

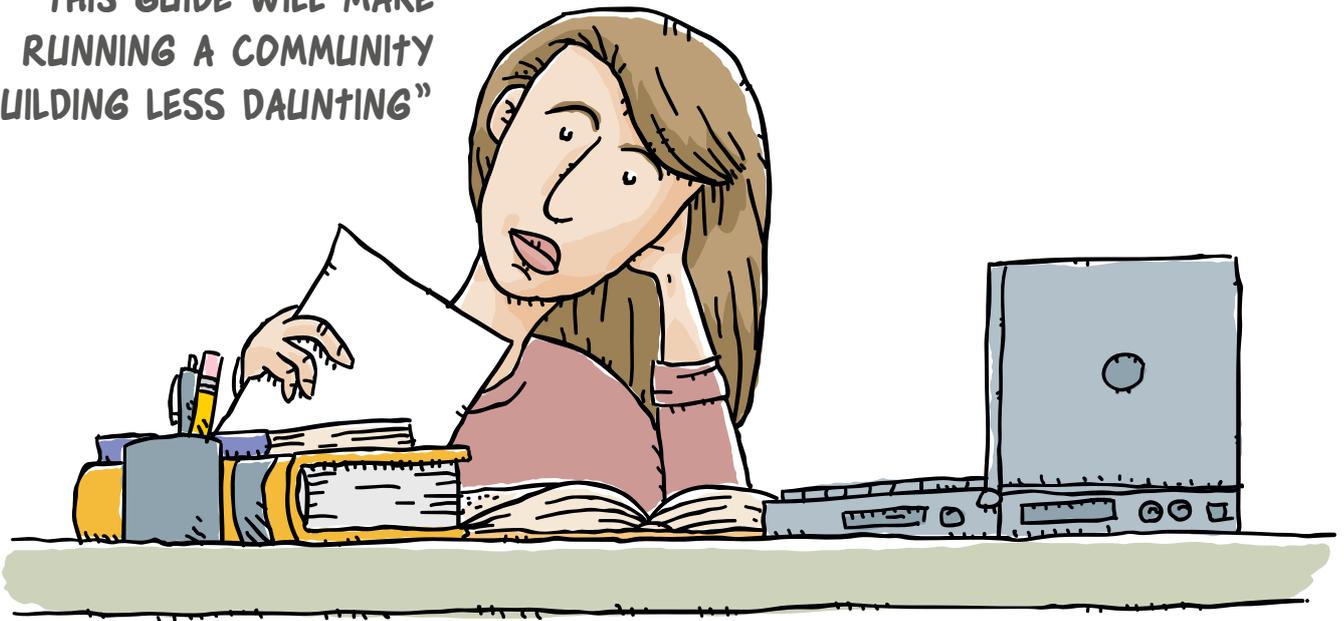
Building Responsibilities



Introduction to running a
community building for voluntary
management committees and
building managers

June 2021

**“THIS GUIDE WILL MAKE
RUNNING A COMMUNITY
BUILDING LESS DAUNTING”**



Running a community building can be highly rewarding, but also challenging! This is a short guide to some of the responsibilities voluntary committee members and community building managers have when running a building open to the public. Committees should take time to understand their obligations, getting advice and training where required – even if they delegate much of the responsibility to a manager.

Your organisation will be responsible for most of the duties outlined in this booklet, and frequently more, unless there are specific reasons why you are not responsible. This is because much of the responsibility legally rests with the operators of buildings, which usually means committees and staff, since they are responsible for making decisions about use of a building. Decisions that would indicate responsibility could include: choosing who uses the building; overseeing

what goes on in the building; being responsible for the building fabric; employing staff or contractors; and deciding where money is spent. It is important to assume you are responsible for the safety of public and visitors, unless you know this is not the case.

It is advisable for community buildings to have a health and safety policy, which is legally required if five or more people are employed. This will state who is responsible and their areas of responsibility, and it will cover systems that are in place to manage health and safety. This is an important document which can be shared with hirers and visitors along with other health and safety information.

Being aware of your legal responsibilities and taking sensible and appropriate steps will significantly reduce the risks of things going wrong. However, it is important to understand that not being aware of or adhering to legislation is serious: it could affect your lease and raise the risk of prosecution, so it is worth dedicating time and effort to it.

There are a lot of community buildings in Waltham Forest which are owned by the Council and run by community groups. These groups have a tenant relationship with the Council but also have a landlord relationship with their own renters and hirers of space in their building. Community groups need to be clear what their obligations are – not just to the Council as their landlord, but also to their own hirers or renters.

This relationship is shown for ease in the diagram below.



"GOOD PREPARATION WILL PAY OFF IF ANYTHING IS NEEDED TO BE LOOKED AT"

Understanding Your Lease

The terms of a community group's lease with the London Borough of Waltham Forest will set out their responsibilities for the building.

Community groups will need to ensure they check the terms of their lease carefully in order to fully understand any obligations they will need to comply with during the life of the lease. Sometimes the details of a lease can affect the extent to which a community group has responsibility for repairs to a building or its maintenance, including some of the issues below. This is why it is important to check the lease first to know and understand your responsibilities.

In addition to the terms of the lease, there are other laws that give community groups responsibilities to ensure their community building is safe, well maintained, and a healthy place for people to work and use.

Having good, workable systems in place is essential to manage your building and share responsibility with other committee members or employed staff. It's also important to keep proper records, including making sure that paperwork is kept up to date and that information can be found when needed. In certain cases there is a duty to keep records for several years, and if something goes wrong you may need to provide documentation that the building was well run.



What Community Groups Have to do

When a community group runs a building that is leased from the Council, they must carry out the following:

Gas Safety

If you have a gas boiler, ensure that the building has an annual inspection by an official Gas Safe registered engineer who is qualified to work on commercial boilers and appliances. Keep records of the annual gas safety inspections for a minimum of two years to ensure that all gas installations and appliances are safe. Remember that a safety check is different to a service, and that a service by itself is not enough to ensure its safety. This is required by the Gas Safety (Installation and Use) Regulations 1998 ('the Gas Safety Regulations').



Fire Safety

The Regulatory Reform (Fire Safety) Order 2005 ('the Order') imposes various duties on the community group responsible for the building with regards to fire safety. This includes ensuring the safety from fire of any employees, volunteers and any visitors to the building.

These duties mainly relate to taking general fire precautions to ensure that people are safe in the event of a fire by carrying out a risk assessment and keeping this under review. This is likely to include ensuring that

the premises, any fire safety equipment, and emergency routes and exits are properly marked and maintained and kept in working order. Information and training on this should be provided for employees, volunteers and building users. You can find a five-step assessment process [here](#). It is recommended to use professional fire safety experts and to set up systems to manage and monitor fire safety processes in a building, as well as ensuring hirers and visitors know how to play their part.



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

Under these regulations a community group that runs a building must report incidents of death, injury or disease at work. An accident that results in injury should be checked against the regulations so that a report can be made if necessary. An accident book should be kept recording all the details of any accident occurring in the building. This should include the date and time of the accident, who was injured, the nature of the injuries and the cause of the accident (how it happened). Accident books are available at <https://books.hse.gov.uk>.

Health and Safety (& Legionnaires)

Community groups who run buildings are responsible for providing a safe environment for anyone who uses the building. Responsibility for Legionnaires testing comes under health and safety law: this includes ensuring that water is safe to be used, and you need a **report of its risks and management** to be undertaken. Legionella and other hazards are specifically regulated under the Control of Substances Hazardous to Health Regulations (COSHH) and ideally are included in a Health and Safety Assessment. In a community building, chemicals used for cleaning, grounds maintenance, pest control, etc, should be managed carefully (for example stored safely with no public access). You can find an overview leaflet on COSHH on the Health and Safety Executive website. Health and safety also covers ensuring reasonable temperature, enough space, ventilation and lighting, toilets and washing facilities, drinking water and safe equipment for the building to be used safely by employees and users.

Managing Asbestos

There is a legal duty to manage asbestos in community buildings, so committees need to take steps to find out whether it is present. They should assume that materials contain asbestos, even if the building dates from after the use of asbestos was stopped (2000). The presence of asbestos within a property does not mean that it automatically needs to be removed, but it needs to be identified, managed safely, recorded in a survey and documented in an Asbestos Management Report under the Control of Asbestos Regulations 2012. Any work on a part of the building containing asbestos (or an asbestos containing material) would usually need to be carried out by a licenced contractor, a list of whom can be found on the Health and Safety Executive website.



Fixtures and Fittings

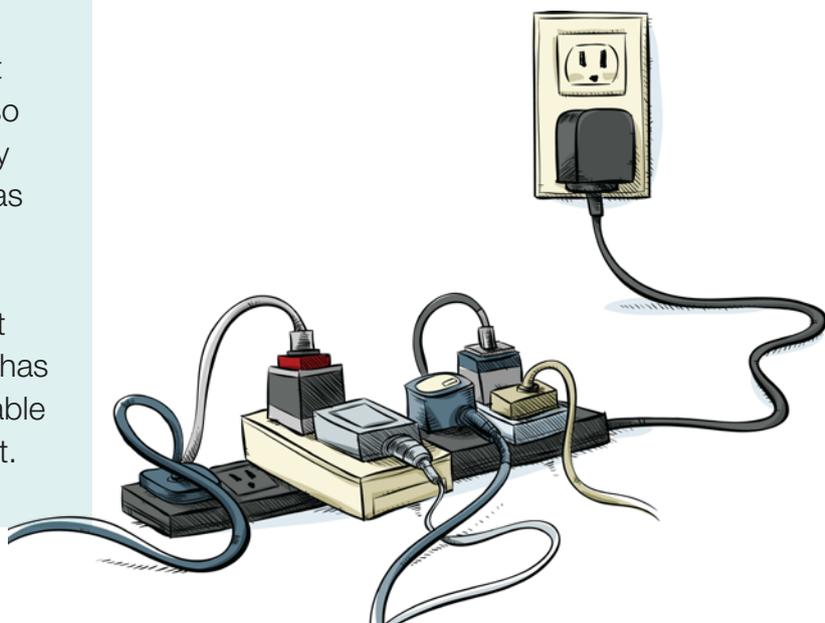
As well as the building fabric itself, you must consider what is inside the premises, in terms of its fixtures and fittings. Essentially, fixtures are items in a property that are attached to it. Fittings, meanwhile, are items that aren't attached to the property, or are attached by a screw or nail – for example, a mirror or picture. It is important to ensure that they are managed properly in terms of different legal and regulatory requirements. Examples of fixtures include lifts, air conditioning equipment, automatic opening doors, fire equipment, sanitary ware, lightning conductors, CCTV, boilers, radiators, alarms (fire and intruder) and lighting (internal and external). Many of these are covered by the legal requirements for fire, gas, electrical and health and safety. You should also ensure that furniture (e.g. seats, tables and cupboard doors) and equipment (e.g. ladders and kitchen equipment) are regularly checked to meet health and safety requirements as part of a Health and Safety Assessment.



Electrical Safety

Electrical Safety First has made recommendations as to how testing should be carried out and how often. It recommends that testing is carried out to the wiring of a building every five years under the Electricity at Work regulations.

Portable electrical appliances with a plug that can be connected to a wall socket should also have a Portable Appliance Test to ensure they are safe to use. This can include items such as electric drills, monitors, printers, PCs, kettles and larger items like photocopiers, vending machines and others. It is recommended that any equipment hirers bring into your building has been PAT-checked. Further guidance is available on the HSE website and Electrical Safety First.



Maintenance

Keeping a building in good repair can reduce risks – hazards can arise from poor maintenance. For example, common problems occur with self-closers on fire doors, or loose paving slabs causing trip hazards. Your responsibilities around maintenance will be clearly set out in the lease. Typically, the tenant is required to keep the premises in good or substantial repair and condition (this usually includes repairing broken items and decoration internally and externally), even if they were not in good condition at the start of the lease. This is often known as a ‘full repairing lease’.



Food Hygiene

Some community centres have kitchens and cafes open to the public. Food Hygiene regulations are applicable to these activities, and food businesses such as cafes need to be registered with the Council. In general terms, consideration of food activities in a centre needs to address the ‘Four Cs’: cross-contamination, cleaning, cooking and chilling. These will affect how food is stored, cleaning regimes for kitchens and kitchen equipment, and guidance on cooking food that will not create a hazard to health. The Food Standards Agency has guidance and best practice on how food hygiene affects the running of a community building.





Employing Staff

If a community group employs staff, they have additional responsibilities as an employer. Workers have legal rights in relation to minimum wages, holidays, number of hours they can be required to work, sick pay, maternity/parental pay and leave, potential pension rights, and protection from discrimination and unfair dismissal. Some of these rights require a minimum length of continuous employment before an employee qualifies for them. A written statement from the community group, as an employer, should set out all employee rights and procedures for dealing with issues between employees and the group as their employer. This should be issued within two months of a staff member starting a job. It should also include a description of the staff member's main responsibilities and any standard they are expected to meet in fulfilling them.

Employers also have responsibilities to ensure that employees can do the jobs that are required in their contracts through training, support and provision of a safe working environment. Carefully consider their duties and ensure that you manage risks they face, or difficult situations – for example, if they are a lone worker, using ladders, lifting and carrying, or managing aggression.

Insurance

It is advisable to have good insurance and there are advantages to having a broker to source the cover you would like. The building you are in will be insured by the Council, but this only covers the cost of rebuilding it. You will need to ensure you have public liability insurance (or your hirers do) and you will need to consider if you need contents insurance or want to get extra insurance to indemnify the committee. Ensure that your policy covers you if you are employing staff.

Undertaking a Risk Assessment

It is always advisable to undertake a premises risk assessment and to write this down. If you employ more than five people, it must be written down. A premises risk assessment covers managing risk from the building, and what the committee can do to make the building safe for everyone who uses it. The Royal Society for the Prevention of Accidents has identified a five-step approach to carrying out an assessment, shown in the table below.

Organisers of activities will usually require a separate risk assessment for their purposes – for example, a martial arts club, or dance class for young people – and it is advisable to ask for this.



Five steps to undertake a Risk Assessment

<p>Step 1: Identify the hazards</p>	<p>In order to identify hazards you need to understand the difference between a hazard and a risk. A hazard is ‘something with the potential to cause harm’ and a risk is ‘the likelihood of that potential harm being realised’. Hazards can be identified by walking round the building, asking employees, users or visitors.</p>
<p>Step 2: Decide who might be harmed and how</p>	<p>Once you have identified the hazards, you need to understand who might be harmed and how, such as people working in a particular area or people with additional needs, or doing a particular job, and what may harm them.</p>
<p>Step 3: Evaluate the risks and decide on control measures</p>	<p>After ‘identifying the hazards’ and ‘deciding who might be harmed and how’, you are then required to protect people from harm. If the hazards cannot be removed, ask if they can they be replaced with something less harmful or take steps taken to reduce the likelihood of a harm occurring.</p>
<p>Step 4: Record your findings</p>	<p>Your findings should be written down – it’s a legal requirement where there are 5 or more employees. Recording the findings shows that you have identified the hazards, decided who could be harmed and how, and also shows how you plan to eliminate the risks and hazards.</p>
<p>Step 5: Review your assessment and update as and when necessary</p>	<p>Always date your risk assessment and include a review date for the future. If anything changes in the building in the meantime you should re-visit your assessment. You should undertake an annual review of the document.</p>



Each premises will need a Premises Risk Assessment, as well as any necessary for the activities that are carried out in the building. As an example the first few lines of a risk assessment have been carried out in a community building

Hazard	Who is at risk	What is/are the risk(s)	Current measures in place
Slips, trips and falls	Staff, centre users and visitors	<ul style="list-style-type: none"> Muscular skeleton injury caused by falls 	<ul style="list-style-type: none"> Hirers advised to tape trailing leads and mop spills immediately Doormat to prevent water ingress in reception Cones used by cleaner when floors are wet
Grip rails, baby changer and disabled loo alarm	People with disabilities / babies and infants	<ul style="list-style-type: none"> Disabled hand grips and alarm not in working order causing harm and failing to respond to need for help 	<ul style="list-style-type: none"> Caretaker to check (monthly) all hand grips, rails and baby changer, and record findings Call and reset alarm monthly
Cleaning Materials	Staff, centre users and visitors	<ul style="list-style-type: none"> Poisoning / chemical burns / adverse reaction 	<ul style="list-style-type: none"> COSHH sheets printed and stored in office Chemicals stored in locked cupboard in accordance with manufacturer's instructions COSHH training for cleaning staff Less harmful products used instead of more harmful ones
Flammable materials	Staff, centre users and visitors	Fire and smoke damage	<ul style="list-style-type: none"> All furniture to have proper BS markings No gas cannisters brought in centre (BBQ) Regular housekeeping to limit material stored on-site
Working at height	Caretaker	Muscular skeleton injury caused by falls from height	<ul style="list-style-type: none"> Ladders are checked 6-monthly Ladders not to be used when lone working Caretaker to assess risk if other users in the building

Uselinks links – Please use the on-line version to activate links

Electrical Safety First

www.electricalsafetyfirst.org.uk

Fire Safety

www.gov.uk/workplace-fire-safety-your-responsibilities

Gas Safety

www.gassaferegister.co.uk

Covid-19 Guidance for Community Facilities

www.gov.uk/coronavirus

RIDDOR – Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

www.hse.gov.uk/riddor

Legionella

www.hse.gov.uk/legionnaires

Asbestos

www.hse.gov.uk/asbestos

Food Safety

www.gov.uk/food-safety-your-responsibilities

Risk Assessments

www.hse.gov.uk/risk

COSHH

www.hse.gov.uk/coshh

Employing Staff

www.gov.uk/guidance/charity-staff-how-to-employ-paid-workers

Ladders

www.hse.gov.uk/work-at-height/using-ladders-safely.htm

Waltham Forest Town Hall, Forest Road, Walthamstow E17 4JF

Telephone: 020 8496 3000

Open to the public Monday to Friday, 9am to 5pm

Wheelchair accessible

Every care has been taken to prepare the information in this guide, however errors or omissions may have occurred. Always check you are working to the latest guidance or legislation and seek advice if you are unsure.