

FIRE SAFETY: CABINET PORTFOLIOS

1. The Council has a wide range of duties and powers in respect of fire safety which extends across a number of Cabinet portfolios as set out in the table below. This Briefing Note sets out which statutory functions fit in with which Cabinet portfolios. Cabinet Member responsibility does not necessarily give rise to decision making powers in respect of the entire function. Decision making responsibility remains as set out in Part 3 of the Constitution (ie it may sit with the Leader, Cabinet Member, Cabinet, the relevant Chief Officer or even a Committee/Sub-Committee if the decision relates to a non-executive function).
2. In addition and to supplement statutory powers and duties, the Council also has a Fire Safety policy which applies to all Royal Borough of Greenwich (RBG) managed properties (sheltered and general needs), including common (communal) areas.

Policy aims:

- to reduce the risk of fire to as low a level as reasonably practicable, for the safety of all residents;
 - to reduce the risk of fire spreading to neighbouring properties and to facilitate safe exit from the property, in the event of a fire;
 - to facilitate safe access for emergency services to the property, in the event of a fire;
 - to reduce the likelihood of intervention being taken against our managed properties, by London Fire and Emergency Planning Authority (LFEPA);
 - to describe our approach to Fire Risk assessment and management;
 - to carry out, review and take action regarding Fire Risk Assessments on a regular basis;
 - to facilitate the implementation of our Fire Safety programme;
 - to work with residents – tenants and leaseholders - to assist us to address areas of non-compliance;
 - to liaise with residents to find alternative storage solutions where Fire Safety clearance is necessary; to promote continuous learning to ensure our approach to Fire Safety continues to meet a high standard
3. In terms of non-Council accommodation, the Council has duties as the Regulatory and enforcement body however it should be noted that there are some areas where the Fire Service are the responsible authority e.g mitigating risk and the Health and Safety Executive e.g investigating / prosecuting.

Legislation	Key provisions	Cabinet Members
<p>Housing Act 2004: introduces the housing health and safety rating system (HHSRS)</p>	<p>The underlying principle of the HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. Fire is identified as one of the potential hazards. This requires an assessment of risk and requires local housing authorities to take action to deal with the fire risk as appropriate. In addition, the Council has the power to serve Improvement Notices, Prohibition Orders and or Hazard Awareness Notices against landlords for HHSRS breaches associated with fire risk.</p>	<ol style="list-style-type: none"> 1. Cabinet Member for Community Safety and Enforcement - regulatory functions as the enforcement authority responsible for serve of notices, orders and prosecutions if appropriate and HMO Licensing. 2. Cabinet Member for Housing Neighbourhoods and Homelessness – responsibility as landlord of the Council’s housing stock.
<p>The Regulatory Reform (Fire Safety) Order 2005</p>	<p>The RRFSO places a duty on ‘the responsible person’ to take precautions as far as is reasonably practicable to ‘ensure the safety of relevant persons. It introduced the duty of the Fire Authority as being the Enforcement Authority in regards fire safety in common parts. The RRFSO applies to the common parts of buildings containing flats and maisonettes and common parts of sheltered housing and includes other buildings or areas managed by the housing directorate, such as meeting rooms, caretaker accommodation etc. The RRFSO also applies to other RBG held stock such as Schools, offices, community centres, places of multiple occupancy such as youth centres commercial spaces as well as properties with a joint or mixed tenure.</p>	<ol style="list-style-type: none"> 1. Cabinet Member for Housing Neighbourhoods and Homelessness – responsibility as the landlord of the Council’s housing stock. 2. Cabinet Member for Regeneration - operating as the corporate Landlord for all non - housing takes responsibility for properties held within the asset system and third party service provisions.

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The Building Safety Act 2022	<p>The BSA is structured to manage and control various areas of building safety from initial design, construction, final approvals and handover onto forward maintenance and management.</p>	<p>1. Cabinet Member for Housing Neighbourhoods and Homelessness – responsibility as the landlord of the Council’s housing stock.</p> <p>2. Cabinet Member for Regeneration - operating as the corporate Landlord for all non - housing takes responsibility for properties held within the asset system and third party service provisions. Additional duties are placed with regards to Building Control and the management of staged approvals.</p>
Fire Safety Act 2021 Fire Safety (England) Regulations 2022	<p>1. Fire Safety Act clarifies that responsible persons (RPs) for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts.</p> <p>2. The Fire Safety (England) Regulations 2022 have been introduced to implement the recommendations of the Grenfell Tower Inquiry Phase I report. The Regulations are being introduced under Article 24 of the Fire Safety Order.</p>	<p>1. Cabinet Member for Housing Neighbourhoods and Homelessness – responsibility as the landlord of the Council’s housing stock.</p> <p>2. Cabinet Member for Regeneration - operating as the corporate Landlord for all non - housing takes responsibility for properties held within the asset system and third party service provisions.</p>
The Health and Safety at Work Act 1974 & any other health & safety legislation. Inclusive of the remaining Building Safety Compliance elements and supplementary Acts & Regulations applicable	<p>Section 3 - General duties of Employers and Self-Employed to persons other than their employees.</p> <p>Section 4 – General duties of persons concerned with premises to persons other than their employees.</p> <p>Section 8 - Duty not to interfere with or misuse things</p>	<p>1. Cabinet Member for Housing Neighbourhoods and Homelessness – responsibility as the landlord of the Council’s housing stock.</p> <p>2. Cabinet Member for Community Safety and Enforcement – responsibility for enforcement and prosecutions if appropriate, subject to duties of the Health and Safety Executive.</p>

Legislation	Key provisions	Cabinet Members
	provided pursuant to certain provisions	3. Cabinet Member for Regeneration - operating as the corporate Landlord for all non - housing takes responsibility for properties held within the asset system and third party service provisions.
Building Regulations 2010: Part B: Fire Safety	Where carrying out improvement works, properties will be assessed and upgraded where necessary, with fire-resistant doors in communal areas, appropriate signage, emergency lighting, and smoke detection systems. NB. Other Building Regulations may also apply which could impact on fire safety arrangements.	<p>1. Cabinet Member for Community Safety and Enforcement - responsibility for enforcement and prosecutions if appropriate.</p> <p>2. Cabinet Member for Housing Neighbourhoods and Homelessness – responsibility as the landlord of the Council’s housing stock.</p> <p>3. Cabinet Member for Regeneration - operating as the corporate Landlord for all non - housing takes responsibility for properties held within the asset system and third party service provisions. There may also be a role for this portfolio in the context of regeneration.</p>
Gas Safety (Installation and Use) Regulations 1998	This requires landlords to ensure that gas appliances, fittings and flues are safe, and are serviced and checked annually by a registered engineer.	<p>1. Cabinet Member for Housing Neighbourhoods and Homelessness, responsible as landlord of the Council’s housing stock.</p> <p>2. Cabinet Member for Regeneration - operating as the corporate Landlord for all non - housing takes responsibility for properties held within the asset system and third party service provisions.</p>
Furniture and Furnishings (Fire Safety) Regulations 1988	Sets out the level of fire resistance for domestic upholstered furniture. (Example: will apply to communal lounges in sheltered schemes).	1. Cabinet Member for Housing Neighbourhoods and Homelessness, responsible as landlord of the Council’s housing stock.

Legislation	Key provisions	Cabinet Members
<p>Construction Design and Management Regulations 2015</p>	<p>Management and control of ALL risk elements, before, during and after construction/ refurbishment work.</p>	<p>1. Cabinet Member for Housing Neighbourhoods and Homelessness – responsibility as the landlord of the Council’s housing stock. This includes new build properties after the construction stage.</p> <p>2. Cabinet Member for Regeneration - operating as the corporate Landlord for all non - housing takes responsibility for properties held within the asset system and third party service provisions and in respect of new build properties up to the completion of the construction stage.</p>