



2 December 2011

Ward: All Wards

Fire Risk Assessments to Council Flats & Maisonettes and work to comply with Statutory requirements.

Report by the Executive Head of Adur Homes Services

1.0 Summary

1.1 The Regulatory Reform (Fire Safety) Order 2005 (FSO) is in effect and the West Sussex Fire & Rescue Service (WSFRS) are now enforcing the legislation. Finance is required to administer and introduce a programme to undertake new Fire Risk Assessments and upgrade all communal areas to bring properties to the standards required by the FSO and WSFRS.

2.0 Background

2.1 All as detailed within the report to Joint Strategic Committee (JSC) 25th July 2011: agenda item 13.

2.1.1 Committee Decision: (JSC/026/11-12)

- (i) requested that a meeting be convened between the Chief Fire Officer, the responsible Cabinet Member, the Leader of Adur District Council, the ADC Cabinet Member for Improved Customer Services, the Chief Executive and Strategic Directors of ADC and WBC.
- (ii) requested that officers undertake a review of the work required from the Notices of Deficiencies
- (iii) agreed that, pending publication of guidance from the LGA and the holding of the meeting in (i) above, a programme of works be agreed by the Cabinet Member for Improved Customer Services in consultation with her Cabinet colleagues.

2.2 The Guidance on 'Fire safety in purpose built blocks of flats' has now been published by the Local Government Group (LGG) formerly the Local Government Association and copies made available for Adur Members of JSC.

2.3 A meeting was held on 29th September with WSFRS to meet the requirements of JSC

The meeting was limited to the following officers available at the time:

John Mitchell:	Strategic Director
Jeremy Cook:	Exec Head of Legal & Democratic Services
David Pannell:	Exec Head of Adur Homes
Tim Ivamy:	Senior Building Surveyor Adur Homes

Attending on behalf of WSFRS:

Andy Tonks: District Commander
Adrian Murphy: Area Manager Prevention

2.4 In summary of the meeting:

- WSFRS have a standard criteria or assessment framework their officers apply when inspecting buildings. Inevitably there is some variation in this, but all inspections must go through a supervisory process so that they are sound and robust.
- The Notices of Deficiencies have again been deferred, illustrating that WSFRS are willing to work in partnership with the Council; although there remains an expectation of evidence of work or planned work is in place to address the issues raised in the Notices by February 2012.
- The work to the four blocks with Notices of Deficiency are to take priority in the programme of work.
- Two simple basic principles apply: the need for a clear, protected escape; & the higher the building the greater the risk.
- A works programme needs to be in place to consider all Council blocks over a period of the next three to four financial years.
- A review of the work required from the Notices of Deficiencies, as requested by Committee 2.2(ii) above indicates that there does not appear to be any significant difference between the content of the Notices of Deficiency, the LGG guidance and the reports previously submitted to JSC.

However there does remain one area requiring clarification – that of the front doors of leaseholders & whether The Council can enforce that a dwelling not meeting fire risk assessment standards must be upgraded or replaced.

3.0 Proposals

3.1 In light of the findings of the above meeting and the publication of the LGG guidance, it is evident that the recommendations set out in the reports previously submitted to JSC remain the preferred course of action.

3.2. Works programme

The proposed works programme was set out in 8.1 of the JSC report. The programme takes into account the existing Notices of Deficiency and adopts a risk based approach.

- Blocks with Notices of Deficiencies.
- All Sheltered Accommodation.
- 7 & 9 Albion Street (temporary/hostel accommodation).
- Identical blocks to those with currently served with notices.
- Remainder of stock, and following the meeting with WSFRS higher rise blocks taking priority.

The proposed programme of works will take account of other planned capital works or communal way programmes to ensure co-ordinated capital works are scheduled.

3.3. Post work ongoing inspections would take place as outlined in 4.1.4 and 4.1.5 of the JSC report.

3.4.1 Staff resources

The position on staff resources was outlined in 4.1.3 (i) of the JSC report. It is considered that the an additional and suitably qualified surveyor should be appointed on a 3 year fixed term contract to manage the FSO programme, funded from the Housing Capital budget.

3.4.2 Pending appointment to this post the use of agency staff or a consultant would be of considerable advantage in progressing works in Fishersgate.

4.0 Legal

4.1 All as detailed in the previous JSC report 25th July 2011- section 9.0, noting that the WSFRS expect to see progress of works or planned work in place to address the issues raised in the Notices by February 2012.

4.2 Where the Council has responsibility for maintaining and replacing the front door and door frames then it is the responsible person under the legislation and the Council needs to carry out the works to bring them up to the necessary standard. The standard lease places responsibility on the tenants. The precise position with regard to each flat will have to be checked.

4.3 Where the responsibility for the front door and door frame of the individual flat are given under the lease to the leaseholder then the Council, as local housing authority, has a duty under Section 5 of the Housing Act, 2004, to take appropriate enforcement action if the Council considers that the door and or door frame creates a category 1 hazard under the Act.

5.0 Financial implications

5.1 As detailed in the previous JSC: section 5.1 requiring approximately £1.15M over the period of the three to four year programme subject to new risk assessments.

The Housing Capital Programme will be re-profiled to contain annual expenditure within the previously agreed level of £2.9M including salaries. A report re-profiling the Capital budget will be submitted to JSC report for consideration at the meeting 27th February 2012.

6.0 Recommendations

The Cabinet Member for Improved Customer Services is recommended:

6.1 To approve the works programme set out in paragraph 3.2.

6.2. To approve the staffing resources set out in paragraphs 3.4.1 – 3.4.2 to deliver the works programme.

6.3 To note the legal advice with regard to the position of leaseholders set out in paragraphs 4.2 – 4.3

6.3. To note that a report will be submitted to JSC at the meeting on 28th February detailing the re-profiling of the 2012/13 Housing Capital Budget as detailed in 5.1

Local Government Act 1972

Background Papers:

- Joint Strategic Committee Report: 25th July 2011: agenda item 13.
Decision (JSC/026/11-12)
- Other background papers as referred to at the above meeting
- The published 'Fire safety in purpose built blocks of flats' published by the Local Government Group.

Contact Officer:

Tim Ivamy
Senior Building Surveyor
Adur Homes Services
Tel: 01273 263295
tim.ivamy@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

The wide scope and impact of the housing capital investment programme and Housing Revenue funded work provides a positive contribution to the following priorities set by the Council:

- Protecting front line services
- Supporting and improving the local economy
- Promoting a clean, green and sustainable environment
- Ensuring value for Money

2.0 Specific Action Plans

2.1 The report outlines mandatory work required to comply with the Regulatory Reform (Fire Safety) Order 2005, also the action taken to date and proposed for the future.

2.2 To meet Government set decency standards for Council housing and to maintain and improve the structure, fabric and facilities offered by the Councils' housing stock.

3.0 Sustainability Issues

3.1 Investment in housing makes a positive contribution to the Council's Sustainable/ Environmental objectives of resource use, energy and waste. Ensuring that there is a supply of good quality, safe, affordable social housing in the District to set criteria and standards.

3.2 Some minor spin off benefits to energy will occur when undertaking Fire Safety Order works, e.g. draft stripping to individual flat doors

4.0 Equality Issues

4.1 As 3.1

4.2 Aspects of access & equalities will be considered at design stages of each contract or project.

5.0 Community Safety Issues (Section 17)

5.1 Consideration is given during design and preparation of projects to ensure that, where possible, the safety and security of homes and the surrounding environment are maintained or improved.

5.2 Work undertaken under the Regulatory Reform (Fire Safety) Order 2005, will enhance and introduce additional emergency safety measures in communal areas as detailed in the report.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Failure to comply with the legislation will put people & property at risk, any legal proceedings brought by the enforcing body WSCC FRS may be public therefore damaging the reputation of the Council.

7.2 Working relationships and trust placed in the Council will deteriorate with tenants, leaseholders, the general public & potentially other Authorities & bodies

8.0 Consultations

- Joint Strategic Committee (27-06-11 & 25-07-11)
- Chief Executive (Feb 2011)
- Executive Head of Adur Homes
- Strategic Director
- Housing Administration Manager re:potential leasehold management time required
- Adur Consultative Forum (ACF)
- Legal & Democratic Services
- West Sussex County Council Fire & Rescue Service
- Senior Corporate Safety Officer
- Independent Fire Risk Assessors
- Consultation will also be required with Council Leaseholders under the Commonhold & Leasehold Reform Act.

9.0 Risk Assessment

9.1 The Councils policy is that all passageways and areas used as a means of escape must be kept clear of all obstructions. Keeping communal ways of flats clear of obstructions will help achieve this policy.

(H&CS Committee report: Communal Way Clearing 22/03/07 Agenda item 7)

9.2 There is statutory duty on the Council undertake assessments and undertake reasonable precautions for the safety of building occupants.

9.3 There are insurance and public liability issues related the failure of the Council to introduce a programme of work and the Council not comply with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

Although unconfirmed, insurance premiums may rise significantly or claims be rejected.

10.0 Health & Safety Issues

10.1 Generally as detailed throughout the body of previous reports and risk assessment above. Health & Safety related matters are integral to the FSO with focus on the protection against fire, smoke and emergency evacuation within communal areas of accommodation .

11.0 Procurement Strategy

11.1 The report and Procurement Strategy for Housing Capital contracts adheres to the Adur District Council Constitution, Section 4 procurement rules, and meets the Best Value principles, and will incorporate competitive quotations or tender procedures where required.

12.0 Partnership Working

12.1 Matter considered and no issues identified.