



<b>Meeting</b>	<b>Performance and Resources Board</b>	<b>Agenda Item No.</b>	<b>11</b>
<b>Meeting Date</b>	<b>27 October 2022</b>		
<b>Report Author</b>	<b>Justin Lockerbie, Station Manager</b>		
<b>Presented By</b>	<b>Chris Parker, Director of Operations</b>		
<b>Subject</b>	<b>September 2022 update – Enforcement and Cladding Remediation, BRR premises</b>		
<b>Type of Report</b>	<b>Information</b>		
<b>Action Point No.</b>	<b>N/A</b>	<b>For Publication</b>	<b>No</b>

## **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This guidance was withdrawn and replaced in January 2022 by PAS 9980 which guides RP's to having a Fire Risk Appraisal for External Wall Construction (FRAEW), again to be completed by a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<sup>st</sup> December 2021) and ongoing incomplete/yet to be commenced remediation works.

### **NORTH-WEST – Braintree & Harlow**

**Joseph Rank House - Harlow (Job: 26646)** Jonathan Dixon: (Previously Lee Hurst)  
**EWS and compartmentation deficiencies**

**Update:**

In consultation with RP regarding the proposed works. Ongoing updates expected.  
**Premises RP emailed on 22/09/22**

**61-68 & 95-122 Joyner's Field – Harlow (Jobs: 27556 & 27557)** Jonathan Dixon:  
**Rainscreen cavity wall deficiencies**

**Update:**

Proposed works to EWS are currently out for tender.  
**September 22. Works tender completed. Appointment of contractor to be made. RP in process of appointing contractor.**

**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 Dixon:**

**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).

22/09/22 – email sent to RP requiring clarification of timescale.

26/09/22 – email received explaining that no further actions will be taken until further assessment by the council. Different options but not actionable until 2025.

**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. **RP to contact JD Oct/Nov with schedule of works from developer.**

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

**Shiplap cladding to external facia**

**Update:**

September: email received 14/9 – ongoing surveys to establish full scope of works following PAS9980 FRAEW. **RP negotiating with developer to commence remediation works.**

**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

31/8/22: Update provided – works specification currently taking place – out to tender November – proposed works start 'early 2023' Additional mitigation has been provided.

Emailed acknowledgement return and request information regarding the additional mitigation added referenced within the email.

**Email received: 3.10.22 informing that building regs consultation has commenced. Not received by ECFRS yet.**

**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 18<sup>TH</sup> –

September: emailed for update 21/9. Previously instructed contractor to investigate panel construction. **Decide on action to be taken if no progress by December 2022**

**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.

September: remediation being dealt with by developer. **Correspondence commenced between ECFRS and developer.**

**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.

September – email received from RP stating they will be meeting with the developer (requested details) on Tuesday 27<sup>th</sup> September and will report back with progress. **Awaiting further info.**

**SOUTH-WEST**

**Morello Quarter – Basildon (Job: 67535) Jonathan Dixon**

Enforcement: EN134 – AFD installation: - Served: 21-6-2021 – Expires: 17-12-2021. (Extension agreed on 16<sup>th</sup> December 2021) – now expires - 30<sup>th</sup> 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. Extended until 31-12-23.

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 requested extension until 31<sup>st</sup> December 2023. Granted**

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

EWS

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

**Update: Extension to EN granted to 28<sup>th</sup> September 2023 to allow completion of PAS 9980 FRAEW and associated works which may follow.**

**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.

**Awaiting request for extension.**

**Beckett House – Brentwood (Job: 62359) – Jonathan Dixon:**

**EWS**

**Update:**

Premises audited November 2020. FSO-3 sent by Karen Fisher including other deficiencies  
**EWS remediation to be undertaken by the developer.**

**Awaiting response from RP with details of developer.**

## **SOUTH-EAST**

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

**EWS**

Enforcement: EN000108 – EWS Remediation – Served - 22<sup>nd</sup> March 2021 - Expires:  
September 2022. Extended until 31-10-23

**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.**

**Request for extension to October 31<sup>st</sup> October granted.**

**Parkway House – Chelmsford (Job: 67574) Jonathan Dixon:**

**EWS**

Enforcement: EN136 – Remediation – Served 27<sup>th</sup> August 2021 - Expires July 2022 . Extended  
until 31-01-23

**Update:**

**Extension to EN granted to 31<sup>st</sup> January 2023 to allow RP to complete PAS 9980 FRAEW  
and commence works if appropriate.**

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

**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.

**September: Awaiting full report end of September. Action if not received - send Article 27 letter  
requiring PAS9980 report. FSO-57 to be sent if not received within 14 days. Therefore, potential  
prosecution if not received within 28 days. Once report received decide on appropriate action...  
considering Enforcement Notice if appropriate action plan or dates to start remediation are not  
received.**

**Article 27 Notice sent. Information received from RP. RP assessing works required. **ECFRS to  
consider Enforcement Notice.****

**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 from email sent  
21/09/22. **Consider EN.****

## **The following Jobs are being dealt with by Gary Masters as BAU audits**

- Job: 69314 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 71214 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 71215 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 71218 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 71219 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 71220 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 71222 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 71223 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 70833 – Gary Masters: Watson Heights/Dunn Side - ACM – revisit w/c 26.09.2022
- Job: 74054 – Gary Masters: Cunard Square - ACM - revisit w/c 26.09.2022
- Job: 74055 – Gary Masters: Cunard Square - ACM - revisit w/c 26.09.2022
- Job: 74056 – Gary Masters: Cunard Square - ACM - revisit w/c 26.09.2022
- Job: 74057 – Gary Masters: Cunard Square - ACM - revisit w/c 26.09.2022
- Job: 74058 – Gary Masters: Cunard Square - ACM - revisit w/c 26.09.2022
- Job: 74059 – Gary Masters: Cunard Square - ACM - revisit w/c 26.09.2022

**No outstanding EWS issues are anticipated in any of the above premises following ongoing dialogue with RP. Premises to be audited and removed from list over upcoming months.**

Job: 73974 – Gary Masters: Parr Court - ACM – works commenced and due to be completed February 2023

### **PREMISES REMOVED FROM THIS LIST**

(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
- Century House – Chelmsford – deficiencies rectified
- Job: 69310 – Gary Masters: Dunn Side - ACM – works completed
- Job: 75612 – Gary Masters: Dunn Side - ACM – works completed
- Thompson Court – Chelmsford - initial EWS report states no remediation required.

### **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 throughout the process.

## **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	n	Religion or belief	n
Sex	n	Gender reassignment	n
Age	n	Pregnancy & maternity	n
Disability	n	Marriage and Civil Partnership	n
Sexual orientation	n		

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 will form part of an ongoing inspection programme.

## **LIST OF BACKGROUND PAPERS AND APPENDICES**

N/A.