READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

TO:	**Housing Neighbourhoods and Leisure Committee**		
DATE:	**6 November2019**	**AGENDA ITEM:**	
TITLE:	**Fire Safety in Tall Buildings**		
LEAD COUNCILLOR:	**COUNCILLOR JOHN ENNIS**	**PORTFOLIO:**	**HOUSING**
SERVICE:	**REGULATORY SERVICES**	**WARDS:**	**ALL**
LEAD OFFICER:	**James Crosbie**	**TEL:**	**0118 9372222**
JOB TITLE:	**Acting Head of Planning and Regulatory Services**	**E-MAIL:**	**James.crosbie@reading.gov.uk**

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 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. 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.
- 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 on 1st August and work to meet fire safety standards was required where necessary.
- Four high rise residential buildings have been identified with Aluminium Composite Material (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.
- The council has begun work in response to a 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. There are approximately 106 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.

- 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 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 80 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.

3.6 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.

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 tenant's flats to carry out the inspection, access to these dwellings is now being pursued with legal assistance.

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 November 2019. The upgrade to the communal alarm system will be concurrent with the installation of a sprinkler system.

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 and 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. Fire alarm work to the flats in the high rise blocks has almost been completed; installation is being undertaken in the remaining stock based on a risk programme. The sprinkler installation work is due to start in October 2019.

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. 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 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.

Corporate Buildings and Schools

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

Cross Tenure Residential Buildings

4.3 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 last 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.

4.3.1 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.

4.4 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

4.6 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 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.

4.6.1 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 started in October 2018 and is be completed in October 2019. The ACM cladding remedial works on buildings owned by Local Authority and Housing Associations have been funded by the Government.

4.6.2 Queen's Court (student accommodation). The cladding is situated on the top two storeys of the building. In September 2018 the MHCLG released guidance for owners of buildings which are partially clad in ACM. It advised that the most appropriate remediation solution was to remove all ACM, including small or partial areas of ACM, and replace it with a safe material. Following this guidance, the building owner engaged with relevant bodies to arrange for the removal and replacement of the ACM cladding. The remediation work commenced at the beginning of July 2019 and it is expected to be completed by February 2020.

4.6.3 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. The council and MHCLG are working together to progress the planning and confirm a start date for the works.

4.6.4 **Crossway Point** (social housing accommodation). The council were notified on 25th September 2019 that the building had been recently identified as having ACM cladding on it. A joint inspection with RBFRS was carried out and the Housing Association had implemented interim measures in accordance with their fire risk assessment. A planning application has been made to remove the ACM and replace with non-combustible cladding. The council continues to work with the Housing Association to ensure correct measures are place while the ACM cladding remains on the building.

4.7 The council has begun work in response to MHCLG requiring 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. There are approximately 106 high-rise residential buildings in Reading which meet this criteria. Legislation under the Housing Act 2004 will be used to assist officers in requiring the information from freeholders. The MHCLG would like all the required information by 31st March 2020.

4.7.1 To date, six blocks of flats have been identified in the Borough where the cladding fails to meet Building Regulations. The management companies of these blocks have had to put in place interim measures in line with their risk assessments. The Council and RBFRS will continue to monitor the situations and liaise with managers to ensure risks are properly dealt with.

Some leaseholders are facing elevated costs through their service charges in order to fund the extra measures and work required to rectify hazards found in the blocks they live in. Some leaseholders have reported poor communication between managing agents and leaseholders and have resorted to contacting the council and RBFRS to help them resolve issues. This understandably causes tension between leaseholders and managing agents and may result in Councillor enquiries.

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. The current position is that the council will need to progress the identification of the materials used to build high rise residential accommodation in the borough, which may require steps to be taken to enforce the requirement for information to be provided.

5 Options Proposed

5.1 The council and RBFRS officers have discussed how the Steering Group set up as part of the MOU 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 RBFRS capacity.

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 undertake steps to obtain external wall details of all applicable buildings in response to the request from MHCLG in order to submt the required data by 31st March 2020.

5.3 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.

5.4 RBFRS are planning to release information to the media detailing the joint work that has been undertaken on the building safety programme to date.

5.5 MHCLG recently published a consultation, "Building a Safer Future – Proposals for reform of the building safety regulatory system". This consultation was in response to Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety and proposes fundamental reforms of building safety requirements.

5.6 The proposals introduce:

- The concept of duty holders, who will be legally responsible for ensuring the building is designed and built to be safe for its residents. Gateways are proposed to prevent a building moving through the process without the proper checks being made.
- A stronger voice for residents including a requirement for a Resident Engagement Strategy.
- A new national Building Safety Regulator who would have oversight of building safety and wider regulation; setting guidance; advising government based on evidence of risk and oversight of competence.
- Strengthening enforcement and sanctions to deter non-compliance with the new regime and existing regulations. This includes creating a criminal offence to ensure that those responsible for a high rise residential buildings safety during design, construction and occupation comply with their responsibilities and giving local authorities more time to serve enforcement notices so that they can take action where problems are uncovered at a later date, as well as enabling private individuals to make a claim for damages where work on a building has not met building regulations standards.

5.7 The proposals have been broadly welcomed, however, the practicality of a single central regulator has been questioned by a number of professional bodies.

5.8 The government is currently reviewing consultation responses.

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 IMPLICATIONS

8.1 As this is an update report there are no direct Environmental Implications for the Council. However, there are wider implications of the cladding material much of which will be removed before the end of their scheduled lifetime. This is however necessary to key safety issues.

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 builds 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. To date, this has been resourced within existing resources.

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 remains a concern which has not been addressed by MHCLG.

10.3 The new MHCLG data collection exercise is resource intensive and the initial phase of this is being managed within existing budgets. However, once the information has been submitted, there will be a requirement for it to be reviewed by a competent professional. Currently, the council are using the services of a contractor to conduct a detailed assessment as to whether based on the information submitted, the building will be compliant. It is estimated therefore, that if every building owner submits the relevant requested information, it could cost the council £100k in 2019/20 to properly assess.

10.5 MHCLG has allocated £31,314.00 "New Burdens" Funding to the Council as a contribution towards the cost of the data collection exercise. However, this still leaves a cost pressure and Officers are currently working on options to reduce or mitigate this.

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

https://www.gov.uk/government/consultations/building-a-safer-future-proposals-for-reform-of-the-building-safety-regulatory-system