

**FIRE SAFETY IN CERTAIN TYPES OF RESIDENTIAL ACCOMMODATION**

**Individual Cabinet Member Decision**

**Report of Head of Health and Strategic Housing**

<b>PURPOSE OF REPORT</b>				
This report seeks agreement to adopt the national Standards developed by LACORS entitled “Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing”, and sign up to the “National Protocol between Local Housing Authorities and Fire and Rescue Authorities to Improve Fire Safety”.				
<b>Key Decision</b>		<b>Non-Key Decision</b>	<b>x</b>	<b>Referral from Cabinet Member</b>
<b>Date Included in Forward Plan</b>		N/A		
<b>This report is public.</b>				

**Recommendations of Head of Health and Strategic Housing**

To adopt the national Standards developed by LACORS entitled “Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing”, and sign up to the “National Protocol between Local Housing Authorities and Fire and Rescue Authorities to Improve Fire Safety”.

**1.0 Introduction**

- 1.1 The Housing Act 2004 brought in a new system of regulation for fire safety in existing residential premises for Local Housing Authorities (LHA). This introduced additional enforcement responsibilities by placing a duty on the LHA to identify and if necessary act upon significant hazards including fire in all residential accommodation. Alongside this the Regulatory Reform (Fire Safety) Order 2005 (FSO) was introduced, giving powers to Fire and Rescue Authorities in relation to fire safety in the common areas of some residential accommodation. There is therefore a dual enforcement regime in place.
  
- 1.2 To avoid duplication and promote the best use of resources, two documents have been produced nationally. Firstly, the Fire Safety Protocol was developed to provide a framework for joint working arrangements between these two sets of Authorities. In addition, to underpin this protocol and offer practical guidance to enforcing authorities and landlords a single set of national, risk based guidance has been developed by LACORS to inform Housing Authorities, Fire and Rescue Authorities and landlords in their application of fire safety solutions. Such guidance will help simplify the dual enforcement approach and bring some consistency across the Country.

## **2.0 Proposal Details**

### **2.1 The Protocol**

The protocol establishes clear distinctions between different types of properties and introduces a lead authority principle to enforcement responsibility. Although the protocol does not prevent each authority using its full range of powers in all properties, it does require the 'lead' to be taken by a named organisation. The aim is to promote the efficient use of resources so that two agencies are not taking action and offering advice in the same properties, but that their expertise is spread. It also aims to ensure the enforcement process is more transparent and consistent.

The protocol seeks to provide all parties, as far as is reasonably practical, with a measure of confidence that they are discharging their respective duties under legislation. Without it a dual enforcement regime could result in duplication or in some properties being missed.

Local Authorities, and Fire & Rescue Authorities, are now being encouraged by the Government to work together and to adopt the protocol.

### **2.2 The Fire Safety Guide.**

A Cabinet Members decision in 2004 gave Lancaster City Council approval to adopt the Greater Manchester Guide to Fire Safety. This and other regional guides have been replaced by "The Housing – Fire Safety: Guidance on fire safety provisions for certain types of existing housing".

This document contains guidance for fire safety enforcement officers and landlords on how to comply with the legal requirements in relation to fire safety in certain types of residential accommodation. It offers practical advice on risk assessment and contains case studies with suggested fire safety solutions.

## **3.0 Details of Consultation**

### **3.1 Extensive consultation was carried out nationally in the production of both documents.**

#### 4.0 Options and Options Analysis (including risk assessment)

	Sign the Protocol	Not sign the Protocol
<b>Adopt Fire Safety Standards</b>	<p>4.1 This will promote the most efficient use of resources as well as improve transparency and consistency in the Council's approach to fire safety in residential premises.</p>	<p>4.2 This will introduce the risk of confusion between agencies, and the duplication of enforcement work. This is not only a waste of resources, but it could also risk a lack of confidence that the LHA is meeting its statutory obligation under the Housing Act 2004, and could reduce transparency and consistency both regionally and nationally. Regionally, nine Lancashire Authorities have already signed up to the protocol.</p>
<b>Not Adopt Fire Safety Standards</b>	<p>4.3 The LFR have already adopted the new set of fire safety standards so it would be inconsistent if the LHA were working to a different set of standards. This, and the fact that the new fire safety standard has been recognised nationally and endorsed by the Department for Communities and Local Government could leave the Council open to legal challenge.</p>	<p>4.4 This will introduce the risk of confusion between agencies, and the duplication of enforcement work. This is not only a waste of resources, but it could also risk a lack of confidence that the LHA is meeting its statutory obligation under the Housing Act 2004, and could reduce transparency and consistency both regionally and nationally. The Council could potentially be open to legal challenge if it was not adhering to nationally recognised standard endorsed by the Department for Communities and Local Government.</p>

#### 5.0 Officer Preferred Option (and comments)

5.1 Option 4.1 is the preferred option.

#### 6.0 Conclusion

6.1 Approval of the recommendation enables Strategic Housing Services to work with the Lancashire Fire and Rescue Services to most efficiently perform its statutory function and promote fire safety in residential accommodation.

**RELATIONSHIP TO POLICY FRAMEWORK**

To support sustainable communities and action on climate change.

**CONCLUSION OF IMPACT ASSESSMENT**

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None

**FINANCIAL IMPLICATIONS**

There are no financial implications in signing the protocol and adopting the national Standards developed by LACORS.

**SECTION 151 OFFICER'S COMMENTS**

The S151 Officer has been consulted and has no further comments to add.

**LEGAL IMPLICATIONS**

Legal Services have been consulted and have no comments to make.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

Housing Act 2004  
"Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing"  
"National Protocol between Local Housing Authorities and Fire and Rescue Authorities to Improve Fire Safety".

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