

Birmingham City Council

Report to Cabinet

28 June 2022



Subject: Building and Fire Safety Report

Report of: Strategic Director – City Housing

Relevant Cabinet Member: Councillor Sharon Thompson, Cabinet Member for Housing and Homelessness

Relevant O &S Chair(s): Councillor Mohammed Idrees - Housing and Neighbourhoods Overview & Scrutiny Committee

Report author: Sarah Ager
Interim Head of Capital Investment and Repairs
sarah.ager@birmingham.gov.uk

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: 010134/2022		
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 The purpose of this annual report is to provide assurance following the response to 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 each June.

2 Recommendations

That Cabinet:

- 2.1 Notes the report content and endorses the approach being taken to respond to the findings of these fire safety reports.

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' 24th 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' 29th October 2019 and the Cabinet report 'Update on Fire Safety in High Rise Buildings – Council Stock' 13th 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 29th 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. The Building Safety Bill received royal ascent on 28th April 2022 with many provisions coming into force between a year to 18 months of ascension.
 - 3.3.3 All activity is being co-ordinated through the Fire Safety Steering Group (FSSG). A project plan which details 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 the Department for Levelling Up, Housing and Communities, Local Government Association and the National Housing Federation.
 - 3.3.4 The Strategic Director - City Housing has corporate responsibility for fire safety.

- 3.4 The Chair of the FSSG has been in regular dialogue with Department of Levelling Up, Housing and Communities 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 The Department for Levelling Up, Housing and Communities that has made a commitment to placing building safety and the safety of residents at the heart of all organisations.
- 3.7 **Update on Fire Safety and Assurance activity**

3.7.1 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 (FEEP) 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. A comprehensive programme of communication on the 'stay put' policy is in place and will be reiterated by officer during individual visits.

3.7.2 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

3.7.3 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.

3.7.4 **Building Safety Manager**

- A key recommendation from the Building a Safer Future report is that a 'Building Safety Manager' (BSM) is to be appointed for HRRBs, and possibly other flatted accommodation with the responsibility for ensuring systems are in place that effectively manage building and fire safety; the Building Safety Manager will also be the conduit for the residents' voice in HRRBs.
- 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 of HRRB inspections and dealing with issues identified through audits. The Building Safety Officers will report to the Building Safety Manager who will have technical expertise in fire and or structural safety.
- An amendment to the Building Safety Bill has now removed the legal requirement for a Building Safety Manager and the building safety charge used to pay for them. It is still considered best practice to appoint Building Safety Managers and we have recruited two interim Building Safety Managers who started in April 2022. Recruitment for permanent resource for both Building Safety Managers and Building Safety Officers is underway. An appropriate training plan is in place to ensure competency of recruits.

3.7.5 **Retro fit sprinklers**

- Initially Birmingham City Council planned to install sprinklers into 213 high rise blocks and two low rise blocks for a total of 215 blocks. 10 blocks removed from the planned completions due to being on clearance programmes and a further six have been removed from the current sprinkler programme but may be on a programme for installation in the future. This resulted in 199 blocks being programmed for completion.
- Of the 199 blocks programmed for completion 196 are fully commissioned. Three block completions are delayed until June 2022 due to the scheduling of a larger programme of works including balcony refurbishment work being undertaken.
- There is currently a mop up scheme to work with residents that have refused sprinkler installations. We are working with Housing Management and Housing Liaison Board representatives to encourage residents to allow for these installations to be carried out.
- The six blocks removed from the current programme were unable to progress due to issues with a Tenant Management Organisation and significant numbers of Leaseholders in these blocks refusing installation of sprinklers to their flats, resulting in insufficient take-up to make the schemes viable. The six blocks will remain eligible for sprinkler installation and we will continue to promote the benefits to residents, however without sufficient take-up amongst Leaseholders sprinkler installation may not be viable. Therefore 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 with any actions prioritised and provision of other safety work such as provision of updated fire rated front doors and frames. 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.

3.7.6 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 up to ten years, however this will be reviewed alongside capital investment priorities. For 2022/23 the programme is scheduled to install circa 3500 fire doors.

3.7.7 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 West Midlands Fire Service 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 on the 133 blocks identified as requiring remediation with 107 completed to date and a further 26 with a planned completion date by March 2024.

3.7.8 Private High-rise External Wall Insulation

- Birmingham City Council have been working with The Department for Levelling Up, Housing & Communities (DLUHC) to provide data regarding the external wall makeup of private high-rise residential buildings within Birmingham since July 2019. As part of this we identified several buildings that were clad with potentially unsafe Aluminium Composite Material (ACM) and High-Pressure Laminate (HPL).
- Birmingham City Council has a statutory duty to ensure compliance and our private rented sector are currently writing to the owners and/or managers of these buildings to ensure remediation of any unsafe cladding is undertaken with enforcement powers being used if required.

3.7.9 Improved Resident Engagement

- Residents have been fully consulted with regard to all fire safety related works. Particular emphasis was placed on contacting vulnerable residents to ensure everyone was fully engaged, and this continues as new tenants move into HRRBs. Consultation regarding fire safety works has been, and continues to be, completed by the Repairs Contractors prior to any major works commencing.
- Daily block inspections of HRRBs are carried out daily (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 regard to the council and resident responsibilities will be finalised once the detailed requirements from the Department for Levelling Up, Housing and Communities are fully known.

3.7.10 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 Birmingham City Council staff as well as select external bodies such as emergency services to have access. ICTDS are currently looking at whether these requirements can be met by Civica 360.
- Safety Case Files for each HRRB have been developed and will be held and updated on these repositories.

4 Recommended Proposal

- 4.1 Cabinet are recommended to note the report content and endorse the approach being taken to respond to the Building Safety Bill and the Fire Safety Act.

5 Consultation

- 5.1 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, Department of Levelling Up, Housing Communities and the Local Government

Association. The joint working with West Midlands Fire Service is overseen by the Fire Safety Steering Group.

6 Risk Management

6.1 See Appendix 2.

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 Building New Homes and Maintaining our Stock, that forms part of the Council Business Plan and Budget 2022+.

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 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 up until March 2022 is £31.6m. There is a further £2m dedicated to sprinkler installation in the 2022/23 budget. It should be noted that this funding was achieved largely through prudential borrowing with no financial contribution from Central Government. It is not expected we will receive any retrospectively.

7.3.2 The high-rise fire risk management works budget is contained within the HRA Business Plan Budget 2022+. The programme will be funded in line with the anticipated resources set out in the Council's Business Plan and Budget 2022+.

7.3.3 Appendix M of the Council's Financial Plan 2022+ approved by Council in February 2022 sets out the policy for HRA borrowing, that net HRA debt will reduce over the medium term, in order to deliver a debt to revenues ratio of below 2:1 by 2039/40. This reflects reductions in property numbers through Right to Buy and demolitions and will support the maintenance of a balanced and sustainable HRA Business Plan with the capacity to meet investment needs in later years. The Council will also seek to deliver a reduction in HRA debt per dwelling. Debt redemption is currently expected to commence from 2025/26.

7.3.4 Prior to any works being carried out an assessment is made to ensure that 'retrofit' works are still value for money for older stock as opposed to new rebuild. The money will only be spent if it is shown to be value for money.

7.4 Public Sector Equality Duty

7.4.1 Attached - Appendix 3

8 **Background Documents**

Grenfell One Year On – Cabinet 24 May 2018

9 **Appendices**

Appendix 1 – Project Plan (Snapshot of live document)

Appendix 2 - Risk Register Action Plan (Snapshot of live document)

Appendix 3 – Equality Impact Assessment