



**APPENDIX A**  
**Building and Property Services**  
**Statutory Compliance Strategy**

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<b>Purpose:</b>	To ensure that all building assets under the control of the Swansea Council comply with appropriate statutory, regulatory and corporate standards				
<b>Scope:</b>	This Strategy applies to all stakeholders utilising Swansea Council's owned building assets				

If you have any queries relating to the content of this document, or suggestions for improvements, please contact the Document Owner named above.

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## 1.0 Introduction

Local Authorities (LA) have a duty to ensure that buildings and land under their control comply with all relevant statutory, regulatory and corporate standards.

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.

Section 2 of the Act places a general duty on employers to *"ensure so far as is reasonably practicable the health, safety and welfare at work of all their employees"*. This H&S duty is designed to give protection to employees and extends to:

- a) The Provision and maintenance of plant and system of work
- b) H&S risks from use, handling, storage and transport of goods and substances
- c) Provision of training, information, instruction and supervision
- d) Workplace – maintenance of its condition so that it is safe and no risks to health; provision and maintenance of access and egress from it is safe and without risks

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- e) Provision and maintenance of a working environment for his employees that is safe and without risks to health; adequate welfare facilities.

Section 3 of the Act, *General Duty to Others* requires employers to conduct their undertaking in a way that does not pose risk to the Health and Safety of non-employees. This section is designed to give protection to the general public and other non-employees, such as children at school, clients in residential care homes and contractors.

A Local Authority's activities are ones to which the HSWA is likely to be particularly relevant as the majority of premises occupied by Local Authorities are open to the general public. Section 3 of the HSWA sets out a clear duty on Local Authorities to conduct their undertakings in such a way as to ensure, so far as is reasonably practicable the safety of the public using the premises.

Councils regularly face challenges in terms of their ability to control and manage what goes on within the buildings they have legal responsibility for and which buildings are used by staff or clients.

Councils are faced with a wide range of Health and Safety responsibilities that fall on building occupiers. Even where rigid policies and procedures are set out at a corporate level, responsibilities for their implementation are frequently delegated to premises managers who do not always appreciate the importance of ensuring that regular checks and control measures are carried out and recorded.

Authorities are faced with the situation where day to day responsibility and the majority of available resources are delegated to premises level but with the ultimate accountability remaining at corporate level within the Council.

In an attempt to ensure that the Council's property portfolio is as compliant as it can be, the Council has adopted a Corporate Landlord model in an attempt to place budgets and responsibilities in the most appropriate specialist areas. Where there are responsibilities that have to reside with service areas and their designated premises managers, this roles and responsibilities are more specifically identified as part of an overarching Service Tenancy agreement between the Council as Corporate Landlord and the Service Area as occupational tenant. This will be monitored by regular inspections by Property Services officers utilising the survey forms attached as **Appendix 1**.

Given the importance of ensuring that the LA adheres to the appropriate guidelines, the following are identified as core areas in relation to Statutory Compliance:

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To protect the Authority's interest in relation to statutory compliance, to include:

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

## 2.0 The Council's Property Assets

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

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### 3.0 Corporate Landlord

In order to ensure clarity of roles and responsibilities between the corporate landlord and service “tenants” an over arching agreement has been developed for all service areas, an example of which is shown in **Appendix 2**.

These agreements set out the properties that were utilised operationally by the individual service areas and also specify actions required by the Corporate Landlord and Service Tenant. The identified specific actions required by Premises Managers, coupled with the continuation of premises manager training provided by the Corporate H&S team will mitigate the risk of confusion on day to day and planned activities. Monitoring of compliance will be undertaken by the Property Team in accordance with the attached templates. These new arrangements will ensure clarity of responsibility.

It is expected that as this is a new regime that it will take a number of years before the process is imbedded and greater certainty of compliance is achieved. To ensure mitigation of potential lack of compliance, higher risk areas Social Services establishments, will be targeted first.

The AMP provides a strategic overview of the Authority’s property and land assets and describes the systems, processes and policies already in place or being progressed to manage and maintain them.

The AMP is intended to be used as a tool to help maximise the deployment of these assets to support service delivery and deliver the Authority’s corporate priorities and objectives.

### 4.0 Revenue Maintenance Budget [RMB]

At present, approximately 50% of the overall RMB is allocated to statutory compliance and a further commitment is allocated from the annual Capital Maintenance Budget [CMB] for more significant works in relation to Asbestos removal, Legionella, Glazing and Fire Risk Assessment.

To ensure compliance is maintained, it is recommended that any proposed reduction in the budget would automatically trigger a review of the policy.

### 5.0 Asset Management Database [AMD]

Currently the statutory compliance programme is monitored/recorded on a number of different spreadsheets. There is a need to migrate the data across to the AMD. This strategy will be revised accordingly once the data is migrated and the timeline for data migration will be dictated

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with available resources. By maintaining all the property data in one system we can ensure that an acquisitions or disposals can be recorded and a full and accurate picture maintained of the Council's property portfolio.

The ability to amend/upgrade the current AMD – Technology Forge facility is currently under investigation. If this is achievable this will convert the existing system into a cloud based system that will enable better mobile working, aid resilience and save money in the long run.

## 6.0 Management of Asbestos

The Control of Asbestos Regulations 2012 requires employers to prevent the exposure of their employees and others e.g. contractors to asbestos as far as is reasonably practicable. If this cannot be achieved then employers must take measures to reduce the employee's exposure to asbestos to the lowest level reasonably practicable.

Under Regulation 4 of the Control of Asbestos Regulations the “*duty holder*” must ensure that a suitable and sufficient assessment is undertaken to determine whether asbestos is present on the premises, the type of asbestos present and the condition of any asbestos identified in the property.

All SC building assets have been surveyed with an appropriate report being developed. The report identifies type and condition of any asbestos detected, all survey reports are available for perusal on the Intranet.

Once the assessment has been completed, conclusions from the assessment and any subsequent reviews are recorded. In addition to this, the duty holder must also consider building plans, other relevant information and the age of the premises, and inspect reasonably accessible parts of the premises.

As previously mentioned all relevant information is retained within the report. A copy of the report is retained on site by the nominated premises manager. For ease of reference an electronic copy is also available on the corporate website.

Where asbestos is identified or suspected, the duty holder must:

- Determine the risk from asbestos
- Prepare a written plan identifying the areas of the premises concerned and the measures necessary for managing the asbestos risk
- Implement the measures within the plan
- Record the measures taken to implement the plan

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These measures should include means for:

- Monitoring the condition of any asbestos or suspected asbestos
- Maintaining the asbestos or safely removing it
- Providing information which identifies the location and condition of identified asbestos to any person likely to disturb it. This would include caretakers and contractors working on the premises but this list is not exhaustive

The assessment and written plans must both be reviewed if they become invalid or if there have been significant changes to the premises.

Following consultation with The Health and Safety Executive all building assets are periodically re-visited, the frequency of any revisit will be based upon a suitable risk assessment, which will consider age, condition of asbestos etc. These revisits take place on a frequency of three months, six months, 1 year or two years, dependant on the outcome of the risk assessment carried out on individual properties. The risk assessment is based on the type of asbestos material identified, quantity of material present and the potential for this material to deteriorate.

The purpose of any revisit will be to determine the condition of the Asbestos and whether there has been any fundamental change in the building. Revisit documentation will be completed at the time of the revisit, this will also be signed by the premises manager. A copy of the retest documentation will then be added to the premises manager's file. The master copy [retained centrally] will also be updated.

Building Services (BS) will monitor the agreed programme of revisits and this will form the basis of its PI under this compliance strategy with a target of 100% of all visits being carried out in the relevant financial year. In 2018/19, the target of 100% was met with 546 revisits having been carried out.

## 7.0 Electrical Testing

The Electricity at Work Regulations 1989 state that all electrical systems and equipment used in the working environment should be in a safe condition. The installations should be maintained to prevent danger. The Health & Safety Executive recommend that to comply with the regulations, an appropriate system of periodic visual inspection and testing by a competent person should be implemented at all places of work.

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The frequency of inspection must be determined taking into account:

- The type of installation
- Usage and operation
- The frequency and quality of maintenance
- The external influences to which it is subjected

Fixed Electrical Testing is a requirement in accordance with BS7671:2008 (IEE Wiring Regulations 17<sup>th</sup> Edition) and the guidance provided in Inspection and Testing Guidance Note 3 (Issued by the IEE). All Council owned building assets will require the appropriate testing.

This work involves the inspection and testing of the fixed electrical wiring within building assets. There is a statutory requirement to undertake this work under the Health and Safety at work Act 1974, The Electricity at Work Regulations 1989, Regulatory Reform (Fire Safety) Order 2005 and the Workplace (Health, Safety and Welfare) Regulations 1992. There is also a link to Assets that are utilised for 'Public Entertainment' may be subject to other specific legislation.

Periodic inspection is necessary as all electrical installations deteriorate due to a number of factors such as damage, wear and tear, corrosion, excessive electrical loading, ageing and environmental influences.

Consequently, legislation requires that certain electrical installations are maintained in a safe condition and therefore must be periodically inspected and tested.

Licensing Authorities, Public Bodies, Insurance Companies, Mortgagers and others may require periodic inspection and testing of electrical installations.

Additionally, periodic inspection and testing should be considered:

- To assess compliance with B7671
- On a change of ownership/tenancy
- On a change of use
- Following amendments to the original installation
- Due to any significant change in the electrical loading of the installation
- Where there is reason to believe that damage may have been caused to the installation

BS has set the frequency of the testing which generally ranges from one to five years depending on the type of establishment and usage. If an installation is considered as unsatisfactory, a risk assessment is carried out and the installation is either recommended for isolation or for further precautions to be taken, including a six monthly retest.

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BS will monitor the agreed programme of testing and this will form the basis of its PI under this compliance strategy with a target of 100% of all visits being carried out in the relevant financial year. In 2018/19 the target of 100% was met with 229 tests having being carried out.

## 8.0 Water Hygiene and Safety (Legionella RA's)

The Health and Safety at Work Act 1974 states employers, so far as is reasonably, practicable, have to ensure the health, safety and welfare at work of all employees.

The risk assessment of work activities and premises required under the Management of Health and Safety at Work Regulations 1999 is of particular relevance when considering the health and safety risks from disease.

Under the Control of Substances Hazardous to Health Regulations 2002 (COSHH) pathogenic bacteria, including legionella are deemed to be “*substance hazardous to health*” and therefore are subject to the assessment, prevention/control and monitoring, provision of these Regulations.

The Health and Safety at Work Act 1974 covers the risk from legionella bacteria which may arise from work activities. In addition to the legislation mentioned above, the “Control of Legionella bacteria in water systems Approved Code of Practice” apply to the control of legionella bacteria in water systems.

An employer or a person in control of the premises (i.e. landlord), must identify and assess the sources of risk, prepare a scheme (or course of action) for preventing or controlling the risk and implementing and managing the scheme. A person must be appointed to be managerially responsible, sometimes referred to as the ‘*responsible person*’. This responsible person must keep records and check that what has been done is effective and if appropriate, notify the LA that there is a cooling tower(s) on site. In order to carry out the risk assessment, an employer should find out if the water systems (including the equipment associated with the system such as pumps, heat exchangers, showers etc) are likely to create a risk.

If, after carrying out the risk assessment it is considered that the risks are insignificant then no further action is needed other than to review the assessment periodically in case anything changes in the system. If a risk is identified which cannot be prevented then proper controls must be introduced.

In order to control the risks it will be necessary to implement a successful management policy, have competent staff and ensure that proper control strategies are put in place.

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As part of the strategy suitable procedures are in place which set out how it is intended to control the risk from legionella. This includes:

- A Description of the system
- Identification of the responsible person
- What control methods and other precautions will be used and provide details of the checks that will be carried out on the control scheme and how often they will be carried out

It is important to appoint someone to take responsibility for managing the control scheme that has been put in place. The '*responsible person*' needs to be competent, this means that they need to have sufficient knowledge and experience of the system to enable them to manage and control the scheme effectively.

Where contractors are employed to carry out water treatment or other work, it is still the responsibility of the appointed responsible person to ensure that the treatment is carried out to the required standards. Before appointing a contractor it is necessary to be satisfied that they are capable of doing the work to the required standard.

The findings from the risk assessment should be kept in writing along with details of any monitoring or checking that is carried out. A written record should also be kept of the written scheme and who is responsible for managing the scheme prepared, the results of the routine monitoring should also be recorded and all of these records need to be kept for a minimum of five years. Risk assessments should be updated every two years or earlier, if circumstances change i.e. when any changes are made to the system.

BS arrange to carry out Legionella Risk Assessments for all substantial commercial water systems in line with the Authority's Health and Safety procedures.

The Risk Assessments are reviewed on a bi-annual basis or on substantial change of use of the installation. The risk assessment will highlight any alterations or remedial works necessary to the installation and identify recommended maintenance and monitoring procedures.

BS will monitor the agreed programme of Legionella monitoring and this will form the basis of its PI under this compliance strategy with a target of 100% of all visits being carried out in the relevant financial year. In 2018/19, the target of 100% was met, with 284 visits having being carried out.

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## 9.0 Gas Safety

The Gas Safety (Installation and Use) Regulations 1998 place duties on gas consumers, installer, suppliers and landlords. It is the duty of the employer to ensure any gas appliance associated pipe work and flues in the work places are maintained in a safe condition. These regulations link with other safety controls on combustion equipment, such as the Building Regulations, which provide standards for ventilation and flues.

By law, anyone carrying out work on gas appliance or fittings as part of their business must be competent and registered with Gas Safe.

The aim of this strategy is to define the operational procedures to be undertaken by Building Services to ensure that the Authority conforms to the relevant sections of the Gas Safety (Installations & Use) Regulations 1998.

The strategy will:

- Ensure gas inspections and services are completed in accordance with current law and best practice
- Ensure compliance with HSE Codes of Practice and Guidelines.

The Approved Code of Practice and Guidance 'Safety in the installation and use of gas systems and appliances' Gas Safety (installation and Use) Regs 1998 place responsibilities on persons servicing and repairing gas appliances and landlords as follows:

- Ensure persons doing gas work are 'Gas Safe' Registered
- Not to use or permit the use of unsafe appliances
- Ensure safe maintenance of gas appliances, flues and installation pipe-work.
- Ensure an Annual Gas safety check is carried out and to record, maintain records Gas Safety Checks

BS are responsible for carrying out an annual gas safety check within all Council owned properties and must provide evidence of this by issuing a Landlord Gas Safety Certificate.

BS will also carry out a Gas Safety Check every time the status of a property or its tenancy changes. This is usually when a property becomes empty or when a mutual exchange takes place.

BS will monitor the agreed programme of safety checks and this will form the basis of its PI under this compliance strategy with a target of 100% of all visits being carried out in the relevant financial year. In

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2018/19 the target of 100% was met, with 235 commercial services having being carried out.

## 10.0 Glazing

To ensure compliance with The Workplace (Health Safety and Welfare) Regulations 1992, specifically Regulation 14, the Authority has a duty to undertake a risk assessment of their glazing in critical locations to identify any glass that could create a risk of injury to the buildings users or visitors.

If this identified glass is determined not to be of a sufficient safety standard then appropriate action should be taken to upgrade the glazing and to reduce the risk of such injury, the Authority has formulated its own glazing risk assessment and has acted upon the findings by fitting safety film to the necessary glazing.

The majority of the Authority's assets have been fitted with safety film which offers the same level of protection as safety glass. Due to the lifespan on the film there is an ongoing regime of surveying existing buildings as well as adding existing sites on a risk assessed basis.

On existing rough surface glass that the film will not adhere to, arrangements are made to replace the existing glazing.

All schools were issued with a glazing schedule report which provides a list of all glazing within the establishment confirming the location and type of glazing, details of the film application and also glazing that due to its location falls outside the scope of the Regulations. It is intended to electronically update all sites recently filmed with their own glazing register and also send updated glazing registers to schools where existing film has had to be replaced.

This is an ongoing annual programme and the condition of existing film is evaluated and tested to ensure it performs to the necessary level.

Schools are self governing, having their own maintenance budgets and have been notified that they must adhere to the authority's glazing risk criteria when replacing damaged glazing units and update their records accordingly.

## 11.0 Fire Safety

The Regulatory Reform (Fire Safety) Order 2005, places the responsibility on the duty holders in Public, Commercial and Housing assets to undertake formal fire risk assessments.

The previous fire management strategy has been revised to ensure a more efficient process. Corporate Health and Safety will support

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premises managers in the drafting and finalisation of fire risk assessments and operating procedures. BS hold the capital budget for undertaking any works required as result of findings of any risk assessment and discussions with M&WWFR&RS.

## 12.0 Safety of Lifting Equipment (LOLER)

Swansea Council has a duty placed on it by the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) to undertake periodic examinations of its lifts and lifting equipment. The HSE define lifting equipment as any work equipment for lifting and lowering loads, and includes any accessories used in doing so (such as attachments to support, fix or anchor the equipment).

Examples of lifting equipment used within the Council include:

- Patient hoists and slings
- Motor vehicle lifts
- Vehicle tail lifts and cranes fitted to vehicles
- A building cleaning cradle and its suspension equipment
- Goods Lifts
- Passenger lifts
- Tele handlers and fork lifts
- Lifting accessories

Lifting accessories are pieces of equipment that are used to attach the load to lifting equipment, providing a link between the two. Examples of lifting accessories include fibre or rope slings, chains (single or multiple leg), hooks, eyebolts, spreader beams etc.

Unless there is a specific 'examination scheme' specifying other intervals, thorough examination inspection frequencies for lifting machinery are conducted every:

- 6 months for lifting equipment and any associated accessories used to lift people
- 6 months for all lifting accessories such as slings, chains, 'D' shackles
- 12 months for all lifting equipment i.e. overhead cranes, chain blocks, lift trucks
- The contract administrators shall ensure monitoring of all thorough examination reports, to ensure quality assurance against maintenance contracts and prevent the potential escalation of B category notifications to A category notifiable.
- Corporate Health & Safety will monitor all category A notifications to ensure equipment is isolated where required and advise premises managers on amendments for continued safe operation of the site.

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- Corporate Landlord Services, will monitor where plant is not available and 3<sup>rd</sup> party inspections pertinent to the Authorities buildings portfolio and periodically audit compliance in partnership with Corporate Health & safety.
- Managers shall ensure that all equipment requiring examination is made available. Receive a copy of the thorough examinations via BES (British Engineering Services) or alternative contractor, for their premises which must be retained on site and isolate any equipment upon notification of any category A defect notice.

BS provides the administration function of the 3<sup>rd</sup> party thorough examination scheme contract.

All lifting equipment must be maintained to ensure it remains safe for use is a requirement under PUWER. Visual and user checks on lifting equipment should be undertaken between inspections. The nature, need for and frequency of such checks should be determined through risk assessment, taking full account of any manufacturer's recommendations.

BS provides the administration function of the various maintenance and services contracts relating to lifts and lifting equipment.

BS manages the Councils lifts/lifting equipment asset list

### 13.0 Pressure vessels

The main regulations covering pressure equipment and pressure systems are the Pressure Equipment Regulations 2016 (PER) and the Pressure Systems Safety Regulations 2000 (PSSR).

Examples of pressure systems and equipment are:

- boilers and steam heating systems
- pressurised process plant and piping
- compressed air systems (fixed and portable)
- pressure cookers, autoclaves and retorts
- heat exchangers and refrigeration plant
- valves, steam traps and filters
- pipework and hoses
- pressure gauges and level indicators

Under the Pressure Systems Safety Regulations 2000 (PSSR), all users and owners of pressure systems need to be able to demonstrate that their equipment is safe to use and that they are firmly aware of its safe operating limits.

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This is achieved by having a Written Scheme of Examination (WSE) completed by a 'Competent Person' with associated thorough examination reports. The WSE needs to be in place before the system or equipment is launched for operation, ensuring that any mandatory examinations within the Scheme are completed. A written scheme of examination is required for most pressure systems. Generally only very small systems are exempted.

The following pressurised systems are likely to require a written scheme of examination:

- a compressed air receiver and the associated pipework, where the product of the pressure in bars multiplied by the internal capacity in litres of the receiver is equal to or greater than 250 bar litres;
- a steam sterilising autoclave and associated pipework and protective devices; a steam boiler and associated pipework and protective devices;
- a pressure cooker;
- a gas-loaded hydraulic accumulator;
- a vapour compression refrigeration system where the installed power exceeds 25 kW;
- a narrow-gauge steam locomotive;
- the components of self-contained breathing apparatus sets (excluding the gas container); and
- a fixed liquefied petroleum gas (LPG) storage system, supplying fuel for heating in a workplace.

The WSE must be maintained throughout the lifetime of the equipment.

All authority pressure systems are covered by the definition of 'work equipment', and therefore, the Provision and Use of Work Equipment Regulations 1998 (PUWER) will also apply.

Where an asset is found to be operational and requiring a WSE and a WSE is not in place, the asset must be taken out of service immediately.

The responsible person / asset owner must advise immediately in writing any change or modification to a pressure system which has a written scheme of examination.

BS are responsible for undertaking a programme of maintenance and servicing of pressure equipment and systems within Council premises.

BS provides the administration function of the 3<sup>rd</sup> party thorough examination scheme contract "*The pressure system must be examined in accordance with the written scheme by a competent person*".

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## 14.0 Local Exhaust Ventilation

Local exhaust ventilation (LEV) systems use extract ventilation to prevent or reduce the level of airborne hazardous substances entering the breathing zone of people in the workplace. For these systems, the purpose of the inspection is to assess the performance of the system as a whole, demonstrating that the plant and associated ducting is performing in a manner consistent with the design specification.

Swansea Council is required to undertake thorough examinations of LEV such as fume hoods, spray booths, etc at least every 14 months to comply with the Control of Substances Hazardous to Health Regulations 2002 (COSHH) (as amended), Regulation 9. This requirement extends to all mechanical equipment installed to reduce or control exposure to airborne contaminants.

BS provides the administration function of the 3<sup>rd</sup> party thorough examination scheme contract and maintenance and services contracts.

## 15.0 Grounds/Play Equipment

BS provides the monitoring function of the Contractor for the grounds maintenance Contract and ensures that the specifications meet current and proposed legislative requirements.

All Outdoor Play Equipment must be manufactured, installed and maintained in strict accordance with BSEN 1176 & 1177 and this statutory requirement places a duty on the asset manager to ensure the periodic maintenance and inspection regime is undertaken. This places a duty on the Authority to ensure that PS provides competent advice and guidance and also assist in the independent inspection process of the equipment, on a regular basis.

As part of the Service Level Agreement, PS will coordinate Tree Surveys, Emergency works and tree pruning following storm damage, in order to mitigate the Health and Safety risks.

## 16.0 Schools

As referred to in paragraph 2 above, school buildings and the day to day responsibility for property maintenance are all covered within the Division of Responsibility document which is part of ongoing discussions between the Council/LEA and representatives of schools at the Premises Working Group. This will form part of a separate report when agreement has been reached to clarify areas of responsibility.

However, in general, all of the areas contained within this report fall within the responsibility of the School Governors. If there is ultimately a

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situation of lack of compliance or one that falls to be the subject of an HSE investigation then responsibility resides with the Chief Executive.

Schools have the opportunity to buy into the SLA's offered by Building services to cover the majority of the physical aspects of compliance. However, fire safety remains the responsibility of individual Head Teachers and Governors.

The situation specifically relating to kitchens is that BS will ensure that they comply with current Food Hygiene/Health and Safety legislation ensuring that any remedial work is work is undertaken. The management and organisation of the kitchen planned maintenance programme, to include the following:

- Annual inspection, servicing and associated repairs
- Annual inspection, cleaning inspection cleaning of duct work
- Portable appliance testing

This will support the Premises Manager in ensuring compliance is met for all commercial kitchens. In 2018/19, 100% compliance was achieved, with 98 inspections having being carried out.

## 17.0 Performance Indicators (PI's)

BS have recognised the significant importance of the aforementioned statutory legislation. To that end, BS have developed a series of specific performance indicators 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.

In simple terms only the achievement of 100% compliance will satisfy the requirements of the performance indicator and this overarching strategy.

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Any identified risks will be managed immediately as they occur through existing lines of management reporting, via the Heads of Service, Director and CMT.

## 18.0 Audit of compliance programme

The objective of the audit is to carry out an independent appraisal of risk control mechanisms and by making recommendations to improve effectiveness and efficiency of the activities and operating procedures.

The achievement of this objective involves:

- Reviewing and appraising the soundness, adequacy and application of the procedures adopted in fulfilling all areas of the compliance programme
- Ascertaining the level of compliance at a given point in time. This will involve analysis of the proposed programme against the actual compliance programme
- During the course of an audit the auditor will consider whether risk management, control and governance arrangements are adequate to manage risk relative to the programme.

Periodic spot check sample Inspections will be facilitated by Corporate Landlord Service CLS, however, as the requirements within each area of compliance varies it is difficult to set any firm figures for random auditing but the relevant manager i.e. Group Leader, Technical Services, will ensure that suitable and random audits are carried out to verify the achievements of compliance with this strategy. However it is not expected that the number of audits would exceed 10% of the total stock for any of the activities listed.

In addition to the year end performance indicators, a brief summary of what audits have been carried out and any recommendations will be summarised for the year end report

Under the HASAWA74, duty holders such as owners and employers have an obligation to ensure every item of equipment provided to, or used by, their employees is safe.

The type and nature of engineering inspection required varies depending on the equipment and which other regulations it falls under. However, as a rule, the more hazardous the equipment, the more regular and thorough any inspection must be. The main groups of plant that need statutory inspections by 'Competent Persons' are:

- Boiler plant/pressure systems
- Lifting equipment
- COSHH (Control of Substances Hazardous to Health) Regulations, usually known as Local Exhaust Ventilation (LEV)

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- Power presses;
- Electrical equipment.

Even if your workplace equipment does not fall under any of the above legislation then it will fall under the Provision and Use of Work Equipment Regulations (PUWER), which has its own requirements for inspections to be conducted.

Using an independent 'competent person' is highly recommended for any statutory inspections, as it rules out any suggestion of a conflict of interest when it comes to service and repairs. To this end, Swansea Council has a 3-year contract with BES (British Engineering Services) for the three groups that mainly affect Council business

- Boiler plant/pressure systems
- Lifting equipment
- COSHH (Control of Substances Hazardous to Health) Regulations, usually known as Local Exhaust Ventilation (LEV)

This has been agreed in conjunction with our Insurers Travellers and Marsh our brokers and currently satisfies their / our insurance requirements.

## 19.0 Period for review

The strategy will be reviewed on a 3 year basis, with the exception of any significant change in legislation or budget which will be initiate a review at the appropriate time.

## 20.0 Table of Legislation

Below is a list of relevant pieces of legislation that impact upon the compliance programme:

- Control of Asbestos Regulations 2012
- The Gas Safety (Installation and Use) Regulations 1998
- The Gas Safety (Management) Regulations 1996
- The Gas Safety (Rights of Entry) Regulations 1996
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- The Health and Safety at Work Act 1974

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- Approved Code of Practice and guidance *Legionnaires' disease: The control of legionella bacteria in water systems. Approved Code of Practice and guidance L8*
- Water Regulation and Water Byelaws 2000
- BS EN 806-5 2012 (was BS6700)
- Electricity at Work Regulations 1989
- 17<sup>th</sup> Edition IEE Regulations BS 7671:2008 + amendments
- Electricity Supply Regulations 1990
- The Landlord and Tenant Act 1985.
- The Gas Safety (Installation and Use) Regulations 1998.
- Management of Health and Safety at Work Regulations 1999.
- Occupiers Liability Act 1957
- Occupiers Liability Act 1984
- Gas Safety (Management) Regulations 1996 No.551
- Gas Appliances (Safety) Regulations 1995 No 1629
- Gas Safety (right of Entry) Regulations 1996 No 5235
- HSE Leaflet – LANDLORDS. A Guide to Landlords' Duties: Gas Safety (Installation and Use) Regulations 1998.
- HSE Leaflet – NEW INFORMATION. It Could Save Your Life.
- HSE Leaflet - GAS APPLIANCES. Get Them Checked. Keep Them Safe
- The Approved Code of Practice and Guidance 'Safety in the installation and use of gas systems and appliances' Gas Safety (installation and Use) Regs 1998.
- Regulatory Reform Fire Safety Order 2005
- The Workplace (Health Safety and Welfare) Regulations 1992, specifically Regulation 14.
- Outdoor Play Equipment must be manufactured, installed and maintained in strict accordance with BSEN 1176 & 1177.

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- Intruder alarm upgrades comply with EN 50131 (PD6662)
- GDPR 2018
- Lifting Operations and Lifting Equipment Regulations 1998
- Pressure Equipment Regulations 2016 (PER)
- Pressure Systems Safety Regulations 2000 (PSSR).
- Control of Substances Hazardous to Health 2002

#### **Authority H&S policies**

- Corporate Health and Safety Policy
- Electrical Safety Policy
- Management of Fire Safety Policy & Corporate Strategy
- Control of Substances Hazardous to Health
- Management of Asbestos Policy
- Legionella Policy (Final draft)

#### **Authority Guidance**

- Portable Appliance Testing

### **21.0 Abbreviations**

<b>SC</b>	Swansea Council
<b>RMB</b>	Revenue Maintenance Budget
<b>CMB</b>	Capital Maintenance Budget
<b>BS</b>	Building Services
<b>PS</b>	Property Services
<b>AMP</b>	Asset Management Plan
<b>AMD</b>	Asset Management Database
<b>LEA</b>	Local Education Authority
<b>LA</b>	Local Authority

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<b>PI</b>	Performance Indicator
<b>IEE</b>	Institution of Electrical Engineers
<b>ACM</b>	Asbestos Containing Material
<b>HSE</b>	Health and Safety Executive

## 22.0 References & Further Information

The following HSE publications give further general guidance:

BS7671:2008 (IEE Wiring Regulations 17<sup>th</sup> Edition)

Approved Code of Practice and guidance *Legionnaires' disease: The control of legionella bacteria in water systems. Approved Code of Practice and guidance L8* (Fourth edition) HSE Books ISBN 978 0 7176 66157 . Part 1

Legionnaires disease – Technical Guidance (2014); HSE books ISBN 978 0 7176 6635 5

*Health and safety in care homes* HSG220 HSE Books 2001 ISBN 978 0 7176 2082 1

IET Wiring Regulations 17th Edition (BS 7671:2008 incorporating amendment number 1:2011) Guidance note 3

<http://www.legislation.gov.uk/ukxi/2012/632/contents/made>

<http://www.legislation.gov.uk/ukxi/1998/2451/contents/made>

### Appendix 1 – Survey Forms

### Appendix 2 – Example Agreement Document

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