

HOMES & COMMUNITIES COMMITTEE

14 JANUARY 2019

JOINT WORKING AGREEMENT FOR NOTTINGHAMSHIRE HOUSING AUTHORITIES & NOTTINGHAM FIRE & RESCUE SERVICES

1.0 Purpose of Report

- 1.1 To outline the changes to Fire Safety Regulation and Enforcement as introduced by the Nottinghamshire Housing Authorities & Nottingham Fire and Rescue Services (NFRS) , Joint Working Agreement and to seek approval from members to adopt the enforcement strategy as set out with in the Joint Working Agreement.

2.0 Background Information

- 2.1 The Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 (RRO) placed a dual system of statutory enforcement on Fire and Rescue Authorities and Local Housing Authorities. Each has primacy of enforcement for different aspects of fire safety in residential property, depending on the size, type and tenure of property. The private rental market is constantly evolving; recent changes introduced in 2018 include an extension of the regulation of Houses in Multiple Occupation (HMO's) to include all shared property which is home to more than 5 people. The introduction of the "Air B & B" housing rental market has also added a new dynamic by allowing property owners to rent rooms or property on a short term basis outside the normal regulatory system. As a result the housing market for both temporary and permanent accommodation is more diverse and gives rise to complex enforcement issues. Different interventions are available to NFRS than are available to the Local Housing Authorities Newark and Sherwood District Council and in complex cases this can cause confusion over which Authority is best placed to take enforcement action and or give advice on technical fire safety issues.
- 2.2 To explore these issues a joint working group led by NFRS and Nottinghamshire Housing Working Group was established and tasked with exploring opportunities to revise existing working practices including the sharing of information, consistency of enforcement approach and systems of consultation. As a result of this piece of work the Nottinghamshire Joint Working Agreement has been developed to address these issues and to strengthen collaborative working across the County. Its purpose is to deliver Safer Communities by adopting a robust, effective and consistent approach to the regulation of fire safety across Nottinghamshire. A copy of the Joint Agreement is attached as **Appendix 1** to this report.
- 2.3 The joint working Agreement sets out the circumstances where enforcement and regulation falls to the Local Housing Authority rather than to the Fire and Rescue Authority. In general terms properties that are solely residential with no associated business use and are not flats above a business will be regulated by the local authority. Where living accommodation is supported or of a commercial nature such as a B&B or hotel NFRS will be the lead regulator. Houses in Multiple Occupation will be regulated jointly depending on the size and layout of the property.

- 2.4 The Communication and Consultation Strategy contained within the Joint Working Agreement aims to ensure effective communication at both an operational and strategic level. It is appropriate that Newark & Sherwood District Council continues to actively support and develop new areas of collaborative working with NFRS, by engaging fully with the initiative. One new area of work is an innovative trial of the national data sharing case management system ECINS, to manage data sharing for vulnerable people at risk fires within their home.
- 2.5 An in principle data sharing agreement has been drafted and reviewed by the working group in consultation with Nottingham City Councils Data Governance advisor. They have advised that the Data Sharing Agreement within the report is compliant. .

3.0 Proposals

- 3.1 The Joint Agreement is considered useful to assist in the enforcement of fire regulation and therefore it is proposed to adopt the regulatory framework set out in the Joint Working Agreement for Nottinghamshire Housing Authorities and Nottingham Fire & Rescue Services.
- 3.2 It is proposed that Newark & Sherwood District Council continues to actively support and develop new areas of collaborative working and develops a trial of the ECINS case management system for cases relating to vulnerable people at risk fires within their home.
- 3.3 It is further proposed that a data sharing agreement is agreed and approved to facilitate the sharing and processing of information in accordance with the General Data Protection Regulations.

4.0 Equalities Implications

- 4.1 In terms of recommendations, there are only positive equalities implications within the proposals made in this report.

5.0 Financial Implications

- 5.1 There are no financial implications for this project, regulation will be made more efficient and effective.
- 5.2 There are no financial implications in using the ECINS database as this is provided under licence from the Police & Crime Commissioner's office.

6.0 RECOMMENDATIONS that Members are asked to:

- (a) agree the adoption of the Joint Working Agreement for Nottinghamshire Housing Authorities & Nottingham Fire and Rescue Services;**
- (b) support the trial of the ECINS database for cases relating to vulnerable people at risk fires within their home; and**
- (c) approve the data sharing agreement to facilitate the sharing and processing of information in accordance with the General Data Protection Regulations.**

Reason for Recommendations

The adoption and use of the Joint Working Agreement for Nottinghamshire Housing Authorities and Nottingham Fire & Rescue Services will improve the effectiveness of local regulation and ensure that all regulators are aware of their responsibilities.

Background Papers

Nil

For further information please contact Alan Batty - Business Manager – Environmental Health & Licensing on 01636 655467 or Sheridan Stock - Assistant Business Manager 01636 655616.

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