

# Birmingham City Council

## Report to Cabinet

29<sup>th</sup> October 2019



**Subject:** Update on Fire Safety in High Rise Buildings

**Report of:** Acting Director - Neighbourhoods

**Relevant Cabinet Member:** Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods

**Relevant O &S Chair(s):** Councillor Penny Holbrook - Chair of Housing and Neighbourhoods 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference: 006562/2019		
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', and the government's implementation plan following this.

### 2 Recommendation

- 2.1 Cabinet are recommended to note the report content and endorse the approach being taken to respond to the findings of the Dame Judith Hackitt report and the government's response to this, post Grenfell.

### 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. This report is intended to update Cabinet on actions taken since the previous Cabinet report. Below is a summary of some of the actions undertaken post Grenfell.

- The Fire Safety Steering Group was formed to ensure that Birmingham City Council responded to any legislative changes or government guidance post Grenfell.
- All 213 high rise blocks have been jointly inspected with West Midlands Fire Service, Fire Safety Engineer and Birmingham City Council's own Housing Officers. The assessment of Birmingham City Council's high rise blocks with cladding installations over the entirety of the building identified that there were no blocks that had a similar cladding system to that of Grenfell Tower.
- Work will be required to enhance fire safety to meet the government's latest guidelines as set out in the Ministry of Housing advice notes 18 and 19. It is projected that this work which is primarily to replace window infill panels, will require in excess of £28m to carry out
- A fire safety and wellbeing awareness campaign was delivered between November 2017 and April 2018. These campaigns were supported and co-ordinated with West Midlands Fire Service.

3.3 In December 2018 the government responded to the Hackitt report findings and issued an implementation plan, which included a number of revised guidelines in regard to safety measures. This resulted in building regulations for new and refurbished dwellings being amended. A number of working groups were established to develop proposals further on behalf of the Ministry of Housing Communities and Local Government, for wider consultation.

3.4 In December 2018, and following on from the Hackitt report findings, the government issued a 'Call for Evidence' on good practice on how residents and landlords work together to keep their home and building safe'. An example of some of the areas it planned to consult further on are below:

- Requirements for residents to be provided with critical safety information about their building.
- Requirements for responsible duty holders to put in place a Resident Engagement Strategy for high risk buildings.
- Options for a clear and quick escalation route for residents' to raise building safety concerns, including relationships with the new regulatory framework for building safety and interactions with existing regulatory and redress schemes.

3.5 The Social Housing Green Paper consultation also asked questions in regard to the landlord/resident relationship, including matters of fire safety, in addition to questions on regulation, complaint management and performance reporting.

- 3.6 The Regulator of Social Housing on 17<sup>th</sup> June 2019, issued regulatory notices to two local authorities in respect of compliance with the Home Standard (which is part of the Consumer standard that applies to local authorities) and specifically on a range of health and safety requirements. The standards require that providers will *'meet all applicable statutory requirements that provide for the health and safety of occupants in their homes'*. Birmingham City Council is in the process of reviewing and assessing the City Council's position against this report and its recommendations. This report seeks to provide an assurance of the Councils compliance, along with ongoing assurance provided through the Fire Safety Steering Group overseeing future activity.
- 3.7 All activity is being co-ordinated through the Fire Safety Steering Group , which is chaired by Head of Service Asset Management and Maintenance. The Chair of the FSSG is working in conjunction with the Ministry of Housing Communities and Local Government, Local Government Association and the National Housing Federation.
- 3.8 The Chair of the Fire Safety Steering Group has been in regular dialogue with Ministry of Housing Communities and Local Government regarding a range of issues including Large Panel System high rise blocks and Birmingham City Council's approach to its future management which is being used as an example for other local authorities to learn from. Birmingham's approach post Grenfell has also been showcased in conjunction with the Local Government Association and the National Housing Federation at their recent Building Safety Forum event.
- In June 2019, the Ministry of Housing Communities and Local Government commenced its long awaited consultation, "Building a Safer Future" with proposals for reform of the building safety regulatory system. This consultation follows on from the government's Implementation Plan published in December 2018 which set out how the government intended to take forward the recommendations from Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety.
  - Birmingham City Council facilitated resident feedback and the Fire Safety Steering Group provided technical feedback to the consultation, which closed in July 2019.
  - It is envisaged any legislative changes will be announced during the early part of 2020.

### **3.9 Update on Fire Safety and Assurance activity**

#### **3.9.1 Fire Awareness Visits**

- A full scale review has been undertaken of resident profile information held on the council's information system for all high rise residents. This ensures our resident profiling information is as up to date as possible in order to be passed to the emergency services as part of the council's resilience plan when required.
- Housing Services are working with West Midlands Fire Service to provide safe and well visits. This will allow West Midlands Fire Service to pass back specific

information relating to the findings of visits (where residents give authority) or overarching management information relating to the findings.

- As part of the new lettings process every new tenant is invited to complete a referral for a safe and well visit, which is sent to West Midlands Fire Service to carry out.
- In sheltered accommodation, all new tenants have a referral completed for a safe and well visit

### **3.9.2 Fire Risk Assessments**

- All Birmingham high rise blocks have a current Fire Risk Type 2 Assessment, covering all communal areas in place and are subject to a rolling 12-month programme of re-assessment. Type 2 Assessments do not include entry into individual flats.
- Birmingham City Council has its own in-house team of officers who are accredited Fire Risk Assessors, who administer our fire prevention program.
- Birmingham City council are currently reviewing the impact of carrying out Type 3 Fire Risk Assessments to communal parts and individual flats (which is non-destructive inspection) in all individual dwellings. Carrying out Type 3 Fire Risk Assessments will provide assurances to the council and residents that compartmentation is in place between dwellings, which is the primary fire management measure. This activity will form the main aspect of the Building Safety Manager role for which the pilot is currently being developed.

### **3.9.3 Retro fit sprinklers**

£31m has been secured through a combination of HRA prudential borrowing and the HRA, to carry out the retro fit installation of sprinkler systems to all high rise residential blocks for which cross party support has been received.

- The following selection criteria is being used for sprinkler installation over a 3 year programme.
  - All sheltered high rise blocks (37 blocks - 1700 units)
  - Most flats per floor – Inkerman House (118 units)
  - Tallest residential 14 stories and above (34 blocks, 3049 units)
  - 10 – 14 stories (71 blocks, 3363 units)
  - Under 10 stories (70 blocks, 2355 units)

3.9.4 The sprinkler programme is now in year 2 of a 3 year installation programme. The installations continue to be delivered by our contractors across the city to all 213 of

our high rise blocks. Performance is monitored daily, weekly and monthly by Birmingham City Council's Capital Investment Team. There are very high-levels of customer satisfaction and generally residents are welcoming the installation of this important life-saving equipment into their homes.

### **3.9.5 Fire Doors**

- Following the events at Grenfell, it was highlighted that there was a requirement to test all of the previously fitted doors against the new more robust fire safety standard.
- Currently, 10 new door types have been tested in partnership with Winkhaus. BM Trada who are the testing consultants for fire doors. They have now agreed with the Ministry of Housing Communities and Local Government on the composition of a Q Mark composite fire door scheme that will ultimately allow fabricators to re-enter the fire door market. Further advice and guidance is awaited from the Ministry of Housing Communities and Local Government however, in the event that Birmingham City Council are required to replace all fire rated front doors and frames, it is estimated that there will be an additional cost in the region of circa £34m. Any required work will be carried out in conjunction with Shelforce. Once the requirements are known a programme of replacement will be developed.

### **3.9.7 Further Enhanced Fire Safety works**

- The Capital Investment Team is undertaking further enhanced fire safety work on the exteriors of high rise blocks. The blocks that require additional external upgrades have been identified through extensive joint working between the Fire Engineers from West Midlands Fire Service and Birmingham City Council's Capital Investment Team.
- This work will ensure that all high rise blocks 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 all work by the end of May 2020.

### **3.9.8 Resilience Testing**

- Two resilience exercises took place in 2018 using decanted tower blocks which are due to be demolished. The exercises were co-ordinated between Birmingham City Council's Housing Service and West Midlands Fire Service. These exercises simulated a live fire safety situation. The exercises were also supported by West Midlands Fire Service personnel using apparatus from a range of stations. Birmingham City Council Housing personnel were also involved in this important exercise along with colleagues from the Contact Centre and the city council's Resilience Team. The simulation focused on the evacuation of volunteers and dummies from the block, as well as taking medical care of casualties and management of fatalities. It also provided West Midlands Fire Service the

opportunity to pilot new technology and monitor the oxygen equipment. Learning from the exercise has informed some minor changes and revision to the current resilience plan.

### **3.9.9 Private high rise blocks**

- The Ministry of Housing, Communities and Local Government identified all known private residential high rise blocks within the Birmingham boundary. They requested the local authority facilitate the completion of surveys in relation to Aluminium Composite Cladding systems. Recently, central government has made available £200m to remove and replace unsafe cladding from around 170 privately owned high rise blocks.
- Surveys were undertaken and once all the information had been collated, it was identified that there were three high rise blocks in Birmingham that had Aluminium Composite Cladding systems and required rectification works. The council's Housing Service team liaised with the building owners and West Midlands Fire Service to provide the Ministry of Housing, Communities and Local Government with an identified rectification plan including costs as well as details of the interim fire protection measures that were put in place until rectification work had been carried out. The Tower Block Casework Team at the Ministry of Housing, Communities and Local Government has been provided with a full update in December 2018 and was satisfied with the information provided by Birmingham City Council throughout 2018.
- The Ministry of Housing, Communities and Local Government have recently asked for further significant detailed information regarding all high rise residential blocks including those which are privately owned. We are in the process of identifying resources to respond to this request.

### **3.9.10 Improved Resident Engagement**

- Residents are being fully consulted regarding the installation of Sprinkler systems in our 213 high rise blocks. Residents receive a presentation and are shown a video at the Sprinkler Information Day in respect of their individual blocks. Tenant Liaison Officers provide contact details and offer face to face meetings where required. Particular emphasis is on making contact with vulnerable residents to ensure everyone is fully engaged and consulted with. This approach is replicated in relation to all fire safety works.
- A revised strategy is currently being finalised by the council to increase resident participation and involvement in all high rise tower blocks. This approach recognises the importance placed by central government on Dame Judith Hackitt's report, and the necessity that resident involvement is at the core of our management of high rise resident buildings. It is imperative that at least 1 tenant Block Champion/Inspector is identified for each of Birmingham's 213 high rise residential buildings. The campaign to identify these will incorporate engagement and recruitment of tenant Block Champion/Inspector at low-rise blocks at the

same time. West Midlands Fire Service has agreed to provide training for all Block Champion/Inspectors. A detailed description of the role and the support which will be provided to the Block Champions/Inspectors, including further training, will be developed and used to support the new recruitment process. The rigorous campaign will be embarked upon utilising our Tenant Participation Officers and promoting the role to all residents in high rise resident buildings and low rise blocks across the city.

- Building Safety Manager – This new role is proposed within the Hackitt recommendations and is being scoped and developed. It is envisaged the role will be piloted in 2020 when further clarity is received from the Ministry of Housing, Communities and Local Government on its scope of responsibilities.
- A Mobility Scooter Policy is now complete and all residents who have mobility issues have now been visited by the Sheltered Housing Scheme Officers, to discuss the options for charging and storing their mobility scooters safely.
- An Estate Services caretaking review has ensured that there are adequately trained officers and is also developing the use of a new mobile solution. This solution currently being developed, will provide the ability for the Caretakers to record and report any health and safety issues digitally.
- Daily block inspections are ongoing and include the provision of records for each block for residents to scrutinise. These are displayed in the ground floor foyer of each block and if residents wish to see the inspection detail these can be provided.
- A review of the Conditions of Tenancy in regard to the council and resident responsibilities will be finalised once the detailed requirements from the Ministry of Housing, Communities and Local Government are fully known.
- Review of “Out of Hours” provision. The “Out Of Hours” provision is part of the phase 2 Housing Service redesign and will ensure that the resilience plan is implemented in an emergency situation across all Housing Services.

### **3.9.11 Waste Management**

- Waste Management and Housing Services are working together to ensure that the weekly schedule of bin collections will continue and ensure that there is no build-up of waste items in all high rise residential buildings

## **4 Options considered and Recommended Proposal**

- 4.1 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 headed up by the Head of Capital Investment and Repairs and supported by other Heads of Service and operational staff from across the wider Housing Service.

- 4.2 Cabinet are recommended to note the report content and endorse the approach being taken to respond to the findings of the Dame Judith Hackitt report and the government's response to this, post Grenfell.

## **5 Consultation**

- 5.1 The ongoing activity in regard to fire safety and engagement as detailed in this report has been shared with tenants through the City Housing Liaison Board, Cabinet Member for Homes and Neighbourhoods, West Midlands Fire Service, Ministry of Housing Communities and Local Government and the Local Government Association. The joint working with West Midlands Fire Service since Grenfell is overseen by the Fire Safety Steering Group and an updated Project Plan is contained in Appendix 2.

## **6 Risk Management**

- 6.1 See Appendix 1.

## **7 Compliance Issues:**

- 7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 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.

### **7.2 Legal Implications**

- 7.2.1 The proposed allocation of work is consistent with the effective management of the council's housing stock under Part II Housing Act 1985.

### **7.3 Financial Implications**

- 7.3.1 To date Birmingham City Council has received no direct financial support from central government however it is acknowledged that Birmingham City Council has been allowed to extend prudential borrowing to fund the sprinkler programme.
  - 7.3.2 The revenue costs for investigative activity and re-prioritisation of capital investment has to date secured a Sprinkler System Programme of £31.0m, of which £2.8m was spent in the financial year 2018/19 on sprinkler installation.
  - 7.3.3 Other recommendations such as the installation of fire doors and frames at c£34m, fire safety works on our high rise blocks replacing window and balcony infill panels at a cost of £28m and requirements from fire assessments will require further approval and re-prioritisation of revenue and capital budgets.



This will be subject to Capital Board and Cabinet approval of the HRA capital programme.

7.3.4 It is important to note that the business as usual capital programme which concentrates on replacing expired life cycle elements such as windows, roofs, kitchens, bathrooms, door entry systems, rewires, gas central heating will be impacted to allow for the commitment of funds to fire safety. This will be detailed in the HRA Business plan report to be presented to a future Cabinet this financial year.

7.3.5 The council has previously written to the Government on a number of occasions lobbying for financial support with enhanced fire safety works, without any outcome to date. The Council will continue to lobby for such support, supported by West Midlands Fire Service, due to the increased pressure this has put on the housing revenue account capital programme.

#### **7.4 Public Sector Equality Duty**

7.4.1 Attached - Appendix 3 and Appendix 4

### **8 Background Documents/ Appendices**

Appendix 1 – Risk Register Action Plan  
Appendix 2 – Fire Safety Steering Group Project Plan  
Appendix 3 – Equality Act 2010  
Appendix 4 – Equality Impact Assessment  
Background Document