

GRENFELL TOWER INQUIRY

POSITION PAPER ON BEHALF OF RBKC

Introduction

1. This Position Paper is provided by the Royal Borough of Kensington & Chelsea (“RBKC”) in response to the Chairman’s Order that a number of organisations, including RBKC:

“... serve on the Inquiry a position paper describing in reasonable detail the actions they have already taken to address questions of public safety raised by the fire, the rationale behind them, and any further steps which they currently plan to take. The position paper should be supported by documentary evidence and should identify the person or persons within the organisation principally responsible for the steps described.”

2. The Position Paper seeks to comply with the Chairman’s Order. The following points should be borne in mind when reading it.
3. First, between 14 June 2017 and 1 March 2018, the Kensington & Chelsea Tenant Management Organisation Ltd (“the TMO”) was responsible for working up and taking a number of fire safety related actions in the borough. On 1 March 2018, the TMO handed back its housing management functions to RBKC. This fundamental structural change to housing services within the borough was itself a major cause of actions, taken by RBKC since 1 March, which address questions of fire safety.
4. Secondly, RBKC is the owner of a large number of properties. Version 1.14 of the draft Fire Safety Management System dated August 2018 stated that:

“The Council is directly responsible for over 600 corporate buildings and 9,459 homes to in excess of 6,500 tenants and its 2,500 leaseholders. The housing portfolio is made up of 583 blocks of which 20 are 10 storeys or more. In addition, RBKC commissions a portfolio of supported housing and has some 2,000 households living in temporary accommodation. Within the property portfolio, the responsibilities and duties will vary depending on who is in control of the property.”

5. In the 16 months since the Grenfell Tower fire, a large number of fire safety related actions have been taken in respect of individual properties within RBKC's property portfolio. These include, but are not limited to, fire safety related actions in properties acquired to permanently rehouse those affected by the Grenfell Tower fire. In the circumstances, this Position Paper, with rare exceptions, does not comment on individual properties and the fire safety related actions taken in them.
6. Thirdly, the 16 months since the fire have seen a great deal of turnover of staff within RBKC, considerable new recruitment of staff and the delivery of many hours of training to new and existing members of staff. This Position Paper does not comment on the recruitment of individual members of staff or the training given to members of staff.
7. In July 2018, the Corporate Health and Safety Policy (Supporting Document 1) was signed by the Leader and Chief Executive. The policy sets out the governance arrangements for the Council. The statement of intention states: "We accept fully that we must learn lessons from the Grenfell tragedy and we are actively reviewing and improving our systems and processes to keep people in Kensington and Chelsea safe."
8. In seeking to describe the actions taken "in reasonable detail", this Position Paper does not attempt to set out a comprehensive list of each and every fire safety related action taken by RBKC since the fire. Rather it seeks to outline actions, both taken and currently planned, which we anticipate will be of particular interest to the Inquiry.
9. In the event that the Inquiry would wish to receive more information on a topic addressed in this Position Paper, or has any questions about an issue not addressed in this Position Paper, RBKC will co-operate fully with any requests for information.

Cladding

10. The steps taken by RBKC in relation to the safety of ACM cladding systems can usefully be divided into the following subheadings:
 - (i) Cladding in social housing tower blocks owned by RBKC;

- (ii) Cladding in privately owned residential properties within the borough;
- (iii) Cladding in privately owned non-residential properties within the borough.

Cladding in social housing tower blocks owned by RBKC

11. On 18 June 2017, DCLG wrote to local authorities, and other registered providers of social housing, asking them to carry out certain checks into the use of ACM cladding in their buildings (Supporting Document 2). The checks identified in the letter were to: identify and record the number of properties that were more than 18m high; identify and record the properties that had been clad with aluminium type panels; and inspect those identified to establish whether they are panels made of ACM.
12. At the time, all of the RBKC's social housing properties were managed by the TMO under the Modular Management Agreement ("MMA"). On 27 June 2017, the TMO sent DCLG a spreadsheet containing information about social housing properties within the borough (Supporting Documents 3 and 4). As can be seen from column O of the spreadsheet, Grenfell Tower was the only property identified as possibly having ACM cladding panels.

Cladding in privately owned residential properties within the borough

13. On 11 August 2017, DCLG wrote to local authorities asking them to actively ensure all building owners, including private sector building owners, of residential tower blocks were taking measures to ensure their residents were safe (Supporting Document 5). DCLG provided follow up guidance in a letter dated 5 September 2017. On 7 September, RBKC wrote to DCLG asking it to provide the spreadsheet listing residential buildings over 18m which was said to have been attached to the letter of 5 September. On 8 September, DCLG provided the spreadsheet for RBKC which listed over 300 private properties over 18m.
14. RBKC officers carried out a desktop exercise and identified properties of concern. These were inspected and thereafter RBKC officers wrote to all owners of private residential buildings with suspected ACM cladding within the borough that were over 18m high. The owners of such buildings were asked to complete a questionnaire. The person within

RBKC principally responsible for taking forward this work was Richard Buckley, Head of Environmental Health (Residential).

15. On the 10 November RBKC uploaded information relating to the approximately 300 buildings on the DCLG database, DELTA. On 21 November 2017, RBKC gave an internal update showing that as a result of the information received and visits by RBKC officers, 9 properties had been identified as potentially clad in ACM. RBKC shared this information with the LFB High Rise Task Force in an email to Jim Slim on 22 November.
16. On 15 December 2017, RBKC shared an update with Spencer Sutcliff of the LFB. By then 6 of the 9 properties were no longer identified as a concern.
17. By 10 January 2018, BRE had confirmed that the panels on one of the three other properties were not ACM. Thus as at 10 January 2018, the updated position was that 7 of the 9 properties did not have ACM cladding (Supporting Document 6). The LFB High Rise Task Force had dealt with the remaining two properties and confirmed interim fire safety measures were in place in respect of them. It transpired later that one of these properties was not within the borough. RBKC are continuing to work with the owners of the remaining building to ensure the removal of the ACM cladding and the safety of the residents.
18. In February 2018, as a precautionary measure, RBKC engaged a contractor to inspect the whole borough to confirm that no buildings over 18m high that were used as sleeping accommodation had ACM cladding which had been missed during the initial inspections. During this exercise two hotels were identified with suspected ACM cladding. These were referred to a senior officer who carried out a further investigation and concluded that ACM was not present. During this exercise no further buildings were identified.
19. In October 2018, RBKC became aware of a building that was previously unoccupied being used as a hotel. RBKC is waiting for confirmation from the Approved Inspector (regulator of the building work creating the hotel) as to whether the partial ACM on the enclosed plant room on the top storey meets the criteria of ACM that needs to be removed. RBKC continues to work with the owners to ensure the safety of the residents.

Cladding in privately owned non-residential properties within the borough

20. RBKC's Corporate Property Department carried out a review of all non-residential properties over 18m within the borough which might have ACM panels.
21. The person within RBKC principally responsible for taking forward this work was Adam Srodzinski, Head of Capital Projects, Corporate Projects Department.
22. The only such property identified was the property referred to above in paragraph 17 in respect of which BRE confirmed that the panels were not ACM. This property is a 14 storey residential block with retail outlets. The freeholder is RBKC but the whole block is subject to a long lease and privately owned. RBKC commissioned 3BM Ltd to carry out a Fire Safety Review for this property. The subsequent report has been shared with the leaseholder.
23. Subsequently the review was extended to all non-residential properties under 18m with cladding. The only property identified was the Kensington Aldridge Academy which is 14.4m high. FDS Consult Ltd was commissioned to produce a Fire Safety Review on the building and provided a report dated June 2018 (Supporting Document 7). The report notes that the ACM panels used on the building are different to the ones used on Grenfell Tower. In the opinion of the authors of the report, the external wall construction complies with the Building Regulations. Further, there are a number of factors which collectively provide for a high standard of safety within the building and provide acceptable mitigation for the combustible external wall insulation. Some remedial works were carried out following the inspection by FDS Consult Ltd. It is anticipated that a further inspection report, prepared following those works, will be received in the near future.

Housing

24. The persons within RBKC who are currently principally responsible for the matters described in this section are: Doug Goldring, Director of Housing Management; Ann

Ramage, Interim Director for Environmental Health; and Richard Buckley, Assistant Director, Property & Compliance.

25. On 1 July 2017, RBKC engaged Dr Graham Coupar, Managing Director of Housing Asset Management Consultancy Ltd (“HAMC Ltd”), as a consultant expert in fire safety (Supporting Document 8). He was commissioned to undertake an audit of a sample of existing Fire Risk Assessments (“FRAs”) including 6 properties of 10 or more floors. Dr Coupar carried out his audit in September / October 2017. He provided his external audit report as a draft report on 13 October 2017 and a final report on 8 December 2017 (Supporting Document 9). Dr Coupar concluded that generally the controls and procedures that applied to the FRA process operated reasonably well but there were a number of minor weaknesses that should be addressed. He concluded that the level of assurance was “moderate”.
26. From October 2017, RBKC’s Housing Health Compliance Board was established and met on average once a fortnight (Supporting Document 10). Meetings were attended by officers from RBKC Housing, RBKC Environmental Health and the TMO; Dr Coupar also attended. The Board was set up with the purpose of providing oversight by RBKC of housing compliance.
27. Also from October 2017, quarterly meetings were established between RBKC Housing and the local LFB Borough Commander (Supporting Document 11).
28. In December 2017, RBKC commenced a programme of publishing Fire Risk Assessments on its website. This was introduced as part of the Council’s commitment to greater transparency and accountability regarding fire safety in the borough. As at the date of this Position Paper, 50 Fire Risk Assessments have been published on the Council’s website.
29. The Director of Environmental Health provided a Corporate Health & Safety update report (Supporting Document 12) to the Audit and Transparency Committee which met on 5 February 2018. The report referred to the audit report of Dr Coupar mentioned above. The report noted that, as at 10 January 2018, the Board had overseen a number of matters including:

“Commissioning of independent fire risk assessments (FRAs) for all blocks to industry best standard; including sample intrusive surveys. A 35-week programme commences in January with higher risk first, then medium and finally lower risk premises.

Commissioning and roll out of RBKC compliance software (Geometra) for FRAs and future compliance areas.

Publishing format, schedule and quality control process for FRAs on RBKC website (linked to new programme of FRAs).

Commissioning feasibility study for enhanced fire safety measures, sprinklers, in a sample of higher risk premises.

Drafted overarching fire safety policy and strategic objectives (RBKC).

Set up routine meetings with LFB Borough Commander.

Oversight of notice of deficiency rectification tracker.”

30. In February 2018, RBKC commissioned Turner & Townsend Project Management Ltd (“T&T”) to undertake 583 Fire Risk Assessments on RBKC owned properties. Also in February 2018, RBKC wrote to residents about the imminent fire risk assessment programme to be undertaken by T&T (Supporting Document 13). Residents were asked to allow T&T to inspect their flat entrance doors. As at the date of this Position Paper, T&T have completed all 583 FRA.

31. The FRAs undertaken by T&T identified a number of issues which led to further action being taken. For example, FRAs undertaken at Adair Tower and Hazelwood Tower identified the external insulating render system as a potential fire hazard. As an interim measure, round the clock fire marshals were employed at both tower blocks in line with recommendations made by local officers from the LFB. Temporary fire-alarms were also installed in communal locations. In October 2018, the decision was made to remove the external insulating render and residents were informed. A detailed programme for the removal of the material is being worked on.

32. In addition, following advice from T&T, the evacuation policy for a small number of properties was changed from “stay put” to evacuation. Residents of those properties were informed of the change by letter. An example of a letter to residents explaining the new evacuation strategy is exhibited to this statement (Supporting Document 14).

33. In May 2018, procurement was undertaken for a new fire door replacement programme. Also in May 2018, RBKC provided information to MHCLG about the quantity and location of Manse Masterdor fire doors within its housing stock following confirmation from the Government's Independent Expert Advisory Panel that there was a performance issue with Manse Masterdor FD30 fire doors. On 21 May 2018, RBKC wrote to all residents with Manse Masterdor front doors (Supporting Document 15). The purpose of the letter was to inform residents about the information from the Government's Independent Expert Advisory Panel and to explain the implications of it to them.
34. Following discussions with the local LFB Borough Commander, RBKC agreed to implement a scheme of writing to residents seeking details of anyone who might need help to leave their home in an emergency. The letters asked residents to complete and return a form and to consent to the information in the form being shared with the LFB. The residents of Trellick Tower were chosen for the pilot scheme and letters were sent to them on 19 June 2018 (Supporting Document 16). Trellick Tower was chosen for the pilot scheme because refurbishment works were already taking place on site and, at 31 floors, it is RBKC's highest tower block. A "Stay Put" strategy was and remains in place.
35. In July 2018, the Executive Director, Environment & Communities, provided the Housing and Property Scrutiny Committee ("HPSC") with a report (Supporting Document 17) on the draft Fire Safety Management System ("FSMS"). By this time the process of drafting the FSMS had been underway for some months and a draft had been approved at the Executive Team meeting on 13 June 2018. The report requested that the Committee discuss engaging and consulting with residents on the draft FSMS. At the meeting of the HPSC on 3 July (Supporting Document 18), members recommended consulting other relevant scrutiny committees, Audit and Transparency Committee, Tenants Consultative Committee, Residents' Associations and Councillors. Reference was also made at the meeting to the Trellick Tower pilot scheme to identify residents needing support in the event of evacuation. Six residents had replied that they would need assistance. Members suggested that officers work with Action for Disability K&C as they had significant expertise. A Disability Forum was set up as a result of this suggestion and the first meeting took place on 11 October 2018.

36. On 31 July 2018, MHCLG announced that fire doors from 5 suppliers had been identified as failing to meet the requisite fire performance standard following an on-going investigation by MHCLG. All doors that were known to have failed to meet the necessary standards had been withdrawn from the market. In the circumstances, RBKC decided to suspend the process for sourcing approximately 4,000 new fire doors because of the issues around the compliance testing of fire doors.
37. On 10 August 2018, RBKC wrote to all leaseholders who were believed to be subletting their properties informing them that they were required to comply with the statutory obligations placed upon landlords to ensure the safety of gas appliances (Supporting Document 19). The letters also required each recipient to provide the Council with a copy of the current Landlords Gas Safety certificate for the servicing of the gas appliances in their property. To date, certificates have been received from several hundred leaseholders.
38. The current working draft of the Fire Safety Management System is version 1.14 dated August 2018 (Supporting Document 20). The purpose of the document is to set out how RBKC will manage the risk of fire in compliance with the law to as low as is reasonably practicable through the implementation of a Fire Safety Management System.
39. On 25 September 2018, Doug Goldring, Director of Housing Management, approved the award of a contract for carrying out Fire Risk Assessments (type 4 surveys) to The Oakleaf Group. Type 4 surveys are invasive fire risk assessments. The Oakleaf Group will undertake such type 4 surveys as are recommended in the Fire Risk Assessments on individual properties.
40. On 5 October 2018, Mr Goldring approved a variation of the contract with T&T to enable them to complete Fire Risk Assessment reviews.
41. As at the date of this Position Paper, Premises Information Boxes have been installed in 18 RBKC tower blocks of 10 floors or more.
42. In October 2018, Falck Fire Consulting Ltd were commissioned to prepare a report on the feasibility of installing wet risers into RBKC tower blocks (50m or higher) which currently have dry risers. The rationale for this is the fact that Grenfell Tower did not

have a wet riser although, by reason of its height, one should have been installed when it was constructed.

43. Looking ahead, Housing Management are planning to progress the actions identified above which are currently incomplete. In addition, Environmental Health are investigating the feasibility of introducing an additional licensing scheme which would offer further health and safety protection for residents living in the private rented sector. Environmental Health are also reviewing their policies and procedures to assist tenants living in social housing.

Building Control / Building Regulations

44. The person within RBKC principally responsible for co-ordinating the responses to Government consultations and taking forward the Building Control related actions described in this section is Graham Stallwood, Executive Director for Planning and Borough Development.
45. In June 2018, RBKC Building Control joined the LABC Quality Management System (“QMS”) programme as part of the ISO 9001:2015 standard. Also in June 2018, as part of the implementation of the LABC QMS within the RBKC Building Control service, a new full plan application proforma (Supporting Document 21) was introduced.
46. On 14 August 2018, RBKC responded to the Government Consultation on banning the use of combustible materials in the external walls of high-rise residential buildings. Full details of RBKC’s August 2018 response are exhibited as Supporting Document 22. The response submitted that combustible materials in cladding systems should be banned through changes to the law. It submitted that such a ban should apply not only to residential buildings over 18m but to all buildings over 18m employing a ‘stay put policy’ or using phased evacuation or ‘progressive horizontal evacuation’. In addition, the response submitted that the ban should not affect projects where building work had already begun unless the cladding had not been installed, in which case the ban should apply. The response also submitted that the European classification system should be used and that Class A2 or better is the correct classification for materials to be used in wall construction.

47. In September 2018, RBKC Building Control adopted new MHCLG guidance on fire doors with immediate effect. In the light of the MHCLG guidance, RBKC adopted a policy that all future decision notices on full plans applications, Building Notice vetting letters and any other correspondence relating to means of escape and fire doors, should include the following paragraph:

“Flat entrance fire doors should have test evidence demonstrating they meet the performance requirement in the Building Regulations guidance for fire resistance and smoke control from both sides.

In addition, unless covered by Clause 13.4 of EN 1634-1, all fire doors should have test evidence demonstrating they meet the performance requirement in the Building Regulations guidance for fire resistance and smoke control from both sides.”

48. This is currently being formulated into an internal policy note for building control surveyors together with other fire safety updates. At present, this policy is communicated to applicants on site with copies of the MHCLG guidance being provided when requested by applicants.

49. In September 2018, monthly meetings were established between RBKC Building Control and the LFB; previously meetings had taken place on an ad hoc basis rather than a scheduled basis. The meeting is hosted by LFB at Paddington Fire Station and attended by officers from RBKC and LFB. The purpose of these meetings is to enable Building Control applications to be reviewed, fire safety issues to be discussed and joint action agreed on relevant issues.

50. On 11 October 2018, RBKC responded to the Government Consultation on Fire Safety / Building Regulations. Full details of RBKC’s October 2018 response are exhibited as Supporting Documents 23 and 24. The response, in particular Part 2, is detailed and technical in nature. Mr Stallwood submitted the draft response to the Leadership Team with a recommendation that the Council approve it (Supporting Document 25). In doing so, he stated: “Making the document clearer improves the likelihood that it achieves its intention and buildings are safe for their users. Retaining the current document unamended without taking opportunities to improve is not an option.”

51. RBKC responded to both this consultation and the August 2018 consultation in recognition of the importance to safety of the issues under consultation and out of a desire to be actively engaged in supporting improvements to the guidance.
52. RBKC Building Control has adopted the position of not accepting desktop studies for assessing the compliance of cladding systems. This position is currently being incorporated into a policy note together with other fire safety updates. Although this was not official Government policy, this action was taken with the intention of putting the Building Control service at the forefront of new working practices within the industry.
53. In November 2018, RBKC's Quality Management System QMS Surveyor is due to complete a review of RBKC Building Control's current policies and procedures. The Building Control service is preparing to be audited by LABC in February 2019 and this review is part of the service's preparations for that audit and for achieving validation for the purposes of ISO 9001:2015.

Contingency Planning

54. The person within RBKC principally responsible for co-ordinating changes to the Contingency Management Plan is David Kerry, Contingency Planning Manager.
55. Following the Grenfell Tower fire, RBKC commissioned an external consultant to review its contingency planning service. The results of that review were reported to the Executive Management Team on 13 September 2017 and its recommendations accepted (Supporting Documents 26 and 27).
56. The current version of RBKC's Contingency Management Plan is Issue 11, dated 8 October 2018 (Supporting Document 28); this replaces Issue 10 which was issued on 18 August 2017. The Contingency Management Plan, and the revisions to it since the Grenfell Tower fire, apply to all contingencies and are not specific to fire.
57. In October 2018, the Contingency Planning Annual Report 2018 was submitted to the Leadership Team (Supporting Documents 29 and 30).

Conclusion

58. We hope that this Position Paper will be of assistance to the Inquiry in understanding the actions taken by RBKC, and other organisations, since the Grenfell Tower fire.
59. As stated in the Introduction, in the event that the Inquiry would wish to receive more information on a topic addressed in this Position Paper, or has any questions about an issue not addressed in this Position Paper, RBKC will co-operate fully with any requests for information.

26 October 2018