

Report to: **Housing Review Board**

Date of Meeting: 22 November 2018

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 9

Subject: **Fire Safety in Blocks of Flats (compliance with Statutory Regulations).**

Purpose of report: To update the current position and set out a proposed way forward in relation to fire safety in blocks of flats.

Recommendation:

Members to note progress made in relation to fire safety in blocks of flats and to agree the priority of future work to address property issues related to fire.

Members to be aware of the significant budget required to bring all blocks of flats up to a fully compliant fire safety standard.

Extend the employment of the additional Programme Works Officer (Fire Safety) for a further 12 months.

Reason for recommendation: To ensure residents remain safe in their homes.

To ensure properties remain compliant with Statutory Regulations

Officer: Graham Baker – Senior Technical Officer (Asset Management & Compliance)

gbaker@eastdevon.gov.uk

Financial implications: The financial considerations and discussion points are laid out within the body of the report.

Legal implications: The legal implications are set out within the report.

Equalities impact: Low Impact

Risk: High Risk

There are high risk consequences of failing to comply with Statutory Regulations/Legislation in relation to compliance from a safety financial and reputational perspective.

Links to background information: • .

Link to Council Plan: Continuously improving to be an outstanding Council

Introduction:

1. As the Landlord East Devon District Council has a duty of care to all Tenants to ensure that communal access areas, entry and egress points are safe should there be an incident. The



Housing Authority has a duty to comply with all Statutory Fire and supporting Legislation and Regulations in ensuring buildings themselves meet the requirements and that they are suitably and correctly managed, this responsibility lies across the whole of Housing.

2. We have spent and are continuing to spend a considerable amount of time satisfying ourselves that we are following good practice in relation to fire safety; the importance of this work has been particularly highlighted following the Grenfell fire tragedy so much so that additional resource within Property & Asset has been employed to assist in driving this work forward.
3. The Regulatory Reform (Fire Safety) Order 2005 sets out requirements in relation to general fire safety precautions that landlords must adhere to. The basis of the legislation is centred on the completion of Fire Risk Assessments (FRA). By adopting a fire risk assessment approach, there is the need to look at how to prevent fire from occurring in the first place, by removing or reducing hazards and risks (ignition sources) and then looking at the precautions to ensure that people are adequately protected, if a fire were still to occur.
4. We update FRAs every two years. Any recommendations arising from FRAs are implemented immediately where urgent, or are packaged and tendered where the work is not urgent. FRAs are confined to communal areas and means of escape in accordance with the guidance and we currently have FRA's in place for 100% of properties that require one.
5. Following the Grenfell disaster, the sector is currently absorbing the outcome of the Independent Review of Building Regulations and Fire Safety, undertaken by Dame Judith Hackett DBE. One area of concern as highlighted via Grenfell is the quality of fire doors in terms of the protection they offer. We have been looking carefully at fire doors within our housing stock and as requested at the June 2018 meeting of Housing Review Board.
6. The emphasis of fire safety, particularly in the wake of the Grenfell fire tragedy resulted in a detail review of our Housing Fire Policy, this was carried out in 2017; the Policy gives clarity in the main Statutory Regulations/Legislation that applies and needs to be followed, defines the roles and responsibilities within Housing particularly in relation to maintaining/upgrading the buildings (Property & Asset) and managing the buildings (Landlord Services through Estate Management & Mobile Support Officers).
7. EDDC has a duty under the Fire Safety Order to ensure that a suitable and sufficient fire risk assessment has been undertaken to evaluate the risks to the occupants and all other relevant persons who would be regarded as lawfully on the premises.

The risk assessment is limited to the communal areas of the building up to and including the front door of the flat/maisonette. These common areas must have adequate protected escape routes (including fire related signage and lighting), adequate means for the testing and maintenance of all fire systems, and adequate fire safety training of staff, and information to tenants/leaseholders to comply with the Fire Safety Order 2005.

Additionally the individual flat/maisonette should comply with the duty mentioned above for an "individual dwelling" under the Housing Act 2004.

All such buildings referred to above have fire risk assessments and in line with our Housing Fire Policy, these will be reviewed or renewed every two years although moving forward it is likely that this will become an annual event in line with anticipated changes in Statutory Regulations/Legislation.

Current Position:

8. The Fire Risk Assessments on our blocks of flats (limited to the areas set out in item 7 above), Community Centres and District offices were carried out in 2017 and in line with our Fire Policy they are due to be reviewed/renewed in 2019; we are currently preparing documentation to obtain tenders for a specialist company to carry out this specialist work, these tenders are likely to be procured through an Advantage South West Framework. This procurement will be managed by the Senior Technical Officer (Asset Management & Compliance) and the Compliance Officer both of whom attended a five day residential Fire Risk Assessors course and passed the same. It is worth noting that all Fire Risk Assessments were in place and measures to improve fire safety across our stock were in place before the Grenfell fire tragedy, the aforementioned tragedy brought into focus the importance of fire safety and highlighted the importance of carrying out such compliance safety work.
9. All items highlighted as being 'urgent' in the current Fire Risk Assessments have been addressed.
10. The Fire Risk Assessments were reviewed in detail, the recommendations were collated and an action plan developed; the recommendations were assessed and put into three categories namely:
 - Those items requiring a Policy or Senior Management decision in order for them to be driven forward by either Property & Asset or Landlord Services.
 - Those items relating to the management of the building that will be addressed by Landlord Services.
 - Those items relating to fabric of the building that will be addressed by Property & Asset.
11. Following development of the action plan Policy/Senior Management decisions were made which gave clear guidance on how such issues should be driven forward, the decisions included:
 - Adopting a 'stay put' policy for all blocks of flats that do not have a fire alarm.
 - Confirmation that an 'evacuation' policy will be applied in all blocks of flats that have a communal fire alarm system.
 - Confirmation that all blocks highlighted as being at risk of arson should have all external doors locked shut which in turn necessitates the installation of a door entry/intercom system.
 - A zero tolerance approach to Tenants storing possessions (e.g. pushchairs, mobility scooters, mats, pictures, flower pots etc.) or rubbish, all which are potential sources of fire being left in communal areas.
12. With the Policy/Senior Management decisions in place, Landlord Services with support from Property & Asset have made great strides in driving forward and implementing items including:
 - Preparation of specific 'Fire Management Plans' for each block of flats, District Office and Community Centre, these plans include personal evacuation plans for Tenants identified as vulnerable/requiring support; these documents also act as a driver for works to the fabric of buildings being carried out by Property & Asset.
 - Monthly inspections including documentation of the same of blocks of flats, District Offices and Community Centres to ensure the zero tolerance policy referred to in item 11 above is adhered to.
 - Testing of smoke alarms.
 - Enforcing the Fire Policy as required.
 - Some routine testing of smoke/heat/CO detectors particularly in sheltered accommodation.
 - Monthly fire alarm testing and documentation of the same.

13. In line with the Policy/Senior Management decisions the Property & Asset team have driven forward many areas of fire safety work including:

- Installation of half hour fire resisting entrance doors to all flats within our blocks (private and leasehold); we have also carried out intrusive inspections of a selection of fire doors to confirm the installation is compliant; we are currently waiting for the results and reports for these inspections.
- In line with Government guidelines we are obtaining confirmation that all fire doors installed satisfy the most recent test criteria published, specifically they are fire resistant when tested from both sides; early indications are that the doors installed meet this criteria.
- Upgraded our fire alarm panels/installations to meet current standards.
- Installing/upgrading emergency lighting across our stock, many blocks have already been completed, some are ongoing and the remainder will be completed at the earliest opportunity.
- Annual testing and recording of smoke/heat and CO detectors across all our stock; components are replaced either through age or failure by specialist engineers.
- Monthly testing of emergency light installations, fire alarm systems, the dry riser at Dunning Court, Honiton, automatic opening vents, fire extinguishers etc. by specialist engineers (NOTE: the specialist engineers document all the tests, the certificates are checked and held on our systems).
- Fire breaks have been installed in roof spaces of blocks of flats following specialist asbestos removal (the loft spaces were contaminated with asbestos debris which had to be removed and environmentally cleaned before the fire work could be carried out); work in the final three blocks contaminated by asbestos will be completed early in 2019.
- Replacement of communal circulation and cupboard doors with compliant fire doors has been carried out in some blocks notably Lymebourne Park, Sidmouth.
- Specialist fire stopping work is carried out on all voids and Kitchen/Bathroom modernisation projects carried out in blocks of flats; such work is certified and documentation is held on our IT systems.

14. The first major fire safety project has recently commenced to four blocks of flats at Lymebourne Park, Sidmouth, the work carried out on this Contract will act as a pilot and set the standard for all follow on projects; work being carried out on this Contract included:

- Replacement of external doors with locked doors complete with a door entry/intercom system.
- Replacement of communal and internal cupboard doors with new fire doors.
- Provision of signage.
- Fire stopping work including roof voids.

15. Emergency lighting is currently being installed across 19 sites.

16. Phase 1 of the fire safety work at Custance House, Honiton is about to commence; this work will address issues such as:

- Fire stopping in service riser cupboards in communal areas; opportunity is also being taken to replace/upgrade the water service risers which continually fail.
- Replacement of communal cupboard doors with new fire doors.
- Fire stopping work.
- Rationalisation of all cables and specialist fire stopping once complete.

Phase 2 is somewhat more challenging; the building needs to be secured against the risk of arson, at present there are 9 entrances and a single staircase; in order to address the issues we have engaged and are working with a specialist fire engineer to design a compliant solution that will both secure the building and facilitate smoke ventilation in the event of a fire, these solutions are currently being reviewed for internal consultation.

17. Throughout the period in which we have been carrying out fire safety work we have established a very close working relationship with Devon & Somerset Fire & Rescue Service, they have provided an expert level of guidance and support throughout and are extremely satisfied with the manner in which we have approached and are addressing fire safety so much so that EDDC are held up as a flagship for other Authorities/Organisations to aspire to. It is our intention to further develop this important relationship.

The Future:

18. Whilst great strides have been made in addressing issues highlighted in the Fire Risk Assessments in place there remains a great deal of work to do all of which will be both costly and disruptive to our Tenants.

19. Management processes and compliance testing have been established across all of our blocks of flats, Community Centres and District Offices, some building remedial work has also been carried out but there is lot still to be done; our action plan indicates there is major work of varying amounts to be carried out to 120+ of our blocks of flats, such work includes but is not restricted to:

- Replacement of external doors with secure/locked doors complete with a door entry/intercom system to address the potential for arson.
- Replacement of communal access and cupboard doors with compliant fire resisting doors.
- Upgrading existing/installing new emergency lighting (to those blocks where this work has not already been carried out).
- Fire stopping work.
- Fire compartmentation of roof voids.

In addition to the fire safety work identified in Fire Risk Assessments there may also be an appetite and need to address other compliance related issues that become evident when carrying out our site survey work.

The Plan:

20. Using data from Contracts recently procured and knowledge of the current status of the building industry it is considered that a rough budget estimate for the fire safety work still required to address the outstanding issues (see item 19 above) would equate to approximately £3,000,000.00; this figure does not include costs for specialist work required at:

- Lymebourne House, Sidmouth (Listed Building)
- Custance House, Honiton (Phase 2, see item 16)

21. The delivery of the outstanding work will be very much budget driven, three options are tabled for consideration:

- Option 1 - provide the complete budget to carry out all the work in the next financial year.
- Option 2 – carry out the work over two financial years; approx. £1.5million per annum.

- Option 3 - carry out the work over three financial years; approx. £1.0million per annum.

No allowance has been made for inflation, increased building costs or VAT.

22. Officers are currently working with colleagues in Finance to consider the best approach to allocating the required budget and this will be set out in the budget papers that will be presented at the January 2019 Housing Review Board meeting.
23. It should be noted that considerable resource will be required from the Property & Asset team to deliver the required work to prepare documentation to procure the work whichever option is selected; with this in mind it is recommended that the employment of the Fixed term Programmed Works Officer (Fire) is extended beyond the initial 12 months.