

Report for: Cabinet 10 September 2019

Title: Additional cost report for Fire Risk Assessment (FRA) Package 8 Works – The Sandlings, Replacement of Fire Doors.

Report

Authorised by: Dan Hawthorn, Director of Housing Regeneration & Planning, Haringey Council

Lead Officer: Chris Liffen, Executive Director for Property Services, Homes for Haringey

Ward(s) affected: Noel Park

Report for Key/

Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 This report describes additional works and variations required under a contract between the Council and Engie Regeneration Ltd (the contractor), resulting in additional costs for fire stopping works. It seeks approval for the additional cost of these additional works which relates to the replacement of existing composite doors with the installation of compliant solid timber fire doors.
- 1.2 Specifically, the report requests approval for additional funding for variations to Fire Risk Assessment Package 8 (Fire safety works) which was approved under delegated authority by the Director of Housing, Regeneration and Planning in line with the December 2017 framework approval of individual call off projects.
- 1.3 In May 2018 the AMP for FRA Package 8 was approved by Director of Housing Regeneration and Planning; works began in October 2018. In November 2018 the MHCLG announced its investigation into fire door testing due to notification from the Metropolitan Police that the Manse Masterdors fitted at Grenfell did not pass the 30 minute fire test. Homes For Haringey immediately placed replacement of all doors on hold pending the investigation. In July 2019 the MHCLG issued its final set of test results indicating that all solid timber doors had fully passed. As part of Homes for Haringey's ongoing commitment to resident safety, contractors were asked to provide the additional cost for installing the solid timber fire doors.

2. Cabinet Member Introduction

- 2.1 The report requests approval for for variations to the Fire Risk Assessment Package 8 (Fire safety works) which was approved under delegated authority by the Director of Housing, Regeneration and Planning in line with the December 2017 framework approval of individual call off projects.
- 2.2 The works are being carried out in line with the Borough Plan as it sets out housing as a priority and particularly to ensure safety in housing of all tenures across the borough. This variation is in response to changes in guidance and advice concerned with the safety of Residents in relation to Fire Safety.
- 2.3 In May 2018 the AMP for FRA Package 8 was approved by Director of Housing, Regeneration and Planning, works began in October 2018. In November 2018 the MHCLG announced its investigation into fire door testing due to notification from the Metropolitan Police that the Manse Masterdoors fitted at Grenfell did not pass the 30 minute fire test, Homes For Haringey immediately placed replacement of all doors on hold pending the investigation. In July 2019 the MHCLG issued its final set of test results indicating that all solid timber doors had fully passed. As part of Homes for Haringey's ongoing commitment to resident safety, contractors were asked to provide the additional cost for installing the solid timber fire doors.

3. Recommendations

- 3.1 That Cabinet approves the variation of the (FRA) Package 8 Works contract with Engie Regeneration Ltd to add additional building contract cost of £570,501 for the fire protection works, specifically Fire Doors.
- 3.2 That Cabinet approves the consequential additional consultancy fees of £46,222 as set out in paragraph 6.14 within this report.
- 3.3 That Cabinet approves the waiving of leasehold charges of £134,333 where replacement of the Manse Masterdoors installed in 2012 is undertaken.

4 Reasons for decision

- 4.1 Authority to enter into the contract with the contractor was obtained under officer delegated authority approval from the Director of Housing, Regeneration and Planning on 13th July 2018. However, following the Grenfell Tower fire it was established that the front doors installed in the block at The Sandlings were Manse Masterdoors which failed to provide the fire protection that they were designed to achieve. It was established by Homes for Haringey (HFH) that some of the doors installed at The Sandlings were manufactured by the same company that supplied the composite fire doors that failed at Grenfell Tower and that Manse Masterdoors had been installed in 2012. It was further established that some fire stopping work was required to service risers to meet current regulations.
- 4.2 Once it was identified that Manse materdoors were installed at the Sandlings FRA package 8 was varied under the framework to include Noel Park Ward and the work required at the Sandlings so that replacement work could start as soon as the Ministry of Housing, Communities and Local Government fire door testing process was complete.

4.3 Now that the Ministry of Housing, Communities and Local Government (MHCLG) fire door testing process is complete and HFH have been able to identify a suitable replacement that meets the test requirements, these doors need to be replaced as soon as possible. Officers have now obtained advice and guidance to replace the doors with solid timber fire doors which following testing regimes have been deemed compliant. Accordingly, This report recommends approval of:

- 1) the additional cost between the planned installation of composite doors on the original projects and the cost of installing solid timber doors.
- 2) The replacement of the Manse Masterdoors on the Sandlings that were not part of the original project scope.
- 3) The introduction of additional fire stopping works identified through surveys.

4.4 These works will ensure that the doors will now comply with current Fire Protection regulations.

5. **Alternative options considered**

5.1 The option of doing this work as a separate contract was considered, but rejected as the time taken in the tendering process would leave residents vulnerable for an unacceptable period of time. It has been established that the doors to be replaced do not comply with current standards. The Council, as landlord, must comply with current Fire and Building Regulations.

6. **Background information**

6.1 The MHCLG has reviewed and tested fire doors across the industry. The advice received following this indicated that solid timber fire doors have passed these tests. Whilst ongoing tests and requests to composite door manufacturer continues, now the Council and Homes for Haringey are aware of an option which has passed testing under the MHCLG, the decision has been made to replace composite doors with solid timber fire doors in order to improve fire safety for residents. The doors currently in place at The Sandlings are 'Manse Masterdor' which were the type installed in Grenfell at the time of the fire and were found to have failed; for this reason Homes for Haringey has placed a high priority on replacing the doors in this block. This is the only block Haringey Council has with this specific door type; other makes are under review currently and any other replacements to reduce risks will be reported separately.

6.2 The FRA Package 8 works contract was approved prior to the MHCLG's review of fire testing, and works on site were in progress at that time. Works to replace the doors were placed on hold until further guidance could be given to confirm what new doors would be compliant with the new testing regime.

6.3 The residents have been kept informed via letter and through the section 20 consultation regarding the works. Residents were written to in September 2018, April 2019 and June 2019 with updates and advice that the doors were planned to be replaced.

6.4 The following timeline indicates the course of events leading to HFH officers receiving information from the MHCLG regarding its testing programmes

enabling officers to determine what is an acceptable replacement for the existing doors:

May 2018 – AMP for FRA Package 8 approved by Director of Housing Regeneration and Planning

October 2018 – Started onsite to carryout works

November 2018 – MHCLG announce investigation into fire door testing due to notification from the Metropolitan police that the Manse Masterdors fitted at Grenfell did not pass the 30 minute fire test.

November 2018 – FRA Package 8 varied under the framework to include Noel Park Ward and the Sandlings

November 2018 – Fire door installation globally placed on hold by HFH

February 2019 MHCLG publish the Composite fire door test results with a covering report where an expert panel had concluded “there was a performance issue with GRP composite 30 minute fire doors across the Market”

May 2019 – Additional works identified from FRA report

July 2019 - MHCLG publish the timber door test results where all timber doors tested passed the 30 minute test.

July 2019 – Awaiting confirmation from MHCLG/London Council/Fire Specialists on clarification on the installation of composite doors

July 2019 Revised prices requested from contractors for solid timber doors

August 2019 Decision made in line with industry recommendations and other Local Authorities to fit solid timber FD30 doors in enclosed corridor buildings and High rise.

August 2019 Repricing exercise completed.

- 6.5 The total building contract cost in the original budget was £140,578
- 6.6 The total building contract costs now reported is £711,079
- 6.7 Accordingly, the building contract variation is £570,501 excluding consulting fees of £46,222.
- 6.8 During the Overview and Scrutiny committee’s scrutiny review of fire safety in high rise blocks reported to Cabinet in June 2019 Composite fire doors were discussed and it was noted that HFH were waiting on the results of door testing before being able to decide what action to take.

7. Leasehold Implications

- 7.1 It is recommended that there should be no charge for the additional works made to leaseholders, where leaseholders were charged in 2012 for the installation of the Manse Masterdors. However, there are some additional works to The Sandlings which leaseholders will be charged for.
- 7.2 As a result of applications made under the right to buy, there are 83 leaseholders who have purchased properties affected by the works described in this report. In accordance with the Service Charge Regulations 2003 under schedule 3, the statutory 30 days’ consultation notices were issued on 17 April

2019 and expired on 20 May 2019. No observations were received from the leaseholders.

- 7.3 The estimated cost of works to be re-charged to leaseholders is £96,390.76.
- 7.4 The recovery of costs for all Fire Protection Works are currently under wider review with options for recovery being considered with legal recourse to manufacturerers or additional Government funding pending review of Building Regulations and outcome of various inquiries or material testing.

8. Budget

- 8.1 This project will be funded from the H247 Fire Protection Work budget within the 2019/20 Housing Capital programme.
- 8.2 Phasing of estimated expenditure is set out in the table below:

Financial Year	Building Works	Consultancy Fees	Total
2018/2019	£70,701	£7,225	£77,926
2019/2020	£640,378	£50,387	£690,765
Totals	£711,079	£57,612	£768,691

- 8.3 It should be noted that some of the original expenditure approved in 2018 has progressed as it was not reliant on fire door test results. The variance in consultancy fees relates to the percentage based model and reflects the increase in the Project volume and cost.

9 Contribution to strategic outcomes

- 9.1 The works are being carried out in line with the Borough Plan as it sets out housing as a priority and particularly to ensure safety in housing of all tenures across the borough. This variation is in response to changes in guidance and advice concerned with the safety of residents in relation to fire safety.

10. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

- 10.1 The additional cost of this scheme is estimated to be £616,723 bringing the total cost of this project to £768,691 and is profiled to be incurred as shown in table 8.2.

Provision for the estimated spend in 2019/20 exists in the Fire Protection Work budget within the Housing Capital Programme.

An estimated amount of £96,390 is due to be recovered from leaseholders and this will be used to part fund the capital programme at year end.

Strategic Procurement (SP)

- 10.2 The works were procured under the Framework approved in the works package. The additional cost report has no Procurement implications.

Legal

- 10.3 The Assistant Director of Corporate Governance has been consulted in the preparation of this report, and advises that Cabinet has the Constitutional powers under Part 4 Section J – paragraphs 3.01(c) and 10.02.1(b) to approve Recommendations 3.1 and 3.2 as a key decision.
- 10.4 As regards Recommendation 3.3, the terms of the Council’s standard right to buy lease permit recovery of a proportion of the cost of these works from leaseholders, subject to compliance with the consultation requirements set out in the Landlord and Tenant Act 1985 and the Regulations (“the provisions”).
- 10.5 The liability of those of the leaseholders who purchased on the terms of the Council’s older right to buy lease is limited (with exceptions) to contributions to the cost of those works broadly constituting repair; those under the current form of lease are required also to pay a contribution towards improvements. It is open to the Council, where appropriate, not to require payment in full or in part under those provisions in the leases and instead to absorb the cost itself.
- 10.6 As the works are proposed to be carried out by a contractor under a qualifying long term agreement (QLTA), the provisions set out a single-stage process for consultation with leaseholders, setting out the proposed works and likely cost and inviting comments on both the works and the costs (the leaseholders are not entitled to nominate an alternative contractor where the Council proposes that the works be carried out under a QLTA). The leaseholder is to be given a minimum of 30 days to respond. The Council must have regard to any comments made and respond to them within 21 days.
- 10.7 Details of compliance with the provisions are set out in the body of this report under the heading “Leasehold Implications”. Legal Services were consulted on and approved the form of the notices served.
- 10.8 Entry into the QLTA itself was subject to a separate consultation process under the Regulations.

Equality

- 10.9 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act

- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

10.10 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

10.11 The report is to approve costs associated with fire protection works and to approve waiving certain leasehold charges. Those most affected by the decision will be Homes for Haringey tenants, among whom BAME communities, women, and those with long-term health conditions and/or disabilities are overrepresented relative to the population of Haringey. Tenants can expect to benefit from enhanced fire safety measures.

11 **Use of Appendices**

11.1 None

12 **Local Government (Access to Information) Act 1985**

12.1 The background papers relating to this report are:

FRA 8 (Fire Risk Assessment) 2018/19 report approved on 13th July 2018 by Director of Housing Regeneration and Planning.

<http://www.minutes.haringey.gov.uk/mgDelegatedDecisions.aspx?DS=2&bcr=1>