

	<h2>Housing and Growth Committee</h2> <h3>14 September 2020</h3>
<p style="text-align: center;"><b>Title</b></p>	<p style="text-align: center;"><b>Fire Safety – progress update</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Chairman of Housing and Growth Committee</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: center;"><b>Key</b></p>	<p>No</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Appendix A – Fire Safety Briefing update Appendix B – Action Plan Tracker</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Adam Driscoll, Commissioning Lead - Growth. 020 8359 4922 – <a href="mailto:Adam.Driscoll@barnet.gov.uk">Adam.Driscoll@barnet.gov.uk</a></p> <p>Elliot Sweetman, Group Director of Operations and Property, Barnet Homes. 020 8359 5261 – <a href="mailto:Elliott.Sweetman@barnethomes.org">Elliott.Sweetman@barnethomes.org</a></p> <p>Belinda Livesey, Group Manager, Environmental Health, Re 020 8359 7438 - <a href="mailto:Belinda.Livesey@barnet.gov.uk">Belinda.Livesey@barnet.gov.uk</a></p> <p>Helen Phillips, Affordable Housing Liaison Officer, Re 020 8359 4861 - <a href="mailto:Helen.Phillips@Barnet.gov.uk">Helen.Phillips@Barnet.gov.uk</a></p> <p>Michael Keown, Building Control Manager, Re 020 8359 4879 - <a href="mailto:Michael.Keown@Barnet.gov.uk">Michael.Keown@Barnet.gov.uk</a></p>

## Summary

This report provides an update of progress since January 2019 with the council's response to the Grenfell Tower fire disaster, including the delivery of its own programme to replace at risk cladding, alongside related improvements to fire safety across other council blocks as instructed by this committee. In addition, the council has completed reviews of all other housing stock considered as potentially at risk by the Ministry of Housing, Communities and Local Government (MHCLG) including stock owned by registered social landlords and within the private sector. The council continues to review information and responses from landowners, and to take action where required where it is identified as 'in-scope' for review of fire safety and related cladding materials. Enforcement action will be taken where the response from landowners is inadequate or places undue risk to the safety of residents.

## Officers Recommendations

- 1. That the Committee notes the progress to date with high priority fire safety works and the actions of Barnet Homes to ensure the safety of residents.**
- 2. That the Committee notes the progress in relation to properties directly owned by Registered Providers, and also that a few particular sites require ongoing monitoring of negotiations to resolve liability and responsibilities where this has been less clear; the priority remains to ensure the safety of residents.**
- 3. That the Committee notes ongoing work to identify fire risk within the private sector stock and the currently limited response to fire safety information requests from several landowners. It also notes the request from the Minister for Fire Safety to review current enforcement activities and potentially take further action as appropriate.**

### 1. WHY THIS REPORT IS NEEDED

- 1.1 Housing and Growth Committee has taken responsibility for receiving the Fire Safety updates and requested an update on Fire Safety in Spring 2020, briefings have been provided to Members on an ongoing basis.
- 1.2 Reports have previously been made to Housing Committee setting out the council's approach to ensuring the safety of residents following the Grenfell Tower fire disaster on 14<sup>th</sup> June 2017. The most recent report to committee in January 2019 noted the next steps as Barnet Homes progressing an expanded programme of works, together with the council liaising with government on dealing with unsafe cladding in the private sector.
- 1.3 This report notes progress against the previously identified actions and provides an update for members on changes to the national context and an update on the local context including work commenced and completed.

## **NATIONAL CONTEXT UPDATES**

- 1.4 The Building for a Safer Future Review has completed, and Appendix A captures the changes that will be introduced through the Building Safety Bill and the Fire Safety Bill, and their implications for the borough. The new regulatory framework that is being rolled out, in stages, is designed to make building safety issues transparent to all parties and reinforce responsibilities, including a role for residents to keep their buildings safe for themselves and their neighbours. The changes will result in additional responsibilities and costs to the council, but also ensure greater confidence that all buildings over 18m tall will have very clear and up to date management systems that can be monitored.
- 1.5 A new regulator is being formed for fire safety under the responsibility of the Health and Safety Executive (HSE). This relates to 'high risk' / 'in-scope' buildings (e.g. residential blocks over 18m, but to be defined through subsequent statutory instruments). It is anticipated that HSE will look to deliver an inspection regime through a 'competent and registered workforce' such as that provided by Local Authority Building Control (LABC) services, and the council's service is preparing for this accordingly.
- 1.6 In June 2020, Building Regulations 'Approved Document B (ADB): Fire safety, Volumes 1 and 2' were published with these amendments taking effect from 26 November 2020. The changes focus on fire safety provisions in blocks of flats for water-based extinguishing systems (reduced trigger height from 30m to 11m) and wayfinding signage. It parallels some measures the council has chosen to take within existing stock although the changes will only apply to future new developments and relevant situations where an existing building is being refurbished.
- 1.7 On 4<sup>th</sup> June 2020 the government launched its £1 billion building safety fund to help address one of the barriers to progression of remedial action, and the registration process for applying to this fund ended on 31<sup>st</sup> July 2020 The Council is awaiting news to confirm which eligible blocks where funding was sought have been successful.
- 1.8 The government is currently seeking views on proposals to strengthen the Fire Safety Order to improve compliance, implement Grenfell Tower Inquiry recommendations to place new requirements on building owners or managers, and to strengthen the regulatory framework for how building control bodies consult with Fire and Rescue Authorities and handover fire safety information. Consultation will close in October 2020.

## **KEY LOCAL CONTEXT UPDATES**

- 1.9 Full details of the local context are set out in Appendix A, with progress against the defined action plan set out in Appendix B.
- 1.10 The programme of remediation works planned by the Council is well underway, with recladding at Granville Road complete and all Category 1 blocks expected to finish this month. Additional and further safety works such as the installation of sprinklers, works to fire doors and fire safety programmes for low and medium rise blocks continue. These have either commenced or been programmed to align with the wider major works programme.

- 1.11 There have been some extensions to deadlines, in part linked to COVID-19, such as the installation of sprinklers in sheltered accommodation. Wherever possible Barnet Homes are seeking to speed up progress whilst ensuring residents are safe in their homes. Where potential issues have been of safety concern, such as relating to piped gas, Barnet Homes have taken additional precautionary measures.
- 1.12 In May 2020 the council's Building Control service completed its review of local cases where buildings were identified as 'in-scope' for the national database; namely buildings over 18m and in residential use. Of the 208 potential buildings identified and assessed across all housing typologies, 128 were found to be 'in scope'. Most of these buildings were then found to have cladding/materials that were of little concern, although in about half of these cases further information was sought from landowner/s in order to complete records for the national dataset; further chasing of this information is ongoing.
- 1.13 Works to remediate Registered Social Landlord (RSL)-owned blocks will complete this month across the two remaining sites. At one further site, held through a lease, this is still awaiting remediation as it is the responsibility of the freeholder; the cladding at this site is expected to be replaced and funding to support this has been sought.
- 1.14 There are three private sector blocks where remedial action is being monitored and following initial investigation the landowners have put in place interim safety measures. Assessment and enforcement in relation to these blocks have been coordinated with the London Fire and Emergency Planning Authority (LFEPA) to ensure they are clear about their responsibilities and the actions required to deliver permanent fire safety measures.
- 1.15 One of these three blocks provides temporary accommodation, the Council has therefore taken steps to ensure that it is not accommodating people within such buildings, and has encouraged other local authorities to do likewise, until the expected permanent fire safety improvements have all been completed.
- 1.16 On 31<sup>st</sup> July 2020 the Minister for Fire Safety wrote to all Local Authorities to emphasise the need for a speedy resolution of remedial work across the UK and the commencement of remediation works on all affected sites by December 2020 at the very latest; with all works to remove unsafe cladding completed during 2020 and 2021 to ensure permanent mitigation of the fire safety risks to residents presented by such cladding. The Council has been asked to confirm the intended start and completion dates for remediation works at the three identified buildings within the private sector and this will be the focus of ongoing enforcement work.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The council needs to ensure the safety of residents living in Barnet; the former Housing Committee previously agreed to develop a fire safety programme that meets best practice in relation to council housing, including delivery of sprinkler systems and works to medium and low rise properties. The total budget agreed was £51.9m.
- 2.2 Engagement with landowners of housing stock outside of the council's control has been a mixed picture although to reassure the committee, interim safety measures are presently in place in all identified cases. There have been numerous challenges to delivering permanent fire safety improvement works, not least the financial implications

for landowners / leaseholders. These have necessarily limited the pace of remediation by some landowners. But the uncertainty resulting from this has significantly impacted on residents of some housing blocks and the council is anxious to see more rapid action.

- 2.3 It is now considered that almost all grounds for further delay to the implementation of permanent mitigation or replacement works have been addressed; works are therefore expected to soon be underway. This report therefore notes that the use of enforcement powers has already begun and may be further required in the coming months should progress not be demonstrated by the few remaining landowners.

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

- 3.1 **Do minimum:** The council could choose to rely on statutory regimes and only meet the minimum standards after regulations come into full force. However, to ensure the safety of residents', it is considered that continuation of the more proactive approach taken to date is the most appropriate course of action.
- 3.2 **Scale-back council housing investment programmes:** The council could decide not to continue with the full package of works that Barnet Homes had agreed with the former Housing Committee, however this would be inconsistent with the commitment to move towards best practice in relation to fire safety in the residential housing stock. It would also be inconsistent with the independent review of Building Regulations and Fire Safety and subsequent related reforms of regulation and guidance that have moved towards an outcome driven focus on fire safety, rather than one of minimum compliance levels.
- 3.3 **Limited focus / action related to enforcement:** The council could hold back from using enforcement powers and focus only on 'gently encouraging' behaviour change. However, as the conditions are in place and almost all barriers to action have been removed, to step back from using available enforcement powers would be a dereliction of the responsibilities placed on local authorities through the granting of such powers.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Council will continue with the Fire Safety working group to coordinate and sustain delivery of the agreed action plan in Appendix B.
- 4.2 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, together with responding as appropriate to changes in the national requirements for the management of housing.
- 4.3 The Council will update the Minister as required. Priority blocks for more thorough tracking will be established from the current monitoring tools in place, and consideration of any further actions will be addressed on a case by case basis. If necessary, with the council proceeding to arrange enforcement action to ensure compliance and remediation.

### **5. IMPLICATIONS OF DECISION**

- 5.1 **Corporate Priorities and Performance**

5.1.1 The Corporate Plan outlines the Council’s approach to provide a fair deal for our residents, and a commitment to delivering services that matter most by making decisions which prioritise our limited resources. The Fire Safety Programme supports the three Corporate Plan outcomes by sustaining investments in building standards and compliance to ensure a pleasant, well maintained borough that we protect and invest in, improving the safety for residents, and helping to shape safe and strong communities where people get along well.

5.1.2 On 1st April 2019, Housing Committee adopted the revised ‘Housing Strategy’ that included the theme of ‘Safe and secure homes’; the Fire Safety Programme set out in this report is a key platform for delivering against this theme.

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

5.2.1 The programme of fire safety works continues to be £51.9m, as shown in figure 1, but provision may need to be made for further requirements consequent to the upcoming legislative changes. This will be formalised in the next update to committee.

**Figure 1 – Fire Safety expenditure, forecast spend, and grant funding received**

	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Total
Fire Safety expenditure:	4,087	6,009	10,431	14,036	12,039	4,000	1,298	<b>51,900</b>
Grant funding:			5,003					

5.2.2 The Government’s announcement that it will fully fund the cost of replacement of ACM cladding on council and housing association properties that failed fire safety tests resulted in confirmation of £5m towards the cost of recladding 3 tower blocks at Granville Road, in practice the government funding has reduced the overall burden upon the HRA.

5.2.3 The HRA Business Plan has been reviewed in association with the changes to the Management Agreement and will continue to accommodate additional expenditure required to be spent on the fire safety programme. The programme will be funded mainly from the Major Repairs Allowance, alongside borrowing where required.

5.2.4 The expected changes to legislation through the Building Safety and Fire Safety Bills will impact on the way the council manages its HRA stock and potentially other parts of the council’s wider estate portfolio. There are likely to be both cost and management implications for the council arising from the changes.

**5.3 Social Value**

5.3.1 Social Value considerations are considered through individual investment decisions and the process of securing contractors for works required.

## **5.4 Legal and Constitutional References**

- 5.4.1 The council's Constitution Article 7.5 Responsibility for Functions, states that the Housing and Growth Committee is responsible for housing matters including housing strategy, homelessness, social housing and housing grants, together with the commissioning of environmental health functions for private sector housing.
- 5.4.2 The council's Constitution Article 7 also enables the Housing Committee to make recommendations to Policy and Resources Committee on issues relation 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.
- 5.4.3 The Housing Act 2004 requires 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.

## **5.5 Risk Management**

- 5.5.1 Barnet Homes have a robust approach to carrying out fire risk assessments for all council dwellings. There is, however, a risk that if the current proactive approach to fire safety is not taken in the same way then the safety of residents could be compromised.
- 5.5.2 The council will continue to work with the Government and owners of high rise residential and non-residential blocks, to ensure they are aware of their responsibilities in respect of fire safety and deliver upon commitments made to Government.

## **5.6 Equalities and Diversity**

- 5.6.1 Section 149 of the Equality Act 2010 sets out 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 who share a relevant protected characteristic and persons who do not, and
  - Foster good relations between persons who share a relevant characteristic and persons who do not.
- 5.6.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 5.6.3 The broad purpose of this duty is to integrate considerations of equality and day to day business and keep them under review in decision making, the design of policies and the delivery of services.
- 5.6.4 Investment in fire safety in accordance with this report is expected to impact positively on all tenants and leaseholders. More specific consideration will be given to equality impacts of proposed work, as needed at relevant times.

## **5.7 Corporate Parenting**

- 5.7.1 The changes have either positive or no direct impact on looked after children or care leavers as they relate to the safety of residents within council properties that are over 18m or part of the wider programme of fire safety / major works improvements.
- 5.7.2 The council assigns the highest priority for council housing to care leavers and foster carers (if they require a larger property to foster more children) through its Housing Allocation Scheme. Care leavers are placed into suitable accommodation to allow a successful transition to independent living whilst also developing their skills. Such placements may or may not be within stock affected by the fire safety programme.

## **5.8 Consultation and Engagement**

- 5.8.1 Residents living in high rise residential blocks owned by the council have been written to on various occasions by Barnet Homes to provide reassurance that their homes meet safety standards and requirements. In addition, fire safety information to ensure residents understand safe means of escape, has been provided to all tenants and leaseholders.
- 5.8.2 Residents of council homes will be consulted as part of reviews of fire safety systems in high rise council blocks. When works are being undertaken regular updates on these works are provided and meetings held with residents.
- 5.8.3 Leaseholders are consulted as early as possible within the fire safety review process to inform the options and recommendations considered. They did not have to contribute towards the cost of removing cladding and its replacement at Granville Road, nor towards the costs of category 1 fire safety works within the other 26 high rise blocks.
- 5.8.4 It is noted in Appendix A that the installation of sprinklers at Granville Road has been delayed to Q4 2020 whilst additional leaseholder consultation on the changes takes place, demonstrating the emphasis placed by Barnet Homes on resident engagement.

## **5.9 Insight**

- 5.9.1 Information about the council's housing stock held by Barnet Homes has been used to identify high rise residential blocks owned by the council.
- 5.9.2 Records held in Building Control and Planning services, together with visual surveys were used to identify the blocks in the borough that were over 18m 'in scope' threshold, as well as to unlock and enable contact with their owners.

## **6. BACKGROUND PAPERS**

- 6.1 Housing Committee - 1 April 2019 – Item 8: Housing Strategy.  
<https://barnet.moderngov.co.uk/documents/s51891/Housing%20Strategy.pdf>
- 6.2 Housing Committee – 14<sup>th</sup> January 2019 – Item 10: Fire Safety – progress update  
<https://barnet.moderngov.co.uk/documents/s50421/Fire%20Safety%20progress%20update.pdf>
- 6.3 Housing Committee 21st June 2018 – Item 8 – Fire Safety Update  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=9486&Ver=4>
- 6.4 Housing Committee 23rd October 2017 – Item 9 – Fire Safety Update  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=9237&Ver=4>
- 6.5 Housing Committee 26th June 2017 – Item 7 – Response to Grenfell Tower Fire  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=9236&Ver=4>