

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

12 November 2012

**Joint Report of the Director of Health and Housing and Cabinet Member for
Housing**

Part 1- Public

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

1 FIRE SAFETY PROTOCOL

Summary

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

1.1 Background

- 1.1.1 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 residential accommodation. 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, to 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 buildings 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.
- 1.1.5 At the meeting of this Board on 5 January 2009, Members endorsed the fire safety in housing Kent protocol between local housing authorities and the Kent and Medway Fire & Rescue Authority (KMFRA). This protocol identified the principles and describes the joint working arrangements between the two authorities.

1.2 Review of the fire safety protocol

- 1.2.1 The Kent fire safety protocol has been in place now for over three years and has been very useful to officers in providing clarification of which authority takes the enforcement lead in certain types of housing. Unfortunately it has not always been clear on the role of both enforcing authorities in purpose built blocks of flats, particularly with regard to the common parts; and who takes the enforcement lead in mixed commercial and residential buildings. The revised fire safety protocol seeks to clarify this following further guidance from the Chartered Institute of Environmental Health (CIEH) and the Chief Fire Officers Association.
- 1.2.2 The revised Kent fire safety protocol is detailed in **[Annex 1]** and changes to the original are highlighted in yellow.

1.3 Legal Implications

- 1.3.1 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.

1.4 Financial and Value for Money Considerations

- 1.4.1 The updated protocol provides clarity and consistent interpretation of responsibilities imposed on each agency by the wide range of legislation on fire safety in residential premises. This aids cost effective enforcement.

1.5 The updated protocol provides Risk Assessment

- 1.5.1 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.

1.6 Equality Impact Assessment

- 1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

It is **RECOMMENDED** that **CABINET**

- 1.7.1 **ENDORSE** the revised fire safety in housing Kent protocol between local housing authorities and the Kent and Medway Fire & Rescue Authority; and
- 1.7.2 **AUTHORISE** the Director of Health and Housing to become a signatory to the protocol.

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:

contact: Hazel Skinner

Nil

John Batty
Director of Health and Housing

Councillor Jill Anderson
Cabinet Member for Housing

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?	N/A	

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.