

CABINET

19 September 2017

Title: Fire Risk Assessment Report	
Report of Cabinet Member for Finance, Growth & Investment	
Open Report	For Decision
Wards Affected: All	Key Decision: No
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Accountable Director: Robert Overall, Director of My Place	
Accountable Strategic Director: Claire Symonds, Chief Operating Officer	
Summary Fire safety management in residential blocks has always been a high priority for the Council and all Council blocks have an up to date Fire Risk Assessment (FRA). This report provides an overview of the approach to FRAs and the management processes to ensure full compliance with the landlord (Responsible Person) statutory duties set within the Regulatory Reform (Fire Safety) Order 2005.	
Recommendation(s) The Cabinet is recommended to: (i) Note the fire safety systems and procedures in place for the Council's housing stock, as set out in the report; (ii) Agree that the Council publishes a forward programme of FRA's on its website; (iii) Agree that the Council publishes a summary of the findings for each FRA on its website; and (iv) Agree that the Cabinet is presented with an annual report on fire safety issues.	
Reason To update the Cabinet on compliance with the Council's statutory responsibilities.	

1. Introduction

1.1 Following the tragedy at Grenfell Tower, officers have been reviewing fire safety systems and procedures in respect of the Council's housing stock. This report

provides Members with an update on what the Council is doing to ensure the safety of housing tenants from the threat of fire.

- 1.2 Fire safety management in residential blocks has always been a high priority for the Council and all Council blocks have an up to date FRA in place.
- 1.3 The primary objective of the FRA process is to reduce the risk to life and personal injury and to protect property, business and environmental losses from any incident. This report provides details on the Council's FRA processes, how actions that arise from those assessments are prioritised and the process for independently verifying fire risk assessments.

2. **Process**

- 2.1 As a residential landlord, the Council has a number of health and safety responsibilities to ensure the wellbeing and safety of our residents. With regards to fire risk in occupied residential buildings, the main areas of legislation and the Council's statutory duties are covered by the Regulatory Reform (Fire Safety) Order 2005 (FSO). The FSO does not place any duty on the assessment of domestic premises (individual dwellings). The Duty applies only to the communal areas of the premises.
- 2.2 The fire risk assessment process helps to identify risks that can be removed or reduced and decide on the action and the precaution that is required to be taken to protect people against any fire risks that remain.
- 2.3 The FSO requires the Council to have a nominated Responsible Person who has the legal responsibility for ensuring compliance with fire safety and related legislation. The Director of My Place is the Council's Responsible Officer. The Responsible Officer is required to:
 - Provide a leadership role and ensure effective arrangements are in place for implementing and monitoring the strategy.
 - Ensure that within agreed corporate annual budget provisions, funding of capital and maintenance works consistent with this strategy are identified and implemented.
 - Identify and allocate funds for fire risk assessments and fire safety training requirements.
 - Ensure that Fire Safety objectives are included in service managers one-to-ones and annual appraisal performance management.
- 2.4 Under the FSO, the landlord must carry out a detailed mandatory fire risk assessment of all blocks covered by the Order and take reasonable action to prevent fires by removing or reducing hazards and risks and ensure that people are protected if fire were still to occur.
- 2.5 To support compliance, the Council has in place a detailed Fire Safety Strategy covering all Council-owned flatted accommodation, including Hostels, Sheltered Accommodation Schemes and low, medium and high-rise blocks.

2.6 Compliance with the strategy is monitored by a cross departmental Fire Strategy Group, chaired by the Director of My Place. Membership of the Fire Strategy Group consist of representatives from the following service areas:

- Capital Delivery
- Repairs and Maintenance
- Compliance
- Council Corporate Health and safety Advisor
- Hostels Management
- Extra Care and Standard Sheltered accommodation management
- Property Management

2.7 Membership of the Fire Strategy Group also includes the following who act in an advisory capacity:

- LBBD Fire Service Borough Commander
- The Police

3. Fire Risk Assessments

3.1 As detailed in section 2 of this report the Council is required to carry out FRAs of properties that have communal areas. In LBBD, the FRAs are carried out in-house by three trained and qualified staff. One of the staff is also a qualified Housing Health and Safety Rating System (HHSRS) Risk Assessor.

3.2 To provide further reassurance and to add additional capacity to the Council, officers are in the process of tendering for an external accredited specialist fire consultancy to support the in-house capability and carry out further fire risk assessments of all the blocks based on the following four types of assessment:

Type 1	Type 2	Type 3	Type 4
Non-destructive assessment of the common parts of a block.	Including all items type 1 assessment plus, a Destructive inspection of the common parts of a block.	Including all items in type 1 and 2 assessments plus a Non-destructive inspection of the common parts of a block and the flats within the block.	Including all items in type 1,2 and 3 assessments plus a Destructive inspection of the common parts of a block and the flats within the block.

3.3 This will also provide additional assurance in addition to carrying out sample intrusive Level 4 Inspections of sheltered housing blocks and hostels.

3.4 Only specific blocks require a FRA and these are listed below - all have an up to date FRA in place. Any new blocks that are acquired/built will be added to this list and any blocks demolished will be removed.

- 1040 Low-rise and Medium-rise blocks (up to 5 floors high);
- 40 High-rise Blocks (above 5 floors);

- 20 Standard Care Sheltered Accommodation Schemes;
- 3 Extra Care Sheltered Accommodation Schemes;
- 1 Adult Supported Accommodation Scheme (Thompson Road);
- 4 Hostels;
- 1 Social Rent Travellers Site (“The Chase” Eastbrook End);
- 1 Adult Supported Accommodation Scheme where LBBB is the Managing agent on behalf of London and Quadrant L&Q (338 Heathway).

3.5 The areas covered in the FRA include:

- Communal areas;
- Checks for possible sources of fire;
- Checks on internal fire doors, signage, dry -risers bin stores, electrical intake cupboards;
- Lighting and emergency lighting;
- Checks that all escape routes are free of combustible material;
- Inspection of the walls and ceilings of high rise buildings;
- Ensuring communal areas have sufficient smoke ventilation;
- Ensuring that front entry fire doors to properties are fire resistant and self-close.

3.6 In compliance with the FSO, the Council has put in place comprehensive management systems to eliminate/reduce the risk of fire by ensuring that all significant findings identified during each fire risk assessment of the blocks are recorded, reported to the relevant service and the progress monitored until reported findings are fully rectified/resolved.

3.7 FRAs of all the blocks covered by the FSO are undertaken on a cyclical basis as follows:

- High-rise (above five storeys) - Annually
- Sheltered Accommodation schemes - Annually
- Hostels – Annually
- Travellers Site - Annually
- Thompson Road Adult Support Accommodation Scheme- Annually
- 338 Heathway Adult Support Accommodation Scheme - Annually
- Low-rise blocks are assessed every 3 years (with a desk top assessment taking place annually).

3.8 Following the tragic fire at Grenfell Tower, officers have reviewed practices and introduced a number of complementary enhanced procedures:

- Reviewed all FRAs for Council owned tower blocks of 8 storeys and above and increased the frequency of the FRA to those blocks from yearly inspection to a three months inspection.
- High-Rise Blocks - The staff carrying out the FRAs will review the FRA every 3 months and a manager will sign off each finding at the 3 months re-inspection of the blocks. The 3-month High-Rise FRA inspection process will be reviewed in April 2018 in conjunction with the LFB to determine if the 3-month regime should continue.

- Low Rise Blocks – Officers responsible for carrying out the FRA will carry out a 10% random inspection of blocks.

3.9 All sheltered accommodation schemes have been revisited. Personal Emergency Evacuation Plan (PEEP) are in place for those living in Extra Care Sheltered accommodation and all those living in Standard Care Sheltered accommodation schemes. Work is also underway to consider who in general-needs housing might need a PEEP and what it might contain given the very different circumstances. One of the key issues being addressing is how these would be keep up to date as people's circumstances change.

3.10 It is not unusual to identify issues following a FRA. Each significant finding from the FRA is given one of the following priorities:

- Emergency Response
- Priority 1 - High
- Priority 2 - Medium
- Priority 3 – Low

3.11 The findings are placed into the following categories:

- Repair and Maintenance
- Tenancy Action
- Environmental action

3.12 LBBD endeavours to complete all validated remedial works arising within priority timescales where it is reasonably practicable and without resorting to capital works. The following four levels of response ensure that the critical elements that can cause fire and fire spreading are prioritised to maintain compartmentalisation and containment of fires in the dwellings at all times. These response times also ensure that low risk fire safety findings are addressed to prevent escalation from low risk to a high risk:

- **Emergency response (24 hours response)**
This level of response will ensure that any serious breaches in the compartmentalisation of the communal areas are addressed and a temporary repair is carried out to confirm compartmentation and containment of fires in the dwelling until a full repair is carried out. For example; *remove fire doors broken glass and board up the opening with fire retardant board until glass has been replaced; Make safe exposed electrical wires until full repair is carried out.*
- **Priority 1 (3 working days)**
This level of response ensure that the security and compartmentation of the blocks is maintained; firefighting equipment are kept in working order. For example; repair damaged dry risers, security doors not working.
- **Priority 2 (5 working days)**
This level of response ensures that fire escape routes are kept clear and emergency lights are maintained. For example, clear any high combustible items left on landing and fire escape routes; replace defective Fire Extinguishers; repair broken handrail into the fire escape staircases; replace any missing fire doors handles; Repair defective Fire Control Drop Key.

- **Priority 3:** (20 working days)
This level of response ensures that non-urgent fire related findings/repairs are addressed to stop escalation to an urgent status. For example, some communal lights not working; Fire Safety signage missing/damaged; Metal gates installed to flat front doors.

4. **Communication with Residents**

4.1 It is important to ensure that the residents of our properties are informed about what we are doing to keep them safe and that they are assured that as a landlord we are meeting our legal responsibilities. To do this there are several measures in place:

- A Fire Escape Plan is displayed in the communal area of the blocks.
- A copy of a pictorial Fire Safety leaflet is included in the tenancy pack issued to all new tenants.
- Fire safety guidance is also provided on the Council Web Site.
- Property Service Officers and Housing Support Officer raise fire safety awareness with resident at each of their visit/tenancy audits to the properties.
- Fire Safety Awareness Presentation by officers and Fire Brigade Fire Safety Officers to Tenants and Residents Association meetings.
- Joint Fire Safety Reassurance visits with the Fire Brigade Fire Safety officers to blocks have and are planned to take place.
- Sign post residents to the London Fire Brigade website fire safety pages

4.2 All tenants and leaseholders are contacted annually with rent and leasehold service charge notifications and the next communication will include information on fire safety.

4.3 At the moment, the Council does not publish FRAs. However, it is recommended that the Council should provide a summary of the findings for each FRA on the Council's website. Given the large number of FRAs it is proposed that, as a starting point, the publication of the FRAs is phased in the following way:

- First publication - all High Rise Blocks
- Second publication - all sheltered housing blocks
- Third publication - all newly completed FRAs

4.4 Officers will be developing interactive web pages to be used for the publication – the website will feature:

- Explanation of what a FRA is, and is not
- Frequently Asked Questions (FAQs)
- FRAs for specific blocks

5. Audit and Compliance

5.1 The Council recognises the significant consequences that could occur if there is either a failure in carrying out our statutory duty or noncompliance with our procedures. The Council have in place a number of mechanisms to ensure that there is scrutiny of this process. This is demonstrated through the following:

- **Fire Safety Strategy Group (Monthly)**

This group monitors activity and compliance with the Council's Fire Strategy.

- **Assurance Board (Quarterly)**

This board meets quarterly and is chaired by the Chief Executive. It receives a RAG rated report on fire safety including FRAs .

- **Internal Audit**

The Council Internal Audit department will also be carrying out a full audit on the current Fire Safety risk management processes in place and our compliance with statutory requirement as part of 2017/18 audit plan.

- **External assurance**

The Council commissioned an external company to carry out a number of FRAs on specific high-rise blocks that had already had a FRA done by the in-house staff. The outcome of this work was compared with the FRAs carried out by the in-house staff and identified similar issues. This provided a level of assurance in terms of the quality of the work of the inhouse team.

5.2 This is the first report that has been presented to Cabinet specifically on fire safety. It is recommended that a similar report will be presented annually.

6. Going Forward

6.1 This paper sets out a clear direction of travel for FRA's taking into account legislation and provides assurance that the Council is complying with its legal duties. The Council will continue to:

- Engage with colleagues across London to gain information, shared learning, and best practice.
- Invest in fire improvement measures.
- Work closely with the London Fire Brigade to reassure residents.

6.2 A further report will be presented to Cabinet in October which will detail a revised set of Fire Safety Policies for Council-owned residential properties. Among other things the report will set out the council's position on a broad range of issues including:

- Tenants' responsibilities both council and private tenants in council blocks)
- Leaseholder and leaseholder responsibilities
- HMOs in residential tower blocks
- Sprinklers in residential tower blocks
- Our approach to supporting vulnerable residents
- Gas supplies in Council residential blocks

7. Consultation

- 7.1 A number of colleagues across the Council have been engaged with and consulted upon in the drafting of this paper. Detailed discussions have also taken place with the Borough Commander of the London Fire Brigade who has provided support and guidance to council officers in developing procedures relating to fire safety and prevention.
- 7.2 By way of assurance, officers have written to all residents that occupy blocks of 10 storeys and above. A number of Fire Brigade led assurance visits to high-rise blocks have taken place with a further 11 inspections scheduled to take place over the coming months.
- 7.3 Presentations by Council officers and London Fire Brigade colleagues will be made to the Housing Forums in September 2017.

8. Financial Implications

Implications completed by: Martin Sharp, Principal Accountant

- 8.1 The HRA capital programme contains available budget provision £1.742m in 2017/18 and £2.400m in 2018/19 to cover the cost of Fire Safety Improvement works.
- 8.2 The re-profile of the Council's HRA capital programme, planned for October 2017, will allow adjustments to be made to the Fire Safety Improvement works budget, provided it can be contained within the Housing Revenue Account's available capital resources.
- 8.3 The cost of any works will need to be recovered from Leaseholders where appropriate.
- 8.4 Any on-going revenue expenditure resulting from this work should be containable within existing HRA revenue budgets.

9. Legal Implications

Implications completed by: Martin Hall, Housing Solicitor / Team Leader

- 9.1 The report sets out how the Council meets the statutory duties it is required to comply with pursuant to the Regulatory Reform (Fire Safety) Order 2005, including the requirement to undertake regular fire risk assessments.
- 9.2 Legal Services are available to give legal advice in relation to specific queries or issues may arise in respect of fire safety, in particular, advice on duties of a landlord and freeholder, powers under tenancy agreements and long leases to enforce inspections, reviews and remedial works – such as entrance doors that are fire safety compliant, gas installations, and other issues that might arise following inspection by London Fire Brigade.

10. Other Implications

10.1 Corporate Policy and Customer Impact

The FRA procedure affects all residents living in 1,134 council blocks of flats detailed in section 3 of this report. A number of these residents have a disability of vulnerability which requires additional assurance as part of the FRA procedure. Housing fire safety for vulnerable people training has been provided by the London Fire Brigade (LFB) for council staff that work with vulnerable people. Housing staff when meeting with council residents are using the learning from the training provided by the LFB to raise safety guard alerts to support and protect vulnerable people in their home.

Personal Emergency Evacuation Plans (PEEPs) have been put in place for all known vulnerable people living in council owned and managed sheltered accommodation. Additional fire safety measures such as the installation of sprinklers and shelters for mobility scooters have been or a planned to be installed in a number of sheltered accommodation schemes.

10.2 **Risk Management** - There are a number of assurance processes in place that will ensure compliance. The requirement for additional works to housing might increase funding requirements resulting in pressures on the HRA business plan.

10.3 **Contractual Issues** - In ensuring compliance with fire safety measures where the Council is to procure goods or services to assist or comply with fire safety improvements or recommendations made by the internal or external agencies, then the Councils Contract Rules would need to be adhered to.

10.4 **Adult and Children Safeguarding** - Early intervention and prevention of fire risk is an integral part of our day to day work. There are agreed Children and Adult Safe Guarding alert processes in place for all staff that visit residents in their property as part of their daily work to raise any safeguarding concerns such as hoarding or self-neglect with all the relevant agencies to help and support the residents to minimise the associated risks.

10.5 **Health Issues** - Fire can have a detrimental impact on the quality of life of residents exposed to a fire incident with a potential risk of a long term physical and psychological harm. The FSO focusses on the communal areas outside the flats, however the ongoing partnership work with the London Fire Brigade and other relevant agencies is raising the officers understanding and knowledge of fire risks associated with vulnerable people and officer are now applying this learning during any visit to the properties.

All property Services officer have also been trained and are qualified fire risk assessors

10.6 Crime and Disorder Issues

Littering of communal areas can contribute to fire risks. Each block with a communal area has a cleaning schedule in place (High rise receive a 7 day service, / Low rise receive a once weekly service). Residents are also reminded of the terms of their tenancy conditions and made aware of the need to ensure that communal areas are kept clear of any obstacles that could hinder escape routes.

The ongoing partnership work with the Estate Police and Safe Neighbourhood Police teams focus on the prevention of ASB within the blocks, including the prevention of arsonist incidents, and drug and alcohol use which can impact on the fire safety of the block.

Where appropriate, Legal action is taken against tenants and leaseholders who continually breach the terms of their lease. This can result in the repossession of the property or a termination of the lease.

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

List of appendices: None