



Housing & Growth Committee

16 November 2022

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| 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 September 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 September 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. Additional ventilation works are being undertaken with specifications and tender packages now being finalised
- 2.2 The installation of sprinklers at Granville Road 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. 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 November 2022. Works at the hostels will be fully completed by mid-November – two Finchley Road blocks needed additional flooring repairs which delayed their completion.
- 2.3 Fire safety works at St John's Close sheltered housing block are almost complete, but ongoing access issues with three flats means that the programmed works are not yet fully complete. All means are being explored to access the remaining flats.
- 2.4 Tetra and WSP are working well on the fire risk assessment survey programme for low and medium rise blocks, with almost all 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.
- 2.5 The programme of fire door replacements has continued with c.3600 door installations now completed, and c.200 doors still needing replacement. The projected contract completion is December 2022. 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.
- 2.6 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. No replacement cladding has been installed to these blocks due to impending regeneration.
- 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 shortly.

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 finalising their claim with the Greater London Authority (GLA) for the cladding replacement. Jointly with the contractor, they plan to instruct a PAS99880 inspection, which will determine if any further remedial work is required.
- 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 is working with lawyers to understand how best to manage the relationship with the freeholder and get the works required completed.
- 2.12 A fourth RP has several blocks located in three different estates in Barnet that require fire safety work. Works on Estate 1 are complete and EWS1 certificates have been issued or are being sought. Applications for Building Safety Fund (BSF) funding have been made for blocks on Estate 2; however, one application has been rejected, works have been planned and are in various stages of completion. Works to remediate cavity barriers have been completed on Estate 3 and works on further blocks are progressing or due to commence.

Private Sector Buildings

- 2.13 Currently, there are 46 live cases prioritised (considering height, ACM cladding and issues raised by tenants and/or councillors) and 0 cases pending more detailed review. 68 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. 16 sites are under construction and as such are being monitored, and 80 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. Improvement notices have been served in relation to three of these blocks and notices are due to be served on the fourth following an extended consultation period with the owner and leaseholders, at the end of November 2022.
- 2.15 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.
- 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.**

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

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 95% 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 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.

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 implications for Equalities and Diversity in relation to 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 (November 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. 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 | 80% 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 November 2022. Works at the hostels will be fully completed by mid-November – two Finchley Road blocks needed additional flooring repairs which delayed their completion.

- 2.7 Fire safety works at St John's Close sheltered housing block are almost complete, but ongoing access issues with three 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 are working well on the fire risk

assessment survey programme for low and medium rise blocks, with almost all 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, and c.200 doors still needing replacement. The projected contract completion is December 2022. 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 **Whitefields 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.
- 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. 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 with legal advice on this aspect now received and being evaluated. A report on Accountable Person approach is being 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 finalising their claim with the Greater London Authority (GLA) for the cladding replacement. They plan to instruct a PAS99880 inspection, jointly with the contractor. The RP is currently vetting the credentials of the fire engineers proposed by the contractor to carry out these inspections. Once they have been approved, the survey will be instructed, and results will determine if any further remediation works are required. The building remains safe as the cladding has been replaced, and appropriate measures (including alarms) are in place to ensure residents safety.

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

- 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 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 now 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 also 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 – The last contract amendments with the developer are being finalised to remediate all the blocks. An application has been made for Building Safety Fund (BSF) funding for two of the blocks in this estate. The developer has agreed to complete the latent defects work on some blocks. A further block has a private owner and this RP is working with them on remediation for this block. A programme of work is being agreed with the contractor for the above mentioned blocks, which is anticipated to take 10 months, and will start in 2023. The RP is also working with consultants on PAS9980 but feel the scope of works will not change. A BSF application has been rejected for a further block and the RP will be liable for costs via service charge as they have the head lease. A residents meeting is held on a monthly basis with no adverse feedback.
 - Estate 3 - Works on two blocks to remediate the cavity barriers are complete. Further works are to be completed on the internal compartmentalisation to the communal areas by December 2022. Once these are complete the EWS1 certificate can be issued. All these works have been funded by the contractor. The scope of works for a further two blocks has been agreed with works due to start by the end of the year. All these works will be funded by the contractor. The RP will cover a third of the costs of a further block, the contract for works has been drafted and waiting for approval. The final block will be funded by the RP, the contract for works has been prepared and due to be signed shortly. The RP has recognised that some residents are dissatisfied and are holding resident meetings with the estate teams and senior management team.
- 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 (residential)

- 4.1 Currently, there are 46 live cases prioritised (considering height, ACM cladding and issues raised by tenants and/or councillors) and 0 cases pending more detailed review. 68 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. 16 sites are under construction and as such are being

monitored, and 80 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. Improvement notices have been served in relation to three of these blocks and notices are due to be served on the fourth following an extended consultation period with the owner and leaseholders, at the end of November 2022.
- 4.3 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.
- 4.4 There are now 1.5 FTE Enforcement Officers and a Technical Support Officer working on the project with another Enforcement Officer due to start in December 2022. 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 Fire Authority in relation to this area to try and ensure a uniform approach to enforcement. A monthly meeting is now undertaken with Fire Authority colleagues. There are also regular meetings to report progress to the Department for Levelling Up, Housing and Communities.
- 4.6 The teams procedures and the risk assessment tool used to assess risk in tower blocks have been reviewed and the revised process implemented.

Appendix B: Barnet Council Fire Safety Action Plan (November 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 | 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.</p> <p>A second RP has completed the cladding replacement works. Fire stopping behind the cladding has been upgraded to fully comply with current standards. The RP is finalising their claim with the GLA for the cladding replacement. They plan to instruct a PAS99880 inspection, which will determine if any further remedial work is required. The credentials of the fire engineers proposed by the contractor to carry out these inspections are being vetted. Once approved, the survey will be instructed and results will determine if any further remediation works are required.</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. 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 now 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.</p> <p>A fourth RP has several blocks in three different estates that require fire safety work.</p> <ul style="list-style-type: none"> • Works on Estate 1 are complete and EWS1 certificates have been issued or are being sought. • The last contract amendments with the developer are being finalised to remediate all the blocks on Estate 2. An application has been made for BSF funding for two blocks in this estate. The developer has agreed to complete the latent defects work on some blocks. A further block has a private owner and the RP is working with them on remediation for this block. A programme of work is being agreed with the contractor to start in 2023. The RP is also working with consultants on PAS9980. A BSF application has been rejected for a further block and the RP will be liable for costs via service charge as they have the head lease. |

| Action | Status | Notes |
|---|---------|---|
| | | <ul style="list-style-type: none"> Works on two blocks to remediate cavity barriers have been completed on Estate 3 and further works are to be completed on the internal compartmentalisation to the communal areas by December 2022. Once complete the EWS1 certificate can be issued. All works have been funded by the contractor. The scope of works for a further two blocks has been agreed with works due to start by the end of the year. These works will be funded by the contractor. The RP will cover a third of the costs of a further block, the contract for works has been drafted and waiting for approval. The final block will be funded by the RP, the contract for works has been prepared and is due to be signed shortly. |
| Liaison with owners of blocks with failed ACM cladding | Ongoing | <p>There are 46 live cases prioritised (considering height, ACM cladding and issues raised by tenants and/or councillors) and 0 cases pending more detailed review. 68 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. 16 sites are under construction and as such are being monitored, and 80 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) due to the high-risk of the structures. Improvement notices have been served in relation to three of these blocks and notices are due to be served on the fourth following an extended consultation period with the owner and leaseholders, at the end of November 2022.</p> <p>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.</p> |
| Actions from Fire Risk Assessments for commercial units beneath residential | Ongoing | <p>The request for FRA data from the commercially let estate has been completed. Of the high-risk properties identified during the original exercise in 2020, two have failed to submit the required update still.</p> <p>These properties have been visited; access could not be gained to the first which has been escalated to the Property Services team to obtain access, and the remaining property was due a second visit on 28 October to enforce requirement and escalate. If this is unsuccessful, we will recommend serving notice.</p> |

| Action | Status | Notes |
|--|---------|---|
| Implement the requirements of the Fire Safety and Building Safety Acts | Ongoing | 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. 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 with legal advice on this aspect now received and being evaluated. A report on the Accountable Person role was presented to Strategic Review Board in early November 2022. |