



Meeting	Performance and Resources Board	Agenda Item No.	8
Meeting Date	Report submitted for Q2 2023/24		
Report Author	GM Dave Bond, SM Justin Lockerbie		
Presented By	ACFO Director of Operations		
Subject	Q2 2023/24 update – Enforcement and Cladding Remediation, Live Enforcement and Prohibition Notices		
Type of Report	Information		
Action Point No.	N/A	For Publication	Yes

RECOMMENDATIONS

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

EXECUTIVE SUMMARY

Part one of this report provides an update on progress against the National Fire Chiefs Council (NFCC) Building Risk Review completed between August 2020 and December 2021. The premises identified below have actions/remediation outstanding as a result of the project's findings.

Part two lists premises identified/constructed since January 1st 2022 with EWS issues, or problem premises identified that are now being managed by the High Rise Task Force within Protection.

Part three lists live Enforcement and Prohibition Notices across all premises types with a summary of our latest interaction with the Responsible Person.

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This guidance was withdrawn and replaced in January 2022 by PAS 9980 which guides RP's to having a Fire Risk Appraisal for External Wall Construction (FRAEW), again to be completed by a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

PART ONE – BRR Premises

NORTH-WEST – Braintree & Harlow

Joseph Rank House - Harlow (Job: 26646)

Deficiency: EWS and compartmentation

Decant of building has commenced, expected to be completed by Jan 2025. However, local authority are slow in supporting the decant to rehouse so expected deadline could be extended. AM James Taylor is liaising with Places for People (premises agent) and Harlow District Council re: community risk.

88 of 132 individual units remain occupied.

Update – Q2 2023 - The High-Rise Task Force Team are planning to carry out an audit at this premises before the end of this calendar year.

61-68 & 95-122 Joyner's Field – Harlow (Jobs: 27556 & 27557)

Deficiency: Rainscreen cavity wall

Update: Work commenced Feb 2023. 8 month's timeframe. Works to EWS ongoing. Block 1 complete, Block 2 60% complete.

Sycamore Field – Harlow (Jobs: 63211 & 63212)

Deficiency: EWS and compartmentation

Update: 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.

Riverside Place - Braintree (Job: 73278)

Deficiency: EWS and compartmentation

Update: These flats are vacant. Home Group are considering their options for remediation 6/4/22. NFA required whilst premises remains vacant

NORTH-EAST – Colchester & Tendring

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

Deficiency: Cladding on top floor and timber decked balconies

Update: Premises constructed by Weston Homes – they have agreed to fund/carry out remediation. 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 were scheduled to be completed. Still awaiting the PAS 9980 report currently though.

This will be picked up and chased by the High-Rise Task Force Team, and one of our Senior Fire Engineers in Q3.

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

Deficiency: Shiplap cladding to external facia

We were told that the FRAEW was being completed to PAS 9980:2022 guidance and that the developer has appointed fire engineering consultancy AESG. They were due to be carrying out a desktop review and negotiating access arrangements with the freeholders of all buildings within the development so that a familiarisation exercise can be carried out.

Update - An audit was undertaken by the High-Rise Task Force on Tuesday 17th October (this falls into Q3, but felt it was important to include within this update). It was confirmed that this building has an EWS which supports fire spread. The FRA states that the HRRB should be operating a simultaneous evacuation strategy, however our inspection found that a 'stay-put' strategy was still in place.

No FRAEW has been undertaken, request for further information has been sought (Regulation 38). This HRRB was only constructed in 2018, and therefore the developer will be undertaking the remediation work.

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

Deficiency: HPL cladding

Update: January 2023 – building regs application for remediation work received by ECFRS. 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)

Deficiency: Cladding

Update: 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)

Deficiency: External timber cladding

Update: Developer confirmed as Barratts. Awaiting PAS 9980 results and commencement of works if required.

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

Deficiency: External timber cladding

Update: Awaiting PAS9980 report from developer

SOUTH-WEST – Basildon & Grays

Morello Quarter – Basildon (Job: 67535)

Deficiency: EWS

Enforcement: EN105 – EWS Remediation: Served: 22-03-2021 Expires: September 2022. Extended until 31-12-23.

Premises constructed by Weston Homes. 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)

Deficiency: 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.

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.

Beckett House – Brentwood (Job: 62359)

Deficiency: EWS

Update: EWS remediation to be undertaken by the developer. January 2023 – developer confirmed as Barratts. Awaiting PAS 9980 results to define works required.

SOUTH-EAST - Southend & Rayleigh

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

Deficiency: Cladding on top two floors

In May 2023, Sanctuary's Building Safety Team had 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.

Update – We are due to get an update on the progression at this premises in Q3 and will be considering enforcement if progress hasn't been made at an acceptable rate.

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.

PART TWO – problem premises further identified outside BRR – being managed by the High-Rise Task Force

Kings Tower – Chelmsford

ECFRS was approached by Chelmsford City Council following a request from a resident to take action as they still had flammable cladding and was unable to sell their flat.

The High-Rise Task Force undertook a joint inspection with Housing Officers from the City Council. The fire safety audit raised concerns regarding the Fire and Risk Assessment (FRA), as the FRA didn't consider the External Wall System.

ECFRS will be issuing an Enforcement Notice under Article 9 for the Duty Holder to undertake a Fire Risk Appraisal of the External Walls (FRAEW). The Fire Safety Act 2021 amends the Fire

Safety Order (FSO) to clarify that, in buildings with two or more sets of domestic premises, the FSO applies to these two elements:

- the structure and external walls of the building, including cladding, balconies, and windows; and
- all doors between the domestic premises and the common parts (e.g. entrance doors to individual flats which open on to common parts).

The effect of the Act will be to require fire risk assessments of buildings with two or more sets of domestic premises to be updated to take account of structure, external walls, and doors, as described above, if they have not already done so.

We have issued an Article 27 to confirm that FIRSTPORT GROUP LIMITED ([04352396](#)) are the duty holder, as the management agent contract states FirstPort Property Services Limited ([02061041](#)). However, we are confident that the correct address to serve the enforcement notice is FirstPort Group LTD.

It must be highlighted that Kings Tower was built by Barratt's in 2004 (approx.), and as such Barratt's have signed the Developers Remediation Pledge. Therefore, as Barratt's are not a freeholder or duty holder under the Regulatory Reform (Fire Safety) Order 2005 we are unable to act or issue a remediation order.

The Icon – Basildon

Deficiency: EWS; compartmentation; cavity barriers

The High-Rise Task Force will be undertaking an audit in 4 weeks, we believe we have enough information to enforce as a FRAEW has not been undertaken, but the audit will confirm, along with identifying any further issues with the premises.

The management agent has applied to remediate, however they didn't undertake a FRAEW. Therefore, the application is pending until completion of a FRAEW. This raises concerns to the level of risk posed by the external wall.

Becket House – Brentwood

This HRRB has been identified as having fire safety concerns relating to the EWS. Beckett House is managed by FirstPort Ltd. A request was made to FirstPort Ltd to ascertain reports relating to the EWS. These reports raise concerns with the external wall which would support external fire spread. However, a FRAEW has not been undertaken, even when their FRA recommends one to be undertaken by the 14/05/2023 (breach of Article 8).

An audit is scheduled for Becket House in 4 weeks. Our hope is that FirstPort will have undertaken a FRAEW by the time of our inspection.

Becket House is very similar to Kings Tower, as it was built by Barratt's. Therefore, any remediation would be undertaken under the Developers Remediation Scheme.

Landmark House – Loughton

This HRRB was identified as having an external wall which supported external fire spread following a notification to the High-Rise Task Force by the SDP following a Building Regs application.

A Building Regulations application has been submitted to remediate the timber decking on the balconies, check and install missing fire breaks within the Expanded Polystyrene (EPS).

Further Information on High Rise Task Force priorities

As a priority the High-Rise Task Force will be undertaking a review of fire safety at the below HRRBs in Harlow based on information received, and lack of action being taken, these are:

- **Terminus House.**

PART THREE – Live Enforcement and Prohibition Notices

All premises types

Enforcement Notices

Address	Notice ID	Issue Date	Notice Type	Articles	Status
Vince's Restaurant & Bar 58 Sun Street, Waltham Abbey	165	17/07/2023	Enforcement	9, 14, 15, 17, 21	Live
Sea View Court, Pier Approach, Walton on the Naze	161	11/05/2023	Enforcement	8, 9, 11, 15, 17	Live
The Coach House, 10 Woodward Heights, Grays	159	12/04/2023	Enforcement	15, 21	Live
Block 190-207 Sycamore Field, Harlow	157	03/04/2023	Enforcement	8	Live
Block 154-189 Sycamore Field, Harlow	156	03/04/2023	Enforcement	8	Live
Thorndon Court, Eagle Way, Great Warley, Brentwood	138	21/12/2021	Enforcement	8	Live
University of Essex, University Square, 36 Queens Road, Southend on Sea	133	26/05/2021	Enforcement	8	Live
437 - 843 Morello Quarter, Cherrydown East, Basildon	105	22/03/2021	Enforcement	8	Live

Prohibition Notices*

Address	Notice ID	Issue Date	Notice Type	Articles	Status
Gleen House, Hawkins Road, Colchester	166	04/07/2023	Prohibition	8, 9, 11, 14, 15, 17	In force
Amleen House, Hawkins Road, Colchester	164	26/06/2023	Prohibition	8, 9, 11, 14, 15, 17, 38	In force
Essex Chef, 34 High Street, Aveley, South Ockendon	160	18/04/2023	Prohibition	13, 14, 21	In force
China Town, 2 East Tilbury Road, Stanford le Hope	158	27/03/2023	Prohibition	13, 14	In force
Happy Garden, 45 High Street, Aveley	147	27/09/2022	Prohibition	13, 14	In force
Spice Masala, 171 High Street, Ongar	141	01/06/2022	Prohibition	13, 14	In force
Curry Cottage, 47 High Street, Burnham on Crouch	140	04/05/2022	Prohibition	13, 14	In force
JCOCI, Meppel Avenue, Canvey Island	137	12/07/2021	Prohibition	13, 14	In force
Shuhug, 16 Highbridge Street, Waltham Abbey	98	22/12/2020	Prohibition	13, 14	In force
Marks American Diner, 277 London Road, Westcliff on Sea	89	13/08/2019	Prohibition	13, 14	In force
Abbe Butchers, 55 Duke Street, Chelmsford	88	11/04/2019	Prohibition	13, 14	In force
Island Buffet, 112 Pier Avenue, Clacton on Sea	86	26/07/2018	Prohibition	13, 14	In force
Yard 2 Scotts Yard, Northwick Road, Canvey Island	85	04/07/2018	Prohibition	13, 14	In force
Units 9b & 10, Baldwins Farm, Dennises Lane, Upminster	77, 78	08/03/2016	Prohibition	13, 14	In force
Dixy Fried Chicken, 29 Duke Street, Chelmsford	72	21/10/2015	Prohibition	13, 14	In force
Munchies Kebabs, 161 St Chads Road, Tilbury	67	11/08/2015	Prohibition	13, 14	In force
Colchester Dry Cleaners, 132 High Street, Colchester	65	15/06/2015	Prohibition	13, 14	In force
Unit 11a Fairwinds Farm, Lower Dunton Road, Bulphan	61	11/12/2014	Prohibition	13, 14	In force
Arabian Food Centre, 1 Hawkins Road, Colchester	60	21/10/2014	Prohibition	13, 14	In force
Pizza 45, 49 Duke Street, Chelmsford	59	20/10/2014	Prohibition	13, 14	In force
Jays Convenience Store, 664 London Road, Grays	57	20/08/2014	Prohibition	13, 14	In force
The Carpenters Arms, London Road, Rawreth, Wickford	47	07/07/2011	Prohibition	13, 14	In force
The Royal Oak, Oakhill Road, Stapleford Abbots, Romford	40	01/02/2011	Prohibition	13, 14	In force

* Please note when considering the length of time since a number of the notices were issued - a notice restricts or prohibits use of part of, or all of, a premises. It does not require work to be done.

For example – a notice may prohibit an RP from using the upper floors of a premises. The RP may decide not to use that part of the premises permanently, rather than carry out expensive remedial action, and close that area off from use. The notice will remain in force, but no action is required. Therefore, the notice may remain in force for many years.

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

Uplift 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		

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.