

## **REPORT TO EXECUTIVE COMMITTEE**

**Date of Meeting: 10 September 2019**

## **REPORT TO COUNCIL**

**Date of Meeting: 15 October 2019**

**Report of: The City Surveyor**

**Title: Corporate Property Health and Safety Compliance**

### **Is this a Key Decision?**

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### **Is this an Executive or Council Function?**

Council

#### **1. What is the report about?**

Seeking approval for funding to achieve required levels of statutory Health and Safety compliance in our built estate.

#### **2. Recommendations:**

That Executive:

Recommends to Council the £650,000 estimated budget requirement for undertaking fire risk compliance works that will mitigate the current identified risks to the Council and building users in operational and commercial properties.

#### **3. Reasons for the recommendation:**

One of the objectives of establishing the Corporate Property service was to identify and address failures in property Health and Safety compliance where previously there was a lack of relevant data available to enable informed decisions to be made.

Work completed to date has identified numerous areas of non-compliance and backlog in Health and Safety compliance.

Progress has been made in many areas, but the challenges faced are greater than envisaged when Corporate Property was established and existing approved budgets are insufficient to deliver this package of works.

Health and Safety legislation sets out required standards for compliant property use. For example, adequate fire compartmentation of premises, protected fire escape routes, suitability of materials used within protected areas and segregation of combustible materials. Recent fire risk assessments have revealed that several Council assets fall short in this regard. Approval of the proposal set out in this report will address the identified risks.

#### **4. What are the equality and diversity impacts of this decision?**

Not applicable.

**5. What are the resource implications including non-financial resources:**

The fire risk compliance work totals an estimated £650,000 one off capital requirement, subject to tender pricing and unforeseeable works. This sum includes £53,280 for the appointment of an agency worker to design, specify and administer the delivery of the scheme. The breakdown of this sum is contained in the appendix to the report.

**6. Section 151 Officer comments:**

The contents of the report are noted and when approved the amount will be added to the capital programme. Given the nature of the request, the Section 151 Officer fully supports the recommendation and would expect Members to approve in order to protect the Council. The capital expenditure will be funded along with the rest of the capital programme in a manner that minimises the impact of the Council's General Fund revenue position.

**7. What are the legal aspects?**

The legal implications and ensuing risks have been adequately set out in paragraph 9 and 11 of this report.

**8. Monitoring Officer Comments:**

Given the Health & safety risks identified in this report, the Monitoring Officer strongly recommends support of the recommendation set in paragraph 2 above,

**9. Report details:**

The Regulatory Reform (Fire Safety) Order 2005 mandates that identified actions required to achieve compliance are undertaken. Failure to undertake actions identified could lead to fatalities, enforcement action, criminal and civil prosecutions, fines, reputational damage and an increase in insurance premiums.

Current fire risk assessments have identified failings in required property standards for safe and compliant building occupation and use. Assets identified that fall short in this regard are set out in the appendix to the report. The anticipated budget requirement set out in this report will mitigate the hazards identified in the fire risk assessments for these sites.

Subject to procurement, contractor availability and unforeseen delays, the scheme is expected to take, following approval, three months to design and procure and nine months to deliver across the sites.

**10. How does the decision contribute to the Council's Corporate Plan?**

Building on the work achieved by Corporate Property to date, the proposal will better ensure a compliant and fit for purpose corporate estate and a safe environment for people to visit and work in.

**11. What risks are there and how can they be reduced?**

There are no risks in proceeding with the proposals.

Not proceeding with recommendations for funding the fire risk actions will result in continued failings in compliance standards within the Council's Corporate Estate; consequently placing employees, contractors and members of the public at risk.

Creation of risk alone is a breach of the Health and Safety at Work Act 1974. Evidence has shown that the number of company directors and senior managers prosecuted for health and safety offences has significantly increased since the introduction of new Sentencing Guidelines in 2016.

Statistics issued by the HSE for 2016/17 show how significant the financial repercussions have been, with the HSE securing a 93% conviction rate and average fines reaching £126,000 per case, in comparison to 2014/15 which averaged £29,000.

**12. What is the impact of the decision on health and wellbeing; safeguarding children, young people and adults with care and support needs, economy, safety and the environment?**

Not proceeding would leave identified risks to employees and public in place

**13. What other options are there, and why have they been dismissed?**

No.

**Michael Carson**  
**City Surveyor**  
June 2019

**Local Government (Access to Information) Act 1972 (as amended)**  
**Background papers used in compiling this report:**  
None

Contact for enquiries:  
Democratic Services (Committees)  
Room 2.3  
01392 265115