

# Birmingham City Council

## Report to Cabinet

14 December 2021



**Subject:** Update on Fire Safety in High Rise Buildings 2021 – Council Stock

**Report of:** Managing Director – City Housing

**Relevant Cabinet Member:** Councillor Shabrana Hussain, Cabinet Member for Homes and Neighbourhoods

**Relevant O &S Chair(s):** Councillor Carl Rice - Chair of Coordinating Overview & Scrutiny Committee

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009232/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

### 1 Executive Summary

- 1.1 To provide an overview of Birmingham City Council's response following Grenfell and Dame Judith Hackitt's subsequent report 'Building a Safer Future', the Building Safety Bill, the Fire Safety Act and the Charter for Social Housing Residents Social Housing White Paper.
- 1.2 To update Cabinet on the Waking Watch Relief Funding available to support leaseholders in private high-rise residential buildings in the city where leaseholders are currently paying for Waking Watch.

### 2 Recommendations

- 2.1 To note the report content and endorse the approach being taken to respond to the findings of these fire safety reports.
- 2.2 To retrospectively approve the acceptance of The Department for Levelling Up, Housing and Communities (DLUHC) Waking Watch Relief Funding of up to a maximum of £1.7m and to note the arrangements for the administration and delivery of the funds through Acivico on behalf of the Council.

### 3 Background

- 3.1 Following the fire at Grenfell Tower the government commissioned an independent review of building regulations and fire safety which was led by Dame Judith Hackitt. This resulted in recommendations in regard to both the physical aspects of building safety and also in regard to how landlords work with their residents on fire safety matters.
- 3.2 The Cabinet report 'Grenfell One year on' 24<sup>th</sup> May 2018 (background report) provided an overview of the Council's immediate response and activity post Grenfell. The Cabinet report 'Fire Safety and High-Rise Buildings Update' 29<sup>th</sup> October 2019 and the Cabinet report 'Update on Fire Safety in High Rise Buildings – Council Stock' 13<sup>th</sup> October 2020 provided further updates to Cabinet on actions taken during 2018/19 and 2019/20.
- 3.3 In early 2021 the Government published the following sections of legislation.
  - 3.3.1 The Fire Safety Act received Royal Assent on 29<sup>th</sup> April 2021. The Fire Safety Bill was introduced to amend the Regulatory Reform (Fire Safety) Order 2005, with an aim to make it clearer where responsibility for fire safety lies in buildings containing more than one home and to create a foundation for secondary legislation to take forward recommendations from the Grenfell Tower Inquiry phase one report. Previously the Order did not clearly cover certain areas of buildings that may pose a serious fire risk, for example, the structure of buildings and the external walls. This was a source of confusion for both those involved in the ownership and management of buildings and enforcement authorities alike. It is this confusion that the Fire Safety Act 2021 seeks to resolve.
  - 3.3.2 The Building Safety Bill's purpose is to put in place new and enhanced regulatory and accountability regimes for building safety and to ensure residents have a stronger voice in the system. It aims to introduce clearer standards and guidance and create a systemic change in culture and responsibility within the building industry.
  - 3.3.3 All activity is being co-ordinated through the City Housing Fire Safety Steering Group (FSSG). A high level project plan which details ongoing activity against the recommendations from Building A Safer Future, legislative changes from the Fire Safety Act and Building Safety Bill is included in Appendix 1. FSSG is chaired by the Head of Service, Capital Investment and Repairs. The Chair of the FSSG is working in conjunction with DLUHC, Local Government Association and the National Housing Federation.
  - 3.3.4 The Managing Director City Housing has corporate responsibility for fire safety in Birmingham City Council's Housing Stock.
- 3.4 The Chair of the FSSG has been in regular dialogue with DLUHC regarding a range of issues including Large Panel System (structures made of large factory produced concrete slabs where the floors and walls rest one upon the other, held together by their own weight) High Rise Residential Building (HRRBs) and Birmingham City Council's approach to its future management which is being used as an example for other local authorities to learn from.
- 3.5 Birmingham's approach post Grenfell continues to be showcased at a variety of nationwide webinars including the Building Safety Summit.
- 3.6 Birmingham City Council is also a member of an Early Adopters group initiated by DLUHC that has made a commitment to placing building safety and the safety of residents at the heart of all organisations.

## 4 Update on Fire Safety and Assurance activity

### 4.1 Stay Put Policy

- Birmingham City Council have undertaken a review of the evacuation procedures in conjunction with West Midlands Fire Service (WMFS) for our HRRBs. A Fire Emergency Evacuation Plan (FEPP) has been produced which corroborates the Stay Put Policy and has been shared with WMFS, West Midlands Police, West Midlands Ambulance Service, Western Power, Cadent Gas and reinforced with tenants.

#### 4.1.1 Fire Awareness Visits

- The opportunity for our tenants to have Safe and Well visits from WMFS has been built into our new lettings and referrals practices and procedures and also when carrying out fire safety work.

#### 4.1.2 Fire Risk Assessments

- All Birmingham HRRBs have a current Type 1 Fire Risk Assessment, covering all communal areas. They are subject to a rolling 12-month programme of re-assessment. Type 1 Assessments do not include entry into individual flats and are non-destructive assessments.
- Birmingham City Council has its own in-house team of officers who are accredited Fire Risk Assessors, who carry out our HRRB Type 1 Fire Risk Assessments.
- Birmingham City Council continue to pilot the introduction of Type 3 Fire Risk Assessments to communal parts and individual flats (which is a non-destructive inspection) in all dwellings in HRRBs. Carrying out Type 3 Fire Risk Assessments will provide assurances to the council and residents that fire safety is of the utmost importance in such buildings.

#### 4.1.3 Building Safety Manager

- A key recommendation from the Building a Safer Future report is that a 'Building Safety Manager' (BSM) needs to be appointed for HRRBs and possibly other flatted accommodation with the responsibility for ensuring systems are in place that effectively manage buildings and fire safety; the Building Safety Manager will also be the conduit for the residents' voice in HRRBs. A business case for the creation of two new roles (Building Safety Manager & Building Safety Officer) has been approved
- It is envisaged that the role of the Building Safety Officer will include carrying out Type 3 Fire Risk Assessments, engagement with residents living in the HRRBs, carrying out monthly audits and dealing with issues, identified through these audits. The Building Safety Officers will report to the Building Safety Manager who will have technical expertise in fire and or structural safety.
- The full competencies and requirements for the role are yet to be published by the government and will be incorporated when possible. However, in line with the recommendation from Dame Judith Hackitt, we are progressing these requirements in conjunction with industry experts to prevent any delays.

#### 4.1.4 Retro fit sprinklers

- Currently of our 213 High Rise blocks, 176 had fully commissioned sprinkler installations completed by the end of 2020/21. Of the 37 remaining blocks 27 are due to be completed this year, 4 have been removed as pending demolition and 6 currently unable to progress due to issues with a significant number of Leaseholders, refusing installation of the sprinklers to their flats. The 6 blocks will remain eligible for sprinkler installation and work continues on promoting the benefits to residents, however without sufficient take-up

amongst Leaseholders, sprinkler installation may not be viable. We will ensure other fire safety measures are managed robustly in these blocks including smoke detectors regularly monitored, Fire Risk Assessments and Building Safety Checks are carried out and the provision of other safety work such as updated fire rated front doors and frames are prioritised. Generally, there has been a very high-level of customer satisfaction and residents are welcoming the installation of this important life-saving equipment into their homes.

#### **4.1.5 Fire Doors**

- Birmingham City Council are replacing all fire rated front doors and frames in HRRBs. This programme was initiated in December 2020 and work is carried out in conjunction with Shelforce who have achieved the European standard accreditation for these doors. Within the current budget forecast, the programme is anticipated to take approximately 5 years, however this will be kept under review alongside capital investment priorities.

#### **4.1.6 Further Enhanced Fire Safety works**

- The Capital Investment Team is undertaking further enhanced fire safety work on the exteriors of HRRBs. The blocks that require additional external upgrades have been identified through extensive joint working between the Fire Engineers from WMFS and Birmingham City Council's Capital Investment Team.
- This work will ensure that all HRRBs meet the new Limited Combustibility A2 fire safety standard, as recommended by the Fire Service and central government. Work is in progress with a planned completion date for necessary elements of work by March 2022.

#### **4.1.7 Resilience Testing**

- Resilience exercises are co-ordinated between Birmingham City Council's Housing Service and WMFS. These exercises simulate a live fire safety situation. The exercises are supported by WMFS personnel using apparatus from a range of stations. Birmingham City Council Housing personnel are also involved in this important exercise along with colleagues from the Contact Centre and the City Council's Resilience Team. The simulation focuses on the evacuation of volunteers and dummies from the block, as well as taking medical care of casualties and management of fatalities. It also provides WMFS the opportunity to pilot new technology and monitor the oxygen equipment. Learning from the exercises can inform some minor changes and revision to the current resilience plan. Resilience exercises were put on hold in 2020 due to Covid-19 but resumed in September

#### **4.1.8 Improved Resident Engagement**

- Residents are being fully consulted with regard to all fire safety related works. Particular emphasis is on contacting vulnerable residents to ensure everyone is fully engaged. Consultation regarding fire safety works is completed by the Repairs Contractors prior to any major works commencing.
- Daily block inspections of HRRBs are carried out (Monday to Friday) and confirmation that an inspection has been carried out is displayed on the block notice board each day.
- A review of the Conditions of Tenancy with regards to the council and resident responsibilities will be finalised once the detailed requirements from DLUHC are fully known.

#### **4.1.10 HRRB Repository**

- A key recommendation from the Building a Safer Future report is that a golden thread of core building safety information relating to HRRBs is held throughout the lifecycle of the building in a central repository. The review made clear that the new regulatory framework

must be underpinned by robust record keeping, with a digital 'golden thread' of key building information running through all phases of design, construction and occupation.

- The Government is working to develop a consistent labelling and traceability system that supports the creation and maintenance of the golden thread of building information.
- The IT requirements for a HRRB repository, that will combine and hold all relevant information that relates to our HRRBs, has been specified. The solution will provide a single repository that will hold all relevant information and enable BCC staff as well as select external bodies such as emergency services to have access.
- Safety Case Files for each HRRB have been developed and will be held and updated on these repositories.

#### 4.1.11 Waste Management

Waste Management and Housing Services will continue to work together to ensure that the weekly schedule of bin collections continue to ensure that there is no build-up of waste items in all HRRBs.

## 5 Private High-Rise Residential Buildings / Waking Watch Relief Fund

- DLUHC requested the local authority to facilitate the completion of surveys in relation to External Wall Insulation (EWI) systems regarding all HRRBs including those which are privately owned. All identified HRRBs within the Birmingham City Council Boundary have been surveyed and we are working closely with DLUHC to provide the required information.
- The Waking Watch Relief Fund (WWRF) is a national £30 million fund to pay for the costs of installing a Common Fire Alarm System in eligible residential buildings with unsafe cladding systems. These systems will enable costly Waking Watch measures to be reduced or replaced in buildings waiting to have unsafe cladding removed. The fund will be for the benefit of leaseholders in buildings over 17.7m with Waking Watch by reducing the ongoing costs of such services and avoiding the need for them to meet the upfront costs of the installation of fire alarms. Birmingham has been allocated up to a maximum of £1.7m of the WWRF which is administered through DLUHC.
- Eight buildings have been approved for funding in Birmingham. Acivico is acting as technical support on behalf of Birmingham City Council in the delivery of the WWRF programme and has procured contract arrangements against a set specification of works which meet the funding requirements. Acivico have also liaised with West Midlands Fire Service (WMFS) to ensure the proposed alarm systems are sufficient to meet the criteria set by the and once installed waking watch can be removed.
- Acivico are administering the funding to the applicants, drawing money down from BCC as and when required. 50% of funding is paid upon receiving a signed funding agreement. The remaining 50% of the funding is paid upon completion of the works. All of the eight buildings that applied have been approved and will receive funding. One building has received funding in full and Waking Watch has been removed, six buildings have received 50% of their funding with Waking Watch expected to be removed by 19<sup>th</sup> January 2022. Acivico are awaiting the return of a signed funding agreement from 1 building.

## 6 Options considered and Recommended Proposal

- 6.1 This project could have been outsourced to a third-party consultancy, however it was felt that due to the time scales and the wide and varied approach required across the entirety of the service, an internal resource with in-depth knowledge of the service would be more efficient and cost effective. To address this, the Fire Safety Steering Group was formed and chaired by the Head of Capital Investment and Repairs, supported by other Heads of Service, operational staff from across the wider Housing Service and representatives from WMFS.
- 6.2 Cabinet are recommended to note the report content and endorse the approach being taken to respond to the findings Grenfell and Dame Judith Hackitt's subsequent report 'Building a safer future', the Building Safety Bill, the Fire Safety Bill and the charter for social housing residents white paper.

## 7 Consultation

- 7.1 The ongoing activity with regard to fire safety and engagement as detailed in this report has been shared with tenants through the City Housing Liaison Board, West Midlands Fire Service, DLUHC and the Local Government Association. The joint working with WMFS since Grenfell is overseen by the Fire Safety Steering Group.

## 8 Risk Management

- 8.1 See Appendix 2.

## 9 Compliance Issues:

### 9.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 9.1.1 Maintaining and improving the council owned housing stock directly contributes to the strategic outcomes of the Sustainable Community Strategy, the proposed Council Business Plan and Budget 2018+. Outcome 4 – Birmingham is a Great Place to Live - in particular under the theme of securing a high quality of life for residents.

### 9.2 Legal Implications

- 9.2.1 The proposed allocation of work is consistent with the effective management of the council's housing stock under Part II Housing Act 1985.
- 9.2.2 DLUHC has the powers to provide Waking Watch Relief funding using powers under s1 Infrastructure (Financial Assistance) Act 2012. And is providing funding using s.31 of the Local Government Act 2003. Under the general power of competence per Section 1 of the Localism Act 2011, the Council has the power to enter into the arrangements set out in this report which are within the boundaries and limits of the general power of competence Section 2 and 4 of the Localism Act 2011.

### 9.3 Financial Implications

- 9.3.1 To date Birmingham City Council has received no direct financial support from central government for fire safety works - the sprinkler programme is funded from Housing Revenue Account (HRA) borrowing and other HRA resources. The total cost of the Sprinkler System Programme is estimate to be £31.1m. The total cost between 2018/19 and 2020/21 was £26.7m, with a further £4.4m expected to be incurred in 2021/22.
- 9.3.2 The Housing Capital Investment Programme has been reviewed to reflect the high priority of fire safety works in the HRRBs in 2021/22, such as the installation of fire doors and frames replacement of window and balcony infill panels, and other

requirements from fire safety assessments. This review also considers the requirement to replace expired life cycle elements such as windows, roofs, kitchens, bathrooms, door entry systems, rewires, gas central heating in the overall HRA stock. Funding of these competing priorities will be challenging. Review of capital investment priorities and development of the programme forms part of the annual business planning and budget setting process which is approved by Cabinet and Council in February each year. Provision was made in the 2021/22 HRA revenue budget to fund the requirement for Building Safety Manager roles.

9.3.3 Waking Watch Relief Funding is available to support leaseholders in qualifying private high-rise residential buildings in the city. The allocation for Birmingham is £1.7m with New Burdens funding of £0.046m provided to administer the fund. Acivico will administer the fund on behalf of the council. Funding is provided on the basis of capital spend incurred up front and then claimed back from DLUHC at the end of the scheme based on PI's and criteria being met. DLUHC will reimburse these costs in a single tranche

#### 9.4 **Public Sector Equality Duty**

9.4.1 Attached - Appendix 3

### 10 **Background Documents/ Appendices**

Appendix 1 – High Level Project Plan Ongoing Actions

Appendix 2 - Risk Register Action Plan

Appendix 3 – Equality Impact Assessment