

	Housing Scrutiny Committee 25 April 2019
	Report from the Strategic Director of Community Wellbeing
Fire Safety	

Wards Affected:	All
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	None
Background Papers:	N/A
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1.0 Purpose

- 1.1 This report is to update the Housing Scrutiny Committee on the progress made regarding fire safety in the borough, following the unfortunate Grenfell tragedy.

2.0 Recommendations

2.1 Members of the Housing Scrutiny Committee are asked to note the contents of this report.

3.0 Overview of current fire safety activity

3.1 The Council has two key improvement programmes that will positively impact fire safety within the borough as follows:

3.2 Low and medium rise fire safety remedial works programme including converted street properties. This is a programme of fire safety improvement and communal refurbishment of 1020 blocks throughout the borough and is currently in delivery.

3.3 Tower block Fire Safety Improvement Programme. This is a programme of fire safety improvement and major works to 6 tower blocks and is currently in design and procurement. This will include the installation of sprinkler systems.

4.0 Details of the status of Fire Risk Assessments (FRA) for Brent

4.1 Brent Council has type-1 FRAs for all blocks that have been conducted in line with their annual re-inspection date and are 100% compliant in this respect.

4.2 In addition, a Type-4 Fire Risk Assessment was undertaken on all tower blocks over 12 storeys high and completed in December 2018. This was an intrusive survey with destructive inspection, in both the common parts and in the flats. This required opening up the construction and making good after the inspection. A type-4 is the most comprehensive fire risk assessment.

4.3 Within flats, a type 4 survey gives consideration to the integrity of compartmentation around openings in walls and floors for services such as gas, water, electricity, telecommunications and drainage. These may be present where such services enter from the common parts or pass between flats. In most cases, the extent of any openings and the extent of fire stopping may require opening up panels in kitchens, bathrooms and other areas.

4.4 From the surveys it was apparent the Council has invested in fire safety measures previously with new 'Gerda' fire doors being fitted throughout the blocks to flat entrances, cross corridors and stairs.

4.5 In addition to the installation of fire doors certified fire proofing and stopping works have also been carried out to a large majority of accessible risers to corridors and lobbies within communal areas.

4.6 The compartmentation in the Common Areas was to a good standard with no major breaches in compartmentation identified to common areas nor any trends in compartmentation deficiencies in the blocks.

4.7 However, the assessments have identified the following areas for investigation and/or remedial action. These will be actioned under our programme for Type-4 FRA High-Rise Remedial Works:

- Local Management Actions i.e. removing obstructions in communal areas.
- Spandrel panels, window panels & infill panels.
- Additional dwelling Smoke and Fire Alarms.
- Ventilation ducting and redundant flues.
- Assessing the need for common area ventilation systems (AOV) systems.
- Any remaining compartmentation issues within dwellings & common areas.
- Common area doors repairs.

5.0 Plans for the installation of sprinklers and cost to residents

5.1 The work to install sprinklers within tower blocks will be integrated with other major works that have been identified from the stock condition survey. 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.

5.2 The works will include refurbishments such as: external repairs, window replacements, lift replacements, (as will be the case on Kilburn Square) and heating system replacement (as will be the case on Lodge and Manor Courts). This may make it more palatable for leaseholders as an improvement would mean an increase in the quality and value of their property.

5.3 The low rise fire improvement programme will also include the refurbishment of the communal parts of blocks particularly on converted properties.

5.4 The investigation work into the physical fire integrity of the tower blocks as discovered through the FRA Type-4 findings along with an understanding of short-term life of the blocks has allowed a balanced consideration of fire safety improvements.

5.5 It is therefore proposed to install sprinklers to all flats within the council's high rise blocks that are not proposed for demolition. These blocks are:

- Watling Gardens
- Lodge Court
- Manor Court
- Windmill Court
- Kilburn Square
- The Oaks

5.6 This decision will be reviewed once the results of the South Kilburn regeneration ballot is known, where eight blocks are planned for demolition.

5.7 The start on site dates for the works to the tower blocks we are retaining currently are:

- The Oaks, Windmill and Watling: November 2019
- Manor and Lodge: January 2020
- Kilburn Square: February 2020

5.8 Sprinkler systems are a significant capital item and from review with other providers it is estimated the cost to residents is likely to be in the order of £4,860 per dwelling on average.

6.0 Status of Fire Safety in RP blocks and arrangements for cladding removal/replacement

6.1 Brent Building Control are in ongoing negotiations with RP Providers, Hotel buildings and Student Accommodation blocks where ACM class C cladding has been identified post Grenfell. Some projects have already commenced work on cladding removal and others we are still in discussions with. We are continuing to work proactively to ensure all defective cladding is removed from all residential type buildings.

6.2 Officers are liaising with colleagues from RPs, to ensure they are appropriately engaging with residents and following due process. They are also engaging us in interaction with their residents, asking us for assistance where necessary.

7.0 Details of issues in private blocks

7.1 Building Control does not have any involvement in ongoing Fire Safety in privately owned blocks. Assuming Brent Building control were the Building Control service provider on new privately owned blocks (and not Private Approved inspectors which is often the case) provided works were completed satisfactorily under The Building Regulations, we would have issued a Completion Certificate which reflects the buildings compliance at that time. We would have no further ongoing involvement after that date.

7.2 In terms of replacement cladding we are in ongoing negotiations with Hotel buildings and Student Accommodation blocks where ACM class C cladding has been identified post Grenfell. Some projects have already commenced work on cladding removal and others we are still in discussions with. We are continuing to work proactively to ensure all defective cladding is removed from all residential type buildings.

8.0 Outline the progress on the fire safety task group recommendations

8.1 **Recommendation 1:** The council and registered providers in Brent should publish the latest Fire Risk Assessments for all of their properties on an ongoing basis.

- 8.2 All our buildings require new FRAs in 2019 in-line with their cyclical target date. Our intention is to publish the new FRAs after the cycle is completed and a solution found that will allow access to FRAs in an auditable way through user logins.
- 8.3 The Council is unable to compel Registered Providers (RPs) to publish their FRAs. However, we have communicated our expectation to them and continue to engage in discussions, which will hopefully result in all RPs operating in Brent agreeing to this recommendation.
- 8.4 **Recommendation 2:** In wards where the landlord licensing scheme is in force, the council should institute an amnesty from prosecution for landlords with unlicensed properties to increase uptake of landlord licences.
- 8.5 It is not felt that an amnesty of this sort would add value in Brent, based on our experience of the licensing scheme so far. In the 1st three wards that were designated as Selective areas (Harlesden, Willesden Green and Wembley Central), we saw 135% of the properties that we anticipated needing a licence being licenced. This has been borne out in a further 5 wards, (Dudden Hill, Kilburn, Queens Park, Kensal Green and Mapesbury) where high volumes of applications have already been received in the first 10 months of the scheme running in those wards.
- 8.6 Given this level of coverage, it is our belief that any property not licenced is more likely than not managed by a landlord avoiding the scheme. Landlords avoiding the scheme should either face prosecution or at least a civil penalty notice and any issues of disrepair, including fire safety, should be addressed by enforcement.
- 8.7 **Recommendation 3:** In wards where the landlord licensing scheme is in force, the council should work to raise tenants' awareness of the landlord licence scheme (and more widely if this is expanded beyond these wards). It should also publish a "plain English" guide for tenants on landlords' obligations under the scheme.
- 8.8 Private Housing Services continues to carry out extensive publicity of all its licensing schemes targeted at landlords, tenants and other residents. We use various medium including The Brent Magazine, Local and national Press, Television, leaflets, attending local events, social media, JC Decaux and internal briefs to elected members. In addition, we have developed a Community Champion initiative which has a dedicated resource, this can be viewed at www.brent.gov.uk/PRScommunitychampions.
- 8.9 In addition, we have updated our web offering to Tenants visiting Brent's website. This includes a revamped section which sets out clearly what tenants should expect and how to take action if things are not as they should be.

- 8.10 **Recommendation 4:** The council should establish an anonymous reporting system through telephone as well as the Council's digital platforms for residents to report non-compliant landlords under the landlord licence scheme.
- 8.11 Anonymous reports of non-compliant landlords can be made on our online referral form www.brent.gov.uk/reportaproperty or by calling our dedicated telephone number, which is 020 8937 2384.
- 8.12 **Recommendation 5:** The council and registered providers should work with care providers to ensure that the London Fire Brigade has up-to-date information about vulnerable tenants and leaseholders.
- 8.13 The Council and care providers share useful fire safety information with the Fire and Rescue Service concerning residents who are particularly vulnerable. The council uses existing data, sends letters and displays notices in communal areas to identify groups who would benefit from a more detailed assessment of their needs being undertaken and promote the support that is available. This takes the form of a 'Person-Centred Fire Risk Assessment' questionnaire (PCFRA). A PCFRA is a simple risk assessment, completed with the resident, and considers their characteristics, behaviours and capabilities. This is to identify people who may have a higher risk from fire, and consider what actions/measures may be taken to reduce those risks to a reasonable level. The intention is to retain and share this information online and this is part of Customer Relationship Management system (CRM) implementation currently taking place.
- 8.14 If the assessment identifies reduced capacity to evacuate in the event of fire, a Personal Emergency Evacuation Plan (PEEP) is created. This is a plan of action agreed with the resident that outlines what actions they should take, what assistance may be needed to evacuate if a fire occurs in their own flat/room, or if the Fire Service determine that they need to be evacuated due to a fire in another part of the building.
- 8.15 **Recommendation 6:** The council and registered providers should review the appropriateness of fire detection systems in properties based on the specific needs of their tenants and leaseholders.
- 8.16 We have undertaken a comprehensive review of fire prevention and detection measures across our stock. The majority of our stock is made up of 1,059 low, medium and high rise stock including converted properties. The fire safety works arising from this review will be delivered through two major programmes as described earlier in this report. The specification for each fire detection system will be aligned with the building and resident requirements and determined on a case by case basis.
- 8.17 **Recommendation 7:** All social landlords should take a "zero tolerance" approach to bulky items kept in common areas.

- 8.18 To be clear, a 'zero tolerance' approach means residents are not permitted to use communal areas to store or dispose of their belongings or rubbish. No exceptions apply. This ensures that communal areas are effectively 'sterile' i.e. free of combustible material, ignition sources and obstructions. Housing Staff do this via the use of the TORT Notice (legally treating the item(s) as abandoned) for the removal of bulky items in common areas. In addition, FRAs further identify if any items in the communal area would obstruct the means of escape. Implementation and monitoring of the aforementioned arrangements are shared with our cleaning contractor Wettons
- 8.19 **Recommendation 8:** All social landlords should provide storage space for bulky items for all property types and sizes.
- 8.20 Providing storage space for bulky items for all property types and sizes may not be feasible but, where practicable, officers work with tenants and leaseholders to find a solution. Storage in relation to mobility scooters, prams and bikes requires a considered design approach. Additional facilities, alternative housing may be considerations, however these will need to be assessed on a case by case basis. Where facilities are available residents are required to use them to store bulky items. This is being monitored by the Council and the estate cleaning contractor as part of the planned and ad hoc estate inspection.
- 8.21 **Recommendation 9:** The council should continue to develop plans and seek funding for secure bicycle storage units across the borough.
- 8.22 The second round of bike shed installation will be considered as part of this year's estate improvement programme. We will seek to make a decision on this investment by the end of May 2019
- 8.23 **Recommendation 10:** The council should act to reduce unauthorised parking in areas for the use of emergency services, including: clearer and better maintained signage and markings to identify those areas permitted for car parking, and those areas which are to be kept clear and improving awareness of traffic and parking rules, and stronger enforcement of parking rules.
- 8.24 There is ongoing parking enforcement activity on some estates, where Emergency Access points are clearly identified and monitored by our Parking Enforcement Contractor. However, the Council believes the current scheme is insufficient to deal with this issue and we have therefore commenced consultation on 'trial' estates on a new parking scheme. This scheme, which will be based on a Traffic Management Order, will ensure designated parking areas are made available for emergency services.
- 8.25 **Recommendation 11:** The council and registered providers should regularly use their communication channels to inform and raise the awareness of residents in relation to fire safety.
- 8.26 The Council and RP's use a variety of methods to communicate with residents in terms of raising awareness of fire safety. These include social media; publications; internet-based communication including website and intranet;

stakeholder communications; events and community safety campaigns. The new Tenancy Verification functionality in CRM provides a prompt for Housing Officers to promote fire safety information as part of the verification visit

- 8.27 **Recommendation 12:** The council and registered providers should provide, in the main entrance of all types of property, floor plans identifying the location of fire exits, and clearly and simply explaining what to do in case of a fire.
- 8.28 Fire Safety Notices are installed and are updated as part of the Fire Safety Remedial Works Programme. As Landlord responsibilities are similar, RPs are likely to follow the same approach.

9.0 Outline the lessons learned from the Windmill Court fire

- 9.1 The fire in Windmill Court led to the tragic death of one of our residents which is an event we would have all wished never happened. We are satisfied how the building performed in this unfortunate incident and did not allow the spread of fire to other residents. The building had recently had fire safety remedial works undertaken based on a type-1 FRA survey findings. The property was compliant in respect to having up to date and valid FRA, gas and electrical certificates. The fire and smoke were contained in the flat of origin to the point that the adjacent flats were unaffected and some were unaware of any fire incident. This demonstrates the compartmentation was satisfactory and effective in the event of a fire.
- 9.2 However, it transpired that monthly fire safety inspections had not been carried out regularly in the block. Although a subsequent visit was carried out, the Inspecting Officer was still able to focus on discrepancies, which seem to indicate that some block users choose to ignore the restrictions imposed by LBB.
- 9.3 Housing Management will ensure that monthly block inspections occur to a set timetable, and that actions arising are being followed through and completed using the 'zero-tolerance' policy banning all items from the common parts where they impact the means of escape including potential trip hazards such as doormats, shoes, plant pots, prams, bikes. The introduction of CRM will provide transparency in the management and monitoring of inspections and completion of follow-up actions.

10.0 An overview of measures in place to raise awareness of other civil emergencies e.g. power outage, flooding

- 10.1 The Fire Safety Communications strategy forms part of a wider Disaster Recovery Plan Strategies and Processes to cover all major incidents.
- 10.2 A Disaster Recovery Plan will ensure the continuation of vital business processes and ensure the councils response and communication is appropriate in the event that a disaster occurs.

10.3 The Council, both as a landlord and a Local Authority, has in place a robust disaster recovery plan, which is tested on a regular basis.

11.0 Give an overview of how residents are engaged

11.1 The Council use a variety of methods to communicate with residents in terms of raising awareness of fire safety. These include social media; publications; internet-based communication including website and intranet; stakeholder communications; events and community safety campaigns. For example, the Council has held fire safety surgeries for every high rise block and we consistently feature fire safety advice in 'Your Voice', the Brent tenant and leaseholder magazine.

11.2 It has been hugely important to engage with residents on the fire safety improvement programme for resident choices and this will continue as we progress the remaining programme. To support this, a dedicated Resident Liaison Officer has been assigned to work with and communicate with residents. Similarly, we are keen to engage ward Councillors and will be providing opportunities for visits to properties that have been completed.

11.3 Leaseholders are to have fire safety works to support the wider health and safety of the blocks and their own demise and to make their own proportionate financial contribution towards the cost of those works. This will safeguard public health and ensure uniformity of fire safety standards irrespective of tenure.

11.4 For works to the internal communal parts such as emergency lighting, decoration and communal fire alarms we consult all leaseholders of our proposal to carry out works. Section 20 notices will be served to leaseholders informing them of our intention to carry out the fire safety and major works programme to the internal communal parts.

11.5 Where fire safety works occur in the home such as providing flat entrance fire doors, we will seek the consent of leaseholders to allow our contractors carry out these works. Leaseholders will be consulted regarding the details of the works, the benefits and the costs to them.

11.6 Where consent is granted and the leaseholder signs a Consent Form waiving their rights and allowing our contractors carry out the fire safety works inside their dwelling; an agreement will be signed by both parties. Under this arrangement it is proposed Leaseholders will be offered an interest free repayment scheme and therefore the same procedure for recovering leaseholder service charges will be applied.

11.7 Leaseholders who do not grant consent to work in their properties and wish to carry out the fire safety works themselves will be advised of the complexity and certification of the works required to safeguard public health and ensure uniformity of fire safety standards in each block and their homes.

12.0 Outline joint work with partners including the LFB

- 12.1 The Council has formed a Strategic Fire Safety Group that includes representatives from within the council, external partners and senior officers of the London Fire Brigade. The Council has also agreed with the London Fire Brigade to create a sub-group for housing that will focus more on the operational aspects of fire safety matters within the borough and that will be attended by senior managers from the Council, representatives from Housing Associations and senior officers from the London Fire Brigade.
- 12.2 Council officers are working closely with the London Councils Engagement Best Practice Group. This is enabling the Council to become a major contributor in the sharing of learning and be one of the first to learn about new findings, changes and government updates relating to fire safety.

13.0 Outline current cost of activity and forecasted spend

- 13.1 The cost of fire safety activity in high rise blocks and converted properties in 2019/19 was £1,123,668. The forecast cost to undertake fire safety works in 2019/20 is £6.8m. This will include fire safety works on low and medium rise blocks and the high-rise tower block programme including remedial actions arising from the FRA4 surveys and sprinkler installations.

14.0 Legal Implications

- 14.1 In coming to any decision on publicity the Council is required by section 4 of the Local Government Act 1988 (the 1988 Act) to have regard to the contents of the Code of Recommended Practice on Local Authority Publicity (the Code). Section 6 of the 1988 Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. Principles set out in the Code states that publicity by local authorities should be lawful, cost effective, objective, even-handed, be appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity.
- 14.2 Paragraph 29 of the Code states that publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided. The recommendations set out in the report relating to publicising and raising awareness of the Council’s functions which are relevant to fire safety would need to comply with the Code.
- 14.3 The Council and the police may act to reduce unauthorised parking in areas for the use of emergency services. Such parking can be tackled in various ways, such as under legislation governing obstruction and dangerous parking or through a Traffic Regulation Order. Further work would need to be undertaken to identify what are the appropriate options for the areas where unauthorised parking is occurring.

- 14.4 Under section 111 of the Local Government 1972 the Council has power to do anything where specifically permitted by legislation, or which facilitates, or is conducive or incidental to the discharge of statutory obligations. The Council's powers and duties which are relevant to fire safety are referred in paragraphs 14.6 – 14.9 below. In addition, section 1 of the Localism Act 2011, the General Power of Competence enhances the power of the Council to do anything that individuals may generally do, which not prohibited by legislation, which are reasonable and proportionate. The proposed actions set out in recommendations 5,6,7,8 and 11 fall within the ambit of these powers.
- 14.5 As to sharing information about vulnerable tenants and leaseholders, organisations the sharing of any personal data must comply with the data protection principles contained in the Data Protection Act 1998 (DPA). It is good practice to have a data sharing agreement in place.
- 14.6 Fire safety for residential accommodation is regulated by both the Housing Act 2004 (the 2004 Act) and the Regulatory Reform (Fire Safety) Order 2005 (FSO). The FSO places duties on housing providers to risk assess fire safety in their properties, to take adequate precautions to reduce that risk of fire and to manage that risk which remains. These duties to apply to a range of property types. However, in HMOS, flats, maisonettes and sheltered accommodation in which personal care is not provided, these duties only apply to the communal parts of residential properties (e.g. stairs, corridors, shared kitchen, bathrooms and lounges etc.) that is those parts of the premises that are (or could be used) used by the occupants of more than one dwelling. These duties are enforced by fire and rescue authorities, but it must consult the Council before taking enforcement action.
- 14.7 Part 1 of the Housing Act 2004 enables the Council to take action to deal with poor housing conditions by means of the housing health and safety rating system (HHSRS), which is an evidence based risk assessment procedure. The HHSRS includes assessing the hazard of fire presented by a particular dwelling. The powers available apply to all types of residential premises, HMOs, purpose built blocks of flats and buildings compromised of converted flats.
- 14.8 The Act 2004 gives the Council power to intervene where it considers housing conditions to be unacceptable, on the basis of the impact of hazards on the health or safety of the most vulnerable potential occupant. There is a general duty to take appropriate action in relation to a category 1 hazard.
- 14.9 There are a wide range of enforcement options to address hazards which include:
- Serve an improvement - for works to be carried out;
 - Make a prohibition order - to prohibit use of part or all of the premises for various specified purposes;
 - Serve a hazard awareness notice - advisory notice for need for improvements;

- Take emergency remedial action – the Council takes remedial action to remove the hazard;
- Make an emergency prohibition order – to prohibit all use of all or part of the premises;
- Make a demolition orders and clearance areas.

14.10 The HMO licensing regime under Part of the 2004 Act provides the Council with procedures for the licencing of HMOs. In relation to fire safety, when granting a licence, the Council must be satisfied that appropriate fire precaution facilities and equipment are provided and the HMO is reasonably suitable for occupation in terms of fire safety. Where, this is not the case, it may attach a condition to the licence requiring that works to ensure that facilities and equipment are installed within a specified period.

15.0 Financial Implications

15.1 The current budget for 2019-20 major works has been set at £14.1m, an additional budget requirement of £6.8m worth of fire safety works completed in year will require additional borrowing estimated to be £3.4m, thus increasing financing cost by £0.09m (2.7% PWLB rate April 2019).

15.2 The fire safety works will be subject to Section 20 recharges to leaseholders, the estimated recoverable amounts are to be confirmed once detailed costings are finalised.

16.0 Equality Implications

16.1 There are no equality implications associated with the content of this report.

17.0 Consultation with Ward Members and Stakeholders

17.1 None

Report sign off:

Phil Porter

Strategic Director of Community and Wellbeing