



**Cabinet**  
13 November 2017

**Report from the Strategic Director of  
Community Wellbeing**

Wards Affected: All

**Fire Safety in the Council's Housing Stock**

**1.0 Purpose of the Report**

- 1.1 This report follows on from a decision taken at full Council on 24 July 2017 to develop a costed programme of fire safety improvement work to form part of the Council's response to enhancing fire safety measures in the Council's housing stock.
- 1.2 The report provides an update on the work undertaken since July both in terms of engaging with residents on fire prevention and their concerns, and the work done to cost and plan fire safety improvement works for high rise blocks to ensure that residents are provided with reassurance and the safety of the council's high rise buildings is enhanced.

**2.0 Recommendations**

- 2.1 Cabinet approves a programme of Type 4 Fire Risk Assessments to be undertaken in every low, medium and high-rise block to ensure all fire risks (including any breaches in compartmentation) are fully understood and inform further works. This programme will start with high rise blocks over 12 storeys in January 2018.
- 2.2 Cabinet approves that the fire safety improvement programme be integrated within the HRA capital investment programme with immediate effect and that 3 blocks per year are to be completed. This means all blocks over 12 storeys will be complete within 5 years.
- 2.3 Cabinet approves the rationale for prioritising the order in which blocks receive fire safety improvements set out in paragraph 4.16 of this report.

### **3.0 Background**

- 3.1 The council has 37 high rise blocks in total and 14 blocks over twelve storeys in height (where sprinklers are required to be installed in newly built residential buildings). There are no council high rise blocks with ACM cladding, which meant there was no need to consider immediate actions such as decanting residents or expensive actions such as installing around-the-clock Fire Marshalls in any of the council's blocks.
- 3.2 However, fire risks do not only relate to cladding, and there is never room for complacency. In July 2017, Brent Housing Partnership were able to confirm that fire safety had been a priority, for example:
- they had spent £10m over the previous 4 years on measures to reduce fire risk in council housing
  - all 37 high rise blocks had a valid type 1 Fire Risk Assessment (FRA). Those FRAs had identified a range of recommendations, and those recommendations were being implemented.
- 3.3 In response to the additional concern caused by the Grenfell fire, all 37 high rise blocks were visited by BHP neighbourhood services staff within 72 hours of the incident, to identify and remove fire hazards. A number of public meetings took place to inform residents of how seriously the Council takes fire safety and to provide reassurance to residents on the safety of their blocks. The BHP website was updated with FAQs and BHP wrote to all tenants and leaseholders about the dangers of leaving items in communal areas and to notify them that any such items identified during inspections will be removed without further notice to the owners.
- 3.4 What became clear during this period is that while the council's housing stock complied with fire safety regulation, there was an expectation from many residents in Brent and across the country, that landlords needed not only to deliver on current regulation, but also go above and beyond to ensure residents are safe. However, it is important to note that there is no definitive agreement on what this is. The government has established a public enquiry led by Sir Martin Moore-Bick, which will look into the causes of the fire, and it has also established a government fire safety expert panel, chaired by Sir Ken Knight to advise on any immediate actions that are required to ensure buildings are safe. However, at this point, there is no new regulation or guidance (aside from ACM specific guidance) and it is likely that this will not be available for 18-24 months. This does create challenges in terms of ensuring the right improvements are made for the long term.
- 3.5 Following full Council's agreement (10 July 2017) of £10m to fund to additional fire safety works above and beyond those currently required, the Chief Executive wrote to Department for Communities and Local government (DCLG) to request Government provide direct financial support to meet the costs that will be incurred. The current position in response to that request is that government will neither fund the additional works, nor change the policy on 1% decrease in rents up to 2020, nor increase the HRA borrowing cap as alternative ways to fund these additional works. However, there have been suggestions that there may be further announcements in the November 2017 Budget.

- 3.6 The lack of additional government funding for fire safety works means that the Council is left with no other choice but to fund these works from the HRA (please see 6.5 below). The Council will therefore have to follow financial rules that apply to the HRA.
- 3.7 In addition, the Chief Executive has written to request Government urgently consider revocation of the permitted development rights for office to residential conversions; that the Government review the building control laws which allow the use of building control teams from both the private sector and other local authorities to inspect buildings and that the Government address whether licensing laws for landlords in the private sector are stringent enough to ensure that all dwellings do not present unacceptable fire risks.

#### **4.0 Detail**

- 4.1 Since the reports to Cabinet and Full Council in July, there have been four work streams:
1. Drop-in surgeries with residents in all 37 high rise blocks
  2. Ongoing active fire management and/or prevention
  3. Fundamental review of the approach to fire safety across housing management
  4. Engaging a Fire Risk Assessor to review all 37 blocks and provide initial costs for the installation of sprinklers

#### **4.2 *Drop-in surgeries***

To support residents directly in the aftermath of Grenfell, there was a commitment, in addition to the broader public meetings, to hold fire safety drop-in surgeries in each of the Council's 37 high rise blocks, recognising that every block is different and so the issues in every block would be different. The surgeries have been completed. Throughout these sessions the feedback received has been positive and rewarding for both tenants and the Council in providing reassurance. Fire Safety leaflets including answers to FAQ's have also been issued during the sessions. The Fire Safety concerns raised mainly regard access issues for emergency services, cars blocking the access routes and smoking in communal areas. However, we have also captured concerns regarding other housing matters and our Estate Services teams have followed up with appropriate communications and investigations.

#### **4.3 *Fire prevention***

Officers have informed all tenants and leaseholders about the dangers of leaving items in communal areas and any items identified during inspections will be removed without further notice to the owners. This zero tolerance approach was communicated to Estate Inspectors that undertake Environmental Quality Checks every 28 days to high-rise blocks and 56-days to medium/low rise blocks. Estate Inspectors have been raising orders for any un-authorised items in communal areas to be removed by the cleaning contractor. Fire Safety Awareness Training has been provided by a registered training provider to 45 staff members who have received certificates to demonstrate they have successfully completed the fire training course. Officers also operate a mandatory Fire Health & Safety training course that all staff members need to complete via the E-learning Platform. This has currently been completed by 151 staff members. The fire safety review will identify individual staff members that would benefit from enhanced fire safety training as part of our active management and prevention strategy.

#### 4.4 *Fire safety systems review*

Housing management leadership team have also engaged an external expert to carry out a review of all council housing management fire safety systems, standards and procedures. This will review how fire safety is embedded across all teams and job roles, considering both operational and strategic issues. The review will set out an 'as is' analysis of how fire safety is dealt with across the housing management function, it will then compare that to best practice in order to develop a 'to be' approach that will be embedded into the housing management transformation programme, which will be delivered by June 2018, and the outputs of this review will be:

- A fire safety strategy for the Housing Management Service.
- A staff practice manual on fire safety and tenancy and estate management

4.5 This review will be reinforced by the Brent Fire Safety Group, which has been set up and includes representatives from relevant services within the Council and external partners such as the LFB, the Police and major Registered Providers. The LFB Borough Commander has already signed up to this proposal and has committed his service to be part of this group.

#### 4.6 *Fire risk assessments review*

Hunters (external qualified Fire Risk Assessors) were appointed in August 2017 to check the FRAs in the 37 high rise blocks and ensure there were no unidentified issues, and help set out a costed programme of fire safety improvement work to form part of the Council's response to enhancing fire safety measures in the Council's housing stock. This work was done by two Hunters staff both of whom are members of the Institute of Fire Engineers and both have worked for the London Fire Brigade. One is a retired Deputy Assistant Commissioner.

4.7 Hunters carried out a survey of each high-rise block to audit our type 1 FRAs in conjunction with a visual inspection of the block. As a result of this work we have three key outputs:

- A report on each block, making specific recommendations, and setting out an action plan, which has been added to the action plan from the original FRAs
- A summary report setting out the key issues we need to consider and is addressed later in this report
- Advice on costs for major additional investments Hunters recommend the Council considers, with a particular focus on sprinklers – This is summarised and attached at Appendix 1

4.8 The reports on each block confirmed that all 37 current Fire Risk Assessments that were carried out by Bailey Garner in the first quarter of 2017 are suitable and sufficient. Hunters did not amend the findings of the FRAs and highlighted those blocks that were either tolerable or moderate risk. The fire safety recommendations and/or remedial works identified in the FRAs have been prioritised and issued to our contractor to execute. The original schedule for completing all of these works was 31 October 2017, owing to operational difficulties, the revised completion date for works is 30 November 2017.

4.9 Hunters' summary restates the position for Brent council housing as it was understood in July, and confirms that position is still correct:

- The current evidence suggests that there are ongoing actions that are required, and are being delivered, but there is no evidence of fundamental issues which require immediate action
- There is a need to focus on ongoing active management of risk (fire prevention), through activities such as fire safety training etc.
- The council should consider additional investments, particularly sprinklers.
- However, as this report has already set out, it is not clear yet what the new standards will be, for example, will sprinklers be required in blocks that are 18 or 30 metres tall. Therefore, Hunters suggest it might be prudent to wait for that guidance, or if we do progress ahead of it, to work closely with the London Fire Brigade in delivering additional measures.

4.10 Hunters' summary also sets out key recommendations which are summarised with our responses as follows:

- a) Type 4 Fire Risk Assessments should be carried out to ascertain the integrity of compartmentation.  
It is proposed that external qualified Fire Risk Assessors be appointed in January 2018 to undertake Type 4 assessments to High-rise blocks and be completed by March 2018. This will be followed by further Type 4 assessments to the remaining medium and low rise stock.
- b) Discussions should be sought with the London Fire Brigade and Building Control to seek guidance on the retro fitting of sprinklers.  
This will be included on the agenda for the Brent Fire Safety Group, which has been set up and includes the LFB Borough Commander.
- c) Detailed surveys to establish the requirements for smoke ventilation following the discussion with London Fire Brigade and Building Control.  
Based on the findings of the Type 4 risk assessments and guidance provided at the Brent Fire Safety Group we will implement an appropriate and measured strategy.
- d) More frequent checks of buildings, by competent personnel, should be carried out or seek the services of a competent consultant to assist.  
Environmental quality checks and equipment maintenance inspections are currently undertaken, however the fire safety review will inform and define any further requirements based on best practice guidance.
- e) Ensure all staff have undertaken relevant fire safety training to ensure the appropriate level of competence and records kept.  
Fire Safety Training is currently being undertaken and records being stored. We will improve and develop existing training structures by implementing a central training and competency framework that will identify individuals that will benefit from specific training courses covering all compliance areas including fire safety.
- f) Ensure all building users are aware of what they should do in the event of a fire.  
Our policy has not changed and it remains as 'Stay Put'. This is confirmed by local fire signage and instructions. The FRAs have not revealed a need to issue new instructions to our residents.
- g) Ensure Premises Information Boxes' (PIB's) contain the correct, up to date, information. The contents of the boxes will be reviewed with the

estates team and we will add additional documents if required, for example, updated personal evacuation plans.

h) Ensure suitable controls are in place to allow unobstructed access to the emergency services.

We are proceeding to consult residents on an estate parking scheme, which will enable us to enforce illegal and/or inappropriate parking on our estates.

- 4.11 Given the need to progress fire safety works, but also given the uncertainty about future standards and regulation, it is proposed the Council progress a comprehensive programme of FRA type 4 surveys across all council housing and start fire safety improvement works as part of the planned refurbishment programme.
- 4.12 Hunters strongly recommend a comprehensive FRA4 programme because FRA4s are the only way to understand all risks in a building. Type 4 assessments require a degree of destructive inspection, in both the common parts of the building and the flats themselves. Dwelling surveys would be carried out on a sampling basis. This usually means the presence of a builder for the purpose of opening up construction and making good after the inspection.
- 4.13 These inspections are more difficult and take longer to deliver. However, they are essential to ascertain the fire integrity of the building and in particular compartmentation. It is the only way to establish long term robust fire safety strategy and systems. The findings of the Type 4 surveys will have a significant bearing on the fire strategy of the building and the prioritisation of the improvement works, and if at any point they identify an urgent issue then this work would be prioritised alongside the planned works programme.
- 4.14 It is therefore proposed to procure and instruct an appropriate agency to carry out a Type 4 FRA survey programme. It is proposed to include low and medium rise blocks in the programme, but the programme of assessments would be prioritised, starting with the 14 high rise blocks above 12 storey's, then moving to the other high rise block before moving to the medium and low rise. The estimated cost of this programme, which would run from January 2018 to March 2019 is estimated to be £950K.
- 4.15 The reason for integrating fire improvement works with the planned works programme is twofold: it will be more cost effective to do one set of works on a building, and not all residents may appreciate the fire safety works, they may be unsightly, so doing them alongside planned works, should see overall improvement in the building. Planned work may include refurbishments such as; new roofs, facades, windows, lifts, kitchens, bathrooms and heating systems. We want the projects to be meaningful and act as beacons in the borough for innovation and progress. This may make it more palatable for leaseholders as an improvement would mean an increase in the quality and value of their property.
- 4.16 In order to integrate with the planned works programme we require an approach to prioritising the blocks. This will be based on three levels:
- Given the lack of national guidance, the best estimate of future regulation is the current regulation for new buildings. Therefore, the

proposal is we focus in the first instance on buildings that are 12 storey's and above, which would currently require sprinklers if they were newly built.

- The original FRA1s provided risk ratings, and so those where there is the greatest risk (after all the recommended actions have been completed) would be prioritised, and
- The planned works already in the programme, for example Kilburn Square.

## 5.0 Financial Implications

5.1 Hunters have provided a costed programme of works for inclusion within the HRA capital programme – summarised at Appendix 1. In the absence of national guidance, they have prepared a programme that assumes the retrofitting of fire suppression may be mandatory in all high-rise blocks. Should Hunters' assumptions be confirmed the total works costs to fulfil the programme on all 37 high-rise blocks is estimated to be £14.1m.

5.2 However, as set out in the body of the report, the findings and recommendations of the independent Review of Building Regulations and Fire Safety may confirm that sprinkler systems are to be fitted retrospectively to existing residential structures in accordance with current building regulations (relating to new build structures). This outcome would make it compulsory for sprinklers to be fitted in buildings taller than 12 storey's or 30 metres. Therefore, the total works costs to fulfil the programme on just the 14 blocks we own that are 12 storeys and above is estimated to be £7.4m.

5.3 The cost of these works may be partly recoverable from leaseholders and the sprinkler systems would be maintained by the Council. Of the total properties that may benefit from the installation, approx. 20% are leasehold. It is estimated that recoverable costs range from £0.8m for the 14 blocks identified as being 12 storeys and higher, and £2.8m for all 37 blocks. This equates to approx. £6k per leaseholder. These are current estimates as costs will fluctuate as the market is likely to be saturated with requests for this service in the coming years.

5.4 The total costs are summarised in the table below. Where costs to the council range from £7.55m for 14 blocks and £12.25m for 37 blocks.

	FRA4's All blocks (£m's)	Gross cost of works (£m's)	Potential Leaseholder contribution (£m's)	Net Cost to Council (£m's)
All High-Rise Blocks (37)	0.95	14.1	-2.8	12.25
Blocks taller than 12 storey's or 30 metres (14)	0.95	7.4	-0.8	7.55

5.5 However, there is still significant room for change in these estimates. Implementing as part of a planned programme of works, will be more cost effective, but more importantly, there is the risk that FRA4s may identify other

issues, for example, compartmentation problems, which could significantly increase the costs. In addition, the cost estimates from Hunters do not include any potential ancillary costs such as temporary decants. Therefore, for planning purposes an estimated budget requirement of £10m has been used for budget planning based on the recommendations in this report.

- 5.6 Approvals are in place to commit the estimated £10m to fund the fire safety works, subject to cabinet approving the works programme within this report. On the assumption that the cost of this must now be met from the HRA following legal advice as explained in the legal implications for this report, the estimated consequences are as set out below.
- 5.7 There is borrowing headroom in the HRA of £1.6m. This could be used to fund part of the works. The balance of £8.4m would have to be funded by reducing other items in the capital programme as no additional revenue savings have been identified. Therefore, a process of prioritising the remaining items in the capital programme will have to take place.
- 5.8 The following table summarises the current planned HRA capital programme.

	<b>Health &amp; Safety Works capital</b>	<b>Future Major Repairs capital</b>	<b>Environmental Improvements Capital</b>	<b>Disabled Adaptations Capital</b>	<b>New Build &amp; Regeneration</b>	<b>Totals</b>
	£ m	£ m	£ m	£ m	£ m	£ m
2017/18	7.2	16.2	2.2	1.0	24.7	51.5
2018/19	6.2	13.1	0.4	1.0	24.1	44.8
2019/20	9.0	25.2	2.9	1.0	23.7	61.8

- 5.9 As a minimum, the current planned HRA capital programme would need to reduce by £4.5m in 18/19 and a further £3.9m in 19/20 to accommodate the additional Fire Safety works.

## **6.0 Legal Implications**

- 6.1 The main duties upon local authorities as landlords in relation to fire safety are covered by the Housing Act 2004 Regulatory Reform (Fire Safety) Order 2005 and the Housing Act 2004. Local housing authorities as landlords also need to give comply with other statutory requirements that are set out in the Gas safety (Installation and Use) Regulations 1998, the Electrical Equipment (Safety) Regulations 1994 and the Furniture and Furnishings Act 1988.
- 6.2 The key requirement under the Regulatory Reform (Fire Safety) Order 2005 (“FSO”) is that local authorities (and indeed other housing providers) as landlords of multi-occupied residential buildings, must carry out and maintain a suitable and sufficient fire risk assessment in communal areas to identify and provide adequate fire precautions and procedures to ensure the safety of all relevant persons. As part of carrying out a fire risk assessment, they must take adequate precautions to reduce the risk and to manage the risk that remains. Carrying out Type 4 Fire Risk Assessments for low, medium and high-rise blocks which are part of the Council’s housing stock as proposed in this report will go beyond what is required in the FSO.

- 6.3 The Housing Act 2004 introduced the housing health and safety rating system (HHSRS). The HHSRS is the principal tool for assessing fire safety risk and regulating standards in all types and tenures of residential accommodation. A number of statutory instruments have been laid under the Housing Act 2004 regarding HHSRS and guidance under this legislation for local housing authorities is contained in the Housing Health and Safety Rating System Operating Guidance.
- 6.4 Section 20 of the Landlord and Tenant Act 1985 imposes a requirement on landlords to consult with Leaseholders in respect of qualifying works (e.g. where leaseholder's contribution is in excess of £250 in one financial year) or a qualifying long term agreements (ones entered into by the landlord for a period in excess of 12 months which result in a contribution of a leaseholder in a year is in excess of £100). Failure to comply with the consultation requirements will mean that only £250 per leaseholder per financial year can be recovered by the freehold owner in respect of qualifying works and only £100 per leaseholder per financial year can be recovered by the freehold owner in respect of qualifying long term agreements during the duration of those agreements. These various consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
- 6.5 In relation to the cost assumption set out in paragraph 5.6 above, external legal advice has been obtained which confirms that the cost of such fire safety works must be met from the HRA rather than the General Fund.

## **7.0 Equality Implications**

- 7.1 There are no equality implications to this report.

### **Background Papers**

Appendix 1 – Capital improvement works and priorities

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