

CASE STUDY: FIRE SAFETY DISPENSATION

JB Leitch has a strong track record in both fire safety matters and tribunal applications, and another recent and ongoing case typifies where the firm's areas of specialism have successfully enabled a client to apply for, and receive, urgent dispensation in respect of the installation of the fire alarm system and interim safety measures.

Background

JB Leitch is acting on behalf of a landlord client in an application to the First-tier Tribunal under Section 20ZA of the Landlord and Tenant Act 1985. The application was made in respect of the installation of the fire alarm system and introduction of fire marshals.

The Issues

There were found to be issues with the external façade of the building – a 22 storey tower block comprising 154 residential flats, a commercial unit and car park. After commissioning qualified inspections and engaging with the local Fire Authority, findings and recommendations highlighted that although the external cladding of the Premises does not consist of Aluminium Composite Material, it was discovered that the external cladding system comprises of a Knauf render system and EPS insulation which would have been compliant with building regulations at the time if proper fire breaks had been installed around the building openings.

The recommendations also indicated that the current stay put procedure was insufficient and that urgent interim measures, such as installing an automatic fire safety system would be required whilst remedial work was undertaken.

Outcome & Interim Measures

The Tribunal granted dispensation of the s20 consultation requirements, acknowledging that “the installation of the alarm/detection system is urgent, given the fire risks and the substantial, ongoing cost of the fire marshals”.

In the interim, the client has been advised that the property requires a change from the previous “stay put” policy to full evacuation requiring interim measures such as fire marshals and/or the installation of a fire detection system with heat detectors.

Within the reasons provided, the Tribunal also accepted that the works to the exterior façade may take time and acknowledged the recommendations put forward by the client's fire safety experts and the London Fire Brigade to have fire marshals and install an alarm system as interim measures. Finally, the Tribunal confirmed that the decision to grant dispensation does not address whether the costs of the works are a service charge – however the decision highlights the need to protect life as the primary – and urgent - consideration.