

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 14 January 2019	<b>Meeting Name:</b> Cabinet Member for Housing Management and Modernisation
<b>Report title:</b>		Fire Safety - Communal area approach	
<b>Ward(s) or groups affected:</b>		Borough Wide	
<b>From:</b>		Strategic Director of Housing and Modernisation	

## RECOMMENDATIONS

1. That Cabinet notes the contents of this report, and instructs officers to undertake site specific assessments, through the FRA programme, to determine whether and which blocks and properties should apply a zero tolerance or managed approach (paragraphs 20 and 21 of this report refer).
2. Notes and approves proposals for the management of metal gates and grilles in paragraphs 79 – 84.

## BACKGROUND AND PURPOSE

3. The council must take a broad view of the safety, health and well being of its residents, and in doing so it should consider that fire safety is one of many issues that concern residents.
4. In taking this broad view, Officers have been requested to review the current 'zero tolerance' approach to the common areas and escape routes of our residential assets.

## BACKGROUND INFORMATION

5. The management of escape routes is seen as one of the cheapest, most efficient forms of fire safety management.
6. Southwark Council has applied a 'managed approach' to the escape areas in their residential blocks for a number of years. This approach has allowed for framed pictures, pot plants and door mats outside front entry doors.
7. The managed approach also allowed for storing bicycles, prams and mobility scooters in places that are out of the way and not likely to cause an obstruction.
8. This approach has attempted to foster a sense of pride and value in the blocks and make the area feel 'homely' for residents.

## KEY ISSUES FOR CONSIDERATION

### Contractual, Regulatory and Statutory Framework

9. The key statutory requirement is the Regulatory Reform (Fire Safety) Order 2005 (RRO) which requires a landlord to undertake regular assessments by a

competent person of the fire safety risks of a residential block of flats. This assessment of a building should attempt to ensure that it is at least maintained as designed in order to protect the integrity of fire safety features such as compartmentation and escape routes.

10. Policy on the management of a building is set by the Responsible Person (Southwark Council) and not by the Enforcing Authority (London Fire Brigade).
11. Any inappropriate actions of residents in regard to the conditions of escape routes could expose landlords and others who manage the common areas to liability under fire safety law.
12. Specifically, the RRO 2005 requires at para 14 (1) that “Where necessary in order to safeguard the safety of relevant persons, the Responsible Person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times”.
13. The Regulatory Framework for social housing in England states in the ‘Home’ standard, that housing providers will “(b) meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.”
14. The Housing Act 2004 is the second key statutory requirement. This focuses primarily on the individual dwelling but also refers to the means of escape from a home.
15. The Housing Act 2004 introduced the Housing Health and Safety Rating System as a means of assessing the condition of a property. The Act requires landlords to look after:
  - a. “The exterior of the dwelling and structural elements of the dwelling,
  - b. The inside facilities which are part of the dwelling”
16. The statutory operating guidance on the assessment of hazards under the Housing, Health and Safety Rating System advises that the ‘likelihood of a fire starting; the chances of detection and its speed of spreading; and ease and means of escape’ are all to be considered as part of an assessment of potential hazards.
17. The Corporate Manslaughter and Corporate Homicide act came into force in April 2008 and is an important element in the corporate management of fire health and safety. It places emphasis on the corporate body but still allows for individuals to be prosecuted under separate health and safety offences such as board members, directors and Chief Executives.
18. The RRO places the onus (under Article 3) on the employer who has control of the workplace or building under their control. For a notice (Enforcement or higher) or for any subsequent legal proceeding this will always be addressed to the Chief Executive where articles 8-22 and 24 are cited.

### **Guidance framework for housing providers**

19. The primary current guidance issued to and used by housing providers and enforcing authorities is the document - Fire Safety in Purpose Built Blocks of Flats

(FSPBBF).

20. It is important to note that FSPBBF sets out that before a 'managed approach' policy is applied to any block a site specific assessment must be carried out to validate that approach (page 60).
21. It is also specific on areas that cannot have a 'managed approach' and where a 'zero tolerance' approach must be adopted. These are as follows:
  - The escape stairway is constructed of combustible material;
  - Where flat doors open directly on to the staircase and the 'managed approach' to items in the block is not to the satisfaction of the risk assessor (employed as the Competent Person by the Council);
  - The building does not support a 'stay put policy'
  - Where there is doubt that the residents have an ability to comply with a 'managed approach' policy;
  - Where a site specific assessment for 'managed approach' has not been undertaken (page 60).

It is therefore likely that if the recommendation of this report is approved, the application of this and the preceding paragraph will result in a mixed approach to blocks across the borough, based on the characteristics of each block.

22. In completing a fire risk assessment a fire safety surveyor will cite and reference a number of other regulatory documents:
  - Approved Document B (ADB) *"a satisfactory standard of means of escape for persons in the event of a fire in a building should be maintained and "The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times."*
  - BS9991 *'escape routes should be kept clear at all times'*
  - HM Government advice from the Fire Safety Risk Assessment Sleeping Accommodation - *'corridors and stairways that form part of the escape route should be kept clear and hazard free at all times'*.
  - Fire Safety in Purpose Built Blocks of Flats says *'a zero tolerance' policy should be adopted by way of default in the following scenarios; where there is an inability for the residents to apply 'managed use', where doors directly open up on to stairways and the FRA deems a 'managed use is not appropriate', where the stairway is of combustible construction and where a simultaneous evacuation policy is in place.*
  - Lacors - *'each occupier should be given specific advice on fire prevention and fire safety, information should include the importance of maintaining clear escape routes, free of storage'*.
  - BS5588 -12- *'the day to day activity of the Fire Safety Manager is made more difficult if the fire safety design conflicts with the normal everyday use'...*

- BS5588-1 - *‘in building and flats designed and maintained in accordance with the code the risk of fire starting in corridors, lobbies or stairways intended for use only for access or means of escape may be regarded as negligible provided they are kept clear of obstructions and **adequate and convenient protection storage space is provided**’.*

23. The issue of individuals that are deemed most vulnerable has to be taken into consideration when compiling a fire risk assessment. It is those occupants in particular that have mobility issues and sight impairment who must be considered when assessing the common areas. This is a requirement of the RRO and PAS7- the document used as the standard template for the majority of fire risk assessments.

### **Fire risk management – why considered in fire risk assessments and associated actions**

24. The Regulatory Reform (Fire Safety) Order 2005 requires a landlord to undertake fire safety risk assessments (FRAs) of the common parts of a residential block of flats. There is no fixed period for reviewing an FRA but in Southwark high-rise blocks (seven storeys plus), hostels, sheltered housing units and tenant’s halls are all physically reviewed annually. For all other buildings they are assessed annually with a physical review based on the timeline identified by the FRA but which is no longer than every three years. In addition, there are ‘trigger points’ to generate an FRA before a new one is due. This will include any material changes to the building following repairs or improvement works or a significant fire incident.

25. As well as containing the spread of fire (compartmentation) it is as important to ensure that a fire cannot start in the common areas and compromise either the resident’s escape or fire brigade access. All blocks - at the design stage are intended to have sterile common areas. Consequently, a Fire Risk Assessment (FRA) will generally recommend that combustible materials and any items causing an obstruction or hazard in common areas should be removed. The Council will be in some difficulty should it not comply as far as is reasonably practicable with the recommendations made by a competent person in a fire risk assessment. This would be either a breach of Article 8 or 10 Regulatory Reform (Fire Safety) Order 2005.

26. The Council has 2,335 current fire risk assessments (FRAs) for purpose-built blocks on our housing estates which are all current and in date.

27. On average each FRA will generate between 8 and 9 recommended actions to mitigate the risk identified. These actions will be prioritised according to the level of risk identified by the Fire Safety Surveyor and allocated to the relevant team through the use of Apex, an asset management system, introduced in Spring 2017. Progress in undertaking these actions is monitored by a once-monthly manager meeting and a number of management reports are being developed to support that process alongside training for managers in the use of the system. The introduction of Apex allows managers to monitor real time progress against these actions.

### **What our current Tenancy and Lease agreements say**

28. Clause 11a of the standard Southwark tenancy terms and conditions (applicable to council tenants) says: “You must not use the communal areas of the block or estate

for anything other than access, rest and quiet recreation (unless otherwise designated).”

29. Clause 13a says: “You must not cause or allow fire exits, or routes, from the property or in any communal area, to be blocked or obstructed, or otherwise to act so as to create a health and safety risk.”
30. Clause 13(b) says: “You must not fit any security grilles, metal bars or covers to any doors or windows without our permission”
31. Clause 13e says: “We will undertake our statutory and contractual responsibilities, including fire risk assessments to make sure the health and safety of our tenants is not put at risk”
32. Clause 14a says: “It is your responsibility to make sure that rubbish and unwanted items are properly disposed of and any rubbish or recycling must be placed in the designated area on the agreed day of collection in line with our instructions”
33. Clause 17f says: “You must not cause or allow the storage or use in the property including the communal areas, private balcony, store or a garage, which is an integral part of the property, any liquid petroleum and paraffin (e.g. Calor gas) containers or cylinders, or dangerous chemicals, gases or materials or any other inflammable materials or gases.”
34. The current general lease agreement for council long-leaseholders stipulates (section 3) ‘The tenant hereby covenants with the Landlord and with and for the benefit of the Tenants (whether under short or long leases and granted before or under this lease) and owners of other flats in the building or on the estate on behalf of the tenant and those deriving title under him’;
  - (7) ‘Not to make any structural alterations or structural additions to the property ... without the previous consent in writing of the landlord’
  - (9) ‘Not to place flower pots or other objects outside the windows or on the balconies of the flat’
  - (10) ‘Not to obstruct any common parts of the building or the estate’
  - (12) ‘To observe all reasonable regulations made by the landlord from time to time controlling the exercise of any easements or rights granted with this lease’
  - (17) ‘To observe and perform such other reasonable regulations or restrictions as may be made from time to time by the landlord for the management of the building or of the estate’

#### **Independent review of fire safety by BB7**

35. Following the tragedy at Grenfell, an independent report of fire safety, the way it is managed at Southwark Council and an audit of the Fire Safety Team was commissioned by the then Strategic Director of Housing and Modernisation - Gerri Scott.
36. The report discusses a number of issues including the application of the ‘zero

tolerance' approach. In the report it states:

37. 'The manner in which fire safety information is relayed to residents can have both positive and negative effects on Southwark Council's community engagement efforts. For example the way in which a 'zero tolerance' policy covering communal areas of general needs blocks of flats is communicated to residents.
38. During the course of our audit Southwark Council's 'zero tolerance' policy was discussed. The policy is rigorously enforced and yet, not well communicated to staff or residents'.
39. A copy of this document is attached with this paper, as Appendix 1

### **Residents fire safety scrutiny panel**

40. The Fire Safety Scrutiny Panel was a cross section of residents from across the borough brought together on the instruction of the Deputy Leader and Cabinet Member for Housing, Councilor Stephanie Cryan, to discuss the way fire safety is managed in the borough.
41. Residents accepted the 'zero tolerance approach' of the Council but made a large number of recommendations on how the Council communicates with the residents.
42. A copy of this report is attached with this paper, as Appendix 2.

### **Housing & Community Safety Scrutiny Sub-Committee**

43. On the 30 October 2017 the Borough Commander from LFB for Southwark made an appearance reinforcing and supporting Southwark Council's management of fire safety:<https://bambuser.com/v/6960850>
44. At the Housing & Community Safety Scrutiny Sub Committee 31 January 2018 Housing and Modernisation representatives appeared before the Sub Committee to explain fire safety policy:<https://bambuser.com/v/7071995>

### **LFB stance and working arrangements**

45. The enforcing authority (London Fire Brigade) remains detached from those they are meant to police. Since the fire at Lakanal Southwark Council has worked hard to gain the confidence of LFB by being both open and transparent. There has been an open channel of communication between the two parties and much is done in partnership.
46. Information is shared through these open channels linking the council, LFB Regulatory, operational LFB Officers, fire stations and the Borough Commander ensuring communication and working arrangements that no other borough in London has.
47. Southwark Council has a policy of informing LFB of any major fire safety issues they encounter with their stock but always accompanied with solutions to the issues. This approach has included post fire investigations highlighting separation issues, traveller site overcrowding, the management of the common areas, high risks and tasks in FRAs (ventilation, compartmentation etc),

vulnerable individuals, new builds and complaints and issues from press and residents.

48. Since the Grenfell tragedy, LFB has issued hundreds of enforcement and other notices across the capital. From July 2015 through to February 2018 Southwark Council - as the largest Housing provider had received four minor notifications for the blocks on the Ledbury Estate. This current level of enforcement against a housing provider is unprecedented.
49. The London Fire Brigade have a number of accessible tools and documents for residents and housing providers alike:
  - <https://www.london-fire.gov.uk/safety/property-management/landlords-responsibilities/large-landlords-las-social-landlords-and-private-blocks/> .
  - <https://www.london-fire.gov.uk/safety/property-management/tenants-rights/>
  - 'Extinguishing the risk: a councillor's guide to fire safety'. A copy of this report is attached with this paper, as Appendix 3
  - 'Fires in Communal Areas - Information for External Partners'. A copy of this report is attached with this paper, as Appendix 4.

#### **LFB Statistics**

50. Southwark - not unlike any other housing provider has (historically) been subjected to a large number of fires. The dwellings, common areas (balconies, stairways, corridors, and lobbies), bin rooms, cupboards/stores and car park are all areas that have been subjected to fire - mainly through arson.
51. Statistics are retained for every incident on the LFB's IMS system and are relayed to local government to collate national statistics. These statistics are not broken down into individual landlords and to obtain the relevant information which pertains to Southwark Council will require a lengthy and laborious manual check of Council addresses against all IMS data. This is not practicable.
52. Information is relayed daily to the Fire Safety Team from the LFB and since the instigation of the zero tolerance began there have been no reported fire incidents in the common areas anywhere in Southwark's housing stock.
53. Statistics on fires can be obtained from the following source:
  - a. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/622114/fires-in-purpose-built-flats-england-april-2009-to-march-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/622114/fires-in-purpose-built-flats-england-april-2009-to-march-2017.pdf)

#### **What other housing providers/local authorities do**

54. Since the tragedy at the Grenfell Tower a number of housing providers have re-examined the way they manage their buildings and adopt a zero tolerance approach.

<https://bournemouth.gov.uk/Housing/YourCouncilTenancy/YourTenancy/your-communal-areas.aspx>

<http://www2.tauntondeane.gov.uk/webpages/tdbcagendas/RtnPDF.aspx?imgN>

[ame=Item+10.PDF&PMI=20111440](#)  
<http://www.reading.gov.uk/media/7424/Item-5/pdf/170705questions.pdf>  
<https://www.expressandstar.com/news/2010/04/29/move-to-save-doormats-thrown-out/>  
<http://www.crawley.gov.uk/pw/web/PUB318563>  
<https://www.lambeth.gov.uk/sites/default/files/hr-fire-safety-in-communal-areas-procedure.pdf>  
<https://democracy.croydon.gov.uk/documents/g401/Public%20reports%20pack%2017th-Jan-2018%2018.30%20Tenant%20Leaseholder%20Panel.pdf?T=10>  
<https://www.myclarionhousing.com/your-home/home-safety/fire-safety/communal-areas/>  
<https://www.lewishamhomes.org.uk/your-home/keeping-safe-at-home/fire-safety/>  
<https://moderngov.kingston.gov.uk/ielListDocuments.aspx?CId=620&MId=8256&Ver=4>  
<https://www.chg.org.uk/residents/all-residents/resident-news/23471/disposing-of-items-in-communal-areas/>  
<https://www.corby.gov.uk/sites/default/files/WINTER%202017.pdf>  
<http://www.gch.co.uk/wp-content/uploads/2017/06/Tenant-Fire-Safety-Prevention-Policy.pdf>  
<https://www.dartford.gov.uk/by-category/housing2/housing/council-housing/fire-safety-in-communal-areas>  
[https://www.charnwood.gov.uk/pages/fire\\_safety](https://www.charnwood.gov.uk/pages/fire_safety)  
<https://www.cambridge.gov.uk/sites/default/files/fire-safety-in-flats.pdf>  
[https://www.kettering.gov.uk/download/meetings/id/12136/7i\\_-\\_appx\\_a](https://www.kettering.gov.uk/download/meetings/id/12136/7i_-_appx_a)  
[http://www.wandsworth.gov.uk/download/downloads/id/2086/homesafe\\_-\\_staying\\_safe\\_in\\_your\\_home.pdf](http://www.wandsworth.gov.uk/download/downloads/id/2086/homesafe_-_staying_safe_in_your_home.pdf)  
<https://housingmanagement.brent.gov.uk/council-tenants/my-home/fire-safety/fire-safety-frequently-asked-questions/>  
[https://www.kettering.gov.uk/download/meetings/id/12136/7i\\_-\\_appx\\_a](https://www.kettering.gov.uk/download/meetings/id/12136/7i_-_appx_a)  
[https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=12&ved=0ahUKEwiNg5WR2traAhVMyaQKHe5cChwQFghbMAs&url=https%3A%2F%2Fwww.medway.gov.uk%2Fdownload%2Fdownloads%2Fid%2F1443%2Ffire\\_safety\\_management\\_strategy.pdf&usq=AOvVaw0oj7kWpJ9jAmugDSWG\\_6WY](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=12&ved=0ahUKEwiNg5WR2traAhVMyaQKHe5cChwQFghbMAs&url=https%3A%2F%2Fwww.medway.gov.uk%2Fdownload%2Fdownloads%2Fid%2F1443%2Ffire_safety_management_strategy.pdf&usq=AOvVaw0oj7kWpJ9jAmugDSWG_6WY)

These providers all predominantly operate a 'zero tolerance' approach given it has a much clearer set of parameters than a 'managed approach'.

The following operate a managed approach in relation to door mats and potted plants:

<https://www.bvt.org.uk/wp-content/uploads/2011/03/FireSafetyCommunalAreas.pdf>

LB Hackney confirm that they operate a managed approach, but at the time of writing this report a link to their website is not available.

The provider below operates a mixed approach:

[http://www.thch.org.uk/wp-content/uploads/2017/11/Artwork-4\\_Residents-Obligations-for-Fire-Safety\\_PRINT.pdf](http://www.thch.org.uk/wp-content/uploads/2017/11/Artwork-4_Residents-Obligations-for-Fire-Safety_PRINT.pdf)



## **The Managed Approach**

55. This approach allows the strictly defined use of common parts and limits the items allowed, to control fire load and ease of ignition. 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 and mobility scooters in places that are out of the way and not likely to cause obstruction.
56. Whilst acknowledging that the choice between a 'managed use' or 'sterile' strategy will be made by elected members, fire safety officers from the Council's Fire Safety Team are clear in their view that the a sterile approach is by far the best option from a tenant safety perspective, efficient use of resources perspective, and for ensuring statutory compliance, because it maintains escape routes in the safest condition and removes all possible uncertainty about what is and is not allowed.
57. The 'managed approach' has not been effective in managing escape routes, as evidenced by the Fire Risk Assessments. A list of items - previously acceptable provided for pot plants and door mats. There is an extensive list of items not permitted yet these are the items most often found, for example, carpets, tables, bicycles, pushchairs, prams and mobility scooter, furniture, shelving, and net curtains were (and are still) not uncommon.
58. A 'managed approach' is permitted in blocks provided the council adheres to the prescriptive list as set out in paragraphs 20 and 21 of this report. Based on the findings of the fire risk assessments, we were clearly in breach of our statutory duty before a 'sterile policy' was applied to common areas and therefore vulnerable to enforcement action and prosecution by the fire service.

## **The Zero Tolerance Approach**

59. A 'zero tolerance' approach is one in which residents are not permitted to use the common parts to store or dispose of their belongings or rubbish. No exceptions would apply. It would ensure that the common parts are effectively 'sterile' i.e. free of combustible material, ignition sources and obstructions.
- 'Zero tolerance' is the term used to describe keeping our common areas clear. In best practice documents this is also referred to as maintaining sterile common areas – terminology used by the London Fire Brigade, in Building Regulations and in British Standards.
60. The standard Southwark tenancy agreement terms and conditions have included an obligation on tenants to keep common areas clear since at least 1994. This clause was emphasised further during the review of the tenancy agreement in 2009 following the Lakanal fire. Similar clauses appear in Southwark leases.
61. This clause reflects the requirements in Approved Document B (Building Regulations) and in the Regulatory Reform (Fire Safety) Order 2005 which requires a landlord to ensure that 'routes to emergency exits from premises and

the exits themselves are kept clear at all time’.

62. Enforcement is through the completion of fire risk assessments at regular intervals alongside an inspection regime, intelligence-led targeting and ad hoc dynamic risk assessments by officers on the ground.
63. Keeping our common areas clear has been problematic for housing staff that have faced a number of difficulties which in turn has led to inconsistent enforcement across the borough. Those difficulties have included assaults on staff and poor press coverage.
64. Internal conversations were already taking place within Housing and Modernisation on the relative merits of a ‘managed approach’ against a ‘zero-tolerance’ approach in order to better ensure more consistent enforcement, however, the final outcome of those discussions were overtaken by the tragedy at Grenfell Tower in West London which has changed the risk environment around fire safety in residential buildings nationwide.
65. Advantages and disadvantages of both approaches
66. The table below describes the advantages and disadvantages of both approaches:

Zero Tolerance ‘Advantages’	Managed Use ‘Advantages’
It is the clearest policy to adopt.	By making the common areas ‘homely’, it fosters a sense of pride and value in the block, which can impact positively on anti-social behaviour
It removes not only the risk from accidental fires, involving items in the common parts, but also denies fuel for the arsonist.	It benefits elderly and disabled people in particular, by allowing them to store mobility aids at the point of access
There is no ambiguity regarding what is allowed and therefore residents know exactly where they stand.	It removes the need for dedicated residents stores or communal facilities, such as mobility scooter parking areas.
It is clear and allows landlords to ‘police’ effectively when carrying out inspections.	It allows the specific risk factors in the building to be taken into account.
Enforcing authorities usually favour this approach.	

It is simpler to audit by those carrying out fire risk assessments.	
It arguably reduces the liability on landlords.	
Zero Tolerance 'Disadvantages'	Managed Use 'Disadvantages'
By not taking into account the specific circumstances, this policy might not be risk proportionate.	It is more difficult to adopt as it requires a clearly defined policy with a list of do's and don'ts.
It unduly penalises those who could manage their common parts effectively.	There is more scope for misunderstanding, requiring more education of, and communication with, residents.
It denies residents an opportunity to personalise and improve their living environment.	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 is likely to require more frequent inspections by landlords.
	Failure to adopt the policy effectively could result in liability for landlords should a situation occur that places residents at risk of serious injury or death in the event of fire.

67. In addition to the advantages listed above, there are a number of other reasons why a 'zero-tolerance approach' was adopted last year, for example:

- it reduces the risk of accidental fire and arson – a significant problem for Southwark;
- it allows for more effective management, particularly considering the size and complexity of our stock;
- It limits the liability of Southwark Council;
- It is in line with the tenancy agreement and lease;
- It ensures compliance with articles 11 and 14 of the RRO 2005;
- It is recommended as best practice by the LGA;

- It is not reasonable to expect emergency services to negotiate obstacles when carrying out their duties in emergency situations;
- It is not reasonable to expect residents and particularly those considered most vulnerable to negotiate obstacles when entering or exiting their homes.

### **Resources Required To Manage Both The 'Zero Tolerance' And 'Managed' Approach**

68. Since the introduction of the zero tolerance approach there had been no difference in the short term resources required to manage the common areas in the blocks or to apply a zero tolerance approach. Both approaches are labour intensive and in both instances require an increased presence from the Housing Officers.
69. Longer term there would be a degree of simplicity in maintaining a 'zero approach' as there is no ambiguity and residents and housing officers alike would be clear as to what was allowed in the escape routes;
70. Longer term a 'managed approach' would require regular management checks and the time by housing staff assessing what is appropriate or allowed due to building configuration, escape route width, item sizes and numbers, interpretation etc would incur extra costs or deviation from other core duties.
71. If a 'managed approach' is adopted, significant resources from the fire safety team would need to be applied in order to meet the requirements set out in paragraphs 20 and 21, and to prescribe what can and can't be allowed.
72. This approach would also be subjected to increased scrutiny of the LFB - to ensure a managed approach is being managed effectively.
73. The extent to which formal fire safety inspections need to be carried out will vary. It depends on how successfully standards are being maintained. However, frequent inspections are likely to be necessary in blocks where there are particular concerns over anti-social behaviour and the consequent threat of arson, or where a 'managed use' is applied in common areas.

### **Southwark's Managed Approach Up Until July 2017**

74. Prior to the instigation of the "zero tolerance" approach to items in the common areas, the Council had a 'managed approach'. This approach allowed for a mat and the odd pot plant. Residents were under strict instructions to leave no combustible materials in the escape routes.
75. However, from 1st January 2016 through to 31<sup>st</sup> March 2017 3,701 tasks were allocated by risk assessors to Resident Services, and the pictures attached on the accompanying document at Appendix 5 are typical of many blocks before the 'zero tolerance' approach was instigated following Grenfell.

### **Analysis Of Related Task Actions**

76. Since the introduction of a more robust approach to tenant safety in the escape routes there has been a drop in the tasks reported for issues in the common areas. The average monthly figure was around 220 per month and in December

2017 this had dropped to 72 (see appendices). This drop in issues in the common areas is represented in the figures below:

July 17-Aug 17 -34.69% reduction on the previous month

Aug 17-Sep 17 -6.9% reduction on the previous month

Sep 17- Oct 17 -23% reduction on the previous month

Oct 17-Nov 17 -14.43% reduction on the previous month

Nov 17 –Dec 17 -19.1% reduction on the previous month

77. Figures for communal area tasks for July 2017 - December 2017 are below:

<b>Jul-17</b>	<b>222</b>
<b>Aug-17</b>	<b>145</b>
<b>Sep-17</b>	<b>135</b>
<b>Oct-17</b>	<b>104</b>
<b>Nov-17</b>	<b>89</b>
<b>Dec-17</b>	<b>72</b>

### Complaints and enquiries

78. To date the number of complaints received relating to the removal of items in communal areas from 51,000 properties total;

Stage 1 Complaint	15
Members Enquiry	20
Enquiry	1
Total	36

### Grilles and gates

79. It is of course fully appreciated that residents often prioritise the fear of crime over the fear of fire and escape, and many install metal security gates and grilles over their front entrance doors and sometimes over corridors and balconies.

80. While the LFB cannot enforce their removal, they have provided advice and recommendations via their Guidance Note GN11. It sets out the following:

- The principles for security gate fitting should be similar to those used with security doors. Generally they should be easily opened from the inside without the need to search for a key.
- Security doors and security gates should not be installed together at the same access point to the premises. Therefore, no more than one security door or gate should need to be breached to gain access to any dwelling.
- In order to assist fire-fighters in the event of any emergency, details of premises where security doors/gates are fitted should be passed to the LFB, after installation.

81. Going forward the FST will continue to highlight grilles in the FRA as a risk, and where any grille installation does not comply with LFB Guidance Note 11, i.e. not easily openable or over a security door, the council will take appropriate steps to arrange its removal.

82. Where it either hampers fire fighting, or poses a genuine risk to neighbours, i.e. remains open on an escape route and will impact on any individual attempting to escape, arrangements will be made to have it removed.

83. Grilles and gates installed across entire corridors or balconies will be removed.
84. However, in situations where the above conditions have not been breached, and a grille installation is not dangerous to people other than those living behind it, we will formally communicate with those residents, advise of the fire safety implications and request its removal. Copies of such communications will be sent to LFB and kept and stored on the tenancy file for future reference.

## **Conclusion**

85. The safety of our residents is our top priority and this report sets out how we will minimise the risk any resident might have from fire and the effects of fire. In setting out the Council's approach, consideration is given to wider risks and perceived risks of safety including crime, fear of crime and health and wellbeing generally. Because of the investment and management of fire safety precautions the majority of our residents will not experience fire in their building, The Council is mindful that the quality and look and feel of buildings affect all residents sense of ownership and pride in their home. Therefore this report sets out a balanced and tailored approach that is appropriate to each building guided by the fire risk assessment and managed by the council's local resident service officers. Guidance for resident services is designed to assist officers in their decision making on the ground, will therefore be made available along with training and support as necessary from the council's technical team.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

86. The legal provisions relevant to the recommendations in this report are set out in the body of the report.
87. As to enforcement of the council's approach to fire safety, the council should ensure that clear and lawful processes and procedures are in place and applied in appropriate cases.
88. When considering the recommendations, the cabinet member must have due regard to the continuing public sector equality duty contained within section 149 of the Equality Act 2010. That is the need to eliminate discrimination, harassment, victimisation or other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not and foster good relations between those who share a relevant characteristic and those that do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
89. A decision on the recommendation in this report is within the remit of the cabinet member for housing under Part 3D of the constitution.

### **Strategic Director of Finance and Governance**

90. The strategic Director for Finance and Governance notes in Para 1 that this activity will be resourced from within an existing FRA programme thus incurring no additional cost.

91. The strategic Director for Finance and Governance also notes that there would be a differential in the staff time needed to undertake either a managed or zero tolerance approach (paras 67-72)

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Fire Safety in Purpose Built Blocks of Flats (FSPBBF)	Engineering, 160 Tooley Street	Tony Hunter 51756

## APPENDICES

No.	Title
Appendix 1	BB7 report
Appendix 2	Residents Fire Safety Scrutiny report
Appendix 3	A Councillor's guide to fire safety
Appendix 4	Fires in communal areas - Information for External Partners
Appendix 5	Photographs pre-zero tolerance

## AUDIT TRAIL

<b>Lead Officer</b>	Michael Scorer, Strategic Director of housing and Modernisation	
<b>Report Author</b>	Tony Hunter, Head of Engineering	
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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
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