

Survey Preview

Project: Property Health and Safety Report.
Report requested by: Church Street Management Company.
Report carried out by: Paul Newman Tech IOSH, NEBOSH General and Construction Certificates.
Location: Hales Court, Church Street, Maidstone, ME14 1DG.
Date of report: 22nd March 2019.

Signed:

Content

- i. Summary.
- ii. Action plan.
- iii. Introduction.
- iv. Objectives.
- v. Limitations.
- vi. Management.
- vii. Description.
- viii. H&S Risks.
- ix. Risk Assessments.
- x. Legal Framework for managing agents and management companies.

Summary

On the 22nd March 2019 I carried out a Health and Safety Survey of the common parts of Hales Court, Church Street on behalf of Church Street Management Company.

In summary;

1. There is a low risk of exposure to legionella in the common parts of this block.
2. There is no visible asbestos containing material in the common parts and it is of my opinion that due to the recent refurbishment of this block, there is unlikely to be any hidden asbestos.
3. The risk of fire breaking out in the common parts is unlikely. The highest risk of fire in the common parts is from fire spreading from the domestic areas of the block. All individual dwellings are fitted with a minimum FD30 minute rated fire door. This door, is likely to contain a fire within an individual dwelling for enough time for the emergency services to respond.
4. Fire extinguishers have been installed and these will help aid evacuation should a fire break out or spread in the common parts.

Action Plan

	Action required	Responsibility for action	Implementation date	Date carried out
i.	Carry out findings of Risk Assessments	Church Street Management Company	ASAP	
ii.	Review any changes to risks at regular intervals, or should an incident occur.	Church Street Management Company	As required	
iii.	Install warning signage, where missing, to riser cupboard containing mains electric.	Church Street Management Company	ASAP	

Introduction

A Health and Safety Survey of the common parts of Hales Court was carried out on 22nd March 2019 on behalf of Church Street Management Company.

Objectives

The objective of this survey is to aid Church Street Management Company to comply with the following statutory acts and regulations;

- i. The Regulatory Reform (Fire Safety) order 2005
- ii. The Management of Health and Safety at Work Regulation 1999
- iii. The Health and Safety at Work act 1974

Beyond this, all HSE ACOP's and guidance will be followed to achieve a level above compliance.

Limitations

Although this report is thorough, it is limited to the present time of survey and therefore cannot take into account all potential hazards that could arise.

On this basis, the report, and any recommendations are provided to assist Church Street Management Company to comply with their legal obligations. This Survey does not remove these legal obligations.

Management

The responsibility of control of this property is that of Church Street Management Company. Although Church Street Management Company does not directly employ persons at this property they do directly engage contractors on site to carry out cleaning, maintenance and gardening.

Description

Hales Court is a purpose built residential block comprising of 12 flats. The block was constructed in 2012 and has 4 stories (ground to 3rd). The building and its interior are in a good condition

Externally, the front area is block paved. This is also in good condition.

The property is a bare stone construction with weather-boarded sections and has a flat roof.

Internally, the common parts are carpeted and these carpets are in good condition. There are plastered, painted walls, a suspended ceiling and internal wooden staircases with wooden hand rails. Some walls are solid and some are stud walls. The electrical services are located inside a ground floor riser cupboard.

Each floor has a wooden glazed communal door and the top floor has a sky light present which also functions as a smoke vent when activated.

Access to the property is controlled via a locked front door and intercom system. The intercom has a trade entrance button which is active from 8am until 1pm.

Health and Safety Risks

Fire

The risk of fire or injuries resulting from the breakout of fire in the common parts of this property are remote. It is highly unlikely that a fire will start in the common parts of this property. On inspection of the electrical riser cupboard and its contents there was no sign of overloading or damage. The riser cupboards were secure at the time of visit but still do not have sufficient signage to warn of the high voltage.

No combustible waste was present in the common parts at the time of visit and suitable refuse storage locations have been provided.

The risk of arson is low.

The means of escape are adequately separated from the individual dwellings. Each dwelling has a suitable FD30 fire door. The common parts do not have material that would support the spread of fire. There are no obstructions along the routes of escape and no material is stored on the escape routes. The distance between the furthest dwelling and the front door exit is around 35 metres.

The front door to the block is secured with a magnetic lock and is inward opening. Ideally, as a fire door this would open outwards and would have a push bar or push pad. This would aid escape in the event of a fire.

There is currently no automatic fire detection system in the common parts, but it is my opinion that this is not required. Automatic smoke vents are in place, as are escape lighting and fire exit signage. Fire extinguishers in the common parts were installed as per findings of previous report.

A fire from inside one of the dwellings provides the highest risk of fire spreading or breaking out in the common parts. Should a fire occur in the dwelling, it would probably be contained within the dwelling due to the FD30 door. The current fire plan denotes that residence do not have to evacuate the premises in the event of a fire.

Legionella

There are no communal water services in the common parts of the block. There are also no cold water storage tanks present on site as all cold water is drawn from the mains. The risk of exposure to legionella in the common parts of the premises is highly unlikely.

Slips/Trips and Falls

All surfaces within the block and the immediate exterior vicinity are even and in a sound condition. All areas are adequately illuminated.

The carpeted hallways and stairs within the block are in a good state.

General maintenance/Cleaning

Cleaning is carried out weekly by an external contractor. Maintenance is carried out as and when required, also by external contractors. The risks posed by these works are small but are risk assessed later in this document.

Appendix A

The legal responsibilities of managing agents.

The legal responsibilities of managing agents and landlords result from the Health and Safety at Work act 1974. The sections of the act which mostly effect landlords and managing agents are 3 and 4.

Section 3 of the act imposes a duty that every managing agent should conduct his undertaking in such a way as to ensure, as far as reasonably practicable, that persons who may be affected are not thereby exposed to risks to their health and safety.

Section 4 imposes a duty on each managing agent who has control, to any extent, of non-domestic property used as a place of work, to take such measures as it is reasonable for a person in this position to take to ensure, so far as reasonably particle, that the property all means of access and egress, and any plant or substance in this property is safe and without risk to health.

These duties under the Health and Safety at Work act 1974 cannot be passed to contractors or delegated. This has been upheld in past court proceedings and although maintenance and cleaning can be contracted, it is the duty of the managing agent to ensure these works are carried out in a safe manner.

Section 37 of the act states that where a health and safety offence to have been committed with the consent, connivance, or is attributable to any neglect on the part of any Director, Manager or a person who was acting in any such capacity, he as well as the body corporate will be liable to be proceeded against and punished against if found guilty.

The main regulations affecting landlords and managing agents are;

1. The Managements of Health and Safety at Work Regulations 1999.
2. The Regulatory Reform (Fire Safety) Order 2005
3. The Control Asbestos Regulations 2012

The Managements of Health and Safety at Work Regulations 1999

The Managements of Health and Safety at Work Regulations 1999 applies to all work activity. The regulation requires that;

- i. Managing agents must apply an adequate number of competent persons to assist them in complying with their obligations under health and safety legislation
- ii. Managing agents must assess risks to health and safety of persons arising out of, or in connection with the conduct by him of his undertaking. The significant finding of the risk assessment must be recorded where the managing agent employs 5 or more persons.
- iii. Managing agents must take the preventive and protective measures to comply with the law identified by the risk assessments.
- iv. Managing agents must take appropriate action to arrange affective planning, organisation, control, monitoring and review or the

- preventative and protective measures. Where the managing agent employs 5 or more persons these arrangements must be recorded.
- v. Managing agents must provide employees or persons working in the premises with specified health and safety information relevant to any tasks they are carrying out.

The Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 requires a responsible person to undertake a fire risk assessment and identify the general fire precautions needed to ensure, as far as reasonably practicable, the safety of persons from fire.

Having identified the general fire precautions necessary, the responsible person must then implement them. Where the responsible person employs 5 or more persons or any form of licence or certification applies to the use of the premises, the significant finding must be recorded.

Responsible person is identified as, the employer, the occupier or the owner as far as their control extends. In premises which are not work places the landlord or managing agent is likely to be the responsible person. All occupants must cooperate with the responsible person.

In most cases the local Fire and Rescue authority are charged with enforcing the Fire Safety Order. They have a range of enforcement options from education and advice through agreed action plans to formal enforcement notices and prohibition notices. Failure to comply with the Fire Safety Order may constitute a criminal offence.

In general, the Fire Safety Order applies to all areas of a premises except those areas occupied as private domestic dwellings. Where there are areas used in common by the occupants of more than one such dwelling, the Fire Safety Order applies.

The Control of Asbestos Regulations 2012

Managing agents with repair and maintenance responsibility must ensure that asbestos containing materials within the property are properly managed. They must also provide information about the location and condition of the material to anyone likely to disturb the asbestos containing materials.

Managing agents must prepare procedures, provide warnings and advice to deal with asbestos in the case of an emergency where asbestos is released.

The Housing Act 2004

The Housing Act 2004 requires local authorities to review conditions of housing within their area. This is to identify any action required to be taken about those conditions under the provisions of the Act.

Part 1 of The Housing Act replaces the existing Housing Fitness Standard with a risk assessment procedure called The Housing Health and Safety Rating System. This system is evidence based.

The Housing Health and Safety Rating System must be used to assess 29 categories of housing hazards and to provide a rating for these hazards.

These ratings, along with categorisation of hazards, are used to inform decisions about the type of enforcement action the local authority may be required to take.

Where a local authority identifies a fire hazard within a house in multiple occupation or in a communal area of a premises that contains more than 1 flat and intend to take enforcement action, may take enforcement action. The different types of enforcement action available to local authorities are; improvement notices, prohibition orders, hazard awareness notices, emergency remedial action, emergency prohibition orders, demolition orders and slum clearance declarations.

Appendix B

Risk Assessments

Property	Hales Court, Church Street, Maidstone, ME14 1FG
Hazards	Fire
Person at risk	Occupants and visitors
Risks	The risk of any injury from fire is remote in the communal parts of the premises
Relevant statutory provisions	Regulatory Reform (Fire Safety) Order 2005 Management of Health and Safety at Work regulations 1999

Reduce or prevent risks and comply with statute

- i. Measures taken to prevent the risk of fire and reduce the spread of fire in the premises.
 - A. All electrical distribution systems are to be tested every 10 years.
 - B. Any gas system provided by a landlord is to be annually inspected and tested.
 - C. All “hot works” are to be controlled by an authorisation process.
 1. Contractors are required to notify intention to carry out “hot works”;
 2. All persons carrying out “hot works” are to have a functioning fire extinguisher present and also for a minimum of 1 hour after the work has been completed.
 - D. Ensure that combustible materials are not stored in any services cupboards or in the escape routes; storage cupboards in the common areas should be kept locked and free from highly combustible materials.
 - E. Inspect fire stopping in the communal parts of the premises annually and soon after contractors have completed works which may have compromised it.
- ii. Measures to detect fire and give warning in case of fire.
 - A. No additional measures are required to detect and give warning of fire in the communal parts of these premises.
- iii. Measures to provide a safe means of escape from the property.
 - A. Emergency lighting, automatic operating smoke vents and fire route signage present.
 - B. Fire extinguishers to provide a safe means of escape from these premises.
- iv. Measures to ensure all means of escape can be safely and effectively used

if required

A. Occupants and contractors are to be informed that corridors and stairwells are to be kept clear of combustible materials, goods and possessions.

B. Check the following items whenever the premises are visited:

- 1) Any contractors carrying out “hot works” are working safely in accordance with their method statement and plans of work. The use of a permit to work system would be recommended.
- 2) Automatic operating smoke vents are working.
- 3) The communal entrance doors are locked and in working order.
- 4) Escape lighting operates correctly.
- 5) Escape routes are clear of stored goods and materials.
- 6) Escape routes and fire exits from the property are unlocked, unobstructed and available for use.
- 7) There is access to the premises for fire fighting equipment.
- 8) Any ‘work at height’ is carried out safely and by a competent person.

C. Service the following annually:

- 1) Escape lighting.
- 2) Automatic operating smoke vents.

v. Measures to be taken in the event of fire in the premises.

A. Occupants are to be informed that in the event of fire in their flat:

- 1) They are to vacate their flat and call the fire service on 999;
- 2) However, other persons can remain in their flats, unless directed to leave by the fire services.

B. Contractors are to be informed that:

- 1) In the event of fire during “hot works” they are to attempt to put out the fire using their fire extinguisher if they can do so without endangering themselves or others effected by their acts..
- 2) In the event of fire when they do not have an extinguisher, they are to leave the premises and call the fire service on 999.

vi. Measure to be taken to fight fires on the premises.

- A. No additional measures are to be taken to fight fires in the communal parts of the premises.
- vii. Further measures required to comply with the law.
 - A. Records of the actions required by this risk assessment shall be kept.

Risk assessor: Paul Newman Tech IOSH

Date: March 2019

The finding of this risk assessment must be reviewed at regular intervals, if there is any change and immediately after any incidents. Any reviews must be carried out by a competent person and must be recorded.

Review Log

Date of review	Reason for review and action(s) taken	Reviewer

Property	Goring Place, Church Street, Maidstone, ME14 1FG
Activity	General Property Maintenance
Persons at risk	All maintenance contractors and users of the property
Risks	<p>It is possible that maintenance contractors may suffer:</p> <ul style="list-style-type: none"> i. Serious personal injury from falling from height. ii. Serious personal injury from electrocution by using damaged/unsuitable electrical equipment. <p>It is possible that workers may suffer:</p> <ul style="list-style-type: none"> i. Significant injuries from manual handling of heavy items. <p>It is possible that other persons using the property may suffer:</p> <ul style="list-style-type: none"> i. Significant injuries from being hit by falling objects.
Relevant Statutory Provisions	Management of Health and Safety at Work Regulations 1999.

Reduce or prevent risks and comply with statute

- i. Instruct contractors to;
 - a) Take all practical measures to avoid working at height.
 - b) Implement the following safe methods of working to minimise risks to health and safety of workers and other persons;
 - c) Provide workers with information, instruction and training on how to work safely to protect themselves and other people;
 - d) Provide workers with method statements of any high risks (e.g. electrical works, hot works and works that require being at height);
 - e) Provide and use the least hazardous substance suitable for tasks;
 - f) Provide workers with suitable working equipment that is safe to use;
 - g) Ensure sufficient time is provided for works to be carried out safely;
 - h) Instruct workers not to bring any unauthorised persons and children to site.
 - i) Ensure workers maintain a high standard of cleanliness on site, reinstate fire prevention, report injuries/incidents or property damage.
 - j) Carry out appropriate supervisory checks to ensure workers are working safely, maintaining high standards of housekeeping and cleanliness, and repairing/replacing damaged fire prevention;
 - k) Keep appropriate records for inspection;
 - l) Report injuries, incidents or any damage to property.
- ii. Carry out checks to ensure that contractors are complying with these instructions.
- iii. Take appropriate action if there is evidence that safe systems of working are not being adhered to, or if there are repeated breaches to these instructions or of Health and Safety Law.

Risk assessor: Paul Newman Tech IOSH

Date: March 2019

The finding of this risk assessment must be reviewed at regular intervals, if there is any change and immediately after any incidents. Any reviews must be carried out by a competent person and must be recorded.

Review Log

Date of review	Reason for review and action(s) taken	Reviewer
Property	Goring Place, Church Street, Maidstone, ME14 1FG	

Hazards	Slips, trips and falls
Persons at risk	All users of property
Risks	The possibility that property users may suffer <ul style="list-style-type: none"> i. Significant injuries from falling from height or down stairs; ii. Significant injuries from trips and slips on the level.
Relevant statutory provisions	Occupiers Liability Acts 1957 and 1984 Housing Act 2004

Reduce or prevent risks and comply with statute

- i. All surfaces to be maintained in good condition;
- ii. Occupants to be requested to immediately notify the managing agents of any defective or damaged surfaces;
- iii. All surfaces to be inspected quarterly;
- iv. Damaged areas to be repaired.

Risk Assessor: Paul Newman Tech IOSH

Date: March 2019

The finding of this risk assessment must be reviewed at regular intervals, if there is any change and immediately after any incidents. Any reviews must be carried out by a competent person and must be recorded

Review Log

Date of review	Reason for review and action(s) taken	Reviewer