READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

TO:	**Housing Neighbourhoods and Leisure Committee**		
DATE:	**15 December 2020**	**AGENDA ITEM:**	
TITLE:	**Fire Safety in Tall Buildings**		
LEAD COUNCILLOR:	**CLLR JOHN ENNIS**	**PORTFOLIO:**	**HOUSING**
SERVICE:	**REGULATORY SERVICES**	**WARDS:**	**ALL**
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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, 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 reported to this committee in March 2019, the council instructed Fireskills, an independent fire safety specialist to audit tall buildings within the Housing Revenue Account. 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. With the lock down as a result of the COVID-19 pandemic the speed of delivery of these projects has been adversely affected but good progress is being made.
- A Memorandum of Understanding (MOU) between RBFRS and the 6 Berkshire councils was signed, to enable a partnership approach to inspections and enforcement.
- 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 in the private sector over 18 metres. Inspections were completed on 1st August 2018 and work to meet fire safety standards was required where necessary.
- Four high rise residential buildings in the private sector were identified with Aluminium Composite Material (ACM) cladding which failed the required fire safety standards. Work has been completed on two of these buildings.

- The work on the third should complete in December and the final building now has planning permission for the proposed works.
- The Council has responded to the requirement from MHCLG in July 2019 to complete a data collection exercise to identify external wall materials and insulation on all high-rise residential buildings 18 metres and over within their area. This included properties in private sector, Council properties, hotels and student accommodation.
- There are approximately 97 high-rise residential buildings in Reading which are applicable to this request. Legislation under the Housing Act 2004 is being used to require this information from freeholders in the case of the private sector.
- There is regular communication and sharing of information between the Council and RBFRS, along with joint meetings with relevant stakeholders where required.

2. RECOMMENDED ACTION

2.1 That Housing, Neighbourhoods & Leisure Committee note this update following the Grenfell Tower fire 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 72 people were confirmed or presumed dead, according to the Metropolitan Police Service.

3.3 The fire remains 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.

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.

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)
- fire at Samuel Garside House, Barking Riverside on 9 June 2019 (no deaths)
- fire at Limehouse Lodge, Clapton on 16 September 2019 (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.

MHCLG data collection exercise on External Wall Systems (EWS) in high-rise residential buildings

3.8 Following on from the work carried out to ensure ACM cladding is removed from residential properties, buildings with other types of cladding systems are now being considered as part of the government's Building Safety Programme.

3.9 In July 2019 MHCLG required all local authorities to complete a data collection exercise to identify external wall materials on all high-rise residential buildings 18 metres and over within their area. This exercise covered social and private residential housing stock (except for housing association properties), hotels and student accommodation. There are 97 high-rise residential buildings in Reading which meet this criterion.

3.10 Local authorities were requested to use the DELTA platform for the data collection process and the original deadline was 31st March 2020. MHCLG reviewed this deadline to allow for delays related to COVID-19 and it was extended to 31st July 2020. On 22nd July this deadline was further extended to 31st October 2020. The MHCLG announced on 27th October that the portal on DELTA will remain open until October 2025 to allow for further records to be uploaded and amended.

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 The new sprinkler system being installed in all the flats and communal areas in the three Coley Park (Wensley Road) high-rise blocks is nearing completion. Alongside this the new fire alarm system both internally in the flats and in the communal area have been installed and awaiting the completion of the water mains replacement before going live (the existing system is still in place and will be removed once the new one becomes active).

4.3 The upgrading of the domestic alarm systems to other properties, continues and is part of a three-year programme which is on track. However, there has been difficulties in gaining access to some flats and work is being undertaken to resolve this.

4.4 The removal and replacement of cladding on Coley high rise was programmed to coincide with the replacement of windows in 3-5 years, however, this has been bought forward to 2021/22. 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.

4.5 The sprinkler system install to Lowfield Road and the Wates 3 Storey blocks is progressing. Due to the lock down as a result of the pandemic this work is not complete but is continuing to the new agreed programme and will be finished early next year

4.6 An inspection is due to take place by the new Tower team (RBFRS) and it is not anticipated that any major issues will be identified

4.7 Fire risk assessments have continued throughout the lock down period and two estates management officers have been employed. One of their key tasks is to inspect the properties and test smoke alarms, sprinklers and emergency lighting and other fire safety and health and safety compliance measure in line with our duties as responsible landlords.

4.8 In response to the latest guidance, the Local Authority New Build Programme has been designed to ensure fire safety is at the heart of the process. As a result, all new flats including the recently completed new build at Conwy Close has benefitted from upgraded fire doors and each flat will be completed with a sprinkler system, with an Autoquench system fitted in buggy and internal bin stores.

Cross Tenure Residential Buildings

4.9 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 6 Unitary Authorities was signed in 2018 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.

4.10 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.

4.11 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

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

4.13 **St. Lawrence House** (social housing accommodation). Work to remove and replace the ACM cladding was completed at the end of 2019. The ACM cladding remedial works on buildings owned by Local Authority and Housing Associations have been funded by the Government.

4.14 **Queen's Court** (student accommodation). Work to remove and replace the ACM cladding was completed in March 2020.

4.15 **Hanover House** (private residential accommodation). **I**nterim measures are in place in accordance with the current MHCLG guidance and these are monitored regularly. The Alterations Notice served by RBFRS for closure of the car park located underneath the building is still in force. In May 2019 MHCLG announced the plan for the provision of funding for the removal and replacement of unsafe ACM cladding from privately owned high-rise residential buildings. Planning permission was agreed at the end of October 2020 and a Building Regulations application has been made.

4.16 **Crossway Point** (social housing accommodation). Work to remove and replace the ACM cladding was paused due to COVID-19. The construction company started back on site at the end of April 2020. Remediation work is expected to be finished in December 2020. The council and the fire service continue to work with the housing association to ensure correct measures are in place while the ACM cladding remains on the building.

4.17 in response to the MHCLG's request in July 2019 that all Local Authorities complete a data collection exercise to identify external wall materials on high-rise residential buildings 18 meters and over, the Council served over one hundred section 235 Notices under the Housing Act 2004 requiring this information from owners and management companies. 97 high rise residential buildings were identified as meeting this criterion.

4.18 To date the Council has received EWS information on 80 buildings which have all been uploaded to the Delta system. There are 17 buildings where EWS information is outstanding, and the delay in the main is due to owners waiting for external wall surveys to be carried out, which have been delayed for

reasons related to COVID-19. It is also important to note that even before the pandemic, some surveyors had 3-month waiting lists due to increased demand across the country following MHCLG's request.

4.19 The Council will continue to engage with the building owners and management companies to gather this information and upload it to the MHCLG's Delta portal.

4.20 The council and RBFRS continue to have regular communication to discuss progress with the Building Safety Programme and individual properties.

5 Options Proposed

5.1 The Council and RBFRS will continue to work with ACM and other high-risk building owners. On completion of this work stream the focus will shift to identify and work on other priority areas

5.2 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.

5.3 The council will continue its efforts to obtain external wall systems details of all applicable buildings in response to the request from MHCLG

5.4 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. CONTRIBUTION TO STRATEGIC AIMS

6.1 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.

7. EQUALITY IMPACT ASSESSMENT

7.1 Not relevant to this report.

8. ENVIRONMENTAL & CLIMATE CHANGE IMPLICATIONS

8.1 Any re-cladding works carried out to buildings will need to comply with Building Regulation Standards including those set out in Part L

8.2 Energy efficiency standards in Council Housing are generally considered to be good with an average SAP rating of 74. Future investment in the stock has been planned over the 30 year through our asset management plan. With the Councils commitment to Zero Carbon by 2030, further work is being undertaken to asses where investment in energy efficiency can best be delivered. This will be a law of diminishing returns, as many of the large gains have already been made and much smaller future gains will require significant capital investment.

8.3 Three key areas of investment in the coming years will include the removal of gas boilers and the use of fossil fuels to help achieve our Zero Carbon Goals; replacing these with alternative forms of heating such as Air Source, Ground Source and Quantum. In addition to heating system external wall insulation will be required to either replace existing systems or will be required to improve the energy efficiency of properties with narrow or no cavity walls. These systems will be carefully chosen using non-combustible materials that are aesthetically pleasing, offer value for money and are easy to maintain. The third key element will be the replacement of our double glaze windows with Triple glazed windows. We will actively seek environmentally friendly solutions that bind carbon and provide the most economical solution for our tenants.

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 enough 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.

9.7 On 16 May 2018, *Building a Safer Future, Independent Review of Building Regulations and Fire Safety: Final Report* by Dame Judith Hackitt was published. The report identified that the current system of building regulations and fire safety was not fit for purpose and that a culture change was required to support the delivery of buildings that are safe

9.8 The report set out 53 recommendations to establish a new regulatory framework. The framework will be based around a series of interdependent, mutually reinforcing changes where one new measure drives another. This reflects the reality of many high-rise buildings which operate as a complex intertwined system.

9.9 The government published an implementation plan in December 2018 that provided an approach to delivering the recommendations in Hackitt's Review. This plan sets out the intended programme of work to deliver fundamental reform to the system that will ensure that residents are safe, and feel safe, in their homes.

9.10 As part of this plan, changes to legislation are being made which includes the recent introduction of the Fire Safety Bill to Parliament and the publication of the draft Building Safety Bill. Amendments have also already been made to the Building Regulations and the associated guidance (Approved Documents).

10. FINANCIAL IMPLICATIONS

10.1 The total anticipated expenditure on fire safety works in the Council Housing stock is £6.5m of which £2.4m has been spent to date with the majority of the remaining £3.1m spend to replace the cladding on the 15 storey blocks which are expected to be completed in 2021/22.

11. BACKGROUND PAPERS

Building a Safer Future, Independent Review of Building Regulations and Fire Safety: Final Report - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707798/Building_a_Safer_Future_-_print.pdf

Building a Safer Future An Implementation Plan - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781707/BSP_-_implementation_programme.pdf