

REPORT TO THE ADULT SERVICES AND HOUSING POLICY AND SCRUTINY PANEL

DATE OF MEETING: 27TH JULY 2017

SUBJECT OF REPORT: FIRE SAFETY UPDATE

TOWN OR PARISH: N/A

OFFICER/MEMBER PRESENTING: HOWARD EVANS

KEY DECISION: NO

RECOMMENDATIONS

The Panel note the actions taken by the Council following the Grenfell Tower fire and the contents of briefings, press releases and other information issued

1. SUMMARY OF REPORT

The purpose of this report is to update the Panel on the actions taken since the tragic fire at Grenfell Tower and provide a broad background to fire safety legislation in relation to residential properties.

2. POLICY

There is no impact on Council policy because fire safety responsibilities are governed by national legislation and regulations.

3. DETAILS

Following the tragic fire at Grenfell Tower the government have announced a public enquiry and the terms of reference are being finalised, although in the interim a panel of fire safety experts (Independent Expert Advisory Panel IEAP) has been assembled by DCLG to consider short term actions. Information has also been requested from Local Authorities and other bodies about some high rise buildings and support has also been offered by Government in undertaking testing of insulation materials.

The government have also established an Industry Response Group to help coordinate the construction industry's response to the challenges of implementing recommendations from the IEAP and government.

Actions taken

The investigation into the tragedy at Grenfell Tower is ongoing and one area of focus is the use of Aluminium Composite Materials (ACM). Whilst ACM cladding is not of itself dangerous, it is important that panels of low combustibility are used. Where ACM is found Government is offering free testing to social housing providers to check that it is of limited combustibility. This offer has been extended to residential high rise buildings in private ownership.

We have provided information regarding buildings in scope for investigation by the Department of Communities and Local Government, the Department for Education and Avon Fire and Rescue Service. To date no public buildings in scope for investigation have been identified in North Somerset with cladding materials similar to those used at Grenfell Tower.

The government wrote to all Registered Housing Providers requesting information on high rise buildings. Council staff contacted each provider who have housing stock in North Somerset to check that they had received the request and also requested copies of their responses.

Following the transfer of the former housing stock from the council to Alliance Homes the council no longer own any housing apart from approximately 150 units of sheltered leasehold accommodation provided in a number of blocks across North Somerset where the council is the Freeholder or Long Leaseholder. Alliance Homes manage these blocks under contract with the council.

Alliance have confirmed that they own 3 blocks of housing over 18 meters in height and that none of the sheltered leasehold blocks managed on the councils behalf exceed this height. They have also confirmed that none of the sheltered leasehold blocks or blocks they own are clad using the Aluminum Composite system. Where blocks have been clad the system used involved mineral wool with a cement finish which Alliance have advised is classified as non-combustible.

Since the fire and as more details have been released, we have received an increasing number of Freedom of Information requests, many of which requested similar or identical information, consequently, we have produced a FAQs paper which has been published on the councils our website.

In addition we have been asked by the National Fire Chiefs Council (NFCC) if any officers visiting people who live in high-rise residential buildings could make some basic fire safety enquiries with the occupiers and where appropriate refer them to Avon Fire and Rescue Service for advice and information. An article was published in The Knowledge and this request has been extended to any commissioned service, charity or other voluntary and community sector organisation.

Many social landlords contacted their tenants living in flats to make them aware of the latest fire safety advice for their homes and to provide information about any cladding that may have been fitted. Alliance Homes visited their higher fire risk properties to provide information to residents and check the fire risk assessments.

Avon Fire and Rescue Service (AF&RS) have published advice for concerned residents on their website (link provided at end of report). They are in the process of identifying high rise blocks of flats across their area and prioritising buildings with a view to carrying out reassurance visits where appropriate

The Care Quality Commission have also issued fire safety advice to care home premises. The council's contract compliance team will follow up on this advice as part of its monitoring of care providers and liaise with CQC and AF&RS around further prominence of fire safety measures.

Links to the briefings and other information referred to in this report are at the end, also a glossary of fire safety terms in Appendix 1 and The Knowledge article Appendix 2.

Fire Safety Legislation

In the context of fire safety requirements for residential buildings it would be sensible to examine two stages of a buildings life:

- Time of construction or conversion, refurbishment
- Occupation for residential use

Building Regulations - New build or refurbishment works

Any new build or refurbished building must comply with the 2010 Building Regulations (as amended). The technical requirements for new construction that must be met under the regulations are set out in Approved Documents. These provide practical guidance on how to comply with the requirements of the regulations, and also reference more detailed British Standards and other guidance. The aim of this approach is to provide a level of flexibility on how the regulations are met.

Approved Document B (2006 edition incorporating 2010 and 2013 amendments) on fire safety covers means of escape, fire alarms, internal and external fire spread, and access and facilities for fire and rescue services.

It is the responsibility of anyone carrying out building work to ensure compliance with the regulations. The Government website provides information on when Building Regulations approval is required. Any major work should be regularly checked by either local authority building control or an independent inspector to ensure compliance. Completed work is then issued with a completion certificate to demonstrate that works meets building regulations. Local Authorities are responsible for enforcement.

Fire Safety Authorities are statutory consultees on fire safety under the regulations. The Government published Buildings Safety and Fire Safety Procedural Guidance in 2007 setting out the steps involved in approving the fire safety aspects of building work.

In recent days the government have written to all building control bodies highlighting key Building Regulation requirements when cladding work on high rise buildings over 18 metres tall is undertaken.

Developers and builders choose who will be responsible for checking that work complies with the Building Regulations requirements which can be Local Authority Building Control (LABC) or an independent inspector/company. It is the responsibility of those carrying out the work to ensure that the provisions of the regulations are fully met.

The Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 (FSO 2005) was introduced with the aim of consolidating existing legislation on fire safety, and reducing overlaps. The changes followed extensive debate and consultation.

The FSO 2005 consolidated the wide variety of legislation at that time on fire safety, extended its coverage so there was a single fire safety regime applying to all workplaces and other non-domestic premises, including common parts of houses in multiple occupation and blocks of flats; and also introduced a risk-based assessment approach to fire safety.

The FSO 2005 applies to all non-domestic premises, including the communal areas of apartment blocks. The Order designates those in control of premises as the responsible

person for fire safety in communal areas. In the case of apartment blocks, this duty falls on landlords and building owners. They have a duty to ensure that a fire risk assessment is carried out to identify hazards and risks, and remove and reduce these as far as possible.

There is Government guidance on carrying out fire risk assessments, including in relation to the communal areas of flats in Fire safety risk assessment: sleeping accommodation, published in 2006. The Local Government Association published guidance in 2011: Fire safety in purpose-built flats. This sector-led guidance was produced after landlords voiced concerns about how best they could deliver an appropriate level of fire safety in purpose-built blocks of flats.

Enforcing Authority

Avon Fire & Rescue Service (AF&RS) has agreed with all four unitary authorities (LAs) in the West of England who will be the 'lead' authority for particular types of property. This is to avoid duplication for landlords. However, this does not remove the legal powers each authority has - particularly if a serious situation arises. There is regular liaison between each agency and exchange of information on actions taken.

AF&RS and the LA will act as lead authorities for different types of buildings:

AF&RS

- Premises with mixed commercial and associated residential accommodation and sheltered housing –
 - "Associated" means there is not independent access which is adequately fire separated, so where residential accommodation such as an House in Multiple Occupation (HMO) is completely separated from commercial accommodation the LA will take the lead in the HMO and AF&RS with the commercial accommodation.
- Hostels – Accommodation where a kitchen is used to provide board (if food only is provided, the property will be treated as an HMO).
- Common parts of purpose built blocks of flats
- Premises where the LA are the landlords

North Somerset Council (Private Housing Team)

- Single dwellings
- All HMO's, whether or not subject to licensing
- All self-contained flats whether purpose built or converted

The Fire Safety Order (FSO) also applies to the common parts of properties let as:

- bedsits
- shared houses on multiple tenancies (not if joint tenancy)
- self contained flats
- Properties with mixed use of bedsits/shared accommodation and flats.

In addition, a formal protocol has been agreed between the West of England Local Authorities and AF&RS which is regularly reviewed.

Housing Act 2004

The Housing Health and Safety Rating System (HHSRS) was introduced by the Housing Act 2004 and has been in force in England and Wales since April 2006. It replaced a Housing Fitness Standard which had some significant failings, in that it did not distinguish between defective dwellings and genuine health and safety hazards.

The HHSRS is a risk based assessment tool which is used by the council to assess the risk (the likelihood and severity) of a hazard in residential housing to the health and safety of occupants or visitors. There are 29 categories of potential hazards of which fire is one. The HHSRS covers individual flats within a block and also communal areas. The standard is tenure neutral, it can be used to assess hazards in private and social rented housing and also in owner occupied housing. The act gives powers where Category 1 or 2 hazards are identified in a dwelling, to serve a notice requiring work of improvement to eliminate the hazard.

Houses in Multiple Occupation

Following the introduction of the FSO (2005) LACORS published helpful guidance (Housing – Fire Safety guidance on fire safety provisions for certain types of existing housing) in conjunction with the Chartered Institute of Environmental Health and The Chief Fire Officers Association which covers the majority of housing including HMOs. The guide is intended for buildings which have been constructed or adapted for use as domestic dwellings, and covers a range of existing residential premises including: shared houses, bedsit HMOs, purpose-built flats and conversions into self-contained accommodation to a standard not compliant with Building Regulations 1991.

There is a separate piece of work in progress in relation to housing conditions in the private rented sector which will include information on activity around enforcement in HMOs (and single dwellings) and proposals for the future strategy.

Sprinklers

Fire suppression systems are automatically operated systems which are triggered by either heat or smoke and will extinguish or contain a fire until further help arrives. The systems vary and use water, foams, chemicals and gases. Water suppression systems include sprinklers, water mist and drencher systems.

At the moment there is no direct requirement for the installation of sprinkler systems although AFRS promote the installation of sprinklers in education, commercial, residential and domestic premises as part of a fire engineered solution which could be linked to a FRA.

Next Steps

An internal Fire Safety Review Group comprising colleagues from a range of services involved in fire safety standards and asset management has been established which will respond to any new information or guidance released following the Grenfell Tower fire and will also keep members informed.

* A note of caution, the information in this report is correct at time of publication but could change at any time and it should not be regarded as an interpretation of the law.

4. CONSULTATION

Consultation in providing this report has taken place with Avon Fire & Rescue and the Fire Safety Review Group members.

5. FINANCIAL IMPLICATIONS

At the time of writing this report no additional financial implications have been identified.

6. RISK MANAGEMENT

The Councils existing risk management arrangements have been reviewed in light of the fire and the Fire Safety Review Group will recommend any further actions as guidance is released by government or other agencies.

7. EQUALITY IMPLICATIONS

None

8. CORPORATE IMPLICATIONS

None

9. OPTIONS CONSIDERED

There were very specific requirements arising from the fire mainly associated with provision of information about the residential stock and assistance with provision of advice and guidance.

AUTHOR

Howard Evans, Private Sector Housing Service Leader

BACKGROUND PAPERS

<http://www.n-somerset.gov.uk/my-services/housing/private-rented-housing/safety-legislation-inspections/fire-safety-in-residential-buildings-following-grenfell-tower-tragedy/>

<http://www.n-somerset.gov.uk/wp-content/uploads/2015/11/Fire-safety-FAQs-1.pdf>

<https://www.avonfire.gov.uk/safety-advice/fire-safety>