

# FIRE & SAFETY BULLETIN

dpmaree  
health+safety

www.dpmaree.com

ISSUE 2 : Summer 2019

## MHCLG DRAFTS BILL TO ENACT POST-GRENFELL HACKITT REFORMS

The Ministry of Housing, Communities and Local Government (MHCLG) is expected to publish a draft bill implementing the key legal changes required under the post-Grenfell Hackitt reforms before the second anniversary of the fire tragedy.

In response, the industry plans to create a new “competency” framework for all professionals involved in higher risk residential buildings (HRRBs).

The legislation is expected to create a new regulatory body for HRRBs, potentially also covering other building types. It would also create new dutyholders with specific fire safety duties in law – changes that

are likely to be modelled on the Construction (Design & Management) Regulations 2015.



One new dutyholder would be the role of building safety manager, entailing responsibilities over the lifetime of an HRRB. This role could be carried out by an individual or a company.

Other legal changes in the draft bill would be requirement to submit “safety cases” for HRRBs to the new regulator, which would also establish mandatory “gateways” that projects would need to pass.

The legislation could give the regulator increased enforcement powers, although making court sanctions more severe would fall

within the scope of the Sentencing Council. The draft legislation is being developed by a team of 180 civil servants in the MHCLG’s Building Safety Group, a figure that was contrasted with the diminishing presence of fire safety experts in government in the years before Grenfell. At the time the falling number of fires was a “good new story”.

### What are HRRB?

It is estimated that there are between 2,000 - 3,000 **higher rise residential buildings (HRRB)** in England. These are classified as high-rise residential properties which are 10 storeys high or more.

## HOSPITAL ASBESTOS FINE

Shrewsbury and Telford Hospital NHS Trust has been fined £16,000 after refurbishment work in an accommodation block at the Royal Shrewsbury Hospital exposed employees and contractor to asbestos. The trust pleaded guilty of two breaches of the Control of Asbestos Regulations 2012; the Health & Safety Executive found the overall asbestos management plan was not effectively communicated to those working on site. These include construction operatives and maintenance staff working in the area.



**ALSO IN THIS ISSUE:** Poor management of scaffolding around block of flats • Fire door access during our inspections • Calls for tougher fire safety laws • Electrical company fined after lady crushed to death • Residents shouldn't pay for cladding removal

## POOR MANAGEMENT OF SCAFFOLDING AROUND BLOCK OF FLATS

Cardiff Magistrates' Court heard how, on 6 May 2017, two boys could climb the rungs of a ladder within scaffolding erected by Westdale Services Limited at Southville Flats, St David's Road, Cwmbran, by placing their feet either side of a ladder guard that did not cover the rungs of the ladder. One boy climbed to the top platform of the scaffold and climbed the uppermost ladder to a height of approximately 10 metres. The ladder slipped, causing the boy to lose his balance and fall to the ground, causing life-changing injuries requiring multiple operations. The boy now has no bladder or bowel control and is only able to walk short distances.

An investigation by the Health and Safety Executive (HSE) found the security arrangements for preventing access to the scaffolding, especially by children from a nearby school, were inadequate.

Westdale Services Limited of Doncaster Road, Askern, Doncaster pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and has been fined £160,000 and ordered to pay £22,310 in costs.

Speaking after the hearing, HSE inspector Michael Batt commented: "The death or injury of a child is particularly tragic and a lot of thought must go into securing construction sites. Children do not perceive danger as adults do."

"This incident could have been prevented by removal of the ladder completely or installing an appropriately sized ladder guard to cover the full width of the rungs."

### FIRE DOOR ACCESS DURING OUR INSPECTIONS

We would like to start accessing flat fire doors during our inspections. We will need to undertake this process in association with your property managers or residents. We need two things to happen for this to work:

1. A letter or notification given to your Directors or residents to let them know we will be visiting and
2. For DP Maree Ltd to give you a time slot for the property visit in advance.

During our report writing process, we can highlight what doors we have seen and ideally give an overview

of what the levels of protection are in place or are required. This is in no way a formal review of the fire doors but aids our understanding of the standards of compartmentation along the common areas.



## CALLS FOR TOUGHER FIRE SAFETY LAWS

Deputy Mayor for Fire and Resilience in London, Fiona Twycross, and the London Fire Commissioner, Dany Cotton, are calling on the Government to tighten up building regulations.

In a letter to the Communities Secretary, James Brokenshire, they call on the Government to:

- ▶ Ensure new fire safety regulations cover a wider range of buildings than what is currently proposed;
- ▶ Make installation of sprinklers mandatory in new residential buildings and any building where vulnerable people may be at risk; and
- ▶ Address the shortage of skilled fire engineers, which is currently limiting essential preventative work.

## ELECTRICAL COMPANY FINED AFTER LADY CRUSHED TO DEATH

**An electrical company has been fined after a woman was fatally crushed by a roller shutter door.**

Peterborough Magistrates' Court heard how on 14 August 2016 Heidi Chalkley pressed the button to open the roller-shutter door at Ruth Bagnall Court, Cambridge. She then held onto the grille as it raised and became trapped as it wound around the roller, fatally crushing her body.

An investigation by the Health and Safety Executive (HSE) found that the sensors at the top of the door were incorrectly wired and no longer functioned as the door opened.



## RESIDENTS SHOULDN'T PAY FOR CLADDING REMOVAL

**The cost of removing dangerous flammable must not fall onto building residents, the Fire Brigades Union (FBU) has said.**

The government must fund residents' removal costs until those responsible can be held accountable.

Nearly two years on from the Grenfell Tower fire, the same flammable cladding covers a total of 434 residential buildings. Dangerous cladding has been removed from just 29% of social housing blocks and 6% of private residential blocks.

Combustible cladding has been removed from just 10 of the 176 private blocks found to be at risk. The FBU is backing the **#EndOurCladdingScandal** campaign, launched in April 2019

by Inside Housing and UK Cladding Action Group, to address an overlooked risk to residents.

Across local authority and private housing, the government should take a risk-based approach to removing cladding and improving fire safety. Grenfell Tower's flammable Aluminium Composite Material (ACM) cladding was one of the key factors that caused the fire to spread so rapidly, alongside the failure of "compartmentalisation", where each flat is built as a fireproof unit.

The next phase of the Grenfell Tower Inquiry will focus on conditions that led to the fire, including those in business and government who did not act on warnings about unsafe building practices.

## GOVERNMENT ASKING FOR VIEWS ON FIRE SAFETY ORDER

**The government is seeking views on the Regulatory Reform (Fire Safety) Order 2005**, which underpins fire safety in non-domestic premises.

The call for evidence follows publication last year of Dame Judith Hackitt's Independent Review on Building Regulation

and Fire Safety, which was commissioned by the government after the Grenfell Tower fire.

The call for evidence will run for eight weeks until 31 July 2019, and an analysis of responses will be published and inform the government's next steps later this year.



**Health & Safety Executive**

## HSE hikes FFI charge by 20%

**The Health & Safety Executive (HSE) has increased the hourly charge made under its Fee for Intervention (FFI) cost recovery regime from £129 to £154 per hour.**

Representing an increase of almost 20%, it came into effect on 6 April 2019.

FFI charges are applied to any organisation that receives a notification of contravention (NoC) from an HSE inspector, confirming that a "material breach" has taken place.

The total recovered is based on the amount of time it takes HSE to identify the breach and take any further action, multiplied by the hourly rate. The fee may include time spent preparing reports and obtaining specialist advice. FFI was introduced on 1st October 2012.

The HSE said "HSE must set the FFI rate with the aim of recovering its full cost".

**Per the HSE's accounts, in 2017/18 FFI invoices brought in £14.93m against £16.64m in operating costs. In 2016/17, income was £15.05m and costs of £16.96m.**



## OUR RISK ASSESSMENT PROCESS

We have a five-step process to ensure our reports are robust and useful to you, our residential and commercial property management clients.

### STEP 01

Our starting point is to collect useful information about the maintenance checks in place. We strongly encourage the use of our document checklist; our pre-visit information gathering tool.

### STEP 02

We aim to visit your property at the next available date and access as many areas as possible. You are welcome to join us on the property visits.

### STEP 03

Our goal is to issue our property reports within a short space of time; residential property reports (3 working days) and commercial property reports (5 working days). All reports are issued in WORD and PDF formats.

### STEP 04

As of January 2019, we include a block risk assessment summary with the normal reports. This Excel spreadsheet lists the identified actions, page references and timescales. This gives you a workable document and allows us to build your portfolio risk assessment summary.

### STEP 05

From December 2019, we will issue your annual review report. It will summarise the properties we have inspected that year, highlight the common issues and raise awareness on the properties requiring the most attention.

## GOVERNMENT COMPLACENCY RISKS ANOTHER GRENFELL

**New evidence reveals a postcode lottery of preparedness across the country, with some fire services planning to send as few as two fire engines to a high-rise fire.**

The Fire Brigades Union (FBU) calls on the government to end the postcode lottery of public safety by implementing:

1. A national review to understand the scale of failed compartmentation in residential buildings
2. National standards for the pre-determined attendance – the number of firefighters and fire engines that would initially be sent – for fires in high-rise blocks

