

<b>Item No.</b> 7	<b>Classification:</b> Open	<b>Date:</b> 31 January 2018	<b>Meeting Name:</b> Housing and Community Safety Scrutiny sub- Committee
<b>Report title:</b>		Fire Safety	
<b>Ward(s) or groups affected:</b>		Borough-wide	
<b>Cabinet Member:</b>		Councillor Stephanie Cryan, Deputy Leader and Cabinet Member for Housing	

## **RECOMMENDATION(S)**

1. That Housing and Community Safety Scrutiny sub-Committee note progress on fire safety issues as set out below.

## **BACKGROUND AND PURPOSE**

2. Officers have been requested to report back on matters relating to fire safety in the Council's management of our residential assets. That report is below.

## **KEY ISSUES FOR CONSIDERATION**

3. On 14 June 2017 a major fire broke out at Grenfell Tower in West London which resulted in the tragic death of 71 people. It is widely accepted that this fire has proved to be a catalyst for wide-ranging reviews of approaches to fire safety by housing providers and housing authorities nationwide. That is especially so in Southwark given the history of the fire at Lakanal in 2009 and the subsequent Coroners' findings in 2013.
4. This report covers work undertaken to ensure that residents are safe in their homes following that tragic incident. This report, therefore, includes:
  - A response to the findings in the final report of the Resident Fire Safety Scrutiny Panel 2017
  - A response to the findings in the Fire Risk Management Audit Report.
  - A fire safety communications plan.
  - The current position with recommendations for actions arising from fire risk assessments of housing estates.
  - A report on progress on the recommendations from Overview and Scrutiny Committee of June 2017
  - A brief report on the current position at the Ledbury Estate.
  - A report on the management approach towards regulatory requirements around fire safety.

## **Resident Fire Safety Scrutiny Panel Report**

5. On 13 July 2017 Officers reported to Overview and Scrutiny Committee that an independent Resident Fire Safety Scrutiny Panel had been established to review how the Council safeguards residents from fire risk.
6. On 10 November 2017 the final report from the Resident Fire Safety Scrutiny Panel 2017 was published. That report explored issues of managing and

improving fire safety; fire safety communications and awareness; maintenance of fire safety facilities; repairs and refurbishments; resident responsibilities; and what is done for the vulnerable.

7. The Council welcomes that report as a positive contribution to the development of fire safety management in Southwark and looks forward to building on this work with residents. This panel is believed to be one of very few in the country and is a great example of a successful partnership with residents.
8. Appendix 1 sets out the initial draft response to the findings. The report and draft response are to be reported to Tenant Council at its meeting on 19 February 2018 with recommendations on how progress against the actions will be reported.
9. The actions arising from this report will be monitored at Divisional Management Team level with a regular progress report to Housing and Modernisation Senior Management Team at a frequency to be agreed with the new Strategic Director of Housing.

#### **Fire Risk Management Audit Report**

10. On 13 July 2017 Officers also reported to Overview and Scrutiny Committee that BB7 had been commissioned to undertake a review of the Council's fire safety processes and procedures.
11. On 24 October 2017 BB7 published its audit report reviewing processes and procedures around the governance and management of fire risk. This report was then presented to Overview and Scrutiny Committee on 15 November 2017.
12. Appendix 2 sets out the initial response to the findings of the audit. There are three main actions arising from the recommendations in the report: the introduction of a fully documented Fire Risk Management System; a review of void processes to incorporate more in depth fire risk assessments; and a review of the security gates and grilles procedure.
13. The actions included in the response will be monitored at Divisional Management Team level with a regular progress report to Housing and Modernisation Senior Management Team at a frequency to be agreed with the new Strategic Director of Housing.

#### **Communications**

14. Appendix 3 is the communications plan developed by Housing and Modernisation and the Corporate Communications Team designed to deliver a consistent fire safety message through a range of communication tools.
15. This plan addresses a number of the key findings in the Resident Fire Safety Scrutiny Panel Report.
16. The plan includes both internal and external communications utilising both the Council website and The Source, the Council's intranet, as well as more traditional media.

## **Fire Risk Management – fire risk assessments and associated actions**

17. The Regulatory Reform (Fire Safety) Order 2005 requires a landlord to undertake fire safety risk assessments (FRAs) of the common parts of a residential block of flats. There is no fixed period for reviewing an FRA but in Southwark high-rise blocks (seven storeys plus), hostels, sheltered housing units and tenants halls are all physically reviewed annually. For all other buildings they are assessed annually with a physical review based on the timeline identified by the FRA but which is no longer than every three years. In addition there are 'trigger points' to generate an FRA before a new one is due. This will include any material changes to the building following repairs or improvement works or a significant fire incident.
18. The Council has 2,335 current fire risk assessments (FRAs) for purpose built blocks on our housing estates which are all current and in date.
19. On average each FRA will generate between 8 and 9 recommended actions to mitigate the risk identified. These actions will be prioritized according to the level of risk identified by the Fire Safety Surveyor and allocated to the relevant team through the use of Apex, an asset management system, introduced in spring 2017. Progress in undertaking these actions is monitored by twice-monthly manager meetings and a number of management reports are being developed to support that process alongside training for managers in the use of the system. The introduction of Apex will allow managers to monitor real time progress against these actions.
20. Apex is currently recording 7,397 resolved FRA actions, a level of activity recently that has prompted the LFB to refer other housing authorities to Southwark for advice and assistance on best practice. The LFB have also commented that they have no recorded incidents of reportable fires in the escape routes of our flatted blocks from July 2017 to date.
21. FRA actions for issues identified in common areas of our flatted blocks have reduced over the last six months:
  - July 2017 222 actions
  - August 145 actions
  - Sept 135 actions
  - Oct 104 actions
  - Nov 89 actions
  - Dec 72 actions.
22. This level of reduction is attributed to the zero tolerance approach and fortnightly inspections by housing staff.
23. Current figures from the Customer Resolution Unit show that since July there have been 15 formal complaints and 20 members enquiries about the removal of items from communal areas.

## **Overview and Scrutiny Recommendations**

24. On 19 June 2017 – Overview & Scrutiny Committee (OSC) held an urgent discussion on fire safety and 7 recommendations were made.

- That the cabinet member orders a review of council high rise blocks in Southwark to ascertain the need for and cost of fitting sprinkler systems and any other fire safety measures in those buildings. OSC assumes wider government guidance will be given but this review should not be delayed while that guidance is forthcoming. We encourage Tenant Council to submit a letter to the cabinet member setting out any further representations on fire safety measures, and this should form part of the review.
- The cabinet member should consider making all fire risk assessments for high rise flats above 7 floors public via the council's web site
- The cabinet member should encourage TRAs to hold local meetings with fire fighters to review their fire evacuation arrangements and check that access routes are clear.
- The cabinet member consults with Tenant Council in order to find appropriate representatives to accompany officers on site visits where testing of cladding and building materials is taking place.
- The council reviews best practice and current procedure around fire safety relating to scaffolding used on council buildings
- That the appropriate cabinet member reviews internal guidance documents in respect of both new build and refurbishment projects to ensure they are up to sufficient standard in respect of fire safety.
- That the leader and the cabinet member lobby the government to investigate and respond to the cause of the Grenfell fire quickly and provide funding for fire safety solutions.

25. Progress against those recommendations was reported to OSC on 13 July 2017.
26. As a further update on the first recommendation BB7 had been engaged to review the Council's fire safety processes and procedures and also an independent resident advisory group was established to review how the Council safeguards residents. These reviews are both complete and draft responses, as detailed above, are attached to this report as appendices 1 and 2.
27. Also, on the second recommendation, FRAs for taller blocks have now been published on the Council's website.
28. It is worth noting, for the third recommendation, that the LFB would look to the 'responsible person' ie the landlord to provide fire safety advice of this nature. The Council's Fire Safety Manager has attended very many TRAs over the last six months, a position that is unsustainable. Consequently a set of Technical FAQs have been developed to assist RSOs and other Council staff to provide basic fire safety advice.

### **Ledbury Estate**

29. As at 12 January 2018
- all tenanted households were registered for housing
  - 50 properties were void
  - 26 households had accepted offers and were waiting to move
  - 8 households were awaiting a viewing
  - The draft Local Lettings Policy for Sylvan Grove gives first priority to Ledbury residents. It is anticipated that this will be approved by the end of January.
  - An independent Tenant and Leasehold Advisor has been appointed by the TRA.
  - The numbers of fire wardens have been reduced from 7 in each block to 2
  - New door entry systems at all four towers are now operational.

- A weekly resident newsletter is being delivered to all residents.

### **The maintenance of sterile common areas – a zero tolerance approach**

30. The standard Southwark Tenancy Agreement terms and conditions has included an obligation on tenants to keep common areas clear since at least 1994. This clause was emphasised further during the review of the tenancy agreement in 2009 following the Lakanal fire. Similar clauses appear in Southwark leases.
31. This clause reflects the requirements in Approved Document B (Building Regulations) and in the Regulatory Reform (Fire Safety) Order 2005 which requires a landlord to ensure that 'routes to emergency exits from premises and the exits themselves are kept clear at all time'.
32. Enforcement is through the completion of fire risk assessments at regular intervals alongside an inspection regime, intelligence-led targeting and ad hoc dynamic risk assessments by officers on the ground.
33. Keeping our common areas clear has been problematic for housing staff who have faced a number of difficulties which led to inconsistent enforcement across the borough. Those difficulties have included assaults on staff and poor press coverage.
34. Internal conversations were already taking place within Housing and Modernisation on the relative merits of a managed approach against a zero tolerance approach in order to better ensure more consistent enforcement, however, the final outcome of those discussions were overtaken by the tragedy at Grenfell Tower in West London which has changed the risk environment around fire safety in residential buildings nationwide.
35. There are a number of reasons why a zero tolerance approach has been adopted:
  - it is simple to adopt and there is no ambiguity
  - it reduces the risk of accidental fire and arson – a significant problem for Southwark
  - it allows for more effective management, particularly considering the size and complexity of our stock
  - it makes the assessment of fire risk easier
  - it is the preferred approach of the LFB as confirmed by the Borough Commander at Committee in November 2017
  - It limits the liability of Southwark Council
  - It is in line with the tenancy agreement and lease.
  - It ensures compliance with articles 11 and 14 of the RRO 2005 (para 42 below)
  - It is recommended as best practice by the LGA
  - It is not reasonable to expect emergency services to negotiate obstacles when carrying out their duties in emergency situations
  - It is not reasonable to expect residents to negotiate obstacles when entering or exiting their homes
36. 'Zero tolerance' is the term used to describe keeping our common areas clear in best practice documents, this is also referred to as maintaining sterile common areas – terminology used by the London Fire Brigade, in Building Regulations and in British Standards.

37. The Cabinet Member for Housing has agreed to review the use of a zero tolerance approach to managing common areas and terms of reference for that review have been agreed. The review will include:
- consideration of the recommendations made by BB7 in their independent review of fire safety processes;
  - consideration of the recommendations made by the Residents Fire Safety Scrutiny Panel
  - consideration of the views of the London Fire Brigade
  - available guidance, including British Standards, legislative and regulatory requirements and best practice
  - consideration of the approaches adopted by other housing providers
  - the tenancy agreement and leases
  - an analysis of the resources required for either a zero tolerance or a managed approach
  - an analysis of the volume and nature of complaints received since zero tolerance was fully implemented
  - an analysis of fires in common parts since zero tolerance was implemented compared to before.
38. It is anticipated that the review will be completed by the end of March 2018.
39. LFB advice from 'Fires in Communal Areas' 2014 advises:

**“What am I required to do as a Landlord or Resident**

**What am I required to do as a Landlord?**

The management of common parts and escape routes is essential to ensure occupants can escape safely from the premises in the event of a fire. The Regulatory Reform (fire safety) Order places a responsibility on the person in control of a premises, known as the “Responsible Person” to:

Carry out a fire risk assessment which must focus on the safety in case of fire of all persons lawfully on the premises.

Consider persons at special risk, such as disabled people and children.

The fire risk assessment must consider the means of escape in event of fire.

These means of escape must be:

Kept clear of combustibles and obstructions.

Be checked on a regular basis to ensure this is the case.

These actions will reduce the potential for accidental fires to start and it also significantly reduces the threat of deliberate fires.

Where necessary it may be required to enforce covenants or tenants agreements.

**What am I required to do as a resident?**

Your actions should not hinder the landlord in fulfilling their requirements under the Fire Safety Order to maintain and manage the means of escape and keep common areas free from combustibles and obstructions.

It is essential that escape routes are kept completely clear of items of furniture, prams, buggies, rubbish, clothes drying facilities, bicycles etc.  
Nothing should be allowed to accumulate in the escape route that would hinder the safe evacuation of residents and visitors in the event of a fire.  
Prior to any items being stored in the escape routes, agreement should be sought through the landlord and the fire risk assessment reviewed to assess suitability. Not doing so could result in lease and/or tenancy being enforced up to and including the agreement being revoked by the courts. “

### **Contractual, Regulatory and Statutory Framework**

40. The key statutory requirement is the Regulatory Reform Order (Fire Safety) 2005 which requires a landlord to undertake regular assessments by a competent person of the fire safety risks of a residential block of flats. This assessment of a building should attempt to ensure that it is at least maintained as designed in order to protect the integrity of fire safety features such as compartmentation and sterile escape routes.
41. As well as containing the spread of fire (compartmentation) it is as important to ensure that a fire cannot start in the common areas and compromise either the resident's escape or fire brigade access. All flats at the design stage are intended to have sterile common areas. Consequently a Fire Risk Assessment will generally recommend that flammable materials and any items causing an obstruction or hazard in common areas should be removed. The Council will be in some difficulty should it not comply as far as is reasonably practicable with the recommendations made by a competent person in a fire risk assessment.
42. Specifically the RRO 2005 requires at para 14 (1) that “Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times”
43. In completing a fire risk assessment under the RRO a fire safety surveyor will reference Approved Document B (Building Regulations) 2013.
44. The key part of ADB for FRAs is that “a satisfactory standard of means of escape for persons in the event of a fire in a building” should be maintained and “The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.”
45. The effectiveness of Building Regulations themselves have come in to question following the Grenfell tragedy. Dame Judith Hackitt is conducting an independent review for government which aims to report in June 2018. Interim findings were published in December identifying the following 6 areas for change:
  - “ensuring that regulation and guidance is risk-based, proportionate and unambiguous
  - clarifying roles and responsibilities for ensuring that buildings are safe
  - improving levels of competence within the industry
  - improving the process, compliance and enforcement of regulations

- creating a clear, quick and effective route for residents' voices to be heard and listened to
  - improving testing, marketing and quality assurance of products used in construction”
46. The Regulatory Framework for social housing in England states, in the ‘Home’ standard, that housing providers will “(b) meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.”
47. The Housing Act 2004 is the second key statutory requirement. This focuses primarily on the individual dwelling but also refers to the means of escape from a home.
48. The Housing Act 2004 introduced the Housing Health and Safety Rating System as a means of assessing the condition of a property. The Act requires landlords to look after
- “The exterior of the dwelling and structural elements of the dwelling, and
  - The inside facilities which are part of the dwelling”
49. The statutory operating guidance on the assessment of hazards under the Housing, Health and Safety Rating System advises that the ‘likelihood of a fire starting; the chances of detection and its speed of spreading; and ease and means of escape’ are all to be considered as part of an assessment of potential hazards.
50. Clause 11a of the standard Southwark tenancy terms and conditions says: “You must not use the communal areas of the block or estate for anything other than access, rest and quiet recreation (unless otherwise designated).”
51. Clause 13a says: “You must not cause or allow fire exits, or routes, from the property or in any communal area, to be blocked or obstructed, or otherwise to act so as to create a health and safety risk.”
52. Clause 13e says: “We will undertake our statutory and contractual responsibilities, including fire risk assessments to make sure the health and safety of our tenants is not put at risk”
53. Clause 14a says: “It is your responsibility to make sure that rubbish and unwanted items are properly disposed of and any rubbish or recycling must be placed in the designated area on the agreed day of collection in line with our instructions”
54. Clause 17f says: “You must not cause or allow the storage or use in the property including the communal areas, private balcony, store or a garage, which is an integral part of the property, any liquid petroleum and paraffin (e.g. Calor gas) containers or cylinders, or dangerous chemicals, gases or materials or any other inflammable materials or gases.”

### **Impact on vulnerable households**

55. Further consideration is being given to the development of a fire safety policy specifically addressing the needs of more vulnerable households in particular

covering the issues around a case by case examination of mobility scooters; whether there is scope for individual personal protection systems (eg personal misting systems, vibrating alarms); and the use of Personal Emergency Evacuation Plans in SHUs and Extra Care units.

### Consultation

56. During July 2017 a report setting out fire safety management arrangements on Council estates was presented to Tenants Council and the Area Housing Forums. That report included the advice that the Council would be enforcing the Tenancy Agreement in respect of the installation of security gates and grilles on Council property without consent and in respect of obstructions in communal areas.
57. Consultation with UNISON on the Councils approach to fire safety was undertaken during July 2017.

### APPENDICES

No.	Title
Appendix 1	Draft response to Resident Fire Safety Scrutiny Panel Report
Appendix 2	Draft response to Fire Risk Management Audit Report
Appendix 3	Housing & Modernisation Fire Safety Communications Plan

### AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Stephanie Cryan, Deputy leader and Cabinet member for Housing.	
<b>Lead Officers</b>	Paul Langford, Director of Resident Services David Markham, Director of Asset Management	
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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
	<b>Officer Title</b>	<b>Comments Sought</b>
	Director of Law and Democracy	No
	Strategic Director of Finance and Governance	No
	List other officers here	
	<b>Date final report sent to Constitutional Team</b>	23 January 2018