

## AVONDALE DRIVE, HAYES – WINDOW SAFETY, SUITABILITY AND FUNCTION

<b>Cabinet Member</b>	Councillor Phillip Corthorne
<b>Cabinet Portfolio</b>	Cabinet Member for Social Services, Health and Housing
<b>Contact Officer</b>	Grant Walker, Head of Housing Maintenance, Social Care, Health and Housing
<b>Papers with report</b>	None

### HEADLINE INFORMATION

<b>Purpose of report</b>	To inform the Cabinet Member that a petition signed by 77 tenants and leaseholders of Avondale Drive estate, Hayes has been received. The petition is regarding the safety, suitability and function of the windows installed to the three tower blocks on the estate last year.
<b>Contribution to our plan and strategies</b>	Healthy Communities, Older People and Housing
<b>Financial cost</b>	Other than the cost of fitting additional safety devices which would be funded from the Housing Revenue Account, there would be no other costs and no financial implications for the General Fund.
<b>Relevant policy Overview Committee</b>	Social Services Health and Housing
<b>Ward(s) affected</b>	Townfield

### RECOMMENDATION

**That the Cabinet Member notes the actions being taken by Hillingdon Housing Service to address the concerns raised by the petitioners about the safety, suitability and functions of the new windows installed in their flats.**

### INFORMATION

#### Reasons for recommendation

Officers believe that they have identified a way forward that addresses the concerns of residents about the safety, suitability and function of the windows.

#### Alternative options considered / risk management

Officers have reviewed the risks associated with the use of the new windows and are satisfied that the window design is safe, but understand the perceptions of residents and that their

concerns are very real. If the Tenants & Residents Association (TRA) remains of the view that what has been done so far, and what we propose to do as described in this report, is not sufficient to bring about practical solutions to those concerns, then a further option is to commission an independent window expert to advise. Officers are not recommending this as they believe they have identified a way forward.

### **Comments of Policy Overview Committee(s)**

None at this stage.

### **Supporting Information**

#### *The decision to replace the windows*

1. Between August and December last year we replaced the windows to the three blocks of flats in Avondale Drive – Glenister House, Fitzgerald House and Wellings House. There are 48 flats in each block, and a total of 792 windows were replaced – 720 to the flats and 72 in the shared areas.

2. The contract sum for the work was £618,792.71. This included removal and replacement of the windows, installation of new automatic opening vents linked to smoke detectors in the shared areas, and external access to carry out the work – mast climbers were used rather than scaffolding as this was some 46 per cent cheaper.

3. The decision was taken to replace these windows following a number of enquires and complaints from residents, including a survey carried out by the TRA calling for new windows. The decision was based on a number of factors. The previous windows did not comply with current standards - the frames were not thermally efficient, the double glazing units were inefficient compared with more modern glazing, the draught and weather seals and external pointing needed renewing, and the ironmongery required repair or replacement. Consideration was given to the practicality of refurbishing the windows but this was not deemed feasible in terms of cost and the end result, i.e., the repairs would not bring the windows up to current standards.

#### *The window type we fitted*

4. We selected a top swing window as the replacement as this is best suited to high rise buildings because (amongst other things) of the ability to clean from the inside. This window type had been used a number of years earlier on another tower block. The windows were designed and installed by Bowater Projects - one of the appointed companies under the LHC U8 window framework - as a subcontractor to Apollo Property Services Ltd, our partnering contractor. The windows are installed so that they comply with all relevant building regulations and British Standards. The window safety features and design comply with BS 8213-1 *Design for safety is use and during cleaning of windows, including door height windows and roof lights. Code of practice.*

5. The windows are fitted with a safety restrictor to limit how far the window opens – this prevents the window being opened beyond an initial 100mm without first pushing a button to disengage the restrictor. We also fitted a key operated device (child restrictor) which needs to be removed with a key before the window can be opened beyond the initial 100 mm. Initially this was only offered to families with children, but it was subsequently fitted in all flats.

6. The windows are also fitted with a reversing catch which engages automatically to hold the sash whilst in the cleaning position – after cleaning the operator is required to push a button to allow the sash to fully reverse back to its original position. We also offered all residents a hook and pole to help with the operation of the windows for cleaning – 20 residents elected to have this fitted.



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PART 1 – MEMBERS, PUBLIC AND PRESS



#### *Consultation with residents*

7. An open meeting for residents was held in March 2010. A corner section of the window was on display to illustrate the proposed material of the new windows. Posters and a slide show illustrated the style and shape of the new windows.

8. The windows were replaced to a pilot property in early September and we offered members of the TRA the opportunity to have a look at a completed installation before progressing with the rest. Demonstrations of the new windows were then given on two separate presentations later in September, in the morning and evening to allow as many residents as possible to attend. A full size example of what was being installed was used to demonstrate how to operate the windows. The window was secured in a timber bracket in the car park adjacent to the blocks. The turnout was poor for both sessions.

9. All residents were shown how to operate the windows as the installation was completed in their flat and instructions on operation and maintenance were issued.

#### *Concerns expressed by residents*

10. Residents, and in particular the TRA, raised concerns with us regarding the safety of the windows from early on, in particular seeking safety certificates for the design of window and their suitability for use in a tower block. Our health and safety manager visited in November before the work was complete and recommended that the additional restrictors were offered to all residents, and that written operating instructions be issued as soon as possible. The TRA also told us that a lot of the flats were experiencing increased condensation following the installation of the new windows. There is also mention of draughts. The TRA carried out its own post installation survey in December and sent this to us – it had received 63 responses.

11. In addition to the ongoing discussion with the TRA about its concerns, one of the Ward Councillors raised these concerns on behalf of the residents in November, and a reply was

given. The local MP, John McDonnell, wrote to the Council at the end of January and received a reply in February. Following the receipt of his letter, an inspection of the windows was completed by officers with John McDonnell and members of the TRA on 6 April 2011.

12. Following the tragic accident in June where a boy aged six fell from an eighth storey window in a Leeds tower block, we received further correspondence from the MP. An email was sent on 3 June 2011 by John McDonnell to the Chief Executive which was replied to on 9 June 2011. In addition, we received a press enquiry from the Gazette at around the same time and we provided a statement - it has followed this at the end of July with further questions. The TRA chair also wrote to the Leader and Cllr Kaufman replied on his behalf on 23 June 2011. Following a further letter in response from the chair of the TRA, officers were subsequently requested to liaise with the chair. The petition arrived before officers had acted on this.

#### *The petition*

13. This petition is the culmination of the ongoing concerns of residents, and what they perceive as a lack of adequate response to those concerns. The survey accompanying the petition lists the following issues and residents were asked to tick *Yes* or *No* against each one, as well as being given the opportunity to make further comments.

- Do you think your recently installed windows are safe?
- Do your windows suffer from condensation?
- Do your windows suffer from draughts?
- Has your home developed mould since these windows were installed?

#### *The safety of the windows*

14. The windows in the Leeds tower block appear to be of the same top swing reversible type as we installed at Avondale Drive. What safety devices are fitted though is not obvious. Until the police complete their investigation and details are made available as to how the accident occurred, it is premature to speculate that the window design was a contributory factor in this accident or that the windows are unsafe. It may be that the accident would have happened whatever the type of window.

15. We reviewed the design of the windows we installed against the requirements of BS 8213-1 (see para 4 above). The code identifies that the main risks are of falling out of the window, both in use and when cleaning. It sets out how these risks should be mitigated and lists the factors that impact on safe use. These include the provision of safety fittings and guarding.

16. The replacement windows at Avondale are the same size as the windows taken out – we did not make any change to the window openings or to the size of the openable part of the windows, albeit the window hinge mechanism is different. However any window large enough to fall through when open can be dangerous. The windows we fitted incorporate a built-in safety restrictor, so that when opening the window it stops and locks automatically in the vent position – approx 100mm. By releasing this, the window can then be opened wider until the restrictor engages at its second position. The press button release on the restrictor must be operated again to fully open the window.

17. The top swing gear is suited to high rise applications and offers a reliable and repetitive function. The reversing operation for cleaning can be done quickly and is carried out from the inside, standing on the floor so that there is no risk of overreaching or need to use a step ladder. The reversible catches engage automatically to secure the window whilst in the cleaning position. The window does leaves a large unobstructed opening while reversing, but once fully reversed is easy to clean.

18. Residents can choose whether they want to carry out the reversing operation to clean their windows, or to not do this – they don't have to open the window past its restricted position if they are uncomfortable with the unobstructed opening that is left during the reversing operation. However the lowest part of the opening window is at a height such that in normal circumstances an adult standing on the floor will not overbalance and fall out of the window.

19. Another concern that exists, especially following the accident in Leeds, is the ability of a child to manipulate the safety devices. We fitted an additional safety device - a key operated blocking device in the hinge which must be removed with the use of the key to allow the window to open beyond 100mm (and then it is still necessary to operate the push button release). This feature wasn't part of the previous window design – there was no locking attached to the restrictor fitted to the horizontal pivot windows.

20. If this additional safety device is not engaged, or if a child is given access to the key then they may be able to open the safety devices, especially older children. If furniture is placed below the window then a child would also be able to climb onto the window sill.

#### *The suggested way forward*

21. Following the Leeds incident and as a result the continuing concerns raised by residents, we looked at ways of providing additional restriction and controls to the windows. We attended a TRA committee meeting on 28 June 2011 and offered to fit a different lockable restrictor device to all of the windows to help mitigate the risk of children overcoming the existing safety devices.



22. Residents who attended this meeting agreed that this new restrictor dealt with their concerns. They also agreed to share this offer with all the residents and the chair of the TRA completed a survey of all flats asking if they wished this device to be installed. We received this survey back with a letter dated 8 July 2011 – only six of those residents approached thought that this new restrictor would not help.

23. We are therefore now seeking a company to install the restrictor and we hope to have this completed by the end of August. At the same time, we will remove the existing key operator restrictor that we had previously fitted as this will not serve any useful purpose once the new one is in place. The new one is simpler to operate and provides visual reassurance to residents that it is attached and locked.

24. We will also issue further guidance to residents on the safe use of the windows, and the TRA has provided comments on our draft of this.

25. At the TRA meeting we learnt that some tenants who have the hook and pole to help with the operation of the windows for cleaning (para 6 above) find the pole heavy, thus restricting its usefulness. There is an option to offer a window cleaning service (perhaps at cost) if residents do not wish to, or cannot, do this themselves. The TRA has sourced a window cleaner who already does this for a number of residents, and when we made this suggestion at the meeting with the TRA committee, it was not something that we were asked to follow up.

26. We remain of the view that the window design is safe, but understand the perceptions of residents and that their concerns are very real. A number of the measures we have taken have been on the instigation of the TRA passing on its members' concern. It remains of the view that what we have done so far has been insufficient to bring about practical solutions to those concerns. Residents' safety is of the utmost importance to us and we have listened and now believe that we have identified how to address the concerns about these windows.

#### *Other issues raised in the petition*

27. In respect of the issues raised by the residents about condensation, we commissioned specialist surveys of three sample flats in December last year. The conclusions of the expert were that there was no obvious evidence of water penetration from the outside and that the moisture forming on windows, ceilings and walls was due to condensation. We have separately investigated any issues of draughts raised with us but so far cannot substantiate these.

28. The form of heating provided in these tower blocks (storage heaters) does not produce consistent levels of heating in the flat over the daily cycle, and the heaters are often not in the best positions to reduce condensation risk. The flats also suffer heat loss through the external walls, and the ventilation in the flats visited was not always effective in helping to remove moisture. The installation of the new windows had removed some of the fortuitous ventilation that was created by the poor seals around the old windows. Life style choices were also found to contribute to the production of moisture – drying of clothes on racks, not closing the doors to kitchen and bathroom when using these, not using the ventilation fans provided.

29. We have developed some solutions to address these issues - specifically around upgrading the heating and ventilation provision to the flats. We had always intended to renew the storage heaters following the window installation. In addition we may apply insulation to the inside face of the outside walls in the flats to make these warmer and less susceptible to condensation. In order to progress these ideas, we are awaiting a void flat so we can carry out an installation and then see how this performs and whether it will be the answer.

#### **Financial Implications**

The cost of the proposed actions will be contained within the current HRA budget.

#### **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

##### **What will be the effect of the recommendation?**

Actions being taken by officers will address all the complaints made by tenants and leaseholders as regards the safe use of the windows.

## **Consultation carried out or required**

We have consulted with the TRA committee about our proposals to address the concerns of its members. As we move forward with detailed planning for the heating, ventilation and insulation project we will carry out further more detailed consultation.

## **CORPORATE IMPLICATIONS**

### **Legal**

The Cabinet Member has before him a recommendation seeking that the Cabinet Member notes the actions being taken by Hillingdon Housing Service to address the concerns raised by the petitioners about the safety, suitability and functions of the new windows installed in their flats.

Under Article 7.08(d) of the Council Constitution, Cabinet Members have a general delegation to deal with petitions in their portfolio area in accordance with Council procedure. Therefore, this recommendation falls within the Cabinet Member's delegations.

Article 13 of the Council Constitution requires that all key decisions taken by Cabinet follow the seven principles set out therein.

There are no legal impediments to the recommendation being made.

### **Corporate Landlord**

This report does not relate to land or property and Corporate Landlord comments have not therefore been sought.

## **BACKGROUND PAPERS**

None.