

CABINET

16 June 2020

Title: Fire Safety Policy Annual Report	
Report of the Cabinet Member for Regeneration and Social Housing	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Summary This report provides Cabinet with an annual report of fire safety issues in the Council's role as a corporate and residential landlord. Updates are provided on fire safety issues, including: <ul style="list-style-type: none">• Progress against Cabinet 2017 recommendations• Fire Safety Capital investment• Fire doors replacement programme• Compartmentation and stay put policy• Fire suppression and sprinkler systems• Combustible materials on external walls• Resident engagement• Communal areas• National fire safety policy and reform• Metal gates and grilles The update is contained in section 2. The annual report also asks Cabinet to agree three new fire safety policy proposals relating to the risk caused by items in communal areas. These are designed to strengthen the fire safety management and control of residential and corporate buildings. The proposals are as follows: <ol style="list-style-type: none">1. Overall Management of Communal areas: introduce a 'Zero Tolerance' policy for all Council low-rise, medium-rise and high-rise blocks and a 'Managed Use' Policy for Extra Care and Part 2 Sheltered Accommodation. This means that no items will	

be allowed to be kept in the communal areas of Council low-rise, medium-rise and high-rise blocks and that some items will be allowed to be kept in the communal areas of the Sheltered Accommodation buildings when agreed by the Council on a risk-based approach.

- 2. Management of works:** introduce a 'permit to work in residential buildings' for external utilities companies and other contractors to set expectations around their fire safety responsibilities, preventing them from causing fire safety breaches such as leaving waste generated by their work in the buildings' protected areas such as electrical intake cupboards.
- 3. Use and storage of mobility scooters:** introduce a 'mobility scooters in communal areas policy' to regulate the use and storage of mobility scooters in Council buildings, with a new requirement that the Council must be satisfied that a scooter can be stored and charged in a safe location. This will apply to current and new owners of mobility scooters and includes Council tenants, leaseholders and tenants of leaseholders. This is to protect residents from the risk of fire associated with the storage and charging of Mobility Scooters and powered wheelchairs in communal areas and prevent the potential blockage of protected fire escape routes.

The detail of these proposals and options considered is set out below. The proposals are set out beginning at section 3.

Recommendation(s)

The Cabinet is recommended to:

- (i) Note the fire safety updates provided in the report and feedback as appropriate;
- (ii) Agree the introduction of a 'Zero Tolerance' policy for the management of all Council low-rise, medium-rise and high-rise blocks communal areas and a 'Managed Use' policy for Extra Care and Part 2 Sheltered Accommodation schemes with communal lounges and kitchens, as detailed in section 3.2 of the report;
- (iii) Agree the introduction of a Permit to Work in LBBB Residential Buildings scheme for utilities companies and contractors, as detailed in section 3.3 and Appendix 3 to the report; and
- (iv) Agree the introduction of a Mobility Scooters in Shared Communal Areas Policy, as detailed in section 3.4 and Appendix 1 to the report.

Reason(s)

The updates and proposals in this report support the Council's new strategic framework, as included in the new Corporate plan for 2020-2022:

- **Participation and Engagement:** The proposals included in this policy support this Council priority because by creating a safer place for people to live in, we can encourage and empower residents to take pride of the place they live and engage in their community.

- **Prevention, Independence and Resilience:** The proposals included in this policy supports the this priority by protecting life and resident health in preventing exposure to the consequences of fire and hazardous fumes that could cause death or life long-lasting physical and psychological injuries and impact of people’s quality of life
- **Inclusive Growth-**The proposals included in this policy supports the above Council priority by ensuring our assets are sustainable and inclusive, supporting the well-being of all of our residents.

1. Introduction and Background

- 1.1 Fire Safety management in residential blocks and public and commercial buildings is a high priority for the Council. In 2017, My Place was launched and effectively became the managing agent for LBBB land, property and infrastructure assets – a £2bn mixed portfolio that includes 18,000 residential and commercial properties, schools, parks, community centres, roads and pavements.
- 1.2 The Regulator Reform (Fire safety) Order 2005 (RRO) is the key piece of relevant *legislation* and places responsibilities on the Duty Holder (LBBB) to manage fire safety in premises under their control by:
- Taking such general fire precautions as will ensure, so far as is reasonably practical, the safety of any of his or her employees; and in relation to relevant persons who are not his or her employees, take such general fire precaution as may reasonably be required in the circumstances to ensure that premises are safe.
 - Take a suitable and sufficient assessment of the fire risks to which relevant persons are exposed for the purpose of identifying the general fire precaution that the Council needs to take to comply with the requirements and prohibitions imposed by this order.
- 1.3 To comply with these regulations, LBBB’s Fire Safety strategy has three objectives:
- Reduce the risk to life and personal injury to residents, fire fighters and employees;
 - Protect properties and businesses;
 - Prevent environmental damage.

Fire Safety management policy is designed to ensure these aims are met.

- 1.4 My Place’s last full Fire Safety report was presented to Cabinet in autumn 2017. At this meeting, Cabinet recommended the following:
- that the Council publishes forward programmes of Fire Risk Assessments (FRAs) on its website.
 - that the Council publishes a summary of the findings for each FRA on its website.

- that the Council present further annual Fire Safety update reports to Cabinet on the progress and any new significant findings and recommendations related to Fire Safety.

1.5 This report is the first full annual report since 2017 and is submitted in part to satisfy the third Cabinet recommendation from 2017.

1.6 The report first updates Cabinet on fire safety actions since the 2017 report. It then goes on to propose three new fire safety polices for Cabinet approval.

2. Fire Safety update

2.1 The following updates provides Cabinet with an update on preventative actions and investment put in place to respond to Central Government revised fire safety legislation and findings and recommendations from the Grenfell Tower fire investigation. These updates cover a number of fire safety policy issues:

2.2 Progress update against 2017 Cabinet recommendations

2.2.1 Agree that the Council publishes a forward programme of Fire Risk Assessments (FRAs) FRAs on its website.

- Since the last report, My Place has set up a programme of FRAs and FRAs short version copy to be published on the Council website. The programme has been prioritised based on the Risk Rating Assessments and key findings and recommendations arising from the Grenfell Tower Fire Incident investigations. The programme includes:

- Stage 1 (High priority): all High-rise blocks 18m high and above
 - Published short version of the FRAs for all 18m high and above blocks are on the Council Web Site.
 - Increased frequency of Fire Risk Assessment for block 18m high and above, from yearly to a quarterly FRAs.
 - Introduced level 3 and 4 intrusive Fire Risk Assessment inside Voids flats, to test the compartmentation between the inside of the flats into the communal areas of the blocks and between flats.
- Stage 2 (Medium Priority): all Sheltered accommodation residential buildings
 - This is now in place. Full copy of the individual block FRAs are made available on request.
- Stage 3 (Low Priority): all Low-rise blocks below 18m high
 - This is planned to start in September 2020. Full copy of the individual block FRAs are made available on request.

- All FRAs and associated documents can be found here:
<https://www.lbbd.gov.uk/fire-safety>

2.2.2 Agree that the Council publishes a summary of the findings for each FRA on its website.

- Completed, as referenced above.

2.2.3 Agree that the Cabinet be presented with an annual report on fire safety issues.

- Completed with the submission of this document.

2.3 Capital Investment

2.3.1 In 2019/20 financial year the Council ringfenced £6.3 million capital budget for Fire Safety improvement programmes in residential blocks. As per the following table:

	Fire Safety projects	19/20 Budget
Communal / Compliance	Fire Safety (compartmentation)	£550,000
Communal / Compliance	Fire Safety (Bradwell & Terling)	£100,000*
Communal / Compliance	Fire Safety (firefighting signage)	£350,000
Communal / Compliance	Fire Safety (emergency lighting)	£200,000*
Communal / Compliance	Fire Safety removal of internal pram sheds (Longbridge Road)	£300,000*
Communal / Compliance	Fire Safety (Sprinkler systems) and Mobility Scooters external Storage and Charging Units -Sheltered Accommodation.	£700,000*
Communal / Compliance	Fire Doors (Blocks) 1,400 properties identified in 2018/19 requiring new fire doors.	£3,800,000*
	Total	£6,300,000*
	Spent	£1,300,000

*underspend due to Central Gov decision regarding choice of Fire Doors being delayed to Oct 19 and schemes joined with other capital works planned for 20/21

2.3.2 A further £17 million of Capital budget has been ringfenced for external works project to improve the external and internal communal areas components of the buildings to enhance the safety and quality of the external and internal fabric of residential buildings stock around the borough.

2.3.3 New funding £2.0m is included in the programme for 2020/21 to build extra mobility scooter storage units, sprinkler systems, fire doors and compartmentation of fire escape routes.

2.4 Fire door replacement capital programme

2.4.1 Fire doors have two critical functions; a well-designed fire door will delay the spread of fire and smoke and to provide fire protection consistent with the latest Building Regulation and fire safety standards. When closed they form a barrier to stop the spread of fire and smoke and when opened they provide a means of escape.

2.4.2 The Council has ringfenced £3.8m Capital budget to finance the replacement programme of fire door and frames to communal areas and flats front doors and frames to meet current building regulation standard on a risk-based approach, with high-rise blocks and low-rise blocks highlighted by the LFB as top priority.

2.4.3 The first tranche of door and frames replacement includes 1,411 FD30S Fire doors and frames (30 minutes fire and smoke resistant doors installed of the flats front doors) and FD60S Fire doors and frames (60 minutes fire and smoke resistant doors installed in the protected fire escape routes in communal areas).

2.4.4 Work has started on the replacement of the fire door and frames in table one:

Sites	No of flats	No of flats door and frames	No of communal door and frames	Total No of door and frames	Estimated Completion date
Braintree Road Low Rise	72	72	10	82	March 2020
Peverel House High Rise	93	93	118	211	November 2020
Hawkwell House High Rise	93	93	116	209	November 2020
Laburnum House High Rise	93	93	119	212	November 2020
Total	351	351	363	714	November 2020

2.4.5 The replacement of fire doors and frames in LOT-2 have been programmed to start in October 2020 and estimated completion date March 2021:

LOT-2 Sites	No of flats	No of flats door and frames	No of communal door and frames	Total No of door and frames	Estimated Completion date
Parkside House High Rise	101	101	121	222	March 2021
Thaxted House High Rise	96	96	114	210	March 2021
Millard Terrace	108	108	157	265	March 2021
Total	305	305	392	697	March 2021

2.4.6 **Quality assurance:** In choosing the door and frames for this programme, My Place has considered several door manufacturers to ensure that they meet the Council standards, current building regulation and national agreed Code of Practice standards. The doors and frames chosen will be a hardwood timber door and carry a third-party certification on the following requirements:

- **Fire and smoke resistance:** All door and frame sets within the scope of this project have a test evidence demonstrating that they meet the performance requirement in the Building Regulations guidance for fire resistance and smoke control from both sides and an independent (UKAS or the equivalent) Third-Party certification.
- **Installation:** The door and frame sets will be installed by independent third-party (UKAS or the equivalent) certified installers, referring to the manufacturer's installation instruction installation/installer and must provide a Third-Party certification.
- **Security:** The Fire door and frame sets to flat front entrance doors meet the Police "Secure by Design" (SBD) certification and thermal transmittance and acoustics certification to a British Standard PAS24:2012.

- **Repairs:** Lifelong Repair and Maintenance of the door and frame sets will be carried out by a Third-Party (UKAS or the equivalent) certified operatives in accordance to the Doors Manufacture maintenance guidance.

2.5 **Compartmentation & Stay put policy**

- 2.5.1 In line with current fire safety guidance, LBBB has continued to adopt a stay put strategy for all its high, medium, and low-rise residential blocks and sheltered accommodation buildings and have focussed skills and resources to achieve the set aims.
- 2.5.2 All buildings have an 8-step fire escape plan displayed in the communal areas of the blocks. LBBB has also issued a hard copy of the plan to each flat within the blocks guiding the residents on what to do in case of fire, either in their flats or in the communal area of the blocks as well as what to do should there be a need to evacuate the building.
- 2.5.3 The control and prevention of spread of fire, relies on a robust compartmentation of the flats and communal areas compartments. The strategy gives a high priority and investment through the capital programme and responsive repair maintenance programme to achieve effective maintenance and protection of vertical and horizontal compartments of the blocks including the protection of fire-fighting shafts and fire-fighting lifts structurally designed to maintain up to a two-hours of fire protection.
- 2.5.4 The design of the new fire doors will create horizontal evacuation fire resistant refuge zones on each floor of the high-rise blocks. Residents with medical conditions/restricted mobility and wheelchair users will be able to evacuate from their flat into a fire safety refuge zone on the opposite side the landing protected by fire and smoke resistant doors or in the protected fire escape staircases.
- 2.5.5 Other controls in place include:
- All high-rise blocks (18m and above) are cleaned five days per week and H&S cleaning on Saturday and Sunday and all low-rise blocks are cleaned once a week by the caretaking Service.
 - Landlord Service Officers are carrying out quarterly Health and Safety and fire safety estate and block inspections.
 - My Place quality and assurance officers carry out quarterly fire risk assessments (FRA) for all high-rise blocks, and yearly fire risk assessments for all low-rise blocks. This frequency and level of FRA exceeds the legal requirement. Officers believe that LBBB is one of few Councils in UK that are carrying out assessments this frequently.

2.6 **Automatic fire suppression system**

- 2.6.1 The Council is working in partnership with the London Fire Brigade on a range of joint fire prevention initiatives, including the installation of automatic fire suppression systems in residential Building: sprinklers. So far, the Council has retrofitted

sprinklers to the following extra care and sheltered accommodation communal areas and flats:

- Millicent Preston (Part 2.5 Extra Care Scheme)
- George Crouch (Part 2.5 Extra Care Scheme)
- Ted Hennan (Part 2.5 Extra Care Scheme)
- Dunchurch House (Part 2 Standard care Scheme).

2.6.2 The Council has also installed fire sprinkler inside the properties in the following new-build properties:

- 21-22 Earls Walk (Bungalows)
- 1-5 Margaret Bondfield (Bungalows)
- Porters Mews (Bungalows)
- 1-20 Newbury Close (Bungalows)
- Mill Point (15-Storey block).

2.6.3 In 2017, the council was awarded a further £200,000 grant from the LFB for the installation of Sprinklers in sheltered accommodation schemes. The council then match funded this grant to make a total of £422,000 to finance the installation of sprinkler systems to the following sheltered schemes:

- 2 -19 Forsters Close
- 29 - 46 Forsters Close
- 47 - 64 Forsters Close
- 1 - 35 Catherine Godfrey House
- 84 - 132 Dewey Road
- 134 - 180 Dewey Road.

2.6.4 Work is ongoing in liaison with the London Fire Brigade fire safety officers leading on the Sprinkler Systems. All above schemes are due to be completed by June 2020.

2.7 **Use of combustible materials on external walls of high- and low-rise residential buildings**

2.7.1 In November 2018, the Government banned the use of use of combustible materials will not be permitted on the external walls of new buildings over 18 meters containing flats, as well as new hospitals, residential care premises, dormitories in boarding schools and student accommodation over 18 meters.

2.7.2 In response to these regulations, My Place carried out an audit of all residential, commercial and corporate buildings with cladding in place. The audit identified four Council high-rise residential blocks which have undergone refurbishment in the past 10 years. The refurbishment included an external fabric designed to improve the thermal insulation of the buildings. However, the fabric is not ACM or combustible material.

2.7.3 My Place has also reviewed the Employer Requirement (ER) specification for the new buildings. Within the specification, the Council has prohibited the use of any combustible material in the design of any external cladding, including the use of any

combustible material in the design of external balconies regardless the height of the building.

2.7.4 My Place is continuing to work with LFB and with private residential building owners, to provide help and support. In July 2019, MHCLG asked all local housing authorities to identify all external wall materials and insulation on all high-rise residential buildings (18 metres and over) including private residential buildings in their borough. My Place was given the task to carry the audit and provide MHCLG with the data requested by the 31st of March 2020. In March 2020, we completed the audit of 68 buildings within the borough (37 LBBB buildings and 31 private buildings) and provided the data for each building to on the Delta data collection system set up by MHCLG.

2.7.5 Going forward the Council will continue to respond to any guidance and recommendations made by MHCLG. The council will also continue to work with LFB, London Councils and other field expert leaders to ensure that best practice and legal requirements are applied, and updated standards set out in the new building regulations to achieve full compliance via a resilient inspection and compliance regime.

2.8 Resident engagement

2.8.1 In the months following the Grenfell Tower fire My Place carried out a joint reassurance visits to all high-rise blocks in the borough with the LFB, the Police and Secure by Design Team. The aim of this initiative was to reassure residents and provide professional advice on how to prevent fire and stay safe in their home.

2.8.2 Following the success of the above initiative, My Place is currently working with Barking and Dagenham Fire Station Manager and Borough Commander and the Police to carry out similar visits to all high-rise blocks to continue to provide reassurance and maintain residents awareness on how to prevent fires. Due to current Covid19 associated risk, a joint decision has been taken with LFB to postpone the visits until Government further guidance.

2.8.3 My Place has also carried out presentations to Barking and Dagenham forums on fire safety, (the Borough Commander also attended the Barking Forum) and used the opportunity of LBBB summer festivals, to have a marquee on site and provided fire safety awareness and distributed a “fire safety in your home” LBBB leaflets.

2.8.4 A copy of the LBBB Fire Escape plan and LBBB fire safety in your home leaflet has been hand delivered to all flats in high-rise blocks.

2.8.5 My place is currently working with the Council Comms team to produce a “Resident Fire Safety Pack” that will be delivered to each block and will be published on the Council Web site.

2.9 Communal areas

2.9.1 Items stored in communal areas of residential buildings can pose a major fire risk. Items made of plastic, foam and other highly combustible materials that can produce intensive heat and toxic smoke/fumes that can kill, or cause life changing injuries should there be a fire in the block. The items can also provide a fuel for any

potential arsonist. In addition, items in communal areas can block or obstruct fire escape routes for all residents.

2.9.2 Unrestricted and unmanaged use of common areas creates an unacceptable fire risk and prevents the Council discharging its legal duties under the fire safety order and could lead to legal prosecution and manslaughter charges taken against the Council by the enforcement authorities.

2.9.3 Fire Risk Assessments completed by My Place has highlighted this as a concern in our residential builds. My Place has reviewed LBBB's approach to managing fire risk in communal areas and has concluded that new polices should be introduced. These are discussed in section three.

2.10 **National fire safety policy and reform**

2.10.1 My Place will bring a further report to Cabinet on the Council's response and action taken following Dame Judith Hackitt's independent review of building regulations and fire safety published in 2018.

2.10.2 This report will also detail My Place's action against the 46 recommendations made following the Grenfell Tower Inquiry Phase 1, and any new emerging fire safety legislation contained in the new Government Fire Safety Bill. The Fire Safety Bill 2019-21 was presented to Parliament by the Government on the 19 March 2020 for the first reading. As of May 2020, the Bill has passed through second reading and is currently at Committee stage.

2.11 **Metal gates and grilles**

2.11.1 Just before My Place was launched in 2017 officers carried out an audit of all metal gates installed by tenants, leaseholders and tenants of leaseholders in Council blocks. The audit identified approx. 700 metal gates.

2.11.2 Following this, we wrote to all tenants and leaseholders and asked for the gates to be removed, as they are a breach of tenancy/leaseholder agreement because the gates were installed on the Council's part of the wall without the Council's permission.

2.11.3 Since the start of this project we removed approx. 600 metal gates. They were removed either by the tenants and leaseholders or by us free of charge at their request.

2.11.4 The LFB have not firmly stated a particular approach however they note that any metal grills/gate on the fire escape routes would delay the time taken to respond to a fire. However, the guidance reminds us that the landlord is responsible for building safety and compliance with the Fire Safety Order (as per LFB Fire Safety Guidance Note GN11).

2.11.5 Our specification of the design for new fire doors and frames that we are installing includes a requirement of a "Secure by Design" standard doors. This will replace the existing doors with a more secure doors to national standard and give us the opportunity to remove some of the gates during the replacement of the fire door

capital programme. This should help to address residents' understandable concerns around security.

2.11.6 A high number of the remaining gates are in the Gascoigne regeneration high rise blocks that are due to be demolished which will also help to reduce the number of gates left. We are also removing gates as part of void works.

2.11.7 My Place are planning to carry out a further audit of the remaining gates in late summer/ autumn and decide on how to progress with any remaining gates.

3. Policy proposals

3.1 The following proposals are presented for Cabinet approval, in order to improve My Place's management of fire risk in communal areas. Each proposal is set out in turn.

3.2 Proposal 1: Overall Management of Communal areas

3.2.1 Unrestricted and unmanaged use of commons areas creates an unacceptable fire risk and prevents the Council discharging its legal duties under the fire safety orders

3.2.2 In order to mitigate this, the Council requires an overall policy direction for the management of communal areas. There are two policy options available: a '**zero tolerance**' approach and a '**managed use**' approach.

3.2.3 A '**zero tolerance**' approach means that communal areas must be a sterile environment and kept free of combustible material, ignition sources and obstructions. In practice, this means that no items should be stored in communal areas. A '**managed use**' approach means that some items can be kept in communal areas, if agreed by the Council. This approach allows controlled use of communal areas and limits the items allowed to be kept controlling fire load and ease of ignition. It also includes strict conditions on where such items can be kept on a risk-based approach.

3.2.4 The My Place proposal is that the Council should operate a zero-tolerance approach for all Council low-rise, medium-rise, and high-rise blocks and operate a managed use policy for extra care and part 2 sheltered accommodation.

3.2.5 This managed approach for extra care and part 2 sheltered is because these buildings have an integral communal hall, kitchen, living room, and access to each flat is via an internal communal corridors, stairs and lifts. Part 1.5 sheltered accommodation is a lower level of need, more similar to general needs, and will be included in the zero-tolerance policy.

3.2.6 Should Cabinet approve these measures, My Place will commence an implementation plan which will consist of:

- Clear notices installed on each floor of the blocks informing all residents of the policy.
- A letter sent to all Tenants and Leaseholders confirming in writing the new Council policy approach on items stored in the communal areas of the blocks.

- Items left in the communal areas would be in breach of the policy and will be removed by the Council without any further notice.
- The items will be stored in Council garages allocated for this Policy for a period of 7 days maximum.
- If no claim is made after the 7th day, the items will be disposed of, and any costs incurred will be charged against the tenants/leaseholders.
- If the property is claimed back by the Tenant / Leaseholder, any cost incurred for storage and officer times, will be charged against the tenants/leaseholders.
- For repeat offenders, the Council will also consider legal procedure against their Tenancy /Lease agreement.

3.3 Proposal 2: Management of works

- 3.3.1 The FRAs conducted by My Place since 2017 highlighted the fire risk relating to communal areas and the work of external contractors. This is because sometimes utilities companies and other external contractors may leave rubbish in communal areas, remove cable metal box covers and leave cables unprotected. All of this causes significant fire risk.
- 3.3.2 To mitigate this risk, My Place is proposing to introduce a 'permit to work in LBBB residential buildings' for all contractors and utilities companies that carry out work in residential blocks. This permit enables them to work in a Council building and informs them of Council expectations in relation to fire safety.
- 3.3.3 If approved by Cabinet, this permit will be implemented following the steps below:
- The Council will notify all utilities companies, contractors commissioned by Be First, BDMS, My Place and all Tenants and Leaseholders that live in the blocks of the new permit requirement.
 - Before accessing the block, contractors, utilities companies must apply for and obtain a council written permit to access the block to carryout work. Access will be refused if a permit has not been approved.
 - Residents must also apply for a permit if they commission any utilities company to carryout work to their flats that will require access to restricted areas of the block.
 - Any damaged caused by the work and the cost of rectifying the damage will be recovered against the contractors, utility companies or Tenants and Leaseholders if they commissioned the work to their flat.
 - The Council will refuse access to the blocks for persistent offenders.

3.4 Proposal 3: Use and storage of mobility scooters

- 3.4.1 There are several risks associated with the use and storage of mobility scooters in communal areas. This ranges from significant fire safety risk to third party liability for injuries caused to others. Nationally there have been several serious fire incidents and loss of life caused by fire from mobility scooters.
- 3.4.2 Some mobility scooters components are made of plastic, foam, and several other highly combustible materials that can produce intensive heat and toxic smoke/fumes. This can kill, or cause life changing injuries should there be a fire in the residential buildings. The electrical wiring of the scooters can also provide the

spark to start a fire and a fuel for any potential arsonist. In addition, mobility scooters stored in communal areas can block escape routes.

3.4.3 To mitigate this risk, the My Place is proposing to introduce a 'mobility scooters in communal areas policy' to regulate the use and storage of mobility scooters in Council buildings, with a new requirement for Council tenants, leaseholders and tenants of leaseholders that the Council must be satisfied a scooter can be stored and charged in a safe location. This will either be in a storage unit, or in their own residence. Scooters should not be stored in communal areas.

3.4.4 In order for the Council to agree a scooter can be used and stored safely, current and new owners must apply to the Head of Landlord services in My Place. The Council is committed to working with every resident to make sure their scooter can be stored safely. To enable this, My Place has completed the following works to create storage capacity (full details on this are included in the mobility scooter policy equality impact assessment):

- 48 mobility scooter storage and charging units have been built across all extra care sheltered accommodation buildings.
- 2 mobility scooters storage and charging units have been built in two low rise blocks.
- 1 adaption to a security door entrance to block of flats been carried out to facilitate the automatic opening the door and easy access for a powered wheelchair user.
- 11 new storage and charging units have been completed in 2019 and 7 more unit will be completed by the end of April 2020 in sheltered accommodation buildings.
- Within 2020/21 capital programme, the Council has invested a further capital budget to build mobility scooter storage facilities in another 5 sheltered accommodation sites.
- The council is carrying out an audit of all storage areas on the ground floor of the block of flats to explore the option to convert it into bikes, pram and mobility scooter storage facilities.
- Should there be a need to evacuate the building, we want to ensure that all our residents can leave the building safely in the event of a fire or other emergency
- We are writing to all residents that live in blocks to ask whether they need a Personal Emergency Evacuation Plan (PEEP) to make sure that they can leave the building safely in the event of an emergency.
- The council is investing £3.5m per year to replace all fire doors to flats front door and the communal areas of the blocks the design of the new doors will create a horizontal fire safety refuge zones on each floor of the high-rise block to enable wheelchair users, resident with medical condition restricting their mobility.

3.4.5 Should a person still be unable to charge their scooter safely despite these mitigations, the Council is committed to working with people on a case by case basis with the possibility of flexing the policy provisions in exceptional circumstances.

3.4.6 If approved by Cabinet, the implementation of this policy will be as follows:

- Written notice to all residents in sheltered accommodation schemes and block of flats on the new policy on mobility scooters.

- Residents must then apply for Council consent to house a mobility scooter in the building from the Landlord Services, before purchasing the scooter.
- For any resident that does not comply with the conditions set in the policy, the Council will withdraw consent. The Council will refuse future applications for any repetitive offenders.

3.4.7 The full policy and EIA can be found at Appendices 1 and 2 respectively.

4. Policy Proposals Options Appraisal

4.1 Proposal 1: Overall Management of Communal areas

- 4.1.1 Option 1: Do nothing – option rejected due to the requirement to mitigate the fire risk in communal areas.
- 4.1.2 Option 2: a zero-tolerance policy for all buildings – rejected due to different use of communal areas in sheltered accommodation and extra care compared with general needs Council blocks.
- 4.1.3 Option 3: a managed use policy for all buildings – rejected for the same reasons as option 2.
- 4.1.4 Option 4: a zero-tolerance policy for all Council low-rise, medium-rise, and high-rise blocks and managed use policy for extra care and part 2 sheltered accommodation. This option is recommended as it balances to need to mitigate fire risk with different usage of communal areas across different kinds of accommodation.

4.2 Proposal 2: Management of works

- 4.2.1 Option 1: do nothing – rejected due to the findings of My Place fire risk assessments indicating that the activity of some external contractors completing works creates a fire risk as a result of materials being left behind, and this risk needs to be mitigated.
- 4.2.2 Option 2: introduce a permit to work in LBBB residential buildings for external works, outlining the Council's fire safety expectations. This option is recommended to mitigate the fire risk and ensure works are carried out safely.

4.3 Proposal 3: Use and storage of mobility scooters

- 4.3.1 Option 1: do nothing – option rejected due to the fire safety risk caused by the storage of mobility scooters in communal areas.
- 4.3.2 Option 2: introduce a mobility scooters in communal areas policy which stipulates that the Council must be satisfied that all mobility scooters stored and used in Council builds can be stored safely. This option is recommended to mitigate this risk and ensure fire escape routes are not blocked.

5. Policy proposals consultation

- 5.1 All of the proposals set out in this report have been consulted with:

- My Place DMT
- LBBD Assurance Board
- Cabinet Member for Regeneration and Social Housing
- Cabinet Member for Social Care and Health Integration
- Barking and Dagenham Forums
- London Fire Brigade (LFB)
- London Councils Directors Fire Safety Group
- LBBD Finance, Legal and Procurement

6. Financial Implications

Implications completed by Tony McNamara, My Place Finance Business Partner

- 6.1 The HRA capital programme set aside £6.3m in 2019/20 for Compliance improvement works of which £5.0m has been taken forward into 2020/21.
- 6.2 New funding of £2.0m is included in the programme for 2020/21 meaning that total available resources are £7.0m.
- 6.3 The budgets are on FC05006 & FC05007 and include work to fire doors. The service will need to manage all commitments against the overall fire safety budget, including fire doors to ensure resources are used efficiently.
- 6.4 There are some works timed for delivery in March 2021. Consideration will need to be given as to whether this is still achievable under the current emergency. If not, then the budget will need to be carried over into 2021/22 and a review of any external funding time limits should be explored
- 6.5 The introduction of mobility scooter storage is embedded in the budget above. The introduction of charges will generate more income however this is unlikely to be material.

7. Legal Implications

Implications completed by: Simon Scrowther, Litigation lawyer, Law & Governance.

- 7.1 The Local Government (Miscellaneous Provisions) Act 1982 gives local authorities the power to dispose of goods found on their premises, or deposited with them, when certain conditions are met. Where possible, a notice must be served on the owner or depositor. The legislation covers cases where the whereabouts of the owner are known, and notice can be served upon them, as well as situations where it is not possible to serve notice on the owner, or the owner is not known. Section 41(3) of the 1982 Act provides the following where notice can be served on the owner:
- Where the property is found on their premises, or deposited with them, the local authority can serve a notice on the owner or depositor requiring them to collect the property.
 - The notice must give the owner or depositor at least one month to collect the property.
 - If the property is not collected after one month has elapsed, the local authority becomes the legal owner and may dispose of it.

- Where the owner is not known (and notice cannot be served).
- If, on the date they come into possession of the property, the local authority forms the view that it is “impossible” to serve a notice on the owner, the property becomes theirs one month from that date; or
- If after making reasonable enquires, it appears to be impossible to serve a notice on the owner, the property becomes the local authority’s six months from the date they took possession.

7.2 Application:

- Communal areas/landings within blocks will be considered the premises of LBBB.
- In cases where LBBB can identify the whereabouts of the owner, a notice should be served under section 41(3) of the 1982 Act as soon as practicable after LBBB takes possession of any property from premises under its control. This may be by leaving a copy of the notice in the place where the item was found and/or removed from.
- LBBB will be required to give a minimum of one month’s notice to collect the items in its possession and, given the cost of storing the items, it would seem reasonable to give the minimum notice period.
- Thereafter, uncollected property may be disposed of or sold once the notice expires.
- Any notice served should give the deadline date for collection
- Where a notice can’t be served then, following reasonable enquiries, the property may be disposed after 6 months. The extent of the enquiries may depend on the assumed value of the goods that have been taken; and
- LBBB can ask that the owner of any property taken into possession to pay relevant costs before the property is released back to them. Such costs may include: Costs incurred in making reasonable enquiries for the purpose of serving a relevant notice and Costs incurred in looking after the property adequately whilst it was in our possession, including reasonable fees.

7.3 Practical Considerations:

- Consideration will need to be given as to how the Council will ensure the individuals collecting are the owners of the items – this may be by way of photographs, receipts, detailed descriptions, etc

8. Other Implications

8.1 **Risk Management** – To mitigate the Risks associated with the recommendations included in this report, My Place has consulted with legal, finance and procurement.

8.2 **Corporate Policy and Equality Impact** - My Place carried out an Equality Impact Assessment (EIA) on the proposals in line with the Council’s Equality and Diversity strategy. (Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Married and Civil Partnership and Pregnancy and Maternity. (Appendix 2 of this report provides a copy of EIA assessment).

The EIA found that this policy will have a low negative impact on a small number of residents that store their mobility scooter in the shared communal areas and protected fire escape routes of the buildings, as they will no longer be able to store

their scooter in these areas under the new policy. These residents are likely to have a protected characteristic relating to age, disability or both. The Council is mitigating this negative impact by building storage units and committing to work on a case by case basis with anyone experiencing this negative impact and flexing the policy if necessary.

Due to its mitigation of fire risk the policy has an overall positive impact on all protected characteristics.

The updates and proposals in this report support the Council's new strategic framework, as included in the new Corporate plan for 2020-2022:

- **Participation and Engagement:** The proposals included in this policy support this Council priority because by creating a safer place for people to live in, we can encourage and empower residents to take pride of the place they live and engage in their community.
- **Prevention, Independence and Resilience:** The proposals included in this policy supports the this priority by protecting life and resident health in preventing exposure to the consequences of fire and hazardous fumes that could cause death or life long-lasting physical and psychological injuries and impact of people's quality of life
- **Inclusive Growth:** The proposals included in this policy supports the above Council priority by ensuring our assets are sustainable and inclusive, supporting the well-being of all of our residents.

- 8.3 **Safeguarding Adults and Children** - The proposals will have a positive impact and protect adults and children from the risk of fire and prevent loss of life or life changing injuries. The aim of the proposals is to improve the quality, security and safety of the buildings and create a clean and welcoming space for adults and children.
- 8.4 **Health Issues** - Fire kills and destroy lives. The proposals included will have a positive impact on the health of the tenants and leaseholders and their families by protecting children, adults and vulnerable people from the risk of fires and risk of exposure to hazardous fumes. The proposal will also create a cleaner environment and will help preventing contamination and infection.
- 8.5 **Crime and Disorder Issues** - Some of the fire incidents, were due to arsonist using the items stored in the communal areas of the blocks as fuel. The proposals will improve the security of the buildings and remove potential fuel for arsonists.
- 8.6 **Property / Asset Issues** - The proposal will protect the buildings from damage caused by fire and smoke and the costs of repairing any damage caused by the fire. The proposals will also prevent cost of moving people out their home into a temporary accommodation.

Public Background Papers Used in the Preparation of the Report:

- LFB Fire in Communal Areas -Fire Safety Guidance Number GN 84.
- National Fire Chief Council (NFCC) Mobility Scooter Guidance for Residential Buildings.
- Dame Hackitt Building a Safer Future - Independent Review of Building Regulations and Fire Safety:

List of appendices:

- Appendix 1 - Mobility scooters in communal areas policy
- Appendix 2 - Mobility scooters equality impact assessment
- Appendix 3 - Permit to work in LBBD residential buildings
- Appendix 4 – Mobility Scooters Storage Units by Scheme