

Title of meeting: Cabinet Member for Housing and Tackling Homelessness

Date of meeting: 26th January 2024

Subject: Fire Safety Policy

Cabinet Member: Councillor Sanders – Cabinet Member for Housing and Tackling Homelessness

Report by: James Hill - Director of Housing, Neighbourhood and Building Services

Report Authors: Steve Groves - Head of Building Maintenance,
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Wards affected: All

Key decision: Yes

Full Council decision: No

1. Purpose of report

1.1 The purpose of the report is to update members of a review of the existing fire safety policy by the Fire Safety Group, including the resident consortium and to seek approval to implement proposed changes to the policy.

2. Recommendations

2.1 That the fire safety policy (Appendix A – Fire Safety Policy, version 1.3) is approved and Housing, Neighbourhood and Building Services implement the revised fire safety policy which includes the following changes.

2.1.1 The main change to the fire policy is the management of the means of escape and communal areas within blocks of flats. The policy changes the current 'managed use' approach to a 'zero tolerance' approach to be adopted for common walkways or stairwells except for Cat 2 and Cat 2.5 blocks that will remain 'managed use'.

2.1.2 Other changes to the fire policy include the scope of the policy extended to specifically include individual doors opening onto common parts of the building and the external structure (including doors, windows, cladding and balconies) of blocks of flats. The lowering of the classification of higher risk blocks from ten storeys to seven storeys, confirmation of where fire safety information will be

provided and premises information boxes, details of fire door inspections, firefighting equipment fault reporting and assisted evacuation.

2.2 The implementation and communication plan that is set out in section 5 is approved.

3. Background

3.1 Housing, Neighbourhood and Building Services (HNB) have a fire safety group which meets quarterly and consists of management representatives from each service including building maintenance, building projects, the building safety manager, estate services, local authority housing management, insurance, health & safety, repairs support and building compliance. The purpose of the group is to coordinate and communicate fire safety actions across all Housing, Neighbourhood and Building service teams. The group review fire risk assessment actions, fire safety audits and inspections, changes to legislation, building projects, impact on policies and strategies, training, building safety manager feedback, review of previous fires, Hampshire & Isle of Wight Fire & Rescue Service liaison and fire communication with residents.

3.2 The Fire Safety (England) Regulations 2022 introduced new duties from the 23 January 2023

- a) high-rise residential buildings (18m or seven storeys and above in height) provide their local fire and rescue service with information about the design and materials of the building's external walls and to inform their local fire and rescue service of any material changes made to them.
- b) draw up and share electronically up-to-date floor plans identifying the location of key fire-fighting equipment with their local fire and rescue services.
- c) high-rise residential buildings (18m or seven storeys and above in height) to undertake additional monthly checks of firefighting equipment and lifts within the building that are designed, installed and maintained to be used by fire-fighters (with the addition of evacuation lifts) and of the mechanism which allows fire-fighters to take control of lifts. Monthly checks will also be required on all evacuation lifts.
- d) high-rise residential buildings (18m or seven storeys and above in height) to install Wayfinding Signage in their buildings.
- e) requirement for existing high-rise residential buildings (18m or seven storeys and above in height) to have a secure information box installed on the premises.
- f) undertake quarterly checks of all fire doors (including self-closing devices) in the common parts in blocks over 11m in height.
- g) undertake – on a best endeavour basis – annual checks of all flat entrance doors (including self-closing devices) that lead onto a building's common parts.

3.3 The existing fire safety policy currently states within section 4.4 'Means of Escape Routes' that;

'With regard to residents' possessions within the common parts of blocks of flats a 'managed use' approach will be undertaken with an assessment of the hazards or risks for each particular block. In all circumstances a minimum 800mm walkway must be maintained at all times or the width defined in Part B of the fire safety building regulations, whichever is greater'.

This approach can create conflict with Fire Risk Assessments (FRAs) by competent assessors and Estate Services staff managing the blocks versus interpretation by residents of the hazards or risks in a block.

3.4 There is no legislation stating how to manage communal areas, however there is guidance available for social housing landlords within 'Fire safety in purpose-built blocks of flats' guidance produced by the Local Government Group and widely referenced within the housing sector.

3.5 The PCC tenancy agreement states that:

'Communal areas are locations that all residents have access to and may include stairways, corridors, balconies, lifts, shared gardens and other housing land. You must keep communal areas clear of your personal belongings and rubbish'.

3.6 Other local social housing providers have policies that have a zero-tolerance approach

- Vivid Housing Association have a fire policy that states 'Ensuring good housekeeping at all times, maintaining a zero tolerance of items that could potentially catch fire or block fire escape routes'.
- Sanctuary Housing states, 'For your safety, we have a zero-tolerance policy towards items in communal areas, which includes stairways, lifts, landings and hallways. Keep ALL communal areas clear of obstructions, for example plant pots, prams, mobility scooters and bikes'
- Sovereign have a policy that states ' you must not use the communal areas to store any possessions, to dump unwanted goods or for decorative items outside your front door'.
- Clarion Housing state that 'You're not allowed to keep or store anything in communal areas. Keep communal areas clear of rubbish and personal items, so you can escape quickly and safely in the event of a fire or emergency'.

3.7 Fire Risk Assessments (FRAs) undertaken at HNB blocks of flats regularly highlight management actions to clear personal belongings from the communal areas. A review of fire risk assessments undertaken during 12-month period at all tower blocks (ten storeys and above), indicated that half the blocks FRAs had identified items to be removed from communal areas ranging from plants,

furniture, bicycles, pictures, notice boards, door mats. Low rise blocks of flats regularly also encounter similar issues within the communal areas with regard to similar personal items requiring removal.

Communal Areas Zero Tolerance versus Managed Use

- 3.8 Good housekeeping is fundamental to reducing risk in blocks of flats and controlling the presence of combustible materials and ignition sources. There is a tendency for some residents to treat the common areas of blocks of flats as an extension of their own home.

'Zero Tolerance Policy'

- 3.9 A 'zero tolerance' approach is one in which residents are not permitted to use the common parts to store or dispose of their belongings or rubbish. No exceptions would apply. It would ensure that the common parts are effectively 'sterile' free of combustible material, ignition sources and obstructions. The scope of the zero-tolerance approach is focused only communal means of escape and not private garden areas or drying areas that are not part of the means of escape route.
- 3.10 The benefits of this approach are that there is no ambiguity regarding what is allowed and therefore residents know exactly where they stand. It removes not only the risk from accidental fires, involving items in the common parts, but also denies fuel for the arsonist.
- 3.11 Enforcing authorities including Hampshire Isle of Wight Fire & Rescue Service (HIWFRS), confirmed that they prefer and support this change to a zero-tolerance approach as it will improve fire protection and operational response to a fire. It provides a consistent approach to ensure the communal areas are kept sterile and do not pose an increased risk to those escaping or spreading fire. Stored items in communal areas, regardless of combustibility, restrict access and egress for residents and firefighters, take up space that is required to set up safe systems of work such as hose lines, become a trip hazard when visibility is reduced due to smoke and can spread the fire.

It can also reduce the liability on landlords for not only fire related risks but other health and safety risks such as trips and falls.

Managed Use Policy

- 3.12 The alternative is 'managed use'. This approach allows strictly defined use of common parts and limits the items allowed to control the fire load or reduce ease of ignition. It includes strict conditions on where such items can be kept.
- 3.13 The benefits of the managed use approach is that it allows risk factors to specific types of accommodation to be taken into consideration and can for instance benefit residents in blocks with older and disabled residents by allowing them to



store mobility aids at the point of access, although this does not include mobility scooters.

- 3.14 There are however disadvantages of the managed use approach as there is more scope for residents misunderstanding what is permitted. The risk of deliberate ignition can still be a significant concern and if a block has a managed use approach, then much more frequent block inspections will be required.

4. Reasons for recommendations

- 4.1 It is recommended that the fire safety policy is updated to a 'zero tolerance' policy for all general needs blocks of flats. The approach will be enforced by the Estate Services team to ensure that the common parts are 'sterile' and free of combustible material, ignition sources and obstructions. No resident's items will be permitted within these common areas, in line with advice from HIWFRS.

- 4.2 Cat 2 and Cat 2.5 blocks of flats will have a 'managed use' recommended as they have effective restricted access controls, fire detection systems and the buildings are managed with Scheme Managers and staff on site who can daily actively manage the risks and ensure the strictly defined use of common parts and permitted items are enforced.

- 4.3 In these blocks of flats the 'managed use' will permit residents to have the following items within the common areas providing they are not likely to cause obstruction to the means of escape

- disabled and mobility aids but not mobility scooters with batteries
- place pot plants and door mats outside their front doors
- small non-combustible (e.g Ceramic) ornaments
- basic furniture and but no upholstered seating

- 4.4 The reason that it is not recommended to continue having a 'managed use' approach elsewhere is that it has the potential to be inconsistently applied by different areas as its more subjective and can also be interpreted differently by residents. This is evidenced from the fire risk assessments where issues are regularly identified.

- 4.5 Discussions with Hampshire and Isle of Wight Fire and Rescue Service (HIWFRS) has confirmed their preference is that communal areas have a 'zero tolerance' with no combustible items within the communal areas. HIWFRS have stated that they are supportive of a zero-tolerance approach for blocks of flats as this reinforces a level of consistency across the estate. It supports them by maintaining the escape route should it be required in a fire situation and enables a clutter free sterile environment when firefighting actions are required.

- 4.6 The resident consortium has been consulted throughout and the changes to the policy were discussed with the consortium at meetings on 9 September 2021, 1 September 2022 and 5 October 2023 regarding the proposed changes to the

management of communal areas. The resident repairs and maintenance sub-group were also provided with the draft policy and a briefing document. The final draft policy has been distributed to the resident consortium and no objections were raised regarding the proposed 'zero tolerance' approach.

4.7 The Estate Services team have undertaken the 'zero tolerance' approach at a number of blocks where management of means of escape routes were identified as an issue as part of fire risk assessments. These were successfully implemented by communicating with the residents as appropriate, including one-to-one discussions, and making residents aware of the reasons for the requirements. Residents were also provided with support from the Estate Services Officers to move items.

4.8 Where the approach has identified permanent non-flammable items were required such as notice boards or seating, these have been arranged by the repair's teams.

5. Consultation, Engagement and Implementation Plan

5.1 If approved, the policy will start to be implemented from 1 April 2024, which will enable the policy changes to be communicated to residents through articles in Housetalk, posters in the communal areas, social media and the Council website will be updated.

5.2 The Estate Services team will phase the implementation of the policy as part of the monthly block inspections undertaken, engaging one-to-one with residents and will initially focus on the higher risk blocks.

5.3 The Estate Services wardens will engage with residents by having an in-person conversation with the resident informing them of the fire policy, the safety measures undertaken and provide general fire safety advice. They will also discuss with the resident their responsibilities.

5.4 If there are any specific items that have been identified in the communal areas that need to be removed then they will agree a mutually sensible timescale for their removal based on an assessment of the risk.

5.5 As part of the in-person discussion with the resident by the Estate Services wardens there can also be wider consultation regarding how the communal spaces are being utilised and demand for using the communal areas may be identified such as storage or seating or planting areas.

5.6 If residents are not in at the time of the Estate Services wardens visits, then they will leave letters and leaflets providing advice and requesting an in-person discussion if necessary.

5.7 New residents in blocks of flats will be informed of the fire policy as part of their sign up with the housing officer including information and advice about the stay

put policy, management and maintenance of means of escape routes, fire doors, firefighting equipment, smoke detectors, private balconies, assisted evacuation, gas bottles and the mobility scooters policy.

- 5.8 HIWFRS will be available if appropriate to undertake joint visits to residents to provide additional fire safety advice and reinforce the importance of managing the communal areas.

6. Integrated impact assessment

An Integrated Impact Assessment has been completed and submitted and is shown in Appendix B.

7. Legal implications

- 7.1 The Building Safety Act 2022 introduced secondary legislation in the form of the Fire Safety (England) Regulations 2022. The legal provisions relevant to the recommendations in this report are set out in the body of the report.

- 7.2 Whilst residents have been involved in consultation about amendments to the policy via the residents' consortium and the residents' maintenance subgroup, it is important that the cabinet member considers whether s.105 of the Housing Act 1985 applies and if so, whether a wider consultation and representation period is required before a final decision is made on the matter. S.105 states:

- (1) *A landlord authority shall maintain such arrangements as it considers appropriate to enable those of its secure tenants who are likely to be substantially affected by a matter of housing management to which this section applies-*
- (a) *to be informed of the authority's proposals in respect of the matter, and*
(b) *to make their views known to the authority within a specified period;*

And the authority shall, before making any decision on the matter, consider any representations made to it in accordance with those arrangements.

- (2) *For the purposes of this section, a matter is one of housing management if, in the opinion of the landlord authority, it relates to-*
- (a) *the management, maintenance, improvement or demolition of dwelling-houses let by the authority under secure tenancies, or*
(b) *the provision of services or amenities in connection with such dwelling-houses.*

- (3) *This section applies to matters of housing management which, in the opinion of the*

landlord authority, represent-

- (a) *a new programme of maintenance, improvement or demolition, or*
(b) *a change in the practice or policy of the authority,*



And are likely substantially to affect either its secure tenants as a whole or a group of them who form a distinct social group or occupy dwelling-houses which constitute a distinct class (whether by reference to the kind of dwelling-house, or the housing estate or other larger area in which they are situated).

7.3 In respect of enforcement of the council's policy, the council should ensure that clear and lawful processes and procedures are in place and applied in appropriate cases.

7.4 When considering the recommendations, the cabinet member must have due regard to the public sector equality duty contained within s.149 of the Equality Act 2010, namely the need to have due regard to the need to: eliminate discrimination, harassment, victimisation or other prohibited conduct; advance of equality of opportunity between persons who share a relevant protected characteristic and those who do not and foster good relations between those who share a relevant characteristic and those that do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

7.5 It is within the cabinet member's powers to make the recommendations sought.

8. Director of Finance's comments

8.1 There are no financial implications that result directly from the approval of the recommendations in this report.

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Signed by:
James Hill
Director of Housing, Neighbourhood and Building Services

Appendices:

Appendix A – Fire Safety Policy (version 1.3)

Appendix B - Integrated Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Fire Safety (England) Regulations 2022	The Fire Safety (England) Regulations 2022 (legislation.gov.uk)



'Fire safety in purpose-built blocks of flats' guidance produced by the Local Government Group	LGA Guidance Fire Safety in Blocks of Flats
PCC Tenancy Agreement	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: