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OVERVIEW & SCRUTINY COMMITTEE

Thursday, 10 November 2022 at 7.00 pm
Conference Room, Civic Centre, Silver
Street, Enfield, EN1 3XA

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Councillors: Margaret Greer (Chair), Bektas Ozer (Vice-Chair), Maria Alexandrou, Nawshad Ali, Elif Erbil, James Hockney, Mohammad Islam, Andy Milne and Michael Rye OBE

Education Statutory Co-optees: 1 vacancy (Church of England diocese representative), vacancy (other faiths/denominations representative), vacancy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor Representative).

Enfield Youth Parliament Co-optees (2)
Support Officer – Marie Lowe (Governance & Scrutiny Officer)

AGENDA – PART 1

1. WELCOME & APOLOGIES

2. MINUTES OF PREVIOUS MEETING (Pages 1 - 6)

To agree the minutes of the Overview and Scrutiny Committee meeting held on 29 September 2022.

3. DECLARATIONS OF INTEREST

Members of the Council are invited to identify any disclosable pecuniary, other pecuniary or non-pecuniary interests relevant to the items on the agenda.

4. GRENFELL TOWER INQUIRY - IMPACT ON ENFIELD AND FIRE SAFETY (Pages 7 - 24)

The report details the impact on the Council of the Grenfell Inquiry around structure and fire safety.

5. SOCIAL HOUSING REGULATION (Pages 25 - 40)

The presentation detailed the regulatory changes arising from the Social Housing (Regulation) which aimed to facilitate a new, proactive approach to

regulating social housing landlords.

6. 2022-23 OVERVIEW AND SCRUTINY WORK PROGRAMME (Pages 41 - 42)

To note the Overview & Scrutiny Work Programme 2022/23.

7. DATES OF FUTURE MEETINGS

To note that the next Overview and Scrutiny Committee business meeting is scheduled to take place at the Civic Centre at 7pm on **Monday, 16 January 2023**.

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**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON THURSDAY, 29 SEPTEMBER 2022****COUNCILLORS**

PRESENT (Chair) Margaret Greer, Maria Alexandrou, Nawshad Ali, Elif Erbil, James Hockney, Mohammad Amirul Islam, Michael Rye OBE and Nia Stevens

ABSENT (Deputy Chair) Bektas Ozer

STATUTORY CO-OPTES: *1 vacancy (Church of England diocese representative), vacancy (other faiths/denominations representative), vacancy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative) - Italics Denotes absence*

OFFICERS: Fay Hammond (Executive Director Resources) and Claire Johnson (Head of Governance and Scrutiny) and Jane Creer (Secretary)

1**WELCOME & APOLOGIES**

The Chair welcomed everyone to the meeting.

Apologies for absence were received from Cllr Bektas Ozer, who was substituted by Cllr Nia Stevens.

Apologies for absence were received from Cllr Ergin Erbil, Deputy Leader of the Council, due to a prior engagement. No other Cabinet representatives were available, but officers were available to answer questions at the meeting, or written questions could be submitted.

Apologies for slight lateness were received from Cllr Elif Erbil and Cllr Mohammed Islam.

2**DECLARATIONS OF INTEREST**

No declarations of interest were received.

3**MINUTES OF PREVIOUS MEETINGS**

NOTED that there were outstanding actions for the Leader of the Council and the Chief Executive (Minute 5). The requested information would be circulated to OSC Members.

ACTION: Fay Hammond / Marie Lowe

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AGREED the minutes of the Overview and Scrutiny Committee meeting held on 23 June 2022 be confirmed as a correct record.

4

ENFIELD COUNCIL CORPORATE COMPLAINTS ANNUAL REPORT 2021-22

The report summarised the findings of the Corporate Complaints Annual Report 2021-22 and focused on the nature of complaints and learning they provided to improve services in the future.

Fay Hammond, Executive Director of Resources, introduced the report and invited questions from the Committee.

Members of the Committee asked the following questions:

Q. The 27 complaints advised as upheld by the Ombudsman were highlighted, but that the report provided little information on these. It was suggested that a narrative paragraph be included in the report as a matter of course, as there was a breakdown for other complaints, but not the 27 upheld. It was requested that the categorisation / detail of the 27 complaints upheld by the Ombudsman be circulated to OSC Members.

A. Fay Hammond advised that the information could be provided by email, and that officers would be able to attend a future meeting if Members had further questions.

ACTION: Fay Hammond / Will Wraxall / Governance Team

A summary of the 27 upheld Ombudsman complaints 2021-22, including the substance of the complaint, and the actions agreed to address them, was circulated to Members.

Q. Members asked what was being done to understand the nature of complaints received, and to deal with more issues preventatively.

A. It was advised that there had been work undertaken to investigate the root cause of waste service complaints and issues, including officers going out with bin collection crews, analysis of data from customers and crews, and customer call centre staff sitting with the waste service officers. Some issues had been identified in relation to agency staff, which had now reduced as more crew were now permanent. From the last data, for August, the number of missed bins was reduced. More data would also be gathered for September. It was most important to prevent issues arising in the first place. In respect of Housing repairs, there had been a restructuring of staff so that customer call team staff were now based in the Edmonton Green housing hub with the housing repairs staff. This had led to improved performance.

Q. Members questioned that the table at para 3.3 of the report did not add up to 100%.

A. It was possible this was a result of combined complaints, or miscellaneous categories, but would be checked and a response provided to OSC Members.

ACTION: Fay Hammond / Will Wraxall / Governance Team

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The figures in the table only included services which received at least 1% of total complaints. The remaining 20% of total complaints consists of a number of services which receive very few complaints individually, but which total between them 11% of complaints. It also included 9% of total complaints which had not been assigned a category correctly – this has been addressed as a control issue with the introduction of Verint, for which a service must be identified within the system when allocating the complaint. The Complaints team apologises for the lack of clarity in the OSC report and will look to address this also within the cover report to General Purposes Committee.

Q. Members asked if extra resources would be needed to deal with volumes of complaints for the future.

A. It was advised that each department now had complaints team officers located with the service staff, and the increased closeness had driven improved performance. Rather than looking to increase resource, the greater focus was on getting things right first time and reducing issues / complaints.

Q. Members asked what quality checks were carried out on MEQs in respect of satisfaction and complaint resolution.

A. It was confirmed that quality check work was done on a regular basis, and that quality dip tests were done.

Q. The Chair asked about annual statutory complaints reports for Adults and Children's Social Care referenced in para 7 of the covering report, and when they would be expected to be received by Scrutiny panels.

A. Fay Hammond would confirm the timelines for these.

ACTION: Fay Hammond / Will Wraxall / Governance Team

Slots at the relevant Scrutiny panels this year will be confirmed.

Q. The Chair asked further to para 17 of the covering report, how success of action plans was being measured.

A. It was confirmed that actions were monitored via the Assurance Board, which was chaired by the Chief Executive.

Performance updates are taken to the Assurance Board on a six-monthly basis. Further, each departmental management team receives a quarterly update.

Q. The Chair asked about final stage complaint volume changes and timescale performance.

A. It was advised that comparison was difficult given the changed approach from 3 stages to 2 stages, but that in the first quarter of this year 88% of complaints were being responded to on time, and the trend was for improvement.

Q. Members raised that MEQs had been closing after a short time.

A. It was confirmed that adjustments had been made to the system so that this would no longer happen, and that MEQs were now open for 20 days.

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There was an opportunity for Members to reject an MEQ response. Eleanor Brown was conducting analysis on reasons for rejection as a learning exercise. The Chair welcomed the adjustments to the system and the ability to copy in other councillors.

Q. Members considered that 8 days was a long time for MEQ responses, particularly for simple queries.

A. It was advised that this aspect had not been looked at, but it would be possible to conduct some analytics on this.

Eleanor Brown would run a report to see how many MEQs were responded to early to ascertain the extent this was happening, and to respond accordingly to the findings.

Members raised a number of comments in relation to waste service issues experienced by their constituents:

Q. Cllr Maria Alexandrou advised that a whole road in her ward, Lytton Avenue, experienced missed bins four weeks in a row.

A. The systems followed by waste collection crews were described, and that if they reported a missed road and reason, a pickup would be arranged later the same day or for the next day. Residents could report missed bins via the website or Council customer contact phone number. Previous project work had found little commonality between what was reported by crews and customer complaints. The case raised would be reviewed and a response provided to Cllr Alexandrou.

ACTION: Eleanor Brown

Cllr Alexandrou's issues have been investigated and findings provided separately.

Q. Cllr Rye advised that constituents in Bicknoller Road experienced several missed bin collections due to access being difficult by the roundabout if cars were also parked there. However, it was a short road and refuse collectors could have walked over and got the bins. He felt common sense should have been applied. He suggested that crews be followed without them being aware they were being monitored to see what was happening in reality.

A. The case raised would be investigated and a response provided to Cllr Rye.

ACTION: Jon Sharkey / Eleanor Brown

Short roads and inaccessibility was a known issue to the project and work was being done with Highways to progress and identify solution options.

Q. Members raised that a common complaint was that the operatives did not return bins to where they were collected from, and that bins were left scattered along pavements and causing obstruction.

A. It was advised that there had been issues noted with inexperienced or temporary operatives. Clarity on the policy on bin placement, what was expected from the customer and from the refuse collector would be

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communicated to OSC Members, and Eleanor Brown would pick up as part of the project.

ACTION: Jon Sharkey / Eleanor Brown

This is an issue which has been picked up as part of the missed bin project and there is work with the service to implement actions to address this. An update can be provided on the causes of this experience and how it will be addressed from December as the project concludes its design phase and prepares for improvement implementations.

Q. Members asked about how the collection rounds were planned, in respect of times, distance covered or numbers of bins.

A. It was advised that algorithm technology was employed.

Q. Members asked about the start times of collections. Residents had complained about early morning noise, and about clashes with school drop off times.

A. It was acknowledged that some crews did like to leave the depot at 04:00am to avoid traffic, and that it would be impossible to cover every single eventuality.

Policy to be made clearer around start times and when earlier collections are necessary, and that the 6am start time advised on the website did not always happen in practice.

Members acknowledged the compliments sent from residents in the report and thought this was important to acknowledge this also.

Fay Hammond was thanked for her attendance and responses.

AGREED that the findings and improvement actions included in the Corporate Complaints Annual Report be noted.

5

SCRUTINY ANNUAL WORK PROGRAMMES 2022/23

The Scrutiny Annual Work Programme report and appendices set out the draft work programmes for Overview and Scrutiny Committee and the seven standing Scrutiny Panels for 2022/23.

The Chair advised that areas of duplications had been identified and highlighted in the work programmes as follows.

Page 36 – Overview and Scrutiny Committee where it is proposed that the relevant panels consider the Annual Safeguarding Report.

Page 37 – Local Plan information on updates and timelines. It is proposed that the Regeneration and Economic Development Panel will lead on this item at a single item meeting the date to be advised, to which all Members of the Overview and Scrutiny Committee will be invited.

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A work programme amendment for Overview and Scrutiny Committee was proposed to change the date for Budget consultation from 12 January 2023 to 16 January 2023.

Any further changes would be made in consultation with the Chair.

Members suggested additional text be added to agendas for clarification to Scrutiny Panels that they should be only considering and asking questions specific to their panel remit in response to combined reports.

AGREED that the Scrutiny Annual Work Programme report and proposed work programmes for the Overview and Scrutiny Committee and the Scrutiny Panels for 2022/23, subject to the above amendments, be recommended to Council for adoption.

6

DATE OF NEXT MEETING

NOTED

1. The next business meeting of Overview and Scrutiny Committee was scheduled on Thursday 10 November 2022 at 7pm at the Civic Centre.
2. A call-in meeting was scheduled on Tuesday 11 October 2022 at 6:30pm at the Civic Centre. Members were asked to confirm their availability, or arrange for a substitute for the meeting.

London Borough of Enfield**Overview and Scrutiny Committee
10th November 2022**

Grenfell Tower Inquiry – Impact on Enfield and Fire Safety**Cabinet Member:** Cllr George Savva**Executive Director:** Joanne Drew, Director of Housing and Regeneration

1. Purpose of Report

1.1 For discussion.

2. Relevance to the Council Plan

2.1 The Council is responsible for managing fire safety in its housing stock and ensuring compliance with regulation which underpins the Council Plan in relation to the following priorities and objectives:

- Good homes in well-connected neighbourhoods
 - Build more and better homes for residents.
 - Invest in and improve Council homes.
- Safe, healthy, and confident communities
 - Deliver essential services to protect and support vulnerable residents.

3. Background**3.1 Grenfell Tower Inquiry**

3.1.1 The Grenfell Tower fire represents the greatest loss of life in a residential fire in a century. Whilst the Metropolitan Police investigation seeks to ensure that justice is provided to the bereaved, the survivors and those affected by the fire, and the Grenfell Tower Inquiry seeks to understand the events of the night of the fire and its causes.

3.1.2 The fire on the 14th June 2017 killed 72 people. The public inquiry was set up by Prime Minister in its immediate aftermath, chaired by retired judge Sir Martin Moore-Bick, with the priority '*to establish the facts of what happened at Grenfell Tower to take the necessary action to prevent a similar tragedy from happening again.*'3.1.3 The Inquiry has investigated a wide range of issues, separated into two phases. Phase 1 has focused on the factual narrative of the events on the night of 14th June 2017. Hearings for Phase 1 began on 21st May 2018 and concluded on 12 December 2018.

- 3.1.4 Phase 1 found that the cladding failed to comply with Schedule 1 of the Building Regulations 2010, in that it did not resist the spread of fire having regard to the height, use and position of the building.
- 3.1.5 The Phase 1 report was also critical of the preparation and response of the London Fire Brigade (LFB) and made several recommendations, including:
- Owners and managers of high-rise residential buildings should have certain legal obligations, incl. providing local emergency services with information about the construction of the external walls of their building and their key fire safety systems; carrying out regular inspections of lifts and fire doors; and providing residents fire safety instructions that they can reasonably be expected to understand.
 - Improvements in the training of all personnel of fire and rescue services, to ensure they know the risk of fire taking hold in such external walls.
 - Improvements in the LFB's policies and training for the control room, to ensure better handling of larger volumes of calls, as well as improving communication between the control room and incident ground.
 - The Government should develop national guidelines for carrying out evacuations of high-rise residential buildings.
- 3.1.6 Phase 2 of the Inquiry opened on the 27th January 2022 and has examined the causes of these events, including how Grenfell Tower came to be in a condition which allowed the fire to spread in the way identified by Phase 1.
- 3.1.7 Phase 2 closing statements are to be heard on the 7th November 2022 with further information to be published after this time.

3.2 Hackitt Review

- 3.2.1 In addition to setting up the public inquiry, the Home Secretary announced an Independent Review of Building Regulations and Fire Safety (led by Dame Judith Hackitt, a respected expert in building safety) to make policy recommendations on the safety of high-rise residential buildings.
- 3.2.2 *Building a Safer Future*, the final report of the Independent Review of Building Regulations and Fire Safety was published on 16 May 2018. The report made over 50 recommendations to change the regulatory system for building and fire safety.
- 3.2.3 The report focused on Higher-Risk Residential Buildings (HRRBs) with 10 or more storeys and included the following recommendations:
- A new regulatory framework.

- A new Joint Competent Authority (JCA) made up of Local Authority Building Standards, fire and rescue authorities and the Health and Safety Executive to direct safety risk management
- A mandatory incident reporting mechanism for dutyholders.
- A single regulatory route to manage building standards, provided through Local Authority Building Standards, with Approved Inspectors to develop local authority skills.
- An identifiable dutyholder responsible for safety of the whole building, working with residents to ensure fire safety
- A more effective testing regime for construction products with clearer labelling and traceability
- A digital record for new HRRBs covering design to construction phases and any changes during occupation.

3.2.4 The Government responded to the recommendations in *Building a Safer Future: An Implementation Plan* in December 2018, setting out plans to 'deliver fundamental reform to the system that will ensure that residents are safe, and feel safe, in their homes'.

3.2.5 The plan sets out the programme of work that the Government is delivering to reform the system to ensure that residents are safe, and feel safe, in their homes. The national Building Safety Programme has four main elements:

- Identifying building safety risks similar to those arising from the Grenfell Tower fire, specifically identifying all residential buildings over 18 metres in height with unsafe Asbestos Containing Material (ACM) cladding.
- Ensuring the safety of the residents of the identified ACM-clad buildings through immediate mitigation measures and longer-term remediation and taking action to address buildings with other risks.
- Diagnosing problems in the building safety system and identifying solutions. This was carried out by the Review.
- Reforming the building safety system for the future. The implementation plan sets out how the Government will achieve this.

3.3 Building and Fire Safety

3.3.1 The fire at Grenfell Tower was the catalyst for change in how we manage our residential buildings and as a result, building safety should be a top priority for the Council, with the Building Safety Act 2022, legal and regulatory requirements are clearly defined.

3.3.2 Whilst the Council has made progress in readiness for the Act, there is still work to be done given the nature of this fundamental review including in redefining roles and responsibilities, strengthening the approach to data management, embedding a positive safety culture, and ensuring residents are at the forefront of decision making.

3.3.3 The Fire Safety (England) Regulations will come into force in January 2023 and amend the Regulatory Reform (Fire Safety) Order 2005 to implement key recommendations from the Grenfell Tower Phase 1 Public Inquiry. Changes introduced need to be incorporated within the Council's approach to fire safety management.

3.4 Building Safety Act 2022

3.4.1 The new Building Safety Act 2022 becomes law in 2023. It is one of several pieces of legislation and guidance being implemented by the Government to enhance building safety, incl. the Fire Safety Act 2021.

3.4.2 The new legislation focuses on the following key areas:

- The safety and standards of all buildings.
- Assuring the safety of higher-risk buildings, both in construction and occupation.
- Improving the competence of the people responsible for overseeing, managing, and delivering works to higher risk buildings.
- Ensuring clearer standards and guidance.
- Putting residents at the heart of a new system of building safety.

3.4.3 The requirements set out in the Act will affect building owners / managers and the built environment industry. This includes those who commission building work and who participate in the design and construction process, including clients, designers, and contractors.

3.5 Fire Safety Act 2021

3.5.1 The Fire Safety Act 2021, which only applies in England and Wales, revises the Regulatory Reform (Fire Safety) Order 2005 (RRO), and clarifies responsibility for managing and reducing fire risk in multi-occupied residential buildings.

3.5.2 The onus to ensure updated guidance is followed, is firmly placed on the 'Responsible Person'. A responsible person may include building owners, leaseholders, or managers.

3.5.3 Of key importance is the amendment to the RRO, making it clear the legislation will apply to the structure and external walls and any common parts (as well as all doors between the domestic premises and common parts) of any building containing two or more sets of domestic premises.

3.5.4 The reference to external wall includes doors and windows in those walls as well as anything attached to the exterior of the walls, including cladding and balconies. The consequences of being unsure of compliance responsibilities can be severe yet some organisations remain uncertain of their responsibilities that legislation, including the Fire Safety Act 2021 places upon them.

4 Main Considerations for the Panel

4.1 Building Safety Act 2022

Key Requirements

4.1.1 The Act aims to make people be safer, and to feel safer in their homes and introduces:

- A new regulator for building safety: the Building Safety Regulator (BSR), which has responsibility for:
 - Overseeing a new regime for higher-risk buildings and improvements in all buildings.
 - Driving industry culture change.
 - Maintaining national oversight of construction products.
- A new regime for the design and construction of higher-risk buildings, including the introduction of stop/start gateways at key points in the design and construction of higher risk buildings to ensure they are designed and built safely.
- Duties to prevent building safety risks happening in occupied higher-risk residential buildings, with building safety risk defined as 'spread of fire and/or structural failure.'

4.1.2 For occupied buildings which contain two or more residential dwellings, and are seven stories or more and/or over 18 metres height, the following must be in place:

- The building must be registered with the Building Safety Regulator (between April and October 2023), and a Building Assessment Certificate obtained.
- A Resident Engagement Strategy must be produced.
- A Safety Case which demonstrates that the building is safe, and this must be summarised into a Safety Case Report and submitted to the Building Safety Regulator for approval.

4.1.3 The Building Safety Act has also amended the Regulatory Reform (Fire Safety) Order 2005, strengthening the requirements for all buildings for how Fire Risk Assessments (FRAs) are undertaken and recorded and for how general fire safety measures are managed.

Role of Accountable Person (AP)

4.1.4 The Accountable Person (AP) is a new dutyholder role that has been introduced by the Building Safety Act, and they are responsible for ensuring that all the applicable requirements of the Act are complied with when higher-risk residential buildings are occupied.

4.1.5 The AP will usually be an organisation or business but may also be an individual. Some buildings may have more than one AP, in which case

the AP responsible for the structure and exterior of the building will be the Principal Accountable Person (PAP).

- 4.1.6 If a building has a single AP, that entity or person is the PAP. APs must take all reasonable steps to prevent building safety risks happening within their building; building safety risks are defined as 'spread of fire and/or structural failure.' If an incident does happen, the AP must have taken all reasonable steps to reduce its' seriousness.
- 4.1.7 In addition to these AP duties, the PAP must register existing buildings with the Building Safety Regulator and register all new buildings before occupation. They must also prepare a Safety Case for the building and summarise this in a Safety Case Report. The report must be submitted to the Building Safety Regulator, and the AP must also apply to the Regulator for a Building Assessment Certificate.

Building Safety (Assessment) Certificate

- 4.1.8 A Building Assessment Certificate is a document that will be issued by the BSR for occupied higher-risk residential buildings if they are satisfied that the building is safe to occupy. The BSR will have to be satisfied that the AP is managing the building's risks, meeting the specific statutory requirements set out in the Act and keeping people safe.
- 4.1.9 The AP will be required to register the building with the BSR who will issue a notification directing the PAP to apply for the Building Assessment Certificate and the application must be made within 28 days. The application will comprise of a suite of documents that must show how the Aps are managing their building safety risks and keeping residents safe.
- 4.1.10 The BSR will start to issue notifications from April 2023 and anticipate that it will take up to five years to complete the process for initial registration of the estimated 12,500 existing buildings that are within scope of the requirements, alongside any new buildings that come into scope in the same period. They will direct applications on a risk basis.
- 4.1.11 Failing to apply for a certificate when directed to do so will be an offence, which may be punishable with an unlimited fine or imprisonment up to 12 months, or both; and on conviction of indictment can face a fine, imprisonment for up to 2 years, or both.

The Golden Thread

- 4.1.12 One of the defining elements of the Act is the 'golden thread' of information, which will act as a digital and easily accessible audit trail throughout the lifecycle of a building. This improved level of information sharing aims to ensure those responsible for a building project will have reliable, accurate and up-to-date information in a digital format.

- 4.1.13 The implementation of the golden thread requires individuals and organisations responsible for managing buildings to have reliable information management systems in place, as well as a clear understanding of how information management can support building safety in the future.

Building Safety Case

- 4.1.14 The AP will need to prepare a Safety Case Report demonstrating how they are meeting this ongoing duty, submit it to the BSR, and keep it up to date. The BSR will review the Safety Case Report and will either approve it or enter dialogue with the AP if they do not feel it demonstrates that the ongoing duty is met.
- 4.1.15 Safety case reports should show that APs have assessed all building safety risks and taken all reasonable steps to control them. APs are required to give the safety case report to the BSR on request – the BSR will examine it during their consideration of whether to issue a Building Assessment Certificate.

Building Safety Manager (BSM)

- 4.1.16 The Building Safety Bill originally set out the need for a Building Safety Manager (BMS) to be appointed, however, amendments made in March 2022 resulted in this requirement being removed. Instead, the AP is responsible for determining the 'most appropriate arrangements' for their buildings and residents.
- 4.1.17 Whilst the role of the BSM is no longer a legal requirement under the Act, the AP will still need to ensure they meet their obligations under the Act (i.e., safety cases, day-to-day management of high-rise-blocks, resident engagement, oversight of quality of works etc).
- 4.1.18 The Council as a landlord / building owner has flexibility as to how these functions are carried out, however, the requirements of the Act still need to be considered, alongside required levels of capacity, skills and competencies and implement an appropriate structure to deliver.

Gateway Phases

- 4.1.19 A key part of the regulatory framework for HRRB's introduced under the Act is the scrutiny by the BSR prior to commencement of construction and completion through the new Gateway regime.
- 4.1.20 The BSR is responsible for building control of HRRB's. This is to be achieved through a three-stage Gateway approval system which is intended to ensure that consideration is given to building safety risks at each stage of the design, construction, completion, and occupation of a higher-risk building.
- 4.1.21 There are three stages to the new Gateway regime:

- Gateway 1 - the planning stage. Applicants will need to demonstrate that fire safety matters have been considered.
- Gateway 2 –There will be a hard stop on construction which cannot begin unless the Regulator has approved the application.
- Gateway 3 – at completion of construction. There will be a hard-stop on occupation to allow the Regulator to carry out final inspections and issue a Completion Certificate.

Building Safety Regulator (BSR)

4.1.22 The BSR has been established in the Health and Safety Executive (HSE). The BSR will regulate high-rise buildings and implement / oversee the regulatory framework for all residential buildings during the planning, design, construction, and occupancy phase of a building's life.

4.1.23 The BSR has three main functions:

- Implementing, overseeing, and enforcing the regulatory regime for high-rise buildings as the building control authority.
- Overseeing the safety and standards of all buildings by overseeing the performance of building control bodies across the public and private sectors and advising on existing and emerging building standards and safety risks.
- Encouraging the built environment industry and building control professionals to improve their competence by publishing advice and guidance and driving up standards.

National Residents Panel

4.1.24 The Building Safety Act 2022 requires the BSR to set up a panel to help the regulator with its work and to help shape policy and guidance. The HSE is in the process of establishing a new Residents' Panel and is in the process of recruiting up to 20 individuals from different locations, housing types and demographics.

4.1.25 The panel will have a key role in helping to decide how the building safety regime will work in the future and demonstrates a commitment to ensuring the voice of residents is heard during development and implementation.

Lessons From Early Adopters

4.1.26 A group of early adopters comprising of local authorities (Manchester, Birmingham, Wandsworth, and Camden), private sector organisations (Willmott Dixon, Kier etc) and housing associations (L&Q, Salix Homes etc) have shared the following lessons learnt:

- Whilst the role of Building Safety Manager (BSM) is no longer a legal requirement, it was still helpful to recruit to help develop their

organisation's competence to manage building safety and provide expertise to APs.

- Systemic (culture) change is needed within the sector to improve building safety, starting with policy, management plans and detailed procedures.
- Risk management is essential to ensure building safety and will require landlords to know their HRRBs and residents.
- Implement BS9997 and adopt the HACT UK data standards, which are a set of data standards that will help achieve ISO 19650 Building Information Modelling (BIM) accreditation.

4.2 Fire Safety Act 2021

Responsible Person (RP)

- 4.2.1 In residential properties, you are the Responsible Person (RP) if you own the building (only concerning the non-domestic parts), or you have control over the premises. The Fire Safety Act affects multi-occupied, residential buildings – premises that consist of anything other than a single dwelling.
- 4.2.2 The Responsible Person, either on their own or with any other Responsible Person, needs to examine and renew the risk assessment processes. They must guarantee a Fire Risk Assessment (FRA) is completed (including the structure and the external walls as well as door, window, and attachments such as cladding, insulation and balconies). Action must be taken to remove or negate the risks identified.

Fire Risk Assessments (FRAs)

- 4.2.3 The Council has a legal duty to ensure that all the correct steps to prevent fire in their properties are taken, and in the event of a fire, provide clear warning and a safe means of escape. As a landlord, the Council should ensure that regular Fire Risk Assessments (FRAs) are carried out on properties to assess and remove potential fire risk and hazards.

Compartmentation Surveys

- 4.2.4 Compartmentation is the process of sub-dividing buildings to prevent the rapid spread of smoke and fire. Detailed Compartmentation Surveys i.e., assessments of how well a dwelling can protect important escape routes and high-value areas, through sampling and locating potential fire dampers.
- 4.2.5 Compartmentation Surveys are often overlooked due to high-risk areas often being hidden above false ceilings, ducts, and risers, but can be one of the most effective methods of keeping a building and its occupants safe in the instance of a fire. Surveys should always be conducted by a registered Fire Safety Advisor.

Fire Door Checks

- 4.2.6 The Grenfell Tower Phase 1 Inquiry included a requirement to carry out checks of communal and flat entrance fire doors in residential buildings. Implementing the recommendations required a change in the law, and the Fire Safety (England) Regulations 2022 will implement this.
- 4.2.7 With the regulations coming into force on the 23rd January 2023, responsible persons must undertake quarterly checks on all communal fire doors and annual checks on flat entrance doors in multi-occupied residential buildings over 11 metres in height.

Combustible Materials Ban

- 4.2.8 Responding to the Hackitt review report, Chairman of the Local Government Association (LGA) Lord Porter had expressed disappointment that '*Dame Judith has stopped short of recommending a ban on combustible materials*'.
- 4.2.9 In the context of this and similar criticism from other stakeholders, the Government consulted on a potential ban. In December 2018, it introduced regulations preventing the use of combustible materials on the external walls of new high-rise homes over 18 metres, and other buildings including new hospitals and residential care premises.

Consequences of Non-Compliance

- 4.2.10 Non-compliance with building fire regulations has been a criminal offence for a long time. However, it has been challenging to hold certain individuals accountable in the past.
- 4.2.11 The Fire Safety Act aims to make it easier for Fire Authorities to pinpoint negligence and enforce action where necessary. Some of the criminal sanctions included in the Act involve unlimited fines and considerable jail terms, depending on the crime committed.

4.3 Enfield Council

Strategic Approach

- 4.3.1 The Council has an awareness and understanding of the Building Safety Act 2022 and changes to Regulatory Reform (Fire Safety) Order. We know which of our assets are within scope and have currently committed capital investment to address building safety to 19 HRRBs
- 4.3.2 There is an existing policy in place for managing property compliance both from a corporate landlord and housing perspective. This is supported by a positive culture of genuine collaborative working across teams throughout the Council.
- 4.3.3 Key priorities for the Council include:

- Ongoing development of our understanding as to what the new regime means for how services are delivered and aligned.
- Reviewing governance arrangements to ensure a positive assurance-based safety culture & manage future building safety obligations.
- Further development of our strategy for managing property compliance to transition into delivering the new requirements.
- Development and configuration of Apex Asset Management System.

Current Compliance

- 4.3.4 Officers understand the Council's and their own obligations and continues to provide information and data to evidence performance. A Fire Risk Assessment (FRA) programme in place with actions identified by qualified Fire Risk Assessors (in-house), with a cyclical maintenance programme & inspection/ testing regime in place.
- 4.3.5 Assurance that the Council does not have any high-risk cladding has previously been provided to committee, as ongoing external wall system reviews continue. Compliance across all 'big six' areas (asbestos, fire, electric, gas, water & lifts) is reported via Council Executive Team and Assurance Board. They will now feature in the Cabinet KPI reporting schedule.
- 4.3.6 The management of FRA actions across teams is currently being reviewed by the Acting Director of Investment & Resident Safety to provide additional assurance and validate data, within scope of the ongoing development of Apex (the Council's asset management system).
- 4.3.7 Key priorities for the Council include:
- Developing assurance-based reporting to manage property compliance at service, EMT and Cabinet level.
 - Ensuring all mandatory actions identified within FRAs have been completed, signed off and recorded / fully evidenced.
 - Delivery of Premises Information Boxes (PIB) project, with strengthening of relationship with London Fire & Rescue Service.

Competency & Capacity

- 4.3.8 Resource issues and challenges in retaining expertise / capacity within the Building Safety Team has impacted on ability to deliver, with changes in key staff continuing. A new Head of Building Safety has recently been appointed and is due to join the Council in the New Year.
- 4.3.9 A strong procurement approach is in place, with focus on gateway process in place to evidence contractor competencies. External fire /

building safety specialist support (i.e., Ventro) is utilised to inform approach and develop strategies, programmes of work etc.

4.3.10 Key priorities for the Council include:

- Development of a plan to ensure AP/RP duties & responsibilities are allocated, ensuring building safety risks identified and managed.
- Review of staffing structure to be carried out considering roles, responsibilities, competencies, and skills to ensure future obligations can be met.

Evidencing Building Safety

4.3.11 Risk assessments of HRRBs have been carried out and complemented by FRAs, resulting in development of investment works programmes.

4.3.12 The Council is aware of its obligations in respect to 'Golden Thread' of information. A mixture of records and information is currently available, however, whilst held in different formats additional data cleansing and validation work by officers is continuing to be carried out.

4.3.13 Key priorities for the Council include:

- Development of IT systems and processes to identify & manage key risks within HRRBs to demonstrate compliance and report at a block level to elected members, residents, regulators, and other stakeholders.
- Obtaining and managing good quality and comprehensive records on the design, construction, repair, and maintenance of HRRBs (incl. production of Safety Case Reports).

Resident Engagement

4.4.14 The Council has an existing engagement framework in place, with positive examples of where residents have been engaged in shaping and challenging the delivery of services. A dedicated team of officers continue to support this framework and work closely with a wide range of residents (tenants, leaseholders, owner occupiers).

4.4.15 A proactive approach to meeting Section 20 obligations exists with dedicated support available within the Council to co-ordinate the process of leaseholder engagement in compliance with legislation.

4.4.16 Whilst the Council promotes access to building safety information, communicates with residents on major works programmes and proactively raises awareness of fire safety, it is accepted that there is always more that can be done to enable residents to play an active role.

4.4.17 Key priorities for the Council include:

- Developing a specific building safety engagement strategy and plan to co-ordinate and focus interventions, linked to the building safety programme and projects.

- Reviewing current approach to gaining access and consistently obtaining financial contributions to ensure building safety works can be carried out.
- Working on building a trust-based relationship with residents (tenants and leaseholders) through delivery of the engagement strategy with elected members and officers.

Emergency procedures

- 4.3.8 Enfield's high rise residential buildings (HRRB) all operate a stay put policy in the event of fire. Residents are informed of this and signage is in place in all buildings as a reminder.
- 4.3.9 The Council is currently updating signage to ensure it is compliant with requirements and are working towards meeting our obligation to have premises information boxes located at each HRRB.
- 4.3.10 In the event of a situation, which requires a partial or full evacuation of a building, the Emergency Services will manage the live emergency until resolved. After this time the Councils Housing Management Team will triage residents and find accommodation where necessary.
- 4.3.11 Enfield and LFB hold a partnership meeting each month where information on properties, major works, incidents etc. are discussed and any necessary support etc. is arranged.

5. Conclusions

- 5.1 Whilst progress has been made in preparing for the implementation of both the Building Safety Act and Fire Safety Act, there remains a significant amount of work to be done. Ongoing investment in capacity and competencies across the Council and via the Building Safety Team remain essential to ensure full compliance with regulations. A focus on existing landlord compliance performance, specifically fire safety, also needs to continue to be managed and monitored closely to provide assurance.
- 5.2 The next few months are critical for the Council in ensuring that all necessary policies, processes, structures, and technology are in place to support both the strategic and operational changes needed as we move forward into a new regulatory regime. The development of a new Engagement Strategy for building and fire safety will ensure not only compliance with legislation, but more importantly a commitment to resident engagement.

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paul.odonnell@enfield.gov.uk

Date of report: 31 October 2022

Appendices

Appendix A: Guardian Newspaper – ‘Merry-go-round of buck passing’

Appendix B: Extracts from recent Building Safety briefing (5th October 2022)

Background Papers

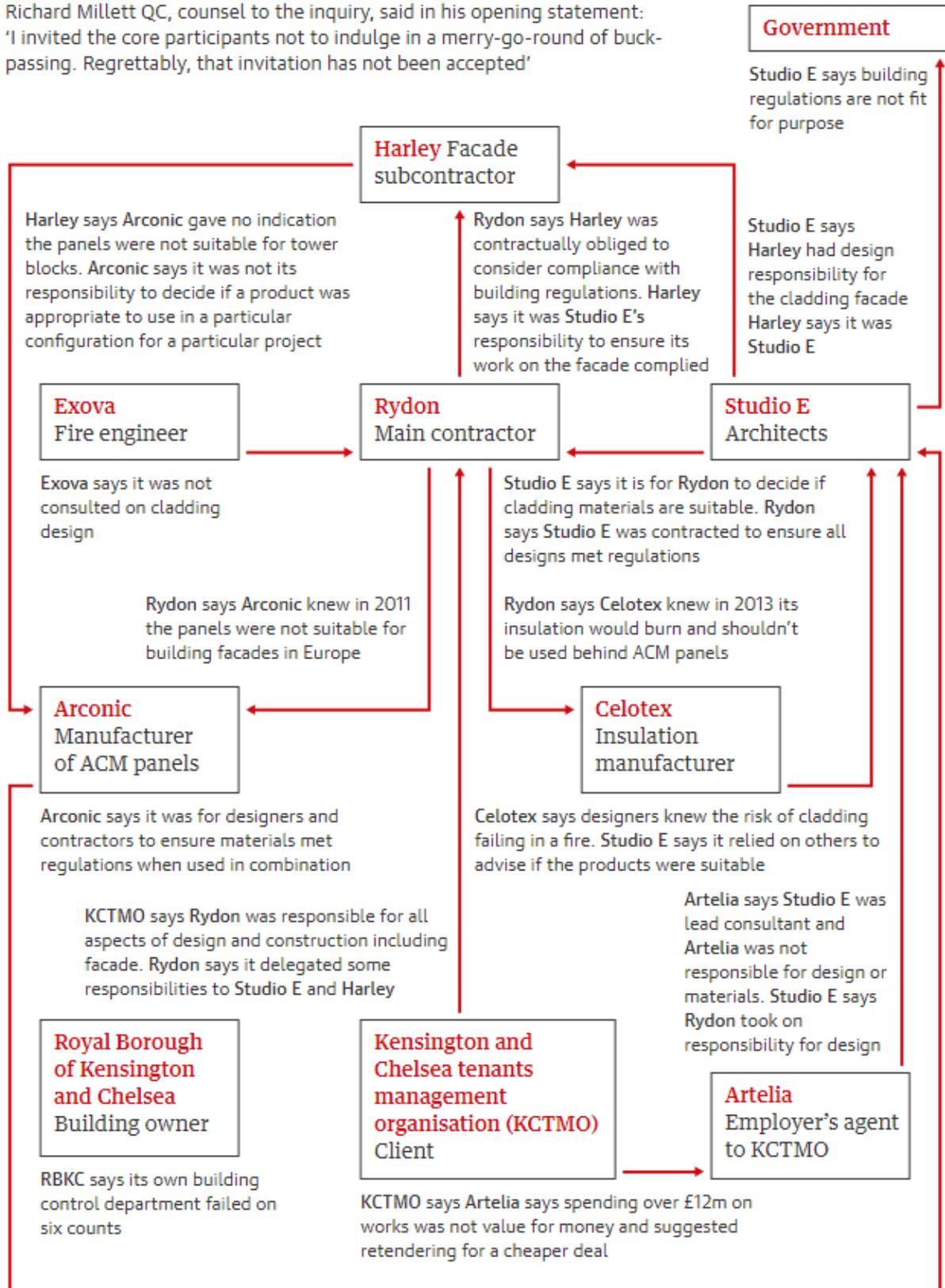
The following documents have been relied on in the preparation of this report:

1. Hackitt J: *Independent Review of Building Regulations and Fire Safety: Final Report*, HMSO 2018
2. Porter G: *Hackitt Review: LGA responds to final report*, LGA 2018
3. Brokenshire J: Ministry of Housing, Communities and Local Government (MHCLG) *Government bans combustible materials on high-rise homes*, UK Government 2018
4. Ministry of Housing, Communities and Local Government (MHCLG), *Building a safer future: an implementation plan*, HMSO 2018

Appendix A

The 'merry-go-round of buck-passing'

Richard Millett QC, counsel to the inquiry, said in his opening statement: 'I invited the core participants not to indulge in a merry-go-round of buck-passing. Regrettably, that invitation has not been accepted'



Guardian graphic

Building Safety Act 2022

Key Headlines

<p>1</p> <p>Applies to new or existing occupied buildings over 18 metres high or seven storeys or more, which contain at least two residential units. The design, refurbishment and construction requirements also apply to care homes and hospitals meeting the same height threshold</p>	<p>2</p> <p>Creates a universal change in responsibility and culture within the building industry</p>	<p>3</p> <p>Establishes a more effective regulatory and responsibility framework for the construction industry and introduces clearer standards and guidance</p>	<p>4</p> <p>Puts residents at the heart of a new system of Building Safety</p>	<p>5</p> <p>Establishes a more effective regulatory and responsibility framework for the construction industry and introduces clearer standards and guidance</p>
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Building Safety Act 2022

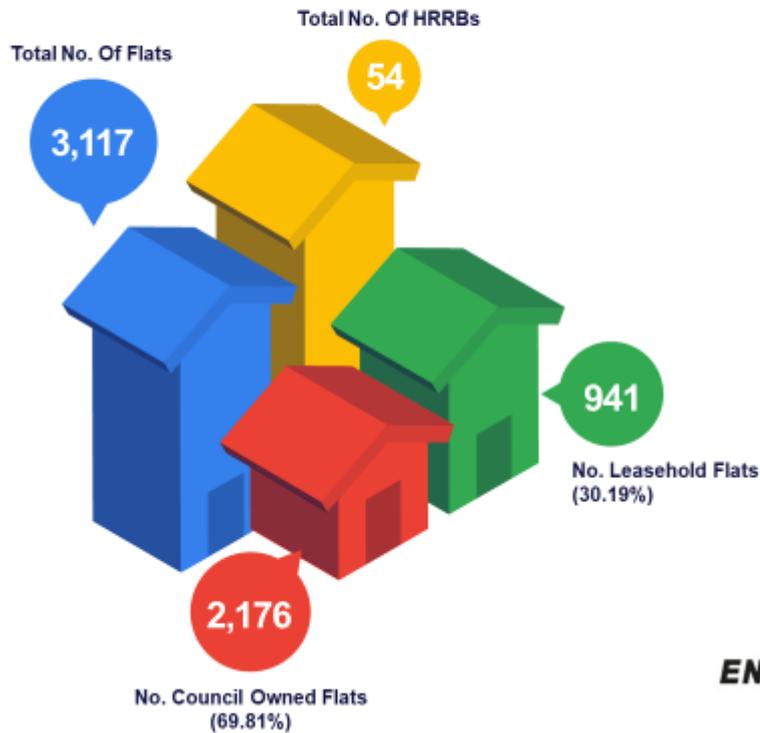
Key Dates & Timescales

<p>2022</p>	<p>By Apr 2023</p>	<p>By Oct 2023</p>	<p>April 2024</p>
<p>Building Safety Act 2022</p> <p>Royal Assent on 28 April 2022</p> <p>Fire Safety Regs 2022</p> <p>Come into force on 23 January 2023</p> <p>Defective Premises Act 1972</p> <p>Limitation period amendments came into force on 28 June 2022</p> <p>Construction Products (Amendment) Regs 2022</p> <p>Came into force on 20 July 2022</p>	<p>Building Safety Act 2022</p> <ul style="list-style-type: none"> • Building Safety Act amendments to Regulatory Reform (Fire Safety) Order – Places duties on Accountable Person (AP) responsible for ensuring building safety & Responsible Person (RP) who has control of premises • Registration of existing buildings is expected to begin from April 2023 	<p>Building Safety Act 2022</p> <ul style="list-style-type: none"> • Accountable Person to manage building safety risks & in relation to residents • Mandatory registration of occupied high rise residential buildings • Mandatory occurrence reporting begins (design, construction & occupation) - tbc • Gateways 2 & 3 for new builds into force • Golden thread of information 	<p>Building Safety Act 2022</p> <ul style="list-style-type: none"> • Building Assessment Certificate process expected to begin from April 2024 (national register of high-rise residential buildings, certification application incl. Safety Case Report, Mandatory Occurring Reporting System & Resident Engagement Strategy) – BSR will periodical reassess at least every 5 years)



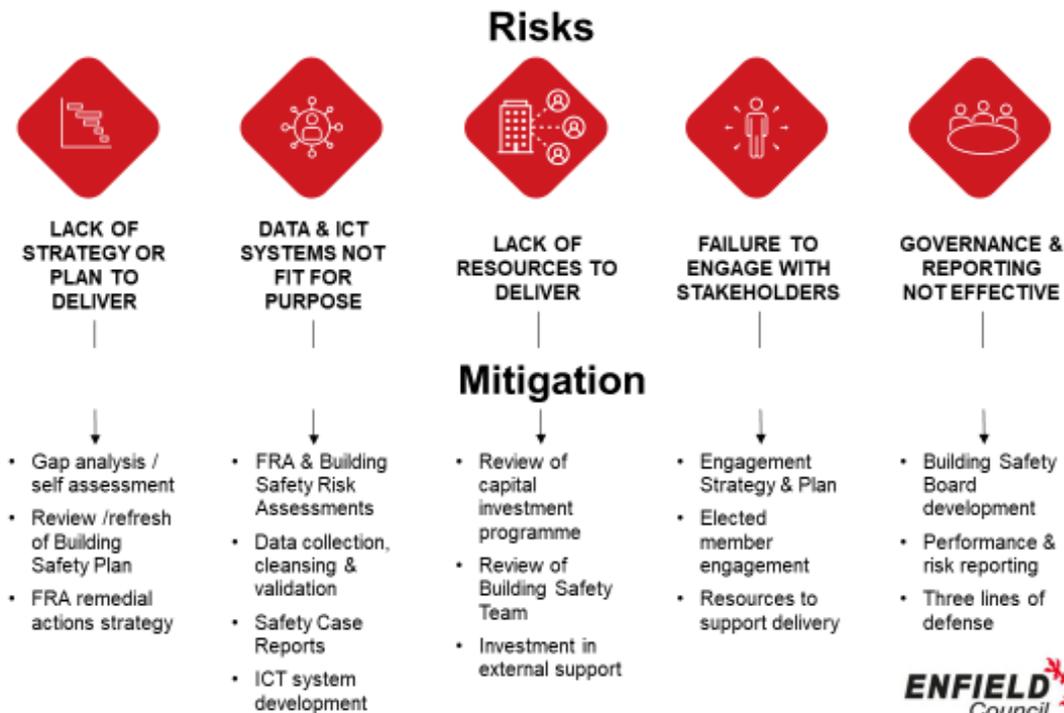
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High Rise Residential Buildings (HRRBs)



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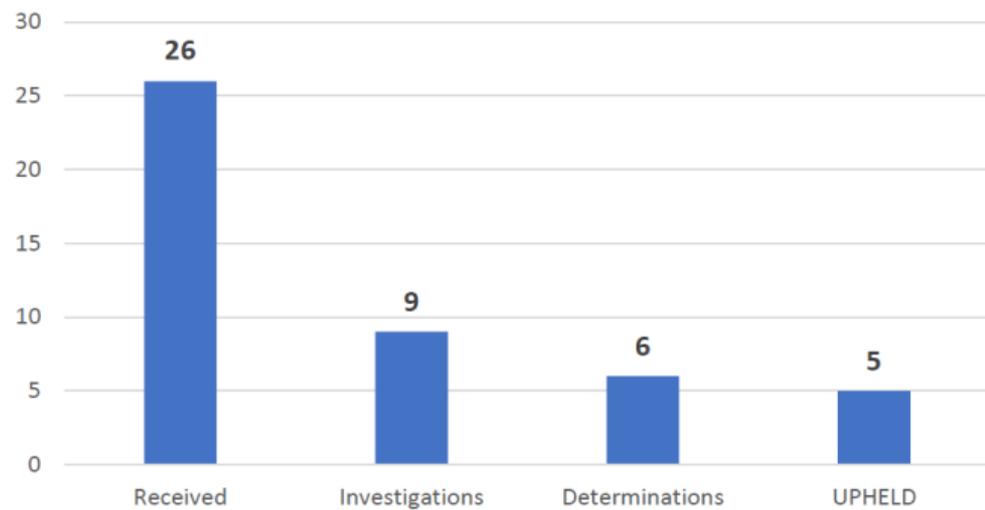
Risks & Mitigation

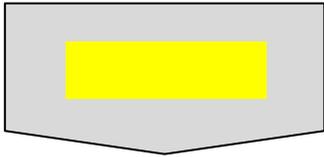
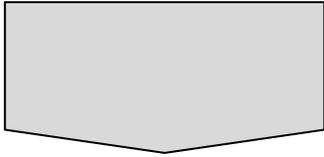


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HOS Complaint Volumes - 21/22





2022- 2023 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

Date of meeting	Topic	Lead Officer	Lead Members	Executive Director/Director	Reason for proposal	Other Committee/ Cabinet/Council approvals?
23 July 2022	Work Planning					
29 September 2022	Scrutiny Annual Work Programmes 2022/23	Marie Lowe	Cllr Greer	Terry Osborne	The Committee will note and agree the work programmes for the scrutiny panels for approval at Council	Cabinet 14 th Sept Council 12 th Oct
	MEQ and Complaints -	Eleanor Brown	Cllr Ergin Erbil	Fay Hammond	Update to members following implementation of the new MEQ system	
10 November 2022	Regulatory Changes to Local Government	Joanne Drew	Leader of the Council – Cllr Nesil Caliskan	Joanne Drew Tony Theodoulou/ Director of Health and Adult Social Care	Priority presented to the panel and agreed to be on the work programme.	
	Grenfell Tower Inquiry to review the impact on Enfield's structures and fire safety.	Joanne Drew	Cllr Savva	Sarah Cary	The Panel felt this was a priority following the Grenfell review	
16 January 2023	Budget consultation for members of the Committee	James Newman	Cllr Leaver	Fay Hammond	Item goes to OSC as part of the formal Budget process.	Cabinet 18 th Jan Council 23 rd Feb
9 February 2023	Equalities with a focus on reduction of	Harriet Potemkin/Lucy	Cllr Ergin Erbil	Ian Davis	This was set out as a priority for 2022/23	

	inequalities across the borough	Nasby				
	Impact on the cost of living on residents in Enfield	Sue Nelson	Cllr Leaver	Fay Hammond	One of the priorities presented by the Leader for 2022/23.	
9 March 2023	Review of Leisure Provision in the borough	tbc	Cllr Anyanwu	Sarah Cary	This was requested by the Committee	
	Fly Tipping with an overview and update on statistics and improvements	Doug Wilkinson	Cllr Jewell	Sarah Cary	This is a priority area presented by the Cabinet member.	
9 April 2023	Merger of five NHS Clinical Commissioning Groups (CCGs)	Dudu Sher-Arami	Cllr Cazimoglu	Tony Theodoulou	One of the Leader's priorities for 2022/23.	
	Meridian Water update	Peter George	Cllr Caliskan	Sarah Cary/ Peter George		

Note:

Provisional call-in dates: 29 September 2022, 27 October 2022, 24 November 2022, 8 December 2022, 31 January 2023, 22 February 2023, 30 March 2023. Used for pe-decision scrutiny and call-ins.