

SUBJECT:	FIRE SAFETY UPDATE
DIRECTORATE:	HOUSING AND INVESTMENT
REPORT AUTHOR:	ANDREW MCNEIL ASSISTANT DIRECTOR MATT HILMAN ASSISTANT DIRECTOR

1. Purpose of Report:

1.1 To update committee on CoLC's actions / progress on fire safety in light of the Hackitt review following the tragic events at Grenfell Tower.

1.2 The report will update committee on:

The Ministry for Housing, Communities and Local Government (MHCLG now Department for Levelling Up, Housing and Communities, DLUHC) report along with the "Building a Safer Future" consultation

Recommendations taken from the Hackitt report accepted by the MHCLG now DLUHC

The progress made in respect of these recommendations in advance of their proposed implementation through legislation

2. Executive Summary

2.1 This report covers the background following the Grenfell Tower fire (June 2017), it covers the key recommendations and CoLC's current position relating to fire safety.

2.2 Which includes:

- Fire strategies and considerations for building the risk profile
- Resident engagement
- Investment in infrastructure strategy
- Overall, in-house competence to be able to react to the new legislation
- Collaboration with Fire and Rescue and Lincolnshire Emergency Planning

2.3 To conclude, we have no combustible cladding on any of our in-scope buildings. We have extended the knowledge and skills of our workforce which has built upon our previous experience, to enhance our awareness of the risks posed by fire. We continue to develop our oversight and apply a risk-based approach to our improvement and investment programmes.

Changes to current legislation, the Fire Safety Bill was made law on 29 Apr 21 however is not yet in force, this is expected early 2022. The Building Safety Bill is at report stage and is expected to receive Royal Assent and become law Apr – Jul

22, this will be introduced in stages over a period of time. We continue to anticipate the changes and are working on being in a position to satisfy and surpass the new legislative requirements.

The completion of fire infrastructure strategies, development of meaningful resident engagement and the collaboration with stakeholders, are all key in delivering fire safety assurance. This will result in delivering safe properties for the city's residents and ensuring a 'safer future' for the buildings.

3. Background

- 3.1 CoLC has benefited from professional fire safety advice over the last year and continues engagement to reassure a strong grasp of the risk is maintained and how best to manage it. Lincs Fire & Rescue Service have continued their inspection programme with St Botolph's Court carried out in Dec 21. All Towers were inspected previously.
- 3.2 The Grenfell Tower fire in West London on 14 June 2017 claimed 72 lives. The tragedy exposed serious failings across the whole system of building and managing high-rise homes. The proposed legislative changes are in reaction to this and the government have produced these Bills to address the issues raised in the Hackett Inquiry. Residents and leaseholders will have access to vital safety information about their building and new complaints handling requirements will be introduced to make sure effective action is taken where concerns are raised.
- 3.3 Together, measures in the draft Building Safety Bill (BSB), Fire Safety Bill (FSB), and Fire Safety Order (FSO) consultation will improve safety standards for residents of all blocks of flats of all heights, with even more stringent approaches and oversight for buildings in scope. When residents move into a building that falls under the new set of rules, it will need to be registered with the Building Safety Regulator and apply for a Building Assurance Certificate. The Accountable Person (AP) will need to conduct and maintain a safety case risk assessment for the building and appoint a Building Safety Manager to oversee it day to day.
- 3.4 The HSE will introduce a self-funding Building Safety Regulator, that will be empowered to test landlord's competence to manage the in-scope buildings, have veto rights on the appointment of the Building Safety Manager (BSM) and have far greater powers to sanction those who do not follow the legislation.

4. Legislative changes and effect

- 4.1 The detail for the above-mentioned changes is vast and to summarise this we need to delineate between the BSB and FSB. The legislation is considering a mutual approach, although terminology reflects the CDM regulations in one and the Regulatory Reform (fire safety) Order in the other. The main thing here is the Responsible Person/ AP is the same thing in terms of duty holder responsibility.
- 4.2 This BSB is introducing a whole suite of changes that do align to CDM regulations, so there is familiarity in that. What is different is the introduction of a regulator, described above, that will supply a Building Assurance Certificate, which is specific to that building, on completion and production of a host of documents and other requirements in an application process. Without this the AP will be in breach and

liable to prosecution.

- 4.3 The application will require the name of the AP, the BSM (competence not yet agreed and is required so the regulator can veto the appointment if not competent). A copy of the Building Safety Case report – new provision and a document that holds the Fire Risk Assessments, Fire strategy, test certificates, Alarm types, et al in one place – the so-called golden thread. A resident engagement strategy. Any information on the prescribed mandatory occurrence reporting – breaches in fire safety compliance/ structural concerns. Provisions for information routes to the residents and regulator alike.
- 4.4 So, the BSB is looking for all the information relating to the in-scope building type of high risk residential (18m or taller – may widen in future to encompass more building types inclusive of office types) relating to building safety. Then having a means to engage with the AP and BSM and understanding of how information is shared with residents. It wants to see active engagement and focus on fire safety. How the authority responds to safety issues and how it manages the overall safety of the in-scope buildings. This will be applicable to all buildings of this type, at any stage of construction and of course current buildings in use.

5 Fire Safety Bill

5.1 The FSB will essentially do three things:

- Amend the FSO so that the building owner is required to manage and reduce the risk of fire, related to structure and external walls of the building, including cladding, balconies and windows as well as entrance doors to flats and within communal areas.
- Provide a platform for the introduction of secondary legislation to enable recommendations from the Grenfell Inquiry phase 1 to be introduced, which stated building owners and those that manage them should be responsible for a number of actions including lift inspections, evacuation plans and easily understandable fire safety instructions for residents.
- Allow DLUHC to include other types of buildings in the FSO as is required by industry events as well as design and construction considerations.

5.2 Moving forward this will mean that the extent in which current FRA's are compiled will need to be extended to include more areas, especially the external balconies and façade of the buildings. This could also mean increased costs in upgrading the external windows to fire rating standards and will take the responsibility beyond the front door and into the flat itself.

6 Current and future position on fire safety

Current

6.1 The Housing Repair Service (HRS) have achieved BM Trada accreditation for fire door installation. Combined with the recruitment of a window and door compliance

Team Leader and an increase in the number of joiners, this allows for an accredited maintenance and installation process of fire doors. This has improved the replacement and repair of fire doors identified during FRA, reducing the timeframe between raising an issue and repair. Continuing the relationship between Safety Advisory Team and HRS, these are prioritised on a risk-based approach.

- 6.2 Remedial works identified from the previous Type 1 FRA's were completed. Type 4 FRAs (destructive assessment of both the common parts of the building, and portion of flats) were conducted in Oct 21 on all 3 tower blocks. This will provide a holistic assessment of fire risk for each tower block. The reports will be issued in the near future, early indication is that no major issues were identified. The reports will identify any remedial works required, on a risk based approach. Investment and HRS will action as required.
- 6.3 St Botolph's Court received a Fire Inspection by Lincs Fire & Rescue Service in Dec 21. Only minor areas identified which were rectified at the time of inspection. Feedback from the inspection is due soon.
- 6.4 The Resident Engagement Strategy is currently being developed to comply with the Building Safety Bill (BSB).

Future

- 6.5 In anticipation of the BSB, a meeting was held with Tenancy regarding personal Emergency Evacuation Plans (PEEPs). Tenancy will to the best of their ability, identify vulnerable persons within each tower block in order to produce a PEEP as required. This is very much subject to agreement and participation of the tenant. Once these have been produced the information will be passed to the Fire Service. The information will require management and a periodic review to ensure validity.
- 6.6 The sheltered schemes, and Hamilton House, require FRAs during 2022. Work is ongoing to procure these during 2022 along with emergency light testing.
- 6.7 From 1 Feb 21, 29% of low-rise purpose-built blocks of flats have FRAs, work continues to capture all the housing stock requiring an assessment. Other common areas have been identified which were not previously. Currently the list has increased from 622 to 644 and it is anticipated this will continue to grow, as all common areas (any shared area such as open walkways, balconies, stairwells, lobbies, corridors) require an assessment. No major noncompliance have been found, where tenants actions have raised concern or increased risk, these have been managed effectively between SAT and Tenancy Services.
- 6.8 It was identified prior the inspection of St Botolph's that there is no place to issue certification to the tower blocks and sheltered schemes when work has been conducted, such as gas and electrical testing. This will be discussed, and a solution sought during 2022.
- 6.9 Static & Mobile caretakers continue to conduct periodic inspections of high- and low-rise purpose-built blocks of flats in line with the FSO. The high rise continue to

experience dumping of items along the means of escape however due to a proactive approach, items are removed within a short timeframe. Recruitment for caretaking positions is ongoing.

- 6.10 A reporting system to capture fire safety issues raised through the Responsible Officer Support Staff has been developed, this allows for the correct priority allocation to be issued. This will be monitored over the next year with adjustments as required.
- 6.11 The Safety Assurance Team will lead on the production of a comprehensive compliance report across all areas of housing safety assurance inc fire safety. This will have oversight by senior managers in the department throughout.5.

7 Strategic Priorities

7.1 Let's deliver quality housing

The measures we are taking aim to ensure that our tenants and leaseholders in Higher Risk Buildings have fire safety at the core of our management.

8. Organisational Impacts

8.1 Finance (including whole life costs where applicable)

All costs related to fire safety works are currently funded from the Housing Revenue Account (HRA). Future works required to comply with legislative changes will be assessed and incorporated into a refreshed HRA Business Plan.

8.2 Legal Implications including Procurement Rules

As outlined in the report

8.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

8.4 Human Resources

The Safety Assurance Team, within Housing and Investment currently advises and oversees fire assurance. The Manager role and the new Fire Safety Advisor role increases the overall fire safety knowledge, and expertise within the department.

8.5 Land, Property and Accommodation

The report covers how the council is ensuring fire safety in its presidential property

8.6 Corporate Health and Safety implications

At present the proposed role of Building Safety Manager will have duties related to High risk residential buildings. However there may be future wider implications for corporate Health and Safety.

9. Risk Implications

9.1 (i) Options Explored

Whilst the residential building we manage do not contain any combustible cladding the proposals explored in the DLUHC consultation shape the option we have proposed.

9.2 (ii) Key risks associated with the preferred approach

The preferred approach will enable the council to adopt the DLUHC proposals at an early stage. Whilst there will be a transition period of up to 5 years, not looking to encompass these proposals could create a reputational issue.

10. Recommendation

The committee notes the progress that the council has made in addressing the issues and proposals from the Hackitt review.

Is this a key decision?	No
Do the exempt information categories apply?	Yes/No
Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?	Yes/No
How many appendices does the report contain?	None
List of Background Papers:	None

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