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BUILDING AND TECHNICAL SERVICES
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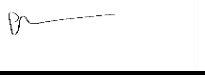
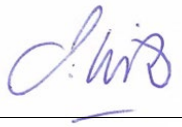
Housing Asset Management Services

Fire Safety Policy & Building Safety Policy

In accordance with the Regulatory Reform (Fire Safety) Order 2005
The Building Safety Act 2022
The Building Safety Regulations 2023

VERSION 8.0

Version 8.0

DOCUMENT CONTROL			
FIRE SAFETY POLICY			
Author:	Abdul Kahir/Jeannette Rose		
Effective from:	01/10/2010		
Owned by:	Housing Asset Management Team		
Issue No:	**5.0**	**Date:**	01/08/2021
Authorised by or on behalf of Duty Holder Signature:		**Colin Moone**	**Service Director**
Issue No:	**6.0**	**Date:**	26/07/23
Authorised by or on behalf of Duty Holder Signature:		**Colin Moone**	**Service Director**
Issue No :	**7.0**	**Date:**	**03 July 2024**
Authorised by or on behalf of Duty Holder Signature:		**Mark Fowler**	**Deputy Chief Executive/Corporate Director Population Wellbeing**
Issue No :	**8.0**	**Date:**	**18 September 2025**
Authorised by or on behalf of Duty Holder Signature:		**Roger Kirk**	**Service Director – Property and Construction**

Revision	Date	Description of changes	Update or consultation carried out ? Who	Reviewed by
1.0	May-10	Draft	Initial draft for review	KA(ABDUL KAHIR)/AK (ALAN KEERS)
1.1	Sept-10	Updated	Reviewed draft and revisions incorporated	KA(ABDUL KAHIR)
1.2	Oct-10	Updated	Finalised document	KA
1.3	Oct-10	Updated	Review comments Firesafe Solution John Greenbank	KA
2.1	Mar-13	Review	Review by Steve Osborne of BLFRS	KA
2.2	Oct-13	Updated	Review by John Beesly of Chubb	KA
3.0	Feb 15	Review Updated	Review by John Gallo with track changes	JG(JOHN GALLO)
4.0	Nov 19	Review	Review By JR	JR (JEANNETTE ROSE)
5.0	July 21	Review	Reviewed by KA	HA/JR
6.0	Feb 23	Review	Reviewed by JR	HA (HENRY ANTHONY)/KA
7.0	June 2024	Review update	Reviewed By JR	HA/AK
7.0	August 2025	Review update	Reviewed By JR	JR/HA/AK

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Key to Terms

The following terms and abbreviations are used within this document, and are explained below:

LC	Luton Council (Landlord)
BTS	Building and Technical Services (Managing Agent)
FRA	Fire Risk Assessments
FFE	Fire Fighting Equipment
BLFRS	Bedfordshire and Luton Fire and rescue service
Landlord	A lessor of real property; the owner or possessor of an estate in land or a rental property, who, in an exchange for rent, leases it to another individual known as the tenant (Luton council)
Sheltered scheme	Accommodation consisting of private independent units with some shared facilities and a warden. (Visiting warden)
AOV	Automatic opening vents
BSA	Building Safety Act 2022 (The Act)
BSR	Building Safety Regulations 2023
HRB	Higher risk building – a building in England that is at least 18 meters in height or has at least 7 storeys and contains at least 2 residential units.

Policy and statement

1. Introduction

The purpose of this policy is to provide guidance for BTS relevant staff and where appropriate to residents following the introduction of the Regulatory Reform (Fire Safety) Order 2005 (RRO) and the Building Safety Act 2022.

The introduction of the RRO brought the common parts of blocks of flats within the mainstream of fire safety legislation for the first time and is enforced by the fire and Rescue service.

Amendments to the RRO have been added by the Fire Safety Act 2021 and following a public enquiry into the management of fire and structural safety in high-rise buildings, has led to the enactment of the Building Safety Act 2022 and its associated Building Safety Regulations.

The legislations apply to the structural integrity and fire spread of the communal areas of the housing stock which is the majority of occupied premises other than domestic premises occupied as a single dwelling. Therefore, the legislation applies to common areas of blocks of flats such as staircases in high-rise blocks to street properties with common parts.

The central feature of the RRO is that fire safety responsibility is now the duty of the owners and occupiers and those who are responsible for the overall management of the block. This includes repairs and maintenance of the buildings and the RRO identifies the responsible person/s as the individual/s, who must take responsibility for fire safety, which can be a freeholder, social landlord or a management company. In this instance Luton Borough Council is the owner and landlord of the housing stock (except otherwise stated), so is the main duty holder under legislation and BTS is the managing agent responsible for the day-to-day management of the housing stock, including repairs and maintenance, so are also a duty holder.

The responsible person must ensure that there is a fire risk assessment of the housing stock and that the recommendations are appropriately acted upon.

The Building Safety Act 2022 (referred to as 'the Act') and its related secondary legislation. The Act received Royal Assent and became law on 28 April 2022 with secondary legislation coming into force over a two-year transitional period. The Act focuses on the following key areas.

- The safety and standards of all buildings
- Assuring the safety of higher-risk buildings, both in construction and occupation
- Improving the competence of people for overseeing, managing and delivering works to High Rise buildings.

2. Aim

2.0 This policy does not relate to any corporate buildings managed by Luton Council (LC) Fixed Assets.

2.1 This policy applies to all General needs blocks of flats managed by the Housing Asset Management services only.

2.2 The policy applies to Introductory, Secure and Non-Secure Tenants.

2.3 This policy also applies to tenants living in Sheltered Schemes.

2.4 Building Technical Services (BTS) undertake all maintenance & repairs to Luton Council (LC) properties as identified above in accordance with the Asset Management Strategy

3.0 Policy Statement

3.1 LC aims to provide a safe environment in which our residents are assured that the risk of injury or damages to their homes caused by fires is minimised.

3.2 In aiming to deliver this environment, LC, as a general principle, will seek to identify, assess and reduce risks to ensure compliance with Health & Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 , the Fire Safety Act 2021, Fire Safety Regulation 2022 and the Building Safety Regulations 2023 as well as other fire safety legislation as deemed appropriate**.**

3.3 LC will foster and maintain good working relationships with partner services to ensure the ongoing safety of our residents, visitors, contractors, and any other persons who have legitimate reason to visit, said premises (see above) *includes/but not limited to Bedfordshire and Luton Fire & Rescue Service at all times.*

3.4 In discharging our obligations to fire safety, LC will:

- Undertake Fire Risk Audits (FRA) with Bedfordshire and Luton Fire & Rescue Service (BLFRS);
- Provide relevant employees with Fire Safety training at induction, and refresher training throughout their operational career.
- Maintain and improve fire safety as required through the recommendations of the FRA's and regular Fire Audits;
- Carry out joint training exercises with Bedfordshire and Luton Fire & Rescue Service (BLFRS);and other agencies as necessary to ensure readiness for emergencies;
- Carry out all necessary servicing to ensure that fire prevention and key fire-fighting equipment are compliant with current legislation and fully operational at all times.

4.0 Fire Risk Assessments

4.1 Under the fire legislation, Regulatory Reform (Fire Safety) 2005, as the responsible person (landlord) we (LC) must carry out a Fire Risk Assessment (FRA) and take reasonable steps to remove or reduce any risks that have been identified.

4.2 LC will ensure that communal areas of residential blocks owned by Luton Council's Housing Department have a FRA carried out.

4.3 Where practical Fire Risk Assessments (FRA) will be located within the premises as hard-copy within the Building in the PIB boxes (where applicable) at the entrance of the building.

On some sites this may not be practical, in this event the FRA will be located in the Landlord's office (based either at the Town Hall or at Kingsway Depot).

They will be located centrally within the authority's servers, and therefore have a read Only access by all Housing staff. This will be stored in **{housing (\\corporate) H: property maintenance: Fire risk, FRA}.** On request by a relevant stakeholder the relevant FRA will be provided.

5.0 Management and review of Fire Risk Assessments (FRA)

5.1 The FRA is reviewed regularly. If the findings of the assessment are considered to be no longer valid or there has been a significant change to the premises which has affected the fire risk or the fire safety measures. Situations which might prompt a review include:

- A change in the number of people present or the characteristics of the occupants including the presence of people with some form of disability.
- Introduction of new equipment, structural alterations to the building, including the internal layout, significant changes,
- Alterations to building such as replacement entrance doors or internal decoration to communal areas
- The introduction or increase in the storage of hazardous substances; or becoming aware of shortcomings in fire safety measures or potential improvements.
- If a fire occurs
- Updates in legislation

5.2 L B C will regularly review Fire Risk Assessments (FRA)'s as follows:

Blocks are assigned to a risk rating category, which is based on **RED** being high risk blocks with multiple occupancy, **AMBE** which are medium risk as they are occupied by vulnerable people and **GREEN** as blocks of low general risk - The timescales for

review of the FRA for each of the categories are:

High Rise blocks – Every year or following any significant changes
Sheltered blocks – Every year or following any significant changes
General needs blocks – Every three years or following any significant changes
(See Appendix 1.0, 1.1 & 1.2.).

6.0 Fire Risks

6.1 The Regulatory Reform (Fire Safety) Order 2005 places a duty on LC as Landlord to take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people (including visitors and contractors) on the premises and in the immediate vicinity.

Therefore, the main fire risks identified in communal areas are;

- Arson
- Faulty electrical installations
- Accumulation of flammable rubbish
- Smoking

- Failures in construction (faulty or damaged fire doors, lack of emergency lighting and smoke ventilation etc.)
- When any maintenance work has been carried out that affects the integrity of fire safety provisions in the building/s or area/s relating to it.
- Point to note is resident's mobility Scooters, their storage and charging up in communal areas. (This has now been mitigated by the implementation of external scooter stores)

6.2 LBC will manage its obligations under the Regulatory Reform (Fire Safety) Order 2005 (**RRFSO 2005)** as detailed in this policy.

7.0 Fire Precautions

7.1 Fire precautions are designed to protect people, property and assets against the loss of life, injury and damage caused by fire.

7.2 LC will undertake and maintain the following fire precautions:

7.3 Fire Prevention Measures ***(expanded in item 6)***

- Good housekeeping e.g. removal of rubbish in communal areas, fire stopping etc. will be monitored weekly where possible and recorded in the site/building Fire Log Book. Good housekeeping is known as passive fire protection measures.
- Adequate security measures , (e.g. Maintenance of secure entries , CCTV camera where it exists –see BS EN 60839-11-2:2015, BS EN 62676:2016)
- Inspection, testing and maintenance of electrical installations (see 6.3 below), and key firefighting equipment.
- Notify residents/fire service of the Gas shut off valve.
- Prohibition of smoking (see 6.5 below).
- Control of contractor's operations on LC premises (i.e. ensuring Method statements, risk assessments, permits to works submitted and post inspecting including obtaining written confirmation of appropriate measures to maintain the integrity of fire safety provisions for works undertaken to any works being undertaken or completed. The employee managing the work has responsibility for this.)

7.4 **Fire Protection Measures to current standards /legislation and best practice**

- Install smoke detection systems – where necessary
- Install and maintain fire alarms – where necessary ***(7.10)*** a copy is kept on the premises in a locked box inside the entrance of the building and the original at BTs on the H drive with read only access for employees.
- Install and service Fire Fighting Equipment, (FFE) e.g. fire extinguishers, dry risers – where necessary ***(7.1.5)*** a copy is kept on the premises in a Secure Information box inside the entrance of the building with hard copies at BTS on the H drive with read only access for employees.
- Maintain compartmentalization and fire doors ***(7.1.4)*** Photographs and maintenance records are kept on the corporate drive at BTS offices)
- Maintain and communicate the site/buildings evacuation plan to residents and the Luton fire service ***(7.1.1 &.2)*** a copy is kept on the premises in a locked box inside the entrance of the building and the original at BTs on the H drive with read only access for employees.
- Maintain the integrity and use of Fire exits at all times. ***(7.1.3)***
- Install and maintain emergency lighting ***(7.1.9)***

- Install and maintain smoke ventilation where possible ***(7.1.11)*** a copy is kept on the premises in a locked box inside the entrance of the building and the original at BTs on the H drive with read only access for employees.

7.5 **Pre-Planning**

- Carry out desktop fire drills (periodically) – where blocks have a central alarm system *(as a min. annually in some cases more frequently)*
- Train, educate and inform (residents, staff, contractors and the fire service) and keep necessary records in the site/building Fire Log book as needs arise.
- Formulate, maintain and review Fire Safety Policies and Procedures regularly
- Carry out Fire Risk Assessments and Fire Audits as necessary
- Co-operation and co-ordination with other premises users (known as shared sites)
- Place and maintain clear safety signage

8.0 Fire Prevention (see also item 5.2.1)

8.1 **Housekeeping** – in order to prevent possible sources of fire and to minimise the risk to our residents the following principles will be applied: (All tenants would have been notified in their tenant's agreement and additional signage is installed in the common areas of every building)

- No dumping of rubbish is permitted in chute areas
- Rubbish should not be left outside of flat doors and should be disposed of in the designated bin chute or taken to the bin outside
- No rubbish should be left in communal areas especially flammable material
- Keep clear all corridors, walkway, landings and exit routes (means of escape-this includes not having parked scooters)
- Electrical and Service cupboards must not be used for storage of any material, with regular checks carried out –especially immediately after contractors have visited.
- Loose or combustible foot mats outside of properties are considered a fire risk or an obstruction to the means of escape.

8.2 **Fire stopping** – to maintain the integrity of communal areas and prevent the spread of fire the following principles will be applied:

Buildings above 11meters High and Sheltered Accommodation

This Fire Safety Policy shall be implemented and maintained in alignment with the duties placed on duty holders under the Building Safety Act 2022. Any fire safety-related risks identified that could impact the structural or fire safety of a higher-risk building will be reported, managed, and, where applicable, escalated in accordance with the provider's Building Safety Policy, including Mandatory Occurrence Reporting requirements.

- **High Rise blocks** will be inspected periodically to check for fire stopping breaches in compartmentation where services pass through floors and walls as well as regular checks on the effectiveness of fire doors. Where necessary compartmentation breaches will be filled with an appropriate material to prevent fire and flame spread. External wall systems (including cladding) will have a material and design assessment to enable the elimination or reduction of the level of risk in its contribution to fire spread. Where the level of risk is reduced, mitigating measures will be applied.

- Contractors working on any block should take care to avoid penetrating walls ceiling or floor slabs for passing through cable, pipes or conduits, where this is unavoidable the

contractor will ensure that the penetration is sealed and fire stopped adequately and where necessary with intumescent fillers. Work in progress inspections by BTS/LC, management are required for quality control and to ensure the fire integrity has not been compromised by these works. Inspections are to be recorded with validations of intumescent fillings where used to re-instate the required compartmentation.

Where required notification to the fire service regarding any significant breach in building compartmentation will be carried out by a competent person.
This must be agreed with LC before work commences and inspected directly upon completion by the Commissioning Officer and/or Dept. responsible.

Service and electrical cupboards within the communal areas must be kept locked at all times. Keys are kept at BTS reception and must be signed out and back in after use.

8.3 **Electricity –** in order to ensure that the electrical installation within blocks of flats, the electrical installation to the communal parts of the building will be checked every 5 years in accordance with the guidance provided by the Institute of Electrical Engineers Wiring Regulations (IEEWRegs) BS7671,18th Edition. In addition Portable Appliance Testing (PAT) testing to be carried out to Council supplied electrical equipment in sheltered blocks. Generally speaking PAT testing is performed on an annual basis for all items in the Communal areas

8.4 **Fire Installation** – in order to prevent a Fire escape or combustible incident within blocks of flats, the building/individual heating systems are annually serviced to ensure compliance with the Fire Safety (Installation and Use) Regulations 1998 and a CP12 Landlords Safety Certificate is issued. For new installations the site/location is registered as required to Building Safety Regulator and LBC Building Control issues the certificate

8.5 **Smoking** – to prevent the likelihood of a fire starting, LC operates a no smoking policy in all communal areas of a building, in accordance with the Health Act 2006 and the Smoke Free (Premises and Enforcement) Regulations 2007.

This applies to all communal areas and work areas under Housing Asset management control, and therefore affects sheltered housing as well as high and low rise blocks of flats, including the lifts. It does not apply to residents smoking in their own dwellings within a block.

8.6 Regular testing of Lightning Protection systems for high rises- to be undertaken on a regular basis (every 12-14 months) *see BS EN/IEC 62305-1.*

9.0 Fire Protection

9.1 In order to minimise the risk from any fire that may occur within the blocks and to ensure safe evacuation (RRFSO 2005) & the Health & Safety at Work Act 1974, the following control measures have been implemented:

9.2 **Evacuation Routes**

To ensure safe evacuation the routes must be kept free of sources of ignition, flammable and combustible material and obstructions at all times.
In High Rise blocks of flats daily inspections will be carried out to identify and deal with such issues, these inspections are carried out by the concierge assigned to the building and records kept in their office.

9.3 **Evacuation Plan**

The following applies to all All blocks

Providing that the integrity of the front door, to each individual flat, is maintained and not compromised in any way, its fire deterrence provisions will ensure a potential fire within a flat will act as a sealed fire compartment. The flat should contain a fire for at least 30 minutes, with the fire doors and concrete walls resisting before spreading into the common parts of the block. In addition, residents in other flats will have 1 hour protection when their own flat front door is taken into consideration.

Luton Council will inspect flat front doors (FD30S) in higher risk buildings including self-closers annually and communal doors every 3 months to ensure an effective installation is maintained. Residents are encouraged to report damaged or defective fire doors and door self-closers as soon as possible to BTS 0800 014 7333

RESIDENTS SHOULD REMAIN IN THEIR INDIVIDUAL PROPERTIES UNLESS THEY ARE IN THE IMMEDIATE LOCATION OF THE FIRE,

IN WHICH CASE THEY THEN WILL BE LED, BY THE FIRE CREW IN ATTENDANCE TO A PLACE OF SAFETY – This is referred to as a 'STAY PUT POLICY'.

IF A WHEELCHAIR USER IS IN THE VICINITY OF THE FIRE THEN IF POSSIBLE THIS PERSON IS TO RETURN TO THE FLAT THEY LIVE IN OR VISITED. IF THEY CANNOT RETURN TO THE FLAT THEN THEY WILL FIND REFUGE AS FAR AS POSSIBLE FROM THE FIRE ON THE SAME FLOOR, CALL FOR HELP (PHONE OR ASK A NEIGHBOUR TO CALL THE FIRE SERVICE), AND WAIT FOR THE FIRE SERVICE FOR RESCUE. SIDE ENTRANCES ARE NOT SUITABLE FOR ESCAPE BY A WHEELCHAIR USER AND LIFTS MUST NOT BE USED.

EACH FIRE DOOR IN THE COMMUNAL AREA WILL GIVE 30 MINUTES PROTECTION SO ESCAPING PAST THE FURTHEST DOOR AWAY FROM THE FIRE WILL PROVIDE MAXIMUM PROTECTION.

On the arrival of the fire brigade they will determine:

- When and if to commence a full evacuation.
- When to instigate a visual inspection.
- When residents can return to their premises.
- When to involve the Police.
- Any other steps appropriate to the circumstances

Where the fire is located within the resident's own property then it is necessary to escape the building, this should be carried out in an orderly fashion, through the nearest Fire Exit. If possible and it is safe to do so, all windows and doors should be closed to prevent fire/smoke spread to other areas of the building.

The following applies to all blocks:

Providing that the integrity of the front door (deemed a Fire door-see below), to each individual flat, is maintained and not compromised in any way, this should contain a fire for up to 30 minutes.

Residents are encouraged to report damaged and defective fire doors and door self-closers as soon as possible.

Where it is necessary to escape the building, this should be carried out in an orderly fashion, through the nearest Fire Exit or designated escape route.

If possible and it is safe to do so, all windows and doors should be closed to prevent

fire spread to other areas of the building.

9.4 **Fire Exits & Means of Escape**

All fire exits must be kept free of all obstructions, both inside and out, and be available for use when required. Fire exits will not be left open to ensure that security of the building is maintained, nor shall fire exits be used by the occupants of the building as a main entrance/exit to the building. In High Rise blocks of flats daily inspections will be carried out to identify and deal with such issues (this inspection is carried out by the concierge responsible for that building and records kept in their office which in most cases is on the premises).

9.5 **Fire Doors – common areas**

Fire doors are provided to help prevent the spread of smoke and fire and must be kept closed. Fire doors are checked regularly to ensure they are operating correctly and are not damaged. Fire doors', including entrance doors to tenant's flats and cupboards, should NOT be propped open, tampered with or compromised in any way, i.e.; materials affixed to frame/door to prevent banging noises. Any problems or defects to fire doors should be reported immediately to the respective LC Housing Management Team or appropriate Officer.

Fire doors are designed to resist the spread of fire for a period of time normally a minimum of 30 minutes.

9.6 **Fire Extinguishers (Fire Fighting Equipment (FFE))**

Fire extinguishers are positioned in boiler / lift rooms and are not for use by the residents or the public but should only be used by people trained to use them. They should not be removed from their designated location-Under no circumstances should residents use FFE unless trained or agreed in writing with a member of LC/BTS Staff.

Fire extinguishers are maintained and tested bi-annually to current standards BS 5306-1:2006 BS 5306-8: 2006, BS 5306-3:2006 BS 9990 BS7273-6:2019 by the LC/BTS approved contractor

9.7 **Dry Risers – High rise flats only**

Dry risers are positioned and secured on each floor within the block. The riser is located within a secure metal box to prevent theft of the valve, using an FB17 padlock (Fire Brigade approved). They are inspected by the Fire Service and wet tests are carried out, risers are tested, maintained and serviced by LC on a regular basis to meet BS 9990:2015 (annually and recorded).

9.8 **Signage**

Appropriate fire safety signage is displayed throughout communal areas in the building indicating the fire exit/s, floor numbers and Fire action notice information. Fire doors are marked "keep shut" and no smoking signs are affixed inside the block in the communal areas.

See Health & Safety (Safety Signs & Signals Regulations) 1996 and the correspondent L64 document

9.9 **Smoke Alarms**

Flats are fitted with hard-wired smoke and heat detectors.

Smoke detectors are not installed in communal areas, where the FRA has determined a low level of risk (I.e. no combustible material or ignition sources should be found in communal areas).

Sheltered housing blocks with the exception of Acworth Court (High Rise) have their own fire alarm systems. Smoke/heat detectors within each property are connected to the Central Control alarm centre.

All residents have been advised on how to test the smoke alarms and how often. In addition LBC's gas servicing engineers will carry out an annual check on the Smoke Detectors as part of the Gas servicing programme; residents are advisd on how to test smoke alarms to properties that do not have individual gas boilers

9.10 **Sprinkler systems**
LC Is considering the installation of sprinkler systems in existing high-rise buildings in its long term plans.

9.11 **Emergency lighting**
Emergency lighting is provided throughout LBC buildings/sites so that the means of escape can be safely and effectively used at all times and is properly maintained in accordance with current legislation and best practice *BS 5266-1:2016.*
Emergency Lighting servicing and testing will be carried out by a competent person in line with *BS EN 50172 / BS 5266-8.*

9.12 **Fire Alarms & Automatic Detection Systems**
Fire Alarms & Automatic Detection Systems incorporate electronic fire detectors and are linked via alarm receiving centres (LC/BTS use the contractor known as Well – Being) to a Fire Brigade Control Room.

9.13 **Smoke ventilation and other fire protection in buildings**
This can include but not limited to ductwork, fire dampers, ventilation systems and or smoke curtains. The building plan and fire log book will identify which systems are present and LC/BTS will ensure that they are inspected, maintained, serviced and notified according to current legislation and best practice.

10.0 Training

- All staff will receive training appropriate to their duties under the RRFSO. LC will provide information, instruction, training and supervision to enable all persons to carry out their duties effectively and safely.
- In addition, further training is provided to all staff members with responsibilities for fire safety in any premises, including:

- Those with delegated responsibility for fire safety;
- Staff reviewing design/redesign which may impact upon fire safety;
- Fire Marshalls and Fire Wardens;
- Those with responsibility for carrying out estate inspections and repairs.
- Designated care and support staff.
- Training for those with responsibility for fire safety will be provided by those who are qualified and suitably competent (as defined in the RRFSO).

- The mandatory e-learning training and training for those carrying out estate inspections is delivered as a minimum on an annual basis.
- The frequency of refresher training many change due to requirements of external authorities – in such cases all staff will be informed.
- The requirements for LC staff training shall be assessed by persons nominated by the Responsible Persons (RP) Team and /or where requested by his/her staff.
- The training requirement is also jointly reviewed together with the appointed Service Provider responsible for training and will be reviewed to ensure it remains *'fit for*

purpose' annually as part of the compliance review process.

- The relevant responsible person shall have sufficient knowledge and training to allow the full and effective implementation.
- Any such training shall be fully documented to include: type of training received, date(s) of training, the course provider, the course content, and attendees.
- Fire Drills will be carried out at intervals to be determined by the Fire Risk Assessments and consultation with the insurers and relevant fire safety training provided, to underpin the evacuation procedure as well as other aspects such as use of firefighting equipment, fire warden training, responsible person training, etc. In-line with the FRA for the premise(s) as appropriate.

11.0 Partnerships

11.1 LC work closely with Bedfordshire and Luton Fire & Rescue Service, appointed competent contractors and our specialist Fire Risk Assessor on the following aspects.

To carry out an annual audit of the High Rise buildings .The purpose of this inspection is to identify immediate risks and to ensure that actions from the previous inspection have been implemented.

- Regular training exercises with the Fire Service to ensure procedures are in place and that they are familiar with building layouts for the benefit of their operational needs.
- Jointly producing relevant policies and procedures
- Training to LC staff
- Awareness campaigns for our residents
- Fire Assessor to carry out Fire Risk Assessments (FRA)
- Provide technical and expert advice
- Assist with compliance with the requirements of the *RRFSO 2005, Fire Safety Act 2021 and Building safety Regulations 2022*
- Repairs and Maintenance

12. Vulnerable people

12.1 **High Rise and Sheltered blocks** – If the fire is not within the residents own property, it is a recommendation that all residents to stay in their home until rescued by the fire service (Refer to the ***STAY PUT POLICY*** above).

If the fire is within the resident's home – they must escape safely from within their property, through a fire exit or a designated escape route. If possible and it is safe to do so, all windows and doors should be closed to prevent fire spread to other areas of the building, deemed **as 'STAY PUT' see above.**

12.2 Mobility Scooters – As a general rule, mobility scooters **SHOULD NOT** be stored in the communal areas of any block as this area should remain sterile at all times and free from obstructions. Where scooter stores are provided these should be utilised to store mobility scooters.

13. Roles and Responsibilities

Lines of Responsibilities of each area of Compliance

Duty Holder

The Duty Holder is the Responsible person to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training.

In particular, they will:

- Ensure that Luton council abides by the Regulator Reform (Fire Safety Order) 2005, the Fire Safety Act 2021 and the Building Safety Regulations 2022.
- Appoint appropriate 'Responsible Persons' to oversee, control and coordinate the control of the Fire safety policy
- Ensure that there are adequate resources available to insure that the Fire compliance is kept.

The Duty Holder is: **The Chief Executive (identified as the RP under the Regulatory Reform (Fire Safety) Order 2005).**

The Appointed Responsible Person

The appointed 'Responsible Persons' have been given their authority by the Duty Holder. The position carries with it the authority to put into effect such measures as are required by the Regulator Reform (Fire Safety Order) 2005 both as a matter of routine and in the event of a crisis. The 'Responsible Person' has a duty to ensure that relevant Guidance and all relevant legislation associated with the management and control of Fire safety are adhered to. The 'Responsible Person' also has a responsibility to ensure records are kept to confirm that this policy has been implemented.

The appointed 'Responsible Person' has the overriding authority for the control Fire safety. They have the authority to instruct and enforce where necessary the 'Jointly Accountable Responsible Person' to ensure that all Luton Council sites meet the requirements of Legislation and this policy. The 'Responsible Person' is required to ensure that 'Jointly Accountable Responsible Person's' are trained and competent to carry out the prescribed task on their behalf and to ensure that the 'Responsible Person's' tasks and requirements are duly met.

The appointed 'Responsible Persons' have the authority to appoint a 'Responsible Manager' and 'Jointly Accountable Responsible Manager'. The 'Responsible Manager' and 'Jointly Accountable Responsible Manager' has/have been given their authority by the 'Responsible Persons' to act on their behalf to oversee the day-to-day management of Fire Safety for Luton Council, designated by the 'Responsible Person'. The 'Responsible Person' is required to ensure that the 'Responsible Manager' is trained and competent to carry out the prescribed task on their behalf and to ensure that the 'Responsible Person' tasks and requirements are duly met.

The appointed 'Responsible Person' for the control of Fire Safety within Luton Councils '-housing property portfolio is: **The Corporate Director of Customer and Commercial Department.**

Jointly Accountable Responsible Persons

(Typically for the individual Service Areas within the Department)

The 'Jointly Accountable Responsible Person' assumes the same duties as the appointed 'Responsible Person' delegated by the Duty Holder.

The appointed 'Responsible Person' is available to assist and offer advice to enable 'Jointly Accountable Responsible Persons' meet their duties.

The 'Jointly Accountable Responsible Person' for the control of Fire Safety within Luton

Councils '-Housing property portfolio is: **The Service Director of Housing**

Responsible Manager

The 'Responsible Manager' has been given their authority by the appointed 'Responsible Person' or by the 'Jointly Accountable Responsible Person' to act on their behalf to oversee the strategic management of Fire Safety for Luton Council, designated by the 'Responsible Person', has responsibility for overseeing and co-ordinating the Policy and Procedure. This position carries with it the authority to put into effect such measures as are required to control the Fire safety both as a matter of routine and in the event of a crisis. The 'Responsible Manager' also has a responsibility to ensure records are kept to confirm that this policy has been implemented. They have the responsibility for the management including ensuring that the scheme of precautions to control the Fire safety is implemented fully by competent persons, whether directly employed by Luton Council, contracted or subcontracted.

In particular they will:

Oversee the control and management of Fire compliance on behalf of the Duty Holder.

Ensure that Landlord Fire safety checks are carried by the Duty Holder/s.

Arrange maintenance, monitoring and management of the precautions controlling the risk, including reviewing the fire risk assessment regularly, periodically or as required.

Arrange the procurement of competent help, as required, including ensuring that the organisations and individuals deployed are competent and appropriately trained and experienced

Keep records and manage the duties in respect to the implementation and management of this policy.

The Responsible Manager is: **Service Head (Building and Technical Services Manager)**

Jointly Accountable Responsible Manager

The 'Jointly Accountable Responsible Manager' assumes the same duties as the 'Responsible Manager' delegated by the Responsible Persons. They also have the duties to work more closely operationally to assist in fulfilling the requirements of the relevant legislation.

The 'Responsible Manager' is available to assist and offer advice to enable 'Jointly Accountable Responsible Manager' meet their duties.

The 'Jointly Accountable Responsible Manager' for the control of Fire Safety within Luton Council's Housing property portfolio is the **Housing Asset Manager**

Responsible Operator

Responsible Operators have responsibility for ensuring the day to day compliance for Fire Safety and implementing the scheme of precautions and doing so using safe and responsible working practices.

In particular, they will:

- Perform with integrity the given tasks that they have been trained to perform.
- Maintain records as required by the legislations.

- Inform the Responsible Manager of any problems, discrepancies or anomalies.
- Attend regular training events to maintain the required level of competency to perform their given tasks

The 'Responsible Operator' for the control of Fire Safety Luton Councils '-Housing property portfolio is the **Senior Building Surveyor**

Advisors

Who are directly employed by Luton Council, provided by a contractor or appointed separately in an independent capacity, have responsibilities to supply relevant, accurate and up to date information within their field of expertise via the established lines of communication to facilitate and support the control of Fire Safety abiding by this policy and all council standing orders. The advisors for the Housing Portfolio is: **Health and Safety Officer (BTS Client), Project managers, Electrical and Mechanical Engineers, Technical Officers, Surveyors and Consultants, Contract Managers (Repairs, Voids, New Builds, Planned and Special Projects)Health and Safety(BTS contracts)**

14. Publicising the Policy

LBC publicises its service policies and procedures on Tenancy Rights and Obligations to residents and staff in a number of ways:

- Tenant Handbook
- Factsheets
- Housing Matters
- LBC Website
- Staff Briefings & Training

15. Review of the Policy

15.1 This policy will be reviewed and amended periodically to ensure that it meets the needs of the Council and its tenants.

Connected Policies:	Asset Management Strategy Smoke Alarm Testing Procedure Emergency Lighting Procedure Lifts Policy Electrical Policy Building Safety Policy

Appendix 1

Legislation and Regulation
Regulatory Reform (Fire Safety) Order 2005 (referred to as the RRFSO) which introduced the current system of people centred risk assessment of properties. Fire Safety Act 2021 Fire Safety Regulation 2022 Building Safety Regulations 2023
Housing Act 2004 which introduced the Housing Health and Safety Rating System (HHSRS) and the Housing Health and Safety Rating System Regulations 2005 which set out the associated scoring system.
Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002 which regulates the storage and use of flammable materials.
Furniture and Furnishings (Fire Safety) Regulations 1988 which set standards of fire resistance for furniture and furnishings provided by a landlord.
Smoke Detectors Act 1991 which required all new build properties to include hard wired smoke alarms.
Fire Safety (Installation and Use) Regulations 1998 (our compliance with this is set out in our Fire Safety (Heating Installations) policy and procedure).
Management of Health & Safety at Work Regulations 1999
Provision & Use of Work Equipment Regulations 1998
Health & Safety (Safety Signs and Safety Signals) Regulations 1998
Electrical Equipment (Safety) Regulations 1994 (our compliance with this is set out in our Electrical Safety policy and procedure).
Landlord and Tenant Act 1985 (as amended), including consultation with leaseholders about Major works and service charge increases incurring a charge of over the established threshold.
Equality and Diversity Act 2010
Fire and Rescue Services Act 2004
Construction (Design and Management) Regulations 2015
Building Regulations 2010 Approved Documents M and B – Volumes 1 & 2 and all relevant BS Building Regulations etc.(Amendments)(England) Regulations 2023
Guidance
CLG Guidance for Landlords and Property Related Professionals on the Housing Health and Safety Rating System
CLG Guidance on fire safety risk assessments in: Sleeping Accommodation, & Residential Care premises
CLG Guidance on Means of Escape for Disabled People
LGR Guidance on fire safety provisions for certain types of existing housing.
LACORS Housing Fire Safety Guide (CIoEH, CFOA)
Local Government Group Fire Safety in Purpose-Built Blocks of Flats
Chartered Institute of Housing Practice Brief – Fire Safety in Housing
CLG The Regulatory Reform (Fire Safety) Order 2005 Guidance Note No. 1 Enforcement
Collected Perceived Insights Into and Application of The Regulatory Reform (Fire Safety) Order 2005 For the Benefit of Enforcing Authorities (Chief Fire Officers Association)

Appendix 2

In order to ensure that we provide our customers with the highest levels of assurance and safety regarding the maintenance of hard-wired smoke alarms, we will carry out scheduled maintenance of smoke detection devices as follows:

This is achieved in one of three methods.

1. Properties with individual gas heating boilers.
    - Testing is carried out by utilising the Gas Engineer, to carry out the test at the time of the annual boiler safety check and inspection, and results are recorded on the LGSR.

2. Sheltered Accommodation with Communal Boilers.
    - Alarms are subject to a full maintenance check twice a year, every accessory is tested between the two visits, and the test results are recorded manually on a Fire Alarm log book, which is kept in a holder next to the fire alarm panels. The results of each test are also sent to BTS.

    - Weekly manual tests of the communal Fire alarms are carried out by Scutum and the results recorded in the logbook which is stored on site. If a fault is discovered it is dealt with by Scutum.

    If a fault occurs at any other time it is reported to BTS on 0800 014 7333

    BTS Building & Technical Services

    The Warden Call system is stand-alone system and if the alarm is activated it will go through to Appello, Monitoring centre or the sheltered housing officer if they are logged onsite for action.

Dwellings (Flats in Blocks) with Communal Boilers or with individual electric heating or solid fuel/oil heating.

3. **Smoke Alarms in Flats**- Testing of the smoke alarms in flats are the responsibility of the tenant and should be carried out monthly. We will carry out regular publicity campaigns in tenant's newsletters and at tenant group meetings.

Demonstrating safety

The blocks are inspected by the concierge team daily, and any issues dealt with either straight away or reported to BTS to be put on a program of works. Fire safety notices and no smoking signs are displayed in lobbies and corridors so tenants are aware of what to do in the case of a fire.
Fire Risk assessments are carried out regularly and the actions from these are dealt with in a timely fashion.

We will carry out regular publicity campaigns in tenant's newsletters and at tenant group meetings.

Monitoring this process
A database of all visits and findings is maintained digitally; linked to our IBS system.

Appendix 3

Fire Action Advice for Flats

Your actions to take in event of a Fire.

CHECK YOUR SMOKE ALARMS REGULARLY, REPORT ANY FAULTS IMMEDIATELY TO HOUSING REPAIRS ON FREEPHONE 0800 0147 333

- **We have a "STAY PUT" policy agreed with the Fire Service. This means that unless the fire is in your flat you should stay in the flat. If there is a need to evacuate the Fire service will supervise this.**
- **If you discover a fire raise the alarm immediately by telephoning 999 and ask for the Fire Service.**
- **If you are a wheelchair user, and cannot return to the flat, then go to the furthest location on the same floor where possible beyond a communal fire door which will give maximum protection and immediately call the fire service.**
- **If the fire is in your flat, then get out immediately taking all other occupants with you, then telephone 999.**
- **Close all doors and windows on the way out if safe to do so.**
- **Do not use lifts.**
- **If a smoke alarm goes off and there is not a fire in your flat, don't open any doors that feel warm, get everybody in one room and close the door. Telephone 999.**
- **If possible, seal the bottom of the door with wet towels, bedding etc.**
- **If you are near the window open it to get air and to let emergency services, see you.**

Things to check at night before you go to bed.

Close all internal doors to stop a fire from spreading.

Switch off electrical heaters, blankets, TVs etc. and other items that do not need to run all night.

Put out cigarettes and any candles safely.

Make sure exits are clear

Keep door and window keys where everybody can find them

Appendix 4

Defective Lifts Callout

Residents can call from the lift alarm button in the lift car this is connected to an auto dialler on a phone line that will be set to dial the allocated response phone number. These residential lifts will be set to dial the same phone number allocated from control centre.

There may be times that a call from a mobile phone or landline of a tenant or interested party reporting faults with lifts. This will also be treated in line with the procedure herein.

Out of hours Lift breakdown calls received on **0800 0147 333** will be phoned through to Lift Specialists Limited. They will need the name of block; post code and a brief description of problem being reported. Our lift maintenance providers will need to log the contact details of the caller in order proceed. LC will aim to return the lift to service ASAP or will display notices in the lobby or lift car and the fire service notified of the breakdown and information about its return to service.

Trappings in the lift car, the Lift specialists should be on site within 1 hour of receiving the call.

For normal breakdowns they have 4 hours to get to site.

Defective Lift Callout (For Management purpose only):

If you receive a call for a lift Breakdowns and trapping in work hours 8 – 4:30pm Monday to Friday excluding bank holidays, these are to be reported to BTS call centre **0800 0147 333** with site address of lift and brief description of the fault and BTS will contact lift specialists.

Any calls that you send to the Lift Specialists, the details of these calls should be emailed straight away to the Housing Asset team so we can undertake any follow up for the repair and also monitor breakdowns for invoice requirements.

Appendix 5

Building Safety Policy

Building Safety Act 2022

1.0 Purpose and scope

This policy sets out our approach to ensuring our buildings are safe and meet regulatory requirements set out in the Building Safety Act 2022 (referred to as 'the Act') and its related secondary legislation. The Act received Royal Assent and became law on 28 April 2022 with secondary legislation coming into force over a two-year transitional period (see Appendix A).

This policy outlines how we:

- Follow new design and construction standards
- Meet our commitment to keep residents safe
- Engage with residents and share building safety information with them
- Ensure qualifying leaseholders are protected from building safety defect costs
- Hold those responsible for building safety defects to account
- Work with regulators and provide them the information they need

The Act introduces several reforms to ensure homes across England are safer. It specifically sets out requirements related to the design, construction, and management of 'higher risk buildings', which are defined as residential buildings at least 18 metres or seven storeys high and containing two or more residential units.

The reforms and requirements will be managed through the creation of three new regulatory bodies:

- the Building Safety Regulator
- the National Regulator of Construction Products
- the New Homes Ombudsman

The requirements of the Act broadly introduce several key principles, and two main areas of reform:

Design and construction: Reforms providing new guidance and standards for the design and construction industry by way of amendments to the Building Act 1984 and the introduction of the Building Safety Regulator.

Occupation: Reforms providing new guidance and standards for the housing industry during a building's occupation overseen by the Building Safety Regulator. These will ensure building safety standards and resident engagement in blocks classified as 'higher risk buildings' are being met.

2.0 Definitions

The Act: *The Building Safety Act 2022, which became law in April 2022*. The act was developed following Dame Judith Hackitt's independent review of building regulations and fire safety, commissioned after the Grenfell Tower tragedy in 2017.

It introduces wide scale reforms to support building safety across the industry through design, construction, and management of residential blocks classed as higher risk buildings.

Accountable person (AP) or Principal accountable person (PAP): The dutyholder legally responsible for a higher risk building's compliance with the Act, or the part of the building that they are responsible for. The PAP's key duty is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in such buildings.

Building assessment certificate: The key document required by the principal accountable person (PAP) when a higher risk building (HRB)is occupied. After an HRB has been registered with the Building Safety Regulator, the regulator will request the PAP to submit several prescribed documents. These will include a *safety case report,* an HRB-specific *engagement strategy,* a *mandatory occurrence reporting* strategy for reporting significant risks to the regulator, and a signed agreement between the PAP and any other relevant accountable persons in the building that appropriate processes for the identification, management and resolution of building safety risks are in place. Once the regulator is satisfied, they will provide a *building assessment certificate* to the PAP which will need to be displayed in the building and renewed every five years.

Building safety case (BSC): The body of evidence to demonstrate that fire and structural risks within a higher risk building are being identified, escalated, and resolved, or managed and monitored adequately on an ongoing basis. Management and review of a building's safety case is formally overseen by an appointed building safety manager (BSM) on behalf of the principal accountable person. A summary of the BSC in the form of a *safety case report* will be submitted to the Building Safety Regulator under specific conditions.

Building safety fund: A government-led fund that aims to protect leaseholders from the cost of addressing fire-safety risks caused by unsafe non-ACM cladding systems on high-rise residential buildings. The fund is supported by the building safety levy.

Building safety levy: A levy put in place by government on developers of higher risk buildings in England designed to raise revenue for the replacement of defective cladding, in addition to remediating any other historical building safety defects.

Building safety manager (BSM): Building safety managers are not a specific requirement of the Act, but they are an important introduction to support the requirements of the principal accountable person, the development of *building*

safety cases and the introduction of specific *engagement strategies* for individual higher risk buildings. The role is designed to support the identification and management of building safety risks and to provide oversight of relevant processes involved in the management of higher risk buildings across the business.

Building Safety Regulator (BSR): The regulatory arm of the Health and Safety Executive (HSE) for building safety across design, construction and occupation introduced in the Building Safety Act 2022. The Building Safety Regulator will monitor industry performance to inform priorities, set direction, facilitate improvement in competence of both industry and the building control profession, and influence their operational standards.

Dutyholders: An appointed person responsible to maintain standards and quality that is conducive to good health and safety and quality of work in relation to a higher risk building.

Fire Safety Act: The Fire Safety Act 2021 clarifies the scope of building safety measures set out in the Fire Safety Order 2005. It highlights how the order applies to the structure, external walls (including cladding and balconies), and individual flat entrance doors of multi-occupied residential buildings. The requirements of the Building Safety Act 2022 are in addition to those of the Fire Safety Act 2021 and subsequent Fire Safety (England) Regulation 2022. An example of an area which has a level of crossover between the Fire Safety Act and Building Safety Act is the roles of the 'responsible person' and 'dutyholders', which broadly correlate to the principal accountable person and relevant accountable person.

Gateways: A set of three submission and approval gateways overseen by the new Building Safety Regulator required for the design and construction of higher risk buildings. Gateway 1 (planning approval) came into force on 1 August 2021, with both gateway 2 (handover from planning to construction) and gateway 3 (completion of construction) came into force by October 2023.

The Golden Thread: A principle for storing, managing, and sharing building information and documents over a building's lifecycle, from design and construction through to occupation and disposal. The Golden Thread ties directly into the body of evidence needed to create and maintain building safety cases

Higher risk building (HRB): Defined in the Act as a residential building that is at least 18 metres or seven storeys high and contains two or more residential units. Secondary legislation further defining such buildings came into force on 6 April 2023. All HRBs will need to be registered with the Building Safety Regulator (BSR) by the principal accountable person, have a dedicated *engagement strategy* and building safety case, and adhere to the principles of the Golden Thread.

Regularisation: Building work regularisation refers to the process of certifying building works that have been conducted without building regulation approval. The process enables the submission of a retrospective application relating to previously unauthorised works through the submission and review of prescribed documents.
The government intends to apply the current regularisation procedure to higher risk buildings, with the Building Safety Regulator as the building control authority, rather than the local authority.

3.0 Key Principles

Several key principles of the Act apply across both *design and construction,* and *occupation*:

3.1 Higher risk buildings (HRBs)

Where applicable under the requirements of the Act, we are taking reasonable measures to ensure that relevant dutyholders of our HRBs in England will:

- conform to dutyholder requirements and competencies through design, construction, and occupation
- conform to construction product requirements through construction, refurbishment, and remediation
- conform to mandatory occurrence reporting requirements through construction and occupation
- conform to construction control plan and change control requirements through construction, refurbishment, and remediation
- conform to Golden Thread requirements for managing and sharing building information through design, construction, and occupation.
- conform to the gateway submission and approval process through design and construction
- have a valid *completion certificate* or *partial completion certificate* before handover into occupation
- have an identified principal accountable person at handover and through occupation
- register HRBs with the Building Safety Regulator before occupation
- have a valid *building assessment certificate* clearly displayed in the relevant HRB through occupation, updating them every five years
- have a dedicated engagement strategy through occupation
- have a dedicated building safety case through occupation
- submit safety case reports to the Building Safety Regulator when required through occupation

3.2 The Building Safety Regulator

The Act provides regulators with stronger enforcement powers and has increased the penalty for a breach of building regulations under section 35 of the Building Act 1984 to a maximum penalty of an unlimited fine and/or two years in prison.

We will ensure all requirements set out under the Act are met and that we respond to requests from the Building Safety Regulator when required.

3.3 Approved Construction Products

We will put in place appropriate governance to ensure our contractors use approved products as set out by the *National Regulator of Construction Products*.

This regulator has been set up to provide information and oversight of product standards applied through design, construction, refurbishment, and remediation.

3.4 The Golden Thread

We are undertaking reasonable measures to implement the requirements and principles of the Golden Thread for storing, managing, and sharing building information and documents over a higher risk building's lifecycle. The Golden Thread will apply from design and construction, through to occupation and disposal. It constitutes a '*single source of truth'* for a higher risk building's safety information, and ties directly into requirements for the creation and management of building safety cases.

3.5 Mandatory Occurrence Reporting

We have a mandatory occurrence reporting process in place to inform the Building Safety Regulator of 'safety occurrences' related to fire and structural safety issues in our higher risk buildings. The reporting criteria and process for mandatory occurrence reporting will be set out in further guidance from the regulator. A policy and process review will follow.

Mandatory occurrence reporting will be supported with the development of a building safety management policy.

3.6 Holding Developers to Account

The Act includes a new section 2A to the Defective Premises Act which updates the period under which defect claims to developers can be made. The change extends the usual limitation period (the time a valid claim can be made) from six years to 15 years for claims that accrue after the Act took effect (28 April 2022), and 30 years retrospectively for claims that accrued before.

The change, combined with the government's requirement for large scale developers to sign a developer remediation contract, which forces developers responsible for defects to agree to fix them or face significant consequences, means we have a greater ability to hold developers to account. This will support our process for the remediation of building safety defects as well as *leaseholder protections* (see section 5.9).

3.7 Enforcement

We will act swiftly in response to enforcement measures imposed by the Building Safety Regulator through design, construction, and occupation:

Design and Construction:
The following enforcement changes apply to the design and construction of all buildings, including higher risk buildings:

- An increased penalty for a breach of building regulations to a maximum penalty of an unlimited fine and/or two years in prison.
- Expansion of section 35 of the Building Act 1984 so that it applies not only to breach of provisions of building regulations, but also to breach of individual requirements imposed under building regulations.
- Amendments to section 36 of the Building Act 1984 to extend the time limit to take action to correct non-compliant work under this section to 10 years and for the Building Safety Regulator as a building control authority to have powers under this section.

- The Building Safety Regulator and local authorities can issue compliance and stop notices against non-compliant work. Failure to comply with either notice will be a criminal offence, with a maximum penalty of up to two years in prison and an unlimited fine.

The methods of enforcement will be set out in our internal development toolkit subject to the transitional timeline (see Page 14).

Occupation:

The following enforcement changes apply to occupied higher-risk buildings (HRBs):

- The Building Safety Regulator will be able to issue compliance notices against an HRB's principal accountable person or any relevant accountable person
- Notices will require identified issues to be rectified within a set date
- Where non-compliance has or will lead to imminent danger to people in and around the building, the Building Safety Regulator can issue them with an 'urgent action notice'
- Failure to comply with notices, without reasonable excuse, will carry a maximum penalty of an unlimited fine and/or two years in prison.

The methods of enforcement will be set out in our internal building safety toolkit subject to the *transitional timeline* (see Page 14).

3.8 Appeals

Where disputes arise over decisions relating to higher risk buildings, the first stage is informal discussion and mediation between the parties. Following that, in most cases, there is an internal review and appeals process provided by the Building Safety Regulator. If this cannot resolve matters, specified regulatory decisions are appealable to the First- tier Tribunal.

The methods of appeals will be set out in our internal building safety toolkit subject to the *transitional timeline* (see page 14):

4.0 Design and Construction

Areas developed to meet the requirements of the Act through design and construction are subject to the transitional timeline (see page 14) including:

4.1 Dutyholders

We will take reasonable measures to ensure that updates relating to the role and competency of dutyholders through design and construction introduced in the Act are met.

The key dutyholders through design and construction set out in the Act are modelled on the dutyholder roles under the Construction Design and Management regulations 2015 (CDM). CDM and Building Safety Act dutyholders are independent and may be assigned to different individuals or organisations.

The key dutyholders through design and construction set out in the Act are,

- the client
- the principal designer
- Designers
- the principal contractor
- Contractors

The main changes introduced in the Act relate to the role of the principal designer, principal contractor, and requirements for the client to ensure the competence of relevant dutyholders.

Requirements for relevant dutyholders to meet the provision of prescribed documents required for each gateway submission will be put in place.

Building Safety Levy

We will take reasonable measures to meet requirements for the building safety levy and provision of associated costs.

4.2 Gateways

We will take reasonable measures to ensure we meet requirements for the 'submission and approval' gateway regime related to the design and construction of higher risk buildings subject to the transition timeline (see Page 14). The gateways process is overseen by the Building Safety Regulator with additional requirements for the submission of prescribed documents at each stage.

Gateway 1 (planning approval) came into force on 1 August 2021 and follows the pre-existing planning approval process. The Building Safety Regulator acts as an additional consultee through gateway 1.

Gateways 2 (handover from planning to construction) and **gateway 3** (completion of construction) are due to come into force by October 2023. The Building Safety Regulator acts as the building control authority through these gateways.

When a higher risk building has successfully passed through gateway 3 approval, a valid *completion certificate* (or *partial completion certificate* in the event of phased occupation) is issued by the Building Safety Regulator, and the building is ready for handover review,

registration and occupation. An expected 12-week determination period for review and issuing of *completion certificates* and *partial completion certificates* is expected for gateway 3.

4.3 Change Control

We will take reasonable measures for control planning and change control to be managed and communicated with the Building Safety Regulator throughout the gateways process, subject to the transition timeline (see Page 14).

Any changes to the design and construction of a higher risk building must be recorded by the relevant dutyholders and provided for review. Requirements for
'permission' to be provided before significant changes are made must be acquired. This will apply to higher risk buildings both through design and construction as well as through *refurbishments* (see section 5.10).

4.4 Handover Review

As part of our Building Safety Act policy and process review, a cross-business review of the handover process will be undertaken to assess the impact and challenges raised by the reforms within the Act.

5.0 Occupation

To ensure residents living in higher risk buildings feel safe in their homes, our building safety team will introduce various roles and processes, each with different responsibilities for safety. We will take reasonable measures for collaboration and clear communication with our residents, as well as between building safety managers, housing officers, property management officers, third-party building management organisations and stakeholders such as fire and rescue services.

5.1 The Principal Accountable Person (PAP)

The principal accountable person is the dutyholder legally responsible for a higher risk building's compliance with the Act, primarily based on who is the named freeholder of the building or who holds responsibility for communal and external wall repairs. Other relevant accountable persons may also be identified, dependent on their individual obligations to manage and repair common parts of the building.

The principal accountable person will need to liaise with all relevant accountable persons, share information, acquire an approved *building assessment certificate* through occupation on a five-year basis, and take reasonable measures for compliance with the Act in all other ways.

The accountable person could be a named entity (such as a housing association, council, or management company), or a named person. Notification to changes in responsibility of a higher risk building's accountable person or principal accountable person (such as when the ownership changes) must be provided to the Building Safety Regulator.

5.2 Building Safety Manager (BSM)

The building safety manager role fulfills an assurance function, satisfying the Building Safety Regulator that a higher risk building's existing safety management system is effective via a series of audits, checks and reviews. This will be supported through:

- the development of a safety dashboard for specific higher risk buildings
- the review and oversight of building risks in a *building safety case*
- submission of *safety case reports* to the Building Safety Regulator when required
- acting as consultee at all gateways through design and construction
- engagement with residents and other stakeholders (such as contractors, managing agents and fire and rescue services) to develop a building-specific *engagement strategy*

5.3 Building Safety Case (BSC)

Management of building safety cases are formally overseen by an appointed building safety manager on behalf of the principal accountable person.

The building safety case is one of the many elements to be managed within the

principles of the Golden Thread and will rely on it to remain up-to-date and effective. A detailed summary of the building safety case in the form of a *safety case report* will be submitted to the Building Safety Regulator under specific conditions or on request.

Safety case reports could potentially also be used when sharing information between the principal accountable person and relevant accountable persons, or third-party stakeholders such as fire and rescue services as part of information sharing requirements and requests.

Building safety cases and safety case reports will be supported with the development of a building safety management policy and related procedures.

5.4 Competence Review

In line with requirements to evidence competence within the building safety case, we will undertake a process to review roles, responsibilities, and competencies across the business by liaising with relevant teams such as human resources and procurement to create a competency matrix.

5.5 Registration

All occupied higher risk buildings should be registered with the Building Safety Regulator with effect from April 2023 under a six-month submission period. All pre- existing higher risk buildings have been registered by 30 September 2023 with an ongoing registration process in place for buildings passing through the design and construction gateways.

5.6 Certification

All registered higher risk buildings will have a valid *building assessment certificate* provided after review by the Building Safety Regulator that will be clearly displayed in the building and will provide the principal accountable person's details, the current building assessment certificate and copies of any compliance notices relating to the building which are still in force.

If the Building Safety Regulator has put a special measures order in force for the building at any point, the building assessment certificate will be removed.

5.7 Resident's Voice

Residents should be and feel safe in their homes. We will take reasonable measures to inform residents about building safety, ensure they are engaged in discussions about how to keep their building safe (including their own responsibilities) and are empowered to challenge unsafe or unreasonable decisions.

Under the Resident Voice sections of the Act, the principal accountable person is required to:

- provide residents with relevant building safety information
- establish a resident *engagement strategy* specific to each higher risk building
- establish and operate a system for the investigation of relevant complaints and building safety related questions.

- employ *contravention notices* in the event of residents falling short of meeting their safety obligations

Further guidance on Resident Voice requirements are be set out in secondary legislation.

5.8 Engagement Strategy

We are developing specific *engagement strategies* for our higher risk buildings. Those will include how we communicate and share information with residents and identify their needs regarding building safety. This is a key pillar of Resident Voice requirements and sets out our responsibilities as landlord, as well as providing residents with clear guidance on their responsibilities to ensure their building is kept safe.

Development of engagement strategies will also include engagement with other potential stakeholders connected to the building. This could include fire and rescue services, contractors, utility services, local authorities, and other relevant accountable persons connected with the building, such as managing agents and commercial property owners.

The engagement strategy forms part of the prescribed submission documents required when requesting *building assessment certificates*.

It will primarily be developed by building safety managers and reviewed in consultation with residents. It is also planned to incorporate *tenant satisfaction measures* released by the Regulator of Social Housing. Each engagement strategy will be tailored to the needs of an individual higher risk building and its residents.

Engagement strategies will be supported with the development of a *building safety management policy* and related procedures.

5.9 Leaseholder Protections

Leaseholder protections have been introduced in the Act to ensure *qualifying leaseholders* are protected from remediation costs associated with building safety defects for *relevant buildings (multi-occupancy buildings which are at least 11 meters in height or five storeys and above)*.

Where we undertake building safety defect remediation on relevant buildings, the following limitations on costs passed on to leaseholders are applied (subject to any additional limitations set out in individual leases):

- limitations have been placed on the *permitted maximum* cost that can be charged to relevant leaseholders for defects, based on their lease value and location
- leaseholders are protected outright from paying any costs associated with the remediation of external cladding defects
- defect remediation costs must first be applied to those responsible for the defects, such as the developer or client who instructed the building works
- any remediation funding costs covered by the *building safety fund* must also be deducted from costs before they are passed on to leaseholders.

Leaseholder protections are further supported through secondary legislation in The

Building Safety (Leaseholder Protections) (England) Regulations 2022 , relating to the *leaseholder deed of certificates* and *landlord certificates*.

Leaseholder protections will be supported with the development of a leaseholder charging policy and related procedures.

5.10 Refurbishments

Principles set out in the Act relating to refurbishment works within higher risk buildings will be met. A stricter regime for major works including remediation and refurbishments has been put in place to ensure risks posed by changes to the structure and fabric of such buildings are monitored and managed. These apply to schedule 3 and 3A works requiring appropriate schemes to be applied with appropriate oversight. Where the Building Safety Regulator acts as the building control authority, a process similar to the gateways may be employed.

Governance relating to the above will be updated in our internal *building safety toolkit*, *planned investment toolkit* (currently in development) and other associated policies and procedures subject to the transitional timeline (see Appendix A)

5.11 Remediation

The key role of the principal accountable person is to prevent and reduce the severity of building safety incidents relating to fire or structural failure in higher risk buildings. This will be actively managed by building safety and housing asset teams, through an ongoing programme to identify and remediate building safety defects.

When a building safety defect has been identified, we will consult with our fire engineers and specialist consultants to understand whether temporary mitigation measures are required while we put in place relevant remediation works. If mitigation is required, these need fire engineer approval and are likely to temporarily change the evacuation strategy from *stay put* to *simultaneous evacuation* and require personnel (known as a waking watch) to be installed to alert residents should an evacuation be needed.

The waking watch will be replaced by temporary alarms as quickly as possible, as guidance from the National Fire Chiefs Council (NFCC) identifies alarms as a more effective measure of notifying residents to risks from fire.

As part of the installation of interim measures, we will review the vulnerability of residents and complete personal emergency evacuation plans (PEEPs) for any who would struggle to self-evacuate. The waking watch will initially be tasked with supporting their evacuation, with evacuation wardens taking on the task once emergency alarms have been installed. These will generally be people from the Estates Team so they will know the site layout.

Their specific task will be to assist previously identified people who would need assistance to leave the building in the event of an alarm activation.

We will keep residents informed about identified building safety risks during remediation. Once work is complete, we will return the building to a *stay put* evacuation strategy in self-contained blocks and remove all interim measures.

The Act also introduces the concept of *remediation orders*, which require those

responsible for managing repairs in a building to remediate building safety defects in 'relevant buildings' by a specific time where they are not actively doing so. 'Relevant buildings' in this instance refer to buildings in England that are at least 11 meters in height or five storeys and above that contain at least two dwellings. Remediation orders can be made through First Tier Tribunal on the application of an '*interested person'* such as the regulator, local authorities, local fire and rescue services, leaseholders or any other person prescribed by law.

Like remediation orders, the Act also introduces the concept of *remediation contribution orders* which require responsible corporate entities, such as a landlord or developer or those associated with them, to make payments to a specified person in order to meet costs incurred in remedying relevant defects in relevant buildings.
These are made through First Tier Tribunal under the same criteria with the addition that the Secretary of State can also apply for an remediation contribution order.

As noted in section **5.9 Leaseholder Protections**, we will work to ensure defect remediation costs must first be applied to those responsible for defects, and that leaseholder protections against building safety remediation costs are applied.

6.0 Monitoring and review

This policy will be reviewed every 12 months in an agreed policy review programme unless there are significant changes to legislation or regulation or where there are changes to best practice identified. If this occurs, an immediate review will be initiated.

7.0 Our approach

While no assessments were undertaken through the development of the policy, in writing this policy we have considered the needs of equality, diversity and inclusion. These are relevant to this policy under the *higher risk building engagement strategy* when identifying residents with mobility or awareness difficulties that may impact their ability to self-evacuate. This also applies to how we share and protect that information internally and with relevant external bodies such as fire and rescue services.

As part of the development of this policy we have undertaken an internal consultation to gather feedback from key stakeholders across the business including building safety, health and safety, development, resident engagement, and asset management teams.

8.0 Reference

This section sets out several links to government and industry guidance, legislation and a number of related policies and procedures.

Building Safety Act guidance and supporting sites:

The Building Safety Act - GOV.UK (www.gov.uk)
The Building Safety Act: secondary legislation - GOV.UK (www.gov.uk)
Building safety leaseholder protections: guidance for leaseholders - GOV.UK (www.gov.uk)
Remediation of non-ACM buildings - GOV.UK (www.gov.uk)
Developer remediation contract - GOV.UK (www.gov.uk)
Fire safety and high-rise residential buildings (from 1 August 2021) - GOV.UK (www.gov.uk)
Building Safety Regulator - Building safety - HSE
Architects Registration Board - GOV.UK (www.gov.uk)
Construction Products Regulation in Great Britain - GOV.UK (www.gov.uk) NHOS - The New Homes Ombudsman Service
Fire Safety Act 2021 - GOV.UK (www.gov.uk)
Fire Safety (England) Regulations 2022 - GOV.UK (www.gov.uk)
Responsible Person and Duty Holder: roles and fire safety responsibilities - GOV.UK (www.gov.uk)
Tenant Satisfaction Measures - Summary of RSH requirements (accessible) - GOV.UK (www.gov.uk)

Legislation:

Building Safety Act 2022 (legislation.gov.uk) Building Act 1984 (legislation.gov.uk)
The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 (legislation.gov.uk)
The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (legislation.gov.uk)
Defective Premises Act 1972 (legislation.gov.uk)
The Regulatory Reform (Fire Safety) Order 2005 (legislation.gov.uk) Fire Safety Act 2021 (legislation.gov.uk)
The Fire Safety (England) Regulations 2022 (legislation.gov.uk)

Related Luton Council Policy

Fire Safety Policy

Document control

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Approval date	
Effective date	July 2024
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Version Control

The version number should increase by 0.1 if the changes are minor, or by 1.0 if there have been significant changes. Below is the expected future review schedule.

Date	Amendment	Version
June 2024	New Policy	1.0

Transitional Timeline

Transitional Timeline

Many of the detailed provisions set out in the Building Safety Act will be implemented over a two-year transitional period following the Act receiving Royal Assent on 28 April 2022. This will be achieved through a programme of secondary legislation and regulatory guidance from the Building Safety Regulator and government.

We will undertake reasonable measures to implement and meet individual requirements of the Act and related secondary legislation as and when they come into force.

The dates of major milestones for transition are:

Apr 2023

- Registration for existing occupied higher risk buildings opens

Oct 2023

- Registration deadline for existing occupied buildings. From now on all new buildings must be registered before being occupied.
- Building inspector and building control approver registers open
- Building Safety Regulator becomes the new building control authority for higher risk buildings
- From 1 October 2023 developers must apply to Building Safety Regulator for building control approval before commencing work on any higher risk building (subject to transitional provisions set out by government)

Apr 2024

- Building Safety Regulator starts to call in buildings for assessment and issue building assessment certificates
- Requirements related to registration for building inspectors and building control approvers become enforceable.

Further up-to-date information on the transitional timeline can be found here:
What we are doing to prepare - Building safety - HSE