



**Joint Report of the Cabinet Member for Delivery & Performance and the  
Cabinet Member for Homes, Energy and Service Transformation**

**Cabinet – 21 November 2019**

**Statutory Compliance Strategy**

<b>Purpose:</b>	To seek Council endorsement on the adoption of the Statutory Compliance Strategy for buildings under the control of Swansea Council.
<b>Policy Framework:</b>	Council Constitution
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet approve the draft Statutory Compliance Strategy  2) The actions contained within the strategy are noted and delegated to the Cabinet Member for Delivery & Performance and the Cabinet Member for Homes, Energy and Service Transformation.
<b>Report Author:</b>	Martin Nicholls
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Catherine Window

**1. Introduction**

- 1.1 The basis of UK Health and Safety Law is the Health and Safety at Work Act 1974 (HSWA), this Act sets out the broad principles for managing health and safety legislation in most workplaces. The act which came into force on 1st April 1975 still remains the main health and safety legislation in existence today.
- 1.2 Local Authorities (LA) have a duty to ensure that buildings and land under their control comply with all relevant statutory, regulatory and corporate standards.

## 2. Main Body of Report

2.1 Local Authorities (LA) have a duty to ensure that buildings and land under their control comply with all relevant statutory, regulatory and corporate standards. As such, Swansea Council's Building Services and Property Services have devised a Statutory Compliance Strategy (**Appendix A**) which applies to all stakeholders utilising Swansea Council's owned building assets.

2.2 Swansea Council (SC) has a large and varied portfolio of land and property assets. Principal areas of the portfolio include:

- Civic Buildings
- Environment Buildings – including parks, depots, sports pavilions, car parks, travellers site
- Community Buildings – youth centres; Residential centres (Borfa & Rhossili)
- Social Care Buildings – day centres and residential homes
- Libraries and Museums
- Cemeteries and Crematoria
- Marina
- Sports stadium - St Helens Rugby Ground

Due to a number of recent changes throughout the operational arrangements of the Council, responsibilities for the delivery of services and the management of assets has passed to third parties. Consequently the existing or proposed leases, and the relationship between the Council and school governors will be in line with Corporate Landlord/operational tenant model being adopted. More specifically the following asset categories are managed through this process:-

- Community Buildings – youth and community centres, occupied via “yellow licence” arrangements
- School Buildings- as defined by Division of responsibility and therefore not forming part of this report
- Leisure Buildings – Leisure centres now managed by Freedom Leisure
- Over 13,000 housing properties – responsibility of ring fenced HRA
- Commercial investment Portfolio –responsibilities govern by lease arrangements

2.3 Given the importance of ensuring that the LA adheres to the appropriate guidelines and to protect the Authority's interest, the following are identified as core areas in relation to Statutory Compliance and as such form the basis of the strategy:

1. Asbestos Management
2. Electrical Testing

3. Water Hygiene and Safety (Legionella RA's)
4. Gas Safety
5. Fire Safety
6. Glazing Safety
7. Grounds/Play Equipment
8. Kitchens
9. Lifting equipment
10. Pressure Vessels
11. Local Exhaust Ventilation

- 2.4 A series of specific performance indicators have been developed, covering each of the areas and against which the entire programme is monitored accordingly. The programme is monitored on a monthly basis by specialist officers, with the overall programme being reviewed on a quarterly basis.

The PI has been introduced as a performance measurement of the actual Number of revisits/inspections/tests completed against the programmed Number of tests to be carried out within a given timeframe to ensure compliance, expressed as a percentage. This PI is consistent, should the inspection/testing frequency be monthly, 3 monthly, 6 monthly, annual or 5 yearly.

The PI is recorded and updated where applicable on a quarterly basis by relevant technical officers with year end data being collated as part of the business planning and performance management process. It is likely that this will result in some recommendations for new corporate PIs when they are next reviewed for the 20/21 financial year

In simple terms only the achievement of 100% compliance will satisfy the requirements of the performance indicator and this overarching strategy. Any identified risks will be managed immediately as they occur through existing lines of management reporting, via the Heads of Service, Director and CMT. Escalation via the risk register will also be actioned where necessary

### **3. Equality and Engagement Implications**

- 3.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

3.2 A EIA Screening form was completed (**Appendix B**) with an outcome indicating a full EIA was not required. Whilst the reputational and legal risk of any non-compliance is high, the report and the strategy cover day to day operational issues as to how this risk is managed and therefore, whilst important, is not an equalities issue.

#### **4. Financial Implications**

4.1 There are no financial implications associated with this report. Any specific aspects arising as a result of the development of the actions, which would affect Council budgets, would be subject to separate decisions in line with financial procedure rules as and when they arise.

#### **5. Legal Implications**

5.1 There are no legal implications associated with this report at present. Any specific aspects with implications that require changes will be dealt with, including any amendments to the Council's Constitution and Contract Procedure Rules.

**Background Papers:** None

**Appendices:**

Appendix A Swansea Council's Statutory Compliance Strategy

Appendix B EIA Screening Form