

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Cabinet

**Date:** 09 September 2019

**Reporting officer:** Daniel Killian, Assistant Director (Housing Assets)

**Subject:** DSO Building Management Policies and Management Plans

### **Purpose and summary of report:**

To request from Cabinet approval to implement the policies as referred to in Section 2 of this report and contained within the appendices' following the recommendation by the Housing Committee to formally adopt each policy to ensure the safety of our tenants and compliancy with legislation across all Gravesham Borough Council owned housing stock

### **Recommendations:**

1. Cabinet agree to adopt the DSO Building Management Policies contained within Appendices' 2 to 7 of this report as recommended by Housing Committee.

## **1. Background**

- 1.1 Gravesham Borough Council has a duty of care to its tenants to ensure that their health and safety is not put at risk. This is achieved by ensuring that all relevant regulatory and legislative requirements are met and monitored for compliancy.
- 1.2 The DSO Building Management team at Brookvale over the last three years has undergone significant change with a restructure undertaken to align the service to meet the responsive, planned works and compliancy needs. As part of this period of change new processes and procedures have been put in place to ensure our tenants are kept safe in their homes whilst also ensuring legislative and regulatory compliance.
- 1.3 Therefore, six relevant polices have been developed in conjunction with colleagues, external agencies and Members to not only reinforce the new working practices but to allow transparency and provide accountability within the service.
- 1.4 The draft policies and management plans were submitted to the Housing Committee on 03 July 2019 for comments and discussion. The policies were commended and a decision was made to recommend to Cabinet that the six policies referred to in Section 2 of this report be adopted.

## 2. Policy Summaries

2.1 Brief Summaries of the policies and the relevant legislation are outlined below.

### 2.2 **Asbestos Policy & Management Plan**

This policy can be found in Appendix 2. The purpose of this policy is to communicate the plan and arrangements for the management of asbestos. It also aims to inform internal and external parties of the resources and processes that are to be and are being employed to enable Gravesham Borough Council to discharge its duties in relation to the relevant regulatory statutes and best practice.

#### Primary Legislation

- Health and Safety at Work Act 1974 (HSAWA)
- Control of Asbestos Regulations 2012 (CAR)
- Approved Codes of Practice L143 (ACOP)

### 2.3 **Gas Safety Policy & Management Plan**

This policy can be found in Appendix 3. Gravesham Borough Council (GBC) has a duty of care to its tenants to ensure that no tenant's health and safety is put at risk through the use of its gas appliances and installations. The Council also has a responsibility under the Gas Safety (Installation and Use) Regulations 1998 which require landlords to adequately and competently install, maintain and service all gas installations, appliances, flues and installation pipe work under their liability, specifically installations within its Housing stock.

#### Primary Legislation

- Gas Safety (Installation and Use) Regulations 1998

### 2.4 **Water Hygiene Policy and Scheme of Control for Legionella Bacteria**

This policy can be found in Appendix 4. This policy sets out how Gravesham Borough Council (GBC) will comply with its duties in respect of the effective management of water systems within its Housing stock to ensure the health and safety of tenants, staff and visitors by minimising the risk posed by legionella bacteria.

#### Primary Legislation

- Approved Codes of Practice L8 (ACoP)
- Health and Safety Guidance Document HSG274 Part 2.

### 2.4 **Lift Maintenance Policy & Management Plan**

This policy can be found in Appendix 5. Gravesham Borough Council (GBC) has a duty of care under the Health & Safety at Work Act to its tenants, employees, contractors and visitors from harm when using lift equipment within Council buildings.

#### Primary Legislation

- The Provision and Use of Work Equipment Regulations 1998 (PUWER)
- The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- Lifts Regulations 2016

## 2.5 **Construction & Maintenance Safety Policy & Management Plan**

This policy can be found in Appendix 6. Gravesham Borough Council (GBC) recognises its duty of care and is committed to creating a safe and healthy environment for all construction and maintenance activities within its housing stock. This will include thorough planning, co-ordination and project management from conception to completion.

### Primary Legislation

- Health and Safety at Work Act 1974 (HASAWA)
- Construction (Design & Management) Regulations 2015 (CDM).

## 2.6 **Fire Safety Policy & Management Plan**

This policy can be found in Appendix 7. Gravesham Borough Council acknowledges its responsibilities under the Regulatory Reform (Fire Safety) Order 2005 (RRFSO) to ensure, so far as is reasonably practicable, that measures are taken to prevent fires within the communal parts of its buildings.

Under The Housing Act 2004, GBC also has responsibility to the common parts of buildings, but unlike the RRSFO this Act covers domestic premises. Section 9 of the Act: The Housing Health & Safety Rating System (HHSRS) provides a risk-based evaluation tool to help local authorities identify and protect against health and safety hazards, potential risks from fire and any deficiencies identified in premises.

### Primary Legislation

- Health and Safety at Work Act 1974 (HASAWA)
- Regulatory Reform (Fire Safety) Order 2005 (RRFSO)
- The Housing Act 2004

## 3. **Review**

- 3.1 The policies will be subject to an annual review or when there is a significant change to either the regulatory or legislative requirements.

## 4. **Budget**

- 4.1 There are no budget implications.

## 5. **BACKGROUND PAPERS**

- 5.1 None.

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

<p><b>Legal</b></p>	<p><b>Gravesham Borough Council (GBC) has a duty of care to its tenants to ensure that their health and safety is not put at risk and a legal obligation to be compliant with the following:</b></p> <p><b>Regulation 4 of CAR 2012, ‘The management of asbestos in non-domestic premises’ places a duty on those who have repair and maintenance responsibilities for premises, because of a contract or tenancy, to manage the risk of asbestos in those premises.</b></p> <p><b>Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998 imposes specific requirements for landlords. Generally these duties apply to any gas fitting (appliances and pipework), flue or chimney.</b></p> <p><b>There is no legislation specific to Legionella, however Approved Codes of Practice (ACOPS), British Standards and HSE guidelines place specific duties on local authorities with regards to the control of Legionella.</b></p> <p><b>Lifts are subject to Approved Codes of Practice (ACOPS) and relevant industry guidelines.</b></p> <p><b>Construction (Design and Management) is subject to Approved Codes of Practice (ACOPS) and relevant industry guidelines.</b></p> <p><b>Regulatory Reform (Fire Safety) Order 2005 (RRFSO) - In England and Wales, the RRFSO applies to the common parts of multi-occupied residential buildings and does not apply to domestic premises themselves. It places onus upon the employers or responsible persons to undertake an assessment of the risks associated with fire and ensure control measures are in place to eliminate hazards including flammable and explosive materials. el</b></p> <p><b>Housing Act 2004 - Under section 9 of the Housing Act 2004, fire safety within domestic premises is assessed by the Housing Health and Safety Rating System (HHSRS). The HHSRS is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. Twenty-nine categories of potential hazard are considered, one of which is fire.</b></p>
<p><b>Finance and Value for Money</b></p>	<p><b>There are no budgetary implications.</b></p>
<p><b>Risk Assessment</b></p>	<p><b>Implementation of the policies and management plans significantly reduces the risk of non compliance with regulatory and legislative requirements.</b></p>
<p><b>Equality Impact Assessment</b></p>	<p><b>Screening for Equality Impacts</b></p>

	<p><b>Question</b></p> <p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. <b>No</b></p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. <b>No</b></p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Corporate Plan</b>	<p>02 Stronger Gravesham Improve the standard and efficiency of our housing stock.</p> <p>04 - Sound &amp; self-sufficient council - Continuously review and adapt how we deliver our services to achieve financial efficiencies and improved performance.</p>
<b>Crime and Disorder</b>	N/A
<b>Digital and website implications</b>	N/A
<b>Safeguarding children and vulnerable adults</b>	N/A