



TITLE OF REPORT The Council’s initial response to the Grenfell Tower fire in June 2017

KEY DECISION NO. NH033

CABINET MEETING DATE 2017/2018

18 September 2017

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

CABINET MEMBER

Mayor Glanville

and

Councillor Clayeon McKenzie
Cabinet Member for Housing Services

KEY DECISION

Yes

REASON

Affects Two or More Wards

GROUP DIRECTOR

Kim Wright Neighbourhoods and Housing

1. CABINET MEMBER'S INTRODUCTION

My personal and Hackney Council's deepest sympathies and thoughts are with all of those directly and indirectly affected by the fire and its aftermath, and in particular those who have suffered a bereavement as a result of the fire.

Police say that 80 people are currently presumed dead, but the final number will not be known until at least the end of the year. 151 homes in and around the tower were destroyed.

As we come to grips with the implications of the Grenfell Tower fire, it is vital that tenants and local residents' views be heard and accorded respect, and they must be acted on as much as possible. Lack of transparency, accountability and rigour will only serve to undermine our work and that is why I have committed to publishing all fire risk assessments and to pause major refurbishment work that was due to take place while we listen again to residents' concerns.

The Council is committed to fire safety, transparency and working with residents, contractors and the Fire Brigade to minimise fire risk in the homes we own and directly manage. The Council is keen to work with the Government and the Public Inquiry to improve fire safety not only for Hackney residents but for all residents, so as to ensure we never see a preventable tragedy on the scale of Grenfell Tower again.

2. GROUP DIRECTOR'S INTRODUCTION

This is the first of a number of reports likely to come to the Cabinet covering the Council's response to the Grenfell Tower fire. There will need to be a Council response to the interim findings of the Grenfell Tower Inquiry which are expected by Easter 2018. Following that there will of course be a final report on the Inquiry's findings and the Government will issue its response. Hackney would want to respond to that in due course as well. Equally, we will be very interested in, and would want to respond to, the Independent Review of Building Regulations.

For now, though, the focus of this report is to update Cabinet and Hackney residents on the Council's actions in the aftermath of the fire; what we have done to check and ensure the safety of our residents; what work is ongoing and what we intend to do in the future (pending the reports from the public inquiry).

Much of the report is on Council housing, but it also touches on other Council areas such as other Council buildings, schools and the Council's emergency response plans.

Unusually for a Cabinet report this is not recommending that any new decisions are taken. Rather, it is asking for the Cabinet to endorse the approach taken so far and the plans that are outlined in the report. It signals the intention to bring further, more specific reports to the Cabinet in relation to fire safety covering areas such as leaseholder services, housing investment strategy and possible areas such as parking, where further discussion is needed. As such, this report is also intended to set a baseline for our fire safety related policy development and to be a comprehensive record of the important elements of our work and the documentation that supports or evidences that.

3. RECOMMENDATION(S)

It is recommended that Cabinet

- 3.1** Endorse the actions taken so far to ensure fire safety for Council residents and the approach to communications and policy development.

- 3.2** Note that further reports on fire safety related policy affecting leaseholders, the housing investment strategy and other matters relating to housing management will come to Cabinet for decision.
- 3.3** Note the Council's work on fire safety outside of council owned and managed housing.
- 3.4** Note that the public inquiry into the fire at Grenfell Tower is underway, note the Mayor's representations regarding the terms of reference of that inquiry and also note that further reports will be required in order to respond to the interim findings of the inquiry and to the final inquiry report and government response, as well as to any other related reports that may flow out of reviews and investigations.

4. REASONS FOR RECOMMENDATIONS

4.1 About the Grenfell Tower fire

The fire was reported at the 24 storey block at 00:54 on Wednesday 14 June. All floors above the first floor were affected. The London Fire Brigade arrived within six minutes of the alarm being raised and firefighters quickly put out the fire in the flat. When the crew was leaving, firefighters outside the block spotted flames rising up the exterior wall. From that point the fire spread rapidly and the blaze was not under control until 01:14 on Thursday 15 June.

4.2 About Grenfell Tower

Grenfell Tower was built by the Royal Borough of Kensington and Chelsea (RBKC) in 1974. Standing over 67 metres (24 storeys), it contained 129 one-bedroom and two-bedroom flats. The block was managed on behalf of the RBKC by the Kensington and Chelsea Tenant Management Organisation (KCTMO).

The block underwent major renovation in 2015 and 2016, including new windows and external aluminium cladding.

4.3 The Public Inquiry

The Government has set up a public inquiry into the fire that will report directly to the Prime Minister. It is being chaired by Sir Martin Moore-Bick, a retired Court of Appeal judge. He is supported by Counsel to the inquiry and a cross departmental team of civil servants. An inquiry website at www.grenfelltowerinquiry.org.uk contains full details.

The Inquiry's Terms of Reference are:

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.

Sir Martin has told the Prime Minister that he would like to produce an interim report by Easter 2018.

Mayor Glanville wrote to the Chair of the inquiry and to the DCLG with a formal representation about the scope of the review and requests of the Government. This letter is attached as Appendix 1. In summary, the letter outlined the steps the Council had taken immediately following the Grenfell Tower fire, made recommendations concerning the issues the Inquiry should address, timescales and the way the Inquiry should best approach its work. Specifically, it called for a range of measures including:

- The full and transparent disclosure of all DCLG/BRE test results with respect to cladding, cladding related products and windows.
- The full and transparent disclosure of all building material fire testing safety data, this would include releasing data that has previously been blocked on the basis of business confidentiality.
- The immediate removal of the 1% rent reduction to contribute towards fire related safety work.
- The immediate removal of the restrictions placed on local authority HRA borrowing to provide additional funding for fire safety works.
- An immediate commitment that the current system of housing regulation, including of Registered Providers, will be reviewed with the objective of improving its overall rigor and the promotion of a more customer focussed regime and not solely light touch economic regulation.

4.4 Review of building regulation

Subsequent to the establishment of the Public Inquiry the Government has recently announced an independent review of building regulations to be chaired by Dame Judith Hackett (the former Chair of the HSE).

The review is tasked with producing an interim report by autumn 2017/18 to the Secretary of State for Communities and Local Government and the Home Secretary ahead of a final report in Spring 2018. The terms of reference of the Review include:

- mapping the current regulatory system (i.e. the regulations, guidance and processes) as it applies to new and existing buildings through planning, design, construction, maintenance, refurbishment and change management;
- considering the competencies, duties and balance of responsibilities of key individuals within the system in ensuring that fire safety standards are adhered to;
- assessing the theoretical coherence of the current regulatory system and how it operates in practice
- undertaking a comparison of the UK situation with other international regulatory systems for buildings and regulatory systems in other sectors with similar safety risks;
- Make recommendations that ensure the regulatory system is fit for purpose with a particular focus on multi-occupancy high-rise residential buildings.

4.5 About Hackney's Council housing

4.5.1 Height

Hackney's total housing stock is 29,645 individual dwellings. There are 70 blocks that are 10 storeys or higher, 7 of which are 20 storeys or higher. Hackney has 181 blocks over 5 storeys, which is the height

the Department for Communities and Local Government (DCLG) asked Councils to look at as a matter of priority with regard to cladding concerns.

4.5.2 Cladding

There are 35 Council blocks with any type of cladding in Hackney and no Council blocks have the type of cladding (aluminium composite material or ACM) that was used on the Grenfell Tower. Nevertheless the Council carried out a full visual inspection of all cladding within 48 hours of the fire at Grenfell Tower and a firm of independent cladding specialists, Cladtech Associates, was immediately hired to independently carry out checks and to make recommendations to the Council. See section 4.12 below.

4.5.3 Construction type

The Council was notified on 11 August by London Councils of a risk identified in Southwark Council with some of its 'large panel system-build' blocks that potentially could be at risk of collapse if there were a gas explosion in a flat. The Council immediately undertook a review of 21 blocks in the borough thought to have been constructed using the same or similar methodology. Subsequently the DCLG wrote to Hackney Council regarding four blocks on the Gascoyne Estate: Heathcote Point; Hensley Point; Ravenscroft Point; and Vanner Point. None of these four "Point" blocks on Gascoyne Estate have internal gas, with heating and hot water coming from a communal system powered by a gas boiler that is outside and away from all four buildings. Additionally, our survey showed that these buildings have been structurally strengthened. UK Power Network is due to visit the blocks in September to inspect capped external gas pipes with a view to removing these completely. Advice received following an inspection by a qualified structural engineer is that the remaining 17 blocks are not large panel 'system-build' blocks.

4.6 Hackney's initial response

The Council's response to the fire at Grenfell Tower began within hours of the extent of the likely loss of life and destruction of the building becoming apparent on 14 June. Our first priority was to reassure residents in our blocks that Hackney had taken all necessary action to keep them safe from the risk of fire.

4.6.1 Initial communications were a critical part of our response as part of that priority and the following was delivered within 48 hours:

- 14 June: online joint statement from Mayor Philip Glanville and Cllr Claydon McKenzie (see Appendix 2).
- 16 June: letter to all Council managed housing estate residents (over 30k). Letter, with cover note, also emailed to TRA reps, Chairs, TMO Managers, Council Members and Hackney MPs (see Appendix 3).
- Statement and Q&A online from the Mayor and Cabinet member for Housing Services.
- Email letter to TMOs, TRA Chairs and TRA Reps.
- Staff Newsflash.
- Member emails.

4.6.2 We were quickly able to confirm the following:

- Our records showed that all Fire Risk Assessments (FRAs) were up-to-date and top priority work had been undertaken¹
- A commitment to revisit the FRAs for our high rise and externally clad blocks to make sure these are correct
- Arrangements for the next planned FRA to be brought forward where necessary

¹ The Council is undertaking new fire risk assessments for all properties that have not had one since 1 April 2017 and these will be completed by 31 October 2017. As a result of undertaking this work, the Council has identified, at the time of writing this report, one address where the FRA was recorded on its records as complete, but because the assessors were unable to get into the property the assessment had not been done at that time.

- A commitment to review all FRAs for our medium to high rise blocks, i.e. over five storeys (181). We later decided to review all FRAs (see below).

We developed plans for the inspection and specialist independent testing of all our cladding.

We urgently called in our contractors for a meeting on fire safety issues.

Briefing sessions for staff in all relevant areas across the Council (senior and middle managers) were held. Information was then cascaded through the organisation in a series of team meetings.

4.6.3 The Council has taken a range of measures since the Grenfell Tower fire to promote fire safety including:

- 23 June: an updated Council statement about the continued actions taken to reassure residents. This statement also included a series of fire safety-related frequently asked questions (FAQs).
- 26 June: online statement about the actions taken by Berkeley Homes, Genesis Housing Association and Hackney Council to support and reassure residents of Woodberry Down after ACM cladding was found on one of the housing blocks. Letter sent to all Genesis and Berkeley Homes residents, plus drop-in sessions held over the weekend to provide information to any concerned residents.
- 30 June: follow-up letter to all Council managed housing estate residents and TMO estates (over 30k). Letter, with cover note, also emailed to TRA reps, Chairs, TMO Managers, Council Members and Hackney MPs.
- Provision of advice and information for residents through:
 - Regular letters
 - Meetings
 - A fire safety web page on the Council's website
 - Individual visits
 - FAQs and guidance on the Council website
 - Guidance provided to all households living in Hackney through 'Hackney Today'.
- Reviewing procedures for the administration and monitoring of new FFRAs.
- Writing to all Housing Associations in Hackney, and meeting with the 18 largest.
- Improving the existing FRA process.
- More closely tracking and prioritising repairs arising from FRAs and other inspections.
- Working closely with the London Fire Brigade to improve access to our estates for their vehicles.
- Developing and implementing a coordinated, risk-based plan for carrying out safety inspections on all of our buildings that are fitted with cladding/ External Wall Insulation (EWI) in order to address resident concerns.
- Training a (high-visibility) team of 20 estate-based officers to review fire safety in high-rise blocks.
- Close monitoring to ensure that our contractors are complying with all fire safety requirements when they are carrying out work for us. A letter was sent to all contractors shortly after the Grenfell Tower fire outlining the Council's expectations, standards and the action the Council will take and the speed of response if they do not comply.
- A commitment to publish all Fire Risk Assessments that have been/will be done from April 2017 on the Council's website.

4.6.4 Communication and transparency with residents continues to be a priority, and since the initial communications listed above, the Council has delivered the following:

- 4 July: Letter to social landlords across the country, to inform them of issues relating to fire safety work carried out by former contractors Lakehouse PLC and Polyteck Business Services Ltd.
- 4 July: media story about the Council writing to social landlords across the country to inform them of issues relating to the fire safety work carried out by Lakehouse and Polyteck.

- 4 July: email to TRA representatives, Chairs and TMO Managers regarding the issues relating to fire safety work carried out by Lakehouse and Polyteck.
- 26 July: statement from Mayor Philip Glanville published online in response to a petition requesting that all estate blocks be fitted with sprinklers.
- 4 August: a press release outlining what the Council wanted to see the Grenfell Inquiry investigate. This story was also featured on the Council's website and in local and national media.
- A fire safety webpage has been developed, including: frequently asked questions; downloadable copies of the two resident-facing letters; Fire Risk Assessment map and related frequently asked questions; links to previous statements and news stories.
- Hackney Today stories included in issues: 405 (26 June), 406 (10 July), 408 (14 August). A two page fire safety feature included in issue eight of Our Homes (24 July).
- A poster and leaflet encouraging responsible parking on estates - to help the London Fire Brigade respond to emergencies - was designed with the London Fire Brigade and was distributed across all Hackney estates.
- London Fire Brigade fire safety booklets and referral forms were distributed across a number of estate fun days.
- Social media updates.

The Communications team will continue to share updates about specific and general fire safety with residents when necessary. In addition, we will undertake to further develop resident engagement in relation to fire safety over the coming months.

4.7 Fire safety response group

4.7.1 Corporate Fire Safety Response Group

A Corporate Fire Safety Response Group has been set up as a short-term measure and is chaired by the Group Director, Neighbourhoods and Housing. This group leads on managing and coordinating the Council's fire safety work and provides a platform for information sharing, identifying issues and barriers. Seven different work streams focusing on different areas of the Council feed into the corporate group to provide an overarching view of the Council's work on fire safety.

4.7.2 Work streams

The key work streams, each represented by the relevant Director or Head of Service, are as follows:

- Housing Services
- Corporate Property Holding, Schools and Health and Safety:
- Civil Contingency Planning
- Temporary Accommodation
- Private Rented Sector
- Policy and Strategy, and other Social Housing Providers (including Council new build)
- Schools

4.7.3 LFB/Independent Fire Safety Adviser Involvement

We have worked very closely with both the London Fire Brigade and the Council's independent fire safety adviser in the development and implementation of the Housing Services Fire Safety Action Plan. The LFB Borough Commander, Stephen Dudeney, attends the Housing Services Fire Safety Response Group meetings as and when needed to advise the Council on the fire safety work and ensure our compliance with regulatory requirements. In addition, Graham Howgate (ex-Borough Commander and our independent fire safety adviser) attends the Housing Services Fire Safety Response Group on a weekly basis and feeds into the Housing Services Fire Safety Action Plan (see Appendix 4).

4.8 Correspondence response team

A temporary team was set up in order to provide a consistent and coordinated response to all fire-safety enquiries (to assist the Mayor with enquiries he received from residents, and manage Member

Enquiries, MP Enquiries, Freedom of Information requests and Resident Enquiries). The brief included ensuring that FAQs on the Council's website were kept up-to-date as new questions were asked and answered.

The team was wound-up on 4 September having dealt with over 30 Mayor's Enquiries, 15 Member/MP Enquiries, over 60 resident enquiries and 40 FOI requests. Responsibility for dealing with all enquiries has now returned to existing teams.

4.9 Fire safety programme office

A dedicated team has been set up in the Housing Transformation Team to coordinate the Council's housing fire safety work. Regular progress updates are presented to the Corporate Fire Safety Response Group. This team is responsible for coordinating work on FRAs and developing better information sharing IT within the Council and with the London Fire Brigade (LFB).

4.10 Hackney Fire Safety Team (high visibility jacket) Inspections

A team of 20 Council staff volunteered to be part of a Hackney Fire Safety Team and after training, completed fire safety checks of 81 estate blocks, comprising blocks of 10 storeys or higher, blocks with cladding and 'scissor' blocks as advised by the Council's independent fire safety consultant. Their checks, using a checklist supplied by the independent fire safety consultant, were fed into the fire safety recommendations for the borough. A comprehensive log of the findings has been developed and work packages are being allocated to relevant teams to deal with the identified issues.

4.11 Cladding checks

Within 48 hours of the Grenfell fire, the Council carried out initial checks of the cladding on estates and found no cladding that matched the type used at Grenfell. We then employed an independent specialist – CladTech Associates – to undertake a detailed review of cladding used on estates. The cladding was visually inspected and where necessary, tested to double check its composition and ensure it had been installed correctly, is fit for purpose and hasn't undermined the integrity of the horizontal fire breaks. The cladding has been assessed as safe and we are now finalising this work with further detailed reviews and quality checks of cladding used on a small number of other housing estate blocks. The final report from Cladtech is currently being written and will be published once we have received it.

4.12 Fire risk assessments

4.12.1 The Council is required by law to carry out fire risk assessments (FRAs) on all of its own housing. How regularly FRAs are undertaken is dependent upon the type of building and the level of risk that the assessor places upon it. FRAs can take place every few months to two years and are also subject to change as circumstances vary.

4.12.2 FRAs identify potential fire risks found at the time the assessment was carried out and the measures that should be taken to minimise or eliminate that risk. Some of the key things FRAs look at are the safety and integrity of exit routes, the structural measures in place to stop or slow down the spread of a fire and whether there is anything inside the building that could start, accelerate or spread a fire. The Council also uses a small in-house team to undertake FRAs and to provide quality assurance on the work undertaken by contractors.

4.12.3 FRAs in Hackney will largely be carried out by accredited fire risk assessors working for three to five contractors using an industry standard checklist – this checklist is used for all FRAs across the country (see Appendix 5). The national FRA checklist will not, however, include some of the things you might expect. For example, it does not require fire or smoke alarms to be tested and does not include anything relating to the outside of the building, such as cladding or external wall insulation.

4.12.4 The Council is carrying out a full review of fire safety, including the areas not covered in FRAs, such as cladding and insulation, to ensure all of its properties are safe. Where additional works have been undertaken on our properties they are to comply with building regulations and are checked accordingly once works are complete.

4.12.5 The Council is always looking for ways to improve its fire safety measures, including FRAs. That's why we'll be working with residents, after this year's FRAs have been reviewed, to launch a new and enhanced way of carrying out FRAs that will ensure that they are better tailored to Hackney estates. Receiving feedback from residents as to what the enhanced FRA needs to assess will be key to this new process. The overall aim is to develop a robust procedure and a consistent approach for logging and monitoring all the information

4.12.6 FRAs can cover sections of buildings or entire blocks, depending on their construction and design. There are approximately 1,800 FRAs covering all of Hackney's housing. As part of the fire safety review, the Council has committed to reviewing all of these by the end of October.

4.12.7 The Mayor of Hackney made a commitment to publish all FRAs on the Council's website. Hackney is believed to be one of the only councils to be already doing this. This process is ongoing and we anticipate having all of them online by the end of the year.

4.12.8 The inspection division of the London Fire Brigade are reviewing a sample of each contractor's FRAs for quality control purposes. Any recommendations from the LFB will be immediately acted upon and the work of the contractors will be adjusted accordingly. Additionally, internal Council checks on the quality of the FRA report, the accuracy of the inspection and the follow-up work are also being undertaken.

4.13 Hackney's response to assist at Grenfell Tower

In the weeks following the fire:

- Hackney's Chief Executive led the setting up of a Friends & Family Assistance Centre (FFAC) and the Group Director, Children, Adults and Community Health managed this with support from our social workers as part of a London-wide rota.
- Hackney Council staff worked at RBKC's Borough Emergency Control Centre
- The Council provided adult and children social workers to assist families affected by the fire, as well as housing staff to assist with rehousing.
- We also provided support to Camden's evacuation of the Chalcots Estate.

5. POTENTIAL ISSUES AND POLICY IMPLICATIONS

5.1 Leaseholders

As a result of work done on the review of fire safety to date, a number of important policy issues concerning our management of the Council's residential leasehold portfolio have been highlighted.

5.1.1 Individual Flat Front Doors

It is clear from Fire Risk Assessments that some leaseholders do not have front doors or frames on their flat that will provide 30 minutes of fire resistance / smoke control in the event of a fire either inside the flat or in the communal areas. This potentially compromises the fire safety of the whole block. Many of Hackney's leases place responsibility for these doors with the Council as freeholder. In such cases, the Council can exercise its right under the lease to replace the door and / or frame with a compliant one. The leaseholder would then be charged for this under the terms of their lease. However, a significant portion of Hackney's leases make the front entrance door the responsibility of the leaseholder. In these cases, the Council should ask the leaseholder to replace their door with one that is suitably compliant with the relevant regulations. As part of our wider offer to leaseholders, the

Council can offer to do this on their behalf – but would of course need to levy a charge to cover the cost. In the event of any leaseholder refusing to comply with this request, it may be necessary – as a last resort – to injunct the leaseholder to comply in order to ensure the safety of other residents in the block.

The Fire Risk Assessments that are currently taking place across all estate properties are identifying those leaseholder properties where our assessors have questioned whether the front door provides the necessary fire resistance. In these cases, we will write to those leaseholders as soon as the FRA is received and are implementing a strict monitoring regime to ensure that the necessary steps are taken (i.e. to either provide evidence that the door meets the required fire safety requirements or replace the door).

5.1.2 Gas Safety

The Rules & Regulations associated with Hackney's leases require leaseholders to "arrange for an annual gas safety check to be carried out every 12 months by a Gas Safe registered engineer and ensure that they are current and valid". In order to facilitate compliance with this requirement, the Council is currently developing its offer to leaseholders to allow them to buy into the Council's own gas safety programme and reviewing how it ensures compliance. This builds on existing work that updated the Estate Rule Book in 2011 to introduce a section on Leaseholder responsibility with regard to gas safety.

5.1.3 Sprinklers

Following the Lakanal House fire in Southwark, the Council undertook to install sprinklers inside dwellings in a small number of blocks of similar design. Because the Council's standard RTB lease doesn't provide for this type of installation, the Council has no right or ability to insist on leaseholders having sprinklers installed in their homes. In order to encourage take-up amongst these leaseholders, the Council offered to install the sprinklers free of charge. Nonetheless, take-up was still very low.

The Council's current stance is that we will only retrofit sprinklers where advice/evidence from specialists (e.g., London Fire Brigade, Fire Risk Assessors, our independent fire safety adviser) supports it.

If – following any evidence or recommendations flowing from the Grenfell Tower fire public inquiry – the Council decides to install sprinkler systems in other blocks, it will need to carefully consider the position of leaseholders. In the event that the Council is compelled by legislation or regulation to install sprinkler systems in any of its blocks, it is hoped that such legislation or regulation will directly address the position of residential leaseholders and their rights and responsibilities.

5.2 Metal gates

A large number of Hackney Council tenants and leaseholders have installed metal gates and grilles on the doors and windows of their properties as a crime prevention measure. In the vast majority of cases, this was done without seeking or receiving permission from the Council.

Five issues have driven consideration of the removal of metal gates from Hackney Council residential properties:

- The Regulatory Reform (Fire Safety) Order 2005 (RRO)
- The Decent Homes and Planned Maintenance programme
- Fire Brigade Fire Safety Guidance GN11
- Lewisham Homes being fined £40,000 following a prosecution brought by the LFB in the aftermath of the Marine Tower fire in February 2011.
- Southwark Council being fined £570,000 in February 2017 for breaching fire safety regulations (relating to the Lakanal House fire).

Hackney undertook a borough-wide consultation on the conditions of tenancy leading to updating and strengthening the ability to enforce tenancy conditions in a revised agreement agreed by the Cabinet in September 2011. There has also been borough-wide consultation with freeholders and leaseholders clarifying and strengthening the Council's position with regard to gates and grilles. The rules make it clear that permission must be sought from Hackney Council as the landlord and also, if required, from the Council's planning department and building control service. In making any decision regarding the removal of a gate, the Council will consider advice from the London Fire Brigade and whether or not the installation will damage the building.

Additionally, the new rules for tenants and leaseholders clarified responsibility about keeping exits clear, not using or storing dangerous or highly inflammable material, regularly servicing gas equipment and allowing access for fire safety purposes.

Between 2012 and 2015 many hundreds of metal gates were removed either by the residents, on receipt of a warning before action from Hackney Homes, or by Hackney Homes itself, on grounds of fire safety. Following representations from residents objecting to the removal of gates, which had been installed for additional security, Hackney Homes revised its approach and for those gates affecting only the occupants of the home to which they are attached it advised rather than required removal. As a result of this activity approximately 2,000 gates remain. The situation now is that where a gate would block the exit route of other residents in the event of a fire, or would hinder fire-fighters by blocking, for example, access to a dry riser, the LFB has advised removal. Consequently, a programme began prior to the Grenfell Tower fire to remove those gates and a further approximately 60 gates have been removed this year by the Council where the residents did not comply with a request to remove the gate themselves. Residents with the remaining gates, which are not thought by the LFB to be a fire risk to others, have been advised to remove those gates for their own safety pending a further report to Cabinet on possible Council policy development.

5.3 Access issues for fire engines

Immediately following the Grenfell Tower fire, the Council asked the LFB to check it could get its engines sufficiently close to blocks in the event of a fire. A total of 11 estates were reported as having poor access due to vehicles blocking gateways or estate roads. In addition, Housing Services reported a total of 103 estates as potentially having poor access. As a result of this feedback:

- Increased enforcement visits are now being made to those estates identified by the London Fire Brigade as being at risk due to restricted access
- 103 estates have been reviewed by Parking Services and additional double yellow lines have been proposed and implemented in locations where parked vehicles may restrict access for fire engines.
- Poorly parked vehicles were issued with advisory warning notices.

Additionally, communication with residents, to explain the importance of responsible parking, has taken place:

- 24 July: A two page fire safety feature, including 'responsible parking reminder' was included in Our Homes newspaper, sent to all homes in the borough.
- 28 July: E-Bulletin featuring the same as above was sent to TRAs, leaseholder subscription list.
- 28 July: TRA/ TMO fire safety update letter (email) was sent to TRA Chairs and TMO Managers from the Director of Housing Services
- Fire safety responsible parking A5 leaflets and A3 posters have been printed and sent to estates to be displayed in communal areas

5.4 The Housing investment strategy

This report is noting that there will be a pause in the implementation of the planned housing stock investment programme in order to deal with the fire safety catch-up work that the Council knows or anticipates will come from the FRAs and the Grenfell findings, while other urgent works to the interior

and exterior of properties which includes kitchens and bathrooms, will continue to take place as planned. This extensive and important safety work could take up to three years. There is an understandably large increase in demand from local authority and registered provider landlords to undertake fire safety work. The Council will need to ensure that its contractors and their supply chains have sufficient capacity to work at the pace required without compromising the high quality required for this work. Additional quality checks on all aspects of the work will also need to be resourced and will potentially lengthen the programme. Finally, the Council has already agreed a process that involves the LFB checking a sample of work, which will need to be included in the timetable of work. There are a limited number of contractors, fire specialists and LFB resources available to do all the work and, whilst being mindful of the need to set priorities and work quickly, the Council will not compromise on the safety of this work for the sake of speed. We will then use the years where we focus on fire safety work, possibly using our existing contractors (or some of them), to develop the 'Better Estates' model and programme including procurement of a new contractor or contractors.

6. HOUSING ASSOCIATIONS OR REGISTERED PROVIDERS (RPs)

- 6.1** In the immediate aftermath of the Grenfell Tower fire, direct contact was made with all of the major Registered Providers (RP) owning and managing housing in Hackney, emphasising the Council's view that communication with residents should be as open and regular as possible. At the same time, we (via the Mayor) wrote to all RPs owning stock in the borough summarising the work being undertaken by the Council and (whilst the Council does not have a regulatory remit over Registered Providers) reiterating the Council's expectations with respect to RPs complying with the guidance issued by the Homes & Communities Agency (the Regulator) as well as the need for RPs to take all possible steps to communicate with and reassure residents living in stock they own and manage in Hackney.
- 6.2** Within days of the Grenfell fire Council officers met with 18 of the largest Registered Providers working in Hackney, in order to benchmark RP fire safety activity in the borough. This meeting found that the vast majority of RP blocks in the borough did not have problematic cladding, many were updating their Fire Risk Assessments (FRAs) and all RPs had written to tenants with many planning to further promote fire safety issues in their residents' newsletters etc. All RPs have agreed to share information with the Council on the action they are taking with respect to fire safety and are currently doing so.
- 6.3** The Council has been in regular contact with and has been working closely with RPs who have submitted cladding for testing to the DCLG. From 6 July, BRE began a further large scale test of cladding systems to understand how different types of ACM panels behave with two different types of insulation. The BRE have conducted seven tests involving category 2 ACM panels with a fire retardant polyethylene filler and polyisocyanurate (PIR) foam insulation, which is considered to be representative of commonly used materials.
- 6.4** Currently only Burbage House, an Islington & South Hackney Housing Association (ISHA) block in De Beauvoir, has ACM cladding with unmodified polyethylene filler and stonewall insulation which formed part of the third test. The DCLG has contacted ISHA to talk through immediate steps that might need to be taken regarding resident safety. The Council remains in close contact with ISHA on this issue. ISHA has appointed Forensic Architects to provide professional advice on what further steps to take with respect to the cladding system and ISHA have been keeping tenants in the block informed and have introduced a range of interim fire safety measures such as fire warden patrols. The Council has also offered technical assistance and support, if needed, to communicate to residents affected.
- 6.5** Of the other blocks owned by other RPs (and larger private landlords), 8 have partial or full cladding but are not considered to pose an immediate fire risk. The other landlords are Grainger, Network

Homes, Islington and Shoreditch Housing Association, Genesis Housing Association and Sterling Estates.

7. THE ROLE OF LOCAL AUTHORITY BUILDING CONTROL

7.1 Overview

The responsibility for matters of fire safety for all types of existing buildings sit outside the Building Regulations and due diligence ultimately sits with the landlord or owner of the property.

When carrying out building work, the owner can choose to use the Council's Building Control team or an approved private sector Inspector (AI) as the Building Control Body (BCB) for the work and responsibility for issuing a Building Regulation Completion Certificate.

Key aspects of the Building Regulations include:

- Structural stability, load bearing capacity and resistance to disproportionate collapse.
- Fire safety including means of escape, surface spread of flame, internal fire spread.
- Combustion appliance safety including protection from Carbon monoxide poisoning
- Electrical safety

7.2 Enforcement

Where building works are considered to have potentially contravened the Building Regulations, or certain stages of Building Works have been covered over without a notification to the Building Control team, then the Building Control team have various enforcement powers:

- Opening Up Notice - this requires the builder to expose the covered over work for inspection.
- Notice on owner to remove or alter contravention of Building Regulations.
- Prosecution under Section 35 of the Building Act 1984.

Local Authority enforcement powers do not apply in the same way when an Approved Inspector is appointed a BCB.

Building Regulation standards are guidelines only and are not prescriptive. Where the BCB is an Approved Inspector it is up to them to determine what's reasonable and this could differ from Government guidance.

If an Approved Inspector feels there is a contravention of the Building Regulations they can cancel their role in the project as BCB, and the project would revert to the Local Authority.

7.3 Cladding

Following the Grenfell Tower fire, the DCLG contacted local authorities where there had been failed tests to clarify the role of local authorities' Building Control teams with respect to block failures. The DCLG advised the Council of eight addresses within Hackney where cladding tests had failed. Building Control researched the original information provided by DCLG and, following a review, responded with the following information:

- Four of the addresses were projects undertaken by Approved Inspectors not the Council.
- Three of the projects looked at by LBH Building Control were under 18m high. Therefore, the restriction on the cladding under Building Regulations didn't apply and they were approved correctly.
- One of the projects looked at by the Council which has failed cladding on a building over 18m high – Ability Plaza - has not been signed off yet. Building Control are withholding the Completion certificate until the matter is resolved.

8. ROLE OF PRIVATE RENTED SECTOR HOUSING

The responsibilities for fire safety regulation in private sector housing lie jointly with the Council and the London Fire Brigade (LFB). The Council enforces fire safety under the Housing Act 2004 and related secondary legislation. The Housing Act applies to all types of domestic premises including houses and self-contained flats. The Fire Brigade enforces fire safety under the Regulatory Reform (Fire Safety) Order 2005 (The FSO). This applies to fire safety in the *common parts* of Houses in Multiple Occupation (HMOs) and blocks of self-contained flats.

The Council applies a risk assessment approach to assessing fire hazards in housing within its scope. Where a risk assessment identifies a fire hazard which is assessed as serious (Category 1), the Council has a duty to act to reduce or where possible remove the hazard. Enforcement actions include the service on the responsible person of an Improvement Notice requiring works or the making of a Prohibition Order to prevent use as residential accommodation. Failure to comply with an Improvement Notice or Prohibition Order is a criminal offence and can result in unlimited fines or a civil financial penalty of up to £30,000. The Fire Brigade enforces fire safety under the FSO which places duties on landlords and managing agents in relation to fire safety in the *common parts* of HMOs and blocks of self-contained flats. The order requires the responsible person to carry out a fire risk assessment and undertake any works or management measures that the risk assessment recommends. Enforcement actions include the service on the responsible person of an Enforcement Notice or Prohibition Notice. Failure to comply with a notice can result in unlimited fines or imprisonment for a term of two years or both.

8.1 Single-family houses and flats

The Council enforces fire safety in single family houses and self-contained flats under Part 1 of the Housing Act 2004.

8.2 Houses (and flats) in Multiple Occupation (HMOs) and blocks of self-contained flats

There is a dual system of regulation in these types of premises. The Housing Act 2004 provisions apply throughout the premises and are enforced by the council. Alongside this the Fire Safety Order provisions also apply in the common parts in relation to compartmentalisation of units, common escape routes etc. These are enforced by the Fire Brigade. The dual enforcement regime applies to blocks of self-contained flats whether purpose-built or by conversion.

8.3 Future proposals in respect of HMOs.

HMOs present a significantly higher fire risk to their occupiers than single-family accommodation such as houses and self-contained flats. HMOs are therefore the primary focus of inspection and regulation by the private sector housing service.

Hackney currently operates the national Mandatory Licensing scheme for HMOs. This covers larger HMOs of three or more storeys. HMO licences include legally binding conditions relating to fire safety provisions with strict penalties for non-compliance. Hackney has licenced 198 HMOs under this scheme.

The Council is about to consult on proposals to introduce an Additional Licensing Scheme which would widen the scope of licensing to encompass all HMOs. If adopted this will cover more than 4,000 HMOs, significantly improving the effectiveness of fire safety regulation in this type of housing. Before issuing an HMO licence including fire safety conditions, the Council is required to consult the LFB.

8.4 The Fire Safety Protocol

In order to rationalise the dual enforcement framework and to provide a practical working model the Government produced a draft fire safety protocol to be agreed between fire authorities and local housing authorities. LBH and LFB signed the joint protocol in 2012 and it has provided an effective framework for fire safety in all types of private rented housing. It establishes principles and describes joint working arrangements between LBH and LFB to deliver the objective of improved fire safety within housing occupied by one or more household. It sets out which authority will provide the lead in fire safety for the various types of accommodation, liaison procedures, information and data sharing and contains regular review provisions.

The protocol is currently being reviewed and refreshed and will continue to form the basis of the relationship between the two authorities regarding fire safety enforcement in private sector housing going forward.

9. SCHOOLS

The Department for Education (DfE) contacted all local authorities in the immediate aftermath of the Grenfell fire, requesting information on the height, cladding and extent of residential occupation of school buildings. The Education Property Team provided the data on those schools that the Council is responsible (e.g. maintained schools, but not academies, free schools or Voluntary Aided schools) for by the deadline set. The DfE has confirmed that it does not need further information from LBH, and has not requested that we undertake any immediate changes to existing school design, materials or fire safety management regimes.

The Council gathered more data than the DfE sought, to facilitate a more detailed estate-wide risk assessment than the high level exercise central government had requested. This compiled data on the following parameters:

- Building height (as number of storey)
- Cladding material
- Insulation material (where applicable)
- Extent of residential accommodation in the main school building (i.e. if the caretaker lives within the school, not in a separate house on site)
- When the most recent fire risk assessment was completed by the school
- When the most recent fire drill was completed by the school
- Does the school have an existing active sprinkler system?
- Has the school had extensive building works in the last decade?

This data informed a 'RAG' rating for all schools. In some cases, the cladding and insulation materials requires further investigation – typically this is for buildings constructed between 1945 and 1990, where the original specification is not available, but cladding is known to be present.

9.1 BSF Schools

The Council's Building Schools for the Future (BSF) estate was all constructed in the past decade by the Local Education Partnership (LEP), in which LBH is a shareholder. The LEP is compiling a detailed report on the precise cladding and insulation used throughout each school. A developed draft has been provided, and a final complete version is due imminently. Small amounts of ACM panelling are present on some schools, but not as the main façade material, not above 18m, and where sprinklers are also present. The Education Property Team will review whether further action is required when the final report is submitted.

9.2 School responsibilities

The Headteacher and senior leadership team are responsible for delivering the fire safety management strategy at their school, while governors retain the legal responsibility for ensuring this is enacted. The Education Property Team wrote to all schools in the immediate aftermath of the Grenfell fire, reminding them of those responsibilities, specifically regarding:

- Undertaking Fire Risk Assessments regularly. Each school must renew this every two years, but it was suggested that those which had not undertaken one in the 2016-17 academic year should consider doing so as soon as possible. All schools will again be contacted in September 2017 to confirm whether this has happened or when the next fire risk assessment will be held if not.
- Undertaking fire drills at least once a term.
- Undertaking weekly fire alarm testing, with a suggestion that this might periodically also be done while the school is occupied to familiarise all building users with the sound of the alarm.

This communication went to all schools in Hackney, not only maintained schools.

The Head of Education Property will attend the LBH Headteachers Conference to present to those in attendance on their responsibilities, reinforcing the messages already sent out.

9.3 Design specifications and contractor responsibilities

The fire safety aspect of schools design, in addition to statutory requirements, is supplemented by guidance provided by central government in Building Bulletin 100. This sets out the suggested standard for achieving effective fire safety through appropriate design. It is, however, a decade old and likely to be updated in the near future. In the meantime, any permanent, new build Hackney school projects will include sprinklers as standard, in addition to appropriate fire compartmentation, materials, etc. Extensions to existing buildings that lack sprinkler systems will be considered on a case by case basis. For example, sprinklers are included as a core requirement for the new secondary school being designed for the Britannia development, and the extension to The Urswick School.

Where contractors are brought in to undertake such projects, they will of course be required to meet the Council's required standards on the execution of works. We do not have a standing supplier list, so cannot issue a summary of our expectations until works are commissioned.

10. COUNCIL BUILDINGS (NON-HOUSING)

In the immediate aftermath of the Grenfell Tower Fire, the Council began a review of Fire Risk Assessments across the Council's corporate portfolio, along with a review of the status of priority actions arising from these assessments in line with its duties under The Regulatory Reform (Fire Safety) Order 2005.

The Regulatory Reform (Fire Safety) Order 2005 also places statutory duties on the Council to ensure the provision and testing of fire response arrangements. Again, in light of the Grenfell Tower fire, the Council undertook a review of incident response plans across the Council's corporate portfolio in order to test compliance with the fire safety duties under the Regulatory Reform (Fire Safety) Order 2005 Part 2.

In addition, a review was undertaken of the Council's corporate Campus buildings to identify any buildings potentially at risk arising from similar aluminium based cladding systems. The Council obtained specification information on the cladding systems used across those campus buildings of four storeys and above where insulated cladding systems had been used – 1 Hillman Street (HSC), 2 Hillman Street (The Annexe) and 1 Reading Lane (Hackney Learning Trust). Details of the technical specifications for the above buildings were requested and this exercise confirmed that none used the same product as that used at Grenfell Tower and also that the systems used were compliant with the relevant Building Regulations in respect of fire rating.

Finally, the Council has begun to review the broader Corporate Asset Database to ensure that all buildings across the Corporate Estate containing cladding systems are identified and where necessary subject to specialist testing.

11. TEMPORARY ACCOMMODATION

This range of tenure types presents different challenges with regard to ensuring the health and safety of tenants and the Temporary Accommodation service has different approaches and policies accordingly. This includes:

- An ongoing programme of regular hostel fire safety checks for Council managed stock (e.g., gas safety certificates, emergency lighting, fire alarm checks),
- A similar programme of regular hostel fire safety checks for privately managed stock and for bed and breakfast accommodation. The Housing Supply team inspects all properties prior to contract which includes a Health & Safety element. The team will also ensure all properties procured in the private sector for homeless prevention placements have Fire Risk Assessments completed by the landlord.
- Procedures are also in place to ensure that all other temporary accommodation types have completed, up to date fire risk assessments according to the property type.

The following actions have been taken since the Grenfell Tower fire:

- A fire safety letter was hand delivered to all hostel residents reassuring them that their safety is paramount and reminding them of their obligations to ensure fire safety. This included advice on no smoking, storage of goods, keeping fire doors closed, keeping communal areas clear, being aware of the fire evacuation procedure, not ignoring firing alarms and not interfering with fire alarm systems including smoke detectors.
- A heightened visible presence has been maintained by all hostel staff in the hostels. Being available to talk to residents and walk through and check all units.
- Staff have rechecked and ensured that all hostel fire safety documents are up to date. This includes ensuring a copy of the Fire Risk Assessment is kept on site and that all defects or follow up actions have been/are being carried out. Those remedial actions not within scope have been escalated
- Staff also ensured that all monthly inspections and weekly fire alarm tests are documented properly and that all fire safety signs including emergency escape signs and posters on notice boards are visible and not damaged.
- A fire safety letter was also sent to all other temporary accommodation residents, reiterating fire safety advice and our commitment to ensuring the highest standards but also the need for residents to comply with fire safety advice
- Fire safety letters were sent to all providers of temporary accommodation, reiterating fire safety rules and guidelines. This includes their obligations to carry out FRAs within their own stock. Fire safety will also become a standing item on all contract management meetings with providers.
- Fire safety letters have been sent to all landlords who have worked with the Housing Needs Service by offering private sector accommodation to prevent homelessness, again reiterating fire safety rules and their legal obligations to carry out FRAs on their accommodation.
- All hostel stock was reviewed to determine whether any cladding has been used during any regeneration work. This has been completed and no property has this type of cladding.
- We have reviewed the opportunities for fire safety training with landlords.
- The first of a series of training sessions for tenants of temporary accommodation on fire safety/general health and safety is due to be held on September 7th.

12. CONTRIBUTION TO THE NATIONAL RESPONSE

In the immediate aftermath of the Grenfell Tower fire, the Council raised through the Local Government Association a range of concerns and policy propositions that it wished to see raised with the DCLG concerning the funding of immediate and longer term remedial fire safety work. These issues include:

- The immediate removal of the HRA borrowing cap where funding is being used for fire related improvement works
- Additional general fund funding to support local authorities to procure Temporary Accommodation within their areas if required to support the evacuation of residents.
- Immediate raising of LHA caps to at least 80% of market rates for at least three years to provide support for households temporarily as a result of fire safety protection work and for households accepted as statutory homeless
- Direction from the Housing regulator to Housing Associations to provide all possible housing support to local authorities on fire safety related decant work
- Removal of any forced sale of Council homes obligations on Councils
- Removal of or suspension (for ten years) of the roll out of Registered Provider Right to Buy.

13. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 13.1** There are no specific recommendations in this report and as such the report has no direct financial implications, although of course any recommendations that arise in future from the ongoing response to the Grenfell Tower fire, will potentially impact on the finances of the Housing Revenue Account (HRA) and also the General Fund where any works are required on non-housing properties
- 13.2** The HRA Business Plan will need to be updated in order to ensure the ongoing financial sustainability of the HRA taking account of any additional works required. Any additional costs falling to the General Fund will need to be taken account of in future forecasts for both the Council’s revenue and capital expenditure as appropriate.
- 13.3** As set out in the report and appendices, the Mayor has made representations to both the Chair of the Public Inquiry and DCLG regarding measures that would assist financing of any required works arising, these being the immediate removal of the 1% rent reduction to contribute towards the costs of fire related safety work and the immediate removal of the restrictions placed on local authority HRA borrowing to provide additional funding for fire safety works.

14. COMMENTS OF THE DIRECTOR OF LEGAL

- 14.1** The recommendations are for Cabinet to note and endorse actions already taken in response to the Grenfell Tower tragedy. Legislation has been cited in the report, but there are no specific or direct legal implications at this stage.

15. BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

None

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16. APPENDICES

Appendix 1: Mayor Glanville's Letter To The Grenfell Tower Inquiry

Appendix 2: Mayor Glanville's Statement on the Grenfell Tower fire

Appendix 3: Letter to residents and TRA and TMO representatives

Appendix 4: Housing Services Fire Safety Action Plan

Appendix 5: Standard Fire Risk Assessment Template

Appendix 6: Council Fire Safety Policy