

Public Document Pack



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29 May 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** will be held as a Remote Meeting - Teams Live Event on Monday 8 June 2020 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough, Democratic Services Manager on 01304 872304 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white background.

Chief Executive

Overview and Scrutiny Committee Membership:

L A Keen (Chairman)
C D Zosseder (Vice-Chairman)
D G Beaney
S H Beer
T A Bond
J Rose
M Rose
C A Vinson
R S Walkden
P Walker

AGENDA

- 1 **APOLOGIES** (Page 4)
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS** (Page 5)
To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 6)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Page 7)

To confirm the Minutes of the meeting of the Committee held on 10 February, 24 February and 2 March 2020 (to follow).

5 **DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE** (Page 8)

To receive the Cabinet decisions in respect of recommendations of the Overview and Scrutiny Committee.

6 **ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, OR ANOTHER COMMITTEE** (Page 9)

There are no items for consideration.

7 **NOTICE OF FORTHCOMING KEY DECISIONS** (Pages 10 - 11)

It is intended that Members should use the Notice of Forthcoming Key Decisions to identify topics within the remit of the Committee for future scrutiny.

8 **SCRUTINY WORK PROGRAMME** (Pages 12 - 13)

It is intended that the Committee monitor and prioritise its rolling work programme.

9 **PUBLIC SPEAKING** (Pages 14 - 15)

Please note that in accordance with the agreed Protocol for Public Speaking at Overview and Scrutiny, the right to speak only applies to agenda items 10 – 13.

Members of the public wishing to speak must register to do so by no later than 2.00 pm on the second working day (Thursday) before the meeting.

In a change to the normal public speaking rules, members of the public will be registering to speak through means of a written letter of no more than 500 words.

10 **ADOPTION OF HOUSING STOCK COMPLIANCE POLICIES** (Pages 16 - 89)

To consider the attached report of the Strategic Director (Operations and Commercial).

11 **REVIEW OF THE REVENUE AND CAPITAL BUDGETS IN RESPONSE TO THE COVID-19 PANDEMIC** (Pages 90 - 107)

To consider the report of the Strategic Director (Corporate Resources).

12 **DOVER DISTRICT COUNCIL HOUSING DELIVERY ACTION PLAN 2020** (Pages 108 - 130)

To consider the attached report of the Head of Planning, Regeneration and Development.

13 **USE OF FUTURE HIGH STREETS FUND REVENUE GRANT** (Pages 131 - 134)

To consider the attached report of the Strategic Director (Operations and Commercial).

Access to Meetings and Information

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. You may remain present throughout them except during the consideration of exempt or confidential information.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Democratic Services Manager, democraticservices@dover.gov.uk, telephone: 01304 872304 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

APOLOGIES

To receive any apologies for absence.

APPOINTMENT OF SUBSTITUTE MEMBERS

To note appointments of Substitute Members.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

MINUTES

To confirm the Minutes of the meeting of the Committee held on 10 February, 24 February and 2 March 2020 (to follow).

Decisions of the Cabinet Relating to Recommendations from the Overview and Scrutiny Committee

The Cabinet at its most recent meeting considered the following recommendations from the Overview and Scrutiny Committee:






- 4a Housing Management Options Appraisal - Outcome of Formal Consultation
- 4b Overview of Procurement Policy
- 4c Appointments to Tides Project Advisory Group

The Record of Decision for the Cabinet meeting will contain the decisions of the Cabinet in respect of the recommendations from the Overview and Scrutiny Committee.

**ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET OR ANOTHER
COMMITTEE**

There are no items for consideration.

Notice of Forthcoming Key Decisions which will be made on behalf of the Council

Key Decisions 2019/20	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)	Summary of Item	Agreed for inclusion in the Work Programme
1	Property Acquisitions	Ongoing (decisions to be taken by Portfolio Holder for Finance and Governance or Strategic Director (Corporate Resources))	On 30 November 2016 the Council approved an Investment Property Strategy. This notice relates to decisions to be taken to acquire properties in pursuance of the adopted Strategy.	 14/10/19
34	To consider a proposed increase in Hackney Carriage fares	Cabinet (date to be confirmed)	To consider a variation to the Hackney Carriage tariff proposed by the licensed trade	 20/01/20
40	Adoption of compliance policies in connection with management of Council's housing stock	1 June 2020 (remote meeting)	The adoption of the policies and their subsequent implementation is the method by which both Dover District Council and the Regulator can be assured that the management and maintenance processes for compliance will comply with the relevant statutory health & safety legislation and regulation.	 Agreed by Chairman
41	Award of waste collection and street cleaning contract	6 July 2020 (remote meeting)	To agree the award of the waste collection and street cleansing contract which is due to start on 16 January 2021 and run for an 8-year period until 2029	 Agreed by Chairman
42	Inter-Authority Agreement with Kent County Council for recycling and waste	6 July 2020 (remote meeting)	To agree the Inter-Authority Agreement between Kent County Council and Dover District Council for recycling and waste collections.	 Agreed by Chairman

Agenda Item No 7

Note: (1) Key Decisions which have already been taken do not appear in this extract of the Notice of Forthcoming Key Decisions.

OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2019/20

The following is a list of items for note that were on the work programme for 2019/20 and will be carried over to the 2020/21 work programme and implemented as resources permit.

Month	Issue	Resource Implications for Scrutiny				Reason for Inclusion on the Work Programme (incl. any actions required)
		Members On-going or single item?	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
Items to be Scheduled	Petition	Single Item	Democratic Services Manager			To receive a petition.
	Dover District Leisure Centre - review of performance against targets and public transport access provision	Single Item	Strategic Director (Operations and Commercial)			Agreed for inclusion by the Committee at its meeting held on 11/11/19
	Update on capital expenditure relating to Digital Agenda	Single Item	Strategic Director (Corporate Resources)			Agreed for inclusion by the Committee [Final date still subject to confirmation]
	Corporate Consultation	Single Item	Chief Executive			Agreed for inclusion by the Committee
	Noise nuisance policy and performance (with particular respect to the out of hours service)	Single Item	Head of Regulatory Services			Agreed for inclusion by the Committee at its meeting held on 11/11/19 [Final date still subject to confirmation]
	Food Poverty Review	Scrutiny Review	Democratic Services Manager			To develop a response to the Council Motion.

Month	Issue	Resource Implications for Scrutiny				Reason for Inclusion on the Work Programme (incl. any actions required)
		Members On-going or single item?	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
	Review of property purchases (Overview – not individual property)	Single Item	Strategic Director (Corporate Resources)			Agreed for inclusion by the Committee
	Youth Services	Single Item	Democratic Services Manager			To invite DDC, KCC, Voluntary Sector (To be confirmed)
	Overview of Car Parking Policy	Single Item	Strategic Director (Corporate Resources)			Agreed for inclusion by the Committee

Please note items beyond the current month are subject to change depending on Forward Plan, etc.

Items agreed for inclusion in the work programmes as they arise:

Agreed for Inclusion?	Subject	Action
Agreed	Neighbourhood Plans	To come forward for scrutiny in accordance with the Notice of Forthcoming Key

Once agreed for inclusion, the Democratic Services Manager will look to schedule the meetings accordingly.



Remote Meetings

Overview and Scrutiny Committee

The Council Offices will be closed during a remote meeting and it is not possible for the members of the public to physically “attend” a remote meeting.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public’s legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view remote meetings where possible.

Joining a Remote Meeting

To join a remote meeting, you will need to join via the link on the Council’s website. This can be accessed via the agenda page for each meeting. The Council is using Teams Live Events (a Microsoft Product) for its remote meetings and you will be taken to the meeting by clicking on the link.

The best way to view the remote meeting is through a laptop or desktop computer. However, you should also be able to view through a smartphone or tablet device. You will need internet access to do this.

Public Speaking

In a change to the normal public speaking rules, members of the public will be registering to speak through means of a written letter of no more than 500 words.

The procedure for registering to speak itself remains unchanged and you must provide notice of a request to speak in writing by email to democraticservices@dover.gov.uk or by means of the webform that can be found on the council’s website at <https://forms.dover.gov.uk/scrutinycommittee>

Registration will be on a first-come, first-served basis. If you have been successful in registering to speak, you will be contacted by a member of the Democratic Services team. In all cases, public speaking requests must be received by no later than 2pm on the second working day before the meeting. For a Monday meeting, this would be 2pm on the previous Thursday.

Registering to speak at a remote meeting confers **the right to submit a speech** on a first-come, first-served basis. There is a maximum of four speakers permitted to register to speak in relation to any one agenda item.

If you have been successful in registering to speak you will be contacted by a member of the Democratic Services team. If you are successfully registered to speak you must submit by email to democraticservices@dover.gov.uk your written speech (of not more than 500 words) by 10.00am on the day of the remote meeting.

Statements will be read out to the remote meeting by an Officer (who is not presenting the report) on behalf of the speakers.

In submitting their speech each speaker accepts that they remain fully responsible for its content. If any defamatory, insulting, personal or confidential information, etc. is contained in any speech received from any speaker, and/or read to the remote meeting by an officer, each speaker accepts full responsibility for all consequences thereof and agrees to indemnify the officer and the Council accordingly.

Feedback

If you have any feedback on the Council's remote meeting arrangements please let us know at democraticservices@dover.gov.uk

Subject:	HOUSING STOCK COMPLIANCE POLICIES
Meeting and Date:	Cabinet - 1 June
Report of:	Roger Walton, Strategic Director (Operations and Commercial)
Portfolio Holder:	Councillor Oliver Richardson, Portfolio Holder for Environment and Commercial Services
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To adopt a suite of compliance policies appertaining to the management of the Council's housing stock.

Recommendation:

1) That the Council adopts the suite of policies, written on behalf of the four local authorities whose assets are currently managed by East Kent Housing, which relates to the various aspects of statutory health & safety compliance associated with managing housing stock.

2) That Cabinet delegates to the Strategic Director (Operations and Commercial) the authority to adopt minor amendments.

1. Summary

- 1.1 In 2019 it emerged that East Kent Housing had got itself in to a position whereby a significant proportion of its housing stock did not have up to date gas safety certificates. As a result members of Dover District Council were advised formally that they could no longer place reliance on the fact that the Council was discharging its statutory duties with respect to the health & safety compliance of its housing stock.
- 1.2 The resultant recovery plan is predicated on creating and adopting robust health and safety compliance policies, together with devising and implementing robust methods for ensuring operations are in accordance with these policies,
- 1.3 The statutory nature of health and safety compliance effectively determines the vast majority of the policies and the fact that the policies have been drafted by an external organisation with considerable experience and expertise will reassure members that they can place reliance on the policies.
- 1.4 The nature of compliance policies, which are largely dictated by legislation, means that they are subject to minor changes that are often technical and statutory. These changes can also, on occasion, be required at short notice. Delegating authority to the Strategic Director (Operations & Commercial) provides the ability for the Council to respond nimbly to any minor changes.

2. Introduction and Background

- 2.1 In 2019 it emerged that East Kent Housing had got itself in to a position whereby a significant proportion of its housing stock did not have up to date gas safety certificates.
- 2.2 Subsequent investigation by the four Councils revealed that the East Kent Housing management and information systems were inconsistent and, in a number of areas, incomplete to the extent that East Kent Housing were not able to demonstrate health and safety legislative requirements had been met, not only in relation to gas safety but also in relation to the other strands of health and safety: legionella; fire safety; electrical safety, asbestos safety and the safety of lifts. As a result, members of Dover District Council were advised formally that they could no longer place reliance on the fact that the Council was discharging its statutory duties with respect to health & safety compliance of its housing stock.
- 2.3 Serious concern about this matter, together with wider management issues, was expressed not only by the four Councils but also in the press, in parliament and by Central Government, resulting in a requirement on the four Council's to submit a recovery plan to the regulator. Creating robust health and safety compliance policies, together with devising and implementing robust methods for ensuring operations are in accordance with these policies, are central to the recovery plan.
- 2.4 One of the actions of the four Council's was to appoint Pennington's, who have substantial relevant experience, skills sets and knowledge, to assist with the creation and implementation of the recovery plan. One particular work strand assigned to Pennington's was writing robust health and safety compliance policies for adoption by the Council. That suite of policies is appended to this report and will constitute the health and safety compliance policies relating to management of the Council's housing stock with immediate effect.
- 2.5 It should be noted that the draft policies were not only shared with tenant representatives but also with an independent surveyor and an independent fire engineer, who have in depth understanding of the technical requirements and how these might be addressed in policy terms.
- 2.6 The statutory nature of health and safety compliance effectively determines the vast majority of the policies and the fact that the policies have been drafted by an external organisation with considerable experience and expertise will reassure members that the policies are robust. On this basis, Members should note that the suite of policies have not been reviewed in detail by the Council's legal team. It should further be noted that a key feature of the policies is that they impose an obligation on the Council to undertake regular formal reviews to ensure both that they are implemented operationally and that any future legislative changes are adopted in timely manner.
- 2.7 As noted in paragraph 2.6 policies need to be reviewed regularly to ensure that they are fit for purpose and are completely up to date. Such reviews often identify minor changes, such as name changes or changes of responsibility within the establishment, which make management of the compliance function more robust. Furthermore, the nature of compliance policies, which are largely dictated by legislation, means that these minor changes are often technical and statutory. These changes can also, on occasion, be required at short notice. Delegating authority to the Strategic Director (Operations & Commercial) to authorise minor policy changes provides the ability for the Council to respond nimbly to enhance management procedures and reflect any minor legislative changes.

3. Identification of Options

- 3.1 The Council adopts the suite of compliance polices.
- 3.2 The Council does not adopt the suite of compliance policies.

4. **Evaluation of Options**

- 4.1 **The Council adopts the suite of compliance polices:** Robust and clear policies are a pre-requisite to any management system and in the case of a health and safety statutory compliance system ensure that statutory obligations are and continue to be discharged. Since the policies underpin the robust compliance management system the regulator will expect them to be at the heart of the recovery plan. This is the recommended option.
- 4.2 **The Council does not adopt the suite of compliance policies:** Without robust compliance policies robustly implemented Councillors will remain in the position that they cannot place reliance on the fact that the Council is discharging its statutory duties with respect to health & safety compliance of its housing stock. Such a decision also risks being seen as perverse by the regulator.

5. **Resource Implications**

- 5.1 This report appertains only to the adoption of the compliance policies and hence there are no direct resource implications. Compliance is at the heart of the wider management of the service and the resources needed to manage compliance have been included with the draft proposed structures.

6. **Climate Change Implications**

- 6.1 The compliance policies themselves are specific to certain areas of health and safety, as defined by statute. Adoption of the policies, of itself, therefore does not have an impact, either negative or positive, on climate change however the actions arising from the future on-going implementation of the policies, such as the procurement of services to manage compliance and construction projects needed to ensure continued compliance, do have an impact. Actions will be reviewed on a case by case basis with a one of the goals being to reduce carbon emissions as much as is practically possible.

7. **Corporate Implications**

- 7.1 Comment from the Section 151 Officer: Accountancy have been consulted and have no further comments to add (BW).
- 7.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to add.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications however in discharging their duties members reminded to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- 7.4 Comment from Climate Change & Energy Conservation Officer: Whilst many aspects of compliance do not have an impact on climate change it must not be forgotten that there are statutory requirements for the Housing Stock to meet Minimum Energy Efficiency Standards (MEES) to help residents live safely, independently and affordably warm in their homes at the same time as reducing emissions from the domestic sector in line with Climate change ambition. Whilst the MEES regulations do not apply to housing stock owned by local authorities and registered social providers there is a potential risk of reputational damage if DDC's stock is less energy efficient.

8. **Appendices**

Appendix 1 - Suite of Compliance Policy Documents

9. **Background Papers**

None.

Contact Officer: Martin Leggatt – Head of Assets and Building Control

Electrical Inspection and Testing Policy



Name	Electrical Inspection and Testing Policy
Owner	Dover District Council
Last Review	March 2020
Next Review	March 2022
Consultation Resident Representatives	May 2020
Approval	1 st June 2020

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1.0 Introduction

- 1.1 Although the UK has a fairly good record on electrical safety, there are still over 30 deaths and nearly 4,000 injuries from electrical accidents that occur in the home each year. A large number are related to electrical maintenance or DIY activities. The major dangers to health from electrical accidents are from shock, burns, electrical explosion or arcing, fire, and mechanical movements initiated by electricity.
- 1.2 Dover District Council (hereafter referred to as Dover) is responsible for the maintenance and repairs to its homes and other buildings, all of which will contain electrical installations and appliances. The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that these electrical installations are safe at the start of any tenancy and are maintained in a safe condition throughout the tenancy.
- 1.3 Dover is also responsible for maintaining electrical installations and equipment in non-domestic (communal blocks) and 'other' properties (offices, commercial shops, depots, etc.) under the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.
- 1.4 At the time of drafting this policy, East Kent Housing (EKH) manages Dover's homes, communal blocks and other related assets (assets including offices, commercial shops, depots, etc that are assigned to the Housing Revenue Account) on their behalf, and so any reference to Dover (or Dover District Council) in this policy also includes EKH in relation to their operational delivery of services. EKH are the lead in respect of operational delivery as they are responsible for the day to day management of the assets, and Dover are the owner of the assets. On 1 October 2020 delivery will revert to Canterbury City Council and any reference to EKH will cease to apply.

2.0 Scope

- 2.1 Dover must establish a policy which meets the requirements for electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. In addition to this the policy must provide assurance to Dover that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with electrical installations and electrical portable appliances.
- 2.2 Dover must ensure compliance with electrical safety legislation is formally reported to Dover Cabinet and EKH Board, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all Dover employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon Dover to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).

3.0 Regulatory Standards, Legislation, and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).

- 3.2 **Legislation** - the principal legislation applicable to this policy is the Landlord and Tenant Act 1985; the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016. Section 8 of the Landlord and Tenant Act 1985 sets out implied terms as to fitness for human habitation, and Section 11 of the Landlord and Tenant Act 1985 places repairing obligations in short leases. The Electricity at Work Regulations 1989 places duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 2016 requires Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied. Dover is the 'Landlord' by virtue of the fact that it owns and manages homes and buildings housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants/leaseholders.
- 3.3 **Code of Practice** - the principal approved codes of practice applicable to this policy are:
- IET Wiring Regulations British Standard 7671: 2018 (18th edition)
 - The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE) 2012 (4th edition)
 - HSE INDG236: 'Maintaining portable electrical equipment in low risk environments' (as amended 2013)
 - Electrical Safety Council: 'Landlords' Guide to Electrical Safety 2009'
 - Code of Practice for the Management of Electrotechnical Care in Social Housing (January 2019)
- 3.4 **Sanctions** - Dover acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.
- 3.5 **Tenants and HRA Commercial Stock** - Dover will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant or HRA commercial stock leaseholder refuse access to carry out essential electrical safety checks, maintenance and safety related repair works.

4.0 Additional Legislation

- 4.1 This Electrical Safety Policy also operates in the context of the following additional legislation:
- 4.1.1 Health and Safety at Work etc Act 1974
 - 4.1.2 The Management of Health and Safety at Work Regulations 1999
 - 4.1.3 The Workplace (Health Safety and Welfare) Regulations 1992
 - 4.1.4 Management of Houses in Multiple Occupation (England) Regulations 2006
 - 4.1.5 Housing (Scotland) Act 2006
 - 4.1.6 Regulatory Reform (Fire Safety) Order 2005
 - 4.1.7 The Building Regulations for England and Wales (Part P)
 - 4.1.8 The Housing Act 2004
 - 4.1.9 The Occupiers' Liability Act 1984

- 4.1.10 Health and Safety (Safety Signs and Signals) Regulations 1996
- 4.1.11 Provision and Use of Work Equipment Regulations 1998
- 4.1.12 Construction, Design and Management Regulations 2015
- 4.1.13 Data Protection Act 2018
- 4.1.14 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- 4.1.15 Homes (Fitness for Human Habitation) Act 2018

5.0 Obligations

- 5.1 The Landlord and Tenant Act 1985 places duties on landlords to ensure that electrical installations in rented properties are:
 - Safe when a tenancy begins, Section 8 (1a)
 - Maintained in a safe condition throughout the tenancy, Section 11 (1b)
- 5.2 In order to be compliant under these duties electrical installations are required to be periodically inspected and tested. The intervals between inspections are not absolutely set within any regulations, however, best practice guidance from the Electrical Safety Council and from BS7671:2018 states that electrical installations should be tested at intervals of no longer than 5 years from the previous inspection. Any deviation from these intervals should be at the recommendation of a competent NICEIC qualified (or equivalent) person and should be backed up by sound engineering evidence to support the recommendation.
- 5.3 All electrical installations should be inspected and tested prior to the commencement of any new tenancies (void properties or new builds), mutual exchanges and transfers, and a satisfactory Electrical Installation Condition Report (EICR) should be issued to the tenant prior to them moving in.
- 5.4 The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment (Section 16).
- 5.5 The Electrical Equipment (Safety) Regulations 2016 requires Landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied.

6.0 Statement of Intent

- 6.1 Dover acknowledges and accepts its responsibilities with regard to electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 2016.
- 6.2 Dover will hold accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.
- 6.3 Inspection and re-inspection dates, along with EICR records, will be held electronically.
- 6.4 Following the catch-up programme, as outlined within the EKH Recovery Programme, Dover has opted to deliver a comprehensive programme of testing and inspection to their different property types on a five year cycle. This programme will commence within the timescales set out within the Recovery Programme.
- 6.5 A safety inspection will be undertaken sooner than the stated period if recommended by the competent person.

- 6.6 Dover will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 6.7 Dover will ensure that a full electrical installation inspection retest is undertaken in the case of a change of occupancy (void properties, mutual exchanges and transfers) for all properties. This test will take place on the date at which the new tenancy commences.
- 6.8 Dover will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 6.9 Dover will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties.
- 6.10 Dover will test smoke alarms/CO alarms as part of the annual gas safety check visit (or at void stage) and replace these where necessary.
- 6.11 Dover will have a robust process in place to gain access should any tenant or leaseholder refuse access to carry out essential electrical safety related inspection and remediation works.
- 6.12 Dover will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.13 Dover will have a robust process in place to actively communicate with tenants in relation to electrical safety.
- 6.14 Dover will ensure that robust processes and controls are in place to manage the completion of follow up works identified during inspection and testing of electrical installations.
- 6.15 Dover will ensure that all contractors' employee and public liabilities are up to date on an annual basis.
- 6.16 Dover will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.17 Dover will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.18 Dover will ensure that measures are in place to identify, manage and/or mitigate risks related to portable electrical appliances in any properties where Dover are responsible for these. This will be achieved through annual PAT testing (unless otherwise specified within the manufacturers recommendations).
- 6.19 Dover will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the electrical safety check.
- 6.20 Dover will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.

7.0 Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** - Dover will establish and maintain a risk assessment for electrical safety management and operations. This risk assessment will set out the organisation's key electrical safety risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement and refurbishment works where applicable.
- 7.3 **Domestic properties** - Dover will carry out a programme of electrical installation inspection and testing to all domestic properties. This inspection and test will be carried out at intervals of no less than five years (unless the competent person recommends the next test must be done sooner than this) and will include the issuing of a new satisfactory EICR. This inspection and test is driven from the anniversary date of the most recent EICR, which may have been carried out at the start of a new tenancy or following planned component replacement works. The five year inspection period will commence following a catch up programme, which is due to be completed within the timescales outlined within the EKH Recovery Plan.
- 7.4 **Communal Blocks and 'Other' properties** - Dover will carry out a programme of electrical installation inspection and testing to all 'communal blocks' and 'other' properties (shops, offices, depots, etc.), where there is a landlords' electrical installation (and Dover has the legal obligation to do so). This inspection and test will be carried out at intervals of no more than five years (unless the competent person recommends the next test must be done sooner than this) and will include the issuing of a new satisfactory EICR. This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out following planned component replacement works. The five year inspection period will commence following a catch up programme, which is due to be completed within the timescales outlined within the EKH Recovery Plan.
- 7.5 **Commercial Stock Assigned to the HRA** - Dover will ensure they have records of a valid EICR where properties they own or manage are managed by people or organisations other than EKH or Dover District Council (i.e. are managed by managing agents). These properties will be included on the Dover electrical inspection and testing programme, so a new EICR can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the electrical inspection and test, Dover will step in and carry out the test and, where appropriate, re-charge the managing agent for the cost of this work.

8.0 Compliance Follow up Work

- 8.1 Dover will ensure there is a robust process in place for the management of any follow-up works required following the completion of a periodic inspection and test of an electrical installation.
- 8.2 Dover will ensure there is a robust process in place to collate and store all EICRs and associated records and certification of completed remedial works.
- 8.3 Dover will, as a minimum, make safe and/or where possible endeavour to repair all code 1 and code 2 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works. Any C2 works which can't be completed at the time of the inspection and test will be completed within 5 working days and an EICR will be issued stating that the installation is in a satisfactory

condition. Code 3 and F1 type works will be referred back to Dover's programme manager for a decision.

9.0 Record Keeping

- 9.1 Dover will hold accurate records against each property it owns or manages, identifying when the electrical installation was last inspected and tested.
- 9.2 Inspection and re-inspection dates, along with EICR records will be held electronically.
- 9.3 Dover will establish and maintain accurate records of all completed EICRs, Minor Electrical Works Certificates (MEW) and Building Regulation Part P notifications associated with remedial works from these reports, and Electrical Installation Certificates, and keep these as per the organisation's Data Retention Policy. Remedial works will be managed through an Excel Spreadsheet.
- 9.4 Dover will hold and maintain accurate records on the qualifications of all engineers undertaking electrical safety works for the organisation.
- 9.5 Dover will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all electrical safety related data.

10.0 Key Roles and Responsibilities

- 10.1 Dover's Cabinet and EKH's Board will have overall governance responsibility for ensuring the Electrical Safety Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. Dover's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 Dover's Cabinet and EKH's Board will receive regular updates on the implementation of the Electrical Safety Policy and electrical safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 Dover's Head of Assets and Building Control and EKH's Director of Property Services have strategic responsibility for the management of electrical safety and for ensuring compliance is achieved and maintained. They will also oversee the implementation of the Electrical Safety Policy.
- 10.4 Dover's Asset Manager and EKH's Operations Manager of Maintenance and Compliance will be responsible for overseeing the delivery of the agreed electrical safety programme, and the prioritisation and implementation of any works arising from the electrical safety inspections.
- 10.5 The housing teams will provide key support in gaining access into properties where access is proving difficult, and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 10.6 Dover's Head of Assets and Building Control will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expires in March 2022.
- 10.7 Dover's Head of Assets and Building Control and EKH's Director of Property Services will ensure that this policy is saved on both organisations' shared drives and distributed to all relevant members of staff.

11.0 Competent Persons

11.1 Dover will ensure that the manager with lead responsibility for operational delivery is appropriately qualified and experienced, holding one of the following:

- Level 4 VRQ in Electrical Safety Management (or equivalent);
- A minimum of a level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.

Dover will fund training as necessary, so they gain this qualification and membership, if they do not have it at the time this policy is approved. This will happen within 12 months of the approval of this policy or within 12 months of the start of employment for any new employee.

11.2 Dover will ensure that the manager with lead responsibility for operational delivery within any contractor employed by Dover to undertake electrical testing and work maintains/gains Approved Electrical Contractor Accreditation with the National Inspection Council for Electrical Inspection Contracting (NICEIC) or equivalent for all areas of electrical inspection, testing, installation and repair works that they undertake.

11.3 The operational team with responsibility for delivery will check the relevant accreditations for the work that contractors and operatives are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

12.0 Training

12.1 Dover will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

13.0 Performance Reporting

13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure Dover is able to report on performance in relation to electrical safety.

13.2 KPI measures will be produced and provided at CMT level on an annual basis, and they will determine whether the measures will then be reported at Cabinet. As a minimum, these KPI measures will include reporting on:

Data - the total number of:

- Properties - split by domestic properties, communal blocks and 'other' properties;
- Properties on the electrical inspection and testing programme;
- Properties not on the electrical inspection and testing programme;
- Properties with a valid 'in date' EICR (in line with a 10 year re-inspection period). This is the level of compliance expressed as a number and a %;
- Properties with a valid 'in date' EICR (in line with a 5 year re-inspection period). This is the level of compliance expressed as a number and a %;
- Properties where the EICR has expired and is 'out of date' (according to a 10 year re-inspection period). This is the level of non-compliance expressed as a number and a %;

- Properties where the EICR has expired and is 'out of date' (according to a 5 year re-inspection period). This is the level of non-compliance expressed as a number and a %;
- Properties which are due to be inspected and tested within the next 30 days. This is the early warning system;
- The number of follow up works/actions arising from any tests/inspections, and the numbers 'completed', 'in time' and 'overdue'.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

14.0 Quality Assurance

- 14.1 Dover will carry out 100% desktop audits on the documentation produced by the external contractor delivering the inspection and testing programme. In-house electrically qualified staff will also undertake monthly work in progress/post inspections and/or request that external contractors do the same and evidence upon request.
- 14.2 Dover will appoint a third party independent auditor to undertake quality assurance audits on a minimum 5% sample of electrical works and supporting documentation. This sample will increase if issues are identified within the initial 5% sample.
- 14.3 Dover will carry out an independent audit of electrical safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

15.0 Non-Compliance/Escalation Process

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to Dover's Head of Assets and Building Control and EKH's Director of Property Services in the first instance.
- 15.3 Dover's Head of Assets and Building Control and EKH's Director of Property Services will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue and report details of the same to CMT.
- 15.4 The CMT will ensure the Portfolio Holder for Housing is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue Dover's CMT and the Council's Chief Legal Officer will consider whether it is necessary to disclose the non-compliance issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

16.0 Approval

Strategic Lead: Head of Assets and Building Control (Dover District Council)

Sign/date: _____

Cabinet Chair: _____

Sign/date: _____

Cabinet Member: _____

Sign/date: _____

17.0 Glossary

17.1 This glossary defines the key terms used throughout this electrical safety policy:

17.1.1 **EICR:** Electrical Installation Condition Report - a formal document that is produced following an assessment of the electrical installation within a property (domestic or communal). It must be carried out by an experienced qualified electrician or approved contractor.

17.1.2 **NICEIC:** National Inspection Council for Electrical Installation Contracting - an organisation which regulates the training and work of electrical contractors in the UK. The NICEIC is one of several providers given Government approval to offer Competent Person Schemes to oversee electrical work within the electrical industry.

Gas and Heating Policy



Name	Gas and Heating Policy
Owner	Dover District Council
Last Review	March 2020
Next Review	March 2022
Consultation Resident Representatives	May 2020
Approval	1 st June 2020

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1.0 Introduction

- 1.1 Dover District Council (hereafter referred to as Dover) is responsible for the maintenance and repairs to its homes and other buildings, many of which will contain gas installations and appliances. The Gas Safety (Installation and Use) Regulations 1998 (as amended) specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain commercial premises. The regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.
- 1.2 Dover is also responsible for maintaining other types of heating systems to ensure that all appliances, fittings and flues provided for tenants' use are safe. These include gas, oil fired, solid fuel and liquid petroleum gas (LPG).
- 1.3 At the time of drafting this policy, East Kent Housing (EKH) manages Dover's homes, communal blocks and other related assets (assets including offices, commercial shops, depots, etc that are assigned to the Housing Revenue Account) on their behalf, and so any reference to Dover (or Dover District Council) in this policy also includes EKH in relation to their operational delivery of services. EKH are the lead in respect of operational delivery as they are responsible for the day to day management of the assets, and Dover are the owner of the assets. On 1 October 2020 delivery will revert to Canterbury City Council and any reference to EKH will cease to apply.

2.0 Scope

- 2.1 Dover must establish a policy which meets the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended). In addition to this, the policy must provide assurance to Dover that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances and flues.
- 2.2 Dover must ensure compliance with gas safety legislation is formally reported to Dover Cabinet and EKH Board, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all Dover employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon Dover to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).

3.0 Regulatory Standards, Legislation, and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is 'The Gas Safety (Installation and Use) Regulations 1998 (as amended). Dover has a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and is the 'Landlord' for the purposes of the legislation. Dover is the 'Landlord' by virtue of the fact that they own and manage homes and buildings housing tenants/leaseholders through the tenancy, lease and license agreement obligations it has with the tenants/leaseholders.

- 3.3 **Code of Practice** - the principal approved codes of practice applicable to this policy are as follows:
- ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018)
 - INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and Guidance (3rd Edition 2018)
- 3.4 **Sanctions** - Dover acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.
- 3.5 **Tenants and HRA Commercial Stock Leaseholders** - Dover will use the legal remedies available within the terms of the tenancy agreement, lease or license should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works. This will be following a controlled access process.

4.0 Additional legislation

- 4.1 This gas and heating safety policy also operates in the context of the following legislation:
- 4.1.1 Health and Safety at Work etc Act 1974
 - 4.1.2 The Management of Health and Safety at Work Regulations 1999
 - 4.1.3 The Workplace (Health, Safety and Welfare) Regulations 1992
 - 4.1.4 Gas Safety (Management) Regulations 1996 (as amended)
 - 4.1.5 The Building Regulations in England and Wales
 - 4.1.6 Dangerous Substances and Explosive Atmospheres Regulations 2002
 - 4.1.7 Pressure Equipment Regulations 1999
 - 4.1.8 Pressure Systems Safety Regulations 2000
 - 4.1.9 Pipelines Safety Regulations 1996
 - 4.1.10 Heat Network Regulations 2014
 - 4.1.11 Health and Safety (Safety Signs and Signals) Regulations 1996
 - 4.1.12 Provision and Use of Work Equipment Regulations 1998
 - 4.1.13 Construction (Design and Management) Regulations 2015
 - 4.1.14 Landlord and Tenant Act 1985
 - 4.1.15 Data Protection Act 2018
 - 4.1.16 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
 - 4.1.17 Homes (Fitness for Human Habitation) Act 2018

5.0 Obligations

- 5.1 The Gas Safety (Installation and Use) Regulations 1998 (as amended) impose duties on landlords to protect tenants' safety in their homes with respect to gas safety. The main duties as a landlord are set out in Regulation 36 requiring landlords to:
- Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer;
 - Ensure the annual safety check is carried out on each gas appliance and flue within 12 months of the previous safety check;
 - Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer;
 - Keep a record of each safety check for at least two years;
 - Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant when they move in;
 - Display a copy of the latest safety check record in a common area of a building where the gas appliance serves a communal heating system to multiple homes.
- 5.2 In addition, landlords must ensure that no gas fitting of a type that would contravene Regulation 30 (e.g. certain gas fires and instantaneous water heaters) is fitted in any room occupied or to be occupied as sleeping accommodation after the Regulations came into force. This includes any room converted into such accommodation after that time.
- 5.3 These obligations apply to both gas heating and liquid petroleum gas heating systems.
- 5.4 **Other heating types** - with regards to all other heating types as set out in 1.4 of this policy, although there is no legal requirement for carrying out safety checks, Dover will complete an annual safety check for all properties with these heating types, in exactly the same way as they do for properties with gas and LPG. The competent person will require alternative qualifications which are set out in section 11 of this policy.

6.0 Statement of Intent

- 6.1 Dover acknowledges and accepts its responsibilities under the Gas Safety (Installation and Use) Regulations 1998 (as amended).
- 6.2 Dover will hold accurate inspection dates and inspection records against each property it owns or manages electronically.
- 6.3 Dover will request the internal gas/heating engineers visit all properties on an annual basis to carry out gas and/or heating safety checks, irrespective of whether the property has a gas supply or not (other than those properties not on the gas mains network). Additionally, these properties will be subject to sections 3.5 of this policy irrespective of whether they have a gas supply or not.
- 6.4 Dover will ensure that each property requiring a gas/heating safety check and/or service will have a landlords' gas safety record (LGSR) or equivalent that has a completion date not more than 12 months following the completion date of the previous LGSR (or equivalent) relating to the property or installation date of new installations.
- 6.5 Dover will ensure that copies of all LGSRs/certification are provided to tenants within 28 days of completion or displayed in a common area where necessary within 28 days of its completion.

- 6.6 Dover will cap off gas supplies to all properties when the property becomes void and a new tenant is not moving in immediately following the previous tenant leaving. This will be completed by the end of the next working day.
- 6.7 Dover will cap off gas supplies to all new build properties at handover if the new tenancy is not commencing immediately at the point of handover.
- 6.8 Dover will ensure that gas safety checks are carried out on the commencement of any new tenancy (void or new build properties), mutual exchange and/or transfer and that the tenant receives a copy of the LGSR prior to, or immediately after moving in.
- 6.9 Dover will carry out a gas safety check following any new gas appliance installation. The safety check will include a gas soundness test of the system pipework, a visual inspection of the meter installation and a visual inspection including the safe working operation on all other gas appliances and associated flues within a property, issuing a gas safety certificate to confirm the necessary checks have been completed.
- 6.10 Dover will carry out a visual check of tenant owned appliances provided that the tenant is able to provide evidence that the appliance has been installed by a Gas Safe Engineer. This includes a 5 point visual safety check for gas cookers and gas fires where the manufacturers' instructions are available (location, flueing, ventilation, signs of distress and stable and secure). Where appliances are found to be faulty these will be disconnected and a warning notice issued. If the tenant is unable to provide this evidence then the appliance will be capped off until such time it can be deemed safe.
- 6.11 Dover will test or replace smoke alarms and CO detection as part of the annual gas safety check visit (or at void stage).
- 6.12 Dover will carry out an annual gas safety check to all properties where the gas supply is inactive (capped) at the request of the tenant. This is to ensure that gas supplies have not been reconnected by the tenant, and to ensure continued compliance with the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended). Section 3.5 of this policy will apply to these properties.
- 6.13 In any instance where a property has a capped supply, Dover will communicate regularly with the tenants to ensure the property remains capped and inform the tenant of what is required in order to reinstate gas at the property.
- 6.14 Dover will carry out annual assessments of properties where tenants have chosen for personal reasons not to use the gas supply in the property. This is to check on the tenant's wellbeing and also to assess that the lack of gas heating is not adversely affecting the condition of the property.
- 6.15 Dover will ensure that only suitably competent Gas Safe accredited engineers undertake gas or LPG works for the organisation. Section 11 of this policy sets out the competency required to carry out safety checks for other heating types.
- 6.16 Dover will remove any open flue gas appliances found in any rooms that are being used as bedrooms.
- 6.17 Dover will have robust processes and controls in place to ensure that consideration is made when letting properties to the suitability of the accommodation for the prospective tenant with regards to gas/heating safety.
- 6.18 Dover will have a robust controlled access process in place should any tenant refuse access to carry out essential gas/heating safety related inspection and remediation works.
- 6.19 Dover will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain

timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.

- 6.20 Dover will establish and maintain a plan of all continuous improvement activity undertaken with regards to gas/heating safety.
- 6.21 Dover will ensure that where applicable all solid fuel, chimney stacks, oil fired appliances and flues are inspected and maintained at least annually and that this work is completed by a suitably competent engineer.
- 6.22 Dover will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.23 Dover will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.24 Dover will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.25 Dover will ensure that all replacements, modifications and installations of gas appliances and heating systems within its properties will comply with all elements of Part J Combustion Appliances and Fuel Storage Systems, of the Building Regulations.
- 6.26 Dover will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.27 Dover will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.

7.0 Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** - Dover will establish and maintain a risk assessment for gas safety management and operations. This risk assessment will set out the organisation's key gas safety risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects where applicable.
- 7.3 **Domestic properties** - Dover will carry out a programme of annual gas/heating safety checks and services to all domestic properties, covering all heating types. This check will include all gas/heating fittings, appliances and flues in the property and will be completed 12 months from the date of the previous LGSR/certification. This safety check is driven from the anniversary date of the most recent LGSR/certification which may have been carried out at the start of a new tenancy or following installation of new gas appliances.
- 7.4 Within 12 months of the approval of this policy, Dover will adopt the changes introduced in April 2018 to Part F, Regulation 36 (3) of the Gas (Installation and Use) Regulations 1998 that provides landlords with some flexibility around the anniversary date of LGSRs. The new change allows the landlord to carry out a new gas safety check within 10 months and 1 day of the previous safety check and retain the original 12 month

anniversary date of the previous LGSR, providing it does not exceed this 12 month anniversary date.

- 7.5 **Communal Blocks and ‘Other’ properties** - Dover will carry out a programme of annual gas safety checks and services to all communal blocks and HRA properties (commercial, shops, offices, depots, etc.) where it has the legal obligation to do so. These checks will include all gas fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous LGSR/certification, or as detailed within manufacturer’s instructions. These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer’s instructions. These installations may include catering equipment, boilers serving communal heating systems, combined heat and power systems, pressure vessels and water heating boilers.
- 7.6 **Commercial Stock Assigned to the HRA** - Dover will ensure they have records of a valid LGSR where properties they own or manage are managed by people or organisations other than EKH (ie are managed by managing agents). These properties will be included on the Dover gas safety programme, so a new LGSR can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the gas safety test, Dover will step in and carry out the test and, where appropriate, re-charge the managing agent for the cost of this work.
- 7.7 Dover will carry out, where applicable, a programme of annual safety checks and services to all oil fired and solid fuel systems. This check will include all fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous safety check and service or as detailed within manufacturer’s instructions or industry best practice. These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer’s instructions.

8.0 Compliance Follow up Work

- 8.1 Dover will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas/heating safety check.
- 8.2 Dover will test smoke alarms and CO Detection in all domestic properties as part of the annual gas/heating safety check and replace these where necessary.
- 8.3 A safety check will be carried out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances or flues.

9.0 Record Keeping

- 9.1 Dover will establish and maintain a core asset register of all properties that have an active or inactive gas supply. This register will also hold data against each property asset of gas or other heating inspection and servicing requirements, where applicable, for all domestic properties, communal blocks and ‘other’ property assets.
- 9.2 Dover will hold accurate inspection dates and inspection records against each property it owns or manages electronically on the CORGI system.
- 9.3 Dover will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block or ‘other’ property.

- 9.4 Dover will establish and maintain accurate records of all completed safety records, and associated remedial works and keep these for a period of not less than two years. These will be held on the CORGI system.
- 9.5 Dover will hold and maintain accurate records on the qualifications of all engineers undertaking gas/heating works for the organisation.
- 9.6 Dover will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all gas/heating safety related data.

10.0 Key Roles and Responsibilities

- 10.1 Dover's Cabinet and EKH's Board will have overall governance responsibility for ensuring the Gas and Heating Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. Dover's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 Dover's Cabinet and EKH Board will receive regular updates on the implementation of the Gas and Heating Policy and gas safety performance, along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 Dover's Head of Assets and Building Control and EKH's Director of Property Services have strategic responsibility for the management of gas safety and for ensuring compliance is achieved and maintained. They will oversee the implementation of the Gas Safety Policy.
- 10.4 Dover's Asset Manager and EKH's Operations Manager of Maintenance and Compliance will be responsible for overseeing the delivery of the agreed gas safety programme. They will also prioritise and implement any works arising from the gas safety inspections.
- 10.5 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the controlled access process to gain access as necessary.
- 10.6 Dover's Head of Assets and Building Control will be responsible for ensuring the policy is reviewed every two years, and will notify Dover's CMT and relevant operational teams responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expires in March 2022.
- 10.7 Dover's Head of Assets and Building Control and EKH's Director of Property Services will ensure that this policy is saved on both organisations' shared drives and distributed to all relevant members of staff.

11.0 Competent Persons

- 11.1 Dover will ensure that the manager with lead responsibility for operational delivery is appropriately qualified and experienced, holding one of the following:
- Level 4 VRQ in Gas Safety Management (if they are not Gas Safe Registered), or equivalent, and full membership of the Association of Gas Safety Managers (AGSM);
 - A minimum of a level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.

Dover will fund training as necessary, so they gain this qualification and membership, if they do not have it at the time this policy is approved. This will happen within 12 months of the approval of this policy or within 12 months of the start of employment for any new employee.

- 11.2 Dover will ensure that all operatives (internal or employed by external contractors) maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake.
- 11.3 Dover will ensure that only suitably competent Gas Safe accredited contractors are procured and appointed to undertake works to gas/LPG fittings, appliances and flues.
- 11.4 Dover will ensure that, where applicable, only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors are procured and appointed to undertake works to oil fired and solid fuel fittings, appliances and flues. HETAS is a not for profit organisation offering competent person scheme for installers of biomass and solid fuel heating, registration for retailers and chimney sweeps and approval of appliances and fuels.
- 11.5 **Other heating types** - Dover will ensure that, where applicable, only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) are procured and appointed to undertake works on ground air source heat pumps, solar thermal and biomass heating systems.
- 11.6 The operational team with responsibility for delivery will check the relevant qualifications of in-house operatives or employees working for external contractors to ensure that all persons are appropriately qualified and accredited for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

12.0 Training

- 12.1 Dover will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure Dover is able to report on performance in relation to gas/heating safety.
- 13.2 KPI measures will be produced and provided at CMT level on an annual basis, and they will determine whether the measures will then be reported at Cabinet. As a minimum, these KPI measures will include reporting on:

Data - the total number of:

- Properties - split by domestic properties, communal blocks and 'other' properties;
- Properties on the gas/heating servicing programme;
- Properties not on the gas/heating servicing programme;
- Properties with a valid 'in date' LGSR/certification. This is the level of compliance;

- Properties where the LGSR/certification has expired and is 'out of date'. This is the level of non-compliance;
- Properties which are due to be serviced within the next 30 days. This is the early warning system;
- The number of follow up works/actions arising from any tests/inspections, and the numbers 'completed', 'in time' and 'overdue'.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

14.0 Quality Assurance

- 14.1 Dover will ensure there is a programme of independent third party quality assurance audits of gas/heating safety checks, gas appliance services and gas appliance repair works. This will be a 5% sample of the total gas safety works carried out.
- 14.2 Desktop audits, using the nine-point check, will be completed on 100% of all certification. These will be checked by an external consultant.
- 14.3 Dover will carry out an independent audit of gas/heating safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and approved codes of practice and identify any non-compliance issues for correction.

15.0 Non-Compliance/Escalation Process

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to Dover's Head of Assets and Building Control and EKH's Director of Property Services in the first instance.
- 15.3 Dover's Head of Assets and Building Control and EKH's Director of Property Services will agree an appropriate course of corrective action with the relevant operational teams in order to address the non-compliance issue and report details of the same to Dover's CMT.
- 15.4 Dover's CMT will ensure the Portfolio Holder for Housing is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue Dover's CMT and the Council's Chief Legal Officer will consider whether it is necessary to disclose the non-compliance issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

16.0 Approval

Strategic Lead: Head of Assets and Building Control (Dover District Council)

Sign/date: _____

Cabinet Chair: _____

Sign/date: _____

Cabinet
Member: _____

Sign/date: _____

17.0 Glossary

17.1 This glossary defines the key terms used throughout this gas and heating policy:

17.1.1 **Gas Safe Register:** the official list of gas engineers who are qualified to work legally on gas appliances.

17.1.2 **LGSR:** Landlords Gas Safety Record - a certificate containing the results of the annual safety check carried out on gas appliances and flues.

Fire Risk Assessment Policy



Name	FRA Policy
Owner	Dover District Council
Last Review	March 2020
Next Review	March 2022
Consultation Residents Representatives	May 2020
Approval	1 st June 2020

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1.0 Introduction

- 1.1 Residents of properties left unprotected against fire have a much higher than average chance of being injured or killed in their home. There were 268 fatalities recorded between May 2018 and June 2019 and the Fire and Rescue Services in England attended 182,491 fires in that same period (Home Office, Fire & rescue incident statistics, England, year ending June 2019).
- 1.2 In addition to this there have been high profile fires in social housing high-rise blocks (most notably Lakanal House in 2009 and Grenfell Tower in 2017) which resulted in many tenants losing their lives.
- 1.3 Most fires are preventable. Those responsible for buildings to which the public have access can avoid them by taking responsibility for and adopting the right behaviours and procedures. In October 2006, the Regulatory Reform (Fire Safety) Order 2005 (FSO) came into force. This FSO places a duty on persons responsible for buildings to carry out risk assessments and implement adequate fire prevention measures to their buildings.

2.0 Scope

- 2.1 Dover District Council (hereafter referred to as Dover) must establish a policy which meets the requirements of the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. In addition to this, the policy must provide assurance to Dover that measures are in place to identify, manage and/or mitigate risks associated with fire.
- 2.2 At the time of drafting this policy, East Kent Housing (EKH) manages Dover's homes, communal blocks and other related assets (assets including offices, commercial shops, depots, etc that are assigned to the Housing Revenue Account) on their behalf, and so any reference to Dover (or Dover District Council) in this policy also includes EKH in relation to their operational delivery of services. EKH are the lead in respect of operational delivery as they are responsible for the day to day management of the assets, and Dover are the owner of the assets. On 1 October 2020 delivery will revert to Canterbury City Council and any reference to EKH will cease to apply.
- 2.3 Dover must also ensure that compliance with fire safety legislation is formally reported to the Dover Cabinet and EKH Board, including the details of any non-compliance and planned corrective actions.
- 2.4 The policy is relevant to all Dover employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.5 It should be used by all to ensure they understand the obligations placed upon Dover to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties owned and managed (offices, commercial shops, depots, etc.).

3.0 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH) in April 2012.
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. These

regulations place a duty on Dover to take general fire precaution measures to ensure, as far as is reasonably practicable, the safety of the people on their premises and in the immediate vicinity. Dover is the 'responsible person' for the purposes of the legislation by virtue of the fact that they own and manage homes and buildings housing tenants/leaseholders through the tenancy agreement and lease obligations.

3.3 Guidance - the relevant guidance documents applicable to this policy are:

- **LACORS - Housing - Fire Safety:** Guidance on fire safety provisions for certain types of existing housing
- **Local Government Association:** Fire safety in purpose-built blocks of flats
- **HHSRS Operating Guidance - Housing Act 2004:** Guidance about inspections and assessment of hazards given under Section 9
- **HHSRS Operating Guidance - Housing Act 2004:** Addendum for the profile for the hazard of fire and in relation to cladding systems on high rise residential buildings
- **Ministry of Housing, Communities & Local Government (MHCLG):** Building safety advice for building owners, including fire doors (January 2020)
- **Ministry of Housing, Communities & Local Government (MHCLG):** Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (January 2020)
- **National Fire Chief Council's Guidance (NFCC) - Fire Safety in Specialist Housing - May 2017,** covers sheltered schemes, supported schemes and extra care schemes
- **Practical Fire Safety Guidance for Existing Premises with Sleeping Accommodation 2018** - guidance for those with responsibility for ensuring fire safety in certain premises within sleeping accommodation in Scotland
- **Building a Safer Future** - Independent Review of Building Regulations and Fire Safety: Final Report (May 2018)
- **PAS 79:2012 Fire Risk Assessment:** Guidance and a recommended methodology (currently under review, to be replaced by PAS 79-1 and PAS 79-2)
- **HM Government guide fire safety risk assessment:** Offices & shops
- **HM Government guide fire safety risk assessment:** small and medium places of assembly
- **HM Government guide fire safety risk assessment:** large places of assembly
- **HM Government guide fire safety risk assessment:** sleeping accommodation
- **HM Government guide fire safety risk assessment:** residential care
- **HM Government guide fire safety risk assessment:** educational premises
- **HM Government guide fire safety risk assessment:** factories & warehouses

3.4 Interim Guidance - the relevant documents of interim fire safety guidance applicable to this policy are as follows, although these documents are subject to change and should be reviewed regularly:

- **Building a Safer Future** - Proposals for reform of the building safety regulatory system: A consultation (June 2019)

- **The Regulatory Reform (Fire Safety) Order 2005:** Call for Evidence (July 2019)
 - **Grenfell Tower Inquiry:** phase 1 report. Volume 1 - 4 (October 2019)
- 3.5 **Sanctions** - Dover acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice, and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, prosecution by the Fire and Rescue Service under the FSO and via a serious detriment judgement from the Regulator of Social Housing.
- 3.6 **Tenants** - Dover will use the legal remedies available within the terms of the tenancy agreement should any tenant refuse access to carry out essential fire safety related inspection and remediation works.
- 3.7 **HRA Commercial Stock** - Dover will use the legal remedies available within the terms of the lease agreement should any leaseholder or shared owner refuse permission and/or access to carry out essential fire safety related inspection and remediation works (as tested in the case Croydon Council v. Leaseholder 1st August 2014).

4.0 Additional Legislation

4.1 This fire safety policy also operates in the context of the following additional legislation:

4.1.1 Housing Act 2004

4.1.2 Health and Safety at Work etc Act 1974

4.1.3 The Management of Health and Safety at Work Regulations 1999

4.1.4 Management of Houses in Multiple Occupation (England) Regulations 2006

4.1.5 Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

4.1.6 Gas Safety (Installation and Use) Regulations 1998

4.1.7 The Furniture and Furnishings (Fire Safety) Regulations 1988

4.1.8 The Health and Safety (Safety Signs and Signals) Regulations 1996

4.1.9 The Building Regulations 2000: Approved Document B Fire Safety 2019 edition

4.1.10 Electrical Equipment (Safety) Regulations 2016

4.1.11 Construction (Design and Management) Regulations 2015

4.1.12 Data Protection Act 2018

4.1.13 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013

4.1.14 Homes (Fitness for Human Habitation) Act 2018

4.1.15 Equalities Act 2010

5.0 Obligations

5.1 The responsible person (Dover) must carry out a fire risk assessment (FRA) for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005 (FSO). Although under the FSO this requirement only applies to the common parts of premises, in practice the

responsible person will need to take into account the entire premises - including, to some extent, the units of residential accommodation (known as a Type 3 FRA survey). The Fire Safety Bill 2019-21 will amend the Fire Safety Order 2005, and the responsible person or duty-holder for multi-occupied, residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows and entrance doors to individual flats that open into common parts).

- 5.2 The responsible person (Dover) must implement all necessary general fire precautions and any other measures identified by a fire risk assessment.
- 5.3 The responsible person (Dover) must put in place a suitable system of maintenance and appoint competent persons to implement any procedures that have been adopted.
- 5.4 The responsible person (Dover) must periodically review fire risk assessments in a timescale appropriate to the premises and/or occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the fire risk assessment.

6.0 Statement of Intent

- 6.1 Dover acknowledges and accepts its responsibilities under the Regulatory Reform (Fire Safety) Order 2005 (FSO).
 - 6.1.1 A stay put evacuation strategy will be adopted across each of the Dover property types unless otherwise stated within the recommendations of the competent fire risk assessor. Dover will also continue to engage with the Kent Fire and Rescue Service to regularly review this evacuation strategy.
- 6.2 Dover will hold accurate records against each property it owns or manages setting out the requirements for having a fire risk assessment in place.
- 6.3 FRA inspection and re-inspection dates, FRA surveys and FRA actions will be held electronically within Pyramid.
- 6.4 Dover will hold accurate records against each property it owns or manages setting out the requirements for servicing, maintenance and repair of fire prevention, detection and fire-fighting equipment. These include fire alarm systems, emergency lighting, smoke/heat detectors, hose reels, dry and wet risers, auto window/door openers, fire doors, fire extinguishers, fire blankets, sprinkler systems and any other equipment relating to fire safety.
- 6.5 Dover will establish and manage programmes to deliver servicing and maintenance in accordance with all relevant British Standards and manufacturer's recommendations for all fire detection, prevention and fire-fighting systems and equipment within buildings owned or managed by the organisation.
- 6.6 Dover will ensure that each property requiring an FRA has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) that has been carried out by a competent fire risk assessor. PAS79:2012 is currently under review and will be replaced with PAS79-1 and PAS79-2.
- 6.7 Dover will ensure that all FRAs are reviewed no later than the review date set within the FRA, and that this review is carried out by a competent fire risk assessor.
- 6.8 Dover will ensure that the FRA to a building is reviewed following a fire, change in building use, change in working practices that may affect fire safety, following refurbishment works to the building or if required following an independent fire safety audit, and that this review is carried out by a competent fire risk assessor.

- 6.9 Dover will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by FRAs.
- 6.10 Dover will ensure that robust processes are in place to record and action any 'near miss' reports with regard to fire safety. A 'near miss' is an unplanned event which does not result in an injury but had the potential to do so.
- 6.11 Dover will test all smoke alarms/CO alarms as part of the annual gas safety check visit (or at void stage) and replace where necessary.
- 6.12 Dover will ensure that all disabled residents and/or employees within sheltered housing schemes will have a Personal Emergency Evacuation Plan (PEEP) and that this PEEP will be reviewed annually by a competent person. This will be kept in the Fire Safety Log held securely on site and made available to the fire service in the event of an evacuation.
- 6.13 Where Dover have been notified that a resident within a sheltered Housing scheme is storing oxygen in their home for medical use the organisation will ensure that they have a Personal Emergency Evacuation Plan (PEEP) in place and that this PEEP will be reviewed annually by a competent person.
- 6.14 Dover will have robust processes and controls in place to ensure that consideration is made when letting properties to the suitability of the accommodation for the prospective tenant with regards to fire safety.
- 6.15 Dover will refer all new tenancies and other tenants (via general information) to the Kent Fire and Rescue Service for a free home safety check (also known as 'Safe and well visits').
- 6.16 Dover will ensure that only suitably competent fire risk assessors and fire safety engineers appropriately certified under BAFE and UKAS accredited certification schemes undertake fire safety assessments or works for the organisation.
- 6.17 Dover will have a robust process in place to gain access should any tenant or leaseholder refuse access to carry out essential fire safety related inspection and remediation works.
- 6.18 Dover will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.19 Dover is committed to working with relevant Fire Services to create safer places to live and work. Joint working will include sharing information, the fire service reviewing risk assessments and providing training to Dover staff.
- 6.20 Dover will establish and maintain a plan of all continuous improvement activity undertaken with regards to fire safety.
- 6.21 Dover considers good communication essential in the safe delivery of fire safety and will therefore ensure that information about fire safety and fire prevention measures is available to residents and building users via information within welcome packs at the start of a tenancy and through regular ADHOC communication with tenants in regards to fire safety.
- 6.22 Dover will ensure that a full version of the fire risk assessment will be made available to tenants upon request.
- 6.23 Dover will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.

- 6.24 Dover will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.25 Dover will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.26 Dover will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.27 Dover will ensure that there is a robust process in place for the management of immediately dangerous situations identified during the fire safety programme.
- 6.28 Dover will adopt a sterile approach to fire safety in the communal areas of their properties, and will have a managed approach to the removal of tenant's goods from these communal areas.
- 6.29 Dover will not permit the storage of scooters within the communal areas of their properties.
- 6.30 Dover will have a robust process in place to manage properties with known hoarding issues, as well as new hoarding issues which arise.

7.0 Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** - Dover will establish and maintain a risk assessment for fire safety management and operations. This risk assessment will set out the organisation's key fire safety risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repair work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement and refurbishment works where applicable.
- 7.3 **Fire risk assessments (non-domestic and other)** - Dover will complete a programme of fire risk assessments to all non-domestic (communal blocks) and 'other' properties (offices, commercial shops, depots etc.) in its management and ownership. All future fire risk assessments will be Type 3 FRAs as a minimum.
- 7.4 Thereafter, Dover will carry out a programme of fire risk assessment reviews, ensuring that all fire risk assessments are reviewed no later than the review date set by the fire risk assessment and that this review is carried out by a competent fire risk assessor (the review period will be two yearly for all stock, unless otherwise specified by the fire risk assessor).
- 7.5 **Commercial Stock Assigned to the HRA** - Dover will ensure they have records of a valid FRA where properties they own or manage are managed by people or organisations other than EKH or Dover District Council (i.e. are managed by managing agents). These properties will be included on the Dover Fire Safety programme, so a new FRA can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the FRA, Dover will step in and carry out the FRA and, where appropriate, re-charge the managing agent for the cost of this work.
- 7.6 Dover will adopt a pro-active approach to fire door auditing, and will regularly review the approach to ensure that it remains in line with all changes in legislation.

- 7.7 Dover will ensure that each property requiring a fire risk assessment has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) and that it has been carried out by a competent fire risk assessor. PAS79:2012 is currently under review and will be replaced with PAS79-1 and PAS79-2.
- 7.8 Dover will carry out a programme of servicing and maintenance, in accordance with all relevant British Standards and manufacturer's recommendations, to all fire detection, prevention and firefighting systems and equipment within buildings owned or managed by the organisation.
- 7.9 Dover will carry out a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be undertaken at regular intervals by caretakers and housing advisors and inspections records will be kept.
- 7.10 **New Build Properties** - Dover will ensure that a pre-occupation fire risk assessment is carried out on all new build properties where required, and that a post-occupation FRA is also commissioned within three months of the first tenant moving in.

8.0 Compliance Follow up Work

- 8.1 Dover will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by fire risk assessments. This will be done on the following timescales:
- Intolerable actions - will be implemented immediately;
 - Substantial actions - will be implemented within 1 week;
 - Moderate actions - will be implemented within 1 month;
 - Tolerable actions - will be implemented within 3 months;
 - Trivial actions - will be implemented within 6 months.
- 8.2 Dover will ensure that robust processes are in place to implement all fire precaution measures identified by the regular property inspections carried out by caretakers and housing officers.
- 8.3 Dover will ensure there is a robust process in place for the management of any follow-up works required following the completion of servicing and maintenance checks to fire detection, prevention and fire-fighting systems and equipment.

9.0 Record Keeping

- 9.1 Dover will establish and maintain a core asset register of the communal blocks and 'other' properties that require a fire safety risk assessment. This register should also identify all fire safety equipment, systems and installations within each building.
- 9.2 The register must show the date of the previous and current fire risk assessment (where applicable), along with the due date of the next fire risk assessment. The register will also be used to record and track the progress of all fire safety actions required, as identified from the fire risk assessments.
- 9.3 FRA inspection and re-inspection dates, FRA surveys and FRA actions will be electronically stored within Pyramid.
- 9.4 Dover will establish and maintain a register against each property asset of any smoke/heat and CO detection equipment contained within domestic dwellings.

- 9.5 Dover will establish and maintain accurate records of all completed fire risk assessments, fire risk assessment reviews and associated completed remedial works from these reports, and keep these as per the organisation's Data Retention Policy.
- 9.6 Dover will establish and maintain accurate records of all completed servicing and maintenance checks on fire safety equipment, systems and installations and details of associated completed remedial works, and keep these as per the organisation's Data Retention Policy.
- 9.7 Dover will maintain an appropriate Fire Safety Log Book and keep securely on site, where practical, for all high risk schemes requiring a fire risk assessment. High risk schemes include all sheltered schemes and any building with residents who have a Personalised Emergency Evacuation Plan (PEEP).
- 9.8 Dover will establish and maintain records of all fire safety related training undertaken by staff.
- 9.9 Dover will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all fire safety related data.

10.0 Key Roles and Responsibilities

- 10.1 Dover's Cabinet and EKH's Board will have overall governance responsibility for ensuring the Fire Risk Assessment Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. Dover's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 Dover's Cabinet and EKH's Board will receive regular updates on the implementation of the Fire Risk Assessment Policy and fire safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 Dover's Head of Assets and Building Control and EKH's Director of Property Services have strategic responsibility for the management of fire safety and for ensuring compliance is achieved and maintained. They will also oversee the implementation of the Fire Risk Assessment Policy.
- 10.4 Dover's Asset Manager and EKH's Operations Manager of Maintenance and Compliance will be responsible for overseeing the delivery of the agreed fire risk assessment and re-assessment programmes, and the prioritisation and implementation of any works arising from the fire risk assessments. They are also responsible for overseeing the delivery of service, maintenance and repair programmes to all fire detection, alarms, fire doors, passive fire protection measures and fire-fighting equipment within property assets owned or managed by Dover.
- 10.5 Dover's CMT will receive reports in respect of fire safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.6 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 10.7 Dover's Head of Assets and Building Control will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.

They will ensure that this review process takes place before the policy expires in March 2022.

- 10.8 Dover's Head of Assets and Building Control and EKH's Director of Property Services will ensure that this policy is saved on both organisations' shared drives and distributed to all relevant members of staff.

11.0 Competent Persons

- 11.1 Dover will ensure that the manager with lead responsibility for operational delivery is appropriately qualified and experienced, holding one of the following:

- NEBOSH National Certificate in Fire Safety and Risk Management;
- Level 4 VRQ Diploma in Asset and Building Management Compliance

Dover will fund training as necessary so they gain this qualification and membership, if they do not have it at the time this policy is approved. This will happen within 12 months of the approval of this policy or within 12 months of the start of employment for any new employee.

- 11.2 Dover will ensure that only suitably competent fire risk assessors, certified by BAFE and on a UKAS accredited certification scheme that meets the competency criteria established by the Fire Risk Assessment Competency Council, are procured and appointed to undertake fire risk assessments.

- 11.3 The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken as part of the procurement process and/or on an annual basis thereafter and evidenced appropriately.

- 11.4 Dover will ensure that only suitably competent contractors and engineers, certified by a UKAS accredited certification scheme, are procured and appointed to undertake works to fire safety equipment, systems and installations. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken as part of the procurement process and/or on an annual basis and evidenced appropriately.

12.0 Training

- 12.1 Dover will ensure that all operatives working for, or on behalf of the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure Dover is able to report on performance in relation to fire safety.
- 13.2 KPI measures will be produced and provided at CMT level on an annual basis, and they will determine whether the measures will then be reported at Cabinet. As a minimum, these KPI measures will include reporting on:

Data - the total number of:

- Properties - split by communal blocks and 'other' properties;

- Properties on the FRA programme;
- Properties not on the FRA programme;
- Properties with a valid 'in date' FRA. This is the level of compliance expressed as a number and a %;
- Properties where the FRA has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a %;
- Properties which are due for a new FRA within the next 90 days. This is the early warning system;
- The number of follow up works/actions arising from any FRAs, and the numbers 'completed', 'in time' and 'overdue'.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

In addition:

- Compliance with the fire safety equipment, systems and installations servicing and maintenance programme;
- Recording and reporting on property fires to identify trends and target awareness campaigns.

14.0 Quality Assurance

- 14.1 Dover will carry out an independent audit of fire safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and approved codes of practice and identify any non-compliance issues for correction.
- 14.2 Dover will carry out independent third party quality assurance audits of fire risk assessments, fire equipment servicing and follow-up actions. This will be a 10% sample of the total fire safety works carried out.
- 14.3 Dover will implement a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be carried out by caretakers and housing advisors and be undertaken at regular intervals, with inspection records evidenced and kept against each property. In addition to this Dover will ensure regular testing of all fire alarms and emergency lighting systems, and ensure they are carried out in accordance with the relevant British Standard.

15.0 Non-Compliance/ Escalation Process

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.

- 15.2 Any non-compliance issue identified at an operational level will be formally reported to Dover’s Head of Assets and Building Control and EKH’s Director of Property Services in the first instance.
- 15.3 Dover’s Head of Assets and Building Control and EKH’s Director of Property Services will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue and report details of the same to the CMT.
- 15.4 Dover’s CMT will ensure the Portfolio Holder for Housing is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue Dover’s CMT and the Council’s Chief Legal Officer will consider whether it is necessary to disclose the non-compliance issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

16.0 Approval

Strategic Lead: Head of Assets and Building Control (Dover District Council)

Sign/date: _____

Cabinet Chair: _____

Sign/date: _____

Cabinet Member: _____

Sign/date: _____

17.0 Glossary

- 17.1 This glossary defines the key terms used throughout this FRA policy:
 - 17.1.1 **FRA:** Fire Risk Assessment - an assessment involving the systematic evaluation of the factors that determine the hazard from fire, the likelihood that there will be a fire and the consequences if one were to occur.
 - 17.1.2 **PEEP:** Personal Emergency Evacuation Plan - a bespoke 'escape plan' for individuals who may not be able to reach an ultimate place of safety unaided or within a satisfactory period of time in the event of any emergency.
 - 17.1.3 **PAS79:** is a Publicly Available Specification published by the British Standards Institution which focuses on making sure that all the required information that pertains to both a fire risk assessment and the findings are recorded. PAS 79:2012 is currently under review and will be replaced with PAS 79-1 and PAS 79-2.

Asbestos Policy



Name	Asbestos Policy
Owner	Dover District Council
Last Review	March 2020
Next Review	March 2022
Consultation Residents Representatives	May 2020
Approval	1 st June 2020

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1.0 Introduction

- 1.1 Breathing in air containing asbestos fibres can lead to asbestos-related diseases, mainly cancer of the lungs and chest lining. Asbestos is only a risk to health if asbestos fibres are released into the air and breathed in. Past exposure to asbestos currently kills around 5000 people a year in Great Britain.
- 1.2 There is usually a long delay between first exposure to asbestos and the onset of the disease (15-60 years). Only by preventing or minimising these exposures now can asbestos-related disease eventually be reduced.
- 1.3 Any Dover District Council (hereafter referred to as Dover) home or building built or refurbished before the year 2000 may contain asbestos. As long as the asbestos containing material (ACM) is in good condition and is not going to be disturbed or damaged, there is negligible risk. However, if it is disturbed or damaged it can become a danger to health, because people may breathe in any asbestos fibres released into the air. Workers who carry out repairs and maintenance work are at particular risk. If asbestos is present and can readily be disturbed, is in poor condition and not managed properly, others who may be occupying the homes or buildings could also be put at risk.
- 1.4 Dover is responsible for the maintenance and repairs to homes, non-domestic (communal blocks) and 'other' properties (e.g. offices, commercial shops, depots, etc.), many of which will have been constructed using asbestos containing materials. As such, the organisation has a legal 'duty to manage' asbestos in its homes and buildings and this must be done in accordance with The Control of Asbestos Regulations (CAR) 2012.
- 1.5 At the time of drafting this policy, East Kent Housing (EKH) manages Dover's homes, communal blocks and other related assets (assets including offices, commercial shops, depots, etc that are assigned to the Housing Revenue Account) on their behalf, and so any reference to Dover (or Dover District Council) in this policy also includes EKH in relation to their operational delivery of services. EKH are the lead in respect of operational delivery as they are responsible for the day to day management of the assets, and Dover are the owner of the assets. On 1 October 2020 delivery will revert to Canterbury City Council and any reference to EKH will cease to apply.

2.0 Scope

- 2.1 Dover must establish a policy which meets the requirements of The Control of Asbestos Regulations (CAR) 2012, which came into force on 6th April 2012. In addition to this, the policy must provide assurance to Dover that measures are in place to identify, manage and/or mitigate risks associated with asbestos. In addition, Dover must establish an Asbestos Management Plan (AMP), which outlines key information on roles and responsibilities, and the management of information, works, and ACMs.
- 2.2 Dover must also ensure that compliance with asbestos is formally reported to Dover Cabinet and EKH Board, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all Dover employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon Dover to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).

3.0 Regulatory Standards, Legislation, and Approved Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is The Control of Asbestos Regulations (CAR) 2012, which came into force on 6th April 2012. Dover has a legal obligation under Part 2, Section 4 of the legislation (Duty to manage asbestos in non-domestic properties) and is the 'Duty Holder' for the purposes of the legislation. Dover is the 'duty holder' by virtue of the fact that it owns and manages homes and buildings, housing tenants and leaseholders through the tenancy and lease agreement obligations it has.
- 3.3 **Approved Codes of Practice and Guidance** - the principal approved codes of practice and guidance (as updated) applicable to this policy are:
- **ACoP L143** - 'Managing and working with Asbestos' (Second edition December 2013)
 - **HSG264** - 'Asbestos: The survey guide' (Second edition 2012, this holds ACoP status)
 - **HSG248** - 'Asbestos: The analysts guide for sampling, analysis and clearance procedures' (First edition 2006)
 - **HSG247** - 'Asbestos: The licensed contractors' guide' (First edition 2006)
 - **HSG227** - 'A comprehensive guide to managing asbestos in premises' (First edition 2002)
 - **HSG210** - 'Asbestos Essentials - A task manual for building, maintenance and allied trades and non-licensed asbestos work' (Fourth edition 2018)
- 3.4 **Sanctions** - Dover acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation, and approved codes of practice, and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing (RSH).
- 3.5 **Tenants and HRA Commercial Leaseholders** - Dover will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential asbestos related inspection and remediation works.

4.0 Additional Legislation

- 4.1 This asbestos policy also operates in the context of the following additional legislation:
- 4.1.1 Health and Safety at Work etc Act 1974
 - 4.1.2 The Management of Health and Safety at Work Regulations 1999
 - 4.1.3 The Workplace (Health Safety and Welfare) Regulations 1992
 - 4.1.4 Personal Protective Equipment at Work Regulations 1992
 - 4.1.5 Hazardous Waste (England and Wales) Regulations 2005 (Amendment 2009)

- 4.1.6 Control of Substances Hazardous to Health (COSHH) Regulations (as amended) 2002
- 4.1.7 Construction (Design and Management) Regulations 2015
- 4.1.8 Defective Premises Act 1972
- 4.1.9 Landlord and Tenant Act 1985
- 4.1.10 Data Protection Act 2018
- 4.1.11 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- 4.1.12 Homes (Fitness for Human Habitation) Act 2018
- 4.1.13 The Asbestos (Licensing) (Amendment) Regulations 1998

5.0 Obligations

- 5.1 The duty to manage asbestos is included in The Control of Asbestos Regulations (CAR) 2012. The duty requires Dover to manage the risk from asbestos by:
 - 5.1.1 Finding out if there is asbestos present, where Dover has an obligation to do so, in the homes and buildings owned and managed by the organisation (or assessing if asbestos containing materials are liable to be present and making a presumption that materials contain asbestos, unless the organisation has strong evidence that they do not). Dover must also identify its location and identify what condition it is in. If the home or building was built prior to the year 2000 the organisation will assume asbestos is present. If the home or building was built after the year 2000 asbestos is unlikely to be present and no further action will be required.
 - 5.1.2 Making and keeping an up-to-date record (referred to as the 'asbestos register') of the location and condition of the asbestos containing materials or presumed asbestos containing materials in the homes and buildings owned and managed by the organisation.
 - 5.1.3 Assessing the risk from the asbestos containing materials found.
 - 5.1.4 Preparing an Asbestos Management Plan that sets out in detail how the organisation is going to manage the risk from the asbestos containing materials and taking the steps needed to put the asbestos management plan into action.
 - 5.1.5 Dover must also review and monitor the asbestos management plan and the arrangements made to put it in place; and set up a system for providing information on the location and condition of the asbestos containing materials to anyone who is liable to work on or disturb these materials.
- 5.2 Anyone who has information on the whereabouts of asbestos in homes and buildings is required to make this available to the organisation as the 'duty holder', but the organisation then has to assess its reliability.

6.0 Statement of Intent

- 6.1 Dover recognises that the main hazard in relation to asbestos is the non-identification of ACMs, and as such will protect those persons potentially exposed to asbestos as far as is reasonably practical by minimising the exposure through the use of appropriate control measures and working methods.
- 6.2 Dover accepts that asbestos is likely to be present in the majority of its properties built prior to the year 2000 and will therefore manage these properties accordingly.

- 6.3 In order to fully comply with the legislation Dover will have a Cabinet approved Asbestos Policy. In addition the organisation will have an Asbestos Management Plan and develop an Asbestos Register which will hold records of the assets which have asbestos containing materials in them.
- 6.4 Dover will hold accurate records against each property it owns or manages, identifying whether the property has had its initial asbestos management survey and when the next re-inspection is due.
- 6.5 Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.
- 6.6 Dover will employ competent external contractors (in line with HSG264) to undertake asbestos management surveys. Licensed asbestos removal operatives and/or contractors will be employed to carry out licensed remediation works (where necessary) to non-domestic (communal blocks/'other' properties) and domestic properties as outlined in section 8 of this policy.
- 6.7 Dover will employ suitably competent persons to undertake asbestos re-inspections and the removal of non-licensed asbestos.
- 6.8 Dover will also undertake an intrusive refurbishment and demolition (R&D) survey to domestic and non-domestic properties as and when required as per HSG264. This will also be in accordance with the criteria set out in the Dover Asbestos Management Plan, which should be read in conjunction with this policy.
- 6.9 Dover considers good communication essential in the safe delivery of asbestos management and will therefore ensure that information about asbestos containing materials (known or suspect) is provided to every person liable to disturb it, accidentally or during the course of the work. This includes employees and tenants.
- 6.10 Dover will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.11 Dover will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.12 Dover will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.13 Dover will provide leaseholders and tenants with an asbestos survey report on request.
- 6.14 Dover will provide tenants with information about asbestos via letter that will: tell them of possible asbestos containing materials (ACMs) in their home, advise what to do if they wish to carry out DIY or employ a contractor to undertake work, and advise who to contact if ACMs are accidentally disturbed.
- 6.15 Dover will generally not use asbestos labelling in domestic premises, however, in non-domestic premises and common areas of domestic blocks, labelling will be used where practicable.
- 6.16 Dover will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.

Dover will ensure that there is a robust process in place for the management of immediately dangerous situations identified from any asbestos related works undertaken on Dover's properties.

7.0 Compliance Risk Assessment/Inspection Programmes

- 7.1 **Non-Domestic Stock** - Dover will review existing asbestos management survey information prior to carrying out any repairs or planned maintenance works which may involve working on, or adjacent to, any asbestos containing materials within a non-domestic (communal block) or 'other' properties (e.g. offices, commercial shops, depots, etc.). This is to ensure that any asbestos containing materials likely to pose a risk are identified prior to works commencing and the details passed onto the relevant operatives or external contractors and managed in an appropriate way. Where required a new hybrid R&D/management survey will be commissioned prior to work commencing.
- 7.2 Dover will ensure that all non-domestic (communal blocks) and 'other' properties in ownership or management have an initial asbestos management survey carried out. All surveys comply with the CAR 2012 legislation and are therefore dated after 6th April 2012 when the legislation came into effect.
- 7.3 Thereafter all non-domestic (communal blocks) and 'other' properties will have a re-inspection survey and an assigned re-inspection date where applicable. This date will be in accordance with the specific needs of the building. It will either be annually or at a period dictated by the previous survey/re-inspection. Re-inspection dates may change following the re-categorisation of a property or a building.
- 7.4 Dover will not need to re-inspect any non-domestic (communal blocks) or 'other' properties built after the year 2000, or where the initial asbestos management survey confirms that there are no asbestos containing materials present.
- 7.5 **Domestic Stock** - Dover will review existing asbestos management survey information prior to carrying out any void repairs, day to day repairs, or planned maintenance works which may involve working on or adjacent to any asbestos containing materials within a domestic property. This is to ensure that any asbestos containing materials likely to pose a risk are identified prior to works commencing, and the details passed onto the relevant operatives or external contractors and managed in an appropriate way.
- 7.6 Where there is no previous asbestos related information in respect of a domestic property which requires an asbestos survey ahead of void repairs, day-to-day repairs or planned maintenance work, a survey will be undertaken and the scope of the survey agreed in accordance with the works due to be carried out. If the void only requires the standard safety checks (gas, electric and EPC) and there is no intrusive repair work, an asbestos survey is not required.
- 7.7 Dover will not need to re-inspect any domestic properties built after the year 2000, or where the initial asbestos management survey confirms that there are no asbestos containing materials present.
- 7.8 **Refurbishment Work** - Dover will undertake an intrusive refurbishment and demolition (R&D) survey to domestic, non-domestic (communal blocks) and 'other' properties prior to planned maintenance works taking place to the areas of the property that are likely to be disturbed as part of the proposed works. This will be in accordance with the criteria set out in Dover's Asbestos Management Plan, which should be read in conjunction with this policy.
- 7.9 **Garages** - Dover will carry out asbestos management surveys on garages prior to any work being carried out.
- 7.10 **Commercial Stock Assigned to the HRA** - Dover will ensure they have records of an asbestos management survey where properties they own or manage are managed by people or organisations other than EKH or Dover District Council (i.e. are managed by managing agents). These properties will also be included on the Dover asbestos programme, so an asbestos reinspection survey can be requested from the managing

agent prior to the existing one expiring. If the managing agent fails to carry out an initial asbestos management survey or reinspection survey, Dover will step in and carry out the test and, where appropriate, re-charge the managing agent for the cost of this work.

8.0 Compliance Follow up Work

- 8.1 Dover will ensure there is a robust process in place for the management of any follow-up works required following the completion of an asbestos management survey.
- 8.2 Where asbestos is positively identified and, as a result of a risk assessment (conducted in accordance with published guidance), removal, sealing or encapsulation is recommended, this will be carried out as follows:
 - 8.2.1 Non-licensed works - as defined in regulation 2 of CAR 2012 - by specifically trained contractors with appropriate equipment and working procedures in place which are sufficient to comply with the CAR 2012;
 - 8.2.2 Notifiable non-licensed works - as defined in regulation 2 of the CAR 2012 - by a licensed asbestos removal contractor (LARC) licensed by the Health and Safety Executive in compliance with the CAR 2012; or
 - 8.2.3 Licensed works - as defined in regulation 2 of the CAR 2012 - by a LARC, licensed by the Health and Safety Executive in compliance with the CAR 2012.

9.0 Record Keeping

- 9.1 Dover will establish and maintain a programme of non-domestic (communal blocks) and 'other' property surveys and re-inspections, and an Asbestos Register of all the asbestos containing materials by type, address, location and condition.
- 9.2 Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.
- 9.3 Spreadsheets will be used to record the details of all asbestos surveys undertaken on Dover's non-domestic (communal), domestic and other properties. This will include the date of the most recent survey and/or re-inspection where applicable.
- 9.4 The findings from the asbestos survey, including any ACMs and remediation works identified and subsequently completed (including evidence of removal and encapsulation) should also be recorded on the spreadsheets.
- 9.5 Appropriate asbestos information will be made available to all interested stakeholders as required.

10.0 Key Roles and Responsibilities

- 10.1 Dover's Cabinet and EKH's Board will have overall governance responsibility for ensuring the asbestos policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. Dover's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 Dover's Cabinet and EKH Board will receive regular updates on the implementation of the Asbestos Policy and asbestos performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.

- 10.3 Dover's Cabinet and EKH Board will receive reports in respect of asbestos management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 Dover's Head of Assets and Building Control and EKH's Director of Property Services have strategic responsibility for the management of asbestos and for ensuring compliance is achieved and maintained.
- 10.5 Dover's Asset Manager and EKH's Operations Manager of Maintenance and Compliance will be responsible for overseeing the delivery of the agreed survey inspection programmes and the prioritisation and implementation of any works arising from the surveys.
- 10.6 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 10.7 Dover's Head of Assets and Building Control will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and operational team responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expires in March 2022.
- 10.8 Dover's Head of Assets and Building Control and EKH's Director of Property Services will ensure that this policy is saved on both organisations' shared drives and distributed to all relevant members of staff.

11.0 Competent Persons

- 11.1 Dover will ensure that the manager with lead responsibility for operational delivery is suitably qualified and experienced, holding one of the following as a minimum:
 - P405 qualification;
 - Level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.

Dover will fund training as necessary, so they gain this qualification and membership, if they do not have it at the time this policy is approved. This will happen within 12 months of the approval of this policy or within 12 months of the start of employment for any new employee.

- 11.2 Dover will ensure that competent contractors (as per HSG264) are procured and appointed to deliver asbestos management surveys.
- 11.3 Dover will ensure that competent licensed asbestos removal contractors are appointed for all notifiable non-licensed work or licensed works.
- 11.4 The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors on an annual basis and evidence this appropriately.

12.0 Training

- 12.1 Dover will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure Dover is able to report on performance in relation to asbestos.
- 13.2 KPI measures will be produced and provided at CMT level on an annual basis, and they will determine whether the measures will then be reported at Cabinet. As a minimum these KPI measures will include reporting on:
- 13.3 The total number of:

Data - the total number of:

- Properties - split by non-domestic properties (communal blocks) and 'other' properties;
- Properties on the asbestos management/re-inspection programme;
- Properties not on the asbestos management/re-inspection programme;
- Properties with a valid 'in date' survey/re-inspection. This is the level of compliance expressed as a number and a %;
- Properties where the survey/re-inspection has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a %;
- Properties which are due to be surveyed/re-inspected within the next 90 days. This is the early warning system;
- The percentage of domestic stock with full asbestos data;
- The number of follow up works/actions arising from any surveys, and the numbers 'completed', 'in time' and 'overdue'.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

14.0 Quality Assurance

- 14.1 Dover will require external contractors to provide the results of their own 5% quality assurance audit checks, as required by UKAS, on a monthly basis.
- 14.2 Dover will commission an independent audit of asbestos at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

15.0 Non-Compliance/Escalation Process

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.

- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Assets and Building Control (Dover)/Director of Property Services (EKH) in the first instance.
- 15.3 The Head of Assets and Building Control (Dover) and the Director of Property Services (EKH) will agree an appropriate course of corrective action with the relevant operational teams in order to address the non-compliance issue and report details of the same to Dover’s CMT.
- 15.4 Dover’s CMT will ensure the Portfolio Holder for Housing is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue Dover’s CMT and the Council’s Chief Legal Officer will consider whether it is necessary to disclose the non-compliance issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

16.0 Approval

Strategic Lead: Head of Assets and Building Control (Dover District Council)

Sign/date: _____

Cabinet Chair: _____

Sign/date: _____

Cabinet Member: _____

Sign/date: _____

17.0 Glossary

- 17.1 This glossary defines the key terms used throughout this asbestos policy:
 - 17.1.1 **Duty Holder:** the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.
UKAS: the appointed national accreditation body for asbestos surveyors. Accreditation is a means of assessing, in the public interest, the technical competence and integrity of organisations offering evaluation services.

Water Hygiene Policy



Name	Water Hygiene Policy
Owner	Dover District Council
Last Review	March 2020
Next Review	March 2022
Consultation Resident Representatives	May 2020
Approval	1 st June 2020

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1.0 Introduction

- 1.1 Legionellosis is a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection. The risk increases with age, but some people are at higher risk, e.g. people over 45, smokers and heavy drinkers, people suffering from chronic respiratory or kidney disease, diabetes, lung and heart disease or anyone with an impaired immune system.
- 1.2 Legionnaires' disease is normally contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria.
- 1.3 Therefore, it is important that Dover District Council (hereafter referred to as Dover) control the risks by introducing measures which reduce and/or control the risk of legionella growth and proliferation of legionella bacteria and other organisms in the water systems and reduce, so far as is reasonably practicable, exposure to water droplets and aerosol in non-domestic and domestic stock as required. This will reduce the possibility of creating conditions in which the risk from exposure to legionella bacteria is increased.
- 1.4 At the time of drafting this policy, East Kent Housing (EKH) manages Dover's homes, communal blocks and other related assets (assets including offices, commercial shops, depots, etc that are assigned to the Housing Revenue Account) on their behalf, and so any reference to Dover (or Dover District Council) in this policy also includes EKH in relation to their operational delivery of services. EKH are the lead in respect of operational delivery as they are responsible for the day to day management of the assets, and Dover are the owner of the assets. On 1 October 2020 delivery will revert to Canterbury City Council and any reference to EKH will cease to apply.

2.0 Scope

- 2.1 Dover must establish a policy which meets the requirements of the Health and Safety at Work Act etc 1974 and the Management of Health and Safety at Work Regulations 1999 (the Management Regulations). In addition to this, the policy must provide assurance that measures are in place to demonstrate compliance with the Control of Substances Hazardous to Health Regulations 2002 (as amended) and to identify, manage and/or mitigate risks associated with hot and cold water systems and any other systems that may cause exposure to legionella bacteria. The L8 approved code of practice, 'Legionnaires' disease. The control of legionella bacteria in water systems', is available to duty holders to provide practical guidance on how to comply with their legal duties in relation to legionella.
- 2.2 Dover must also ensure compliance with water hygiene legislation is formally reported to Dover Cabinet and EKH Board, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all Dover employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon Dover to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties owned and managed (offices, commercial shops, depots, etc.).

3.0 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Health and Safety at Work etc Act 1974, the Management of Health and Safety at Work Regulations 1999 (the Management Regulations) and the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH). Dover has a legal obligation under COSHH to prevent or control exposure to biological agents. Being harmful to human health, legionella falls within the scope of these regulations.
- 3.3 **Code of Practice** - the principal approved codes of practice applicable to this policy are:
- **ACoP L8** - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013).
 - **HSG274** - Legionnaires' disease: Technical guidance Part 1: The control of legionella bacteria in evaporating cooling systems (2013).
 - **HSG274** - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014).
 - **HSG274** - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
 - **INDG458** - Legionnaires' disease: A guide for dutyholders Leaflet (HSE Books 2012).
- 3.4 **Sanctions** - Dover acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Control of Substances Hazardous to Health Regulations (COSHH), prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, and via a serious detriment judgement from the Regulator of Social Housing.
- 3.5 **Tenants and HRA Commercial Leaseholders**- Dover will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential safety checks, maintenance and safety related repair works.

4.0 Additional Legislation

- 4.1 This Water Hygiene Policy also operates in the context of the following legislation:
- 4.2 The Workplace (Health Safety and Welfare) Regulations 1992
- 4.3 Construction (Design and Management) Regulations 2015
- 4.4 Housing Act 2004
- 4.5 Landlord and Tenant Act 1985
- 4.6 Homes (Fitness for Human Habitation) Act 2018
- 4.7 Housing Health and Safety Rating System (HHSRS) 2006
- 4.8 Data Protection Act 2018
- 4.9 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013

- 4.10 Public Health (Infectious Diseases) Regulations 1998
- 4.11 Water Supply (Water Quality) Regulations 2016
- 4.12 Water Supply (Water Fittings) Regulations 1999

5.0 Obligations

- 5.1 The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH), the Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work etc Act 1974 place a duty, as an employer or person in control of a premises (e.g. a landlord), to take suitable precautions to prevent or control the risk of exposure to legionella.
- 5.2 Dover, as the 'Duty Holder' as defined by ACOP L8, is responsible for Health and Safety and must take the right precautions to reduce the risks of exposure to legionella, including understanding how the organisation will:
 - Identify and assess sources of risk
 - Manage any risks
 - Prevent or control any risks
 - Keep and maintain the correct records for 5 years
- 5.3 Dover must ensure there is a risk assessment undertaken for all hot and cold water systems, cooling plant and any other systems that can produce water droplets to establish any potential risks and implement measures to either eliminate or control identified risks.
- 5.4 Dover as the 'Duty Holder' responsible for control of legionella and water hygiene safety must appoint a competent/responsible person to take managerial responsibility for legionella control - risk assessment, production of a written scheme and implementation of that scheme to prevent or control the risks. A competent person is someone with sufficient authority, competence, necessary skills, knowledge of the system and experience. Dover will ensure that properties are risk assessed by a competent person for potential to cause exposure to legionella.
- 5.5 In addition, the 'Duty Holder' will appoint an authorised deputy responsible person who will provide cover to the responsible person in their absence. The deputy responsible person should be trained, instructed, and informed to the same level as the responsible person, and they should assist in the frequent monitoring of the control scheme(s).

6.0 Statement of Intent

- 6.1 Dover acknowledges and accepts its responsibilities with regard to water hygiene safety and preventing exposure to legionella.
- 6.2 Dover will hold accurate records against each property it owns or manages, setting out the requirements for water hygiene risk assessments and safety checks.
- 6.3 Dover will periodically review risk assessments (every 2 years) in case anything changes in the system. Where a system is identified as more likely to undergo change and is therefore a higher risk, the risk assessment will be reviewed on a more frequent basis, dependent on the determined level of risk. Dover will ensure that a 'written scheme of control' is developed and fully implemented for all properties risk assessed as requiring

controls to adequately manage the risk of legionella exposure. The schemes will be assessed by Dover's competent person as high, medium or low risk.

- 6.4 Dover will ensure that a risk assessed approach for water hygiene safety is adopted as part of the void standard, when carrying out works on void properties prior to re-let. These checks will be applicable on all void properties prior to commencing works which may affect the hot and cold water systems and will ensure that any identified risk control measures are fully implemented where identified.
- 6.5 Dover will ensure audits are undertaken annually, by an independent competent person, to all systems identified as a high risk (e.g. older persons' schemes) to ensure that all control actions are being fully and robustly implemented.
- 6.6 Dover will ensure that only suitably competent consultants, surveyors, risk assessors and engineers undertake works for the organisation in respect of water hygiene safety.
- 6.7 Dover will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.8 Dover will establish and maintain a plan of all continuous improvement activity undertaken with regards to water hygiene safety.
- 6.9 Dover will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.10 Dover will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.11 Dover will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.12 Dover will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.13 Dover will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the risk assessment or water testing/monitoring regime.
- 6.14 Dover will adopt a proactive approach to tenant communications (for example, including water hygiene information within tenancy packs).

7.0 Compliance Risk Assessment/ Inspection Programmes

- 7.1 **Risk assessment** - Dover will establish and maintain a risk assessment for water hygiene safety operations. This risk assessment will set out the organisation's key water hygiene risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement works and refurbishment projects where applicable.
- 7.3 **Legionella risk assessments** - Dover will carry out a programme of legionella risk assessments and risk assessment reviews to properties containing any water system that

could present a risk of exposure to legionella. These risk assessments will be reviewed at least every two years, or after any works have been completed to the installation.

- 7.4 **Communal blocks and 'other' properties** - all communal blocks and 'other' properties will be subject to an initial visit to establish whether a legionella risk assessment is required. Where a risk assessment is not required then Dover will record this as such on their records, including the date of the initial visit. Where a legionella risk assessment is required Dover will ensure this communal block or 'other' property is included in the programme.
- 7.5 **Domestic properties** - Dover will include domestic properties on a programme of works within 12 months of the legionella risk assessment programme being brought back in-house to Dover District Council.
- 7.6 **Void properties** - Properties left unoccupied will be checked for dead legs, receive frequent flushing and shower head cleaning to comply with the Water Hygiene Procedure.
- 7.7 **Commercial Stock Assigned to the HRA** - Dover will ensure they have records of a valid LRA where properties they own or manage are managed by people or organisations other than EKH or Dover District Council (i.e. are managed by managing agents). These properties will be included on the Dover Water Hygiene programme, so a new LRA can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the LRA, Dover will step in and carry out the test and, where appropriate, re-charge the managing agent for the cost of this work.
- 7.8 Dover will carry out a programme of maintenance visits by competent persons to all properties that have a written scheme of control in place. These programmes will ensure that all maintenance and testing set out in the written scheme of control is fully completed at the times and intervals stated. The results of these visits will be recorded electronically.

8.0 Compliance Follow up Work

- 8.1 Dover will ensure there is a robust process in place for the management of any follow-up works required following the completion of a legionella risk assessment or where identified by the competent person when undertaking required maintenance activities.
- 8.2 Dover will ensure that there is a robust process in place to collate and record details of all remedial works and water testing completed against individual installations.

9.0 Record Keeping

- 9.1 Dover will establish and maintain a spreadsheet of all properties that have a written scheme of control for water hygiene in place. This register will also hold data against each property asset of the legionella risk assessment carried out.
- 9.2 Inspection and re-inspection dates, along with LRA and monitoring records will be held on the spreadsheet or on the shared drive.
- 9.3 Dover will establish and maintain accurate records of all written schemes of control and any associated remedial works and water testing, as per the organisation's Data Retention Policy.
- 9.4 Dover will maintain log books for all relevant sites as required to record the details of the results from the ongoing monitoring and inspection, where required.

- 9.5 Dover will hold and maintain accurate records on the qualifications of all consultants, surveyors, risk assessors and engineers undertaking water hygiene works for the organisation.
- 9.6 Dover will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all water hygiene safety related data.

10.0 Key Roles and Responsibilities

- 10.1 Dover's Cabinet and EKH's Board will have overall governance responsibility for ensuring the Water Hygiene Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. Dover's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 Dover's Cabinet and EKH's Board will receive regular updates on the implementation of the Water Hygiene Policy and compliance performance, along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 Dover's CMT will receive reports in respect of Water Hygiene performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 Dover's Head of Assets and Building Control and EKH's Director of Property Services have strategic responsibility for the management of water hygiene safety and ensuring compliance is achieved and maintained. They will oversee the implementation of the Water Hygiene Policy.
- 10.5 Dover's Asset Manager and EKH's Operations Manager of Maintenance and Compliance will be responsible for overseeing the delivery of the agreed water hygiene programme, and the prioritisation and implementation of any works arising from the safety inspections.
- 10.6 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 10.7 Dover's Head of Assets and Building Control will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expires in March 2022.
- 10.8 Dover's Head of Assets and Building Control and EKH's Director of Property Services will ensure that this policy is saved on both organisations' shared drives and distributed to all relevant members of staff.

11.0 Competent Persons

- 11.1 Dover will ensure that the manager with lead responsibility is appropriately competent, holding a recognised qualification in legionella control through the completion of a certified training course designed to meet the training needs of a 'duty holder' or 'responsible person' for legionella control. This qualification will be obtained within 12 months of the start of employment for any new operational leads.

- 11.2 Training includes courses by BOHS (British Occupational Hygiene Society) such as P901 - Management and control of building hot and cold water services, City and Guilds, CIBSE, or HABC around the requirements of ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems'.
- 11.3 Dover will ensure that only suitably competent consultants and contractors, registered members of the Legionella Control Association (LCA) or equivalent, are procured and appointed to undertake risk assessments, prepare written schemes of control and undertake works in respect of water hygiene and legionella control.
- 11.4 The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

12.0 Training

- 12.1 Dover will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure Dover is able to report on performance in relation to water hygiene / legionella safety.
- 13.2 KPI measures will be produced and provided at CMT level on an annual basis, and they will determine whether the measures will then be reported at Dover's Cabinet. As a minimum, these KPI measures will include reporting on:

Data - the total number of:

- Properties - split by domestic properties, communal blocks and 'other' properties;
- Properties on the LRA programme - split by domestic properties, communal blocks and 'other' properties;
- Properties not on the LRA programme - split by domestic properties, communal blocks and 'other' properties;
- Properties with a valid 'in date' LRA. This is the level of compliance expressed as a number and a % - split by domestic properties, communal blocks and 'other' properties;
- Properties where the LRA has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a % - split by domestic properties, communal blocks and 'other' properties;
- Properties which are due to be inspected and tested within the next 30 days - split by domestic properties, communal blocks and 'other' properties. This is the early warning system;
- The number of follow up works/actions arising from any risk assessments or inspections, and the numbers 'completed', 'in time' and 'overdue' - split by domestic properties, communal blocks and 'other' properties.

As well as an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

14.0 Quality Assurance

Dover will appoint an independent competent person to complete a programme of compliance audits to 5% of written schemes of control to ensure that all control actions are being fully and robustly implemented. In addition all schemes identified as high risk will receive an annual audit.

15.0 Non-Compliance Escalation Process

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to Dover’s Head of Assets and Building Control and EKH’s Director of Property Services in the first instance.
- 15.3 Dover’s Head of Assets and Building Control and EKH’s Director of Property Services will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue and report details of the same to CMT.
- 15.4 CMT will ensure Dover’s Portfolio Holder for Housing is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue Dover’s CMT and the Council’s Chief Legal Officer will consider whether it is necessary to disclose the non-compliance issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

16.0 Approval

Strategic Lead: Head of Assets & Building Control (Dover District Council)

Sign/date: _____

Cabinet Chair: _____

Sign/date: _____

Cabinet Member: _____

Sign/date: _____

17.0 Glossary

17.1 This glossary defines the key terms used throughout this water hygiene policy:

17.1.1 **Legionellosis:** a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever.

17.1.2 **LRA:** Legionella Risk Assessment - an assessment which identifies the risks of exposure to legionella in the water systems present in a premises and the necessary control measures required.

17.1.3 **Duty Holder:** the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.

Lift Safety Policy



Name	Lift Safety Policy
Owner	Dover District Council
Last Review	March 2020
Next Review	March 2022
Consultation Residents Representatives	May 2020
Approval	1 st June 2020

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1 Introduction

- 1.1 Landlords are responsible for maintaining passenger lifts and for carrying out periodic thorough examinations and inspections to ensure those lifts operate safely. In addition to lifts landlords have a responsibility to maintain stair lifts and hoists to ensure the safety of their tenants.
- 1.2 Dover District Council (hereafter referred to as Dover) own and manage properties that have passenger lifts to assist tenants to and from their homes. In addition to these, the ageing population in the UK means that an increasing number of domestic homes are now being adapted with living aids such as stair lifts and hoists to enable tenants to continue to live independently.
- 1.3 At the time of drafting this policy, East Kent Housing (EKH) manages Dover's homes, communal blocks and other related assets (assets including offices, commercial shops, depots, etc that are assigned to the Housing Revenue Account) on their behalf, and so any reference to Dover (or Dover District Council) in this policy also includes EKH in relation to their operational delivery of services. EKH are the lead in respect of operational delivery as they are responsible for the day to day management of the assets, and Dover are the owner of the assets. On 1 October 2020 delivery will revert to Canterbury City Council and any reference to EKH will cease to apply.

2 Scope

- 2.1 Dover must establish a policy which meets the requirements of the Health and Safety at Work etc Act 1974. In addition to this, the policy must provide assurance to Dover that measures are in place to ensure compliance with the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER) and to identify, manage and/or mitigate risks associated with passenger lifts, stair lifts and hoists. Dover must also ensure compliance with lift safety legislation is formally reported at management and Board level, including the details of any non-compliance and planned corrective actions.
- 2.2 The policy is relevant to all Dover employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services. It should be used by all to ensure they understand the obligations placed upon Dover to maintain a safe environment for tenants and employees within the home of each tenant and within all non-residential premises or areas of buildings.
- 2.3 The policy is also relevant for maintaining a safe environment for all tenants and employees within all of Dover's properties.

3 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing in April 2012.
- 3.2 **Legislation** - the principal legislation applicable to this policy is The Health and Safety at Work etc Act 1974 and the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).
- 3.3 **Code of Practice** - the principal codes of practice applicable to this policy are:

- 3.3.1 **ACoP L113** - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2nd edition 2014).
- 3.3.2 **INDG422** - Thorough examination of lifting equipment: A simple guide for employers (2008).
- 3.3.3 **INDG339** - Thorough examination and testing of lifts: Simple guidance for lift owners (2008).
- 3.4 **Sanctions** - Dover acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing (RSH).
- 3.5 **Tenants and HRA Commercial Sock** - Dover will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential lift safety related inspection and remediation works.

4 Additional Legislation

- 4.1 This lift safety policy also operates in the context of the following additional legislation:
 - 4.1.1 The Management of Health and Safety at Work Regulations 1999
 - 4.1.2 The Provision and Use of Work Equipment Regulations 1998 (PUWER)
 - 4.1.3 The Workplace (Health Safety and Welfare) Regulations 1992
 - 4.1.4 The Building Regulations 2004 - Part M
 - 4.1.5 Construction (Design and Management) Regulations 2015
 - 4.1.6 Disability and Discrimination Act 2005
 - 4.1.7 Equality Act 2010
 - 4.1.8 Housing Act 2004
 - 4.1.9 Landlord and Tenant Act 1985
 - 4.1.10 Data Protection Act 2018
 - 4.1.11 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
 - 4.1.12 Homes (Fitness for Human Habitation) Act 2018

5 Obligations

- 5.1 Landlords are responsible for maintaining passenger lifts and for carrying out periodic thorough examinations and inspections to ensure those lifts operate safely. Section 3 of the Health and Safety at Work etc Act 1974 requires employers, such as landlords, to have responsibility for the health and safety of employees and people using or visiting their premises so far as reasonably practicable.

- 5.2 Passenger lifts in workplaces (for example, offices and communal blocks), which are primarily used by people at work, are subject to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Provision and Use of Work Equipment Regulations 1998 (PUWER).
- 5.3 Landlords are required to ensure that all lifts, when in use, are thoroughly examined after substantial and significant changes have been made, at least every six months if the lift is used at any time to carry people (or in accordance with an examination scheme) and following "exceptional circumstances" such as damage to, or failure of, the lift, long periods out of use or a major change in operating conditions which is likely to affect the integrity of the equipment.
- 5.4 Where stair lifts, hoists or through floor lifts have been provided for residents, normally as part of an adaptation, landlords have responsibilities for the safety of all users under Section 3 of the Health and Safety at Work etc Act 1974. These may be adequately discharged by undertaking maintenance, inspection and a 6-monthly thorough examination. LOLER (thorough examination) and PUWER (maintenance and inspection) apply only to stair lifts provided as work equipment for use by employees.
- 5.5 Insurers may impose demands for similarly stringent levels of risk management to cover public liability.

6 Statement of Intent

- 6.1 Dover acknowledges and accepts its responsibilities with regard to lift safety and the inspection and maintenance of lifts, stair lifts and hoists.
- 6.2 All lift, stair lift or hoist equipment in communal areas and any known equipment in tenant's homes is the responsibility of Dover.
- 6.3 Dover will hold accurate records against each property it owns or manages, identifying where there is a lift, stair lift or hoist together with the written examination scheme for each installation.
- 6.4 Dover will appoint/train competent 'responsible persons' responsible for the operation, condition and compliance with all relevant statutory requirements. This will include taking action (within the advised timescales) to remedy any faults or defects identified through routine inspections or insurer's thorough examinations.
- 6.5 Dover will ensure that it meets all of its legal requirements in regard to lift safety operations via a combination of regular inspections, thorough examinations (in conjunction with the organisation's insurers) and periodic routine maintenance of all lifting equipment within properties it owns and manages.
- 6.6 Dover will ensure that all lifts in properties it owns and manages will be fully accessible for disabled users (as per the requirements of the Disability Discrimination Act 2005, the Equality Act 2010, and to the specifications outlined in Part M of the Building Regulations 2004).
- 6.7 Dover will endeavour to ensure that all lifts and lifting equipment in properties and workplaces it owns and manages will be in full working order at all times. Where the organisation becomes aware that lifts or lifting equipment are not operating as they should, emergency repairs orders will be issued to remedy faults as quickly as possible.

- 6.8 Dover will ensure that there are clear procedures in place and that these procedures are communicated to, and understood by, all relevant staff, for appropriate action in the event of any persons becoming trapped in lifts the organisation owns or manages. Dover staff cannot release any persons trapped in lifts as they are not competent to do so safely, but may provide reassurance until such time as the relevant lift maintenance contractors and/or emergency services arrive, as appropriate. Dover will have a service level agreement with lift maintenance service providers that ensures a response time of no longer than two hours in cases of entrapment.
- 6.9 Dover will ensure that all passenger lifts have an intercom fitted that dials directly to a dedicated call centre. In cases of entrapment call handlers will follow a scripted risk assessment to determine the medical condition of any persons that may be trapped. If there is an urgent concern for a persons' welfare the emergency services will be called and asked to attend immediately.
- 6.10 Dover will ensure that all lifting equipment that is used on sites it owns or manages is thoroughly examined by a competent person before it is commissioned into use and is then subject to periodic examinations in accordance with the equipment's examination scheme.
- 6.11 Dover will ensure that only suitably competent consultants, and engineers undertake works for the organisation in respect of lifts, stair lifts and hoists.
- 6.12 Dover will ensure that a Thorough Examination is carried out on all known aids and adaptations designed for lifting operations, including platform lifts, stair lifts and hoists, in properties it owns and manages. These checks will take place every six months across all lifting equipment types. These checks may also take place more frequently if required to be in line with manufacturers' recommendations, or following any void works which may impact the installation (provided the lift is not to be removed prior to a new tenancy commencing).
- 6.13 Dover will respond and take remedial action for any defects to aids and adaptations designed for lifting operations identified during regular use in line with the normal provisions for repairs and maintenance. All requests of this nature will be treated as an urgent priority.
- 6.14 Dover will ensure that robust processes and controls are in place to ensure that all remedial works identified through routine maintenance inspections and insurer's inspections are completed within a reasonable timescale commensurate with the risk identified.
- 6.15 Dover will ensure robust processes and controls are in place to ensure that any health and safety incident with regard to lift safety is properly reported as required under RIDDOR. These include defects classed as 'immediately dangerous'.
- 6.16 Dover will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing lifts, stair lifts or hoists.
- 6.17 Dover will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.18 Dover will establish and maintain a plan of all continuous improvement activity undertaken with regards to lift safety.

- 6.19 Dover will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.20 Dover will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service where appropriate.
- 6.21 Dover will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.22 Dover will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.23 Dover will ensure there is a robust process in place for tenants to inform the organisation if they install any lifting equipment themselves and for these to be added to the risk assessment and inspection programme.
- 6.24 Dover will ensure that there is a robust process in place for the management of immediately dangerous situations identified during the lift safety check.

7 Compliance Risk Assessment/Inspection Programmes

- 7.1 Dover will establish and maintain a risk assessment for lift safety operations. This risk assessment will set out all of the organisation's key lift safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement works and refurbishment projects. This plan will detail any lift installations that may be affected by the works and detail all necessary work required to make safe and reinstate lift installations to ensure that they are safe to use and continue to comply with all relevant legislation and any written examination scheme, including any testing and maintenance.
- 7.3 Dover will carry out a programme of maintenance visits by competent persons to all properties that have a lift, stair lift or hoist and a written examination scheme in place. These programmes will ensure that all maintenance and testing set out in the written examination scheme is fully completed at the times and intervals stated.
- 7.4 Dover will oversee a programme of thorough examinations of passenger lifts by competent contractors appointed by Dover's insurers. This is to ensure that the organisation's responsibilities towards lift safety are being discharged and provide their insurers with adequate assurance around the quality of lift safety management.
- 7.5 Dover will carry out a programme of independent third party quality assurance audits annually to 10% of written examination schemes for lifts (where not included within the insurer's inspection programme) to ensure that all examinations and planned maintenance activities are being fully and robustly implemented and completed. This is additional to inspections carried out by Dover's insurers

- 7.6 **HRA Commercial Stock** - Dover will ensure they have records of a lift examination/inspection where properties they own or manage are managed by people or organisations other than EKH or Dover District Council (i.e. are managed by managing agents) and have lifting equipment in place. These properties will be included on the Dover Lift Safety programme, so a lifting equipment examination record can be requested from the managing agent when required. If the managing agent fails to carry out the thorough examination, Dover will step in and carry out the examination and, where appropriate, re-charge the managing agent for the cost of this work.

8 Compliance Follow up Work

- 8.1 Dover will ensure there is a robust process in place for the management of any follow-up works required following the completion of routine maintenance inspections, or where identified by a competent person, when undertaking required maintenance activities.
- 8.2 Dover will ensure there is a robust process in place for the management of any follow-up works required following the completion of inspections by the organisation's insurers.
- 8.3 Dover will ensure that there is a robust process in place to collate and record details of all remedial works completed against individual installations.
- 8.4 Dover will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to lift safety.

9 Record Keeping

- 9.1 Dover will establish and maintain a core asset register of all properties that have a lift, stair lift or hoist and written examination scheme in place. This register will also hold data against each property asset of the type, age and condition of lift plant in place.
- 9.2 Dover will establish and maintain accurate records of all written examination schemes and any associated remedial works completed and keep these for a period of not less than 5 years. Records should include the person or people responsible for conducting the inspection; any significant findings of inspections; the written examination scheme and its implementation; and the results of any inspection, test or check carried out, together with the dates. This should include details about the state of operation and condition of the installation.
- 9.3 Dover will establish and maintain accurate records of all inspections carried out by their insurers, the findings of these inspections, and records of completed remedial works where identified by insurer's inspections; including dates.
- 9.4 Dover will ensure that records of all inspections and thorough examinations will be available to the Competent Person at all times and that hard copies of records can be produced, if required by the local enforcement authority.
- 9.5 Dover will keep a record of any entrapment incidents and will use these to inform future revisions of Examination Schemes.

- 9.6 Dover will hold and maintain accurate records on the qualifications of all consultants and engineers undertaking lift inspection and maintenance works for the organisation.
- 9.7 Dover will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all lift safety related data.

10 Key Roles and Responsibilities

- 10.1 Dover's Cabinet and EKH's Board will have overall governance responsibility for ensuring the Lift Safety policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. Dover's Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 Dover's Cabinet and EKH's Board will receive regular updates on the implementation of the lift safety policy and performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 Dover's Head of Assets and Building Control and EKH's Director of Property Services have strategic responsibility for the management of lift safety and ensuring compliance is achieved and maintained. They will also oversee the implementation of the lift safety policy.
- 10.4 Dover's Head of Assets and Building Control and EKH's Director of Property Services will be responsible for overseeing the delivery of the agreed lift servicing and maintenance programmes, and the prioritisation and implementation of any works arising from the inspections. They are also responsible for overseeing the delivery of service, maintenance and repair programmes to all lifts, stair lifts, and hoists within property assets owned or managed by Dover.
- 10.5 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 10.6 Dover's Head of Assets and Building Control will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expires in March 2022.
- 10.7 Dover's Head of Assets and Building Control and EKH's Director of Property Services will ensure that this policy is saved on both organisations' shared drives and distributed to all relevant members of staff.

11 Competent Persons

- 11.1 Dover will ensure that the 'Responsible Person', and the manager(s) with lead responsibility for operational delivery are appropriately competent; will have undertaken appropriate training and have sufficient experience to meet the criteria of a 'competent person' as stated by the Health and Safety Executive (HSE).
- 11.2 Dover will ensure that only suitably competent consultants and contractors, registered members of the Lift and Escalator Industry Association (LEIA) or equivalent, are

procured and appointed to undertake risk assessments, prepare written examination schemes and undertake works in respect of lifts, stair lifts and hoists. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors and for those working within the in-house team to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis.

12 Training

- 12.1 This policy and the procedures that support it will be subject to a range of training across Dover and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of lift safety but who may not be actively involved in the delivery of the lift safety policy. This will be basic lift safety awareness training.
- 12.3 On the job training will be provided to those employees who will be responsible for managing the programme of lift inspections, planned maintenance and repair works as part of their daily job. The manager(s) with lead responsibility for operational delivery will have undertaken appropriate training and have sufficient experience to meet the criteria of a 'competent person' as stated by the Health and Safety Executive (HSE).
- 12.4 Regular tool box talks will be given to operatives and Dover contractor partners will be required to do this in the form of appropriate lift safety training and evidence the same.
- 12.5 Monitor's briefings will be provided to those employees involved in the monitoring of compliance performance in relation to lift safety.

13 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure Dover is able to report on performance in relation to lift safety.
- 13.2 KPI measures will be produced and provided at CMT level on an annual basis, and they will determine whether the measures will then be reported at Cabinet. As a minimum, these KPI measures will include reporting on:
 - Compliance with written examination schemes for lift plant;
 - The number of entrapments within lifts (in month and year to date);
 - The number of current asset numbers with a lift, stairlift or hoist and any changes in this number from the previous month;
 - The number of defects identified by insurer's inspections (in month and year to date);
 - The number of outstanding high and medium level risk actions as identified in insurer's inspection reports;
 - The number of RIDDOR notices issued with regards to lift safety.

14 Quality Assurance

- 14.1 Dover will carry out independent third party quality assurance audits annually to 10% of written examination schemes for lifts (where not included within the insurer’s inspection programme) to ensure that all examinations and planned maintenance activities are being fully and robustly implemented and completed. This is additional to inspections carried out by Dover’s insurers.
- 14.2 Dover will carry out an independent audit of lift safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

15 Non-Compliance

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to Dover’s Head of Assets and Building Control and EKH’s Director of Property Services in the first instance.
- 15.3 Dover’s Head of Assets and Building Control and EKH’s Director of Property Services will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue and report details of the same to the CMT.
- 15.4 The CMT will ensure the Portfolio Holder for Housing is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue Dover’s CMT and the Council’s Chief Legal Officer will consider whether it is necessary to disclose the non-compliance issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

16 Approval

Strategic Lead: Head of Assets and Building Control (Dover District Council)

Sign/date: _____

Cabinet Chair: _____

Sign/date: _____

Cabinet Member: _____

Sign/date: _____

17 Glossary

17.1 This glossary defines the key terms used throughout this lift safety policy:

17.1.1 **LOLER** - Lifting Operations and Lifting Equipment Regulations 1998 - regulations which place duties on people and companies who own, operate or have control over lifting equipment.

17.1.2 **PUWER** - Provision and Use of Work Equipment Regulations 1998 - legislation which places duties on people and companies who own, operate or have control over work equipment. PUWER also places responsibilities on businesses and organisations whose employees use work equipment whether owned by them or not.

Subject:	REVIEW OF THE REVENUE AND CAPITAL BUDGETS IN RESPONSE TO THE COVID-19 PANDEMIC
Meeting and Date:	Cabinet – 1 June 2020
Report of:	Mike Davis, Strategic Director (Corporate Resources)
Portfolio Holder:	Councillor Stephen Manion, Portfolio Holder for Finance and Governance
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report: To establish the strategic financial response to Covid-19 and commission the additional work required.

Recommendation: It is recommended that Cabinet:

1. Approve the remodelling of the revenue and capital budgets using the assumptions and changes set out in this report.
2. Instruct officers to resubmit the Capital Programme to Cabinet with risk assessments against existing and any new projects with the objective to generate net savings / reductions / cancellations of £4.6m or more as soon as is practicable.
3. Instruct officers, by July / August 2020, to:
 - (i) Develop a programme of asset disposal for further consideration to generate a target £1.0m of receipts.
 - (ii) Review the options and implications of additional borrowing to finance the Dover District Leisure Centre.
 - (iii) Review the current earmarked reserves to determine whether any further sums could be released.
 - (iv) Re-present the revenue budget to Cabinet with an indication of statutory and non-statutory services to assist in resource prioritisation and updated projections of budget pressures for 2021/22.
 - (v) Present project appraisals, including commitments of partner funded projects, for those capital projects that Cabinet wishes to proceed.

1. Summary

1.1 This report has been prepared in order to develop a strategic financial response to the Covid-19 response and to provide all Members with an update on the Council's financial position.

1.2 This report is split into seven sections:

- (a) Headlines;
- (b) The unknowns;
- (c) Support provided to the community;
- (d) The 2020/21 budget;
- (e) The extra headroom required and the capital programme;

- (f) The Council's Earmarked Reserves; and
- (g) The 2021/22 budget.

2. Background

- 2.1 The Covid-19 pandemic and the subsequent lockdown of the UK economy is expected to generate the sharpest recession since 1945. UK unemployment is already reported to have risen by 857,000 in April to 2.1m, an increase of circa 68% in the reported unemployment rate in 1 – 2 months.
- 2.2 For district councils such as Dover, the financial impacts in 2020/21 come from a combination of some additional cost pressures (mainly homelessness), very significant losses of income and minimal financial support from the Government.
- 2.3 The uncertainty surrounding the continued lockdown, the rate and timing of economic recovery, the future of local government financing and any potential additional government support combine to create a significant range of unknowns. Therefore, it is not possible to provide certainty as to the impact on the Council's future financial position.
- 2.4 This report has been produced to provide Members with the most up to date analysis available, the future work required and the options available. Whatever measures the Council takes, the current circumstances are likely to have a significant impact on the Council's financial position and the range of services it provides.
- 2.5 Although the government has started to relax some of the lockdown measures introduced in March, the rate at which lockdown will be released and the speed of recovery as the country emerges from lockdown (and the possible recurrence of a second spike) are all unknowns. This report contains forecasts that extend the financial impacts from a 3-month lockdown period to 6, 9 and 12 months. These are for guidance and do not imply that we are predicting a specific lockdown period. In practice we may face the financial impact of a 2-month lockdown and 2 months of tapered recovery which might equate to the effect of a simple 3 months of lockdown.
- 2.6 For the purposes of estimating the quantum and developing a strategic response the financial modelling assumes a period of 'lockdown' equating to 6 months.

3. Key Points

- 3.1 The key points to note from this report are:
 - (a) A 6 months lockdown is forecast to create £5.3m of additional pressure on the 2020/21 budget.
 - (b) A new town centre regeneration fund of £2.5m to support the recovery has been assumed.
 - (c) An additional £1.5m is required to fund the Maison Dieu project¹.
 - (d) Transition costs of £0.5m have been assumed to support any organisational changes required for 2021/22 and subsequent years.
 - (e) These pressures total £9.8m for 2020/21.
 - (f) Additional borrowing and/or additional contributions to reserves would increase this total.
- 3.2 To meet these pressures the following options have been identified:

¹ The Maison Dieu project is the subject of a separate report. This was correct at the time of writing.

- (a) Reduce the Council's General Fund balance to £1.5m, thus releasing £1.0m.
- (b) Apply the Government's support to DDC of £1.2m.
- (c) Cancel budgeted contributions from the General Fund budget to earmarked reserves of £2.0m.
- (d) Consider a programme of asset disposal, for further consideration to generate capital receipts of at least £1.0m.
- (e) Pause the capital programme (with some specific exceptions²) and resubmit to Cabinet with risk assessments against existing and any new projects with the objective to generate net savings / reductions / cancellations of £4.6m.
- (f) Collectively these actions are forecast to generate £9.8m.
- (g) Review the current earmarked reserves to determine whether any further sums could be released.

4. The Unknowns

- 4.1 The financial position is one of unprecedented uncertainty. A summary (not exhaustive) of the major "unknowns" identified to date is provided below.
- 4.2 Linear – many of the impacts are unlikely to be linear in their effects, so what we experience in the few weeks is not necessarily a good indication of what is to come. Some pressures will ease over time, others will tighten, others will have a phased recovery period, etc.
- 4.3 Duration – it is not yet clear how long the lockdown will continue and therefore when the recovery will start.
- 4.4 Pattern of economic recovery – the economy appears to be in recession, and this may possibly become depression, potentially the steepest in 300 years. It is not clear what shape this will take:
 - (a) V – a fast immediate recovery
 - (b) U – a period of recession / depression followed by a recovery
 - (c) L – no short-term recovery
 - (d) W – a second dip if the virus returns and requires a second period of lockdown.
- 4.5 Government support to businesses – the furloughing policy has probably reduced the level of short-term unemployment. The duration and phased withdrawal of furloughing are uncertain, but as unemployment and Universal Credit claimant levels increase, we are likely to see an increase in the cost of the Council Tax support scheme. UC has a 4 – 6 weeks delay anyway and growth in unemployment may build slowly so it is not yet possible to identify the effect and start to measure the impact.
- 4.6 Council Tax – The majority of Council Tax is paid in instalments, most being "10 monthly". Therefore, the lockdown is likely to have had minimal impact on Council Tax collection in March 2020, and we are in the first month of impact. Initial indications are a reduction of 5% in Council Tax collection – but this is likely to have been skewed by

² Exceptions are those projects which have started or are contractually committed, those that are essential for safety reasons or to protect the integrity of the asset, and those where public and private sector partners have made confirmed commitments such as BRT, Dover Town Market Square and Sandwich Place Making. All projects need formal Cabinet approval before they proceed.

the payment of hardship grants and a rescheduling of some Council Tax payments to a June – March year.

- 4.7 Business Rates – Retail, leisure and hospitality businesses have been taken out of the system for a year, and small businesses have been given grants. In the short term this protects business rates income. In the longer term it is not clear what proportion of these businesses will survive the lockdown. The team are currently focused on making payments, and the latest discretionary scheme, but will try to determine the underlying business rates pattern.
- 4.8 Business Rates Retention – Government has been working on reforms to the Business Rates Retention (BRR) model but without notable success, so the current model will continue through 2021/22.
- 4.9 The current model is volatile and unpredictable. DDC is also a shadow member of the Kent business rates pool. There is a possibility that all (or the bulk) of the pool members suffer adverse business rates performance next year. It is not clear how the government's safety net will be applied to a pool. It should also be noted that Dover is a shadow member of the pool. In theory we could walk away from the pool if that were to our advantage. That would not be appropriate. The other pool members have honoured their commitment to treat Dover (and Sevenoaks) as bona fide pool members even though technically we are not – and so we cannot honourably decide to leave, except by mutual agreement.
- 4.10 Timing – BR are paid into the collection fund from which Dover and the other stakeholders precept (draw) their shares. So poor BR performance in 2020/21 would not actually affect the DDC precept for the year but would leave a deficit in the collection fund. This deficit would not be confirmed until April / May of 2021, by which time the precept for 2021/22 would already have been set (probably based on an estimated deficit), so the impact of the 2020/21 poor performance impacts on the DDC budget for both 2021/22 and 2022/23. This makes the link between what is happening in the local economy and how it impacts upon the DDC budget rather tenuous. At present the modelling has been simplified so that a reduction in BR performance is shown as a direct impact upon the Council in 2020/21. If this is not done, then the issue may be long forgotten when we face the final confirmed financial impacts in 2022/23.
- 4.11 Presentation of statistics to government – in their collection of data on the impacts, MHCLG have requested that all CT and BR income is shown against the billing authorities, rather than split across all preceptors. This is probably done for consistency and convenience but may have made Kent level summaries confusing for Members.
- 4.12 New Homes Bonus – NHB is a key income stream, totalling £1.7m per annum. Government have repeatedly tinkered with it. The current system is operating on an annual basis with no legacy payments for current awards. We must also assume that completions and therefore performance is down on past achievements. If this dips below the historic growth trend level (which is our “minimum delivery” target) then we may not receive NHB for growth in 2019/2020.
- 4.13 Fair Funding Review – This review was set up to develop a sustainable and equitable basis for the future funding of local authorities. The review has been put on hold by the government, therefore it is assumed the current system will continue.
- 4.14 Brexit – the timing and impact of the Brexit transition period remain uncertain. No positive or negative impacts have been assumed in the forecasts.
- 4.15 Reserves and Balances – The Council has maintained prudent balances and reserves, although the capital programme has been steadily depleting these reserves and this is unsustainable. A review of the capital programme and reserves is therefore required to determine what reserves should be maintained in the future and what reserves

(released from funding the project programme) could be applied to support the Council's financial position in 2020/21 and 2021/22.

- 4.16 **Borrowing** – the Council could undertake more borrowing (the Dover District Leisure Centre has not yet been financed³ and we could replace some of the planned £7m use of reserves with more borrowing). As a rough guide, borrowing £1m over 40 years generates an annual revenue pressure of £40k per annum, so fixed interest rate borrowing over a fixed term, where the project is self-financing, is an option. There are potential risks to this option if the income stream on which the business case was developed is not delivered, or is delivered at a reduced level, since it would just leave a budget pressure.
- 4.17 **Future Leisure Centre income** – the return to use and the pattern of use and membership at both Dover District Leisure Centre & Tides are clearly significant unknowns, as is the level of competition that will survive and remain in the market after the lockdown and the level of support to be provided by the Council to support service delivery.
- 4.18 **Commercial rental income** – this income stream comes from a diverse portfolio with a small number of high value leases and a high number of smaller leases. Rents are commonly paid on the quarter days, and so the first payment of this financial year will not yet be due in many cases. Therefore, the pattern of payment cannot be determined reliably at this time.

5. Support Provided to the Community

- 5.1 Apart from the recently announced discretion grants, the support to the community is now reasonably established and is stabilising and should be fully funded by government grants. For brevity this has been provided as Annex 1 to this briefing note.

6. The 2020/21 Budget

- 6.1 The budget impact has been modelled to show the impact of lockdown for 3, 6, 9 and 12 months.
- 6.2 This is not intended to suggest that the impact of the lockdown will fall into clear neat 3-month periods. In practice, we might have a 2-month lock-down, and 2 months of easing, which might equate to the 3-month modelling – but this is currently unknown. It also does not suggest that a 12-month lockdown period is considered a likely scenario, but it recognises that there could be significant additional periods, potentially at intervals, if a second wave is experienced.
- 6.3 The modelling is intended to show the broad level of pressure and how it might change over time.

Cost/Income Area	Original 2020/21 Budget £k	Estimated Financial Pressure @ 3 Month Lockdown £k	Estimated Financial Pressure @ 6 Month Lockdown £k	Estimated Financial Pressure @ 9 Month Lockdown £k	Estimated Financial Pressure @ 12 Month Lockdown £k
<u>Expenditure Pressures</u>					
Homelessness	1,100	275	385	495	605
Refuse & Recycling	7,964	40	80	119	159

³ This is a technical issue. We have “paid” for the leisure centre using, in part, our cashflow, but we have not yet selected whether all of the long term “financing” should be from borrowing or reserves or a mix.

Cost/Income Area	Original 2020/21 Budget £k	Estimated Financial Pressure @ 3 Month Lockdown £k	Estimated Financial Pressure @ 6 Month Lockdown £k	Estimated Financial Pressure @ 9 Month Lockdown £k	Estimated Financial Pressure @ 12 Month Lockdown £k
<u>Income Pressures</u>					
Car Parking	-2,655	797	1,460	2,124	2,655
Building Control	-320	32	64	96	128
Development Control	-720	72	144	216	288
Land Charges	-171	17	34	51	68
Licensing	-211	21	42	63	84
Refuse & Recycling	-408	0	0	0	0
Rental income	-2,255	226	451	677	902
Other Income Streams	-2,613	261	523	784	1,045
Civica Revs & Bens Charges	1,934	19	39	58	77
Property Investment Target	-100	100	100	100	100
Interest Receivable	-1,750	438	613	788	963
NDR Baseline Funding	-5,658	566	849	1,132	1,415
Council Tax Income	-7,503	375	563	750	938
Total Cost		3,238	5,345	7,453	9,428
Average monthly burn rate for the lockdown periods.		1,079	891	828	786

6.4 The key points to note for 2020/21 are:

- (a) These are “best estimates”. They aren’t best case or worse case, and they cannot be precise at this time.
- (b) The indicative additional budget pressure at the start is circa £1m per month of lockdown.
- (c) The total projected pressures currently range from £3.2m - £9.5m.
- (d) There are some additional costs, particularly for homelessness, the Community Hub and refuse / recycling, but the main pressures for district councils like Dover are in significant losses of income from a wide range of sources.
- (e) We have received £1.25m in total support from government which is welcome, so they have met circa one month’s costs or around 1/3 of the cost of the shortest projected lockdown period modelled. We don’t know if Government will do more – but for planning purposes we assume it is unlikely.
- (f) The current 2020/21 budget assumes some transfers to reserves. While it is proposed that these transfers could be forgone to reduce the financial pressure in the year, this will leave less in reserves for future years.
- (g) The Council has always adopted a prudent approach to earmarked reserves and balances, higher risk investments and projects, financing of the capital programme, borrowing etc and this has given Dover a degree of financial strength.

The reserves and balances should not be drawn on lightly and should be rebuilt to a reasonable level as soon as possible. They can only be used once and are hard to rebuild. On the other hand, they are there, in part, to protect the Council and to provide for exceptional events. A pandemic of a “once a century” scale and a “300 year” recession are certainly exceptional events and therefore it is reasonable to consider the use of reserves for the immediate impact of the current crisis and any subsequent transition.

- (h) There are three main types of balances and reserves.
- (i) Balances – these are good buffer against unexpected overspends and “one-off” shocks. The Council has, in recent years, maintained the General Fund balance at over £2.5m. It would not be prudent to draw on all this balance; but use of up to £1.0m in 2020/21 would not be unreasonable.
 - (ii) Smoothing transfers - these are used to set aside funding for periodic large expenditure areas, such as, managing the complexities around the Collection Fund surplus & deficits, district elections, the LDF process, ICT equipment replacement, planning appeals, etc. It is not proposed that these are reduced at this stage due to the on-going need to fund these areas.
 - (iii) Transfers to support future projects and maintain healthy reserve levels. These are usually from one-off income streams, one-off savings or income streams that are not considered prudent to include in the base budget due to volatility or other factors. These could be reviewed to support the current budget financing and include:
 - £600k transfer of increased investment income returns;
 - £930k one-off prior year renewable energy NDR income;
 - £550k from interest savings generated due to borrowing not undertaken for Property Investment, DDLC & the LOBO loan repayment.
 - (iv) The total available from balances and postponed / cancelled transfers to reserves is therefore circa £2.5m.
- (i) It is uncertain whether there will be one lockdown period after which general Covid-19 containment / immunity / treatment / vaccination will prevent a recurrence, whether on-going measures will continue for some months, or whether there will be an easing after which the virus will return, requiring further lock-down.
- (j) There is an on-going duty on s151 officers to make a report under s114 of the Local Government Finance Act 1988⁴ should circumstances dictate. This is a statutory duty – not a matter of personal choice. Every effort will and must be made to avoid this happening. This could be avoided if Government were to underwrite councils’ solvency for a period. Government does not appear to be prepared to do this and a s114 notice may become unavoidable for some councils.

7. Extra Headroom Required and the Capital Programme

⁴ Section 114 reports were made at Northamptonshire CC where the relevant finance officer considered the resources of the council insufficient to meet its plans.

- 7.1 In order to meet the immediate pressures on the 2020/21 budget some extra headroom will be required. The “Key Points” section above sets out the projected additional headroom required for 2020/21 of £9.8m and the options to achieve it.
- 7.2 However, it is also possible to investigate release of additional resources in two ways.
- 7.3 First, by borrowing to finance projects that have not yet been financed. The most notable opportunity is the Dover District Leisure Centre where borrowing of up to £7m could be considered in order to replace earmarked reserves that have been set aside for this purpose. It may also be appropriate to borrow a proportion of this sum at a pro rata cost.
- 7.4 Every £1m borrowed will cost circa £40k per annum to service, so borrowing all £7m would create a £280k additional annual pressure in 2021/22 and for the next 40 years. This is clearly a trade-off. This is in addition to the broad estimate of pressures for 2021/22 set out later in this note.
- 7.5 Second, by drawing more from earmarked reserves. This is considered below.

8. The Council’s Earmarked Reserves

- 8.1 Over many years the Council has maintained financial discipline and adopted prudent financial policies that have given it a sound financial position. The 2020/21 Budget and Medium-Term Financial Plan showed a projected General Fund balance of £2.6m and £12.9m of earmarked reserves for a range of purposes including events (the Open Golf etc), regeneration, ICT equipment, Business Rates and Council Tax smoothing reserves etc.
- 8.2 The Council’s capital programme is depleting these reserves faster than they are being replaced. However, given the unique circumstances at the current time, it is proposed that the reserves should be reviewed to determine whether more reserves should be released to address the pressures in 2020/21, or whether the reserves require additional contributions thus increasing the General Fund revenue budget pressure.

9. The 2021/22 Budget

- 9.1 For 2021/22, there is likely to be a mix of on-going pressures from a reduced resource base and the pressures created by a slow recovery of other income streams, in addition to whatever changes government may make to the financing of local government.
- 9.2 The council therefore faces some conflicting requirements:
- (a) Trying to find some certainty in an uncertain situation;
 - (b) Avoid over-reaction and making undue reductions in service budgets;
 - (c) Avoid under-reaction and insufficient reductions in service budgets leading to possible last minute / emergency reductions in budgets at the start of 2021/22;
 - (d) Avoid making inessential commitments during 2020/21 which may require reversal in 2021/22.
- 9.3 The Medium-Term Financial Plan (approved by Council in February) shows DDC facing a projected budget shortfall in 2021/22 of £1.3m. The 12 months impact of full lockdown in 2020/21 is estimated to be circa £10m. Assuming the recovery is underway by that time, then this impact will be diminished, but still significant.
- 9.4 If we estimate the residual pressure in 2021/22 to be in the order of 10 – 20% of the lockdown level, then the additional annualised pressure would be £1m - £2m. This

would mean savings from services in 2021/22 of £2.3 - £3.3m, or 13 – 19% of the Council's 2020/21 net budget.

- 9.5 This figure would become higher if borrowing is undertaken for the Dover District Leisure Centre (say £280k pa for £7m borrowing) and if General Fund Balances are to be restored to a level of £2m by 2023 (£250k pa).
- 9.6 Once the statutory services (such as refuse collection, environmental health, planning, etc.) are largely removed from this calculation, the percentage pressure on the remaining discretionary services is likely to be much higher.
- 9.7 To place this in context, the General Fund expenditure on employees is circa £16m. A saving of £3.3m, if all taken from the employees' budget (ignoring HRA recharges), is circa 20% of the total spend. Any non-essential commitments made at this stage will increase this percentage.
- 9.8 It is also important that the significant range of budget uncertainties is recognised. Some of these repeat points made above. But they will assume a greater importance when they have become the new normal for the 2021/22 and subsequent budgets.
- (a) Council Tax collection rate
 - (b) Council Tax Support Scheme costs, impacted by future unemployment levels
 - (c) Business Rates Tax Base
 - (i) Levels of bankruptcies and unoccupied properties
 - (ii) Potential loss of growth / reduction of the tax base
 - (iii) Collection rates
 - (iv) Appeals
 - (v) Defaults and bad debt levels
 - (vi) VOA and revaluations
 - (vii) Channel Tunnel and Port appeals in the light of poor trading
 - (viii) Collection Rate
 - (ix) Pooling and the safety net operation
 - (x) BR retention review and any scheme changes⁵
 - (d) Fair Funding review⁶
 - (i) The future model of council funding – this review appears to have stalled
 - (e) Car parking, planning fees, searches and other F&C
 - (f) Leisure Centre payments
 - (g) Pension Fund impact – next triennial valuation. Will there need to be an interim valuation?
 - (h) Investment income
 - (i) Commercial rent income
 - (j) New Homes Bonus
 - (k) The free port
 - (l) Brexit progress
 - (m) The impact of major contract renewals.

⁵ The Business Rates Retention review has been put on hold. The current system is not fit for purpose, but it would appear to be continuing for at least another year.

⁶ The current model of local government finance is not coherent or effective and requires re-design.

9.9 The final uncertainty is whether (regardless of Dover's own position) the existing model of local government and the way it is financed will be sustainable for most Councils, and if not, how will it be reformed.

10. **Summary of Proposed Actions**

10.1 The various sections above included proposed actions. For convenience they are summarised below.

10.2 With immediate effect:

- (a) Remodel the revenue and capital budgets as set out in this report based on the following assumptions and actions.
- (b) Assume a 6 months lockdown for the purposes of modelling pressure on the 2020/21 budget.
- (c) Assume a new town centre regeneration fund of £2.5m to support the recovery.
- (d) Apply an additional £1.5m to the capital programme to fund the Maison Dieu project.
- (e) Allow transition costs of £0.5m to support any organisational changes.
- (f) Reduce the Council's General Fund balance to £1.5m, thus releasing £1.0m and restore the balance to £2.0m over 2 years.
- (g) Apply the Government's support to DDC of £1.2m.
- (h) Cancel contributions from the 2020/21 General Fund budget to earmarked reserves £2.0m.
- (i) Pause the capital programme.

10.3 As soon as possible:

- (a) Resubmit the Capital Programme to Cabinet with risk assessments against existing and any new projects with the objective to generate net savings / reductions / cancellations of £4.6m or more.

10.4 By July/August 2020:

- (a) Develop a programme of asset disposal for further consideration to generate a target £1.0m of receipts.
- (b) Review the options and implications of additional borrowing to finance the Dover District Leisure Centre.
- (c) Review the current earmarked reserves to determine whether any further sums could be released.
- (d) Re-present the revenue budget to Cabinet with an indication of statutory and non-statutory services to assist in resource prioritisation and updated projections of budget pressures for 2021/22.
- (e) Present project appraisals, including recommitments of partner funded projects, for those capital projects that Cabinet wishes to proceed.

11. **Resource Implications**

11.1 The proposals in this report are intended to keep the revenue budget and capital programme within existing resource envelopes as approved by Council, and to provide a basis for further work.

12. **Climate Change and Environmental Implications**

- 12.1 One constant during these uncertain times is the risk of Climate Change. Recovery plans, strategies and projects should all consider the impacts on Climate change on a case by case basis, and what could be done within the Council's resources to reduce emissions to ensure DDC's Climate Emergency ambition is achieved together with the legally binding National targets.

13. **Corporate Implications**

- 13.1 Comment from the Director of Finance (linked to the MTFP): No further comments to add.
- 13.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 13.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

14. **Appendices**

Annex 1 – Support to the Community

Annex 2 – Major Projects Summary

15. **Background Papers**

Council Budget 2020/21 and Medium-Term Financial Plan 2020/21 – 2023/24 and associated working papers.

Contact Officer: Mike Davis, Strategic Director (Corporate Resources)

Support to the Community

Grants and Support to Businesses

1. Government has, through Councils, provided significant support to businesses. The main strands of this support are:
 - a. Waiving of all Business Rates in the retail, hospitality and leisure sectors for all of 2020/21.
 - b. Small business grants - £10k where the RV is under £15k
 - c. Retail, hospitality and leisure grant £10k for RV up to £15k, £25k for RV up to £50,999.
 - d. Discretionary Grants
2. As at 18/5/20 the position for DDC was 1,809 payments made or passed for payment, totalling £20,865,000 (89% of the eligible cases).
3. For those businesses where we hold the required data, payments were made without the need for applications.
4. For the others, to ensure all qualifying businesses receive their grants the team have telephoned, written, e-mails and promoted this by social media. There are also prominent guidance notes on the DDC website, and the team are now liaising with business representatives to see if they can also signpost businesses to the support available. Surprisingly there appears to be a small core of businesses that do not seem anxious to receive the grant but efforts to contact all businesses will continue.

Discretionary Grants

5. Discretionary Grants were announced by Government on 1/5/20 with outline guidance received from Government on 13/5/20. At the time of writing work is underway to develop a scheme for the Dover District. The key issues / principles under consideration are:
 - a. Available funding expected to be circa £1.17m.
 - b. Do we stick to the Government's broad guidelines or design a scheme that would enable additional businesses to qualify. This will broaden the appeal but reduce the awards.
 - c. Do we open the scheme for all applicants for a limited period, and then apportion the funds available, or do we open the scheme and award grants until the fund is exhausted.

Designing the Scheme

- As an initial view, the Government's guidelines intend that the scheme is for:
 - Businesses / organisations that have not received the other grants
 - With under 50 employees by headcount.
 - Businesses in shared spaces.
 - Market traders – with premises related fixed costs.
 - Bed and breakfasts

- Charities not paying BR
- Businesses which have continuing property related costs and that have been impacted by Corvid-19.

Council Tax Support and Universal Credit

6. Government's Universal Credit has been uplifted by £20pw. Council Tax Support is a means tested benefit and if left as it was, the £20 would be taken into account as additional income and CTS would have been reduced – thus negating the additional support from Government. The CTS arrangements have been amended to disregard the £20.
7. Government have also funded £150 hardship grants to be paid by Councils to CTS claimants. These have been paid.

Community Fund

8. The Covid-10 Community Fund was kick-started with £50,000 from Dover District Council. It has so far been boosted with corporate donations totalling £20,450 from local and national companies, including Barratt Homes, DDS Demolition, Effective Training, Megger, Pentland Homes, Persimmon Homes, Quinn Estates Discovery Park, Dolphin Lifts, Lydden Race Circuit and AnS Group.
9. Members of the public can also donate to the Fund online and so far donations from the public have swelled the Fund by over £3,510.

Annex 2

MAJOR PROJECTS SUMMARY

	Project Name	Unspent Project Total	Other Funding (Grants / External / HRA / etc)	Total DDC Contribution	Potential DDC Saving	Notes
1	Tides LC replacement project	4,870,000	-	4,870,000	4,870,000	Balance of approved £5m less £130k expenditure to date.
2	Dover Town Hall - DDC contribution to major refurbishment works	4,300,000	-	4,300,000		Original, approved £2.8m plus proposed additional £1.5m to deal with backlog maintenance and FM investment.
3	Bus Rapid Transit project (BRT) - including strategic land purchase	17,850,000	15,750,000	2,100,000		DDC contribution - £2m Land purchase & £100k sundry to support BRT project, potentially offset by future income from housing development.
4	Strategic Land Purchase - Aylesham / Regeneration	2,000,000	-	2,000,000	2,000,000	Cabinet approval for Aylesham land in place, other projects to be considered on case by case proposals. Aylesham proposal could progress if back-to-back or similar agreement progressed to ensure return on investment achieved. Regeneration purchases could cease or only proceed if suitable return on investment achieved.
5	Corporate Digital Projects	1,555,000	150,000	1,405,000	200,000	Allowance for on-going investment in digital projects, hardware, move to cloud, etc, etc
6	Dover Museum storage facilities	750,000	-	750,000		Needed to support Town Hall project and release of Western Road site for redevelopment.
7	Planning enforcement provision	600,000	-	600,000	600,000	Income maybe available to offset but cannot be guaranteed
8	Street-lighting works	500,000	-	500,000	250,000	Reduced from £1.5m in 2020/21 budget process. Allowance held to allow 5 year replacement programme. Option of reverting to reactive maintenance and replacing on case by case basis to derive savings but risks potential significant future costs.

	Project Name	Unspent Project Total	Other Funding (Grants / External / HRA / etc)	Total DDC Contribution	Potential DDC Saving	Notes
9	Dover Market Square public realm improvements	2,940,000	2,440,000	500,000		DDC match funding to Coastal Communities grant
10	Climate change initiatives	475,000		475,000	475,000	To support proposals from Climate Change group. No projects or commitments approved to date.
11	Dover Town Hall - essential repairs	400,000	-	400,000		Works identified following a condition survey which need to be completed before phase 2 of the HLF bid.
12	Sandwich Town place-making	1,050,000	650,000	400,000	400,000	Guildhall forecourt project - Funding pledges have been received from STC, KCC, R&A and private benefactors. The R&A have reconfirmed their commitment post-Corona virus. The same, binding post-Corona virus commitment will be required from STC, KCC & the private / confidential benefactors.
13	Property Renovations grant scheme	383,133		383,133	383,133	Balance of £500k allocation from High Street grants schemes.
14	Deal Pier - Capital Works	279,000	-	279,000	50,000	Commitment to the replacement lighting. Other remaining works could be withdrawn (apron bin stores, replace flag poles) and create saving. Amount estimated - TBC.
15	Dover Museum & Bronze Age Boat - Essential Works	258,000		258,000	30,000	Funding to support grant application by trust. Essential to establish stable climate for BAB - look to see if there is alternative with reduced capital costs. Possible savings estimated.
16	Corporate Property Maintenance	253,000		253,000		Revenue budget for corporate property works. Budget required to maintain properties to appropriate standards.
17	Kearsney Abbey / Russell Gdns - contingency	250,000		250,000		Allowance for completion of project

	Project Name	Unspent Project Total	Other Funding (Grants / External / HRA / etc)	Total DDC Contribution	Potential DDC Saving	Notes
18	Internal costs to facilitate new projects	200,000		200,000		Allowance for officer time to be charged to project feasibility works (GF impact if withdrawn)
19	Tides LC ongoing repairs	162,000		162,000		Budget for essential works to maintain service provision
20	Old St James Church works	161,265		161,265		Stabilising & associated works
21	LDF Plan	157,683		157,683		Allowance for on-going project
22	Paths & Structures in Parks & Open Spaces	150,000		150,000	100,000	Allowance for revenue works and H&S repairs.
23	DTIZ - Waterfront	134,000	-	134,000		Waterfront Masterplan and Cable Car consultancy
24	ICT Reserve funded - small projects	133,691	9,525	124,166		Numerous small ICT projects
25	Property Investment Strategy-external support	109,771		109,771		Revenue budget for feasibility, legal, financial, advice, etc. Unspent balance held for future projects.
26	Kearsney Café fit-out	100,000	-	100,000		To support in-house catering proposal & income generation
27	Kearsney Abbey / Russell Gdns pond repair	100,000		100,000	100,000	Project under review
28	Contribution to new public toilet	90,000		90,000	90,000	DTC project not progressing
29	DTIZ enhancement works	110,268	30,268	80,000	80,000	Improvements to the area surrounding the new St James development
30	Timeball Tower works	80,000		80,000		Serious corrosion of the timeball mechanism requires early resolution. Whilst scaffolding erected external redcoration of the tower is cost effective.
31	Resurfacing Car Parks & DDC owned access roads	78,305		78,305	28,305	Retain £50k for H&S repairs
32	Tower Hamlets depot works	75,000		75,000	75,000	Review with new contractor whether works necessary
33	Closed churchyard repairs	70,000		70,000	20,000	Remove and use corporate budget to fund

	Project Name	Unspent Project Total	Other Funding (Grants / External / HRA / etc)	Total DDC Contribution	Potential DDC Saving	Notes
34	Cowdray Square play area refurbishment	67,500	-	67,500	67,500	Needed to replace ageing equipment and refurbish area. Strategic play area in current strategy. Cancel until design of whole area is decided in case play area is not in right location.
35	Dover Regeneration - enabling costs	208,166	143,166	65,000		Part funded from SEEDA/HCA funding/income streams
36	New Financial System	82,500	20,600	61,900		Project in progress, due to go live Summer 2020
37	Contribution to Open Golf event	61,090		61,090		DDC contribution, includes funding of apprenticeships
38	Kearsney Abbey / Russell Gardens-play area / disabled facilities access	60,000	-	60,000		Reduced from £100k in 2020/21 MTFP process
39	Public realm works	60,000		60,000	60,000	Not essential
40	East Kent Waste 2021	113,367	56,684	56,683		Split 50/50 DDC/FHDC funding consultants costs on tendering process
41	Victoria Park-outdoor facilities improvements	100,000	50,000	50,000	50,000	Emerging project which is aimed at renovating the existing facilities. Match funding to be identified. No immediate plans to progress
42	Gazen Salts - nature reserve works	50,000		50,000	25,000	Look to community funding streams linked to climate change /carbon sequestration and match fund.
43	Football pitch renovations	50,000		50,000	50,000	Not essential but may affect local football facilities plan.
44	CAB alterations to co-locate Deal & Dover CABs	50,000		50,000	20,000	Project now to be delivered in house AM team (project allows sale/development of 27 Victoria Road deal).
45	Duke of York & Whitfield roundabout study	40,000		40,000		Constraints to the delivery of housing, economic growth and the need to roll forward the Whitfield strategic housing land allocation to the new local plan.
46	Project feasibility costs (external)	40,000		40,000		Recyclable pot to enable feasibility works

	Project Name	Unspent Project Total	Other Funding (Grants / External / HRA / etc)	Total DDC Contribution	Potential DDC Saving	Notes
47	Connaught Park Tennis Courts Improvements	30,500		30,500	30,500	Cancel until long term use of Connaught Park determined
48	Butts - access bridge works	28,827		28,827	28,827	Not essential work
49	Clarendon Field - safety boundary fence	28,100		28,100		Essential works to be retained
50	Sandwich Historic Boatyard - electricity supply	25,000		25,000	25,000	No immediate plans to progress
51	Sandwich Walled Town Conservation Area - consultancy	20,000		20,000		Conservation area study
52	Astor Theatre repair	20,000		20,000		Project is in response to H&S concerns. Needs to be progressed.
53	Beach Huts - refurbishments	15,820		15,820	10,000	Now to be delivered by in-house Assets Maintenance team
54	Parks - General Repairs (walls, fences, lakes, structures etc)	7,536		7,536	7,536	Not essential works
55	Dover Tourism Signage Scheme	4,539		4,539	4,539	Not essential works
	Grand Total	41,788,062	19,300,243	22,487,819	10,130,340	

Members are reminded that inclusion of a project within the Capital (and Revenue) Projects programme and approval of the programme by Council does not constitute approval of individual projects - it simply sets the overall resource envelope.

Approval of individual projects is the responsibility of Cabinet and is considered by Cabinet when they receive a project report, with the business case, financial, legal, equalities and other comments.

Some of the projects above may have received Cabinet approval, others may not - but their inclusion indicates that they are not contractually committed and / or even if some work has taken place, they could still be cancelled and generate a financing saving for DDC.

Subject:	DOVER DISTRICT COUNCIL HOUSING DELIVERY ACTION PLAN 2020
Meeting and Date:	Cabinet - 1 June 2020
Report of:	Lois Jarrett, Head of Planning, Regeneration and Development
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Planning and Regulatory Services
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report:	To seek approval for the Housing Delivery Action Plan 2020.
Recommendation:	That Cabinet approves the Housing Delivery Action Plan 2020 attached at Appendix 1.

1. Summary

- 1.1 The Council registered a 92% performance measured against the Government's housing delivery test. The result means the Council can apply a 5% buffer to its annual 5 years housing land supply calculation and should produce an action plan that assesses the causes of under delivery, explores ways to reduce the risk of further under-delivery and identifies actions to increase delivery. The Council's Housing Delivery Action Plan 2020 has been produced in line with national planning practice guidance and provides a set of initiatives to help increase the supply of new dwellings within the Dover district.

2. Introduction and Background

- 2.1 In February 2017 the Government published a housing white paper 'Fixing our broken housing market'. The paper set out plans to reform the market and boost the supply of new homes in England. Within the white paper a mechanism called the housing delivery test (HDT) was introduced with the aim of holding local authorities and wider interests accountable for their performance in their role of ensuring a sufficient quantity of new homes are delivered within their area. The HDT became embedded within planning policy with the introduction of the revised National Planning Policy Framework in 2018 and remains in the current iteration of the document published in February 2019 (NPPF 2019).
- 2.2 The NPPF 2019 defines the HDT as measuring the net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The NPPF at paragraph 75 stipulates that where the housing delivery test indicates that delivery has fallen below 95% of the Local Authority's housing requirement over the previous three years, the authority should produce an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.
- 2.3 The mechanics behind how the HDT works and the Council's performance were reported in the Housing Supply Technical paper, an appendix to the Council's Authority Monitoring report presented to this Cabinet in December 2019 and was

published on the Councils website in January 2020¹. The Housing Supply technical paper reported a 92% result for the Council measured against the HDT, a position that was confirmed when the MHCLG published the formal results on 13 February 2020. The performance of 92% means the Council can apply a 5% buffer to the Council's 5 years housing land supply calculation and should produce a Housing Delivery Action Plan (HDAP) for the district.

- 2.4 The requirement for a local authority to produce a HDAP has been set out within national policy and as such this determines that the requirement to produce a HDAP and the HDAP itself are material considerations in planning decision making.
- 2.5 The framework and criteria that should be considered when producing a HDAP have been set out within National Planning Practice Guidance² and have been applied in the production of the Councils HDAP. As recommended in guidance, key stakeholders from the development industry including landowners, developers, planning consultants and estate agents were given the opportunity to attend a forum and provide feedback on the draft HDAP for the Council. Feedback from the forum will be considered when developing future HDAP's for the Council.
- 2.6 The Councils HDAP set outs:
 - Potential performance against future HDTs;
 - The demographic, geographic, infrastructure, natural and built environment context in the district of Dover;
 - Dover District Council's Development Plan;
 - Housing delivery rates and analysis;
 - External factors affecting delivery within the District;
 - Summary of the Council's housing delivery issues, challenges, problems and weaknesses;
 - Action plan initiatives; and,
- Monitoring and review of the HDAP.
- 2.7 The action plan initiatives in the HDAP are categorised by Local Plan, Development Management and delivery of housing sites. Each initiative sets out its purpose, the time frame, priority, implementation and outcomes. Based on the Council's anticipated future performance against the HDT it is appropriate to consider initiatives that are both medium-term and long-term as well as addressing the short term. Initiatives will be reviewed within future HDAPs and updated and amended where required to help support the supply of new dwellings.
- 2.8 At present, it is uncertain what the impact of COVID-19 will be on future dwelling completions and housing land supply monitoring. The HDAP takes a retrospective look at housing completions during the monitoring years 2016/7, 2017/18 and 2018/19 and identifies factors that impacted on dwelling delivery. The initiatives in the HDAP are forward looking, focusing on interventions that the Council can take to

¹ Dover District Council Housing Technical Paper 2019:
<https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/PDF/Housing-Supply-Technical-Paper-2019-1.pdf>

² NPPG 2019 Housing Supply and Delivery:
<https://www.gov.uk/guidance/housing-supply-and-delivery#housing-delivery-test>

aid in the delivery of new dwellings. Inevitably, when the country comes out of the COVID-19 pandemic both societal and economic support will be required and the HDAP initiatives will help contribute to the process.

3. Identification of Options

- 3.1 To approve the HDAP for 2020.
- 3.2 Not to approve the HDAP for 2020

4. Evaluation of Options

- 4.1 By approving the HDAP for 2020 the Council will have complied with the national planning policy requirement and provided a set of initiatives that will help increase the supply of new dwellings within the district. Further, by approving the HDAP the Council will be contributing to the post COVID-19 pandemic societal and economic recovery by expediting and increasing the supply of new homes within the district
- 4.2 If the Cabinet were not to approve the HDAP then there would be no framework of initiatives agreed to increase the supply of new dwellings in the district. The likely outcome will be a deteriorating future performance of housing delivery against the HDT through constraints to dwelling supply not being addressed. This will likely result in the Council facing the more stringent penalties stipulated within the HDT.

5. Resource Implications

- 5.1 There are no resource implications in the approval of the HDAP 2020.
- 5.2 Once agreed by Cabinet, a copy of the HDAP 2020 will be placed on the Council's website.

6. Climate Change and Environmental Implications

- 6.1 There is no human, economic or environmental impacts from the options set out within this report to approve or not approve the HDAP 2020. If the HDAP 2020 were to be approved, then it would be appropriate to consider the impacts from initiatives within action plan as they progress.

7. Corporate Implications

- 7.1 Accountancy: Finance have been consulted and have nothing further to add (SG).
- 7.2 Comments from the Planning Solicitor: "The Planning Solicitor has been consulted in the production of this report and has no further comments to make."
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

8. Appendices

Appendix 1 – Housing Delivery Action Plan 2020

Contact Officer: Stuart Watson, Senior Policy Planner - 42058

**Dover District Council
Housing Delivery Action Plan
June 2020**

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1. Introduction

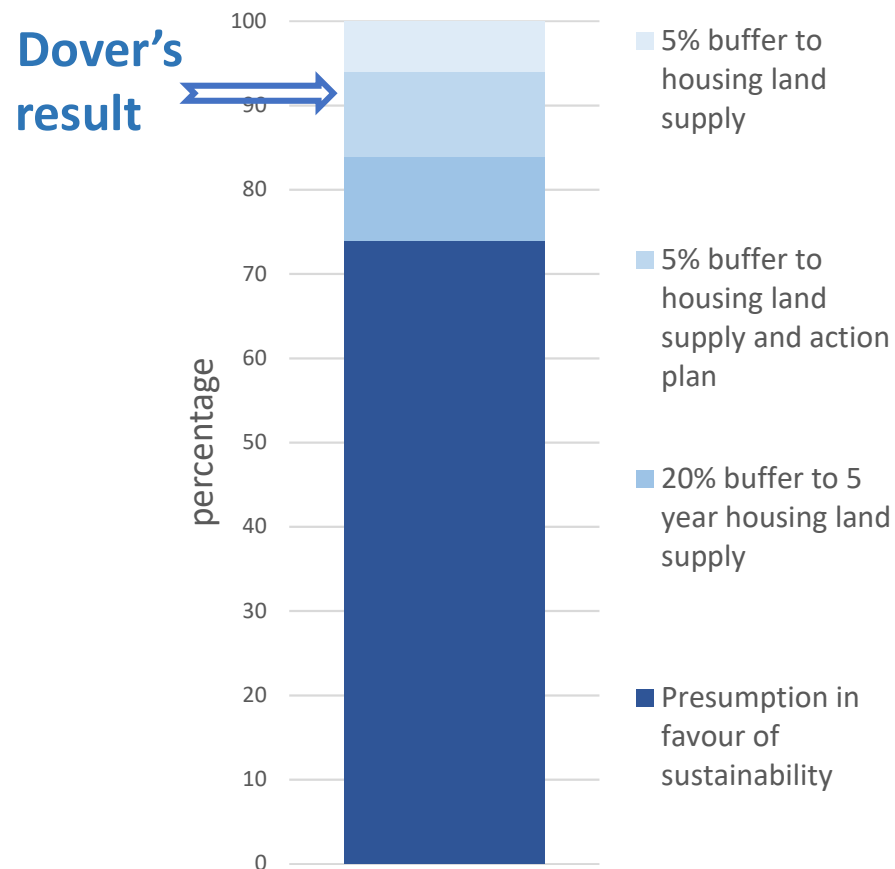
The 2018 NPPF and NPPG introduced the Housing Delivery Test (HDT). The test measures the number of homes required over a three year period against the number of homes delivered and calculates the result as a percentage.

The latest HDT covers the monitoring years 2016/17, 2017/18 and 2018/19 and the results were published on the 13th February 2020.

Dover scored a **92% result** against the test and this requires the Council to:

- Apply a **5% buffer** to 5 year housing land supply; and,
- Produce a **Housing Delivery Action Plan** (HDAP). The Plan should identify reasons for under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery.

The HDAP contained within this document has been produced within 6 months of the HDT 2019 results.



Dover performance against the latest HDT

2. HDT Forecast

The HDT determines the level of consequences applied to the authority where the delivery of the housing requirement has not been met. Depending on the level of delivery, these are:

- the authority should publish an action plan if housing delivery falls below 95%;
- a 20% buffer on the local planning authority’s 5 year land supply if housing delivery falls below 85%;
- application of the presumption in favor of sustainable development if housing delivery falls below 75%.

Looking forward, based on the average historical delivery of homes in the District over the last three monitoring years and the potential impact from the COVID-19 pandemic, it’s likely **the Council’s performance against the HDT will deteriorate unless a series of short term and implementable initiatives are undertaken.**

92%	80%	74%	73%
2016/17 2017/18 2018/19 Current HDT Action Plan	2017/18 2018/19 2019/20 Action Plan and 20% Buffer	2018/19 2019/20 2020/21 Presumption in favour of Sustainability	2019/20 2020/21 2021/22 Presumption in favour of Sustainability

Dover’s forecasted HDT performance

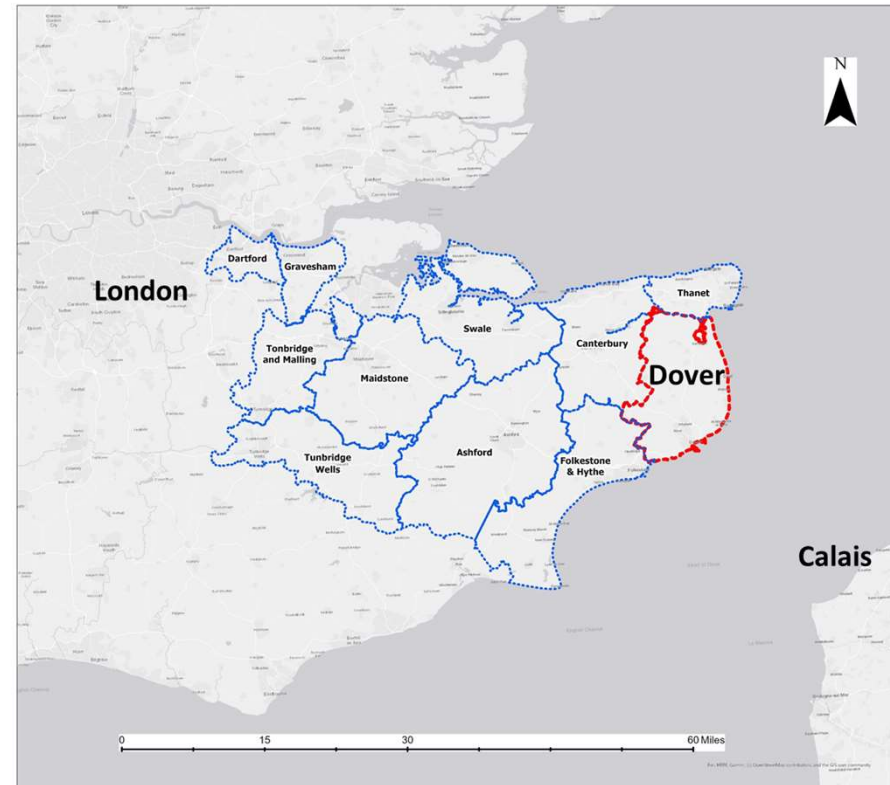
3. HDAP Methodology

The HDAP using the National Planning Practice Guidance (NPPG) has reviewed and carried out the following:

- Dover District profile, demographic and infrastructure;
- Natural and built environment constraints for the District;
- Development Plan progress;
- Housing and delivery analysis;
- Factors external to the Councils control influencing housing delivery;
- Summary of District delivery issues, challenges, problems and weaknesses;
- NPPG suggested HDAP initiatives;
- Initiatives the Council will take to support housing delivery; and,
- Monitoring and review of the HDAP.

4. District Profile

- The Dover District is located in South East of England in the county of Kent.
- The District was formed in 1974 by the merger of the boroughs of Deal, Dover, and Sandwich and Eastry Rural District.
- Neighbouring local authorities include:
 - Folkestone & Hythe
 - Canterbury
 - Thanet
- The District contains two urban areas (Dover and Deal), a market town (Sandwich) a rural service centre (Aylesham) and rural villages.
- The District is bordered to the south and east by the English Channel and contains a gateway shipping port to Europe.
- Dover Town is 79 miles from London and 29 miles from Calais.



5. District Demographic

Population

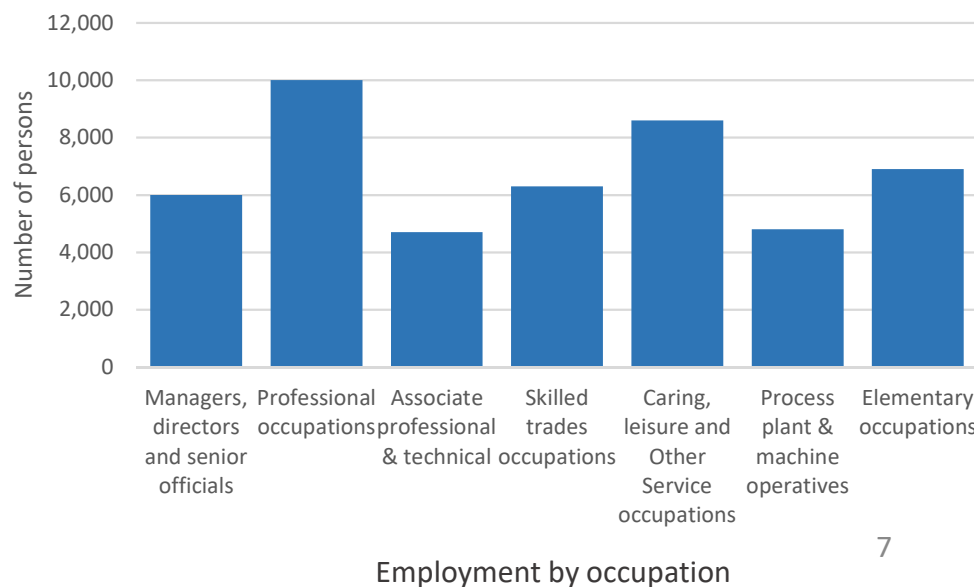
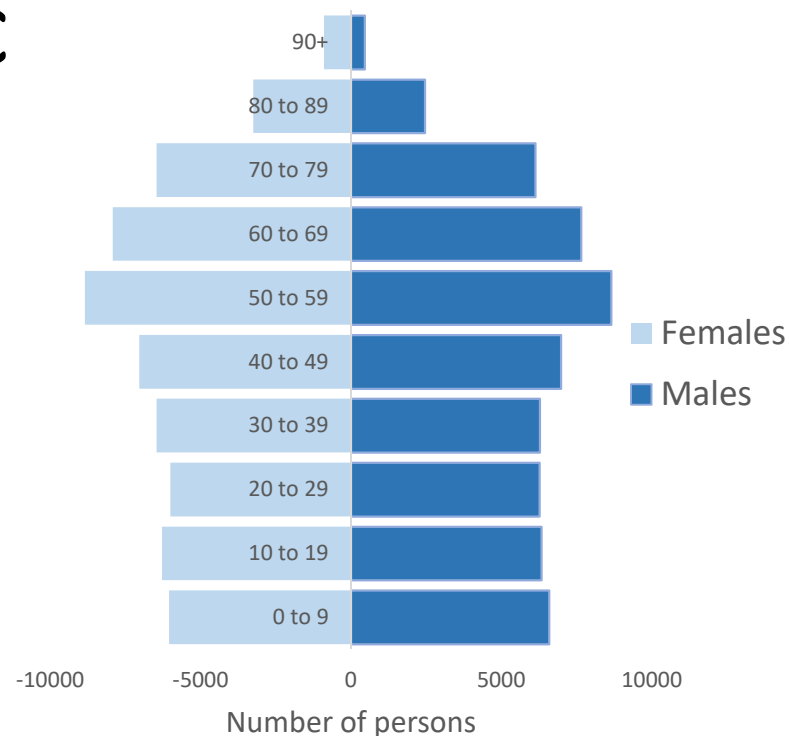
- 117,000 (57,800 males , 59,200 females),

Education

- Percentage of working age residents with no qualifications 7%, 1.4% higher than the South East.
- Percentage of working age residents with NVQ level 4 or higher 36.5%, 5.7% lower than the South East.

Employment

- Jobs in the district 42,000.
- 29.1 businesses per 1,000 population.
- 4.6% Unemployment rate, 1.5% higher than the South East.

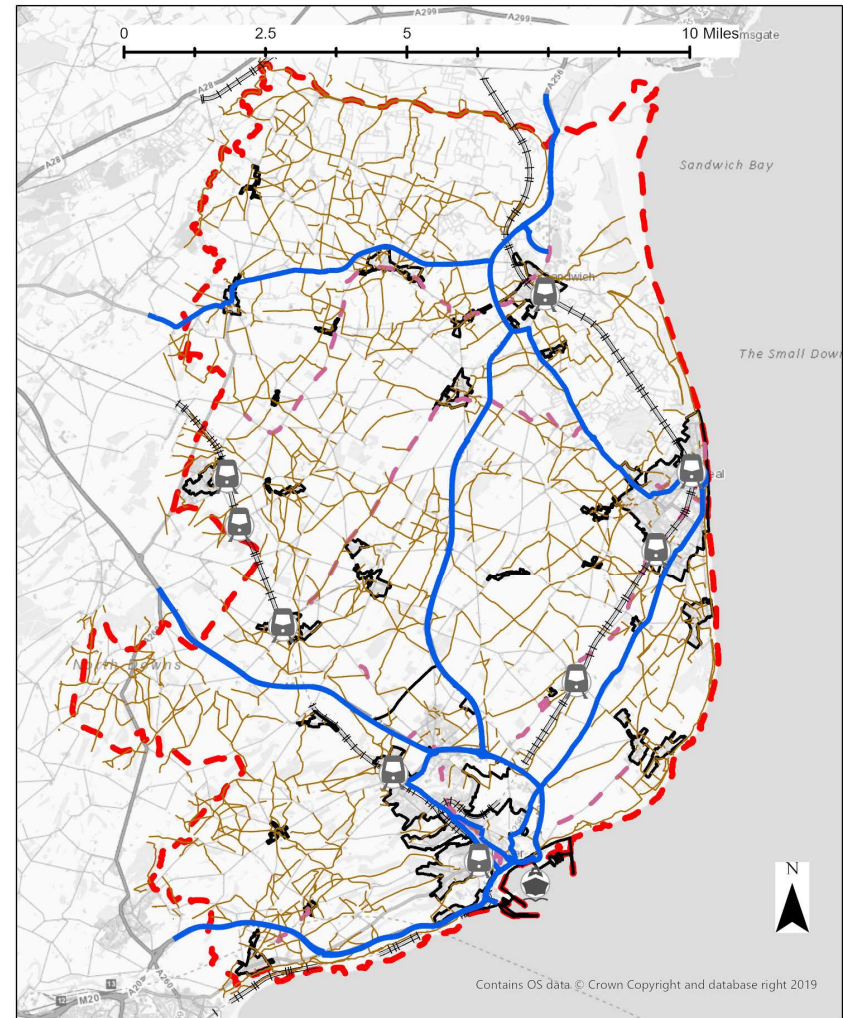


6. Infrastructure

Containing Dover port, a gateway location to the South East region, the District has strong rail and road links with the North and West of Kent.

The District contains:

- The Port of Dover;
- 9 train stations;
- 4 major A Roads (A2, A20 , A256, A257);
- Cycle ways, including Kent coastal cycleway; and,
- An abundance of Public Right of Ways.



Legend

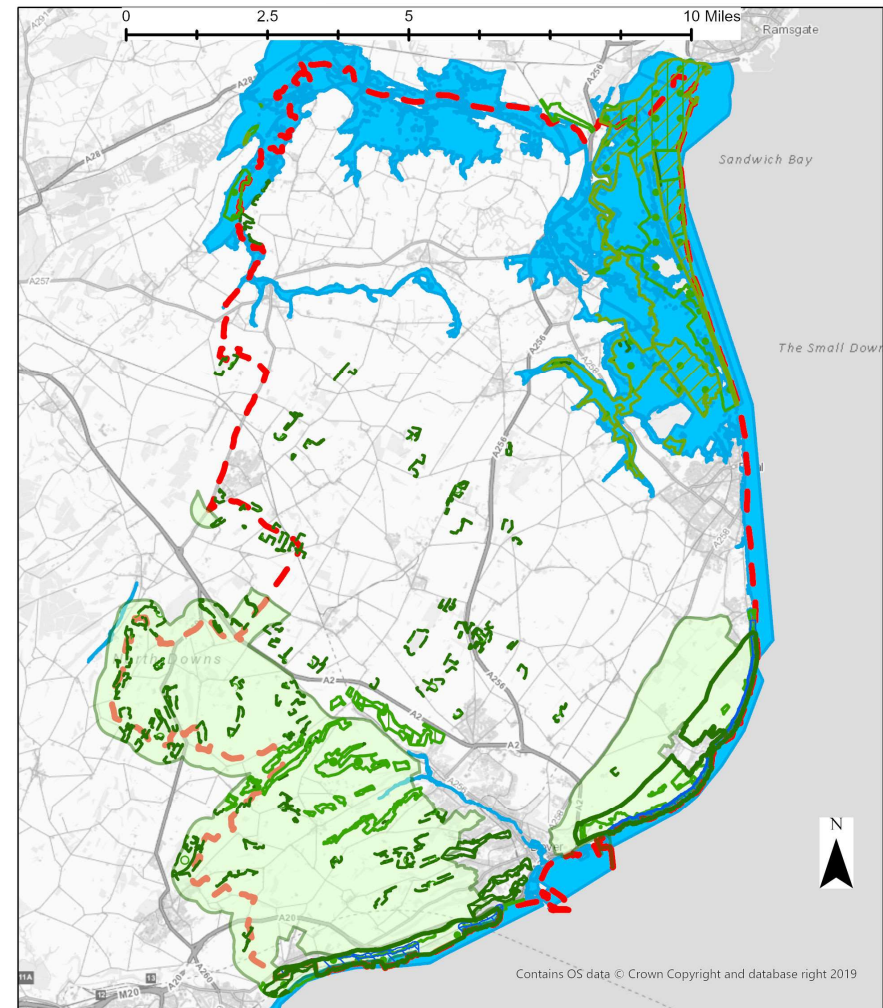
Railway_Station	Strategic_Roads	Settlement_Boundaries
Railway_Lines	Cycle_Route	District Boundary
Ferry_Port	Public_Rights_of_Way	

7. Natural Environment

Located on the south eastern edge of the British Isles, the District is a mixture of urban settled areas and rural hinterland. The District covers an area of 31,982 ha and has 32 kilometers of coast line.

The District contains:

- 7.7% of the District is developed land;
- AONB covers 25% of the District;
- National flood zone 3 covers 11.6% of the District, concentrated in the north of the District;
- 2 stretches of heritage coast; and,
- Cluster of environmental policies in the south of the District



Legend

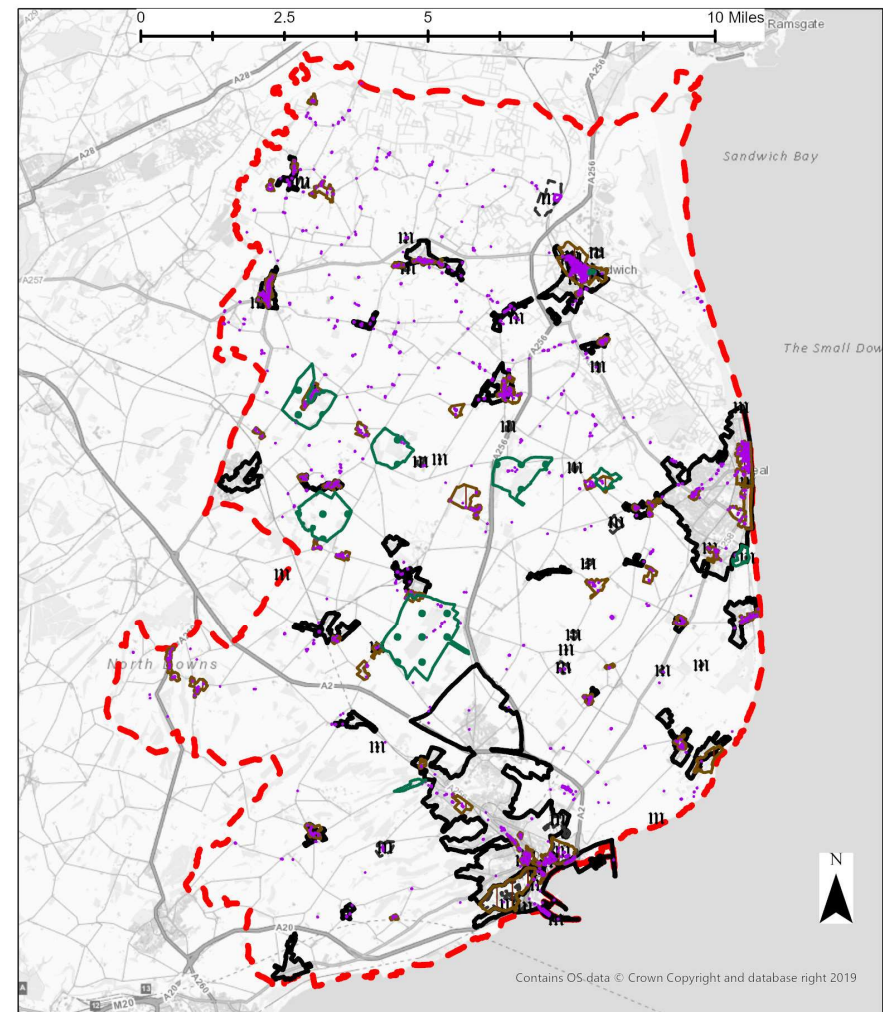
Heritage Coast	National Nature Reserves	District Boundary
Area of Outstanding Natural Beauty	Local Nature Reserves	
RAMSAR	Ancient Woodland	
Special Protection Areas	Coastal Change Management Areas	
Site Of Special Scientific Interest	Flood Zone 3	

8. Built Environment

The District is blessed with a rich built heritage that reflects its coastal location, military importance and close proximity to Europe.

The District contains:

- 1 Secondary Regional Centre (Dover),
1 District Centre (Deal),
2 Rural Services Centre (Sandwich and Aylesham),
5 Local Centre's and many villages and hamlets;
- 57 conservation areas;
- 39 Grade 1 listed buildings;
- 1,781 Grade II and 110 Grade II* listed buildings;
- 50 Scheduled ancient monuments; and,
- 5 Registered parks and gardens.

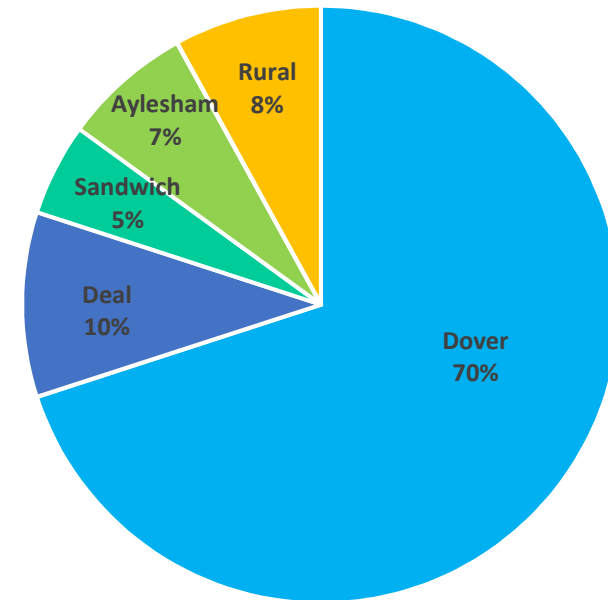


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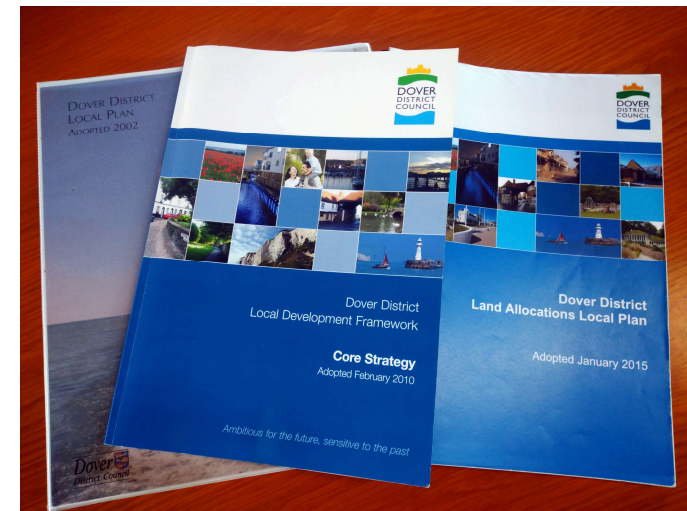
- District Boundary
- Settlement_Boundaries
- Scheduled_Monuments
- Conservation_Areas
- Listed_Building_Polygons
- Historic_Parks_&_Gardens

9. Development Plan

- **2010 Core Strategy** adopted, Plan for 14,000 new homes, with the aim of delivering a minimum of 10,100 homes by 2026.
- Urban extension led housing strategy with 70% of completions planned within Dover.
- Provide a better mix of housing, with the focus on delivering more family housing in the District.
- **2015 Land allocations Local Plan** adopted , additional land allocated for 2,465 dwellings.
- 2017 Council agreed to commence work on a new Local Plan.
- 2017 Call for sites to support the production of the New Local Plan.
- 2020 Housing Economic Land Availability Assessment latest findings published.
- 2022 target for new Local Plan adoption.

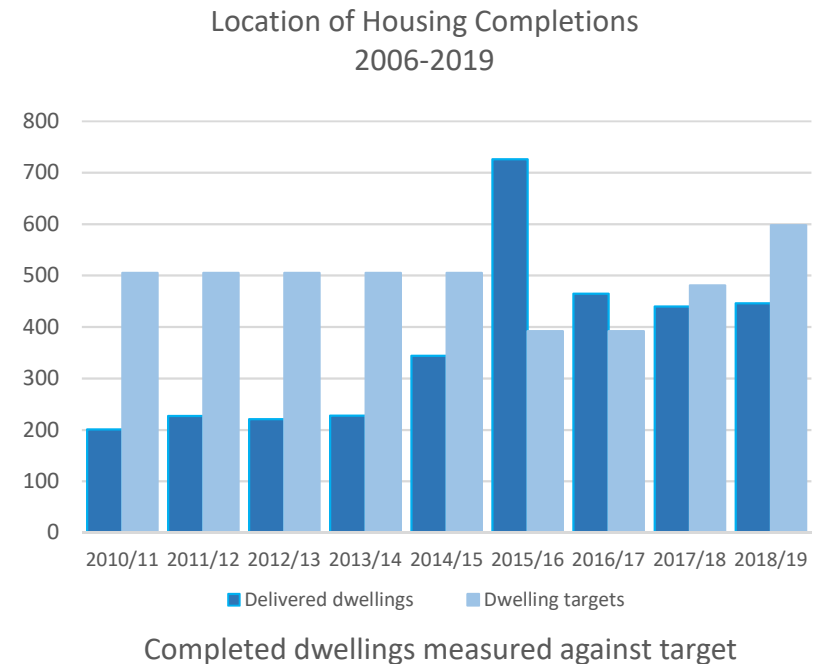
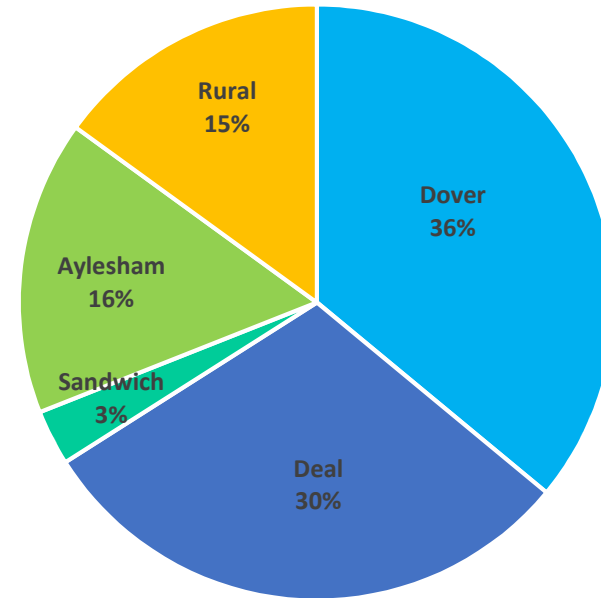


Distribution of housing allocations in the Core Strategy



10. Housing Delivery

- The majority of new dwellings spread between Dover and Deal, rather than just Dover. Substantial completions have also occurred in Aylesham and the rural villages.
- Between 2010/11 and 2018/19, 3,298 dwellings have been completed, 73% of the Core Strategy target of 4,545.
- Completions significantly increased from 2015/16 with the introduction of the Land Allocations DPD, and performed better measured against the HDT transitional arrangement and Core Strategy targets.
- Completions in 2018/19 performed well compared to the Core Strategy target but poorly against the Local Housing Need calculation.
- Further details can be found in the Council’s AMR and Housing Technical Paper 2019.

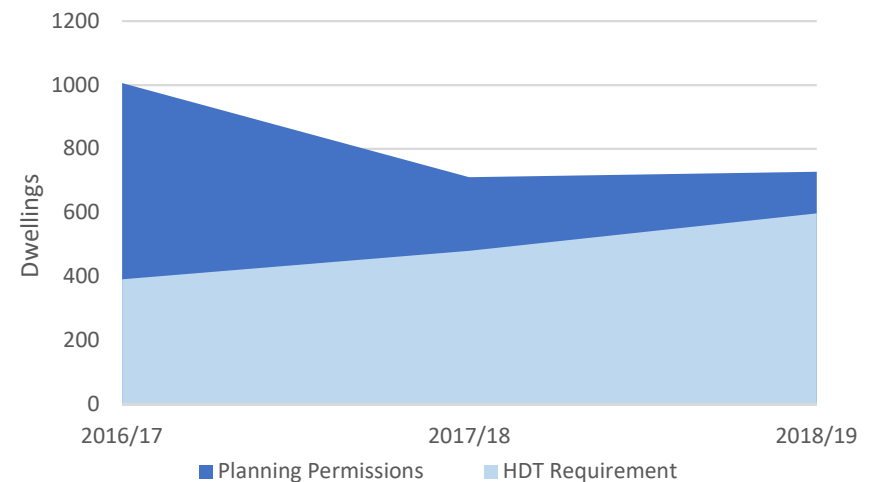
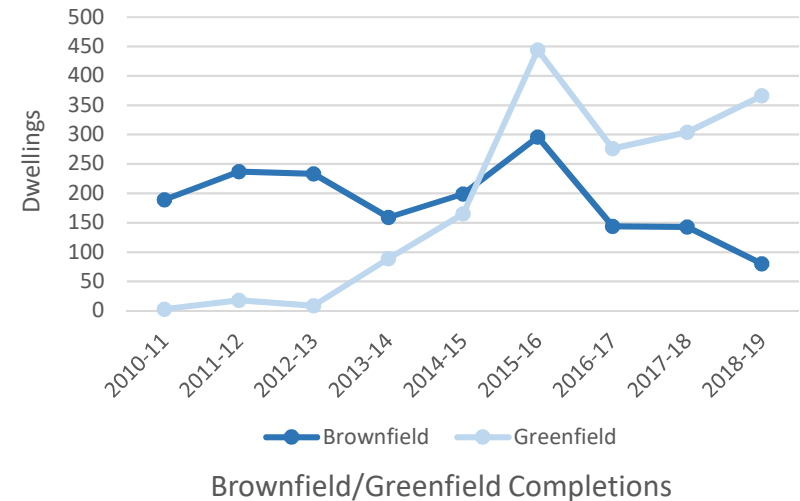
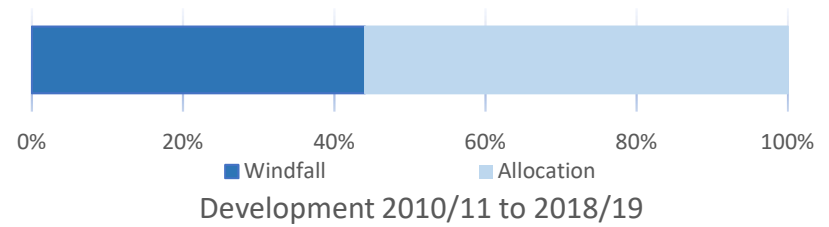


11. Delivery Analysis

- Windfall development on predominately brownfield land has contributed 44% of completions since 2010.
- Delivery since 2010/11 has been evenly split between Greenfield and Brownfield land, with allocated greenfield land making a significant contribution since 2013/14.
- Whitfield, 2010 core strategy allocation for 5,750 dwellings, to date has minimal delivery, 100 completions up to 2018/19. Land controlled by few owners carrying out the development.

Development Management Performance 2016/17 to 2018/19:

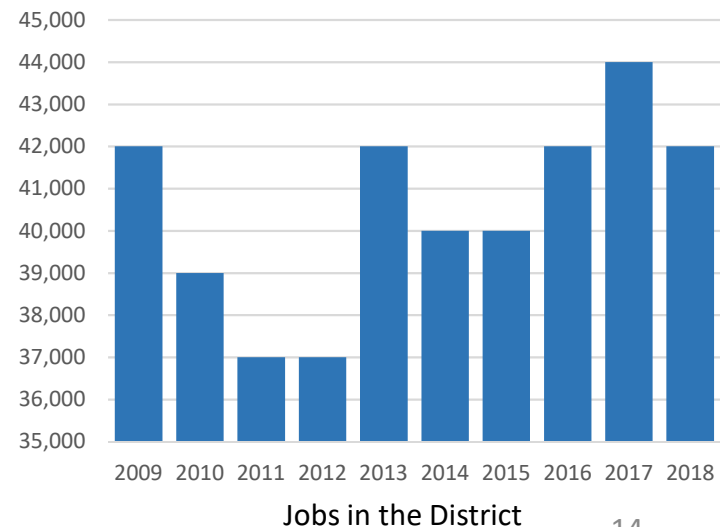
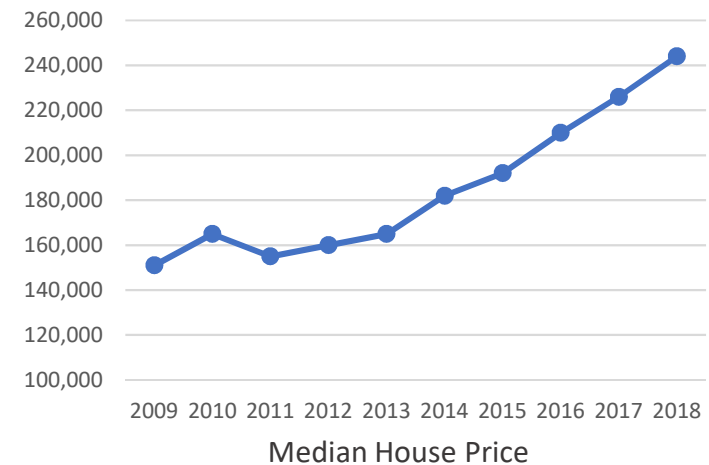
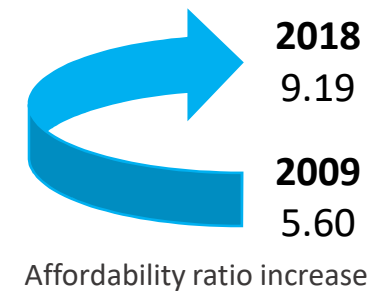
- 588 planning applications for dwellings;
- 70% of applications were granted and 70% were decided in time; and,
- 2,445 dwellings permitted compared to HDT requirement of 1,471.



Planning Permissions/HDT Requirement

12. External Factors Affecting Delivery

- In 2018 the average cost of a home in Dover District was **9.19** times the average work place earnings, an increase of nearly 4 fold since 2009 (ONS 2020).
- In the 10 years between 2009 to 2018, the median house price increased **62%**, compared to a median work based earnings decrease of 1% (ONS 2020). Job creation during this time remained stagnate at 42,000.
- Localised traditional port and farming economy, distant from the economic hub of London – 1 hour 59 minutes by car (ukdistance.com), and 1 hour 13 minutes by train (trainline.com).
- In 2017 the estimated 1ha residential land price for the District was £2.4m an increase of £1.3m, more than double the value in 2014 (Kent County Council 2017).



13. Summary

Delivery Issues

- AONB and Flood risk land constraints around main settlement areas.
- Dated Core Strategy based on Regional Spatial Strategy housing targets.
- Market led windfall housing out side of Dover, in areas not identified for growth within the Development Plan.
- History of market led windfall development on brownfield land rather than on allocated sites.
- Recent increase in development on greenfield land has provided uplift in housing delivery.

Challenges

- Identify suitable land for development that is available, deliverable, in a sustainable location and not constrained.
- Increasing housing affordability ratio trend driving up local housing need.
- Time required to produce a new Local Plan that is NPPF 2019 compliant and meets the Local housing Need methodology.
- Protection of the natural environment including the AONB and coastlines and the setting of heritage assets.

Problems

- Highly deliverable areas for housing around Deal and Sandwich that suffer from many constraints.
- Low work based earning compared to dwelling prices, with a steep rise in house prices over last 10 years.
- Rising land values over recent years impacting on viability of housing schemes.
- Dover is an area of stagnant economic development with low salary increases and job creation.

Weaknesses

- Dated development plan not compliant with the latest NPPF.
- Land allocated for housing in the development plan based on lower superseded housing targets.
- Historic reliance on single large strategic allocations to meet housing target that has not delivered completions.
- Dover economy reliant on traditional employers and is distant from the regional employment hub of London.

14. NPPG Suggested Initiatives

The following actions have been suggested in the NPPG to address issues that affect the delivery of housing and have been considered as part of Dover District Councils HDAP.

- Review Housing and Economic Land Availability Assessment (HELAA) to identify sites potentially suitable and available for housing development;
- Work with developers on the phasing of sites, including whether sites can be subdivided;
- Offer more pre-application discussions to ensure issues are addressed early;
- Consider the use of Planning Performance Agreements;
- Carry out a new Call for Sites, as part of plan revision, to help identify deliverable sites;
- Revise site allocation policies in the development plan, where they may act as a barrier to delivery;
- Review the impact of any existing Article 4 directions for change of use from non-residential uses to residential use;
- Engage regularly with key stakeholders to obtain up-to-date information on build out of current sites, identify any barriers, and discuss how these can be addressed;
- Establish whether certain applications can be prioritised, conditions simplified or their discharge phased on approved sites;
- Ensure evidence on particular sites is informed by an understanding of viability;
- Consider compulsory purchase powers to unlock suitable housing sites;
- Use Brownfield Registers to grant permission in principle to previously developed land; and,
- Encouraging the development of small and medium-sized sites.

15. Initiatives: Local Plan

Action	Purpose	Timeframe	Priority	Implementation	Outcome
Publish updates on Housing Economic Land Availability Assessment	Inform stakeholder of the sites the Council consider suitable and available for consideration within the Local Plan.	Short term	High	Regeneration and Delivery Team	Enable developers to identify sites Council are considering for the Local Plan.
Regulation 18 draft Local Plan consultation	Inform stakeholders and site promoters of the Council preferred sites for allocation within the Local Plan.	Short term	High	Regeneration and Delivery Team	Provide a level of certainty to developers on sites the Council consider potentially suitable for allocation in the Local Plan.
Further targeted call for sites	To help identify additional sites that would be beneficial for consideration within the Local Plan.	Short term	Medium	Regeneration and Delivery Team	Provide an update of additional suitable sites for allocation within the Local Plan.
Regulation 19 Local Plan pre submission consultation	Present to stakeholders the development sites the Council consider suitable, available and deliverable as part of the Local Plan.	Medium term	High	Regeneration and Delivery Team	Provide a high level of certainty to developers on sites the Council consider potentially suitable for allocation in the Local Plan.
Submit Local Plan for adoption	Allow the Local Plan and development sites to be tested through examination on their deliverability.	Medium term	High	Regeneration and Delivery Team	Allow the council strategy and allocated sites be tested through external examination.
Adopt Local Plan	Give certainty to developers on the Councils intention towards developing sites within the District.	Long term	High	Regeneration and Delivery Team	Council will permit allocated development sites that have planning applications that meet policy criteria.

Initiatives: Development Management

Action	Purpose	Timeframe	Priority	Implementation	Outcome
Review S106 time frames	To identify any potential blockages in the S106 process.	Short term	Low	Regeneration and Delivery Team	Determine whether S106 are blockage to issuing planning decisions. If they are a blockage to identify why.
Evaluate benefits of Planning Performance Agreements (PPAs)	Where PPA's have been used identify the value they provide to the planning application process.	short term	Low	Development Management Team	Evaluate benefit of PPAs and identify any potential areas for improvement in the process that could support planning applications.
Discharge of conditions tracker	To better understand the discharge of condition process and identify where there maybe blockages.	Short term	Medium	Development Management Team	Identify where there are delays in the processing of conditions discharges. This will inform if there's a need to formulate remediation actions.
Team restructure	To provide opportunities to facilitate specialisms that can expediate planning matters.	Short term	Medium	Development Management Team	Specialism allowing officers to understand and progress more efficiently specific types of planning application issues.
Creation of external Design Review Panel	To inform the pre application process on design related matters	Medium term	Medium	Development Management Team	To promote good design on schemes before a planning application is submitted, thereby reducing planning application refusals on design grounds.
Major Sites/Applications Tracker	To better understand the range of sites and their progress from informal enquiry/pre-app engagement through to permission/condition discharge and build-out.	Medium Term	Medium	Development Management Team (with input from Economic Development and Tourism)	Evaluate: Scope/range of major development opportunities; resources required to support relevant projects; progress on major pre-apps/applications; and when contact with developers is required to progress delays post event stage and/or permission.

Initiatives: Delivery of sites

Action	Purpose	Timeframe	Priority	Implementation	Outcome
Engaging with site promoters of HELAA sites, outline planning permissions and existing allocations	Identify constraints to delivery of sites within the Local Plan and those being considered.	Short term	High	Regeneration and Delivery Team	Inform site promoters on the Local Plan progress and sites suitable for potential allocation, Agree phasing and delivery assumptions and requirements for demonstrating deliverability of sites.
Produce new Local Plan monitoring indicators	More detailed analysis of housing delivery performance.	Medium term	Medium	Regeneration and Delivery Team	Identification of housing deliverability performance and emerging trends that may require further actions to increase deliverability.

16. Monitoring and Review

- Future HDAP will monitor and review the implementation and progress of actions in this plan.
- Future HDAP will consider progress of actions and will propose changes based on the success of actions.
- Actions will be considered as part of the drafting of the new Local Plan for Dover District.
- New Local Plan monitoring indicators to include where appropriate HDAP actions and report them annually through the Dover District Councils Authority Monitoring Report.
- Engagement with site promoters through a housing deliverability forum and the forum to participate in review of the HDAP.

Subject:	USE OF FUTURE HIGH STREETS FUND REVENUE GRANT
Meeting and Date:	Cabinet – 1 June 2020
Report of:	Roger Walton, Strategic Director (Operations and Commercial)
Portfolio Holder:	Councillor Trevor Bartlett, Leader of the Council
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To seek Cabinet approval to accept a grant from the Ministry of Housing, Communities and Local Government of £150,000, and to expend that grant by appointing WSP to prepare an application for capital funding to the Future High Streets Fund.

Recommendation: Cabinet is requested to:

1. Permit the Council to receive the grant of £150,000.
2. Approve expenditure of the grant and appoint WSP to investigate a range of project options and develop a grant funding business case that meets criteria required by the Future High Streets Fund.
3. Authorise the Strategic Director (Operations and Commercial), in consultation with the Leader of the Council, to identify a set of projects that could deliver transformational change and submit a business case to the Ministry of Housing, Communities and Local Government.

1. Summary

1.1 On 27 August 2019 the Ministry of Housing, Communities and Local Government (MHCLG) awarded the Council £150,000 to develop a business case for submission to the Future High Streets Fund. The Council initially engaged WSP (at a cost of £10,000) to prepare a draft business case that was submitted to MHCLG on 16 March. Feedback on the draft business has been received from MHCLG and Cabinet are now requested to approve using the remainder of the revenue funding to appoint WSP to build on the work carried out to date, so that the Council can develop a detailed business case for submission before the deadline of 31 July.

2. Introduction and Background

2.1 The Ministry of Housing Communities and Local Government Future High Streets Fund is designed to support and fund local areas' plans to deliver transformational change that makes their high streets and town centres fit for the future. The funding may be used to improve transport and access into town centres, convert empty retail units into new homes and workplaces and invest in vital infrastructure. Proposals to the FHSF are expected to provide evidence that demonstrate how their local high street plans will adapt to changes in consumer demands, which will, of course, be more important

as localities recover from the impact of the Covid-19 pandemic. The total value of the fund is £1 billion.

- 2.2 Dover District Council submitted a bid to for development funding in March 2019 and was one of one hundred towns to be offered such funding, at the maximum amount of £150k. The award was announced on 27th August 2019. At that time MHCLG stated that the deadline for submission of a detailed business case would be at the end of June 2020, but this has been extended to the end of July in recognition of pressures associated with the Covid-19 pandemic.
- 2.3 The Council engaged consultants WSP to support at Initial Key Decision Maker Engagement with MHCLG and to prepare a draft business case that was submitted to MHCLG by the deadline of 16th March. This is because WSP had previously been involved in preparing the Expression of Interest that successfully secured revenue funding and so have detailed invested knowledge of the project. WSP also developed public realm and infrastructure proposals as part of the 2016 Waterfront Masterplan project (DDC and DHB co-funded), which can be adapted and developed into FHSF proposals, maximising efficiency of delivery. The value of the initial work was capped at £10,000.
- 2.4 Discussions with MHCLG at the Initial Key Decision Maker Engagement event in January focussed on a proposal to seek approximately £25m towards a land bridge linking the port area with the Town Centre. Feedback from MHCLG included a caution that the amount of funding requested is the absolute maximum allowable from FHSF, the scheme is oversubscribed and that the requirement to attract significant 'match funding' would be particularly strong for a bid of this size.
- 2.5 A possible source of match funding could be private investment in a cable car running between the land bridge and Dover Castle. Evidence that a cable car between the town and the Castle would be viable is contained within an existing feasibility study, but it was prepared more than ten years ago and considered a different base station option. Therefore, in March the Council procured a specialist consultant, SCJ Alliance, to review the evidence and undertake a viability appraisal of constructing and operating a cable car from the proposed land bridge.
- 2.6 Furthermore, written, feedback obtained from MHCLG at the end of April, in response to the draft business case submitted in March, includes the advice that MHCLG may consider funding parts of schemes when a bid is towards the top end of the permitted scale. The Ministry therefore suggests bidders identify elements that may be delivered separately and to identify the priority of each such intervention. Also, where co-funding is leveraged, the final business case submitted to MHCLG must include written confirmation from relevant organisation(s) that should the grant come forward they are financially committed to the project.
- 2.7 The land bridge proposal cannot be broken down into smaller scale projects and even though the Council is working quickly to gather up-to-date evidence on the feasibility of a cable car, it would not be possible to secure written confirmation from possible investors before 31st July this year. Therefore it is proposed that the remainder of the revenue grant (£140k) is used to develop a set of smaller schemes that may possibly together deliver transformational change for to Dover town centre but that could, if deemed necessary by the MHCLG, be broken down into constituent parts for funding awards.
- 2.8 WSP have submitted a funding proposal to develop a bid that closely meets the funding criteria. The proposal identifies the need to gather evidence regarding the impact of

no action, i.e. business as usual, to prepare a baseline comparison. It also includes provision to pursue several project options, including investigation into Council supported redevelopment of town centre mixed use sites and alternative means of improving the connectivity between the port area and the town centre. Details of any such options will be advanced through stakeholder engagement.

3. Identification of Options

- 3.1 Option 1: To permit the Council to receive the grant of £150,000 and expend the grant by appointing WSP to develop a business case for submission to MHCLG

This is the preferred option because it will provide the Council with an opportunity to develop a bid for substantial capital investment from the Future High Street Fund, which could enable delivery of much needed, ever more critical, infrastructure in Dover town centre. Consultants WSP have provided good quality advice and materials to date and are aware of both the local needs and government requirements specific to this funding opportunity. It would be extremely difficult to tender the remainder of the work at this stage given that the submission deadline is 31st July. In any case it would not be cost effective to engage a new consultant team, who would have to learn about the project from scratch, without an intimate understanding of the locality.

- 3.2 Option 2: To decline to receive the grant of £150,000, not appoint WSP to develop a business case and to return the funding to MHCLG

This option is not recommended because the Council would miss out on an opportunity to secure significant capital investment for Dover town centre. In addition, £10,000 of the funding has already been spent.

4. Resource Implications

- 4.1 Development of the business case is funded by a grant from central government, therefore there are no resource implications at this stage, other than the officer time required to manage the project.

- 4.2 Any resource implications associated with the business case submitted to MHCLG will be considered in detail as part of the current project and a further report will be presented to Cabinet if necessary.

5. Corporate Implications

- 5.1 Comment from the Section 151 Officer: The Director of Finance has been consulted and notes that this proposal is fully funded from external sources.

- 5.2 It may be the first stage in developing a proposal that will require the use of DDC capital project resources, and any such future commitment will be dependent upon the business case made at that time, the availability of such resources and the financial viability of the project for DDC. Proceeding with this stage is not, therefore, a commitment of future resources.

- 5.3 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to make.

- 5.4 Comment from the Equalities Officer: The Equality Officer has been consulted during the development of this report and has no further comment to make, other than it is to be reviewed in line with the progress of the proposal. Members are reminded that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

6. **Appendices**

None.

7. **Background Papers**

None.

Contact Officer: Emma-Jane Allen, Strategic Delivery Manager (Infrastructure)