Notice of Meeting

LIVING AND WORKING SELECT COMMITTEE

Monday, 30 October 2017 - 7:00 pm
Council Chamber, Town Hall, Barking

Members:  Cllr Phil Waker (Lead Member); Cllr Mick McCarthy (Deputy Lead Member); Cllr Irma Freeborn, Cllr Syed Ghani, Cllr Giasuddin Miah, Cllr Dave Miles, Cllr James Ogungbose, Cllr Lee Waker and Cllr Linda Zanitchkhah

Date of publication: 20 October 2017

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AGENDA

1. Apologies for Absence

2. Declaration of Members' Interests
   In accordance with the Council’s Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

3. Minutes - To confirm as correct the minutes of the meeting held on 27 September 2017 (Pages 3 - 5)

4. Update from LWSC Working Group

5. Scrutiny Review: Delivery of Internal Works by Contractors (Pages 7 - 13)

7. Work Programme (Pages 29 - 30)

8. Any other public items which the Chair decides are urgent

9. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.

Private Business

The public and press have a legal right to attend Council meetings such as the Living and Working Select Committee, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). There are no such items at the time of preparing this agenda.

10. Any other confidential or exempt items which the Chair decides are urgent
Our Vision for Barking and Dagenham

One borough; one community; London’s growth opportunity

Our Priorities

Encouraging civic pride

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

Enabling social responsibility

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

Growing the borough

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough’s image to attract investment and business growth

Well run organisation

- A digital Council, with appropriate services delivered online
- Promote equalities in the workforce and community
- Implement a smarter working programme, making best use of accommodation and IT
- Allow Members and staff to work flexibly to support the community
- Continue to manage finances efficiently, looking for ways to make savings and generate income
- Be innovative in service delivery
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MINUTES OF  
LIVING AND WORKING SELECT COMMITTEE  
Wednesday, 27 September 2017  
(7:01 - 8:41 pm)  

Present: Cllr Phil Waker (Chair), Cllr Irma Freeborn, Cllr Syed Ghani, Cllr Giasuddin Miah, Cllr Dave Miles, Cllr James Ogungbose and Cllr Lee Waker  

Apologies: Cllr Mick McCarthy  

6. Declaration of Members' Interests  

There were no declarations of interest.  

7. Minutes (27 June 2017)  

The minutes of the meeting held on 27 June 2017 were confirmed as correct.  

8. Update from LWSC Working Group  

The Lead Member advised that the Working Group had not met and therefore there was no update from the Working Group.  

The Lead Member noted that at the meeting held on 27 June 2017 the Select Committee requested, in the interim between meetings, information on the actions the council was undertaking following the recent tragic events at Grenfell Tower. The information had not been received and therefore the Working Group had not met.  

9. Scrutiny Review: Delivery of Internal Works by Contractors  

As part of the Select Committee's review of the delivery of internal works by contractors, the Commercial and Contracts Manager presented a report to the Select Committee detailing a summary of contractor performance for voids and decent homes internal works delivered by external contractors.  

The report focussed on the following elements:  

- List of Contractors used;  
- Summary of overall performance;  
- Value of work completed / number of jobs;  
- Speed and Quality of work completed; and  
- Performance against Council standards and contracts.  

Following presentation of the report, the Select Committee enquired as to the level of works given to contractors that could have been carried out by the in-house Home Services team. In response, the Commercial and Contracts Manager advised that works were given to the in-house team and that in future, with upskilling of the workforce, in-house works would improve, increase and make the council more competitive. It was expected through the business case prepared for Home Services, more services would be coming back in-house.
In response to a question regarding the quality of works, the Commercial and Contracts Manager advised the current process ensured that 100% of works undertaken by contractors was inspected by internal and external clerk of works. If any remedial works were required, they would be dealt before the properties were released to new tenants.

The Lead Member raised concerns that the report before the Select Committee suggested that concerns had not been raised regarding the quality of works undertaken by some contractors. In response to the Lead Members comments, the Democratic Services Officer advised that the work programme, agreed by the Select Committee in June 2017, included an item on resident’s feedback on the performance of contractors which was due to be presented to the Select Committee on 30 October 2017.

10. **Fire Safety Update**

The Director of My Place presented a report to the Select Committee on fire safety, which was requested at the last meeting of the LWSC in June 2017 following the tragic events at Grenfell Tower.

The report specifically covered the following areas which were of concern to the Select Committee:

1. Residential fire sprinklers,
2. Fire doors,
3. Cladding,
4. Roofs,
5. Parking issues (i.e. stopping fire engine access),
6. Role and responsibilities of Estate Officers; and escape routes.

The Director of My Place also provided an overview of the Council’s approach, as landlord, to Fire Safety arrangements to ensure full compliance with the statutory duties set within the Regulatory Reform (Fire Safety) Order 2005.

Concerns were raised by the Select Committee regarding the retrofitting of sprinklers within residential blocks in the Borough. The Director of My Place explained whilst there was currently no requirement for the retrofitting of sprinklers, the Council’s policy was currently under review and a report on the policy would be discussed at Cabinet in October 2017.

The Select Committee welcomed the report and thanked officers for their hard work in ensuring the safety of residents in the Borough.

The Select Committee requested that a further report on fire safety be added to the work programme for the next meeting of the LWSC and that the senior council officer responsible for fire safety be invited to attend the meeting.

11. **Work Programme**

The Select Committee noted the work programme.
The Lead Member requested that an item be included at a future meeting to discuss Gender Balance at the Council, subject to consultation with the Director of Law and Governance.
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**Title:** Scrutiny Review: Delivery of Internal Works by Contractors

**Report of the Chief Operating Officer**

<table>
<thead>
<tr>
<th>Open Report</th>
<th>For Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wards Affected:</strong> None</td>
<td><strong>Key Decision:</strong> No</td>
</tr>
</tbody>
</table>

**Report Author:** Ola Laniyan, Capital Commissioning & Delivery Manager

**Contact Details:**
Tel: 020 8227 3619  
E-mail: Olatundun.Laniyan@befirst.london

**Accountable Director:** Robert Overall, Director of My Place

**Accountable Strategic Director:** Claire Symonds, Chief Operating Officer

**Summary**

The attached report provides a summary of contractor performance decent homes works (including customer satisfaction) delivered by external contractors. This information has been requested by Living and Working Select Committee as part of the report for scrutinising contractor performance.

Questions are welcomed from the Select Committee based on the information provided as part of the review of the use of contractors and their performance.

**List of Background Documents:** None

**List of appendices:**

- Appendix 1: Decent Homes Programme – Performance Report
- Appendix 2: Summary of void contractors customer satisfaction report
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### KPI 1 - Safety Accidents

<table>
<thead>
<tr>
<th></th>
<th>No of accidents</th>
<th>% score</th>
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<tr>
<td>Safety Accidents</td>
<td>1</td>
<td>100</td>
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**Target:** 100

### KPI 2 - Customer Satisfaction - Service

<table>
<thead>
<tr>
<th>Customer Satisfaction - Council Service</th>
<th>No. of units scored</th>
<th>No. of units achieving average score of 8-10</th>
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<tbody>
<tr>
<td>Very satisfied</td>
<td>113</td>
<td>132</td>
</tr>
<tr>
<td>Fairly satisfied</td>
<td>19</td>
<td>92</td>
</tr>
<tr>
<td>Neither satisfied nor dissatisfied</td>
<td>7</td>
<td></td>
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<tr>
<td>Fairly dissatisfied</td>
<td>4</td>
<td></td>
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<tr>
<td>Very dissatisfied</td>
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**Target:** 90

### KPI 2 - Resident Satisfaction - Service

<table>
<thead>
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<th>Customer Satisfaction - Contractor Service</th>
<th>No. of units scored</th>
<th>No. of units achieving average score of 8-10</th>
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</thead>
<tbody>
<tr>
<td>Very satisfied</td>
<td>111</td>
<td>137</td>
</tr>
<tr>
<td>Fairly satisfied</td>
<td>26</td>
<td>96</td>
</tr>
<tr>
<td>Neither satisfied nor dissatisfied</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Fairly dissatisfied</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>0</td>
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</tbody>
</table>

**Target:** 90
### KPI 3 - Resident Satisfaction - Product

<table>
<thead>
<tr>
<th>Customer Satisfaction - Product</th>
<th>No. of units scored</th>
<th>142</th>
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<tbody>
<tr>
<td>Very satisfied</td>
<td>118</td>
<td></td>
</tr>
<tr>
<td>Fairly satisfied</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Neither satisfied nor dissatisfied</td>
<td>2</td>
<td></td>
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<tr>
<td>Fairly dissatisfied</td>
<td>5</td>
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<td>Very dissatisfied</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Target</td>
<td>90</td>
<td></td>
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### KPI 4 - Defects at handover

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<tr>
<th>Defect - Impact at Handover</th>
<th>No. of units scored</th>
<th>654</th>
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<tr>
<td>PASS</td>
<td>588</td>
<td>90</td>
</tr>
<tr>
<td>FAIL</td>
<td>66</td>
<td>90</td>
</tr>
<tr>
<td>Target</td>
<td>90</td>
<td></td>
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### KPI 5 - Predictability Cost

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<thead>
<tr>
<th>Predictability - Cost</th>
<th>No. of Batches scored</th>
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</tr>
</thead>
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<tr>
<td>Within Budget</td>
<td>4</td>
<td>100</td>
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<tr>
<td>Over Budget</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Target</td>
<td>90</td>
<td></td>
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</table>

### KPI 6 - Predictability Time

<table>
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<tr>
<th>Predictability - Time</th>
<th>No. of units scored</th>
<th>819</th>
</tr>
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<tbody>
<tr>
<td>Early</td>
<td>154</td>
<td>31</td>
</tr>
<tr>
<td>On Target</td>
<td>96</td>
<td></td>
</tr>
<tr>
<td>Over Run</td>
<td>569</td>
<td></td>
</tr>
<tr>
<td>Target</td>
<td>90</td>
<td></td>
</tr>
</tbody>
</table>
SUMMARY

KPI 2 & 3 relate to customer satisfaction and the snap shot report indicate that the contractor exceeded the target of 90% set for both KPIs. However, with KPI 6 which is Time Predictability which has a target of 90%, which is an indicator of how long works take to complete within the homes, the contractor scored 31% which is poor.

With KPIs 2 & 3 Customer Satisfaction, please note the following which informed the snap shot report above:

- Number of properties worked on 842
- Number of Customer Satisfaction Surveys returned 143
- This means the percentage returned is 16.98%

It is highly likely that the low level of returns has skewed the overall result for customer satisfaction in favour of the contractor as dissatisfied customers have made formal complaints but not necessarily complete a satisfaction questionnaire.

One of the measures put in place within the contract was a reduction in workload where performance issues persists; this was put in place with the Breyer contract as their work programme was reduced and the project was also concluded earlier than originally anticipated.

The contractor has also not been successful with the new contracts to deliver Decent Homes in 2017/18.
HOME SERVICES REPORT FOR CAPITAL VOID WORKS

DEMOGAPICS

<table>
<thead>
<tr>
<th>PROVIDER</th>
<th>% OF OPERATIVES CARRYING OUT THIS WORK &amp; LIVING IN THE BOROUGH</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOME SERVICES</td>
<td>52%</td>
<td>*29 Operatives &amp; 3 Apprentices</td>
</tr>
<tr>
<td>BLACKHOLLY</td>
<td>68%</td>
<td></td>
</tr>
<tr>
<td>ARROW</td>
<td>80%</td>
<td></td>
</tr>
<tr>
<td>TEB</td>
<td>65%</td>
<td>Workforce as a whole including office staff</td>
</tr>
</tbody>
</table>

* Note that this figure would be 86% but for the fact some operatives have moved out of the Borough since commencing work with LBBD

CUSTOMER SATISFACTION* OF COMPLETED CAPITAL VOID WORKS IS

<table>
<thead>
<tr>
<th>Resource</th>
<th>% of Satisfaction</th>
<th>Number of Call Backs</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOME SERVICES</td>
<td>99.62%</td>
<td>1</td>
</tr>
<tr>
<td>BLACKHOLLY</td>
<td>91.67%</td>
<td>1</td>
</tr>
<tr>
<td>ARROW</td>
<td>100.00%</td>
<td>0</td>
</tr>
<tr>
<td>TEB</td>
<td>97.01%</td>
<td>2</td>
</tr>
</tbody>
</table>

*Derived from call back requests. Only one complaint received on void since April 2017 which was against policy and not work standard. We have asked the lettings team to commence capture of satisfaction from October 2017 which will be carried out by the 6 week PSO visit and fed back to the Voids team
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**Summary**

The attached report has been presented to Cabinet on 17th October 2017 and the recommendations approved.

The report sets out a series of policy proposals related to fire safety. The proposals set out in this report have been developed in consultation with Council services, the London Fire Brigade and other key partners, specifically those involved in the construction industry. In addition, the proposals reflect the direction of central government and the early findings from the Grenfell Tower fire and the recommendations of the previous Lakanal fire inquiry recommendations of 2013. It is recognised that changes to regulations and legislation will take place in light of the findings from the Grenfell Tower inquiry. This report sets out three broad principles which will enable the council to adopt those changes as they take place.

The proposals cover three principal headings:

- Improving fire safety in buildings
- Using regulation to improve fire safety
- Protecting people for the risk of fire and reducing the impact of fire if it occurs

**Recommendation(s)**

The LWSC is asked to note the Cabinet report and provide any additional observations or comments for officers to consider.
Summary

This report sets out a series of policy proposals related to fire safety. The proposals set out in this report have been developed in consultation with Council services, the London Fire Brigade and other key partners, specifically those involved in the construction industry. In addition, the proposals reflect the direction of central government and the early findings from the Grenfell Tower fire and the recommendations of the previous Lakanal fire inquiry recommendations of 2013. It is recognised that changes to regulations and legislation will take place in light of the findings from the Grenfell Tower inquiry. This report sets out three broad principles which will enable the council to adopt those changes as they take place.

The proposals cover three principal headings:

- Improving fire safety in buildings
- Using regulation to improve fire safety
- Protecting people for the risk of fire and reducing the impact of fire if it occurs

The aim of this paper is to set out a policy context which will enable the council to make long term decisions on the best approach to improve fire safety, specifically in residential building and ensure that there is an increased auditing and quality assurance role to reduce the risk of fire.

The council is already working with partner agencies and the London Fire Brigade on a number of fire safety programmes which include:

- Fire safety in maisonettes, and,
- The mayoral priority for councils to work with privately owned and managed residential blocks, to ensure fire safety and construction standards are in place.

These programmes will continue and this policy paper supports these programmes.
Recommendation(s)

The Cabinet is recommended to:

(i) Approve the policy recommendations set out in this report and Appendix 1; and

(ii) Note the financial impact on the HRA of policy recommendations identified in this report. The impact of which will be developed in conjunction with the HRA Business Planning process.

Reason(s)

The report sets out a series of recommendations in relation to fire safety. These recommendations are proposed in response to the early finding following the Grenfell Tower fire. They set a policy context which the council can develop in line with legislative and best practice is developed at a local regional and national level. By setting this policy context, the council is meeting its objective of a well-run organisation, being responsive to the challenges arising from the tragic events of Grenfell Tower and demonstrating its commitment to risking the risks of fire for our residents.

1. Introduction and Background

1.1. In the early hours of 14th June, emergency services responded to a report of a flat on fire on the 4th floor of Grenfell Tower, North Kensington.

1.2. The fire spread very rapidly and spread across 20 floors in 18 minutes. Up to 40 fire appliances and crews responded to the incident.

1.3. Grenfell Tower is a 24 storey block with 127 flats. 364 households have been placed in emergency accommodation. The current number of people who have been confirmed dead stands at 80. This figure will not be revised further until the end of the year, until a full search and recovery has been concluded.

1.4. There has been considerable speculation and focus on how the fire spread so quickly and claimed so many lives. The investigation into the cause and spread is ongoing and will take many months to conclude. This will also form part of the coroner’s inquests into the deaths.

1.5. In addition, the Prime Minister has called for a public inquiry which be led by retired court of appeal judge Sir Martin Moore-Bick, this will take several years to conclude.

1.6. The government has also established a government fire safety expert panel, chaired by Sir Ken Knight to advise on any immediate actions that are required to ensure buildings are safe.

1.7. Barking and Dagenham council established a Strategic Operations Group
to oversee the work across all departments in response to the fire, the early areas of investigation and the wider response to government departments at a regional and national level.

1.8. The Fire Risk Assessment Cabinet Report has been produced and adopted at Cabinet in September.

1.9. This paper sets out the policy recommendations related to fire safety, and their context.

2. Proposals and Issues

2.1 Following the Grenfell Tower fire in West Kensington, the council has been working in partnership with the London Fire Brigade and government departments to identify areas which can improve fire safety and reduce the risk of fire to our residents. This paper sets out a series of policy positions related to fire safety. The changes do not contain any direct legal issues and reflect the current direction of government in relation to fire related legislation.

2.1.1 However, it is recognised that changes to regulations and legislation will take place in light of the findings from the Grenfell Tower inquiry. This report sets out three broad principles which will enable the council to adopt those changes as they take place.

2.2 Improving Fire Safety in Buildings

2.2.1 There has been considerable national debate on the use of materials on external facades of buildings, in particular cladding and the materials that form cladding as a external façade to a building, as well as sprinkler systems, and alarms in high-rise residential blocks. The council’s policy position on these is set out below. However the council will reflect the most up to date national guidelines and changes, relating to these areas.

2.2.2 Use of materials

2.2.3 Currently, there are two tests under Building Regulations which are used to assess the combustibility of the materials used in the external facades of buildings.

2.2.4 The first test relates to each individual component. Under this test, all of the components in an external facade are required to meet the criteria of limited combustibility. In other words, each individual component has to meet the requirement of limited combustibility (BS 476-11:1982 or classified A2 BS EN 1305-1-2007).

2.2.5 The second category relates to materials which when, combined in an external façade system, have limited combustibility. This means that whilst each individual material used in the system could be combustible, as a whole system they meet the requirements of limited combustibility. Current building regulations, BR135, set out the criteria related to this type of design.

2.2.6 It has been evident since Grenfell Tower Fire in June, and the subsequent BRE testing programme that there remain significant challenges in the use of any material
in an external façade system which does not meet the standards of limited or non-combustibility. Materials which are classified being fire resistant, or of limited combustibility have failed the recent BRE testing regime. We want to be assured that any building with an external façade is as safe as possible – the only way that we can be confident of this is to ensure that each individual material meets the standard of non-combustibility.

2.2.7 Our policy will be to only use individual materials in any external façade system, that meet the standard of non-combustibility, as set out in prevailing building regulations, when building or refurbishing council-owned or maintained residential blocks or schools.

2.2.8 Installation of sprinkler systems in new buildings

2.2.9 The current building control requirement is that any new high-rise building of over 30 metres requires a sprinkler system.

2.2.10 Although it is not a material planning consideration, the council will encourage developers to include sprinkler systems for any residential block of more than 18 metres.

2.2.11 Retrofitting sprinklers in council-owned residential buildings

2.2.12 The council is committed to ensuring that fire safety improvements in high-rise residential buildings is to the highest standard. There is evidence that sprinkler systems can play an important role in this. However, it is also recognised by the London Fire Brigade (LFB) that retro-fitted sprinklers is best achieved, as part of an appropriate package of fire safety measures and installed in a way which does not significantly affect the fire safety integrity of the block.

2.2.13 One of the key challenges in retro fitting sprinklers is that, to be effective, sprinklers need to be installed inside each dwelling, as well as in communal areas. As a result, the decision to retro-fit sprinklers has to be taken with the full agreement of tenants and leaseholders, alongside the design specification and fire safety integrity of the block.

2.2.14 Accordingly, the council’s policy in relation to retro-fitting sprinklers will be based on key criteria and decisions to retro-fit will be considered in partnership with London Fire Brigade and in line with any recommendations of the public inquiry. The criteria is as follows:

- High-rise residential buildings of 8 storeys or more - Where there are council-owned or maintained buildings of 8 storeys or more, we will undertake a programme to assess if retro-fitting sprinkler systems are a viable option to improve fire safety, without detrimentally impacting on the integrity of the building.
- High-rise residential blocks which form part of the council’s regeneration programme – Where buildings fall under this category, we will vacate these properties as quickly as possible and in the interim, use fire detection and alarm systems in partnership with the LFB, which will greatly improve the early detection if fire were to occur.
- We will continue retro-fitting sprinkler systems in sheltered accommodation, in
partnership with London Fire Brigade.

2.2.15 **Installation of Fire Detection and Alarm systems**

2.2.16 Fire detection and alarm systems can provide a highly effective measure, when used by the LfB, in alerting residents to evacuate a property or building.

2.2.17 Although this is a new concept our policy will be to work with the LFB to identify buildings where the installation of fire detection and alarm systems, is deemed most appropriate. We will also support fire safety crews in evacuating a building at the most appropriate time. The council will only use fire detection and alarm safety alarms in high rise residential buildings.

2.3 **Using regulation to improve fire safety**

2.3.1 **Building control**

2.3.2 Developers of either new build or refurbishment programmes have the options of using the council’s Building Control Department, or independent, Approved Inspectors, to carry out their Building Control functions. In light of the Grenfell Tower fire, it is important that there is a robust process in place to ensure that residential accommodation of more than 5 storeys (18 metres or above) are fully checked, either when they are being built, undergoing refurbishment, or where there are significant changes to the building.

2.3.2 Therefore, our policy will be that an auditing clause is written in to all future council contracts, explicitly requiring the Approved Inspector to co-operate with “any group or individual which LBBD assigns to audit the process.” This should apply to any new build or refurbishments of council owned, or managed, buildings including residential accommodation, schools or educational establishments, residential homes and hostels.

2.3.3 **Consideration of fire safety in planning**

2.3.4 It is important that fire safety measures are fully considered as part of any new development or future refurbishment. Therefore, although it is not a material planning consideration, the council will request that developers set out their fire safety strategy in their design and access statement for any residential block of more than 18 metres.

2.3.3 **Houses of Multiple Occupation in High-Rise Residential Blocks**

2.3.4 Currently, the council has a policy which requires any property which is let to be licensed. Licenses can fall into 3 categories, a selective license relates to a property let to an individual or single family, an additional HMO which is let to 3 or more people, forming more than one household that share amenities. A statutory HMO that is three or more storeys, shared by five or more people living in two or more households.

2.3.5 In terms of residential tower blocks, there are increased fire safety risk of subdividing a flat into individual units. For example, a two bedroom flat with a sitting room subdivided into 3 individual properties sharing a kitchen and bathroom and potentially using the lounge as a bedroom. Such subdivision increases fire risk through use of multiple electrical devices, overcrowding and inadequate fire safety measures such
as no fire doors, locks on individual doors compromising the escape. These create risks for not only the residents inside these HMO properties, but also for all residents living within that tower block.

2.3.6 The council policy will be to use its powers to ensure that no property in a residential tower block of more than 5 storeys, is sub-divided into an additional, or statutory HMO. In cases where there is evidence that this has taken place, the council will use its enforcement powers to prevent the property being used for this purpose, including revocation of the lease if it is felt the case in question is serious enough.

2.3.7 Improving fire safety in licensing conditions

2.3.8 The council policy will be that for all additional and statutory Houses in Multiple Occupation, the council to require a fire risk assessment or, where appropriate a report of significant findings to be completed by a responsible person (the person who has control of the premises in connection with the business undertaking) and provided to the local authority. Where a FRA has not been provided, the local authority will conduct a Housing, Health and Safety Assessment to identify potential risk and take robust enforcement action on any deficiencies identified. No licence will be granted on an additional or statutory HMO that does not have a FRA or a report of significant findings.

2.3.8 The council will provide advice and information to landlords on both Fire Risk Assessments and a report of significant findings including what they should cover and how they can benefit landlords and their tenants.

2.4 Protecting people from the risk of fire

2.4.1 The council is committed to providing as much support as possible to those residents who have additional needs due to disabilities or frailty whenever we are aware of their needs. It is important to consider the additional needs of these residents, both when they are allocated accommodation but also at the stage when the residents require further support at a later date. Updating the plans will in future be linked to the routine care reviews that take place at regular intervals. The council currently has up to date Personal Emergency Evacuation Plans for each resident in residential care home, sheltered housing units and council run extra care. Whenever possible these plans are shared and discussed with residents, however this will not always be possible with those residents who lack mental capacity and cannot understand what is proposed. Working with LFB, personal protection water misting systems which detect and suppress fire have been made available to some vulnerable adults along with other assisted living technology where this is an appropriate way to reduce the risk of injury through fire.

2.4.2 It will be our policy to expand this so that there is a PEEP for those individuals (both adults and children) who have substantial disabilities or vulnerabilities, drawing on accepted Care Act and Children Act definitions whatever type of accommodation they live in. This approach is being developed over the next few months so that we can put in place robust systems that enable the fire service to access the necessary information in an emergency. Once in place, plans will be reviewed and updated on a regular basis.

2.4.3 Working with residents
2.4.4 Our policy in relation to Fire Safety will be to work with the LfB to provide the best, most up to date advice to residents about how they can keep themselves and their families safe, to prevent fire and protect themselves in the case of a fire.

2.4.5 The council recognises the rapidly changing fire safety environment as lessons are learnt from incidents such as Grenfell Tower.

2.4.6 The council’s policy will be to continue to look for best practice in fire safety through guidance, audit tools and free e-learning, such as the fire safety in the home training provided by the TSA in partnership with LFB and Learning Curve.

2.4.7 Financial Impact on the HRA

2.4.8 The current HRA Business Plan does not include financial provision for any additional expenditure which may result from the implementation of the proposed recommendations outlined in this report. The HRA Business Plan is currently being updated and will be recommended to Cabinet for approval in early 2018.

2.4.9 The revised Business Plan will need to include appropriate adjustments to the existing HRA capital programme, either via delaying non-priority projects or by using additional HRA resources earlier than currently planned. The timing and use of additional resources needs to consider the financial impact on both HRA cashflow and HRA balances to ensure the continued financial viability of the HRA.

3. Options Appraisal

3.1 This paper sets out a series of policies in relation to Fire Safety. The policy considerations have been drawn from the work undertaken by the council in responding to the Grenfell Tower Fire, and as part of our review of the current arrangements. In light of this, the council has the following options:

**Option A** – agree recommendations = strengthening approach and giving assurance on safety of LBBD buildings

**Option B** – Don’t agree recommendations = not responding to Grenfell Tower risks that fire safety policies and measures are not suitably robust and the council will not have the policy framework to respond to the issues and challenges that will arise through the coroner’s inquest, the public inquiry or reports from the Fire Safety body, chaired by Sir Ken Knight.

4. Consultation

4.1 The Policy Recommendations have been drawn together in consultation with London Fire Brigade, and senior officers across council departments.

4.1.1 A paper was taken to assurance board setting out a series of recommendations which focused on improving our Fire Risk Assessment procedures, and a number of other policy considerations.
5. **Financial Implications**

Implication completed by: Katherine Heffernan, Group Manager for Service Finance

5.1 The policies set out in the paper will have a financial impact, particularly in terms of the capital programmes such as the potential increase in costs in using non-combustible materials, retro-fitting sprinklers and the introduction of alarms in residential blocks where they are deemed approach.

5.2 Any funding for these capital programmes will form part of the council’s overall capital programme as approved by cabinet. It is likely to require funding from the HRA business plan for existing housing stock while for new stock the additional costs will need to be built into the investment appraisal.

5.3 The increased auditing and quality assurance process for Building Control will require an increased capacity in the existing team. The financial commitment will be in the region of £60,000. This will be met through an increase in fees and charges applied to developers and contractors via Capital delivery.

6. **Legal Implications**

Implication completed by: Dr Paul Field, Senior Corporate Governance Lawyer

6.1 The law on the duty of safety requirements on landlords is well established. The key provisions are:

- **The Occupiers Liability Act 1957** imposes a duty of care upon the landlord who controls the communal areas to ensure that visitors to the property are reasonably safe.

- **The Landlord & Tenant Act 1985** imposes a duty on landlords to keep the structure and exterior of a property in repair and also to ensure that the installations which supply essential services remain in proper working order.

- **The Defective Premises Act 1972** imposes a duty of care obligation on the landlord to all persons who might reasonably be expected to be affected by defects within the premises. In addition, there will be liability for any that defects arising from or because of acts/omissions by the landlord which breach their obligation to carry out repairs where the landlord knows or ought to know of the relevant defect.

6.2 Furthermore at time of this report the Grenfell Tower legal proceeding both civil and criminal are at an early stage. The local authority concerned may well face criminal liability notwithstanding the Towner was managed via an arm’s length not for profit company. It is entirely conceivable that fresh legislation will be introduced in the Governments legislative programme extending responsibility to local housing authorities.

6.3 The proposals in relation to not allowing additional and statutory Houses in Multiple Occupation in council owned tower blocks of more than 5 storeys is a decision that can be taken by the council as the landlord. This decision is supported by existing legal frameworks which the council currently adopts as follows:
The council has adopted an Article 4 direction as part of its planning framework. This takes away permitted development rights that would otherwise allow the change of use of a family home to a House in Multiple Occupation.

The leasehold agreements which apply to all council owned buildings include a requirement that no internal alterations related to a dwelling can be carried out without the permission of the council.

The council has a policy which does not allow a council tenant to sub-let their accommodation.

6.4 In reference to the changes in the role of Building Control to adopt an auditing and quality assurance programme for new build or refurbishments of council owned, or managed, buildings including high rise residential accommodation of more than 5 storeys, schools, or educational establishments, residential homes and hostels; this is a contractual matter between the council and developers or appointed contractors.

7. Other Issues

7.1 Risk Management – This paper outlines a suite of actions and measured which are designed to reduce the risks to the council and residents in relation to fire. Failure to adopt the recommended actions/measures may leave LBBD buildings and tenants at risk of fire.

7.2 Staffing Issues – There is no direct impact to staff or unions related to the proposals in this paper. Any requirement for additional staffing, for example in Building Control, will be met through existing resources or offset against additional income.

7.3 Corporate Policy and Customer Impact – The proposals set out in this paper link to the Cabinet report on Fire Risk Assessments adopted in September 2017. The policy proposals set out in this paper are universal. There are no specific impacts in relation to race, gender, sexuality, faith and community cohesion.

It is anticipated that there will be a positive impact in relation to people with disabilities or vulnerable in terms of age through the expansion of the Personal Emergency Evacuation Plans to tenants for those individuals who have substantial disabilities or vulnerabilities.

7.4 Safeguarding Children – The stronger focus on providing residents good quality advice in respect of fire safety and the steps care givers can take to keep children safe together with the extensive fire safety programme proposed should reduce the risk of harm to children and young people.

7.5 Health Issues – There are no specific health issues related to this report. However, our policy to expand the Personal Emergency Evacuation Plan will have a positive impact on independent living for those individuals who have substantial disabilities or vulnerabilities.

7.6 Property / Asset Issues - This report does not commit the council to any capital expenditure. It sets the policy context for which decisions will be made in relation to fire safety in residential buildings of more than 5 storeys, or council owned buildings.
Any decision to undertake capital improvements as outlined in this report will form part of the council’s Capital Programme as approved by cabinet.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

Appendix 1 – Table of recommendations
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### Appendix 1

#### Table of recommendations

<table>
<thead>
<tr>
<th>Number</th>
<th>Principle</th>
<th>Recommendation</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Improving fire safety in buildings</td>
<td>Our policy will be to only use individual materials in any external façade system, that meet the standard of non-combustibility, as set out in prevailing building regulations, when building or refurbishing council-owned or maintained residential blocks or schools.</td>
</tr>
<tr>
<td>2</td>
<td>Improving fire safety in buildings</td>
<td>The council will encourage developers to include sprinkler systems for any residential block of more than 18 metres.</td>
</tr>
</tbody>
</table>
| 3      | Improving fire safety in buildings | The council’s policy in relation to retrofitting sprinklers will be based on key criteria and decisions to retro-fit will be considered in partnership with London Fire Brigade and in line with any recommendations of the national inquiry. The criteria is as follows: 

High-rise residential buildings of 8 storeys or more  – Where there are council-owned or maintained buildings of 8 storeys or more, we will undertake a programme to assess if retrofitting sprinkler systems are a viable option to improve fire safety, without detrimentally impacting on the integrity of the building. 

High-rise residential blocks which form part of the council’s regeneration programme – Where buildings fall under this category, we will vacate these properties as quickly as possible and in the interim use fire detection and alarm systems in partnership with the LFB, which will greatly improve the early detection, if fire were to occur. |
| 4      | Improving fire safety in buildings | To work with the LFB to identify buildings where the installation of fire detection and alarm systems, is deemed most appropriate. We will also support fire safety crews in evacuating a building at the most appropriate time. The council will only use fire detection and alarm safety alarms in high rise residential buildings. |
| 5      | Using regulation to improve fire safety | An auditing clause will be written in to all future council contracts, explicitly requiring an Building Control Approved Inspector to co-
operate with “any group or individual which LBBD assigns to audit the process.”

<table>
<thead>
<tr>
<th>Recommendation 6</th>
<th>Using regulation to improve fire safety</th>
<th>The council will request that developers set out their fire safety strategy in their design and access statement for any residential block of more than 18 metres, although it is recognised that this is not a material planning consideration.</th>
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</thead>
<tbody>
<tr>
<td>Recommendation 7</td>
<td>Using regulation to improve fire safety</td>
<td>The council will be to use its powers to ensure that no property in a residential tower block of more than 5 storeys, is sub-divided into an additional, or statutory HMO.</td>
</tr>
<tr>
<td>Recommendation 8</td>
<td>Using regulation to improve fire safety</td>
<td>For all additional and statutory Houses in Multiple Occupation, the council to require a fire risk assessment to be completed by a responsible person, and provided to the local authority. No licence will be granted on an additional or statutory HMO that does not have a FRA.</td>
</tr>
<tr>
<td>Recommendation 9</td>
<td>Protecting people from the risk of fire</td>
<td>to expand Personal Emergency Evacuation Plans (PEEP) for those individuals (both adults and children) who have substantial disabilities or vulnerabilities, drawing on accepted Care Act and Children Act definitions whatever type of accommodation they live in.</td>
</tr>
<tr>
<td>Recommendation 10</td>
<td>Protecting people from the risk of fire</td>
<td>The council will work with the LFB to provide the best, most up to date fire safety advice to residents about how they can keep themselves and their families safe, to prevent fire and protect themselves in the case of a fire.</td>
</tr>
<tr>
<td>Recommendation 11</td>
<td>Protecting people from the risk of fire</td>
<td>To continue to look for best practice in fire safety through guidance, audit tools and free e-learning, such as the fire safety in the home training provided by the TSA in partnership with LFB and Learning Curve.</td>
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<td>Meeting</td>
<td>Agenda Items</td>
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| 30 October 2017 | 1. Update from LWSC Working Group  
(The LWSC Lead Member will present an update from the LWSC Working Group)  
2. Scrutiny Review: Delivery of Internal Works by Contractors  
(The Select Committee will receive a report on resident’s feedback on the performance of contractors)  
3. Fire Safety Update Report  
(The Select Committee will receive a further update on fire safety precautions taken by the Council)  
4. Work Programme  
(The Select Committee will receive the work programme for noting)                                                                 | LWSC                         | 6 October 2017              | N/A                        |
| 5 December 2017 | 1. Update from LWSC Working Group  
(The LWSC Lead Member will present an update from the LWSC Working Group)                                                                                                                                  | LWSC                         | 13 November 2017            | N/A                        |
### 2. Scrutiny Review: Delivery of Internal Works by Contractors
(The Select Committee will consider how contractors are engaging with the local community)

John East/Leanna McPherson

### 3. Work Programme
(The Select Committee will receive the work programme for noting)

Leanna Mcpherson

<table>
<thead>
<tr>
<th>7 February 2018</th>
<th>7.00pm</th>
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| 1. Update from LWSC Working Group
(The LWSC Lead Member will present an update from the LWSC Working Group) | LWSC | 16 January 2018 |

| 2. Scrutiny Review: Delivery of Internal Works by Contractors
(The Select Committee will receive the final report with recommendations) | John East/Leanna McPherson | N/A |