

## THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

### HOUSING, ENVIRONMENTAL HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE - 15 MARCH 2010

#### JOINT REPORT BY THE TMO CHIEF EXECUTIVE AND CHIEF HOUSING OFFICER

#### LGA REPORT "EXTINGUISHING THE RISK: A COUNCILLOR'S GUIDE TO FIRE SAFETY"

This report informs Members of the Scrutiny Committee of the LGA Report "Extinguishing the risk: a councillor's guide to fire safety". A summary of the report is enclosed as **APPENDIX A**.

Additionally the report outlines the approach RBKC and KCTMO have adopted in consultation with the London Fire Brigade's Fire Safety Team to ensure resident safety and compliance with the Regulatory Reform (Fire Safety) Order in the Council's residential stock.

**FOR INFORMATION**

## 1. INTRODUCTION

- 1.1 The Scrutiny Committee is requested to note the responsibilities of Councillors under Fire Safety legislation as set out in the LGA publication attached at **APPENDIX A**.
- 1.2 The Scrutiny Committee is advised of the progress made to date by RBKC and KCTMO with carrying out fire risk assessments throughout the communal areas of the residential housing blocks.

## 2. BACKGROUND

- 2.1 The Regulatory Reform (Fire Safety) Order 2005 came into force in October 2006 and introduced requirements for "responsible persons" i.e. those in control of premises such as landlords and managing agents, to carry out fire risk assessments and also to ensure that there are adequate fire precautions to ensure the safety of all persons legally on the premises.
- 2.2 This legislation applies to the common parts of all residential buildings but not to individual flats.

### **3. APPROACH TO FIRE RISK ASSESSMENTS in RBKC HOUSING STOCK**

- 3.1 Initially, fire risk assessments were carried out by KCTMO staff. However, the Fire Brigade's requirements became increasingly stringent - particularly in the immediate aftermath of the serious fire at Lakanal House in Southwark where six people died. Therefore, KCTMO and RBKC negotiated with the London Fire Brigade to agree our new approach, programme and timescales for carrying out these fire risk assessments and any necessary works that they identify across the Council's housing stock.
- 3.2 The London Fire Brigade advised in July 2009 that they considered a 3-year timescale (July 2012) for completion of all Fire Risk Assessments and a 5-year timescale (July 2014) for completion of all necessary works to be reasonable.
- 3.3 Specifically, RBKC and KCTMO then proposed and the London Fire Brigade agreed the following –
- That a risk-based approach be applied to carrying out the fire risk assessments enabling the potentially higher risk blocks to be prioritised and assessed early in the programme
  - That a specialist fire risk assessment Consultant be appointed following competitive tendering to complete the programme of assessments on the potentially high risk blocks.
  - That the successful Consultant and the proforma they were proposing to use would be approved by the London Fire Brigade's Fire Safety Team in advance of the assessments and that the Fire Safety Officers would be invited to accompany the assessors on any of their assessments.
  - That we would seek a commencement date of September 2009 and completion within six months for the high risk assessment programme which consisted of 100 blocks.
  - That we would evaluate the performance of the Fire Consultant and resource-permitting adopt the same approach to completing the fire risk assessments of the medium and also the low risk properties
  - Aim to undertake the programme of medium risk assessments at the conclusion of the high risk programme and once that is completed commence the low-risk programme.
  - That each Fire Risk Assessment would have an Action Plan setting out recommendations and these would clearly state which actions are required to comply with legislation, which are necessary to comply with British Standards and which would be considered to be good practice and these recommendations will be progressed in this priority order.

#### **4. PROGRESS WITH FIRE RISK ASSESSMENTS in RBKC HOUSING STOCK**

- 4.1 The Fire Risk Assessment programme for the high risk blocks is on target for completion at the end of March 2010 and RBKC and KCTMO Officers are currently evaluating the programme and agreeing how the medium risk programme will be progressed.
- 4.2 To date all completed assessments have been assessed as "normal " rating which our Consultant confirms is the best rating that an occupied residential block could ever achieve. (Our Consultants use a lower than normal / normal / higher than normal risk rating.) Additionally, the Consultant has commented that he considered these blocks to be well maintained and in many cases has very few improvements to recommend.
- 4.3 The Fire Risk Assessment Action Plans are raising a number of issues which need to be progressed. In many cases these actions relate to simple and cheap responsive items which can be progressed swiftly. However, there are a number of potentially more costly items such as an inspection programme to ensure that all flat entrance doors in enclosed blocks are sufficiently fire resisting, self-closing and smoke-sealed and where this is not the case upgrading or replacing these. Capital funding has been ear-marked to progress these items and RBKC and the KCTMO are working closely to ensure all significant risks are addressed with the urgency they require.
- 4.4 The London Fire Brigade has been engaged regularly throughout the process and is content with the progress made to date. As part of a presentation to the Housing Association Consultative Committee in November 2009 the Fire Safety Team Leader quoted our approach as an example of good practice.
- 4.5 Residents have been advised in advance of the fire risk assessment at their block and we have published a series of articles in the recent editions of the resident's magazine "The Link" to further raise the profile of fire safety and this assessment programme.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 The Executive Director for Finance, Information Systems and Property has been consulted and has no comments on the report.

#### **6. LEGAL IMPLICATIONS**

- 6.1 The Director of Legal Services comments as follows:

This report and the accompanying appendix sets out the expectations on this Council in relation to fire safety. The Housing Act 2004 sets out requirements in relation to all residential accommodation, including individual dwellings. The Regulatory Reform (Fire Safety) Order 2005 ("the Order") sets out requirements in relation to the common parts of residential buildings. The LGA Report clearly states that failure to comply with those requirements is a criminal offence. Further, the Order states that individual officers or members, if found to be negligent, may find themselves the subject of legal action.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 The Director of Personnel and General Services has been consulted and he notes that there are no direct personnel implications arising from the recommendations in this report.

## **8. EQUALITIES IMPLICATIONS**

- 8.1 Fire Safety information and advice will be offered to residents in the seven core languages.

## **9. CONCLUSION**

- 9.1 It is recommended that the Scrutiny Committee notes the LGA Report and the significant progress made to date by KCTMO and RBKC to ensure the Housing stock is compliant with this Fire Safety legislation.

**FOR INFORMATION**

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**Background Papers used in the Preparation of this Report:** None

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