

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
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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.