

Health and Safety for Residential Property Managers

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RICS professional guidance, UK available online January 2016

“Health and safety for residential property managers” 1st edition,
January 2016

http://www.rics.org/Global/Health_and_safety_for_residential_property_managers_1st_edition_PGguidance_2016.pdf

x3 Technical Advisors

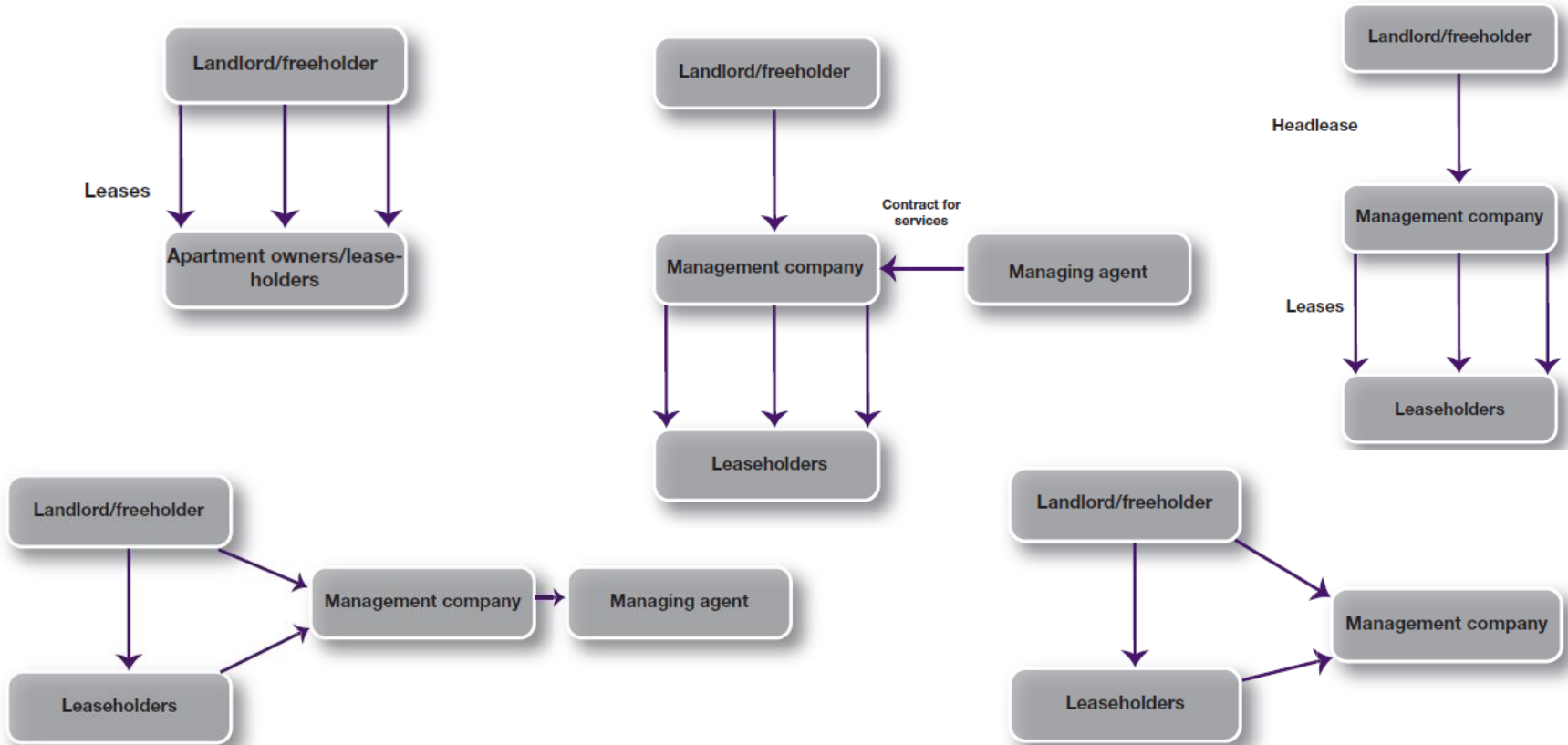
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Multiple Dutyholders



Landlord Common Areas

- ▶ **Short term rental agreements - may include fixtures and fittings e.g. boilers and fridges**
- ▶ **Long term leases – Landlord areas end at their front door and cover communal areas like access/escape routes, lobbies**
- ▶ **Landlord areas extend to private car parks, roof gardens and external play areas (the latter where use cannot be restricted does sometimes require a 3rd party assessment for LA**

- ❑ In England and Wales an HMO is let as a main/only home to at least three Tenants who form more than one household and share a kitchen/bathroom/toilet
- ❑ Examples – hostels, B&B. Houses with lodgers, bedsits
- ❑ May be subject to mandatory/selective/additional licencing schemes – licenced HMO's subject to formal HHSRS assessment
- ❑ Landlords are obliged to maintain their property in a fit state in accordance with the Housing H&S Rating System

- ❑ **Selective licencing of Private Landlords in a Local Authority Housing Areas - Sects. 79,80 & 81 Housing Act 2004**
- ❑ **Intended to address the impact of poor quality Private Landlords and anti-social Tenants**
- ❑ **This can also apply where Developers/Landlords are “bound” by planning permission to provide social/affordable housing**

- ❑ **HHSRS governed by the HHSRS (England) Regs 2005 to satisfy requirements for hazard assessment under Housing Act 2004**
- ❑ **HHSRS applies to all let property and Environmental Health Practitioners [EHPs] can ask for access at any time**
- ❑ **EHPs look at the risk of harm to an actual/potential Tenant over the next 12 months – enforcement through Local Authority**
- ❑ **Fire Service can also access and inspect**

Termination of Tenancy

Housing Act 1988/Rent Act 1977 – grounds for regaining possession under a Section 8 notice

- ▶ Deterioration of condition - damage by Tenant /lodger
- ▶ Deterioration of condition - furniture misuse by Tenant/lodger

Obstruction to Landlords meeting their responsibilities

- ▶ Carrying out repairs in a reasonable time
- ▶ The right to access for gas safety considerations [test/flue]
- ▶ Taking all reasonable steps to maintain the provision of heating and hot water

Must take steps to identify foreseeable risks and communicate them through:

- ❑ Gaining information from the sellers/their agent
- ❑ Allowing access to a third party to undertake a condition survey

Must take measures to prevent injury resulting from identified risks:

- ❑ Agree with the seller/their agent who will address the risk
- ❑ Secure the property/restrict and manage access
- ❑ Communicate the risk to all those on whom this would impact
- ❑ Lighting – reinstate/provide additional/ daylight viewing only

Management arrangements should include:

- ❑ Access - for Tenants, maintenance, poor weather provision
- ❑ Asbestos - identification and management
- ❑ Emergency situations – sharing information
- ❑ Fire Safety - communication of arrangements
- ❑ Gas and electrical plant safety – management/maintenance
- ❑ Lifts - maintenance
- ❑ Water Hygiene - legionella
- ❑ Shared access to communal services - gym/pool/gardens
- ❑ Security - for Tenants and Building Managers

Asbestos Management

CAW – the duty to manage asbestos in non-domestic premises

Domestic premises - survey where an opportunity arises

- be explicit about licence to alter
- best practice 10% sample is indicative

- ❑ **Identification/monitoring – removal is usually the best option. In communal areas you have a duty to label**
- ❑ **HA reserve the right to label differently/not at all as an accepted practice – consider a contractor RA**
- ❑ **HA – type/duration of work drives the need for the Tenant to vacate**

[HA – Housing Authority]

- ▶ Residential used to be covered by LACoRS rather than RRO
- ▶ For blocks/HMOs fire results in multiple fatalities/fire brigade deaths e.g. Lakanal House so different brigade approach
- ▶ FRA absolutely required for common areas, plant rooms
- ▶ Means of fire fighting, warning, communication of escape arrangements essential
- ▶ Practice evacuations are desirable
- ▶ Risk areas need to be managed – residential over retail

Fire Risk Assessments

- ▶ Always ask for existing information – adjoining Tenancies
- ▶ Consider the building use of adjoining Tenancies
- ▶ Look at the compartmentation – risers/plant rooms
- ▶ Look at the fabric of the building
- ▶ Are emergency arrangements communicated
- ▶ Are doors left open – risk of Arson

Challenges to Fire Management

- ▶ **Unmanned property – difficult to monitor/manage**
- ▶ **Reception/landing areas - pushchair and bicycle parking**
- ▶ **Landlord reluctance to display fire signage/information signs**
- ▶ **Tenants friends and family**
- ▶ **English is not everyone's first language**
- ▶ **Tenant's behaviours – evacuation**
- ▶ **Assuming everyone is compliant! – Refurbish and review!!**

- ▶ Don't forget that maintenance **is** construction
- ▶ Don't forget that National Service providers subcontract out some of their contract provision
- ▶ Don't forget that in handover information post refurbishment you need to identify updates to asbestos registers and FM schedules
- ▶ If there has been a break in/property damage/fire – check the asbestos register details first



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