

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **HOUSING OVERVIEW & SCRUTINY COMMITTEE**

DATE: **FRIDAY, 13 DECEMBER 2013**

REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**

SUBJECT: **COMMUNAL AREA MANAGEMENT & FIRE SAFETY**

1.00 PURPOSE OF REPORT

- 1.01 The purpose of this report is to inform and advise the Housing Overview and Scrutiny Committee of the options available for the management of communal areas in relation to fire safety.
- 1.02 Members are requested to consider the options available and provide a steer to officers on their preferred method of management.
- 1.03 Included with this report is a copy of the draft Mobility Scooter Policy. This forms part of the Council's approach to the management of communal areas as these items have been identified by North Wales Fire and Rescue as being potential hazards.

2.00 BACKGROUND

- 2.01 The requirements of the Regulatory Reform (Fire Safety) Order 2005 make it necessary for the Council to reduce and manage risk in each of its 53 blocks of dwellings which contain common parts.
- 2.02 One of the hazards identified on the formal risk assessments of some of these blocks, and also brought to the Council's attention by North Wales Fire & Rescue is items being located in the common parts of residential blocks.
- 2.03 The Council is required to minimise risk by managing the communal areas. This means addressing items which may be a source of ignition, a source of fuel in the event of a fire, or an obstruction to the means of escape should a fire break out.
- 2.04 There are three options for managing common parts, and this paper seeks to set these out, with advantages, disadvantages, resource requirements and potential impact.
- 2.05 It is respectfully requested that members consider each option with a view to agreeing the approach to be taken by officers in relation to this

issue.

- 2.06 Members may be aware that there was recently some significant media coverage when the Council wrote to residents of Coppa View about items which were being stored in the communal areas.
- 2.07 Residents had been spoken to about the items previously, and the insistence to remove items was brought about following a site audit by North Wales Fire & Rescue (The Enforcing Authority) who highlighted the need to remove these items.
- 2.08 Due to the personal circumstances of two residents who were unable (rather than unwilling) to store their items anywhere else, consensus was reached that the items could remain until some alterations were made to the ground floor garage area, so that the items could then be safely stored without having an adverse impact on residents.
- 2.09 This situation did, however, highlight the need to agree an approach for the management of communal areas which would ensure that the Council was complying with fire regulations, whilst taking an understanding and sensible approach to customer's individual circumstances.

3.00 CONSIDERATIONS

- 3.01 The Regulatory Reform (Fire Safety) Order 2005 (the FSO) came into force in October 2006. It brought the common parts of blocks of flats within the scope of mainstream fire safety legislation for the first time.
- 3.02 The 'FSO' does not apply to individual flats, but does apply to the communal areas within each block. The FSO also applies to Work spaces within the block. For example, a room or office which may be used by Accommodation Support Officers, Caretakers or other staff.
- 3.03 The FSO imposes requirements and duties on the 'responsible person' and in many cases this means, the organisation responsible for managing the block, letting the properties and employing the workers.
- 3.04 A general duty of care in relation to fire safety is also imposed by the FSO affording protection to anyone legitimately being present in the building, including fire-fighters.
- 3.05 The FSO is enforced by the fire and rescue authority, who carry out inspections to audit compliance with the order. If the fire and rescue authority identify a breach of the FSO, they will notify the responsible person, and may issue an enforcement notice requiring that steps be taken to remedy the breach. In the case of serious risk, a prohibition notice, prohibiting or restricting the use of the premises, may be

issued.

- 3.06 In order to ensure compliance with the FSO, the Council has instructed Fire Risk Assessments to be carried out on all of its 53 blocks which are affected by this legislation, and it has an action plan to address and manage any identified hazards.
- 3.07 Last year, the Local Government Association produced guidance to assist Local Authority Housing Providers to be compliant with the FSO. In particular it makes reference to the methods of managing communal areas which have posed some difficulty for landlords across England & Wales alike.
- 3.08 Good management of communal areas is essential in order to:
- Eliminate/Reduce sources of ignition which may cause a fire.
 - Eliminate/Reduce sources of fuel which may allow a fire to take hold and produce smoke.
 - Eliminate/Reduce the risk of any obstructions from any emergency evacuation routes from the building.
- 3.09 It is not unusual in blocks of flats containing dwellings, that residents feel that the common parts are very much part of their home. They often perceive these areas to be an extension of their own flat, and as such may use these parts for storage of their own personal items, or to decorate these areas with pictures, plants, mats and ornaments to give the area a “homely” feel.
- 3.10 Some of these items can be a potential hazard. However the level of risk posed will vary depending upon a number of factors.
- 3.11 The potential for significant smoke production and fire development when combustible materials are ignited will depend upon the properties of the material. This includes its ease of ignition, the quantity present and its configuration. Not all of the items commonly found in communal areas are either easily ignitable or likely to give rise to a serious risk if ignited in isolation.
- 3.12 This means in reality that some items which residents may currently place in the common parts will not be creating an undue risk in the building, however other items may be a greater hazard.
- 3.13 The challenge then for the Council is how to manage this situation, the options for which are detailed below.
- 3.14 It is clear from the FSO and also from the Local Government Association guidance that “unrestricted” use of the common parts by residents to store or display items is not acceptable.

- 3.15 LGA Guidance recommends either:-
- Sterile Approach
 - Managed Approach
- 3.16 This paper also proposes that a hybrid of the two approaches may also be considered as detailed below.
- 3.17 The **Sterile Approach** is one where the Council would not permit the common parts to be used for the disposal or storage of any items. No exceptions would apply. It would ensure that the common parts are effectively 'sterile' i.e. free of combustible material, ignition sources and obstructions.
- 3.18 The advantages of this are that this is the approach recommended by North Wales Fire & Rescue who are the enforcing authority for the FSO.
- 3.19 As specified in the LGA Guidance, the **benefits** of a '**sterile approach**' are as follows:
- it is the simplest policy to adopt
 - it removes not only the risk from accidental fires, involving items in the common parts, but also denies fuel for any potential arsonist
 - there is no ambiguity regarding what is allowed and therefore residents know exactly where they stand
 - it is easier for the Council as the landlord to 'police' when carrying out inspections
 - it is simpler to audit by those carrying out fire risk assessments
 - it arguably reduces the liability on landlords.
- 3.20 There are, however, **disadvantages** of a '**sterile use**' approach which include:
- by not taking into account the specific circumstances, this policy might not be risk proportionate
 - it unduly penalises those who could manage their common parts effectively
 - it denies residents an opportunity to personalise and improve their living environment.

3.21 LGA Guidance further states that a **sterile approach** should always be adopted in the following circumstances:

- when there is doubt over the ability of residents to apply a 'managed use policy
- where flats open directly onto stairways unless 'managed use' is considered acceptable by the fire risk assessment
- where the escape stairway is of combustible construction
- where the building needs to be evacuated immediately
- standard of fire protection does not support a 'stay put' policy.

3.22 The '**managed use**' approach allows strictly defined use of common parts and limits the type of items allowed.

It includes strict conditions on where such items can be kept. For example, a 'managed use' policy might permit residents to:

- place pot plants and door mats outside their front doors
- have framed pictures and notice boards on walls
- store bicycles, prams in places that are out of the way and not likely to cause obstruction.

3.23 The **benefits** of a '**managed use**' include:

- by making the common areas 'homely', it fosters a sense of pride and value in the block, which can impact positively on residents' quality of life
- it allows the specific risk factors in the building to be taken into account
- it may allow for communal areas to be used for social activities, such as residents lounges thus reducing isolation in sheltered accommodation.

3.24 The potential **disadvantages** of such a **managed use** approach are highlighted by the LGA and include the following:

- it is more difficult to adopt as it requires a clearly defined policy with a list of 'dos and don'ts'
- there is more scope for misunderstanding, requiring more education of, and communication with, residents

- while it might be possible to minimise accidental fires with an appropriate ‘managed use’ policy, deliberate ignition may still be a significant concern
- by allowing valuables to be left on view, it can encourage crime and subsequently increase the risk of deliberate ignition
- it is more difficult for landlords to ‘police’, and for enforcing authorities and fire risk assessors to audit
- it will require more frequent inspections by the Council to ensure compliance
- a failure to adopt the policy effectively could result in liability for the council should a situation occur that places residents at risk of serious injury or death in the event of fire.

3.26 Whilst not specifically mentioned in the LGA Guidance, there is a third possible option which would be a **hybrid** of the above two options. This would be a “sterile” approach with the exception of items provided by and sanctioned by the Council and as such would also contain elements of the ‘managed use’ approach. This would mean that items such as pictures and furnishings may be allowed which would be specifically chosen to be as safe as possible.

3.27 The **benefits** of a ‘**hybrid approach**’ in addition to those listed under the ‘managed use’ approach would be:

- The council could prevent each block from looking like an institution, and promote the sense of homeliness, valued by many of the Council’s residents who live in the affected premises.
- Items could be clearly marked to make it easy for the Enforcing Authority and Risk Assessors to identify them when inspecting the premises.
- It would reduce “creepage” of resident’s personal items into the common parts as these items would be easily identifiable and reduce scope for confusion when Housing Officers visit blocks, and are not sure what is allowed, and what isn’t.

3.28 However, at the same time, it would address many of the disadvantages which a managed use approach may give rise to.

4.00 RECOMMENDATIONS

4.01 Members of Scrutiny Committee are asked to give their views on the options contained within this paper to manage fire risk in communal areas.

4.02 Members are asked to support the draft Scooter Policy.

5.00 FINANCIAL IMPLICATIONS

5.01 Any will be managed from within existing budgets.

6.00 ANTI POVERTY IMPACT

6.01 There are no anti poverty implications arising from this report.

7.00 ENVIRONMENTAL IMPACT

7.01 The agreed approach will have impact on the internal environment of each block affecting both the aesthetics of the building and the safety of it.

8.00 EQUALITIES IMPACT

8.01 The majority of the Council's blocks of flats are allocated to older people, therefore, the proposals in this paper will have an impact on this customer group.

9.00 PERSONNEL IMPLICATIONS

9.01 A sterile approach would require at least monthly inspections of 30 minutes per block.

9.02 A managed use would be more time intensive to manage of the three approaches and would require a weekly inspection of the premises as the risk of increased liability would be inherent in this approach, and its success is dependent upon the successful implementation of a managed use policy.

10.00 CONSULTATION REQUIRED

10.01 Many customers who reside in the affected 53 blocks are over the age of 55 and therefore the decision will have a disproportionate impact on older customers.

11.00 CONSULTATION UNDERTAKEN

11.01 Initial discussions of the different approaches has been held with residents at Coppa View in Buckley.

11.02 Whichever approach is selected consultation with affected customers will be required.

12.00 APPENDICES

12.01 WHQS Scooter Policy.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

None.

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