

Fire Safety in High Rise Buildings – Update

Purpose of report

For information.

Summary

This report updates the Board on building safety related issues since its last meeting.

Recommendation

That members of the SSCB note and comment on the LGA's building safety related work.

Action

Officers to action any matters arising from the discussion as appropriate.

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Fire Safety in High Rise Buildings – Update

Background

1. Since the Board's last meeting there have been a number of announcements by the Ministry of Housing, Communities and Local Government (MHCLG) related to its building safety programme, including the announcement of funding to replace Aluminium Composite Material (ACM) cladding on private high-rise residential buildings. The LGA continues to work across a range of strands related to the building safety programme and this report summarises this work.

Social housing high-rise buildings

Progress in remediation

2. Progress continues to be made in carrying out remediation to the 158 social sector residential blocks with combinations of ACM cladding and insulation that have been found not to meet the building regulation standards.
3. The statistics published by MHCLG on 9 May show that, as of 30 April, remediation has finished on 50 of these blocks. Of those which have not yet been remediated, work has started on 87 of these blocks, and a further 21 have plans in place. Funding for the remediation of 144 of these 158 buildings is provided from the government's social sector ACM cladding removal fund. Remedial works for the remaining 14 buildings are being funded through existing funds and litigation action.
4. At the previous meeting, members were informed about the ongoing development of the LGA's new building safety knowledge hub: an online platform, jointly hosted by the LGA and the National Housing Federation, which provides social landlord officers with the latest updates on the Government's building safety programme, and enables them to share best practice and learn from one another's experience. This hub has now been launched, and 60 officers from local authorities and housing associations across the country have joined.

Private high rise buildings

Progress in remediation

5. The latest statistics from MHCLG show that remediation work has been completed on 11 high-rise, private residential buildings. A further 164 buildings are yet to be remediated; of these, 16 have begun remediation, 78 have a plan in place, 38 have plans in development, and 32 buildings remain with unclear remediation plans. There are still

seven buildings where the cladding status is yet to be confirmed, despite enforcement efforts by local authorities.

Joint Inspection Team (JIT)

6. As members will recall from updates to previous meetings the private sector remediation taskforce established by MHCLG agreed plans for setting up the JIT. We have now agreed the professional indemnity for the team with the government, are finalising arrangements for this to be put in place, and have successfully appointed all team members. Training for the team is underway, alongside initial conversations with local authorities to understand the scale and nature of the issues.

Leaseholder costs

7. Members will be aware of an increasing number of cases in which leaseholders in privately owned high-rise residential buildings are facing liability for the costs of ACM remediation. The LGA expressed concerns about the potential impact on leaseholders. This issue was also likely to have delayed progress on private sector remediation to stall, as further enforcement action from councils risked costs passing onto leaseholders.
8. Following successful lobbying by the LGA (including through the Inside Housing campaign, *End our cladding scandal*), the Government has now agreed to fully fund the costs of remediation on private sector residential buildings, in order to prevent the cost burden falling to leaseholders. The Government has also stated its intention to recoup the costs of remediation from building owners at a later date.
9. The costs are estimated to be approximately £200 million. This will cover almost all high-rise buildings yet to be remediated, apart from those where building owners' warranty claims have been successful. The LGA is also aware of a small number of cases where local authority-owned blocks financed by Private Finance Initiative arrangements will not be covered by the new funding offer.

Non-Aluminium Composite Material Cladding

10. The LGA has been in discussions with the Ministry since 2017 about the need to gather information on non-ACM cladding. In particular, we suggested that the survey of private high-rise residential buildings conducted by councils to identify which had ACM cladding should also include questions on other types of cladding.
11. Following successful lobbying by the LGA, MHCLG have now formally announced, through a [Written Ministerial Statement made on 1 May](#), that the Government will be testing the behaviour of a range of non-ACM materials used in cladding systems: copper and zinc composite materials, aluminium honeycomb panels, high pressure laminate panels, brick slips, and reconstituted stone. These are not BS-8414 tests, and will not be carried out with the intention of understanding whether the above materials fail to meet

the required standard. Instead, they are exploratory tests, which will provide more information on how these materials behave relative to ACM. The test results, which will begin to be published in late June, will inform the next steps of the Government's remediation programme.

12. We have expressed our concerns to MHCLG that this is an insufficiently robust testing regime, as the cladding panels should be tested alongside the key elements that would be found on a real building, particularly the insulation. Whilst the LGA do not have any faith in the ability of the BS-8414 test to fully replicate a real fire, we believe it would give a better indication of cladding performance than the bespoke test designed by the Building Research Establishment (BRE).
13. We are currently lobbying the Government to ask that local authorities are fully funded by central government for any further data collection or remediation exercises, and that the Ministerial Taskforce includes non-ACM cladding as part of its remit.

Wider Building Safety Issues

Fire Doors

14. As members will recall from previous meetings, MHCLG identified systemic issues with glass-reinforced plastic (GRP) composite fire doors' ability to meet the necessary 30 minute standard. We continue to hold regular meetings with MHCLG officials, along with London Councils, the NHF and a number of local authorities, to discuss the issues created by this.
15. GRP door manufacturers have now released their draft industry-led remediation plan, which sets out how they intend to cover the costs of remediating sub-standard GRP fire doors. The LGA and members of its fire doors group were given the opportunity to comment on this plan.
16. Members have expressed concerns that the plan's scope is not sufficiently broad, as it covers only the highest-risk doors, and excludes buildings clad in ACM, buildings below 10 storeys, and large panel system buildings. There are also concerns with the proposed prioritisation methodology, which is reliant on test data about fire doors that does not currently exist. Critically, there are also concerns that the industry's proposed financial contribution is unfeasible, as it would require manufacturers to allocate 10 per cent of its annual turnover to remediation efforts.
17. Industry have expressed concerns that there has not been due focus on the role of test houses and third party certification bodies, which provided manufacturers with incorrect advice on which tests needed to be carried out on fire doors as per the legal standard. This has limited door manufacturers' willingness to increase the scale of their financial contributions towards the remediation plan.

18. We have expressed our concerns to MHCLG and directly to fire door manufacturers. We envisage that Government will need to supplement industry's financial contribution with its own remediation fund, in order to ensure that the highest-risk doors are remediated.
19. Member authorities have also informed us that they face difficulties in assuring the quality of fire doors which are returning to market. These concerns partially stem from ongoing issues with the information provided about doors which are now returning to market – members have found that this information does not provide clarity about the quality of doors on offer, and varies significantly across manufacturers, third party certifiers, and test houses. An additional layer of assurance would normally be provided by third party certification, but MHCLG work to implement a minimum standard for certification will not be complete for a further two years.
20. In this time, councils would like assurance that the doors they buy have been proven to meet the required technical standard, and that any doors purchased now will meet any future minimum standard, to avoid the risk of needing to repeat expensive procurement and replacement programmes in the near future.
21. We have therefore proposed to Government that there is a role for MHCLG, building owners, and industry, to work proactively towards an interim, voluntary, "best practice" solution, which allows for a smooth transition into the new third party certification regime, and are working with MHCLG and building owners to implement this.

Large Panel System (LPS) Buildings

22. We also continue to work closely with MHCLG on building safety issues related to LPS buildings. MHCLG's focus in late 2018 was to establish where and what LPS buildings are still in existence. This work has now stalled due to a reluctance on MHCLG's part to carry out multiple data collection exercises.
23. The LGA is concerned that this approach will leave Government unaware of the scale of the issue, and creates the risk of a serious occurrence involving a large panel system building. We have been given a list of potential LPS buildings created by an independent researcher based in the Netherlands, and we have taken the decision to proactively contact local authorities asking for a simple verification of the information in the list.

Reinforced Autoclaved Aerated Concrete (RAAC) Buildings

24. In January members of the Board were updated that the LGA had been made aware of a recent building component failure involving a property constructed of Reinforced Autoclaved Aerated Concrete (RAAC). RAAC was generally used in construction in the UK between the mid-1950s and 1980 in a variety of types of buildings, though it may

have been used after that date. The LGA wrote to our member authorities last year to draw attention to the need to identify any buildings constructed using RAAC.

25. We have subsequently been made aware of a further incident involving RAAC in a commercial property in Lancaster. The LGA is working with the Standing Committee on Structural Safety (SCOSS) to repeat our member alert about potential issues with RAAC.

Building Regulations and Fire Safety review

26. As members will recall from previous meetings, MHCLG is progressing development of policy and legislative options for implementation of changes to the new regulatory framework through the Joint Regulators Group. The LGA, along with the Health and Safety Executive, Local Authority Building Control, and the NFCC are members of this group, which has been meeting regularly since the last Board meeting.

27. A key focus for the LGA has been the structure of the new building safety regulator, variously known as the Joint Competent Authority or the Building Safety Agency. We have also been working to understand which information relating to the safety of their buildings will need to be provided by building owners at each stage of the enforcement process.

28. The Government has announced its intention to publish the consultation on the new building safety framework in Spring – likely early June. This will be accompanied by a call for evidence on the operation of the Fire Safety Order.

Implications for Wales

29. Building regulations and fire and rescue services are devolved responsibilities of the Welsh Assembly Government, and the main implications arising from the recommendations of the Hackitt Review and the government's response to it are on building regulations and fire safety in England. However the Welsh government has announced that it will be making the changes recommended in the report to the regulatory system in Wales, and the LGA has been keeping in contact to ensure the WLGA is kept informed of the latest developments in England.

Financial Implications

30. Although the LGA is setting up the Joint Inspection Team, the cost of doing so will be met by MHCLG. Other work arising from this report will continue to be delivered within the planned staffing budget, which includes an additional fixed term post in the safer communities team to support the LGA's building safety work

Next steps

31. Members are asked to note and comment on the LGA's building safety work.