

Fire safety in high-rise residential blocks of flats

Cabinet

18th October 2017

Author: Cabinet Member for Housing and Public Safety
Corporate Director of Communities and Housing

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 This report seeks to advise Cabinet on the existing fire safety measures that are in place to the Council's residential blocks of flats, which ensures that they are safe to live in. It also sets out the proposed activities to improve fire safety following the Grenfell Tower fire. It is a response to the resolution at Council of 13th July 2017 (Council Minute 19, 2017/18 refers).
- 1.2 The report also seeks Cabinet's approval for the proposed fire safety improvements to comply with current benchmark standards and further enhance fire safety, which will also help to make sure that residents feel safe.
- 1.3 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

Cabinet is recommended to:

- 2.1 Authorise fire safety improvement works and allocate a budget of £1,066,380 as set out in the summary of fire safety costs shown in Appendix 1.
 - 2.2 Allocate a revenue budget of £50k to appoint a consultant for a sample of intrusive type 4 fire risk assessment surveys to be carried out, which will provide a comprehensive fire safety report for the different types of flats.
 - 2.3 Increase resources and allocate a revenue budget of £40k for a temporary post to manage fire safety activities for a 12 month period, as a one-off cost.
 - 2.4 Endorse that future fire risk assessments are carried out to a 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, which is to be an ongoing cost of £20k per annum; and
 - 2.5 Authorise the Head of Housing Services to prioritise future fire safety work arising from more in-depth fire risk assessments as part of the annual budget setting process for future capital programmes of work.
 - 2.6 Invite the Cabinet Member for Housing and Public Safety to report these decisions to Council in response to the resolution of 13th July 2017.
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Further information on the subject of this report can be obtained from Gerry O'Connor, tel. 01793 463452 or go'connor@swindon.gov.uk.

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3. Detail

3.1 On 13th July 2017, Council resolved with all-party support (Council Minute 19, 2017/18 refers):

3.1.1 "This Council notes:

1. With sadness, the loss of life at Grenfell Tower, London.
2. The response by this Council's Officers to communicate with and reassure tenants.
3. The benefits of sprinkler systems in tall buildings

This Council invites the Mayor to write to the Mayor of the Royal Borough of Kensington and Chelsea expressing Council's condolences.

This Council requests that the Cabinet Member for Housing and Public Safety, in consultation with the other key services, particularly the Dorset and Wiltshire Fire Service, bring a report to Cabinet as soon as possible about how the installation of sprinklers and other fire safety measures could be incorporated into the refurbishment programme for Council-owned tall multi-storey residential buildings".

3.2 The Council owns and manages just under 4,200 flats, which have been purpose-built and categorised as follows:

3.2.1 David Murray John (DMJ) Tower, a 21-storey mixed commercial and residential use within the top part of the building (72 flats);

3.2.2 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);

3.2.3 Thirty two sheltered schemes, which includes George Hall Court, an 8-storey building located in Park South; (1,425 flats);

3.2.4 Approximately ninety medium-rise blocks of flats, which are generally 3 or 4 storeys high; (812 flats); and

3.2.5 Just over five hundred low-rise 2 storey blocks of flats (1,630 flats).

3.3 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.

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- 3.4 The Grenfell Tower fire in North Kensington, London on 14th 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.
- 3.5 The Council has 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.
- 3.6 A briefing was provided to the Housing Advisory Forum Cabinet Member Advisory Group (CMAG) on 19th 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 the Cabinet Member give further consideration to the installation of 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.
- 3.7 A "Green Paper" report to support policy development was submitted to Adults' Health, Adult's Care and Housing Overview and Scrutiny committee on 19th September 2017 to allow Members to review the existing fire safety measures in place and examine the proposed improvements and make recommendations, prior to any formal decisions being made, to improve fire safety. Members of Overview and Scrutiny Committee requested an update on the investigation works to assess the insulation and fire stopping already in place to the existing aluminium curtain walling to the DMJ tower and were advised that is planned to be completed by external consultants within the next few weeks. They also cited the option to use a single room fire suppression system to prevent the spread of fire, which will be investigated but is more likely to be used for any specific cases highlighted through risk assessments and will not provide fire suppression throughout a flat. Furthermore, they mentioned a recent problem with contractors compromising fire safety due to storage of materials and propping open fire doors in the DMJ tower. Officers advised that the contractors were instructed straightaway and immediate action was taken. Officers will remain vigilant to prevent this type of problem occurring again.
- 3.8 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.
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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.

- 3.9 The DMJ tower currently has a mixed residential and commercial use and is in need of extensive refurbishment works. Only a limited number of the commercial lower floors of the building are now 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.
- 3.10 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.

Enhancing fire safety in high-rise blocks

- 3.11 In order that tenants and residents can continue to be protected, Cabinet is asked to authorise £1,066,380 for safety works. These works are set out in detail at Appendix One and are summarised below:
- 3.11.1 DMJ – new front entrance fire doors, additional hard-wired smoke detectors and intumescent grills (£150,480)
 - 3.11.2 Six 10-storey general purpose blocks of flats – new internal fire doors, passive protection to protected shafts (escape stairway) and intumescent grills (£525,000)
 - 3.11.3 George Hall Court – installation of fire suppressive system (£255,000)
 - 3.11.4 Medium rise blocks of flats – emergency escape lighting (£135,000)
- 3.12 In addition, Cabinet is also asked to authorise
- 3.12.1 Appointment of a consultant to undertake a sample of intrusive type 4 fire risk assessment surveys (one-off cost of £50,000)

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3.12.2 To increase resources for a temporary post to manage fire safety activities (one-off cost of £40,000)

3.12.3 Ongoing resources to enable type 3 fire risk assessment surveys to be carried out to all council-owned blocks of flats (annual cost £20,000)

Passive fire protection

- 3.13 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.
- 3.14 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.
- 3.15 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 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

- 3.16 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

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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 need 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

- 3.17 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

- 3.18 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:
- 3.18.1 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
 - 3.18.2 Type 2 – Common parts only (destructive), which is similar to a type 1 survey, but requires opening up the structure and reinstatement works
 - 3.18.3 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
 - 3.18.4 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
- 3.19 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

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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

- 3.20 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

- 3.21 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 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.
- 3.22 The Council has not identified that the compartmentation of its high-rise block of flats is at risk nor does it have any of the same ACM panels or cladding that may have been a contributory factor for the rapid spread of fire at Grenfell Tower. The Council has implemented the 'stay put and prepare to evacuate' policy in line with the guidance from DWFRS, which is still valid and needs to remain in place.
- 3.23 The 'stay put' policy is set out in the Fire Safety Action Plan (FSAP) for each building and has a general approach as follows:
- 3.23.1 Where a fire occurs in a flat, the residents alert others in the flat and make their way out of the building
- 3.23.2 If a fire starts in the common parts, anyone in these areas makes their way out

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- 3.23.3 All other residents not directly affected by the fire would be expected to 'stay put and prepare to evacuate' [It is slightly different for the DMJ tower where the FSAP advises all residents to evacuate the building on the floor where the fire has occurred]
- 3.24 The 'stay put and prepare to evacuate' policy has been discussed at the Council's consultation meetings with residents at its high-rise blocks of flats following the Grenfell Tower fire. The Fire Service remain committed to this approach and advise that residents may put themselves at more of a risk or get in the way and prevent them from tackling a fire if a simultaneous approach was taken to evacuate the high-rise blocks of flats.
- 3.25 All the Council's high-rise blocks of flats have fire alarm systems installed and when these are activated all residents are notified that a fire has occurred within the building. Therefore, residents are still able to leave their building in the event of a fire. It is slightly different for the residents in the DMJ as the fire alarm has a continuous sound, on the floor where the fire has occurred, and an intermittent sound on the floor below and above where the fire has occurred. The FSAP is to be updated to make sure that this is explicitly clear and compliant with the fire safety sign regulations. Evacuation training will be carried out on a regular basis to ensure that residents are familiar with the 'stay put and prepare to evacuate' policy in the event of a fire.
- 3.26 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.
- 3.27 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.
- 3.28 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
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Tower fire. The emphasis is on checking that front entrance door closers have not been removed and doors shut correctly.

- 3.29 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.

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 of 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. All fire safety improvements are to be funded from existing capital reserves.
- 5.2 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 fire risk assessment surveys. This is a one-off revenue cost and a budget has already been allocated for this work.
- 5.3 It is proposed to increase resources and allocate a revenue budget of £40k for a temporary post to manage fire safety activities for a 12 month period, as a one-off cost.
- 5.4 It is estimated that an ongoing cost of £20k is required to fund a half of a post to enable type 3 fire risk assessment surveys to be carried out to all council-owned blocks of flats
- 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).
- 5.11 Other legal and human rights implications have been taken into account in preparing this report. It is considered that the recommendations are compatible with Convention Rights.

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

- 5.12 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.
- 5.13 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 months to specifically deal with fire safety works.
- 5.14 There is also a requirement to increase capacity with the corporate health & safety team to undertake the type 3 fire risk assessments.
- 5.15 There are no other direct implications.

Diversity Impact Assessment

- 5.16 A Diversity Impact Assessment (DIA) has been completed, which has identified that the proposed fire safety improvements do not have any adverse impact.

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However, it has identified specific groups where further investigation work is required to assess the suitability of accommodation, requirements to check that extra fire safety measures have been put in place for any residents with special needs, ongoing wider work to identify and support any vulnerable adults, continuation to raise awareness about fire safety and the need to review the DIA on an annual basis as part of the fire risk assessment process. A copy of the DIA can be obtained from the report author.

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.