

Property Owners Risk Management: Management Briefing

What are the risks?

Property owners may or may not occupy the property that they own. They may occupy part of the property and have tenants in other parts, or they may be remote landlords, not occupying the property at all. If the property is multi-tenanted there are likely to be common areas over which the owner will have some form of control.

If the property has been let to tenants on full repairing and insuring leases they will have responsibility for managing health and safety and fire safety, however the owner will still retain some responsibility in as far as they have control. In another Barbour Guide in this series we look at the various types of lease.

What are the key safety risk areas associated with property ownership?

- Coordination and cooperation between the various occupiers
- emergency procedures for fire, bomb threat, flood, gas leak and other foreseeable situations giving rise to serious and imminent danger
- fire safety risk assessment for the common parts of the Premises
- general health and safety for the common parts of the premises including circulation areas
- management of asbestos in common parts, which may include service risers running through tenanted demised space
- management of common water services
- safety of main electrical distribution
- safety of plant rooms
- safety of access and service roads
- safety of loading bays.

Case Study

A contractor together with the owners of a property undergoing repair were prosecuted after a worker fell four metres from a roof, breaking both his heels. The incident took place at a mill in Halifax. The mill owners were fined £2,500 plus costs of £3,355 for breaching working at height regulations. The roofing contractor was ordered to pay a total of £3,500 for his breaches of the health and safety regulations governing working at height.

The Health and Safety Executive (HSE) told the court that the mill owners had partly organised the roof work with the contractor, and had failed to supervise and monitor the system of work that he had put in place. The HSE inspector commented: 'The incident need never have happened if the correct systems had been planned and put in place. I hope other businesses can learn from this incident and appreciate the high risk involved with work at height on roofs.'

Responsibilities for the work carried out by contractors must not be forgotten by the property owner. Further information is available in other Hettle Andrews guides.

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How are the key safety risks associated with property ownership managed?

- Clearly understand those areas over which you have control
- ensure an effective means of communication with tenants
- have up-to-date risk assessments in place
- ensure effective exchange of information with tenants
- appoint competent contractors to maintain common/shared plant and equipment
- have an asbestos management plan in place
- have an up-to-date fire risk assessment in place.

Legislation

- The primary health and safety legislation covering property ownership is the Health and Safety at Work etc. Act 1974
- the Workplace (Health, Safety and Welfare) Regulations 1992 place further duties on employers
- the Provision and Use of Work Equipment Regulations 1998 place specific duties on duty holders in respect of plant and equipment
- the Regulatory Reform (Fire Safety) Order 2005 places a duty on 'the responsible person' in respect of fire precautions.

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