

**REVIEW OF THE HOUSING SERVICE FIRE RISK IN COMMUNAL AREAS
POLICY**

Cabinet Member(s): Councillor Ray Stanley
Responsible Officer: Claire Fry, Housing Services Manager

Reason for Report: To Review the Fire Risk in Communal Areas Policy

RECOMMENDATION: The Cabinet approves the revised Fire Risk in Communal Areas Policy

Relationship to Corporate Plan: The Council has a commitment to managing the Housing Service effectively in accordance with legislative requirements and the provisions of the regulatory framework.

Financial Implications: The Housing Service has a responsibility as a landlord to ensure the health and safety of tenants, leaseholders and other visitors to blocks of flats in our management. Failure to do this effectively could result in public liability claims. Furthermore, the housing stock is a valuable asset and it is important to minimise the risk of damage to it.

Legal Implications: Landlords have a number of duties arising from the Regulatory Reform (Fire Safety) Order 2005; in particular, they must complete fire risk assessments for communal areas. The Homes & Community Agency (HCA) operates the regulatory framework for social housing. The Home Standard is one strand of this and states that all Registered Providers must meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes. The contractual obligations of tenants are contained in the tenancy agreement and at clause 3.9.2 this states that tenants resident in blocks of flats must not block or obstruct communal areas; or leave any items or articles in communal areas.

Risk Assessment: Failure to maintain the health and safety of residents and any visitors to the block could result in serious injury or death. Further, damage to the housing stock could result in properties becoming unlettable and a need to rehouse tenants in accordance with the provisions of the decant policy, which could have a negative impact upon resources.

Equality Impact Assessment: The Housing Service records information regarding tenants and is therefore able to demonstrate the diversity of people living in our blocks of flats. One involved tenant participated in discussions relating to the equality impact assessment.

1.0 Introduction

1.1 The Fire Risk in Communal Areas Policy was last reviewed by the Homes Policy Development Group (PDG) on 19 July 2016. This latest review of the policy was undertaken following some recent incidents involving fire in one of

our blocks.

- 1.2 Following these incidents, the Housing Service initiated discussions with the Devon & Somerset Fire & Rescue Service (the Fire Service) with a view to reviewing the fire risk assessment (FRA) for that particular block. A wider conversation included a review of the existing Fire Risk in Communal Areas Policy and feedback received was positive; it was agreed that this existing Policy was robust and took account of statutory obligations. However, it was felt that it would be beneficial to strengthen some clauses. In particular, it was agreed that those relating to fire risk assessments should be re-written to reflect good practice.
- 1.3 Since then, following the horrific fire at Grenfell Tower in North Kensington where there was large loss of life, it was agreed with the Cabinet Member for Housing that the Housing Service should implement a zero tolerance policy relating to the storage of personal belongings in communal areas. This is to ensure that access is unfettered in the event of fire. This is essential to enable firefighters to make their way to the flats if there is a “stay put” policy; or to allow residents and any visitors to exit as quickly and as safely as possible in the event of an emergency.
- 1.4 The Neighbourhood Management Policy of the Housing Service states that the Neighbourhood teams will undertake monthly inspections of blocks of flats where there are communal areas.

2.0 **PROPOSED POLICY CHANGES**

- 2.1 Following consultation with the Fire Service, the section relating to FRAs was amended. The new draft Fire Risk in Communal Areas Policy (the Draft Policy) provides for an annual review of FRAs and also sets out some examples of situations where a review would be appropriate after less than a year.
- 2.2 The regime will be more dynamic as new information relating to the occupants of the flats in a block could trigger a review of the FRA if there has been a significant change; for example, if there has been a change in the characteristics of residents including the presence of someone with a disability.
- 2.3 Furthermore, observations made by the Neighbourhood teams during their monthly inspections of communal areas will be taken into account. If they become aware of an issue which could negatively impact fire safety, this is to be risk assessed and the FRA updated and actioned accordingly. This would be particularly relevant in the event of a fire, if they had noticed an accumulation of dumped rubbish or that fire doors were being routinely propped open, for example.
- 2.4 The Draft Policy now states that copies of the FRAs will be located in the premises and sets out alternative arrangements for storage where this is not possible, for whatever reason. The FRAs will usually be stored in fire log cabinets located in communal areas.

- 2.5 The Draft Policy also makes reference to information about the individual needs of tenants. It states that these records will be stored in the secure fire log cabinets which are fire proof in communal areas in blocks of flats and that this information will be requested on an annual basis to inform a review of the records in the cabinets. This is to ensure that the Fire Service can access relevant information about residents in each block in order to facilitate removing them safely from the building in the event of an emergency such as a fire.
- 2.6 The Draft Policy sets out the role of the Caretakers in reducing fire risk. Caretakers will carry out inspections of communal areas on a 5-weekly cycle. This formalises what has been happening in practice.
- 2.7 The Draft Policy also contains provisions relating to the testing of fire alarms. Fire alarms are to be tested weekly or monthly based on the risk to residents and records will be kept onsite for future reference.
- 2.8 The Housing Service routinely offers those who may be at risk of arson the opportunity to have a fire-proof letter box and the Draft Policy makes reference to this.
- 2.9 Minimising risk to health and safety is a key part of the work undertaken in connection with the repairs and maintenance of the homes in our management. There are many tasks which happen as a matter of routine to support this work. The review of the Draft Policy offered an opportunity to include reference to these; therefore there are clauses which explain that the Housing Service will arrange gas and electrical safety checks; in addition, there is reference as to what is expected from external contractors in connection with work to mitigate fire risk.
- 2.10 The existing Fire Risk in Communal Areas Policy permits tenants to keep small plants stored in ceramic pots which do not create a slip hazard when watered; and small decorative items such as pictures on the condition that they are approved by the Housing Service, and do not obstruct any means of escape. Mats are also permitted provided that they have a non-slip backing, are of a standard size, in good condition and stuck to the floor.
- 2.11 In the Draft Policy, a zero tolerance stance on the storage of belongings in communal areas has been introduced. Only door mats are allowed provided they meet the same conditions as previously, that is, that they are stuck to the floor and do not present a trip hazard.
- 2.12 Officers have legal obligations with regard to the removal of belongings and must take account of the provisions of the Local Government (Miscellaneous Provisions) Act 1982. However, in order to maintain health and safety and to minimise fire risk, they will remove items left in communal areas, where necessary. They will try to work with the resident involved and, if possible, move the item outside to an external communal area. However, there will be times when they need to have the item removed to a storage facility and in this case an appropriate notice will be served. Residents (both tenants and leaseholders) will be recharged should they come forward seeking the return

of their property.

- 2.13 The Housing Service uses social media and our Housing News 4U tenant newsletter to publicise matters relating to fire safety and will ensure that awareness of this new approach is raised as part of this campaign.
- 2.14 Following consultation with the Lead Officer (Private Sector Housing), the Draft Policy has been rearranged so that the responsibilities of both the Housing Service and tenants are more clearly defined. Each set of responsibilities has been grouped together, in order to deliver greater clarity.
- 2.15 An equality impact assessment relating to the draft policy was undertaken on 30 June 2017 with an involved tenant in attendance. An action plan has been agreed as part of this process to enable collection of more information regarding the diverse needs of our tenants in flats and to ensure effective communication about the revisions to this policy with those tenants. Equality information is shown at appendix 1. The equality impact assessment document is shown at appendix 2.
- 2.16 The Draft Policy was sent to members of the Tenants Together group and two other involved tenants for comment and the Housing Services Manager will provide a report on their feedback at the PDG meeting.
- 2.17 Members of the PDG are asked to consider the proposed changes and to recommend the adoption of the reviewed policy to the Cabinet.

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Circulation of the Report: Councillor Ray Stanley, Cabinet Member for Housing

List of Background Papers: None