

Committee: Scrutiny

Date: 24th Sept 2024

Title: Fire Safety and Building Compliance Analysis:
The Close and Priors Wood Court

Key Decision

Portfolio Holder: Cllr Arthur Coote
Portfolio Holder for Housing and Equalities

Report Author: Brian Burton
Interim – Director of Property Services

Summary

1. This report presents an analysis of critical fire safety and building compliance issues identified at The Close and Priors Wood Court.
2. Following issues being raised by UNSL and subsequent surveys, we have identified multiple areas of non-compliance with current building regulations and fire safety standards. The two most pressing issues are:
 - Non-Compliant Fire Doors
 - Insufficient Fire Alarm Sounder Audibility
3. The response from UNSL's sub-contractor Ventro has been inadequate, with significant delays in providing Primary Test Evidence and a comprehensive remediation strategy, impeding our ability to swiftly address these critical issues.
4. A 24/7 waking watch, compliant with NFCC guidance, has been implemented as an interim risk mitigation measure. This will remain in place until we can verify full compliance of fire doors and alarm systems through third-party accredited testing and certification.

Recommendations

5. Members review and provide feedback on the technical issues outlined in this report, including the proposed remediation strategies.
6. Members note the continuation of the waking watch measures until we can demonstrate Compartmentation and Means of Escape compliance through accredited testing regimes.
7. Members note the commissioning of further Fire Risk Assessments

Financial Implications

8. The ongoing waking watch costs are being borne by UNSL along with the cost of the potential remediation work, including door replacement. A detailed cost analysis, including potential recovery from contractors, will be presented in a follow-up report.

Impacts

Communication/Consultation	Updates have been provided to residents, members and CMT A further residents meeting is being arranged for October 2024. We are keeping the regulator of Social Housing updated on progress
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Community Safety	There are no impacts in relation to the wider community.
Equalities	Ensuring that residents with restricted mobility or residents who have hearing loss are able to respond to the fire alarm within their home and that they have the ability to evacuate quickly.
Health and Safety	Health and safety issues have been a key feature in this issue and continue to be of primary importance.
Human Rights/Legal Implications	<p>There are potential legal implications both relating to non-conformance with the Social Housing Regulations and statutory guidelines set out by Government.</p> <p>UDC has statutory obligations under the Landlord and Tenant Act 1985, the Housing and Regeneration Act 2008, the Health and Safety at Work etc Act 1974, the Building Safety Act 2022 and other legislation/guidance relating to the health, safety and welfare of tenants.</p> <p>Further to this there is the potential against UNSL if suitable remediation is not carried out.</p>
Sustainability	There are no sustainability impacts.
Ward-specific impacts	The wards where the two schemes are situated
Workforce/Workplace	Not directly

Situation

Background

- Challenges were revealed significant deficiencies in passive and active fire protection systems at The Close and Priors Wood Court.

These issues contravene multiple regulatory requirements, including the Regulatory Reform (Fire Safety) Order 2005, the Building Regulations 2010 (as amended), and BS 9991:2015.

Fire Safety Issues

- Detailed Fire Doors surveys have been conducted by an accredited fire door inspector, these have identified a number of areas where the doors (and the way that they were installed) do not comply with the requirements of the relevant British and European standards

Specific deficiencies include:

- Intumescent strips and smoke seals failing to meet the certification requirements
- Door/frame gaps exceeding 3mm (+1mm/-0.5mm) tolerance, compromising fire and smoke resistance
- Concerns over incorrectly or missing fire-rated glazing, which may not comply with relevant performance standards or may not have been fitted in accordance with the tested door design.
- Non-compliant ironmongery, failing to meet the requirements of BS EN 1634-2:2008
- Lack of proper certification and traceability for installed door sets

Current Status:

- On 14/08/2024, we received the field of application and primary fire test results via UNSL from Ventro.
- We have sought critical clarifications regarding intumescent strips and glazing specifications.
- We have experienced delays in receiving feedback on these clarifications, which is impeding our ability to determine if we can retain existing doors with remedial works.
- Clarifications received via UNSL from Ventro on 6th September 2024.
- Further clarifications on intumescent strips were sought from Ventro on 20th August but these remain outstanding

We are still in discussion with UNSL about this challenge and will be seeking further legal advice about the avenues open to us if we do not get a suitable solution for remediation. Members should note that whilst within this report we have raised the challenge with UNSL's sub-contractor Ventro, UDC's contract is with UNSL and this is the body that UDC will hold accountable.

We have and will continue to communicate with the Regulator of Social Housing on progress in this matter. To date they have welcomed our transparency on this matter.

11. Fire Door Testing Issues:

- The original Field of Application report identified the doorset as a Brampton II, which clearly stated that the permissible glazed area in the Ashover door did not meet the test criteria. Subsequently, a further report was issued.
- BS and EN fire testing is based on three requirements: smoke, fire, and heat. The test for the Ashover door failed heat radiation at 16 minutes and 24 minutes, so it could be argued that this is a failure of the test requirements.
- A door test for the Brampton II (incorporates 2 glazed panels) was supplied and this seems to be a satisfactory test. It is noted that the doorsets fitted by UNSL are Brampton I which contain one glazed panel. UNSL have 'interpreted' that the glazing change is permissible.
- A report has been issued by Ventro which relates to the doors fitted at Priors Wood Court. This is based on a series of extracts from the FDCC report and acknowledges that the doors have been incorrectly fitted. They have outlined a number of remedial measures mainly relating to the replacement of the foam and mastic to the structural opening. They do not make reference to any

of the other noted defects e.g. frame fixings at incorrect centres. This is insufficient to deal with the identified issues.

Action Plan:

- We are seeking further clarification on the points raised above
- Ventro has been placed on 24-hour notice to commence rectification works once UDC are satisfied with scope of the rectification works
- We are actively exploring alternative providers as a contingency if full door replacement is required.

12. Following the identification of the compartmentation and door defects, the Fire Risk Assessments for both blocks were updated to reflect the anticipated levels of risk. The fire risk assessor appointed by UNSL determined that that evacuation strategies for both blocks must be changed from stay-put to simultaneous evacuation – meaning that in the event of a fire, all occupants must self-evacuate as soon as the alarm activates.

To enable this to happen, the fire detection and alarm system must have sufficient heat and smoke detectors located throughout the building to provide early detection, they must also have sufficient sounders and other warning devices to enable everyone within the building (including those people who may be asleep), to respond to the alarm and self-evacuate before routes become impassable.

UNSL was requested to validate that the systems were adequate, particularly their audibility and ability to wake sleeping occupants. The systems were found not to achieve the required sound pressure level of 75 dB(A) (decibels) at the head of the bed within each dwelling as is required in BS 5839-1:2017.

To support the changes to the evacuation strategy, UNSL commissioned their specialist subcontractor to review the alarm arrangements and to provide additional sounders to enable the required sound levels to be achieved.

The FRA is due to be reviewed in September and it will be the responsibility of the fire risk assessor to consider the changes to the alarm system, in conjunction with any other updated compliance information, prior to providing advice and recommendations on the suitability of the current (temporary) evacuation strategy and the Waking Watch which is in place to support its effective implementation.

Completed Works:

- The Close: Work commenced to alarm sounders on 19/08/2024 and was completed on 23/08/2024
- Priors Wood Court: Work commenced to alarm sounders on 27/08/2024 and was completed on 30/08/2024

Next Steps:

- Post-installation testing and verification of system functionality has been carried out and this action is now completed

Risk Mitigation Measures Current Measures:

- 24/7 waking watch remains active at both The Close and Priors Wood Court.
- Two fire wardens per site, operating on 12-hour shifts
- Hourly patrols of all floors and communal areas
- Direct communication link with the local fire and rescue service

Planned Actions:

- Week commencing 23/09/2024: Conduct a new, independent Fire Risk Assessment at both properties.

The fire door compliance issues at The Close and Priors Wood Court remain a critical concern. While some progress has been made in identifying the problems, the proposed remediation measures are currently insufficient. We are committed to ensuring that all fire doors meet the required safety standards and will continue to pursue this matter vigorously with UNSL and their contractors.

We will continue to press for comprehensive remediation that addresses all identified deficiencies and seek legal advice to understand our options if a satisfactory solution is not forthcoming from UNSL.

Further to the above actions relating to Fire Doors and Alarms the property services team are embarking on a review of all compliance areas impacting on all sheltered blocks. This will include Electrical Maintenance & Testing, Heating Servicing and Inspection, Water Management, lift installations etc.