

Southend-on-Sea Borough Council

**Agenda
Item No.**

Report of Deputy Chief Executive (Place)

**to
Cabinet**

**on
17th September 2019**

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Property and Estate Management

Fire Safety Report

Place Scrutiny Committee

**Cabinet Members: Councillors Ian Gilbert and Martin Terry
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, which also sets out the Council's response to the Government Consultation 'Building a Safety Future: Proposals for reform of the building safety regulatory system' that sets out the Government's proposals to implement the Independent Review of Building Regulations and Fire Safety.

2. Recommendations

2.1. Note and endorse the work undertaken by the Council and South Essex Homes in respect to Fire Safety including independent fire engineer assessments of two typical tower blocks and proposals to undertake Type 4 Fire Risk Assessments in a further two typical blocks.

2.2. Note and endorse the Council's response to the Government Consultation 'Building a Safety Future: Proposals for reform of the building safety regulatory system'.

2.3 Request that a further update be provided to Cabinet to spring 2020.

2.4 Note that a request to increase the Fire Improvement Works capital budget for 2019/20 has been included in the Corporate Budget Performance – July 2019/20 report.

2.5 That £750k p.a. be added to the Fire Improvement Works capital budget for the five years from 2020/21 to 2024/25, to be financed by corporate borrowing.

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.

Fire Risk Assessments

- 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 The Council has commissioned an independent Consultant to undertake a series of fire safety reviews on one of each style of block constructed in its portfolio. The blocks selected at random were:
- Grampian – a 15 storey block with 77 self-contained flats; and
 - Malvern – a 15 storey block with 105 self-contained flats.
- 3.5 The following has been undertaken for each block:
- A Type One Fire Risk Assessment as required by the Regulatory Reform (Fire Safety) Order 2005 and further defined in the publication 'Fire Safety in Purpose-Built Blocks of Flats – Local Government Association'.
 - A comprehensive, non-destructive Compartmentation Survey of the common areas including plant areas, stores, risers and all circulation areas.
 - A Fire Risk Strategy in accordance with the British Standards Institution document (PAS 911).
- 3.6 The appointed Consultant holds an independent registration with, or certification from, a professional or certification body whilst all works were undertaken by a suitably experienced and qualified Fire Engineer who met the competency criteria established by the Fire Risk Assessment Competency Council.
- 3.7 At the time of completing the report the Fire Risk Assessments and Compartmentation Surveys had been received for both blocks with the Fire Risk Strategy documents due in August 2019.
- 3.8 The Fire Risk Assessments for each block set out a series of recommendations, which are being actioned by South Essex Homes. The priority actions identified were:

- Clear debris and stored items from the basement area of Grampian
 - Keep basement store rooms at locked at all times
 - Ensure that the fixed wiring and other fire safety systems installed are subject to regular maintenance and inspection
- 3.9 The overall level of risk for both blocks was determined as 'Moderate' based upon an 'ignition probability' of medium (defined as 'normal fire hazards for this type of occupancy, with fire hazards generally subject to appropriate controls (other than minor shortcomings)) and a 'consequences of fire' assessment of 'moderate' (defined as 'a fire could result in injury to one or more occupants, but unlikely to involve major fatalities').
- 3.10 The Compartmentation Surveys have identified a number of remedial works, which are being progressed by South Essex Homes.
- 3.11 Following completion of the above studies, whilst the undertaking of Type 4 Fire Risk Assessments is not a recommendation, in order to maximise the assurance that may be provided to residents the Council has commenced the appointment of external consultants to undertake Type 4 FRAs initially in one of each style of high rise residential block.
- 3.12 The results of the above assessments along with the recommendations arising from the Fire Risk Strategy documents will inform future investment priorities and will be reported to Members in the next Fire Safety Report due in early 2020.

Capital Investment Programme

- 3.13 South Essex Homes has progressed a number of fire safety works in addition to those previously reported in Fire Safety Reports and remedial actions identified in the consultants reports identified in the previous section.
- 3.14 A comprehensive review of fire doors across all high rise residential blocks has been completed and remedial works are in progress. This review identified a large number of minor remedial works although it should be noted that this does not mean that fire doors would not perform their primary function.
- 3.15 Floor levelling works are currently being tendered with works expected to commence in September across all high rise residential blocks in order to reduce the gap below fire doors and improve the performance of the cold smoke drop down seals.
- 3.16 Works have commenced to investigate options for the installation of a pilot 'annunciation systems' in two of the high rise residential blocks. These works will be completed in the financial year 2019/20 and the pilot will then inform a roll out of the works across all high rise residential blocks.
- 3.17 South Essex Homes is appointing a Fire Safety Manager to co-ordinate all fire safety activities across its stock with a focus on high rise blocks including a specific role to enhance resident engagement and respond to resident questions and concerns.

- 3.18 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.
- 3.19 The Council is continuing to take 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.
- 3.20 Initial fire door and compartmentation works have been completed at Civic One, Project 49, Viking; Priory House and Delaware House. Works have also been undertaken at Civic two, the Tickfield Centre, Shoebury Leisure Centre, Chase Sports Centre; Cemetery Lodge and the Crematorium.
- 3.21 Works are in progress at Southend Leisure and Tennis Centre and the Cliffs Pavilion with additional funding of £250k sought from the capital programme to progress high priority works at the Cliffs Pavilion.
- 3.22 Premises Information Boxes have been installed at all high priority buildings.
- 3.23 It is proposed that the existing programme is extended for a five year period for the Council's operational buildings commencing 2020/21 with £750k allocated per annum in the Council's General Fund Capital Programme. This will enable the current schedule of works across high and medium priority buildings to be completed on with works programmed based upon fire risk assessments and condition surveys.

Independent Review of Building Regulations and Fire Safety

- 3.24 The Government published a consultation on its proposals in response to the Independent Review of Building Regulations and Fire Safety entitled 'Building a Safer Future – Proposals for reform of the building safety regulatory system'.
- 3.25 The Government has said it has accepted all 53 of the recommendations set out by Dame Judith Hackitt. However, in reviewing the consultation document the Council has raised a number of concerns particularly regarding the proposals for the building safety regulator, which appear to have diluted the role of this body envisaged in the Hackitt Report.
- 3.26 The Council's response, written in conjunction with South Essex Homes was submitted on 31st July 2019. This is attached at Appendix A.
- 3.27 The Ministry of Housing, Communities and Local Government (MHCLG) has established the Building Safety Programme, as a co-ordinated national response to ensure that residents of high-rise buildings are safe and feel safe, and made changes to fire safety related legislation and guidance under the Building Regulations.
- 3.28 In light of the updated guidance and requirements of the Building Regulations the Council has written to all owners of high rise residential buildings in the Borough requesting confirmation as to what steps they have taken to ensure that their property meets the relevant building fire safety requirements and details of any

professional advice they have taken on fire safety matters. The Council has also offered its support through this process, to ensure residents of the borough both are safe and feel safe.

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, whilst the Government has published a consultation in response to the Independent Review, it has yet to make any policy changes. The Council could, therefore, 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 Southend 2050 Roadmap

6.1.1 Within the Southend 2050 Roadmap is an outcome that ‘People in all parts of the borough feel safe and secure at all times’. 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 £500,000 in each of 2018/19 and 2019/20 specifically for fire improvement works to the Council’s operational buildings. 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 To note that a further £250k has been requested in 2019/20 to enable high priority works at the Cliffs Pavilion to be completed with the programme then extended for a five year period commencing 2020/21 with £750k allocated per annum. This will enable fire improvement works to be completed across all high and medium priority operational buildings. These works are to be financed by borrowing. The revenue consequence of £4M of borrowing is approximately £280k p.a. which will need to be factored into the Council’s Medium Term Financial Forecast.

6.2.3 South Essex Homes has an agreed capital programme for enhancement across its property portfolio. The two Type 4 risk assessments are estimated to cost circa £70k and to be funded from the Housing Revenue Account.

6.2.4 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.

- 6.6.2 The Council, in conjunction with South Essex Homes, has responded to the Government's Consultation 'Building a Safety Future: Proposals for reform of the building safety regulatory system'.

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 area reviewed on an annual basis. Additional independent Type One Fire Risk Assessments have been completed for each

type of high rise residential block managed by South Essex Homes. The Council is in the process of commissioning Type 4 Fire Risk Assessments for each type of high rise residential block managed by South Essex Homes

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
- Report to Cabinet on 18 September 2018 'Fire Safety Report' – Minute 260
- Fire Risk Assessment Report – Grampian Residential Block 11th June 2019
- Fire Risk Assessment Report – Malvern Residential Block 20th June 2019
- Technical Note (Compartmentation Survey) – Grampian 11th June 2019
- Technical Note (Compartmentation Survey) – Malvern 20th June 2019

8. Appendices

Appendix A - Council response to 'Building a Safer Future – Proposals for reform of the building safety regulatory system'.