

Compliance Report

Autumn 2024

Executive Summary

This report will cover the compliance performance across the corporate portfolio over the last 12 months. The corporate portfolio consists of only public properties where Denbighshire are responsible for the repair and maintenance.

Each section will detail the legal responsibilities as set out in current legislation and highlight the previous 12 months' performance.

Scope

Definition of corporate buildings

Where DCC own a property or are responsible for the maintenance and servicing of the building, Denbighshire County Council remains the Duty Holder for that property. However, the location manager retains responsibility for maintenance and safety, and is legally required to cooperate with measures or processes implemented to manage the risk.

Each property will have different compliance requirements (i.e. not all properties DCC own will need to have an Asbestos re-inspection or some properties may not have mains Gas so will not require an annual service) so the totals for each compliance area will be presented at the start of that section.

ADM Denbighshire Leisure

The current position with Denbighshire Leisure is that individual Service Level Agreements are in place in order to finance the legal compliance elements of the building management.

Compliance Areas

We currently monitor the top 5 main areas of property compliance across the corporate portfolio. These include:

- Gas Servicing
- Electrical Testing
- Asbestos Re-Inspection
- Legionella
- Fire

Structure of the team

The compliance management is currently divided across 2 departments, the Property Maintenance team who coordinate and manage the Electrical Testing and Gas

Servicing. And the Property Health and Safety Team, who manage Legionella, Asbestos and Fire.

Structure charts can be found:

Appendix 1 – Property Maintenance Structure

Appendix 2 – Compliance Structure

Appendix 3 – Compliance Admin Support

KPIs

In order to monitor progress, Key Performance Indicators (KPIs) are reported on a monthly basis by Sam Jones and distributed to all relevant stakeholders. In addition, a monthly meeting is held with the managers of the compliance areas to discuss performance these meetings are minute'd

KPIs are colour coded based on a set of performance thresholds. These thresholds were established in 2018 when monitoring of KPIs fell within the Property Health and Safety Team and were presented and agreed by the Asset Management Group.

The thresholds differ based on their perceived potential risk and are as follows:

KPIS	RED	AMBER	GREEN
Percentage properties with a valid electrical test certificate	<85%	>85%	>90%
Percentage properties with a valid gas safety certificate	<95%	>95%	>98%
Percentage of properties with a valid Water Risk Assessment	<85%	>85%	>95%
Percentage of properties with a valid Fire Risk Assessment (FRA)	<85%	>85%	>95%
Percentage of properties with a valid Asbestos Report	<95%	>95%	>98%

The data presented below is from 12 months' worth of KPI data for each compliance area. Each section details a brief summary of what the item is (if necessary) then the legislative framework is presented. Following this the Performance is shown and any commentary on performance will be included in this section. Finally, Key Priorities are listed including any future changes or improvements to be made.

ASBESTOS

'Asbestos' is a naturally occurring mineral which is made up of thin fibres. These fibres were historically mixed with other compounds in varying quantities and widely used in construction pre 2000.

Asbestos comprises of 6 types, but primarily, the most commonly used were: Crocidolite, Amosite and Chrysotile.

Asbestos fibres pose the most significant risk when airborne and inhaled or ingested. The diseases stemming from Asbestos can take anywhere between 15-60 years to develop.

LEGISLATIVE FRAMEWORK

Asbestos is governed by a number of regulations. The Health and Safety Executive (HSE) Approved Code of Practice (ACOP), L143 entitled "Managing and Working with Asbestos" sets out the primary principles.

ACOP L143 is a working document based on the Control of Asbestos Regulations 2012 (referred to hereafter as CAR 2012) which details the need to eliminate or reduce so far as reasonably practicable any potential risks associated with Asbestos whilst complying with all legal responsibilities required under Health and Safety Act 1974 (HSAWA 1974) and Control of Substances Hazardous to Health 2002 (COSHH 2002).

Denbighshire County Council will ensure they are compliant with the requirements of CAR 2012. This includes maintaining an Asbestos Register, ensuring all staff and contractors who may disturb Asbestos have access to the register, the completion of a series of periodic reviews of Asbestos Containing Materials (ACMs) in situ and repair, protect or remove ACMs based on that review.

Currently the Asbestos Team have 2 formal contracts one for Surveying and Analytical and one Licensed Contractor for Asbestos Removal.

PERFORMANCE

Over the previous 12 months, the Asbestos Project Manager Kristal Butler has completed her additional training and become the Asbestos and Legionella Project Manager having completed her career pathway. All contracts are running smoothly. The contracts are monitored during monthly contractor meetings and KPIs managed against the contractual terms.

The Asbestos Team are considering the possibility of offering their services out to other councils at cost to generate potential revenue into the team.

The thresholds for performance are highlighted below and the previous 12 months' performance.

KPIS	RED	AMBER	GREEN
Percentage of properties with a valid Asbestos Report	<95%	>95%	>98%

ASBESTOS	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24
Number of Properties which have Asbestos and should be re-inspected as part of the management programme	101	99	99	99	90	90	90	87	87	87	87	87
Number of properties with a valid Re Inspection carried out	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

KEY PRIORITIES 24/25

The key priorities for the team are as follows:

- Identify mechanisms to share knowledge and collaborate with other councils at cost in order to compensate for the revenue deficit.
- Work to maintain the high performance in Re-Inspections

ELECTRICAL TESTING (EICR)

LEGISLATIVE FRAMEWORK

Denbighshire County Council have a policy and procedure in place which sets out to satisfy, so far as reasonably practicable, The BS7671 Regulations and all Health and Safety Executive (HSE) approved guidance. Including but not limited to the Electricity at Work Regulations 1989 which places further duties on the commissioning and management of Electricity in the workplace.

The regulatory guidance produced highlights the required standards needed in order to eliminate or reduce so far as reasonably practicable any potential risks associated with work or contact with electricity across Denbighshire County Council's property portfolio. DCC currently coordinate a programme of electrical testing, conducted by an NICEIC accredited contractor and does this every 5 years.

PERFORMANCE

Over the last 12 months' performance in this area has been very good, maintaining a 90 percentile throughout the full 12 months. The thresholds for performance are highlighted below.

KPIS	RED	AMBER	GREEN
Percentage properties with a valid electrical test certificate	<85%	>85%	>90%

ELECTRICAL TESTING	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24
Number of properties requiring an Electrical Installation Condition Report	145	145	146	147	147	147	148	149	149	150	149	149
Percentage of properties with a valid EICR	99%	99%	98%	99%	98%	97%	99%	99%	98%	96%	99%	98%

KEY PRIORITIES 24/25

The key priorities for the team are as follows:

- Work to maintain the high performance in Electrical Condition Testing
- Review current inspection list to identify if new properties need to be added/others removed.

FIRE

LEGISLATIVE FRAMEWORK

Denbighshire County Council ensure they are compliant with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (referred to hereafter as the RRFSO). This includes carrying out, updating and regularly reviewing fire risk assessments of all relevant accommodation we own, manage or occupy, to identify the risks to which customers are exposed and take appropriate measures to minimise the risk to life and property from fire.

We ensure that all properties where Denbighshire County Council are responsible are appropriately equipped with fire protection equipment and emergency lighting, fire doors, and safety signs, as advised by the FRA.

PERFORMANCE

Progress as well as performance has been exemplary over the last 12 months. Holly Thomas our new Fire Safety Manager has completed the implementation of digitally completed FRAs, including the management of digitised reports on Actions. Currently, Holly is training Sam Jones to cover Risk Assessments in order to continue with our efforts on succession planning.

At DCC Fire Risk Assessments are categorised into 3 priorities. Category 1 requiring an annual review of fire safety, Category 2 – biennially, Category 3 every 3 years. The details are as follows:

Fire Risk Assessments Data		
1	Number of Properties Requiring a Fire Risk Assessment (FRA)	164
2	Number of Properties Categorised as FRA 1	74
3	Number of Properties Categorised as FRA 2	56
4	Number of Properties Categorised as FRA 3	34

The thresholds for performance are highlighted below and the previous 12 months' performance

KPIS	RED	AMBER	GREEN
Percentage of properties with a valid FRA	<85%	>85%	>95%

The below table and chart highlights the overall performance across all areas and demonstrates that there is a consistent pattern of completion. These are arguably the most important KPIs as it shows the performance across the whole council and monitors the completion of all 166 sites.

FIRE RISK ASSESSMENT	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24
Number of Properties Requiring a Fire Risk Assessment (FRA)	166	165	165	165	165	165	165	164	164	165	164	164
Percentage of total properties with a valid FRA	99%	98%	99%	99%	99%	99%	100%	100%	100%	98%	99%	98%

KEY PRIORITIES 24/25

Fire Safety 24/25:

- Maintain the excellent completion rates.
- Progress with improvements to record and allocate FRA actions building a formal process to monitor completion
- Review options for online fire awareness training programs
- Professional development and support for the Fire team, whilst on career pathways.

GAS

LEGISLATIVE FRAMEWORK

Denbighshire have a Policy in relation to servicing of heating appliances. The procedure sets out to satisfy so far as reasonably practicable The Health and Safety Executive (HSE) Approved Code of Practice (ACOP), L56 entitled “Safety in the installation and use of gas systems and appliances” and is in line with current practice within Denbighshire County Council (DCC). ACOP L56 details the requirement to ensure a test is undertaken in order to ensure the appliance in situ is safe and suitable for use.

Further to this INDG265 further details landlord responsibilities, along with the standard legal obligations included under both the Health and Safety at Work Act 1974 (HSAWA 1974) and the Gas Safety (Installation and Use) (Amendment) Regulation 2018. Keeping occupiers and visitors safe from harm is paramount. As responsible landlords, Denbighshire County Council will take all reasonable steps to prevent accidents or incidents associated with Gas Services and appliances in the properties that we own or manage.

PERFORMANCE

DCC have a range of heating appliances, Oil, LPG and mains gas. Oil has the requirement to be serviced every 6 months. The KPIs are calculated by due date and at site level.

Performance has remained in the 80th and 90th percentile for the previous 12 months. However, as the KPI threshold is set fairly high and is in line with the housing thresholds, the Red Amber Green system does mean the stats look unfavourable.

There were previous issues with the existing contractor, so the Maintenance Team have started using another contractor and performance is improving.

KPIS	RED	AMBER	GREEN
Percentage properties with a valid gas safety certificate	<95%	>95%	>98%

HEATING SERVICES	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24
Number of Units requiring a Service Certificate	106	106	106	106	106	106	105	105	105	105	105	105
Percentage Oil, Gas, LPG Properties with a valid Service Certificate	88%	90%	91%	91%	90%	92%	92%	91%	81%	95%	93%	97%

KEY PRIORITIES 24/25

The key priorities for the team are as follows:

- Review current inspection list to identify if new properties need to be added/others removed.
- Continue to work at improving contractor performance and achieve higher percentages.

LEGIONELLA

The bacterium *Legionella pneumophila* and related bacteria are common in natural water sources such as rivers, lakes and reservoirs, but usually in low numbers. They may also be found in purpose-built water systems such as cooling towers, evaporative condensers, hot and cold water systems and spa pools.

[Legionella](#) bacteria are widespread in natural water systems, however, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, hot and cold water systems and spa pools used in all sorts of premises (work and domestic).

Certain conditions can increase the risk from Legionella:

- A suitable water temperature for growth (25 – 45°C)
- A source of nutrients for the organism e.g. sludge, scale, rust, algae etc
- A way of creating and spreading a breathable droplets e.g. aerosol created when using a shower, spa pool, air conditioning systems etc
- However, most people exposed to legionella do not become ill, and Legionnaires' disease is an uncommon event.

If conditions are favourable, the bacteria may grow increasing the risks of Legionnaires' disease and it is therefore important to control the risks by introducing appropriate measures outlined within Denbighshire County Council's procedures.

LEGISLATIVE FRAMEWORK

Our Procedural documentation sets out to satisfy so far as reasonably practicable The Health and Safety Executive (HSE) Approved Code of Practice (ACOP), L8 entitled "The control of Legionella Bacteria in water systems".

ACOP L8 details the Water hygiene's standards which need to be achieved in order to eliminate or reduce so far as reasonably practicable any potential risks associated with poor water hygiene and the spread of legionella within all of Denbighshire County

Council's property portfolio whilst complying with all legal responsibilities required under the Health and Safety at Work Act 1974 (HSAWA 1974) and the Control of Substances Hazardous to Health (COSHH Regulations)

As the duty holder for many premises, DCC will establish controls to ensure any exposure to Legionella is prevented or kept as low as is reasonably practicable.

PERFORMANCE

In 2022 The Legionella Team submitted a capital bid in order to find the additional funds needed to bring the corporate property stock up to the required standard. We are now 18 months into this refurbishment programme and it will run for a further 6-12 months.

After which time it is hoped that the revenue funding will be enough to maintain the water systems and ensure that our buildings remain fit for the future.

Over the last 12 months' performance in this area has been very good, maintaining a 90 percentile throughout the full 12 months. The thresholds for performance are highlighted below.

KPIS	RED	AMBER	GREEN
Percentage of properties with a valid Water Risk Assessment	<85%	>85%	>95%

LEGIONELLA	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24
Number of properties requiring a Water Risk Assessment	143	143	143	144	144	142	143	143	144	144	145	144
Percentage Properties with a valid Water Risk Assessment which is in date	99%	100%	100%	100%	97%	100%	100%	100%	100%	100%	100%	100%

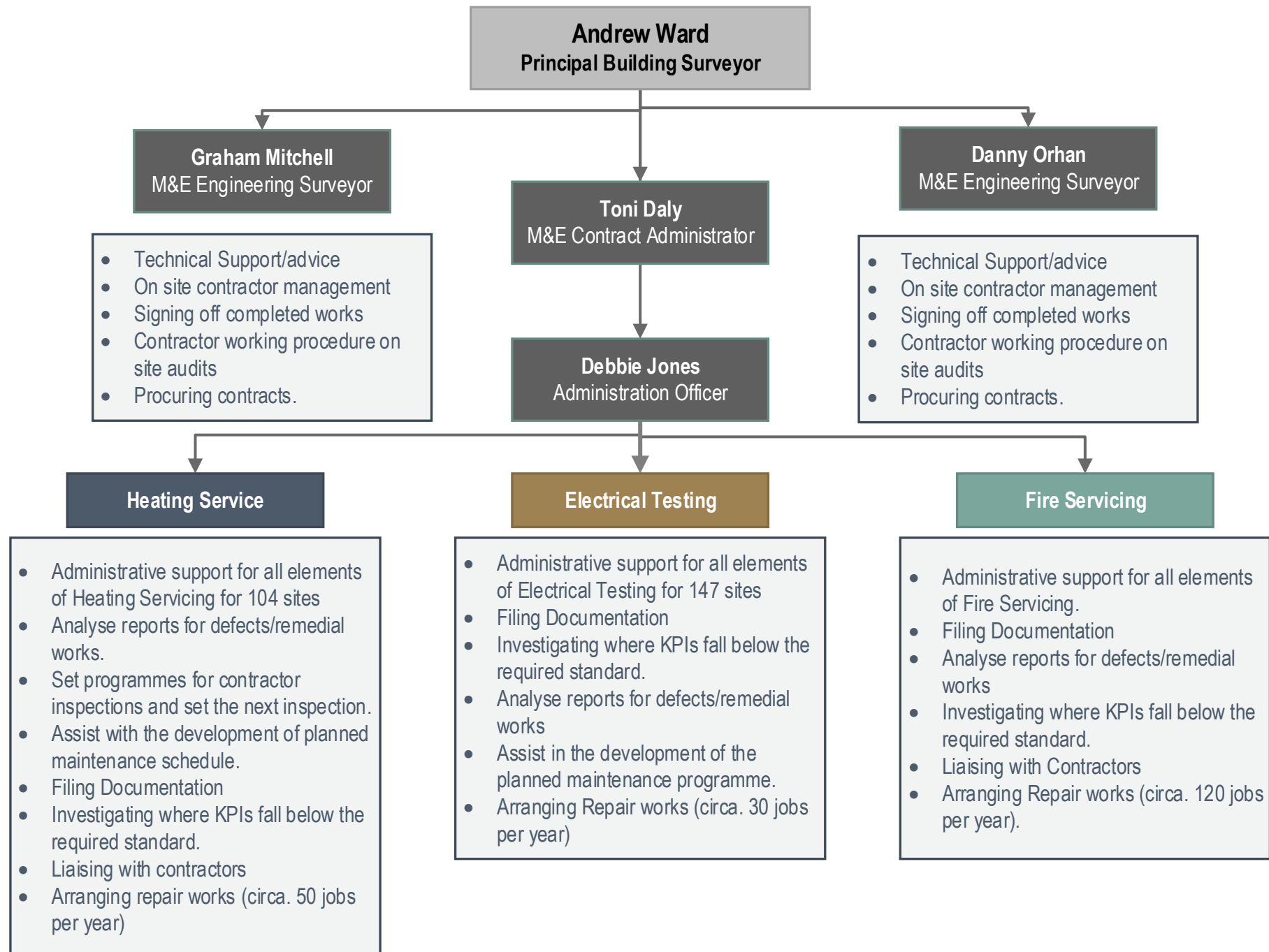
KEY PRIORITIES 24/25

The key priorities for the team are as follows:

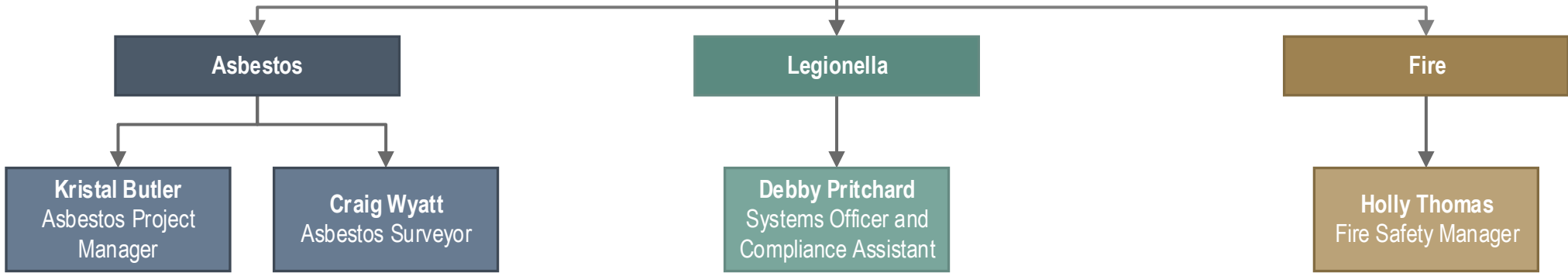
- Progress with the Risk Assessment Improvement Works
- Continue the consistent pattern of Legionella Risk Assessment performance
- Continue to manage the contractor effectively.

Heating Servicing, Electrical Testing, Fire Servicing

APPENDIX 1



Sarah Wainwright
Property Health and Safety Manager



Asbestos Management is managed across all corporate properties (circa 534 properties).and all Domestic Properties (Circa.3,300)

- Coordinating a programme of 87 Asbestos Re-Inspections
- Managing a programme of Asbestos Management Surveys (AMS project)
- Managing Corporate and Domestic Removals of both licensed and non-licensed materials
- Coordinating upwards of 1000 works orders each year
- Managing the Capital Budget
- Procuring Removal and Surveying and Analytical Contracts
- Contract Management including the production of KPIs and Coordinating meetings
- Ensuring legal compliance
- Liaising with HSE for Asbestos Audits
- Working with different departments to provide advice and guidance including V&E, D&C & Housing teams
- Developing strategies for departmental direction
- Developing & maintaining policies & procedures

- Legionella Management is managed across all corporate properties (circa 534 properties).
- Coordinating a programme of 143 Legionella Risk Assessments
- Coordinating the Monthly Monitoring programme across all 143 sites.
- Managing Thermostatic Mixer Valve (TMV) servicing 1923 over 123 sites.
- Managing a service programme for all expansion vessels totalling 397 over 111 sites
- Managing servicing of Booster Pump sets 11 over 9 sites
- Coordinating all remedial works totalling approx. 150 jobs per year
- Managing the Capital Budget
- Procuring Legionella Contracts
- Contract Management including the production of KPIs and Coordinating meetings
- Ensuring legal compliance
- Working with different departments to provide advice and guidance including V&E, D&C & Housing teams
- Developing strategies for departmental direction
- Developing & maintaining policies & procedures

Fire Safety is managed across corporate properties (circa 534 properties).

Fire Management:

- Coordinating a programme of 164 FRAs
- Completing FRAs
- Creating and monitoring the completion of actions to ensure legal compliance
- Liaising with Fire Service on behalf of DCC
- Working with different departments to create Fire Safety processes including V&E, D&C and Building Surveyors
- Developing strategies for departmental direction
- Developing & maintaining policies & procedures

Sarah Wainwright
Property Health and Safety Manager

Samuel Jones
Trainee Property
Compliance, H&S Officer

TF Asset Management Database:

- Conduct regular data integrity exercises
- Maintain accurate asset records
- Ensure full functionality

Fire Safety

- Coordinating appointments
- Inputting Actions arising from FRAs
- Running KPIs to assess performance against programme

Legionella

- Contract Meeting Minutes
- Updating Plant equipment with Dataloaders
- Raising works orders for scheduled work.

General Administration

- Running Compliance KPIs across the whole of DCC
- Extracting Data from Asset system in Reports on Request.

Asbestos

- Scheduling Upwards of 500 jobs per annum on the AMS Project
- Reconciling tenant details and liaising with Housing for access to conduct surveys
- Inputting data from surveys into Open Housing.
- Contractor Meeting Minutes
- Managing Re-Inspections