

<b>Item No.</b> 20.	<b>Classification:</b> Open	<b>Date:</b> 18 July 2017	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Borough-wide Fire Safety	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Leader of the Council	

## **FOREWORD FOR COUNCILLOR PETER JOHN, LEADER OF THE COUNCIL**

Southwark Council takes fire safety extremely seriously. After the devastating fire at Lakanal in 2009, in which six people tragically lost their lives, we have learned many lessons and transformed the way we assess and respond to fire risk. The fire at Grenfell Tower has been an unimaginable tragedy and again highlights to all of us the threat from fire and our responsibility to continually improve fire safety.

Southwark Council has already taken extensive action to improve fire safety in our tower blocks. Since 2009 we have spent £62 million on our fire risk assessment programme and associated fire safety works, for all council housing in the borough. However, it is right in the wake of this tragedy that we consider the fire safety implications for our own residential housing stock, as well as office accommodation, leisure centres and libraries, and other buildings.

The government has asked all landlords to provide samples of their cladding, and we are keeping a close eye on the results from local Housing Associations, schools and hospitals. If major issues are identified we will work with the landlords/owners to make sure swift action is taken to make the buildings safe. In response to Grenfell the council has carried out an immediate review of cladding and related installation on council properties, confirming that none of the 174 tower blocks in the borough have combustible cladding. Where we have found concerns we are taking action to reassure the public and keep them safe.

While this report focuses on what Southwark can do, we also believe that the Government must take action. It is essential that the Government takes urgent action to investigate and respond to the causes of the Grenfell fire through a robust and thorough inquiry, working with local authorities to identify and take immediate action on any buildings at risk. I have written to the Secretary of State to seek this assurance.

Despite making huge improvements in Southwark we must never be complacent and must always ensure that fire safety is at the forefront of our minds. Working with the Government, Fire Brigade and other partners we will not take anything for granted and this report sets out the steps that the council has taken and is taking to ensure fire safety in the borough.

## **RECOMMENDATIONS**

### **Recommendations for the Cabinet**

1. To note the steps being taken to ensure the fire safety of the council's residential, commercial and office accommodation and other public council

buildings.

2. To note the efforts being made to collate fire safety information for the borough's non-council residential property.
3. To agree to seek confirmation of timely fire risk assessments for buildings owned by housing association providers and managing agents of private residential properties.
4. To require licensed private sector landlords to confirm they have carried out FRA assessments for their properties that comply with the Regulatory Reform (Fire Safety) Order 2005.

## **BACKGROUND INFORMATION**

5. Following the devastating fire in Kensington and Chelsea at Grenfell Tower, officers from across the council met to consider fire safety implications for our own residential housing stock, office accommodation, leisure centres and libraries, commercial property portfolio and other public buildings.
6. We also considered the role the council had to play in determining the safety of non-council buildings, and how the council might give reassurance to residents living in other rented accommodation owned by housing association providers, private sector landlords, or managed by managing agents assuming landlord responsibilities.

## **KEY ISSUES FOR CONSIDERATION**

### **Council residential buildings with cladding**

7. A review of all buildings above 18m with cladding was commissioned to determine if there were properties containing the same or similar type of cladding to that installed at Grenfell Tower. Landlords nationally were also required to submit this information to the Department of Communities and Local Government so that the cladding could be tested.
8. Investigations were undertaken and established that there were nil council housing blocks which had cladding containing Aluminium Composite Material (ACM's) installed. This is the material associated with the cladding system at Grenfell Tower.
9. There were however four low rise council blocks with cladding, all of which has now been tested by Bureau Veritas, an accredited testing company. On three of these blocks on the Hawkstone estate, the testing concluded that the exterior surfaces were robust, would withstand fire without spreading, and no further action is required.
10. On the other block, Medina House, at Rye Hill Estate, the testing concluded that the external surface is likely to prevent the spread of fire, and that provided the insulation is sealed within the stainless steel facings, it should remain completely protected. However, we intend to go beyond the current building regulations and are considering removing the panel system, and replacing the insulation before refixing the cladding, or removing the panel system completely and replacing it with a fascia which is compliant with the regulations required for higher buildings.

## **The Ledbury Towers**

11. At a joint council/LFB public meeting to discuss the implications of the Grenfell Tower tragedy for Southwark on 26 June, a resident alerted the council to a potential fire safety issue in the tower blocks on the Ledbury Estate. They were concerned about large cracks in walls in their flat, which could breach compartmentation and allow smoke and fire to spread between flats. The council immediately asked the LFB to carry out an urgent inspection, and on their advice installed 24-hour wardens, and changed our advice to evacuate immediately in the event of a fire. We then instructed structural engineers Arup to carry out a structural survey of the buildings.
12. We held a subsequent public meeting for residents of the Ledbury towers on Tuesday 12 July to update residents on our investigations. At the meeting Arup confirmed that they have not found anything in their investigations that gives concern about the structural stability of the building but are continuing their assessment. Once Arup have completed their structural work, the council will assess what needs to be done to ensure the blocks are fire safe. We have already begun level 4 fire risk assessments in the blocks to identify all issues that may affect compartmentation.
13. The council has committed to keeping residents of the towers fully informed of our progress, and have written regularly to them with updates. All the information shared to date is also available on our website at [www.southwark.gov.uk/ledburytowers](http://www.southwark.gov.uk/ledburytowers). We are aware of the disruption and concern caused to those living in the towers, and are developing a compensation package to reflect this.

## **Housing Association buildings with cladding**

14. Housing associations were also required to report any buildings with cladding over 18m high to DCLG and for this cladding to be tested. Four housing associations have advised the council that they have properties with cladding which requires testing – L&Q, Peabody, Hyde and Clarion Housing Group.
15. Housing associations have advised the council formally including briefing ward councillors directly. The council has no role in determining the action which the housing association takes with regards to reassuring residents and putting in place remedial actions pending a long-term solution to resolving cladding issues, however for the most part the actions being taken are those which we would expect to see and include:
  - Notifying and carrying out joint inspections with the fire brigade
  - 24-hour fire wardens and patrols
  - Reassurance letters to residents
  - Enhanced staffing presence
  - Additional alarms and early warning systems to alert residents in the event of a fire
16. Officers also checked and investigated other property types within the corporate operational estate and properties where occupants have restricted mobility and other medical issues.

17. These investigations were undertaken by Regeneration and Corporate Facilities Management (CFM) and the findings outlined below.

### **Regeneration – Annex A**

18. A review of the council's non-residential properties was undertaken. A breakdown of building/project, type of cladding and any further action required and associated action plan are contained within Appendix A.
19. There are a few sites where we are awaiting some clarification on the exact nature of cladding from contractors, and any sites on the spreadsheet that do not clarify the exact composition of the cladding will continue to be investigated.
20. A small number of schools built via the Building Schools for the Future programme investigations are ongoing, and we hope to have responses to our enquiries about those imminently.
21. To date, it does not appear that any of these are particularly high risk but we do not yet have complete confirmation until the information from the design manufacturers has been returned.

### **Corporate facilities management**

22. CFM identified 8 buildings for further investigation, outlined below. Investigations were carried out on the 5 and 6 July 2017. Investigations determined that nil properties had cladding containing ACMs installed. A full list of findings is attached within Appendix A.

Below are the 8 sites which CFM identified for further investigation;

- New Camberwell Library
- Peckham Library
- Ann Bernadt Children's Centre
- Canada Water Library
- Bournemouth Road Housing Options
- Southwark Resource Centre
- South Bermondsey Nursery
- Tooley Street

### **Precautionary Requirements**

23. CFM undertook a review of the existing fire risk assessments (FRAs) and emergency plans within the above properties. Where remedial works or further action is necessary, these have been planned and prioritised accordingly.
24. CFM are also checking the fire compartmentation within Canada Water and Tooley Street. This is to check that the fire breaks have been installed as per regulation. This is a precautionary measure only and not directly linked to the type of cladding installation.
25. CFM are working closely with site staff at Anchor Care homes to review the FRA, emergency plans and evacuation procedures. There is no cladding at these sites but occupants may have physical impairment which could slow down the evacuation process in the event of a fire.

26. CFM are also supporting residential and day care centres, reviewing FRAs and emergency plans and assisting site staff with fire evacuations.
27. For supporting people, residential nursing, learning and development sites that are not under the CFM corporate compliance programme, CFM are meeting with managers on 1 August to understand what support is required. This is expected to be a review of the FRA and emergency planning.

### **Fire safety measures in council dwellings**

28. The council has a rolling programme of FRAs and performance for completion of these within target time is included in the departmental performance monitor which is reviewed on a monthly basis by the housing and modernisation departmental management team, and also by the cabinet member for housing. Performance is currently green with 100% of FRAs completed within target time.
29. However, in view of the current fire safety concerns, the fire safety team, irrespective of when the last FRA was carried out, has been asked to carry out a new FRA for each of our 174 tower blocks, together with the repairs compliance team, so that any follow on repair issues can be immediately ordered.
30. At the same time, resident services officers will continue to carry out frequent checks of these blocks to address any management issues such as, dumped rubbish, obstructed access or general clutter.
31. The council has also engaged the services of an industry expert independent consultancy, BB7, to undertake an independent fire risk management audit and a top down review of the council's fire safety processes and procedures. This will include a comprehensive audit of Southwark Council's fire risk management system and an audit of the organisations fire risk assessment programme.
32. BB7 will undertake an audit following a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which the organisation complies with the requirements of legislation and national guidance.
33. The review will consider a mix of each type of location, along with a cross section of storeys and unit size and will include hostels, travellers sites, sheltered housing schemes, barrow stores, flat conversions and purpose build blocks ranging from low rise to the highest rise.
34. The sample locations will be selected randomly by BB7 and will comprise 36 locations in total. BB7 will undertake this work throughout August 2017 and will report back to the council through OSC in September 2017.
  - i. A working group has been set up led by the development delivery manager which will review the processes and procedures developed for the new build programme. This will include the overarching design standards for the new build programme, the detailed employers' requirements, and bespoke procedures for the programme. In addition, the review will consider whether allowances will need to be made for future proofing developments to take into account potential changes in legislation, review the proposed on site quality control regime and whether additional resources are required to enhance this area.

- ii. A working group has been set up led by the head of investment to review current refurbishment specifications. The group will include technical staff, project managers and fire safety team representatives and a draft report will be prepared for a wider group of managers in asset management and then the final report for the lead cabinet member for housing by the end of August.
- iii. In addition to the above, officers also ensure that reviews are carried out of contractors' fire safety training and competence, and that they are up to expected standards and levels.
- iv. Officers will consider the fire safety of other high rise blocks across the borough and will request and review the fire risk assessments from housing association providers in the borough.

### **The council's commercial estate**

35. The significance of the commercial estate is threefold:
  - a) in some cases commercial properties are located under residential properties, including some of the 174 tower blocks of seven storeys and over owned by Southwark
  - b) elsewhere they are situated within or close to residential estates and
  - c) the units may accommodate potentially higher risk activities including food/takeaway uses and light industrial activities.
36. The property team, which is responsible for the management of the council's commercial estate of 820 units, will supplement its programme of periodic property inspections by commissioning specialist third party construction and compliance specialists, to be appointed. A programme of inspections is being drawn up, prioritised according to risk taking into account construction, situation and use. All priority inspections will be completed by 30 September 2017.
37. We will seek to ensure that tenants comply with obligations set out in their leases in relation to fire and means of escape, building compartmentation, electrical certification and storage of hazardous materials. Where non-compliance is identified enforcement will be pursued through the relevant statutory agencies or, where appropriate, pursuant to lease terms.

### **Tenants and residents association halls**

38. The engineering & compliance team undertakes a rolling programme of fire risk assessments and other checks to tenants and residents association (TRA) halls and progress with this is monitored. The compliance regime is set out in the table below. This includes TRA halls in tenant management organisation (TMO) managed areas.
39. The communities team also offers accredited training to volunteers who manage TRA halls and this includes a module on fire safety and evacuation.
40. A new licence agreement is to be rolled out across the whole halls portfolio that clarifies the respective responsibilities of the council and the TRA and this

includes that the council retains responsibility for the maintenance and repair of the property and all safety compliance procedures relating to fire. A review is being undertaken of these policies and procedures.

<b>Activity</b>	<b>Current Arrangements</b>
<b>Electrical</b>	
PAT testing asset register of all portable appliances.	Complete with asset register. Contract procured for future PAT and electrical installation testing.
Testing of electrical installations	Complete with asset register. Contract procured for future PAT and electrical installation testing.
<b>Fire</b>	
Equipment – extinguishers, blankets, signage etc.	Complete and annual inspection and maintenance incorporated into existing contract
Fire alarms, emergency lighting systems	Fire risk assessments currently under annual review. Resulting works to be progressed through major works contract.
Fire doors - renewal	Incorporated into major works contract
Fire risk assessments	Annual review taking place
<b>Gas</b>	
Gas safety checks (annual servicing)	Annual inspection completed with halls having current gas certificates. Contract in place for annual inspection and maintenance.

### **Building control**

41. Southwark Council's building control division assesses building plans and inspects ongoing building work to ensure that as far as reasonably practicable that the building regulations have been met. The main purpose of building regulation is to protect the health and safety of people when in and around buildings.
42. Fire safety is one of 15 principal areas where the regulations seek to reduce risk and ensure that the built environment is safe. When assessing buildings for fire safety, building control work with architects and developers to provide both the regulatory challenge and information and advice should a design appear to fall short of the national requirements. The building control division also works closely with the London Fire Brigade (LFB) to ensure that sufficient provision for firefighting is available once construction work has completed.
43. The council's resources are finite and the building regulation inspection regime forms a snapshot of work in progress. Inspections are spot checks and are not a replacement for high quality day-to-day site supervision by the client, developer and contractor.
44. It is important to note that not all building regulation work is undertaken by the council. A number of years ago the government deregulated building control and introduced private sector competition. In the financial year 2016-17, 58% of

building sites in Southwark were under private sector building control bodies.

45. Notwithstanding this, the council's building control division works with the biggest developers delivering the council's regeneration programmes. We work in partnership with public and private organisations as an integral part of the team ensuring that standards are maintained and that the built-environment forms safe places for people to live and work.

### **Community awareness and engagement**

46. LFB carry out routine fire safety community engagement and awareness activities across the borough and undertake free home fire safety visits that can be booked by residents at any time. The visits consist of firefighters visiting residents in their homes and providing bespoke advice on how to minimise the risk of fire. This can include fitting of free smoke alarms and recommendations on other equipment. Where people may have increased risk of fire due to for example a specific health or lifestyle factor (for example being a smoker, a hoarder, having an alcohol dependency or suffering from mobility issues that make escape more difficult) then LFB encourage booking of a visit at which they will undertake a risk assessment and advise accordingly. Officers in the communities team have offered support to LFB in arranging a further programme of wider community awareness events across the borough.
47. The council has published a special edition of Southwark Life focusing on fire safety, to go to every home in the borough. This reinforces key messages around fire safety, and seeks to reassure residents of our commitment to making all our homes as safe as they can be. We have also developed a specific area on our website with key messages and frequently asked questions, to keep residents up to date.

### **Tenant management organisations (TMOs)**

48. Southwark has 15 TMOs but the council retains responsibility for the refurbishment and major works of all TMO managed properties with the exception of Leathermarket JMB. In all cases including Leathermarket the council reviews all major works on completion and the fire safety team does a new fire risk assessment (FRA). The council's fire safety team also carries out the FRAs for all TMOs including Leathermarket JMB. In the case of Leathermarket JMB the JMB have been reviewing their fire safety strategies in liaison with the council. The TMO Liaison Committee brings together council officers and all TMOs to discuss issues of concern to all TMOs in the borough and fire safety issues have also been discussed here. The council's communication with residents on fire safety has also been shared with TMOs so they can pass this on to residents in TMO manage homes where their details are not on the council's systems.

### **The voluntary and community sector**

49. Discussions have been held through the quarterly council/voluntary and community sector (VCS) liaison meeting on fire safety and emergency planning issues. VCS representatives and Community Southwark have committed to raising awareness of fire safety issues among staff of VCS organisations across the borough including promoting and supporting training for staff and volunteers. While some VCS organisations because of the nature of the clients they work



with are already using the LFB fire risk assessment tool where they are concerned about increased fire risk among vulnerable people others are less aware and work will also be carried out with the VCS to widen awareness and use of this. Age UK Lewisham & Southwark provide a range of support to older people in both boroughs that aims to increase their independence and keep them safe in their own homes including through the Safe and Independent Living (SAIL) project and this can also include access to support with fire safety issues where it is needed.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

50. The Regulatory Reform (Fire Safety) Order 2005 places duties upon the council as the owner or user of premises and as an employer of people working in buildings, to maintain fire safe premises.
51. The Localism Act 2011 gives councils a general power of competence whereby they have power to do anything that individuals generally may do. This would allow the council to set up a register of fire risk assessments for buildings owned by housing association providers and managing agents of private residential properties.
52. This power can be used even if legislation already exists that allows a local authority to do the same thing. However the general power of competence does not enable a local authority to do anything which it was restricted or prevented from doing under that previous legislation. The director of law and democracy is not aware of any pre-commencement or other limitation.
53. However the director of law and democracy is not aware of any power to compel compliance.
54. The Housing Act 2004 requires houses in multiple occupation (HMO) of a certain size to be licensed and gives discretion to councils to require other types of private rented housing to be licensed. Southwark introduced an additional licensing scheme for HMOs and a selective scheme for other types of private rented housing in certain areas in 2015.
55. The property licence standard conditions require compliance with Southwark's HMO standards, LACORS fire guidance and Southwark Private Rental Standards. If the property is not a single self contained dwelling it must have a Fire Risk Assessment that complies with the Regulatory Reform (Fire Safety) Order 2005. The council may require licence applicants to produce documentary evidence of compliance with licence requirements.
56. In order to comply with the Equalities Act with regard to buildings under our control in identifying and carrying out any works associated with fire safety, officers must to identify any persons, whether they are our tenants, leaseholders, private tenants or others who may have special needs or requirements that affected by the works.

## **Strategic Director of Finance and Governance (Ref: 17/026)**

57. This report sets out the measures currently being undertaken to ensure fire safety across the council's own residential, commercial and operational estate and the wider public domain. Since 2009 the council has invested around £62m in fire prevention measures to its housing and operational estate and continues to do so through its major works programmes (WDS and QHIP). This includes the installation of sprinklers to all sheltered and hostel accommodation and the on-going installation of LD2 smoke alarms to all residential council properties (including ex-council stock).
58. However, following the recent tragedy, the council is reviewing and re-doubling its efforts in this regard. Much work has already been undertaken to ensure the council's buildings are compliant, but further investigation is required and will be concluded as a matter of urgency. At this stage, it is not possible to quantify what further measures will be required or the potential cost, but the council is committed to taking all necessary steps to ensure the safety of tenants and residents.
59. The latest capital programme monitor/refresh report (elsewhere on this agenda) indicates a shortfall of resources for both the council's general fund and housing investment programmes over the medium-term. These programmes are influenced by the scale and timing of resources available from grants, S106/CIL, capital receipts and revenue support and require careful management to ensure commitments can be met. Given the current circumstances and urgency to implement any high priority actions arising from the review, it is possible that the programmes as currently planned may be subject to alteration over the coming months.

### **REASONS FOR URGENCY**

60. The next decision period is September and the council needs to give residents assurance and confidence in the safety precautions undertaken by the council in conjunction with the London Fire Brigade in the event of fire. Given the concerns this cannot wait for September.

### **REASONS FOR LATENESS**

61. Following the tragic incident at Grenfell Tower the council is reviewing the risks, policies and procedures relating to fire safety in Southwark. The council is also looking at fire safety issues in non-council public buildings, collating information on these and on the measures that owners and landlords are taking across the borough. The review commenced in June 2017.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
None.		

## APPENDICES

No.	Title
Appendix A	Fire cladding briefing

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Peter John, Leader of the Council	
<b>Lead Officer</b>	Gerri Scott, Strategic Director of Housing and Modernisation	
<b>Report Author</b>	Gerri Scott, Strategic Director of Housing and Modernisation	
<b>Version</b>	Final	
<b>Dated</b>	14 July 2017	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	14 July 2017	