

Message

From: Janice Wray [jwray@kctmo.org.uk]
Sent: 16/12/2010 11:34:11
To: Johnson, Laura: HS-Housing: RBKC [laura.johnson@rbkc.gov.uk]
CC: Robert Black [rblack@kctmo.org.uk]; Lornette Pemberton [lpemberton@kctmo.org.uk]
Subject: RE: Fire Safety Protocol

Laura

Have had a look at the protocol and it seems fine, however, I would like to run it past our Fire Risk Assessor in case I have missed something. Will ask him to come back to me asap with any comments

Janice


Janice Wray
TMO Health & Safety Advisor

t: [REDACTED]



w: www.kctmo.org.uk

a: : The Network Hub, 300 Kensal Road, W10 5BE

 Before printing, please think about the environment

From: Laura.Johnson@rbkc.gov.uk [mailto:Laura.Johnson@rbkc.gov.uk]
Sent: 15 December 2010 17:41
To: Janice Wray; Robert Black
Cc: Kevin.Thompson@rbkc.gov.uk
Subject: FW: Fire Safety Protocol

Janice & Robert,

Please find attached and below from Kevin in EH about fire safety and agreed protocols.

He has suggested a form of wording with regard to duties and responsibilities for both RBKC and the TMO. I don't have any objection but before agreeing I would really appreciate your thoughts.

Many thanks
Laura

Head of Housing
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From: Thompson, Kevin: HHASC-EnvHlth
Sent: 14 December 2010 14:18
To: Johnson, Laura: HHASC-Housing
Subject: FW: Fire Safety Protocol

Hi Laura,

The legal framework for fire safety in residential accommodation is complex and overlapping. The Housing Act 2004 gives duties and powers to RBKC as local housing authority and the Fire Safety (regulatory reform order) 2005 gives duties and powers to the Fire Authority. These can apply at the same time in the same premises. There is therefore scope for, at best duplication and at worst, conflict.

To resolve this, the Fire Safety Working Group produced a joint working protocol which describes how the two authorities should work together and liaise regarding fire safety enforcement in housing. It also identifies lead authorities for various categories of housing. It then lists obligations for each authority.

This document is of great potential benefit to both authorities and I am very keen for us to sign up to it. However, there are some problems with it in its current form. I think I have negotiated successfully on the private sector issues but there are a couple of points relating to TMO housing:

Fire safety enforcement in council-owned stock is the responsibility of the Fire and Rescue Authority under the Fire Safety (regulatory reform order) 2005. This requires the relevant person (in this case the TMO) to undertake fire risk assessments and take all reasonable steps to ensure fire safety in all their premises including the large purpose built blocks. The fire safety protocol contains obligations for RBKC which need amending to be fit for purpose. I suggest the following amended wording:

What will RBKC do?


- "Kensington and Chelsea TMO will undertake the monitoring and inspection of premises they manage to ensure adequate fire safety in compliance with their duty under The Regulatory Reform (Fire Safety) Order 2005." (*section 4, bullet point 2*)
- "RBKC cannot enforce in premises it owns but where deficiencies are identified it will seek to ensure that the Kensington and Chelsea TMO comply with their contractual obligations and legal responsibilities under the Regulatory Reform (Fire Safety) Order 2005 to ensure adequate fire safety. (*section 4, bullet point 5*)

The first bullet point merely reflects the requirements of the law applicable to the TMO so brings nothing new. However, the second point puts a clear onus on the Council. This is surely something we want to do anyway but could I have your comments please. The bulk of the protocol is good news for the private sector and I am keen to have us sign up to it but am conscious of this obligation in relation to the TMO stock.

I attach the draft protocol with its original wording. (Table 1 is being amended to make the Fire Authority lead authority for the common parts of purpose built flats)

Any queries please give me a call.

Kevin Thompson,
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Environmental Health and Trading Standards,
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