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Making Safety Simple

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Property Health and Safety Survey

of

Windsor Court,



Ashleworth, Anthony, Brean,
Chartwell, Dovedale, Hayburn, Knole,
Dinton & Fontmell,
Swindon
SN25 2PE

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PROJECT SHEET

Job No: ECB/2012/08/06/PS

Job Title: Property Health & Safety Survey

Requested by: Countrywide Estate Management

Site works carried out by: Mr. EC Baker Grad IOSH

At location: Windsor Court, Swindon, SN25 2PE.

Site works carried out on: 2nd August 2012

Report prepared by: Mr. EC Baker Grad IOSH

Report submitted on: 17th August 2012

Signature

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SUMMARY

A property health and safety survey of the non-domestic parts of Windsor Court, Swindon, SN25 2PE was carried out by Watson Wild & Baker Ltd on 17th August 2012 for Countrywide Estate Management.

Due to the age & method of construction, it is unlikely that asbestos containing materials will be present within the non-domestic parts of the premises.

The risk of exposure to legionella in the non domestic parts of these premises is negligible.

The risk of injury from fire is remote in the non-domestic parts of the premises. It is unlikely that fire will occur in the non-domestic parts of these premises. The risk of arson in the non-domestic parts of the premises is remote. The highest fire risk in the non-domestic areas is from contractors carrying out hot works. The highest risk of fire in this property is from a fire inside one of the residential flats. Therefore, if a fire was to occur it probably would be contained inside the flat on fire. Hence, all the occupants do not have to evacuate the building in the event of a fire.

The only activity carried out in the non-domestic parts of this property with the potential to cause risk to health or safety is general property maintenance and domestic cleaning. Measures should be taken to manage the risk from contractors and implement the significant findings of the risk assessments.

Watson Wild and Baker Ltd will contact you to ascertain if you need any help in implementing or project managing this action plan. Alternatively Watson Wild and Baker Ltd can be contacted by phone on 01325 720286 or by email at admin@wwbltd.co.uk



ACTION PLAN

The following actions are required to comply with the law:

Serial	Action required	Individual responsible for taking action	Implementation Date	Remarks
1.1	Implement the findings of the risk assessments.			
1.2	There are damaged gas connection boxes at the front entrances to 8-14 & 2-7 Dovedale. The boxes should be covered with a material or barrier which does not prevent air circulation but does reduce the potential for someone to fall through the gas box			
1.3	There are raised inspection covers at Ashleworth (opposite number 18) & behind number 7 Knole Close, the inspection covers require remedial action to reduce the likelihood of tripping.			
1.4	There is excess cable within the bin store located at 12 Knole. This is presenting a tripping hazard as the bin store is being used as a cut through into the block car parking area. The cable should be shortened or re-routed away from any potential pedestrian area.			
1.	Keep appropriate records.			
1.	Review findings of risk assessments after any change, at regular intervals and immediately after any an incident.			



The following actions are recommended to comply with best business practice:

Serial	Action recommended	Individual responsible for taking action	Implementation Date	Remarks
2.1	No further recommendations.			



INTRODUCTION

A property health and safety survey of the non-domestic parts of Windsor Court, Swindon, SN25 2PE was carried out by Watson Wild & Baker Ltd on 17th August 2012 for Countrywide Estate Management.

OBJECTIVES

The objectives of the property health and safety survey were to assist Countrywide Estate Management to comply with their statutory duties in respect of this property under the:

- i) the Health & Safety at Work etc Act 1974
- ii) the Management of Health & Safety at Work Regulations 1999
- iii) the Regulatory Reform (Fire Safety) Order 2005

Appendix 1 contains a summary of the legal duties imposed on landlords and managing agents.

LIMITATIONS

Whilst we have exercised reasonable skill and care in carrying out this work, the report reflects conditions in the property at the time of the survey. It does not claim to be an exhaustive list of all potential hazards present at the time of the visit.

The report and any subsequent recommendations are advisory and are provided to assist the client in complying with their statutory duties. They do not remove the client's legal obligations towards their employees and other persons affected by their undertaking.



MANAGEMENT

The responsible person having control of this property in connection with their trade, business or undertaking is Countrywide Estate Management. No persons are employed by Countrywide Estate Management at this property. Maintenance is carried out by contractors engaged by Countrywide Estate Management.

PROPERTY DESCRIPTION

Windsor Court, Swindon, SN25 2PE is a purpose-built development of 3 & 4-storey residential blocks of flats that was constructed during the 2000's. There are 9 blocks comprising Ashleworth, Anthony, Brean, Chartwell, Dovedale, Hayburn, Knole, Dinton & Fontmell. There are a total of 153 flats within the development, which are accessed from the blocks internal stairwell.

There are garages adjacent to Ashworth, 20 garages adjacent to Dovedale & 4 garages adjacent to Knole. There is a block car parking area at the development. There are communal gardens at the front & rear of the premises. There are communal waste bin storage areas at each block with key push access. Access to the front & rear entrances was via concrete paved footpaths and steps.

Fontmell Close was still under construction.

There was no access into the roof spaces.

Construction

Externally, the buildings have a ridged tile roof, pvc soffits, brick & stone walls, plastic rainwater downpipes & guttering.

Internally, there is a mixture of suspended & painted plaster ceilings; solid & studded painted plaster walls & carpet covered solid floors. There are carpet covered solid staircases with metal nosing, metal balustrades & wooden handrails. There is electric lighting and pvc framed windows on the stairwells.

Security

There is controlled access to each of the premises.

Non-domestic Parts

The non-domestic parts of this property comprise car parking areas, garages, gardens, waste storage areas, entrance hallways & landings.

Whilst the Regulatory Reform (Fire Safety) Order 2005 applies to the non-domestic parts of these premises, it does not apply to private domestic premises unless a prohibition order has been served in respect of the premises. As a prohibition notice has not been served in respect of these premises, the Regulatory Reform (Fire Safety) Order 2005 does not apply to the domestic parts of these premises (Article 6(1)(a) refers).

The flats, from & including the front door, are domestic premises and are excluded from the Regulatory Reform (Fire Safety) Order 2005. Fire risk inside the dwellings is covered by the Housing Act 2004; which is enforced by the Local Housing Authority.



HEALTH AND SAFETY RISKS

Asbestos

No asbestos containing materials were seen in the non-domestic parts of the premises. Due to the age & method of construction, it is unlikely that asbestos containing materials will be present within the non-domestic parts of the premises.

Fire

The risk of injury from fire in the non-domestic parts of the premises is remote. It is unlikely that fire will occur in the non-domestic parts of these premises. The risk of arson in the non-domestic parts of the premises is low.

Electrical services, other than electrical illumination was present in the non-domestic parts of the building. The services cupboards are located within the entrance hallways & on landings. The fire doors to the cupboards were locked & labelled. There was access inside the cupboards, the cupboards were adequately sealed between each floor level. There was no evidence of damage, scorching or overloading of electrical services.

Gas services were seen in the non-domestic parts of the buildings-at ground level in brown boxes.

There is an automatic fire detection & warning system in the non-domestic parts of the premises with detection units located on the landings.

Fire detection is not required in the common means of escape.

The common escape route is adequately separated from the residential flats by fire resistant construction. The walls & ceilings were bare of materials that would support the surface spread of flames.

The travel distance from the furthest flat to a storey exit was approximately 30 metres. The route of escape had not been obstructed at the time of the survey. The final exit doors could be opened from the inside with one hand & without the use of a key. There are suitable final exits from the premises. There are no further fire escape routes other than through the stairwell, front entrance & the rear door.

There is emergency escape lighting in the non-domestic parts of the property.

There is no escape route signage in the non-domestic parts of the property. Escape route signage is not required due to the simple nature of the means of escape from the premises.

There are no fire extinguishers located along the common escape route. Fire extinguishers are not required to safely evacuate the premises.



The highest fire risk in the non-domestic areas is from contractors carrying out hot works. The highest risk of fire in this property is from a fire inside one of the residential flats. If a fire was to occur, it probably would be contained inside the flat on fire. In the event of a fire all the occupants do not have to evacuate the building.

Slips, Trips and Falls

The surface of the footpaths were in a satisfactory condition. The carpet surface of the floors & staircases was in a satisfactory condition. The surface of the car parking area was in a satisfactory condition.

There are damaged gas connection boxes at the front entrances to 8-14 & 2-7 Dovedale. The boxes should be covered with a material or barrier which does not prevent air circulation but does reduce the potential for someone to fall through the gas box, see image.

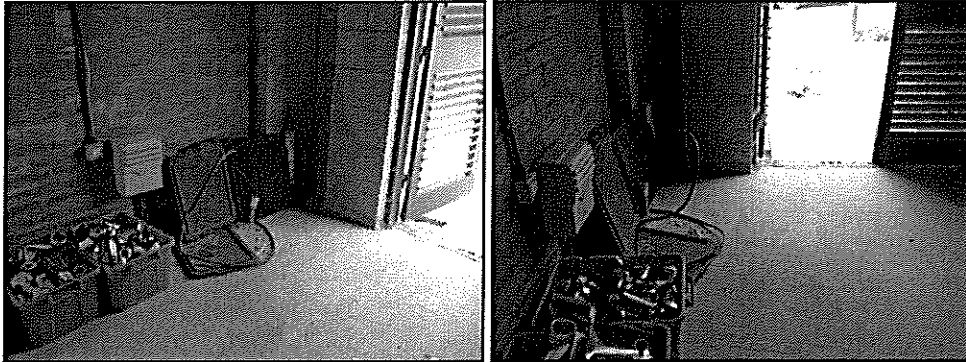


There are raised inspection covers at Ashleworth (opposite number 18) & behind number 7 Knole Close, the inspection covers require remedial action to reduce the likelihood of tripping, see image.





There is excess cable within the bin store located at 12 Knole. This is presenting a tripping hazard as the bin store is being used as a cut through into the block car parking area. The cable should be shortened or re-routed away from any potential pedestrian area.



Water Services

The risk of exposure to legionella in the non domestic parts of these premises is negligible.

Other Risks

Parking.

There is a car park with automatic gates at the property (into Knole Close). There is not a risk of injury by reaching through the gate to activate the controls and open the gate.

The risk of persons being hit by vehicles is low as the car parking areas was adequately illuminated & laid out.

The only activity carried out in the non-domestic parts of this property with the potential to cause risk to health or safety is general property maintenance and domestic cleaning.

The significant findings of the risk assessments are detailed in Appendix 2.



Appendix 1

Legal responsibilities of Managing Agents

The legal responsibilities of landlords and managing agents result from the Health and Safety at Work etc Act 1974. (c. 37). The main sections of the act affecting landlords and managing agents are sections 3 and 4.

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

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

The duties under the Health and Safety at Work etc Act 1974 cannot be delegated or passed to contractors. It was held by the courts in *R v Associated Octel Co Ltd* that if an employer engaged an independent contractor to carry out work forming part of his undertaking, he was required to stipulate whatever conditions were reasonably practicable, to avoid employees of the independent contractor being exposed to a risk to their health and safety. The key issue of whether or not the activity in question could be described as part of employers undertaking was a question of fact to be decided in each case. On-site repairs and maintenance are generally held to be part of the employers undertaking.

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

The main regulations affecting landlords and managing agents are:

- The Management of Health and Safety at Work Regulations 1999 (No. 3242)
- The Regulatory Reform (Fire Safety) Order 2005 (No. 1541)
- The Control of Asbestos Regulations 2012 (No. 632)



The Management of Health and Safety at Work Regulations 1999 (No. 3242)

The Management of Health and Safety at Work Regulations 1999 applies to all work activities. It requires that:

- (a) Managing agents must appoint an adequate number of competent persons to assist them to comply with their obligations under health and safety legislation.
- (b) Managing agents must assess the risks to the health and safety of persons arising out of or in connection with the conduct by him of his undertaking. The significant findings of the risk assessment must be recorded where the managing agent employs 5 or more persons.
- (c) Managing agents must take the preventive and protective measures and the measures to comply with the law identified by the risk assessments.
- (d) Managing agents must take appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures. Where the managing agent employs five or more employees, he shall record these arrangements.
- (e) Managing agents must provide their employees and employers and employees working in property under their control with specified health and safety information.

The Regulatory Reform (Fire Safety) Order 2005 (No. 1541)

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

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

The responsible person is identified as, the employer, the occupier or the owner as far as their control extends. In premises which are not workplaces, the landlord or managing agent is likely to be the responsible person. Occupants must cooperate with the responsible person.

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

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



The Control of Asbestos Regulations 2012 (No. 632)

Managing Agents with repair and maintenance responsibilities for the property must ensure that asbestos-containing materials within the property are properly managed, and that information about the location and condition of the materials is passed on to those likely to disturb them.

Managing Agents must prepare procedures, provide information and establish warning systems to deal with the accident, incident or emergency related to the unplanned release of asbestos.

The Housing Act 2004

The Housing Act 2004 includes the requirement for local authorities to review housing conditions within their area with a view to identifying any action that may need to be taken about those conditions under the provisions contained within the Act.

In relation to this, Part 1 of the Housing Act 2004 replaces the existing housing fitness standard with an evidence based risk assessment procedure called the Housing Health and Safety Rating System.

The Housing Health and Safety Rating System is used to assess twenty nine categories of housing hazard and to provide a rating for each hazard. The rating and category of hazard are used to inform decisions about what type of enforcement action a local authority may need to take in relation to the hazard.

Where a local authority has identified a prescribed fire hazard in a House in Multiple Occupation or in any non-domestic parts of a premises containing one or more flats and intend to take enforcement action may take enforcement action. The types of enforcement action which are available to local authorities are outlined in the Act and include improvement notices, prohibition orders, hazard awareness notices, emergency remedial action, emergency prohibition orders, demolition orders, and slum clearance declarations.



Appendix 2

Risk Assessments

Risk Assessment	
Item	Details
Property	Windsor Court, Swindon, SN25 2PE.
Hazard(s)	Fire
Persons at risk	Occupants and visitors
Risks	It is unlikely that users may suffer; <ul style="list-style-type: none">• Death/major injury from fire in the non-domestic parts of the property.
Relevant Statutory Provisions	Regulatory Reform (Fire Safety) Order 2005 Management of Health and Safety at Work Regulations 1999
Measures needed to prevent or reduce risk and comply with the relevant statutory provisions.	
Serial	Details
1.0	Measures to prevent the risk of fire and reduce the spread of fire in the premises.
1.1	All electrical distribution systems are to be tested every 10 years.
1.2	Gas distribution systems are to be annually inspected and tested.
1.3	All "hot works" are to be controlled by an authorisation process. <ul style="list-style-type: none">a. Contractors are required to notify intention to carry out "hot works";b. All persons carrying out "hot works" are to have a functioning fire extinguisher present and also for a minimum of 1 hour after the work has been completed.
2.0	Measures to detect fire and give warning in case of fire.
2.1	An automatic fire detection & warning system had been installed in the non-domestic parts of the building.
2.2	No additional measures are required to detect and give warning of fire in the non domestic parts of this building.
3.0	Measures to provide a safe means of escape from the property.
3.1	Emergency escape lighting had been installed at all blocks within the development.
3.2	No additional measures are required to provide a safe means of escape from these premises.



Measures needed to prevent or reduce risk and comply with the relevant statutory provisions.	
Serial	Details
4.0	Measures to ensure that the means of escape can be safely and effectively used when required.
4.1	Contractors and Occupants are to be informed that corridors and stairwells are to be kept free of combustible materials, goods and possessions.
4.2	Check the following items whenever the premises are visited. <ul style="list-style-type: none">a. Any contractors carrying out hot works are working safely in accordance with their method statement and plans of work.b. Fire detection & warning system functions correctly (if retained).c. Emergency escape lighting functions correctly.d. Fire doors are fit for purpose, functioning effectively & are kept closed when not in use.e. Escape routes & fire exits from the property are free from stored goods and materials, unlocked, unobstructed and available for use.
4.3	The following are to be serviced annually:- <ul style="list-style-type: none">a. Fire detection & warning system (if retained).b. Emergency escape lighting.c. Fire doors.
5.0	Measures to be taken in the event of fire on the premises.
5.1	Occupants are to be informed that in the event of a fire: <ul style="list-style-type: none">a. They are to vacate their flat, close the door and call the fire service on 999;b. Other persons can remain in their flats, unless directed to leave by the fire brigade.
5.2	Contractors are to be informed that: <ul style="list-style-type: none">a. In the event of fire during hot works they are to attempt to put out the fire using their fire extinguisher;b. In the event of fire when they do not have an extinguisher, they are to leave the premises and call the fire service on 999.
6.0	Measures to be taken to fight fires on the premises.
6.1	No additional measures are to be taken to fight fires in the non-domestic parts of the premises.
7.0	Other measures required to comply with the law.
7.1	Train persons managing the premises how to carry out relevant checks when visiting the premises.
7.2	Records of the actions required by this risk assessment shall be kept.
Risk assessor: Mr. EC Baker Grad IOSH	
Date: August 2012	

Review findings of this risk assessment after any change, at regular intervals and immediately after any incident. All reviews are to be recorded.



The following actions have been taken to prevent or reduce risk and comply with the relevant statutory provisions on the stated date:

Actions taken to manage risk in property		
Date	Action	Initials

This risk assessment was reviewed on the date stated by the named person for the reason indicated.
Any actions taken should be recorded.

Review Log		
Date of review	Reason for review & actions taken	Reviewer



Risk Assessment	
Item	Details
Property	Windsor Court, Swindon, SN25 2PE.
Activity	General Property Maintenance
Persons at risk	All maintenance contractors & users of the property
Risks	<p>It is possible that maintenance contractors may suffer:</p> <ul style="list-style-type: none">• Death/major injury from falling from height.• Death/major injury from electrocution from using damaged/unsuitable electrical equipment. <p>It is possible that workers may suffer:</p> <ul style="list-style-type: none">• Major/minor injuries from manual handling of heavy items. <p>It is possible that other persons using the property may suffer:</p> <ul style="list-style-type: none">• Major/minor injuries from being hit by falling objects.
Relevant Statutory Provisions	Management of health and safety at work regulations 1999.
Measures needed to prevent or reduce risk and comply with the relevant statutory provisions	
Serial	Details
1.1	<p>Instruct contractor to:</p> <ol style="list-style-type: none">a. Take all practical measures to avoid working at height;b. Institute and follow safe methods of working to minimise risks to health and safety of workers and other persons;c. Provide workers with information, instruction and training on how to work safely to safeguard themselves and other people;d. Provide worker with method statements for high risk (e.g. Hot works, electrical works, working at height);e. Provide and use the least hazardous substance suitable for the task;f. Provide workers with suitable working equipment that is safe to use;g. Allow sufficient time for safe working;h. Instruct workers not to bring children or unauthorised persons to site;i. Instruct workers to:<ul style="list-style-type: none">• Maintain high standards of house-keeping and cleanliness on site;• Reinstate fire stopping;• Report injuries, incidents or property damage.j. Carry out appropriate supervisory checks to ensure workers are working safely, maintaining high standards of housekeeping and cleanliness, and repairing/replacing damaged fire stopping;k. Keep appropriate records for inspection;l. Report injuries, incidents or damage in your property.
1.2	Carry out checks to ensure that contractors are complying with these instructions.
1.3	Take appropriate action if there is evidence that safe systems of working are not being followed, or if there are repeated breaches of these instructions or of health and safety law.
Risk assessor: Mr. EC Baker Grad IOSH	
Date: August 2012	

Review findings of this risk assessment after any change, at regular intervals and immediately after any incident. All reviews are to be recorded.



The following actions have been taken to prevent or reduce risk and comply with the relevant statutory provisions on the stated date:

Actions taken to manage risk in property		
Date	Action	Initials

This risk assessment was reviewed on the date stated by the named person for the reason indicated. Any actions taken should be recorded.

Review Log		
Date of review	Reason for review & actions taken	Reviewer



Risk Assessment	
Item	Details
Property	Windsor Court, Swindon, SN25 2PE.
Hazard(s)	Slips, trips and falls
Persons at risk	Users of property.
Risks	It is possible that property users may suffer: <ul style="list-style-type: none">• Death/major/minor injuries from falling from height or down stairs;• Major/minor injuries from, trips and falls on the level.
Relevant Statutory Provision	Occupiers Liability Acts 1957 & 1984 Housing Act 2004
Measures needed to prevent or reduce risk and comply with the relevant statutory provisions	
Serial	Details
1.1	All surfaces to be maintained in good condition;
1.2	Occupants to be requested to immediately notify the managing agents of any defective or damaged surfaces;
1.3	All surfaces to be inspected three monthly;
1.4	There are damaged gas connection boxes at the front entrances to 8-14 & 2-7 Dovedale. The boxes should be covered with a material or barrier which does not prevent air circulation but does reduce the potential for someone to fall through the gas box.
1.5	There are raised inspection covers at Ashleworth (opposite number 18) & behind number 7 Knole Close, the inspection covers require remedial action to reduce the likelihood of tripping.
1.6	There is excess cable within the bin store located at 12 Knole. This is presenting a tripping hazard as the bin store is being used as a cut through into the block car parking area. The cable should be shortened or re-routed away from any potential pedestrian area.
Risk assessor: Mr. EC Baker Grad IOSH	
Date: August 2012	

Review findings of this risk assessment after any change, at regular intervals and immediately after any incident. All reviews are to be recorded.



The following actions have been taken to prevent or reduce risk and comply with the relevant statutory provisions on the stated date:

Actions taken to manage risk in property		
Date	Action	Initials

This risk assessment was reviewed on the date stated by the named person for the reason indicated. Any actions taken should be recorded.

Review Log		
Date of review	Reason for review & actions taken	Reviewer



Risk Assessment	
Item	Details
Property	Windsor Court, Swindon, SN25 2PE.
Hazard(s)	Gates
Persons at risk	Users of property.
Risks	It is unlikely that property users may suffer injury from the automatic gates.
Relevant Statutory Provision	Occupiers Liability Acts 1957 & 1984 Housing Act 2004
Measures needed to prevent or reduce risk and comply with the relevant statutory provisions	
Serial	Details
1.1	Annually service automatic gates.
Risk assessor: EC Baker Grad IOSH	
Date: August 2012	

Review findings of this risk assessment after any change, at regular intervals and immediately after any incident. All reviews are to be recorded.



The following actions have been taken to prevent or reduce risk and comply with the relevant statutory provisions on the stated date:

Actions taken to manage risk in property		
Date	Action	Initials

This risk assessment was reviewed on the date stated by the named person for the reason indicated. Any actions taken should be recorded.

Review Log		
Date of review	Reason for review & actions taken	Reviewer