

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)

to
Cabinet

on

18th September 2018

Report prepared by: Mark Murphy, Group Manager –
Property and Estate Management

Fire Safety Report

Place Scrutiny Committee

Cabinet Members: Councillors James Courtenay, Tony Cox & Mark Flewitt
Part 1 (Public Agenda Item)

1. Purpose of Report

This report sets out progress in delivering the Council's Fire Safety Review, which was established following the Grenfell Tower fire on the 14th June 2017.

This is a further interim report as the Grenfell Tower Inquiry will not conclude their findings until later in 2018 (or beyond) and whilst the Independent Review of Building Regulations and Fire Safety has been completed the Government has yet to publish its response.

2. Recommendations

2.1. Note and endorse the work undertaken by the Council and South Essex Homes in respect to Fire Safety.

2.2. Note and endorse the Council's initial response to the Independent Review of Building Regulations and Fire Safety.

2.3. Request that a further update be provided to Cabinet to spring 2019.

3. Background

3.1 The Council immediately commissioned a Fire Safety Review following the tragedy, which occurred as a result of the fire at Grenfell Tower. The Review Group comprises representatives of the Council, South Essex Homes and Essex County Fire and Rescue Service. In addition, the Council established an internal Fire Safety Meeting Group, chaired by the Deputy Chief Executive (Place) to examine any Council-specific actions identified as a result of the Review and to co-ordinate responses sought by Government Departments.

- 3.2 The Council and South Essex Homes have already confirmed their commitment to progressively bring their properties in line with current Building Regulations, where appropriate, particularly in respect to fire safety and accessibility.

Capital Investments

- 3.3 All of the Council's operational buildings, alongside those managed by South Essex Homes, meet the regulatory standards in place when they were constructed, extended or altered and have up to date and reviewed Fire Risk Assessments in place. Where appropriate these risk assessments are undertaken in liaison with Essex Fire and Rescue Service.

- 3.4 South Essex Homes has completed a number of fire safety works in addition to those set out in the Fire Safety Report considered by Cabinet at its meeting on the 13th March 2018 including:

- Installation of new 'Gerda' Fire doors and screens to 'Riverstone' and 'Barringtons'. Works have been tendered and the submissions are currently being evaluated. Given the 'lead in' time for the new specialist doors and screens is it anticipated that works will commence in November 2018 with a completion date of March 2019.
- Upgrading of fire doors and screens to 'sheltered' properties. Works have been tendered and the contract awarded. It is expected that works will commence by October 2018 and the upgrade works will be completed late 2019.
- Installation of Sprinklers to Hostels. Work is programmed to be completed in August 2018.
- Smoke vents to Tower Blocks. Works are currently out to tender and works are expected to be completed by December 2018.
- Mornington House fire stopping. These works are to be undertaken in conjunction with the fire upgrade works in the sheltered properties and works will be undertaken towards the front of the programme, so works are programmed to commence in September 2018

- 3.5 South Essex Homes continues to work with Essex Fire and Rescue in relation to the role of sprinklers in its high rise buildings and reviews this position on a regular basis as part of its programme of Fire Risk Assessments.

- 3.6 The Council is taking forward a range of fire safety works across its operational property estate initially focused on buildings identified as high priority and on improving fire compartmentation, means of escape, fire information and alarm systems. Works currently in progress include:
- Replacement of fire doors and fire related works within Civic One, Civic Two, Southend Pier, Southend Leisure and Tennis Centre; Delaware House and Priory House; Project 49 and the Viking Centre.
 - Installation of Premises Information Boxes at all high priority buildings as well as University Square Car Park and the Civic Centre North Car Park.
 - Installation of additional fire signage at the Beecroft Car Park and Civic Centre Underground North Car Park.
 - Installation of new fire escape doors at Civic Centre Underground North Car Park.
- 3.7 Further works are currently out to tender for Shoebury and Chase Sports Centres; Southend Crematorium; the Cemetery and the Cliffs Pavilion.
- 3.8 The Council has also undertaken a joint review with Essex Fire and Rescue Service to consider the impact of a fire similar to that which occurred earlier this year at Tyler's Avenue Car Park in each of its three underground or basement car parks. Works have been procured for Beecroft Car Park and Civic Centre Underground North Car Park in response to the recommendation from this review and a more detailed assessment is being undertaken in respect to University Square Car Park

Independent Review of Building Regulations and Fire Safety

- 3.9 The Independent Review of Building Regulations and Fire Safety 'Building a Safer Future', undertaken by Dame Judith Hackitt, published its Final Report in May 2018.
- 3.10 The reports sets out 53 recommendations focused on:
- A new regulatory framework
 - Design, construction and refurbishment
 - Occupation and maintenance
 - Residents' voice
 - Competence
 - Guidance and monitoring to support building safety
 - Products
 - Golden thread of building information
 - Procurement and supply
 - International examples
- 3.11 The Government has yet to publish its response to the recommendations set out in the report so it is not yet possible to consider some of the ramifications of the proposed new regulatory framework and the role of the proposed 'Joint Competent Authority'. The recommendation also predominantly relate to only

High Rise Residential Buildings (HRRBs) defined as being of 10 storeys or higher.

- 3.12 Notwithstanding the above, the Council and South Essex Homes could initiate initial responses to three of the main areas of recommendations relating to the role of dutyholders; residents' voice; competence; and golden thread of building information. In addition, it is recommended that the Council adopt these actions in relation to all buildings and not just those defined as HRRBs in the Review.
- 3.13 The Review recommends a new role of 'dutyholder'. A dutyholder would be required to:
- take such safety precautions as may reasonably be required to ensure building safety risk is reduced so far as is reasonably practicable;
 - ensure that information management systems are in place in order to maintain relevant documentation and compile and maintain a safety case file;
 - ensure that there is a resident engagement strategy and that residents receive information on fire safety in an accessible manner; and
 - handover all of the relevant information to a new dutyholder when a building changes hands.
- 3.14 It is considered that this is a sensible approach in relation to all of the buildings operated by the Council and South Essex Homes and that the dutyholder responsibility should be discharged by the Property Teams within each organisation as they possess the technical expertise to undertake the role. As such it is proposed that all works would require a 'building approval' confirming that they will not have an impact on fire safety. This approach will also assist the Council in ensuring no works are undertaken to listed buildings without appropriate approval.
- 3.15 The Council's Property team is currently reviewing software based systems that would support this approach, which would also be adopted by South Essex Homes.
- 3.16 South Essex Homes already operates a successful approach to resident engagement, which enables residents to raise concerns. It is recommended that the Council installs signage across its property stock, recognising that about 80% of operational buildings are not permanently staffed, to enable residents and visitors to electronically report any faults or concerns. This will link into the current work being undertaken on the Council's website to enhance customer reporting.
- 3.17 The Council already ensures that a fire engineer is employed as part of any major design works appointment and this will continue.
- 3.18 One of the roles of the property teams within the Council and South Essex Homes will be to ensure a digital record of all works is maintained from design and construction through any refurbishments to demolition. This is now established good practice within both organisations.

- 3.19 At present building regulations and/or standards have not been amended to require the installation of fire suppressant systems (most commonly sprinkler systems) in the majority of properties. In addition, existing properties are required to meet the building standards in place when they were constructed or went through a significant renovation although they are also subject to annual Fire Risk Assessments.
- 3.20 As stated previously, the Council and South Essex Homes continue to work with Essex Fire and Rescue in relation to the role of sprinklers in its high rise buildings and reviews this position on a regular basis as part of its programme of Fire Risk Assessments. These periodic reviews will continue and will also be informed by any changes to legislation either in the form of changes to Building Regulations or other statutory advice.
- 3.21 South Essex Homes has completed the retrofitting of sprinklers in hostels as these are deemed high priority buildings and has also fitted sprinklers in Mornington House due to the nature of its design and construction. Sprinklers have also been installed in the bin stores at high rise buildings following a risk assessment undertaken in conjunction with Essex Fire and Rescue.
- 3.22 The Council is also actively considering the appropriateness of fire suppressant systems in all of its new build projects and these are included in the design of the new residential care home and day centre as well as the design for the new pavilion on Southend Pier. All new building projects will be fully assessed in respect to the appropriateness of installing fire suppressant in all, or part, of the build taking into account life safety, business continuity and insurance requirements. Where required for life safety fire suppressant systems are always installed.
- 3.23 The Government is currently consulting on banning the use of combustible materials on the external walls of high-rise residential buildings. The Council supports this approach and is fully committed to not using combustible materials in the inner leaf, insulation and cladding that are used in external wall systems on any building of over 18 metres in height.

4. Other Options

- 4.1. The Council could decide to maintain all operational properties in their current condition with fire improvement works and, where practicable, to bring them up to the requirements of the latest Building Regulations when they next undergo major alterations and/or extension. All operational buildings would still meet statutory requirements although it could be argued that the Council would not be meeting the section of the Regulatory Reform (Fire Safety) Order 2005 that requires Employers to 'put in place, and maintain, appropriate fire safety measures'. This option has, therefore been discounted.

- 4.2. The Council could maintain the current arrangements whereby individual building managers are identified as responsible for the buildings within which they operate. However, they will not necessarily have the knowledge and expertise to assess the impact of works on the overall fire strategy for the building whilst the majority of the Council's operational buildings do not have a permanent staff presence on site. This option has, therefore, been discounted.
- 4.3 The Council could commit to the immediate adoption of all recommendations set out within the Independent Review of Building Regulations and Fire Safety. However, as the Government has yet to issue its formal response to the recommendations the Council could take action that is contrary to the Government's formal policy. This option has, therefore, been discounted.

5. Reasons for Recommendations

- 5.1.1 The Council has undertaken a fundamental review of its fire safety policies and procedures; reviewed its property stock; and put in place appropriate resources (financial and other) to ensure that it maintains its buildings in a safe condition whilst upgrading them where this is appropriate and practicable.
- 5.1.2 The Council has also recognised its 'community leadership' role in respect to fire safety and engaged with partners and the private sector to ensure residents, employees and visitors across the Borough are housed in, work in or visit safe premises.
- 5.1.3 The Council has considered the recommendations of the Independent Review of Building Regulations and Fire Safety and determined that it should take immediate steps to assess and enhance its duty holder requirements and to enhance opportunities for members of the public to raise concerns.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

- 6.1.1 Within the Council's Corporate Priorities is a commitment to 'Create a safe environment across the town for residents, workers and visitors'. Ensuring all of its buildings meet fire safety standards is a key element in delivering against this priority.

6.2 Financial Implications

- 6.2.1 The Council has allocated £750,000 per annum, up to 2019/20 in its current capital programme for property refurbishment works and a further £500,000 in each of 2018/19 and 2019/20 specifically for fire improvement works. Other capital projects such as the Library Review Programme have also enabled the Council to invest in improving its corporate property stock.
- 6.2.2 South Essex Homes has an agreed capital programme for enhancement across its property portfolio.

- 6.2.3 Should the Council determine that sprinklers should be installed in all high rise properties this will have budget implications outside of the above allocations.
- 6.3 Legal Implications
- 6.3.1 Buildings are required to comply with the relevant Building Regulations in place at the time of their construction or when they are extended or altered. These requirements are set out in the Building Regulation 2010 and the accompanying suite of Approved Document that support the technical “Parts” of the building regulations’ requirements.
- 6.3.2 As Building Regulations are not retrospective whilst buildings will comply with the regulations in place when they were built, extended or altered they are unlikely to meet the requirements of the latest Building Regulations. This is best illustrated by the issue of smoke alarms. Current Building Regulations require that new dwelling houses (residential properties) have mains supplied smoke detectors, which are linked to each other. However, the majority of residential properties have battery supplied detectors at best and many have no smoke detection at all.
- 6.3.3 In relation to fire safety employers (and/or building owners or occupiers) are required to comply with the Regulatory Reform (Fire Safety) Order 2005. This principally requires that employers (and/or building owners or occupiers):
- carry out a fire risk assessment of the premises and review it regularly
 - tell staff or their representatives about the risks you’ve identified
 - put in place, and maintain, appropriate fire safety measures
 - plan for an emergency
 - provide staff information, fire safety instruction and training
- 6.4 People Implications
- 6.4.1 The Council has a statutory requirement to ensure that all staff, tenants, residents and visitors/service users are using a safe building that complies with the Regulatory Reform (Fire Safety) Order 2005.
- 6.5 Property Implications
- 6.5.1 All of the Council’s operational buildings, alongside those managed by South Essex Homes, meet the regulatory standards in place when they were constructed, extended or altered and have up to date and reviewed Fire Risk Assessments in place.
- 6.5.2 It is the aim of the Council and South Essex Homes to progressively bring their properties in line with current Building Regulations, where appropriate and practicable, particularly in respect to fire safety and accessibility.
- 6.6 Consultation
- 6.6.1 The Council has established a Tri-Partite Review Group to examine fire safety including representatives from across the Council, South Essex Homes and Essex County Fire and Rescue Service, chaired by the Deputy Chief Executive (Place). As individual building works are taken forward consultation is

undertaken with tenants, employees and service users as well as with statutory bodies such as Historic England where this is appropriate.

6.7 Equalities and Diversity Implications

6.7.1 Fire Risk Assessments take account of the needs of all employees with Personal Emergency Evacuation Plans (PEEPS) in place for any employee who requires one. This is a bespoke 'escape plan' for individuals who may not be able to reach an ultimate place of safety unaided or within a satisfactory period of time in the event of any emergency.

6.8 Risk Assessment

6.8.1 The Council and South Essex Homes undertake a programme of Fire Risk Assessments across their operational property portfolios. All of these assessments are up to date and are reviewed on an annual basis.

6.9 Value for Money

6.9.1 All capital works are procured in accordance with the Council's Corporate Procurement Rules 2015 to ensure best value is obtained.

6.10 Community Safety Implications

6.10.1 The Council has a statutory requirement to ensure that all staff, tenants, residents and visitors/service users are using a safe building that complies with the Regulatory Reform (Fire Safety) Order 2005. The Council currently complies with its obligations under the Order but will be undertaking fire safety enhancements/improvements across a number of its operational buildings to, where practicable, bring them up to the requirements of the latest Building Regulations.

6.11 Environmental Impact

6.11.1 There are no direct environmental implications arising as a result of the works proposed in this report.

7. Background Papers

- Report to Cabinet on 19 September 2017 'Fire Safety Measures following the Grenfell Tower Tragedy' – Minute 307
- Report to Cabinet on 13 March 2018 'Fire Safety Report' – Minute 819
- Independent Review of Building Regulations Final Report - May 2018
- Fire Safety Review 2017 Terms of Reference

8. Appendices

There are no appendices to this report.