

## **Fire safety in blocks of flats and sheltered housing sites**

An explanation of the recent action taken by the housing service in asking tenants to clear communal corridors in council owned blocks of flats and sheltered housing schemes of any personal property.

### **1. Introduction**

I write in response to several complaints which have been made to members in response to action taken by this office requiring tenants to clear communal corridors of property which has been identified as a potential fire risk or barrier to safe evacuation.

This briefing note follows an email to members from Lynne Mansell on 24 February 2017, and offers further information. In it, I hope to be able to set out the reasons why this action is being taken and to provide you with information relating to the legislative and risk management aspect to this decision, and why we must act with urgency.

### **2. The need for urgent action**

The housing service commissioned fire risk assessments at all of our sites where flats are accessed via communal corridors and stair wells. These assessments were carried out by a specialist fire risk consultancy, and have clearly identified that the storage in common areas of property, is a fire risk and hazard to safe evacuation.

This advice has clearly placed us on notice, that we have a duty to comply with The Regulatory Reform (Fire Safety) Order 2005 which covers general fire precautions and fire safety duties and which cover prevention actions to protect people in case of a fire, both in, and around their premises. The order requires that, where necessary, fire precautions should be put in place to the extent that is reasonable and practicable.

The fire risk assessment reports we have, identify many issues that require addressing under our duty as a landlord under this Order. The duty to ensure that fire escapes in the form of communal corridors are clear of all property, and in response to the Regulatory Reform (Fire Safety) Order 2005, our actions to clear these areas, is both reasonable and practicable.

We have also taken advice from the Local Government Association's 'Fire Safety in Purpose-Built Blocks of Flats' guidance, which again, supports our actions.

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I would completely accept that over a number of years poor housekeeping by this service of these communal areas, has led to a lack of action relating to the storage of items in corridors, with a level of tolerance having been allowed, probably in ignorance of the law and as part of a willingness to be helpful to tenants in terms of convenience in the storage of bulk items of property such as bikes and push chairs outside their flat. However, we must also recognise that much of the items identified, were not of this type. They also included: cookers, cupboards, boxes, as well as items which are combustible, adding further risk to the situation. Our advice, received from the fire risk management consultants as well as our principal H&S officer and the fire service is that we cannot choose which items are a risk and must go, and which items we could tolerate. We must enforce a clear corridor policy and as a result an effective fire exit policy, to ensure unfettered access and egress in the event of a fire in all of our blocks of flats and schemes.

Some examples of the items we have identified are shown below.



Sheltered housing schemes follow a 'stay put' policy for tenants, whereby, in the event of a fire, tenants are not expected to leave the building (as they would be in flats), but to remain in their flat to be evacuated by the fire brigade. This is because tenants in these locations may have mobility problems, which would make evacuation without support from a fire officer, more dangerous. In the cases of these sites, we must also take into consideration the risk to emergency services fire officers to whom we also have a duty of care, namely that of enabling them to gain easy access into and around a building which they will not have a good knowledge of, and for them to then manage an unfettered evacuation.

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Linked to the above a specific area of concern identified, has been the storage of mobility scooters within sheltered sites (and in some cases on general needs blocks of flats too). The increase in use of mobility scooters has been significant over the past few years, as has the size of these scooters which has increased, making storage even more difficult.

We recognise our duties under the Equalities Act 2010 to help our tenants have a good quality of life, with access to full mobility, which includes the right to own a mobility scooter.

The leasing or buying of a mobility scooter can greatly assist in improving mobility. However, even though tenants enter into lease or purchase agreements personally with the scooter provider, we as a Council still have a duty to ensure that these vehicles are being stored, charged and to some degree used, safely and legally conforming to relevant regulations. Of particular concern to us is the safe storage and charging of these vehicles.

We have plans in place to build proper scooter storage with charging points in our sheltered schemes, but this will be a costly investment and cannot be completed immediately, forming part of a programme running over a number of years before completion. We have no plans to build scooter stores in our general needs flats. The above issue; however, provides no reason or justification for us to ignore fire safety advice and it still remains both reasonable and practicable for us to take action to ensure that scooters are not stored in communal corridors.

We have seen the results of an experiment carried out on the heat and smoke produced from a burning mobility scooter carried out by the building research establishment (BRE) trust in 2015. This report resulted in the following findings:

- Following ignition of a scooter in a confined location (a mock up of a corridor), the fire grew consistently for some 3 minutes, after which time it had developed a ceiling temperature of 300°C. After a further 2 minutes the fire had spread to a second scooter parked next to it, which quickly became fully ignited.
- The fire then rapidly increased in intensity, with temperatures in the top of the rig (i.e. beneath the ceiling of the mock up corridor) reaching just over 1000°C.
- The test was terminated after approximately 7½ minutes using a water jet since the experimental rig was considered to be at risk of collapse.

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**Simulated corridor within a communal area.  
after ignition.**



**Approximately 7½ minutes  
after ignition.**



**The scooter after the 7 ½ minute fire**

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We are aware that the government also take this issue seriously and understand that a white paper setting our planned legislation on the storage and charging of electric mobility scooters is due to be published soon.

### **3. Our actions to protect tenants**

We have written to all tenants living in blocks where shared corridors will form a fire exit and have explained why we are asking them to clear these areas. We have also given a reasonable time period to move their property in these locations of 28 days. We have also invited tenants to call us to discuss this matter, particularly if they will have difficulty complying and may need help arranging clearance of items they are unable to move themselves. Whilst we have received a large number of enquiries relating to the rationale and “does this apply to ...?” type of questions, we have received no formal complaints. I am however aware that several members have.

A second letter will be sent 14 days into the notice period, reminding tenants who have not acted to remove their property that they have 14 days to do so. At the end of this period a third letter will be sent confirming that we will arrange the clearance ourselves if items are not moved and that our costs may be recharged.

Copies of these letters 1 & 2 are attached.

From the above, I hope you will agree that we have taken reasonable steps to ensure fire safety on our flats and that this action is responsible. We have also given reasonable notice to tenants to act or to contact us to discuss any problem they may have in doing so. Whilst I understand that this decision and action by the housing service may not be a popular one with some of our tenants, it is necessary and may prevent injury or worse to our tenants and leaseholders in the future.

### **4. Further advice**

If you have any questions about this action, please contact either myself, Lynne Mansell or Michelle Elliott on the links below, all of whom would be very happy to answer your questions.

This briefing note was authored by:  
Tim Power, Head of Housing Management

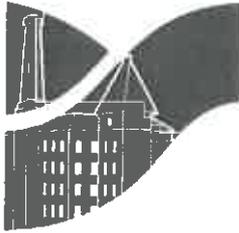
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# STROUD DISTRICT COUNCIL

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OUR REF: JA/JT/INSL

24 January 2017

Dear «Sal\_Dear»

## **Re: Torts (interference with Goods) Act 1977 – Removal of Your Items Stored Within the Communal Area.**

A recent fire risk assessment has been undertaken at your block of flats, including the taking of photographic evidence; the findings from this assessment now requires you to remove the items being stored in this area (outside your front door):

«List\_of\_Items»

Stroud District Council has a legal duty to ensure the communal areas of your property and emergency exits are clear at all times of obstructions in the event of a fire, under *The Regulatory Reform (fire safety) Order 2005*.

This is also a condition of your tenancy agreement which states.

### **4.3 Communal areas**

*4.3.3 If you have shared hallways you must not store or park any items in hallways, on stairs or in meter cupboard spaces. Items that are considered to be an immediate hazard may be removed without warning.*

You now have 28 days to remove these items, if you do not remove these items after 28 days, you may be recharged for the removal of the items.

Please note these items can be removed via the District Council's bulky collection of £15.00 for up to 3 items; this service can be contacted on telephone number 01453 754424 or most local charities may collect free of charge for items in good condition but are unwanted.

You are also reminded that items that cannot be collected by Bulky Items must be disposed of yourself by taking them to the nearest household waste recycling centres which are situated at:-

- Pyke Quarry, Nr Horsley, Stroud. GL6 0QA
- Hempsted Lane, Gloucester. GL2 6HS

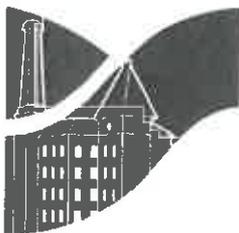
If you have any queries of the above please contact me on 01453 754160, 01453 754187 or 01453 754538.

Yours sincerely

*Jessica Atkins*

Jessica Atkins  
**Tenancy Management Officer**

Enc.



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27 February 2017

Dear «Sal\_Dear»

## **Re: Torts (interference with Goods) Act 1977 – Removal of Your Items Stored Within the Communal Area.**

I wrote to you previously on reading a recent fire risk assessment requesting you remove the following items below:

«List\_of\_Items»

Stroud District Council has a legal duty to ensure the communal areas of your building and emergency exits are clear at all times of obstructions in the event of a fire, under *The Regulatory Reform (fire safety) Order 2005*.

This is also a condition of your tenancy agreement which states.

### **4.3 Communal areas**

*4.3.3 If you have shared hallways you must not store or park any items in hallways, on stairs or in meter cupboard spaces. Items that are considered to be an immediate hazard may be removed without warning.*

These items still remain a fire risk: you now have 14 days to remove these items. If you fail to remove these items from the communal area, Stroud District Council will remove and dispose of these goods. If any of these items are sellable, any monies raised will off set against any costs Stroud District Council has incurred. Please note that you may be recharged for the removal of items.

Yours sincerely

*Catrin Houston*

Catrin Houston  
**Tenancy Management Officer**

