

The Vale of Glamorgan Council

Cabinet Meeting: 31 October, 2016

Report for the Cabinet Member for Building Services, Highways and Transportation

Housing Compliance Policies

Purpose of the Report

1. To progress the agreement of a number of Housing Compliance Policies relating to the Council's duties as a public Housing landlord.

Recommendations

1. That Cabinet endorses the following draft policies:
 - a. Council Housing Fire Risk Management Strategy,
 - b. Council Housing Legionella Management Plan and Policy,
 - c. Council Housing Electrical Compliance Policy,
 - d. Council Housing Gas, Oil, and Solid Fuel - Safety and Servicing Policy
2. That Cabinet refers the draft policies to the Homes and Safe Communities Scrutiny Committee for consideration.

Reasons for the Recommendations

1. To accept the policies and management plans in draft prior to referral to the Public Protection Scrutiny Committee for consideration.
2. To provide appropriate consideration of the implication of the policies

Background

2. The Council, as a Landlord, has a number of legal obligations it must satisfy to ensure the Health, Safety and Welfare of its tenants. These obligations form part of an ongoing cyclical inspection and maintenance regime to ensure key elements in the home do not pose undue risk.
3. These obligations are well represented through statute as set out below:
 - The Health and Safety at Work etc. Act 1974 (HSWA)
 - The Landlord and Tenant Act 1985

- The Housing Act 2004 The Housing Act 2004 – specifically the Housing, Health and Safety Ratings System;
 - Management of Health and Safety at Work Regulations 1999
 - Environmental Protection Act 1990
 - The Regulatory Reform (Fire Safety) Order 2005;
 - The Regulatory Reform (Fire Safety) Order 2005-Guide for Sleeping Accommodation (Sheltered Schemes);
 - Furniture and Furnishings (Fire Safety) Regulations 1988;
 - Electrical Equipment (Safety) regulations 1994;
 - The Local Government Guide “Fire Safety in Purpose Built Blocks of flats” 2011 (Blocks of flats with communal areas)];
 - Dangerous substances and Explosive Atmospheres Regulations (DESAR) 2022
 - The Gas Safety (Installation and Use) Regulations 1998 (GSIUR)
 - Electricity at work Regulations 1989
 - Water Hygiene ACOP (L8).
 - Control of Substances Hazardous to Health Regulations 2002
4. The statutory instruments listed above set out the minimum standard which must be met. The appended policies are developed from the legislation governing the Health, Safety and Welfare of tenants and are viewed as appropriate to ensure The Vale of Glamorgan Council discharges its duties as a landlord.

Relevant Issues and Options

5. As a social housing landlord the Council has a statutory duty to satisfy the requirements of the legislation above. The policies attached as Appendix [1](#), [2](#), [3](#) and [4](#) set the policy framework under which the duties contained within the statutory instruments are discharged.
6. The Council Housing Fire Risk Management Strategy aims to define the Vale of Glamorgan Council’s approach to fire safety and management in its Council Housing stock, including communal areas as required under fire regulations.
7. The Council Housing Legionella Management Plan and Policy applies to all premises where hot and cold water systems are directly managed by Housing and Building Services. The document also provides guidance, to leaseholders, partners, etc. who have responsibility for managing water systems in Council’s Housing owned premises.
8. The Council Housing Electrical Compliance Policy provides specific guidelines which enable the Vale of Glamorgan Council to be assured it is fully compliant with its legislative responsibilities in relation to the safety of all its fixed electrical installations. All fixed electrical installations within the Council’s Housing and Building Services property portfolio, are subject to regular inspection and testing with a few exceptions listed within the policy. In addition, the policy aims to ensure all portable equipment is inspected and tested regularly.
9. The Council Housing Gas, Oil, and Solid Fuel - Safety and Servicing Policy sets out the Council's statutory obligations as a landlord for carbon fuel heating appliances to

the Council's housing stock and housing premises. The policy identifies the arrangements the Council has put in place to ensure the completion of annual safety inspections. The current servicing contract for all heating appliances also includes the annual inspection of smoke, heat & carbon monoxide detectors installed in the Council's Housing stock.

Resource Implications (Financial and Employment)

10. There is a cost associated with the delivery of inspection, remediation and improvement programmes associated with these policies, however, the duties are mandatory and the cyclical programmes associated with such have been factored into the Housing Business Plans for the full 30 year period.
11. There are no additional costs expected beyond those currently identified within the HRA business plan as a result of any of these policies being introduced.

Sustainability and Climate Change Implications

12. Adherence to appropriate and consistent standards for compliance protects both the interests of our tenants and the Council as landlord. Electrical, gas, oil and solid fuel systems that are functioning correctly reduce the impacts of and systems on the environment.

Legal Implications (to Include Human Rights Implications)

13. The policies assist the Council in discharging its statutory duties associated with landlord compliance. Failure to comply with these duties could result in formal prosecution being brought against the Council as a landlord e.g. potential of a corporate manslaughter case for the most serious breaches.

Crime and Disorder Implications

14. No crime and disorder implications have been identified resulting from the introduction of these policies.

Equal Opportunities Implications (to include Welsh Language issues)

15. An Equality Impact Assessment will be undertaken to consider any Equality issues that arise from the policies, prior to any introduction.

Corporate/Service Objectives

16. This report is consistent with the Corporate Objective of an Inclusive and Safe Vale and well-being Objective 2: Provide decent homes and safe communities.

Policy Framework and Budget

17. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

18. The draft Compliance Policies affect services delivered throughout the Vale of Glamorgan; therefore no individual ward member consultation has been undertaken.

Relevant Scrutiny Committee

19. Homes and Safe Communities.

Background Papers

None.

Contact Officer

Andrew Treweek - Operational Manager - Housing Services

Officers Consulted

Accountant - Housing
Legal Services - Committee Reports

Responsible Officer:

Miles Punter - Director of Environment and Housing Services