

Taunton Deane Borough Council

Tenant Services Management Board – Monday 19th September 2011

Fire Safety Policy for Flats

Report of the Tenant Services Development Officer

(This matter is the responsibility of Executive Councillor Mrs Jean Adkins)

1. Executive Summary

This report sets out the advantages and disadvantages of adopting a 'zero tolerance' approach when managing council owned blocks of flats in order to reduce the risk of fire and to safeguard tenants.

Early discussions with the Group Commander of Devon & Somerset Fire & Rescue Service indicate that they are totally supportive of a zero tolerance policy within communal areas of flats. The Tenant Services Management Board is requested to consider the report and to provide any views on this approach. These views will then be considered prior to a final Fire Safety Policy being produced.

2. Background

Comprehensive fire safety research has been undertaken following an arson attack at a block of flats in Dorchester Road, Taunton. The attack resulted in 6 families being made homeless and a significant redevelopment project undertaken to totally refurbish the block and relocate the affected families.

The fire was started when the contents of recycling receptacles in communal areas were set alight and the results of the arson attack can be seen on Page 2 of this report.

Further research was undertaken on blocks of flats with a similar layout and design to that of Dorchester Road. The inspection of blocks identified significant fire hazards attributable to the storage of personal items within the communal hallways. Photographic evidence of residents conduct when using communal hallways demonstrate the serious fire risks for tenants and residents and the requirement for considering a 'zero tolerance' approach to storage in communal hallways.



3. Zero Tolerance Proposals.

In 2011 the Local Government Association, (LGA)¹ produced a comprehensive report setting out the pros and cons of “zero tolerance” or “managed use” for blocks of flats when dealing with health and safety of tenants.

The report highlighted that by removing the presence of combustible materials and ignition sources this dramatically reduces the potential for accidental and deliberate fires to start in the common parts.

It also ensures escape routes are free of obstructions for the evacuation and provides clear access for fire-fighters.

There is a tendency for some residents to treat the common areas of blocks of flats as an extension of their own home. As a consequence, personal belongings stored in corridors and stairway landings include:-

- Rubbish bags.
- Wheeled bins.
- Buggies and prams.
- Mobility scooters, bicycles and motor cycles.
- Lockers and cabinets.
- Washing machines, tumble dryers and other goods awaiting disposal.
- Unwanted bedding and mattresses.
- Upholstered seating.
- Children’s toys and play furniture.

The inappropriate actions of residents in this regard could also be exposing landlords and others who manage the common parts to liability under fire safety law.

A further problem is one of abuse, such as dumping unwanted belongings and rubbish in the common parts. Not only can this result in people potentially putting their own lives at risk, it could also endanger the lives of others.

The actual potential for significant smoke production and fire development when combustible materials are ignited varies enormously, depending upon the inherent properties of the material, including its ease of ignition, the quantity present and its configuration.

Not all of the items commonly found are either easily ignitable or likely to give rise to a serious risk if ignited in isolation.

¹ LGA. (2011) *Fire Safety in Purpose-Built Blocks of Flats* {WWW}. Available at: <http://www.lga.gov.uk/lga/tio/18055650> [Accessed 08/08/11].

This suggests that it might be possible to allow some items to be present without unduly exposing residents to risk. However, the difficulties landlords and others responsible for the common parts face is how to manage use of the building in this way.

Unrestricted use of common parts is clearly not acceptable. It will, therefore, be necessary to adopt one of the following alternatives:

i) **“Zero tolerance”**

ii) **“Managed use”**.

A **“zero tolerance”** approach is one in which residents are not permitted to use the common parts (other than for access and egress) or to store or dispose of their belongings or rubbish in them. No exceptions would apply. It would ensure that the common parts are effectively “sterile” i.e. free of combustible material, ignition sources and obstructions.

The alternative is **“managed use”**. This is an approach that allows strictly defined use of common parts, limits the items allowed to control fire load and ease of ignition and 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, and to store bicycles, prams and mobility scooters in places that are out of the way and not likely to cause obstruction.

Zero Tolerance 'Advantages'	Managed Use 'Advantages'
1. It is the simplest policy to adopt.	1. 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
2. It removes not only the risk from accidental fires, involving items in the common parts, but also denies fuel for the arsonist.	2. It benefits elderly and disabled people in particular, by allowing them to store mobility aids at the point of access
3. There is no ambiguity regarding what is allowed and therefore residents know exactly where they stand.	3. It removes the need for dedicated residents stores or communal facilities, such as mobility scooter parking areas.
4. It is easier for landlords to 'police' when carrying out inspections.	4. It allows the specific risk factors in the building to be taken into account.
5. Enforcing authorities usually favour this approach.	
6. It is simpler to audit by those carrying out fire risk assessments.	
7. It arguably reduces the liability on landlords	
Zero Tolerance 'Disadvantages'	Managed Use 'Disadvantages'
1. By not taking into account the specific circumstances, this policy might not be risk proportionate.	1. It is more difficult to adopt as it requires a clearly defined policy with a list of do's and don'ts.
2. It unduly penalises those who could manage their common parts effectively.	2. There is more scope for misunderstanding, requiring more education of, and communication with, residents.
3. It denies residents an opportunity to personalise and improve their living environment.	3. While it might be possible to minimise accidental fires with an appropriate "managed use" policy, deliberate ignition may still be a significant concern.
	4. By allowing valuables to be left on view, it can encourage crime and subsequently increase the risk of deliberate ignition.
	5. It is more difficult for landlords to "police", and for enforcing authorities and fire risk assessors to audit.
	6. It is likely to require more frequent inspections by landlords.
	7. 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.

The most appropriate approach will depend upon the specific circumstances and whatever approach is taken should be considered within the overall context of the fire safety measures in the building. It should be considered as part of the fire risk assessment for the block.

A 'zero tolerance' policy should:

- Be adopted by way of 'default'.
- Always apply when there is doubt over the ability of residents to apply a 'managed use' policy.
- Be adopted where flats open directly onto stairways unless 'managed use' is considered acceptable by the fire risk assessment.
- Be considered for all single stairway blocks, except possibly low rise.
- Always apply where the escape stairway is of timber construction.
- Always apply where the building needs to be evacuated immediately i.e. where the standard of fire protection does not support a 'stay put' policy.

While it may be easier for landlords to take the 'zero tolerance' approach, it should be recognised that residents may be put at significant inconvenience and resort to infringements of the policy through frustration. Consideration of the needs of residents in ways that encourage them to follow the constraints of such an approach can contribute significantly to fire safety. Providing suitable communal storage facilities and, for example, charging rooms for mobility scooters, can greatly assist.

When adopting a 'managed use' policy, landlords and other Responsible Persons should:

- Carry out a specific risk assessment.
- Never apply the policy without consideration of the specific circumstances in each building.
- Consider whether residents are disposed towards keeping 'rules' and avoid 'managed use' where this is not the case.
- Ensure that there are clearly defined do's and don'ts that residents can easily follow.
- Only apply it where there is a suitable standard of fire protection – particular care should be taken when applying it to situations such as single stairway buildings and 'dead end' corridors.
- Limit it to buildings in which the main elements of structure are made of concrete, brick and other non-combustible materials.
- Never adopt it where there are unsuitable surface finishes and linings.
- Take notice of instances of anti-social behaviour and avoid "managed use" where there is particular concern regarding the potential for deliberate ignition.
- Only apply it to buildings which have effective security, e.g. access control.
- Never allow storage of combustible material – where appropriate, make arrangements for residents to have communal facilities for storage.
- Never allow items to be left awaiting disposal - even short term presence poses a risk.

- Only allow basic furniture and not upholstered seating.
- Never allow motorcycles, mowers and other gardening equipment containing petrol and other fuels.
- Never allow charging of mobility scooters, batteries or other electrical equipment in common parts. Consider providing dedicated rooms for charging, suitably fire separated from the rest of the block.
- If storage cabinets are appropriate, only permit lockable metal cabinets to be used and never timber or plastic sheds or lockers.
- Never allow residents to store hazardous chemicals, gas containers or flammable liquids in storage cabinets or dedicated storerooms/cupboards.
- Only allow scooters, bicycles, prams, etc if there are suitable areas, that will not pose an obstruction, where they can be kept.
- Avoid allowing decorative lighting to be used – despite the low voltage involved, use of temporary lighting by residents can result in poor wiring practices.

Regular inspection is a key component of maintaining good housekeeping. Landlords should ensure that every opportunity is taken to monitor the situation in a block. This should apply to the common parts, including stairways, lobbies, corridors, escape balconies etc. It should also apply to plant rooms, landlord's stores, riser cupboards, TRA lounges and facilities and other communal rooms.

4. **Mobility Scooters**

A policy written by the Devon & Somerset Fire & Rescue Service on Mobility scooters and powered wheelchairs make it clear that these items **should not be parked or stored in protected corridors or staircases**. Their presence introduces a serious hazard/risk (ignition source, fire loading and obstruction) into what might formerly have been regarded as a safe environment.

The hazards/risks associated with mobility scooters and powered wheelchairs highlighted above must be taken into account when considering the fire safety arrangements within any premises, particularly those premises to which the Regulatory Reform (Fire Safety) Order 2005 applies. The Responsible Persons will need to take these hazards and risks into account in the fire risk assessment.

In conjunction with the “zero tolerance” proposals outlined in this report, it is recommended that a working group should be set up to specifically research the issue of mobility scooters further, including :-

- Petrol-driven carriages, scooters and wheelchairs should not be kept or refuelled within premises;
- Battery-powered scooters and wheelchairs may be kept within premises, but should only be recharged or parked/stored in designated areas which do not obstruct occupants' means of escape.
- The presence of mobility scooters and powered wheelchairs in premises to which the Regulatory Reform (Fire Safety) Order 2005 applies, must be taken into account in any fire risk assessment.

5. Recycling

Recycling initiatives to encourage householders to avoid waste and use resources sustainably are being successfully applied to residents of blocks of flats. However, collection schemes often involve materials being set out in corridors, lobbies and stairways within the common parts. This has given rise to a new and potentially serious fire hazard.

Bags of clothes for charity and boxes/bags of newspapers and plastic containers represent a significant fire load. The material is in a form in which it can be easily ignited and lead to rapid fire spread and produce copious amounts of smoke.

While only transitory, such material is nevertheless wholly inappropriate. It cannot be considered acceptable even where “managed use” policies apply. Landlords should put in place alternative arrangements for recycling that do not rely on collection from within the common parts.

6. Finance Comments

Any financial implications and future decisions will have to be fully costed.

7. Legal Comments

Legal obligations for TDBC, Leaseholders and tenants would have to be investigated once a final policy is approved.

8. Links to Corporate Aims (Please refer to the current edition of the Corporate Strategy)

9. Environmental Implications

The policy should have a positive impact on recycling and the removal of rubbish.

10. Community Safety Implications

The recommendations from this report will form part of the overall policy on security and safety in TDBC flats.

11. Equalities Impact

A full Equalities Impact Assessment will be required in line with the fire policy.

12. Risk Management

The recommendations will form part of the wider fire policy risk analysis.

13. Partnership Implications (if any)

Any proposals are discussed with the Devon & Somerset Fire & Rescue Service

14. Recommendations

On the basis of the research undertaken the TSMB are asked to provide their views on the “zero tolerance” approach for all TDBC blocks of flats and to support this option. A consultation exercise regarding the use and storage of mobility scooters is also proposed prior to the completion of the Fire Safety Policy.

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