

Cheltenham Borough Council

Cabinet – 11 June 2024

Property Compliance Policies

Accountable member:

Councillor Flo Clucas, Cabinet Member for Housing and Customer Services

Accountable officer:

Claire Hughes, Director of Governance and Customer Services (Monitoring Officer)

Ward(s) affected:

All

Key Decision: No

Executive summary:

The Council has duties to comply with regulations relating to the ‘Big Six’ areas of health and safety: Asbestos, Electrical, Fire, Gas, Lifts and Water Hygiene, plus damp, mould and condensation. This paper asks the Cabinet to approve the adoption of the attached proposed policies with effect from 1 July 2024 when the management of its housing stock returns to CBC.

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.

Recommendations: That Cabinet:

- 1. Approves the following policies:**
 - a) Housing Asbestos Policy**
 - b) Housing Electrical Safety, Alarms and Automated Equipment Policy**
 - c) Housing Fire Safety Policy**
 - d) Housing Gas Safety Policy**

- e) **Housing Water Safety Policy**
- f) **Housing Damp Mould and Condensation Policy**

- 2. **Delegates authority to the Director of Governance and Customer Services and the Deputy Chief Executive to make minor amendments to the policies to reflect changes in legislation and/organisational structure.**
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1. Implications

1.1. Financial, Property and Asset implications

The Council has a legal duty to ensure that properties it manages are safe and comply with all applicable statutory requirements. The policies this report seeks to approve set out these responsibilities and how the Council will be working to achieve compliance best practice. Although there are currently no direct financial implications of the recommendations, budgets will continue to be reviewed to ensure that there is sufficient resources available for the Council to undertake their statutory responsibilities.

Signed off by: Gemma Bell, Director of Finance and Assets
gemma.bell@cheltenham.gov.uk

1.2. Legal implications

Compliance with these regulations are a statutory requirement and the Council would be at risk from failure to uphold the requirements, but also these regulations are essential for protecting the health and safety of staff, contractors and citizens of Cheltenham.

Signed off by: Sharon Green, Lawyer, legal.services@onelegal.org.uk

1.3. Environmental and climate change implications

These policies relate to legal Health and Safety regulation and therefore no environmental implications need to be considered. However, the works conducted under these policies are subject to aligning with the wider net zero targets of CBC.

Signed off by: Maizy McCann, Climate Emergency Officer,
maizy.mccann@cheltenham.gov.uk

1.4. Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Increasing the number of affordable homes through our £180m housing investment plan
- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

1.5. Equality, Diversity and Inclusion Implications

An equalities impact assessment screening questionnaire has been completed and is attached at Appendix 2.

2. Scope of Policies

2.1 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.

3. Roles and Responsibilities

3.1. **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, via its Housing Cabinet Committee will receive regular updates on their implementation, performance and any non-compliance

3.2. **Leadership Team:** The Leadership Team 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.

3.3. **Deputy Chief Executive:** The Deputy Chief Executive has strategic responsibility for the management of health and safety covered by these policies.

3.4. 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 – Cheltenham Borough Council is the Responsible Person. Under the Regulatory Reform (Fire Safety) Order 2005, the 'Responsible Person' can be a corporate entity.
- Water Hygiene - The Interim Housing Director is the Responsible Person

4. Key Features of the Policies

4.1. 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.

4.2. **Electrical Safety, Alarms and Automated Equipment** 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.

- We will ensure that all portable appliances are tested in accordance with the current code of practice.
- All Temporary Furnished accommodation will be tested fully at least once per year and visually inspected with a random electrical test on a single circuit every change of occupancy.
- Any Portable appliances provided by CBC will be subject to a PAT test once per year with the results being recorded on the supplied sheet located at the property. e. To ensure all properties are covered with a minimum fire protection of LD3. This includes fire detection devices in all escape routes of the property. General needs properties and the dwellings contained within sheltered schemes have a minimum of a smoke alarm in each hallway and landing (LD3) with the updated properties also having a heat detector in the kitchen (LD3+). All of these alarms are tested by a member of CBC whenever the property is visited or annually, whichever is soonest. This is not required according to legislation but an additional safety benefit offered by CBC.
- We will ensure that all passenger lifts are serviced six times per year, stair lifts are service twice per year and hoists and vertical lifts are services twice per year.

4.3. **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.
- We will not permit storage 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.
- 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.

4.4. 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 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 visual check of resident owned gas appliances.
- 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 to gain access where required. Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.

4.5. Water Safety: We will ensure that full legionella risk assessments are reviewed every two years or when there is reason to believe that the original risk assessment may no longer be valid such as a change to the water system.

- Management and communication procedures will be reviewed every two years or specifically when there is a reason to do so including whenever there is a change of key personnel. This refers to both site-specific written 'control schemes' and wider customer communication for example on the website and signup information.
- Any person who carries out risk assessments and provides advice on prevention and control of exposure is competent to do so and holds an appropriate current membership of the Legionella Control Association (LCA).

4.6. Asbestos: We will maintain an up to date record of the location, condition, extent and nature of any asbestos containing materials (ACMs) relevant.

- All non-domestic (communal) areas of relevant properties have been surveyed and all domestic properties/ areas are subject to an ongoing programme of survey.
- We will ensure that we contract with competent asbestos survey companies who will possess the expertise to undertake management surveys, refurbishment and demolition surveys and monitoring (re-inspection) surveys.
- We will ensure that any ACM removal/ abatement work will be undertaken by an approved, accredited and competent contractor. This to include any task approved and endorsed to be undertaken directly by the BS non-licensed asbestos works operatives.
- We will engage specialist external consultants/auditors to periodically carry out independent assessments of the contractors employed to undertake Asbestos Surveys and Asbestos Removals.

4.7 Damp, Mould and Condensation: We will respond to issues of damp, mould and condensation (DMC) in accordance with relevant guidance and legislation; we will work with tenants where mould is present and identify the causes and potential solutions to this problem, some of which will be for the CBC to take care of, and some will be for tenants to implement with CBC support.

5. Obligations for the Council

5.1. The obligations of the Council are listed in the respective policies.

5.2. 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; and via a regulatory notice from the Regulator of Social Housing.

6. Reasons for Recommendations

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

7. Key risks

7.1. Key risks are identified in the risk register attached at Appendix 1

Report author:

Claire Hughes, Director of Governance and Customer Services –
claire.hughes@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment
- iii. Housing Asbestos Policy
- iv. Housing Electrical Safety, Alarms and Automated Equipment Policy
- v. Housing Fire Safety Policy
- vi. Housing Gas Safety Policy
- vii. Housing Water Safety Policy
- viii. Housing Damp, Mould and Condensation Policy

Background information:

None

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	The Council has a legal duty to ensure that properties it manages are safe and comply with all applicable statutory requirements. The policies this report seeks to approve set out these responsibilities and how the Council will be working to achieve compliance best practice. If the Council failure to adopt clear policies then this could result in ambiguity and compliance failures, potentially putting tenants and residents at risk	Director of Governance & Customer Service	5	3	15	Reduce	Produce, approve and implement clear and robust policies and associated procedures. Conduct a complete review of policies and procedures post transfer.	Director of Governance & Customer Service And Deputy Chief Executive	July 2024 July 2025
2	If the Council does not have clear property compliance policies in place or does not comply with the provisions of the polices then there is a significant safety and reputational risk to the Council.	Director of Governance & Customer Service	5	3	15	Reduce	Produce, approve and implement clear and robust policies and associated procedures. Conduct a	Director of Governance & Customer Service And Deputy Chief Executive	July 2024 July 2025

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
							complete review of policies and procedures post transfer.		
3	If the Council does not have clear property compliance policies in place or does not comply with the provisions of the policies then there is a significant financial risk to the Council.	Director of Governance & Customer Service	5	3	15	Reduce	Produce, approve and implement clear and robust policies and associated procedures. Conduct a complete review of policies and procedures post transfer.	Director of Governance & Customer Service And Deputy Chief Executive	July 2024 July 2025
4	If the Council does not have clear property compliance policies in place or does not comply with the provisions of the policies then there is a significant legal risk to the	Director of Governance & Customer Service	5	3	15	Reduce	Produce, approve and implement clear and robust policies and associated	Director of Governance & Customer Service And	July 2024

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	Council.						procedures. Conduct a complete review of policies and procedures post transfer.	Deputy Chief Executive	July 2025

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Claire Hughes	Service Area: Governance and Customer Services
Title: Property Compliance Policies	Date of assessment: 13/05/2024
Signature: C.Hughes	

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify: Update to Councils Governance arrangements

c. Name of the policy, function, strategy, service change or project

Suite of property compliance policies:

- a) Housing Asbestos Policy
- b) Housing Electrical Safety, Alarms and Automated Equipment Policy
- c) Housing Fire Safety Policy
- d) Housing Gas Safety Policy
- e) Lifts Policy
- f) Housing Water Safety Policy
- g) Housing Damp, Mould and Condensation Policy

Is this new or existing?

New or proposed

Please specify reason for change or development of policy, function, strategy, service change or project

These are new policies for CBC to reflect the return of the management of its housing stock to CBC

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?	
Aims:	<ul style="list-style-type: none"> • To ensure property compliance is at the forefront of all decision-making processes. • Ensure transparency of performance in relation to all compliance areas throughout the organisation. • Carry out regular self-assessments to ensure that we are meeting all expectations on behalf of our regulator, our customers and all other stakeholders. • Continually improve and develop compliance management systems to manage, oversee and action all facets of property compliance operations. • Foster a culture that actively encourages open reporting and seeks to learn from any failures. This will enable employees to accept and act upon their compliance responsibilities. • Have a governance structure that is fit-for-purpose and leads to any potential improvement actions being implemented as required. • Make clear to all parties the hierarchy of responsibility for each compliance area; empowering each person with the skills and knowledge to adequately fulfil the obligations of their role
Objectives:	To demonstrate our commitment to ensure full compliance with all legal, regulatory and statutory requirements.
Outcomes:	These policies will ensure all employees are aware of their roles and responsibilities in relation to property compliance and underpin the drive to maintain the safety of our customers' homes at all times.
Benefits:	Fulfilling the Councils legal duty to ensure that the properties it manages are safe and comply with all applicable statutory requirements

e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	No

Do you expect the impacts to be positive or negative?	No impact expected
Please provide an explanation for your answer:	
There is no direct impact on members of the public, employees, elected members and / or stakeholders	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

Please move on to Stage 2 if required ([intranet link](#)).