

HOUSING SCRUTINY SUB-COMMITTEE

Monday, 19 March 2018 at 6.30 p.m.

MP702, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,
London E14 2BG.

SUPPLEMENTAL AGENDA ITEM 2

This meeting is open to the public to attend.

Contact for further enquiries:

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For further information including the Membership of this body and public information, see the main agenda.

3.4 FIRE SAFETY SCRUTINY REVIEW

3 - 38

Presented by Afazul Hoque, Senior Strategy Policy and Performance Officer. This report will be made available later in the week. Reason for general exception:

The Fire Safety Scrutiny Review will be a late paper to allow all Committee Members and officers who were involved in the reviews an opportunity to feed into the draft report before publication. Following completion of the evidence gathering sessions and drafting of the recommendations, the report will be made available. Due to busy corporate diaries and Members' availability, it was necessary to complete the evidence gathering sessions for the review in late February.

Non-Executive Report of the: Housing Scrutiny Sub-Committee 19/03/2018	 TOWER HAMLETS
Report of: Sharon Godman Divisional Director strategy, policy and performance	Classification: Unrestricted
Housing Scrutiny Sub-Committee Scrutiny Review; Fire Safety Scrutiny Review	

Originating Officer(s)	Elizabeth Bailey – Senior Strategy, Policy and Performance Officer
Wards affected	All Wards

SUMMARY

1. This paper submits the report and recommendations of the Housing Scrutiny Sub-Committee's review of Fire Safety for consideration by the Housing Scrutiny Sub-Committee.

RECOMMENDATIONS:

The Housing Scrutiny Sub-Committee is recommended to:

1. Agree the report and the recommendations
2. Authorise the Divisional Director Strategy, Policy and Partnership to amend the draft report before submission to Cabinet, after consultation with the Chair of the Overview and Scrutiny Committee.

1. REASONS FOR DECISIONS

1. This report outlines the findings and recommendations from the Fire Safety Scrutiny Review, which was part of the Housing Scrutiny Committee's work programme for the 2017/18 municipal year.

2. ALTERNATIVE OPTIONS

1. The committee may decide to not to agree the recommendations. This is not recommended as the report outlines work undertaken by Councillors and officers to identify areas of improvement.

3. DETAILS OF REPORT

Background and Context

On 14 June 2017 a fire broke out at Grenfell Tower in the London Borough of Kensington and Chelsea, which caused devastating loss of lives and homes. The Grenfell Tower fire is a tragic reminder of the importance of fire safety in residential high rise buildings. This is particularly relevant for the London Borough of Tower Hamlets (Tower Hamlets), which has a significant number of tall buildings in London and some of the tallest residential buildings planned to be developed.

Accordingly, the Overview and Scrutiny Committee recommended that the Housing Scrutiny Sub-committee undertake an in-depth fire safety scrutiny review to consider the Council's response to fire safety issues in the aftermath of Grenfell and identify any gaps in current policies or practices.

Scope and aims of the Fire Safety Scrutiny Review

On 13 December 2017, the Housing Scrutiny Sub-Committee held a scoping meeting to define the scope of the Fire Safety Scrutiny Review (Review) and agreed that the Review would focus on high rise residential buildings (above 18 metres high) and would include both public and private sector housing.

Given the large residential stock in the borough and the fire at Grenfell Tower, which highlighted the risk of dwellings, the Review focused on residential, as opposed to commercial, premises.

This Review set out to make recommendations, which would:

1. Drive improvement in fire safety policies, practices and compliance in existing and new developments
2. Clarify roles and responsibilities across public and private owned high rise buildings
3. Amplify the voice and concerns of the resident tenants.

Approach

The Housing Scrutiny Sub-Committee noted that a number of national inquiries and reviews into fire safety are ongoing. Although, recent testing of Aluminium Composite Material (ACM) cladding supports the theory that ACM is likely to have acted as an accelerant in the Grenfell Tower fire, findings on the causes and circumstances surrounding the fire are yet to be determined.

The Housing Scrutiny Sub-Committee therefore agreed to look beyond preliminary issues identified at Grenfell and carry out a comprehensive review of fire safety, focusing on the following four key areas:

1. Roles, Responsibilities and compliance throughout the lifecycle of the building.
2. Fire Safety Prevention
3. Emergency Responses
4. Resident Engagement

Evidence Gathering Sessions

5. The Review was led by Cllr Helal Uddin, Chair of the Housing Scrutiny Sub-committee and took the form of four evidence gathering sessions (3 meetings and 1 call for written submissions)

Area	Session focus	Session Date	Session Chair
Emergency Responses	Current policies/practices of the London Fire Brigade, THH and registered providers around emergency responses	18 January 2018	Cllr Helal Uddin
	How evacuation plans are tested		
	How partners work together in emergency responses		
	Challenges to emergency responses (including temporary accommodation provision)		
Roles and Responsibilities	Key regulations, roles and responsibilities of key stakeholders over the life cycle of buildings from design, construction, occupation and refurbishment	1 February 2018	Cllr John Pierce
	How stakeholders work together		
	Council's enforcement powers		
Fire Safety Prevention	How fire risks/hazards are identified, assessed and remediated during occupation of the building	13 February 2018	Cllr John Pierce
Resident Engagement	Communication strategies to residents to address concerns (including any interim measures)	N/A	Written Submissions
	Complaints systems		
	Residents' key concerns about fire safety		

Recommendation 1: Within 6 months of the publication of the findings of the Independent Review of Building Regulations, the Director of Place submits a report to the Housing Scrutiny Sub-committee:

- detailing the legal, financial and resource implications on service areas
- advising how the Council proposes to implement the Review's recommendations
- assessing the impact on residents and the provision of affordable housing
- outlining how the Council will work with Registered Providers and private sector housing providers to engage residents in the implementation of the proposals.

Recommendation 2: The Committee supports the introduction of fire safety considerations at the planning stage of development under the draft New London Plan.

The Committee recommends that the Council develops a work programme to:

- define distinct fire safety responsibilities between Planning and Building Control throughout the building process to effectively implement those responsibilities.

Recommendation 3: The Council adopts a proactive approach to encourage residents to enter the Building control profession and works with Local Authority Building Control (LABC), other boroughs and key partners, to develop a joint strategy with LABC to attract and retain a skilled building control workforce. The Council should consider:

- Better use of shared resources
- Apprenticeship schemes to support local work and economic development
- Incentives to attract young people onto university courses

Recommendation 4: The Council improves engagement with private providers by developing a forum to share best practice.

Recommendation 5: The Council develops and maintains an emergency contact database for private providers.

Recommendation 6: The Council develops a communication strategy, in consultation with Registered Providers and Private Landlords, to raise awareness with tenants and leaseholders that communal area fire doors and external fire doors on individual flats need to meet the appropriate fire safety standards.

Recommendation 7: The Council makes representations to the Government that the cost of retrofitting sprinkler systems in local authority housing should be funded by the Government to ensure that other housing services can continue to meet residents' needs.

Recommendation 8: The Council provides a review to the Housing Sub-committee of the likely costs of retrofitting sprinkler systems in high risk tower blocks and assesses the impact on other housing services.

Recommendation 9: The Council prioritise retrofitting sprinklers in the flats of residents who require assistance in evacuating and with known hoarding issues.

Recommendation 10: The Council promotes local services available, including mental health issues, to support residents with hoarding.

Recommendation 11: The Council develops a communication strategy, in consultation with Registered Providers and Private Landlords, to raise awareness with tenants and leaseholders that certain refurbishment works require approvals (including Building Control approvals where necessary)

Recommendation 12: The Council develops performance indicators, in consultation with registered providers, to report to the Housing Scrutiny Sub-committee on Council and Registered Providers' outstanding actions identified in Fire Risk Assessments and to monitor timeframes in resolving these.

Recommendation 13: The Council develops a Fire Risk Assessment dashboard template, in consultation with Registered Providers and Tenant and Resident Associations, to highlight key risks, remedial actions planned or taken, timeframes and any actions required by residents to accompany published Fire Risk Assessments.

Recommendation 14: The Council works with Tower Hamlets Homes, Registered Providers and the London Fire Brigade to develop a consistent approach to storing items in common areas across the borough.

Recommendation 15: The Council, in consultation with the London Fire Brigade, Tower Hamlets Homes and Registered Providers engages with Tenant Resident Associations to improve understanding of when to stay put and when to evacuate.

Recommendation 16: The Council approaches known residents who need assistance to evacuate to develop personal emergency evacuation plans with them.

Recommendation 17: The Council work with registered providers to develop fire signs and fire safety leaflets in other languages spoken in the borough.

Recommendation 18: The Council invites registered and private providers to the Tower Hamlets Resilience Forum to ensure all providers are aware of emergency protocols.

Recommendation 19: The Council works with registered providers to develop a clear separate process for residents to raise and escalate fire safety issues.

Recommendation 20: Due to the volume of housing in the borough, residents are a key source of identifying and raising fire safety issues to improve fire safety standards. The Council considers resident engagement options (such as ward fire safety champions) to promote fire safety awareness and when to raise an issue.

Recommendation 21: The Council develops a best practice model, based on shared learnings between providers, to communicate key information during an emergency, addressing

- different languages spoken in the borough
- digital (including social media) channels
- non-digital channels (including joint publications)
- key contact information on a dedicated website page.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1. 4.1. Following the scrutiny review of fire safety issues arising from the Grenfell tragedy this report makes 21 specific recommendations to improve fire safety within residential premises across the borough.
- 4.2. Whilst no specific additional financial commitments have been identified within the report, there are a number of proposals that could result in additional cost pressures for revenue resources or, more likely, the

Council's capital programme and furthermore may influence the relative prioritisation of capital projects.

- 4.3. For example the retrofitting of sprinkler systems is highlighted as a key measure and although government funding is likely to be sought across a broad range of providers this cannot be guaranteed. Recommendations 7, 8 and 9 all propose the prioritisation of sprinkler installations retrospectively in high risk blocks and for vulnerable groups. The Council will need to decide its relative prioritisation of these aspects alongside its other projects and programmes as it develops its capital programming and in the light of any government funding available.
- 4.4. Recommendation 1 calls on the Corporate Director of Place to report within 6 months of the publication of the findings of the Independent Review of Building Regulations on resource requirements; this report will need to be specifically considered as a part of the appropriate budget planning processes.

5. LEGAL COMMENTS

- 5.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee can appoint such Sub-Committees or Scrutiny Panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.
- 5.2 The Overview and Scrutiny Committee appointed the Housing Scrutiny Sub-Committee for the purposes of scrutiny over all of its housing functions and ensure transparency in how these functions are discharged.
- 5.3 The Scrutiny Review's purpose was to undertake an in-depth fire safety scrutiny review to consider the Council's response to fire safety issues in the aftermath of Grenfell and identify any gaps in current policies or practices.
- 5.4 All blocks of flats must have a health & safety risk assessment carried out of the communal areas. This is a legal requirement under the Management of Health and Safety at Work Regulations 1999. Communal areas do not just mean the internal parts of the building: they also include the roof, structure and other external areas. The duty to comply with health & safety regulations falls on the landlord or person responsible for managing the building.
- 5.5 Every block of flats also needs a fire safety risk assessment. Again this applies to the communal parts, not to the individual flats, and it's an obligation on the landlord. In respect of the Council owned stock, the Council must ensure that such risk assessments are in place and regularly reviewed and updated.

5.6A total of 21 recommendations have been proposed in the Scrutiny Review Report and all are capable of being undertaken within the Council's powers.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. Recommendations under this review seek to improve quality housing for residents and encourage greater resident communication and engagement.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1. The recommendations in this report are made as part of the Housing Scrutiny Sub-Committee's role in helping to secure continuous improvement for the council, as required under its Best Value duty

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1. There are no direct environmental implications arising from the report or recommendations.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1. There are no direct risk management implications arising from the report or recommendations.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1. There are no direct crime and disorder reduction implications arising from the report or recommendations.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Fire Safety Scrutiny Review

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

- NONE

Officer contact details for documents:

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Housing Scrutiny Sub-committee



TOWER HAMLETS

Draft Fire Safety Scrutiny Review Report

March 2018

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Chair's Foreword

The tragedy of the Grenfell Tower fire was a stark reminder of the paramount importance of the safety of our residents and the need to ensure housing in the borough meets requisite safety standards. The Grenfell Tower fire has particular relevance for the London Borough of Tower Hamlets, which has a significant number of existing high rise buildings and more planned to be developed.

Accordingly, I am pleased to present this report, which outlines the findings and recommendations of the Fire Safety Scrutiny Review (Review) on high rise residential buildings in Tower Hamlets. The Review provided an opportunity to reflect on the work carried out by officers and housing providers across the borough in response to the Grenfell Tower fire, strengthen policies and practices in place and ensure mechanisms are in place to ensure residents' voices are heard.

Due to the scale of high rise buildings in the borough and rapid population growth, this report also recognises the continued resource challenges that the borough is facing and the need for additional finances from central Government.

The Review was carried out in the midst of ongoing national inquiries, which are likely to lead to significant changes for building regulations. This Review also considered likely changes and hopes its recommendations will help to prepare the borough for future areas of change in the wake of a changing regulatory landscape.

I am grateful to the London Fire Brigade, Tower Hamlets Homes, our housing partners and council officers for their time, insights and commitment in guiding the Housing Scrutiny Sub Committee throughout this Review. In particular, I would like to thank representatives from the London Fire Brigade for their continued excellent service.

Councillor Helal Uddin
Scrutiny Lead, Place

Summary of Recommendations

Recommendation 1: Within 6 months of the publication of the findings of the Independent Review of Building Regulations, the Director of Place submits a report to the Housing Scrutiny Sub-committee:

- detailing the legal, financial and resource implications on service areas
- advising how the Council proposes to implement the Review's recommendations
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Recommendation 2: The Committee supports the introduction of fire safety considerations at the planning stage of development under the draft New London Plan.

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Introduction

Reason for the Fire Safety Scrutiny Review

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Evidence Gathering Sessions

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	Residents' key concerns about fire safety		

Members of the Review committee (Committee) included:

Committee Member	Role
Cllr Helal Uddin	Housing Scrutiny Sub-Committee, Chair
Cllr John Pierce	Housing Scrutiny Sub-Committee, Vice Chair
Cllr Andrew Wood	Housing Scrutiny Sub-Committee Member

Anne Ambrose	Housing Scrutiny Sub-Committee Co-opted Member
Moshin Hamim	Housing Scrutiny Sub-Committee Co-opted Member
Cllr Dave Chesterton	Overview and Scrutiny Committee, Chair

The Review was supported by:

Elizabeth Bailey	Senior Strategy, Policy and Performance Officer
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The Review Committee received evidence from the following experts:

London Fire Brigade

Stephen Dudeney	London Fire Brigade, Borough Commander for Tower Hamlets
Paul Stewart	London Fire Brigade
Paul Eastland	London Fire Brigade
Jim Flyn	London Fire Brigade

Tower Hamlets Homes

Susmita Sen	Tower Hamlets Homes, Chief Executive
Will Manning	
Ann Otesanya	

Registered Providers

Dan Hollas	Project Planning Director, Clarion Housing Group
Sandra Fawcett	Tower Hamlets Housing Forum, Chair; Swan Housing group
Tony Hughes	Tower Hamlets Housing Forum; Head of Home Management at Southern Housing Group

Private Housing Providers

Aaron Caffrey	Technical Director, Ballymore Construction
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London Borough of Tower Hamlets:

Agnes Adrien	Team Leader Enforcement and Litigation, Legal
Mark Baigent	Interim Divisional Director for Housing and Regeneration
John McGeary	Head of Building Control
Paul Buckenham	Development Manager, Planning and Building control
David Tolley	Head of Trading Standards and Environmental Health
Barry McEwen	Environmental Health officer
Charles Griggs	Head of Community Safety
Sarah Steer	Business and Administration Services Manager
Andrea Stone	Civil Contingencies Officer, LBTH
Jonathan Baston	Principal Environmental Health Officer

National Context and Legislation

Changing Regulatory Landscape

Following the severity of the Grenfell Tower fire, a number of national reviews into fire safety were set up, particularly focusing on residential high rise buildings. The findings of these reviews are yet to be concluded but are likely to have significant impacts on the regulatory framework around fire safety and shape best practice in the long term.

In addition to a criminal investigation into the fire, the Government has commissioned the following reviews:

- **Grenfell Tower Inquiry (Inquiry)** which aims to determine the causes of the Grenfell Tower fire and make recommendations as to the action needed to prevent a similar tragedy from re-occurring. In addition to the Grenfell Tower's original design and construction, the Inquiry will consider subsequent modifications to the building, fire safety inspections, management and fire advice to residents. The main hearings are due to commence in May 2018.
- **Independent Review of Building Regulations and Fire Safety (Independent Review)** which looks at the national system of building regulations for all high-rise residential buildings. The Independent Review's Interim Report, 'Building a Safer Future' was published in December 2017 (Interim Report). The Interim Report found that the current regulatory system for ensuring fire safety in high-rise and complex buildings is 'not fit for purpose' and made seven interim recommendations. The key findings of the Interim Report are discussed below.
- **Independent expert advisory panel** which focuses on immediate building safety measures following the Grenfell Tower to ensure public safety in high rise buildings. In particular, the Panel will consider actions needed following completion of the testing on ACM cladding systems and address immediate steps ahead of the Inquiry and Independent Review findings.

Interim Report Key Findings and Recommendations

The Interim Report highlights that a regulatory system depends on a number of components and considers the following key themes:

- **Clear regulation and guidance:** complexity of building regulations - handover
- **Roles and Responsibilities:** Lack of clarity of roles and responsibilities throughout the lifecycle of the building
- **Early fire safety consultation:** Fire and rescue safety services are an integral part of fire safety decisions and although consulted at an early stage, their advice is routinely not listened to- planning stage
- **Competence and ageing workforce:** Different competency requirements in public and private sectors- skills shortage

- **Fire Risk Assessments:** Need for regular fire risk assessments to ensure an effective system
- **Residents**
 - Residents need to have a stronger voice in the process
 - Concerns that residents do not know how to raise concerns and escalate them if not remediated or fear retribution of raising such concerns.

The Interim Report made 7 interim recommendations around:

- Streamlining key building regulations guidance (the Approved Documents)
- Qualifications of those working on complex and high-risk buildings
- Early fire safety consultation and consideration of fire and rescue service advice
- Formal review and handover process from building developers to responsible person before occupation of the building
- Regular fire risk assessments, particularly after significant alterations
- Restricting the use of desktop studies to approve changes to cladding and other systems.

Draft New London Plan

Fire safety has not historically been a material planning consideration. The focus of the planning system is on the development and use of the land and is separate from other regulatory regimes. Accordingly, with the exception of emergency service vehicle access, fire safety considerations are not usually considered at the planning application stage.

Further, there is no requirement under current legislation (primarily the Town and Country Planning Act 1990 and regulations) requiring specific fire safety-related knowledge of those reviewing planning applications.

Instead, fire safety is considered at the building control stage, governed by the Building Act 1984 and the Building Regulations 2010.

However, the Draft New London Plan (London Plan), which is currently under consultation, advocates for fire safety to be considered from the earliest possible stage of a development to ensure the design incorporates features to reduce the risk to life in the event of a fire. Accordingly, to ensure the highest standards of fire safety, the London Plan calls for robust fire safety strategies to be embedded in the design features at the outset rather applying products at a later stage to pre-determined developments.

To ensure fire safety is considered at the design and planning stage of a development, the London Plan proposes that fire statements should be produced by a third-party independent suitably qualified assessor and submitted with all major development proposals.

The London Plan also recommends that suitable suppression systems (such as sprinklers) are explored at an early stage of building design.

Local Context

Population Growth and Housing Demand

Housing demands have significantly increased in the Borough following rapid population growth, putting pressure on the borough to meet those demands and provide quality housing.

The London Borough of Tower Hamlets is now the fastest growing borough in London. According to Greater London Authority projections, the Borough's population will increase by 26% from 296,300 in 2016 to 374,000 in 2026. In 2011, Tower Hamlets had 101,300 households with an average household size of 2.47 people. By 2021, the number of households in the Borough is expected to rise to 139,600 with an average household size of 2.40 people.

The Borough is currently growing by over 3,000 homes per year. This amounts to 9% of all homes in London, making Tower Hamlets the quickest growing Borough in London.

Housing providers

Social housing in the borough is managed by:

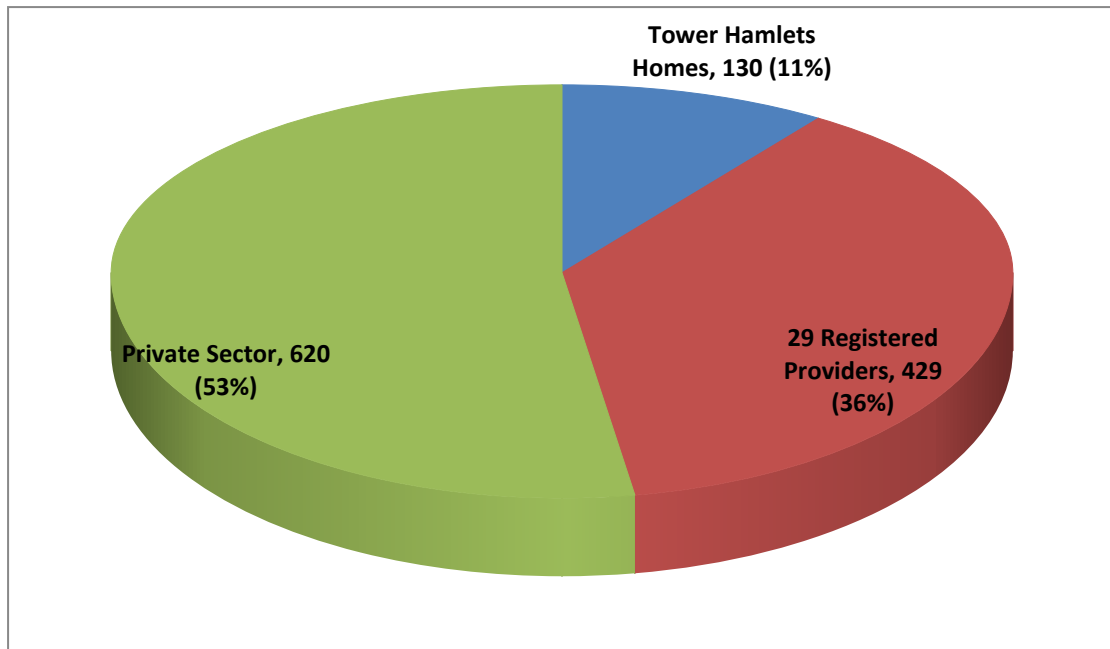
- Tower Hamlets Homes (THH), which is an arms-length management organisation (wholly owned by the Council) and responsible for managing and maintaining the council's housing stock of some 21,000 social rented homes and leaseholder homes originally sold under the right to buy.
- Registered providers: The Council also works with 58 housing associations operating in the borough, which collectively own and manage more homes than the Council.

Private landlords also play an increasingly significant role in helping to meet the borough's housing demands. Approximately 10% of the housing stock is Council owned and for the first time in the Borough's history, less than half the housing stock is social housing. The private rented sector is now the largest and fastest growing sector in the Borough, accounting for approximately 39% of all housing. By comparison, Council and Registered Social Landlord housing stock available to rent accounts for 36% of all stock.

Engaging the private sector is crucial to ensure quality housing for vulnerable residents. Notably, around 16% of properties are over-crowded in the private rented sector. Further, according to Census data, nearly a third of households renting an affordable home, which contained someone with a health problem, were renting privately.

High rises

The Borough has a high proportion of residential high rises (buildings over 18m high). According to the latest figures, there are approximately 1,179 residential high rise buildings in the borough, which are divided between providers as follows:



Residential high rises in Tower Hamlets by provider, figures correct as at 13 February 2018

Accordingly, the Borough's housing stock is dominated by flatted accommodation with 80% of dwellings comprising of flats compared to 42% in London and 16% in England. This is significant in respect of the impact of the 'stay put' policy, clarifying evacuation plans and retrofitting sprinklers.

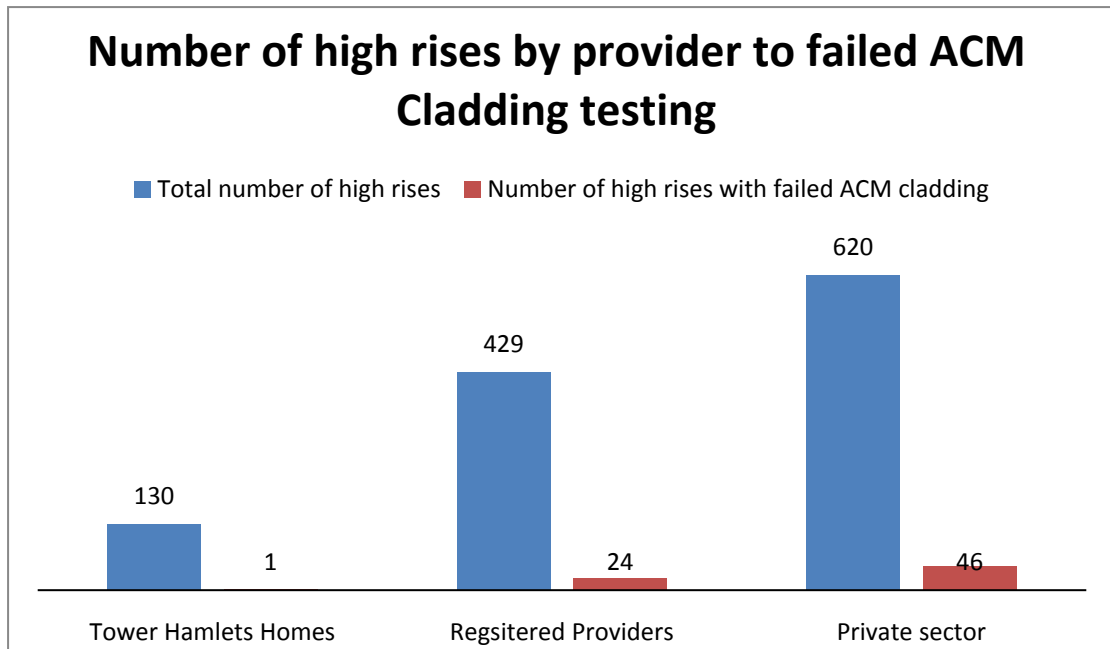
Post Grenfell Measures

Since the Grenfell Tower fire, the Government has introduced and paid for testing of samples of Aluminium Composite Material (ACM) cladding. The Building Research Establishment has also carried out whole system tests of seven combinations of ACM cladding and different types of insulation.

The Ministry of Housing, Communities and Local Government (MHCLG) is liaising directly with Registered Providers to determine whether their housing stock is known to have ACM cladding. The Ministry has asked local authorities to compile a comprehensive list of private residential blocks over 18m and upload the data to a national database. Tower Hamlets is in the process of identifying whether cladding on privately owned high rises has ACM cladding by:

- Conducting site visits: from a visual inspection Environmental health housing officers have identified approximately 320 high rises have a form of cladding
- Writing to owners and managing agents for information on cladding materials
- Where necessary, serving section 235 notices under the Housing Act 1984 requiring owners to provide cladding information.

Approximately 100 privately owned blocks continue to be investigated.



Figures correct as at 13 February 2018

Only one block owned by the Council has ACM cladding, covering less than 20% of the building and two other Council blocks have non-ACM cladding that needs to be replaced. Works are underway to remove and replace this cladding.

24 high rises managed by Registered Providers have failed ACM cladding testing. At least 3 have removed the cladding. Some of these blocks have more decorative cladding (not covering the whole building) and not all Registered Providers intend to remove the cladding in the absence of a clear position from Government around decorative cladding.

Approximately 46 private sector high rises have failed the ACM cladding testing, a number of which have decorative cladding, as opposed to entire coverage.

When a high rise fails an ACM test, the fire brigade then visit to ensure additional safety measures are in place until the cladding is removed and replaced. Typically this includes a “waking watch” in which fire marshals patrol the building to enable “simultaneous evacuation” in the case of a fire, rather than the usual “stay put” approach.

Findings and Recommendations

Changing legal framework

A number of national reviews into fire safety in residential high rise buildings are currently ongoing. The Committee noted the Interim Report of the Independent Review's findings that the current regulatory system for ensuring fire safety in high rise buildings is 'not fit for purpose'.

In particular, the Committee focused discussions around:

- Those working on complex and high risk buildings need to be suitably qualified and competent.
- Building Control has now been deregulated so a dual system of Local Authority Building Control and private companies or individuals authorized under the Building Act 1984 (Approved Inspectors) may carry out building control services. The Committee raised concerns about the independence of Approved Inspectors, following the financial constraints of the developer and the lack of Local Authority Building Control permitted involvement where an Approved Inspector is appointed.
- Concern that the regulatory system allows shortcuts for those minded to develop as cheaply as possible with weak enforcement sanctions to deter poor behavior. Under current legislation, the Local Authority Building Control is not able to issue prohibition notices to stop work immediately, if unhappy with the quality of work carried out. At the moment the Local Authority Building Control can serve a notice and provide submissions to a Magistrate to decide whether a breach has occurred. During that time, construction continues.
- Whether relevant information is passed to the 'Responsible Person' throughout the building lifecycle from design and construction to occupation and maintenance of the building, as required by the Regulatory Reform (Fire Safety) Order 2006.
- The current 'non-worsening' provision for refurbishment means out of date construction does not need to be upgraded to current standards.

Accordingly, the Committee noted the likelihood of an increased role for building control and changes stemming from the following interim recommendations:

- a more rigorous risk based approach for high rises
- simplification of statutory guidance Approved Document B,
- formal review handover process on occupation,
- clarification of common parts and responsibilities
- need for building control bodies to do more to assure that fire safety information for a building is provided by the person completing the building work.

This is likely to have a long term impact on the role of the Local Authority Building Control and long term housing plans of the Council, impacting residents. Accordingly, the Committee considers it important to further

understand the implications of these changes and monitor allocated resources.

Recommendation 1:

Within 6 months of the publication of the findings of the Independent Review of Building Regulations, the Director of Place submits a report to the Housing Scrutiny Sub-committee:

- detailing the legal, financial and resource implications on service areas
- advising how the Council proposes to implement the Review’s recommendations
- assessing the impact on residents and the provision of affordable housing
- outlining how the Council will work with Registered Providers and private sector housing providers to engage residents in the implementation of the proposals.

Earlier consideration of fire safety issues

The Interim Report also recommends that consultation with fire rescue services by building control bodies and those commissioning or designing the buildings should take place at the earliest possible stage so fire safety can be “fully designed in” (paragraph 1.76). The Committee also considered the draft New London Plan, which also seeks to ensure fire safety is considered at the earliest opportunity in the development process.

The London Plan also proposes a requirement for all major development proposals to be submitted with a “fire statement” to address safety issues. The supporting text states that planning departments should work with suitably qualified and experienced officers within each borough’s Building Control departments and/or the London Fire Brigade in the evaluation of these fire statements.

The Committee heard that the Planning Department welcomes the early consideration of fire issues. The Committee noted that planners are not experts in fire safety so Tower Hamlets planning department, as with other local authorities, does not currently have those resources. The Committee considered that planning officers will need support to have the appropriate resources available for the assessment of proposals.

The proposed policy states that the Building Control team can be consulted. However, the committee heard there is a need for clearly defined roles to ensure Council resources are not duplicated.

The Committee considered that further considerations and support are required to implement this to ensure there are clear distinct roles between Building Control and planning responsibilities.

Recommendation 2:

The Committee supports the introduction of fire safety considerations at the planning stage of development under the draft New London Plan.

The Committee recommends that the Council develops a work programme to:

- define distinct fire safety responsibilities between Planning and Building Control throughout the building process to effectively implement those responsibilities.

Ageing building control workforce

The Committee heard that Building Control surveyors need considerable training, experience, skill and judgment to ensure development works meet the relevant functional requirements. This is particularly relevant for high rise complex buildings to understand the complexity of design.

The Committee heard that the Building Control workforce is ageing, which has been a national problem and the availability of skilled Building Control inspectors with experience of high rise complex buildings is scarce. There is a lag between building control surveyors retiring and training up new staff to the requisite level. This is exacerbated by Approved Inspectors winning the market share and driving skilled building control officers into the private sector.

The Committee noted that compared to five years ago, the number of skilled officers in the borough has significantly decreased. To address this, Tower Hamlets Building Control has recently restructured and initiated a recruitment drive, hiring two new trainees and employing two apprentices, who have now become Building Control surveyors through training.

The committee considered that other Local Authorities are experiencing the same problem and looking to share resources so experience can be used where it is needed.

Recommendation 3: The Council adopts a proactive approach to encourage residents to enter the Building control profession and works with Local Authority Building Control (LABC), other boroughs and key partners, to develop a joint strategy with LABC to attract and retain a skilled building control workforce. The Council should consider:

- Better use of shared resources
- Apprenticeship schemes to support local work and economic development
- Incentives to attract young people onto university courses

Engagement with private providers

The Committee heard that the Council does not have a contact database for private providers. Accordingly, in an emergency it can be difficult to contact residents in private housing as the Council may not have an existing relationship with managing agents or the owner.

The Committee also noted that the Land Registry records may not have the correct contact details of the owner or managing agents. Accordingly, the Council has had logistical difficulties in obtaining cladding information about privately owned blocks, which has taken up valuable resources.

In contrast, the Council engages regularly with registered providers in the Tower Hamlets Housing Forum. The Committee heard that the Forum enjoys good participation and offers an opportunity to discuss recent key issues around fire risk assessments and emergency responses. A forum could also help increase the Council's rapport with private landlords and help to share learnings with the private sector.

Recommendation 4: The Council improves engagement with private providers by developing a forum to share best practice.

Recommendation 5: The Council develops and maintains an emergency contact database for private providers.

Prevention Measures

Compromised compartmentation

The Committee considered secondary means of escape along balconies in older properties built in the 1960s, which have now been partitioned and sealed off. If changes to the property only affect the occupants of the relevant flat then the London Fire Brigade commonly advise the tenants and responsible person to put in place compensatory measures to ensure the single means of escape is protected. The Committee also noted that secondary means of escape are no longer required.

Compensatory measures may consist of additional communal fire doors to extend the length of escape, additional compartmentation and fire doors within flats, interlinked smoke detection unit in every room in flat to allow residents an early warning system to escape into an area of safety and installation of sprinkler systems. However, where the single means of escape is impeded, the London Fire brigade will issue an enforcement notice.

The Committee heard that compartmentation issues caused by front doors not meeting requisite fire safety standards, self-closers not sealing properly and quality assured fire stopping are common actions items for the Council and Registered Providers.

Recommendation 6: The Council develops a communication strategy, in consultation with Registered Providers and Private Landlords, to raise awareness with tenants and leaseholders that:

- Communal area fire doors and external fire doors on individual flats need to meet the appropriate fire safety standards

Sprinklers

Fires in homes still account for the greatest number of fire deaths and injuries each year. The Committee learned from the London Fire Brigade Borough Commander for Tower Hamlets that sprinklers can be an effective way of slowing the spread of fire before fire services reach the fire and set up their fire attack (intervention time). According to the London Fire and Emergency Planning Authority, there is clear evidence that sprinklers (and other forms of

automatic fire suppression systems) can be effective in rapidly suppressing fires and help to:

- Reduce death and injury from fire
- Reduce the risks to fire fighters
- Protect properties
- Reduce the effects of arson
- Reduce the environmental impact of fire
- Reduce fire costs and the disruption to community and business

Since 2007, new build blocks over 30 metres must be fitted with sprinklers. However, there is no requirement to retrospectively fit sprinklers to older blocks. However, following the Grenfell Tower fire, several London boroughs with low numbers of high rises, including Waltham Forest, Croydon, Enfield and Wandsworth, have begun retrofitting sprinkler systems to their high rise housing blocks.

The London Fire Brigade is now campaigning for landlords to retrofit sprinkler systems in all high-rise tower blocks over 18 metres high. Further, The Royal Institute of British Architects has recommended to the Independent Review of Building Regulations and Fire Safety that sprinklers are retrofitted to existing residential buildings over 18 metres in height, and perhaps extended to all residential buildings above three storeys in height.

Tower Hamlets not only has some of the tallest buildings in London but also may have the largest number of tall buildings in the country. While the Committee supports the installation of sprinklers in existing high rises, it acknowledges that this is a significant undertaking. Tower Hamlets has looked at the costs of retrofitting new sprinkler systems but does not have the budget available. Further, due to demand in sprinkler systems, costs are fluctuating and being driven up. The Government has deemed the installation of sprinklers as non-essential and therefore is not currently proposing to fund retro-fitting sprinklers to existing high rises.

However, given the evidence of the impact of sprinklers and growing support and campaigning activities of the London Fire Brigade, the Committee supports the installation of sprinklers in existing high rises and recommends that the Council makes representations to the Government for increased funding.

The Committee also proposes that the Council review the feasibility of procuring and installing sprinklers in Council blocks (and advocate for registered providers to do the same) and assess the impact on other planned housing projects, including the delivery of affordable housing (Feasibility Report). The Feasibility Report should also provide different models, accounting for risk factors, such as prioritising vulnerable residents and 'high risk' blocks.

Research carried out by the DCLG in 2006 identified certain population groups more at risk of fire than the general population (vulnerable residents).

(Research Bulletin No 9 – Learning Lessons from Real Fires: Findings from Fatal Fire Investigation Report). This includes:

- Single people between the ages of 40-59, who drink and smoke at home
- Female single parents
- The very elderly
- People with disabilities and especially those who are mobility impaired
- Young people (16-24) - including students who are living communally, i.e. sharing living rooms, bathrooms and kitchens

Evidence also indicates that people with cognitive impairments or mental health issues are also at risk. (See hoarding). The Committee recommends that the installation of sprinklers is prioritised in homes of vulnerable people to help them escape, if there is a fire.

Recommendation 7: The Council makes representations to the Government that the cost of retrofitting sprinkler systems in local authority housing should be funded by the Government to ensure that other housing services can continue to meet residents' needs.

Recommendation 8: The Council provides a review to the Housing Subcommittee of the likely costs of retrofitting sprinkler systems in high risk tower blocks and assesses the impact on other housing services.

Recommendation 9: The Council prioritise retrofitting sprinklers in the flats of residents who require assistance in evacuating and with known hoarding issues.

Tackling hoarding

Hoarding can be described as the collecting of excessive quantities of goods and objects coupled with an inability to discard them and can become so problematic as to inhibit the use of the home or personal function. This increases the risk of fire and can prevent the means of or ability to escape.

The Committee noted that 10 days after Grenfell, there was a major fire incident at a Tower Hamlets Homes block of 16 properties. The fire started on the top floor and spread through the roof space. The fire was an exceptionally fast developing fire that extended quickly. The flat involved had a large number of flammable items. The LFB would usually expect to deal with a fire in 15-20 minutes but because of the fire loading, it spread into the roof and took the entire roof out. Fortunately, nobody was injured and the compartmentation of the building ensured the fire remained in the roof space.

The Committee heard that when called out to fires, the LFB have noticed increasing hoarding issues. The LFB do not have powers to deal with hoarding, however, if prejudicial to health or a nuisance, Environmental Health have powers under Part 3 of the Environmental Protection Act 1990.

Hoarding is not simply a fire safety issue and resolving a hoarding problem is more complicated than enforcing compliance. Representatives from Tower Hamlets Homes highlighted that after clearing dwellings, the problem can recur.

The Committee noted there is a greater need for education of the impact hoarding and encouraging residents or family members to seek help.

Recommendation 10: The Council promotes local services available, including mental health issues, to support residents with hoarding.

Houses of multiple occupation, overcrowding and internal risk assessments

Fire risks are not only connected to the building but also the occupants and the number of occupants. Evidence suggests that houses of multiple occupation pose higher fire risks. Due to the shortage of affordable accommodation in the borough and rise in demand over the last 4-5 years for individual rooms let out to multiple households are increasingly common. It is estimated that approximately 57% of Tower Hamlets Housing's 9000 leasehold properties are sub-let and it is suspected that a large proportion of these are sublet to multiple households. However, it remains challenge to know when the property has been sublet, additional family members move in or the duration of occupation.

Houses of multiple occupation may have had modifications to increase bedroom numbers. Environmental Health noted that modifications to flats often affect the integrity of the fire safety design. In particular, there are concerns where leaseholders divide rooms for occupancy by different households and do not take fire safety precautions into account. The Council only currently has anecdotal evidence on this.

The Committee heard that overcrowding is a particular concern in the private rented sector with families renting out single rooms in multiple occupied properties with shared bathroom and kitchen facilities. Environmental Health described one case where a 3 bedroomed flat had been converted into 5 bedrooms and the living room converted into 2 bedrooms. 17 people lived there consisting of 3 families of 4, 1 family of 3 and 1 single gentleman. All the adaptations the landlord had made increased the fire risk. Doors to the kitchen had been removed and inappropriate escape routes with washing lines across the stairways. The Committee noted that this was an area that could be further looked at.

Recommendation 11: The Council develops a communication strategy, in consultation with Registered Providers and Private Landlords, to raise awareness with tenants and leaseholders that:

- Certain refurbishment works require approvals (including Building Control approvals where necessary)

Monitoring Fire safety

Under the Regulatory Reform (Fire Safety) Order 2005, the 'responsible person' of every high rise residential block must carry out a fire risk assessment (FRA) of the common parts and means of escape. These assessments previously did not address cladding, which is now a focus of

attention. FRAs identify repairs, improvement works and management actions needed to reduce risk and must be carried out after any major works or refurbishment of a block.

The only legislative requirement is to carry out FRAs 'regularly' but this is unclear and will be dictated by the risk of the building. For example, Tower Hamlets Home's higher risk buildings (approximately 9) will be carried out every year, compared with its least risk buildings where FRAs are carried out every 3 years.

In the FRA document, the assessor will identify risks, timeframes to resolve actions and recommend the timing of the next FRA. However, there is no definitive legislative guidance on when actions need to be completed. Following Grenfell, LFB recommended timeframes to complete this work are now much shorter to ensure residents are safeguarded, especially where there is cladding around means of escape.

The Committee heard that Registered Providers adopt a risk based approach to prioritise timeframes and consider whether actions relate to technical or management actions. The London Fire Brigade (LFB) will help to prioritise high risks to determine buildings as high risk if the following are flagged in a FRA:

- Fire stopping between rooms / floors
- Means of escape
- Detection and warning.

Tower Hamlets Homes have developed a work plan around reducing the risk of those buildings over the coming year. Works on the remaining buildings, which amount to some 5000 actions, will be carried out over the following 3-4 years based on risk priorities. Meanwhile, regular inspections are carried out by the caretaking environmental team in buildings every day, who look at fire issues and clear debris.

Although it is the responsibility of the owners of blocks to undertake fire risk assessments and to carry out any necessary works, it is the regulatory duty of local authorities to ensure that these statutory requirements are being met. Accordingly, the Committee recommends closer monitoring by the Council of this duty by developing performance indicators with Tower Hamlet Homes and Registered Providers around timely completion of FRAs and resolving identified actions. The Committee acknowledges that actions will cover a range of works and recommends applying the London Fire Brigade risk matrix as a guide.

Recommendation 12: The Council develops performance indicators, in consultation with registered providers, to report to the Housing Scrutiny Subcommittee on Council and Registered Providers' outstanding actions identified in Fire Risk Assessments and to monitor timeframes in resolving these.

Making Fire Risk Assessments accessible

The Committee noted that all FRAs on Council blocks deemed at 'substantial risk' (approximately 9 buildings) have been published. Publication of all FRAs should be completed in April.

Registered Providers reported that some FRAs can use technical terminology and advised presenting the FRAs with the programme of works so residents are reassured that action is being taken and can engage in the process. Given the significant number of high rises, residents can play a key role in highlighting issues and holding the Council and housing providers to account. Accordingly, helping residents understand FRAs and flagging up key risks help residents feed into this process.

The Committee considered how FRA findings could be presented so that a lay person can understand technical documents. It was noted that descriptive summary documents can be used but it is important that tenants are able to see the full assessment. The Committee recommends that the Council develop a template or guidance to accompany FRAs.

Recommendation 13: The Council develops a Fire Risk Assessment dashboard template, in consultation with Registered Providers and Tenant and Resident Associations, to highlight key risks, remedial actions planned or taken, timeframes and any actions required by residents to accompany published Fire Risk Assessments.

Leaving common areas clear

The Committee heard that after the Grenfell fire, advice between Registered Providers has differed on what residents are allowed to keep on their balconies and in common areas. The fire service specifies minimal storage, while some Registered Providers have a zero tolerance approach.

The Committee acknowledges that the housing stock across the borough is diverse and each block has a different construction (some with cladding/ part cladding). However, the Committee suggests that compliance would be better facilitated by a consistent approach across every provider. The Committee heard that some residents continue to store barbeques on their balconies. Accordingly, the Committee recommends that the Council leads on developing a consistent approach with key stakeholders.

The Committee also noted the difficulty of amending the lease and amendments to strengthen powers around this. The Committee noted that Wandsworth Council have included estate regulations at the back of each lease, which can be amended from time to time. When leaseholders enter into the agreement, they also have to sign protocol supplements, which address how lessors should use the public space. While these are not legally enforceable, the supplements can be used as evidence in enforcement packs.

Recommendation 14: The Council works with Tower Hamlets Homes, Registered Providers and the London Fire Brigade to develop a consistent approach to storing items in common areas across the borough.

Emergency Responses

Stay put and evacuation plans

The Committee heard from the London Fire Brigade Borough Commander, who advocates for the continuation of the 'stay put' policy on the basis that, if the flat is not affected by fire, heat or smoke, it is usually safer to stay in the flat. The Committee noted that the whole fire safety design of a tower block is centered around compartmentation (the fire staying in the room of origin and not spreading to common areas).

Entering the common areas can lead to residents putting themselves in a place of danger. Further, in fires where people have self-evacuated, fire fighters have had to climb over people coming down single staircases, which delayed getting to the fire. Further, evacuating blocks can be very stressful and is not good for public reassurance that residents are in a place of safety.

The Committee heard that some Aluminium Composite Material (ACM) clad buildings are an exception to the 'stay put' policy. However, once the cladding is removed, the LFB advise adhering to the stay put policy.

There are a number of buildings with decorative strips/architectural elements of ACM cladding rather than the whole building, which the LFB have assessed as low risk and advised that the Stay Put policy is still applicable.

There are now waking watches for buildings with ACM cladding deemed a high risk, and occupants have been advised to evacuate immediately. 97 towers out of 246 across London have ACM cladding, which is deemed significant enough to affect the means of escape. Every waking watch tower is on the London Fire Brigade control system and control staff have a special worded message to tell residents that there is a special evacuation in place and refer them to on site guidance on the premises.

However, the London Fire Brigade noted that it cannot stop people from evacuating and, because of the current climate, people are evacuating from buildings without cladding. Recent DCLG guidance on 'interim measures required pending remediation of cladding' states that owners should engage with residents of the building to ensure that they fully understand the emergency fire procedures in the building. It is suggested that further reassurance around the stay put policy is required and recommends that the Council work with key stakeholders to highlight when to evacuate and when to stay put.

The Committee also heard that it is important that residents know when to evacuate. There are so many variables in the condition of flats, which the control staff may not know. The control officer will therefore ask if residents are affected by heat, fire or smoke. If residents are affected by any of these, then the advice is to evacuate immediately. The Committee recommends that clarification around when and how to evacuate is key to saving lives.

There appears to be a reliance on vulnerable persons contacting the London Fire Brigade or building management to develop a personal emergency evacuation plan. The Committee heard that risk registers to identify vulnerable residents are kept as up to date as possible for emergency purposes. The Committee recommends that the Council takes a more proactive approach to assist residents needing assistance in an evacuation to develop personalised emergency evacuation plans.

The 2011 Census found that more than two thirds of the borough's population belong to minority ethnic groups, with the Bangladeshi population making up almost one third. Given the ethnic diversity of the borough, the Committee also recognises the need to ensure that key information and fire signage is accessible and understood.

Recommendation 15: The Council, in consultation with the London Fire Brigade, Tower Hamlets Homes and Registered Providers engages with Tenant Resident Associations to improve understanding of when to stay put and when to evacuate.

Recommendation 16: The Council approaches known residents who need assistance to evacuate to develop personal emergency evacuation plans with them.

Recommendation 17: The Council work with registered providers to develop fire signs and fire safety leaflets in other languages spoken in the borough.

Tower Hamlets Resilience Forum

The Committee heard that in large scale emergencies, such as the Grenfell Tower fire, partnership work is key. Registered providers are generally self sufficient to manage 10-20 flats but the larger the scale of incident, the more support providers need.

The Committee welcomed the testing of Emergency procedures in November 2017 under Exercise Heron, which was a multi-agency exercise designed around a terrorist attack. The Committee noted that it would be beneficial if private providers and residents could also participate in these exercises.

The Committee heard that learnings are shared through the Tower Hamlets Resilience Forum. The Forum meets quarterly and is well attended by emergency services, Public Health England, the military, environment agency, Tower Hamlets Homes and Poplar HARCA. The Committee recommends that other Registered Providers are invited and encouraged to attend, including private providers and residents involvement is also considered.

Recommendation 18: The Council invites registered and private providers to the Tower Hamlets Resilience Forum to ensure all providers are aware of emergency protocols.

Resident Engagement

Prioritising fire safety concerns

The Committee heard that fire safety concerns are usually raised to Tower Hamlets Homes as notifications rather than through the formal complaints process. Ideally fire safety issues will be resolved promptly before the formal complaints stage. However, there is no separate complaints process for fire safety issues. Instead, the formal complaints process goes through the Council's central complaints process.

The Committee considered that a key learning from Grenfell residents was that they did not feel heard when they raised important issues. The Committee recommends that the Council develops a clear separate process for residents to raise and escalate fire safety issues.

The Committee noted that the LFB will look at buildings where an issue is raised. Due to the volume of housing in the borough, residents are a key source of identifying and raising fire safety issues to improve fire safety standards. Educating the public may help inform Council and the LFB of issues within building.

The Committee recommends that the Council considers resident engagement options (such as ward fire safety champions) to promote fire safety awareness and when to raise an issue.

Recommendation 19: The Council works with registered providers to develop a clear separate process for residents to raise and escalate fire safety issues.

Recommendation 20:

Due to the volume of housing in the borough, residents are a key source of identifying and raising fire safety issues to improve fire safety standards. The Council considers resident engagement options (such as ward fire safety champions) to promote fire safety awareness and when to raise an issue.

Council communication with residents in an emergency

The Committee heard a recent fire in the borough, which required residents to be evacuated and moved into temporary emergency accommodation, highlighted the importance of social media as an important communication channel to provide immediate regular updates to residents. Communication was developed on an ad hoc basis by learning on the ground.

The Committee recommends that the Council develops a best practice model, based on shared learnings with other providers to communicate key information in an emergency. This should consider different channels, including joint publications, clear key messages and different languages spoken in the borough.

Recommendation 21: The Council develops a best practice model, based on shared learnings between providers, to communicate key information during an emergency, addressing

- different languages spoken in the borough
- digital (including social media) channels
- non-digital channels (including joint publications)
- key contact information on a dedicated website page.

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