

Cabinet 31 October 2018	 TOWER HAMLETS
Report of: Ann Sutcliffe, Acting Corporate Director, Place	Classification: Unrestricted
Fire Safety Scrutiny Review Action Plan	

Lead Member	Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Housing
Lead Officer(s)	Mark Baigent, Interim Divisional Director – Housing and Regeneration (Place)
Wards affected	All Wards
Key Decision?	No
Community Plan Themes	A Great Place to Live

Executive Summary

This report submits an action plan in response to the recommendations of the Housing Scrutiny Sub-Committee’s scrutiny review of Fire Safety in high rises in Tower Hamlets.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the report and recommendations of the Scrutiny Review Challenge Session on Fire Safety as set out in Appendix 1.
2. Approve the action plan in Appendix 2 which sets out the Council’s response to the recommendations of the Scrutiny Review.
3. Note the specific equalities considerations as set out in Paragraph 4.

1. REASONS FOR THE DECISIONS

- 1.1 The Council’s constitution requires the Executive to respond to recommendations from the scrutiny sub-committees. The action plan within this report outlines the Executive response to the fourteen recommendations from the Scrutiny Review on Fire Safety.

2. ALTERNATIVE OPTIONS

- 2.1 To take no action. This is not recommended as the report outlines work undertaken by Councillors and officers to identify areas of improvement. Further, the actions are strategic, measurable and attainable and a timetable for delivering the recommendations has been agreed by the Directorate and is attached in appendix 2.

3. DETAILS OF REPORT

- 3.1 As part of its work programme for 2017/18, the Housing Scrutiny Sub-committee carried out a scrutiny review on fire safety in high rises in Tower Hamlets (Scrutiny Review), which was led by Councillor Helal Uddin (then Chair of the Housing Scrutiny Sub-committee and Scrutiny Lead for Place). The Scrutiny Review took the form of one scoping meeting and four evidence gathering sessions (3 meetings and 1 call for written submissions).
- 3.2 The Scrutiny Review was prompted by the Grenfell Tower fire on 14 June 2017 in the London Borough of Kensington and Chelsea, which caused devastating loss of lives and homes. The Grenfell Tower fire was a tragic reminder of the importance of fire safety in residential high rise buildings and deemed 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.
- 3.3 The Scrutiny Review aimed to drive improvement in fire safety policies, practices and compliance in existing and new developments; clarify roles and responsibilities across publicly and privately owned high rise buildings and amplify the voice and concerns of residents. The four main areas of focus for the Scrutiny Review were:
- Roles, Responsibilities and compliance throughout the lifecycle of the building.
 - Fire Safety Prevention
 - Emergency Responses
 - Resident Engagement
- 3.4 The Housing Scrutiny Sub-Committee agreed that the Review would focus on high rise residential buildings (above 18 metres high) and focus on residential, as opposed to commercial, premises.
- 3.5 The Scrutiny Review was carried out in the context of a number of ongoing national inquiries and reviews into fire safety.
- 3.6 The Scrutiny Review Report at Appendix 1 sets out a summary of issues from the evidence gathering sessions and 14 recommendations arising from these.

- 3.7 Appendix 2 sets out an action plan to implement the recommendations. Ten recommendations (1 to 3; 5 to 6; 9 and 10 to 13) have been accepted in full. One recommendation (7) has not been accepted on the basis that it is not the Council's responsibility to hold emergency contact details. Three recommendations (4, 8 and 14) have been accepted in part. Recommendation 4, relating to Fire Risk Assessment dashboards, has been limited to apply to Tower Hamlets Homes only. Recommendation 8 to engage private providers by developing a forum to share best practice has been limited to prioritise large private rented sector providers. Recommendation 14, relating to a feasibility study of automatic fire suppression systems in high rises and prioritising vulnerable residents and high risk buildings, has been limited to the Council's housing stock.

4. EQUALITIES IMPLICATIONS

- 4.1 The Public Sector Equality Duty (as set out in the Equality Act 2010) aims to embed equality considerations into the day to day work of public bodies, so that they tackle discrimination and inequality and contribute to making society fairer.
- 4.2 The actions set out in this review seek to implement recommendations on key equality considerations, including reflecting the diversity of the borough by developing communication materials in key languages spoken in the borough; improving transparency and clarity of fire risk assessments through exploring introducing a clear user-friendly dashboard; considering best practice models to engage disabled residents; promoting the need for Landlords to assist vulnerable residents (including residents with hoarding issues or who require assistance in evacuating), reviewing existing services for personalised emergency evacuation plans and prioritising remedial works or adaptations to facilitate safe evacuation.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 5.2 The recommendations in scrutiny review 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.

- 5.3 There are no direct environmental implications arising from the report or recommendations.
- 5.4 The recommendations of the Scrutiny Review are based on areas of risk and for improvement for the Council and its partners and the actions seek to address these.
- 5.5 There are no direct crime and disorder reduction implications arising from the report or recommendations.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report provides an update for the Mayor in Cabinet on the review of Fire Safety that has been undertaken by the Housing Scrutiny Sub-Committee and seeks approval for the adoption of the action plan that has been prepared to meet the recommendations arising from the review. The financial implications of the action plan, will need to be assessed and considered as part of the Council's Medium Term Financial Strategy. Efforts to secure central government funding will also need to continue to minimise the impact on local taxpayers and tenants.
- 6.2 The Scrutiny Report proposes fourteen recommendations providing a range of actions across the Council. The review covers all stock within the borough, both private and public sector.

Registered Providers of Social Housing and Private Sector

- 6.3 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.
- 6.4 The Council has set aside an initial revenue budgetary provision of £100,000 to finance the appointment of temporary staffing resources within the environmental health and housing teams, and to fund the associated legal and administration costs. In addition, the Council has received an allocation of £113,000 from the MHCLG to support the financing of costs associated with the identification of all residential tower blocks within the borough with Aluminium Composite Material (ACM) cladding. These resources are funding activities being undertaken by the Council's Building Control and Environmental Health sections.
- 6.5 The Council is providing guidance and support for RPs, particularly in its lead role on the Tower Hamlets Housing Forum (THHF). As an activity relating to non-Council owned housing stock any costs are a charge to the General Fund and are currently being met from within approved budgets.

Council Stock (held within the Housing Revenue Account)

- 6.6 The Council's 2018-19 Budget Report and Medium Term Financial Strategy 2018-21 includes capital provision totalling £26.84 million for fire safety works to its Housing Revenue Account stock. Increases to the Tower Hamlets Homes management fee have also been approved to meet the revenue costs associated with the enhanced fire safety programme.
- 6.7 The scrutiny report highlights other measures that might become necessary in future e.g. the retro fitting of sprinkler systems to blocks. These will need to be considered as part of the Council's Medium Term Financial Strategy and form the basis of future reports to Cabinet. A review of the HRA capital programme and a significant reprioritisation of proposed future schemes will need to be completed, if the works are agreed and undertaken.
- 6.8 It is anticipated that the Government will shortly publish its response to the Independent Review of Building Regulations, in particular in relation to addressing fire safety. Once published, an assessment of the resource implications for the Council will be undertaken and reported to Cabinet. Although it is likely that Government funding is likely to be sought, this cannot be guaranteed and it is therefore likely that costs will fall upon various Council services. These financial implications will need to be considered as part of the Council's Medium Term Financial Strategy, before any funds are committed.

7. COMMENTS OF LEGAL SERVICES

- 7.1 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 which ensure the committee has specified powers. Consistent with that obligation Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive, as appropriate, in connection with the discharge of any functions. It is consistent with the Constitution and the statutory framework for the Committee to be asked to comment on the matters set out in the report. Other Scrutiny Panels may be established by the Overview and Scrutiny Panel which include the Housing Scrutiny Sub Committee.

The report seeks the approval of the action plan which sets out the Council's response to the recommendations of the Scrutiny Review.

- 7.2 The recommendations in the plan appear to be capable of being carried out within the Council's powers. With regards to the recommendations and proposed actions, much of the relevant legislation is included in the body of the Fire Safety Review Report. Where it is not, comments are made below:

- 7.3 S.3 of the Housing Act 2004 (the Act) places a duty on local housing authorities to keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them. This includes undertaking inspections to identify hazards and taking appropriate enforcement action where serious hazards are identified. Hazards that can be addressed using these powers include the risk of harm associated with exposure to uncontrolled fire and associated smoke.
- 7.4 S.10 of the Act imposes a duty on local authorities to consult with the fire and rescue authority where enforcement action is to be taken under 1 in relation to a prescribed fire hazard.
- 7.5 The Council is required when exercising its functions to comply with the duty set out in section 149 of the Equality Act 2010, namely to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between those who share a protected characteristic and those who do not, and foster good relations between those who share a protected characteristic and those who do not. Paragraph 4.2 of the report refers to various actions in the review that address equality considerations.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Fire Safety Scrutiny Review Report
- Appendix 2 – Fire Safety Scrutiny Review Action Plan

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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