



Classification	Official		
Meeting	ECFRS Performance and Resources Board	Agenda Item No.	15
Meeting Date	27th July 2023		
Report Author	Watch Manager - Gary Dyer		
Presented By	T/ Director of Operations – Andy Smith		
Subject	Q1 2023/24 update – Enforcement and Cladding Remediation, BRR premises (Report submitted for Q1 2023/24 on 1st July 2023)		
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This guidance was withdrawn and replaced in January 2022 by PAS 9980 which guides RP's to having a Fire Risk Appraisal for External Wall Construction (FRAEW), again to be completed by a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 (31st 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 which may now include a full decant of the premises prior any remediation (confidential). Ongoing updates expected.

Premises RP emailed on 22/09/22 requesting formal confirmation of decision whether to vacate building or not – RP replied that decant is to take place. Details to follow.

January 2023 - residents being informed of decant

GD – June 2023 – decant of building has commenced, currently 90 flats remain to decant, expected to be completed by Jan 2025. However, local authority are slow in supporting the decant to rehouse so expected deadline could be extended.

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.

Work to commence Jan/Feb 2023. 8 month's timeframe.

GD – June – Remediation works going to plan. Block 1 complete, Block 2 60% complete. Visit to be carried out by ECFRS August 2023.

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.

April 2023:

Article 27 letters served on Ray Chapman, Housing Manager. Replied on 03/04/2023

Enforcement Notices 156 and 157 served on Mr Andrew Murray, Chief Executive of Harlow District Council, 03/04/2023. Work to be completed by 30/09/2024.

GD – June 2023 – 90% of remediation works completed. ECFRS visit to be arranged August 2023.

NORTH-EAST – Colchester & Tendring

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.

January 2023 – awaiting contact from RP with schedule of works from developer.

GD – June 2023 – Email sent to chris.shaw@western-homes.com (new contact) commenced internal works which include but are not limited to removing architraves to all front doors and introducing fire stopping, fire stopping within riser cupboards etc. The internal works are scheduled to be complete within the next 2 - 3 weeks. Still awaiting the PAS 9980 report.

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.

January 2023 - RP negotiating with developer to commence remediation works.

GD – June 2023 – FRAEW being completed to PAS 9980:2022 guidance. Developer has appointed fire engineering consultancy AESG. They are carrying out a desktop review and now

negotiating access arrangements with the freeholders of all buildings in the development so the familiarisation exercise can be carried out.

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 with remediation proposals – agreed.

January 2023 – building regs application for remediation work received by ECFRS

GD- May 2023 – new tender in place due to errors on previous one. Awaiting outcome with start date.

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 –

September: emailed for update 21/9. Previously instructed contractor to investigate panel construction.

January 2023 – PAS 9980 proposed – no details as to when it will be actioned. Consider Enforcement Notice.

GD – June 2023 – PAS 9980 report completed May 2023 states remediation is required, also to remove stay put policy to full evacuation, currently no waking watch, awaiting report. On receipt of report, potential Enforcement Notice. ECFRS Control informed – PDA increased.

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.

January 2023 – developer confirmed as Barratts. Awaiting PAS 9980 results

GD – May 2023 as above still awaiting PAS 9980 report.

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 27th September and will report back with progress.

January 2023 – awaiting PAS 9980 results

GD – May 2023 as above still awaiting PAS 9980 report.

SOUTH-WEST – Basildon & Grays

Morello Quarter – Basildon (Job: 67535) Jonathan Dixon

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 31st December 2023. Granted

January 2023 – ongoing as per EN procedure. Mid-term check in due May 2023.

April 2023 – PCFCC writing to Homes England re: appeal process. Dispute between RP and Developer

GD- June 2023 site visited – remediation works were to be started by Western Homes in March 2023 to a Class B1 classification on external walls following the updated PAS 9980 FRAEW. Managing agent refused works to start whilst negotiations carry on for managing agent to pay the extra funds required to ensure a Class A1 remediation is completed.

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

Extension to EN138 granted to 28th September 2023 to allow completion of PAS 9980 FRAEW and associated works which may follow.

January 2023 – ongoing as per EN procedure. Mid-term check in due April 2023.

April 2023 – mid-term check in completed

GD – May 2023 site visited – a new Section 20 Notice being issued due to increase in original contract price. Expected Aug 2023 to confirm remediation works to commence (expected start date mid-September) A further extension will be required due to current EN138 due to expire on 30th September 2023. Awaiting an extension request to EN138 with detailed timeframes of start and completion dates.

Highlight Consideration – EN138 has been in force for 18 months. Due to expire 28th September 2023 after initial extension granted from September 2022. Work has still not commenced but is expected to before expiry of Notice. A second extension request is expected.

ECFRS options:

- a) Accept that the RP has commenced remediation works and therefore grant second extension, despite length of time since initial serving of Notice
- b) Commence prosecution of RP at expiry of Notice, fully understanding that the expected protracted legal procedure may not come to fruition until after remediation works are completed. Prosecuting an RP who has completed works to remediate occupiers' safety may generate adverse publicity?

SM Justin Lockerbie, Engineering and Enforcement Manager – Recommendation:

If work has commenced and ECFRS has been supplied with a robust schedule of works, option a) to extend Notice.

If no work has commenced, or no schedule of works received with acceptable deadlines, option b) commence prosecution

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.

January 2023 – developer confirmed as Barratts. Awaiting PAS 9980 results

GD – May 2023 – as above still awaiting PAS 9980 report.

SOUTH-EAST - Southend & Rayleigh

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.

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.

January 2023 - consider Enforcement Notice.

GD - May 2023 - Sanctuary's Building Safety Team has been reviewing information on all the schemes where cladding or general defects have been identified. They are now resuming discussions with the original developer (Hill Partnerships) around the findings of the relevant reports and extent of the work that is required to take place. Consider Enforcement.

Key:

GD = WM Gary Dyer

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

Job: 69314 (118428) – Gary Masters: 182 – 268 Watson Heights/Dunn Side - ACM

Job: 71214 (118430) – Gary Masters: 142 – 180 Watson Heights/Dunn Side - ACM

Job: 71218 (118439) – Gary Masters: 4 – 58 Watson Heights/Dunn Side - ACM

Job: 71219 (118440) – Gary Masters: 60 – 92 Watson Heights/Dunn Side - ACM

Job: 71220 (118441) – Gary Masters: 1 – 33 Watson Heights/Dunn Side - ACM

Job: 71222 (118442) – Gary Masters: 35 – 59 Watson Heights/Dunn Side - ACM

Job: 71223 (118443) – Gary Masters: 63 – 115 Watson Heights/Dunn Side - ACM

Job: 74055 (118446) – Gary Masters: 21 – 36 Cunard Square - ACM

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.

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.

Job: 70833 – Gary Masters: 43 - 131 Watson Heights/Dunn Side - ACM – works completed

Job: 71215 – Gary Masters: 94 - 180 Watson Heights/Dunn Side - ACM – works completed

Job: 74057 – Gary Masters: 38 – 46 Cunard Square - ACM - works completed

Job: 74056 – Gary Masters: 48 – 80 Cunard Square - ACM - works completed

Job: 118524 – Gary Masters: 49 – 57 Cunard Square – ACM – works completed

Job: 74058 – Gary Masters: 58 - 66 Cunard Square - ACM - works completed

Job: 74059 – Gary Masters: 69 – 80 Cunard Square - ACM - works completed

Job: 74054 – Gary Masters: 4 – 19 Cunard Square - ACM - works completed

Job: 73974 – Gary Masters: Parr Court – works completed

Job: 73974 – Gary Masters: Parr Court - ACM – works completed

Parkway House – Chelmsford – EN136 withdrawn after FRAEW (BS9980) by TRI-FIRE stated no further remediation required.

Skyline Plaza – Southend – EN108 successfully complied with, all EWS work completed. No longer in force

Riverside Heights – Tilbury – EN126 compiled with. All EWS works completed. No longer in force

Crowstone Court – Westcliff on Sea – PAS 9980 stated no further 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.

THE CORE CODE OF ETHICS FIRE STANDARD

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

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

The actions being taken will not have a disproportionate impact on individuals with protected characteristics (as defined within the Equality Act 2010), when compared to all other individuals and will not disadvantage people with protected characteristics.

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		

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.