



www.dacorum.gov.uk

Housing and Communities Overview and Scrutiny Committee

Report for:	Housing and Communities Overview and Scrutiny Committee
Title of report:	Council Property Cladding Update
Date:	15 th June 2022
Report on behalf of:	Councillor Margaret Griffiths, Portfolio Holder for Housing
Part:	I
If Part II, reason:	N/A
Appendices:	None
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	

Report Author / Responsible Officer

Report Author – Mark Pinnell, Interim Assistant Director

Responsible Officer – Jody Nason, Interim Strategic Director Neighbourhood Services



Jody.Nason@dacorum.gov.uk

Corporate Priorities	A clean, safe and enjoyable environment Building strong and vibrant communities Ensuring economic growth and prosperity Providing good quality affordable homes, in particular for those most in need Ensuring efficient, effective and modern service delivery Climate and ecological emergency
Wards affected	ALL
Purpose of the report:	1. To provide an overview of the properties affected and a remedial plan to incorporate legal advice

	on specific contractual claims. This will include any funding requests to pay for remedial works.
Recommendation (s) to the decision maker (s):	1. To note the buildings identified, actions taken to date and outstanding legal complexities associated with this project.
Period for post policy/project review:	

1 Introduction/Background:

Following the Grenfell fire disaster and the issue of the Hackitt Report (Building a Safer Future) the safety of high rise buildings, particularly residential, has come under increasing scrutiny amid a drive to confirm their safety or to remediate those buildings.

The Royal Institution of Chartered Surveyors (RICS) developed the External Wall Fire Review form (EWS1). This came into use in December 2019. The EWS1 form applies to individual residential buildings with one the following designation:

1. **Buildings over 18 Metres**, unless the building was signed-off under The Building (Amendment) Regulations 2018
2. **Buildings over 6 storeys** with: (1) cladding or curtain wall glazing; or (2) vertically stacked balconies made from or connected by combustible materials (such as timber).
3. **Building of 5 or 6 storeys** with: (1) a “significant amount of cladding” (ie. approximately one-quarter of the entire elevation); or (2) panels made from Aluminium Composite Material (ACM), Metal Composite Material (MCM) or High Pressure Laminate (HPL); or (3) vertically stacked balconies made from or connected by combustible materials (such as timber).
4. **Buildings of 4 storeys or fewer** with panels made from ACM, MCM or HPL. Where metal cladding is present, written confirmation should be obtained from the building owner (or managing agent) that panels made from ACM, MCM or HPL have not been used.

There are five possible results from a EWS assessment. Category A applies where buildings have external wall materials that are unlikely to be combustible. RICS state A1 and A2 findings “are not likely to lead to any further action.” An A3 finding means remedial work may be needed on attachments to the external wall, such as balconies.

Category B applies where combustible materials are clearly present. A **B1** rating means the engineer has decided the fire risk is low, and no remedial work is required. A **B2** finding means there isn’t an adequate standard of fire safety and remedial work/interim measures are required.

2. Issue/Proposal

Dacorum Borough Council (DBC) officers identified eight buildings that fell under the requirement of requiring a EWS1 survey. These are:

- 1 -38 Pelham Court
- 39 – 76 Pelham Court
- 1 – 40 Gade Tower
- 43 – 89 Fennycroft Road
- 40 – 60 Eastwick Row
- 64 Eastwick Row
- Kylna Court
- The Elms

DBC commissioned The Oakleaf Group to complete the required EWS1 surveys.

Oakleaf have confirmed that three buildings 1-38 Pelham Court, 39-76 Pelham Court and 1-40 Glade Tower, although identified with combustible materials on the façade do not require any further investigation. This is based on the fact that the building has a Rockwool and concrete render external wall insulation system that covers the combustible materials and would not support flame spread. These buildings are not referenced any further in this report.

The remaining five identified schemes were highlighted with a non-compliant façade leading to further investigation and remedial actions as detailed in table 1 of this report.

Table 1

43 – 89 Fennycroft Road				
Date of Survey	EWS1 - Classification	Advice Provided	Actions Taken	Residual Risk High - Low
29 March 2021	B2	<ul style="list-style-type: none"> • That the HPL cladding system be replaced with a non-combustible compliant cladding system. 	Cladding has been removed and the building returned to 'as built' condition with the now exposed areas painted to ensure protection against the elements.	N/A
		<ul style="list-style-type: none"> • That cavity barriers are provided at each floor level within the void to the new compliant cladding system to the bin chute and staircase. 	Not Applicable relates to cladding system now removed	N/A
		<ul style="list-style-type: none"> • That the polyurethane insulation board cavity closer is replaced with a non-combustible compliant cavity closer to window and door openings. 	Not Applicable relates to cladding system now removed	N/A
		<ul style="list-style-type: none"> • That vertical cavity barriers are provided between flats on the same level within the external cavity wall. 	Not Applicable relates to cladding system now removed.	Low
		<ul style="list-style-type: none"> • That the 	To be completed – (Given low risk	

		spandrel panels to the window openings are checked for their combustibility and replaced with a non-combustible compliant spandrel, if found to combustible.	further dialogue with consultant to established if this action would affect EWS1 outcome)	
--	--	--	---	--

Additional Comments:

Following a large capital investment programme completed in 2021 for fire safety improvement works, the building is fully compliant with regards to the recommendations of the current Type 1 Fire Risk Assessment (FRA). There remains an outstanding action to assess the combustibility of the spandrel panels.

A Part 1 Communal Fire alarm system has been installed for early warning notice and full evacuation.

All fire doors have been replaced with fully certified door sets.

Next Steps

Arrange testing of spandrel panels, and potential replacement cost.

Consider the completion of Type 4 Fire Risk Assessments (FRA) this will not be without it's challenges given the intrusive nature of the FRA and the mixed tenure of both leasehold and DBC owned properties, hence the decision to install a communal alarm system to counteract potentially high no access rates.

Overall Risk rated as - Low

40 - 63 Eastwick Row

Date of Survey	EWS1 - Classification	Advice Provided	Actions Taken	Residual Risk High - Low
14 May 2021	B2	That the Resoplan cladding system be replaced with a non-combustible compliant cladding system.	Cladding has been removed and the building returned to 'as built' condition with the now exposed areas painted to ensure protection against the elements.	N/A
		That cavity barriers are provided at each floor level within the void to the new compliant cladding system to the staircase and lift enclosure.	Not Applicable relates to cladding system now removed.	N/A

Additional Comments:

Doors throughout the block are a mixture of composite flat entrance doors and timber

2x glazed panel doors – an assessment of these doors needs to be completed against current regulation and project costed to replace the complete door set as required.

A type 4 fire risk assessment has been completed however further investigations via intrusive surveys to assess the compartmentation between flats are recommended.

Part 1 system has been installed for early warning notice and full evacuation.

Next Steps

Instruct Oakleaf Group to complete a new EWS1 assessment.

Overall Risk rated as - Low

64 - 87 Eastwick Row

Date of Survey	EWS1 - Classification	Advice Provided	Actions Taken	Residual Risk High - Low
14 May 2021	B2	As 40 – 63 Eastwick Row	As 40 – 63 Eastwick Row	N/A

Additional Comments:

As 40 – 63 Eastwick Row

Next Steps

Instruct Oakleaf Group to complete a new EWS1 assessment.

Overall Risk rated as - Low

Kylina Court

Date of Survey	EWS1 - Classification	Advice Provided	Actions Taken	Residual Risk High - Low
9 August	B2	<ul style="list-style-type: none"> • The balcony timber furring batten need to be tested to achieve a minimum “A2-s,d0 classification therefore, it would not contribute in any stage of the fire, including the fully develop fire. • The technical data of the Ecodeck “Signature AT” balcony decking system needs to be established, tested for its combustibility and subsequent classification. • The Ecodeck “Signature AT” balcony decking 	Currently with the legal team who are currently preparing the instruction to appoint an expert witness to provide a legal opinion on a breach of contract to establish potential liability for replacement cladding to be undertaken at the cost of the original developers. Part of this commission will include a review of the fire door certification and potential costs.	High

		system need to be tested to achieve a minimum "A2-s1,d0" classification therefore, it would not contribute in any stage of the fire, including the fully develop fire.		
--	--	--	--	--

Additional Comments:

Composite style decking on the roof top garden and balconies which is known to be that of a combustible type.

The doors throughout the scheme have certification as a new development signed off in 2018, however the certification does not state primary test data for the doors and only global certification. Although these doors are of good quality and will perform in the event of a fire we remain unsure to what extent the ability to offer good fire resistance.

The scheme has a part 1 alarm system and sprinkler system in place also which mitigates the risk further.

Next Steps

Await the outcome of Legal Opinion - It is not advisable to commence remediation works at this stage as this action would render any subsequent claims for recompense extremely difficult.

The last communication to the residents was 13th August 2022, we will provide an up to date position statement to provide assurance.

Overall Risk rated as - High

The Elms

Date of Survey	EWS1 - Classification	Advice Provided	Actions Taken	Residual Risk High - Low
9 August 2021	B2	The elms has a cladding system known as the Trespa system, which has been tested and deemed as non-compliant	Currently with the legal team who via the appointment of an expert witness are seeking legal opinion on a breach of contract to establish potential liability for replacement cladding to be undertaken at the cost of the original developers. Response due back for consideration by	High

			13 May 2022.	
<u>Additional Comments:</u>				
<p>This building is staffed 24 hours per day 7 days per week by an external organisation the DENs which is a charity. The fire brigade are aware and have a direct communication with the DENs.</p> <p>Ordinarily the limitation period will run from Practical Completion, the contract provides that the Date of Completion as 31 March 2015; on this basis the Council must commence proceedings by 31 March 2027.</p> <p>The legal opinion report was received in draft on the 13 May 2022 and is currently being reviewed.</p>				
<u>Next Steps</u>				
<p>Await the outcome of Legal Opinion - It is not advisable to commence remediation works at this stage as this action would render any subsequent claims for recompense extremely difficult.</p> <p>We will provide an update to DENS on progress to date pending the review of the legal opinion information. Once this review has taken place we propose to provide DENS with a factual information briefing that can be given to existing and new residents.</p>				
Overall Risk rated as - High				

We are committed to ensure our residents are fully aware of progress being made to improve the safety of their homes. Whilst we have a corporate approach to resident engagement we recognise the need for a bespoke approach in this case to promote a culture of openness and transparency.

To provide the information and ensure understanding we will use a range of ways to communicate to cater for, as much as possible, the diverse needs of our residents. Examples of the ways in which we can communicate with residents may include but is not limited to:

- At property sign up
- Website
- Notice boards
- Text
- Email
- Letter

We will also ensure we cater for residents who may prefer face to face meetings to discuss their building. We will keep residents updated in relation to any interim safety measures necessary, remedial works and further investigations that are required.

3. Options

Where possible remedial actions have been taken and the immediate risks mitigated via the removal of the non-complaint materials. Options to consider are limited due to the regulatory requirements of in scope buildings relating to building safety. Additionally there are two buildings with associated legal complexities for which we currently do not have a legal opinion.

4. Risks

The associated risks of non-compliant buildings should be noted and accepted as substantial and the need for robust actions to mitigate these risks are of paramount importance to DBC and the safety of our residents.

The works undertaken to date on three of the five identified buildings has mitigated the risk to a point that DBC could re-apply for a new EWS1 form and confidence is high that these buildings would now be compliant. The next steps articulated within this report continue with the theme of improving the safety of these buildings and further works are required to be considered, financially assessed and undertaken.

The overall approach to compliance through the improvement and transformation work as the development of the Target Operating Model (TOM) progresses will ensure visibility, understanding and ownership of compliance risk across DBC.

5. Next steps

The next steps relating to these properties are articulated in **table 1**.

It is proposed to provide a further update to SLT at a date to be confirmed once the outcome of the legal opinion exercises are known.