

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS: ALL</b>
<b>REPORT TITLE:</b> Fire Safety Delivery Update	
<b>REPORT OF:</b> Director of Property Management	
<b>FOR SUBMISSION TO:</b> Fire Safety & Compliance Advisory Panel	<b>DATE:</b> 17 October 2023
<p><b>SUMMARY OF REPORT</b></p> <p>This report sets out the latest position on the Camden fire risk assessment programme, associated actions and updates on the work to comply with the requirements of the Building Safety Act 2022 and address the issues raised in the Regulatory Notice.</p> <p>This report also constitutes the monthly update for October 2023 for members of the Panel and will also be shared with members of the Housing Scrutiny Committee. A standard format for monthly updates will be introduced from November 2023.</p> <p><b>Local Government Act 1972 – Access to Information</b> No documents were used in the preparation of this report which required to be listed.</p> <p><b>Contact Officer:</b> Dominic Johnson, Head of Resident &amp; Building Safety Tel: 0207 974 4138, Email: <a href="mailto:dominic.johnson@camden.gov.uk">dominic.johnson@camden.gov.uk</a></p>	
<p><b>WHAT DECISIONS ARE BEING ASKED FOR?</b></p> <p>The Panel is asked to note the content of the report.</p>	

Signed:



Gavin Haynes  
 Director Property Management  
 Date: 5<sup>th</sup> October 2023

## **1. INTRODUCTION**

- 1.1 In line with Regulatory Reform (Fire Safety) Order 2005 (RRO) Camden Council as the accountable person is required to carry out a suitable and sufficient fire risk assessment of all properties where there are non-domestic areas. The completed fire risk assessments generate actions that Camden needs to consider to reduce or address the risk.
- 1.2 In addition to the RRO and Fire Safety Act 2021, the Building Safety Act 2022 sets out a range of new duties for high-rise residential buildings (18 metres and/or 7 storeys) and creating the Building Safety Regulator (which sits within the Health and Safety Executive). Camden as an early adopter has proactively set out to deliver these additional requirements in line with the Regulator's transitional timeline. This report provides an update on the latest position.

## **2. FIRE RISK ASSESSMENT PROGRAMME**

- 2.1 Fire Risk Assessments are completed on a cyclical basis with all properties having an FRA within a three-year period (high risk every year, medium risk every two years, low risk every three years). The total programme consists of 3,290 FRAs and Camden have programmed assessments so that actions are produced in a steady flow and not subject to the same peaks and troughs as previously experienced.
- 2.2 After the Chalcots evacuation and fatal fire at Daleham Gardens in 2017, the Council made substantial changes to improve the governance and resources allocated to managing fire safety, building safety and compliance. There has been a high volume of actions generated by the new FRAs carried out since 2017 and while the Council has addressed over 40,000 actions since 2020, it had 9,000 overdue actions at the end of 2022/23, of which 400 were high-risk. This led to the Regulator of Social Housing (RSH) issuing a Regulatory Notice to the Council in July 2023 concerning this, and also the rate of delivery on smoke and CO detectors.
- 2.3 The Council fully accepts the need to address the issues in the Notice and is working with the Regulator on its action plan to make sure a similar backlog does not accrue in future.

*Why were there 400 overdue high-risk actions*

- 2.4 At the time of our contact with the RSH, in April 2023, the Council had 400 high-risk actions overdue and of these one-third had a timescale of 10 days to resolve. The number of overdue actions has been steadily reducing as we focus on the oldest and highest risk actions first and by 30 September 2023, the number of overdue high-risk actions had fallen to 76. The high-risk actions related to:
  - Metal security grilles placed on front entrance doors by residents. These accounted for 89 of the "10 day" actions – we have been reviewing our

advice to residents regarding these and have recently sent a further letter advising these should be removed. We will then work with residents to remove gates and determine any concerns we need to address in doing so.

- Repairs to front entrance doors – for example checking the fire rating of glazed panels or reinstating a door closer – these are all assigned to our repairs service
- 30 related to combustible items left by residents in communal areas – we have a new process and dedicated resources in place to clear these more quickly
- 4 related to alarm queries
- 5 related to mobility scooter storage and 10 related to compartmentation checks
- The remainder related to miscellaneous actions such as trip hazards

2.5 The remaining 76 high-risk actions primarily relate to door repairs, a small number of remaining clearances. There are 26 no access cases that we are working to address, the remainder have works scheduled for October.

*When will the 9,000 actions be addressed*

2.6 Our current FRA cycle generated over 50,000 actions in total and we've closed over 43,000 since 2020 as below, with between 10,000 and 15,000 actions closed each calendar year. The Council has closed 8,061 actions this calendar year to date:

	2020	2021	2022	2023 (ytd.)	Total
Actions closed	10,231	15,531	10,293	8,061	43,502

2.7 The current position on all remaining overdue actions is summarised below:

Team(s)	Overdue actions, 30 September 2023	Current position
Capital works	4,844	Our most recent priority work packages have been onsite since early 2023. We also awarded five large geographical packages in July 2023 covering items such as door replacements. However, one contractor refused to honour its tendered rates on two of the packages and we moved to the next contractor on the list. Capital works packages will be delivered this financial year and next.
Repairs	2,712	We have had to repackage our repair works following non-delivery by a contractor in 2022 and we have largely commissioned specialist suppliers directly. This remaining work will be completed this calendar year.
Landlord services	585	In early 2023 we piloted a more robust approach to the removal and disposal of combustible items and this has now been fully mobilised. Correspondence has also been issued to blocks that have front door grilles identified and we will be taking a risk-based approach to enforcement. Actions to be closed this calendar year.
Estate services	370	These primarily relate to improvements required to bin-stores and refuse areas. Actions are to be closed this calendar year.
Building safety / fire safety teams	279	These actions require commissioning of further investigative surveys to provide further assurance, these will be closed this year

2.8 With regards the installation of hard-wired carbon monoxide alarms and smoke detectors, the latest figures are provided below. CO alarms are scheduled to be installed by December 2023 and smoke detectors by March 2024 subject to access. During September 2023, the Council also visited over 3,000 tenants who were in the latter stages of the programme and offered interim battery detection while they waited for the hard-wired systems to be installed.

	Tenanted homes with combustion appliances	CO Alarms	Tenanted Homes	Smoke Detectors
Number required	13,706		23,548	
Total installations		11,598		19,275
<b>% installed</b>		<b>85%</b>		<b>82%</b>

### **Challenges**

2.9 The Council has been delivering a high volume of works since 2017/18 and needs to make additional progress which have made impacted by challenges which include:

- Procurement activity and suppliers not being able to hold their pricing. We have had some tenders withdrawn and / or works not mobilised effectively, this leading to re-procurement and commissioning work directly from the supply chain
- We have dedicated teams in place and experienced officers working across the capital works team, repairs service and the fire and building safety team. It can be challenging however to secure the extra capacity needed for peaks of activity.
- Gaining access for fire safety work that might be intrusive or take time – this particularly being the case for hard-wire smoke detection and door replacement works. We are working with contractors, delivery teams and our neighbourhood housing officers to communicate the importance of the work with residents and to make sure our correspondence and arrangements for making appointments are of a high standard

2.10 The Council is meeting with the Regulator of Social Housing on 11 October to talk through its action plan to address the remaining outstanding actions and the challenges outlined above. This action plan will be shared with Panel members and Councillors as soon as it is available.

### **Fire Safety Act**

2.11 The Council has implemented the additional requirements of the Fire Safety Act including:

- Installation of way finding signage in 18+ metre buildings
- Installation of secure information boxes in 18+ metre buildings
- Provision of external wall design & construction materials to the London Fire Brigade (LFB) for 18+ metre buildings
- Fire door inspection regime for 11+ metre buildings

- Lift and fire safety equipment fault reporting to LFB for 18+ metre buildings
  - Provision of information about the importance of fire doors to residents of all Council homes
- 2.12 Camden has also carried out specialist Fire Risk Appraisal external wall façade checks (FRAEW) in line with PAS 9980:202 guidance published by Government on steps that can be taken to identify, assess and categorise the risks posed by external wall systems and identify works that might improve the risk rating of a building. To date FRAEW checks have been prioritised according to agreed criteria and completed on 51 buildings with 3 more to be completed during August.

***Third party assurance***

- 2.13 The Council has been working with specialist third party advisors for the last 12 months to develop its approach to the implementation of the Fire and Building Safety Acts and its accountability frameworks. The next stage of this work is to carry out a third-party audit of our fire safety management processes and introduce a fire safety management system that meets the requirements of British Standard 9997 (BS9997).
- 2.14 BS9997 is an organisational management system designed by the British Standards Institute to provide a framework for organisations of all sizes to manage their approach to fire risk in a holistic risk-based way.
- 2.15 The third-party audit and BS9997 process will provide evidence to residents and the RSH of the commitment of the Council's senior leaders to provide the resources, support, and awareness to manage fire risk in a consistent way across the organisation.

**3. BUILDING SAFETY ACT**

- 3.1 The Building Safety Act 2022 (BSA) has introduced enhanced safety duties for the owners of high-rise residential buildings and buildings over 11 metres in height. It defines high-rise buildings as those with two or more residential dwellings and that are over 18 metres or 7+ floors in height. The BSA also created the following new regulatory bodies to provide effective oversight of a more rigorous building safety regime:
- the Building Safety Regulator (BSR)
  - the National Regulator of Construction Products
  - the New Homes Ombudsman
- 3.2 The Council has established a team of 10 experienced Building Safety Managers as part of its Resident and Building Safety team and Building Safety Cases are being prepared in line with the timescales set out in the regulatory update report to the Panel.
- 3.3 There are some key milestones set out by the Building Safety Regulator:

- **September 2023** – HRRBs to be registered submitting key building information. Camden had registered 150 buildings by end September
- **October 2023** – final 17 buildings to be registered
- **April 2024 Tranche 1** – 37 Camden Building Safety Cases
- **April 2025 Tranche 2** – 20 Camden Building Safety Cases
- **April 2026 Tranche 3** – 43 Camden Building Safety Cases
- **April 2027 Tranche 4** – 25 Camden Building Safety Cases
- **April 2028 Tranche 5** – 40 Camden Building Safety Cases

3.4 High-rise buildings now must be registered with the Building Safety Regulator which. To date the Council has registered 150 HRRBs. As part of the review of Camden’s stock an additional 17 buildings were identified as in scope and these will be registered in line with the Regulator’s deadline of 31<sup>st</sup> October 2023.

3.5 The new regulatory regime requires Building Safety Case reports to be submitted to the Building Regulator which are assessed and then if deemed suitable the BSR will issue Building Assessment Certificates for each block. These are expected to be valid for 5 years.

3.6 Building Safety Cases Reports (BSCRs) will be called in by the Building Safety Regulator and will be phased over five financial years in tranches from April 2024. It is expected that the regulator will request BSCRs based on the height and complexity of buildings first.

3.7 The Building Safety Team are preparing BSCRs on our high-rise blocks in line with the tranches detailed above. The BSCR sets out the claim, argument, evidence process to provide assurance (in line with the Building Safety Act) that all risks associated with fire and structure have been assessed holistically and any risks mitigated/addressed. Information on this can be found on the Council’s website ([Safety cases for high rise buildings - Camden Council](#)) and on the BSR website at [Building information - Building safety - HSE](#).

3.8 The Building Safety Cases must be kept up date, and re-submitted for assessment if the management, maintenance, use and occupation of a building or its construction or structure changes.

#### **4. COMMENTS OF THE DIRECTOR OF FINANCE**

4.1 The Council’s fire and building safety activities described in this update represent a significant investment of Housing Revenue Account resources. The Council has allocated £296m to the delivery of fire safety capital works since 2017 and has an annual revenue budget of £4.5m for fire and building safety work.

- 4.2 When legislation introduces new duties for local authorities, usually the government provides “new burdens” funding. However very little additional funding has been made available to implement the duties contained in the Fire Safety Act 2021, Building Safety Act 2022 and Social Housing (Regulation) Act 2023. Therefore, apart from the Chalcots capital works and some other capital works carried out on the Cromer Estate (total capital grant of c.£87.6m), these costs have had to be met from within the existing resources of the HRA.
- 4.3 The new duties have come at a time when the HRA is dealing with inflationary pressures in materials, labour and energy and following the period of enforced 1% rent reductions between 2016 and 2020 which have undermined the financial sustainability of the HRA. It is estimated that since 2016 the HRA lost out on £105m in income that would have been spent on management and maintenance and income this year is £30m lower than it would have been had Government had allowed rents to keep pace with inflation. The rent reductions not only limited the scope to fund new revenue budgets for fire and building safety but also the annual contributions to the Major Repairs Reserve which fund the fire and building safety capital programme along with other capital works. This means that the fire and building safety works have largely been funded by making savings elsewhere and/or reducing budgets for other revenue and capital activities. The situation has been compounded by the below inflation rent increase imposed by government in 2023/24.
- 4.4 The Chalcots fire safety works are largely funded by DLUHC grant administered by the GLA. However, some of the costs are not eligible for grant so the Council is having to meet them from its own resources. As set out in a recent report to Cabinet, the estimated cost of these works has risen. This means that the ineligible element funded by the HRA has increased and DLUHC still need to agree to fund the increases to the eligible element. The Council did also receive a £19m court settlement relating to the Chalcots Estate but this has largely offset the revenue costs of evacuating the estate and keeping residents safe incurred in previous years rather than funding the capital costs of the works or the cost of implementing the new legislation.

## **5.0. COMMENTS OF THE BOROUGH SOLICITOR**

- 5.1 The Borough Solicitor has been consulted and has no comments to add.

REPORT ENDS