

EXECUTIVE

23 November 2022

Maidstone Borough Council Fire & Building Safety Policy

Timetable	
Meeting	Date
CHE PAC Committee	15 November 2022
Executive	23 November 2022

Will this be a Key Decision?	Yes
Urgency	Not Applicable
Final Decision-Maker	EXECUTIVE
Lead Head of Service	William Cornall Director of Regeneration & Place
Lead Officer and Report Author	John Littlemore Head of Housing & Community Services
Classification	Public
Wards affected	All

Executive Summary

The CHE Policy & Advisory Committee is asked to consider and make recommendation to the Executive on the adoption of a new policy that will inform how the Housing Service delivers the Council's obligations in relation to 'Fire and Building Safety'.

Purpose of Report

Decision

This report makes the following recommendations to the Executive:

1. That the Executive adopts the Fire & Building Safety Policy attached as Appendix 1 to this report.

Maidstone Borough Council Fire & Building Safety Policy

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place • Accepting the recommendations will materially improve the Council's ability to achieve the corporate priorities. 	Head of Housing & Regulatory Services
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the achievement of the cross-cutting objectives.</p>	Head of Housing & Regulatory Services
Risk Management	This is covered in the body of the report.	Head of Housing & Regulatory Services
Financial	<ul style="list-style-type: none"> • The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. 	Section 151 Officer & Finance Team
Staffing	<ul style="list-style-type: none"> • We will deliver the recommendations with our current staffing. 	Head of Housing & Regulatory Services
Legal	<ul style="list-style-type: none"> • Failure to accept the recommendations without agreeing suitable alternatives 	Interim Team Leader

	<p>may place the Council in breach of the Building Safety Act 2022, the Fire Safety Regulations 2022 and associated fire safety legislation.</p> <ul style="list-style-type: none"> • 	(Contentious and Corporate Governance)
Information Governance	<ul style="list-style-type: none"> • The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes. 	Information Governance Team – either Anna, Georgia or Lauren to review and approve.
Equalities	<ul style="list-style-type: none"> • The recommendations do not propose a change in service therefore will not require an equalities impact assessment 	Equalities & Communities Officer
Public Health	<ul style="list-style-type: none"> • We recognise that the recommendations will have a positive impact on population health or that of individuals. 	Head of Housing & Regulatory Services
Crime and Disorder	Accepting the recommendations will have no negative impact in assisting the Council in reducing crime and disorder.	Head of Housing & Regulatory Services
Procurement	None identified	Head of Housing & Regulatory Services
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and are and there are no direct implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

2.1 Following the Grenfell Fire Tragedy in 2017, the government set up a Public Inquiry into a range of matters relating to fire and building safety. As a result of the recommendations to date and on the government's own initiative, a range of regulatory and statutory changes have been introduced or in the process of being enacted.

- 2.2 This report sets out how these changes affect the delivery of the Council's Housing Service and the response required. This report does not cover other areas of the Council's services, such as Building Control and Planning, which will be dealt with separately.
- 2.3 As this is a specialist area of legislation, the Council has taken advice from Pinsent Masons law firm on the implications for the Council. For the purpose of this report their advice covered Housing Legislation: including the Housing Health and Safety Rating System, the regulation of HMOs, interaction with the Fire and Rescue Service and the application of legislation to low, medium, and high-rise apartment blocks.
- 2.4 The report covers a number of areas but of particular note is that Members are asked to consider the proposal set out at Paragraph 3.7, which addresses how the Council will respond to serious dereliction of duty by property owners or managing agents. The suggested approach is in line with discussions had with the Department of Levelling Up, Homes and Communities specialist adviser team.
-

3. AVAILABLE OPTIONS

- 3.1 Option 1. Recommend the Fire & Building Safety Policy is adopted by the Executive.
- 3.2 Option 2. Do not recommend the Fire & Building Safety Policy is adopted by the Executive. This option is not recommended as it is important for the Council to have an adopted policy to guide officers and residents on the approach the Council will take in relation to Fire & Building Safety by the Housing Service.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1 is the preferred recommendation, as this will enable the Council to have a Fire & Building Safety Policy for the Housing Service that is compliant with current regulations.
-

5. RISK

- 5.1 If the Council does not have an adopted Fire & Building Safety Policy, it may leave itself open to criticism and risk of a failure to comply with current legislation. Having a clear policy to guide officers and residents reduces the risk of failure in this important aspect of the Council's statutory Housing duties.
-

6. PREVIOUS CONSULTATION AND COMMITTEE FEEDBACK

- 6.1 The Communities Housing and Environment Committee are considering a report on this matter at their meeting on 15 November 2022. Their recommendation and comments will be reported to the Executive.

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Maidstone Borough Council Fire & Building Safety Policy
-

8. BACKGROUND PAPERS

None