

Committee Name and Date of Committee Meeting

Cabinet – 16 December 2024

Report Title

Building Compliance Policies

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Council has a duty of care to ensure that all its buildings and assets are managed effectively and fit for purpose. This includes having a range of health and safety driven policies and procedures to meet its statutory requirements under the Health and Safety at Work Act 1974 and a range of Regulations and Approved Codes of Practice (ACOP), including Legionella ACOP (L8), Regulatory Reform (Fire Safety) Order 2005 and Control of Asbestos Regulations (CAR 2012).

A suite of new policies in relation to Building Compliance Policies have been developed, that set out the Council's approach to delivering a compliant and well managed portfolio which meets the needs of service users & building occupiers, and enables the Council to meet its statutory, regulatory obligations.

Recommendations

That Cabinet:

1. Approves the Property & Facilities Services Legionella Policy (Appendix 1).
2. Approves the Property & Facilities Services Fire Policy (Appendix 2).

3. Approves the Property & Facilities Services Asbestos Policy (Appendix 3).
4. Delegates any further changes to building compliance policies, in line with service needs and the evolving regulatory and legislative context to the Duty Holder (Head of FM and Compliance), in consultation with the Cabinet Member for Transport, Jobs and the Local Economy.

List of Appendices Included

Appendix 1 Legionella Policy
Appendix 2 Fire Policy
Appendix 3 Asbestos Policy
Appendix 4 Equality Screening Assessment
Appendix 5 Carbon Impact Assessment

Background Papers

Corporate Health and Safety Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

Building Compliance Policies

1. Background

- 1.1 As owners and managers of buildings, the Council has a responsibility to manage the health and safety compliance within those buildings. This includes implementing comprehensive health and safety policies that cover all aspects of building management. This involves, but is not limited to regular inspections, risk assessments, and maintenance to ensure a safe environment for all occupants.
- 1.2 The Health and Safety Executive (HSE) provides a range of guidance, Approved Code of Practice (ACOP) and legislation that must be adhered to. For the purpose of this report the legislation and guidance is as follows:
 - 1.2.1 **Fire Safety:** Local authorities must comply with the Regulatory Reform (Fire Safety) Order 2005, which requires regular fire risk assessments, fire plans and strategies, maintenance of fire safety equipment, and ensuring clear fire escape routes.
 - 1.2.2 **Asbestos Management:** Control of Asbestos Regulations (CAR 2012) which requires identifying and managing asbestos-containing materials in buildings. This includes conducting asbestos surveys, maintaining an asbestos register, and ensuring safe removal or encapsulation of asbestos when necessary.
 - 1.2.3 **Water Safety:** Legionella ACOP (L8) and Regulations referred to within which require the management of water systems to prevent Legionella and other waterborne hazards. This involves regular testing, maintenance, and risk assessments of water systems, including cooling towers and hot and cold water systems.
- 1.3 To comply with these standards, landlords need to have clear and accessible policies in place for key areas of corporate service delivery which set out the approach to service delivery and enable service users & occupiers to hold the Council as 'landlord' to account.
- 1.4 Policies are required on each area of health and safety compliance. Property and Facilities Services have developed new policies on Fire, Legionella and Asbestos which will incorporate responsibilities within Council owned assets. Development of further Policies is underway and will follow as a further Cabinet report.

2. Key Issues

Building Compliance Policies

- 2.1 Property & Facilities Services is responsible for the repairs, maintenance, and investment in a variety of the Council's property assets.

- 2.2 The policies will set out the Council's overall approach to delivering servicing and maintenance and how it meets its obligations, including the relevant legislation.
- 2.3 The Council uses several external contractors to deliver its building compliance requirements. Having clear policies and procedures in delivering compliance assists with effective control and monitoring of those contractors and the Council's responsibility to deliver a safe and well managed portfolio.
- 2.4 The Policies set out:
- The Council's statutory requirements to ensure all components/ equipment are compliant.
 - The requirements of each service area in line with legislation.
 - How the Council plans to deliver the service.

Property & Facilities Services Legionella Policy

- 2.5 The Legionella Policy sets out the legal and regulatory framework for managing water safety.
- 2.6 It covers assets within the responsibility of the Council's housing and corporate service, including residential properties, neighbourhood centres, as well as safety within schools, care homes, offices, or commercial properties.
- 2.7 The Council has a range of measures in place to manage Legionella/water safety within its assets. The compliance management matrix details all compliance activity, frequency of testing, and how the Council meets its statutory and regulatory obligations. This includes:
- Legionella Risk Assessment
 - Thermostatic Mixer Valves (TMV) Servicing
 - Shower Head Cleans
 - Outlet Monitoring
 - Cold Water Storage Tank (CWST) Service
 - Hot Water Storage Tank (HWST) Service
 - Water Sampling
- 2.8 If water is not managed, it would present a risk of Legionnaires' disease. The Legionella bacteria (specifically Legionella pneumophila) is water borne and is usually transferred by inhalation of water droplets. Under normal conditions, the disease cannot be passed from one person to another.
- 2.9 The current performance for Water servicing/Sampling is 100%. Performance is monitored monthly, and data is published quarterly as part of the Performance Metrics for the Council.

- 2.10 A process for managing any identified remedial actions ensure that swift action is taken.

Property & Facilities Services Fire Safety Policy

- 2.11 The Fire Policy sets out the regulatory framework for managing Fire Safety and strategies for both Housing and Corporate property.

- 2.12 The Council has a range of measures in place to manage fire safety as detailed in the compliance matrix. This includes:

- Fire Risk Assessments (FRA)
- Emergency Lighting (EML)
- Automation Fire Detection (AFD)
- Smoke Extraction Systems (SES)
- Sprinklers (SPR)
- Automatic Opening Vents (AOV)
- Wet/Dry Risers (W/DR)
- EVAC Chairs (EC)
- Fire Extinguishers (FE)

- 2.13 Unsafe appliances present risk to life from fire. Currently all the services listed above are contracted to various competent suppliers/contractors.

- 2.14 The provision of a coherent Policy ensures that buildings meet a criterion of 100% compliance, with the policy supporting a range of compliance procedures, such as risk based FRA's, regular dynamic inspections and competent persons to carry the inspection, testing and review.

Property & Facilities Services Asbestos Policy

- 2.15 The key objective of this Policy is to describe how the Council will manage Asbestos Safety Risk so far as is reasonably practicable. It is considered that delivery of the commitments within this policy will ensure that the requirements of other legislation, such as the Health and Safety at Work etc. Act 1974 and Landlord Tenant Act 1985 will also be met.

- 2.16 In addition, the Council must meet the requirements of both the Regulator for Social Housing's (RSH) Homes Standard and the requirements of the Care Quality Commission (CQC).

- 2.17 It covers assets within the responsibility of the Council's housing and corporate service, including residential properties, neighbourhood centres, garages, and boiler houses as well as safety within schools, care homes, offices, or commercial properties.

- 2.18 The Council has a range of measures in place to manage asbestos safety within its stock. The compliance management matrix details all compliance activity, frequency of re-inspections, and how the Council meets its statutory and regulatory obligations. This includes:

- Asbestos Management/Refurbishment Survey
- Reinspection survey
- Sampling Survey
- Identified Remedial Actions

2.19 If asbestos is not managed, it would present risk of asbestosis/lung cancer should it be ingested.

2.20 Currently the Council has 32 assets that have been identified to be surveyed and managed via an asbestos register. Performance monitoring will be provided as part of the quarterly system in future.

2.21 Property & Facilities Services are currently reviewing the process for managing identified remedial actions to ensure timely responses.

3. Options considered and recommended proposal

3.1 These three policies are key documents ensuring that occupiers/ building users understand the Council's service delivery commitments and to be compliant with the Legislation and Regulator of Social Housing's new consumer standards.

4. Consultation on proposal

4.1 The current service delivery model is subject to the terms of the existing contracts with the Council's current delivery partners and the current allocated budgets therefore there is limited scope for significant change.

5. Timetable and Accountability for Implementing this Decision

5.1 Implementation of the policies would follow Cabinet decision.

6. Financial and Procurement Advice and Implications

6.1 There are no direct financial implications arising from this report. All costs associated with the contracts that are in place to ensure the Council is compliant in all these areas, are contained within approved revenue budgets, largely within Property and Facilities Services. Similarly, the costs associated with the Council's management of these contracts, and the overall compliance framework, are contained within approved revenue budgets within Property and Facilities Services.

7. Legal Advice and Implications

7.1 The legislative and regulatory framework in respect of the safety around Legionella, Fire Safety and the Control of Asbestos are set out within the body of the report and associated Policies. The way in which the Council complies with these legislative and regulatory requirements is again set out within the relevant policies herewith.

7.2 These policies will be reviewed annually and be amended as when there are changes in regulations/ statutory requirements.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications associated with the Policies. However, any changes to future service delivery may impact on staff within the Property & Facilities Services and contract partners.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The Council will consider whether a service user has any needs that give a specific repair more urgency than the designated timescales.

9.2 Depending on the service users' needs, and in particular circumstances, the Council will adjust the urgency of a repair if the risk to health, safety and security is increased due to individual circumstances.

10. Equalities and Human Rights Advice and Implications

10.1 The Council will make sure that all our communication is fully accessible and to achieve this, if a policy or document needs to be available in other formats, we will provide them.

10.2 Our procurement practices ensure contractors and suppliers demonstrate through monitoring and action a genuine culture of inclusion and equality of opportunity.

10.3 The Council is committed to its corporate social responsibility and seeks to have a positive impact within local communities. Our aim is to improve the quality of life for our customers and the wider local community in the areas where we work.

11. Implications for CO2 Emissions and Climate Change

11.1 Well-maintained equipment uses less energy, which can lower carbon emissions and bills. Part of our preventive maintenance involves servicing equipment at regular intervals.

11.2 The Council will carry out repairs to extend the lifespan of the equipment which reduces the need for new equipment/ installs.

12. Implications for Partners

12.1 Should the delivery model change in the future, there will be an impact on the contract partners.

13. Risks and Mitigation

13.1 The attached policies reflect the current arrangements which have been in place since 2020.

14. Accountable Officers

Kevin Fisher, Assistant Director, Property and Facilities Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	02/12/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	28/11/24
Assistant Director of Legal Services (Monitoring Officer)	Stuart Fletcher	28/11/24

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