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## CORPORATE CAPITAL PROGRAMME – PROPERTY SCHEMES

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### Report of the Interim Director of Strategic Asset Management

#### 1. Purpose of Report

- 1.1 To seek authorisation for the release of capital monies for Property Schemes as identified within the report.

#### 2. Summary

- 2.1 In March 2008, Council approved the allocation of a sum of £700,000 per annum for 2 years within the approved Capital Programme for Property Schemes (not covered by CMF) subject to details of works to be undertaken being reported to Cabinet.
- 2.2 This report provides that detail and requests the release of the £700,000 funding for the year 2009 – 2010. A previous allocation of £700,000 was approved in November 2008 and works are well advanced.
- 2.3 The attached appendix sets out the proposed works, which have been prioritised using a risk matrix. The implementation of these works will improve the Council's ability to meet legal and service objectives.

#### 3. Recommendations

- 3.1 Cabinet is recommended to approve the list of Property schemes identified in Appendix 1.
- 3.2 Cabinet is asked to approve the release of £700,000, from the capital programme which has been allocated for Property Schemes by Council at its meeting on 26<sup>th</sup> March 2009.

## 4. Report

- 4.1 The City Council's buildings have been built and/or adapted at various times over the years under the legislation and utilising technology that was applicable at the time work was carried out. However many changes (as identified below) have occurred since the construction of the buildings, which have given rise to issues, which are exposing the Council to increased risks.
- 4.2 Some of these risks are significant and comprise the need to address potential prosecutions, financial loss or service restrictions due to the continuing changes especially in Health & Safety and environmental legislation, and they must be addressed. Examples of these are:-
- 4.2.1 New legislation has been introduced which is applicable to all buildings regardless of age, character, etc. Such a piece of legislation is the Regulatory Reform (Fire Safety) Order 2005 which requires all buildings to have an up to date fire risk assessment of not just the operations within the site but also of the structure and its performance. These produce a prioritised list of amendments or improvements based on a risk assessment.
- 4.2.2 Various health and safety codes of practice and guidance have been introduced over the years, which are not directly retrospective, but have rendered practices that were deemed satisfactory, when the building was constructed or altered, to have become unacceptable unless various features are implemented e.g. fall restraints, specific access requirements in confined spaces.
- 4.2.3 Case law over many years has also affected the liability on service provision. It has identified many aspects of inspection, risk assessment and repair which must be addressed. These may never be reflected in formal legislation. However Leicester City Council has a duty of care to all persons on its premises, including unauthorised persons. Inspection regimes have been introduced to look at the various issues to review potential risks. The inspection regimes are necessary because under case law, ignorance will not necessarily be an acceptable defence. Examples include the necessity for inspection of fencing following the collapse of park fencing in Derby, gas pipe inspections in Plymouth, various cases of unauthorised persons falling through or off roofs, etc.
- 4.2.4 Over years various aspects of design are investigated, tested, commented upon and further developed. This means that aspects of design that were fully acceptable when a building was constructed may now not be suitable because of this further research. Even the environment in which any building functions has changed and the building does need to address the various social and economic issues of the local vicinity.

- 4.2.5 Certain equipment was installed some years ago, and whilst the equipment may still be working, the company producing the spares has ceased to exist. This means that equipment is having to be repaired with materials or components of lower compatibility, leaving a higher level risk of potential failure, which also increases the risk of the complete breakdown of the service.
- 4.2.6 Furthermore insurance companies are taking a far greater stance on any of the above issues especially Health and Safety. This not only affects staff employed directly by the City Council, but also specifically by Contractors and companies employed to undertake work on our behalf. The requirements are such that we need to undertake not just risk assessments of areas but also risk reduction measures before companies are prepared to undertake the requested tasks.
- 4.3 The money allocated during last financial year is in the process of being utilised to address the varying issues at present. However the first completed adaptation to the roofing at Braunstone Grove Community Centre has been a success. From almost daily occurrences of children on the roof, this has been substantially reduced to very limited occurrences.
- 4.4 The attached Appendix 1 incorporates a list of projects which have been identified as requiring attention giving the cause for each item. This is a focussed programme of works which will meet legal and service objectives and bring benefits over and above basic compliance with legislation in terms of improved safeguards for the health and safety of those who use, operate and maintain our buildings, improved operational and maintenance efficiency and are a positive contribution to safeguarding the continuity of service delivery.
- 4.5 These works are outside of the scope of budgets for normal maintenance and/or service requirements.
- 4.6 Cabinet is recommended to approve the release of the monies to address the issues identified in Appendix 1.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications – (Nick Booth, Extn. 297460)**

A capital allocation of up to £700,000 for 2009/10 was previously approved by Council within the Corporate Capital Programme for Property Schemes subject to details being approved by Cabinet.

Failure to implement some of the health and safety issues mean that not only may Leicester City Council be potentially charged increased premiums for insurance, but also we could have to pay additional premiums to contractors for their insurance cover. These works will reduce the requirement for temporary works by Contractors, which are expensive and inefficient.

Members are reminded that because of the ongoing changes, updates, etc, it may be necessary to reprioritise actions to meet specific needs within the given time frame and budget allocation.

5.2 Legal Implications – (Joanna Bunting, Extn, 296450)

The legal background is contained in the report.

Offences under the Health and Safety at Work etc Act 1974 can result in liability to a fine or imprisonment. In very bad cases – where risk has been recklessly disregarded and where there has been a death it is possible that prosecutors could consider manslaughter charges.

The Council also has, in respect of the state of its buildings, a duty of care to anyone on its premises and to its employees. The extent of the action necessary under this duty of care should be determined as a result of a risk assessment. This liability is usually backed off by insurance arrangements.

**6. Other Implications**

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	No		
Policy	Yes	<b>All council policies could be affected</b>	
Sustainable and Environmental	Yes	<b>All actions enable a more sustainable building and service provision.</b>	
Crime and Disorder	Yes	<b>Some of the issues are result of crime/illegal entry such as duty of care with regard to roof access.</b>	
Human Rights Act	No		
Elderly/People on Low Income	No		

**7. Risk Assessment Matrix**

A risk assessment has been undertaken on each of the issues being raised in the attached schedule. This has been used as a basis for prioritisation

**8. Background Papers – Local Government Act 1972**

None.

## 9. Consultations

Consultations have taken place with representatives of all Service Departments, specifically

Adult & Housing - Mick Bowers, Swarsha Balla and Michael Holmes  
Regeneration and Culture – Helen Davis  
Children & Young Persons – Rob Thomas

Various other staff – site and office based - have been consulted on each individual issue.

## 10. Report Author

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**Interim Director of Strategic Asset Management**

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)