy itself for the full scope of requirements.

Electrical Safety

- We will inspect and test electrical installations every five years and at a change of tenancy and carry out any remedial works to ensure the installation is safe. Previously this was carried out every ten years and at a change of tenancy.
- We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.
- We will operate measures to identify, manage and/or mitigate risks related to portable electrical appliances in the properties we are responsible for.
- We will carry out a programme of checks to lightning protection, where it is installed, every 12 months.

Fire Safety

- Each property requiring a fire risk assessment (FRA) will have one in place, and the FRA will be carried out by a competent fire risk assessor.
- We will operate robust processes to implement all general fire precaution recommendations identified by FRAs.
- We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage).
- If we are made aware that a resident living in one of our buildings has a physical, cognitive or mental impairment, we will complete a person-centred fire risk assessment (PCFRA) for them.
- Within twelve months of approving this policy, we will adopt a sterile environment approach in all internal common areas, requiring tenants to remove combustible materials from corridors and fire escape routes.
- We will not permit the storage of mobility scooters within internal common areas.
- We will undertake quarterly checks of communal fire doors and annual checks of flat entrance doors to all such buildings over 11 metres in height.
- For all other communal blocks and other properties with common areas, we will undertake a six-monthly check of all communal fire doors, and an annual check of 25 per cent sample of flat entrance doors.
- We will ensure robust processes are in place to implement all general fire precaution measures identified by FRAs, in accordance with the following priorities and timescales:
 - Intolerable risk – within 24 hours
 - High risk – within one month.
 - Medium risk – within three months.
 - Low risk – within six months or delivered as part of a planned programme within 12 months
- We will establish a resident engagement communication programme. This will support tenants in their understanding of fire safety, advise them of how they can keep themselves and other tenants safe, and encourage them to report any fire safety concerns.

Gas Safety

- We will carry out an annual gas safety check to all properties with a gas supply, irrespective of whether the gas is connected or not. We use the 'MOT' approach to gas safety checks. This approach, under Part F, Regulation 36 (3) of the Gas Safety Regulations, allows a gas safety check to take place within ten months and one day of the previous safety check and retain the original 12-month anniversary date of the previous safety check.
- We will ensure that copies of all landlord's gas safety records (LGSRs) and any other relevant certificates are provided to tenants within 28 days of completion.
- We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage).
- We will ensure that gas safety checks are carried out within 24 hours of the commencement of a new tenancy.
- We will carry out a five-point visual check of resident owned appliances.
- We will not permit residents to install their own fixed heating appliance (such as wood burning heaters). Where we find such heating systems have been installed without

permission, we will require its removal. Where we have previously given permission for a resident to install a fixed heating system, EFDC will assume responsibility for the regular safety checks and servicing (including chimney sweeps) unless agreed otherwise.

- We will operate a robust process if there is difficulty gaining access to a property to carry out the gas safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license following a minimum of three attempts at gaining access. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.
- This policy applies to the few EFDC properties with other types of combustion heating such as solid fuel or oil fired boilers.

Lift safety

- We will ensure all lifting equipment is subject to a thorough examination before being commissioned into use for the first time.
- All lifting equipment will be subject to a periodic thorough examination and routine servicing and maintenance.
- All lifts that we install in properties we own or manage will be fully accessible for disabled users.
- Where we become aware of a breakdown, we will ensure our lift contractor attends within four hours (emergencies), 24 hours (urgent) or three days for non-emergency / routine breakdowns.
- In the event of any persons becoming trapped in a lift we are responsible for we will ensure our lift contractor attends within one hour.
- All lifting equipment, including domestic lifts, will be subject to a thorough examination:
 - Before being commissioned into use for the first time
 - Every six months if the lift is being used to carry people – this includes passenger lifts and domestic stairlifts
 - Every 12 months if the lift only carries loads

Water Hygiene

- We will review legionella risk assessments every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk.
- When properties become void, we will flush the water system, including any shower loop, before undertaking any work.
- We will carry out checks to identify pipework ‘dead legs’ and remove them within void properties and any properties where we are carrying out adaptations or planned investment work (e.g. bathroom or kitchen replacements).

4 Obligations for the Council

4.1 The obligations of the Council are listed in section 5.0 of respective policies.

4.2 Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in Section 4.1; and via a regulatory notice from the Regulator of Social Housing.

Scrutiny Comments

Communities Scrutiny Committee was held on 26th September 2023 and members noted the report and policies being presented. Members noted the importance of having such compliance policies in place and ensuring EFDC was compliant with key legislation and regulation.

The Committee were advised of amendments made to the Fire Policy, following consultation with the Tenant's and Leaseholders Panel meeting of 5th September 2023.

Following a points raised at Scrutiny Committee:

- A point of clarification has been made to the Fire Safety Policy under Section 4.1 - Legislation. Given that drafting of the policy began in 2022, some of the dates/months being referred to in this section needed amending to a 'past tense' allowing for the passage of time. This has been corrected.
- A point of clarification has been made to the Lift Safety Policy under sections 6.2 and 6.4 confirming the frequency of examination, servicing and maintenance will be in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

The Scrutiny Committee were supportive of adopting all five policies.

Resource Implications:

The policies reflect the assessment regime we already have in place so there are no additional resource requirements to comply with these policies. Actions arise which often have a cost implication. However, actions should diminish from assessment to assessment.

Legal and Governance Implications:

Adherence to the recommended policies will provide assurance that EFDC will remain compliant with our statutory obligations.

Safer, Cleaner and Greener Implications:

These policies and their implementation ensure the safety of residents, staff and contractors.

Consultation / Scrutiny Undertaken:

The Residents' Panel will be consulted on the policies before the Cabinet Meeting.

Background Papers:

The proposed policies for electrical safety, fire safety, gas safety, lift safety and water hygiene.

Risk Management:

The biggest risk is that the policies are not embedded in working practices or that tenants and leaseholders are not aware of the risks. These risks are mitigated by tracking our performance against targets and by regular campaigns on health and safety.

Equality:

An Equality Impact Assessment was carried out and there was no significant impact.

Electrical Safety Policy



Name	Electrical Safety Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Resident Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

Contents

1.0	Introduction and Objectives.....	2
2.0	Scope.....	2
3.0	Roles and Responsibilities	2
4.0	Legislation, Guidance and Regulatory Standards.....	3
5.0	Obligations	4
6.0	Statement of Intent.....	5
7.0	Programmes.....	6
8.0	Follow-up Work.....	6
9.0	Data and Records	7
10.0	Resident Engagement	7
11.0	Competent Persons	7
12.0	Training	8
13.0	Performance Reporting	8
14.0	Quality Assurance.....	9
15.0	Significant Non-Compliance and Escalation.....	9
16.0	Glossary.....	10
	Appendix 1 - Additional Legislation.....	11

1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) is responsible for repairs and maintenance to our homes, communal blocks and other properties we own and manage, all of which will contain electrical installations, equipment and portable appliances.
- 1.2 The key objective of this policy is to ensure our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory electrical safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.3 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).

- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, electrical safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of electrical safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of electrical safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager - Assets has operational responsibility for the management of electrical safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal access processes, as necessary.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** – Principal legislation applicable to this policy is as follows:

- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Electricity at Work Regulations 1989
- Electrical Equipment (Safety) Regulations 2016.

This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **Guidance and codes of practice** – The principal guidance and codes of practice applicable to this policy are:

- INDG236 - Maintaining portable electrical equipment in low-risk environments (as amended 2013).
- IET Wiring Regulations British Standard 7671:2018 (18th edition).
- Code of Practice for the Management of Electrotechnical Care in Social Housing (Electrical Safety Roundtable) January 2019.
- The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (IET) 2020 (5th edition).

4.3 **Regulatory standards** – We must ensure that we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing

(Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

- 4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in Section 4.1; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

- 5.1 The Housing Act 2004 requires that properties are free from Category 1 HHSRS hazards; this includes electrical hazards.
- 5.2 The Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act 2018 place duties on landlords to ensure that electrical installations in rented properties are:
- Safe when a tenancy begins.
 - Maintained in a safe condition throughout the tenancy so the property is fit for habitation.
- 5.3 To comply with these duties, electrical installations are required to be periodically inspected and tested. There is no legal requirement setting out how frequently we must carry out inspections and tests in domestic properties, however the government has consulting during summer 2022 on introducing mandatory checks on electrical installations for social housing at least every five years.
- 5.4 Best practice guidance within the current version of BS7671:2018 (currently BS7671:2018+A2:2022) recommends that electrical installations are tested at intervals of no longer than five years from the previous inspection. This guidance also states that any deviation from a five-year interval should be at the recommendation of a competent person, and should be backed up by sound evidence to support the recommendation.
- 5.5 All electrical installations should be inspected and tested prior to the commencement of any new tenancies. This means that tests should be carried out whilst properties are void and when mutual exchanges and transfers take place, and a satisfactory Electrical Installation Condition Report (EICR) must be issued to the resident upon moving in.
- 5.6 The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment.
- 5.7 The Electrical Equipment (Safety) Regulations 2016 requires landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities with regards to electrical safety under the legislation and regulations, as outlined in Sections 4 and 5.
- 6.2 We will deliver an electrical inspection and testing programme as set out in Section 7.
- 6.3 We will ensure that all electrical installations are in a satisfactory condition following the completion of an electrical installation inspection and test and will require the production of a condition report or other certificate which confirms that the installation is safe.
- 6.4 We will ensure that a full electrical installation inspection and test is undertaken in the case of a change of occupancy (void properties, mutual exchanges and transfers), and when completing planned works within domestic properties; this will be evidenced through a satisfactory EICR or other report.
- 6.5 We are delivering an installation plan and have a target date of October 2023 to ensure each property has a smoke alarm and carbon monoxide alarm installed. We will install, test and replace (as required) battery/hard-wired smoke and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage). Where the property does not have a gas supply, we will do this as part of the electrical inspection test.
- 6.6 We will operate a robust process if there is difficulty gaining access to a property to carry out the electrical safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license provided the appropriate procedures have been followed and approval given by a Head of Service (or more senior role). Where resident vulnerability issues are known or identified, we will ensure that we safeguard the wellbeing of the resident.
- 6.7 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.
- 6.8 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.9 We will operate measures to identify, manage and/or mitigate risks related to portable electrical appliances in the properties we are responsible for.
- 6.10 We will carry out a programme of checks to lightning protection, where it is installed, every 12 months.
- 6.11 We will establish and maintain a risk assessment for electrical safety management and operations, setting out our key electrical safety risks and appropriate mitigations.
- 6.12 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM), a Construction Phase Plan will be in place for all repairs work to

void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement and refurbishment works.

- 6.13 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to electrical safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 We are implementing a programme of five yearly electrical installation inspections and tests, having previously carried these out every 10 years. We carry out these inspections and tests to all domestic properties, communal blocks and other properties within the scope set out in 2.1, and from this point forward the inspection and test will be carried out every five years (unless the competent person recommends an earlier next test date). The person carrying out the test will be required to issue us with a new satisfactory EICR. The date of the next inspection and test is driven from the date of the most recent EICR.
- 7.2 **New builds and properties which have rewires** – All new builds, and all properties which have a rewire, will receive their first electrical installation inspection and test five years after the date of installation, and every five years thereafter.
- 7.3 **Properties managed by others** – We will obtain EICRs where our properties are managed by a third party. If the third party does not provide the EICR, we will carry out the inspection and obtain the EICR, and re-charge them for the cost of this work.

8.0 Follow-up Work

- 8.1 We will endeavour to repair all Code 1 (C1) and Code 2 (C2) defects identified by an electrical installation inspection and test at the time of the check, to produce a satisfactory EICR. Where this is not possible, we will make the installation safe and return to complete the required remediation works within 28 days to ensure a satisfactory EICR is produced.
- 8.2 Further Investigations (FIs) recorded on the EICR will be investigated within 28 days of the date on which the inspection and test was carried out. Any C1 or C2 faults identified as a result of these will be rectified within 28 days.
- 8.3 Where any C1 and C2 defects have been repaired, they will be recorded on the satisfactory EICR to provide an audit of the work completed.
- 8.4 We will review all Code 3 (C3) and observations and determine the most appropriate course of action.

9.0 Data and Records

- 9.1 We will maintain a core asset register of all properties we own or manage, with component/attribute data against each property to show electrical safety testing and inspection requirements.
- 9.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from the electrical safety programme and the programme remains up to date.
- 9.3 We will maintain accurate records, against each property we own and/or manage, of the following:
- Inspection dates;
 - Electrical Installation Condition Reports (EICRs);
 - Minor Electrical Works Certificates and Building Regulation Part P notifications associated with remedial works; and
 - Electrical Installation Certificates.
- 9.4 We will hold these in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.
- 9.5 We will keep at least the two most recent EICR records or certificates outlined within section 9.3. We will have robust processes and controls in place to maintain appropriate levels of security for all electrical safety related data.

10.0 Resident Engagement

- 10.1 We consider good communication essential in the effective delivery of electrical safety programmes, therefore we will establish a resident engagement strategy and communication programme to support tenants in their understanding of electrical safety.
- 10.2 This will assist us in maximising access to carry out electrical inspections, encourage and support tenants to report any concerns about electrical safety, and help us to engage with vulnerable and hard to reach tenants.
- 10.3 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

11.0 Competent Persons

- 11.1 The Senior Mechanical and Electrical Engineer Operational Assets, as the post responsible for managing day to day delivery of the programme, will hold the Level 4 VRQ in Electrical Safety Management or Level 4 VRQ Diploma in Asset and Building Management (or

equivalent). If they do not have this already, they will obtain it within 12 months of the approval of this policy.

- 11.2 Only suitably competent electrical contractors and operatives, who are registered with an approved competent body (for example the NICEIC, British Standards Institution, ELECSA, BRE Certification or NAPIT Registration) will undertake electrical works on our behalf.
- 11.3 Only suitably competent third-party technical auditors, who are registered with approved competent body (for example the NICEIC, British Standards Institution, ELECSA, BRE Certification or NAPIT Registration), will undertake quality assurance checks.
- 11.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

12.0 Training

- 12.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings, basic electrical safety awareness training and on the job training for those delivering the electrical safety programme, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

13.0 Performance Reporting

- 13.1 We will report robust key performance indicator (KPI) measures for electrical safety. These will be provided to SLT monthly and to the Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal and others);
- Properties on the electrical inspection and testing programme;
- Properties not on the electrical inspection and testing programme;
- Properties with a satisfactory and in date EICR;
- Properties without a satisfactory and in date EICR;
- Completed, in-time and overdue follow-up works/actions arising from the inspection programme.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to electrical safety.

14.0 Quality Assurance

- 14.1 We will ensure there is a programme of third-party quality assurance audits of electrical safety checks. This will cover new installations (or those which have had upgrades which require a new EICR), sample of field checks and electrical safety certificates. Sampling will be risk-based taking into account the property type and the engineer who carried out the inspection. The minimum sample size will be 5%.
- 14.2 Internally we will undertake a 100 per cent desktop audits of all EICRs and other records and certificates outlined in 9.3.
- 14.3 We will carry out an internal audit of electrical safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

- 15.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an EFDC employee becoming aware of it.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to either the Head of Asset Strategy or the Head of Asset Operations in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 15.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

16.0 Glossary

- 16.1 This glossary defines key terms used throughout this policy:
- **EICR:** Electrical Installation Condition Report - a formal document that is produced following an assessment of the electrical installation within a property (domestic or

communal). It must be carried out by an experienced qualified electrician or approved contractor.

- **NICEIC:** National Inspection Council for Electrical Installation Contracting – an organisation which regulates the training and work of electrical contractors in the UK. The NICEIC is one of several providers given Government approval to offer Competent Person Schemes to oversee electrical work within the electrical industry.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- The Occupiers' Liability Act 1984
- Health and Safety at Work Act 1974
- Workplace (Health Safety and Welfare) Regulations 1992
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Regulatory Reform (Fire Safety) Order 2005
- Corporate Manslaughter and Homicide Act 2007
- Building Regulations 2010 (England and Wales) - Part P
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction, Design and Management Regulations 2015
- Data Protection Act 2018

Fire Safety Policy



Name	Fire Safety Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Resident Consultation	5 th September 2023
Equality Impact Assessment	August 2023
Cabinet Approval	9 th October 2023

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

Contents

1.0	Introduction and Objectives	2
2.0	Scope	2
3.0	Roles and Responsibilities	2
4.0	Legislation, Guidance and Regulatory Standards	3
5.0	Obligations.....	4
6.0	Statement of Intent	5
7.0	Programmes	8
8.0	Follow-up Work	9
9.0	Data and Records.....	9
10.0	Resident Engagement.....	10
11.0	Competent Persons	10
12.0	Training.....	11
13.0	Performance Reporting	11
14.0	Quality Assurance	12
15.0	Significant Non Compliance and Escalation.....	12
16.0	Glossary	12
	Appendix 1 – Additional Legislation, Guidance and Policy Direction	14

1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) is responsible for carrying out fire risk assessments, and taking action to identify, manage and mitigate risks associated with fire within the common areas of buildings we own and manage.
- 1.2 We have a duty to take general fire precaution measures to ensure, as far as is reasonably practicable, the safety of the people on our premises and in the immediate vicinity.
- 1.3 The key objective of this policy is to ensure that our Cabinet, Senior Leadership Team, employees, partners, and tenants are clear on our legal and regulatory fire safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees, within the home of each resident, and within all common areas of buildings and other properties we own and manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 EFDC is the 'Responsible Person' for the purposes of the key fire safety legislation because we own and manage homes and buildings where tenants and leaseholders live. This key

legislation is the Regulatory Reform (Fire Safety) Order 2005, and the Responsible Person is the dutyholder.

- 3.2 EFDC's Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.3 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, fire safety performance and any non-compliance.
- 3.4 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of fire safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.5 The Director of Housing has strategic responsibility for the management of fire safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.6 The Service Manager for Assets has operational responsibility for the management of fire safety and will be responsible for overseeing the delivery of these programmes.
- 3.7 Housing teams will provide support where gaining access to properties is difficult.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** - The principal legislation applicable to this policy is as follows:

- **Regulatory Reform (Fire Safety) Order 2005 (FSO).**
- The **Fire Safety Act 2021** came into force on 16 May 2022, amending the FSO.
- The **Fire Safety (England) Regulations 2022** came into effect on 23 January 2023. As a result, this may impact definitions and requirements and result in changes to this policy in future.
- The **Building Safety Act 2022** came into effect April 2023. As a result, this may impact definitions and requirements and result in changes to this policy in future.
- **Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022** which came into effect on 1 October 2022.

4.2 This policy also operates within the context of additional legislation, industry guidance and government policy direction (see Appendix 1).

4.3 **Regulatory Standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Homes Standard is the primary one applicable to this policy. The Social Housing

(Regulation) Act 2023 will change the way social housing is regulated and may result in future changes to this policy.

- 4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution by the Fire and Rescue Service under the Fire Safety Order; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

5.1 Regulatory Reform (Fire Safety) Order 2005 (the FSO)

The Responsible Person (which is EFDC, as dutyholder) must:

- Carry out a fire risk assessment (FRA) for the purpose of identifying the general fire precautions and other measures needed to comply with the FSO. Although under the FSO this requirement only applies to common parts of premises, in practice the Responsible Person will need to consider the entire premises, including units of residential accommodation.
- Consider who may be especially at risk.
- Implement all necessary general fire precautions and any other necessary measures identified by an FRA to remove or reduce any risks.
- Implement a suitable system of maintenance and appoint competent persons to carry out any procedures that have been adopted.
- Periodically review FRAs in a timescale appropriate to the premises and/or occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the FRA.

5.2 Fire Safety Act 2021

The Act amends the FSO by clarifying that in buildings with two or more sets of domestic premises, the FSO applies to:

- the structure and external walls of the building, including cladding, balconies and windows; and
- all doors between the domestic premises and the common parts, for example, entrance doors to individual flats which open on to common parts.

The Responsible Person must ensure that FRAs comply with the criteria outlined above by appointing a competent person to review them (if the FRAs do not already comply). See Section 11 for competency requirements.

5.3 Fire Safety (England) Regulations 2022

When the Regulations come into force on 23 January 2023 the Responsible Person will be required to:

- For all buildings - provide tenants with fire safety instructions and information on fire doors.
- For buildings over 11 metres - undertake quarterly checks of communal fire doors and annual checks of flat entrance doors.

There are also requirements for buildings over 18 metres (as defined within the Building Safety Act 2022), but EFDC does not have any buildings which meet this criterion.

5.4 **Building Safety Act 2022**

As well as bringing specific duties in respect of buildings over 18 metres (which will not apply to EFDC), the Building Safety Act will also amend the FSO when it comes into effect from April 2023. The amendments will be applicable to **all** buildings where the FSO applies and will require the Responsible Person to:

1. Record FRAs in full and record fire safety arrangements.
2. Appoint a competent person to undertake/review FRAs and record their identity.
3. Ascertain whether other RPs have duties in respect of the premises, and share relevant information with them.
4. Provide relevant fire safety information to tenants (for buildings with two or more domestic premises).

6.0 **Statement of Intent**

6.1 We acknowledge and accept our responsibilities under the FSO (as amended by the Fire Safety Act 2021) as outlined in Section 5. Where legislation has not yet come into force, we will monitor this regularly and update this policy accordingly.

6.2 Whilst we do not have any occupied higher risk buildings that fall within scope of the Building Safety Act 2022, we will apply the principles that are set out in the Accountable Persons duties to our highest risk buildings; these are our sheltered buildings. We will develop and adopt a resident safety strategy for these buildings within twelve months of approval of this policy.

6.3 We will review all our FRAs to ensure they meet the requirements set out in the Fire Safety Act 2021 by 30 September 2023

6.4 Each property requiring an FRA will have one in place, and the FRA will be carried out by a competent fire risk assessor. The FRAs will also be compliant with the British Standards Institution's PAS 79-1:2020 and PAS 79-2:2020 specifications for non-residential and residential buildings respectively.

- 6.5 All FRAs will be reviewed no later than the review date set within the most recent FRA and in the event of:
- A fire, fire safety incident or near miss;
 - Change in building use;
 - Change in working practices that may affect fire safety;
 - Following refurbishment works;
 - Change in applicable legislation; or
 - If required following an independent fire safety audit.
- 6.6 We will operate robust processes to implement all general fire precaution measures identified by FRAs.
- 6.7 Fire evacuation strategies will be determined on a building-by-building basis, in accordance with the recommendations of the competent fire risk assessor and with any guidance from Essex Fire and Rescue Service. Where we have buildings that are on a full evacuation strategy, we will implement plans to address the underlying risk factors which require the full evacuation, and will aim to move to an alternative evacuation strategy as soon as possible.
- 6.8 To comply with the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into force on 1 October 2022, we will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage). We are delivering an installation plan and have a target date of 30 October 2023 to ensure each property has a smoke alarm and carbon monoxide alarm installed.
- 6.9 If we are made aware that a resident living in one of our buildings has a physical, cognitive or mental impairment, we will complete a person-centred fire risk assessment (PCFRA) for them, if they provide their consent, and will take steps to ensure that any requirements arising from it are implemented.
- 6.10 Personal Emergency Evacuation Plans (PEEPs) will be carried out by a competent person, reviewed annually, and made available to Essex Fire and Rescue Service for use in the event of an evacuation, as follows:
- For any disabled resident and/or employee within any building where we provide care services and are the employer (i.e., sheltered or supported housing schemes); and
 - For any resident within a building where we have a responsibility for carrying out an FRA, where we have been notified that they are storing oxygen in their home for medical use.
- 6.11 When letting properties, we will consider the suitability of the accommodation for the prospective resident in respect of fire safety.

- 6.12 We are committed to working with Essex Fire and Rescue Service to create safer places to live and work. This joint working may include sharing information, having FRAs reviewed and staff training.
- 6.13 We will advise all new tenants of the opportunity to request a free home fire safety check, provided by Essex Fire and Rescue Service.
- 6.14 We will operate robust processes to gain access should any resident or leaseholder refuse access to carry out essential fire safety inspection and remediation works (as tested in the case *Croydon Council v. Leaseholder* 1st August 2014).
- 6.15 We will operate robust processes to gain access to properties where resident vulnerability issues are known or identified (including hoarding), whilst ensuring we safeguard the wellbeing of the resident.
- 6.16 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.17 We will operate a robust process to manage immediately dangerous situations identified during fire safety programmes.
- 6.18 Within twelve months of approving this policy, we will adopt a sterile environment approach in all internal common areas, requiring tenants to remove combustible materials from corridors and fire escape routes. Where we have buildings with regular management presence i.e. sheltered accommodation, this requirement through management agreement may be varied for low risk items such as pictures, noticeboards and suitable doormats.
- 6.19 We will not permit the storage of mobility scooters, eBikes and other battery powered equipment within internal common areas.
- 6.20 For any buildings which require FRAs, we will not permit the use of barbeques on balconies, within any internal common areas of the buildings, or within two metres of boundary fences or any flammable structures when within the external curtilage of a building. Where barbeques are used within external common areas, they must be raised off the ground and not left unattended at any time.
- 6.21 We will establish and maintain a risk assessment for fire safety management and operations, setting out our key fire safety risks and appropriate mitigations.
- 6.22 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement and refurbishment works.

- 6.23 To comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002, we will consider the safety of our workplaces and plant/boiler rooms within our residential blocks that fall within scope of the legislation and will carry out a DSEAR risk assessment where appropriate.
- 6.24 We will operate robust processes to record and action any fire safety related near misses. A near miss is an unplanned event which does not result in an injury but had the potential to do so.
- 6.25 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to fire safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **FRAs** - We will ensure all our communal blocks and other properties with common areas, that we own and manage (within the scope set out in 2.1), have an FRA in place where we have the legal obligation to do so.
- 7.2 Thereafter, we will maintain a programme of FRA reviews, in a timescale appropriate to the premises and/or occupation fire risk level. This timescale will be in accordance with the maximum timescales we have set out in the fire safety procedure document, which should be read in conjunction with this policy. The timescale for each individual FRA will also be determined by the fire risk assessor carrying out the FRA where they identify specific risks or other factors which mean the FRA is required sooner than our maximum timescale for the type of building, and will be between one and three years; FRAs for our higher risk buildings will be reviewed annually.
- 7.3 All buildings will have, at the minimum, a Type 1 FRA (non-destructive assessment of common parts). However, we will undertake a more comprehensive FRA that covers dwellings as well as common parts and/or destructive sampling if there has been works that may have compromised compartmentation. A more comprehensive FRA will be commissioned if recommended by the Fire Risk Assessor or the Fire Service or if there is any other reason to conclude that one is required to maintain assurance.
- 7.4 We will ensure that a pre-occupation FRA is carried out on all new build schemes or new acquisitions where we have an obligation to do so. This will be followed by a post-occupation FRA, a maximum of three months after the first resident moves in.
- 7.5 **Properties managed by others** – Where our properties are managed by third parties, we will require them to provide copies of the FRAs to us, with evidence that any required follow up actions and works have been completed, to demonstrate that the buildings are safe. If the third party does not provide the FRA and the evidence, we will carry out the

FRA, re-charge them for the cost of this, and require them to complete any actions identified.

- 7.6 **Fire door checks** – we do not currently have any buildings over 18 metres in height, and therefore do not have obligations under the Fire Safety (England) Regulations 2022. If we were to acquire such buildings in the future, we will undertake quarterly checks of communal fire doors and annual checks of flat entrance doors to all such buildings over 11 metres in height. We will develop a risk-based approach to carrying out fire door checks in all other buildings, and will implement this from 1 September 2023.
- 7.7 For all other communal blocks and other properties with common areas, we will undertake a six-monthly check of all communal fire doors, and an annual check of 25 per cent sample of flat entrance doors. This sample will increase if issues are found on the initial sample. We will do this from the date on which the Fire Safety (England) Regulations take effect.
- 7.8 **Servicing** - We will carry out a programme of servicing, maintenance and testing, in accordance with all relevant British Standards and manufacturer’s recommendations, to all fire detection, prevention and firefighting systems and equipment within buildings we own and manage.
- 7.9 **Regular inspections** – We carry out a programme of inspections to all buildings with a fire risk assessment in place, to audit that all required management actions are taking place. The frequency of the inspections is determined by the overall risk associated with the building.

8.0 Follow-up Work

- 8.1 We will ensure robust processes are in place to implement all general fire precaution measures identified by FRAs, in accordance with the following priorities and timescales:
- Intolerable risk – within 24 hours.
 - High risk – within one month.
 - Medium risk – within three months.
 - Low risk – within six months or delivered as part of a planned programme within 12 months.
- 8.2 We will ensure there is a robust process in place to manage follow-up works arising from fire door audits, and servicing and maintenance checks to fire systems and equipment.

9.0 Data and Records

- 9.1 We will maintain a core asset register of all properties we own or manage (for assets identified as being within scope in 2.1), setting out which properties require an FRA. We

will also set out which properties require fire safety servicing and maintenance regimes (for example, fire alarms, emergency lighting and smoke/heat detection).

- 9.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from fire safety programmes and the programme remains up to date.
- 9.3 We will hold fire safety inspection dates, FRAs, FRA actions, and fire safety servicing records against all properties on each programme. These will be held in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.
- 9.4 We will keep fire safety logbooks electronically for all properties on the FRA programme from the end of 2023, when we have implemented Civica CX. In the meantime we will hold them securely on site, and will still do so where required by Essex Fire and Rescue Service after we have also implemented electronic storage.
- 9.5 We will keep all records and data for the duration that we own and manage the property/in line with our document retention policy, and will have robust processes and controls in place to maintain appropriate levels of security for all fire safety related data.

10.0 Resident Engagement

- 10.1 We consider good communication essential in the effective delivery of fire safety programmes, therefore we will establish a resident engagement strategy and communication programme. This will support tenants in their understanding of fire safety, advise them of how they can keep themselves and other tenants safe, and encourage them to report any fire safety concerns.
- 10.2 We also aim to successfully engage with vulnerable and hard to reach tenants. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.
- 10.3 Within 24 months of the approval of this policy, we will provide tenants with online access to a resident friendly version of the FRA for their property. A full version of the FRA will also be made available upon request.

11.0 Competent Persons

- 11.1 The Health and Safety Manager will hold the NEBOSH National Certificate in Fire Safety and Risk Management (or equivalent), or Level 4 VRQ Diploma in Asset and Building Management. If they do not have this already, they will obtain it within 12 months of the approval of this policy.

- 11.2 Only suitably competent contractors, Fire Risk Assessors and fire engineers will undertake FRAs or works to fire safety equipment, systems and installations. These must be certified by BAFE and/or be an IFSM member. Those carrying out FRAs must have skills, knowledge and experience as set out in the Fire Sector Federation’s guidance on choosing a competent Fire Risk Assessor.
- 11.3 Only suitably competent fire safety consultants and contractors will provide third party technical quality assurance checks.
- 11.4 We will check that our contractors hold the appropriate qualifications and accreditations for the work they will carry out. We will check this when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor’s certification appropriately. We will require contractors and operatives who carry out repair, maintenance, installation and other work to fire doors to be accredited with the relevant BM TRADA fire door scheme or equivalent.

12.0 Training

- 12.1 We will deliver training on this policy and the procedures that support it, including: team briefings; basic fire safety awareness training for all staff who deliver property compliance activity; and on the job training for those delivering the programme of FRAs and other fire safety programmes, planned maintenance and repairs works as part of their daily job. All training undertaken by staff will be formally recorded.

13.0 Performance Reporting

- 13.1 We will report robust key performance indicator (KPI) measures for fire safety. These will be provided to SLT monthly and to Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – communal blocks and other properties;
- Properties on the FRA programme;
- Properties not on the FRA programme;
- Properties with a valid and in date FRA;
- Properties without a valid and in date FRA;
- Completed, in-time and overdue follow-up works/actions arising from the programme (split by priority).

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and

- Progress with completion of follow-up works.

In addition:

- Compliance with the fire safety equipment, systems and installations servicing and maintenance programme.
- The number of RIDDOR notifications to the HSE with regards to fire safety.
- Details of any enforcement notices from the Fire and Rescue Service or other enforcement bodies.
- Recording and reporting on property fires to identify trends and target awareness campaigns.

14.0 Quality Assurance

- 14.1 We will ensure there is a programme of external quality assurance audits of FRAs (field and desktop), on a five per cent sample basis.
- 14.2 We will carry out a programme of regular property inspections to all properties with an FRA, to audit that all required management actions have been completed.
- 14.3 We will carry out an independent audit of fire safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

- 15.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred or of an EFDC employee becoming aware of it.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to either the Service Manager for Assets or the Head of Asset Operations in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 15.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

16.0 Glossary

16.1 This glossary defines key terms used throughout this policy:

- **BAFE:** Is the independent register of quality fire safety service providers, who are certified to ensure quality and competence to help meet fire safety obligations.
- **BM TRADA:** Is a UKAS accredited certification body which provides independent third party certification fire services for manufacturing, installation and maintenance services for fire doors and a fire stopping installation certification scheme.
- **FRA:** A fire risk assessment is an assessment involving the systematic evaluation of the factors that determine the hazard from fire, the likelihood that there will be a fire and the consequences if one were to occur.
- **FRA survey:** The FSO states that an FRA is required, however, it does not prescribe how intrusive or destructive this should be. There are four types of FRA:
 - Type 1 – common parts only (non-destructive), basic level to satisfy the FSO.
 - Type 2 – common parts only (destructive), element of destruction on sample basis.
 - Type 3 – common parts and flats (non-destructive), considers means of escape and fire detection within at least a sample of flats.
 - Type 4 – common parts and flats (destructive).
- **IFSM:** The Institute of Fire Safety Managers.
- **PAS79:** A publicly available specification published by the British Standards Institution which focuses on making sure that all the required information that pertains to both an FRA and its findings are recorded.
- **PCFRA:** A person-centred fire risk assessment will help identify residents who are at higher risk from fire in their own accommodation, whether this is due to their behaviours or their ability to respond and escape from a fire.
- **PEEP:** A personal emergency evacuation plan is a bespoke escape plan for individuals who may not be able to reach an ultimate place of safety unaided or within a satisfactory period of time in the event of any emergency.
- **UKAS:** The National Accreditation Body for the United Kingdom, appointed by government to assess and accredit organisations that provide services including certification, testing, inspection and calibration.

Appendix 1 – Additional Legislation and Policy Direction

Legislation - This policy also operates within the context of the following legislation:

- Health and Safety at Work Act 1974
- The Occupiers' Liability Act 1984
- Furniture and Furnishings (Fire) (Safety) Regulations 1988
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Installation and Use) Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
- The Defective Premises Act 1972
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Building Regulations 2010: Approved Document B Fire Safety
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Electrical Equipment (Safety) Regulations 2016
- Data Protection Act 2018

Guidance – The principal guidance documents applicable to this policy are:

- Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing (Local Authorities Coordinators of Regulatory Services), August 2008.
- Fire safety in purpose-built blocks of flats (hosted by the Home Office and to be read alongside the National Fire Chiefs Council's guidance on simultaneous evacuation), 2011. [note this guidance should be viewed as no longer comprehensive; the Home Office is currently working on a revised version but in the interim, it is continued to be made available as it contains relevant and useful information for purpose-built blocks of flats]
- Fire Safety in Specialised Housing (National Fire Chiefs Council), May 2017. This guidance covers sheltered schemes, supported schemes and extra care schemes.
- Housing Health and Safety Rating System Operating Guidance: Housing Act 2004 Guidance about inspections and assessment of hazards given under Section 9 (Ministry of Housing, Communities & Local Government), February 2006.
- Housing Health and Safety Rating System Operating Guidance: Addendum for the profile for the hazard of fire and in relation to cladding systems on high rise residential buildings (Ministry of Housing, Communities & Local Government), November 2018.

- Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (Ministry of Housing, Communities & Local Government), January 2020.
- Simultaneous Evacuation Guidance: Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built blocks of flats (National Fire Chiefs Council), October 2020.

Additional guidance and policy direction – The following documents set out clear direction for landlords in respect of fire safety, and whilst not statutory guidance or approved legislation, there are certain recommendations or proposals which are applicable to this policy:

- Fire Sector Federation – Approved Code of Practice: A National Framework for Fire Risk Assessor Competency (November 2020).
- Fire Sector Federation – A Guide to Choosing a Competent Fire Risk Assessor (Version 3, October 2020).
- Setting the Bar: A new competence regime for building a safer future (October 2020).
- The Regulatory Reform (Fire Safety) Order 2005: Call for Evidence (July 2019), and summary of responses (March 2020).
- Building a Safer Future - Proposals for reform of the building safety regulatory system: A consultation (June 2019).
- Grenfell Tower Inquiry: phase 1 report. Volume 1 – 4 (October 2019).
- Building a Safer Future - Independent Review of Building Regulations and Fire Safety: Final Report (May 2018).

Gas Safety Policy



Name	Gas and Heating Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Resident Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

Contents

1.0	Introduction and Objectives	2
2.0	Scope	2
3.0	Roles and Responsibilities	3
4.0	Legislation, Guidance and Regulatory Standards	3
5.0	Obligations.....	4
6.0	Statement of Intent	5
7.0	Programmes	7
8.0	Data and Records.....	8
9.0	Resident Engagement.....	8
10.0	Competent Persons	9
11.0	Training.....	9
12.0	Performance Reporting.....	10
13.0	Quality Assurance	10
14.0	Significant Non-Compliance and Escalation	11
15.0	Glossary	11
	Appendix 1 - Additional Legislation.....	12

1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) is responsible for the maintenance and repairs to our homes, communal blocks and other properties we own and manage, many of which will contain gas installations and appliances. The Gas Safety (Installation and Use) Regulations 1998 (as amended) specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain commercial premises to ensure they remain safe.
- 1.2 We are also responsible for maintaining other types of heating systems to ensure that all heating appliances provided for tenants are safe. These include air source heat pumps/ oil/ solid fuel and electrical heating systems.
- 1.3 The key objective of this policy is to ensure our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory gas/heating safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented, to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, gas/heating safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of gas and heating safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of gas and heating safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager for Assets has operational responsibility for the management of gas and heating safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 Housing management teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal processes as necessary.

4.0 Legislation, Guidance and Regulatory Standards

- 4.1 **Legislation** - The principal legislation applicable to this policy is:
 - The Gas Safety (Installation and Use) Regulations 1998 as amended (hereafter referred to as the Gas Safety Regulations). We have a legal obligation under Part F, Regulation 36 (Duties of Landlords) and we are the 'Landlord' for the purposes of the legislation.
 - Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 which came into effect on 1 October 2022.
 - This policy also operates within the context of additional legislation (see Appendix 1).
- 4.2 **Approved Code of Practice (ACoP)** - The ACoP applicable to this policy is:
 - ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018).
- 4.3 **Guidance** – The principal guidance applicable to this policy is:

- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and guidance (3rd Edition 2018).

4.4 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

4.5 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Gas Safety Regulations; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

5.1 The Gas Safety Regulations impose duties on landlords to protect tenants in their homes. The main landlord duties are set out in Regulation 36 and require landlords to:

- Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available it is recommended that they are serviced annually, unless advised otherwise by a Gas Safe registered engineer.
- Ensure the annual safety check is carried out on each gas appliance and flue within 12 months of the previous safety check.
- Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer.
- Keep a record of each safety check for at least two years (until at least two further gas safety checks have been carried out).
- Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or prior to any new resident moving in.
- Display a copy of the latest safety check record in a common area of a building where the gas appliance serves a communal heating system to multiple homes.
- Ensure that no gas fitting of a type that would contravene Regulation 30 (for example, certain gas fires and instantaneous water heaters) is fitted in any room occupied, or to be occupied, as sleeping accommodation after the Regulations came into force. This includes any room converted into such accommodation after that time.

5.2 These obligations apply to both gas heating and liquid petroleum gas heating systems.

- 5.3 **Other heating types** – Although there is no legal requirement to do so, we will carry out safety checks to properties with the other heating types set out in Section 1.2 (see Section 7 - Programmes for details).
- 5.4 The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into effect on 1 October 2022, require social landlords to:
- Install a smoke alarm on every storey with living accommodation.
 - Install carbon monoxide alarms in any rooms used as living accommodation with a fixed combustion appliance (excluding gas cookers).
 - Repair or replace faulty alarms as soon as reasonably practicable.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities under the Gas Safety Regulations and the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 as outlined in Section 5, and all other duties set out in relevant legislation.
- 6.2 We will carry out an annual gas safety check to all properties with a gas supply, irrespective of whether the gas is connected or not.
- 6.3 We will ensure that copies of all landlord's gas safety records (LGSRs) and any other relevant certificates are provided to tenants or displayed in a common area within 28 days of completion.
- 6.4 To comply with the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which come into force on 1 October 2022, we will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage). We are delivering an installation plan and have a target date of October 2023 to ensure each property has a smoke alarm and carbon monoxide alarm installed.
- 6.5 We will cap off gas supplies to all properties when the property becomes void, and a new resident is not moving in immediately after. This will be completed by the end of the next working day following the property becoming void.
- 6.6 We will cap off gas supplies to all new build properties upon handover from the contractor/developer to us if the new tenancy is not commencing immediately at the point of handover.
- 6.7 We will ensure that gas safety checks are carried out within 24 hours of the commencement of a new tenancy (void or new build properties), mutual exchange and/or transfer, and that the resident receives a copy of the LGSR.
- 6.8 We will ensure a gas safety check is carried out following our installation of any new gas appliance and obtain a gas safety certificate to confirm the necessary checks have been

- completed. The safety check will include: a gas soundness test of the carcass; gas working pressures being taken; a visual inspection of the meter installation; and a visual inspection, including the safe working operation, of all other gas appliances and associated flues within a property.
- 6.9 We will carry out a five-point visual check of resident owned appliances. The visual safety check (location; flueing; ventilation; signs of distress; and stable and secure) will be done on gas cookers and gas fires. Where appliances are found to be faulty these will be disconnected and a warning notice issued. We will require the tenant to provide a copy of an appropriate record from a Gas Safe engineer that the appliance has been made safe.
- 6.10 We will not permit residents to install their own fixed heating appliance (such as wood burning heaters). Where we find such heating systems have been installed without permission, we will require their removal. Where we have previously given permission for a resident to install a fixed heating system, EFDC will assume responsibility for the regular safety checks and servicing (including chimney sweeps) unless agreed otherwise.
- 6.11 A safety check will be carried out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances or flues.
- 6.12 We will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide detectors as part of the annual gas safety check (or at void stage).
- 6.13 We will carry out an annual gas safety check to all properties where the gas supply has been capped at the request of the resident, and will check that the supply has not been reconnected by the resident. At the same time, we will check on the resident's wellbeing and assess whether or not the lack of gas heating is adversely affecting the condition of the property. In addition, we will communicate monthly with these tenants to check whether the property remains capped and inform the resident of what is required to reinstate gas at the property.
- 6.14 Any open flue gas appliances found in any rooms that are being used as bedrooms or for sleeping will be removed.
- 6.15 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.
- 6.16 We will regularly check properties that are not currently connected to the gas mains network to ensure a gas supply has not been installed without our knowledge.
- 6.17 We will operate a robust process if there is difficulty gaining access to a property to carry out the gas/heating safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license following a

- minimum of three attempts at gaining access. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.
- 6.18 We will operate effective contract management arrangements with the contractors responsible for delivering the programme, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.19 We will ensure that all replacements, modifications and installations of gas appliances and heating systems within our properties will comply with all elements of Building Regulations, Part J Combustion Appliances and Fuel Storage Systems.
- 6.20 We will establish and maintain a risk assessment for gas safety management and operations, setting out our key gas safety risks and appropriate mitigations.
- 6.21 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place in respect of all repairs to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement works and refurbishment projects.
- 6.22 We will identify whether we have any buildings which require a risk assessment under the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002 and will carry out a DSEAR risk assessment where required.
- 6.23 We will operate a robust process to investigate and manage all RIDDOR notifications submitted to the HSE in relation to gas and heating safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **Domestic properties** – We will carry out a programme of annual gas safety checks to all domestic properties we own and manage; the check will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.2 We use the 'MOT' approach to gas safety checks. This approach, under Part F, Regulation 36 (3) of the Gas Safety Regulations, allows a gas safety check to take place within ten months and one day of the previous safety check and retain the original 12-month anniversary date of the previous LGSR.
- 7.3 We will carry out a safety check of electrical heating systems every five years, as part of the periodic electrical inspection and testing programme.
- 7.4 Where we have installed a solid fuel appliance, or have given permission for the resident to install a solid fuel appliance, we will carry out an annual safety check a chimney sweep at least twice a year when burning wood or house coal. As individual solid fuel heating systems become beyond economic repair, we will replace them with alternative heating.

We will not permit residents to install their own fixed heating appliance (such as wood burning heaters). Where we find such heating systems have been installed without permission, we will require their removal.

- 7.5 We will carry out an annual safety check to properties with heat pumps and oil heating systems.
- 7.6 **Communal blocks and other properties** – We will carry out a programme of annual gas safety checks and services to all communal blocks and other properties (supported schemes/offices/shops/depots, within the scope set out in 2.1), where we have the legal obligation to do so; these will be completed within 12 months from the date of the previous LGSR/certificate.
- 7.7 **Properties managed by others** – Where our properties are managed by others, we will require them to provide copied of valid and in date LGSRs/gas safety certificates to us. If the third party does not provide the LGSR/certificate, we will carry out the safety check and re-charge them for the cost of this work.
- 7.8 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas/heating safety check (where the work cannot be completed at the time of the check).

8.0 Data and Records

- 8.1 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property to show gas/heating safety check requirements.
- 8.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from gas/heating safety programmes and the programme remains up to date.
- 8.3 We will hold gas/heating safety check dates and safety check records against each property we own or manage. We will hold the dates of the safety checks and safety check records in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.
- 8.4 We will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block or other property.
- 8.5 We will keep all completed safety check records, warning notices and remedial work records for at least two years, and in accordance with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all gas/heating safety related data and records.

9.0 Resident Engagement

- 9.1 We consider good communication essential in the effective delivery of gas and heating safety programmes, therefore we will establish a resident engagement strategy and communication programme to support tenants in their understanding of gas and heating safety.
- 9.2 This will assist us in maximising access to carry out gas safety checks, encourage and support tenants to report any concerns about gas and heating safety, and help us engage with vulnerable and hard to reach tenants.
- 9.3 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

10.0 Competent Persons

- 10.1 The Senior Mechanical and Electrical Engineer Operational Assets, as the post responsible for managing day to day delivery of the programme, will hold the Level 4 VRQ in Gas Safety Management or Level 4 VRQ Diploma in Asset and Building Management (if they are not Gas Safe Registered), and full membership of the Association of Gas Safety Managers (AGSM). If they do not have these already, they will obtain them within 12 months of the approval of this policy.
- 10.2 All operatives/engineers (internal or external) will maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake and will be members of the Nationally Accredited Certification Scheme for Individual Gas Fitting Operatives (ACS).
- 10.3 Only suitably competent Gas Safe accredited contractors will undertake works to gas/LPG fittings, appliances and flues.
- 10.4 Only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors will undertake works to oil fired and solid fuel fittings, appliances, and flues.
- 10.5 Only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) will undertake works on ground/air source heat pumps, solar thermal and biomass heating systems.
- 10.6 Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake servicing and repairs to electrical heating systems.
- 10.7 Only suitably competent Gas Safe registered and NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 10.8 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic gas and heating safety awareness training; and on the job training for those delivering the programme of gas and heating safety checks, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Performance Reporting

12.1 We will report robust key performance indicator (KPI) measures for gas/heating safety. These will be provided to SLT monthly and to the Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal and others);
- Properties on the gas/heating servicing programme;
- Properties not on the gas/heating servicing programme;
- Properties with a valid and in date LGSR/certificate;
- Properties without a valid and in date LGSR/certificate;
- Properties due to be serviced within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective actions; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE about gas/heating safety.

13.0 Quality Assurance

13.1 We will ensure there is a programme of third-party quality assurance audits of gas safety checks. This will cover new installations (or those which have had upgrades which require a new LGSR), sample of field checks and gas safety certificates. Sampling will be risk-based

taking into account the property type and the engineer who carried out the inspection. The minimum sample size will be 5%.

- 13.2 Internally we will undertake 100 per cent desktop audits of all LGSRs/certificates.
- 13.3 We will carry out an independent audit of gas/heating safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

14.0 Significant Non-Compliance and Escalation

- 14.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an EFDC employee becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to either the Service Manager for Assets or the Head of Asset Operations in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 14.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

15.0 Glossary

- 15.1 This glossary defines key terms used throughout this policy:
- **Gas Safe Register:** the official list of gas engineers who are qualified to work legally on gas appliances.
 - **LGSR:** Landlord's Gas Safety Record – a certificate containing the results of the annual safety check carried out on gas appliances and flues.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- Health and Safety at Work Act 1974
- Gas Safety (Management) Regulations 1996 (as amended)
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Defective Premises Act 1972
- The Occupiers' Liability Act 1984
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Workplace (Health, Safety and Welfare) Regulations 1992
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Pressure Equipment (Safety) Regulations 2016
- Pressure Systems Safety Regulations 2000
- Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

Lift Safety Policy



Name	Lift Safety Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Resident Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

Contents

1.0	Introduction and Objectives	2
2.0	Scope	2
3.0	Roles and Responsibilities	3
4.0	Legislation, Guidance and Regulatory Standards	3
5.0	Obligations.....	4
6.0	Statement of Intent	5
7.0	Programmes	7
8.0	Data and Records.....	7
9.0	Resident Engagement	8
10.0	Competent Persons	8
11.0	Training.....	9
12.0	Performance Reporting	9
13.0	Quality Assurance	10
14.0	Significant Non-Compliance and Escalation	10
15.0	Glossary	10
	Appendix 1- Additional Legislation	12

1.0 Introduction and Objectives

- 1.1 As a landlord and building manager, Epping Forest District Council (EFDC) is responsible for maintenance and repairs to our homes, communal blocks and other buildings and assets we own and manage, some of which will contain domestic lifts, passenger lifts, goods lifts and other lifting equipment. We are responsible for maintaining these lifts and carrying out periodic thorough examinations to ensure they continue to operate safely.
- 1.2 The key objective of this policy is to ensure our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory lift safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.3 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
- The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.
- 2.4 We own and manage domestic properties which have been adapted with living aids such as stair lifts, through floor lifts and hoists to enable tenants to continue to live

independently. We take responsibility for the lifts which have been installed within our domestic properties which we have either installed directly, or have been made aware of if they have been installed by others.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, lift safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of lift safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of lift safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager for Assets has operational responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal access process as necessary.

4.0 Legislation, Guidance and Regulatory Standards

- 4.1 **Legislation** - The principal legislation applicable to this policy is as follows:
- The Health and Safety at Work Act 1974.
 - The Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).
 - Provision and Use of Work Equipment Regulations 1998 (PUWER).
- 4.2 **Approved Code of Practice (ACoP)**—The principal ACoP applicable to this policy is:
- ACoP L113 - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2nd edition 2014).
- 4.3 **Guidance** – The principal guidance applicable to this policy is as follows:

- INDG422 - Thorough examination of lifting equipment: A simple guide for employers (2008).
- INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008).

4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under LOLER or PUWER; and via a regulatory notice from the Regulator of Social Housing.

4.5 **Regulatory Standards** – We must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

5.0 **Obligations**

5.1 **LOLER**

Passenger lifts in workplaces (for example, offices) which are used by people during their course of work, fall within the scope of LOLER.

LOLER requires landlords to maintain lifts and ensure that they have thorough examinations:

- Before use for the first time;
- After substantial and significant changes have been made;
- At least every six months if the lift is used at any time to carry people or every 12 months if the lift is only carrying loads (or in accordance with an examination scheme); and
- Following exceptional circumstances such as damage to, or failure of, the lift, long periods out of use, or a major change in operating conditions which is likely to affect the integrity of the equipment.
- Thorough examination reports must be kept for at least two years.

5.2 **Health and Safety at Work Act 1974**

Section 3 of the Health and Safety at Work Act makes employers, such as landlords, responsible for the health and safety of employees and people using or visiting their premises, so far as reasonably practicable (including tenants).

For passenger lifts in communal blocks and for tenanted properties with domestic lifts, duties may be adequately discharged by adopting the same provisions as applies to all other lifting equipment covered by LOLER (carrying out regular maintenance and a six-monthly thorough examination).

5.3 **Provision and Use of Work Equipment Regulations 1998 (PUWER)**

There is some overlap between LOLER and PUWER, which applies to all work equipment, including lifting equipment (such as hoists, lift trucks, elevating work platforms and lifting slings). The scope of this policy includes for lifts which are fixed within assets owned and managed by EFDC (i.e., passenger/stairlifts/through floor lifts/goods lifts) and not mobile lifting equipment.

5.4 **Insurance**

Insurers may impose demands for similarly stringent levels of risk management to cover public liability.

6.0 **Statement of Intent**

6.1 We acknowledge and accept our responsibilities under the legislation outlined in Sections 4 and 5.

6.2 We will adopt the same principles to the management of lifts within communal blocks and domestic properties as for passenger lifts, goods lifts and any other lifts provided as work equipment. We will therefore carry out a programme of periodic servicing and maintenance and thorough examinations (in accordance with LOLER) to lifts within domestic properties where these have been installed by us, or where our tenant has installed one and made us aware of it.

6.3 We will ensure all lifting equipment is subject to a thorough examination before being commissioned into use for the first time.

6.4 All lifting equipment will be subject to a periodic thorough examination and routine servicing and maintenance (in accordance with LOLER).

6.5 All lifts that we install in properties we own or manage will be fully accessible for disabled users, as per the requirements of the Equality Act 2010, and to the specifications outlined in Part M of the Building Regulations 2004.

6.6 We will endeavour to ensure that all lifting equipment will be in full working order at all times. Where we become aware of a breakdown, we will ensure our lift contractor attends within four hours (emergencies), 24 hours (urgent) or three days for non-emergency / routine breakdowns.

- 6.7 We will operate robust processes to deal with entrapment situations. In the event of any persons becoming trapped in a lift we are responsible for we will ensure our lift contractor attends within one hour.
- 6.8 We will operate a robust process to manage and rectify immediately dangerous situations identified during a lift safety check or any other maintenance work.
- 6.9 All passenger lifts will have an intercom that dials directly to a dedicated call centre. Call handlers will contact emergency services if there is an urgent concern for a person's welfare.
- 6.10 When a void property has a domestic lift, we will determine whether it is to be retained for use by the next tenant. If it is not, it will be removed. If the lift is retained, it will have a service visit when the property is re-let to ensure it is safe and working correctly at the point the new tenancy commences. The new tenant will also be shown how to operate the lift safely. If the thorough examination is due before the new tenancy commences, we will also ensure this is carried out.
- 6.11 We will operate a robust process to gain access to properties to undertake thorough examinations, lift safety/servicing visits and follow-on works. In the case of access for domestic stairlifts, where resident vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the resident, whilst ensuring we can gain timely access to any property in order to be compliant with this policy.
- 6.12 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.13 We will establish and maintain a risk assessment for lift safety management and operations, setting out our key lift safety risks and appropriate mitigations.
- 6.14 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM), a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed/ updated annually thereafter), component replacement works and refurbishment projects. This plan will detail what is required to reinstate lifts affected by the works, to ensure they are safe to use and continue to comply with relevant legislation.
- 6.15 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to lift safety, and we will take action to ensure any issues identified and lessons we have learned to prevent a similar incident occurring again.

7.0 Programmes

7.1 **Thorough examinations** – all lifting equipment, including domestic lifts, will be subject to a thorough examination:

- Before being commissioned into use for the first time;
- Every six months if the lift is being used to carry people – this includes passenger lifts and domestic stairlifts;
- Every 12 months if the lift only carries loads;
- In accordance with an examination scheme (as prepared by a competent person) where there is one in place; or
- In accordance with our insurer’s specification (if more frequent).

7.2 **Maintenance** - All lifting equipment will be subject to routine servicing and maintenance in line with manufacturers’ recommendations and/or any examination scheme.

7.3 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of a thorough examination or servicing and maintenance inspection (where the work cannot be completed at the time of the examination or servicing/inspection).

8.0 Data and Records

8.1 We will maintain a core asset register of all properties we own or manage, setting out which properties have lifts which require a thorough examination. We will also set out which properties have lifts which require ongoing servicing and maintenance. This register will also hold data against each property asset of the type, age and condition of lifting equipment in place.

8.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from lift safety programmes and the programme remains up to date.

8.3 We will hold records of the following against all properties on each programme:

- Thorough examination dates and reports;
- Servicing and maintenance dates and reports;
- Any examination schemes in place;
- Evidence of completed remedial works; and
- Entrapment incidents.

- 8.4 All records and data as outlined above will be stored in our shared drive. We will implement the Civica CX system during 2023, and from that point will hold this information in it.
- 8.5 Where we install any stairlifts or other lifts to domestic properties or give approval for or become aware of any installation of such lifts, we will add them to the thorough examination and servicing programmes.
- 8.6 We will keep all records for at least five years or for the duration that we own and manage the property/in line with our document retention policy and have robust processes and controls in place to maintain appropriate levels of security for all lift safety related data and records.

9.0 Resident Engagement

- 9.1 We consider good communication essential in the effective delivery of lift safety programmes, therefore we will establish a resident engagement strategy and communication programme to support tenants in their understanding of lift safety.
- 9.2 This will assist us in maximising access to carry out periodic servicing and thorough examinations, encourage tenants to report any lift safety concerns, and help us to engage with vulnerable and hard to reach tenants.
- 9.3 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

10.0 Competent Persons

- 10.1 The Principal Mechanical and Electrical Engineer will undertake appropriate training, such as the Lift and Escalator Industry Association (LEIA) Practical Management of a Lift/Escalator Contract, Level 4 VRQ Diploma in Asset and Building Management or equivalent, to ensure lift safety programmes are managed effectively.
- 10.2 The Approved Code of Practice for LOLER states:
- You should ensure that the person carrying out a thorough examination has such appropriate practical and theoretical knowledge and experience of the lifting equipment to be thoroughly examined as will enable them to detect defects or weaknesses and to assess their importance in relation to the safety and continued use of the lifting equipment.*
- 10.3 Therefore, only suitably competent lift consultants and contractors, registered with the Lift and Escalator Industry Association (or equivalent), will be appointed to

undertake thorough examinations, risk assessments, prepare examination schemes and undertake lifting equipment works.

- 10.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic lift safety awareness training; and on the job training for those delivering the programme of lift inspections, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Performance Reporting

- 12.1 We will report robust key performance indicator (KPI) measures for lift safety. These will be provided to SLT monthly and to the Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal blocks and other properties);
- Properties on the thorough examination programme;
- Properties not on the thorough examination;
- Properties with a valid and in date thorough examination;
- Properties without a valid and in date thorough examination;
- Properties due to be examined within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme (split by priority).

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective actions; and
- Progress with completion of follow-up works.

In addition:

- The number of entrapments within lifts (in month and year to date).
- The number of RIDDOR notifications to the HSE with regards to lift safety.

- Domestic lift servicing programme.

13.0 Quality Assurance

- 13.1 We will ensure there is programme of annual third-party quality assurance audits of services to lifts that are not included on the thorough examination programme.
- 13.2 We will carry out an independent audit of lift safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

14.0 Significant Non-Compliance and Escalation

- 14.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of a EFDC employee becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to Service Manager for Assets in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 14.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

15.0 Glossary

- 15.1 This glossary defines key terms used throughout this policy:
- **Examination scheme** – LOLER permits a scheme of examination (examination scheme), drawn up by a competent person, as an alternative to the fixed maximum periods of a thorough examination.
 - **IOSH Managing Safely course** - The Institution of Occupational Safety and Health (IOSH) have designed the IOSH Managing Safely course for managers and

supervisors of organisations in virtually all industry sectors, in order to give them all they need to know to effectively manage health and safety in the workplace.

- **LEIA** – The Lift and Escalator Industry Association is the trade association and advisory body for the lift and escalator industry.
- **Thorough examination** - A systematic and detailed examination of the equipment and safety-critical parts, carried out at specified intervals by a competent person who must then complete a written report.

Appendix 1- Additional Legislation

This policy also operates within the context of the following legislation:

- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Building Regulations 2010 – Part M
- Workplace (Health Safety and Welfare) Regulations 1992
- Management of Health and Safety at Work Regulations 1999
- The Occupiers’ Liability Act 1984
- Equality Act 2010
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

Water Hygiene Policy



Name	Water Hygiene Policy
Owner	Director of Housing
Last Review	August 2023
Next Review	August 2025
Tenant Consultation	TBC
Equality Impact Assessment	August 2023
Cabinet Approval	TBC

Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

Contents

1.0	Introduction and Objectives	3
2.0	Scope	3
3.0	Roles and Responsibilities	4
4.0	Legislation, Guidance and Regulatory Standards	4
5.0	Obligations.....	5
6.0	Statement of Intent	6
7.0	Programmes	7
8.0	Data and Records.....	8
9.0	Tenant Engagement.....	8
10.0	Competent Persons	9
11.0	Training.....	9
12.0	Performance Reporting	9
13.0	Quality Assurance	10
14.0	Significant Non-Compliance and Escalation	10
15.0	Glossary	11
	Appendix 1 - Additional Legislation.....	12

1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) must meet the legal obligations which require us to deal with the risks associated with legionella bacteria within the properties we own or manage. Legionella bacteria can cause a potentially fatal form of pneumonia called Legionnaires' disease. People contract Legionnaires' disease by inhaling small droplets of water containing the bacteria.
- 1.2 As far as is reasonably practicable, we must introduce measures to reduce and/or control exposure to legionella bacteria, including managing the conditions that support the growth of the bacteria in water systems.
- 1.3 The key objective of this policy is to ensure that our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory water hygiene obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees within the home of each tenant, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, water hygiene safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of water hygiene safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of water hygiene safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager for Assets has operational responsibility for the management of water hygiene safety and will be responsible for overseeing the delivery of these programmes. The Service Manager for Assets is the Responsible Person.
- 3.6 The Team Manager Property Operations is the Deputy Responsible Person who will provide cover to the Service Manager for Assets (Responsible Person) in their absence.
- 3.7 Housing teams will provide support where gaining access to properties is difficult.

4.0 Legislation, Guidance and Regulatory Standards

4.1 **Legislation** - The principal legislation applicable to this policy is as follows:

- The Health and Safety at Work Act 1974.
- The Management of Health and Safety at Work Regulations 1999 (the Management Regulations).
- The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH).

This policy also operates within the context of additional legislation (see Appendix 1).

4.2 **Approved Code of Practice (ACoP)** – The principal ACoP applicable to this policy is:

- ACoP L8 - Legionnaires' disease: The control of legionella bacteria in water systems (4th edition 2013).

4.3 **Guidance** – The principal guidance applicable to this policy is as follows:

- HSG274 - Legionnaires' disease: Technical guidance Part 1: The control of legionella bacteria in evaporative cooling systems (2013).
- HSG274 - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014).
- HSG274 - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
- INDG458 - Legionnaires' disease: A brief guide for dutyholders (2012).
- BS 8580-1:2019 Water quality, risk assessments for Legionella control – Code of practice.

4.4 **Regulatory Standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

4.5 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the COSHH Regulations; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

5.1 The Management Regulations and the Health and Safety at Work Act 1974 place a duty on us, as an employer and landlord, to ensure our employees and others affected by our undertakings (for example, tenants), are not exposed to health and safety risks, including the risk from legionella.

5.2 We have a legal obligation under COSHH to prevent or control exposure to biological agents, including legionella.

5.3 EFDC is the 'Duty Holder' as defined by ACoP L8 and we must take necessary precautions to prevent, reduce or control the risks of exposure to legionella.

5.4 As the Duty Holder, we must:

- Carry out a risk assessment for all hot and cold water systems, cooling plant and any other systems that can produce water droplets to identify and assess potential risks.
- Implement measures to either eliminate, reduce or control identified risks.
- Appoint a Responsible Person to take managerial responsibility for:

- Carrying out risk assessments;
- Producing written schemes of control (a practical, risk management document used to control the risk from exposure to legionella); and
- Implementing the written scheme of control.
- Appoint a Deputy Responsible Person who will provide cover to the responsible person in their absence.
- Keep associated records for five years.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities and obligations under the legislation outlined in Section 5.
- 6.2 We will review legionella risk assessments every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk. Schemes will be assessed as high, medium or low risk.
- 6.3 Written schemes of control will be in place for all properties risk assessed as requiring controls to manage the risk of legionella exposure.
- 6.4 When properties become void, we will flush the water system, including any shower loop, before undertaking any work. If the property is not to be made available for relet (i.e. it is being held as a 'long term void') or where a period of very cold weather is forecast, we will drain down the system. In all cases, the water system will then be flushed and recommissioned before the property is let, and the shower head replaced or sterilised.
- 6.5 We will carry out checks to identify pipework 'dead legs' and remove them within void properties and any properties where we are carrying out adaptations or planned investment work.
- 6.6 When we acquire properties (existing or new build) we will follow the same process as for void properties, and we will ensure there are no pipework 'dead legs' present when we take possession of the property.
- 6.7 We will operate a robust process for the management of immediately dangerous situations identified from the legionella risk assessment, water testing/monitoring regime or suspected legionella outbreak.
- 6.8 We will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential water hygiene related inspection and remediation works. Where tenant vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the tenant.

- 6.9 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.10 We will establish and maintain a risk assessment for water hygiene management and operations, setting out our key water hygiene risks and appropriate mitigations.
- 6.11 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM), a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement works and refurbishment projects.
- 6.12 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to water hygiene safety, and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **Communal blocks and other properties** – We will ensure all communal blocks and other properties (supported schemes/offices/shops/depots) that we own or manage (within the scope set out in 2.1) are subject to an initial visit to establish whether a legionella risk assessment (LRA) is required. Thereafter, if an LRA is required, the property will be included on the LRA programme. If an LRA is not required, we will record this on our core asset register.
- 7.2 For all properties on the LRA programme, we will undertake LRAs and then review the LRA every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk.
- 7.3 LRAs will also be reviewed in the following circumstances:
- Change in building use.
 - Change in internal layout of water system.
 - Change in building occupation that increases the risk due to health.
 - After a confirmed or suspected outbreak of Legionella.
 - Following a water hygiene audit (if required).
- 7.4 **Domestic properties** – We will undertake an annual programme of five per cent sample surveys in domestic properties. These will be prioritised according to the perceived level of risk (based on design, size and age of property, and type of water supply).

7.5 **Testing and monitoring** - We will undertake testing and monitoring (for example, monthly temperature checks) as set out within any written schemes of control.

7.6 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of an LRA or ongoing monitoring (where the work cannot be completed at the time of the assessment or check).

8.0 Data and Records

8.1 We will maintain a core asset register of all properties we own or manage, setting out which properties require an LRA. We will also set out which properties require ongoing testing and monitoring as prescribed by the written control scheme (for example, monthly temperature checks).

8.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from water hygiene programmes and the programmes remain up to date.

8.3 We will hold LRA inspection dates, LRAs, and testing and monitoring records against all properties on each programme. These will be held in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.

8.4 We will keep water hygiene logbooks electronically (and/or securely on site where practical), for all properties on the LRA programme.

8.5 We will keep all records for at least five years and in line with our document retention policy, and have robust processes and controls in place to maintain appropriate levels of security for all water hygiene related data and records.

9.0 Tenant Engagement

9.1 We consider good communication essential in the effective delivery of water hygiene programmes, therefore we will establish a tenant communication programme on this. This will support tenants in their understanding of water hygiene and legionella risk, advise them how they can manage the risks within their properties, and to encourage them to report any concerns about water safety.

9.2 We also aim to successfully engage with vulnerable and hard to reach tenants. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

9.1 We will display written schemes of control in communal areas of buildings to inform occupants how the risk of exposure to legionella bacteria is being managed and controlled.

10.0 Competent Persons

- 10.1 As we must appoint a Responsible Person and a Deputy Responsible Person, they must both be trained, instructed, and informed to the same level and should assist in the frequent monitoring of written control schemes. Therefore, they will hold a relevant qualification such as the BOHS P901 – Management and control of building hot and cold water services, Level 2 Award in Legionella Awareness (or equivalent), or Level 4 VRQ Diploma in Asset and Building Management. If they do not have these already, they will obtain them within 12 months of the approval of this policy.
- 10.2 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake LRAs, prepare written schemes of control and undertake works in respect of water hygiene and legionella control.
- 10.3 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third party technical quality assurance checks.
- 10.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic water hygiene awareness training; and on the job training for those delivering the programme of LRAs and water hygiene testing and monitoring, as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Performance Reporting

- 12.1 We will report robust key performance indicator (KPI) measures for water hygiene safety. These will be provided to SLT monthly and to the Cabinet a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal and others);
- Properties on the LRA programme;
- Properties not on the LRA programme;
- Properties with a valid and in date LRA;
- Properties without a valid and in date LRA;

- Properties due an LRA within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to water safety.

13.0 Quality Assurance

- 13.1 We will ensure there is a programme of third-party quality assurance audits to five per cent of LRAs. Annual audits will be undertaken to any systems identified within the LRAs as being high risk.
- 13.2 We undertake an internal desktop check of 100 per cent of all certifications.
- 13.3 We will carry out an independent audit of water hygiene safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

14.0 Significant Non-Compliance and Escalation

- 14.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an EFDC employee becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to the Service Manager for Assets in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 14.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

15.0 Glossary

15.1 This glossary defines key terms used throughout this policy:

- **BOHS:** British Occupational Hygiene Society.
- **Duty Holder:** the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.
- **Legionellosis:** a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever.
- **LRA:** Legionella Risk Assessment – an assessment which identifies the risks of exposure to legionella in the water systems present in a premises and the necessary control measures required.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Public Health (Infectious Diseases) Regulations 1988
- Water Supply (Water Quality) Regulations 2018
- The Workplace (Health Safety and Welfare) Regulations 1992
- Water Supply (Water Fittings) Regulations 1999
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

Agenda Item 9

Report to the Cabinet

Report reference: ***C-019-2023/24***

Date of meeting: ***9 October 2023***



Portfolio: **Regulatory & Technical Services**
(Cabinet Portfolio Holder Cllr K Williamson)

Subject: **Update on the transfer of services (Grounds Maintenance) to Qualis Property Solutions Ltd.**

Responsible Officer: **Mandy Thompson/Interim Service Director**
mthompson@eppingforestdc.gov.uk

Democratic Services Officer: **V Messenger (democraticservices@eppingforestdc.gov.uk)**

Recommendations/Decisions Required:

1. To consider and comment on the contents of the report.

Executive Summary:

The planned transfer of the Grounds Maintenance service to Qualis Property Solutions (QPS) successfully took place in May. Post transfer, this report provides an update on the transfer and service delivery.

Reasons for Proposed Decision: N/A informative report

Other Options for Action: N/A informative report

Report:

1. There was some apprehension amongst staff at the prospect of transfer into the Councils Local Authority Trading Company (LATC), particularly for members with long service with the Council. To provide reassurance to staff and facilitate a smooth transition, both Epping Forest & Qualis management team worked closely together to ensure staff were consulted at all stages of the process and kept informed regarding the TUPE process particularly to their employment terms & conditions. This process took the form of both team meetings and individual staff 1-2-1 discussions. At the time of the transfer there were 5 vacant FTE posts (25%).
2. Staff have had to adapt to the new working arrangements in terms of Qualis administration processes and IT operating systems, which was expected and mitigated with support. The staff have received relevant training and there is on-hand assistance from Qualis leadership team and experienced colleagues, to ensure the GM team are quickly brought up to speed.
3. A Contract Compliance Officer (CCO) role was created to monitor the contract and performance of the team for service delivery and to maintain good productive partnership working and collaboration. The focus from the outset was to ensure a seamless transfer was

achieved and that frontline operations and the level of quality would be unaffected by the change. To facilitate this, it was deemed vital to cause the least disruption to both staff and service delivery and therefore, previous proven ways of working have remained largely unaltered.

4. The transfer in May alongside the commencement of the mowing season presented some service challenges and the commitment and effort of the staff involved to manage this is acknowledged. There were 2 key factors that had the most impact on the service, these were the extreme variance in spring weather conditions and reduced staffing levels.
5. The wet weather experienced early in the season followed by a very warm spell produced some exceptional growth rates. This in turn, created some difficult mowing conditions resulting in the grass verges and open spaces becoming longer than usual between cuts and grass clippings remaining on the mown areas for much longer. Despite all available staff being deployed to try and counter this, agency support where possible and overtime working, that resulted in an increased number of complaints being received.
6. Recruitment for grounds staff has been an ongoing issue for the Council in recent years and this remains the same for Qualis, with 7 FT posts currently vacant. Some key vacancies have been filled by internal restructuring and a full management structure is now in place. Several operational posts are still being temporarily covered by agency staff, QPS are currently running adverts to redress this issue and have been successful in recruiting their first new gardener this month. Whilst operational levels remain reduced, it will continue to present challenges in the team's ability to deal with seasonal demanding tasks and reactive issues.
7. During the embedding period for Qualis, there was a need to establish new systems of working for both the client and contractor in terms of managing, monitoring, and recording performance. Ongoing team meetings with Qualis enabled various trials to take place in this area of work and a suitable method agreed. With these systems now in operation, it is anticipated going forward that a more consistent view of performance will be achieved for both parties.
8. The Service Level Agreement (SLA) has been drafted in agreement with EFDC and QPS and will incorporate an overarching 'umbrella' SLA with individual SLAs for individual services that have transferred into Qualis.
9. The CCO carries out independent and joint inspections, the following is a summary sheet of inspections, member enquiries and complaints. Performance of the contract will be reported on a quarterly basis to the Overview and Scrutiny Committee. An inspection incorporates several different elements including:
 - Playgrounds
 - Lawns and Grassed Areas
 - Flowers, Shrub & Rose Beds
 - Hedges
 - Weeds – Hard surface areas

they are assessed and graded individually to enable robust monitoring and emerging trends identified.

	May	June	July	Totals
Member/Cllr GM Enquiries	2	8	6	16
Stage 1 Complaints	0	1	2	3
Stage 2 Complaints	0	0	0	0
Inspections	0	4	5	9
Category A	0	0	0	0
Category B	0	11	7	18
Category C	0	2	3	5
Category D	0	0	0	0
Rectification Notices	0	0	0	0
Default Notices	0	0	0	0

KEY - Cat. Insp Std A – Desired Standard – Good
 B – Satisfactory Standard – Average
 C – Unsatisfactory Standard – Poor
 D – Unacceptable Standard

Prior to transfer, the number of GM Enquiries and complaints are comparable for the current season in previous years. A benefit of the transfer is that a regime has been developed to monitor standards across the district and ensure acceptable standards are maintained and poor performance identified and rectified as necessary.

10. QPS continue to strive to improve performance and customer satisfaction, improving services to customers where they can. An Action Plan is in development by QPS outlining improvements over the next 12 months that will be shared with EFDC for approval.

Scrutiny Comments

Scrutiny considered the report alongside the Grounds Maintenance Service Update (Qualis Property Solutions Ltd) and was supportive of the progress made, the improvement plan to map the different areas of responsibility onto the GIS mapping system and the collaborative partnership between EFDC and Qualis.

Resource Implications: N/A informative report

Legal and Governance Implications: N/A informative report

Safer, Cleaner and Greener Implications:

Consultation / Scrutiny Undertaken: N/A informative report

Background Papers: N/A informative report

Risk Management: N/A informative report

Equality: N/A informative report

Report to the Cabinet

Report reference: C-020-2023/24

Date of meeting: 9 October 2023



**Epping Forest
District Council**

Portfolio: Regulatory & Technical Services
(Cabinet Portfolio Holder Cllr K Williamson)

Subject: Public Space Protection Order (Dog Control) (Antisocial Behaviour, Crime & Policing Act 2014)

Responsible Officers: C Smith csmith@eppingforestdc.gov.uk
M Thompson Interim Service Director
(mthompson@eppingforestdc.gov.uk)

Democratic Services Officer: V Messenger (democraticservices@eppingforestdc.gov.uk)

Recommendations/Decisions Required:

To consider the Cabinet Report: **Public Space Protection Order (Dog Control) (Antisocial Behaviour, Crime & Policing Act 2014)** and comment as required.

Cabinet Recommendations/Decisions Required:

1. The Cabinet report is seeking agreement for a 28-day public consultation on the proposed Public Space Protection Order (PSPO).
2. Cabinet agrees that where there is a majority of 60% of responses are positive that the proposed PSPO be implemented on the date specified in the public notice.
3. Cabinet agrees that where more than 40% objections are made, it will reconsider the proposal in light of those objections within 2 months of the date specified in the public notice.

Executive Summary:

EFDC tries to encourage responsible dog ownership, for the benefit of all residents and visitors to the district. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a variety of powers for local authorities to deal with anti-social behaviour including Public Spaces Protection Orders. PSPO's are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

Responsible ownership will be supported by the proposed conditions in that it will:

- Allow swift action to be taken against those who do not pick up after their dog.
- Limiting the number of dogs an individual can walk at one time will assist in managing issues caused by professional dog walkers when they are walking more dogs than they can control and manage.
- Allow for reasonable checks to be carried out with dog walkers to ensure they have a suitable receptacle to pick up dog faeces.
- If any dog is found to be roaming away from its walker, causing legitimate concerns for others then officers can direct the walker to place the dog on a lead.
- Allow safe environments for children to play.

Reasons for Proposed Decision:

In October 2017, following public consultation the Councils Dog Control Order under the Clean Neighbourhoods and Environment Act 2005 was repealed by the Anti-Social Behaviour Crime and Policing Act 2014 and a Public Space Protection Order (PSPO) was adopted.

The PSPO has now expired and the current method of enforcement is the use of Community Protection Warning / Notices issued under the Anti-Social Behaviour Crime and Policing Act 2014, this extends the process of taking enforcement action by way of gathering evidence issue of a Community Protection Warning (CPW), if the behaviour continues then a Community Protection Notice (CPN) is issued, subsequently a Fixed Penalty Notice (FPN) is issued for repeat offending.

As a Local Authority we want to continue to promote responsible dog ownership and to provide authorised Officers with the tools and powers to educate and enforce where necessary. The proposed PSPO would enable officers to take swift and direct action when it is required.

Other Options for Action:

To continue with the current process and not introduce a district wide PSPO.

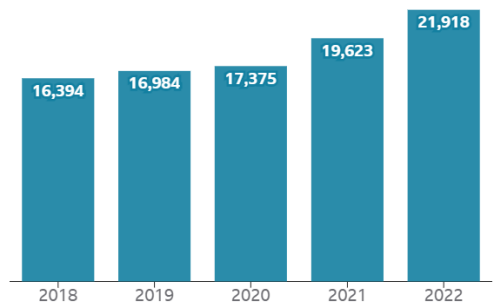
Report:

1. Dog Fouling and dog control has always been a concern for residents of the district and indeed the nation; however, a lot of incidents go unreported.
2. Dog fouling is not only unpleasant and inconvenient to anyone that encounters it, but it can also be dangerous, although rare, contact with excrement can cause toxocariasis an infection that can lead to dizziness, nausea, asthma, blindness, or seizures.
3. Keep Britain Tidy has estimated there to be more than 8 million dogs in the UK which produce more than 1000 tonnes of mess every day and unfortunately not all dog owners are responsible and pick up after their animals, that results in a large amount of excrement is left on our streets and within our parks which the Council and other landowners must clear up.
4. In 2022 EFDC received 22 complaints of frequent dog fouling, each complaint related to a different area and build-up of fouling in the district. At the time of writing this report 19 complaints of frequent dog fouling have been received.
5. In September 2022, the Corporation of London made EFDC aware of issues they were having with a professional dog walker who was regularly walking 6 dogs some were not kept on leads. 3 incidents occurred, two were a dog on dog attack the third being 2 dogs attacking a deer. Following these incidents, they had received reports that the dog walker has started to walk the dogs in a different area of EFDC.
6. Agencies such as the Dogs Trust, Pet Industry Federation, The Canine & Feline Sector Group and RSPCA have endorsed a document entitled "Professional Dog Walkers' Guidelines" that recommends that no more than 4 dogs are to be walked simultaneously, and that dog walkers should avoid areas that are heavily populated with children such as playgrounds.
7. Over the last few years media outlets have reported on several incidents relating to out-of-control dogs, these reports range from dog-on-dog attacks or dog on human attacks. On 8th March 2023 the BBC reported that dog attacks are on the increase in England and Wales. Stating that the number of offences of out-of-control dogs

causing injury over the last 5 years has increased by 34%. The graph below is taken from the report and shows the year-on-year increase.

Police record 34% rise in dog attacks over 5 years

Number of offences of out-of-control dogs causing injury



Source: Freedom of Information requests • Based on data from 37 forces in England and Wales



1. The Guardian published an article on 4th June 2023, stating “that typically, about 3 people a year die from dog related incidents in England and Wales, but 10 people were killed in 2022. So far in 2023 four people have been killed”.

Scrutiny Comments

Scrutiny have considered the report and are supportive of proposal with the following recommendation:

- That there is extensive publicity highlighting dog owner’s responsibilities and to remind dog owners that dog waste can be placed in litter bins where there is not a dog waste bin available.

Resource Implications:

None, enforcement is within BAU

Legal and Governance Implications:

A local authority may make a Public Spaces Protection Order if satisfied on reasonable grounds that two conditions are met:

- I. That activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect, and
- II. that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.

There is no prescribed consultation period, it is proposed that the consultation period is for a minimum of 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 and liable to fine on summary conviction not exceeding level 3 of the standard Scale. Local Authorities are the designated enforcement agency.

The PSPO lasts for 3 years, but at any point before it expires the PSPO can be extended for a further 3 years. A PSPO can be varied at any point, variations are most likely to be made to close any legal loopholes which offenders may be exploiting to avoid enforcement action.

The penalty for breaching a PSPO is a £100 fixed penalty notice or prosecution in the Magistrates Court, although in line with good practice informal and formal warnings will also be used when enforcing the PSPO.

Proposed implementation 8th January 2024

Safer, Cleaner and Greener Implications:

The proposed conditions will enable residents and visitors of EFDC to enjoy a cleaner and safer district while allowing authorised officers to support reasonable dog ownership across the district and to help tackle the minority who are not responsible pet owners/ dog walkers.

Consultation / Scrutiny Undertaken:

Public consultation will take place as required under the ASB, Crime and Policing Act 2014 for a period of 28 days between 16th October to 17th November. The consultation will be published on the EFDC website as well as direct consultation with all stakeholders, including Town and Parish Councils, PFCC, The Kennel Club and Housing Providers.

The proposed conditions are as follows:

- (i) Fail to remove dog faeces deposited on any publicly accessible land within the district.
- (ii) Fail to put a dog on a lead when directed to do so by an authorised officer, on any publicly accessible land within the district.
- (iii) Fail to limit the number of dogs which a person may take onto publicly accessible land within the district to four dogs.
- (iv) Fail to produce a receptacle for picking up dog faeces when requested to do so by an authorized officer, while walking a dog on any publicly accessible land within the district.
- (v) Fail to exclude a dog from specified fenced areas within the district.

A notice must be published in at least one local newspaper and at the Council Offices, setting out the proposed PSPO conditions and the date on which the PSPO will come into force. The notice must also specify the period and manner in which objections can be made.

Background Papers: LGA Public Space Protection Orders: Guidance for Councils.

Risk Management:

There is no minimum statutory consultation period, it is proposed that we consult for period to 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

Where objections are received Cabinet will consider concerns raised and determine whether to agree the proposal or modify the proposal.

Equality:

An Equality Impact Assessment was carried out and there was no significant impact, there is a positive impact.

Report to the Cabinet

Report reference: C-021-2023/24

Date of meeting: 9 October 2023



**Epping Forest
District Council**

Portfolio: Regulatory & Technical Services
(Cabinet Portfolio Holder Cllr K Williamson)

Subject: Public Space Protection Order (Debden Broadway) (Antisocial Behaviour, Crime & Policing Act 2014)

Responsible Officer: M Faux: mfaux@eppingforestdc.gov.uk
M Thompson/Interim Service Director
(mthompson@eppingforestdc.gov.uk)

Democratic Services Officer: V Messenger
(democraticservices@eppingforestdc.gov.uk)

Cabinet Recommendations/Decisions Required:

1. The Cabinet report is seeking agreement for a 28-day public consultation on the proposed Public Space Protection Order (PSPO).
2. Cabinet agrees that where there is a majority of 60% of responses are positive that the proposed PSPO be implemented on the date specified in the public notice.
3. Cabinet agrees that where more than 40% objections are made, it will reconsider the proposal in light of those objections within 2 months of the date specified in the public notice.

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a variety of powers for local authorities to deal with anti-social behaviour including Public Spaces Protection Orders. PSPO's are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. The order can be used to deal with likely future problems.

PSPOs are designed to make public spaces more welcoming to the majority of law-abiding people and communities.

Reasons for Proposed Decision:

The Broadway is a well-used area which consists of both residential and commercial premises. There are several schools and a college in the vicinity of the area. Debden tube station is also in close proximity. It is an area that is used by people for local shopping, restaurants as well as other local amenities.

The Broadway has been highlighted as an area of focus for the Home Office 'ASB hotspot patrols' within the Epping Forest District. ASB hotspots have been introduced as a result of the Prime Ministers new ASB action plan.

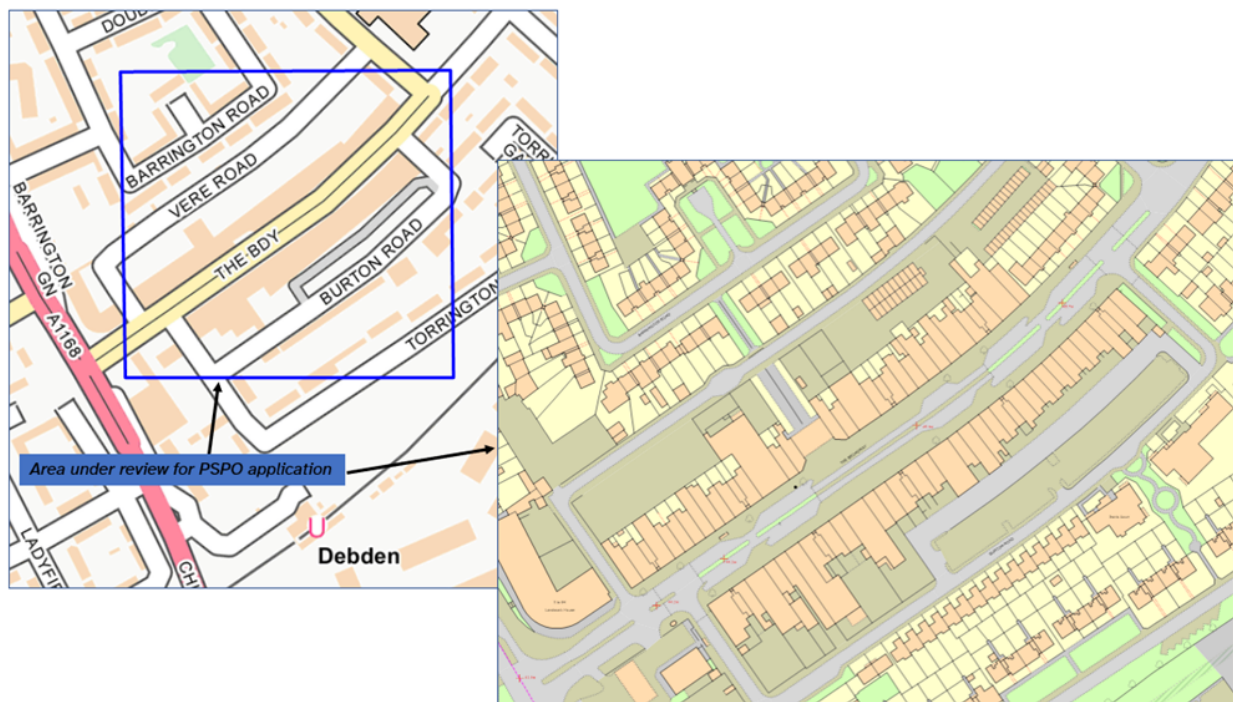
It is proposed to introduce a PSPO thereby providing a safe environment for residents, workers and the community when frequenting The Broadway.

Other Options for Action:

Not to proceed with the making of the Public Spaces Protection Order.

Report:

1. The Broadway has been highlighted due to the volume of anti-social behaviour incidents and reports that have been made in the area.
2. The below data has been taken from Essex Police systems. During the period 1 April 2018 to 31 March 2023, there were 324 ASB incidents reported, and 1273 crimes recorded within the area.
3. During the most recent year (2022 to 2023), there were 61 ASB incidents reported. Over half of the incidents referred to groups of youths causing a nuisance. This involved a variety of acts including noise, smoking cannabis/inhaling nitrous oxide, intimidation and fighting. A further 26% (16) relate to a homeless female causing a nuisance and a male begging outside BP in The Broadway.
4. The map below details the area that the PSPO will relate to:



5. The below table shows the ASB incidents over the last 5 years:

Final Call Type	2018 to 2019	2019 to 2020	2020 to 2021	2021 to 2022	2022 to 2023	Grand Total
NUISANCE	20	19	42	23	30	134
DISTURBANCE	16	7	15	18	17	73
DRUG RELATED INCIDENT	5	9	8	6	3	31
COVID RELATED			24			24
FIREWORK RELATED INCIDENT	2	3	3	3	4	15
INFORMATION	1	3	1	2	1	8
FIGHT	1	2	1	2	1	7
OFFENSIVE WEAPON		2	3	1	1	7
SUSPICIOUS CIRCUMSTANCES	1		1	2	1	5
ABANDONED VEHICLE	1		1	1		3
ATTENTION TO	1	1	1			3
OBSTRUCTION	2		1			3
TRESPASS		1		1		2
ABANDONED 999 CALL		1				1
ARSON					1	1
HATE CRIME		1				1
MENTAL HEALTH INCIDENT					1	1
PREVENT BREACH OF PEACE		1				1
ROAD TRAFFIC COLLISION		1				1
STALKING				1		1
SUSPECTS MAKING OFF			1			1
THEFT					1	1
Grand Total	50	51	102	60	61	324

Table 1 – breakdown of ASB Final Closing Descriptions

Final Call Type	2018 to 2019	2019 to 2020	2020 to 2021	2021 to 2022	2022 to 2023	Grand Total
NUISANCE	19	17	35	20	29	120
NUISANCE NEIGHBOUR		1	3	2	1	7
NUISANCE- VEHICLE	1	1	4			6
NUISANCE DUE TO NOISE				1		1

Table 1a – breakdown of ASB incidents closed as Nuisance

There were 121 ASB incidents reported during the period 1 April 2021 to 31 March 2023, evenly split over the forementioned two years. 44% (53) were closed as ‘nuisance’.

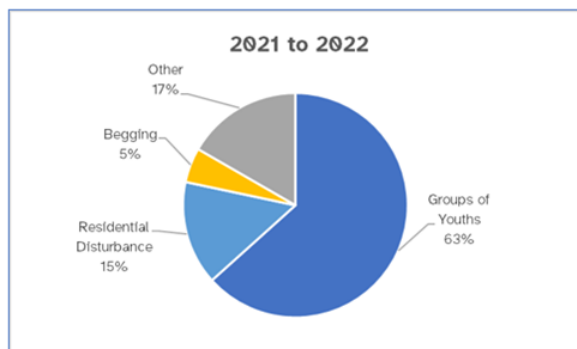


Chart 1 – Categorisation of ASB incidents 2021 to 2022

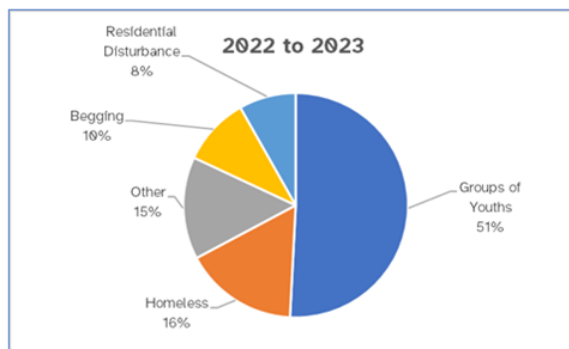


Chart 2 – Categorisation of ASB incidents 2022 to 2023

6. Charts 1 and 2 show the breakdown of ASB incidents. Groups described as ‘youths’ congregating and causing a nuisance (noise, drug taking, intimidation, fireworks and fighting) accounted for the highest percentage of ASB in both years. In the 2022 to 2023 data, this percentage was slightly lower due to the increase of begging and homeless incidents. There were 10 reports of a homeless female with mental health issues committing ASB on The Broadway between April and November 2022. The Essex Police Athena record now shows this female to have a home address in Waltham Abbey which may be the reason for no further sightings and reports. The six incidents relating to begging involved a male in his 60s asking customers for money outside BP on The Broadway. The last incident within the data was in March 2023 however there may have been further during the period April to July 2023.

7. The category ‘other’ consists of incidents not covered in the main groupings such as road related nuisance, group of adults congregating, mental health episodes, concern for welfare and fighting.

8. Data from Epping Forest District Council system M3 relate to reports received in the location from April 2018- April 2022 is below:

Date		Report
04.2018		Alleged Brothel
06.2018		ASB/Nuis Youth
11.2019		Nuis Youth/ Drug Taking behind shop
11.2019		Nuis Youth/ Drug Taking in stairwell
12.2019		Neighbour Dispute
12.2019		Nuis Youth/ Drug Taking in stairwell
01.2020		Graffiti Brick clamps path
05.2020		General ASB/Nuis Youth
09.2020		Nuis Youth/ Drug Taking brick clamps path
10.2020		ASB/Nuis Youth
10.2020		Nuis Youth/ Drug Taking/Knife
12.2020		Drug Use
02.2021		Alleged Brothel
03.2021		Knife/Colleague Student
03.2021		Offensive Graffiti
05.2021		Assault
05.2021		Youth Nuisance on Balcony
06.2019		Drug Use In garages
07.2021		ASB/Nuis Youth/Weapon
08.2021		Drunken Behaviour
09.2021		General ASB/Nuis Youth
11.2021		Nuis Youth/ Drug Taking in stairwell
11.2021		ASB/Nuis Youth
11.2021		Offensive Graffiti
02.2022		Weapon and Youth Nuisance
02.2022		Youth Nuisance on Balcony
04.2022		Damage to EFDC CCTV
04.2022		General Youth Nuisance
07.2022		Harassment by Neighbour
08.2022		Drug dealing and Vandalism
08.2022		ASB/Nuis Youth
08.2022		Cannabis Odour
09.2022		Youth Nuisance
10.2022		Youth Nuisance on Balcony
10.2022		Youth Nuisance on Balcony
10.2022		General ASB/Nuis Youth
10.2022		Offensive Graffiti
11.2022		Fireworks Incident
11.2022		Cannabis Odour
11.2022		Nuis Youth/ Drug Taking in stairwell
11.2022		Youth Nuisance on Balcony
02.2023		Harassment by Neighbour
02.2023		Nuis Youth/ Drug Taking in stairwell
03.2023		Vandalism
03.2023		Harassment by Neighbour

Scrutiny Comments

Scrutiny have considered the report and are supportive of proposal.

Resource Implications:

None, enforcement is within BAU. The Home Office have provided funding of £45,354.00 to deliver the ASB Action Plan project.

Legal and Governance Implications:

A local authority may make a Public Spaces Protection Order if satisfied on reasonable grounds that two conditions are met:

- I. That activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect, and
- II. that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.

There is no prescribed consultation period, it is proposed that the consultation period is for a minimum of 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 and liable to fine on summary conviction not exceeding level 3 of the standard Scale. Local Authorities are the designated enforcement agency.

The PSPO lasts for 3 years, but at any point before it expires the PSPO can be extended for a further 3 years. A PSPO can be varied at any point, variations are most likely to be made to close any legal loopholes which offenders may be exploiting to avoid enforcement action.

The penalty for breaching a PSPO is a £100 fixed penalty notice or prosecution in the Magistrates Court, although in line with good practice informal and formal warnings will also be used when enforcing the PSPO.

Proposed implementation 8th January 2024

Safer, Cleaner and Greener Implications:

There have been numerous complaints that relate to the behaviour that would be a contravention of the Order if agreed. If the public spaces protection order is in place, it would allow officers to deal appropriately with the behaviour which will make the area a safer place to live, work and visit.

Consultation / Scrutiny Undertaken:

Public consultation will take place as required under the ASB, Crime and Policing Act 2014 for a period of 28 days between 16th October to 17th November. The consultation will be published on the EFDC website as well as direct consultation with all stakeholders, including local businesses and residents within the designated area as well as in the

immediate vicinity. The local schools and college will also be consulted. Epping Forest District Council Housing and Essex County Council will be consulted as the landowners.

The proposed conditions are as follows:

- (i) Loitering by persons in council housing blocks and estates (including but not limited to any stairwell, lobby area, and communal balconies) causing nuisance, intimidation, harassment, alarm or distress or using or dealing drugs directly or indirectly causing damage or other ASB. For the purposes of this PSPO the term “loitering” shall include (without prejudice to the generality of its ordinary meaning) the actions of standing sitting, or lingering (i) aimlessly or without an obvious reason; or (ii) for the purpose of begging, drug taking, or drug dealing.
- (ii) Any person in possession of an open vessel(s) of alcohol / intoxicating liquor in a public place
- (iii) Any person sitting or loitering on the highway or any pedestrian area of the Restricted Area demanding or begging or perceived to be begging by an authorised person for money or any other item, whether placing any item before them for receipt of money or otherwise.
- (iv) Any person flyposting (including the unlawful affixing of any placard, notice or sign to street furniture) or any person permitting and / or benefitting from such flyposting.
- (v) Any person using a Skateboard, Bicycle, scooter, skates or any other self-propelled wheeled vehicle in such a manner as to cause damage to property or that causes or is likely to cause intimidation, harassment, alarm, distress, nuisance or annoyance to any person.

A notice must be published in at least one local newspaper and at the Council Offices, setting out the proposed PSPO conditions and the date on which the PSPO will come into force. The notice must also specify the period and manner in which objections can be made.

Background Papers: LGA Public Space Protection Orders: Guidance for Councils.

Risk Management:

There is no minimum statutory consultation period, it is proposed that we consult for period to 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

Where objections are received Cabinet will consider concerns raised and determine whether to agree the proposal or modify the proposal.

Equality:

An Equality Impact Assessment was carried out and there was low impact with a positive impact for residents, visitors and businesses in the area.

Report to the Cabinet

Report reference: C-024-2023/24

Date of meeting: 09 October 2023



**Epping Forest
District Council**

Portfolio: Councillor Ken Williamson Regulatory & Technical Services

Subject: Taxi Tariff

Responsible Officer: David King (dking@eppingforestdc.gov.uk)

Democratic Services Officer: V Messenger (democraticservices@eppingforestdc.gov.uk)

Recommendations/Decisions Required:

- (1) Cabinet agrees a 28-day public consultation on the proposed taxi tariff.
- (2) Cabinet agrees that where no objections are made, the proposed taxi tariff be implemented on the date specified in the public notice.
- (3) Cabinet agrees that where objections are made, it will reconsider the proposal in light of those objections within 2 months of the date specified in the public notice.

Executive Summary:

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits Licensing Authorities to set the fares tariff for Hackney carriages (taxis) licensed in the district. The tariff sets the maximum fares that taxis can charge the public when using their vehicles.

The current fee tariff was agreed in 2014. All changes to the hackney carriage tariff table in use in Epping Forest District Council must be approved by the Executive.

The legislation requires that before any alteration to the tariff table can take effect, a public notice explaining the changes must be placed in a local newspaper. The public then must be provided with a period of at least 14 days to make comment on the proposals.

If no adverse comment/objection is received the approved changes must take effect. Alternatively, if adverse comment/objection is received then the matter must be returned to allow the Executive to consider the representation(s).

Reasons for Proposed Decision:

The current fee tariff was agreed in 2014 and was last reviewed in 2018 however, no increase was agreed. The tariff was scheduled to be reviewed as part of the wider taxi policy review however, due to fuel and cost of living increases, it has been necessary to bring that review forward to support our licensed taxi trade and ensure that it remains sustainable.

Other Options for Action:

The Council does not have to increase the tariff table however, if the charging mechanism does not allow the trade to cover costs and provide an adequate salary for drivers, it is likely that the number of Hackney Carriage vehicles available to the public will continue to reduce as people leave the trade or trade elsewhere.

Having a properly resourced taxi trade with an appropriate tariff table would mean that the taxi trade remains economically stable, thereby attracting new drivers into the trade to continue and improve this vital public transport and this benefits both the trade and the public.

Report:

- Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, any charge made by a Hackney carriage, must not exceed the table of fares published by the licensing authority, irrespective of how that journey was arranged (from a rank or street, being hailed or pre-booking the journey).
- The current tariff table was agreed in 2014 and was last reviewed in 2018 however, no increase was agreed. Benchmarking in August 2022 showed that based on an average 2-mile fare, Epping Forest District Councils tariff is the lowest in Essex and we were ranked 310th lowest nationwide out of 355 Councils. Due to fuel and cost of living increases, it has now become necessary to review the current tariff table to support our licensed taxi trade.

Council	2 Mile Fare	Essex Ranking	National Ranking
Uttlesford	£8.30	1	9
Chelmsford	£7.10	2	24
Colchester	£6.90	3	40
Brentwood	£6.60	4	71
Harlow	£6.60	4	76
Basildon	£6.40	5	96
Tendering	£6.40	5	119
Southend on Sea	£6.40	5	116
Braintree	£6.20	6	140
Rochford	£6.20	6	151
Thurrock	£6.00	7	199
Castle Point	£6.00	7	178
Epping Forest	£5.50	8	310
Maldon	negotiate individual fares	Unknown	Unknown

- The current tariff is as follows:

	Minimum daytime fare for up to 1 mile	Each additional unit of 176 yards (160.9m) or part thereof	Average 2-mile journey
Rate 1 - hiring between 6am & 10pm Mon to Sat	£3.50	£0.20 (£2.00 per mile)	£5.50
Rate 2 - hiring between 10pm and 6am Mon to Fri	£3.70	£0.30 (£3.00 per mile)	£6.70
Rate 3 - hiring on Christmas Day, Boxing Day, New Year's Day and after 18.00 on Christmas Eve and New Year's Eve	£4.10	£0.40 (£4.00 per mile)	£8.10
Rate 4 – hiring on Christmas Day, Boxing Day, New Year's Day and after 18.00 on Christmas Eve and New Year's Eve	£5.50	£0.50 (£5.00 per mile)	£10.50

- Rate 1 - up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter, charged at a rate of £2.00 per mile in 20p increments.
- Rate 2 - can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime.
- Rate 3 - double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night-time/Sunday hour.
- Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays.

Additional Charges

- Waiting time is £18.00 per hour, in 20p increments (90 x 20 second periods = 1 hr i.e., 3600 seconds)
 - Assistance Dogs – No additional Charge
 - All other dogs, carried at drivers' discretion – No charge
 - Fouling of vehicle at the discretion of driver, up to £70.00
4. At a meeting of the Councils Licensing Committee on 1st November 2022, the Committee were asked to consider 4 taxi tariff increase options. The Licensing Committee agreed to endorse option 3 below.
5. Before any published fares can be increased the Council must undertake consultation with the trade and public consultation by way of placing a public notice in a local newspaper. The consultation period must last no less than 14 days, however it is recommended that the consultation period is 28 days to allow for the proposal to be properly considered and sufficient time for responses to be made.

Option 3

Increase tariff for the first 1760 yards (1 mile) across tariffs rates 1,2,3 and 4 by £1.00 and by £0.30 for each additional unit of 176 yards or part thereof or period of 40 seconds.

	Minimum daytime fare for up to 1 mile	Each additional unit of 176 yards (160.9m) or part thereof	Average 2-mile journey
Rate 1 - hiring between 6am & 10pm Mon to Sat	£4.50	£0.30 (£3.00 per mile)	£7.50
Rate 2 - hiring between 10pm & 6am Mon to Fri	£4.70	£0.40 (£4.00 per mile)	£8.70
Rate 3 - hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas & New Year's Eve	£5.10	£0.50 (£5.00 per mile)	£10.10
Rate 4 – hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas and New Year's Eve	£6.50	£0.60 (£6.00 per mile)	£12.50

Summary of above charges

- Rate 1 Up to 4 passengers, minimum daytime fare is £4.50 for up to 1 mile, thereafter, charged at a rate of £3.00 per mile in 30p increments.
- Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime.
- Rate 3 double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night-time/Sunday hour.
- Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays.

Additional Charges

- Waiting time is £27.00 per hour, in 30p increments (90 x 40 second periods = 1 hr i.e., 3600 seconds)
- Assistance Dogs – No additional Charge
- All other dogs, carried at drivers' discretion – No charge.
- Fouling of vehicle at the discretion of driver, up to £80.00

This option would make EFDC tariff 4th highest in Essex per 2-mile trip.

Scrutiny Comments

Limited informal consultation with the trade has been undertaken and a report has been considered by the Councils Licensing Committee and option 3 has been endorsed. If Cabinet agree this proposal, further public consultation will be undertaken and it is proposed that we extend the minimum 14-day consultation period to 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

Resource Implications:

Hackney Carriages are fitted with taxi meters to calculate the appropriate fare. If the fare table changes, meters will require updating by a meter agent and this cost is payable directly to the agent by the driver.

However, costs will be incurred by the Councils Licensing Team in assisting this process and by Fleet when resealing the meters. It is anticipated that the process will take 2-3 days however, the legislation does not permit a recharge to the driver for this function, therefore the Council will have to absorb these costs.

The Licensing Team will also incur costs associated with publishing a public notice in Epping Forest Guardian on 1 occasion advertising the proposal. This cost will vary dependant on the size of the notice required and a quote will need to be obtained.

Legal and Governance Implications:

The Council has the power under S65 Local Government Miscellaneous Provisions Act 1976 to regulate Hackney Carriage fares, and all other charges in connection with the hire of the vehicle.

When a district Council makes or varies a table of fares, it must publish a notice in at least one local newspaper and at the Council Offices, setting out the proposed table of fares and the date on which the table of fares shall come into operation. The notice must also specify the period and manner in which objections can be made.

The consultation period must not be less than 14 days from the first date of publication of the notice however, it is proposed that we extend the minimum 14-day consultation period to 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

If no objection is made, the table of fares will come into operation on the date stated in the notice however, where objections are received and not withdrawn, the Council must set a further date, no later than two months after the date specified in the notice, on which the table of fares shall come into force. The Council may modify the table of fares in light of objections received, but it does not have to.

The setting of Hackney carriage fares is a function of the Executive and therefore cannot be undertaken by a regulatory committee or full Council and Once the revised table of fares comes into operation, any table of fares previously agreed will cease to have effect.

Safer, Cleaner and Greener Implications:

As part of the Councils Sustainable Transport Agenda and meeting the Councils climate change objectives, one of the aims is increase the provision of electric charging points and to encourage taxi drivers towards use of electric vehicles (EV) in the district.

Switching to EV is in many ways ideal for the taxi and minicab trade – high local mileage, lower running, and maintenance costs, improved reliability, proven in the London market (black cab and minicab/Uber).

However, whilst there are undoubtedly a number of incentives to make this switch, a recent survey with Epping Forest local taxi trade shows that there are very few EV minicabs operating in our district and there are a number of barriers to switching to greener vehicles. Key findings of the survey highlighted:

- Average age of taxi fleet is 8.6 years, with 38% of vehicles being over 10 years old
- 18% of vehicles would incur current A406 ULEZ charge* (or any possible CAZ equivalent based on same)
- Whilst non-plug-in hybrid vehicles are common (36%), diesel is the fuel of choice for 51% and plug-in hybrid and EV are almost non-existent.
- Almost all vehicles are kept at home overnight, but 56% have no viable way to charge at home (this appears higher than the general population where 36% of local homes are estimated to have no off-street parking).
- Even pre-Covid, 80% of drivers were doing average daily mileages well within the range of a modern EV in a fully charged state although the typical “very busy” day pre-Covid would have likely meant a top-up charge during the day for around 45%
- A quarter had considered or are considering switching to EV
- Across all respondents, the main benefits of EV were seen as: low running and maintenance costs, high reliability, and avoidance of ULEZ type charges.
- The main barriers to adoption were unaffordable initial acquisition costs, lack of public charging points and range anxiety.
- If a way were found to soften the blow of upfront cost, the % prepared to switch to EV increased to 30% with a further 30% unsure.

It is clear from the survey that we are operating with a high emission fleet and the high perceived upfront costs of switching to EV along with lack of charging points is a barrier. However, if the taxi tariff were to increase along with the other financial incentives, the transfer to EV would be more affordable and it is likely that we will see an increase within the local taxi trade.

Consultation Undertaken:

Informal consultation has been undertaken with the trade however, it was limited to those who had previously contacted the Council to request an increase. The purpose of the consultation was to make the process was to invite Epping Forest taxi trade’s view on what would be considered an acceptable tariff going forward.

Whilst there is undoubtedly unanimous agreement within the trade that the current fee is far too low, we received little constructive feedback in terms of what that increase should be. However, one response received suggested that the rate should be increased as follows:

- Day rate - from £3.50 to £5 for the first mile or part thereof and an increase from £0.20 to £0.30 for each additional unit of 176 yards or part thereof.
- Night rate – from £3.70 to £5.50 for the first mile or part thereof and £0.30 for each additional

unit of 176 yards or part thereof to remain unchanged.

This would increase the average 2-mile journey fare to £8.00 from the current £5.50 (daytime) and to £8.50 from £6.70 between 10pm & 6am. This would make Epping Forest District Councils tariff the third highest in Essex.

At a meeting of the Councils Licensing Committee on 1st November 2022, the Committee were asked to consider 4 taxi tariff increase options. The Licensing Committee agreed to endorse option 3.

If Cabinet agree this proposal, further public consultation will be undertaken.

Background Papers:

Licensing Committee Taxi Tariff Report & Minutes

EFDC licensed minicab & taxi Survey/Taxi and EV update SLJ

Risk Management:

It is likely that the Council will receive opposition from members of the public to the proposal to increase the fare tariff table however, the proposal will be subject to consultation by way of a public notice being placed in the Epping Forest Guardian and at the Civic Office.

The statutory consultation period must not be less than 14 days from the first date of publication of the notice however, it is proposed that we extend the minimum 14-day consultation period to 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

Where objections are received Cabinet will consider concerns raised and determine whether to agree the proposal, modify the proposal or to refuse the increase.

Currently there are 212 taxi drivers licensed by Epping Forest District Council however, it should be noted that this does not necessarily mean that all 212 licence holders are active. A number of these drivers may no longer be active but have not surrendered their licence.

This is an overall reduction of 17% since 2020 and the Councils Licensing Team have received enquiries from operators who are unable to attract new and replacement drivers. If the current fare tariff table is not increased, it is anticipated that the number of Hackney Carriage vehicles available to the public will continue to reduce as people leave the trade or apply to trade in other districts where the tariff is higher. This would be to the detriment of both the trade and Epping Forest residents.

Equality:

An Equality Impact Assessment was carried out and there is a low to medium impact. Hackney Carriage drivers will benefit from increased income, which will allow them to cover the costs of delivering the service. If the charging mechanism does not allow the trade to cover costs and provide an adequate salary for drivers, it is likely that the number of Hackney Carriage vehicles available to the public will continue to reduce as people leave the trade or trade elsewhere.

Having an adequate number of Hackney Carriages is vital for the travelling public and when setting fares, the Council has to balance any increase of fares against the needs of the travelling public.

However, a properly resourced taxi trade with an appropriate tariff table would mean that the taxi trade remains economically stable, thereby attracting new drivers into the trade to continue and improve this vital public transport and this benefits both the trade and the public.

Whilst there is no evidence to suggest that the proposed increase would have a negative impact on a particular characteristic, it is accepted that wheelchair users and disabled persons are statistically more likely to use taxis than persons who do not identify themselves as disabled.

Surveys conducted by the Department for Transport have also identified that young adults and elderly persons are more likely than other age groups to use taxis on a regular basis.

As such a rise in the tariff table may impact on these groups more economically and price rises may lead to taxis becoming less affordable and as such increase the risk of social exclusion amongst those who rely on or regularly use taxis for their transport needs.

The proposed increase will be subject to public consultation, and should objections be received the matter referred to Cabinet for further consideration. It should also be noted that the tariff table sets a maximum fare, it is permissible for drivers to agree a lesser fare with regular customers should they wish to do so.