



Directorate of Housing and  
Investment

# Building Safety Compliance Report

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## Introduction

A DHI Compliance Report was presented to the Housing Scrutiny Sub Committee on the 08<sup>th</sup> August 2024, this included an annual report for 2023 -2024 with the performance relating to building safety compliance. At the committee meeting it was requested for an update on building safety compliance be presented to Housing Scrutiny Sub-Committee on a six-monthly basis, focussed on three of the six key areas each six-month period to give an understanding of performance for all safety measures.

This compliance report has been produced by the Safety Assurance Team (SAT) to provide an overview relating to building safety compliance across the Directorate of Housing and Investment (DHI) focusing on, Electrical Safety, Water Safety (Legionella) and Gas Safety, reporting for the performance for the period 01/04/2025 to 31/12/2025 (2024-25 Q 1, 2 and 3).

The compliance performance data will be introduced with a short narrative on the current position and any compliance mitigations. They will then be concluded with recommendations or additional comments as necessary.

## Performance Report

The report contains information on compliance performance to provide the Director (DHI) and Housing Scrutiny Sub Committee with oversight and input into these essential services. The council monitors performance 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 has been added for monitoring purposes to create the Big 7. From the big 7 this report has focussed on Electrical Safety, Water Safety (Legionella) and Gas Safety as highlighted below.

- ▶ **Electrical Safety**
- ▶ **Water Safety (Legionella)**
- ▶ **Gas Safety**
- ▶ Fire Safety
- ▶ Asbestos Management
- ▶ 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.

## Key issues:

1. Increased timescales with getting injunctions and gaining access to properties that have an expired Landlord Gas Safety Certificate.
2. Low access rates to complete Domestic Legionella Risk Assessments.

## Key Legislation and Guidance

Below is a list of key legislation in relation to building safety compliance.

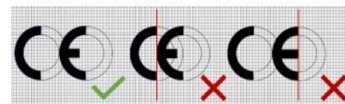
- ▶ Health and Safety at Work Act 1974
- ▶ The Management of Health and Safety at Work Regulations 1999
- ▶ Regulatory Reform (Fire Safety) Order 2005
- ▶ Fire Safety Act 2021
- ▶ Fire Safety (England) Regulations 2022
- ▶ Building Safety Act 2023
- ▶ Electricity at Work Regulations 1989
- ▶ Control 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



# 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 and light fittings 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.

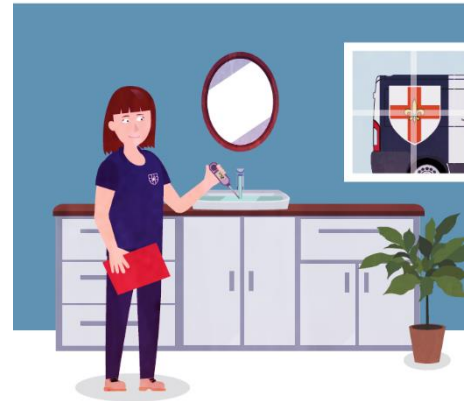
The aim is to complete any repairs highlighted in a condition report within 28 days of notification in line with best practice guidelines.

As well as the electrical installation condition report, Portable Appliance Testing (PAT) and Fixed Appliance Testing (FAT) is undertaken on electrical appliances where the council has that responsibility e.g. IT and other electrical equipment within the workplaces such as high-rise caretakers' office or electrical appliances in supported schemes communal halls and kitchens etc. Although it is not a legislative requirement and no set frequency for the testing, this is determined through Risk Assessment from guidance such as the 'IET Code of Practice In-service inspection and Testing of Electrical Equipment'.

## 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.

## 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



## Future Compliance Reporting

The request back from the Housing Scrutiny Sub Committee on the 08<sup>th</sup> August 2024 was for an update on building safety compliance be presented to Housing Scrutiny Sub-Committee on a six-monthly basis, focussed on three of the six key areas each six-month period to give an understanding of performance for all safety measures. This report is providing the first of the 6 monthly updates, focusing on Electrical Safety, Water Safety (Legionella) and Gas Safety.

It is proposed that the next 6 monthly update report will be presented to Housing Scrutiny Sub-Committee around September focusing on Asbestos Management, Lifts and Radon. Fire Safety is reported Annually at the Performance Scrutiny Committee around January so performance can be included in that report.

Finally moving forward if any addition reports such as an annual report is required it can be requested through the committee.



# Compliance Performance Data...

## 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 and Legal. The Investment team have appropriate procedures in place for arranging access to ensure the testing can be undertaken. Electrical testing is a non-statutory requirement and not as well supported through the courts compared to access for Gas.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Dwellings	95.93%	
Communal Areas	99.36%	



### Recommendation:

Continue to take all necessary available options to get access to undertake the Electrical Installation Condition Reports.

### 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. PAT is undertaken Annually (12 month) whereas FAT is undertaken Bi-Annually (24 months). No FAT undertaken in 2025, next due 2026. PAT and FAT is reliant on the on-site contact giving access to the electrical appliances on site to complete the testing.

Investment Team Performance Dashboard used to monitor performance.


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

## Lightning Protection



The Investment Team manages the contracts related to the buildings Lightning Protection Systems, no issues identified, and regular testing and maintenance undertaken. Currently there are only 4x housing sites that have lightning protection systems installed that require servicing.

Lightning Protection Systems are not included on the Investment Team Performance Dashboard.

Type	Percentage complete	Compliance
Lightning Protection Service and Maintenance	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 through their appointed contractor are undertaking domestic legionella risk assessment on the housing stock and set a target of 100 properties per quarter to risk assess. These properties targeted are a higher risk due to scenarios such as stored water. These addresses had previously refused heating upgrade works or had been problematic to access.

Access rates to complete the Domestic Risk Assessments continues to be low, which is expected as in most cases the tenant have previously refused the access for the heating upgrades which would benefit them. However, the Investment team have introduced coupling Domestic Risk Assessments and Legionella Sampling at 5 void addresses per month, to increase quarterly figures. The performance target measure will also reduce to 65% to reflect access issues as current target is unachievable.

As previously reported 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.

Investment Team Performance Dashboard used to monitor performance.

Type	Percentage complete	Compliance
Planned Maintenance Visits	100%	
Domestic Risk Assessments	32%	
Risk Assessments – other than Dwellings e.g. High Rise and Sheltered Schemes etc.	100%	



### Recommendation:


Continue to take all necessary available options to get access to undertake the Domestic Legionella Risk Assessment.

## 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 or making the installation safe by isolating the supply, including final warning letters and action via the Tenancy Services and Legal. From the performance data provided the remaining 0.15% without a valid Gas Safety Certificate equates to 11 dwellings.

Investment Team Performance Dashboard used to monitor performance.

The Investment team have experienced some Increased timescales with serving injunctions and gaining access to properties that have an expired Landlord Gas Safety Certificate.

Type	Percentage complete	Compliance
Gas Servicing	99.85%	

### Recommendation:

Continue to take all necessary available options (including legal intervention) to get access to undertake the Landlord Gas Safety Inspection.



## Further information

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

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