

	Executive - 26th July 2017	Agenda Item No. 4
Title For further information about this report please contact	Fire safety in high-rise buildings Bill Hunt Deputy Chief Executive bill.hunt@warwickdc.gov.uk 01926 456014 Russell Marsden Interim Assets Manager russell.marsden@warwickdc.gov.uk 01926 456038 Philip Rook Head of Consortium, Warwick Building Control phil.rook@warwickdc.gov.uk 01926 456543 Mark Lingard Private Sector Housing Manager mark.lingard@warwickdc.gov.uk 01926 456410	
Wards of the District directly affected	Leamington Crown, Brunswick, Clarendon; Warwick Emscote, Kenilworth Abbey	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	n/a	
Background Papers	Regulatory Reform (Fire Safety) Order 2005; Building Regulations 2010 Approved Document Part B, Volume 2, 2006 edition, incorporating 2007, 2010, and 2013 amendments; Housing Revenue Account (HRA) Budget 2017/18; HRA Business Plan; Correspondence with Warwickshire Fire & Rescue Service; DCLG Guidance notes; Fire Risk Assessments; Letters to HRA tenants	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

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Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive		Bill Hunt - author
Head of Service		Bill Hunt
CMT	10/7/17	
Section 151 Officer	10/7/17	Mike Snow
Monitoring Officer	10/7/17	Andrew Jones
Finance	10/7/17	Andrew Rollins
Portfolio Holder(s)	10/7/17	Cllr. Phillips
Consultation & Community Engagement		
Letters delivered to all tenants and leaseholders of 7 multi-storey blocks 14/6/17 and 29/6/17		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. Summary

- 1.1 The fire in Grenfell Tower in the London Borough of Kensington & Chelsea on the night of the 13/14 June 2017 is presumed to have killed at least 80 people and has had far reaching consequences. The causes of the fire, the spread of the fire and the response to the fire are the subject of a number of investigations, including an on-going Police investigation and the commencement of the process for a Public Inquiry into the tragedy, led by a retired judge. The Department of Communities and Local Government has issued a number of guidance statements on fire safety checks and instructions on the testing of certain types of cladding to all local authority and housing association chief executives and the owners, landlords and managers of private residential blocks and the Government Property Unit has subsequently extended this guidance to all Government departments so that it now also applies to all government buildings and the education and health sectors.
- 1.2 In Warwickshire, the Chief Fire Officer has instigated a series of Fire Safety Compliance Checks on any building above 18 metres in height and/or any residential premises above 6 storeys. These audits of the fire safety provisions within those premises have been undertaken by officers from Warwickshire Fire & Rescue Service (WFRS), in conjunction with representatives of the building owner or managing agent, in the Fire Services' capacity as Enforcing Authority under the Regulatory Reform (Fire Safety) Order 2005.
- 1.3 Warwick District Council (WDC) owns and manages seven multi-storey blocks above 18 meters in height, all within Leamington, and has two further blocks of flats of six-storeys, also within Leamington. These blocks have all been inspected by WFRS and a Fire Safety Compliance Check Report has been received for each block.
- 1.4 In addition WFRS and WDC have identified a number of private residential blocks of six-storeys or more within the district, mostly in Leamington although WFRS are assessing whether a block within Warwick falls within the criteria plus a hotel in Kenilworth.
- 1.5 The purpose of this report is to advise members of the work that has been underway since the Grenfell Tower fire and the work that has been identified as a result of the WFRS compliance checks.

2. Recommendations

- 2.1 That Executive notes the contents of this report
- 2.2 That Executive delegates authority to the Deputy Chief Executive (BH) in consultation with the Housing Portfolio Holder, to agree additional expenditure in 2017/18 for fire safety works to Housing Revenue Account (HRA) properties, utilising the unallocated balances on the Major Repairs Reserve
- 2.3 That, subject to agreement of recommendation 2.2, Executive agrees that fire safety works to front doors to, and fire detection equipment within, leasehold flats within the nine designated blocks, listed at Appendix One, will 'in principle' be funded by the HRA.
- 2.4 That Executive notes that a further report will be presented to a future Executive meeting when WFRS have re-inspected the Council's nine designated blocks of six-storeys or above.

3. Reasons for the Recommendations

- 3.1 The Council owns and manages seven multi-storey blocks within its HRA stock that are above 18 metres in height, containing a total of 369 socially rented and leasehold flats. In addition it owns and manages two further blocks, which do not exceed 18 metres in height but which have six storeys or more. These blocks contain a further 28 socially rented and leasehold flats. In total across the nine blocks there are 375 socially rented flats and 32 leasehold flats as shown at **Appendix One**.
- 3.2 DCLG fire safety guidance applies to the seven multi-storey blocks and the Council has provided the necessary returns confirming compliance with this guidance to Government.
- 3.3 In the immediate aftermath of the Grenfell Tower disaster the Council hand delivered a letter to each property within the seven multi-storey blocks to provide reassurance to the residents of the fire safety provisions that are in place and the additional checks that were now being put in place. A subsequent letter was hand delivered on 29 June. Copies of these letters have previously been circulated to all members but are set out at **Appendix Two** and **Appendix Three** for ease of reference.
- 3.4 These letters set details of the current fire safety regime which includes:
- Fire safety Assessments completed and documented for each block
 - Daily checks of landings and stairwells for obstructions and fire hazards
 - Weekly health and safety checks
 - Weekly test of the fire alarm systems fitting to the communal areas of each block
 - Monthly test of the emergency lighting by Housing staff (and full testing by our specialist contractor on a 6 monthly basis)
 - Quarterly maintenance and servicing of communal fire alarm systems
 - Twice yearly servicing and maintenance of the dry risers installed in buildings that are used by the Fire Service if they need to fight a fire.
 - Fire safety notices on display in all communal areas.
 - Availability of 24/7 repair reporting via the Lifeline Control Centre to ensure any repair issues are dealt with promptly out of hours or at weekends
 - Smoke detection equipment fitted internally within individual flats
- 3.5 Although the DCLG guidance only refers to blocks in excess of 18 metres in height, WFRS decided that they would inspect all blocks of six storeys or more. An initial round of joint inspections was undertaken for the seven multi-storey blocks and subsequently the two additional six storey blocks falling within the local designation have also been jointly inspected. A separate letter will be sent to the residents of these blocks.
- 3.6 The joint inspections included visual inspections of the following elements within each block:
- External cladding where fitted
 - Communal areas, stairwells and escape routes
 - Fire safety signage
 - Dry risers where fitted
 - Bin stores and, where applicable, bin chutes
 - Storage areas and meter cupboards
 - Fire doors to communal areas
 - Front doors to flats

- Fire stopping and cable clipping in communal areas
- External areas to ensure there were no fire safety hazards

In addition the visit also assessed the records maintained in respect of:

- Testing of electrical installations
- Testing of fire alarm systems
- Testing of emergency lighting
- General fire safety management

- 3.7 The national guidance initially focussed on the cladding fitted to high rise blocks. Five of the HRA blocks are clad, four with one system, one with another. None of the cladding systems fitted to the blocks comprises the Aluminium Composite Material (ACM) system that was fitted to Grenfell Tower and which the DCLG guidance has required to be tested. The focus of the investigations into the cladding of the five blocks has been to ensure that the integrity of the cladding system isn't compromised, with repairs being ordered to rectify the few examples of minor damage, followed by a thorough technical review of the fire safety properties of the cladding's properties, in consultation with WFRS
- 3.8 However, as shown above, the joint visits focussed on a broader range of issues than just the cladding fitted to the blocks. Following the visits the Council has received an individual Fire Safety Compliance Check Report for each of the seven multi-storey blocks and is awaiting similar reports for the two six-storey blocks. Each of the reports received to date provides an individual schedule of issues that WFRS will require the Council to address in respect of its duties under the Regulatory Reform (Fire Safety) Order 2005 and some additional recommendations listed as 'Goodwill Advice'. It is anticipated the two letters yet to be received will follow a similar format.
- 3.9 WFRS have advised that they will re-inspect each block on 20 September 2017 by which time they expect that the specified issues will have been addressed. Provided this is the case they intend to then issue a 'Letter of general compliance' in respect of each block. At this point the Council will also formally update its Fire Risk Assessments in respect of each block.
- 3.10 Officers welcome both the detailed reports that have been received and the collaborative approach adopted by WFRS. Resident safety is of paramount importance and a huge amount of work has already been completed or put into train. A corporate Fire Safety Group has been established and is currently meeting weekly to oversee the multiple work-streams that are underway. Led by the Deputy Chief Executive (BH) the membership of this group is:
- Head of Consortium, Warwick Building Control
 - Technical Consultant, Warwick Building Control
 - Building Manager & Health and Safety Coordinator
 - Asset Manager
 - Sustaining Tenancies Manager
- This group has been working closely with WFRS and officers from the group have been attending a fortnightly WFRS/Local Authority meeting that is overseeing the county-wide response to events since the Grenfell Tower fire.
- 3.11 As a result of the joint inspections of the blocks work has either been completed or is well advanced to:
- Replace damaged front doors and/or repair damaged door frames to 58 flats
 - Provide additional cable clipping in communal areas as appropriate
 - Provide fire stopping in communal areas where new work has been identified since this was last completed (e.g. where a new cable has been fitted).

- Repair or replace any damaged communal area store or meter cupboard doors
- Relocate external recycling bins further away from blocks
- Repair any minor damage to cladding, where fitted

3.12 In addition the following management actions have been implemented:

- Review of existing fire safety assessments
- An enhanced communal area inspection regime with revised recording systems
- Issue of revised fire safety notices to all residents
- Visual inspection of every flat front door
- Identification of an appropriate specialist framework contractor to enable additional works to be ordered speedily
- Adoption of a risk based approach in respect of additional verification of the fire safety properties of the cladding fitted to five of the multi-storey blocks
- Prioritised requests to specialist contractors for costed proposals for automatic smoke ventilation systems to stairwells, fitting of 'drench' sprinkler systems to bin stores; upgrades to the communal fire alarm systems currently fitted to every block; retro-fitting of dry-risers to the two six storey blocks; upgrades to lobby protection and bin chute door specifications; provision of an electronic register for future maintenance recording

3.13 WFRS have indicated they are satisfied with the response that WDC has made to date in respect of the Compliance Check Reports and have re-iterated their desire to work collaboratively. Officers will be ensuring that regular dialogue is maintained in respect of the progress of the works already in train in the Council's nine designated blocks and will be seeking their specialist guidance in respect of particular proposals that are now being developed under the last bullet point above. It is also known that the Chief Fire Officer will continue to advocate the 'retro-fitting' of sprinkler systems to all designated blocks, an issue set out in the 'goodwill advice' section of the letters received to date. This is a significant technical issue that will require detailed and specialist consideration so will be dealt with once the list of works set out above has been addressed.

3.14 The Fire Safety group is also developing a programme for an internal inspection of every flat within the nine blocks to provide a further level of reassurance in respect of fire safety. These inspections will record:

- Flat layout (to enable details to be provided to WFRS)
- Check to ensure no internal fire safety measures have been compromised (e.g. unauthorised removal of kitchen door, deactivation of fitted smoke detectors etc.)
- Occupant details (to enable details to be provided to WFRS of any occupants with special needs and allow an assessment to be made of the need for any specialist equipment e.g. beacons as well as sounders for alarms for hard of hearing occupants)
- Condition of windows and doors
- Visual check of cladding around window reveals (to check for any damage that can't be observed from ground level)

3.15 In addition to these inspections WFRS will also be arranging for their operational crews (as opposed to their specialist Fire prevention Officers who have undertaken the joint visits to date) to visit each flat within the nine blocks and offer the occupants a Safe and Well Check allowing education and guidance on fire safety issues to be provided.

- 3.16 As detailed in paragraph 3.10 an appropriate specialist framework contractor has been identified and a direct award made to engage their services as required by the Code of Contract Practice. Demand for the services of such contractors is currently high so officers have moved quickly to place the direct award which will be followed by an appropriate form of contract. The contractor will begin a detailed survey of every door on every floor of the communal areas, including all flat front doors. This is additional to the current programme of repairing or replacing damaged doors for which two dedicated crews have been provided by our responsive repair contractor. The aim of this survey will be to enable us to work with the framework contractor to devise a programme of replacing every door on a rolling programme, enabling them to be upgraded to provide 60 minute fire protection.
- 3.17 It is recommended that delegated authority is provided to the Deputy Chief Executive (BH), in consultation with the Housing Portfolio Holder, to enable this work to be undertaken during the coming financial year. Clearly all this work would not be completed by 20 September 2017 when WFRS re-inspect the blocks but they have indicated that they are likely to be satisfied with evidence that an appropriate, risk based, programme is in place provided the immediate remedial work (currently underway) has been completed. The likely cost of a comprehensive door replacement programme plus future specialist works such as the fitting of automatic smoke ventilation, fire alarm upgrades or fire suppression systems for bin stores is estimated at c£2.5m. The proposed mechanism for financing these works is to use the unallocated balances within the Major Repairs Reserve which means it could be accommodated without detriment to the planned expenditure already budgeted for within the HRA Business Plan. This is explained in further detail in Section 5 of this report.
- 3.18 It is recommended that the Council assumes responsibility for the replacement of the front doors to the 32 leasehold flats within the nine blocks and also for any upgrades required to the existing internal alarm provision within these flats (for example, we are currently unsure if any of the flats were sold prior to hard-wired smoke alarms being fitted to flats within the block). Legal advice is being obtained on whether a nominal charge should be levied for the proposed work and whether or not a leaseholder could be compelled to accept the offer of the work being paid for by Council (at least in respect of an upgraded front door to their flat on the grounds that a door providing less fire protection than those fitted elsewhere in the block could compromise the safety of all residents not just the occupants of the leasehold flat) and a verbal update will be provided at the meeting of Executive.
- 3.19 In addition to the work that is being undertaken in respect of the Council's nine HRA blocks, officers from the Private Sector housing Team and Warwick Building Control have also been in extensive and regular dialogue with WFRS in respect of privately owned residential blocks within the district.
- 3.20 WFRS have been undertaking similar inspections of the communal parts and exterior of these blocks in conjunction with the owner, landlord or managing agent and providing them with the same Fire Safety Compliance Check Report as they have for the Council. In all cases to date these have identified issues to be addressed and other 'goodwill advice' issues for consideration as in the reports the Council has received.
- 3.21 The blocks inspected to date are:
- Manor Court, Avenue Road, Leamington

- The Space, Clarendon Avenue, Leamington
- Regency House, Newbold Terrace, Leamington
- 9 Clarendon Place, Leamington

WFRS are currently assessing whether a further block at Kempton Drive, Warwick falls within their criteria. They have also undertaken an inspection of the Holiday Inn, Kenilworth as this is above six storeys in height.

- 3.22 At present there appears to be no immediate role for the Council in respect of these privately owned blocks although there could potentially be a future enforcement role were the owners/agents not to undertake work identified by WFRS as necessary under the Regulatory Reform (Fire Safety) Order which applies to the private sector as well as local authorities and housing associations. There is also the possibility that, based on a risk assessment of their findings in respect of communal areas WFRS may advise that it would be prudent to check the fire safety of flats within these privately owned blocks, utilising the Council's powers under the Housing Health and Safety Rating System. The potential for Council involvement is being closely monitored by the Fire Safety Group described at paragraph 3.8 and in addition officers are having a further meeting with WFRS, focussing solely on these blocks.
- 3.23 The current situation is fast moving and guidance continues to evolve. The Council continues to do all it can to reassure tenants, collaborate with WFRS, adapt its risk based approach, deal with immediate issues, revise inspection regimes and evaluate all options to mitigate risk and enhance the existing levels of fire safety. The Council's risk based approach to fire safety in its high rise flats will be independently re-assessed by WFRS, no later than 20 September 2017 when the nine designated blocks are re-inspected. A further report will be brought to a future Executive after that date setting out any further work required in respect of the nine designated high rise blocks and examining any issues relating to fire safety in the Council's remaining low rise blocks of flats.

4. **Policy Framework**

- 4.1 Sustainable Community Strategy – Housing is one of the key thematic priorities within the refreshed Sustainable Community Strategy.
- 4.2 Fit for the Future (FFF) – The HRA Business Plan contributes to the Fit for the Future transformation programme and assists the Council to deliver its Vision and supports the priorities set out in the Sustainable Community Strategy.
- 4.3 The Council, as a stock-holding authority, has specific responsibilities towards its own tenants and leaseholders and in respect of the maintenance and the safety compliance of the housing assets it owns.
- 4.4 The Housing Revenue Account (HRA) budget and the HRA Business Plan are the financial expressions of the Council's housing policies.

5. **Budgetary Framework**

- 5.1 As set out in paragraph 3.17 it is proposed that any additional fire safety works to the nine designated blocks are funded by through the use of unallocated balances held within the HRA in the Major Repairs Reserve (MRR). This proposal would ensure that the 17/18 expenditure approved in the HRA Rent Setting and Budget report of February 2017 can continue without any requirement to

modify the programme and that all existing planned and responsive works would be unaffected.

5.2 The MRR is topped up annually by a sum that is equivalent to assumed level of depreciation across the HRA stock and is ring-fenced to maintain the stock to offset this depreciation. Balances have been growing as the condition of the HRA stock, as re-affirmed by the outcomes of the latest Stock Condition Survey, is generally good and the level of expenditure on Major Repairs through the Housing Investment Programme, is lower than the annual level of depreciation, as was highlighted by some members of the Finance & Audit Scrutiny Committee earlier this year.

5.3 The position for 2017/18 is as follows:

	£
MRR opening balance	4,523,000
17/18 depreciation	6,400,000
Notional total at year end	10,923,000
17/18 Major Repairs budget	4,987,000
MRR projected closing balance	5,936,000

5.4 As the table above shows the MRR balance is expected to increase by £1.4m during 2017/18. Current HRA Business Plan projections are that the MRR balance will continue to increase annually, even allowing for the increased recurrent expenditure on Major Repairs approved by Council in the 17/18 HRA Budget to reflect the outcomes of the Stock Condition Survey. The unallocated balance of the MRR is projected to be £13.8m by 2020/21.

5.5 The one-off costs of investment in additional fire safety measures in the Council's nine designated blocks are currently estimated to be in the region of £2.5m. This sum encompasses the proposed comprehensive door replacement programme and the specialist works for which proposals are currently being sought, such as automatic smoke ventilation, fitting of 'drench' sprinkler systems to bin stores, fire alarm upgrades etc, as set out in paragraph 3.12.

5.6 Whilst these works would reduce the projected closing balance of the MRR to £3,436,000 at year end the robustness of the HRA finances demonstrates that they could be accommodated without detriment to the HRA Business plan or the approved 2017/18 HRA Budget.

5.7 Depending on the outcome of the detailed consideration required before any decision is made on the viability of retro-fitting 'mist' and/or traditional sprinkler systems to the designated blocks there could be an additional future cost. While the level of this cost is at this stage unknown the level of the remaining unallocated, and growing, MRR balances indicate that of any such future expenditure on such items could also be accommodated without detriment to the HRA Business Plan.

5.8 There has been some media speculation that the Government may provide some financial assistance to local authorities in respect of the cost of additional fire safety work in high-rise buildings. No such funding is currently available but officers will ensure that the costs of all works undertaken and clearly identified and separately recorded from other expenditure so that any future funding opportunities that might become available can be pursued.

6. Risks

- 6.1 The Council has statutory and legal responsibilities in respect of the maintenance of its HRA assets, the safety of residents and the enforcement of the Housing Health and Safety Rating System in respect of privately owned properties. The recommendations set out in this report mitigate the risk of the Council being in breach of any of these responsibilities.
- 6.2 The national focus on fire safety within high-rise properties since the Grenfell Tower disaster has significantly raised the risk of significant reputational damage to any landlord perceived to be failing to address its responsibilities. The recommendations set out in this report mitigate the Council's exposure to such reputational risk.
- 6.3 Any potential financial risks to the Council's HRA Business Plan and the approved 17/18 HRA Budget from the anticipated expenditure set out in paragraph 5.5 and the potential additional expenditure resulting from the exploration of additional options, as set out in paragraph 5.7, can be addressed by the use of the unallocated MRR balances, as detailed in section 5.
- 6.4 Any risk of a procurement challenge has been addressed by the award of planned work to a recognised framework contractor, in accordance with the Code of Financial Practice.
- 6.5 There is a potential risk that any additional work could not be accommodated within existing staffing resources, for example, a large number of inspections of privately owned properties are required, without detrimental consequences to existing work programmes. This is an unquantifiable risk at present but if it were to materialise officers would carefully consider how any adverse consequences could be mitigated by reallocation of priorities and/or bringing forward a business case for additional resources.

7. Alternative Option(s) considered

- 7.1 The Council could consider not adopting the recommendations set out in this report but this is not considered to be a viable option given the risks set out above.