

Southend-on-Sea Borough Council

Report of Deputy Chief Executive and Executive Director
Growth & Housing

to

Cabinet

on

25th February 2020

Report prepared by: Mark Murphy, Head of 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 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats'.

2. Recommendations

2.1. Cabinet to note and endorse the Council's response to the Government Consultation 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats'.

2.2. Cabinet to note and endorse the work undertaken by the Council and South Essex Homes in respect to Fire Safety including the installation of a pilot 'annunciation system' in Longbow residential tower block, and the installation of photo-luminescent signage within high rise residential blocks.

2.3. Cabinet to endorse the installation of a full sprinkler system in one high rise residential block as a pilot with a view to informing the development of a full programme of sprinkler installations across the high rise residential estate. Cabinet to approve the addition of £400,000 to the HRA capital investment programme to be funded from HRA reserves.

2.4. Request that a further update be provided to Cabinet to autumn 2020.

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), (now Deputy Chief Executive and Executive Director Growth and Housing), 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.

Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats

- 3.3 The Government published a consultation on 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats' in September 2019. This consultation looked at regulations relating to the installation of sprinklers in high rise residential buildings, the use of emergency evacuation systems and options to improve evacuation wayfinding signage.
- 3.4 The Council's response, written in conjunction with South Essex Homes was submitted on 28 November 2019. This is attached at Appendix A.
- 3.5 On 20 January 2020 the Housing Secretary announced a number of measures including:
- The immediate establishment of a new Building Safety Regulator, within the Health and Safety Executive.
 - The consolidation of all Government Advice Notes produced by the Independent Expert Advisory into a single document setting out advice regarding external cladding systems, fire doors and smoke control systems.
 - The appointment of a construction expert to review remediation timescales for buildings with ACM cladding and identify what can be done to improve the pace of remediation in the private sector.
 - A consultation into the current combustible cladding ban, including proposals to lower the 18 metre height threshold to at least 11 metres.
 - Proposals to lower the height threshold for sprinkler requirements in new buildings to 11 metres with confirmation that detailed proposals on how the government will deliver the technical review of fire guidance will be published in February 2020.

A Fire Safety Bill will be introduced to Parliament shortly, which will set out in more detail the Government's response to the Grenfell Tower Public Inquiry Phase One recommendations.

- 3.6 The Ministry of Housing, Communities and Local Government (MHCLG) has asked the Council to undertake a further external wall systems data collection exercise and to provide a completed return to the Department by 31 March 2020. The owners of high rise residential blocks have been asked to complete and return a questionnaire to obtain the required information. MHCLG have been updated with our progress and are aware of the challenges with obtaining this information.

43 buildings have been identified with responses as follows:

- 11 fully completed questionnaires received
- 13 (SEH tower blocks) due by end of February
- 8 in contact with building owner
- 11 no response, being chased

Fire Risk Assessments

- 3.7 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.
- 3.8 The Council is in the final stages of appointing a contractor to undertake Type 4 Fire Risk Assessments, which will commence in spring 2020.

Capital Investment Programme

- 3.9 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.
- 3.10 A comprehensive review of fire doors across all high rise residential blocks has been completed and remedial works now completed although ongoing servicing and maintenance will continue as fire doors are frequently damaged and/or vandalised.
- 3.11 Floor levelling works have been completed and the cold smoke drop down seals have been serviced.
- 3.12 South Essex Homes has reviewed and upgraded signage across the high-rise residential estate. This has included the installation of photo-luminescent signage across most common areas and this is being reviewed to ensure all evacuation routes are covered. Signage has also been screw-fitted, where feasible, to reduce unauthorised removal of signage.
- 3.13 South Essex Homes has completed initial feasibility works for the installation of a pilot 'annunciation system' in Longbow and the appointment will be made shortly. The installation of evacuation alert systems will then be rolled out across all high rise residential blocks taking into account feedback from the pilot installation as well as any guidance emerging nationally.

- 3.14 South Essex Homes has appointed 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. This person is now responsible for undertaking Fire Risk Assessments within all high rise residential, sheltered and hostel accommodation and is appropriately qualified to do so.
- 3.15 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.
- 3.16 Works are in progress at the Cliffs Pavilion with the current phase of works scheduled to be completed by the end of the 2019/20 financial year.
- 3.17 In 2020/21 works will be progressed across a range of listed buildings including the Palace Theatre and museum buildings. Listed Building Consent applications for these works will be submitted in the coming months. Works will also be undertaken at Southend Tennis and Leisure Centre, the Civic Centre, branch libraries and Southend Adult Community College.

Sprinklers

- 3.18 In its responses to the Government consultation's in relation to the 'Independent Review of Building Regulations and Fire Safety' and 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats', the Council has supported changes in Building Regulations to require the installation of sprinkler systems in all new build residential buildings above 18 metres.
- 3.19 The Council and South Essex Homes are committed to ensuring that fire safety measures in existing high rise properties are equal to those installed in new properties. As such, it is proposed that once pilot works are completed for the installation of annunciation systems, the Council and South Essex Homes take forward the installation of a full sprinkler system in one high rise residential block as a pilot, with a view to informing the development of a full programme of sprinkler installations across the high rise residential estate.
- 3.20 The industry now has significant experience in retrofitting systems and the average costs are generally between £1,500 and £2,500 per flat, depending on the number of rooms. However, this does not include the costs of water tanks, core pumping systems and other ancillary works. It is estimated that the South Essex Homes residential blocks would cost in the vicinity of £400,000 per block, although this would need to be tested through the pilot scheme.

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 £750,000 in each financial year 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 investment programme for enhancement across its property portfolio. The pilot for the installation of a full sprinkler system in one high rise residential block will require £400,000 to be added to the capital investment programme.
- 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. This would need to be programmed into the HRA Capital Investment Programme over a period of 4-6 years at a total cost of circa £5million.

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 Regulations 2010 and the accompanying suite of Approved Documents 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. It should be noted that the vast majority of Southend Borough Council properties managed by South Essex Homes have hard wired smoke detectors with the remainder having battery powered smoke detectors. These smoke detectors are all inspected on an annual basis and are replaced if defective as part of the annual gas boiler servicing programme. With regard to properties which are all electric, their smoke detectors are also inspected annually, but as a separate programme of works.
- 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. 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 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats'.

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
- Report to Cabinet on 17 September 2019 –Fire Safety Report'

8. Appendices

8.1 Appendix A - Council response to 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats'.