

## Cabinet (Resources) Panel

20 March 2018

<b>Report title</b>	Recommendations from the Scrutiny Fire Safety Scoping Group	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson City Assets and Housing	
<b>Corporate Plan priority</b>	Confident Capable Council	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	(All Wards);	
<b>Originating service</b>	Scrutiny – Vibrant and Sustainable City Scrutiny Board	
<b>Members of the Review Group</b>	Councillor Greg Brackenridge (Chair) Councillor Philip Bateman Councillor Patricia Patten Councillor Jacqueline Sweetman Councillor Paul Singh Councillor Louise Miles Sue Roberts (MBE), Wolverhampton Homes Board Chair Bob Deacon – Unison Representative and Wolverhampton Tenants Association Representative Barry Appleby – Chair of the Disability Advisory Group on Leisure Activities Karen Ryder – Co-ordinator One Voice	
<b>Accountable employee</b>	Julia Cleary Tel Email	Systems and Scrutiny Manager Tel: 01902 555046 julia.cleary@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Cabinet Member Briefing Wider Management Team Scrutiny Board Cabinet Member Briefing	6 February 2018 21 February 2018 6 March 2018 13 March 2018

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**Recommendation for decision:**

The Cabinet (Resources) Panel is recommended to:

1. Approve the Executive response to the Scrutiny Group's recommendations (Appendix 1).

## **1.0 Purpose**

- 1.1 To bring to the attention of Cabinet (Resources) Panel the findings and recommendations of the scrutiny scoping exercise into fire safety and to agree the executive response.

## **2.0 Background**

- 2.1 At the meeting of the Vibrant and Sustainable City Scrutiny Panel on 29 June 2017 a recommendation was made that the Scrutiny Board consider whether a review should be undertaken in relation to fire safety in tower blocks.
- 2.2 At the meeting of the Scrutiny Board held on 4 July 2017 the Board considered the recommendation from the Vibrant and Sustainable Scrutiny Panel and resolved that a scoping exercise be undertaken to assess how the Council had responded to the Grenfell Tower Fire.
- 2.3 Scrutiny Board considered that it would be best to put a full scrutiny review on hold until the formal, Government investigation into the Grenfell Tower Fire was concluded and any new regulations or guidance issued by Central Government.
- 2.4 There are currently two inquiries underway as a direct result of the Grenfell Tower fire:
  - i. A public inquiry into the fire led by Sir Martin Moore-Bick and;
  - ii. An Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt.
- 2.5 The recommendations listed below have therefore been sectioned into those that can and should be implemented immediately and those that whilst sound in principle, may be best put on hold pending the findings and recommendations of the above mentioned reviews as any pre-emptive action in these areas could lead to duplication of work, work being pursued in the wrong areas and more disruption to tenants and other affected persons than is necessary.
- 2.6 The work carried out by the Group has been recognised and commended by Members of the political and non-political leadership of the Council and in particular the expertise and dedication of the Chair of the Group. A request has therefore been made by Council Leaders that this group remain in place and reconvene immediately following the publication of the final recommendations from the Hackitt Review and Moore-Bick Inquiry to consider the findings and to advise the Council on how best to proceed with the implementation of any outstanding or new recommendations which may at that time be appropriate.
- 2.7 More recently (January 2018), the Ministry of Housing, Communities and Local Government's (MHCLG) Permanent Secretary, Melanie Dawes has given evidence to the Communities and Local Government Select Committee to state that local authorities are responsible for making their buildings safe and that the Government will not be dictating

exact types of cladding to be used etc., these judgements will still need to be made by each individual local authority.

- 2.8 By carrying out an in-depth scoping exercise the Council will be ready to act immediately when new regulations or recommendations are issued by Government following the conclusion of the official enquiry.
- 2.9 Scrutiny Board was clear that tenants were to be central to the scoping exercise and that witness sessions needed to be held with professionals from inside and outside of the Council.
- 2.10 The Group considered that public safety, the safety of those working or visiting public buildings and those attending educational establishments was of paramount importance and is central to all of the recommendations.
- 2.11 The Group would like to thank all of the witnesses who attended the evidence sessions.

The Scrutiny Scoping Group met on three occasions and interviewed the following witnesses:

<b>Date of Meeting</b>	<b>Witnesses</b>
<b>19 September 2017</b>	<b>Wolverhampton Homes</b> <ul style="list-style-type: none"><li>• Lesley Roberts, Chief Executive</li><li>• Simon Bamfield, Head of Commercial Services and Stock Investment.</li></ul>
	<b>West Midlands Fire Service</b> <ul style="list-style-type: none"><li>• Jason Holt, Station Commander</li><li>• Pardeep Raw, Team leader for Black Country North Fire Safety Team Watch Commander</li></ul>
	<b>City of Wolverhampton Council Health and Safety</b> <ul style="list-style-type: none"><li>• Phil Reilly, Health and Safety Advisor</li></ul>
	<b>City of Wolverhampton Council, Corporate Landlord</b> <ul style="list-style-type: none"><li>• Tim Pritchard, Head of Corporate Landlord</li><li>• Neale Shore, Compliance Officer</li></ul>
<b>31 October 2017</b>	<b>Wolverhampton Homes</b> <ul style="list-style-type: none"><li>• Lesley Roberts, Chief Executive</li><li>• Simon Bamfield, Head of Commercial Services and Stock Investment.</li></ul>

	<ul style="list-style-type: none"><li>• Myk Kozuba, Stock Investment Manager</li><li>• Darren Baggs, Assistant Director – Housing</li></ul>
	<b>City of Wolverhampton Council School Safety</b> <ul style="list-style-type: none"><li>• Phil Reilly, Health and Safety Advisor</li><li>• Natalie Barrow, Health and Safety Advisor</li></ul>
	<b>City of Wolverhampton Council Emergency Planning</b> <ul style="list-style-type: none"><li>• Mick Shears, Resilience Officer</li></ul>
<b>17 November 2017</b>	<b>City of Wolverhampton Council</b> <ul style="list-style-type: none"><li>• Tim Johnson, Strategic Director-Place and Deputy Managing Director</li><li>• Mark Taylor, Strategic Director-People</li><li>• Meredith Teasdale, Director of Education</li><li>• Tim Pritchard, Head of Corporate Landlord</li></ul>
	<b>City of Wolverhampton Planning and Building Control</b> <ul style="list-style-type: none"><li>• Stephen Alexander, Head of Planning</li><li>• Stewart Hitchcox, Senior Building Surveyor</li></ul>

2.12 The draft report was considered by the Scrutiny Board on Tuesday 6 March 2018. The Board commended the work of the Chair of the Group and the work carried out by the Group. Scrutiny Board noted the fact that the Group had included tenant representatives and representatives from disability groups. Scrutiny Board noted the excellent work currently being carried out by Wolverhampton Homes and Emergency Planning.

The Chief Executive from Wolverhampton Homes stated that fire safety was taken very seriously and that he welcomed the findings of the report and that an action plan had been drawn up based on the recommendations of the Group.

Scrutiny Board noted the importance of communicating the findings of the Group and recommended that an ongoing communications plan be produced.

Scrutiny Board noted the importance of monitoring the recommendations and requested that an update report be brought back following the next meeting of the Group which was scheduled to meet following the findings of the Moore-Bick and Hackett inquiries.

## 2.13 The Grenfell Tower Fire

On 14 June 2017, a fire spread through the Grenfell Tower, a 24 storey residential housing block in North Kensington, London. Seventy-one people died and many more lives were changed. The tower provided social housing in 127 flats and management of the block was the responsibility of the Kensington and Chelsea Tenant Management Organisation.

2.14 The City of Wolverhampton Council (CWC) has a total of 36 tower blocks which are managed by Wolverhampton Homes (WH) on behalf of CWC and 1 tower block managed by Sanctuary Housing on a long term lease. The individual blocks range from 9 to 23 storeys in height and have between 33 to 126 units per block. In total, there are around 2,164 high-rise units of which 58 are leasehold (2.7%).

2.15 The vast majority of these blocks were built in the 1960's, with some in the early 1970's. In addition to the 36 high-rise tower blocks Wolverhampton also has an additional 11 blocks of flats that are 6 – 8 storeys. None of these have any cladding systems.

2.16 All the blocks are now designated as general needs blocks, which means they are occupied by a mixture of families, couples and single people. Those blocks that were previously designated as sheltered accommodation do present an enhanced risk from a fire safety perspective due to the age and health profile of the tenants.

## 2.17 The Grenfell Tower Inquiry

2.18 Following the Grenfell Tower Fire, the Prime Minister requested Sir Martin Moore-Bick to set up a public inquiry and to consult with the victims, family members and other interested parties on the scope of the terms of reference for the review.

2.19 On 10 August 2017 Sir Martin wrote to the Prime Minister to set out the terms of reference as follows:

*1. To examine the circumstances surrounding the fire at Grenfell Tower on 14 June 2017, including:*

*(a) the immediate cause or causes of the fire and the means by which it spread to the whole of the building;*

***(b) the design and construction of the building and the decisions relating to its modification, refurbishment and management;***

*(c) the scope and adequacy of building regulations, fire regulations and other legislation, guidance and industry practice relating to the design, construction, equipping and management of high-rise residential buildings;*

***(d) whether such regulations, legislation, guidance and industry practice were complied with in the case of Grenfell Tower and the fire safety measures adopted in relation to it;***

***(e) the arrangements made by the local authority or other responsible bodies for receiving and acting upon information either obtained from local residents or available from other sources (including information derived from fires in other buildings) relating to the risk of fire at Grenfell Tower, and the action taken in response to such information;***

***(f) the fire prevention and fire safety measures in place at Grenfell Tower on 14 June 2017;***

*(g) the response of the London Fire Brigade to the fire; and*

***(h) the response of central and local government in the days immediately following the fire;***

*and*

*2. To report its findings to the Prime Minister as soon as possible and to make recommendations.*

2.20 Some of the terms of reference listed above are specific to the Grenfell Tower fire but those in bold represent areas that this Council and its Partners must also be able to provide evidence and assurances of if requested to do so and to be confident that any response to any emergency is the right response.

2.21 Following the Grenfell Tower Fire, the Royal Borough of Kensington and Chelsea (RBKC) was heavily criticised as evidenced in the below excerpt from the Independent Grenfell Recovery Taskforce Initial Report on 31 October 2017:

*RBKC failed its community on the night of 14 June and in the weeks following. Prior to that we have heard that RBKC was: distant from its residents; highly traditional in its operational behaviours; limited in its understanding of collaborative working and insular, despite cross borough agreements; and with a deficit in its understanding of modern public service delivery.*

2.22 The Grenfell Tower Inquiry is still in the early stages with a Procedural Hearing scheduled for Wednesday 21 March and Thursday 22 March 2018. The Procedural Hearing will review the progress of the first phase of the inquiry and finalise the timeframe for the evidential hearings.

2.23 **The Hackitt Inquiry: Independent Review of Building Regulations and Fire Safety**

2.24 This review, led by Dame Judith Hackitt is tasked with urgently assessing the effectiveness of current building and fire safety regulations and related compliance and enforcement issues. The focus of the review is on multi occupancy high rise and residential buildings. The Review's two main priority areas are to develop a more robust regulatory system and to provide further assurances to residents that the buildings they

live in are safe now and for the future. This second priority area therefore links directly to the work also being carried out by the Scrutiny Scoping Group.

2.25 The Terms of Reference for the independent review are as follows:

1. To map the current regulatory system (i.e. the regulations, guidance and processes) as it applies to new and existing buildings through planning, design, construction;
- 2. To consider the competencies, duties and balance of responsibilities of key individuals within the system in ensuring that fire safety standards are adhered to;**
3. To assess the theoretical coherence of the current regulatory system and how it operates in practice;
4. To compare this with other international regulatory systems for buildings and regulatory systems in other sectors with similar safety risks;
5. To make recommendations that ensure the regulatory system is fit for purpose with a particular focus on multi-occupancy high-rise residential buildings.

2.26 As with the Terms of Reference for the Moore-Bick Inquiry, there will be an overlap with the work of the Scrutiny Scoping Group and in particular in relation to number 2.

2.27 An interim report including recommendations was published in December 2017 and the final report is expected by Spring 2018. A copy of the Interim Report can be found here:

<https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-interim-report>

### **3.0 Overall Observations**

- 3.1 There is some very good work being carried out by Wolverhampton Homes, West Midlands Fire Service and the City of Wolverhampton Council at an operational level. Communications between the organisations are good and were praised by all those interviewed.
- 3.2 Clear steps to improve fire safety procedures have already taken place since the Group began its scoping exercise such as the designation of the Deputy Managing Director as the Strategic Lead for Health and Safety at the Council and steps such as this are welcomed by the Group.
- 3.3 However, there are areas where concerns have been raised by the Group and these are addressed in the recommendations at Appendix 1.
- 3.4 As stated above, this group will remain in place and reconvene immediately following the publication of the final recommendations from the Hackitt Review and Moore-Bick Inquiry to consider the findings and to advise the Council on how best to proceed with the

implementation of any outstanding or new recommendations which may at that time be appropriate.

#### **4.0 Progress against initial scoping document**

4.1 At the first meeting of the Group a scoping document was agreed and this is attached at Appendix 3

#### **5.0 The Findings of the Group:**

##### **5.1 The Responsible Person**

***Recommendation 1. Recommendation 2. and Recommendation 3.***

In relation to a workplace, the Responsible Person is the employer, if the workplace is to any extent under their control

- a) In relation to any premises not falling within the above, the Responsible Person is:
  - i. The person who has control of the premises (as occupier or otherwise) in connection with the carrying on by them of a trade, business or other undertaking (for profit or not); or
  - ii. The owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.
- b) In most circumstances the owner, employer or occupier of the premises is responsible for ensuring and maintaining the correct fire safety and procedures.
- c) Wolverhampton Homes has a policy which specifies how fire safety responsibility is delegated. At the moment, the responsibility and duty of care sits with the Stock Investment Manager who is a specialist member of staff for fire safety and he is supported by specialist health and safety officers.
- d) In relation to the person responsible for fire safety for the City of Wolverhampton Council this was confirmed to be the Deputy Managing Director, who currently chairs the Corporate Landlord Board.

##### **5.2 A Competent Person**

A competent person is described as someone who:

- a) Understands the relevant fire safety legislation and the associated guidance documents;
- b) Has appropriate training, education, knowledge and experience in the principles of fire safety;
- c) Has an understanding of fire development and the behaviour of people in fire;
- d) Understands the fire hazards, fire risks and relevant factors associated with occupants at special risk within buildings of the type in question; and
- e) Has appropriate training and/or experience in carrying out fire risk assessments.
- f) At the moment there is competence at various levels within the Council ranging from external consultant who carry out complex Fire Risk Assessments to internal Fire

Officers who can undertake straightforward Fire Risk Assessments. There is also an internal level of expertise as referenced in recommendations 3 and 15.

### 5.3 Section 41 Member Role Description

#### ***Recommendation 5.***

Members appointed as lead members for their constituent authorities, under Section 41 of the Local Government Act 1985, are required to:

- a) answer questions put to them at meetings of their constituent council relating to the discharge of functions of the Fire and Rescue Authority;
- b) Report back to their constituent authorities on the work of the Fire Authority, in accordance with any requirements within their authority's procedural standing orders, overview and scrutiny processes, or other monitoring arrangements.
- c) Three appointments are made to the West Midlands Fire and Rescue Service at Annual Council signifying a nominated lead member for the purpose of answering questions at council meetings in relation to the Joint Authority concerned.

### 5.4 Wolverhampton Homes

#### ***Recommendation 20. and Recommendation 21.***

- a) Wolverhampton Homes manage and look after more than 23,000 homes on behalf of The City of Wolverhampton Council.
- b) Wolverhampton Homes are an Arm's Length Management Organisation (ALMO) setup in 2005.
- c) There are also four Tenant Management Organisations (TMOs) in Wolverhampton that cover Dovecotes, Springfield Horseshoe, New Park Village and Bushbury Hill.
- d) The TMOs manage approximately 2,200 homes.

### 5.5 Role of the Concierge

#### ***Recommendation 10.***

- a) The role of the Wolverhampton Homes concierge staff is to ensure that all fire safety measures have not been compromised and to undertake daily inspections of communal areas within all towerblocks.
- b) The concierge staff ensure clean, safe and secure environments for the residents.
- c) There are 29 of the 36 tower-blocks with CCTV at ground floor level which is monitored 24/7 centrally. The remaining seven tower-blocks are planned to have CCTV installed in 2018-2019.
- d) Onsite checks and litter picking activities are carried out to maintain clean, safe and secure communal environments
- e) The role of the concierge is to prevent fire not to fight it.

### 5.6 Training and Expertise

**Recommendation 9. and Recommendation 10.**

- a) Wolverhampton Homes - The Stock Investment Manager is designated as the Competent Person as appointed by the Responsible Body (Wolverhampton Homes) and is supported by external partner organisations and in particular a fire safety consultant from Jacobs who is an ex fire fighter and Graduate Member of the Institution of Fire Engineers (the consultant also holds a NEBOSH General Certificate and IOSH Fire Safety Management qualification). There is also a specialist fire safety advisor within the Health and Safety Team who liaises regularly with the Fire Service.
- b) Wolverhampton Homes concierge staff have general fire training and received Specific fire safety training for high rise blocks in December 2017. The Supervisor of the Concierge staff is a former fire fighter.
- c) The training for concierge staff will be carried out by a professional training provider and will cover areas including fire doors, dry riser cupboards, the seals around dry risers and any washers and wheels, combustible items and dealing with equipment left behind by contractors.
- d) Wolverhampton Homes are looking to enhance these arrangements with the appointment of a dedicated Fire Safety Compliance Officer.
- e) The City of Wolverhampton Council Interim Compliance Officer has appointed 3 Area Facilities Officers who have undertaken fire risk assessment training so will be able to carry out low risk, low complexity risk assessments once they are signed off as competent.
- f) The Council does have experienced and qualified employees but they do not appear to be in the right areas and there appeared to be vacuums that are being filled by bringing in consultants. Corporate Landlord is currently reviewing staffing requirements to undertake compliance related activities.
- g) An interim recommendation from the Hackitt Inquiry states:

*There is a need to be certain that those working on the design, construction, inspection and maintenance of complex and high-risk buildings are suitably qualified. The professional and accreditation bodies have an opportunity to demonstrate that they are capable of establishing a robust, comprehensive and coherent system covering all disciplines for work on such buildings. If they are able to come together and develop a joined up system covering all levels of qualification in relevant disciplines, this will provide the framework for regulation to mandate the use of suitable, qualified professionals who can demonstrate that their skills are up to date. This should cover as a minimum:*

- *engineers;*
- *those installing and maintaining fire safety systems and other safety-critical systems;*
- *fire engineers;*
- *fire risk assessors;*
- *fire safety enforcing officers; and*

- *building control inspectors.*

*I would ask these bodies to work together now to propose such a system as soon as practicable. I will launch this work at a summit in early 2018.*

## 5.7 The Wolverhampton Homes Fire Safety Committee

- The Fire Safety Committee is responsible for reviewing all fire safety measures and lessons learnt, the Committee meets regularly and is chaired by the Director of Operations. The Committee feedback to the Chief Executive and to the Board.
- Outcomes from the Fire Safety Committee included work to ensure that all cables in communal areas were now neatly strapped up and work being undertaken in relation to flat entrance doors with only 1 leaseholder door out of 70 now needing to be changed or issued with a certificate of compliance.

## 5.8 The Tenancy Agreement

<b><i>Recommendation 24.</i></b>
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- In some areas, such as Aston in the West Midlands there is an agreement regarding Houses in Multiple Occupation that if a tenancy agreement changes that the Landlord informs the Fire Service and they arrange to carry out a safe and well visit with the new residents. This is built into the tenancy agreement.
- All tenants and leaseholders in tower-blocks receive information and guidance (including a personal visit from the concierge, a video and a leaflet) outlining what action should be taken in an emergency.
- Any changes made to a property by a leaseholder must be compliant with current regulations.
- The full lease sits with the City of Wolverhampton Council and is managed by Wolverhampton Homes.
- Any changes to an entrance door made by the leaseholder is the responsibility of the leaseholder and Wolverhampton Homes manages receipt of certification to confirm fire safety compliance. Legal action is taken when a certificate is not provided.
- The City of Wolverhampton Council currently has three different leases (managed by Wolverhampton Homes) in operation and creating a new lease to include a clause relating to Wolverhampton Homes replacing non-compliant doors and recovering the money could lead to extensive legal costs. It should be noted that there are sufficient legal powers as things stand to ensure compliance with fire safety standards. The MHCLG has issued guidance on the legal powers that already exist.
- Most flats in tower-blocks also have a fire door within the dwelling and it is important to ensure that this is not removed. Greater powers of entry are required to enable officers to check these doors along with checks of hard wired smoke detectors and internal compartmentalisation. There are no gas supplies in any of the tower-blocks in Wolverhampton.

## 5.9 West Midlands Fire Service

### **Recommendation 22.**

- a) Prevention - representatives of the Fire Service visit businesses to ensure that premises are safe for employees. Operational crews carry out Safe and Well visits with the aim of visiting every domestic dwelling across the West Midlands.
- b) Protection - audits are carried out under the Fire Safety Legislation of all communal areas, every fire door is checked, stairwells are checked and all areas of compartmentalisation are checked.
- c) Site Specific Risk Inspections (SSRI) are also carried out in targeted areas such as tower blocks.
- d) In an emergency fire situation, the Incident Commander from the Fire Service takes control.
- e) During the witness session with the Fire Service it was stated that funding would be arranged where there was a requirement and that resources were not an issue.

However, the more recent the response from the West Midlands Fire Service to the provisional financial settlement states that whilst the Service are pleased to see the additional 1% flexibility in referendum limits which could provide potential for some level of increased Council tax funding, it is also disappointed not to receive some recognition in the settlement for the likely impact that the Grenfell Tower tragedy will have on the demands of the Service and the relatively low benefit the additional 1% flexibility provides compared to other Fire and Rescue Authorities, given WMFRA has the lowest Council Tax band D in the country.

## 5.10 Risk Assessments and Inspections including Fire Safety Inspections (including addressing disability issues for tenants)

- a) Site Specific Risk Inspections (SSRI) are carried out by the Fire Service in targeted areas such as tower blocks.
- b) All tower blocks have now been highlighted as targeted areas and should therefore be visited.
- c) During the visit the Fire Service make themselves available to residents and Safe and Well visits can be carried out there and then or future appointments made.
- d) The Fire Service has jurisdiction in the public areas only so can look at areas such as fire escapes and compartmentalisation. As with private dwellings, people living in tower blocks can request a free Safe and Well visit from the Fire Service.
- e) Regarding private dwellings, these fall under different legislation and are the responsibility of the owner or landlord.
- f) The Fire Service is still the enforcing body in relation to fire safety in private dwellings.
- g) In the immediate aftermath of the Grenfell Tower fire, the Government's focus was on establishing how extensively aluminium composite materials (ACMs) had been used within cladding systems on high-rise buildings. Wolverhampton Homes conducted a

detailed desktop review, which confirmed that none of the high-rise blocks it manages were clad with ACMs.

- h) In the weeks that followed the Grenfell Tower fire, any cladding system with any similarity to that used at Grenfell Tower, no matter how slight, came under intense scrutiny. Two groups of blocks in Wolverhampton had a similar 'carrier system' (metal rails were used to hold cladding panels in place), so West Midlands Fire Service (WMFS) were asked by the Government to investigate the blocks at the Graiseley Estate and the tall tower blocks in the Heath Town estate.
- i) It was evident following the subsequent testing of the cladding panels (and checks on the fabrication of the cladding systems), that no risk was posed by the cladding to either of these groups of blocks.
- j) One of the key responsibilities of the responsible person under the Fire Safety Order (whether undertaken by themselves or a competent person on their behalf) is to carry out a fire risk assessment and put in place fire prevention and mitigation measures that adequately reduce the life safety risk to those on or in the vicinity of the premises to as low as reasonably practicable.
- k) The fire safety measures covering the common parts of residential buildings that must be adequate for compliance with the Fire Safety Order comprise the following
  - i. measures to reduce the risk of fire and the risk of spread of fire;
  - ii. the means of escape from fire;
  - iii. the measures necessary to assist people in the use of the escape routes, such as emergency escape lighting, fire exit signs and measures for smoke control;
  - iv. where necessary, fire extinguishing appliances;
  - v. any fire alarm system necessary to ensure the safety of occupants;
  - vi. an emergency plan;
  - vii. maintenance of all of the above measures; and
  - viii. maintenance of measures required by legislation for use by fire-fighters.
- l) The fire risk assessment must be regularly reviewed. For example, when refurbishment of a building occurs, the responsible person must ensure that their fire risk assessment is reviewed to mitigate the additional risks the alteration process may impose on the building and its residents.

#### 5.11 City of Wolverhampton Council and Corporate Landlord

***Recommendation 1. Recommendation 2. Recommendation 3. Recommendation 14. Recommendation 16. Recommendation 17. and Recommendation 18.***

- a) The remit of Corporate Landlord includes the Council's assets, facilities management and projects and works
- b) The Council has Health and Safety Advisors who act as a liaison with Wolverhampton Homes and the Fire Service.
- c) During the first few meetings of the Group it was very unclear as to who was responsible at a strategic level for Fire Safety at the City of Wolverhampton Council and what the Policy was at this level regarding fire safety and the co-ordination of

resources. Since those initial meetings, it has been announced that the Deputy Managing Director will be taking a lead responsibility for health and safety across the Council and that quarterly reports will be considered at a strategic level to ensure that actions are being delivered and issues in relation to resources addressed.

- d) It is important that there is a single point of contact in relation to fire safety at a strategic level in the Council.
- e) There are apparent vacuums and structural issues in the City Council in relation to fire safety and the Responsible Person needs to be identified along with a number of competent people. This to be addressed by the review being carried out by Corporate Landlord to enable resources to undertake compliance related activities.
- f) Fire Safety Management does not fall within the remit of the Health and Safety Team in the City Council.
- g) The Council has a good understanding of the wider estate and is keeping a close watch regarding national enquiries and developments.
- h) All buildings have been checked but not all buildings have been tested. Consideration must in some instances be given as to whether the required information in relation to a building can be collected in another way rather than testing.
- i) There are issues in relation to the capacity of the Council to test all of its buildings but steps can be taken to provide assurances for elected members and the public that the buildings are safe.
- j) The Council does not currently have a policy to fit sprinklers in all new builds and seeks technical advice from consultants in relation to each project individually. There is no legal requirement to fit sprinklers and there are alternative views as to whether they should be fitted as standard.
- k) The technical advice provided to the Council comes from a number of specialist bodies including the architects and the Fire Service.
- l) Sprinkler systems are considered as part of an overall fire management approach and different buildings will require different systems.
- m) Retrofitting sprinklers is more expensive than fitting them into a new build.
- n) Fire safety training is to be provided to concierge staff in the i10 building.
- o) From March 2018, there will just be one fire alarm system in the Civic Centre.

#### 5.12 Schools, academies, further education establishments

<b><i>Recommendation 11. Recommendation 13. and Recommendation 26.</i></b>
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- a) There are 165 corporate properties and 42 community schools and the Council is currently in the process of ensuring that these have a managed fire risk assessment programme in place.
- b) 11 new schools have been fitted with sprinklers in Wolverhampton.
- c) There are concerns in relation to how previous risk assessments were carried out in schools prior to 2015 which came to light following an audit.

- d) Officers instructing fire risk assessments in community schools now apply the same standard as across other areas of the organisation with a competent person carrying out fire risk assessments.
- e) The fire risk assessments from the 42 community schools are providing the Council with the information required to ensure that the right solutions are in place in these schools in relation to fire safety.
- f) The Council is awaiting information to be returned by the schools regarding cladding which is taking some time and information from constructors is poor. These risks are now being addressed and assessed through the Fire Risk Assessment which will now include risks associated with cladding.
- g) 10 fire risk assessments have been commissioned and this will be a rolling programme throughout 2018/2019.
- h) Corporate Landlord are working closely with a fire safety consultant from Jacobs who is an ex fire fighter and Graduate Member Institution of Fire Engineers.
- i) Areas considered to be of high risk are being addressed with immediate effect.
- j) Schools present a very complex fire concern (science blocks with flammable equipment, issues regarding technology rooms, arson and smoking)
- k) At the moment there is no local, comprehensive data to show how many fire incidents have taken place in schools over the last 5 years.
- l) There is currently a lack of in house expertise at the Council and consultants are relied upon to carry out all but low risk fire risk assessment. There is ongoing recruitment but training and professional development is essential to ensure that outcomes and recommendations from fire risk assessments can be followed up. Feedback from Corporate Landlord has indicated that consultants will continue to be used to undertake more complex Fire Risk Assessments. However, Corporate Landlord does acknowledge the need to continue to develop competencies and provide resources to action any significant findings identified in the risk assessments and to manage fire risk generally. The undertaking of a Fire Risk Assessment is but one part of overall fire risk management.
- m) Sometimes it can be beneficial to bring in outside expertise as and when required but care must be taken to ensure that the Responsible Person and competent persons are permanent members of staff. Outside expertise can help to provide validity and objectivity but there must be a backup and responsibility internally should the external provider fail to deliver. Corporate Landlord will continue to develop in house competencies and resources and agree that suitable and sufficient competencies should be retained in house.
- n) The expertise that is already present at the Council does not appear to being utilised to its full capacity or in the right area and is not joined up.
- o) There have been no additional requests from schools for fire risk assessments following the Grenfell fire.
- p) A centralised data system is being put in place regarding schools and this will include information on fire safety.
- q) The Council is fully in control and aware of all estates managed directly but has less control and information regarding what individual schools are doing regarding the outcomes of fire risk assessments and fire alarms and testing. At the moment, there

are not sufficient resources to investigate this area and the Council must rely on each school managing this correctly. Ideally the Council would like to be able to log all of this information online as part of an overall compliance package as at the moment events are being checked and logged retrospectively. The cooperation of schools is required for this and all community schools have been asked to complete a monthly return which has been set up as an interim measure. To date, less than 10% of community schools have completed this monthly return for January 2018.

- r) Each school has a duty of care to the children that attend there and there are premise managers and business managers in place to ensure that this duty of care is adhered to.
- s) Residential Schools have been prioritised and assessments carried out by an external consultant.
- t) As employer the Council is duty holder for ensuring that health and safety is managed at Community and Voluntary Controlled Schools, with on-site operational responsibility for Health and Safety delegated to Headteachers and Governing Bodies. Representatives from the Education Department are organising a series of workshops with schools and officers to establish a collaborative approach to managing fire risk assessment and other health and safety matters.

### 5.13 Testing

<b><i>Recommendation 6. And Recommendation 8.</i></b>
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- a) Aluminium Composite Material Cladding (ACM cladding) panels are commonly used for cladding buildings, typically as a form of rainscreen.
- b) Rainscreen cladding (sometimes referred to as a 'drained and ventilated' or 'pressure-equalised' façade) is part of a double-wall construction. The rainscreen itself simply prevents significant amounts of water from penetrating into the wall construction. Thermal insulation, airtightness and structural stability are provided by the second, inner part of the wall construction.
- c) ACM cladding consists of two skins of aluminium bonded to either side of a lightweight core of materials such as polyethylene (PE), polyurethane (PUR), profiled metal or a mineral core. It is a popular product because of its precise flatness, variety of surface finishes and colours, light weight and formability. However, during a fire, the panels can delaminate, exposing the core material.
- d) The original information request from the Government required the Council to provide details of any cladding on high rise blocks of flats.
- e) Following this, the Government then focused on aluminium composite cladding systems and instructed that where suspected a sample needed to be sent to the national testing body (BRE Group) and if the cladding failed, then the tower block would be revisited by the Fire Service with the Responsible Person and a plan of action drawn up.
- f) The latest government guidance is only focused on aluminium composite materials with a polystyrene core;
- g) Wolverhampton Homes has a good record of what its buildings are clad with and those with mineral wool wall systems are not deemed to be a risk.

- h) The latest Government guidance requires the Landlord to ensure that all cladding materials (including External Wall Insulation) are constructed from materials of “limited combustibility”, or at the very least, only use external wall systems, which can be shown to have passed the large-scale fire test detailed in BS8414.
- i) The BS8414 test evaluates the performance of the cladding system, when fire breaks out of an opening (such as a window) in an external wall, to ensure that it will not result in excessive fire spread up the outside of the building and allow the fire to re-enter the building at a higher level.
- j) All the rendered systems used on the City of Wolverhampton Council’s tower-blocks (manufactured by either SPS Envirowall, Weatherby or Structherm) have been tested and are compliant with BS8414.
- k) The cladding system manufactured by D+B Facades (identical to that used on the Graiseley blocks), has been recently tested to the BS8414 standard and is also compliant.
- l) The cladding material used on the tall tower-blocks at Heath Town (a Capex rainscreen system, featuring Steni panels), meets the requirements of the Building Regulations (Class 0), but has not been tested in accordance with the BS8414 test (as the installation predates the introduction of this test). It should be noted that this cladding has been tested to prove it’s a non-flammable material.
- m) The Government’s latest recommendations require all cladding materials to the B
- n) 6 out of 18 high rise blocks in Wolverhampton have been tested and every block has been visited and advice sought.
- o) There is conflicting advice regarding whether existing cladding should be removed and tested or whether a replicate piece should be tested.
- p) In relation to the cladding, Wolverhampton Homes have tested actual cladding from both Graislely and Heath town which have rainscreen cladding but it is made out of very different materials to that used on Grenfell. Graislely is pure aluminium and has a top safety rating. Heath town is meeting the building regulations and the cladding there is made from non-combustible materials.
- q) Actual panels have been removed from blocks and fire breaks checked. The only difference with Graislely is that there has been no need to take a panel away for further testing as the cladding is pure aluminium with nothing inside.
  - r) Other blocks with cladding are all rendered solution which is fixed directly to the wall and all the regulations and certificates confirm that these meet and exceed standards.

## 5.14 Emergency Planning

<b><i>Recommendation 15. and Recommendation 19.</i></b>
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- a) Wolverhampton Homes has plans that will swing into action prior to the full Council emergency plan taking effect. The date of the last test of the Council’s emergency plan was in 2015 and this included testing of communications and rest centres. In the event of an emergency there would be enough beds to accommodate all residents from a tower block.
- b) The Tactical Control Room at the Council does not have disability access and this needs to be remedied as a matter of urgency.

- c) The list of potential rest centres is out of date and should be looked at to take into consideration using local faith group centres which could be closer to affected areas.
- d) Rest centre managers and responders are not currently trained in relation to mental health and this would be beneficial to allow them to immediately signpost any concerns and get help immediately for a person in need. It would also be beneficial to have staff trained in sign language present at rest centres.
- e) The City of Wolverhampton Council Emergency Planning and Resilience Team is a team of two that cover emergency planning, business continuity and priority functions in the Council.
- f) There are about 35-36 Duty Managers and they are available 24/7 during the week they are on duty.
- g) The Duty Manager will assess and coordinate an appropriate response to a major incident, approve resource allocation and brief the Duty Director.
- h) There are approximately 10 Duty Directors who are ultimately responsible to the Managing Director.

#### 5.15 Corporate Manslaughter

<b><i>Recommendation 17.</i></b>
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- a) There is a possibility that corporate manslaughter charges may be brought against those who had responsibility for the flats at Grenfell and this could include Council employees and elected members.
- b) Wolverhampton Homes has a clear governance structure which sets out responsibilities and delegations. All employees are aware of this and their responsibilities.
- c) The Board of Directors at Wolverhampton Homes have received legal, corporate manslaughter and health and safety training and are fully aware of what is expected of them and their responsibilities.
- d) The Board have a health and safety champion who attends officer meetings to provide challenge and scrutiny.
- e) The people with responsibility and the organisations they support have a duty to ensure that they are not prohibited in any way from carrying out their duties.
- f) There is a need to ensure that when employees or councillors are sitting on a Board, that they have a full understanding of their duties under the Directors Act and that their first duty is to the Board. An individual may have different responsibilities when acting as a board member and as a councillor and these differences need to be fully understood.

#### 5.16 Planning and Building Regulations

<b><i>Recommendation 12. and Recommendation 25.</i></b>
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- a) There are two regulatory regimes that are relevant to new developments. These are covered by planning applications and building regulation applications.
- b) Building Regulations deal with health and safety which includes fire safety.

- c) Planning covers areas such as amenity, impact on the neighbourhood, environmental impact and transport issues.
- d) Building Regulation applications do not have to come to the Council and some applications are dealt with by private Building Control bodies known as Approved Inspectors.
- e) When an application for building regulations is received by the Council the plans and specification are checked for compliance with the Building Regulations. If the design is considered deficient in any way a report identifying the concerns is sent to the applicant or their agent to enable them to address the issues. The Council will consult the Fire Service in accordance with the Regulatory Reform (Fire Safety) Order 2005 in relation to the design where there are fire safety issues.
- f) The responsibility for building in accordance with the Building Regulations lies with the person carrying out the work. Where a Building Regulation application has been deposited with the Council a Building Control surveyor will carry out a limited number of site inspections during the construction phase to try and ensure that the work is in compliance with the all aspects of the Building regulations, including fire safety.
- g) The Fire Service does not sign off the fire checks, it can only advise through the consultation process. Only the Local Authority or an independent Building Control body can sign the application off but it is extremely unlikely that the Local Authority would disagree with the Fire Service and a common understanding is normally agreed.
- h) If the Fire Service recommend sprinklers, then this can be made as a recommendation to the client but as the current Regulations do not make sprinklers mandatory then it can only be a recommendation.
- i) All of the recommendations made by the Local Authority and the Fire Service are recorded.
- j) Once the building is complete then responsibility for enforcement matters related to fire safety passes to the Fire Service and it can make further recommendations under the Regulations that come into force once a building is occupied.
- k) At the moment, it was not possible to have a Council policy that stated that all new builds had to have sprinklers as this would fall outside of the legal scope of the Regulations. This was currently the policy in Wales where the Welsh Government had carried out a consultation process and implemented a requirement that all new builds must have sprinklers. Where the Council is the client it can request specifications that are above the minimum requirement in the Building Regulations but this would be a client requirement as opposed to a Building Regulation requirement.
- l) A recent publication and review sponsored by the Ministry of Housing, Communities and Local Government (MHCLG) has stated that the building industry is aiming for minimum compliance, that enforcement measures are poor and that competence levels amongst builders and regulators is weak:

*'It has become clear that the whole system of regulation, covering what is written down and the way in which it is enacted in practice, is not fit for purpose, leaving room for those who want to take shortcuts to do so'*

[https://uk.reuters.com/article/uk-britain-fire-regulations/after-uks-grenfell-tower-fire-deaths-review-calls-for-culture-change-idUKKBN1EC1M8?utm\\_source=applenews](https://uk.reuters.com/article/uk-britain-fire-regulations/after-uks-grenfell-tower-fire-deaths-review-calls-for-culture-change-idUKKBN1EC1M8?utm_source=applenews)

- m) The Panels that were retrofitted to the Grenfell Tower and the majority of other similar ACM systems in the UK failed the BS 8414 combustibility test which the building industry's guidance states cladding should adhere to.
- n) The Group were generally concerned as to the lack of power provided to the Fire Service and Local Authority in relation to building regulations and the ability of contractors to disregard any recommendations that are not legal requirement.
- o) A review of the current Building Regulations is also backed by the National Fire Chief Council:

'The NFCC support the concept of risk assesses retro fitting of sprinklers in existing building and would also welcome the prioritisation of a review of the Building Regulations (Approved Document B) to ensure fire safety requirements keep pace with new building developments'

<http://westbridgfordwire.com/notts-fire-rescue-supports-national-fire-chiefs-council-position-sprinklers/>

- p) In relation to high-rise residential buildings, there are two key legal frameworks, each with different scope, requirements and enforcing authorities:
  - a. The Regulatory Reform (Fire Safety), Order 2005 which is enforced by the Fire and Rescue Service and;
  - b. The Housing Act 2004 and in particular, the Housing Health and Safety Rating System (England) Regulations 2005 which is enforced by the Local Authority Environmental Health Officers (EHOs).
- q) The requirement for a 'responsible person' is within the Fire Safety Order.
- r) The Order states that there must be a responsible person in every relevant premise to carry out and regularly review a fire risk assessment for the premise. In residential premises, the fire risk assessment must consider whether the fire safety measures in place in the **common parts** of the building are suitable and sufficient to minimise the life risk to those lawfully on, or in the vicinity of the premises and, where necessary, to implement and maintain improved fire safety measures that reduce the risk from fire.
- s) In most premises to which the Fire Safety Order applies, the local Fire and Rescue Service will be the enforcing authority.
- t) The Housing Health and Safety Rating System 2005 (HHSRS), is a reactive system that assesses likely harm to tenants in relation to 29 identified hazards, including one for fire risk.

- u) The HHSRS provides Local Authorities through its EHOs with a range of powers to investigate and where necessary, require landlords to improve standards and remove hazards.
- v) EHOs cannot take enforcement action against Local Authorities;
- w) The HHSRS looks at both the individual dwelling and the common parts of the building.

#### 5.17 Disability Awareness

<b><i>Recommendation 18.</i></b>
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- a) At the moment, there is no disability access audit carried out as standard.
- b) As local authorities move more towards the independent living agenda then disability access needs to be given much greater consideration;
- c) The Fire Service assigns a Vulnerable Persons Officer once a vulnerable person has been identified as living at a premise.
- d) Wolverhampton Homes has a good general awareness of disability access issues and in 2010 a piece of work was carried out to look at accessibility in high rise blocks and this is continuously under review.
- e) Information is held in relation to approximately 80% to 90% of residents but care has to be taken to respect tenants privacy.
- f) Less information is held regarding leaseholders as they often do not want to provide the requested information. In some cases flats could also be sublet and information regarding this would not be available.
- g) There is a Social Housing Fire Safety Group and part of the remit of the Group is to monitor any repeat incidents to ascertain if these are due to vulnerable residents who need additional support or guidance.
- h) Wolverhampton Homes has a 5 year programme in place to look into access issues for disabled people but this does not form part of the current fire risk assessment.
- i) In relation to schools there are specific fire risk assessments for people with disabilities and training is provided. There are also assurances for pupils with Education Health Care Plans.
- j) When visiting schools, guests are not normally asked if they have any accessibility requirements which is a failing as it is important to know where these guests are and their requirements in an emergency. Schools must have an accessibility strategy but there is uncertainty as to the extent and implementation of these.
- k) In relation to consultation with disability groups during construction this has not been as strong as it was previously at the Council. Improvement is being made and it is hoped that with the new Corporate Landlord approach, bringing together all new buildings in the Council that the different departments can work closer together and advice from disability groups and the Access Officer can be taken on board and integrated more successfully.

#### 5.18 Communications – Council, Fire Service and Wolverhampton Homes

- a) There are good relationships between Wolverhampton Homes and the Fire Service, visits have been done and areas for improvement pointed out and timescales agreed.

- b) There are good communications between Wolverhampton Homes and the City of Wolverhampton Council.
- c) Stay Put advice is still in force for tower blocks as these are not designed for simultaneous evacuation.
- d) Wolverhampton Homes have carried out a large scale consultation exercise regarding, 'Stay Safe Stay Put' and this has been reinforced with 'Are you Ready?' workshops.
- e) There have been four incidents recently where communal alarms have sounded and residents have stayed put, there is no evidence to suggest residents will not follow the stay put advice unless directed to do so by the Fire Service.
- f) Communications from the Fire Service regarding the Safe and Well visits could be improved as there was a general misunderstanding that they were just for elderly people.
- g) The Council's Health and Safety Advisor has visited all the tower blocks with the Fire Service following the Grenfell fire and was reassured by the faith the residents have in the service and no concerns or worries have been voiced.
- h) The Wolverhampton Homes Residents Association meets regularly and to date no concerns regarding fire safety have been raised.
- i) Information distributed by Wolverhampton Homes following the Grenfell Tower fire was very limited in format and language and this should be addressed for any future communications and where possible should include braille
- j) Wolverhampton Homes use a database system (Northgate) which is refreshed daily in relation to residents and leaseholders (where information is available). The Duty Manager has access to this information and where appropriate this can be shared immediately with partners such as the Fire Service.

#### **5.19 Other partners including local businesses**

- a) The first requirement following Grenfell has been to complete a template sent out by the Department for Communities and Local Government requesting information on all high-rise blocks. This request referred to all high-rise tower blocks in the area and not just those that were the responsibility of the Council and as such partner organisations have been liaised with.
- b) The Council's stock list is shared with the Fire Service and within 12 hours the Council as landlord is informed of any incidents or fires.
- c) The i10 building - investigations are still ongoing as to what is inside the cladding.

#### **5.20 Access Issues for Emergency Services**

- a) The Fire Service visited six blocks of flats within a week of the Grenfell fire to check areas such as access and egress.
- b) When carrying out a Site-Specific Risk Inspection (SSRI) consideration is given as to whether an appliance can gain access and if there are concerns then this is tested.

- c) Wolverhampton Homes has introduced an infrastructure programme and is looking to completely refurbish lobby areas and areas around lifts to improve the condition of these components.
- d) All dry risers and doors are accessible with one key which the Fire Service also have.

## **6.0 Evaluation of alternative options**

6.1 All of the above recommendations have been considered in depth by the scoping group following close examination of the facts and discussions with expert witnesses. It is considered that these recommendations provide a balanced and pragmatic response to the evidence provided.

## **7.0 Reasons for decisions**

7.1 The Council as employer and corporate landlord has a duty of care to all employees in relation to fire safety and must ensure that this is managed and coordinated at a Strategic level. The Council must designate a Responsible Person who has responsibility for:

- carrying out fire risk assessments of the premises and reviewing them regularly
- telling staff or their representatives about the risks they have identified
- putting in place and maintaining appropriate fire safety measures
- planning for an emergency
- providing staff information, fire safety instruction and training

7.2 The same is true of Wolverhampton Homes and each of the TMOs which also have a duty of care to the tenants and leaseholders living in the properties they manage.

7.3 The Council, its elected members, tenants, employees and members of the public must be confident that all necessary steps have been taken to ensure that a tragedy such as happened in Grenfell cannot happen in Wolverhampton.

7.4 The fact that this is the case needs to be communicated and the public must be assured that their concerns are being listened to and where appropriate, acted upon.

## **8.0 Financial implications**

8.1 The Chair of the scoping group considered that safety should be the predominant factor when considering the evidence and as such there are a number of recommendations that if agreed would subsequently require a much more in depth financial analysis and separate reports would need to be considered at executive level in relation to these areas.

8.2 The main areas where there would be financial implications should the recommendations be taken forward relate to:

- The use of sprinklers in all new builds and refurbished buildings

- Cladding systems and testing
- Training for concierge and civic office facilities employees (keepers)
- Training for Councillors and employees sitting on management boards
- Recruitment of additional in house expertise in relation to fire safety
- Resources required for the production of and implementation of a fire safety strategy at a strategic level
- Resources for the management of school fire safety management including the possibility of additional staff to visit schools.
- Legal costs associated with bringing all current leases under one lease.

[HM/06032018/B]

## **9.0 Legal implications**

The legal implications are dealt with throughout this report. The Council is required to comply with all relevant legislation relating to fire safety.

[TS/30012018/W]

## **10.0 Equalities implications**

- 10.1 A number of equalities implications were identified during the witness sessions as stated above and rather than address these in detail in this report it is recommended that a separate piece of work be carried out by a working group set up through the Scrutiny Board. This working group will draw up an action plan with targets covering areas such as emergency egress, reasonable adjustments and equality and diversity.
- 10.2 The working group will report back to the Scrutiny Board on a regular basis.
- 10.3 As with the financial implications, where a specific report is required to be approved by the Executive in relation to the recommendations then specific equality implications will be considered at that time.

## **11.0 Environmental implications**

- 11.1 There are no direct environmental implications associated with this report

## **12.0 Human resources implications**

- 12.1 If any changes to current staffing structures or recruitment is required, the appropriate HR Policies must be adhered to. Any relevant training for Councillors, Managers and other employees must be procured through appropriate Council procurement channels and will be processed via the Councils workforce planning team using current training

processes. Consultation with relevant trade Unions will be undertaken within appropriate timescales.

### **13.0 Corporate Landlord implications**

13.1 Corporate Landlord has played a major part in the scoping exercise and many of the recommendations relate to areas of responsibility that sit within this department such as community schools, the civic offices, the i10 building and other corporate buildings and the carrying out of fire risk assessments.

13.2 As shown in the main report, there will be many implications for Corporate Landlord should the recommendations be agreed but the scoping group is thankful to the officers from the department for their openness in providing the requested information and confident following the discussions that the recommendations are appropriate and in some instances already being actioned.

### **14.0 Schedule of background papers**

14.1 None

### **15.0 Appendices**

15.1 Appendix 1: Executive Response Sheet

15.2 Appendix 2: The Case for Sprinklers

15.3 Appendix 3: Original Scoping Document