



City of
Stoke-on-Trent

Housing Revenue Account Asset Compliance Strategy 2023

Approved: January 2023

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Contact Details for Officers with Key Roles

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1. Introduction

- 1.1 This strategy sets out our overall approach to health and safety relating to council homes and other properties that are accounted for in the Housing Revenue Account. It focusses on the key aspects of property management and maintenance, and provides a framework to deliver a consistent approach to managing health and safety in the home in our role as a housing provider.
- 1.2 We use the term 'resident' to mean anyone who is a council tenant or leaseholder.
- 1.3 We present in this document:
 - a. **Section 2- Strategy statement:** Our commitment to providing safe and hazard-free homes and neighbourhoods;
 - b. **Section 3 - Strategy aims:** What we want to achieve;
 - c. **Section 4: Management responsibilities:** Who is broadly responsible for what;
 - d. **Section 5: Operational monitoring arrangements:** Our overall approach to ensuring that this strategy and supporting procedures operate as intended and are updated to reflect continual improvement and good practice, as well as arrangements for dealing with the various aspects of health and safety in the home namely:
 - **Asbestos management**
 - **Electrical safety**
 - **Fire safety**
 - **Gas and other fuel safety**
 - **Legionella control and water safety**
 - **Mechanical and Engineering equipment safety**
 - **Building Safety**
- 1.4 Detailed procedures, guidance for staff and residents and other supporting material are subsidiary to this document and provide more operational guidance for staff.
- 1.5 This strategy and supporting documents are available to members of the Housing, Development and Growth Directorate
- 1.6 The boundaries of control between residents and the council are defined in tenancies, leases and licenses. Joint working between the Housing Development and Growth Directorate and residents is instrumental to manage health and safety risks inside homes and surrounding areas.

2. Strategy statement

- 2.1 Stoke-on-Trent City Council recognises and accepts its responsibility to provide and maintain safe homes, neighbourhoods, amenities and general living conditions for residents and those who visit Council homes. As a social landlord and employer, we have a moral and legal responsibility for various aspects of health and safety.
- 2.2 We are committed to the provision of high standards of health and safety and will devote adequate resources to continue to maintain and develop policies and procedures to facilitate safe living and working environments for residents and staff. This will support our culture of having adequate control over risk to minimise injury and loss. Where appropriate, our approach will be to manage risks at an acceptable level as we recognise that it is not always possible to eliminate all risks.
- 2.3 We recognise that every accident or dangerous occurrence, however slight, is a matter of concern and that the need for constant alertness of staff and others is important to identify potential hazards and remove or minimise their effect. We will institute and maintain safe working practices throughout the Housing Development and Growth Directorate and when working with external agents, so that as far as is reasonably practical, the safety or health of residents, staff or others is not impaired.

3. Strategy aims and objectives

- 3.1 Our principal aim is to provide and maintain safe homes, neighbourhoods, amenities and general living conditions and ensure that hazards are identified and suitably managed. We want to protect the health and safety of residents, visitors, staff, contractors. We recognise our duty to ensure that our homes are safe and suitable for letting and whole-heartedly embrace our obligations to ensure, whenever possible, that risks to health and safety are minimised.
- 3.2 Our approach to health and safety has been developed using good practice across the public and private sectors. We aim to meet legislative and social housing regulatory requirements and adopt essential principles and core actions to reduce and manage risks.
- 3.3 Our key goal is to secure the health, safety and welfare of those who may be affected by our work and actions by:
 - a. Adopting safe working systems and practices in the delivery of property-related services to tenants and leaseholders and protect them from dangerous occurrences;
 - b. Fostering a commitment to health and safety through staff and resident consultation and involvement to promote and achieve safe and healthy conditions in homes and neighbourhoods;

- c. Improving awareness of health and safety management amongst Housing Development and Growth Directorate staff and contractors through training, guidance, effective communication systems and management structures;
- d. Carrying out risk assessments via competent persons to check our performance and effectively identify and mitigate uncontrolled risks
- e. Setting health and safety performance targets to support effective risk management and reporting;
- f. Reporting relevant incidents and accidents in accordance with statutory requirement and Housing and Customer Services Directorate protocols
- g. Controlling relevant documents and management plans and regularly reviewing policies, procedures and guidance remain in line with statutory requirements and reflect good practice.

- 3.4 This strategy, management plans and procedures should be used by all Housing Development and Growth Directorate employees and contractors as a guide to the safe management of activities related to provision of services to residents. It is supported by, and should be read in conjunction with, detailed procedures and staff guidance relating to health and safety.
- 3.5 This strategy is subject to periodic review and reassessment in the light of any legislative changes or major incidents.

4. Corporate and Management responsibilities

- 4.1 Health and safety is an integral part of the management function within the Housing Development and Growth Directorate. Thus, all staff are responsible for implementing this strategy and everyone has a role to play in its success. We therefore expect employee co-operation so that they can make a positive contribution and aid continual improvement.
- 4.2 This strategy and its appended Management Plans set out the statutory duties in respect of health and safety which apply to the Council and Unitas respectively as corporate bodies and also details accountability at director and senior management level for the implementation of plans and policies to ensure appropriate and effective health and safety measures are in place to fulfil these statutory duties.
- 4.3 The following sets out the overall strategy and operational responsibility and accountability for health and safety and this strategy document. More detailed responsibilities are set out at relevant sections within this strategy:
- a. **Overall accountability for health and safety:** The City Council as a corporate body (and where relevant, Unitas as a corporate body).
 - b. **Director-level responsibility:**
 - The City Director has the overall responsibility for health and safety at the highest management level of the organisation.

- The **Director of Housing ,Development and Growth** is responsible for the overall effectiveness of this strategy for the Housing Development and Growth Directorate and residents and:
 - i. Recommend strategy for approval by the council;
 - ii. Make sure that risk reduction and control methods are in place and used to decide upon priorities and objective setting for suitably managing hazards in and around homes, neighbourhoods, amenities and general living conditions and controlling risk as far as is reasonably practicable;
 - iii. Meet and monitor operational standards in line with statutory requirements, approved codes of practice and/or best practice;
 - iv. Ensure that adequate resources are available and allocated in order to manage health and safety risks effectively;
 - v. Ensure evaluation, monitoring and review of health and safety arrangements and performance formally at least once every quarter;
 - vi. Escalate problems to the City Director where appropriate.
- c. **Operational responsibility** rests with the **Operations Director, Unitas; and in some cases Assistant Director, Housing Management and Community Safety and/or Assistant Director,.** They are responsible for ensuring management control of this service and for:
 - i. Ensuring that management systems and support to maintain standards are in place;
 - ii. Delegating duties to colleagues and contractors and ensuring that independent assurance is obtained for the different areas of this strategy.
 - iii. Making sure that appropriate action is taken to address health and safety issues that may arise;
 - iv. Ensure that emergency and/or contingency plans are in place;
 - v. Arrange or undertake investigations as necessary;
 - vi. Ensuring that job roles include relevant responsibilities of post-holders.
- d. **Operational implementation: The Head of AM&I, Unitas; the Head of Planned, M&E, Unitas and the Strategic Manager, Housing Management; and the Strategic Manager, Housing Development & Regeneration, Housing Services;** and their managers/supervisors are responsible for:
 - i. Delivering the health and safety service for their specific areas of responsibility, whether delivered through in-house staff or external contractors;

- ii. Taking operational responsibility for day to day working practices and procedures, keeping abreast of legislative changes and best practice and being accountable for the performance of their team, including and undertaking impromptu monitoring as part of their routine job;
 - iii. Make sure that risk assessments and method statements are in place and implemented. Monitor review, amend as necessary to ensure that suitable measures are devised and implemented;
 - iv. Ensure that staff are provided with relevant information, instruction, supervision and training to enable them to carry out their duties;
 - v. Arrange relevant training for new and existing staff, trainees and apprentices who work within their service remit;
 - vi. Ensure any contractors is aware of this strategy, our procedures and any other relevant information.
 - vii. Regularly inspect and monitor the implementation of this strategy, management plans and procedures for their area and escalate issues to their manager.
- e. **Operational overview: All relevant Managers and/or Supervisors**, collectively will ensure the following:
 - i. Consider compliance with the strategy and operational practices;
 - ii. Assess performance against targets;
 - iii. Consider the provisions for health and safety;
 - iv. Assess requirements for training and communication for colleagues and residents;
 - v. Compliance with Risk Assessments;
 - vi. Regularly review and update of emergency and/or contingency plans;
 - vii. To consider the needs of vulnerable residents and those with diverse needs and act accordingly.
- f. **All council Officers, trainees/apprentices and volunteers** are required to:
 - i. Attend relevant training as determined by the post and level of responsibility;
 - ii. Co-operate with their employer to ensure compliance with this strategy;
 - iii. Identify and report any relevant concerns to their supervisor or another senior manager;
 - iv. Ensure that any staff they supervise follow all relevant guidelines and comply with this strategy;
 - v. As a condition of employment, all staff must remember that deliberate breach of and ignorance of this strategy is a disciplinary offence and may lead to legal action.
- g. **Contractors, consultants and external agents** are required to abide by this strategy at all times. Relevant managers are responsible for ensuring that relevant documents are provided to external providers and for monitoring their performance. Contracts will feature relevant sections of this strategy and procedures, together with any other technical information on specific topics.

- h. **Governance level assurance:** The Leader of the council and the Cabinet Member with responsibility for council Housing will ensure that they receive assurance regarding adherence to this strategy, together with relevant reports demonstrating effective management and legal compliance.

5. Safe Homes and Neighbourhoods

ABSESTOS MANAGEMENT

5.1. **Legislative requirements**

The Control of Asbestos Regulations 2012 (CAR) set out the 'Duty to manage' asbestos in non-domestic premises and in buildings they own or manage under tenancy agreements or lease contracts.

The responsibilities of 'the dutyholder' to manage the risk from asbestos by:

- a. Identifying whether there are any asbestos containing materials (ACM's) in the properties, where they are and their condition;
- b. Maintaining an up to date record of all ACM's;
- c. Assessing the risk from any ACM's;
- d. Preparing and maintaining an Asbestos Management Plan (AMP) setting out how ACM's will be managed;
- e. Ensuring the AMP is put into action, monitored and reviewed;
- f. Establishing a system to ensure that the location and condition of ACM's are available to anyone who is liable to work on it or disturb it.

5.2. **Housing, Development and Growth Directorate strategy**

We acknowledge the health hazards arising from exposure to ACM's and will protect those tenants and other persons who may potentially be exposed to asbestos so far as is reasonably practicable.

This strategy supports us to manage and monitor materials that we have confirmed or presumed to contain asbestos, in a safe manner to reduce the risk of asbestos exposure to protect colleagues, customers, visitors, the general public and contractors. Our aim is to ensure that asbestos related risks arising from our work activities are effectively minimised and managed.

5.3. **What we will do**

We acknowledge the health hazards arising from exposure to ACM's and will protect residents and others who may potentially be exposed to asbestos as far as is reasonably practical. Detailed procedures, a management plan and other relevant documents including responsibility and accountability are in place to reduce and manage risks, and summarised as follows:

- a. Appoint a Duty Holder for the development and updating of the Asbestos Management Plan (AMP);
- b. Ensure that the Duty Holder has the time, knowledge and resources to ensure it is actioned, monitored and reviewed;

- c. Set out in the AMP outline procedures for preventing or reducing the risks from asbestos materials in line regulations and good practice and ensure that:
- I. Our property database provides an 'Asbestos Register' that provides easy access to details about properties, location and type of asbestos presence in council homes, communal areas and other buildings owned or managed by the Housing Development and Growth Directorate or accounted for in the Housing Revenue Account so that information is available to all those who are likely to undertake work in council homes and to any other interested parties upon reasonable request;
 - II. Systems are in place to conduct regular surveys to assess the condition of properties, control access to asbestos containing materials, update the Asbestos Register and inform risk planning and mitigation;
 - III. Gather and give information relating to asbestos to relevant persons;
 - IV. Carry out appropriate surveys for all void properties where one has not already been completed and share the necessary information with employees and incoming residents;
 - V. Make all reasonable efforts to give relevant information to tenants who exercise the Right to Buy to protect them from asbestos related risks;
 - VI. Seek to obtain copies of asbestos surveys from leaseholders or freeholders where we share common areas;
 - VII. Share with residents general information about risks relating to asbestos, and where possible, provide them with appropriate information when asbestos is discovered or treated within their home or immediate vicinity;
 - VIII. We make others aware of asbestos materials located in the building, including the emergency services;
 - IX. Systems and processes are in place for managing contractors who work in council-owned homes and communal areas and those who are responsible for the safe disposal of hazardous material;
 - X. Emergency planning and procedures for controlling accidental exposure to asbestos are in place;
 - XI. All employees, contractors and consultants working with ACM's on our premises are competent, have adequate information of all ACM's;
 - XII. Only employ contractors who are licensed to work with or remove asbestos containing materials;
 - XIII. Asbestos surveys are undertaken only by qualified and competent persons.

- XIV. Work with employees and contractors to undertake further investigations, carry out risk assessments and prepare acceptable work plans to reduce risks when asbestos is discovered through routine repairs and maintenance.
- XV. Employees, contractors and consultants are enabled and encouraged to make the necessary notifications to the Housing and Customer Services Directorate in accordance with the law.
- XVI. Provide asbestos awareness briefings to Housing and Customer Services Directorate staff generally and dedicated training to those who are likely to come into contact with asbestos.
- XVII. Put in place management processes for the duty holder and an 'Independent Competent Advisor' to formally review the Asbestos Management Plan at least annually, to check its effectiveness and where appropriate agree an Action Plan to make necessary improvements.

ELECTRICAL SAFETY

5.4. **Legislative requirements**

The Landlord and Tenants Act 1985 places a legal duty on landlords to ensure that water, gas, sanitation and electrical installations within the properties and communal areas are kept in good repair and in proper working order.

Building Regulations require all electrical work carried out on domestic properties to meet wiring regulation requirements. In addition, the Housing, Health and Safety Rating System supports landlords to ensure that lighting sockets, wiring, fire detection systems and equipment are safe.

The Electricity at Work Regulations 1989 requires electrical equipment to be maintained to prevent danger. As a landlord, we have a legal responsibility to ensure that electrical installations and any appliances provided for communal use, for example in sheltered housing common lounges, are safe to use.

5.5. **Housing, Development and Growth Directorate strategy**

Unsafe electrical installations and appliances can cause significant health hazards and serious injuries, fires and damage to property and possessions.

This strategy supports our aim to manage, monitor and reduce risks relating to unsafe electrical appliances and installations.

5.6. **What we will do**

We acknowledge the health hazards which may arise from electrical installations and appliances. Detailed procedures, a management plan and other relevant documents including responsibility and accountability are in place to reduce and manage risks, and summarised as follows:

- a. Appoint a Duty Holder for the development and updating of the Electrical Management Plan (EMP) to ensure that we systematically carry out inspection of fixed electrical installations in council homes, communal areas and other buildings owned or managed by the Housing

Development and Growth Directorate or accounted for in the Housing Revenue Account.

- b. Ensure that preventative planned maintenance work for on-site council-owned appliances and equipment is done by an approved contractor or competent employees;
- c. Ensure that the Duty Holder has the resources to ensure that the EMP is actioned, monitored and reviewed;
- d. Ensure that any electrical related work done in our properties is conducted by those who are trained and competent to do so and records are updated and available when needed;
- e. Tenants are required to ensure that any electrical works undertaken by them or their contractor is done so after getting the council's permission and in line with current regulation requirements;
- f. Carry out periodic maintenance and inspection of hard wired electrical equipment;
- g. Carry out periodic inspection and maintenance of Portable Appliance Testing (PAT) to ensure that appliances are safe to use and update records;
- h. Prohibit 'live' working on electrical systems to avoid injury to personnel and residents;
- i. Ensure that all new installations, alterations and additions are inspected and tested to verify legal compliance;
- j. Require staff, and encourage residents to report problems such as damaged or loose wires, broken casings and council-owned electrical accessories and cracks and dents in parts or wires;
- k. Provide relevant training to staff and maintain records;
- l. Ensure that appointed external contractors have the relevant qualifications and experience.

FIRE SAFETY

5.7. Housing, Development and Growth Directorate strategy

The Council takes its responsibility to ensure fire safety in Council owned residential buildings very seriously and strives to reduce the risk of fire as low as is reasonably possible. Our strategic aims for fire safety are to ensure that the Council's HRA housing stock is maintained to required standards to minimise fire risks and work in partnership with others, such as the fire and rescue service, in respect of fire prevention.

5.8. Legislative requirements

From 16 May 2021 the Council has been required to meet the requirements of The Fire Safety Act 2021 which clarified the scope of the Fire Safety Order to make clear it applies to the structure, external walls (including cladding and balconies) and individual flat entrance doors between domestic premises and the

common parts of a multi-occupied residential building. The effect of the Fire Safety Act 2021 is to require fire risk assessments of buildings with two or more sets of domestic premises to be updated to take account of structure, external walls and doors.

From 23 January 2023 Stoke - on - Trent City Council must meet the requirements of the Fire Safety (England) Regulations 2022 ("the Regulations"). These Regulations extend the duties imposed on the Responsible Person by the Fire Safety Order 2005 in order to implement the many important recommendations which came out of the findings of Phase 1 of the Grenfell Tower Inquiry.

The legislation and regulations covering fire safety are set out in greater detail in the Fire Risk Management Plan.

5.9. **What we will do**

Detailed procedures, a management plan and other relevant documents which cover responsibility and accountability are in place in accordance with the statutory principles of fire prevention to avoid risks, evaluate risks which cannot be avoided combat risks at source, adapt to technical progress, replace the dangerous by the non-dangerous or less dangerous, develop a coherent overall prevention policy, give collective protective measures priority over individual protective measures and to give appropriate instructions to employees. The key actions / requirements from these documents can be summarised as follows:

Identify the Responsible Person(s) who are responsible for compliance with the Regulatory Reform (Fire Safety) Order 2005;

Identify / engage others who shall assist the Responsible Person(s) including the persons who shall take operational responsibility for discharging the Responsible Person(s) obligations including updating the overarching Fire Risk Management Plan (FRMP) and supporting plans for local service delivery and continual development to ensure compliance with legislative amendments which are bringing into force recommendations from Part 1 of the Public Inquiry into the 2017 Grenfell fire;

Ensure that there are sufficient resources to ensure that the FRMP is actioned, monitored and reviewed as required;

Ensure suitable and sufficient Fire Risk Assessments are in place for all residential buildings in the HRA stock to which the Regulatory Reform (Fire Safety) Order 2005 applies and that these are regularly reviewed and updated as necessary;

Develop a strategy to prioritise residential buildings in the HRA stock to which the Fire Safety Act 2021 applies for the purposes of reviewing and updating of Fire

Risk Assessments to include external walls. The highest priority buildings will be prioritised first;

- a. From 23 January 2023 ensure compliance with the Fire Safety (England) Regulations 2022, which supplement those imposed by the Regulatory Reform (Fire Safety) Order 2005;
- b. Update existing individual Fire Safety Management Plans for all residential blocks where required, put in place Fire Safety Management Plans for any new residential blocks and each existing and bring all new and updated plans to the attention of residents and employees;
- c. Update existing Fire Risk Assessment Plans on a prioritised basis for all relevant properties and put in place Fire Risk Assessment Plans for any new residential blocks based on up to date risk assessments carried out by a competent Fire Risk Assessor;
- d. Only those people, who have the competency to carry out relevant work, including Fire Risk Assessments, will be appointed to do so;
- e. When working with external fire risk assessors, we reserve the right to only work with companies or individuals who are registered under either of the two UK third party accredited schemes (FRACS and BAFE SP205). We will routinely undertake audits to judge the quality of those undertaking fire risk assessments;
- f. Assess outcomes from Fire Risk Assessments and complete recommendations about remedial actions in a timely manner and prioritise the highest risk actions;
- g. Update the Fire Asset Management Register;
- h. Service, maintain, test and check all passive and active fire safety systems and equipment in line with current legislation and standards;
- i. Keep under review our emergency procedures to ensure that they are appropriate and supportive;
- j. Introduce other policies and systems to identify and control fire hazards in communal areas, for example items stored in communal corridors, to keep fire escape routes clear and available for use at all times;
- k. All staff are under a statutory duty to report to their employer or any employee with specific responsibility for safety issues any serious and immediate dangers relating to fire or anything they reasonably consider to represent shortcomings in fire safety arrangements;
- l. Provide annual fire safety information in a comprehensible form to residents including instructions on how to report a fire, the evacuation strategy and what else they must do if a fire occurs
- m. Provide adequate safety training to staff at the time when they are first employed and upon their being exposed to new risks, repeat this training periodically and update it where required and maintain records;

- n. Ensure that appointed external contractors have the relevant qualifications and experience.

Tenants are under obligations in relation to fire safety in their Tenancy Agreements.

All residents will be provided with fire safety information and will be informed that fire doors should be shut when they are not in use and that self-closing devices should not be tampered with.

GAS AND ALTERNATIVE FUEL SAFETY

5.10. Legislative requirements

The Gas Safety (Installation and Use) Regulations 1998 sets out the legal requirements to manage and maintain gas installations and equipment and can be used for prosecutions for failings in relation to gas safety.

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 came into force on 1 October 2022. From that date the Council as a relevant landlord must:

- Ensure at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015.
- Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
- Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

5.11. Housing, Development and Growth Directorate strategy

We will meet our statutory duties to ensure that all council-owned gas appliances, flues and gas pipe work installed in council-owned homes are checked for safety, servicing and maintained annually in accordance with legal requirements.

Our strategic aims for gas and heating systems that are fuelled by alternative energy sources are safe to use and maintained to required standards to help minimise health hazards.

Residents are fully responsible for maintaining and servicing all gas and other fuelled appliances that they own. However, if the council comes across any unsafe gas appliances in a resident's home they will follow the guidance in the Gas Unsafe Situations Procedures.

We incorporate the best practices identified by HETAS (Heating Equipment Testing and Approvals Scheme) when managing servicing and maintenance to tenanted properties with council-owned solid fuel or alternative fuel appliances.

5.12. What we will do

We acknowledge the serious health hazards which may arise from gas and other fuel sources. Detailed procedures, a management plan and other relevant

documents including responsibility and accountability are in place to identify, reduce and manage risks, and summarised as follows:

- a. Appoint a Responsible Person for taking operational responsibility for discharging our obligations, setting up a Gas and other Fuel Safety Management Plan (G&FMP) and supporting service delivery and continual development.
- b. Ensure that the Responsible Person has the time, knowledge and resources to ensure that the G&FMP is actioned, monitored and reviewed;
- c. Develop, implement and maintain a database of council homes, communal areas and other buildings owned or managed by the Housing Development and Growth Directorate or accounted for in the Housing Revenue Account owned by the council, detailing gas equipment and alternatively fuelled heating and hot water systems installed by the council and requiring annual checks for safety, servicing, maintenance and record keeping. This will include an inventory of all landlord owned heating and hot water system and appliances to ensure that items are inspected when required.
- d. The database will provide easily accessible records of the programme of servicing equipment, inspection dates, work carried, defects/follow up work identify and completed and any other relevant information to help the council to discharge its responsibilities;
- e. Ensure that safety checks, servicing and installations are carried out by trained personnel who are Gas Safe Registered Engineers and others who are competent to check alternative fuel appliances;
- f. Strive to ensure that all council-owned gas appliances are annually checked for safety, serviced, maintained and recorded in line with Gas Safety Regulations, and have a current and valid Landlords Gas Safety Record (LGSR);
- g. Develop processes and systems to deal effectively with defective appliances, by following the guidance in the Gas Unsafe Situations Procedures, whilst meeting the needs of tenants as far as possible;
- h. Assess outcomes from LGSRs and complete recommendations about remedial actions in a timely manner;
- i. Issue copies of the LGSR to residents within 28 days of completion of the check;
- j. Set up effective quality assurance checks by qualified personnel.
- k. Carry out all necessary health and safety checks during void period and at point of occupation;
- l. Take effective action to gain access to tenants' homes and keep records of steps taken to gain entry;
- m. Recharge tenants for costs where there is wilful neglect or damage, or where the council incurs unnecessary additional costs.

- n. Take (and continue to take) all reasonable steps to comply with our statutory duties to fit carbon monoxide alarms and smoke alarms in tenant's homes and keep and maintain written records of the same;
- o. Ensure that staff are aware of the council's statutory responsibilities in relation to health and safety;
- p. Require staff, and encourage residents and others to report issues that might give rise to health hazards due to fuel-related risks;
- q. Provide relevant training to staff and maintain records;
- r. Ensure that appointed external contractors have the relevant qualifications and experience.

LEGIONELLA CONTROL AND WATER SAFETY

5.13. **Legislative requirements**

The main regulations that apply are the Control of Substances Hazardous to Health Regulations 2002 and which sets out the requirements to manage and monitor hazardous substances including bacteria. The Regulations can be used to bring prosecutions for failure to manage effectively or if an outbreak of legionnaires disease is attributed to failure of the council's duties.

5.14. **Housing, Development and Growth Directorate strategy**

Our aims are to manage and control water safety, particularly in respect to legionnaires disease, to mitigate the risk to customers, staff, visitors and contractors and to ensure legal compliance. As owner and managers of property we will monitor and manage our facilities to reduce risks associated with Legionella bacteria and other contaminants.

Although, more usually found in large cooling towers, air conditioning systems and whirlpool spas, the bacteria can be found in water systems and storage tanks, as well as showers and taps in residential properties. Any action to mitigate the risks associated with Legionella will also counter the risks associated with other contaminants.

This strategy applies to the management and control of legionella in water systems and storage tanks found in the council's sheltered housing schemes, and where any water supplies found in communal areas and facilities on council housing estates.

When vulnerable residents are identified we will seek to assist them to reduce the risks associated with scalding from hot water.

5.15. **What we will do**

We acknowledge the serious health hazards arising from legionnaires disease and extremely high water temperature. Detailed procedures, a management plan and other relevant documents including responsibility and accountability are in place to reduce and manage risks, and summarised as follows:

- a. Appoint a Responsible Person for taking operational responsibility for discharging our obligations, setting up a Legionella Control Plan (LCP) and supporting service delivery and continual development.

- b. Ensure that the Responsible Person has the resources to ensure that the WMP is actioned, monitored and reviewed;
- c. Develop, implement and maintain a database of residential properties owned by the council, with details of individual and communal water supply.
- d. The database will provide easily accessible records of the programme of carrying out water testing, inspection dates, work carried, defects/follow up work and completed and any other relevant information to help the council to discharge its responsibilities;
- e. Carry out Risk Assessments on a prioritised basis to identify properties with high, medium and low risk categories. Risk Assessments will comply with the standards contained in the Legionella Control Code of Practice;
- f. Ensure that water tests and servicing of any equipment (such as water pumps) is carried out by trained personnel, preferably with membership of a recognised body;
- g. Develop processes and systems to effectively deal with any remedial works are required;
- h. Ensure that staff are aware of the council's statutory responsibilities in relation to health and safety;
- i. We require staff, and encourage residents and others, to report issues that might give rise to legionella disease, for example reporting stagnant water in communal areas.
- j. Provide relevant training to staff and maintain records;
- k. Ensure that appointed external contractors have the relevant qualifications and experience.

MECHANICAL AND ENGINEERING (M&E) safety

5.16. **Legislative requirements**

The council's responsibilities for lifts are enshrined in the Lifting Operations and Lifting Equipment Regulations 1998, (LOLER) and require that all lifts, lifting equipment and accessories are maintained in a safe condition and that inspections are carried out by competent persons.

The council is also legally responsible for servicing and maintaining of internal and external aspects of buildings, such as door entry systems, air conditioning units, air-vents and fans and other items in communal gardens.

5.17. **Housing Development and Growth Directorate strategy**

We will maintain passenger lifts and other mechanical equipment such as 'stair lifts' provided in apartments and individual dwellings. We will also mitigate the risk to customers, staff, visitors and contractors and ensure legal compliance for our role as a landlord. As owner and managers of tenanted properties we have a duty of care to ensure that anyone visiting or using the facility can do so safely.

5.18. **What we will do**

We acknowledge the serious health hazards which may arise from certain mechanically operated equipment. Detailed procedures, a management plan and other relevant documents including responsibility and accountability are in place to reduce and manage risks, and summarised as follows:

- a. Appoint a Responsible Person for taking operational responsibility for discharging our obligations for Mechanical and Engineering aspects of the Housing Development and Growth Directorate's work.
- b. Ensure that the Responsible Person has the resources to ensure that the M&E MP is actioned, monitored and reviewed;
- c. Develop, implement and maintain a database of residential properties owned by the council, with details of individual and communal areas that have equipment that will need to be serviced, maintained, repaired and replaced;
- d. Monitor, obtain and maintain certificated records;
- e. Arrange for all passenger lifts to be thoroughly examined by a competent person every 6 months and take remedial work identified;
- f. Decommission dangerous passenger and stair lifts until they are repaired or replaced.
- g. Annually inspect and service stair lifts that have been provided in council homes and remain in council ownership and carry out remedial works.
- h. Every 6 months inspect, service and maintain hoists in accordance with legislation;
- i. Regularly inspect, service, maintain and repair communal door-entry systems and other equipment such as CCTV cameras and laundry machines in sheltered and supported housing schemes.
- j. Ensure that staff are aware of the council's statutory responsibilities in relation to health and safety;
- k. Require staff and encourage residents and others to report issues that might give rise to health and safety risks and identify vulnerable residents who might require special support;
- l. Provide relevant training to staff and maintain records;
- m. Ensure that appointed external contractors have the relevant qualifications and experience.

BUILDING SAFETY

5.19. **Legislative requirements**

The Building Safety Act 2022 ("the Act") was granted royal assent on 28 April 2022. This Act makes ground-breaking reforms to give residents and

homeowners more rights, powers, and protections – so homes across the country are safer. It overhauls existing regulations, creating lasting change and makes clear how residential buildings should be constructed, maintained and made safe.

The Act creates three new bodies to provide effective oversight of the new regime: The Building Safety Regulator, the National Regulator of Construction Products and the New Homes Ombudsman.

Accountable persons will need to demonstrate that they have effective, proportionate measures in place to manage building safety risks in the higher-risk buildings for which they are responsible. Those who do not meet their obligations may face criminal charges.

Part 4 of the Act identifies new duty holders – who will be known as ‘accountable persons’ (APs) – for residential high-rise buildings (HRBs). This will be the organisation or person who owns or has responsibility for the building. It may also be an organisation or person who is responsible for maintaining the common parts of a building, for example corridors or lobbies.

The Accountable Person is defined as the person who has the legal estate in possession of or is under a relevant repairing obligation for any part of the common parts of a building in England that is at least 18 metres in height or has at least 7 storey and contains at least two residential units (“a higher-risk building”).

The AP will usually be an organisation or business but could also be an individual.

The AP will have a duty to take all reasonable steps to:

- prevent a building safety risk happening, with building safety risk defined as ‘spread of fire and/or structural failure’
- reduce the seriousness of an incident if one happens

If a building has more than one AP, the AP responsible for the structure and exterior of the building will be the principal accountable person (PAP). When buildings have a single AP, that entity or person is the PAP.

As well as their duties as an AP, PAPs must:

- register existing buildings with the Building Safety Regulator (BSR), they can do this between April 2023 and October 2023
- register all new buildings before occupation

PAPs must also prepare a safety case report for the building.

This should show that:

- APs have assessed all building safety risks and
- taken all reasonable steps to control them

- give the safety case report to BSR on request – BSR will examine it during the building assessment
- apply for a building assessment certificate when directed by BSR

Detailed, accurate information about the building will be critical when registering a building and when preparing the safety case report – forthcoming regulations will provide further details on the information that the AP needs to hold. In the meantime the HSE guidance says that the Responsible Person for a high rise residential building should start reviewing the information already held about their buildings and will need to take all reasonable steps towards finding any information that isn't readily available.

For an occupied higher-risk building the PAP must also as soon as reasonably practicable after the relevant time (when the building becomes occupied or if later the time when the person becomes the principal accountable person for the building) prepare a strategy ("a Residents Engagement Strategy) for promoting the participation of relevant persons in the making of building safety decisions and review the strategy at prescribed times and revise it if considered necessary or appropriate.

Many of the detailed provisions in the Act will be implemented over the next 10 months (so by October 2023) through a programme of secondary legislation.

5.20. **BSR Operational Timetable for Compliance**

The BSR (HSE) has given the following operational timetable:

- **April 2023** – registration for existing occupied High-Rise Residential Buildings (HRB) opens
- **October 2023** - registration deadline for existing occupied buildings. From now on all new buildings must be registered before being occupied.
- Building inspector and building control approvers registers open
- BSR becomes the new building control authority for High-Rise Residential Buildings
- From 1st October 2023 developers must apply to BSR for building control before commencing work on any HRB

All occupied buildings must be registered by October 2023, it is an offence if a building is occupied but not registered after this date.

April 2024

- BSR starts to call in buildings for assessment and issue Building Assessment Certificates
- Requirements related to registration for building inspectors and building control approvers become enforceable

- BSR will be publishing case studies and examples of proportionate responses to common situations as they develop the new regime.

5.21. What we will do

- Identify the Accountable Person(s)
- Appoint persons to assist the Accountable Persons
- start reviewing the information already held about the Council's buildings and take all reasonable steps towards finding any information that isn't readily available.
- Register existing buildings with the Building Safety Regulator (BSR), they can do this between April 2023 and October 2023
- register all new high rise buildings before occupation from October 2023
- prepare a safety case report for every occupied high rise building at the time when it becomes occupied
- prepare a residents' engagement strategy for occupied high rise buildings for promoting the participation of relevant persons in the making of building safety decisions
- Update this strategy following the publication of further guidance and implement of secondary legislation.
- Ensure that staff are aware of the council's statutory responsibilities in relation to health and safety.

6. Governance Framework

- 6.1. Performance monitoring of the deliverables set out within each Management Plan will be undertaken through Unitas, and reported in detail to the Compliance Group, and by exception to the Customer and Client Liaison Group on a quarterly basis. These metrics will be subject to ongoing review and alignment to the awaited new Building Safety Act measures.
- 6.2 For Fire Management – A 'Fire Safety' Group is held bi-monthly and is attended by officers from the Council, Unitas and Staffordshire, Fire and Rescue Service (SFRS). A quarterly compliance meeting has been established and chaired by the Assistant Director and attended by colleagues from Housing Management, Unitas and Legal Services.
- 6.3 In addition to the internal performance monitoring and reporting framework, at least 10% of FRAs and routine checks are independently verified by a competent person with relevant accreditations, and results will be reported to the Duty Holder Directors.
- 6.4 The Regulator of Social Housing is creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. From 1st April 2023 the new requirements come into force and landlords will need to start collecting data for tenant satisfaction measures to include measures on maintaining building safety. These are:

- TP05: Satisfaction that the home is safe
- BS01: Gas safety checks
- BS02: Fire safety checks
- BS03: Asbestos safety checks
- BS04: Water safety checks
- BS05: Lift safety checks

The first year of the Tenant satisfaction measures data will be published Autumn 2024.