



Housing & Growth Committee

17 January 2023

Title	Fire Safety Update
Report of	Chair of Housing & Growth Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A - Fire safety and the council's response to the Grenfell Tower tragedy Appendix B - Barnet Council Fire Safety Action Plan
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Summary

This report provides an update on the progress of fire safety works within the borough since the last update to Members of Housing & Growth Committee in November 2022.

Officers Recommendations

That the Committee note the fire safety update.

1. Summary

- 1.1 This report provides an update on the progress of fire safety works within the borough since the last update to Members of Housing & Growth Committee in November 2022.

2. Key local updates

Council Housing

- 2.1 The programme of remedial works planned by the council have been completed for the Category 1 High Priority Works and Category 2 and 3a Additional Fire Safety Works at Longford Court, Norfolk Close and Prospect Ring.
- 2.2 The installation of sprinklers at Granville Road are complete other than a single non-access property for which Barnet Homes continue to escalate means of access. The works at Upper Fosters towers are complete. The installation of sprinklers to sheltered housing blocks have been completed other than the Potteries and Hanshawe Drive schemes, which are due to complete in Q4 2022/23 due to delays in planning considerations and relocating residents. Works at the hostels are now fully complete.
- 2.3 Fire safety works at St John's Close sheltered housing block will be complete in Q4 2022/23 following significant delays due to persistent non-access. These works are being incorporated with electrical and heating upgrade works.
- 2.4 Tetra and WSP have delivered the fire risk assessment survey programme for low and medium rise blocks totalling 900+ reports. An assessment of future investment need has been developed and budget provision of £29.5m for a 5-year investment programme has been approved. These works will include compartmentation; fire doors to communal areas and flats; fire detection systems; emergency lighting and fire signage. These works will start on site in earnest in April 2023, allowing for the appropriate consultation with tenants and leaseholders.
- 2.5 The programme of fire door replacements has continued with c.3600 door installations now completed. A potential concern has been raised over external fire doors which may result in MSPS having to replace a further 300+ door – certifications to this end are being checked. The fire door inspector has surveyed over 900 doors and some minor issues with these are being dealt with by MSPS. MSPS has revised its completion date to May 2023 as a result of these issues. Another 1400 doors are being replaced through separate arrangements, most of which form part of existing fire safety works in programme. Any door replacements outstanding from the main contract will be added to this separate contract in Q4 2022/23. All doors have now been tagged and inputted onto the Hilti database.
- 2.6 The High-Pressure Laminate (HPL) cladding systems fitted to the three blocks (Clare, Norden and Whyhycote Point) on the Whitefield Estate has been removed and the original stay-put fire strategy for the block reinstated. No replacement cladding has been installed to these blocks due to impending regeneration. A small number of issues relating to the reduced thermal insulation at these blocks continue to be actively managed.
- 2.7 Risk mitigation measures are progressing well at Stanhope and Holmsdale Large Panel System (LPS) blocks, with the second phase of works now underway. UK Power Networks

(UKPN) has submitted a wayleave request for a new sub-station which will enable works to be completed. However, an issue regarding land transfer is currently with solicitors and UKPN's work is not scheduled to complete until March 2023.

Registered Providers

- 2.8 Currently four Registered Providers (RPs) have confirmed ACM (Aluminium Composite Material) or non-ACM (but combustible) cladding on their blocks¹.
- 2.9 One RP has completed all works to the block affected.
- 2.10 A second RP has completed the cladding replacement works with no recharges to leaseholders. Fire stopping behind the cladding has been upgraded to fully comply with current standards. The RP is still awaiting sign off from the Greater London Authority (GLA)/Department for Levelling Up, Housing and Communities (DLUHC) cladding claim before the contractor can engage on the PAS 9980 assessment. This is expected in the New Year after which they will proceed.
- 2.11 A third RP, with a block held through a lease, has an up-to-date Fire Risk Assessment (FRA) and the freeholder is responsible for replacing the cladding. They have been awarded funding from the GLA. The freeholder has appointed a contractor and works have commenced but are experiencing delays due to financing of the recladding work. The RP has taken legal advice regarding the lack of progress from the freeholder in completing these works and is looking for alternative options to ensure the required works are completed. The RP is currently not passing on service charge costs to leaseholders until the matter is finalised.
- 2.12 A fourth RP has several blocks located in three different estates in Barnet that require fire safety work. On Estate 1, works are complete and EWS1 certificates have been issued or are being sought. On Estate 2, the contract has been finalised and is in the process of being signed by all parties, with an expected start on site in January 2023. The internal compartmentation works to all blocks were due to start in December 2022. On Estate 3, works are progressing or are due to commence shortly. Once the works are complete the EWS1 certificate can be issued.

Private Sector Buildings (some blocks referenced may have housing association aspects)

- 2.13 Currently there are 54 live cases prioritised (considering height, ACM cladding, other high risk indicators e.g. compartmentation issues and issues raised by tenants and/or councillors) and 17 cases pending more detailed review. 58 cases have been reviewed and identified as low priority given their construction and/or height. The Fire Safety Risk Assessment will be/is being obtained on these properties for review/action prior to case closure. 103 cases have been closed following assessment as either works completed or no fire safety works required.
- 2.14 Full inspections have been completed on four ACM clad buildings over 18 metres (727 units) due to the high-risk of the structures, plus a non-ACM block considered high risk due to height and compartmentation issues. This block narrowly avoided prohibition by the London Fire Brigade. Improvement notices have been served in relation to four of these blocks, and one of these notices was varied at the request of the owner.

¹ This can change over time with updated government guidelines and monitoring arrangements.

2.15 Appeals to tribunal have been received in relation to one block to date, and at the hearing in November 2022 the owners agreed to complete the majority of the works by July 2023. The block is already free from ACM cladding and the category 1 hazard reduced to a category 2 hazard. This result was a major achievement given the time and resource that the case had required for the past two years. Works are progressing at all blocks where notices have been served.

2.16 **Full details of the local context are set out in Appendix A, with progress against the defined action plan set out in Appendix B.**

3. Reasons for recommendations

3.1 The council needs to ensure the safety of residents living in Barnet by delivering either directly or indirectly the fire safety works programme.

4. Alternative options considered and not recommended

4.1 None.

5. Post decision implementation

5.1 The council will continue to co-ordinate delivery of the agreed action plan in Appendix B.

5.2 Barnet Homes will continue to progress the council's programme of works to improve fire safety within its own stock as set out in Appendix A.

5.3 The council will continue to proceed to arrange enforcement action to ensure compliance and remediation where required.

6. Implications of decision

6.1 Corporate Priorities and Performance

6.1.1 The Barnet Homes Annual Delivery Plan 2022/23 sets out the framework for the delivery of Housing Management, Homelessness and Development services to be provided by Barnet Homes. It relates to the seventh year of the ten-year Management Agreement with Barnet Homes and commenced on the 1 April 2022. It includes an action to provide additional investment in fire safety measures for council housing.

6.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

6.2.1 £51.9m was allocated for the original 'Phase 1' of fire safety works, which is now 98% expended. £29.5m was approved for 'Phase 2' of the fire safety programme to cover the next 5 years and works have commenced.

6.3 Legal and Constitutional References

6.3.1 The council's Constitution, Article 7.5 Committees, Forums, Working Groups and Partnerships, sets out the functions of the Housing & Growth Committee:

(1) Responsibility for:

- Housing (including housing strategy; homelessness; social housing and housing grants; private sector housing and leasing; housing licensing and enforcement; HRA Revenue Account and Capital Programme)
- Regeneration Strategy and Overseeing Major Regeneration Schemes
- Asset Management
- Development of Council Land
- Fire Safety
- Economic Development including Employment Strategy; Business Support and Engagement; and Town Centres

(2) To submit to the Policy and Resources Committee proposals relating to the Committee's budget (including fees and charges) for the following year in accordance with the budget timetable.

(3) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.

(4) To receive reports on relevant revenue and capital expenditure, contracts, performance information and risk on the services under the remit of the Committee.

6.3.2 The Housing Act 2004 (sections 3 and 4) require local authorities to keep the housing conditions in their area under review and to inspect the same if it considers a Category 1 or 2 hazard (as defined by the Act) exists and gives powers to intervene where they consider housing conditions to be in breach of the same.

7. Insight

7.1 There is no insight relevant to this report.

8. Social Value

8.1 There are no social value considerations as part of this report.

9. Risk Management

9.1 The council has an established approach to risk management, which is set out in the Risk Management Framework. There is a risk that limited engagement with the housing sector could lead to their lack of compliance with government legislation/regulations resulting in potentially unsafe housing and harm to residents. There are controls/mitigations in place to manage the risk.

10. Equalities and Diversity

10.1 The Equality Act, 2010 outlines the provisions of the Public Sector Equality Duty which requires Public Bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people of different groups.
- Foster good relations between people from different groups.

10.2 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.3 There are no direct implications for Equalities and Diversity arising from this report.

11. Corporate Parenting

11.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no implications for Corporate Parenting in relation to this report.

12. Consultation and Engagement

12.1 There is ongoing engagement with the housing sector to monitor the progress of fire safety works.

13. Environmental Impact

13.1 There are no direct environmental implications in relation to this report.

14. Background papers

14.1 None.

APPENDIX A: Fire safety and the council's response to the Grenfell Tower tragedy (January 2023)

1. Introduction

1.1 This report provides a progress update on fire safety issues in Barnet, including progress on the agreed package of fire safety improvement works for council properties managed by Barnet Homes, as well as activity in relation to relevant Registered Providers (RPs) and Private Sector housing stock.

2. Council Housing

2.1 The fire safety delivery programme for council housing stock continues to progress well:

Item	Cost	Status
Granville Road cladding removal, recladding and associated costs	£5,922,900	Completed
Category 1 High Priority works	£9,220,433	Completed
Additional fire safety works to high rise buildings (Category 2 and 3a works)	£12,656,667	99% complete
Installation of sprinklers to High Rise blocks with 2 stairwells	£3,220,000	Completed
Installation of sprinklers to sheltered housing blocks	£2,330,000	98% complete
Installation of sprinklers to hostels	£150,000	98% complete
Works to low and medium rise blocks (Inc. undertaking of type 3 FRA's and any urgent arising works)	£7,900,000	85% complete
Replacement of composite fire doors	£10,500,000	95% complete
Total	£51,900,000	

2.2 **Granville Road Recladding** - Completed.

2.3 **Category 1 High Priority Works** – Completed.

2.4 **Additional fire safety works (Category 2 and 3a)** - The scheduled works at Longford Court, Norfolk Close and Prospect Ring are complete. Additional ventilation works is being undertaken now.

2.5 **Installation of sprinklers to blocks of flats with 10 or more floors and 2 or more stairwells** – Granville Road fire safety works are complete other than a single non-access property for which Barnet Homes are escalating means of access. The works at Upper Fosters towers are complete.

2.6 **Installation of sprinklers to sheltered housing blocks and hostels** - All works at sheltered blocks are complete other than the Potteries and Hanshawe Drive schemes which are due to complete in February 2023.

2.7 Fire safety works at St John's Close sheltered housing block are almost complete, but ongoing access issues with two remaining flats means that the programmed works are not yet fully complete. All means are being explored to access the remaining flats.

2.8 **Works to low and medium rise blocks (incl. Type 3 Fire Risk Assessments (FRAs) and any urgent arising works)** - Tetra and WSP have completed the fire risk assessment survey programme for low and medium rise blocks, with 900+ reports now received. An assessment of future investment need has been developed and budget provision of

£29.5m for a 5-year investment programme has been approved. These works will include compartmentation; fire doors to communal areas and flats; fire detection systems; emergency lighting and fire signage.

- 2.9 **Replacement of composite fire doors** – The programme of fire door replacements has continued with c.3600 door installations now completed. Revised completion date is May 2023. Another 1400 doors are being replaced through separate arrangements, most of which form part of existing fire safety works in programme. Any door replacements outstanding from the main contract will be added to this separate contract post-December 2022.
- 2.10 **Whitefield Estate - tower block cladding system** – The High-Pressure Laminate (HPL) cladding systems fitted to the three blocks (Clare, Norden and Whyhcote Point) on the estate has been removed and the original stay-put fire strategy for the block reinstated. No replacement cladding has been installed to these blocks due to impending regeneration.
- 2.11 **Large Panel System (LPS) buildings** - Risk mitigation measures are progressing well at Stanhope and Holmsdale Large Panel System (LPS) blocks, with the second phase of works now underway. UK Power Networks (UKPN) has submitted a wayleave request for a new sub-station which will enable works to be completed shortly, although delays in establishing land ownership has delayed UKPN's work here.
- 2.12 **Responding to changing legislation** - Barnet Homes has confirmed that 15 buildings will be considered 'in-scope' of the Building Safety Act within the council stock. Associated resources have been identified and a provision made within the current version of the Housing Revenue Account Business Plan. A report on Accountable Person approach was considered by Strategic Review Board in early November 2022.

3. Registered Providers (RPs)

- 3.1 Currently four RPs have confirmed ACM (Aluminium Composite Material) or non-ACM (but combustible) cladding on their blocks².
- 3.2 One RP has completed all works to the one block affected. All the properties were rented, and costs were not rechargeable.
- 3.3 A second RP has completed the cladding replacement works with no recharges to leaseholders. Fire stopping behind the cladding has been upgraded to fully comply with current standards. The RP is still awaiting sign off from the Greater London Authority (GLA)/Department for Levelling Up, Housing and Communities (DLUHC) cladding claim before the contractor can engage on the PAS 9980 assessment. This is expected in the New Year after which they will proceed. In the interim, the RP has jointly selected a suitable fire engineer to complete the survey. The result of the PAS assessment will determine if any further remedial work is required. The building is currently safe with the cladding replaced and appropriate measures (evacuation alarm, etc) in place to ensure resident safety.
- 3.4 A third RP, with a block held through a lease, has an up-to-date Fire Risk Assessment (FRA) and the freeholder is responsible for replacing the cladding. The freehold was sold in September 2020 and received initial funding approval in October 2020. They have been

² This can change over time with updated government guidelines and monitoring arrangements.

awarded funding from the GLA. The freeholder has appointed a contractor and works have commenced but are experiencing delays due to financing of the recladding work. The RP has taken legal advice regarding the lack of progress from the freeholder in completing these works and is looking for alternative options to ensure the required works are completed. The RP is currently not passing on service charge costs to leaseholders until the matter is finalised. The block is being monitored by Building Control and Environmental Health.

3.5 A fourth RP has several blocks located in three different estates in Barnet that require fire safety work:

- Estate 1 – Works are now complete and the EWS1 certificate has been issued for one of the properties and a further two EWS1 certificates are being progressed.
- Estate 2 – Contract negotiations are ongoing with the developer and RP. One of the blocks has recently stalled progress due to other pledge commitments and the Building Safety Fund (BSF) outcome is awaited. The RP and developer have agreed what is betterment and what are defects for several blocks on the estate, one of which is to be remediated together with the private owner. The BSF application was rejected for one of the blocks and the RP will likely be liable for costs via service charge as the Head Lessee. Discussions are ongoing with the developer on the programme of works. An initial 10 month programme has been submitted but no start date has been agreed. The RP is working with consultants on PAS 9980 and this is unlikely to change the developers scope. A residents meeting is held every month, and residents were recently informed that the project will not commence on site until 2023.
- Estate 3 - The contract has been finalised and is in the process of being signed by all parties, with an expected start on site in January 2023. The internal compartmentation works to all blocks were due to start in December 2022.

Four blocks are being fully funded by a contractor, one other is being funded by the RP and internal works to all blocks are being funded by the RP. Two blocks have commenced works in September 2022 and the third block was due to commence in mid-November 2022. The fourth block will commence in January 2023. Once these are complete the EWS1 certificate can be issued in May 2023. Surveys have been completed and have the scope and cost of compartmentation works have been agreed.

3.6 All large RPs in the borough remain in regular communication over the fire safety of their affordable housing. A survey has recently been sent out to all RPs requesting data on all blocks between 11-18 metres in height. The results are being recorded and will be reported accordingly.

4. **Private Sector buildings (some blocks referenced may have housing association aspects)**

4.1 Currently, there are 54 live cases prioritised (considering height, ACM cladding, other high risk indicators e.g. compartmentation issues and issues raised by tenants and/or councillors) and 17 cases pending more detailed review. 58 cases have been reviewed and identified as low priority given their construction and/or height. The Fire Safety Risk Assessment will be/is being obtained on these properties for review/action prior to case

closure. 103 cases have been closed following assessment as either works completed or no fire safety works required.

- 4.2 Full inspections have been completed on four ACM clad buildings over 18 metres (727 units) due to the high-risk of the structures, plus a non-ACM block considered high risk due to height and compartmentation issues. This block narrowly avoided prohibition by the London Fire Brigade. Improvement notices have been served in relation to four of these blocks, and one of these notices was varied at the request of the owner.
- 4.3 Appeals to tribunal have been received in relation to one block to date, and at the hearing in November the owners agreed to complete the majority of the works by July 2023. The block is already free from ACM cladding and the category 1 hazard reduced to a category 2 hazard. This result was a major achievement given the time and resource that the case had required for the past two years. Works are progressing at all blocks where notices have been served.
- 4.4 There are now 1.5 FTE Enforcement Officers working on the project with another Enforcement Officer due to start in January 2023. Work continues on reviewing cases on the database, obtaining and assessing any linked Fire Risk Assessments, EWS1 and other fire safety documentation, and trying to obtain alignment between the DLUHC data management system and the council's data management systems.
- 4.5 The team continues to work with the London Fire Brigade in relation to this area to try and ensure a uniform approach to enforcement and a monthly meeting is undertaken. There are also regular meetings to report progress to DLUHC and the Private Sector Housing Manager now chairs the London Councils Fire Safety Group for Private Sector Residential Blocks. This group has agreed to review the partnership working arrangements with the London Fire Brigade on this matter and Barnet will be involved in this review.

Appendix B: Barnet Council Fire Safety Action Plan (January 2023)

1.1 The table below captures only actions that remain ongoing at the time fire safety was last reported to the Housing & Growth Committee, together with any new actions that have arisen.

Action	Status	Notes
Undertake high priority works identified in surveys	Completed	High priority works have been completed.
Work with government and RPs to ensure actions to address any fire safety concerns are addressed	Ongoing	<p>Currently four Registered Providers (RPs) have confirmed ACM (Aluminium Composite Material) or non-ACM (but combustible) cladding on their blocks³.</p> <ul style="list-style-type: none"> • One RP has completed all works to the block affected. • A second RP has completed the cladding replacement works with no recharges to leaseholders. Fire stopping behind the cladding has been upgraded to fully comply with current standards. The RP is still awaiting sign off from the GLA/DLUHC cladding claim before the contractor can engage on the PAS 9980 assessment. • A third RP, with a block held through a lease, has an up-to-date FRA and the freeholder is responsible for replacing the cladding. They have been awarded funding from the GLA. The freeholder has appointed a contractor and works have commenced but are experiencing delays due to financing of the recladding work. The RP has taken legal advice regarding the lack of progress from the freeholder in completing these works and is looking for alternative options to ensure the required works are completed. • A fourth RP has several blocks located in three different estates in Barnet that require fire safety work. On Estate 1, works are complete and EWS1 certificates have been issued or are being sought. On Estate 2, the contract has been finalised and is in the process of being signed by all parties, with an expected start on site in January 2023. The internal compartmentation works to all blocks were due to start in December 2022. On Estate 3, works are progressing or are due to commence shortly. Once the works are complete the EWS1 certificate can be issued.

³ This can change over time with updated government guidelines and monitoring arrangements.

Action	Status	Notes
Liaison with owners of blocks with failed ACM cladding	Ongoing	<p>There are 54 live cases prioritised and 17 cases pending more detailed review. 58 cases have been reviewed and identified as low priority. The Fire Safety Risk Assessment will be/is being obtained on these properties for review/action prior to case closure. 103 cases have been closed following assessment as either works completed or no fire safety works required.</p> <p>Full inspections have been completed on four ACM clad buildings over 18 metres (727 units). Improvement notices have been served in relation to four of these blocks, and one of these notices was varied at the request of the owner.</p> <p>Appeals to tribunal have been received in relation to one block to date, and at the hearing in November 2022 the owners agreed to complete the majority of the works by July 2023. The block is already free from ACM cladding and the category 1 hazard reduced to a category 2 hazard. Works are progressing at all blocks where notices have been served.</p>
Actions from Fire Risk Assessments for commercial units beneath residential	Ongoing	<p>For one property, a request for clarification on the authors competency to carry out the FRA has been submitted. While the property does show vast improvement from the first visit in 2021 this final clarification is outstanding and will be pursued in the 1st week of 2023 before deciding if enforcement is needed.</p> <p>The second property has a tenant operating a bric-a-brac type business, for which the layout of the premises may not be suitable, however this does not necessarily provide an increased risk. Moreover, the property is not below a residential property but is a single storey building at the end of a residential block.</p>
Implement the requirements of the Fire Safety and Building Safety Acts	Ongoing	<p>Barnet Homes has confirmed that 15 buildings will be considered 'in-scope' of the Building Safety Act (BSA) within the council stock. Associated resources have been identified and a provision made within the current version of the Housing Revenue Account Business Plan. The BSA introduces an Accountable Person (AP) role which is the duty holder for each of these in-scope buildings and the entity. LBB will be the AP for its High Rise Residential Buildings (HRRBs) and will be required to appoint an individual to discharge the duties of the AP. Following LBB's agreement (proposal being prepared in writing) a consolidated proposal is scheduled to be tabled at TBG Board in March 2023.</p>