

Arun District Council

REPORT TO:	HOUSING AND WELLBEING COMMITTEE – 6 OCT 2022
SUBJECT:	ARUN DISTRICT COUNCIL HOUSING FIRE SAFETY POLICY - REVISION
LEAD OFFICER:	PHILIPPA DART – DIRECTOR OF ENVIRONMENT AND COMMUNITIES MOH HUSSEIN – INTERIM HEAD OF HOUSING IAN HIPPOCH – COMPLIANCE MANAGER, HOUSING
LEAD MEMBER:	COUNCILLOR JACKY PENDLETON
WARDS:	ALL
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The revision of this policy is being driven by the recent change in UK legislation. The core reasoning behind the change in legislation is to ensure that Tenants and Residents of all rented properties are safe and therefore ultimately have an improved the quality of life.	
DIRECTORATE POLICY CONTEXT: The council have an existing Fire Safety Policy; the proposed revision will replace the existing Policy with an updated version which has been previously agreed as essential.	
FINANCIAL SUMMARY: There is no direct financial implication to the changes in this policy. The new legislation driving this revision demands alternative and additional standards are achieved, these changes enhance existing processes and standards already being materially adhered to.	

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the requirement for the council to implement a new Housing Fire Safety Policy in line with revised legislation

2. RECOMMENDATIONS

- 2.1 It is recommended the Housing and Wellbeing Committee note the contents of the report and support the requirement of the Council to develop and adopt a new Housing Fire Safety Policy, that reflects the changes to legislation and accepted best practice.

3. EXECUTIVE SUMMARY

- 3.1 Earlier in 2022 The Fire Safety Act 2021 was passed into law. The new act revises the Regulatory Reform (Fire Safety) Order 2005 and clarifies responsibility for managing and reducing fire risk in multi-occupied residential buildings.
- 3.2 The FSA 2021 includes significant changes to the previous Order including additional provision and responsibilities Landlords.
- 3.3 To reflect these changes, it is necessary for ADC to undertake the replacement of the existing Fire Safety Policy to encompass the new legislation and make the necessary changes to strategic and operational arrangements to ensure Compliance to the new Act to all buildings in the Housing Stock.

4. DETAIL

- 4.1 The change in the legislation was driven by the unfortunate events at Grenfell Tower and the subsequent enquiry. The changes within the new Act deal with managing Fire Safety and reducing the risk of death or injury in the event of fire in high buildings (Buildings over 11m high). Other measures have also been included which apply to all Landlords, Social or otherwise, it is the wider changes that relate to improving safety in the event of a fire that require ADC to replace the existing Policy.
- 4.2 The Fire Safety Act 2021 (FSA) closes the loophole that the Regulatory Reform (Fire Safety) Order 2005 overlooked 16 years ago. In summary the new Act determines that the external walls of a building, the fire doors to individual flats and those located in common areas are to be assessed as part of the requirement for a fire risk assessment on any given building.
- 4.3 An updated policy will address the requirements to

- a) Change the way we assess the Fire Risks relating to buildings to ensure that the aspects of the new Act are covered and by means of utilising a Fire Risk Assessment Prioritisation Tool
- b) Provide information to Tenants and Residents regarding the Fire Safety instructions relating the building they occupy
- c) Provide information to Residents and Tenants relating to the Fire Doors in their own dwelling and throughout the building they occupy.
- d) Where the legislation demands we will be required to undertake Fire Door checks on a periodic basis.
- e) In buildings above 18m (7 Storeys) additional measures are required
- f) Note – this does not currently apply to any buildings in our Stock.

4.4 In addition to the new FSA 2021 other measures and amendments require to be addressed through the revised policy these are,

- a) The legislation relating to Smoke Detection Systems and Carbon Monoxide has been amended to ensure the installation, assessment and maintenance of the correct devices as required.
- b) In September the regulations relating to Electrical installations are changing to include additional protection against fire and electrical shock, these changes will be reflected in the revised policy.

5. CONSULTATION

5.1 Fire Safety Management assessment and processes across our stock have already evolved to reflect the legislative changes. The Compliance Manager continues to take input from expert advisers on the form of the revised Policy. (The new policy will be available for reference at the October Committee meeting).

5.2 We have been consulting with West Sussex Fire Service to seek guidance on the updating of the Policy in the light of the new legislation and to understand the best practices being advised by the Fire Services. Relevant practices which should be reflected in the new policy are,

- a) Buildings must be Compliant to the Act in consideration of the following.

- b) That passive fire protection which includes Fire Doors, Fire-Stopping, Compartmentation and Automatically Operated Ventilation in each purpose-built building operates as it was intended when the building was built (where required buildings must be returned to this state)
- c) In consideration of the Archetype
- d) In consideration of the type of occupant
- e) That all Actions reported in periodic Fire Risk Assessments are remedied in a timeline that is applicable to their status
- f) Alarming should be configured to reflect best practice which is that wherever possible a stay-put policy should be implemented and communicated to the occupants.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 Not to support the requirement of a new policy. This is not considered a feasible option as the changes to the legislation require that we change this policy, there is no alternative course of action available to ensure that our buildings are compliant to the legislation.

7. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

- 7.1 There are no direct financial implications arising from this policy at this time. The replacement policy is expected to realise efficiencies in the future which cannot be quantified at present. When these are known, budgets will be amended accordingly.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 If this revision is not undertaken ADC Fire Safety Management Policy and arrangements will fall outside the requirement described by the legislation.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 The Legal Framework of this policy is set out in Paragraphs 4 and 5 of the policy document

10. HUMAN RESOURCES IMPACT

- 10.1 There is no impact on ADC Human Resources. The new policy will simply replace the existing policy

11. HEALTH & SAFETY IMPACT

- 11.1 The purpose of the new legislation is to improve the Health and Safety of the occupants of all rented properties. ADC Tenants and Residents will be safer in their homes because of the implementation of a new ADC Housing Fire Safety Policy.

12. PROPERTY & ESTATES IMPACT

- 12.1 ADC buildings will become Compliant to the latest legislation and safer.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1 Committee is asked to note that this policy has had regard to the Public Sector equality duty.
- a) Paragraph 5.1 requires the Council to consider those who may be especially at risk.
 - b) Paragraph 6.6 provides that “Fire evacuation strategies will be determined on a building-by-building basis, in accordance with the recommendations of the competent fire risk assessor and with any guidance from West Sussex Fire and Rescue Service Fire” This will allow for any protected characteristics to be taken into account.
 - c) Paragraph 6.8 states that “If we are made aware that a customer has an issue with mobility or a cognitive impairment, a person-centred fire risk assessment (PCFRA) will be completed”.
 - d) Paragraph 6.14 states that we will operate robust processes to gain access to properties where tenant vulnerability issues are known or identified (including hoarding), whilst ensuring we safeguard the wellbeing of the tenant.
 - e) Paragraph 6.18 poses the question whether we will/will not permit the storage of mobility scooters within internal common areas.
 - f) Paragraph 10.2 states that “We also aim to successfully engage with vulnerable and hard to reach tenants. We will share information clearly

and transparently and will ensure that information is available to tenants via regular publications and information on our website”.

- 13.2 The advice note from the consultants further advise that For high risk, complex or buildings with specific issues (for example, vulnerable residents or anti-social behaviour) we recommend that you have a fire safety management strategy for each building, that includes a building management plan to manage the building effectively.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 14.1 No Impact

15. CRIME AND DISORDER REDUCTION IMPACT

- 15.1 No Impact

16. HUMAN RIGHTS IMPACT

- 16.1 No Impact

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

- 17.1 There are no implications relating to Freedom of Information or Data Protection

CONTACT OFFICER:

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BACKGROUND DOCUMENTS:

National Fire Chiefs Council – Fire Safety Act and Fire Safety (England) Regulations 2022, FAQ's

<https://www.bing.com/ck/a?!&p=053daec43cbea1d6JmItdHM9MTY2MDc0NjA5NyZpZ3VpZD00ZDYxNzVmYi1hMzZjLTRmMDItODZjMy0xNDQ4ZDhhOTdlMmUmaW5zaWQ9NTQ2MA&ptn=3&hsh=3&fclid=e7679240-1e37-11ed-950a-ae89be9ea471&u=a1aHR0cHM6Ly93d3cubmF0aW9uYWxmaXJlY2hpZWZzLm9yZy51ay9GaXJILVnhZmV0eS1BY3QtMjAyMS1hbmQtRmlyZS1TYWZldHktRW5nbGFuZC1SZWd1bGF0aW9ucy0yMDIyLUZBUXM&ntb=1>

Fire Safety Act 2021 Fact Sheet: Information on commencement of sections 1 and 3 of the Fire Safety Act

<https://www.gov.uk/government/publications/fire-safety-act-2021/fire-safety-act-2021-factsheet-information-on-commencement-of-sections-1-and-3-of-the-fire-safety-act>

Fire Safety Act 2021 Fact Sheet: The Fire Risk Assessment Prioritisation Tool

<https://www.gov.uk/government/publications/fire-safety-act-2021/fire-safety-act-2021-factsheet-the-fire-risk-assessment-prioritisation-tool>