

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT & NEIGHBOURHOODS

TO:	HOUSING, NEIGHBOURHOODS & LEISURE COMMITTEE		
DATE:	14 NOVEMBER 2018	AGENDA ITEM:	8
TITLE:	FIRE SAFETY IN TALL BUILDINGS		
LEAD COUNCILLOR:	COUNCILLOR JOHN ENNIS	PORTFOLIO:	HOUSING
SERVICE:	REGULATORY SERVICES	WARDS:	ALL

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 This report provides an update on the Council's response following the Grenfell Tower fire in Kensington on 14th June 2017. This includes action taken in relation to the Authority's own housing stock, other corporate buildings and schools, as well as wider work in partnership with the Royal Berkshire Fire and Rescue Service (RBFRS) in respect of privately owned high rise residential blocks within the Borough boundaries.

1.2 In summary the local authority has taken the following action post the Grenfell Tower incident:

- As previously reported, the council instructed Fireskills, an independent fire safety specialist to audit its tall buildings. The audit went further than Government's guidance and included buildings below 18 metres in height. As a result of the audit an action plan was drawn up that is being managed to ensure works can be completed. The council has also as necessary responded to the Government's latest guidance on issues such as fire doors.
- A Memorandum of Understanding (MOU) between RBFRS and the 6 Berkshire councils was signed, to enable a partnership approach to inspections and enforcement of all high rise .
- As a result of the MOU, a building safety programme was implemented and joint work commenced in March 2018 between RBFRS and the council. This work involved joint fire safety inspections of 32 of the most high risk residential buildings over 18 metres. Inspections were completed by 1st August and work to meet fire safety standards was required where necessary.
- Three high rise residential buildings have been identified with ACM cladding which failed the required fire safety standards. These buildings have had interim measures installed and monitored in accordance with the current Ministry for Housing Communities and Local Government (MHCLG) guidance. The council and RBFRS are working with stakeholders of the buildings to support plans to remove, and in some cases replace, the cladding.
- There is regular communication and sharing of information between the council and RBFRS, plus joint meetings with relevant stakeholders where required.

2. RECOMMENDED ACTION

2.1 That Members note the action taken and planned in respect of fire safety in tall buildings as detailed in this report.

3. POLICY CONTEXT

The Grenfell Tower Fire

- 3.1 Grenfell Tower was a 24-storey, 67m high residential tower block in North Kensington built in 1970. The concrete structure's top 22 storeys consisted of 127 flats. The block was managed by Kensington and Chelsea Tenants' Management Organisation.
- 3.2 A major fire seriously damaged the building on 14 June 2017. The fire burned for about 60 hours until finally extinguished. More than 200 firefighters and 40 fire engines from stations all over London were involved in efforts to control the fire. At least 80 people were confirmed or presumed dead, according to the Metropolitan Police Service. Demolition of the tower is scheduled to start towards the end of 2018.
- 3.3 The fire is under investigation and is the subject of a Public Inquiry which opened on 14th September 2017. The Inquiry suggests that external fire loading was partly responsible for the rapid fire spread. The ACM cladding of the building has become the main focus of concern. The incident has raised a wide range of questions about fire safety and regulation in relation to high rise residential buildings. Phase 1 of the Public Enquiry is due to cover the factual narrative of the events of the night of the fire which includes:
- the existing fire safety and prevention measures at Grenfell Tower;
 - where and how the fire started;
 - the development of the fire and smoke;
 - how the fire and smoke spread from its original seat to other parts of the building; and,
 - the chain of events before the decision was made that there was no further savable life in the building; and the evacuation of residents.
- 3.4 The cladding system which was fitted as part of an £8.4 million refurbishment completed in 2016 consisted of an Aluminium Composite Material which was effectively a sandwich of two sheets of aluminium foil covering a 3mm polyethylene core acting as a rain screen. The insulation was Celotex RS5000, which is an insulant that has subsequently been withdrawn from the market. This was all fixed to the original concrete façade of the building.
- 3.5 After Grenfell, seven large scale tests were undertaken by the Building Research Establishment (BRE) to understand what combination of ACM and insulation may or may not be safe to use as part of a wall system in high rise buildings, in line with current Building Regulations guidance. These results confirmed which categories of ACM and insulation passed the BS8414 test and enabled MHCLG to provide urgent advice to building owners.
- 3.6 MHCLG has since set up its 'Building Safety Programme' to provide guidance to building owners, councils and local fire brigades. The advice which is being produced by an independent expert advisory panel covers more than issues associated with ACM. MHCLG is also providing advice to building owners about common non-ACM external wall systems, including ones using Metal Composite Materials, High Pressure Laminates or External Wall Insulation with a render or brick slip finish. Advice has been issued to local authorities who own large panel systems with a gas supply, following the gas explosion at Ledbury Estate tower blocks in 2017.
- 3.7 The fire at Grenfell Tower follows other significant incidents in social housing in recent years which have been widely reported in the Housing and national press:
- fire in Lakanal House, Camberwell on 3rd July 2009 (6 deaths)
 - fire at Shepherds Bush House on 18th October 2016 (no deaths)

There were marked similarities between the features of the Lakanal House fire and Grenfell Tower and nationally there remain calls for change, including to Building Regulations.

4. Current Position

RBC Housing stock

- 4.1 Following the review by FireSkills, officers have been working towards delivering the recommendations within the action plan. The key actions taken to date are:
 - 4.2.1 External and internal doors to each flat within high rise blocks are being inspected. To date, the majority of issues that have been identified are minor. Whilst good progress is being made with the inspections and rectification of any issues with doors, there still remain some issues in gaining entry to some tenants' flats to carry out the inspection. There is an agreed escalation process in place to ensure that essential health and safety works are completed in such circumstances and this will be followed (culminating in forced entry as a last resort).
 - 4.2.2 The design for the replacement of the 'break glass' fire alarm system for Coley high rise has been completed and the procurement method agreed. The new system is programmed to be installed in January 2019. The upgrade to the communal alarm systems for these blocks is an interim measure pending the installation of sprinkler systems.
 - 4.2.3 Fire alarms to communal areas will be installed in those blocks identified as higher risk in the FireSkills report. The majority of these will be installed as the alarms are upgraded within the flats, these are being worked through in risk order.
 - 4.2.4 A specification for higher risk flats which includes upgrading smoke detection and in some cases installing a sprinkler system within kitchens has been agreed. The work to upgrade the smoke detection system has now commenced, however, contractors continue to have access issues which causes delays to the programme. Once work to the high rise blocks has been completed, installation will be undertaken in the remaining stock based on a risk programme.
 - 4.2.5 The removal and replacement of cladding on Coley high rise is programmed to coincide with the replacement of windows in 3-5 years' time. The replacement is not related to any identified fire risk, but the outcome of the Hackitt review and any changes in Government policy may influence the materials used as part of the replacement works.
 - 4.2.6 In response to the latest guidance, the new build Council homes at Conwy Close, which are currently under construction, have benefitted from upgraded fire doors and each flat will be completed with a sprinkler system, with an Autoquench system fitted in buggy and bin stores.

Corporate Buildings and Schools

- 4.3 All fire risk assessments have been completed and any priority works have been completed.

Cross Tenure Residential Buildings

- 4.4 A County-wide Steering group was convened by RBFRS with representatives of the six Unitary Authorities in Berkshire. A Memorandum of Understanding (MOU) between RBFRS and the six Unitary Authorities was signed this year with the purpose of strengthening the current draft Protocol for Fire Safety Enforcement and putting into place a joint plan of action with regards to the roles and responsibilities of each party.

- 4.5 A programme of joint work was agreed to facilitate sharing of learning, information and resources. A multi-disciplinary operational team comprising RBFRS and an Environmental Health officer from the Council was formed with the remit of holistically reviewing the safety of high rise residential blocks in Reading on a prioritised basis.
- 4.6 RBFRS built a risk profile for all high rise residential premises across Berkshire which informed prioritisation for inspections. By using these calculated risk profiles, 32 of the highest risk residential buildings over 18 metres in Reading were jointly inspected between March and August 2018. Joint letters were sent out to notify all residents prior to the inspections and to offer home fire safety checks by fire officers. In addition to the communal areas, at least 5% of flats were inspected for each residential high rise block. RBFRS and the council followed up separately on the issues found under their respective enforcement legislation - The Regulatory Reform (Fire Safety) Order 2005 and the Housing Act 2004.

The common deficiencies found in high rise blocks in Reading included:

- Compartmentation breaches
- Fire lifts not in operational use
- Fire doors in disrepair

- 4.7 All building owners are responsible for determining whether there is ACM on the outside of their high rise residential building. In Reading there are three residential buildings over 18 metres which have been identified to have ACM cladding which failed the required fire safety standard and is not of limited combustibility. The council and RBFRS are working with the relevant stakeholders of these buildings to ensure a long term remediation plan is established.

- **St. Lawrence House** (social housing accommodation). Interim measures are in place in accordance with the current MHCLG guidance dated 29 September 2017 and they are monitored by RBFRS. The Building Control application for the removal and replacement of the external cladding was approved on 13th September 2018. No Planning permission was required as the replacement material will have the same appearance. The work will take 20 weeks and has now commenced. On 16th May it was announced that all ACM cladding remedial works on buildings owned by Local Authority and Housing Associations would be funded by the Government.
- **Queen's Court** (student accommodation). The cladding is situated on the top two storeys of the building. The 'responsible person' has been asked to demonstrate that the fire protection system meets the requirements under Approved Document B Paragraph 12.5. The Freeholder enlisted specialist consultants who have undertaken an updated Fire Risk Assessment (FRA). The FRA states the building is well managed and has in place effective mitigation measures to allow the continued safe use of the building until legislation/ government advises otherwise. MHCLG advised in September that stronger guidance would be released to assist authorities in managing any buildings which are partly clad. The council await further guidance before considering next steps.
- **Hanover House** (private residential accommodation). Interim measures are in place in accordance with the current MHCLG guidance and these are monitored regularly. RBFRS have served an Alterations Notice for closure of the car park located underneath the building as part of the interim measures. A Planning application to remove the cladding and reveal the original appearance of the building has been submitted to the council.

- 4.8 MHCLG's data reporting system, DELTA, is updated regularly by the council and there is frequent communication with staff from the Tower Casework Team at MHCLG.
- 4.9 The Corporate Fire Safety Working Group has regular meetings to discuss progress with the work on fire safety in high rise residential buildings.
- 4.10 The council and RBFRS have also met regularly throughout the year to discuss progress with the Building Safety Programme and the effectiveness of the MOU. There are 54 high rise residential buildings in Reading remaining to be inspected. The council and RBFRS are to discuss priorities and consider the next most high risk area to focus on. The scope of partnership work will depend on available resources, funds and capacity.

The Hackitt Review

- 4.11 An Independent Review of Building Regulations and Fire Safety was led by Dame Judith Hackitt and the final report was published on 17th May 2018. The purpose of the review was to make recommendations to ensure there is a sufficiently robust regulatory system for the future and that residents feel that the buildings they live in are safe and remain so. It examined building and fire safety regulations, related compliance and enforcement, with the focus on multi-occupancy high rise residential buildings. The report identified that the current system of building regulations and fire safety is not fit for purpose and that a culture change is required to support the delivery of buildings that are safe, both now and in the future.
- 4.12 Recommendations include:
- A new regulatory framework focused, in the first instance, on multi-occupancy higher risk residential buildings (HRRBs) that are 10 storeys or more in height;
 - Local Authority Building Control rebranded as 'Local Authority Building Standards'. This new body would have additional powers to issue 'stop' notices to builders, require changes to building work and work with an increased time limit for bringing prosecutions.
 - A new Joint Competent Authority (JCA) comprising Local Authority Building Standards, fire and rescue authorities and the Health and Safety Executive to oversee better management of safety risks in these buildings across their entire life cycle;
 - A mandatory incident reporting mechanism for duty holders with concerns about the safety of a HRRB.
 - A series of robust gateway points to strengthen regulatory oversight that will require duty holders to show to the JCA that their plans are detailed and robust; that their understanding and management of building safety is appropriate; and that they can properly account for the safety of the completed building in order to gain permission to move onto the next phase of work and, in due course, allow their building to be occupied;
 - A single, more streamlined, regulatory route to oversee building standards as part of the JCA to ensure that regulatory oversight of these buildings is independent from clients, designers and contractors and that enforcement can and does take place where it is necessary. Oversight of HRRBs will only be provided through Local Authority Building Standards as part of the JCA, with Approved Inspectors available to expand local authority capacity/expertise or to newly provide accredited verification and consultancy services to duty holders;
 - Desktop studies only to be undertaken by organisations accredited to run large-scale tests (e.g. The Building Research Establishment (BRE)) with the possibility of a complete ban of these studies in the future.
 - The Government, Building Regulations Advisory Committee and industry experts to re-write Approved Document B to improve consistency.

5. The Government's latest proposals

- 5.1 The Government will be bringing in a ban on all combustible materials on the outside of high rise residential buildings, hospitals, care homes and student accommodation. High rises, in the context of these plans, refers to buildings over 18 metres. The changes will be brought in through amendments to the Building Regulations, which are due later this year. The ban will be delivered through changes to building regulations and will limit materials available to products achieving a European Classification of A1 or A2. Currently, it is unclear whether any retrospective ban will apply.

6 Options Proposed

- 6.1 The Council and RBRFS officers have discussed how the Steering Group might, in future, prioritise checks on certain non-high rise residential properties such as care homes, sheltered accommodation and other specialist housing where the occupants may be more vulnerable and less mobile. Houses in Multiple Occupation are another accommodation type which, through the County-wide Steering group's joint work, could result in improved safety for residents. Scope of partnership work will depend on the nature of issues arising from high rise residential stock and the councils and RBRFS capacity.
- 6.2 Communications with stakeholders on the high rise residential buildings with ACM will continue. The priority will be to secure remediation of the cladding where required as quickly as possible.
- 6.3 The Council will keep updated with the latest Government guidance and take action where appropriate. This includes any new changes derived from recommendations in the final Hackitt review.
- 6.4 RBRFS plan to arrange a "good news story" to be released in the media detailing the joint work that has been undertaken on the building safety programme to date.

7. CONTRIBUTION TO STRATEGIC AIMS

- 7.1 This report supports the following objectives in the corporate plan:
- Improving access to decent housing to meet local needs
 - Protecting and enhancing the lives of vulnerable adults and children.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 Not relevant to this report.

9. LEGAL IMPLICATIONS

- 9.1 There are several important pieces of legislation which impact on fire safety within dwellings, principally:
- Building Regulations 2010 Part B.
 - Housing Act 2004.
 - The Regulatory Reform (Fire Safety) Order 2005.

In addition, the Local Government Association (LGA) published guidance in 2012 'Fire safety in purpose built blocks of flats'.

- 9.2 The Regulatory Reform (Fire Safety) Order 2005 (the FSO) came into force in October 2006. It does not apply to individual flats but does apply to the common parts of flats

such as stairwells, a plant room or caretaker room, shared facilities and lobbies. Guidance on the FSO and its requirements has been issued in a series of guides. Blocks of flats are included, among many other types of residential premises, in the HM Government guide 'Fire safety risk assessment: sleeping accommodation' published by the Department for Communities and Local Government (DCLG). The FSO imposes duties on the 'responsible person' who has control of the premises - usually a company or organisation and usually the freeholder or landlord. Responsibilities also apply in respect of anyone who has a contract or responsibility for maintenance, repairs or for the safety of premises. The FSO is normally enforced by the fire and rescue authority.

- 9.3 The FSO requires that suitable and sufficient fire risk assessments (FRAs) are carried out - this forms the foundation for the fire safety measures required in a block of flats. The fire and rescue authority will review the FRA at the time they audit a building. Further detail is provided above in this report. An FRA will result in an action plan detailing managerial and physical measures with prioritisation commensurate with the risk. LGA guidance suggests that a low risk, low rise block might need an FRA to be completed every 4 years and reviewed every two years. For blocks with higher risk and over four storeys in height a new FRA every 3 years and an annual review would be more appropriate.
- 9.4 Material alterations to existing blocks of flats, including alterations to individual flats, are controlled under the Building Regulations 2010, and need to be approved by a building control body otherwise an offence is committed. Even if the block satisfied earlier legislation, proposed alterations must be considered in the light of the current Building Regulations; it is not sufficient to carry out alterations on the basis of the earlier legislation. In practice, any proposals to carry out alterations including to fire alarm systems, means of escape, smoke control arrangements and structural alterations, should be submitted to ensure compliance with regulations.
- 9.5 The Housing Act 2004 makes requirements regarding the condition of a broad spectrum of housing including both individual flats within a block and the common parts of a block. Local authorities are the enforcing authority for this legislation. Assessment of conditions is carried out using the Housing health and Safety Rating System (HHSRS) - where 'category 1' (more serious) hazards are identified the local authority has a duty to take some form of enforcement action. Under the Housing Act 2004, the housing authority must inspect properties if they become aware of significant fire hazards. Housing authorities have powers of entry for this purpose. The housing authority may make requirements for improvements in fire precautions. In the event of serious risk, the housing authority has the power to prohibit or take emergency remedial action.
- 9.6 There is overlap between the Housing Act and FSO. The Housing Act covers flats and common parts whilst the FSO covers common parts. The safety of common parts can sometimes rely on fire safety measures within flats which is an added complexity.

10. FINANCIAL IMPLICATIONS

- 10.1 There are a number of potential financial liabilities arising which are being factored into financial planning:
 - a) Works which are advised as a result of external review or mandated through changing regulation to the Council's own housing/other residential stock. Capacity to fund additional safety works has been modelled within the Housing Revenue Account.
 - b) Resourcing joint work with RBFRS to review cross tenure residential high rise buildings and managing any regulatory actions arising.
- 10.2 In addition to the above, there is uncertainty in relation to the financial implications of any Fire Service or any council using relevant regulatory powers to secure the

removal and replacement of cladding (or undertake other critical fire safety works) through direct action where necessary and where the owner fails to take responsibility. This matter has been repeatedly raised with MHCLG.

11. BACKGROUND PAPERS

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707792/Building_a_Safer_Future_-_foreword_and_summary.pdf