

FSPS 07

Ymchwiliad i ddiogelwch tân mewn tyrau
o fflatiau yng Nghymru (sector preifat)
Inquiry into fire safety in high rise blocks
in Wales (private sector)

Ymateb gan: Ffederasiwn Cymdeithasau Preswylwyr Preifat
Response from: Federation of Private Residents Association

1) How has the private sector responded to concerns about fire safety in high rise residential blocks? UK ONLY

Those in the private sector consist of very different groups

A – The small blocks of 2–10 often conversions

B– Small purpose built blocks up to 20

C– Larger up to 50 flats

D– Largest up to 100

E– Estates and very large blocks of several 100

These are managed differently and so are receiving different treatment

A – The small blocks of 2–10 often conversions

A(i) Self Managed

Where these are self managed then it is up to the lessees what precautions they install unless the block has been designated an HMO – House in multiple occupation – In this case an environmental health officer would have assessed it according to HHSRS – Housing Health and Safety Rating Standards and required a zoned fire alarm within the flats not just the communal areas.

If it is not designated an HMO then the lessees are bound by 2005 Regulatory Reform Fire Order and any successor which makes them responsible for installing fire precautions. They would not necessarily either

know about it or abide by it. However when a flat is sold then the vendor would be asked about the fire precautions as part of the enquiries before contract. In this circumstance a Risk Assessment from a professional would be needed and the necessity to conform to its suggestions explained.

A(ii) Agent Managed

The agent may be appointed by either a self managed block or by the freeholder. They vary in quality

as there is no obligation to appoint any body qualified. Nor is there any guarantee that a qualified agent is competent. The greatest problem in the very small blocks is that the Agent may be seen as or does in fact go 'over the top' for example a block of two having a common hallway of one square meter

being obliged to spend more than £1500.00 on a fire alarm system for the common ways.

In this case the lessees obtained RTM and installed a simpler system.

In other cases the agent has a risk assessment but the lessees either cannot or do not wish to pay for

the suggested precautions which can be particularly expensive in conversions.

In a purpose built block there is as far as I am aware no legal obligation to retro fit a communal fire alarm system.

As I advise leaseholders at a weekly drop in I hold in Brighton I am attaching some correspondence I had earlier this year with the leaseholders in a purpose built block of flats which demonstrates that

official advice can be at variance with the managing agents advice. The lessees in this case were correct.

B- Small purpose built blocks up to 20

These are unlikely to be conversions unless they are from rest homes or listed buildings once used for a different purpose. If purpose built there is no legal requirement to retro fit a system. A risk assessment which a managing agent will do as a rule or in response to enquiries before contract will generally bring up issues which the agent is professionally obliged to deal with – for example fire hazards in corridors.

C- Larger up to 50 flats

Modern purpose built blocks will already conform to the building regulations and the agents will be required to keep the system tested and in repair.

If the block is older a Risk assessment will show up what needs to be done. If the agent or lessees do not conform there is a danger of either party being to blame for corporate manslaughter in the event of a recommendation being ignored.

D- Largest up to 100

As above – there may be fewer issues with finance for recommended precautions as the costs are shared among more lessees

E- Estates and very large blocks of several 100

The issue of balconies can arise more often here and as with all blocks now there is a debate over the stay put policy. Fire Officers are available to give guidance and in Sussex are calling on each flat in larger blocks to explain recommended procedures to every occupant.

(2) – What is the extent of remedial work that needs to be done to meet fire safety standards in Wales, and what arrangements are in place to cover the costs? UK ONLY

At present I would describe things as being in a state of fear and flux.

In the private sector the main driver is the risk assessment to encourage greater attention to precautions. Against this is the lease which generally designates the lessees door for example as their own. For large scale remedial work two recent cases have put this down to the lessees – no grants are available. In the public sector for lessees in financial difficulty there will be grants for the bills for example for cladding removal or fire watches.

(3) – How are leaseholders / residents in Wales being informed about recent developments and reassured about fire safety measures in their block? More broadly, to what extent are residents' views about fire safety being listened to and addressed. UK ONLY

In the private sector The reply to this query depends on

- who is managing the block– agent or leaseholders

- who owns the block – lessees or an outside freeholder
- and the skills and opinions of the above.

Lessees can panic unnecessarily as it may not be clear to them what a high rise block is.

Lessees can also be very concerned about a risk and find no body prepared to listen.

In fact there is nobody able to act or listen when one leaseholder is thought to represent a danger to the block in terms of setting off the fire alarm or hoarding papers in a flat. If Environmental Health had any power to address these concerns it would be a relief to occupants

In the Social Sector – accusations of poor workmanship re fire alarm installation are still brushed off

by some Councils. Councils are awaiting guidance on Fire Door quality. Sprinklers are being retro fitted

at the cost of leaseholders in Council blocks in Brighton.

(4) – What, if any, additional practical or financial support is needed from the Welsh or UK Governments to help ensure high rise blocks are safe.

It would be excellent if Govt could allocate some funds so that there can be a cap on the service charges

demand of leaseholders. The rationale for this is that as building regs were a legal requirement and in cases of cladding were installed according to requirements, it is not the leaseholders 'fault' if the regulation and testing

are now found to be wrong. If the equivalent of Florries Law were to apply in public and private sectors this would be a relief to all concerned.

This series of emails comes from a query at the Leasehold Drop in run by FPRA representative Shula Rich. Guidance and requirements from Managing Agents is not always correct in spite of their qualifications. E mails in reverse order. Read from the bottom upwards.

Reply from Shula Rich 29/5/2018 to a query from an agent questioning her information given at her drop in to one of their clients.

Hi Rula

Thanks for your email.

The email I sent our member is a quote from the LACORS guidance.

I hope this helps

All best wishes

Shula

On 29 May 2018, at 14:11, Rula Kronda wrote:

Dear Shula,

I have been forwarded the advice given by you to the freeholders in a property I manage.

I wanted to check again what your advice is regarding works required following a fire risk assessment; it really does seem to contradict the way we have been working.

I am under the impression that although a building may comply to building regulations at the time of being built, fire regulations may change and these supersede building regs?

I look forward to your further comments.

**Kind regards Rula Kronda BA (Hons) AIRPM
Property Manager Austin Rees**

To:

Subject: Re: Kipling Court

Reply-To: Shula Rich

Hi Nick

Thank you I have re read this attachment and now agree that it supports your stance – see quote below from the guidance you sent me

23.3 It is wholly inappropriate to impose the current guidance for new blocks of flats retrospectively to existing buildings. Nevertheless, current guidance can be considered when setting benchmarks against which to assess the adequacy of fire protection within existing blocks of flats.

23.4 However, it should be recognised that benchmarks are intended simply to make comparisons. Judgement is needed by fire risk assessors and others when reviewing fire safety in a particular block.

23.5 It will often need to be accepted that it is neither realistic to meet current benchmark standards, nor risk proportionate to impose many of the solutions available today to the situations found in the designs of existing buildings.

23.6 There have been many variations in the design of blocks of flats over the years. As a result, older blocks will not comply with current benchmark standards. Fire safety professionals may not be familiar with older designs that are not consistent with the standards of today.

I think you have to make intelligent decisions based on the risk assessors assessment of 'risk' The guidance says that not all of them know (23.6)

Kingsway Court my own block has upgraded its common parts doors but not the flats

Hope this info is useful

All the best
Shula

[From n.dunge](#)

To: Shula Rich

Sent: Friday, 27 April 2018, 9:57

Subject: Re: Kipling Court fire precautions

Dear Shula

Thank you for your time yesterday at your drop in

Attached for your information is the "fire safety for purpose-built blocks of flats" which was produced by the Local Government Association in May 2012.

Regards
Nick

https://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf