

	<h2>Assets, Regeneration and Growth Committee</h2>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Fire safety in high rise operational buildings and shops under flats</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Cath Shaw, Deputy Chief Executive</p>
<p style="text-align: right;"><b>Ward</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>N/A</p>
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**Mon 24 July 2017**

<h3>Summary</h3>
<p>The report seeks to provide fire safety assurance for the Council’s high rise operational buildings and shops under flats and a general update on fire related matters following Grenfell Tower. The report specifically addresses the occupied offices at Barnet House, the construction on the new offices at Colindale and leased properties below high rise flats and sets out the fire safety arrangements that are already in place in Barnet and the additional steps that the Council is taking in response to the tragic events at Grenfell Tower earlier this month.</p>

## **Recommendations**

- 1. That the Committee acknowledges and notes the findings of the investigations in respect of fire safety undertaken across the Council's high rise operational buildings and shops under flats**
- 2. That the Committee delegates authority to the Head of Estates, to instruct and procure further investigations at the operational buildings and where necessary act upon the findings of these investigations.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 On 26 June 2017 a paper was submitted to Housing Committee that set out the fire safety arrangements that are already in place in residential tower blocks in the wake of the tragic events at Grenfell Tower. This report is to provide fire safety assurance for the Council's high rise operational buildings and leased out premises under flats, as these may also give rise to understandable concern.
- 1.2 The Council is responsible for a range of non-residential property, including offices and commercial units, and has arrangements in place for ensuring that these are safe, including carrying out regular fire risk assessments.
- 1.3 Barnet House
  - 1.3.1 In light of the Grenfell Tower fire, a key concern is to ensure that Barnet House, an 11 storey office block in Whetstone occupied by council services, complies with fire safety requirements. Barnet House has been over-clad in the late 1990's (circa 1998 – 1999 from the building records) but the cladding system used is different to that used on Grenfell Tower.
  - 1.3.2 Upon further investigation it has been identified that the cladding system is a mechanically fixed external wall insulation system, which at the time of installation in the late 1990's, was defined as a Class P product 'not easily ignitable' to BS476: Part 5. The insulation is encapsulated with a render system.
  - 1.3.3 A Fire Risk Assessment (FRA) was carried out in June 2017 and at that time no issues that present an unacceptable risk to fire safety were identified. Priority actions from the FRA have been reviewed and acted upon where necessary. For example
    - Review of the dry riser test certificates and presenting copies of the test certificates within the risers;
    - Removal of metal storage container housing flammable materials.
  - 1.3.4 A further action plan is also being fully developed and implemented, which will include further investigations, namely:
    - A further update of the FRA following Grenfell Tower;
    - A review of the Fire Strategy for the building;
    - An external visual inspection of the cladding;
    - An internal compartmentalisation survey.
  - 1.3.5 Any agreed action or remedial works arising from the investigations will form part of the action plan and be implemented in accordance with defined timelines.

1.3.6 A fire drill was held on 5 July 2017 and evacuation of the building was successfully completed in under nine minutes. On external routes to and from the assembly areas, minor issues with obstructions were identified. Fire wardens also had to exercise some control over staff movements outside the building but other than that, the drill was conducted smoothly. Responses to all minor issues identified will be developed and implemented as soon as possible.

#### 1.4 Colindale Office

1.4.1 The new eight storey office block currently under construction in Colindale is not a clad structure and will comply fully with fire safety requirements and building regulations.

1.4.2 A comprehensive fire evacuation strategy will be developed and implemented by the facilities management team, prior to occupation in Autumn 2018.

1.4.3 A number of measures have also been included within the design, in order to safeguard the building against fire, including:

- A pressurised, deliberately oversized fire stair and lift core to ensure smoke is kept out of fire escape routes;
- A complete sprinkler system;
- A phased evacuation plan to ensure the most efficient evacuation of occupants, mitigating chance of congestion in escape routes;
- The provision of an evacuation and firefighting lift;
- A comprehensive L2 fire alarm system;
- Compartmentalisation of floors, to prevent fire moving between floors, and above minimum fire ratings for those compartments

#### 1.5 Shops under flats

1.5.1 The council also owns many commercial properties under council housing units and as a result of their unique location, they could potentially present a fire risk to the housing units above. They are a particular focus of attention in this paper.

1.5.2 These are mainly occupied by third party tenants and whilst technically, responsibility of these properties may have been transferred to the third parties the Council has taken a proactive approach and has undertaken Fire Risk Assessments for all such units.

1.5.3 These assessments have recently been completed and occupiers have now been issued with a copy of the FRA and an accompanying letter. This outlines the importance of undertaking the actions listed in the FRA and that follow-up contact from the Council will be made, in order to hasten those actions. Should action not be taken by tenants, where it is clear it is their responsibility in the terms of the lease, appropriate enforcement action will be taken. However, tenants will also be provided with support and advice as necessary to help them resolve any outstanding issues.

- 1.5.4 Where works are outside the terms of any lease or it would be more prudent for them to be managed by the council, actions will be completed as part of the LBB planned maintenance programme for 2017. Some remedial actions will require a joint approach between the tenant and Barnet Homes so where this is the case, actions will be carefully coordinated.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 To ensure the Council delivers on its Statutory fire safety obligations in respect of the buildings.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 None

## **4. POST DECISION IMPLEMENTATION**

- 4.1 All necessary works to improve fire safety, in accordance with FRAs and professional advice, will be carried out to Barnet House and shops under flats.
- 4.2 The initial assessments will be completed over the summer period, with any required works being implemented in accordance with the defined priority timescales (as set out in the Risk Assessments).

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 This report invites Members to review the findings of the investigations undertaken across the Council's high rise operational buildings and shops under flats.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Further investigations and remedial works will be instructed and commissioned in accordance with the Council's Contract Procedure Rules, Appendix 1 Table A. The investigations will be funded from the repairs and maintenance budget so estimates for inspection and survey activity (circa £17k) have been included in the latest R&M forecast. Should significant remedial works subsequently be needed, a separate funding allocation will be required

## **6. Legal and Constitutional References**

- 6.1 All proposals emerging from this report must be considered in terms of the Council's legal powers and obligations, including its overarching statutory duties such as the Public Sector Equality Duty.
- 6.2 The Council's Constitution, in Part 15 Annex A, Responsibility for Functions,

states the functions of the Assets, Regeneration and Growth Committee, including:

- (1) Asset Management - all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council
- (9) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.

- 6.3 If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. In relation to this report, that is the Assets, Regeneration and Growth Committee.
- 6.4 The Assets, Regeneration and Growth Committee therefore has the responsibility for commissioning activity that falls under the remit of Assets, Regeneration and Growth giving cause for the setting of a Commissioning Plan.
- 6.5 Furthermore the Council Constitution, Responsibility for Functions, Annex A The Assets, Regeneration and Growth Committee has responsibility for “Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council
- 6.6 Council, Constitution, The Management of Assets, Property and Land Rules provide the governance structure within which the Council may acquire, lease, act as landlord, licence, develop, appropriate, change use of manage or dispose of Assets within its Asset Portfolio. The Rules provide that “effective Asset Portfolio management maintains the condition of Assets within the Built Environment, reducing the risk of accidents, enhancing compliance with Health and Safety Regulations, and reducing the risk of Manslaughter actions against the Council.” and to ensure compliance with English law, Council Policy, the Management of Asset, Property and Land Rules, and the Regulatory Framework defined by the Royal Institution of Chartered Surveyors and
- 6.7 Management of Assets, Property and Land Rules provide for the identifying, evaluating, recording and appropriately mitigating risk in connection with the delivery of Services through the Council’s Asset Portfolio; and to inter alia to establish and administer a Corporate infrastructure for the management of Health and Safety;

## **7. Risk Management**

- 7.1 The Council has an established approach to risk management. Key corporate risks are assessed regularly and reported to Performance and Contract Management Committee on a quarterly basis.
- 7.2 A more detailed risk log will be developed following production of the action plan.

## **8. Equalities and Diversity**

- 8.1 The general duty on public bodies is set out in section 149 of the Equality Act 2010.
- 8.2 A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.3 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 8.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 8.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, the need to tackle prejudice; and promote understanding.
- 8.6 Compliance with the duties in this section may involve treating some persons more favourably than others but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- 8.7 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.8 It also covers marriage and civil partnership with regard to eliminating discrimination.

## **9. Consultation and Engagement**

- 9.1 There is ongoing engagement with Council Officers, the Local Authority Building Control Department, 3<sup>rd</sup> Party Consultants and Council Tenants.

## **10. Insight**

- 10.1 The Council has reviewed its operational buildings and leased premises in production of this report.

## **11. Background Papers**

- 11.1 None