

Non-Executive Report of the: <b>Housing &amp; Regeneration Scrutiny Sub-Committee</b> 15 <sup>th</sup> April 2021	
<b>Report</b> Karen Swift, Divisional Director, Housing and Regeneration	<b>Classification:</b> Unrestricted
<b>Fire Safety Progress Report</b>	

<b>Originating Officer(s)</b>	Mark Slowikowski, Strategy and Policy Manager (Place)
<b>Wards affected</b>	All Wards

## Executive Summary

This report provides members of the sub-committee with a progress report on the fire safety work undertaken by the council. Specifically, it covers:

- Closure of Fire Safety Scrutiny Review Action Plan.
- An update on the council's work with the private sector on the remediation of Aluminium Composite Material (ACM).
- An update on the council's progress with the Ministry of Housing and Local Government's (MHCLG) External Wall System (EWS) survey .
- An update on the preparatory work the council has undertaken on the implementation of the Building Safety Bill (to be enacted).

## Recommendations:

The H&RSSC is recommended to:

1. Recommend the closure of the Fire Safety Scrutiny Review Action Plan to the Mayor/Mayor in Cabinet .
2. Note the content of this report in respect of the actions taken on ACM remediation, the EWS survey and the forthcoming Building Safety Bill.

## 1. REASONS FOR THE DECISIONS

- 1.1 The Fire Safety Scrutiny Review Action Plan dates from 2018 and was formulated in the aftermath of the Grenfell tragedy. The actions have been completed and the sub-committee is asked to formally close the plan.
- 1.2 This will enable the council to concentrate its fire safety activities in the areas of private sector ACM remediation, the completion of the EWS survey and to plan for the implementation of the Building Safety Bill which is

anticipated to come into force in the autumn of this year.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The alternative options are to not close the Fire Safety Scrutiny Review Action Plan and not to prepare for the implementation of the Building Safety Bill.
- 2.2 Neither of these alternatives is deemed appropriate as the fire safety landscape (particularly the emerging legislative framework) has changed since the action plan was drafted and the council needs to “move-on” in terms of its fire and building safety work.
- 2.3 Members of the sub-committee are reminded that the borough is home to the highest number of tower blocks in the country and has 54 blocks over 18 metres within its own stock. Failure to prepare for the Building Safety Bill is likely to put residents at risk, subject the council to judicial review and incur extra costs in the long run.

## **3. DETAILS OF THE REPORT**

### **Fire Safety Scrutiny Review Action Plan**

- 3.1 The Fire Safety Scrutiny Review Action Plan was formulated after the council undertook an in-depth scrutiny review of fire safety in 2017/18. This sub-committee approved the action plan in March 2018.
- 3.2 The action plan contained 14 recommendations and 42 actions with completion dates between October 2018 and March 2019. Progress on delivering these actions was reported back to this sub-committee in November 2018 and in July 2019.
- 3.3 The progress report to the November 2018 meeting included information about the recommendations emerging from the Hackitt Review, set up following the Grenfell fire. The sub-committee noted this information. As further recommendations emerge from the Hackitt Review the council will factor these into its approach to fire safety.
- 3.4 At the July 2019 sub-committee meeting, a further update on the progress made in delivering the actions was provided; the report was noted. The final iteration of the action plan is appended to this report as appendix 1. All actions have now been completed and the sub-committee is requested to approve the closure of the plan.

### **Progress Report on Private Sector ACM Remediation**

- 3.5 The Council’s Fire Safety Team maintains a spreadsheet recording key details for private sector and social housing sector residential properties in the Borough that are over 18 metres in height and contain ACM cladding. There

are no properties in the council's stock in this category. Information from the spreadsheet is entered onto the MHCLG's DELTA system that records progress on remediation across the country.

- 3.6 Weekly Fire Safety Meetings are held, chaired by the Divisional Director for Housing and Regulation, monitoring the progress made by private sector landlords in remediation their stock. Social sector landlords (Private Registered Providers are responsible for monitoring their own progress on remediation and entering this information onto the DELTA system. There are currently 12 blocks in this category; 6 have been fully remediated with work on site on the remaining 6 blocks.
- 3.7 As at March 2021, there were 38 private sector blocks requiring ACM remediation in the borough. A further 13 buildings are under investigation by the council as they have been identified as potentially having ACM through the EWS survey.
- 3.8 Of the 38, the council has agreed a remediation plan with majority of building owners but there are 6 owners that have not agreed a plan and officers have been working with the GLA, London Fire Brigade and the MHCLG to ensure a plan is put in place.

### **Progress Report on EWS Survey**

- 3.9 In July 2019, the MHCLG introduced the EWS survey requiring all councils to collect and input details of all council owned and private sector external wall systems onto another DELTA (EWS) database. Private Registered Landlords are required to enter their own data onto the system.
- 3.10 The Fire Safety Team also maintains a EWS spreadsheet and reports progress on the data collection exercise at the weekly fire safety meetings. As at March 2021, there were 795 private sector blocks in the borough identified as in scope, i.e. greater than 18 metres in height.
- 3.11 The council has collected a total of 734 replies all of which have been entered onto the DELTA EWS database. However, only 576 owners have provided complete details with 158 requiring the fire safety team to chase building owners and managing agents to complete the exercise by the 2025 deadline.
- 3.12 Work continues to collect the remaining information and a proposal has been put forward for procurement/development of a database that can handle the volume of data being collected to better manage the system.

### **Preparing for the Implementation of the Building Safety Bill**

- 3.13 In July 2020, the MHCLG published its draft Building Safety Bill launching a consultation and scrutiny process ahead of the Bill's introduction to Parliament. As the Bill is still in draft form the council can only take preparatory action ahead of the Bill's enactment.

- 3.14 The latest position on the introduction of the Bill is that it was returned to the House of Commons on the 22<sup>nd</sup> March 2021 for consideration of amendments made by the House of Lords.
- 3.15 The outcome of those deliberations alongside previous and any forthcoming sessions will be factored into the final Bill when published later this year. It is expected that key tenets of the Bill will remain unaltered such as the introduction of an Accountable Person, Building Safety Managers, “prescribed information” (the Building Safety Case) Resident Engagement Strategies.
- 3.16 Details of the council’s preparatory work is given in Appendix 2, a presentation that has been rolled out to DLT and CLT, advising senior officers of the work undertaken and the emerging issues. A remodelled version of this presentation was delivered to THHF Executive in March 2021. Due to time constraints, this presentation is not being delivered at the sub-committee meeting, but questions on it are welcomed.
- 3.17 Notwithstanding the draft nature of the Bill, the council alongside its London peers and its ALMO THH, has begun planning for the introduction of Bill. An internal Building Safety Bill Group has been established and meets monthly to progress matters. Details of this group is also provided in Appendix 2.

#### **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. The actions undertaken and underway by the council in respect of ensuring fire safety in the borough reflect this duty.
- 4.2 Consideration will be given to undertaking an Equality Impact Assessment on the implications of the draft Building Safety Bill, although it is noted that the MHCLGH’s own impact assessment of the bill is silent on any equality/diversity matters.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 There are no other statutory implications identified at this stage. The council’s work to date and going forward is considered to be commensurate with all its best value, environmental and safeguarding responsibilities.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report provides an update on the works undertaken pertaining to fire safety. All costs associated with fire safety works following the Grenfell Tower fire are contained within the Housing Revenue Account (HRA) and as a result do not impact on the General Fund.

- 6.2 Fire safety works are included within the HRA Business Plan and amount to circa £60m of capital expenditure over the 30-year life of the business plan.
- 6.3 A successful growth bid for £350k was approved as part of HRA budget setting for 2020/21 to meet the cost of implementing the cost of the Building Safety Bill.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 This report provides Members with an update on a number of matters pertaining to action taken by the Council in relation to fire safety. Importantly, the report details progress on the Building Safety Bill, through Parliament and actions officers are taking to prepare for the implementation of the Bill when it becomes law. The Bill will amend the Fire Safety Order 2005 to clarify that the responsible person or duty-holder for multi-occupied, residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, entrance doors to individual flats that open into common parts.
- 7.2 The Bill will also provide a foundation for secondary legislation to take forward recommendations from the Grenfell Tower Inquiry phase one report i.e. that building owners and managers of high-rise and multi-occupied residential buildings should be responsible for a number of areas including:
- regular inspections of lifts and the reporting of results to the local fire and rescue services
  - ensuring evacuation plans are reviewed and regularly updated and personal evacuation plans are in place for residents whose ability to evacuate may be compromised
  - ensuring fire safety instructions are provided to residents in a form that they can reasonably be expected to understand
  - ensuring individual flat entrance doors, where the external walls of the building have unsafe cladding, comply with current standards
- 7.3 Further, there will be powers for the Secretary of State for Housing, Communities and Local Government to amend the list of qualifying premises that fall within the scope of the Fire Safety Order.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Reports**

- [LONDON BOROUGH OF TOWER HAMLETS.](#)
- [Appendix 1 - Fire Safety Scrutiny Review Report.pdf \(towerhamlets.gov.uk\)](#)
- [LONDON BOROUGH OF TOWER HAMLETS](#)
- [Fire Safety Scrutiny Review Action Plan monitoring 2019 v5.pdf \(towerhamlets.gov.uk\)](#)

## **Appendices**

- Appendix 1 – Fire Safety Scrutiny Review Action Plan.
- Appendix 2 – Building Safety Bill Presentation

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

#### **List of “Background Papers” used in the preparation of this report**

- Draft Building Safety Bill.

#### **Officer contact details for documents:**

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