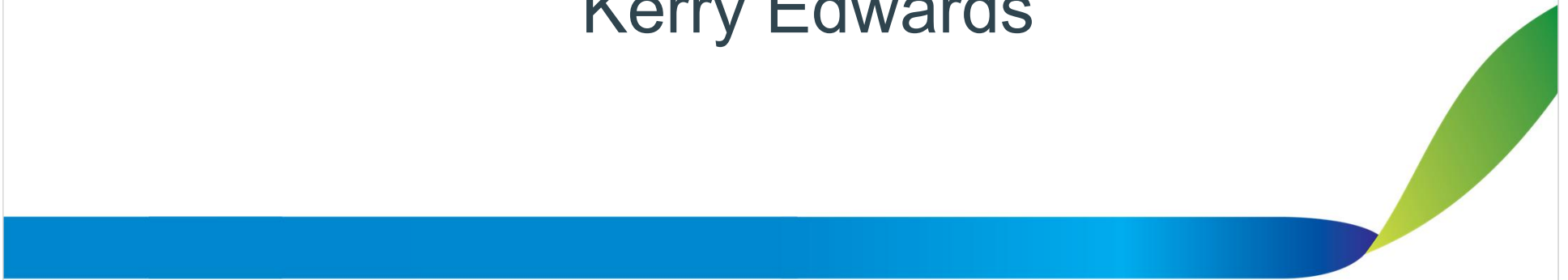


LANDLORDS AND HEALTH & SAFETY COMMERCIAL SITES

Presented

By

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Health and Safety management in Commercial Property

ROLE OF COMMERCIAL PROPERTY OWNERS IN MANAGING H&S

- What are the **key safety risk areas**?
- How should the risks be **managed effectively**?
- What are the **key pieces of legislation** that applies to commercial property owners from a health and safety perspective?

1. (Ref:TT)



Health and Safety management in Commercial Property

- Commercial property landlords
- Occupiers of buildings
 - –Sole tenancy arrangements
 - –Multi tenanted arrangements
- Managing agents
- FM organisations
- Contractors involved in FM
- Management and building surveyors
- Asset managers
- General practitioners



Getting it right from the start!

- Health and Safety critical prior to purchase of a property
- H&S professionals – get in there right from the start
- –Seldom a show stopper but.....
- Work with the asset teams to understand lease arrangements
- Who is responsible for what
- Are there any contracts in place which might affect the standard lease arrangements?
- Is there clarity around the ‘person in control’



Getting it right from the start!

Duty holder

- Is deemed the senior person who will hold overall responsibility
- Should ensure
 - –the appointment of a ‘responsible person’
 - –that adequate resources are allocated
 - –that there is an adequate organisational structure in place
- Does not need technical expertise but should have access to it
- Must be able to authorise spend



Getting it right from the start!

Responsible person

- The person with direct operational responsibility for the building
- Facilities or building manager often best placed to fulfil the role, as they have sufficient control and managerial responsibility
- Must be in a position and have the knowledge to implement and Manage compliance in its widest sense
- Must have a greater degree of 'operational competence'



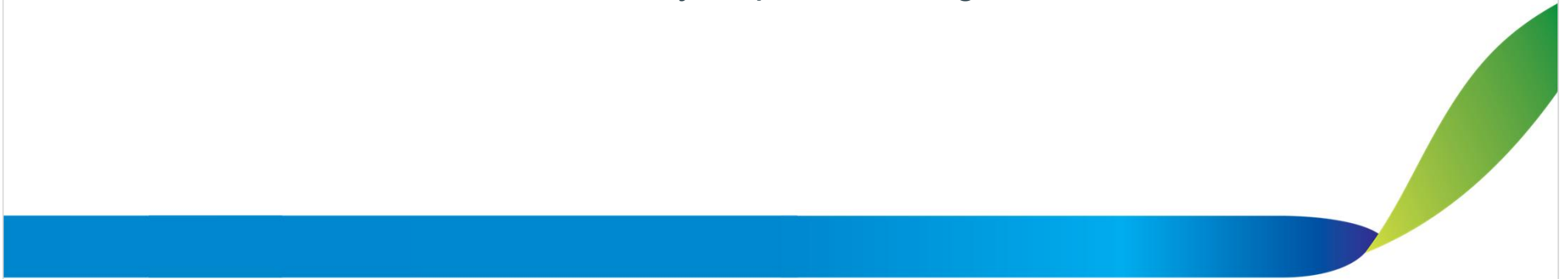
Getting it right from the start!

- Understand the size of the task
- What needs to be done from a compliance perspective....and how do you get there? – in-house / outsource
- How do you push out the boundaries & does the budget allow?
- Be careful about budgets
 - –tenants
 - –bottom line
 - –clients
- It may be scrutinised
- Be aware of challenges



Getting it right from the start!

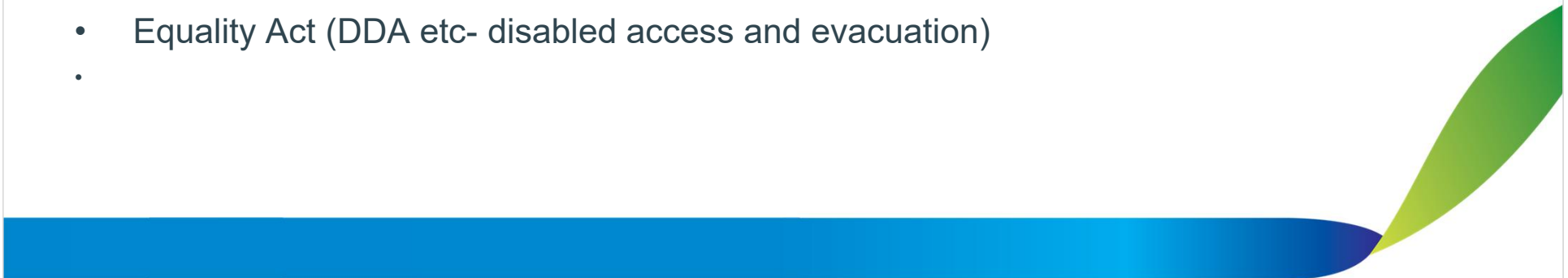
- Management Systems in place?
- Managing Buildings day to day:
 - Planned maintenance work etc
 - Reactive / emergency maintenance work
 - Contractors to do this work (selection, control and competence of)
 - Controlling allowing access (Site rules & signing in)
 - Managing buildings of different types and uses – office, retail, industrial and mixed and in different areas may require differing needs?



Getting it right from the start!

A need for Statutory Compliance work - what does this mean?

- HASAWA compliance (Especially Section 4: Duty on those in control of premises to ensure they do not endanger those who work within them)
- 'Management' of H&S at Work Regulations
- Electricity at Work Regulations (and PAT)
- Workplace (HS&W) Regs (provision of facilities (toilets washing etc);
- Fire management including evacuation, fire fighting and FRA
- Asbestos
- Water management / Legionella
- LOLER and PUWER
- Equality Act (DDA etc- disabled access and evacuation)
-



Getting it right from the start!

Occupiers Liability Act 1957 and 1984

- **The common law of negligence** imposes a duty of care on the occupier of any premises towards those coming onto those premises – including trespassers!
- This covers not only the occupier's negligent actions, but the state of the premises themselves
- The issue / concern is often in determining who has responsibility for what and when and is best agreed in advance
- The message is that there **must be control and all must be aware of who is in control**



Getting it right from the start!

Processes for Reporting Site Matters

- Matters to consider and how:
- Accident, incident and near miss reporting
- Dangerous occurrences
- Property and plant damage and
- General matters



MANAGING VACANT PROPERTIES

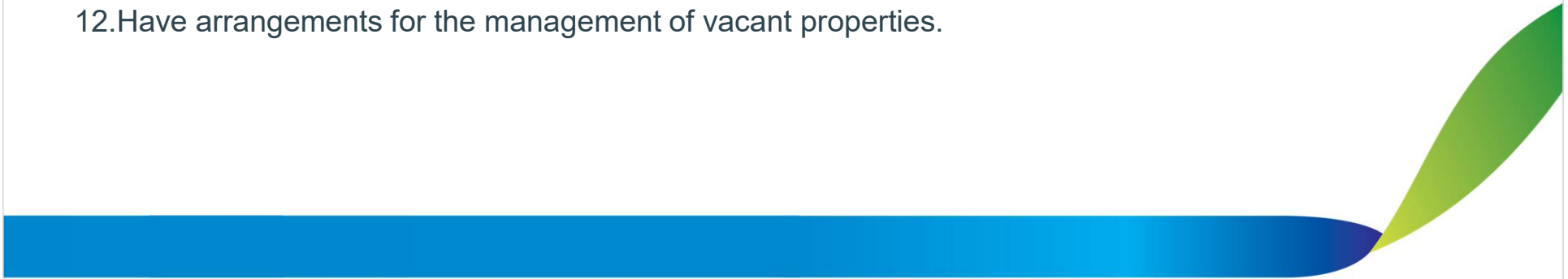
- Caretaker maintenance (how much?)
- Financial considerations
- Access including
 - –lone work
 - –out of hours
 - –controlling access
- Break ins, theft and vandalism
- Unauthorised entry - squatters etc.



SUMMARY OF RECOMMENDATIONS

Know what you are responsible for :

- 2.Ensure there is clarity over who is in control of the property
- 3.Formalise arrangements for duty holder, responsible person
- 4.Ensure you as responsible person is / are competent
- 5.Apply a similar duty holder and responsible person across other areas
- 6.Establish a compliance / responsibilities matrix
- 7.Give careful consideration to budgets and who controls them
- 8.Make sure records and documentation are robust
- 9.Conduct a one off exercise – building risk assessment
- 10.Ensure you select competent contractors/monitor their performance
- 11.Implement site reporting and communications on site
- 12.Have arrangements for the management of vacant properties.



RECOMENDATIONS

- **Plan...Do...Check... !**

