

[**TOWER BLOCKS**](https://www.towerblocksuk.com/)

[**UK**](https://www.towerblocksuk.com/)





# About the contributors

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**The Housing and Social Justice Network at Kent Law School**

An open network of interdisciplinary researchers based at Kent Law School with a common focus on housing, homelessness, health and safety. This team blends legal knowledge, policy expertise, and a dynamic and collaborative approach to problem solving. This checklist is an example of the network’s responsive, user-led research.

# About Tower Blocks UK

# Tower Blocks UK is a hub for sharing information and resources with groups and individuals who live in, or are concerned about tower block housing safety issues in the UK.

[**https://www.towerblocksuk.com/**](https://www.towerblocksuk.com/)

**and with particular thanks to independent fire safety expert Phil Murphy for his input**



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# What is the checklist for?

**How to use the Fire Safety Checklist**

This checklist is designed to help tower block residents identify and highlight fire safety issues in their buildings and/or individual flats.

When completed, it can be used to show a local authority Environmental Health Practitioner (or Environmental Health Officer – known as an EHO) that an inspection should be undertaken under Part 1 of the Housing Act 2004 to identify the seriousness of the risks. This is known as an assessment under the Housing Health and Safety Rating System (HHSRS).

# How to complete the checklist

As you work through the questions below, tick the appropriate box for each question. **The** “**safest” response is indicated by a response in the shaded box**. The more ticks there are in unshaded boxes, the greater the risk. A “Not known” response means further investigation is required. Note that it is not possible to say that a certain number of Yes of No answers increases the risks – for some questions Yes indicates less risk and for others No is preferable.

The list is divided into two main sections. The first 23 questions have to do with **common parts** of the building and the remaining questions have to do with **individual flats**.

Within each of these sections there are questions about **physical/structural issues** and **management issues**.

When a building is constructed or modified and the work falls within the scope of the Building Regulations, these

are intended to ensure the building will be safe upon completion of the works.

Other work might not fall within the scope of the Building Regulations, but in any event the Building Regulations only set the minimum standard required. Approved Documents provide general guidance on the performance expected of materials and building work in order to comply with the Building Regulations plus examples and solutions on how to achieve compliance for some of the more common building situations.

However it is assumed that the building will be properly and effectively managed. So after construction and completion of subsequent building works management of a building is also critical to safety. That is why one aim of this checklist is to help residents assess whether the building is being properly managed.

# What happens next

# Use the checklist to communicate concerns about fire safety in a tower block to a local authority. If you have questions about the checklist or would like advice before taking this step, contact Tower Blocks UK. The local authority should inspect the building.

# Common Parts Including Exterior

**Fire Safety Checklist**

*Physical/Structural Deficiencies and Issues*

|  |  | **Yes** | **No** | **Not known** |
| --- | --- | --- | --- | --- |
| **1** | Have there been any “improvements” or modifications since building first constructed? |  |  |  |
| **a** | **If Yes** **at 1,** has evidence been provided that any new installations are fire safe? |  |  |  |
| **b** | **If Yes at 1,** has evidence been provided that materials used (internally and/or externally) are non-combustible?  (Not desk top studies)  (insert any information in space below on what was done and when) |  |  |  |
| **c** | **If Yes at 1,** have these improvements impacted in any other way on fire safety or otherwise compromised fire safety, for example by leaving gaps in structure such as around cables or ducting or otherwise affecting compartmentalisation? |  |  |  |
|  | | | | |
| **2** | Is there any obvious disrepair to the outer surfaces of the building, such as cracked or crumbling concrete or insecure panels? |  |  |  |
|  | | | | |
| **3** | Are there two doors between flats and the marked route of escape/place of relative safety? (this is called “two door protection”) |  |  |  |
| **a** | Are these doors in good condition including any smoke seals/intumescent strips? |  |  |  |
| **b** | Is there any disrepair to doors, including to doors of storage cupboards? |  |  |  |
| **c** | Do all door self closers/automatic closers work? |  |  |  |
| **d** | Are all fire doors marked accordingly? |  |  |  |
| **e** | Can exit door be easily opened from inside (e.g. thumb turn locks)? |  |  |  |
|  | | | | |
| **4** | Is there more than one route of escape for all flats? |  |  |  |
|  | | | | |
| **5** | Is each escape route at least 1.1m wide? |  |  |  |
|  | | | | |
| **6** | Is the distance of travel from the front door to the route of escape less than 7.5m? |  |  |  |
|  | | | | |
| **7** | Are there sprinklers or fire suppressant systems (such as high pressure water misting)? |  |  |  |
|  | | | | |
| **8** | Is there fire-fighting equipment such as fire hose or fire cabinet? |  |  |  |
|  | | | | |
| **9** | Is there emergency lighting? |  |  |  |
|  | | | | |
| **10** | Are there any services in the common parts such as electric or gas supply? |  |  |  |
| **a** | **If Yes at 10,**: Is this in fire resistant ducting or enclosure and where ducting or piping passes through the structure is fire-stopping complete? |  |  |  |
|  | | | | |
| **11** | Are there smoke vents (ventilation of escape routes)? |  |  |  |
|  | | | | |
| **12** | Is there a fire lift? |  |  |  |
| **a** | **If Yes at 12, i**s the test record of the fire lift comprehensive and up to date? |  |  |  |
|  | | | | |
| **13** | Is there a fire warning system – alarm system? |  |  |  |
| **a** | **If Yes at 13,** is this automatic? |  |  |  |
|  | | | | |
| **14** | Is there a lightening protection system? |  |  |  |
|  | | | | |
| **15** | Is there disrepair to waste management/collection system such as broken covers to refuse chute hoppers? |  |  |  |

# Common Parts Including Exterior

*Management Issues*

|  |  | **Yes** | **No** | **Not known** |
| --- | --- | --- | --- | --- |
| **16** | Is there a fire risk assessment? (FRA)[[1]](#footnote-1) |  |  |  |
| **a** | **If Yes at 16,** was the person undertaking the FRA a member of an appropriate quality scheme & suitably qualified specifically BAFE SP205 (https://www.bafe.org.uk/schemes/life-safety-fire-risk-assessment-sp205)?[[2]](#footnote-2) |  |  |  |
| **b** | **If Yes at 16,** has the FRA been undertaken in the past twelve months and/or since any work has been carried out on the building? |  |  |  |
| **c** | **If Yes at 16,** have all the action points been attended to? |  |  |  |
|  | | | | |
| **17** | Are there any obstructions such as prams or abandoned furniture in escape routes? |  |  |  |
|  | | | | |
| **18** | Are there storage facilities in the common parts |  |  |  |
| **a** | **If Yes at 18,** are combustible materials stored? |  |  |  |
| **b** | **If Yes at 18,** are all storage cupboard doors marked as fire doors and kept locked? |  |  |  |
|  | | | | |
| **19** | Is there any disrepair to common parts indicative of poor management, e.g. damaged wall plaster, broken glazing? |  |  |  |
|  | | | | |
| **20** | Is there a comprehensive testing record of any fire detection and alarm system (certified in accordance with the appropriate British Standard[[3]](#footnote-3))? |  |  |  |
|  | | | | |
| **21** | Is there current testing certificate for the emergency lighting? |  |  |  |
|  | | | | |
| **22** | Is waste storage (at the bottom of chutes) secure and refuse including bulky items well managed with no overflowing bins? |  |  |  |
|  | | | | |
| **23** | Is there clear information on what to do in case of fire in the common parts of every floor? |  |  |  |

# Individual Flats

*Physical/Structural Issues*

|  |  | **Yes** | **No** | **Not known** |
| --- | --- | --- | --- | --- |
| **24** | Have any front doors to individual flats been replaced? |  |  |  |
| **a** | Is/are these door(s) fire resistant?  (are they self-closing with smoke seals and intumescent strips – see illustrations following the checklist for an example of an intumescent strip) |  |  |  |
| **b** | Do entry doors have letterboxes? |  |  |  |
| **c** | Are all letterboxes fire resistant with smoke seals? |  |  |  |
|  | | | | |
| **25** | Have there been any other modifications to the flat from the original design and construction, such as changes to layout or doors? |  |  |  |
|  | **If Yes at 25,** have these been assessed as satisfactory for fire safety? |  |  |  |
|  | | | | |
| **26** | Is there any disrepair including gaps around any services including service and cable entry to flat and around window frames? |  |  |  |
|  | | | | |
| **27** | Is window construction known? |  |  |  |
| **a** | **If Yes at 27,** Is window construction material and installation suitably fire resistant? |  |  |  |
|  | | | | |
| **28** | Are window openings sufficiently large for possible rescue? |  |  |  |
|  | | | | |
| **29** | Is there a balcony? |  |  |  |
|  | | | | |
| **30** | Is there automatic fire detection and alarm system? (smoke/heat detectors mains powered alarms with an integral stand-by power supply) |  |  |  |
|  | | | | |
| **31** | Are the locations of heaters and cooker positions safe and away from flammable materials or obstructions? |  |  |  |
|  | | | | |
| **32** | Is there fire fighting equipment e.g. fire blanket in kitchen? |  |  |  |
|  | | | | |
| **33** | Is there adequate heating so no supplementary heating required? |  |  |  |
|  | Is the heating system in good condition (no defects to appliances)? |  |  |  |
|  | | | | |
| **34** | Are there adequate clothes-drying facilities? |  |  |  |
|  | | | | |
| **35** | Is there a gas supply and gas appliances? |  |  |  |
|  | | | | |
| **36** | Are there defects to the electrical supply? |  |  |  |
|  | | | | |
| **37** | Is there an adequate number of electrical sockets? |  |  |  |
|  | | | | |
| **38** | Is there are non-fire resistant fabric in the flat, for example polystyrene wall or ceiling tiles? |  |  |  |
|  | | | | |
| **39** | Is there any disrepair to the fabric of the flat interior?  (For example gaps between walls or between walls and floors or ceilings and walls to walls, ceilings and/or floors and gaps around doors and pipework that may allow smoke, fumes and/or fire to spread and where fire-stopping incomplete or absent) |  |  |  |
|  | | | | |
| **40** | Are internal doors adequate and in good repair and closing properly on the frames? |  |  |  |
|  | Are there any missing internal doors to rooms? |  |  |  |
|  | Are there fire resistant doors including self-closers where appropriate, particularly to the kitchen? |  |  |  |
|  | Are any doors missing effective self-closers/have any self-closers been removed? |  |  |  |
|  | | | | |
| **41** | Are there any “inner rooms” room whose only escape route is through another room? |  |  |  |

# Individual Flats

*Management Issues*

|  |  | **Yes** | **No** | **Not known** |
| --- | --- | --- | --- | --- |
| **42** | If any fire-fighting equipment is provided is it properly serviced and useable? |  |  |  |
|  | | | | |
| **43** | Are there combustible furnishings – including furniture and furnishings? |  |  |  |
|  | | | | |
| **44** | Is there a valid Gas Safe Certificate?  (see https://www.gassaferegister.co.uk/help-and-advice/gas-safety-certificates-records/) |  |  |  |
|  | | | | |
| **45** | Is there a valid Periodic Inspection (PIR or EICR) and Electrical Installation Certificate or Building Regulation Compliance Certificate for any subsequent work? |  |  |  |
|  | Is there RCD protection of circuits? |  |  |  |
|  | | | | |
| **46** | Is there information on what to do in case of fire and on the operation and maintenance of the alarm system, in a Tenant handbook or in the flat? |  |  |  |

# Examples of markings that can be found on fire doors (although not on every fire door):

**Illustrations**

# Screen Shot 2018-07-04 at 22.15.36.png

# Screen Shot 2018-07-04 at 22.23.52.png

# What do smoke seals and intumescent strips look like?

**Illustrations**

# Screen Shot 2018-07-04 at 22.10.32.png

Figure 1: Fire and smoke seal before fitting

# Screen Shot 2018-07-04 at 22.11.18.png

Figure 2: Fire only intumescent strip before fitting



Figure 3: Fire and smoke seal fitted to timber door frame

**Further reading and sources of information**

**Fire safety in purpose-built blocks of flats**

*Local Government Association*

<https://www.local.gov.uk/sites/default/files/documents/fire-safety-purpose-built-04b.pdf>

**Fire Safety Risk Assessment: Sleeping Accommodation**

*HM Government*

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/422192/9281_Sleeping_Accomodation_v2.pdf>

**Housing – Fire Safety: Guidance on fire safety provisions for certain types of existing housing**

*Chartered Institute of Environmental Health & The Fire Chief Officers Association*

Including the Protocol between local housing authorities and fire and rescue authorities to improve fire safety. (Note: Most local authorities and fire and rescue services have their own protocol which should be on their websites)

<https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

**The UK Fire Service Resources**

*Aims to provide fire and rescue service related information and an online community where members of the public can find all the information they require.*

<https://www.fireservice.co.uk/>

**Safelincs Fire & Safety Solutions**

*Provider of fire safety products and services.*

<https://www.safelincs.co.uk/>

**The Fire Safety Advice Centre**

*Provider of free fire safety and fire prevention advice in the UK.*

<https://www.firesafe.org.uk/>

**National Fire Protection Association’s Fire Safety Tips**

*Tip sheets provided by a US-based information and knowledge resource on fire, electrical and related hazards.*

[*https://www.nfpa.org/public-education/resources/safety-tip-sheets*](https://www.nfpa.org/public-education/resources/safety-tip-sheets)

**Court and Tribunal Finder**

*Magistrates (JPs) can be found at the Magistrates Courts. The link below can help you find a Magistrate near you.*

<https://courttribunalfinder.service.gov.uk/search/>

**Magistrates Association**

*Information about magistrates (JPs) in England*

[*https://www.magistrates-association.org.uk/*](https://www.magistrates-association.org.uk/)

**Find your Parish or Community Council**

*The websites below list parish and community councils.*

<http://www.politicsresources.net/area/uk/parish.htm>

[*https://www.localcouncils.org/england/*](https://www.localcouncils.org/england/)

<https://ipfs.io/ipfs/QmXoypizjW3WknFiJnKLwHCnL72vedxjQkDDP1mXWo6uco/wiki/List_of_civil_parishes_in_England.html>



# Legal Duties & Local Housing Authorities.

**Tips for dealing with the Environmental Health Officer (EHO)**

There is a duty on the local housing authority (LHA) under the **Housing Act 2004** (“the Act”) to keep housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Act (section 3(1)).

It might be necessary to remind EHOs of this duty. Any deficiencies identified will contribute to a fire hazard under the **Housing Health and Safety Rating System** (HHSRS).

This does not exclude the LHA’s own property, however it is not possible for the EHO to act (serve and enforce a notice) against their employing authority (the EHO is acting on behalf of the LHA).

# More on the duty to keep housing conditions under review.

On 17 May 2018 James Brokenshire MP issued a direction under s.3 with respect to this duty in carrying out their duty to review housing conditions in their area as follows:

* “to take particular regard, when reviewing housing conditions in their area, to the Department’s consolidated advice (Reference: MHCLG/BSP/Advice Note/11/280218) and MHCLG’s Independent Expert Advisory Panel’s view that Aluminium Composite Material (**ACM**) with an unmodified polyethylene filler (category 3 in screening tests) with any type of insulation presents a significant fire hazard on buildings over 18m;
* to take all appropriate steps **to identify and notify the MHCLG of all high-rise residential buildings** over 18m in their area with a view to identifying any action they should take in accordance with their duties under the Act, including carrying out inspections and assessments of hazards; and
* to carry out a review to consider any fire safety hazards arising out of potentially unsafe ACM cladding on high-rise residential buildings in their area.”

# You can ask the EHO how the Direction described above is being complied with and what information has been provided to MHCLG

# You can also seek an inspection of your property. There are two routes:

# Direct to the Council.

The **Housing Act 2004** requires that if a local housing authority consider “as a result of any matters of which they have become aware in carrying out their duty under section 3, or for any other reason”, that it would be appropriate for any residential premises in their district to be inspected with a view to determining whether any category 1 or 2 hazard exists on those premises, “the authority must arrange for such an inspection to be carried out.”

“Residential premises” is defined so as to include the common parts of buildings containing flats.

This provision does not distinguish between tenures although the LHA cannot enforce against itself by serving notices on itself where there are hazards.

# Via an official complainant

Alternatively, a Justice of the Peace, or a Parish or Community Council, can make an “official complaint” about the condition of any residential premises in the district of a local housing authority.

If such a complaint is made to the proper officer of the authority, and the circumstances complained of indicate that any category 1 or category 2 hazard may exist on those premises, the proper officer must inspect the premises or area.

1. **Risk Assessments and Hazards.**

When an inspection takes place, the EHO will do a risk assessment, produce a score, and determine whether there are any **Category 1** or **Category 2** hazards in the property/building.

If the hazard score produced by the EHO, and taking account of all the factors, is 1000 or more it is a Category 1 hazard.  If the rating is 999 or less it may be a Category 2 hazard.

1. **Local authorities have a duty to act where there is a Category 1 hazard, and a discretion to act if the hazard is assessed as Category 2.**
2. **Possible responses to a complaint include:** 
   1. We are already in discussions with the landlord
   2. We have asked the landlord informally to carry out work
   3. We do not inspect council-owned property
   4. We will take some time to carry out an inspection as we do not have the resources
   5. We do not think the hazard is serious enough to take action
   6. We are liaising with the Fire and Rescue Service…
3. **More on Category 2 Hazards.**

Crucially, even if the deficiencies only imply a Category 2 hazard then the LHA can still require those deficiencies are remedied.

This can include management matters as the hazard may result from poor management and a Notice has to include “remedial action” which is more than work.

1. **Even where the building does not have any cladding, if the checklist has shown there are deficiencies or areas of concern then these should be pointed out to the EHO.**

If the EHO suggests that the Operating Guidance on the HHSRS is out of date, suggest that it is only guidance and that they should be able to make a judgement as to the risk from a proper inspection, and the greater the number of deficiencies, the greater must be the risk.

Note also that the risk rating under the HHSRS is produced by assessing the likelihood of an occurrence (fire) that could cause harm and also the possible spread of harms. Some deficiencies can contribute to both.

1. **Fire & Rescue Service.**

Under the **Fire (Regulatory Reform) Order 2005**, the Fire and Rescue Service is responsible for the common parts (taken by many as the internal common parts only and this may or may not be interpreted as to include the doors to flats) and the FRA, but **there should be a memorandum of understanding between the LHA and F&RS.**

**If this is not on any websites, ask the EHO for a copy of this**. It is likely that the F&RS will consider the external fabric to be the responsibility of the LHA.

1. **More on the HHSRS.**

For more information on the HHSRS it might be useful to look at the guidance for landlords and related housing professionals. This is available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf>

1. The FRA should be readily available from the person or organization having control of or managing the common parts of the building, if not then ask the local authority to use s.235 of the Housing Act 2004 to obtain one and make it available – Freedom of Information means they should make this available. [↑](#footnote-ref-1)
2. (see also for example <http://www.cheshirefire.gov.uk/Assets/1/Guide-to-Choosing-a-competent-Fire-Risk-Assessor-August2015.pdf> [↑](#footnote-ref-2)
3. BS 5839-6:2013 (currently being revised) [↑](#footnote-ref-3)