

REPORT TITLE: FIRE SAFETY IN COUNCIL HOUSING

24 JUNE 2020

REPORT OF CABINET MEMBER: Councillor Kelsie Learney, Cabinet Member for Housing and Asset Management

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WARD(S): ALL

PURPOSE

Following the Grenfell Tragedy of June 2017 the Housing Service set up a Project Group to consider its approach to fire safety within the district but especially as regards Housing Revenue Account (HRA) stock.

The Project Group had the brief to:

- Review existing policies and processes that had a fire safety element
- Assess against regulations and good practice
- Bring together all elements into one place
- Be ready to respond to recommendations and changes coming from the Grenfell investigations.

This report presents the outcomes from that review and provides an update for members on Housing Service Fire Safety Policy and management arrangements.

RECOMMENDATIONS:

1. That the updated Fire Safety Policy be approved.
2. Subject to obtaining any necessary building regulation and listed building consent that fire safety works recommended with the Fire Safety policy be implemented which includes the fitting of fire rated front doors.

3. Note that provision has been made within the HRA budget for £2m for expenditure on capital fire related works (£1m 2019/20 and £1m 2020/21).
4. That delegated authority be given to the Corporate Head of Housing to make minor amendments to the Policy in consultation with Cabinet Member for Housing and Asset Management.

IMPLICATIONS:

1 COUNCIL PLAN

- 1.1 Council Plan 2020 -2025 priority – Homes for All. The provision of homes that meet decent homes standards and are compliant with building regulations and health and safety rating standards.

2 FINANCIAL IMPLICATIONS

- 2.1 £1m has been included in the 2019/20 HRA budget to fund additional works required to ensure appropriate fire safety measures are maintained to communal housing stock.
- 2.2 An additional £1m has also been included in the 2020/21 budget. It is proposed that all uncommitted monies from the 2019/20 Fire Safety Capital budget be carried forward to supplement this allocation. The amount of any carry forward will be confirmed in the July report on the 2019/20 HRA Outturn report.
- 2.3 Additional costs are likely to be around:
- New build – changes in regulations will impact on the design and standards applied in new build and this may impact on the feasibility of sites. For example the requirement to install sprinklers to projects over 11m in height.
 - Works to existing council properties –The communal flat front door replacement programme is being completed as part of planned maintenance works. Changes to standards with potential financial implications are likely to continue as the Government announces updates to regulations in response to the Grenfell Inquiry recommendations. An additional £2m (£1m for 2019/2020 and £1m 2020/2021) has been set aside for capital fire safety related works such as sprinklers and alarm works if required.
 - Meeting competency requirements – an action plan task is to complete a Training and Competency audit. It is anticipated that meeting gaps and training needs identified will be within the capacity of existing budgets. Critical for maintaining competency includes ensuring officers have to access specialist information, such as IHS Account (Construction Information Services (CIS)). These specialist resources can come at a significant cost. However costs can be shared with other council departments who benefit from this access.
 - Providing resident Information – implementation of the Resident Engagement Strategy – including updating leaflets and signage, information initiatives such as commissioning a video.

- 2.4 Whether costs, including training, IT and communication, can be met from operational budgets will become clearer as tasks are completed.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Fire safety for residential accommodation is regulated by both the Housing Act 2004 and the Regulatory reform (Fire Safety) Order 2005. The (Fire Safety) Order 2005 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. The duties apply to a range of property types. However in HMO's, flats, maisonettes and sheltered accommodation in which personal care is not provided, these duties only apply to the communal parts of the residential property, such as stairs, corridors, shared kitchen, bathroom and lounges.
- 3.2 Legal and procurement support will be required through the implementation of the flat front door replacement programme. A procurement process will be conducted in-line with the Council's Contract Procedure Rules and Public Contract Regulations 2015 with contract(s) planned to start from 2020. Legal support will be required in relation to securing access to complete works and setting out an approach to leasehold properties pending central government announcements on changes to requirements and the availability of legal remedies to support this.
- 3.3 The current Leaseholder Service Project, with legal and housing working collaboratively, is undertaking a review of all current leases, templating future leases and establishing a strategic and operational approach to the carrying out of improvements works including those works which relate to fire safety.

4 WORKFORCE IMPLICATIONS

- 4.1 The Housing Service has been conducting the review within existing resources and the task has been a priority within service plans. This will continue as the actions arising are implemented.
- 4.2 There is the potential for significant workforce implications not just for the Housing Service but for support services too depending on the outcome of Govt consultation and how the recommendations from the Grenfell Inquiry will be translated into changes in compliance requirements.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 There is no ACM cladding within the council housing stock.
- 5.2 The Council focus is on maintaining/enhancing the integrity of the existing compartmentation/escape routes wherever possible/reasonable. Communal and flat entrance doors are key to compartmentation. All tenant front doors would have met the relevant building regulation standards at the time of build, or when replaced. Following a flat front door survey in October 2019; over the next four years a Door Replacement Programme will focus on the front doors

of flats which may no longer meet modern standards. This programme will only deal with the flat/maisonette front doors opening into common parts. This programme has been prioritised by door condition, number of storeys and age of building.

- 5.3 Guidance is awaited for other changes which may have implications for existing properties such as fitting sprinkler systems in buildings of certain height. Although building regulations are not usually expected to apply retrospectively the Council may decide to upgrade.
- 5.4 For new buildings there has already been a change to requirements. Buildings of 11m or above will require sprinkler systems. The only development of this height currently planned within the district is at Winnall.
- 5.5 Existing buildings over 11m include Winnall flats which has partial systems in the bin areas and Chesil Lodge, Winchester which has a system in the corridors. Further review of Victoria Court, Victoria Road, Winchester is required to determine if the basement car park means it qualifies as 11m along with Parmiter House, Wales St, Winchester.

6 CONSULTATION AND COMMUNICATION

- 6.1 Comprehensive consultation and communication has been fundamental to this project.
- 6.2 At the start of the process discussions were held with TACT about how they wished to be involved. They expressed an interest in being part of the sub group discussions and many of these meetings had a TACT representative present.
- 6.3 TACT also asked what the Council was doing in response to the Grenfell tragedy and in response regular updates have been presented to TACT and to wider audiences through the tenant newsletter, survey feedback and focus group feedback, in addition to a presentation at the TACT AGM in November 2019 at which members were present.
- 6.4 A survey was compiled with tenant involvement. Tenants, licensees and leaseholders were invited to complete this survey. This survey was conducted in a variety of formats – digital, hard copy, surveys were translated into key languages and home visits were carried to a sample of sheltered and temporary accommodation households.
 - 428 tenants (6.7% of all tenants) and 30 leaseholders responded to the survey.
 - 20 returned a paper survey
 - 15 households returned a translated survey form (Polish and Nepalese)

- 6.5 A programme of focus groups were held in January 2020 which included households from across the district, tenure and property types.
- 6.6 Further details of how the views collected were used to inform the policy and management plan are set out in the Resident Engagement Strategy – Part 1 Research and Consultation.
- 6.7 Resident Engagement Strategy – Part 2; sets out the next stage of process applying the feedback to the information the Council provides.
- 6.8 Discussions have also taken place with other council departments such as Building Control, fire risk assessors, Hampshire Fire and Rescue and fire safety consultants.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The Fire Safety Management Plan has limited environmental implications overall other than usual service delivery aspects such as keeping paper use and travel to a minimum.
- 7.2 Online resources for information sharing will be employed wherever possible especially as it is easier to manage control of current guidance through this medium. Hard copy information will be provided where required to meet format needs and where shown to be the most effective form for messages to be communicated.
- 7.3 In addition focus groups reported that hard copy information should be kept short to be effective.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 Equality issues are key element of the fire safety management especially around accessible information.
- 8.2 Dame Judith Hackitt and Rt Hon Sir Martin Moore-Bick in their reports from the Grenfell Tower Investigation and Inquiry have made reference to the importance of the provision of signage and information in an accessible manner and `in a form that the occupants of the building can reasonably be expected to understand`.
- 8.3 The MHC&LG Government Consultation Para 254 (page 81) sets out that the accountable person will need to make proportionate special provision (in buildings of 18m or more) for residents who may be vulnerable or have additional needs. For example, residents who have a physical or visual impairment, have other disabilities or who do not speak English. Guidance is pending on how best to do this. The only stock WCC has which is 18m or above is Winnall Flats.
- 8.4 The evidence and documentation covering the equality issues was prepared in advance of a virtual meeting on 1 May 2020 with officers from general

needs, sheltered and property services. This meeting considered the evidence and checked that the appropriate measures were in place for all groups. Temporary accommodation officers were invited to comment through email.

8.5 Initial discussions have been held with Hampshire Fire and Rescue around working together to meet diverse needs. Further meetings are planned when the current social distancing working arrangements due to COVID-19 are lifted.

8.6 The main findings of the equality impact assessment were that without mitigating measures some households could be disadvantaged. The main issues were the format of information and household needs to leave the building safely if required.

The main groups to consider were:

- Older tenants
- Hearing and visual impairment
- Cognitive impairment
- Learning disabilities
- Physical impairment and long term illness that impacted on mobility
- Poor literacy skills
- Language needs
- Digitally excluded
- Young carers
- Hoarders

8.7 The Council has some general standards in place that recognise that people have particular needs to take into consideration when providing information for example large print, hard copy for those who are digitally excluded, translation of key documents, Plain English, telephone numbers in dialling code and 3 digit format, along with Housing Service standards - application of the Word readability statistics, checking information with the Readers' Panel. The Group accepted that these standards should be applied by all services at all times. Actions centred on improvements to information collection and reporting to enable targeting of service delivery to be improved.

8.8 Processes are also in place to ensure that vulnerable households in sheltered accommodation are likely to be identified and able access to support or be signposted effectively; general needs households with needs are not so easy to identify and actions are already included in the action plan to address this with reference to current guidance (LGA - Fire safety in purpose built blocks of flats – May 2012) and pending Government requirements.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 A data impact assessment was completed on 22 April 2020.

9.2 The main findings were that the actions amounted to processing information that WCC already had in a slightly different way. A pragmatic approach was

agreed that data protection issues would be checked at the implementation stage of tasks with data protection implications.

- 9.3 Pending further guidance on the requirements around personal evacuation plans – there is a potential change to current practices which it was recognised could prove challenging. It would require collecting and keeping data on leaseholders and subtenants. This will also affect leaseholder and right to buy functions, in terms who has what responsibility at the time of purchase to supply personal information and keep updated.

10 RISK MANAGEMENT

- 10.1 The Fire Safety Management Plan has been prepared in readiness for recommendations introduced by the Government in response to the Grenfell Tragedy Inquiry.
- 10.2 Government announcements may have an impact on resources, finances and supporting services such as Legal. Systems and processes are being prepared to enable the Service to respond to effectively as much as possible to announcements when they happen.
- 10.3 Some actions such as the flat external door programme are being taken ahead of Government announcements of changes to compliance requirements.
- 10.4 Other risks are that processes and information are not sufficiently robust to deliver their objectives of protecting people and property. The mitigation relies on the Fire Safety Management Group effectively managing compliance with the delivery Plan.

Risk	Mitigation	Opportunities
<p><u>Property</u> <i>Processes fail to prevent fire stopping measures being compromised when works are carried out.</i></p>	<p>Task and Finish Group looking at all aspects of property related functions to ensure processes in place to understand the impact of works on all buildings especially new build.</p> <p>Briefing sessions being organised by New homes team for property related staff to understand latest fire stopping technology.</p> <p>Staff communication plan and Training and Competency audit.</p> <p>Other processes such as Permissions which could have a negative impact being reviewed.</p>	

<p><i>Fire Risk assessment risk category inappropriate and therefore assessment too infrequent.</i></p> <p><i>Alarm maintenance and management fails to meet objectives.</i></p> <p><i>Competency of trade operatives completing fire safety works.</i></p> <p><i>Understanding of those processing works on fire stopping measures such as Housing Hub operatives</i></p>	<p>Leaseholder Service Review and task of lease review and internal inspections and enforcements options</p> <p>Definition set and monitored through the Fire Safety Management Group</p> <p>Task and Finish Group looking at all aspects to ensure processes in place.</p> <p>Post inspection regime being reviewed.</p> <p>Procurement Process.</p> <p>Staff communication plan and Training and Competency audit.</p>	
<p><u>Community Support</u> None</p>		
<p><u>Timescales</u> Linked to Project Capacity below</p>		
<p><u>Project capacity</u> Project requires substantial input from most housing services teams to implement and deliver the actions. Delays will occur if resource implications not fully appreciated and dispensation not adequately taken account of within other tasks allocated to job roles.</p> <p>Competent contractors – availability of competent contractors to meet requirements of property work programmes may result in delays.</p>	<p>All Housing Services have made provision within their Service Plan for Fire Safety Management Plan implementation.</p>	

<p><i>Financial / VfM</i> Govt requirements could lead to compliance requirements that have financial implications for the HRA</p>	<p>Current focus on compartmentation ahead of Government announcements – flat external door replacement programme – already underway and provision made within HRA</p>	
<p><i>Legal</i> Risk if compliance requirements are not known, understood or met</p>	<p>Membership of the IHS Account (Construction Information Services (CIS) recently reinstated to provide access to current regulations announcements and plans.</p> <p>Training and Competency audit part of the Implementation process.</p> <p>The Fire Safety Management Plan sets out the processes to ensure compliance requirements are met.</p>	
<p><i>Innovation</i> Ability of achieving primary objective i.e. managing the risks associated with fire effectively will be reduced if WCC fails to invest in modern systems, fails understand new technologies and systems, is not aware of the current options for delivering compliance.</p>	<p>Membership of the IHS Account (Construction Information Services (CIS) recently reinstated to provide access to current guidance.</p> <p>Training and Competency audit part of the Implementation process and includes a section on keeping up to date.</p> <p>Briefing sessions being organised by the New homes Team to develop understanding of new fire stopping systems and specifications and how these can be compromised.</p> <p>Property Services Service Plan includes action around evaluating investment in IT module to improve monitoring of maintenance servicing, compliance and generating alerts around mean failure date of components.</p>	<p>Look to capitalise on making information available digitally.</p> <p>Commission a video to communicate fire safety information in a different format which can be used for other tenancy information.</p>
<p><i>Reputation</i> Low levels of satisfaction with information on fire safety and feel safe. Complaints not</p>	<p>Resident Engagement Strategy should address residents' needs around information.</p> <p>Document has been formatted in reference to recommendations from Grenfell inquiry.</p>	<p>Comprehensive approach to consultation has provided the opportunity for tenants to be involved in</p>

<i>progressed effectively. Impact of incidents of fire not reduced to a minimum.</i>	Fire Safety Management Group will monitor delivery of above and Fire Management Safety Plan.	the Council's approach to fire safety.
<i>Other People Fires will happen.</i>	<i>Management plan looks to prevent fires occurring as much as possible through the provisions of keeping safe messages; however if fires do take place the plan aims to minimise the impact.</i>	

11 SUPPORTING INFORMATION:

11.1 Background

The Grenfell Tragedy in June 2017 led to building safety investigations and inquiries along with housing providers reviewing the approach they took to fire safety.

The Council was fortunate that no buildings were covered in ACM cladding or meet the definition of high rise. However a review was still advisable and in the expectation of changes to the compliance requirements preparations were made to be able to effectively respond to fire safety announcements.

A Fire Safety Project Group was established in February 2019. The brief for the group was to:

- Review existing policies and processes that had a fire safety element
- Assess against regulations and good practice
- Bring together all elements into one place
- Be ready to respond to recommendations and changes coming from the Grenfell investigations

Given the breadth and complexity of the topic the Project Group set up various sub groups to explore key elements as follows:

- Resident information
- Evacuation Strategy and fire risk assessment
- Construction and Property related processes – both new build and existing properties
- Alarm system maintenance and management (extended to include all fire safety equipment)
- Mobility scooter storage and charging
- Leaseholder issues
- Permissions Policy
- Rubbish chutes

- Insurance
- Learning from fires

There was insufficient capacity to tackle all topics simultaneously and therefore the work of the final two groups is in phase 2 of the project. The issues around leaseholders were incorporated in to the work to the Leaseholder Service Review.

A special meeting with the Cabinet Member for Housing and Asset Management and service leads in addition to the Project Team was held in October 2019 to discuss proposals coming out of the Group's work and agree priorities and approach. Future proposals will be taken forward by the newly established Fire Safety Management Group.

11.2 **Completed actions** since the Grenfell tragedy include:

- Winnall chute consultation and action 2017
- Fire shutter doors and sprinklers installed in the bin stores at Winnall Flats 2017
- Parmiter House – safety measures installed in the chute area
- Reissue of fire safety information
- WCC Fire Policy refresh – April 2018 (no specific changes required)
- Alarm system survey 2019 – programme of works nearing completion
- Flat front door survey – programme of works set out
- New working arrangement with building control around fire safety and new developments
- New clerk of works processes for new build developments over a certain size.
- Process for health and safety checks updated
- Mobility scooter policy prepared

11.3 **Legislation** details are set out in Appendix 1 of the Fire Policy; along with headline announcements from the Government regarding the Building Safety Bill and the Fire Safety Bill.

11.4 **Building height and high risk**

There is no specific Building Control definition of what constitutes a 'high risk building'. The scope of the new regulator under the 'Building a Safer Future' regime is multi-occupied residential buildings of 18m (or buildings of more than 6 storeys in height). The height regulations for different build elements can vary or continue to be under consultation.

The only blocks within the WCC stock of 18m and over are the Winnall flats. 5 storey buildings includes a further 4 buildings: Parmiter House, possibly Chesil Lodge and Victoria Court x 2 blocks (subject to definition of basement car parks being included in the storey height). Most council buildings are 3 storey and below.

From the outset the Project Group set the scope of fire safety review as all HRA residential buildings and therefore the service is well placed to respond to further requirements and good practice recommendations.

However height and risk are used to prioritise the programmes of work as set out below.

11.5 Programme of Work

- **Winnall** - This is the Council's primary higher risk site and will come within the scope of the new Building Safety Regulator and requirement for Building Safety File. Therefore actions will focus on what's required to be compliant at this site which is as follows:
 - Premises information boxes to include
 - Floors plans
 - Building safety information
 - Vulnerable groups information
 - Signage
 - Personal safety plans
 - Resident information – evacuation plans
- **Resident Information** – actions around meeting residents' information needs are set out in the Resident Engagement Strategy and informed by good practice guidance, Grenfell Inquiry recommendations and WCC resident engagement. This includes developing site specific evacuation information and an approach to personal safety plans.
- **Property works**
 - Front doors opening onto internal communal spaces – as a key element to maintain compartmentation
 - Smoke detectors – recently updated policy to introduce more rigorous testing.
 - Consumer units – focusing on modern units to protect against electrical usage and portable units.
- **Leaseholders** – Leaseholders are a key part of maintaining the safety of blocks and many issues were raised in relation to leaseholders during the review. These have been included in the wider Leaseholder Project and centre around reviewing leases and processes for building improvements. Much of the policy is as relevant for leaseholders as it is for tenants. E.g.

information, guidance and support, signposting to the Safe & Sound Survey etc.

11.6 Conclusion

- The Housing Service had a sound basis to develop its approach to fire safety in that it has:
 - Good asset management information
 - Good core processes for fire risk assessment and alarm testing
 - Expertise and knowledge of staff
 - Good relationship with tenants
- Effective fire safety management is a complex function that crosses all housing teams.
- The Fire Safety Project has achieved the following outcomes:
 - Fire Safety Policy supported by a Fire Safety Management Plan
 - Clarification of basis of policy
 - Service delivery plan
 - Consolidation of all fire related policies, standards and processes
 - Provides a structure to take forward the recommendations from the Grenfell investigations and be ready for further announcements from the Grenfell Inquiry
 - Establishing a Fire Safety Management Group – to ensure a coordinated approach continues along with monitoring performance and action plan delivery.
 - A Resident Engagement Strategy – to deliver resident information needs and set out with reference to the Governments consultation document 'Building a Safer Future. Proposals for reform of the building safety regulatory system. A consultation'.
 - Service Improvements around
 - Processes
 - Information
 - Cross team communication

- While clarification and basis of policy has been necessary in some areas and while this has meant the development of an understanding of how to follow good practice recommendations; significant changes are not required such as installation of alarm systems.
- The Council is well placed to respond to further announcements and changes to regulations and to operate under the new Building Safety Regulator regime and have work in progress in preparation. There are areas where further guidance will be required before further action.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 Throughout the project options for existing and enhanced service have been debated.
- 12.2 Higher level elements were discussed with the Strategic Director (Services), Corporate Head of Housing, Service Leads and the Cabinet Member for Housing and Asset Management at a special meeting on 18 October 2019 and detailed records made of discussion outcomes along with justification for acceptance, rejection and held pending.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB2742 – Fire Safety in Council Housing – 25 November 2015

Other Background Documents:-

None

APPENDICES:

Appendix 1 – Housing Fire Safety Policy – May 2020