

Southend-on-Sea Borough Council

Report of Deputy Chief Executive and Executive Director
Growth & Housing

to

Cabinet

on

15 September 2020

Agenda
Item No.

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. **Note and endorse the work undertaken by the Council and South Essex Homes in respect to fire safety in high rise residential blocks including progressing the installation of a pilot 'annunciation system' in Longbow residential tower block and a pilot sprinkler system in Cecil Court residential tower block.**
- 2.2. **Note and endorse the work undertaken by the Council in respect to fire safety across its operational buildings including the completion of all fire stopping and compartmentation works at Chase Sports Centre, Southend Tennis and Leisure Centre and Belfairs Swim Centre.**
- 2.3. **Note that Type 4 Fire Risk Assessments will be undertaken at Quantock and Brecon residential tower blocks with investigation works to be programmed and undertaken in a Covid Secure manner and in consultation with residents of the blocks.**
- 2.4. **Note that the Council will be responding to the Home Office's 'Fire Safety' Consultation Document by the consultation deadline of 12 October 2020.**

2.5. Request that a further update be provided to Cabinet to spring 2021.

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.
- 3.3 The UK Government has published its draft Building Safety Bill, which will introduce new and enhanced regulatory regimes for building safety in England and construction products throughout the UK. The provisions contained in the draft Building Safety Bill provide complete regulatory overhaul and signal a new era in the way buildings are constructed and the materials and products used.
- 3.4 A new building safety regime, overseen by the Health and Safety Executive (HSE), will apply to all new multi-occupied residential buildings over 18 metres, or six storeys, in height in England. Existing buildings will be brought within the system on a phased basis.
- 3.5 The HSE will also gain important new responsibilities for the safety and performance of every building, regardless of height. It will oversee the performance of local authority building control and approved inspectors, advise on changes to the building regulations, and improve the competence of all involved in the building industry, including building inspectors.
- 3.6 A detailed analysis on the implications arising from the draft Bill will be prepared and included in the spring 2021 Fire Safety Report to Cabinet
- 3.7 The Government has also published a consultation document on Fire Safety covering three main subject areas:
- Strengthening of the Fire Safety Order and Improving Compliance.
 - Implementation of the Grenfell Tower Inquiry Phase 1 Report Recommendations.
 - Building Control Bodies consultation with Fire and Rescue Authorities.
- 3.8 The Council, in conjunction with South Essex Homes, will submit a response to this consultation on behalf of both organisations prior to the consultation deadline of 12 October 2020.

- 3.9 The Council is continuing to provide information to the Ministry of Housing, Communities and Local Government (MHCLG).

Fire Risk Assessments

- 3.10 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.
- 3.11 The Council has appointed International Fire Consultants Limited to undertake Type 4 Fire Risk Assessments and is currently establishing a programme for the works taking into account restrictions put in place due to the Covid-19 Pandemic. Quantock and Brecon blocks have been selected for the works as they are representative of the two types of high rise residential block in the South Essex Homes portfolio. The works will involve undertaking intrusive investigations throughout the common areas and in up to 10% of flats in each block.
- 3.12 The Council and South Essex Homes will be communicating with residents in each block before the works take place and throughout the course of the investigations.

Capital Investment Programme

- 3.13 South Essex Homes has completed all technical works in relation to the installation of a pilot 'annunciation systems' in Longbow and is in discussions with the approved contractor and the system manufacturer. Final contractual negotiations are being undertaken after which the works will be progressed with a start expected in the early autumn 2020. 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 been in detailed dialogue with a contractor identified through a suitable Framework Agreement in relation to the installation of a pilot sprinkler installation with Cecil Court selected as the residential block for the pilot scheme. Technical discussions are ongoing after which the installation will be progressed.
- 3.15 As with the Type 4 Fire Risk Assessments, the Council and South Essex Homes will be communicating with residents in each block before the works take place and throughout the course of the installations.
- 3.16 South Essex Homes' Fire Safety Manager continues 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.

- 3.17 The Council is continuing to take forward a range of fire safety works across its operational property estate. With a number of buildings closed over the last few months due to Covid-19 lockdown requirements the Council has completed all fire stopping and compartmentation works (including fire doors where appropriate) at Chase Sports Centre, Southend Tennis and Leisure Centre and Belfairs Swim Centre.
- 3.18 Phase One works were completed at the Cliffs Pavilion in the 2019/20 financial year and full specifications and Listed Building Consent application has been completed for the Palace Theatre with works programmed for the 4th quarter of the 2020/21 financial year.
- 3.19 Works will also be undertaken at the Civic Centre, branch libraries and Southend Adult Community College during 2020/21.
- 3.20 A summary of fire improvement works undertaken to date is set out at Appendix A.

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 cost circa £400,000. Cabinet approved the addition of £400,000 to the HRA capital investment programme to be funded from HRA reserves to finance this pilot at its meeting of 25 February 2020.
- 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 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.

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' – Minute 314
- Report to Cabinet on 25 February 2020 – 'Fire Safety Report' – Minute 856

8. Appendices

Appendix A – Summary of fire improvement works undertaken by South Essex Homes and Southend-on-Sea Borough Council since September 2017.