


|   |   |   |
|---|---|---|
| <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>CABINET</b><br><br><b>8 OCTOBER 2018</b>                            |   |  |
| <b>KEY COMPLIANCE POLICIES – Asbestos/Fire/Gas</b>  |   |   |
| <b>Report of the Cabinet Member for Housing – Councillor Lisa Homan</b>   |   |   |
| <b>Open Report</b>  |   |   |
| <b>Classification: For decision</b><br><b>Key Decision: Yes</b>   |   |   |
| <b>Consultation:</b><br>Legal, Finance, Health & Safety, Procurement, Equalities, IT, Risk                                      |   |   |
| <b>Wards Affected:</b><br>All   |   |   |
| <b>Accountable Officer: Jo Rowlands, Strategic Director, Growth and Place</b>   |   |   |
| <b>Report Author:</b><br>David McNulty<br>Assistant Director, Operations<br>Growth and Place<br><br>Liz Byron<br>Policy Officer | <b>Contact Details:</b><br><a href="mailto:David.mcnulty@lbhf.gov.uk">David.mcnulty@lbhf.gov.uk</a><br>Tel: 07867 160527<br><br><a href="mailto:elizabeth.byron@lbhf.gov.uk">elizabeth.byron@lbhf.gov.uk</a><br>Tel: 0207 8753 6014 |   |

## 1. EXECUTIVE SUMMARY

- 1.1. This report is submitted to recommend that Cabinet notes the background papers used in preparing this report: policies for Asbestos, Fire and Gas Safety and Management.
- 1.2. The policies potentially affect all residents within the London Borough of Hammersmith and Fulham (LBHF) and specifically affect all Council homes within the borough.
- 1.3. The policies explain how the G&P will effectively promote and manage safety issues regarding asbestos, fire and gas safety and taking account of residents, staff, contractors and visitors.
- 1.4. It is nationally recognised best practice to ensure these Health and Safety policies are regularly reviewed and updated. These policies relate to the

Council's managed housing stock and responsibilities as a landlord. The Council's Growth and Place Directorate is therefore the lead directorate in ensuring these policies are updated in line with the Council's wider commitment to achieving the highest standards of compliance possible.

- 1.5. The Council operates a 'Plan, Do, Check, Act' approach to routinely review its health and safety systems to keep pace with best practice. In Hammersmith and Fulham, it is important to us and our residents that we continually improve our practices to keep people safe. Our compliance policies set out clearly how we will achieve this, who is responsible, how we check they are being followed, and how we act to improve.
- 1.6. This report underpins the fact that Elected Members and the Strategic Management Team recognise the importance of these key safety issues, the need for legal compliance and the need for this to be an ongoing process addressing public concerns, legislative changes, recommendations of relevant enquiries and lessons learned from future incidents.
- 1.7. The policies are published on the Property Services pages of the LBHF Intranet at:  
<https://officesharedservice.sharepoint.com/sites/intranet/hf/gp/Pages/Property-Services.aspx> and will be made available in Members' rooms.
- 1.8. The documents are to be a template for best practice across the Council and G&P are working with colleagues in other Directorates to achieve this.
- 1.9. Each of the policies will be supported by a suite of safety leaflets for residents.

## **2. RECOMMENDATIONS**

- 2.1. That Cabinet notes the following background papers used in preparing this report:
  - 2.1.1 Asbestos Policy
  - 2.1.2 Asbestos Management Plan
  - 2.1.3 Fire Safety Management System
  - 2.1.4 Gas Safety Policy
- 2.2 That Cabinet signs the Statement of Intention attached to the Fire Safety Management System. (Appendix 1).

## **3. REASONS FOR DECISION**

- 3.1. Implementation of these policies will ensure that the Council fulfils its duties in providing and maintaining a safe and healthy environment for our residents, staff, contractors and visitors and delivers against the Resident Involvement Strategy 2016-2018.<sup>1</sup>

---

<sup>1</sup> Resident Involvement Strategy 2016-2018  
<https://officesharedservice.sharepoint.com/sites/intranet/hf->

3.2. The management of the policies will ensure engagement with residents and stakeholders.

#### **4. PROPOSAL AND ISSUES**

4.1. Cabinet are asked to note the principles in delivering the attached policies, their purpose and scope as set out below.

##### **4.2. *Principles in delivering the policy***

- The underlying principles for each of the policies is safety and the management of risk
- Each of the policies will be reviewed regularly
- The policies will be published
- Each policy will be reviewed at key stages in light of changing legislation, appropriate guidance, inquiries, etc.

##### **4.3. *Purpose - Asbestos***

4.3.1 The primary purpose of this policy is to outline how G&P, on behalf of LBHF, will deliver adequate and effective management of asbestos containing materials (ACMs) in order to prevent exposure to asbestos.

4.3.2 This will ensure that the Council and G&P meet the statutory duties under the Control of Asbestos Regulations 2012, and specifically those under Regulation 4, the Duty to Manage, and Regulation 5, Identification of Asbestos, the Defective Premises Act 1972 and the Landlord and Tenant Act 1985.

4.3.3 The policy outlines how the responsibilities for asbestos management are assigned at both a strategic and operational level.

4.3.4 The policy provides high level guidance to allow adequate resources to be directed to asbestos management to ensure risk is mitigated.

4.3.5 The policy also demonstrates the high-level commitment of LBHF in managing asbestos in order to provide safe living and working environments for residents, staff and contractors.

4.3.6 The policy is supported by an Asbestos Management Plan which sets out G&P's strategy for compliance with all current, relevant health and safety legislation relating to asbestos.

4.3.7 The policy covers all properties where the LBHF G&P have a maintenance or repair responsibility and details the specific responsibilities in differing premises and all relevant legislation. The

body of the policy also outlines how its objectives will be met and the specific responsibilities of elected members, staff and contractors.

- 4.3.8 The Asbestos Management Plan provides more detail and additionally covers training and competency, surveys, risks and actions, record keeping and communication, removal and remediation works, emergency procedures and safe systems of work.

#### 4.4 **Purpose – Fire**

- 4.4.1 The purpose of this document is to set out how LBHF will secure the health, safety and welfare of employees, tenants, leaseholders, contractors, and visitors (who may occupy or visit premises under their control), through the implementation of Fire Risk Management, to ensure compliance with relevant fire safety legislation.

- 4.4.2 The Fire Safety Management System includes a statement of intent to be signed by the Leader of the Council and Chief Executive. The body of the report describes detailed responsibilities across the Council, LBHF's approach to fire safety, relevant legislation, operational delivery, review of policy and systems and the Council's ability to learn and respond.

#### 4.5 **Purpose – Gas**

- 4.5.1 This policy outlines the arrangements operated by the Council to comply with the requirements of the Gas Safety (Installation and Use) Regulations 1998 (GSIUR) and amendments and to ensure all risks are mitigated. These risks include:

- fires or explosions caused by gas leaks;
- carbon monoxide poisoning caused by poor combustion attributable to faulty or inadequately serviced appliances;
- scalding due to excessive hot water temperature, resulting from inadequate control of system temperature.

- 4.5.2 This policy also outlines the council's responsibilities as a landlord in respect of gas safety.

- 4.5.3 The policy includes how the Council will deal with gas safety checks, installations, communal boilers, voids, audits, registration and certification.

#### 4.6 **Scope**

- 4.6.1 The asbestos policy covers all properties where the LBHF G&P have a maintenance or repair responsibility. Specific responsibilities are covered in the policy itself, e.g. distinctions between domestic and non-domestic areas.

- 4.6.2 The fire policy is a Corporate policy and covers the Council's duty to comply with the Fire Safety Order as it applies to the residential properties which it

owns or occupies. The Fire Safety Order applies to the communal areas within those properties and excludes the internal areas of residential properties, which fall within the scope of the Housing Act 2004.

#### 4.6.3 The gas safety policy covers:

- Staff or other persons under the Council's control, including contractors;
- all Council owned residential properties where the Council has a landlord responsibility that include a gas appliance, a flue, a gas meter and associated pipework;
- all hostels, private sector leasing (PSL) and private license accommodation (PLA) properties where gas safety is managed by G&P, that includes a gas appliance; a flue, a gas meter and associated pipework;
- all properties where the council does not own the property but has a landlord's responsibility;
- communal heating systems and associated boilers and plant that are owned and/or managed by the Council.

4.6.4 While G&P have a lead role in most of the issues pertaining to asbestos, fire and gas, they also impact on other Directorates and teams within the Council. It is essential that these policies are shared with, and take account of the requirements of other services.

## **5. OPTIONS AND ANALYSIS OF OPTIONS**

- 5.1. Each of the policies attached and the Asbestos Management Plan are issues of compliance and enshrined in legislation.
- 5.2. It is not an option for the Council not to have these policies in place and plans to execute them.
- 5.3. It is essential that Elected Members, Strategic Leadership Team and other staff are fully aware of their responsibilities relating to asbestos, fire and gas as detailed in each policy.

## **6. CONSULTATION**

- 6.1. Technical staff have been fully consulted in the development of these policies, as have in-house expert consultants.
- 6.2. Due to the current profile of the attached policies, it is intended to publish them with a Policy Decision Register to enable prompt responses to new legislation and guidance.

## **7. EQUALITY IMPLICATIONS**

- 7.1 As required by Section 149 of the Equality Act 2010, the Council has considered its obligations regarding the Public-Sector Equality Duty and it is not anticipated that there will be any direct negative impact on groups with protected characteristics, as defined by the Act, from the adoption of these policies.
- 7.2 Implications completed by Peter Smith, Head of Policy & Strategy, tel. 020 8753 2206.

## **8. LEGAL IMPLICATIONS**

- 8.1. The Council is responsible for health and safety checks in a range of premises, both as an employer and a landlord. It has statutory obligations under various pieces of legislation, a contractual obligation to its tenants and leaseholders and a duty of care to ensure the safety of residents. This report and background papers used in preparing this report refer directly to these responsibilities and legal requirements including in terms of Statutes, Regulation, Guidance and fire regulation codes.
- 8.2. It is important that the Council has robust procedures and policies to ensure compliance with its legal obligations. Non-compliance could pose a health and safety risk and result in a criminal prosecution.
- 8.3. Implications verified/completed by: Angus Everett, Chief Solicitor, tel. 020 8753 2724.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 The cost of implementing these policies is expected to initially be met by available existing council budgets. Most of the funding is likely to come from the Housing Capital Programme and the Housing Revenue Account. The policies also in some instances apply to properties accounted for in the General Fund.

### **Housing Budgets**

- 9.2 The capital funding available for Housing is limited by the debt cap of £254.6 million imposed on the council for the Housing Revenue Account by the Ministry for Housing, Communities and Local Government. The revised capital programme for 2018/19 to 2021/22 being proposed at October 9<sup>th</sup> Cabinet has the following provision for such works:

- Fire Safety Improvements Budget: £7.1 million.
- Fire Safety Plus Budget: £18.9 million<sup>2</sup> (in part funded by the £12.85 million Fire Safety earmarked reserve)
- Unallocated Housing Capital Programme Budget: £42.8 million.

---

<sup>2</sup> £1.1m of the original £20m had been spent as at the 31<sup>st</sup> March 2018

- 9.4 It is currently forecast that, after allowing for the above budgets, the Council will be within £0.8m of the Housing Revenue Account debt cap by 2021/22<sup>3</sup>. Therefore, careful monitoring and planning of the Housing Capital Programme will be required so that there are sufficient resources and flexibility in the programme to ensure the Council can fulfil its health and safety obligations going forward.
- 9.5 In addition to the Capital Budgets above the Housing Revenue Account forecast as at 31<sup>st</sup> July 2018 has set aside £7.1 million of revenue expenditure for 2018-19 to enable compliance with these policies.

### **General Fund Budget**

- 9.6 The following capital budgets are held for areas covered by these policies:
- Fire risk assessment review - consequential works: £70,000
  - Asbestos management plan - consequential works: £70,000.
- 9.7 As with the Housing Capital Programme, there remains a risk, especially given emerging changes to regulations, that further funding may be required.
- 9.8 Implementation of the policies will contribute to the Council fulfilling its duties in providing and maintaining a safe and healthy environment to the benefit and welfare of employees, tenants and leaseholders, contractors and visitors (who may occupy or visit premises under their control). This in turn will reduce the risk of health and safety breaches that could result in fines from the Health and Safety Executive.
- 9.9 Implications verified/completed by: Firas Al-Sheikh, Head of Financial Investment and Strategy, 020 8753 4790
- 9.10 Implications verified by Emily Hill – Assistant Director (Corporate Finance), tel. 020 873 3145.

## **10. IMPLICATIONS FOR BUSINESS**

- 10.1 All spend resulting from the policies stated in this report shall follow the Council's Contracts Standing Orders (CSOs) and the Public Contracts Regulations (PCR) 2015.
- 10.2 Implications provided by Andra Ulianov, Procurement Consultant, tel. 020 8753 2284.

## **11 COMMERCIAL IMPLICATIONS**

- 11.1 All spend resulting from the policies stated in this report shall follow the Council's Contracts Standing Orders (CSOs) and the Public Contracts Regulations (PCR) 2015.

---

<sup>3</sup> Forecast included in Capital Programme Monitor & Budget Variations, 2018/18 (First Quarter) being proposed at October 9<sup>th</sup> 2018 Cabinet.

11.2 Implications provided by Andra Ulianov, Procurement Consultant, tel. 020 8753 2284.

## **12 HEALTH AND SAFETY IMPLICATIONS**

12.1 The policies and associated procedures set out how G&P fulfil its duties under the law to protect staff, tenants and those affected by Council's activities, within properties for which it has a responsibility, to as low as is so far is reasonably practicable. These documents have been drafted in cooperation with corporate health and safety.

12.2 Performance monitoring, reporting and third-party checks are set out in the documentation.

12.3 Implications provided by Richard Buckley, Head of Environmental Health (Residential) & Corporate Safety, tel. 020 8753 3971.

## **13 IT IMPLICATIONS**

13.1 Should any new systems be procured to support the Council's compliance activities in these areas, they will be expected to function with open Application Programme Interfaces (APIs) and be capable of interfacing with the Council's Business Intelligence system if required. This will enable the Council to use predictive data analysis in shaping its services. If data is required for this purpose then the Council will need to ensure the Privacy Impact Assessment is reviewed accordingly and required information governance actions are carried out.

13.2 Information Governance Implications: If the Council or any third parties will be processing sensitive and/or personal data on behalf of H&F (for example, details of vulnerable residents or leaseholders processed in the course of monitoring or assessing compliance in the relevant areas), a Privacy Impact Assessment will need to be completed asap if not already in place and up to date, to ensure all potential data protection risks in relation to these activities are properly assessed with mitigating actions agreed and implemented.

13.3 Any relevant contracts with third parties, whether existing or new, will need to include H&F's new data protection clauses and processing schedule. These are compliant with the General Data Protection Regulation (GDPR) enacted from 25 May 2018.

13.3 IT implications verified by Tina Akpogheneta, Strategic Relationship Manager, tel. 020 8753 5748.

## **14 RISK MANAGEMENT**

14.1 The Council takes the commitment to health and safety very seriously and is noted on the Council's Corporate Risk Register under the general arrangements for Health and Safety but also more specifically in relation to our statutory obligations to undertake inspections. Effective management of



health, safety and wellbeing for residents, employees, contractors and visitors underpins the ability of the Council to deliver and achieve its key priorities especially through delivering outstanding customer service, regenerating the Borough and improving its performance across the board. Working safely is also important for our customers, and should always seek to deliver quality services in a safe, secure environment.

- 14.2 By having written detailed Policies, the Council can ensure that a uniform and professional approach is maintained throughout the organisation. The risk of not having an appropriate arrangement in place is that systems are not serviced in accordance with relevant current legislation and good practice guidance. Key policies will be considered within the Council's overall Business Continuity Planning requirements in line with Corporate Risk 5, Business Resilience.
- 14.3 Risk implications verified by Michael Sloniowski, Risk Manager, tel: 020 8753 2587.

## 15.0 BACKGROUND PAPERS USED IN PREPARING THIS REPORT

|    | <b>Description of Background Papers</b> | <b>Name/Ext of holder of file/copy</b>   |
|----|---|--|
| 1. | Asbestos Policy                         | Liz Byron<br>Policy Officer<br><a href="mailto:elizabeth.byron@lbhf.gov.uk">elizabeth.byron@lbhf.gov.uk</a><br>Tel: 0207 8753 6014 |
| 2. | Asbestos Management Plan                |  |
| 3. | Fire Safety Management System           |  |
| 4. | Gas Safety Policy                       |  |

## APPENDICES

Appendix 1 Statement of Intention – Fire Safety Management System