



Report of the Cabinet Member for Corporate Service & Performance

Cabinet – 15 December 2022

Update on Statutory Compliance in the Council's Operational Portfolio

Purpose:	To update on progress following adoption of the Statutory Compliance Strategy for buildings under the control of Swansea Council.
Policy Framework:	Statutory Compliance Strategy
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that: 1) Cabinet notes progress and actions
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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. Background

- 2.1 As a result of the duty set out on in 1.2, in 2019 the Statutory Compliance Strategy (**Appendix A**) was adopted by Cabinet. This applies to all stakeholders utilising Swansea Council's owned building assets.

Summary of Compliance Strategy

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

- Civic Buildings
- Operational assets including parks, depots, sports pavilions, car parks, travellers' site
- Community Buildings – such as youth centres and 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

In some areas, responsibilities for the delivery of services and the management of assets have passed to third parties, where the relationship between the Council and school governors is in line with Corporate Landlord/operational tenant model. 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 managed by Freedom Leisure
- Over 13,000 housing properties – responsibility of ring fenced HRA
- Commercial investment Portfolio –responsibilities governed 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*

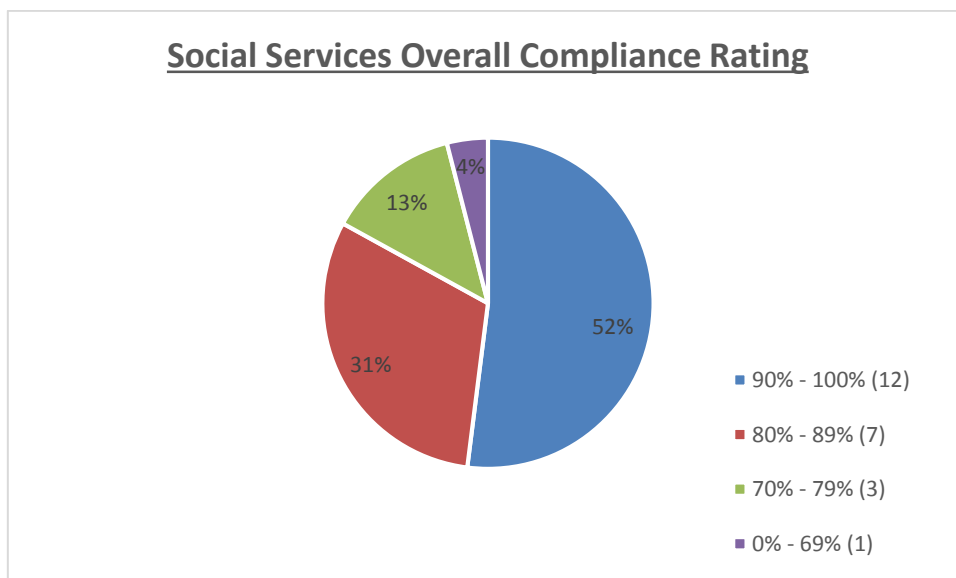
2.4 A series of specific performance indicators have been developed, covering each of the areas and against which the entire programme is monitored accordingly. The programme is monitored on a monthly basis by specialist officers, with the overall programme being reviewed on a quarterly basis.

In order to monitor that performance against the entire portfolio and bearing in mind the limited resources available a programme of inspections has been implemented, starting with the “higher risk” properties within the Social Services and Education portfolios.

The attached Appendices demonstrate the progress made following the programmed inspections of Social Services Premises 2020/21 (**Appendix B**) and Education Premises 21/22 (**Appendix C**)

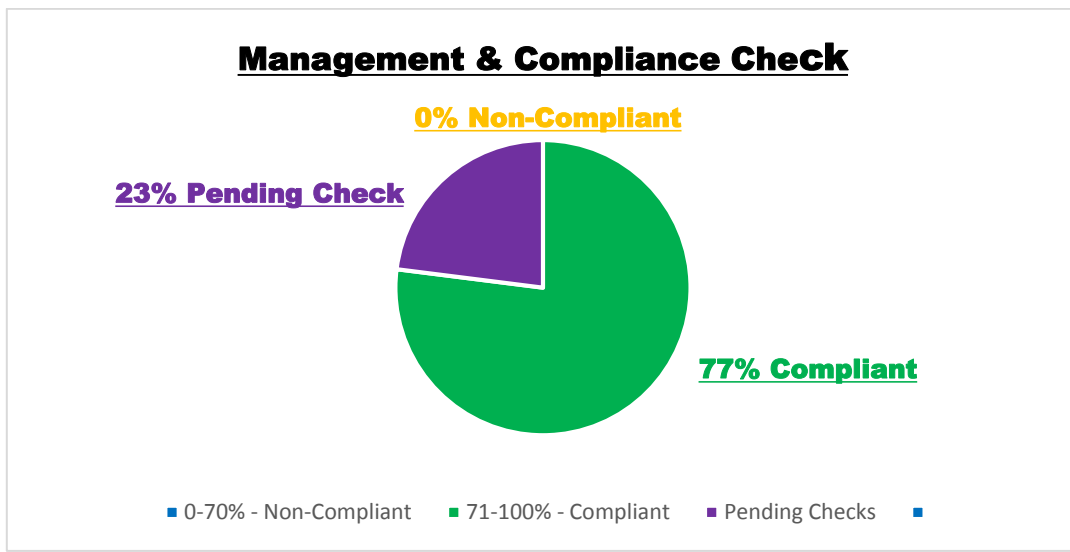
Social Services

COVID 19 has placed significant pressures on Social Services and has tested the resilience of staff. The Management and Compliance officers were made aware of services that were closed due to restrictions imposed by Welsh Government and staff redeployed to other critical services to maintain business continuity as a front-line service. Despite these challenges, the managers of each service area have demonstrated high levels of compliance with their statutory obligations.



Education 21/22

COVID 19 continued to place significant pressures on education as a whole and this provision remained operational throughout the pandemic and thus disrupted the undertaking of the management and compliance checks. It is recognised that these pressures have tested the resilience of staff. Despite these significant challenges, the Head teacher's and all staff within each school have demonstrated high levels of compliance where possible with our statutory obligations.



The exercise with Social Services and Education has highlighted high levels of competency and where gaps in testing, servicing or documentation have been identified they have been quickly remedied.

Going forward, for 2022/3 those corporate assets where there are visiting members of the public accessing the premises have been prioritised for the next phase of inspections. **Appendix D.**

There is however an area of concern when it comes to the role of the Premises Manager. The intention of the compliance inspection programme is to assist identified premises managers with their designated roles and responsibilities. There are however, a number of matters that require attention and will be actioned: -

- The current schedule of premises managers requires constant attention and updating. A request to check and update the schedule is made half yearly. Heads of Services will be reminded that they need to ensure that the schedule is accurate.
- Training for premises managers to be monitored and reviewed

- A Corporate reminder will be given that all messages and instructions from H&S colleagues on key matters must be responded to and actioned.

3. Integrated Assessment Implications

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.2 The Integrated Impact Assessment process IIA Processes ensures that we have paid due regard to the above.

3.3 An IIA Screening form was completed (**Appendix E**) with an outcome indicating a full IIA 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: Social Services Overview 20/21
- Appendix C: Education Overview and Appendices 21/22
- Appendix D: Compliance Schedule 22/23
- Appendix E: IIA Screening Form