

Report to Communities Select Committee

Date of meeting: 11 December 2017

Portfolio: Housing – Cllr S. Stavrou

Subject: Fire Safety in Council-Owned Accommodation and Park Homes



Officer contact for further information:

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Recommendations Required:

- (1) That the current position be noted in relation to fire safety in:
 - (a) Council-owned flat blocks;**
 - (b) Park home sites licensed by the Council; and**
 - (c) Commercial properties for which the Council owns the freehold;****
- (2) That consideration be given to whether or not feasibility studies should be commissioned by the Council into the possible installation of sprinklers in each of the Council Sheltered Housing sites and at Norway House, North Weald and Hemnall House, Epping;**
- (3) That the Council adopts a “Stay Safe” Policy to replace its existing “Stay Put” Policy in general needs flat blocks and continues to operate an “Evacuation” Policy at its sheltered housing sites and Norway House and Hemnall House, subject to any further review required as a result of the Government-commissioned public enquiries into the Grenfell Tower tragedy;**
- (4) That the Select Committee provides its views on whether or not, if necessary and legally possible, legal action should be taken against leaseholders to force them into replacing their front entrance door to preserve the safety of the block should they refuse to take up the Council’s long-standing offer of meeting 75% of the cost of the works; and**
- (5) That a detailed Fire Safety Policy for Council-owned residential accommodation be drafted and brought back to the Communities Select Committee for further consideration, prior to submission to the Housing Portfolio Holder for adoption.**

Report:

1. Following the tragic fire at Grenfell Tower in the London Borough of Kensington and Chelsea, as expected, the Council has received a number of enquiries from members, and some residents, about the Council’s approach to fire safety. In response, an item was placed in the Council Bulletin to explain the Council’s approach to fire safety and associated issues.

2. The contents of that Bulletin are set out below, along with an updated position and a number of follow-up matters for further consideration.

High-rise blocks

3. High Rise is defined by the Government as being 18m or taller and more than 5-storeys in height.
4. The highest blocks of flats The Council has are five-storey – which are the blocks of flats at Limes Avenue and Copperfield on the Limes Farm Estate, Chigwell and at Hornbeam House in Buckhurst Hill. The blocks at Limes Farm comprise flats on the ground floor (owned and managed by London and Quadrant Housing Trust) with two levels of EFDC-owned 2-storey maisonettes above.
5. However, none of these are enclosed blocks – all of the residents' front doors are accessed from open deck-access walkways. The blocks at Limes Farm also have enclosed lifts and stairways up to the 1st and 3rd floors, and open stairways from the ground floor up to the 1st floor. The maisonettes on the 3rd floor have access to at least two communal stairways.
6. The Council also has a number blocks of flats that are four stories high - in most cases accessed by internal communal stairways. In the event of a fire, they are of a sufficient height that can be accessed by the Fire Service to rescue people if required.

Fire Safety Risk Assessments

7. In accordance with the Regulatory Reform (Fire Safety) Order 2005 and the Housing Act 2004, the Council undertakes Fire Safety Risk Assessments of all the communal areas in its blocks of flats.
8. The Council's Fire Safety Risk Assessments are categorised into Low, Medium or High Risk buildings. The high risk buildings are:
 - Sheltered housing schemes;
 - Norway House Homeless Persons Hostel, North Weald; and
 - Hemnall House, Epping

The blocks that fall into medium risk are those that are four storeys or blocks with shops below. All other blocks are categorised as low risk.

9. Fire Safety Risk Assessments of the high and medium risk buildings are more complex. Therefore, the Council has a contract with a specialist fire safety company, Due Diligence Solutions (DDS), to undertake the Fire Safety Risk Assessments on its behalf.
10. Coincidentally, and somewhat reassuringly, DDS have only recently completed the Fire Safety Risk Assessments for all of the Council's high and medium risk buildings, and their subsequent reports therefore give a very up to date assessment.
11. Fire Safety Risk Assessments for low risk buildings are undertaken by the Council's Housing Assets Team on a rolling programme – and all low risk blocks have had a Fire Safety Risk Assessment within the last 2 years. However, subsequent to the recent fire at Grenfell Tower, DDS have been asked to undertake a random sample of the low risk Fire Risk Assessments completed by Officers to provide reassurance about their quality and accuracy. It is reassuring to note that these have found to be fit for purpose, with no concerns raised.

12. The Fire Safety Risk Assessments cover a number of aspects. They consider both the physical environment of communal areas (e.g. gas pipes, fire extinguishers, condition of fire doors) and any hazards (e.g. obstructions, unauthorised carpets and other floor coverings).
13. Reports are produced for each inspection and any required actions are identified and recorded. Actions fall into two main areas:
 - Property-related – these are actioned by the Housing Assets Team or the Housing Repairs Service; and
 - Tenant-related – these are actioned by the Area Housing Offices.
14. It is fair to say that actioning and pursuing tenant-related issues is often problematical - since they invariably involve asking tenants to remove things like flower pots, children's equipment, buggies, carpets, rugs etc from communal areas. The Council also enforces the removal of items stored in communal loft spaces and meter cupboards in blocks. Housing management officers therefore work very hard to pursue these issues, often in the face of strong opposition from tenants, who rarely appreciate or understand why these issues are pursued, which they often consider to be petty and unnecessary.
15. However, it was somewhat heartening to receive a telephone call from one resident the week after the Grenfell Tower fire, who took the trouble to say that she did not previously appreciate why the Council was so insistent on her and the other residents in her block removing some items from their communal area but, following the Grenfell fire, she now fully appreciated the importance.

Communication from Essex County Fire and Rescue Service

16. A few days after the Grenfell Tower fire, all local authorities in Essex received an email from the Technical Fire Safety Team at the Essex County Fire and Rescue Service advising that, following the fire, the Essex Fire Authority had decided to undertake an inspection programme of all residential high rise premises across the county.
17. Subsequently, during the summer months, the Essex County Fire and Rescue Service undertook detailed site inspections of each of the blocks that are 5-storied tall, which included an audit of the FRAs undertaken by DDS. A letter of assurance has now been received from the Essex County Fire and Rescue Service confirming the findings of the FRA's for each of the blocks are satisfactory.

Audit of fire extinguishers in blocks of flats

18. One of the outcomes from Fire Safety Risk Assessments a few years ago was a need to undertake a comprehensive review of the number and location of fire extinguishers in communal areas to the high risk blocks, including Sheltered Housing Schemes and at Norway House. Therefore, as a result, a full audit of fire extinguishers in communal areas was undertaken in 2016, which resulted in a number of additional fire extinguishers being provided and a number of fire-extinguishers being re-located. This was in addition to the ongoing programme of planned individual fire extinguisher checks. It should be noted that fire extinguishers are not required in any of our general needs flat blocks

Pre-planned Internal Audit Study on Fire Safety Risk Assessments

19. Co-incidentally, a planned Internal Audit Study of Fire Safety Risk Assessments is included as part of the Council's Audit Plan for 2017/18. The outcome of that audit resulted in a "Moderate" Assurance opinion, with a small number of recommendations added to the Internal Audit's "Audit Recommendation Tracker", which is overseen by the

Audit and Governance Committee. The table of findings can be found at Appendix 1.

Smoke and heat detectors

20. The Council has just completed a programme of installing hard-wired linked smoke and heat detectors in all of its Council properties, primarily funded from money made available through the former Housing Improvements and Service Enhancements Fund.
21. "Hard-wired" means that they are connected to the property's electrical wiring, which means that they are not reliant on the tenants changing batteries – although they do have a battery back-up as well.
22. "Linked" means that, in two-storied buildings (e.g. houses), if one smoke detector is activated from smoke or heat, the other detector sounds as well.
23. The smoke and heat detectors are checked annually by the Council. Those properties with gas appliances that receive annual gas servicing and safety checks (which is the majority), are checked by the Council's gas servicing contractor, Gracelands CMS Ltd. The remaining 106 properties are checked annually by the Council's Housing Repairs Service. It should be noted, though, that gaining access to tenants' properties can be difficult – especially those that are not being gas-serviced. A number of letters are sent; if no response is received after the 3rd letter, the case is passed to the Area Housing Office to secure access, ultimately taking legal action if necessary.
24. However, it should be noted that the Council is only able to install, maintain and check smoke detectors in the Council's own properties. The provision and maintenance of detectors in leasehold properties in blocks of flats is the responsibility of the leaseholders themselves.

Installation of fire-resistant front doors to flats in blocks

25. The Council has also recently completed a programme of installing 30-minute fire resistant front doors to Council flats in blocks. This means that the doors should be resistant to fire for at least 30 minutes.
26. However, again, the Council can only install these front doors to the Council's own properties; it is the responsibility of leaseholders to install doors to their own properties. However, in order to encourage and assist leaseholders to install such doors – and to improve the overall fire safety in blocks of flats - members agreed an initiative a number of years ago to offer leaseholders a discount of 75% from the cost of installing these doors, at the same time as they are being installed in the Council's properties in their block.
27. Although many leaseholders have taken up this offer, unfortunately, despite the generous discount offer, a number have chosen not to. The Select Committee is therefore invited to give its views, following the on-going Fire Risk Assessments and considered necessary, on whether or not the Council should enforce through the Courts the need for leaseholders to change their front doors so they provide a compliant level of fire safety to other residents in the blocks.

Sprinklers and fire alarms

28. The Council is not required to provide, and has not ever provided, sprinkler systems in any of its properties. However, this is further discussed later in this report.
29. Fire alarms are installed in all of the Council's sheltered housing schemes, Norway House Homeless Persons Hostel, North Weald and Hemnall House, Epping – which are

regularly tested and serviced. Fire alarms at sheltered housing schemes and Norway House are also linked to the Council's Careline Service, which is now hosted by Tunstall Telecom.

30. Enquires are still ongoing into the cause of the fire at Grenfell Tower, and it could be some time before any firm recommendations are drawn from the tragedy. However, much media attention is still focusing on the use of sprinklers generally in flat blocks, with many local authorities now commissioning systems in their blocks, although it is emphasised that these are mainly high-rise blocks, with limited means of escape for residents.
31. It is not possible to obtain estimates for such installations without a detailed survey being undertaken. However, whilst it is not a statutory or Government requirement, it is the recommendation of Officers that a further feasibility study be carried out into the possibility of installing sprinklers into the Council's sheltered accommodation and at Norway House, North Weald and Hemnall House, Epping where the risks to the residents is greatest due to the nature of the buildings and the vulnerability of the residents, and that a report be brought back to the Communities Select Committee on its findings, including the estimated costs, with recommendations on the proposed way forward.

Fire drills and Evacuation Policy

32. Fire drills are held every six months at all of the Council's sheltered housing schemes, and more regularly (every three months) at Norway House.
33. Following the Grenfell Tower fire, there has been much media coverage about the "Stay Put Policy" that appears to have been adopted for that building.
34. The approach the Council has always taken to its sheltered housing schemes and Norway House and Hemnall House, based on the previous advice of the Essex Fire and Rescue Service, has been to adopt an "Evacuate Policy" and not a "Stay Put Policy", although more recent general advice by the Fire and Rescue Service appears to suggest that landlords should consider the merits of adopting a "Stay Put", although they emphasise that this is a decision for the landlords, dependent on the circumstances of individual buildings and the outcome of their Fire Risk Assessments. Since all of these buildings have communal fire alarms installed, it is suggested that the Council's Evacuation Policy is maintained.
35. However, neither an Evacuation Policy nor a Stay Put Policy has been adopted to date in the Council's general needs (i.e. not specialist) blocks of flats. One alternative to both of these approaches, which is now being adopted by a number of social landlords and is the recommendation of Officers, is to adopt a "Stay Safe" Policy - where it is incumbent on the occupants to decide for themselves whether or not to evacuate their building, dependent on the circumstances of the fire, the location of the fire and the resident in the building and their own assessment of whether or not that can safely escape from the building. Officers are of the view that this is a more flexible and better approach, as it is impossible to predict the circumstances should a fire break out, and in any event, it would be the Fire Officer in charge of any incident to manage the situation in the event of a fire.
36. Should a "Stay Safe" Policy be adopted, then it would be necessary to issue all occupants with a detailed guide on what they should do to stay safe. These would be specific to the circumstances of the blocks' constructions, for example a block with open balconies will have different risks to those with enclosed staircases, and blocks with fire alarms will have a different warning system to those without.

37. The “Stay Safe” Policy is the standard advice offered in Wales, and is being adopted more and more by other Local Authorities across the UK since the Grenfell tragedy. However, the importance of members making the right decision on the approaches adopted for different buildings owned by this Council is emphasised, especially following the Grenfell Tower tragedy, since if a serious fire does occur in any of the Council’s buildings, the circumstances of the fire, the approach adopted by the Council and the actual actions of residents will inevitably, and quite rightly, be under intense scrutiny.

External cladding

38. Much of the media attention about the Grenfell Tower focused on the external cladding used.

39. The Council has very few blocks of flats across the District with external cladding, notably at:

- Limes Avenue and Copperfield, Limes Farm Estate, Chigwell;
- Springfields, Waltham Abbey; and
- Harveyfields, Waltham Abbey.

40. None of these flats have the same cladding as is understood to have been used at Grenfell Tower, which is understood to be Aluminium Composite Material (ACM).

41. Following an assessment of the type of cladding used on all the Council’s blocks of flats in the District in the light of the Grenfell Tower fire, it can be reported that there are no instances where a rainscreen type of cladding system has been used (which is essentially where a cavity is formed that could be a conduit for the flames and smoke to pass, as was the case at Grenfell Tower). However, the insulation material used at both Springfields and Harveyfields, Waltham Abbey are of a flammable Polyisocyanurate (PIR) or Expanded polystyrene (EPS) type material, but these are sealed and so reduces the risk of spread of flame. The cladding used at Limes Farm is a Phenolic foam material, which does not readily burn and has a fire test certificate to prove its safety.

Members’ visit to Norway House

42. Members of the Communities Select Committee and the Cabinet undertook a visit and tour of Norway House Homeless Persons Hostel shortly after the Grenfell Tower fire. In light of this, members asked a number of questions about fire safety at Norway House and saw for themselves the physical environment and safeguards taken. In 2014, passive fire installation works were carried out at Norway House, including the replacement of intumescent strips in doors. Private hydrant testing is undertaken annually at both Norway House and Hemnall House.

43. Members in attendance were very satisfied and re-assured with what they saw and heard with regard to fire safety at Norway House.

Portfolio Holder visits to blocks of flats

44. Following the Grenfell Tower fire, the Housing Portfolio Holder visited some of the larger Council blocks of flats, and extended the invitation to the local ward members to join her.

45. To date, the Portfolio Holder has visited the Limes Farm Estate, Chigwell, and Springfields, Waltham Abbey. All Members that attended were satisfied with the fire safety measures that were incorporated in the blocks.

The Council’s Commercial Properties

46. In terms of fire safety within the Council's commercial property portfolio, all leases state that the Tenant has a legal obligation to keep in good and substantial repair, the interior of the premises, any fixtures and fittings and the shop front (on retail premises). Their leases also state that they are not to store or bring upon the premises any articles of a specially combustible inflammable or dangerous nature and to keep clean and tidy free from all obstructions at all times, any common staircases and balconies.
47. The tenant also covenants to do and execute all such works and that by virtue of any Act or Acts of Parliament now or hereafter to be passed or any byelaws rules and regulations that are required to be done or executed upon or in the Demised Premises or any part thereof (i.e. they must adhere to any relevant statutory requirements but please note this only relates to the Demised Premises - not the structure of the building as this is the Council's liability).
48. In respect of the structure of the building and checking that the tenant is adhering to the above covenants, the relevant Asset Manager carries out inspections of the properties to ensure that no danger is being created by the actions of the tenant or by the disrepair of the main structure. Furthermore if any tenant reports any dangerous defect, the Facilities team or Housing Repairs team are instructed as quickly as possible to attend site to rectify the defect and to make safe the area.

What else has changed since Grenfell Tower

49. The Government has continued to gather statistical and technical data from all social landlords (i.e. both housing associations and local authorities), in particular on the use of ACM cladding systems on blocks higher than 15m or over 5-storeys tall. The Council's return only covered a single block of private flats that is currently under construction in The Broadway at The Landmark, Loughton, currently under construction by Higgins Homes. Details of its construction have been obtained and passed to the Government Office coordinating the data analysis. The building is built on Council land and as such the Council is the freeholder, which means the Council has some responsibility for its safety (see below).

Fire Safety Policy

50. Officers are never complacent about fire safety. Much of what the Council has put in place above in relation to its own residential accommodation is all good practice. However, there is a need to capture all of this in a comprehensive Fire Safety Policy. In order to prepare such a Policy, it will be necessary to incorporate some of the recommendations contained in this report, namely the options to explore the use of sprinklers and the adoption of both the Evacuation Policy and Stay Safe Policy as appropriate.
51. Any future Policy will also need to be kept up to date with any additional measures the Council feels are necessary in the light of the reports and guidance that will flow from the Public Inquiry for the Grenfell Tower fire.

Private Park home sites licensed by the Council

52. Following the fire at Grenfell, requests have been received from both site owners and park home owners for clarification as to what is an acceptable standard for external cladding to park homes and what this means in practice. Even though the fire at Grenfell was to a high rise building, the issue of cladding and fire safety is still relevant in terms of the quality of material that should be allowed and the separation distance between homes that needs to be maintained.

53. Park home owners fit external cladding to their homes to improve the thermal efficiency of their home, to weatherproof and/ or to improve the external appearance of the home generally.
54. Cladding comes in a variety of forms depending on the purpose for which it is fitted and this includes timber weatherboarding, PVC, metal and also a range of composite materials.
55. Cladding that is composed of fire resisting material is effective in slowing down the spread of fire over the surface of a home and the EFDC standard site licence conditions for residential sites in EFDC (which are based on the Governments Model Standards 2008 for Caravan Sites in England) reflects this by allowing a reduced spacing between homes where Class 1 fire rated cladding is fitted to its facing walls. The equivalent European standard that may be used is EN B-s1,d0 and the company supplying the cladding should be able to demonstrate that their product meets Class1 or EN B-s1,d0 by providing an appropriate product test certificate from a UKAS accredited organisation or equivalent.
56. The Council's license conditions require that:
 - Every park home must where practicable be spaced at a distance of not less than 6 metres (the separation distance) from any other park home which is occupied as a separate residence.
 - However, where a park home has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent park home may be reduced to a minimum of 5.25 metres.
 - Any park home that contravened the above conditions prior to the issuing of the new site license and conditions will be allowed to remain. Such situations should be recorded in the Fire Risk Assessment for the site and any compensatory measures put in place to protect persons in adjacent homes. The relevant date for each site is stated on the site license for that park home site.

The Council's commercial portfolio

57. In terms of fire safety within the Council's commercial property portfolio, all of the Council's commercial leases state that the Tenant has a legal obligation to keep in good and substantial repair, the interior of the premises , any fixtures and fittings and the shop front (on retail premises). Their leases also state that they are not to store or bring upon the premises any articles of a specially combustible inflammable or dangerous nature and to keep clean and tidy free from all obstructions at all times, any common staircases and balconies.
58. The tenant also covenants to do and execute all such works and that by virtue of any Act or Acts of Parliament now or hereafter to be passed or any byelaws rules and regulations that are required to be done or executed upon or in the Demised Premises or any part thereof. (i.e. they must adhere to any relevant statutory requirements but please note this only relates to the Demised Premises - not the structure of the building as this is the Council's liability).
59. In respect of the structure of the building and checking that the tenant is adhering to the above covenants, the relevant Asset Manager carries out inspections of the properties to ensure that no danger is being created by the actions of the tenant or by the disrepair of

the main structure. Furthermore if any tenant reports any dangerous defect, the Facilities team or Housing Repairs team are instructed as quickly as possible to attend site to rectify the defect and to make safe the area.