

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**11<sup>TH</sup> FEBRUARY 2008**

1. **PROTOCOL BETWEEN LOCAL HOUSING AUTHORITIES AND  
FIRE AND RESCUE AUTHORITIES TO IMPROVE FIRE SAFETY**

Report of the Chief Fire Officer.

**RECOMMENDED**

THAT The Authority note the adoption of the protocol drawn up by the Chief Fire Officers' Association, the Chartered Institute of Environmental Health, the National Landlords' Association, Local Authorities Co-ordinators of Regulatory Services (LACORS) and the National Houses in Multiple Occupation (HMO) Network and signed by the Under Secretaries of State with responsibilities for Fire Safety and Housing respectively.

2. **PURPOSE OF REPORT**

This report is submitted to inform the Authority of the partnership work being carried out by the West Midlands Fire Service with Local Housing Authorities to support efficiency in the implementation of regulations and to reduce the impact of inspections on business.

3. **BACKGROUND**

- 3.1 The introduction of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 (Fire Safety Order) has imposed a similar duty on two statutory authorities to enforce certain fire safety provisions within houses in multiple occupation.
- 3.2 Fire and Rescue Authorities have a legal duty to enforce the Fire Safety Order in the common areas of all residential accommodation not forming a single private dwelling.

- 3.3 Conversely, Local Housing Authorities are responsible for implementing the various licensing requirements of the Housing Act 2004 and utilising the Housing Health and Safety Rating System to identify and if necessary act upon, significant hazards found within all housing. This will, in other than exceptional cases, achieve a similar level of fire safety for relevant persons as required under the Fire Safety Order.
- 3.4 To promote the efficient use of resources, this protocol identifies discrete areas of inspection and enforcement, appropriate review and monitoring arrangements and provides for urgent or complex requests for assistance from either party. It seeks to provide all parties, as far as reasonably practicable, with a measure of confidence that they are discharging their respective duties under legislation.
- 3.5 By adopting this protocol it would be expected that the Local Housing Authority will normally take the lead in inspection and enforcement on the following types of property:
- Single dwellings, including shared housing.
  - All houses in multiple occupation (HMO) whether or not subject to mandatory, selective or additional licensing under the Housing Act 2004.
  - All self contained flats, whether purpose built or converted.

The Fire and Rescue Authority will take the lead in inspection and enforcement on the following types of property:

- Premises with mixed commercial and associated residential accommodation and sheltered housing.
- Hostels/ B&B/ Hotels.
- All houses in multiple occupation that is owned or managed by the Local Housing Authority.

3.6 Formal consultation between authorities should take place in accordance with the requirements of the Housing Act 2004 Section 10 and the Regulatory Reform (Fire Safety) Order 2005 Article 46. In particular, arrangements should be put in place to facilitate the following:

- Formal meetings at strategic management level to review procedural and policy issues and monitor the outcomes of the protocol at least every six months, and an annual report should be produced jointly by parties to the protocol.
- Consultation at tactical level between local Housing Officers and local Fire Safety Officers for emergency and non-emergency situations.
- Local communication channels should be established between each Fire and Rescue Authority and the respective Local Housing Authority.
- Local communication channels should be established to exchange data which should be updated every six months.

3.7 This agreement is voluntary and does not create a contractual relationship or add to in any way to the existing statutory duties of the parties. These collaborative working arrangements, which support the Government's broader agenda for partnership working, will enable both authorities to promote fire and certain other safety provisions within a broader range of premises than would have been possible if they had acted independently or undertaken joint inspections.

#### 4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is required and has been carried out. The initial Equality Impact Assessment did not raise issues which required a full Equality Impact Assessment to be completed.

#### 5. **LEGAL IMPLICATIONS**

The Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 has imposed similar duties on two different statutory authorities to enforce certain fire safety provisions within housing. Both authorities use a risk-based approach.

The protocol is not intended to create a contractual relationship.

Neither party will be acting for the other and cannot take each other's enforcement role. However communicating, sharing information, joint planning and nominating lead authority for various aspects of fire safety should help to make efficient use of resources and strengthen partnership working.

## 6. **FINANCIAL IMPLICATIONS**

The partnership work between the West Midlands Fire Service and Local Housing Authorities will be accommodated within the Authority's overall budget and will not result in any increased costs.

## **BACKGROUND PAPERS**

Regulatory Reform (Fire Safety) Order 2005

Housing Act 2004

Protocol between Local Housing Authorities and Fire and Rescue Authorities to improve fire safety

F.J.E. SHEEHAN  
CHIEF FIRE OFFICER