



# Lancaster City Council

## Housing and Property: Council Housing

### Fire Safety Policy

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Prepared by:	PM
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Approved by	JW
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## 1. Introduction and Policy Objectives

- 1.1. Lancaster City Council (Lancaster) is responsible for carrying out Fire Risk Assessments, has a duty to take general fire precaution measures and as far as reasonably possible identify, manage, and mitigate risks associated with fire within the buildings we own. These buildings include domestic-dwellings (multi-residential purpose-built blocks of flats, buildings converted to flats) and Corporate/Commercial buildings, also referred to as the (Lancaster) property portfolio.
- 1.2. The key objective of this policy is to ensure that our Cabinet, Senior Leadership Team (SLT), Chief Officer – Housing & Property, employees, partners, residents (tenants and leaseholders), are clear on our legal and regulatory fire safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.3. The Chief Executive Officer of Lancaster City Council is the ‘Responsible Person’ for the purposes of this policy and the relevant legislation outlined below.
- 1.4. The Chief Officer – Housing & Property has strategic responsibility for the management of fire safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 1.5. The Asset & Compliance Manager - (Asset & Compliance Team) has operational responsibility for the management of fire safety and will be responsible for overseeing the delivery of these programmes.
- 1.6. This policy forms part of our wider organisational commitment to driving a positive health and safety culture amongst staff and contractors. It will be saved on our shared drive and distributed to all relevant members of staff.

## 2. Scope

- 2.1. This policy is relevant to all our employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.2. The policy should be used by all to ensure they understand the obligations placed upon Lancaster to maintain a safe environment for residents and employees, within the home of each resident, and within all communal areas of residential buildings and the Corporate/Commercial properties we own and/or manage. Adherence to this policy is mandatory.

## 3. Legislation, Regulatory Standards & Approved Codes of Practice

- 3.1. **Regulatory Standards** – We must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.

3.2. **Legislation** - The principal legislation applicable to this policy is:

- The Regulatory Reform (Fire Safety) Order 2005 (FSO).
- The Fire Safety Act 2021
- The Fire safety (England) Regulations 2022
- The Building Safety Act 2022

3.3. **Guidance** – The principal guidance documents applicable to this policy are:

- LACORS - Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing.
- Local Government Association: Fire safety in purpose-built blocks of flats.
- HHSRS Operating Guidance - Housing Act 2004: Guidance about inspections and assessment of hazards given under Section 9.
- HHSRS Operating Guidance – Housing Act 2004: Addendum for the profile for the hazard of fire and in relation to cladding systems on high rise residential buildings.
- Ministry of Housing, Communities & Local Government (MHCLG): Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (January 2020).
- National Fire Chief Council's Guidance (NFCC) - Fire Safety in Specialist Housing – May 2017
- Fire Safety Risk Assessment Guidance (various publications by the DCLG for different types of accommodation, premises & workplaces etc.)

3.4. **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) via the Building Safety Regulator or under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution by the Fire and Rescue Service under the FSO; and via a regulatory notice judgement from the Regulator of Social Housing.

## 4. Additional Legislation

4.1. This policy also operates within the context of the following legislation:

- Housing Act 2004
- Landlord & Tenant Act 1985 (as amended)
- Occupiers Liability Act 1957 (as amended 1984)
- Defective Premises Act 1972
- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Gas Safety (Installation and Use) Regulations 1998
- The Furniture and Furnishings (Fire Safety) Regulations 1988
- The Health and Safety (Safety Signs and Signals) Regulations 1996
- The Building Regulations 2010: Approved Document B Fire Safety
- Electrical Equipment (Safety) Regulations 2016
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

- Homes (Fitness for Human Habitation) Act 2018

## 5. Obligations

- 5.1. Lancaster undertakes to complete a Fire Risk Assessment (FRA) in all workplaces, Corporate/Commercial buildings, and the domestic common parts (communal areas) of multi-occupied properties.
- 5.2. The FRA should identify general fire precautions and other measures needed to comply with the FSO. Although under the FSO this requirement only applies to common parts of premises, in practice the responsible person will need to consider the entire premises, including certain aspects concerning units of residential accommodation.
- 5.3. Consider persons who may be especially at risk.
- 5.4. Implement all necessary general fire precautions and any other significant findings identified by an FRA.
- 5.5. Implement a suitable system of maintenance and appoint competent persons to implement any procedures that have been adopted.
- 5.6. Periodically review FRAs in a timescale appropriate to the premises and/or mode of occupation fire risk level. This timescale is determined by the responsible person.

## 6. Statement of Intent

- 6.1. Lancaster acknowledges and accepts its responsibilities under the FSO 2005 the Fire Safety Act 2021 and the Fire Safety (England) Regulations as outlined in Section 5. Where legislation has not yet come into force, it will monitor this regularly and update this policy accordingly.
- 6.2. Lancaster will meet the requirements of the Fire Safety (England) Regulations by providing residents with the relevant information, undertaking fire door checks, and complying with the requirements for buildings above 18 metres or 7 stories in height.
- 6.3. Each property requiring an FRA will have one in place that has been carried out by a competent fire risk assessor and is compliant with the British Standards Institution's PAS 79-1:2020 and PAS 79-2:2020 specifications for non-residential and residential buildings respectively.
- 6.4. Fire evacuation strategies will be determined on a building-by-building basis by the responsible person, with consideration to the recommendations of the competent fire risk assessor and any guidance/advice received from Lancashire Fire & Rescue Service (LFRS).
- 6.5. All FRAs will be reviewed no later than the next risk assessment review date set by the responsible person as per paragraph 5.6 above.
- 6.6. A new risk assessment will be carried out in the event of:
  - A fire, fire safety incident or near miss.
  - Change in building use.

- Change in working practices that may affect fire safety.
  - Following major alterations and refurbishment works.
  - Change in applicable legislation; or
  - If required following a fire safety audit by LFRS where the existing FRA is not deemed “suitable & sufficient”.
- 6.7. Lancaster will operate robust processes to implement all mandatory fire precaution measures identified by FRAs.
- 6.8. As the Landlord for domestic properties, we will test (and replace as required) any smoke or heat detectors/alarms within a dwelling, as part of the annual gas safety check visit, or at void stage and/or as part of the fixed-wire electrical inspection. Those domestic properties that are “off gas”, not void or due a periodic EICR will be part of an annual inspection programme.
- 6.9. As the owner of corporate/commercial buildings, we will test (and replace as required) any automatic fire detection & alarm systems including associated control & indicating equipment (fire alarm panels), and any other active fire safety equipment installed as British Standards recommends.
- 6.10. A Person-Centred Fire Risk Assessment (PCFRA) or Personal Emergency Evacuation Plan (PEEP) will be offered on a voluntary basis and carried out by a competent person, reviewed periodically, and made available to Lancaster Fire and Rescue Service in the event of an evacuation, as follows:
- For any disabled resident in “over-55” accommodation schemes (Independent Living Schemes) or supported housing where Lancaster is the Landlord and/or employee within any building where Lancaster is the employer; and
  - For any resident within a High-Rise Building (7 or more storeys &/or 18m or more in height), where we have a responsibility for carry out an FRA, or where the resident has self-notified to us that they would require assistance in the event of a fire.
- 6.11. When letting domestic properties, we will consider the suitability of the accommodation for the prospective resident in respect of fire safety.
- 6.12. We are committed to working with Lancashire Fire and Rescue Service to create safer places to live and work. This joint working may include sharing information, having FRAs reviewed, and staff training.
- 6.13. We will refer any concerns about fire safety within domestic dwellings to Lancaster Fire and Rescue Service for a free home fire safety check.
- 6.14. We will operate robust processes to gain access should any resident or leaseholder refuse access to carry out essential fire safety inspection and remediation works (as tested in the case *Croydon Council v. Leaseholder 1st August 2014*). We will use the legal team, who in turn will use the legal remedies available within the terms of the tenancy agreement, lease, or license, provided the appropriate procedures have been followed and approval given by the Chief

Officer – Housing and Property. The new Fire Safety Act 2021 requires us to check residential doors within our housing blocks.

- 6.15. We will operate robust processes to gain access to properties where resident vulnerability issues are known or identified (including hoarding), whilst ensuring we safeguard the wellbeing of the resident.
- 6.16. We will operate effective contract management arrangements with the consultants and contractors responsible for delivering the service, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.17. We will operate a robust process to manage immediately dangerous situations identified during fire safety programmes.
- 6.18. We will adopt a sterile environment approach in GN Blocks of Flats to all internal communal areas, requiring residents to remove combustible materials from corridors and fire escape routes.
- 6.19. We will adopt a managed environment approach to accommodation services such as the "Cat2" Independent Living Schemes, Supported Housing, and our Corporate/Commercial portfolio, whereby a minimal number of non-combustible items are allowed within the communal areas, to reduce an otherwise institutional appearance not in keeping with the purpose of these buildings.
- 6.20. We will not permit the storage or charging of mobility scooters or any other form of electrical "personal transport" (such as a E-bicycle or E-scooter), within the internal communal area of any building. Lancaster will adopt Office for Product Safety and Standards & National Fire Chiefs Council advice in respect of all such E-products.
- 6.21. We will establish and maintain a risk register for fire safety management and operations, setting out our key fire safety risks and appropriate mitigations.
- 6.22. We will operate robust processes to record and action any fire safety related incidents and near misses. A 'near miss' is an unplanned event which does not result in an injury but had the potential to do so. This register will be kept by the Asset & Compliance Team and reported to the Compliance Steering Group.
- 6.23. We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to fire safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.
- 6.24. To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement and refurbishment works.

## 7. Inspection Programmes

- 7.1. **FRAs** - We will ensure all our workplaces, domestic-dwellings (multi-residential purpose-built blocks of flats, buildings converted to flats) and Corporate/Commercial buildings, have an FRA in place where we have the legal obligation to do so.
- 7.2. Thereafter, we will maintain a programme of regular FRA reviews, in a timescale appropriate to the premises and/or mode of occupation fire risk level. This timescale is usually between one and four years, with all high risk or high-rise buildings reviewed on an annual re-inspection programme.
- 7.3. All FRAs will be Type 3 surveys which comply with PAS 79:2. Type 2 and Type 4 surveys will only be commissioned where it is deemed appropriate for a particular property.
- 7.4. We will ensure that a pre-occupation FRA is carried out on all new build schemes, building refurbishments or new acquisitions where we have an obligation to do so, followed by a post-occupation FRA, a maximum of one month after the first tenant moves in.
- 7.5. **Properties subject to the Building Safety Act** – We have identified three high rise buildings which are subject to the requirements of the Building Safety Act. These 3no. high rise buildings are currently subject to option appraisal in terms of their future retention or redevelopment.
- 7.6. **Properties managed by others** – We will obtain FRAs where our properties are managed or leased/tenanted by a third party. If the third party does not provide the FRA, we reserve the right to carry out the FRA and re-charge them for the cost of this work.
- 7.7. **Fire door checks** – To comply with the Fire Safety (England) Regulations, we will undertake quarterly checks of communal fire doors and annual checks of flat entrance doors to all buildings over 11 meters in height. We will also adopt this principle for the Independent Living Schemes (Cat 2 Sheltered).
- 7.8. **Servicing** - We will carry out a programme of servicing, maintenance, and testing, in accordance with all relevant British Standards and manufacturer’s recommendations, to all fire detection, prevention and firefighting systems and equipment within buildings we own or manage.
- 7.9. **Regular inspections** – We will carry out a programme of regular inspections to our Corporate/Commercial buildings and the non-domestic parts of multi-occupied residential buildings with a Fire Risk Assessment in place, to audit that all required management actions are taking place and monitor compliance with the Housing Act (HHSRS) Occupiers Liability & Defective Premises Act as applicable.

## 8. Follow-up work

- 8.1. We will ensure robust processes are in place to implement or mitigate all mandatory significant finding actions or fire precaution measures identified by FRAs, in accordance with the following priorities and timescales:



- Intolerable risk – within 24 hours.
  - High risk – within one month.
  - Medium risk – within three months.
  - Low risk – within 12 months, delivered as part of a planned works programme.
- 8.2. Any significant finding actions not completed within the timescales outlined above will be escalated via the monthly compliance dashboard reporting system for SLT review.
- 8.3. We will use the date the FRA was undertaken on-site as our timeframe to start completing FRA actions OR We will use the date the FRA is received from the fire risk assessor, to ensure it has been through a validation process, as our timeframe to start completing FRA actions.
- 8.4. We will ensure there is a robust process in place to manage follow-up works arising from fire door audits, and servicing and maintenance checks to fire systems and equipment

## 9. Data of Record Keeping

- 9.1. We will maintain a core asset register of all properties we own or manage, setting out which properties require an FRA. We will also set out which properties require fire safety servicing and maintenance regimes (for example, fire alarms, emergency lighting, AOV's, FFE and smoke/heat detection).
- 9.2. We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are added or removed as required from fire safety programmes, and the programme remains up to date.
- 9.3. Quarterly data reconciliation/validation with the FRA workbooks and Lancasters asset-database property management system to ensure all properties are captured.
- 9.4. We will hold fire safety inspection dates, FRAs, FRA actions, and fire safety servicing records against all properties on each programme.
- 9.5. We will keep fire safety logbooks electronically (or securely on site where practical), for all properties on the FRA programme.
- 9.6. We will keep all records and data, for the duration that we own and manage the property/in line with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all fire safety related data.

## 10. Resident Involvement and Engagement

- 10.1. We consider good communication essential in the effective delivery of fire safety programmes, therefore we will establish a resident engagement strategy and communication programme. This will assist us in maximising access to carry out fire safety inspections, encourage and support residents in their understanding of fire safety, advise them of how they can keep themselves and other residents safe, and encourage them to report any fire safety concerns.
- 10.2. We also aim to successfully engage with vulnerable and hard to reach residents. We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.



- 10.3. We will provide and make available to residents a copy of the FRA relevant to their building upon request.
- 10.4. We will produce a Resident Engagement Strategy as the Building Safety Act requires and fire safety issues will be discussed at the (residents) building safety panel or Tenants Voice forum as necessary.

## 11. Key Roles and Responsibilities

- 11.1. The Cabinet have ultimate responsibility for ensuring compliance with the consumer standard and ensuring residents are safe in their homes.
- 11.2. The Cabinet will have governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards.
- 11.3. For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, fire safety performance and any incidents of non-compliance.
- 11.4. The Senior Leadership Team (SLT) and the Chief Officer – Housing and Property will receive monthly performance reports in respect of fire safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 11.5. The Chief Executive Officer of Lancaster City Council is the ‘Responsible Person’ for the purposes of this policy and the relevant legislation.
- 11.6. The Chief Officer – Housing & Property has strategic responsibility for the management of fire safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 11.7. The Asset & Compliance Manager- (Asset & Compliance Team) has operational responsibility for the management of fire safety and will be responsible for overseeing the delivery of these programmes.
- 11.8. The Neighbourhood Services Team will provide support where gaining access to properties is difficult and the legal team will assist and facilitate any legal access processes as necessary

## 12. Competent Persons

- 12.1. The Compliance Officer, Fire Safety – Housing & Property (Asset & Compliance Team) will hold the NEBOSH National Certificate in Fire Safety and Risk Management (or equivalent). If they do not have this already, they will obtain it within 12 months of the approval of this policy, or within 12 months of appointment.
- 12.2. Only suitably competent contractors, fire risk assessors and fire engineers will undertake FRAs or works to fire safety equipment, systems, and installations. These must be certified by BAFE and/or an IFSM member, and on a UKAS accredited certification scheme that meets the competency criteria established by the Fire Risk Assessment National Competency Council.
- 12.3. Only suitably competent fire safety consultants and contractors will provide third party technical quality assurance checks.
- 12.4. All consultant and contractor checks will be undertaken during procurement and then on an annual basis and evidenced appropriately

## 13. Training

- 13.1. Lancaster will deliver training on this policy and the procedures that support it, including team briefings; basic fire safety awareness training; and on the job training for those delivering the programme of FRAs and other fire safety programmes, planned maintenance and repairs works as part of their daily job. All training undertaken by staff will be formally recorded.

## 14. Performance Reporting

- 14.1. Lancaster will report robust key performance indicator (KPI) measures for fire safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came in to force 01 April 2023. Performance must be reported to the Regulator on an annual basis; however, we will report internally monthly to the Chief Officer – Housing and Property. We will also report periodically to our residents. The relevant TSM for Fire Safety is defined as follows:

**BS02 – Fire Safety Checks:** Proportion of homes for which all required Fire Risk Assessments have been carried out.

These will be provided to the Chief Officer – Housing and Property on a monthly basis and Cabinet and SLT on a quarterly basis.

- 14.2. This measure ensures that all individual dwellings that may be at risk because of any non-compliance are identified. The completion of remedial works is not included.

- 14.3. We will also report the following:

### Data – the total number of:

- Properties – multi-residential blocks with communal areas and other Corporate/Commercial properties.
- Properties on the FRA programme.
- Properties not on the FRA programme.
- Properties with a valid and in date FRA.
- Properties without a valid and in date FRA.
- Properties due an FRA review within the next 90 days; and
- Mandatory SF Actions completed, in-time and overdue follow-up works/actions arising from the programme (split by priority).

### Narrative - an explanation of the:

- Current position.
- Corrective action required.
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

### In addition:

- Compliance with the fire safety equipment, systems and installations servicing and maintenance programme.
- The number of RIDDOR notifications to the HSE with regards to fire safety.

- Details of any enforcement notices from the Fire and Rescue Service or other enforcement bodies.
- Recording and reporting on property fires to identify trends and target awareness campaigns.

## 15. Quality Assurance

- 15.1. We will ensure there is a programme of quality assurance audits of FRAs (field and desktop), and internally check all FRAs upon receipt to ensure they are suitable and sufficient and to progress any actions identified.
- 15.2 We will carry out a programme of regular property inspections to all properties with an FRA to audit that all required management actions have been completed.
- 15.3 Lancaster will carry out an internal audit of fire safety on a regular basis to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

## 16. Non-Compliance/ Escalation Process

- 16.1. Our definition of non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred or becoming aware of it.
- 16.2 Any non-compliance issue identified at an operational level will be formally reported to the Chief Officer – Housing and Property in the first instance, who will agree an appropriate course of corrective action with the Asset & Compliance Manager in the first instance, who will agree an appropriate course of corrective action alongside the Breaches Policy and report details of the same to SLT / Cabinet.
- 16.3 In cases of serious non-compliance, SLT and Cabinet will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive

## 18. Glossary

18.1. This glossary defines key legal requirements and terms used throughout this policy:

18.2 **Fire Safety Act 2021** - The Act amends the FSO by clarifying that in buildings with two or more sets of domestic premises, the FSO also applies to:

- the structure and external walls of the building, including cladding, balconies, and windows; and
- all doors between the domestic premises and the common parts, for example, entrance doors to individual flats which open on to common parts.

18.3. Lancaster must ensure that FRAs comply with the criteria outlined above by appointing a competent person to review them (if the FRAs do not already comply). See Section 12 for competency requirements.

18.4 **Fire Safety (England) Regulations 2022** - Lancaster is required to carry out the following for buildings with two or more domestic premises:

- All buildings - provide residents with fire safety instructions and information on fire doors.
- Buildings over 11 metres in height - undertake quarterly checks of communal fire doors and annual checks of flat entrance doors.
- Buildings over 18 metres or 7 stories in height - provide the fire and rescue service with building plans and other relevant information, install, and maintain premises information boxes, install wayfinding signage, and undertake checks on lifts for use by firefighters and other key pieces of firefighting equipment.

18.5 **Building Safety Act 2022** - The Act is applicable to all buildings where the FSO applies and requires Lancaster to:

1. Record FRAs in full and record fire safety arrangements.
2. Appoint a competent person to undertake/review FRAs and record their identity.
3. Ascertain whether other Responsible Persons have duties in respect of the premises and share relevant information with them.
4. Provide relevant fire safety information to residents (for buildings with two or more domestic premises).
5. For higher-risk buildings (as defined in within the Act), ascertain if the premises has an Accountable Person and co-operate with them to enable them to carry out their duties under the Act.

18.6 The following abbreviations might be found within this document as fully expanded below:

**BAFE:** Is the independent register of quality fire safety service providers, who are certified to ensure quality and competence to help meet fire safety obligations.

**FRA:** A Fire Risk Assessment is an assessment involving the systematic evaluation of the factors that determine the hazard from fire, the likelihood that there will be a fire and the consequences if one were to occur.

**IFSM:** The Institute of Fire Safety Managers.

**PAS79:** A publicly available specification published by the British Standards Institution which focuses on making sure that all the required information that pertains to both an FRA and its findings are recorded.

**UKAS:** The National Accreditation Body for the United Kingdom, appointed by government to assess and accredit organisations that provide services including certification, testing, inspection and calibration.