



Meeting	Performance and Resources Board	Agenda Item No.	12
Meeting Date	30 June 2022		
Report Author	Justin Lockerbie		
Presented By	Chris Parker, Director of Operations		
Subject	June 2022 update - Remediation and Enforcement		
Type of Report	Information		
Action Point No.	N/A	For Publication	No

RECOMMENDATIONS

None. This is an update report and should be treated as containing potentially sensitive information.

EXECUTIVE SUMMARY

This report provides an update on progress against the National Fire Chiefs Council (NFCC) Building Risk Review: August 2020 to December 2021 – the initial scope and project is now complete. The premises identified below have actions/remediation outstanding as a result of the project's findings.

BACKGROUND

Following the outcomes of the Grenfell Tower Inquiry, the NFCC instigated a Building Risk Review. The NFCC identified and communicated to ECFRS 182 buildings which were to be visited and assessed. ECFRS was asked to report back on a confirmed inspection regime for the identified buildings from August 2020 until December 2021.

This was duly completed on time. However, the project identified a number of premises which required remediation works involving considerable time, construction and financial resources to address fire alarm, internal compartmentation and external wall system deficiencies.

Guidance was issued by the Department for Levelling Up, Housing and Communities (DLUHC) in January 2020 in a Consolidated Advice Note (Building Safety Advice for Building Owners, Including Fire Doors) – which included advice for cladding, insulation and cavity barriers to be surveyed by a competent person (Royal Institute of Chartered Surveyors or Fire Engineer), subjected to flammability tests and removed and replaced if required.

This guidance was withdrawn and replaced in January 2022 by PAS 9980 which guides RP's to having a Fire Risk Appraisal for External Wall Construction (FRAEW), again to be completed by a competent person.

Guidance changed because the DLUHC recognised that remediation based on modern Approved Document B standards was too onerous for buildings constructed some time ago and was therefore an unrealistic expectation which produced disproportionate assessments.

PAS 9980 was developed by the British Standards Institution and allows for an appropriate assessment of fire safety precautions and mitigation (such as fire detection and alarm, simultaneous evacuation) to be considered before replacement of potentially flammable cladding as the precautions compensate for this risk, i.e., in the unlikely event of a fire, inhabitants will be warned and able to make their escape whilst the building and exit routes are tenable.

Where a PAS 9980 assessment is needed the guidance will enable more proportionate assessments rather than the binary ones that have become prevalent since the Grenfell Tower tragedy in which any presence of combustible wall materials is thought to automatically need expensive replacement/remediation. PAS 9980 is clear that some combustible materials can be retained and managed safely in the external walls of existing buildings.

In April 2022, the Government came to an agreement with developers to create a fund for remediating in scope external wall systems.

As a result of changing guidance from the Government, RP's who had originally identified works needing to be done under the Consolidated Advice Note have had their premises re-assessed under PAS 9980 which has deemed their precautionary measures sufficient to enable them *not* to remediate.

Further, those premises where remediation may still be required are now communicating with developers who are now expected to complete/fund the works.

The above information should be considered when assessing the time period between the project end date (31 December 2021) and ongoing incomplete/yet to be commenced remediation works.

NORTH-WEST – Braintree & Harlow

Joseph Rank House - Harlow (Job: 26646) Jonathan Dixson: (Previously Lee Hurst)

EWS and compartmentation deficiencies

Update:

In consultation with RP regarding the proposed works which may now include a full decant of the premises prior any remediation (confidential). Ongoing updates expected.

Premises RP emailed on 27.06.22 requesting update on decision whether to vacate building or not.

Joyner's Field – Harlow (Jobs: 27556 & 27557) Jonathan Dixson:

Rainscreen cavity wall deficiencies

Update:

Proposed works to EWS are currently out for tender.

Closing date and decision for tender July 2022. Ongoing progress being made. RP to inform JD of tender decision ASAP.

Riverside Place - Braintree (Job: 73278) Belinda Moroney:

EWS and compartmentation deficiencies

Update:

These flats are still vacant. 'Home Group' are considering their options for remediation 6/4/22.

NFA required whilst premises remain vacant

Sycamore Field – Harlow (Jobs: 63211 & 63212) Jonathan Dixson:

EWS and compartmentation deficiencies

Update:

Remediation works are proposed, and planning is taking place. Mitigation has been provided (AFD).

Works have been scoped, tendered, awaiting approval (Local Authority premises).

NORTH-EAST

Sail, Keel & Heia Wharf Apartments - Colchester (Jobs: 66292/93/94) Jonathan Dixon:

Cladding on top floor and timber decked balconies

Update:

Remediation works proposed – no start date.

Premises constructed by Weston Homes – they have agreed to fund/carry out remediation.

Awaiting confirmation from RP.

Colne View, Ballantyne Drive - Colchester (Job: 66314) Jonathan Dixon:

Shiplap cladding to external facia

Update:

Remediation underway to be completed by September 2022 when freehold is to be sold

75-95 St James Place, De Grey Road - Colchester (Job: 80758) Jonathan Dixon:

HPL cladding

Update:

Remediation works to be completed, RP now procuring designs and works contractors No proposed start date. Next follow-up April 2022

Procuring contractor to commence work (July 22)

1-54 De Grey Road - Colchester CO4 5YE (Job:77989)

Cladding

Update:

PM replied now obtaining quotes for EWS remedial works – interim measures not recommended – discuss further action needed

FOLLOW-UP: January 2022 – emailed 18-1-22. RP obtaining quotes for remedial works to EWS. Questions over report accuracy.

RP now waiting on works quotes LAST UPDATE JAN 18TH –

RP meeting contractor 5th July to scope intrusive survey (cavity barriers to remediate cladding)

349 - 385 Quayside Drive - Colchester (Job: 71137) Jonathan Dixon:

External timber cladding

Update:

RP states that no remediation will take place until new guidance is set out by Government.

Discuss with SM including findings of PAS9980.

Initial report implies remediation required (replacing cladding). RP incorrectly stating that no remediation now required due to new Government advice. JD emailed to give advice on PAS 9980 and FRAEW. Awaiting response. Consider EN.

191 – 321 Quayside Drive - Colchester (Jobs: 71137 & 89498) Jonathan Dixon:

External timber cladding

Update: RP states that no remediation will take place until new guidance is set out by Government. Discuss with SM including findings of PAS9980.

JD emailed to give advice on PAS 9980 and FRAEW. Awaiting response. Consider EN.

SOUTH-WEST

Morello Quarter – Basildon (Job: 67535) Jonathan Dixon

Enforcement: EN134 – AFD installation: - Served: 21-6-2021 – Expires: 17-12-2021.
(Extension agreed on 16th December 2021) – now expires - 30th April 2022

Update: Works to install AFD throughout the 4 blocks is complete.

Remediation complete – **EN134 no longer in force**

Enforcement: EN105 – EWS Remediation: Served: 22-03-2021 Expires: September 2022

EWS

Update: Remediation works not started. RP has indicated that she may apply for an extension of time.

Premises constructed by Weston Homes. RP investigating whether Weston Homes to pay for remediation or funding from government. RP has indicated she will request an extension (12 months) to secure funding and complete works.

Thorndon Court – Brentwood (Job: 64592) Jonathan Dixon:

EWS

Enforcement: EN110 – (EN138) EWS Remediation – Served March 2021. (Re-served - 21-12-21) Expires: 30th September 2022

Update: Remediation works to be commenced – contractor appointed. RP has asked if new Government guidance will change the requirement to complete the EWS works. RP indicates a new survey will be completed under PAS9980.

RP has requested an extension (to complete PAS 9980 and remediate if still required). Under consideration

Riverside Heights – Tilbury (Job: 67525) - Gary Masters

EWS

Enforcement: EN000126 – Issued 21-4-2021. Expires 21-10-2022

Update:

Premises audited June 22. No deficiencies other than outstanding EWS works.

EWS remediation ongoing, on schedule

SOUTH-EAST

Skyline Plaza – Southend (Job: 62687) Jonathan Dixon:

EWS

Enforcement: EN000108 – EWS Remediation – Served - 22nd March 2021 - Expires: September 2022

Update:

Contact made with insolvency practitioner to establish legal entity for Enforcement Notice. Management agent states that works to remediate EWS are on track to be completed before September.

EWS remediation works almost complete. Inspection to be arranged on completion.

Parkway House – Chelmsford (Job: 67574) Jonathan Dixon

EWS

Enforcement: EN136 – Remediation –Served 27th August 2021 - **Expires July 2022**

Update:

RP has raised the question as to the necessity of the works in accordance with 'new Government guidance'. The RP wishes to discuss this further. *Discuss with SM*
Extension requested for 9 months. Clarification sent by JD to RP to ascertain whether extension required for PAS 9980 survey or remediation, or both.

Dimensions 64-214 Lynmouth Avenue - Chelmsford (Job: 62531) Jonathan Dixson:

Cladding on top two floors

Update:

RP states that a FRAEW will be completed under PAS9980. No completion date proposed. Discuss with SM if rolling updates are appropriate.

Survey for PAS 9980 FRAEW scheduled for 13/14 July 22. Awaiting this and decision from RP.

Century House – Chelmsford (Job: 29003) Jonathan Dixson:

Update:

EWS remediation works to be completed April 2022. RP has requested discussion on the AFD system (Configure to BS8629) 'post completion' in April.

Works completed – T/GM John Lloyd to meet RP on-site 05.07.22

Crowstone Court – Westcliff on Sea (Job: 70788)

Cladding on top floor

Update:

RP incorrectly supplied Building Regs completion certificate as evidence of complying.

JD emailed to give advice on PAS 9980 and FRAEW. Awaiting response. Consider EN.

The following Jobs are being dealt with as BAU audits

- Job: 69314 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 71214 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 71215 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 71218 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 71219 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 71220 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 71222 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 71223 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 70833 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit 13.09.2022
- Job: 74054 – Gary Masters: Cunard Square - ACM - Revisit 13.09.2022
- Job: 74055 – Gary Masters: Cunard Square - ACM - Revisit 13.09.2022
- Job: 74056 – Gary Masters: Cunard Square - ACM - Revisit 13.09.2022
- Job: 74057 – Gary Masters: Cunard Square - ACM - Revisit 13.09.2022
- Job: 74058 – Gary Masters: Cunard Square - ACM - Revisit 13.09.2022
- Job: 74059 – Gary Masters: Cunard Square - ACM - Revisit 13.09.2022
- Job: 69310 – Gary Masters: Dunn Side - ACM – cladding removed and being replaced
- Job: 75612 – Gary Masters: Dunn Side - ACM – cladding removed and being replaced
- Job: 73974 – Gary Masters: Parr Court - ACM - Revisit 16.11.2023

PREMISES REMOVED FROM THIS LIST DURING Q1

(to be audited as BAU by SDP inspecting officers)

- Jackson House, Clacton on Sea – EWS details satisfactory
- Oaks, Colchester – deficiencies rectified
- Poplars, Colchester – deficiencies rectified
- 36-50 St James Place De Grey Road - Colchester - initial EWS report states no remediation required.
- 1-11 St James Place, De Grey Road - Colchester - initial EWS report states no remediation required.
- 12-35 St James Place, De Grey Road - Colchester - initial EWS report states no remediation required.
- 51-74 St James Place, De Grey Road - Colchester - initial EWS report states no remediation required.
- Rochford Lofts – Southend – EWS details satisfactory
- Regent House - Brentwood - deficiencies rectified

LINKS TO FIRE AND RESCUE PLAN

Prevention, Protection Response.

- Work more closely with developers, building control professionals, building owners, businesses and planning teams to identify and reduce risk
- Ensure we have a systematic, transparent, well targeted and effective fire safety inspection regime

FINANCIAL IMPLICATIONS

'Surge funding' has been received by ECFRS to enable additional targeted assessment to be carried out. This is covered in a separate paper.

LEGAL IMPLICATIONS

The Fire and Rescue National Framework for England lays down a priority for fire and rescue authorities to make appropriate provision for fire protection and prevention activities.

STAFFING IMPLICATIONS

Workforce and Representative Bodies have been engaged.

EQUALITY AND DIVERSITY IMPLICATIONS

We have considered whether individuals with protected characteristics will be disadvantaged as a consequence of the actions being taken. Due regard has also been given to whether there is impact on each of the following protected groups as defined within the Equality Act 2010:

Race	x	Religion or belief	x
Sex	x	Gender reassignment	x
Age	x	Pregnancy & maternity	x
Disability	x	Marriage and Civil Partnership	x
Sexual orientation	x		

If an impact on one group or more is anticipated, a full People Impact Assessment must be completed and attached to the report. Please also look to add other comments to ensure that a review has been properly considered as part of this report process.

The Core Code of Ethics Fire Standard has been fully considered and incorporated into the proposals outlined in this paper.

HEALTH AND SAFETY IMPLICATIONS

Individual assessments of each of the 182 buildings identified by the NFCC will enable any issues to be identified and addressed which will improve any potential risks to the Health and Safety of occupants and crews responding to incidents.

CONSULTATION AND ENGAGEMENT

Workforce and Representative Bodies have been engaged.

FUTURE PLANS

This work forms part of an ongoing inspection programme.

LIST OF BACKGROUND PAPERS AND APPENDICES

N/A.