

# Birmingham City Council Housing Investment Programme 2018/19 to 2020/21

## Executive response to 'Call-in' the decision made by Cabinet on 27th March 2018

### Cabinet Meeting – 24<sup>th</sup> May 2018

#### 1. Background

The decision to install sprinklers was outlined in the report to Cabinet on 27<sup>th</sup> June 2017 'Grenfell Tower Fire – Birmingham response' and the budget report to Cabinet and Full Council in February 2018 were both approved.

A report to Cabinet on 27<sup>th</sup> March recommended an adjustment to the capital investment programme and for the orders to be placed with contractors for the installation of sprinklers.

A request for Call-in was made to the Housing & Homes Overview and Scrutiny (O&S) Committee by Councillors Barry Henley and Mike Leddy on 3<sup>rd</sup> April 2018.

The Housing & Homes O&S Committee met on 17<sup>th</sup> April 2018 to consider the matter. In doing so, Members heard from Councillor Peter Griffiths, Cabinet Member for Housing & Homes, Rob James, Service Director and Martin Tolley, Head of Asset Management. Eddie Howard, Vice Chair of the City HLB also attended.

The Scrutiny Committee resolved to uphold the Call-in and referred the decision for reconsideration by Cabinet on 24<sup>th</sup> May 2018.

#### 2. Reason for Call-in

The reason for the Call-in was that:

- a) the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies;
- b) the Executive appears to have overlooked some relevant consideration in arriving at its decision;
- c) the decision appears to be particularly "novel" and therefore likely to set an important precedent;
- d) the decision appears to give rise to significant legal, financial or propriety issues;
- e) the decision appears to give rise to significant issues in relation to a particular Ward.

#### 3. The Committee Resolution

The Committee resolved to call-in the decision for reconsideration by Cabinet on the grounds that the "Executive appears to have overlooked some relevant consideration in arriving at its decision"; in particular that:

- a) Cabinet carefully considers all the information and evidence available to assure itself that this large expenditure is wholly justified.
- b) An alternative approach might be to consider each case individually, and ensure each tower block has its own particular need met in terms of safety and saving lives.

#### 4. Comments in response:

In response to the concerns raised by the Scrutiny Committee the Cabinet Member for Housing & Homes and Service Director for Housing have considered the evidence/information to support the decision and submit the following to Cabinet:

##### 4.1 Summary of decision making process

The decision to install sprinklers was made on the basis of the information provided in this Executive response which can be summarised:

- A report to Cabinet on 27th June 2017
- A budget decision made by Cabinet and Full Council in February 2018
- The report to Cabinet on 27 March recommended an adjustment to the capital investment programme and for the orders to be placed with contractors for the installation of sprinklers.

##### 4.2 Cabinet Report 27<sup>th</sup> June 2017

The report covered the following:

- A summary of the immediate action taken to reassure residents of the fire safety measures in Birmingham tower blocks
- An explanation of the process for carrying out Fire Risk Assessments
- A proposal to retrofit sprinkler systems at an estimated cost of £31m. The report stated that a programme of work would be developed once specifications had been developed and that it was intended to lobby government to pay for these fire suppressant measures.

Regardless of the response from Government however the Cabinet was informed that a rolling programme of sprinkler installation and fire prevention measures would be developed and funding would be made available from capital receipts and prudential borrowing.

- The report highlighted a number of actions to review current policies and procedures to enhance fire safety in tower blocks

Agreed recommendations at Cabinet:

- 2.1 Notes and endorses the detailed action referred to in the report.
- 2.2 Supports the approach to Government to help to pay for the sprinkler systems and fire suppressant measures in all of the City Council's tower blocks as appropriate.
- 2.3 Receives a report back on approaches to Government and the Council's proposed approach to fitting fire suppressants measures including sprinklers in residential tower blocks owned by Birmingham City Council.

A report to Cabinet today (24<sup>th</sup> May 2018) provides an update on 2.3 above. This report also details the approach to retrofitting sprinklers in that each individual block will be considered to ensure that the particular block has its own particular needs met in terms of safety and saving lives as recommended by the Scrutiny Committee.

It is considered however that sprinkler systems should be fitted to all tower blocks as previously recommended and approved.

#### 4.3 The Budget

The capital funding for the installation of fire suppressant measures including sprinklers is contained within the Housing Public Sector Capital Budget 2018+. The programme will be funded in line with the anticipated resources set out in the Council's Business Plan and Budget 2018+ as approved at the council meeting on 27th February 2018.

The Council Housing Investment Programme includes £19m of planned expenditure relating to the retrofit of fire suppressant systems (sprinklers) as part of an overall three-year programme with an anticipated cost of approximately £31m, in relation to which Central Government has been approached for a contribution of £19.4m towards these costs. In the event that this funding is not forthcoming, the costs will be funded through Prudential Borrowing.

#### 4.4 Tenant Engagement

In June 2017 we wrote to all 10,500 tenants living in a high rise tower block, to advise them of the fire safety measures that are currently in place. This was followed up by visiting all these tenants, who were also advised about proposed fire safety measures. West Midlands Fire Service also worked in partnership with the Housing Service assisting with a fire safety campaign and undertaking several safe and well visits. As a result of visiting our tenants living in tower blocks, it has enabled us to update our records about some of the more vulnerable people who live in our buildings. The information collected, is kept securely and will be shared with the emergency services should it ever become necessary to do so.

We have taken the opportunity to extend an initiative that encourages tenants to become 'Block Champions' working with us on a number of areas, to those who are particularly interested in the steps we are taking to develop our future fire safety measures. Significant efforts have therefore been taken to engage tenants on both the existing and proposed fire safety measures.

A specific meeting of the City Housing Liaison Board (HLB) was held on 23rd August 2017 to discuss the measures being undertaken to improve fire safety in tower blocks. The programme for retro-fitting sprinklers has been endorsed by tenants giving their support at this meeting and the Local Housing Liaison Board meetings.

City HLB was consulted on the Housing Revenue Account Budget at its meetings on 25th January 2018 and 12th February 2018 and again there was support for the HRA budget which included the capital allocation for retrofitting sprinklers.

#### 4.5 Current Regulations

Current building regulations for new builds require sprinklers to be provided in blocks of flats exceeding 30m in height.

Dame Judith Hackitt is currently considering possible changes to the Building Regulations as part of the Independent Review of Building Regulations and Fire Safety, in response to the Grenfell Tower fire, and we cannot pre-empt her findings.

Nevertheless we should ask the question why tenants in new tower block buildings will benefit from sprinkler systems whereas tenants in existing blocks are denied this

under the existing regulations.

#### 4.6 Expert Advice

##### The London Assembly

"A report of the London Assembly Planning Committee dated March 2018 "Never again: Sprinklers as the next step towards safer homes". Key findings of the report are as follows:

- Passive fire protections, such as fire doors, can effectively prevent a fire from spreading beyond the compartment where it started, giving people time to escape.
- Automatic fire suppression systems (AFSS) go further, offering an additional layer of protection that can suppress or even extinguish a fire, saving both lives and property.
- Although AFSS represent the next step in fire safety, they are not mandatory in residential buildings below 30 metres in England.

Examples of passive and active fire safety measures

	<b>Safety Measure</b>	<b>Role</b>
<b>Passive</b>	Fire doors	Compartmentation
	Fire-proof walls, floors, ceilings and glass	Compartmentation
	Fire-proof cables, fixtures and air ducts	Compartmentation
	Fire-proof building materials	Structural protection
<b>Active</b>	Smoke and carbon monoxide alarm	Detection
	Sprinkler	Fire suppression (and in most cases detection)
	Water misting	Fire suppression
	Personal protection systems	Fire suppression (often also detection)

Quotes from the London Assembly report:

"However, as the fires at Lakanal House in 2009 and Grenfell Tower in 2017 demonstrate, the failure of fire safety measures can have devastating consequences. Passive fire safety measures designed to contain a fire in compartments can fail. This means fires, hot gases and smoke can spread quickly, harming residents and firefighters and causing significant damage to property.

Automatic fire suppression systems (AFSS) offer an additional layer of protection that can suppress or even extinguish a fire, saving both lives and property. AFSS, which include sprinklers, prevent fire from spreading and allow firefighters to more easily extinguish it. They also reduce the water damage from putting out a fire with a powerful fire hose."

The Commissioner of the London Fire Brigade, Dany Cotton told the London Assembly that “as a measure as part of a range of options in making buildings safe [sprinklers] are key going forward.” Sprinklers are a reliable and cost-effective fire safety measure that can greatly reduce risk of death, injury, property damage and harm to local communities.

In the long term the evidence also strongly points towards making sprinklers mandatory in all residential buildings as has been the case in Wales since 2016. But it is important to be pragmatic and accept that given the magnitude of the task it is not feasible to make sprinklers immediately mandatory in all buildings in England.

The Commissioner of the London Fire Brigade, Dany Cotton, has stated “I support retrofitting - for me where you can save one life then it's worth doing”.

### Updated position from the West Midlands Fire Service

“West Midlands Fire service supports the national sprinklers position which states they are the most effective way to ensure that fires are suppressed or even extinguished before the fire service can arrive. They save lives and reduce injuries, protect fire fighters who attend incidents and reduce the amount of damage to both property and the environment from fire. In the last 12 months, the National Fire Chiefs Council (NFCC) and the National Fire Sprinkler Network (NFSN) have worked together to investigate the effectiveness and reliability of sprinkler systems. The evidence produced indicates that sprinkler systems operate on 94% of occasions demonstrating very high reliability. Furthermore, it is evident that when they do operate they extinguish or contain the fire on 99% of occasions and are thus very effective.

The research also found that in both converted and purpose built flats that sprinklers are 100% effective in controlling fires. Sprinklers can be used to improve fire safety in a range of new and existing buildings and WMFS supports risk assessed retro fitting of sprinklers in existing buildings.

### Chief Fire Officers Report – Business Case for Sprinklers

The report quotes: ... Moreover, where a sprinkler system has been installed:

- Fire deaths (including fire fighter deaths) have been almost eliminated
- Fire injuries reduced by 80%
- Significant improvement in fire fighter safety achieved
- Property damage reduced by over 80%
- Effects of arson reduced
- Reduction in the environmental impact of fire
- Reduction to the economic cost of fire

### Briefing to the Scrutiny Committee

A comprehensive briefing note was provided for the Scrutiny Committee meeting providing what we believe to be an overwhelming endorsement to the decision for the decision to retrofit sprinklers to existing tower blocks in Birmingham. We submit the following:

- Sprinklers save lives: Apart from explosions there have never been multiple

fatalities in a building fitted with sprinkler systems in the United Kingdom.

- The total number of deaths world-wide in buildings fitted with sprinkler systems is 50 compared to thousands in unprotected buildings.
- Residential fire sprinklers add fire suppression to the early warning of smoke detectors.
- In a large, fast moving fire people often do not know which way to go and may not be able to use hose reels or fire extinguishers.
- Sprinklers can stop heat and smoke from trapping people.
- Sprinklers wash the larger particles out of smoke reducing density and toxicity. In addition the water cools the smoke making it less harmful.

### **Background Papers**

Briefing to Scrutiny Committee on 17<sup>th</sup> April 2018

London Assembly Report - Never again: Sprinklers as the next step towards safer homes

Chief Fire Officers Association (CFOA) report - Business Case for Sprinklers