



Housing & Growth Committee

16 November 2021

Title	Fire Safety Update
Report of	Chairman 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 (November 2021) Appendix B - Barnet Council Fire Safety Action Plan (November 2021)
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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 Housing & Growth Committee in June 2021.

Officers Recommendations

1. 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 Housing & Growth Committee in June 2021.

2. National updates

- 2.1 The Building Safety Bill, which takes forward the government's commitment to reform the building safety system set out in Building a Safer Future, has gone through the second reading and committee stage in the House of Commons. It is currently at the report stage, which gives MPs an opportunity, on the floor of the House, to consider further amendments (proposals for change) to the Bill.

3. Key local updates

Council Housing

- 3.1 The programme of remedial works planned by the council have been completed for Category 1 High Priority Works. Additional fire safety works (Category 2 and 3a) have been completed at Longford Court, with Norfolk Close and Prospect Ring due to be fully completed by the end of March 2022.

Registered Providers

- 3.2 Of the three Registered Providers (RPs) with confirmed ACM or non-ACM (but combustible) cladding on blocks:
- One RP has completed all works to the block affected. All the properties were rented, and costs were not rechargeable.
 - A second RP has completed the cladding replacement works with no recharges to leaseholders. This RP has planned further works to remove all combustible material from the balconies and terraces and is still waiting for the outcome of their bid from the Building Safety Fund; the initial bid was rejected and is now going through the appeal process.
 - 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 received funding from the GLA and are in the final stages of mobilisations, with the contractor planning site set up in October 2021.
- 3.3 Another RP has seven blocks in Barnet over 18 metres that require fire safety work. Funding has been approved for one block. They are still waiting for feedback from the Department for Levelling Up, Housing and Communities (DLUHC) on the remaining blocks.

Private Sector buildings

- 3.4 Contact has been made with the owners of eight potentially high-risk ACM clad blocks and information notices served. These have yet to be complied with. Two private sector blocks have plans to replace the cladding and funding has been approved by government to assist with replacement. In both cases, a planning and building control application has been submitted for the proposals with work due to start following approvals. One of these has been inspected with the LGA's Joint Inspection Team (JIT) and the council is in the process

of taking legal action under the Housing Act 2004 to abate Category 1 hazards identified under the Housing Act 2004.

- 3.5 An additional high-rise block, identified and inspected in September 2019, was served with an Improvement Notice by the Fire Authority which has since been complied with. It was also inspected by Barnet and the JIT who reported back to the building owners and the Fire Authority. Following liaison with the council and Fire Authority, extensive work continues to be completed to the block and cladding removal is ongoing. A revised FRA has been undertaken. The council is in the process of taking legal action under the Housing Act 2004 to abate Category 1 hazards identified under the Housing Act 2004.
- 3.6 Full details of the local context are set out in Appendix A, with progress against the defined action plan set out in Appendix B.

2. Reasons for recommendations

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

3. Alternative options considered and not recommended

- 3.1 None.

4. Post decision implementation

- 4.1 The council will continue to co-ordinate 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.
- 4.3 The council will continue to proceed to arrange enforcement action to ensure compliance and remediation where required.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 The Barnet Plan 2021-2025 sets out the council's vision and strategy for the next four years. To realise the vision, the council and its partners will focus on four priorities: Clean, Safe and Well Run; Family Friendly; Healthy; and Thriving.
- 5.1.2 The Barnet Homes 2021-22 Delivery Plan supports the Barnet Plan and the priority Safe and Secure Homes includes an action to provide additional investment in fire safety measures for council housing.

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

- 5.2.1 There are no changes to resources. The programme of fire safety works continues to be £51.9m.

5.3 Legal and Constitutional References

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

- Responsibility for housing matters including strategy, homelessness, social housing and housing grants, commissioning of environmental health functions for private sector housing, regeneration strategy and oversee major regeneration schemes, asset management, employment strategy, business support and engagement.
- To receive reports on relevant performance information and risk on the services, under the remit of the Committee.

- 5.3.2 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.

5.4 Insight

5.4.1 There is no insight relevant to this report.

5.5 Social Value

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

5.6 Risk Management

5.6.1 The council has an established approach to risk management, which is set out in the Risk Management Framework. A comprehensive review of strategic and operational risks has commenced to ensure risks reflect the challenges of the last 18 months; focus on the delivery of objectives and any emerging risks are identified.

5.6.2 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.

5.7 Equalities and Diversity

5.7.1 The Equality Act, 2010 outlines the provisions of the Public Sector Equalities 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.

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

5.7.3 There are no implications for Equalities and Diversity in relation to this report.

5.8 Corporate Parenting

5.8.1 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.

5.9 Consultation and Engagement

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

5.10 Environmental Impact

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

6. Background papers

6.1 None.

APPENDIX A: Fire safety and the council's response to the Grenfell Tower tragedy (November 2021)

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. Building a Safer Future (Fire Safety Bill and Building Safety Bill)

- 2.1 Building a Safer Future (BSF) is a government-led initiative in response to the Grenfell Tower tragedy. It is a framework within which the shortcomings identified in the post-Grenfell review of Building Regulation and Fire Safety can be addressed. These shortcomings include the way high-rise residential buildings are built and managed. BSF is also intended to deal with situations where residents may raise concerns about the safety of their buildings, which they may feel are not taken seriously by their landlord. Two key pieces of legislation support this initiative: the Fire Safety Bill and Building Safety Bill.
- 2.2 The **Fire Safety Bill** received Royal Assent on 29 April 2021 and is now an Act of Parliament. The Act amends the Regulatory Reform (Fire Safety) Order 2005 to require all Responsible Persons (e.g. the relevant duty holder) to assess, manage and reduce the fire risks posed by the structure and external walls of the buildings for which they are responsible (including cladding, balconies and windows) and individual doors opening onto common parts of the building. It applies to all multi-occupied residential buildings and is not dependent on the height of the building. The intention of the Act is to more readily allow the Fire and Rescue Service to enforce against non-compliance with a Fire Safety Order.
- 2.3 The **Building Safety Bill** takes forward the government's commitment to reform the building safety system set out in BSF. A new Building Safety Regulator will be formed under the responsibility of the Health and Safety Executive (HSE), which will oversee the design, construction and occupation of high-risk buildings (e.g. residential blocks over 18 metres). It is anticipated that the 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 is preparing for this accordingly. The Bill is likely to be enacted next year. The Bill has gone through the second reading and committee stage in the House of Commons. It is currently at the report stage, which gives MPs an opportunity, on the floor of the House, to consider further amendments (proposals for change) to the Bill.
- 2.4 The changing legislative framework for fire safety will introduce additional requirements for building safety and the management of our buildings and wider housing stock within the borough. These requirements are being identified through an officer working group and an action plan is being developed.

3. Council Housing

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

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

- 3.2 **Granville Road Recladding** - completed.
- 3.3 **Category 1 High Priority Works** – The works to flats and communal areas of high-rise blocks (Whitefields, Grahame Park and Silk House & Shoelands) have been completed. This included works to improve the front doors to flats and fire alarm warning systems.
- 3.4 **Additional fire safety works (Category 2 and 3a)** - The works at Longford Court have been completed. Norfolk Close and Prospect Ring will be fully completed by the end of March 2022. The completion has been impacted by difficulties accessing a small number of properties.
- 3.5 **Installation of sprinklers to blocks of flats with 10 or more floors and 2 or more stairwells** – Fire safety works at Granville Road towers commenced in July 2021 following a re-tendering exercise. The works at the Upper Fosters towers have been completed.
- 3.6 **Installation of sprinklers to sheltered housing blocks and hostels** - Most works were scheduled for 2022/23 and 2023/24; however, consideration was given to accelerating the installation at certain schemes where other disruptive works are scheduled as part of the wider capital investment programme. This has been agreed and works are being undertaken at all hostels and sheltered blocks, other than the Potteries and Hanshawe Drive which will follow in Spring 2022.
- 3.7 Fire safety works at St John's Close sheltered housing block have commenced and will be completed in 2022 following significant Covid-19 delays. These are being incorporated into other works that include a new heating system and electrical upgrades.
- 3.8 **Works to low and medium rise blocks (incl. Type 3 Fire Risk Assessments (FRAs) and any urgent arising works)** - Expert consultants have been undertaking in-depth (Type 3 & 4) FRAs and any urgent works actioned as a priority to all blocks, with other observations forming part of a longer-term planned programme of improvements. The survey programme has been largely completed, and an assessment of future investment need is being developed.
- 3.9 **Replacement of composite fire doors** – The programme of fire door replacements has continued with c.2900 door installations now completed. An agreement has been reached with the contractor for faulty doors to be replaced at the contractor's expense and liability resolved through independent adjudication when the work is finished. There remains c.800 doors to replace within that contract and the scheduled completion is December 2021.

There have been some delays to the programme due to residents not wishing to allow access for the work for a variety of reasons. Another 1400 doors are being replaced through separate arrangements, most of which form part of existing fire safety works in programme.

- 3.10 **Whitefields Estate - tower block cladding system** – The three blocks (Clare, Norden and Whyhcote Point) fitted with High-Pressure Laminate (HPL) are due to be demolished in 2024, a year later than previously forecast. The cladding systems on the towers were investigated by third party experts in 2017 and re-assessed in 2019. The cladding panels were tested in UKAS accredited laboratories and achieved an acceptable rating of Class B. In addition, a comprehensive package of fire safety improvements has been completed to each block.
- 3.11 However, given the evolving nature of government guidance relating to high-rise building safety, the delay in vacating the blocks and our commitment to the safety of residents, it was considered appropriate to engage a third-party expert fire consultant to undertake a re-assessment of the cladding system and wider fire safety arrangements of the blocks. Following sample intrusive works, the fire consultant determined that the cladding system should be removed to ensure additional safety for residents. Subsequently, consultants and contractors were mobilised quickly with work starting in the week commencing 10 May 2021.
- 3.12 As agreed with the London Fire Brigade, a 24/7 patrol was put in place for the period of the cladding removal to facilitate a change from a stay put policy to an evacuation strategy in the event of a fire incident. This arrangement ended in September 2021. Engagement and communication with residents have been extensive with a number of online resident information and feedback sessions completed.
- 3.13 The cladding systems have been removed now; however due to the limited lifespan of the blocks the cladding systems will not be replaced. It's recognised that without external cladding residents fuel bills will likely increase, so energy assessments have been undertaken to understand the impact of removing the cladding and ensure that additional energy costs are reimbursed to residents whilst the blocks remain occupied.
- 3.14 **Large Panel System (LPS) buildings** - The gas distributor, Cadent, has now removed piped gas from Silk House & Shoelands and relevant blocks on the Dollis Valley estate. With the gas supply decommissioned and other mitigation measures in place, alternative electric heating systems have been installed at the occupied schemes with residents recompensed for additional heating costs.
- 3.15 An expert consultant's report on Holmesdale and Stanhope medium-rise LPS blocks in N11 has determined that risk mitigation measures are necessary here also and these are being progressed accordingly. These works are similar to Silk House and Dollis. The stage 1 works, bollards and L1 fire alarm system are currently being installed and the tender process for stage 2 will be completed in November 2021.
- 3.16 **Responding to changing legislation** - Barnet Homes has completed an initial assessment of how the new requirements of the Building Safety Bill and Fire Safety Act will impact on the council housing stock in Barnet and have confirmed that 21 buildings will be considered 'in-scope' of the Building Safety Bill within the council stock. Associated

resources have been identified and a provision made within the current version of the Housing Revenue Account Business Plan.

4. Registered Providers (RPs)

- 4.1 There were three RPs with confirmed ACM or non-ACM (but combustible) cladding on blocks. One RP has completed all works to the one block affected. All the properties were rented, and costs were not rechargeable.
- 4.2 A second RP has completed the cladding replacement works with no recharges to leaseholders. This RP has planned further works to remove all combustible material from the balconies and terraces and is still waiting for the outcome of their bid from the Building Safety Fund; the initial bid was rejected and is now going through the appeal process. They have reported that some leaseholders have managed to complete on sales without a full EWS1 certificate. They have instructed solicitors to take further action on resolving all outstanding matters on the building, which will include a review to identify the overall risks and to suggest practical remediation options. They have confirmed the block is safe to occupy following measures put in place converting the building to an evacuation rather than a stay put policy.
- 4.3 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. The freehold was sold in September 2020 and received initial funding approval in October 2020. A new funding application was submitted and the GLA awarded the funding. The freeholder is in the final stages of mobilisations, with the contractor planning site set up in October 2021. The block is monitored by Building Control and Environment Health.
- 4.4 Another RP has seven blocks in Barnet over 18 metres that require fire safety work. Funding has been approved for one block. They are still waiting for feedback from the Department for Levelling Up, Housing and Communities (DLUHC) on the remaining blocks.
- On one set of blocks, the developer has provided a test certificate to confirm insulation meets the required standards and no longer requires replacement. They continue to work with the developer on cavity barriers.
 - On another set of blocks, negotiations with the developer are progressing well. They have agreed the developer will carry out works and are finalising the scope of this and the costs.
 - On a further set of blocks, the developer has started works on two buildings to remediate the cavity barriers and should complete by March 2022. They have agreed to remediate the two further blocks. For the last block in this set, works are being undertaken to replace the ACM and wooden balconies, with completion due by January 2022.
- 4.5 All large RPs in the borough, including those with buildings over 18 metres, remain in regular communication over the fire safety of their affordable housing.

5. Private Sector buildings (residential and commercial)

- 5.1 Contact has been made with the owners of eight potentially high-risk ACM clad blocks and information notices served. These have yet to be complied with. Two private sector blocks have plans to replace the cladding and funding has been approved by government to assist

with replacement. In both cases, a planning and building control application has been submitted for the proposals with work due to start following approvals. One of these has been inspected with the LGA's Joint Inspection Team (JIT) and the council is in the process of taking legal action under the Housing Act 2004 to abate Category 1 hazards identified under the Housing Act 2004.

- 5.2 An additional high-rise block, identified and inspected in September 2019, was served with an Improvement Notice by the Fire Authority which has since been complied with. It was also inspected by Barnet and the JIT who reported back to the building owners and the Fire Authority. Following liaison with the council and Fire Authority, extensive work continues to be completed to the block and cladding removal is ongoing. A revised FRA has been undertaken. The council is in the process of taking legal action under the Housing Act 2004 to abate Category 1 hazards identified under the Housing Act 2004.
- 5.3 Enforcement action against such blocks is difficult and very time consuming, involving detailed inspection and the obtaining, review and analysis of a significant number of complex documents, in order to ascertain the safety and completeness of systems and structures in place. Often block owners either don't have the relevant paperwork or it isn't sufficient. Service of statutory notices on such blocks can involve issuing hundreds of notices on multiples of different leaseholders, freeholders and relevant parties incurring a significant cost.
- 5.4 A dedicated resource has been temporarily recruited to concentrate on improvement of high-risk blocks. A permanent officer is due to be recruited over the next couple of months.

Appendix B: Barnet Council Fire Safety Action Plan (November 2021)

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>One RP has completed all works to the one block affected. A second RP has completed the cladding replacement works with no recharges to leaseholders. This RP has planned further works to remove all combustible material from the balconies and terraces and is still waiting for the outcome of their bid from the Building Safety Fund.</p> <p>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. Funding has been awarded from the GLA and the freeholder is in the final stages of mobilisations, with the contractor planning site set up in October 2021.</p> <p>A fourth RP has seven blocks over 18 metres that require fire safety work. Funding has been approved for one block. They are still waiting for feedback from DLUHC on the remaining blocks.</p>
Liaison with owners of blocks with failed ACM cladding	Ongoing	<p>Contact has been made with the owners of eight potentially high-risk ACM clad blocks and information notices served. These have yet to be complied with. Two private sector blocks have plans to replace the cladding and funding has been approved by government to assist with replacement. In both cases, a planning and building control application has been submitted for the proposals with work due to start following approvals. One of these has been inspected with the LGA's Joint Inspection Team (JIT) and the council is in the process of taking legal action under the Housing Act 2004 to abate Category 1 hazards identified under the Housing Act 2004.</p> <p>An additional high-rise block, identified and inspected in September 2019, was served with an Improvement Notice by the Fire Authority which has since been complied with. It was also inspected by Barnet and the JIT who reported back to the building owners and the Fire Authority. Following liaison with the council and Fire Authority, extensive work continues to be completed to the block and cladding removal is ongoing. A revised FRA has been undertaken. The council is in the process of taking legal action under the Housing Act 2004 to abate Category 1 hazards identified under the Housing Act 2004.</p>

Action	Status	Notes
Actions from Fire Risk Assessments for commercial units beneath residential	Ongoing	<p>An extensive review of each commercial premises was completed, which confirmed suitable arrangements and inspection regimes are in place. All properties continue to be monitored as part of the Capita non-managed estate (KPI24c) regime to give ongoing assurance.</p> <p>The annual programme of requesting updated information from the commercial units has begun and data returns are expected in November.</p>
Implement the requirements of the Building Safety and Fire Safety Bills	Ongoing	<p>Barnet Homes has completed an initial assessment of how the new requirements of the Building Safety Bill and Fire Safety Act will impact on the council housing stock in Barnet and have confirmed that 21 buildings will be considered 'in-scope' of the Building Safety Bill within the council stock. Associated resources have been identified and a provision made within the current version of the Housing Revenue Account Business Plan.</p>