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## **Grenfell Tower and fire safety in high rise buildings**

### **Purpose**

For information and discussion.

### **Summary**

This paper provides an update on the work of the LGA following the Grenfell Tower tragedy on 14 June and actions taken by central and local government in response to the fire to ensure that buildings are safe.

### **Recommendations**

That EEHT members:

1. Note the LGA's work to address the issues for local authorities arising from the Grenfell Tower fire.
2. Consider and comment on the actions that have been taken nationally and locally to identify and address fire safety issues in buildings over 18 metres.
3. Comment on the initial draft of the LGA's submission to the call for evidence from Dame Judith Hackitt's review of building regulations and fire safety attached to this report.

### **Action**

Officers to proceed as directed.

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## **Grenfell Tower and fire safety in high rise buildings**

### **Background**

1. In the early hours of the morning of 14 June a fire broke out in the early hours of the morning of 14 June at Grenfell Tower in the Royal Borough of Kensington and Chelsea. Although firefighters from London Fire Brigade were at the tower block within minutes of the alarm being sounded the fire rapidly spread throughout the tower block. The Metropolitan Police estimate that 80 died in the fire.

### **Investigations and Inquiries**

2. The cause of the fire and the reason it spread so quickly through the tower block is still the subject of an on-going criminal investigation matter by the Metropolitan Police. In addition the Prime Minister announced on 14 June 2017 that there would be a Public Inquiry into the fire. The Inquiry is chaired by Sir Martin Moore-Bick QC, a former Court of Appeal judge. Following a short consultation the terms of reference for the Inquiry were announced on 15 August.
3. The Inquiry will consider the immediate cause of the fire; the design and construction of the building and the decisions relating to its refurbishment; the scope and adequacy of building and fire regulations and other legislation; whether they were complied with at Grenfell Tower, and the fire safety measures on place; the fire prevention and fire safety measures in place on 14 June; and the response of central and local government in the days immediately after the fire. The Inquiry held its first preliminary hearing on 14 September, and the aim is to produce an initial report covering the cause of the fire and means by which it spread by Easter 2018.
4. The Westminster coroner has opened and adjourned her inquiries into the deaths of the victims who have so far been identified to await the conclusions of the police investigation and public inquiry

### **Implications for other high rise residential buildings**

5. Much of the early reporting following the fire focused on the possibility that the external cladding applied to the building had caused the fire to spread rapidly. Given these and other public concerns about the safety of other tower blocks, councils reviewed fire safety assessments, relevant documentation relating to any refurbishments work, took the advice of their fire and rescue services, and contacted residents to reassure them.
6. The Department of Communities and Local Government (DCLG) also surveyed councils to identify the number of tower blocks that might have similar cladding to that on Grenfell Tower and therefore be at risk, while the LGA wrote to council leaders and chief executives about the steps being taken by the sector to reassure residents and themselves that a similar fire could not occur in their own tower blocks.
7. The possible involvement of cladding in the spread of the fire at Grenfell Tower led to a series of actions to test the cladding on other buildings with a floor over 18 metres.

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DCLG wrote to all stock holding councils and registered social landlords outlining the arrangements it has put in place to enable aluminium composite material (ACM) cladding on buildings with a floor over 18 metres to be tested and its type identified. Of those tested all were found to be of two types; ACM polyethylene (PE) and ACM fire retardant polyethylene (FR). Using this information councils engaged with their local fire and rescue service to review fire safety in relevant blocks and to seek advice on the requirement for additional fire safety measures.

8. Following representation from the Local Government Association and others and the advice of the Independent Expert Panel on Safety, established by DCLG, further testing was conducted during July and August to help landlords to ensure the safety of their buildings. These large scale tests aimed to establish how different types of Aluminium Composite Material (ACM) panels in combination with different types of insulation behaved in a fire, and whether they were compliant with building regulations.
9. A total of 7 combinations of ACM cladding and insulation were tested by Building Research Establishment (BRE) at DCLG's request, with the following results:
  - 9.1. Test 1 - ACM PE + foam insulation – fail
  - 9.2. Test 2 - ACM PE + mineral wool insulation – fail
  - 9.3. Test 3 - ACM FR + foam insulation – fail
  - 9.4. Test 4 - ACM FR + mineral wool – pass
  - 9.5. Test 5 - ACM A2 + foam insulation pass
  - 9.6. Test 6 - ACM A2 + mineral wool – pass
  - 9.7. Test 7 - ACM FR + phenolic foam – fail

### **Council tower blocks**

10. Fifteen councils were found to own tower blocks with combinations of ACM cladding and insulation that failed the BRE tests. DCLG have been liaising closely with affected councils. Now that councils are aware that they have to replace the cladding on their buildings plans are being put in place to do this, where the process has not already started.
11. Councils (and others) are of course keen to understand what they can replace the failed cladding with. DCLG issued consolidated guidance on 8 September based on the test results and other work such as advice from the expert panel so far. But they have not set a timetable for further guidance or changes in the building regulations so landlords will have to make judgments based on the best information available at the time.
12. DCLG are also considering the need for further tests on other cladding materials, and there have been media reports that BRE will publish further test results for cladding material that have passed fire safety tests. While this would provide greater clarity on what can be used to replace failed combinations of cladding and insulation, it raises the possibility that the number of buildings found to require remedial work could be widened.

### **Private sector blocks**

13. Now that all the social housing residential high rise blocks with failed combinations of ACM cladding and insulation have been identified, DCLG's attention has turned to the private sector. The Department is currently considering what it can do to ensure that private owners of buildings check whether they have dangerous cladding and, if they do have it, inform residents, take remedial steps and remove it.
14. Councils are seen as key to the process. The Secretary of State has already written to councils to remind them of their responsibilities under the Housing Act 2004 for the condition of housing in their area. DCLG officials are now considering how councils can help them identify all residential buildings over 18 metres in height, and establish which of these have combinations of cladding and insulation that have failed the BRE tests.
15. The correspondence from DCLG has raised questions over the resources that will be required to gather an accurate list of private sector residential high rise blocks when some areas have tens of blocks if not hundreds. In particular it may not be possible to identify what sort of cladding a building has from planning or building control documents, and there are indications that the existing data DCLG has may significantly underestimate the number of residential high rise buildings.
16. In the event a private landlord is not cooperative about sending samples of cladding to be tested by BRE, there is some uncertainty over the legal powers councils have in these circumstances.

### **Large Panel System-built blocks**

17. Due to concerns about building safety after the fire at Grenfell Tower another safety issue has been identified following an inspection of tower blocks in Southwark. The four blocks of the Ledbury Estate were inspected by Arup following residents' concerns at gaps between wall/floor panels that compromised fire safety. The blocks do not have cladding.
18. The blocks were built shortly after the Ronan Point Collapse in 1968, by the same company (Taylor Woodrow Anglia) using the same system of factory-built panels fitted together on site. At Ronan Point a gas explosion caused part of the block to collapse and building regulations were later rewritten to strengthen the requirements for such blocks to withstand explosive force. Arup raised concerns that the strengthening work following Ronan Point may not have been sufficient and Southwark took the decision to turn off the gas supply to the blocks pending further investigations.
19. Southwark made their report public and it was shared in LGA bulletins to all councils on 11 August in the following terms:

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*You may have seen the announcement from Southwark Council regarding safety concerns at its tower blocks on the Ledbury Estate. The blocks were constructed between 1968 and 1970 using a method called the large panel system, in which large concrete sections were bolted together on site. The same technique was used at Ronan Point, a tower block in east London which partly collapsed in 1968 following a gas explosion. Engineers working on behalf of Southwark have raised concerns about whether safety work required after the disaster was properly carried out. The council is investigating further.*

*We have been in touch with other councils we know may have blocks constructed around this time using the same system. These councils will be double-checking that post-Ronan Point safety work was carried out and remains appropriate. If you have blocks in your council area of this type but have not heard from us, please do contact your Principal Advisor and also make DCLG aware using this email address: [towercaseworkteam@communities.gsi.gov.uk](mailto:towercaseworkteam@communities.gsi.gov.uk).*

20. Arup is undertaking a further review to establish whether the necessary strengthening has taken place and is expected to report to DCLG shortly.

#### **Additional fire safety measures including fire suppression systems**

21. As stated, councils have been working with local fire and rescue services to assess the need for additional fire safety measures in tall blocks. A number of councils have already taken the decision to enhance fire safety measures including retro-fitting sprinkler systems, and installing smoke detectors and fire alarms.
22. The LGA approach to the retro-fitting of sprinkler systems or other fire suppression methods was discussed at a joint meeting of the lead members of this Board, the Fire Services Management Committee, the Safer and the Stronger Communities Board at the start of August. At the end of the meeting it was noted that across the three boards:
- 22.1. There were strong views in support of sprinklers being installed in new buildings, and that there should be risk assessed retro-fitting of sprinklers or other fire suppression systems in existing buildings;
- 22.2. The height of the building was less important as a risk factor than the resident's vulnerability and the characteristics of the building; and
- 22.3. Residents in some areas had expressed concerns about the retro-fitting of sprinklers and there were also issues associated with costs, skills and timescales to do the work. It should be a matter for local decision as to what buildings were retro-fitted.
23. During the discussions it had also been noted that the effectiveness of retro-fitting sprinklers was dependent on them being installed in large proportion of the flats in a block, and the presence of a large number of leaseholders due to right-to-buy sales

could impact on any retro-fitting programme as leaseholders could not be compelled to have sprinklers fitted in their properties.

### **Building Regulations and fire safety**

24. What has become apparent during the LGA's work on building safety in high rise residential buildings after the fire at Grenfell Tower is how complicated and confusing the guidance published to support the building regulations is. This is not the first time this issue has been raised. After the 2009 Lakanal House fire Inquest, which reported in 2013, the Coroner stated that Approved Document B (which covers fire safety in high rise buildings) "is a most difficult document to use".
25. The Coroner recommended that it be reviewed to ensure that it "provides clear guidance in relation to Regulation B4 of the Building Regulations, with particular regard to the spread of fire over the external envelope of the building". However this review has not yet taken place, so the LGA pressed for an urgent review of the building regulations.
26. DCLG announced on 28 July that there would be a review of the building regulations and fire safety chaired by Dame Judith Hackitt, former chair of the Health and Safety Executive.
27. After the review was announced the LGA wrote to Dame Judith to ask she consider the need to clarify building regulations (including Approved Document B); the ability for such regulations and guidance to be implemented effectively by those who need to use them, for example in the construction and manufacturing industries; and the roles and responsibilities for fire safety.
28. The terms of reference for the review were published on 30 August:  
<https://www.gov.uk/government/news/independent-review-of-building-regulations-and-fire-safety-publication-of-terms-of-reference>
29. The review will assess the effectiveness of current building and fire safety regulations and related compliance and enforcement issues, with a focus on multi occupancy high rise residential buildings. The review's two key priorities are to develop a more robust regulatory system for the future and provide further assurance to residents that the buildings they live in are safe and remain safe. While the review will cover the regulatory system for all buildings, it will have a specific focus on multi occupancy high rise residential buildings. An interim report will be submitted in autumn 2017 and a final report submitted in spring 2018. A call for evidence was made by the Review on 12 September.
30. An initial draft LGA submission to the Review's call for evidence will be circulated separately from the agenda. Members are asked to provide comments on this draft to inform the decisions of the Grenfell Task and Finish Group and the LGA's Leadership Board.

### **LGA work**

31. The LGA has worked to support councils and fire and rescue authorities in the wake of the fire to ensure that our member councils are equipped with the information they need to act swiftly, including seconding staff in to DCLG to provide direct support to councils as part of the national team dealing with the aftermath of the tragedy. The LGA's Chairman, Lord Porter or our Chief Executive have been attending the Building Safety Ministerial Group which has been meeting almost weekly since the fire.
32. The LGA has provided regular communications with Chief Executives, Chief Fire Officers and council leaders and created a Frequently Asked Questions page on our website (based on questions from councils) with links to relevant guidance, DCLG information and factual information about what we know so far. This has been regularly updated and can be found on the LGA's website: [www.local.gov.uk/grenfell-tower-frequently-asked-questions-local-authorities](http://www.local.gov.uk/grenfell-tower-frequently-asked-questions-local-authorities)
33. The LGA has led the national media's agenda to promote the response of councils and fire and rescue authorities to the Grenfell Tower fire. Lord Porter raised concerns about the initial fire safety tests and called for an urgent review of building regulations in a range of high-profile LGA media interviews on the BBC Radio 4's Today Programme, Radio 4 You and Yours and Sky News. His appearance on the BBC Victoria Derbyshire show was the longest interview by any guest in the history of the programme. He has also called for previous fire test results on cladding systems to be published on BBC Newsnight. In total, the LGA has featured in 90 episodes of national media coverage.
34. During our work we have raised concerns from councils with officials and the Ministerial Group, most recently in relation to the proposed work to identify private sector tower blocks that might have combinations of ACM cladding and insulation that failed the BRE tests. Whilst councils share the Government's wish to ensure that all residents are safe, whoever owns the building they live in this work could add a significant resource burden, both to do the data collection – which we have argued should be seen as a new burden – and also wider costs to councils in undertaking this work.
35. Member councils have also been raising consistent concerns about the resources needed to undertake remedial work in relation to cladding, as well as putting in place temporary fire safety measures while this work is done, which in some areas is likely to cost tens of millions of pounds. The Government has stressed that the responsibility for making buildings safe rests with landlords, and councils have not delayed work because of lack of funds, but it is not yet clear what funding DCLG will make available to support councils with the work. Work to quantify the costs – both of remedial work to council-owned tower blocks, and of wider work in relation to other buildings – is ongoing and will be an important strand of LGA work in the coming weeks.

### **Lobbying priorities**

36. Immediately after the fire the LGA identified three key lobbying priorities for our work going forward. The LGA Leadership Board considered these at their meeting on 21 July 2017 and reiterated these priorities, which are to ensure that:

- 36.1. National action focuses on what needs to happen to make buildings safe.
  - 36.2. Government agrees to find the necessary resources for any required changes, both for remedial work and for any new tighter requirements.
  - 36.3. A review of building regulations and fire safety guidance and systems is undertaken.
37. With the announcement of the terms of reference for both the Public Inquiry and the review of building regulations and fire safety the last of these priorities will now focus on submitting evidence to them.
38. Overall responsibility for the LGA's Grenfell Tower response resides with the Leadership Board, with the Chairman and Group Leaders having responsibility for directing activity. In order to coordinate the LGA's work in this complex area a Task and Finish Group has been established, with individual boards and committees continuing to provide input to the detail of policy as it relates to their specific areas of responsibility.

#### **Implications for Wales**

39. The issues set out in this document are being addressed by the devolved administration and local authorities in Wales.

#### **Financial Implications**

40. The LGA's work in response to Grenfell Tower has been intensive; however it has been met so far from existing resources.

#### **Next steps**

41. Members are asked to:
- 41.1. Note the LGA's work to address the issues for local authorities arising from the Grenfell Tower fire.
  - 41.2. Consider and comment on the actions that have been taken nationally and locally to identify and address fire safety issues in buildings over 18 metres.
  - 41.3. Comment on the initial draft of the LGA's submission to the call for evidence from Dame Judith Hackitt's review of building regulations and fire safety, which will be circulated separately to the agenda.