

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

TO:	Housing, Neighbourhoods and Leisure Committee (via Committees Briefing)		
DATE:	10th November 2021		
TITLE:	Building Safety and Fire Safety New Legislation		
LEAD COUNCILLOR:	Cllr Ellie Emberson	PORTFOLIO:	Housing
SERVICE:	Housing	WARDS:	All
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an update on the new Fire Safety Act 2021 and the Building Safety Bill.
- 1.2 The report sets out the main aspects of the legislation, the implications for Social Landlords and actions the Housing Service is taking in preparation for the implementation.
- 1.3 The Fire Safety Act 2021 was made law on 29 April 2021 and will come into force over the coming months. This legislation follows the findings of the Grenfell Tower tragedy.
- 1.4 The Building Safety Bill will sit alongside this legislation and subject to agreement will be enacted into legislation in 2023

2. RECOMMENDED ACTION

- 2.1 That Housing Neighbourhoods and Leisure Committee note the implications of the Fire Safety Act 2021 and the Building Safety Bill and the actions the Housing Service is taking in preparation for their implementation.

3. POLICY CONTEXT

- 3.1 The tragic events of the fire at Grenfell Tower exposed a range of issues across the housing sector. This event triggered a series of reviews, enquiries and research which included engagement with tenants and stakeholders across the country. The Hackitt Review and the Grenfell Tower Enquiry exposed concerns around building safety, but also a lack of respect for the tenants living in the

building who had been reporting their concerns about the works taking place and who felt they had been ignored. Survivors of the fire reported raising concerns about the works taking place four years prior to the tragedy with no action being taken.

- 3.5 The Government put in place a legislative response to improve building safety for tenants through the introduction of the Fire Safety Bill in March 2020 which was enacted into legislation on 29 April 2021 and the Building Safety Bill introduced in July 2021 which is expected to come forward in legislation in 2023.

4.0 KEY CHANGES

4.1 Fire Safety Act 2021

The Fire Safety Act 2021 is a relatively short piece of legislation albeit with significance for the organisations involved in assessing and insuring fire safety risks.

- 4.2 The Act amends the Regulatory Reform Fire Safety Order 2005 and clarifies that the responsible person or duty holder for multi-occupied (2 or more sets of domestic properties) residential buildings must manage and reduce the risk of fire by:

- Ensuring that the buildings structure, including wall systems, windows and balconies and individual occupants' entrances are part of the risk assessment
- Introducing recommended use of "Premises Information Boxes" for high rise buildings (accessible to the Fire & Rescue Services which include information to assist the Fire & Rescue Service including plans of the building, persons needing assistance with evacuation etc) for all buildings over 11 metres (4 storeys and above)
- Ensuring regular inspection of firefighting lifts
- Marking of floor levels within a high-rise building
- Inspection of fire doors and self-closing devices
- Ensuring the self-identification of the "Responsible Person" and that they hold competence to carry out their fire safety duties

4.4 Building Safety Bill 2020

The Bill will put in place an enhanced safety framework for high rise residential buildings including the introduction of a Building Safety Regulator, taking forward the relevant recommendations from Dame Judith Hackett's Independent Review of Building Regulations and Fire Safety. In the first instance the new building safety regime applies to high-rise residential buildings of 18 metres and above or more than six storeys (whichever is reached first). The Bill introduces:

- A new system to oversee performance of building control functions, to improve the safety of all buildings

- Clearer accountability including having a “Responsible Person”, “Accountable Person” and a “Building Safety Manager” in place
- Giving residents a stronger voice in the system, ensuring their concerns are never ignored
- Stronger enforcement and sanctions to deter noncompliance
- A new stronger and clearer framework to provide national oversight of construction products
- Competency of fire risk assessors and the introduction of a national register
- That the “Responsible Person” is required to ensure the Fire Risk Assessor is competent

5.0 Current Position

5.1 Although the Fire Safety Act has been passed it has not yet been brought in to force and the Government has not yet provided full guidance and set a date for its implementation. The Housing Service has responded to the legislation by starting to put in place some of the key requirements including:

- Reviewing current fire risk assessments to ensure they are fit for purpose. Housing Fire risk assessments already include an assessment of the buildings structure, wall systems, windows and balconies
- Identifying the new properties that will require a fire risk assessment by virtue of having 2 or more sets of domestic properties in one building. This will bring maisonettes in to the requirement for a fire risk assessment and the Housing service has identified 243 properties that will now fall into this category
- Premises Information Boxes are in place in the high-rise blocks and are being rolled out across other blocks over 4 storeys high
- RBC properties do not contain any fire-fighting lifts, all lifts are on a regular cycle of inspection, however these are not to be used in the event of fire
- All floor levels in the 7 high rise blocks within the housing stock have the floor levels marked in the stairwell for easy identification
- Inspecting of fire doors and self-closing devices is done as part of the fire risk assessment which is carried out on a risk basis the suggestion from Government is that this will need to be more frequent, guidance is awaited from them on this point.
- Although we already have a responsible person who carries out the fire risk assessments currently it was felt that a new more specific role was required to discharge the responsibilities of the Act. As such two new post are to be put in place as part of the Housing and Communities restructure and they will be designated the Accountable Person and the

Building Safety Manager the responsibility of the “Responsible Person” for the purposes of the legislation will be taken on By the Head of Housing Property Services.

- 5.2 In preparation for both sets of legislation the Housing Service has adapted workforce structures to ensure the relevant resources will be in place to put it in a robust position to take on any new responsibilities and duties and to ensure that there is appropriate tenant engagement.
- 5.3 The Council has carried out a number of measures in recent years to ensure fire safety within the housing stock. Although the Council housing stock does not have any panel or cladding systems similar to Grenfell Tower the Council took swift action following the fire to review its fire safety measures in relation to its own high-rise housing blocks and to provide residents with a level of reassurance around fire safety measures
- 5.4 Despite the Council’s blocks differing in design to Grenfell Tower, the Council also appointed an external qualified Fire Engineer (Fireskills) to carry out a review of our practice in the areas of management, fire safety measures and safety advice to tenants in high rise and some other flatted blocks. This included undertaking ‘Type 4’ (intrusive) Fire Risk Assessments (FRAs) of sample blocks, to include communal areas and an appropriate number of flats in each block, to ascertain the general condition of the stock. Intrusive assessments involve destructive exposure or opening up parts of the construction to provide greater assurance about the degree of fire ‘compartmentation’.
- 5.5 Overall FireSkills noted that the Council’s Housing Service had a ‘forward facing and proactive fire safety strategy’ and whilst the Council is fully compliant with current legislation, Fireskills were asked for recommendations that would further improve fire safety in our blocks of flats. These recommendations were taken forward and included:
- The installation of new fire suppression sprinkler system to the 15 storey blocks in Coley.
 - Additional smoke and/or heat detectors for some block types, for example where access/exit is via a lounge
 - In blocks where the flat windows were stacked on top of each other the smoke detectors were upgraded to give an early warning should a fire occur.
 - Further work which was already underway for the high-rise blocks in Coley with the inspection of flat front doors to check smoke seals and fire resistance for a number of blocks.
- 5.6 Over the next 5 years there will be a continuing program of works to our high-rise blocks primarily encompassing the replacement and renewal of the existing cladding systems. Whilst these are not Aluminium Composite Material (ACM) and they do not constitute an imminent danger to the blocks, they do utilise a fire retardant Polystyrene insulant that it would be beneficial to replace with a more modern product that offers improved energy efficiency and is totally inert should there be a fire within the block.

5.7 Works to replace the cladding for the 15 story Blocks at Wensley are due to start in early 2022 and works to the Granville Road blocks will follow on in 2025.

6. CONTRIBUTION TO STRATEGIC AIMS

6.1 Reading Borough Council's vision is to help Reading realise its potential and to ensure that everyone who lives and works here can share the benefits of its success.

6.2 The new legislation builds on the work the Council is already doing to contribute to both the vision and the Corporate Plan Theme of Thriving Communities

6.3 The new legislation is designed to ensure that all parties involved in the design and ongoing maintenance of high-rise blocks will be held accountable for their fire safety from inception through construction and ongoing maintenance ensuring safer communities

7. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 This report is for information only and summarises the requirements of the Fire Safety legislation and Building safety Bill as such there are no implications for environmental and climate change.

6.2 Works due to be carried out to existing house stock, including the blocks at Wensley Road and Granville Road will contribute to the authority's environmental aims in achieving a carbon neutral Reading by 2030.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 The Building Safety Bill once enshrined in law will provide tenants with a direct contact in the Building Safety Manager, whose job it will be to liaise directly with them on the ongoing use and maintenance of the homes they live in.

7.2 In addition, the legislation ensures the tenants have a voice and should they not feel listened to, they will have redress through the Fire Safety Ombudsman who will investigate and make recommendations for any actions required.

8. EQUALITY IMPACT ASSESSMENT

8.1 This report is for information only and summarises the requirements of the Fire Safety Act 2021 and Building Safety Bill as such there are no implications Under the Equality Act 2010,

9. LEGAL IMPLICATIONS

9.1 This report is for information only and summarises the requirements of the Fire Safety Act 2021 and Building Safety Bill 2020. As a landlord with buildings that will fall under this new legislation Reading Borough Council will be required to ensure compliance.

9.3 The Fire Safety Act 2021 was made law on 29 April 2021 and will come into force over the coming months.

9.4 The Building Safety Bill 2020 will sit alongside this legislation and subject to agreement will be enacted into legislation in 2023

10. FINANCIAL IMPLICATIONS

10.1 This report summarises new and forthcoming legislation. The cost of the new posts will be £110,00 and this has already been factored in to the Housing Revenue Account budget. Work programmes referred to in this report are already factored into the Housing Revenue Account Business Plan.

10.2 There may be further costs arising from the new legislation, but it is not possible to be certain until the new legislation is implemented and further guidance is released by the Government

11. BACKGROUND PAPERS

11.1 None