

# Birmingham City Council

## Report to Cabinet

13 October 2020



**Subject:** Update on Fire Safety in High Rise Buildings – Council Stock  
**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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007937/2020		
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 Grenfell Tower Inquiry Phase 1 report.

### 2 Recommendation

- 2.1 Cabinet are recommended to note the report content and endorse 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' 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 provided a further update to Cabinet on actions taken during 2018/19.
- 3.3 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 has reviewed and assessed the City Council's position against this report and its recommendations. The internal review has resulted in the updating of a central repository specifically in relation to HRRBs of all related health & safety policies and compliance procedures and as a result of this working practices are continually reviewed and improved. We are liaising with the Regulator of Social Housing for a quality inspection to be carried out.
- 3.4 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.
- 3.5 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 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. 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.
  - Birmingham City Council is also part of the Early Adopters group initiated by MHCLG that has made a commitment to placing building safety and the safety of residents at the heart of all organisations.
- 3.6 The Grenfell Tower Inquiry's Phase 1 Report was published on 30<sup>th</sup> October 2019. Hearings for Phase 2 have been suspended following the Prime Minister's guidelines around COVID-19 with plans to resume evidential hearings on July 6<sup>th</sup> 2020 with limited attendance.

- The Government plans to introduce two bills:
  - The Fire Safety Bill, which is currently progressing through parliament. This will implement the relevant legislative recommendations of the Grenfell Tower Public Inquiry Phase 1 Report and put beyond doubt that the Fire Safety Order will require building owners and managers of multi-occupied residential premises of any height to fully consider and mitigate the risks of any external wall systems and fire doors.
  - The Building Safety Bill will put in place new and enhanced regulatory regimes for building safety and construction products, and ensure residents have a stronger voice in the system. The Government aim to publish a draft of this bill before summer recess.

3.7 On 11th March 2020 the Government announced that it will provide £1 billion to fund the removal and replacement of unsafe non-ACM cladding systems. This is in addition to the £600 million made available for remediation of the highest risk ACM cladding. The prospectus for this fund was released on 26<sup>th</sup> May 2020 and registration opened from 1<sup>st</sup> June-31<sup>st</sup> July 2020 with the full application process opening at the end of July 2020. Birmingham City council are applying for this remediation funding for the HRRBs that are in scope.

3.8 The Government has established a Fire Protection Board chaired by the National Fire Chiefs Council (NFCC) which will lead a Building Risk Review Programme to ensure all High-Rise Residential Buildings (HRRBs) of 18m or above are inspected or reviewed by the end of 2021.

3.9 A 'Stay Put' steering group has been formed by MHCLG and the Home Office together with NFCC which includes technical specialists, academics, fire sector leads and employee group representatives. The steering group met for the first time on 18<sup>th</sup> December 2019. An initial evidence review has already been conducted and the home office will be commissioning a more detailed independent evidence assessment in the near future.

3.10 Robert Jenrick (Secretary of State for Communities and Local Government) has advised he will be bringing forward a Social Housing White Paper later this year that will set out further measures to empower tenants and support the continued supply of social homes. This will include measures to provide greater redress, better regulation and improve the quality of social housing

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

#### **3.11.1 Stay Put Policy**

- Birmingham City Council is undertaking a review of the evacuation procedures in conjunction with WMFS for our HRRBs. A draft Fire Emergency Evacuation Plan (FEPP) has been produced and is being shared with WMFS, West Midlands Police, West Midlands Ambulance Service, Western Power and Cadent Gas for them to provide commentary. This will be presented to FSSG

### **3.11.2 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

### **3.11.3 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 are currently piloting 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 the continued fire safety of these buildings.

### **3.11.4 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. It is envisaged that the role of the BSM will include 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.
- Birmingham City Council have been piloting this role since November 2019, with the intention for it to be rolled out to all 211 HRRBs by 2021. The full competencies and requirements for the role will be published by Government in summer 2020.
- It has been identified through this pilot that to incorporate the BSM role will require a significant increase in FTE resources.

### **3.11.5 Retro fit sprinklers**

The sprinkler programme is now in the last year of a 3-year installation programme however this has been affected by the Covid-19 pandemic. The installations continue to be delivered by our contractors across the city to all our HRRBs. Performance is monitored daily, weekly and monthly by AMMD. There are very high-levels of customer satisfaction and generally residents are welcoming the installation of this important life-saving equipment into their homes.

### 3.11.6 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.
- MHCLG agreed on the composition of a Q Mark composite fire door scheme. Birmingham City Council will now be replacing 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 who have now achieved the European standard accreditation for these doors.

### 3.11.7 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 with a planned completion date for all work by December 2021.

### 3.11.8 Resilience Testing

- Resilience exercises are co-ordinated between Birmingham City Council's Housing Service and West Midlands Fire Service. These exercises simulate a live fire safety situation. The exercises are also supported by West Midland Fire Service 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 West Midland Fire Service 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 scheduled for 2020 have been put on hold due to Covid-19 and will be arranged for later in the year.

### 3.11.9 Private High-Rise Residential Buildings (HRRBs)

- MHCLG 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 MHCLG to provide the required information.

### 3.11.10 Improved Resident Engagement

- Residents are being fully consulted in 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.
- The recruitment of block Champions/Inspectors has continued to be a priority, however this is currently on hold due to the Covid-19 pandemic. We currently have 50 tenants interested in working with the service, and training will be arranged once it is possible for group meetings to resume. A role profile has already been prepared, and is utilised in the recruitment processes, however we do need to be mindful that these are volunteer roles and therefore the level of tenant interest will always impact on the aim of having one block champion/inspector per block. The cabinet member has agreed for a full external review of tenant engagement to take place and the outcomes and recommendations from this review will build the tenant engagement strategy for the future.
- Daily block inspections of HRRBs are carried out daily (Mon to Fri) 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 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.
- The NFCC visited Birmingham City Councils Asset Management & Maintenance Division (AMMD) on 23rd October 2019 to discuss the relationship between Registered Social Landlords (RSLs) and Fire & Rescue Services (FRS) in terms of resident voice and resident engagement strategy, with particular reference to provision of information, redress and routes for escalation for fire safety concerns and resident responsibilities and duties. Dialogue has remained open between the NFCC and Birmingham City Council since this visit and the NFCC thanked us for providing them with invaluable insights and shared a summary of the day with their MHCLG colleagues.

### 3.11.11 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 are currently being developed and will be held and updated on these repositories.

### 3.11.12 Waste Management

- Waste Management and Housing Services will continue to work 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 HRRBs.

## 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 Building A Safer Future report, Grenfell Tower Inquiry Phase 1 report and the government's response to these.

## 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 Sprinkler System Programme budget is £31.0m, of which £2.8m was spent in the financial year 2018/19 and £12m in the financial year 2019/20 on sprinkler installation. The budget for 2020/21 is £16.2m.

7.3.3 The overall capital Housing Investment Programme is being reviewed to reflect the high priority fire safety works in the Housing Revenue Account (HRA) HRRBs, such as the installation of fire doors and frames replacement of window and balcony infill panels, and other requirements from fire assessments. This review also takes into account 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.

7.3.4 Funding of these competing priorities will be challenging and. An application has been made for remediation funding made available by the Government to assist with the programme of works in relation to cladding remediation. Updates on the programme in future years will be picked up in the budget process and reported to Cabinet accordingly.

7.3.5 The BSM role is not budgeted in the HRA. Savings will need to be identified in the HRA in order to fund the appropriate level of BSM resource required for the HRA high-rise stock -this could be a number of posts. The level of saving will be dependent on any additional finance that might be available from Central Government for this role. For non-HRA buildings, additional General Fund budget will be required for the BSM resource needed, i.e. Barry Jackson Tower.

#### **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 V2

Appendix 3 – Equality Act 2010

Appendix 4 – Equality Impact Assessment