

# Update on Fire Safety to Residential Blocks of Flats

**Adults' Health, Adults' Care and Housing  
Overview and Scrutiny**

**19<sup>th</sup> September 2017**

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Author: Head of Property Maintenance  
Wards: All  
Parishes Affected: All

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## **1. Purpose and Reasons**

- 1.1 To give an update on the existing fire safety measures to the Council's residential blocks of flats and proposed improvements following the Grenfell Tower fire.
- 1.2 To allow the Members of the Overview and Scrutiny Committee to:
  - 1.2.1 Review existing fire safety measures in place; and
  - 1.2.2 Examine the proposed improvements and make recommendations, prior to any formal decisions being made, to improve fire safety.
- 1.3 This report is to be considered as a "Green Paper" supporting policy development, in line with the recommendation from the Corporate Governance Review Working Group 27<sup>th</sup> April 2017
- 1.4 Fire safety work is directly linked to the Council's Priority 1: "Improve infrastructure and housing to support a growing, low-carbon economy."

## **2. Recommendations**

The Committee is recommended to:

- 2.1 Note the existing fire safety measures and make comment and recommendations on the proposed future actions to improve fire safety to the Council's residential blocks of flats.

## **3. Detail**

- 3.1 The Council owns and manages just under 4,200 flats, which have been purpose-built and categorised as follows:
  - 3.1.1 David Murray John (DMJ) Tower, a 21-storey mixed commercial and residential use within the top part of the building (72 flats);
  - 3.1.2 Six 10-storey general-purpose blocks; Milverton Court, Torrington Court and Hatherleigh Court located in the Parks and Upavon Court, Cleverton Court and Seagry Court located in Penhill. (246 flats);
  - 3.1.3 Thirty two sheltered schemes, which includes George Hall Court, an 8-storey building located in Park South; (1,425 flats);

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- 3.1.4 Approximately ninety medium-rise blocks of flats, which are generally 3 or 4 storeys high; (812 flats); and
- 3.1.5 Just over five hundred low-rise 2 storey blocks of flats (1,630 flats).
- 3.2 All blocks of flats are held within the Housing Revenue Account (HRA), apart from the DMJ which is a General Fund (GF) asset. The Council is also the landlord for approximately 496 leaseholders located within council-owned blocks of flats and has a duty of care to ensure that these flats are compliant with fire safety measures for the integrity and safety of all residents.
- 3.3 The Grenfell Tower fire in North Kensington, London on 14<sup>th</sup> June 2017 raised national concern about renovation works to high-rise blocks of flats and general fire safety measures in place for all high-rise buildings. It is understood that the external cladding used on the Grenfell Tower created a risk to fire safety.
- 3.4 The Council have notified the Department for Communities and Local Government that none of its high-rise blocks have been refurbished with the same Aluminium Composite Material (ACM) panels or cladding that may have been a contributory factor for the rapid spread of fire at Grenfell Tower.
- 3.5 A report was submitted to the Council's Housing Advisory Forum Cabinet Member Advisory Group (CMAG) on 19<sup>th</sup> July 2017, which gave an update on the activities, events and advice given to tenants and leaseholders following the Grenfell Tower fire (full details on intranet site). Members of CMAG requested that further consideration be given to install a sprinkler system to all high-rise blocks of flats and in particular George Hall Court (sheltered housing) due to residents' special needs. The current Building Regulations require a sprinkler system for all new and fully refurbished residential buildings over 30 metres high. As George Hall Court was fully refurbished in the 1990's along with further improvements in 2010 it will not be considered for further works for some time. It also has residents with increased vulnerabilities. Therefore, it is proposed to install a fire suppression system (sprinkler or misting system) to George Hall Court.
- 3.6 A recent options appraisal of two of the six 10-storey block of flats identified that full refurbishment is the most viable option for these blocks of flats. The installation of a fire suppression system (sprinkler or mist system) will therefore be a priority as part of any future refurbishment works to all six 10-storey blocks. At present, this type of accommodation is increasingly being used for temporary accommodation due to under occupation rules arising from changes to Housing Benefit Entitlement, which means that more families are now living in high-rise blocks of flats. There will be a slight increase in the service charge costs for the on-going maintenance of a fire suppression system.
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- 3.7 The DMJ tower currently has a mixed residential and commercial use to the lower part of the building and is in need of extensive refurbishment works. The commercial lower part of the building is no longer occupied. An options appraisal is being carried out to determine the most suitable use and investment need for the DMJ tower. It will be a priority to include costs and options for the installation of a fire suppression systems as part of the options appraisal work. The installation of a fire suppression system will be a high priority for any future improvement or refurbishment works to the DMJ tower.
- 3.8 Building regulations do not apply to buildings constructed prior to the enforcement date of any new or amended regulations. In some instances it is not practical or feasible to impose the current guidance for new blocks of flats retrospectively. The Local Government Association published Fire safety in purpose-built flats in 2011, which sets out the benchmark standard for blocks of flats. The existing fire safety measures in place and proposed improvements, in line with the benchmark standards, for fire safety to the different categories of blocks of flats are shown at Appendix 1. It is essential that works are not delayed to achieve the benchmark standard whilst we await future guidance or good practice arising from the Public Inquiry into the fire at Grenfell Tower.

## Passive fire protection

- 3.9 This relates to the fire protection incorporated into the design and fabric of buildings and is the fundamental basis for reducing the spread of fire and loss of life. It primarily covers the construction of walls to maintain compartments to prevent the spread of flame. The Council's blocks of flats have been constructed to prevent the spread of flame between compartments (from one flat to another), in the event of a fire.
- 3.10 It is essential to ensure that front entrance doors to individual flats are fire resistant to maintain the fire compartment between flats and communal areas. The high-rise blocks of flats are constructed to provide 60 minute fire protection between the neighbouring flats and communal areas with a 30 minute fire rated front entrance door. In most instances this will be for a longer period as floors, ceilings and party walls are built with a solid construction, hence the emphasis on the programme of works for the flat entrance doors. There has been a programme to fit new front entrance fire doors to individual flats to enhance fire safety. All high-rise blocks have fire-resistant front doors, however, some leaseholders have fitted some non-standard front entrance doors to their medium and low-rise leasehold flats. Officers will continue to work with leaseholders to get these replaced and take enforcement action in line with protocols with the Fire Service, where needed.
- 3.11 The current building regulations require internal fire doors (without a door closer or smoke seals) to be fitted to all habitable rooms (all rooms apart from the

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bathroom). Internal fire doors are fitted to the DMJ tower and George Hall Ct, but not the six 10-storey high-rise blocks of flats, as these were designed and built when the code of practice at the time was being implemented, which set out that a fire-resistant door was required for both the kitchen and lounge. Therefore, it is proposed to fit internal fire doors (without a door closer or smoke seals) to these blocks to bring them up to current building regulations standard. This would allow residents to close an internal door (especially at night) and prevent the internal spread of fire within their flat.

## Active fire protection

- 3.12 Active fire protection measures provide early detection and warning in the event of a fire and allow those at immediate risk to safely leave their flat. It is not a requirement to install a communal fire alarm to high-rise blocks, but the Council installed this extra safety measure several years ago to provide early detection of a fire. Emergency escape lighting has also been fitted to common escape routes to all high-rise blocks and sheltered housing schemes. A programme has been in place to install emergency lighting to medium-rise blocks as part of upgrade works to improve security and replace the communal front entrance door and door entry check system. Approximately 50% of medium-rise blocks of flats have emergency lighting to bring them up to the benchmark standard. The current building regulations require escape lighting for medium-rise blocks of flats. It is proposed to extend the escape lighting programme to the medium-rise blocks as quickly as possible. It is not a requirement for escape lighting to be fitted to low-rise blocks of flats.

## Fire- fighting facilities

- 3.13 The fire-fighting facilities such as dry and wet risers are all in place and maintained to the high-rise blocks of flats. The Council works very closely with Dorset and Wiltshire Fire & Rescue Service (DWFRS) and have arrangements in place for regular training sessions so that they are familiar with buildings and able to practice their operational arrangements for tackling a fire in the residential high-rise blocks of flats.

## Fire risk assessments

- 3.14 The purpose of a fire risk assessment is to evaluate the risk to people from fire, taking into account existing fire safety measures, and to determine whether additional measures are necessary. The Council's fire risk assessments have been undertaken in accordance with Regulatory Reform (Fire Safety) Order 2005 which assesses the common parts of blocks of flats and is referred to as a type 1 survey. These have been updated to the high-rise blocks of flats following the Grenfell Tower fire and are reviewed on an annual basis. The benchmark standard for fire risk assessments are shown as follows:

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- 3.14.1 Type 1 – Common parts only (non-destructive), which complies with the Fire Safety Order 2005. It includes an examination of at least a sample of flat entrance doors, but does not include a fire risk assessment inside flats
  - 3.14.2 Type 2 – Common parts only (destructive), which is similar to a type 1 survey, but requires opening up the structure and reinstatement works
  - 3.14.3 Type 3 – Common parts and flats (non-destructive), which is similar to a type 1, but includes a fire risk assessment for means of escape and fire detection within at least a sample of flats
  - 3.14.4 Type 4 – Common parts and flats (destructive), which is the same as a type 3 fire risk assessment, but requires a degree of opening up the structure in both common parts and flats
- 3.15 The current fire risk assessments don't assess the structure, internal fire doors, smoke or heat detection inside the flats. It is proposed that all future fire risk assessment surveys are to be carried out to common parts and sample flats, which is referred to as a type 3 survey to provide a more comprehensive assessment. It is also proposed to appoint a specialist consultant to undertake type 4 surveys to a sample of all the different types of flats. This survey will assess and check the integrity of the compartmentation, means of escape and fire detection to communal areas and inside individual flats. This will assist with developing a programme for fire stopping works, fitting new internal fire doors to provide a protected means of escape and smoke detectors to enhance early detection, particularly where we have inner rooms within blocks of flats.

## Managing fire risk – preventing fires

- 3.16 Regular monitoring is undertaken of common parts to blocks of flats to ensure that extensions leads are not being used, mobility scooters are stored safely and the areas are kept sterile. It is recognised that the reporting of defects and rectifying defects need to be dealt with much more quickly to maintain the integrity of fire safety works. A formal site safety inspection (survey of passive fire protection) is to be carried out to all high-rise blocks and sheltered schemes by our Fire Risk Assessors on a six-monthly basis and quarterly defects report by our Neighbourhood Warden to ensure that safety standards are being maintained.

## Managing fire risk – ongoing control

- 3.17 Any future refurbishment and minor repair work may have a detrimental impact to fire safety. Therefore, advice is to be sought from our Building Control (BC) team or Fire Risk Assessor to scrutinise the impact of any proposed works. In addition, Building Regulation approval and certification is only to be undertaken through

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the Council's BC team. Tenancy agreements restrict alterations that tenants may make whilst lease agreements control work activities. Records are to be maintained from an annual inspection to the high-rise blocks of flats and investigation works, where needed.

- 3.18 Following advice from DWFRS a 'stay put' and prepare to evacuate policy is in place for all our high-rise blocks of flats. This policy does not prevent people from leaving the building in the event of a fire. The fire action plan notice is being reviewed for the DMJ tower. Currently it is compliant but the recent inspection identified a better layout for the sign. The review of the sign will also be in accordance with fire safety signs regulations.
- 3.19 Smoking is not allowed in common parts to blocks of flats (in line with national legislation) and a handbook has been put together to inform residents on the basic fire safety messages. It reinforces the message on the fire action notice, which is posted on all communal landings. We currently maintain records on site at George Hall Court for residents with special needs, but benchmark standards set out that this is not appropriate as they are difficult to maintain and keep up to date. Good housekeeping is in place for all blocks of flats to prevent rubbish, recycling and furniture etc. from being stored in the communal areas. All high-rise blocks of flats have a door entry check system to prevent unauthorised access and CCTV is installed to lifts and lower communal areas to the six 10-storey blocks and the DMJ tower.
- 3.20 A fire safety policy is in place for contractors which sets out that it is essential to make sure they don't compromise the compartmentation and make alternative arrangements for any escape lighting or fire detection system if any construction work is likely to affect these. They are also required to undertake a specific risk assessment for any hot works etc.
- 3.21 The main inspection and testing regimes are in place for electrical wiring, wet and dry risers, fire detection and alarm systems, lifts and lightning conductors. A programme is in place to undertake a visual inspection of the compartmentation and check the operation of front entrance doors to flats following the Grenfell Tower fire. The emphasis is on checking that front entrance door closers have not been removed and doors shut correctly.
- 3.22 It is essential to make sure that the 'responsible person' understand what they need to do and persons in daily charge of the buildings report any fire safety defects and get these rectified as quickly as possible. In addition, housing officers and repairs surveyors need to monitor fire safety as part of their routine visits and inspections etc. Therefore, specialist refresher awareness training is to be arranged as quickly as possible to make sure that staff understand their role and responsibilities for fire safety.



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## 4. Alternative Options

- 4.1 The Council has a duty of care and is unable to delegate its responsibilities for fire safety to its residents living and visiting its blocks of flats. It has the option to appoint a consultant to manage fire safety, but this is likely to increase costs and fire safety arrangements should form an integral part of the existing service.
- 4.2 There is an option to wait for the finding from the Public Inquiry from the Grenfell Tower as this is likely to provide new recommendations in relation to fire safety for high-rise blocks of flats, but this will delay works and prevent improvements already identified with the current benchmark standards.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 The initial fire safety improvements with estimated costs for works are shown at Appendix 1. The total estimated cost for works is £1,066,380 which includes £150,480 for the DMJ General Fund asset.
- 5.2 The fire safety work is to be funded from the existing HRA and GF capital programmes of work. It is proposed to use a part of the HRA budget that was allocated for improvements to high-rise blocks of flats for fire safety works. The schemes on the GF capital programme are to be re-prioritised to enable fire safety to be carried out to the DMJ tower.
- 5.3 Based on the costs of a recent Stock Condition Survey, it is proposed to allocate a budget of £50k to appoint a consultant to undertake a sample of intrusive type 4 surveys to a range of the different types of flats. A budget revenue budget has already been allocated for this work.
- 5.4 It is also proposed that all future fire risk assessments are carried out to type 3 level to ensure that the communal areas (common parts) and a sample of flats are included within the fire risk assessment for each block of flats. Additional resources will be required to project manage fire safety works for the next 12 to 24 months and an ongoing requirement for type 3 surveys. It is estimated that £40k is required for a temporary post to manage fire safety activities, which are going to be a one-off costs and ongoing cost of £20k to supplement an additional half a post for type 3 surveys.
- 5.5 It is proposed that the future fire safety work arising from more in-depth fire risk assessments be included as a priority for inclusion, as part of the annual budget setting process for future capital programmes of work.

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- 5.6 The procurement of a consultant for specialist fire risk assessments and delivery of fire safety work is to be undertaken in accordance with Standing Orders and the Council's Financial Regulations.

### Legal and Human Rights Implications

- 5.7 The Homes and Community Agency sets out a regulatory framework for local authorities and registered providers that own and manage social housing for rent in England, which places a duty on the Council to comply with all relevant legislation.
- 5.8 There is a specific duty under the Home Standard to meet all applicable statutory requirements that provide for the health and safety of occupants in our homes, which includes fire safety.
- 5.9 There is also a duty under The Regulatory Reform (Fire Safety) Order 2005 to ensure that general fire safety precautions and suitable and sufficient assessment of the risks with identified action plan to improve fire safety.
- 5.10 There is also a further requirement under the Housing Act 2004 to assess the risk from fire under the Decent Homes Standard for category 1 hazards identified through the Housing Health & Safety Rating System (HHSRS).

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.11 The Council has invested time to develop a good partnership arrangement with DWFRS, which has led to joint approach to reassure tenants and leaseholders about the fire safety arrangements in place for tenants and leaseholders living in the Council's high-rise blocks of flats.
- 5.12 Extra capacity is required to manage the surveying and delivery of fire safety works. Therefore, it is proposed to appoint a temporary project manager for 12 to 24 months to specifically deal with fire safety works.
- 5.13 There is also a requirement to increase capacity with the corporate health & safety team to undertake the type 3 fire risk assessments.
- 5.14 There are no other direct implications.

### Diversity Impact Assessment

- 5.15 As this is not a decision-making body a Diversity Impact Assessment (DIA) is not required. However, work has already started to assess the equalities risk with initial issues listed as follows:



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- 5.15.1 How we identify the age and number of residents with known disabilities or people that don't have good English living in high-rise blocks of flats – core data captured at start of tenancy
  - 5.15.2 How we assess what has been done with disabilities information to ensure that residents are not put at risk
  - 5.15.3 How we work with agencies that have already commissioned to support vulnerable adults – opportunity to gain direct support
  - 5.15.4 Identifying the opportunities to raise awareness and update residents on fire safety procedures
  - 5.15.5 Good practice that has already been implemented such as strobe lighting to fire alarm detectors
  - 5.15.6 Frequency of issuing fire safety information
  - 5.15.7 Acceptance that we will not know residents with temporary mobility issues, pregnant mothers or special needs of any visitors to high-rise blocks of flats
- 5.16 A DIA is to be carried out prior to a report to Cabinet in October, on fire safety improvements, based on recommendations from this Overview and Scrutiny Committee.

### Risk Management

- 5.17 It is essential that fire safety works are considered in line with the current benchmark standards and not delayed whilst awaiting the findings from the initial report from the Grenfell Tower fire. Extensive risks are identified through the management of fire safety works and it is proposed that these are managed through the Housing Service Risk Register.

## **6. Consultees**

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Existing fire safety measures and proposed fire safety improvements, Appendix 1.