



Cabinet
12 March 2018

**Report from the Director of
Performance Policy & Partnerships**

**Task Group Report on Fire Safety of Low-Rise Domestic
Properties**

Wards Affected:	All
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt:	Open
No. of Appendices:	1
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report set out the findings and recommendations of the recent task group into Fire Safety of Low-Rise Domestic Properties.

2.0 Recommendation(s)

- 2.1 The Cabinet is recommended to note the report at Appendix 1 and the recommendations contained therein.

3.0 Detail

- 3.1 Following the fatal fire at Grenfell Tower in June 2017 there has been significant focus by different levels of government on the fire safety of domestic properties across the country. Nationally, this includes the Department for Communities and Local Government's Building Safety Programme, a public inquiry into the circumstances of the fire, and the Independent Review of Building Regulations and Fire Safety. In Brent, the council has published its fire risk assessments (FRAs) for council properties, and updated the 2017-18 housing works programme to include fire safety measures for tower blocks. The council has further agreed for £10 million to be spent on a package of enhanced fire safety measures for high rise blocks, and undertaken a number of other measures.

- 3.2 However, the majority of fire events occur in low rise properties, and so the task group felt there was a compelling case to investigate fire safety measures for these in addition to high rise blocks. It set out to examine fire safety measures for council housing and social housing managed by registered providers (RPs), as well as how they communicate with their tenants and leaseholders in respect of these issues. The group also looked at housing allocations policy, the risks posed by bulky items in common areas, and emergency vehicle access for social housing estates.
- 3.3 Social landlords have completed FRAs for all high rise blocks (18m and above) apart from street properties. The council has published its assessments online, and the RPs who met the group had mostly completed their FRAs, with the remaining few to be completed by March 2018. However, this is inconsistent amongst landlords and amongst types of property. The task group believes that all residents should benefit from the information and reassurance provided by making these assessments publicly available.
- 3.4 Evidence considered by the task group indicates that licensing for landlords has raised safety standards, and it concluded that it is of the greatest importance that the council does everything it can to raise awareness of landlords' obligations under this scheme amongst tenants.
- 3.5 A personal emergency plan exists for each vulnerable person, and the local fire brigade is provided notification of their location and vulnerability. The task group felt that it was important for this information to be regularly updated.
- 3.6 Bulky items stored in communal areas can pose a fire risk, or an obstruction to escape in the event of a fire. However, the task group was concerned that some landlords may not be proactive in their attitudes towards clearing these. It also recognised that storage space is an important factor in this regard, particularly for vulnerable residents who may rely on bulky equipment.
- 3.7 The issue of illegal parking in locations meant for the use of emergency vehicles was identified by members as an important area of focus. The necessary markings and signage to prohibit parking in these locations are often incomplete or unclear, and require immediate attention from the council and RPs to ensure high standards in safety for all Brent residents. Current parking enforcement also has limitations. Data reviewed by the task group demonstrates that better communication is required to inform residents where they should not park, and stronger policies and practice to deter them from doing so - particularly when this can impede the emergency services.
- 3.8 The task group also found anecdotal evidence that levels of awareness of basic fire safety are far from where they should be, and this remains a continuous challenge which requires further effort to address.
- 3.9 The task group has made 11 recommendations, shown below. Please note that these will need to be fully costed before they can be implemented.

Recommendation 1: The council and registered providers in Brent should publish the latest Fire Risk Assessments for all of their properties on an ongoing basis.

Recommendation 2: In wards where the landlord licensing scheme is in force, the council should continue work to raise tenants' awareness of it (and more widely if it is expanded beyond these wards). It should also publish a "plain English" guide for tenants on landlords' obligations under the scheme.

Recommendation 3: The council should better publicise the existing systems for residents to anonymously report non-compliant landlords under the landlord licence scheme.

Recommendation 4: The council and registered providers should work with care providers to ensure that the London Fire Brigade has up-to-date information about vulnerable tenants and leaseholders.

Recommendation 5: The council and registered providers should review the appropriateness of fire detection systems in properties based on the specific needs of their tenants and leaseholders.

Recommendation 6: All landlords should take a "zero tolerance" approach to bulky items kept in common areas.

Recommendation 7: All social landlords should provide storage space for bulky items for all property types and sizes.

Recommendation 8: The council should continue to develop plans and seek funding for secure bicycle storage units across the borough.

Recommendation 9: The council and registered providers should act to reduce unauthorised parking in areas for the use of emergency services, including:

- clearer and better maintained signage and markings to identify those areas permitted for car parking, and all those areas which are to be kept clear
- improving awareness of traffic and parking rules, and
- stronger enforcement of parking rules.

Recommendation 10: The council and registered providers should regularly use their communication channels to inform and raise the awareness of residents in relation to fire safety.

Recommendation 11: The council and registered providers should provide, in the main entrance of all types of property, floor plans identifying the location of fire exits, and clearly and simply explaining what to do in case of a fire.

4.0 Financial Implications

- 4.1 There are no significant financial implications for recommendations 1, 2, 3, 4, 6, 8, 10 and 11 if Cabinet were to accept these for implementation in any future Cabinet decision. However, recommendation 5, 7 and 9 would likely have significant operational costs associated to them and would require a full assessment of the costs if Cabinet were to implement the recommendations in any future Cabinet decision.

5.0 Legal Implications

- 5.1 In coming to any decision on publicity the Council is required by section 4 of the Local Government Act 1988 (the 1988 Act) to have regard to the contents of the Code of Recommended Practice on Local Authority Publicity (the Code). Section 6 of the 1988 Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. Principles set out in the Code states that publicity by local authorities should be lawful, cost effective, objective, even-handed, be appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity.
- 5.2 Paragraph 29 of the Code states that publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided. The recommendations set out in 3.9 of the report relating to publicising and raising awareness of the Council’s functions which are relevant to fire safety would need to comply with the Code.
- 5.3 The Council and the police may act to reduce unauthorised parking in areas for the use of emergency services. Such parking can be tackled in various ways, such as under legislation governing obstruction and dangerous parking or through a Traffic Regulation Order. Further work would need to be undertaken to identify what are the appropriate options for the areas where unauthorised parking is occurring.
- 5.4 Under section 111 of the Local Government 1972 the Council has power to do anything where specifically permitted by legislation, or which facilitates, or is conducive or incidental to the discharge of statutory obligations. The Council’s powers and duties which are relevant to fire safety are referred in paragraphs 5.6 – 5.9 below. In addition, section 1 of the Localism Act 2011, the General Power of Competence enhances the power of the Council to do anything that individuals may generally do, which not prohibited by legislation, which are reasonable and proportionate. The proposed actions set out in recommendations 5,6,7,8 and 11 fall within the ambit of these powers.
- 5.5 As to sharing information about vulnerable tenants and leaseholders, organisations the sharing of any personal data must comply with the data protection principles contained in the Data Protection Act 1998 (DPA). It is good practice to have a data sharing agreement in place.
- 5.6 Fire safety for residential accommodation is regulated by both the Housing Act 2004 (the 2004 Act) and the Regulatory Reform (Fire Safety) Order 2005 (FSO). The FSO places duties on housing providers to risk assess fire safety in their properties, to take adequate precautions to reduce that risk of fire and to manage that risk which remains. These duties to apply to a range of property types. However in HMOS, flats, maisonettes and sheltered accommodation in which personal care is not provided, these duties only apply to the communal parts of residential properties (e.g. stairs, corridors, shared kitchen, bathrooms and lounges etc.) that is those parts of the premises that are (or could be used) used by the occupants of more than one

dwelling. These duties are enforced by fire and rescue authorities, but it must consult the Council before taking enforcement action.

- 5.7 Part 1 of the Housing Act 2004 enables the Council to take action to deal with poor housing conditions by means of the housing health and safety rating system (HHSRS), which is an evidence based risk assessment procedure. The HHSRS includes assessing the hazard of fire presented by a particular dwelling. The powers available apply to all types of residential premises, HMOs, purpose built blocks of flats and buildings comprised of converted flats.
- 5.8 The Act 2004 gives the Council power to intervene where it considers housing conditions to be unacceptable, on the basis of the impact of hazards on the health or safety of the most vulnerable potential occupant. There is a general duty to take appropriate action in relation to a category 1 hazard. There are a wide range of enforcement options to address hazards which include:
- serve an improvement - for works to be carried out;
 - make a prohibition order - to prohibit use of part or all of the premises for various specified purposes;
 - serve a hazard awareness notice - advisory notice for need for improvements;
 - take emergency remedial action – the Council takes remedial action to remove the hazard;
 - make an emergency prohibition order – to prohibit all use of all or part of the premises;
 - make a demolition orders and clearance areas.
- 5.9 The HMO licensing regime under Part of the 2004 Act provides the Council with procedures for the licencing of HMOs. In relation to fire safety, when granting a licence the Council must be satisfied that appropriate fire precaution facilities and equipment are provided and the HMO is reasonably suitable for occupation in terms of fire safety. Where, this is not the case, it may attach a condition to the licence requiring that works to ensure that facilities and equipment are installed within a specified period.

6.0 Equality Implications

- 6.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.
- 6.2 There are no diversity implications immediately arising from this report. However, it is anticipated that if the proposed recommendations will be agreed, the implementation of the enhanced fire safety measures will enhance the safety and protection of the residents who are most at risk of harm, and will optimise equality outcomes for all.

- 6.3 In the implementation stage, an Equality Analysis will be completed to assess the impact on people with protected characteristics and where any unintended negative consequences are identified, the Council and the commissioned provider/s will implement remedial actions.

7.0 Consultation with Ward Members/Stakeholders

- 7.1 Engagement with relevant stakeholders is set out in the full task group report as per Appendix 1.

8.0 Human Resources/Property Implications

- 8.1 Not Applicable

Report sign off:

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