

Directorate of Housing and Investment

Compliance Report 2023 - 2024

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Introduction

The Safety Assurance Team (SAT) have been requested to produce a report to provide an overview relating to building safety compliance across the Directorate of Housing and Investment (DHI).

The following report gives a summary of the key areas of health and safety compliance to DHI property stock for 2023-2024. Each area of compliance will be introduced with a short narrative on the current position and any compliance mitigations. They will then be concluded with recommendations and comments on issues and successes. After this initial report once comments are received the report can be altered for a more regular report at a frequency to be agreed to monitor compliance.

Performance Report

The report contains information on compliance performance to provide the Director (DHI) with oversight and input into these essential services. The report includes, amongst other matters, information on our landlord responsibilities for a range of building safety measures commonly known as the 'Big 6' shown below, in addition as an emerging key area where the council is working to ensure compliance, Radon will be added for monitoring purposes to future compliance reports.

- ▶ Fire Safety
- ▶ Electrical Safety
- ▶ Water Safety (Legionella)
- ▶ Asbestos Management
- ▶ Gas Safety
- ▶ Lifts
- ▶ Radon

Overall performance will be monitored using this template and will be shown by percentage of compliance and RAG rated. This will then provide the method for future reporting to enable measurement of improvement and inform the Director of highlighted risk; to allow for comment, direction and action.

To assist the reader the areas of compliance, relevant legislation and landlord responsibilities, have been summarised to add context on each requirement. The idea being that this report captures requirement, risk, mitigation and performance to complete the context and to allow for clear responses to questions arising.

The Performance against the indicator are RAG rated, as follows:

- ▶ Green 😊: At target.
- ▶ Amber 😐: Within 10% of target.
- ▶ Red 😞: below 10% of target.



Top three key issues:

1. Building Safety Case for each high-rise tower block outstanding and needs completing.
2. Lack of Asbestos Management of low-rise communal areas due to annual re inspections of known ACM's outstanding.
3. Fire Door Inspection Programme in relatively early stages.

Key Legislation and Guidance

Below is a list of key legislation followed by a summary of the required level of compliance, for each area covered.

- ▶ Health and Safety at Work Act 1974
- ▶ The Management of Health and Safety at Work Regulations 1999
- ▶ Regulatory Reform (Fire Safety) Order 2005
- ▶ Fire Safety Act 2021
- ▶ Fire Safety (England) Regulations 2022
- ▶ Building Safety Act 2023
- ▶ Electricity at Work Regulations 1989
- ▶ Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- ▶ L8 Approved Code of Practice - Legionnaires disease – The control of Legionella Bacteria in water systems 2013
- ▶ The Control of Asbestos Regulations 2012
- ▶ The Gas Safety (Installation and Use) Regulations 1998 (“the Gas Safety Regulations”)
- ▶ Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- ▶ The Ionising Radiation Regulation 2017

Fire Safety

Landlords have a legal obligation to ensure that their properties comply with fire safety regulations. This is critical: with an average of 32,000 fire in domestic premises every year, in the wake of the Grenfell Tower Fire in 2017 and recent changes in fire legislation the importance of complying with fire safety regulations could not be clearer.

Under the Regulatory Reform (Fire Safety) Order 2005, landlords must undertake a fire risk assessment in all areas of their property, including individual rooms, shared hallways and corridors, communal areas, stairways, and exits. They must carry out an individual fire risk assessment for each separate property.

A fire risk assessment should include five key stages:

1. Identify the fire risks - (e.g. non-compliant furnishings, blocked stairways, or faulty electrics).
2. Consider who is at risk - (e.g. the tenants, employees and any potential visitors etc.).
3. Implement appropriate control measures - (e.g. improving escape routes, installing smoke alarms, ensuring people in shared properties can raise the alarm, etc.).
4. Record the findings of the risk assessment – (this is crucial for evidence of compliance and for future reviews).
5. Review and update the risk assessment regularly - (e.g. if there are any significant changes).

In addition to a fire risk assessment, under the Regulatory Reform (Fire Safety) Order 2005 landlords must ensure all the appropriate fire safety arrangement and any necessary installations are in place and that they maintain fire safety on an ongoing basis.

The landlord should ensure that fire doors are inspected, the Fire Safety (England) Regulations 2022 which came in to force on 23 January 2023 states for buildings over 11m the responsible person must:

- ▶ use best endeavours to check all flat entrance doors at least every 12 months: and
- ▶ carry out checks of any fire doors in communal areas at least every 3 months.

No inspection frequency is stated for fire doors of buildings under 11m.

There is a requirement under the Building Safety Act 2022 that the Principal Accountable Person must ensure that any high-rise residential building of at least 7 storeys or at least 18meters high with 2 or more residential units be registered with the Building Safety Regulator. There is also a requirement for the Principal Accountable Person to ensure that there is a Building Safety Case Report to summarise the buildings' safety case which identified the buildings' safety risks and explain how the risks are being managed.

Electrical Safety

Electricity has the potential to cause serious damage, including injuries or fires. Faulty or old wiring is one of the main causes of electrical fires in domestic premises. Therefore, it's crucial for landlords to:

- ▶ Ensure all electrical installations are safe, including wiring, sockets, light fittings, kitchen appliances, washing machines etc. They should check this before tenants move in and maintain them throughout the duration of the tenancy.
- ▶ Ensure that all appliances provided to tenants have the 'CE' marking. This shows that they meet EU requirements for safety.



- ▶ Use a qualified electrician to carry out checks on the building fixed wiring, this includes that landlords arrange for these at least every five years or on a change of tenancy. A registered electrician will issue an Electrical Installation Condition Report (sometimes referred to as an electrical safety certificate) after they have inspected installations.
- ▶ Ensure that all alterations, repairs, and improvements to the fixed electrical system comply with the latest Institution of Engineering and Technology (IET) Wiring Regulations.

An electrical installation condition report should feature:

- ▶ The results of the inspection and testing.
- ▶ The date of the next recommended inspection.
- ▶ Details of any damage or wear and tear. Wear and tear is categorised into 3 different severity levels
 - C1 There is a danger present, risk of injury and immediate remedial action required.
 - C2 There is a potential danger present and urgent remedial work is required.
 - C3 Improvement is recommended.
- ▶ Details of any parts of the installation that don't meet IET Wiring Regulations BS 7671.

If the electrical system is being installed for the first time, then the registered electrician carrying out the work will issue an Electrical Installation Certificate. This confirms that the work they have done is safe and complies with regulations.

The aim is to complete any repairs highlighted in a condition report within 28 days of notification in line with best practice guidelines.

Water Safety (Legionella)

Anyone who has control of a premises, including landlords, must be able to show that they understand and have considered the health risks associated with legionella and legionnaires' disease. Legionella is a type of pathogenic bacteria that causes a range of pneumonia-like illnesses and legionnaire's disease is the most serious one. Legionella bacteria commonly live in natural water sources, but only pose a risk of illness when the water enters more favourable conditions. Certain conditions increase risk from legionella including:

- ▶ An ideal temperature for legionella bacteria growth is 20-45°C.
- ▶ A source of nutrients or the organism e.g. sludge, scale, rust, algae and other organic matter.
- ▶ Stagnant or recirculating water with insufficient turnover and;
- ▶ A way of creating and spreading breathable droplets e.g. aerosols created by a shower or tap etc.

To effectively prevent legionella and legionnaire's disease in their properties, landlords must undertake a legionella risk assessment.



As with any other form of risk assessment, the legionella risk assessment should include the five key stages:

1. Identify the risks (e.g. stored water, condition of storage tanks etc.).
2. Consider who is at risk (e.g. the tenants and their visitors).
3. Implement appropriate control measures (e.g. keeping water hot, removing impurities, etc).
4. Record the findings of the risk assessment.
5. Review and update the risk assessment (e.g. bi-annually or if changes are made to the water system of the property).

In a premise, legionella bacteria may be found in any water system between 20-45°C. Therefore, it's crucial for landlords to ensure that all water systems are correctly operated and maintained, such as hot and cold-water tanks, pipework and air conditioning units. The risk can be lowered if hot water is kept above 50°C and cold water is kept below 20°C, and if water is used regularly to keep it fresh and free of stagnation.

Asbestos Management

Although it was banned from use in 1999, asbestos is still present in many old buildings including within the councils housing stock. Regulation 4 of the Control of Asbestos Regulation 2012 gives a duty to manage Asbestos. Landlords must ensure they manage the risks posed by asbestos, as it can significantly harm those exposed to it. To help them manage these risks, landlords should carry out an asbestos risk assessment. This involves identifying where asbestos is present, who it might harm, and what they need to do to prevent it from being disturbed. They should keep a record of this information and regularly review it, such as at the start of a new tenancy.



If there is asbestos in their property, the landlord must inform employees, contractors, and anyone else at risk about where the asbestos is located and prevent them from disturbing it.

Gas Safety

Landlords must ensure that all gas appliances in a property are safe for tenants to use, which requires them to:

- ▶ Arrange for a Gas Safe registered engineer to install and maintain gas supplies. These checks must occur every 12 months.
- ▶ Have an up-to-date gas safety record. This is sometimes referred to as a landlord's gas safety certificate. The landlord should issue this to tenants when they move in, or within 28 days of the safety checks.
- ▶ Inform tenants of where to turn off the gas and what to do in case of an emergency.

The Gas Safe Register says that, as a minimum, the record of a gas safety check must contain:

- ▶ A description and location of each appliance and/or flue that has been checked.
- ▶ The name, registration number and signature of the engineer who carried out the check.
- ▶ The date which the appliance and/or flue was checked.
- ▶ The address of the property at which the appliance and/or flue is installed.
- ▶ The name and address of the landlord (or their agent where appropriate).
- ▶ Any defects identified and any action required or taken to fix it.
- ▶ Confirmation of the results of operational safety checks carried out on the appliances



Lifts

Lifts are subject to the Lifting Operations and Lifting Equipment Regulation (LOLER). Lifting equipment such as passenger lifts are installed across various DHI premises to provide access for our residents and visitors etc. Landlords have a duty for its safety including to ensure routine maintenance and inspection. In addition to the maintenance and inspection undertaken by the lift maintenance contractor, there is a mandatory legal requirement for lifts to be inspected with a thorough examination every 6 months, these inspections must be carried out by a competent person to ensure the lifts continue safe use under the LOLER and are sometimes known as insurance inspections.

As part of the insurance inspections the inspector might call for supplementary tests of the equipment which are not able to be checked during the thorough examination or need a periodic test to check the operation in accordance with Safed guidance.

Without regular maintenance passenger lifts can pose a risk to users such as sudden stop caused by mechanical and electrical issues, as a result passengers can be jolted leading to injuries and/ or panic. In addition, getting caught between the lift doors is another common risk that can cause injuries, however modern lifts have safety mechanisms to prevent door entrapments, by undertaking regular maintenance and inspections can ensure that the safety features are working correctly.

Radon

Radon is a colourless, odourless radioactive gas. It is formed by the radioactive decay of the small amounts of uranium that occur naturally in all rocks and soils. Radon poses a risk to health as the radioactive elements decay and emit radiation, any exposure to this type of radiation is a risk to health as is a form of energy and can cause damage to living tissue increasing the risk of cancer.



Landlords have a responsibility to their tenants under the Health and Safety at Works Act, Duty of Care and the Housing Act to provide a safe home including safety from the risk posed by radon.

Landlords should identify and monitor any properties that may be affected by Radon, this includes to carry out risk assessments and have clear procedure in place for the management of radon in affected buildings.

Compliance Performance Data...

Fire Safety

Fire Risk Assessments

The number of outstanding Fire Risk Assessments (FRA's) has reduced significantly over the last 12 months by engaging with an agency fire risk assessor.

Regular meetings are held with Safety Assurance, Investment, HRS and Tenancy Service/ Supported Housing to monitor and complete the actions arising from the FRA's.

A program is in place for fire risk assessment to be undertaken moving forwards. Recruitment continues to be an issue within the SAT with the Technical Officer – Fire Safety currently vacant, there is a potential for use of agency staff to cover the vacancy.

Following the FRA's at the low risk blocks some common actions identified include:

- ▶ Fire Detection to be upgraded to LD2 from LD3. – Investment Team to complete report as has cost implications.
- ▶ Fire Door Inspection Programme – see below, inspection programme underway.
- ▶ Communal Areas/ Escape Routes being used to store bikes and prams etc – leaflet sent out and being monitored and appropriate action undertaken as necessary.
- ▶ Emergency Lighting – Annual Drain down test not completed – (see below) new contractor in place and testing programme being undertaken.
- ▶ Emergency Lighting monthly test not being carried out/ recorded – working with Tenancy Services to get this undertaken and recorded by the Mobile Caretakers (ROSS) through Photo Book.

Updated compartmentation survey required and some fire stopping to high rise tower blocks.

The three high rise tower blocks have all been registered with the Building Safety Regulator, however, now need the Building Safety Case Reports to be completed asap.

Types of building	Percentage complete with current FRA	Compliance
High Rise	100%	
Sheltered Schemed	100%	
Low Rise Communal Areas	95%	

Fire Alarms

The Investment Team manages the contracts related to fire alarm planned maintenance, no issues identified, and regular service and maintenance undertaken.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Fire Alarm Planned Maintenance	100%	

Fire Fighting Equipment – Fixed and Portable

The Investment Team manages the contracts related to firefighting equipment planned maintenance, no issues identified, and regular service and maintenance undertaken.

Note. Automatic Opening Vents (AOV's) not included in the Investment Performance Dashboard and Service/ maintenance not undertaken in 2023/24. This has now been completed and only Shuttleworth House and De Wint Court affected / have AOV's. AOV's to be added to the Investment Team Performance Dashboard.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Fixed Fire Fighting Equipment Planned Maintenance	100%	
Portable Fire Fighting Equipment Planned Maintenance	100%	

Emergency Lighting

A new contractor has been appointed by the Investment Team to undertake the annual drain down test on the Emergency Lighting, the contractor has a service schedule and is currently working to complete. It is expected that the performance be at 100% and then be maintained moving forward after the first year of testing.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Emergency Lighting Annual Test	76.38%	

Fire Door Inspection

Fire Door inspection schedule in place and in early stages of being implemented. Some concerns with resources for inspection to low rise stock/ flat front doors. HRS looking at structure and expanding the fire door team.

Access issues to high rise flat front doors, but procedure in place.

Continued work is required on monitoring and record keeping of the fire door maintenance. Record keeping needs to improve. Currently using Teams Form and spreadsheets. Some data to follow on future reports.

Regular meetings in place between Safety Assurance, Investment and HRS for fire doors inspections and to monitor progress and any remedial works arising from the inspections.

Although the Fire Safety (England) Regulations do not specify a frequency for fire door inspections on buildings less than 11m, the fire doors to our Sheltered Schemes will have the fire doors checked at the same frequency as the three high rise buildings over 11m (Shuttleworth House, Jarvis House and Trent View) as identified earlier in the report, whereas we aim to check the fire doors to our low rise stock all less than 11m:

- ▶ with best endeavours to check all flat entrance doors at least every 18 months: and
- ▶ carry out checks of any fire doors in communal areas at least every 6 months.

Type	Percentage complete	Compliance
High Rise Communal Doors	100%	
High Rise Flat Front Doors	Data to follow in future reports.	
Sheltered Schemed Communal Doors	Data to follow in future reports.	
Sheltered Scheme Flat Front Doors	Data to follow in future reports.	
Low Rise Communal Doors	Data to follow in future reports.	
Low Rise Flat Front Doors	Data to follow in future reports.	

Electrical Safety

Fixed Wire Test/ Electrical Installation Condition Report

Access to properties remains a key issue for electrical safety management and all efforts are made to carry out the testing, including final warning letters and action via the Tenancy Services. The Investment team have appropriate procedures in place for arranging access to ensure the testing can be undertaken.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Dwellings	94.91%	
Communal Areas	99.37%	

Electrical Appliance testing – Portable/ Fixed

The Investment Team manages the contracts related to PAT and FAT, no issues identified, and regular testing and maintenance undertaken.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Portable Appliance Testing (PAT)	100%	
Fixed Appliance Testing (FAT)	100%	

Water Safety (Legionella)

The Investment Team manages the contracts related to Water Hygiene, no issues identified, and regular testing, maintenance and sampling regime all undertaken as per the service schedule.

The investment team completed domestic legionella risk assessment on the housing stock and selected 168 properties that have previously refused upgrades to their heating system and are therefore a higher legionella risk. A high percentage have stored water and are a higher risk of allowing access to the property. 168 properties were selected for the period starting in Aug 23 – Mar 24. The additional risk assessment program has been identified following guidance provided by the Water Hygiene Specialist to create a program over 10 years with the objective to schedule year one and two 400 properties which are a higher risk, and then increase the program in the subsequent years with properties that are of a lower legionella risk.

Access to properties remains a key issue, with performance only being at 50%, however the Investment Team continue at best efforts to gain access.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Planned Maintenance Visits	100%	
Domestic Risk Assessments	50%	
Risk Assessments – other than Dwellings e.g. High Rise and Sheltered Schemes	100%	

Asbestos Management

Asbestos Pro software is used for managing asbestos data, however asbestos pro is not being utilized to its full potential, additional training required for SAT.

Safety Assurance Team to work with Corporate Policy and Transformation to develop a Performance Dashboard for Safety Assurance similar to that of the Investment Team for better performance monitoring.

Asbestos Surveyor post was previous vacated and subsequently removed from the establishment. However, the Safety Assurance team is to be reviewed with a possible proposal being the reintroduction of post to meet the needs of the service, potential for future recruitment within Safety Assurance.

Additional Asbestos Surveying Software required to streamline asbestos surveying procedure for in house asbestos surveyors. Flow looks to be the best option.

Note. No issues identified during any re inspections completed to communal areas or AIB in terms of condition of ACM's.

Type	Percentage complete	Compliance
Stock with Asbestos Survey Completed	91.2%	
Annual Reinspection to Communal Areas	60%	
Annual Reinspection to AIB	47%	

Gas Safety

The Investment team managed the contract in relation to Gas Servicing. Access to properties remains a key issue, however there are appropriate procedures in place for arranging access to ensure that the servicing can be completed.

Investment Team Performance Dashboard used to monitor performance. .

Type	Percentage complete	Compliance
Gas Servicing	99.72%	

Lifts

The Investment team managed the contract in relation to Lift Maintenance and have a lift consultant., no issues.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Monthly Service Visits	100%	
Annual Safed Testing/ LG1	100%	

Radon

No Data to report at present, a procurement exercise is currently in progress to appoint a contractor to undertake radon monitoring. Performance data to be included in future compliance reports when data available.

Responsible Officer

There is a Responsible Officer Framework in place across the organisation with designated Responsible Officers (RO's) and where required Responsible Officer Support Staff (ROSS) to assist the RO's for having responsibility for ensuring the day-to-day safety and management of the council's property stock.

Audits have been completed in October 2023 by the SAT at the three high-rise tower blocks and De Wint Court which included looking at the building checks that the RO's/ ROSS undertaken. No issues identified and the operational fire safety inspections such as Weekly Fire Alarm Tests and Monthly Emergency Lighting Test all being undertaken, and records maintained in the fire logbook.

There is a training programme in place that sets out the training requirements for RO's and ROSS to be able to undertake their duties, training has recently been delivered for all RO's and ROSS with good uptake as had not been undertaken since before Covid. IOSH Managing Safely Training hasn't been delivered for some years and is going to be picked up this financial year (2024-25) and arranged by Corporate H and S. Training matrix maintained to monitor compliance with training requirements.



Further information

For further information on the compliance report contact the Safety Assurance Team.

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