



Housing & Growth Committee

13 June 2022

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 Appendix C: Internal Audit report of Private Residential Blocks - Fire Safety
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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 February 2022.

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 Members of Housing & Growth Committee in February 2022.

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, received Royal Assent on 28 April 2022 to become an Act of Parliament. Implementation of the measures will likely take between a year and 18 months.

3. Key local updates

Council Housing

- 3.1 The programme of remedial works planned by the council have been completed for the Category 1 High Priority Works. The Category 2 and 3a Additional Fire Safety Works have been completed at Longford Court, and the main works at Norfolk Close and Prospect Ring were completed by the end of March 2022. Additional ventilation works are being undertaken in summer 2022
- 3.2 The installation of sprinklers at Granville Road and Upper Fosters towers have been completed. The installation of sprinklers to sheltered housing blocks have been completed other than the Potteries and Hanshawe Drive schemes, which will follow in the next few months. Works at the hostels will be completed in summer 2022.
- 3.3 Expert consultants have been undertaking in-depth (Type 3 and 4) Fire Risk Assessments (FRAs) at low and medium-rise blocks and any urgent works actioned as a priority. An assessment of future investment need has been developed and budget provision included in the Housing Revenue Account business plan and Barnet Homes capital programme.
- 3.4 The programme of fire door replacements has continued with c.3500 door installations now completed, with c.270 doors needing replacement.
- 3.5 The High-Pressure Laminate (HPL) cladding systems fitted to the three blocks (Clare, Norden and Whyhcote Point) on the Whitefields Estate has been removed and the original stay-put fire strategy for the block reinstated.
- 3.6 On 1 April 2022, the second phase of works commenced on the Holmsdale and Stanhope medium-rise Large Panel System (LPS) blocks. Fire safety surveys at the blocks have highlighted the need to install additional measures in the top floor flats and a range of options are being offered to tenants and leaseholders to ensure risk mitigation measures are safely implemented.

Registered Providers

- 3.7 Currently there are four Registered Providers (RPs) with confirmed ACM or non-ACM (but combustible) cladding on blocks¹.

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

- 3.8 One RP has completed all works to the block affected.
- 3.9 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. Discussions with the original contractor are continuing with the next steps to carry out an inspection under PAS99880 methodology. The RP is pre-empting that the scope of works is significantly reduced and may be finished in brickwork. The RP will update when the inspection is complete.
- 3.10 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 and the freeholder has appointed a contractor and started works.
- 3.11 A fourth RP has several blocks located in three different estates in Barnet that require fire safety work. Works are complete or progressing and where works are no longer required residents have been communicated with. Some works have received funding and the RP has submitted an appeal for the works which were rejected.

Private Sector Buildings

- 3.12 Contact has been made with the owners/agents of 34 potentially high-risk and medium-risk ACM clad blocks. The majority of these are managed by the same agent who the council meets regularly.
- 3.13 Inspections have been completed on four ACM clad buildings over 18 metres (727 units) due to the high-risk of the structures. Improvement notices have been served in relation to three of these blocks and consultation is due to start in relation to the fourth.
- 3.14 Appeals to tribunal have been received in relation to one block to date and is set for November 2022. Works are progressing at all three blocks where notices have been served. One block is now free from Category 1 hazards as defined by the Housing Act 2004.
- 3.15 Full details of the local context are set out in Appendix A, with progress against the defined action plan set out in Appendix B.

Audit of Private Residential Blocks – Fire Safety

- 3.16 An Internal Audit of Private Residential Blocks – Fire Safety was undertaken in early 2022 to provide assurance on the design and effectiveness of the fire safety enforcement controls in place and compliance with the new fire safety regulations in relation to private residential blocks.
- 3.17 The Audit report, issued in May 2022, raised 1 high, 3 medium and 2 low priority findings and provided Limited Assurance. The findings will be referenced in the 2021/22 Annual Opinion to Audit Committee in June 2022 and will be included in the Q1 2022/23 Internal Audit report to Audit Committee in November 2022.
- 3.18 Significant progress has been made since the Audit fieldwork was completed, as summarised in the bullet points below, and officers are continuing to prioritise this work to

ensure that the council meets its fire safety responsibilities effectively. The findings related to:

- **Managing fire safety risks in private sector housing (High risk)** – a tracker is used to record information on private residential buildings over 18 metres in height where there is a concern about potential unsafe use of materials and a risk-based approach is used to inspect buildings. To date, four buildings (727 units) have been inspected due to the potential high risk and further sites remain to be inspected. The Audit noted that the tracker will need to incorporate buildings between 11-18 metres in height in light of the new Building Safety Act 2022. Additional resource has been recruited to the Private Sector Housing team to support this work.
- **Risk rating methodology for high-risk blocks (Medium risk)** – there is a risk rating methodology in the tracker to classify buildings according to risk in relation to fire safety. However, the Audit noted that the rationale for prioritising buildings for inspection was unclear and should be formally documented to provide clarity of decision-making to senior officers. This will be completed by end June 2022.
- **Roles and responsibilities (Medium risk)** – the Audit noted there is no formalised document outlining the roles and responsibilities of officers in relation to fire safety and appropriate escalation routes. These are now outlined in the Terms of Reference of the Fire Safety Group, which brings together officers from across the council and strategic partners to oversee and provide assurance on fire safety activity across the housing sector, including for the council's own housing stock.
- **Absence of a fire safety management policy (Medium risk)** - the Audit noted that the council has an enforcement policy and fire safety protocol (with the Fire Authority) but no fire safety management policy in relation to private sector housing to ensuring a uniform approach to investigation and enforcement action. A policy will be drafted for approval by the Housing & Growth Committee in September 2022.
- **Management information (Low risk)** – there are various forums in which fire safety in private residential buildings is reported to senior officers, including the Fire Safety Group, Contract Management Meetings with Re and Housing & Growth Committee. However, the Audit noted that there has been inconsistent reporting on the status of all high risk buildings. Going forward, progress of activities in relation to high risk buildings will be recorded on the tracker, and an update on all high risk buildings provided as a standing item to the Fire Safety Group.
- **Referral of cases to the Private Sector Housing team (Low risk)** – the council works closely with the Fire Authority as there is a legal obligation to consult on fire safety issues prior to enforcement action under the Housing Act 2004. However, there is no formal requirement for the Fire Authority to refer new cases of high risk buildings to the council. To encourage the exchange of information, regular meetings are being set up with the Fire Authority and new cases will be a standing item for discussion. In addition, the Building Control team in Re will sign-off on new high-rise buildings under the new Building Safety Act and a process will be put in place for new cases (of high rise buildings) to be communicated to the Private Sector Housing team.

3.19 The full Audit report can be found in Appendix C.

4. Reasons for recommendations

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

5. Alternative options considered and not recommended

- 5.1 None.

6. Post decision implementation

- 6.1 The council will continue to co-ordinate delivery of the agreed action plan in Appendix B.
- 6.2 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.
- 6.3 The council will continue to proceed to arrange enforcement action to ensure compliance and remediation where required.

7. Implications of decision

7.1 Corporate Priorities and Performance

- 7.1.1 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.
- 7.1.2 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.

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

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

7.3 Legal and Constitutional References

- 7.3.1 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.
- 7.3.2 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.

8. Insight

8.1 There is no insight relevant to this report.

9. Social Value

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

10. Risk Management

10.1 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.

11. Equalities and Diversity

11.1 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.

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

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

12. Corporate Parenting

12.1 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.

13. Consultation and Engagement

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

14. Environmental Impact

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

15. Background papers

15.1 None.

APPENDIX A: Fire safety and the council's response to the Grenfell Tower tragedy (June 2022)

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

- 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 Act 2021 and Building Safety Act 2022.
- 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** received Royal Assent on 28 April 2022 and is now an Act of Parliament. Implementation of the measures will likely take between a year and 18 months, as the Act requires secondary legislation for many of the measures.
- 2.4 The Act applies to all those who commission building work and who participate in the design and construction process, including clients, designers, consultants and contractors. It covers all buildings and includes measures that focus on higher-risk buildings, which are defined as buildings that are at least 18 metres in height or have at least seven stories and have at least two residential units.
- 2.5 A new Building Safety Regulator will be responsible for overseeing safety and standards and performance of all buildings; helping and encouraging the built environment industry and building control professionals to improve their competence; and leading the implementation of new regulatory framework for high-rise buildings.
- 2.6 Under the Act, housebuilders will be liable for paying for cladding-related remediation works – and the largest housebuilders are invited to sign up to the Building Safety Pledge, which commits them to rectify any life-critical fire safety defects on buildings over 11 metres constructed by them in the last 30 years. The Act also has in place a waterfall process for fixing non-cladding defects where developers will be required to pay for remediation first,

followed by the freeholder. If neither can pay, the leaseholder will be charged with contributions capped at £15,000 for residents in London.

3. Council Housing

3.1 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	97% 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	In progress
Installation of sprinklers to hostels	£150,000	In progress
Works to low and medium rise blocks (Inc. undertaking of type 3 FRA's and any urgent arising works)	£7,900,000	In progress
Replacement of composite fire doors	£10,500,000	In progress
Total	£51,900,000	

3.2 **Granville Road Recladding** - Completed.

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

3.4 **Additional fire safety works (Category 2 and 3a)** - The works at Longford Court have been completed. Norfolk Close and Prospect Ring main works completed by the end of March 2022. Additional ventilation works are being undertaken in summer 2022.

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

3.6 **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 will follow in the next few months. Works at the hostels will be completed in summer 2022 due to some delays in planning and relocating residents.

3.7 Fire safety works at St John's Close sheltered housing block have commenced and will be completed in 2022 following significant delays due to access issues. These are now 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 to ensure delivery of the requirements of 'Building a Safer Future' and associated legislation. The survey programme is almost complete, and an assessment of future investment need has been developed and budget provision of £29.5m for a 5-year investment programme included in the Housing Revenue Account business plan approved by the committee in February 2022.

- 3.9 **Replacement of composite fire doors** – The programme of fire door replacements has continued with c.3500 door installations now completed, with c.270 doors needing replacement. 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. 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 High-Pressure Laminate (HPL) cladding systems fitted to the three blocks (Clare, Norden and Whyhchcote Point) on the estate has been removed and the original stay-put fire strategy for the block reinstated.
- 3.11 **Large Panel System (LPS) buildings** - An expert consultant's report on Holmsdale and Stanhope medium-rise LPS blocks in N11 has determined that risk mitigation measures are necessary. This work is progressing well, with the second phase of works commencing on 1 April 2022 following a tender exercise. Fire safety surveys at the blocks have highlighted the need to install additional measures in the top floor flats and a range of options are being offered to tenants and leaseholders to ensure risk mitigation measures are safely implemented.
- 3.12 **Responding to changing legislation** - Barnet Homes has completed an initial assessment of how the new requirements of the Building Safety Act and Fire Safety Act will impact on the council housing stock in Barnet and have confirmed that 16 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. Further clarity regarding how the duties of the Accountable Person and Responsible Person roles outlined in the Act will be forthcoming now it has received Royal Assent.

4. Registered Providers (RPs)

- 4.1 Currently there are four RPs with confirmed ACM or non-ACM (but combustible) cladding on blocks².
- 4.2 One RP has completed all works to the one block affected. All the properties were rented, and costs were not rechargeable.
- 4.3 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. Discussions with the original contractor are continuing with the next steps to carry out an inspection under PAS99880 methodology. The RP is pre-empting that the scope of works is significantly reduced and may be finished in brickwork. The RP will update when the inspection is complete.
- 4.4 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 has appointed a contractor and started works. The block is being monitored by Building Control and Environment Health (further details can be seen in Section 5).

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

- 4.5 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 scaffold to the tall block has been removed. The EWS1 is due to be issued by June 2022. The PAS9980 review has been carried out. The current outcome is that the window cavity barriers don't require remediation under this risk-based approach. This is subject to internal approval and will be communicated to residents in a meeting. This would mean that no further remediation is required to this building.
 - Estate 2 - Last contract amendments with the developer are being finalised to remediate all the blocks. DLUHC have confirmed which elements of the bid fall within scope for funding. Most of the elements which were rejected are being dealt with as defects except for one component replacement which is being appealed for inclusion within the funding application. A Residents meeting was held in early May 2022 and generally residents are reported as happy with progress.
 - Estate 3 - Works on two blocks to remediate the cavity barriers are due to complete in May 2022. The RP is in the process of seeking internal approval to enter remedial works agreements with the developer for works to two further blocks. The RP is still in negotiations with the developer on the agreed scope of works to a further block. For another block in this estate, they are carrying out remediation works to replace the ACM and wooden balconies themselves. These works have been delayed slightly as they have needed to agree final contract details. They are aiming for a start on site in June 2022. The last residents meeting was 19 May 2022. Residents are generally pleased with negotiations with the developer but residents in one block are keen to see negotiations conclude and works start for their block.
- 4.6 All large RPs in the borough remain in regular communication over the fire safety of their affordable housing.

5. Private Sector buildings (residential)

- 5.1 Contact has been made with the owners/agents of 34 potentially high-risk and medium-risk ACM clad blocks. The majority of these are managed by the same agent who the council meets regularly.
- 5.2 Inspections have been completed on four ACM clad buildings over 18 metres (727 units) due to the high-risk of the structures. Improvement notices have been served in relation to three of these blocks and consultation is due to start in relation to the fourth.
- 5.3 The inspections completed to date have highlighted that fire safety is often not the only issue in these blocks. There may be other Category 1 hazards under the Housing Act 2004 which the council has a duty to take enforcement action on, but more so, other property management related issues. Often the council is unable to assist, which leaseholders find frustrating, and they are signposted to the Leasehold Advisory Service.
- 5.4 Enforcement action against such blocks is difficult and very time consuming, involving detailed inspections over multiple days, 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 the notices has been a huge undertaking involving the service of hundreds of documents, in this country and overseas,

on multiples of different leaseholders, freeholders and relevant parties incurring a significant cost. Appeals to tribunal have been received in relation to one block to date. Handling this appeal will involve a major amount of officer time, with the appeal set for three days in November 2022, following document exchanges across the year. Works are progressing at all three blocks where notices have been served. One block is now free from Category 1 hazards as defined by the Housing Act 2004.

- 5.5 After the departure of one 0.5 FTE officer from the team, from June 2022 there will be 1.5 FTE Enforcement Officers working on the project. A 0.5 FTE Technical Support Officer is being recruited to assist with administering the hundreds of documents involved in enforcement activities in relation to these significantly sized blocks.
- 5.6 The team continues to work with the Fire Authority in relation to this area to try and ensure a uniform approach to enforcement. There are also regular meetings to report progress to the Department for Levelling Up, Housing and Communities.

Appendix B: Barnet Council Fire Safety Action Plan (June 2022)

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	<ul style="list-style-type: none"> High priority works have been completed.
Work with government and RPs to ensure actions to address any fire safety concerns are addressed	Ongoing	<ul style="list-style-type: none"> One RP has completed all works to the one block affected. A second RP has completed the cladding replacement works. Fire stopping behind the cladding has been upgraded to fully comply with current standards. Discussions with the original contractor are continuing with the next steps to carry out an inspection under PAS99880 methodology. The RP is pre-empting that the scope of works is significantly reduced and may be finished in brickwork. The RP will update when the inspection is complete. 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 has appointed a contractor and started works. A fourth RP has several blocks in three different estates that require fire safety work. Works are complete or progressing and where works are no longer required residents have been communicated with. Some works have received funding and the RP has submitted an appeal for the works which were rejected.
Liaison with owners of blocks with failed ACM cladding	Ongoing	<ul style="list-style-type: none"> Contact has been made with the owners/agents of 34 potentially high-risk and medium-risk ACM clad blocks. The majority of these are managed by the same agent who the council meets regularly. Inspections have been completed on four ACM clad buildings over 18 metres (727 units) due to the high-risk of the structures. Improvement notices have been served in relation to three of these blocks and consultation is due to start in relation to the fourth. Appeals to tribunal have been received in relation to one block to date and is set for November 2022. Works are progressing at all three blocks where notices have been served. One block is now free from Category 1 hazards as defined by the Housing Act 2004.
Actions from Fire Risk Assessments for commercial units beneath residential	Ongoing	<ul style="list-style-type: none"> 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 regime to give ongoing assurance. There was a low level of response from the commercial units for updated information in November. A follow-up request was sent out in December and remaining returns were received in January 2022. However, due to the poor number of returns received, the CSG Estates Compliance Officer will start visiting tenants in May 2022. If information is withheld or ignored, Property Services will consider reviewing the lease agreement.

Action	Status	Notes
Implement the requirements of the Fire Safety and Building Safety Acts	Ongoing	<ul style="list-style-type: none"> <li data-bbox="576 190 1471 414">Barnet Homes has completed an initial assessment of how the new requirements of the Building Safety Act and Fire Safety Act will impact on the council housing stock in Barnet and have confirmed that 16 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.