

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

5 January 2009

Report of the Director of Health and Housing

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 DRAFT FIRE SAFETY PROTOCOL

Summary

This report updates Members on the Kent protocol for fire safety in housing between the Kent local housing authorities and the Kent and Medway Fire & Rescue Authority.

1.1 Introduction

- 1.1.1 The introduction of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 imposed duties on both the Council as the local housing authority and the fire and rescue service respectively to enforce fire safety within certain types of housing. This has resulted in an overlap for enforcement of fire safety between the two enforcing authorities.
- 1.1.2 The Council is responsible for utilising the Housing Health and Safety Rating System (HSSRS) to identify and if necessary act upon significant hazards found within all types of residential dwellings. One of the hazards being fire.
- 1.1.3 Similarly the Fire & Rescue Authority are responsible for enforcing the Fire Safety Order in the common areas of all residential dwellings not forming a single private dwelling, such as common areas in blocks of flats and houses in multiple occupation.
- 1.1.4 Therefore duplication may arise between the two enforcing authorities. It is therefore important that collaborative working arrangements are put in place to prevent duplication and waste of resources. It is also important that this is done with a common purpose and in a consistent manner, so that for example one organisation is not working against the other.

1.2 Protocol between the local housing authority and fire & rescue authority

- 1.2.1 The Chartered Institute of Environmental Health (CIEH) and the Chief Fire Officers Association created a national protocol that establishes the principles and describes the joint working arrangements between local housing authorities and fire and rescue authorities to deliver on improved fire safety in housing.
- 1.2.2 The national protocol is endorsed by Government and requires that a protocol is approved and endorsed at a suitable strategic management level by both the local housing authority and the relevant fire and rescue authority.

1.3 Housing Protocol between Local Housing Authorities and Kent and Medway Fire & Rescue Authority

- 1.3.1 Consultation has taken place at a sub regional level between the Kent local housing authorities and the Kent and Medway Fire & Rescue Authority (KMFRA) to develop a Kent protocol to deliver improved fire safety in housing. The Kent protocol is based on the CIEH national protocol and is a framework, which provides the basis for detailed local arrangements but also encourages collaboration at a regional level.
- 1.3.2 The underlying principles of the Kent protocol are:
- to ensure appropriate standards of fire and other safety provisions are provided and maintained in residential premises;
 - to develop data sharing arrangements through established paths;
 - to assist landlords and other providers to understand the legal framework which they operate under;
 - to encourage opportunities for offering joint training and awareness sessions; and
 - to recognise the needs and limitations of KMFRA and local housing authorities and to acknowledge that both authorities will always seek to act in good faith.

The Kent protocol is detailed in **[Annex 1]**.

1.4 Why the need to endorse the protocol?

- 1.4.1 The Kent protocol will promote the efficient use of Council resources and as far as is reasonably practical provide all parties, for example landlords, with a measure of confidence that the Council is complying with its duties under the appropriate legislation and is doing this in a consistent manner.

1.5 Conclusion

- 1.5.1 Following endorsement of the Kent protocol by all the local housing authorities in Kent and the Kent and Medway Fire & Rescue Authority the protocol will be adopted in early 2009. It is hoped that a launch event hosted by the KMFRA will then take place to promote the protocol to interested parties, for example the National Landlords Association and landlords.

1.6 Legal Implications

- 1.6.1 There is no legal requirement to sign up to a protocol but it is good practice. It will assist the Council in complying with the requirements of the Better Regulation Executive.

1.7 Financial and Value for Money Considerations

- 1.7.1 The protocol will provide financial and value for money considerations as the KMFRA and Council will take the lead in certain types of residential accommodation and share information with each other to prevent doubling up on visits and the resulting resources this utilises.

1.8 Risk Assessment

- 1.8.1 If the Council does not sign up to the protocol there will be a risk to its reputation if premises are visited by both the Council and the Kent Fire and Rescue Service and consistent enforcement recommendations not given. It will also potentially be seen by other parties as a waste of resources.

1.9 Recommendations

- 1.9.1 It is **RECOMMENDED** that **CABINET NOTE** and **ENDORSE** the fire safety in housing Kent protocol between local housing authorities and the Kent & Medway Fire and Rescue Authority

The Director of Health and Housing confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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