

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
TENANT MANAGEMENT ORGANISATION LIMITED

OPERATIONS COMMITTEE – 2nd MAY 2013

REPORT BY JANICE WRAY – HEALTH, SAFETY & FACILITIES MANAGER

CURRENT TMO POSITION ON FIRE RISK ASSESSMENTS & RELATED FIRE
SAFETY MATTERS

1. Purpose of the Report

1.1 The purpose of this report is to appraise the Operations Committee of the TMO's current position in relation to Fire Risk Assessments.

1.2 Specifically, the Operations Committee is asked to note –

- progress with the Risk Assessment Programme
- arrangements for Fire Risk Assessment reviews
- progress made to date with completing the recommendations from the Fire Risk Assessment Action Plans & proposals to facilitate better monitoring of these actions
- the current position on enforcement on potentially non-compliant Leaseholder flat entrance doors within enclosed blocks and the "due diligence" approach the TMO has adopted whilst responsibility for enforcement is clarified
- TMO's Fire Safety Policy & Strategy
- The recommendations made by the Coroner's following inquests on fires at Lakanal House and in Southampton and response from Communities & Local Government to date.

1.3 Further, the Operations Committee is asked to note the ongoing liaison with the London Fire Brigade.

FOR INFORMATION

2.0 Introduction

2.1 The Regulatory Reform (Fire Safety) Order 2005 requires "responsible persons" to carry out "suitable and sufficient" fire risk assessments in the communal areas of all residential blocks.

2.2 As the London Fire Brigade (LFB) are the enforcing body for this legislation extensive discussions were undertaken with the LFB's fire safety team and with RBKC, the freeholder, to review the TMO's approach to carrying out Fire

Risk Assessments (FRAs). A risk-based approach giving priority to high risk blocks was agreed by all parties in July 2009.

2.3 Following a successful tendering and procurement process whereby a fire safety consultant was appointed the FRAs commenced on site in September 2009.

2.4 The LFB indicated that they expected completion of the initial programme of comprehensive FRAs throughout the entire housing stock within three years i.e. by July 2012 and that a further two years (July 2014) should be sufficient for completion of any significant findings required to ensure compliance with legislation, British Standards etc.

3.0 Progress with FRA Programme

3.1 In order to progress this programme as effectively as possible the TMO established criteria which enabled us to categorise each residential block on the basis of potential fire risk – high, medium or low. The Operations Committee may recall that the FRA Programme for the potentially High Risk blocks commenced on site in September 2009 and was successfully completed in late March 2010. After a slight delay to accommodate further competitive tendering and procurement the medium risk programme then commenced on site and at its conclusion the low-risk programme follow on.

3.2 All three assessment programmes were completed in May 2012 a few months in advance of the LFB's July timescale and as such comprehensive ("suitable & sufficient") FRAs are now available for every block.

4.0 Approach to reviewing FRAs

4.1 FRAs are living documents which cannot remain valid for an unlimited length of time. Therefore, to ensure ongoing compliance with the legislation assessments need to be reviewed and / or re-assessed periodically.

4.2 With regard to how frequently FRAs are reviewed the TMO have adopted the criteria set out in the current best practice guidance on fire safety in residential accommodation - "Fire safety in purpose-built blocks of flats" produced by the Local Government Group (published in July 2011).

4.3 Specifically, FRA reviews will be undertaken in the following circumstances –

- regularly,
- following "material alterations" at the block,
- when there is a significant change in the matters that were taken into account when the risk assessment was carried out (such as a widespread change in the type of residents occupying the block),
- when there is a reason to suspect that the original FRA is no longer valid (eg after a fire that occurred within, or spread to, the common parts) AND

- following completion of significant works instigated to address shortcomings identified by the FRA.

4.4 Depending upon their complexity these FRA Reviews are being carried by either the TMO Health & Safety Team or the Fire Consultant.

4.5 FRAs are being progressed according to the criteria above and the programme progresses on schedule.

5.0 Progress with FRA Action Plan Items

5.1 The LFB consider that compliance is not achieved by carrying out the FRA alone. All breaches of legislation, British Standards etc. identified in the Action Plan must also be satisfactorily progressed. Where this cannot be achieved in a reasonable timescale e.g. due to procurement issues, restricted resources etc. then the LFB insist that effective interim measures must be instigated.

5.2 The Operations Committee will recall that resources were prioritised for two major projects identified by the FRA Action Plans. Specifically, the first of these projects dealt with Trellick Tower Fire Safety and the second with the flat entrance door replacement programme. The former project concluded last summer whilst negotiations are underway with the entrance door contractor in order to successfully conclude this project.

5.3 The actions that arise from the FRAs are collated on a central database and then delegated to the specific teams responsible for delivery. The progress of these actions are monitored on a weekly basis by the Health and Safety team. Any outstanding actions are currently being prioritised for completion against a specific timetable that will meet our statutory obligation to deliver by July 2014.

5.4 In order to strengthen the monitoring process it has been proposed that a workflow system on the Electronic Document & Record Management System will be developed and implemented by June 2013. The workflow will enhance the organisations management of risk for this important area of health and safety work.

6.0 Enforcement of Leaseholder flat entrance doors

6.1 The Committee is advised of the difference of view held by RBKC and the LFB as to which statutory authority is responsible for enforcement of non-compliant flat entrance doors to leasehold properties located within enclosed residential blocks.

6.2 RBKC's interpretation of the law is that enforcement should be carried out under fire safety legislation (the Regulatory Reform (Fire Safety) Order). However, the Senior Policy Advisers at the LFB have instructed their staff to encourage Local Authorities to use the Housing legislation and specifically the Health & Safety Rating System to enforce non-compliance in this area. Further, a protocol exists between these parties clarifying the division of responsibilities for enforcement and the interpretation of this is also disputed.

6.3

Privileged

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A request for determination has, therefore, been submitted to CLG and a response is eagerly awaited.

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6.5

Specifically, all leaseholders were written to in Oct 2012 advising of the requirement for flat entrance doors to meet certain fire safety standards and outlining these standards. Those lessees whose doors had been identified by the FRA as potentially non-compliant then received a second letter advising them of this, setting out details of the standards to be met and seeking evidence confirming that their door was compliant. This letter also provided details of our Fire Consultant who had offered to make himself available for private consultation at a small fee.

6.6

A significant number of enquiries were received from leaseholders as a result of this correspondence and responses were provided in every case. Some lessees were able to provide evidence confirming their door was compliant, some replaced their door with an upgraded one and some residents engaged the services of our Fire Consultant to assess their door and advise what if any action they need take.

6.7

It is difficult to produce a definitive number of leaseholder doors which are potentially non-complaint because as blocks are reviewed the figure changes. However, we estimate that currently there are approximately eighty doors where further investigation is required to ascertain whether they comply with the necessary fire safety standards. We will continue to write to each lessee whose door is identified to highlight the issue and encourage them to investigate / upgrade as required.

7.0 Fire Safety Policy & Strategy

7.1

The need to document our approach to fire safety and in particular our management arrangements in relation to this has been recognised and a policy covering a wide range of issues such as the evacuation strategy in the blocks, fire risk assessments, arrangements for maintaining fire safety equipment, locations of fire fighting lifts, our approach to storage and charging of mobility scooters etc. has been drafted.

7.2

Consultation with the LFB Fire Safety Team on this document is ongoing.

8.0

Lakanal House fatal fire – Coroners Recommendations

8.1

The Operations Committee will be aware that in July 2009 a fatal fire occurred at Lakanal House, a residential tower block in the London Borough of Southwark.

- 8.2 The Inquest into this tragic incident has recently concluded and the Coroner has made a number of recommendations in relation to future fire safety in high rise blocks for the Department of Communities & Local Government to consider.
- 8.3 If these recommendations were to be implemented - generally this would only be possible after a change in legislation - they would have a significant impact on all landlords with responsibility for high rise blocks. Whilst initial indications from CLG are that these recommendations are unlikely to be taken up, we should be aware of these and their possible impact upon us. In summary these recommendations are as follows -
- Consolidated national guidance on "stay put" and its interaction with "get out stay out " evacuation strategy including how such guidance is disseminated to residents
 - In relation to high rise premises responsible persons to provide relevant information on or near the premises such as premises information boxes must be accessible to LFB and tailored to their requirements and kept updated by building owner. (The TMO have already provided one of these at Trellick Tower.)
 - Extending scope of FRAs to include inspection of the interior of flats / maisonettes necessary
 - Encourage providers to retro fit sprinklers within high rise buildings
 - Review of Building Regulations Approved Document dealing with spread of fire over external envelope of the building to provide clear guidance
- 8.4 In addition the TMO have also recently received correspondence from CLG containing the Coroner recommendations following an inquest into the deaths of two firefighters at a high rise block in Southampton. These relate to -
- remove & replace all the surface mounted plastic trunking/conduit used to protect and support the Fire Alarm and Automatic Fire Detection System in the Common Areas of all premises and
 - Social housing providers should be encouraged to consider the retro-fitting of sprinklers in all existing high rise buildings in excess of 30 meters in height particularly those identified by Fire and Rescue Services as having complex designs that make fire-fighting more hazardous and/or difficult.
- 8.5 Whilst again initial indications are that these will not become mandatory this has not yet been clarified and therefore we are currently investigating the likely impact upon the TMO of these being introduced. A further report will be presented to a future Operations Committee detailing the impact of these recommendations in the event that they are to be introduced.
- 9.0 Ongoing Liaison with the LFB**
- 9.1 There are now two-monthly meetings between the TMO Health, Safety & Facilities Manager, the LFB Fire Safety Team Leader in the Borough and the Station Manager from the North Kensington Fire Station.

9.2 In addition to enabling the LFB to continue to monitor our progress with FRAs and reviews these meetings have proved to be a very useful forum where the following issues are also regularly discussed –

- LFB attendance at TMO blocks – fires, lift shut-ins, fire alarm activations etc.
- LFB exercises to increase familiarity of the operational crews with our high-rise blocks. To date a successful exercise has been undertaken at Trellick Tower and at Councillor Blakeman's request a provisional date has now been agreed for a similar exercise at Grenfell Tower.
- Any Enforcement Action / Deficiency Notices
- LFB initiatives, new policies – such as charging for attendance at false alarms etc.
- Feedback on recent LFB audits of TMO premises etc.
- Opportunity to discuss any correspondence from Fire Safety Officers

9.3 In particular, the Committee are advised that the LFB have finally started to notify us of successful audits at our blocks where no defects were highlighted. Previously we were not made aware of these but only received Notification of Deficiencies in the event of actions being required. However, several "broadly compliant" letters have now been received and it is our intention to include statistics on these in future Annual Health & Safety Reports.

10. Financial and Risk Issues

10.1 The aim of the legislation is to ensure that residents are not exposed to unreasonable levels of fire risk and to ensure that, in the event of a fire in their flat, they should be able to evacuate safely from the block. Clearly where actions from the FRA Actions Plans are not progressed in a timely manner and where no effective interim measures are instigated there is potentially an elevated level of fire risk to the residents, staff, contractors and any firefighters who attend to deal with a fire.

10.2 The recommendations put forward by the Coroner following the inquests on the Lakanal House and the Southampton fires will be investigated in relation to our stock so that the impact on resources can be quantified and the Committee appraised.

11. Legal Issues

11.1 As outlined above, to comply with fire safety legislation – specifically the Regulatory Reform (Fire Safety) Order 2005 – "responsible persons" must not just ensure that suitable and sufficient FRAs are carried out in the communal areas of all residential blocks but also that significant findings highlighted in the FRA Action Plan are progressed with the necessary degree of priority.

11.2 Failure to comply could result in residents being exposed to an elevated fire risk. Additionally, the TMO and RBKC would leave themselves exposed to enforcement action being taken by the LFB, bad publicity etc.

12. Communication and Resident Engagement

- 12.1 Fire Safety information is available on the TMO website, in the Residents Handbook and articles are regularly placed in TMO Link.
- 12.2 Requests for copies of the FRA from the Residents Association, potential purchasers and individual residents are accommodated.

13. Equality Impact Assessment

- 13.1 Correspondence with residents on Fire Safety issues will be offered in the core languages.

14. Conclusion and Recommendation

The Operations Committee is asked to note –

- 14.1 the TMO's current position in relation to FRAs
- 14.2 the arrangements in place for FRA reviews
- 14.3 progress made to date with completing the recommendations from the FRA Action Plans & proposals to facilitate better monitoring of these actions
- 14.4 current position on enforcement on potentially non-compliant Leaseholder flat entrance doors within enclosed blocks and the "due diligence" approach the TMO has adopted whilst responsibility for enforcement is clarified
- 14.5 the TMO Fire Safety Policy & Strategy
- 14.6 The recommendations made by the Coroners following inquest on the Lakanal House fire and the Southampton fire
- 14.7 the ongoing liaison with the London Fire Brigade in this area

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