

28 June 2019

## **Fire Safety in High Rise Buildings**

### **Purpose of report**

For information.

### **Summary**

This report updates the FSMC on the LGA's building safety related work since its last meeting.

### **Recommendations**

That members 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**

### **Background**

1. Since the Committee'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, and publication of its consultation on implementing the recommendations from the Hackitt Report. The LGA continues to work across a range of strands related to the building safety programme and the reform 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 45 council-owned and 100 plus housing association-owned blocks with combinations of aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards.
3. The statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) on 10 June<sup>1</sup> show that, as of 31 May, remediation has finished on 56 and has started on 81 of the 158 social housing blocks. 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. The LGA is supporting this work through its building safety knowledge hub: an online platform, jointly hosted by the LGA and the NHF, which provides social landlord members 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.

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## **Private high rise buildings**

### Progress in remediation

5. The latest statistics from MHCLG show that remediation work has been completed on 47 high-rise, private residential buildings (including student accommodation and hotels). A further 219 buildings are yet to be remediated (plus 7 health buildings). Of the 219, 24 have begun remediation, 113 have a plan in place, 38 say they intend to remediate and 44 buildings remain with unclear remediation plans. There are still 8 buildings where the cladding status is yet to be confirmed, despite enforcement efforts by local authorities.

### Funding for remediation of privately-owned buildings

6. The LGA has been pressing MHCLG ministers and officials to address the issue of funding the removal and replacement of dangerous cladding systems from privately-owned blocks for over 18 months, having recognised at an early stage that leaseholders were likely to end up being initially liable for these costs and unable to achieve redress from developers and contractors, despite being in no way responsible for the problem.
7. On 9 May the Government announced it will fund the replacement of dangerous cladding on high rise blocks, estimating the cost at £200 million. It intends to recover costs from those responsible in due course.

### Joint Inspection Team

8. 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.

## **Non-Aluminium Composite Material Cladding**

9. 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.
10. Following successful lobbying by the LGA, including its Grenfell Task and Finish Group, MHCLG has now formally announced, through a [Written Ministerial Statement made on](#)

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[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 we expected to be made public in July, will inform the next steps of the Government's remediation programme.

11. 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 does 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).
12. 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.

### **Fire Doors**

13. Over a year ago, 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 National Housing Federation and a number of local authorities, to discuss the issues created by this.
14. 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 and have expressed the view that it was unworkable in its existing form.
15. The industry and MHCLG subsequently engaged in producing a smaller-scale remediation programme targeting the highest risk doors, which the LGA has agreed to support in a limited trial, with significant reservations over its practicability. These reservations have now been shown to be correct (without the need for a pilot) and the industry is working on a third proposal. Any industry remediation plan will only cover a minority of doors and the LGA has raised with MHCLG the need to consider how to proceed in respect of the remaining doors.

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16. The LGA and the industry have also raised with MHCLG 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.
17. The LGA has also raised with MHCLG and the industry the difficulties councils face in purchasing new doors ahead of a reliable certification and third party accreditation system being put in place.

### **Large Panel System (LPS) Buildings**

18. 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 and the LGA intends to proactively contact local authorities in order to gain a clearer picture. Although LPS is essentially a structural issue, there are concerns about the performance of these buildings in a fire.

### **Building regulations and fire safety review**

19. The LGA has been working with the National Fire Chiefs Council (NFCC), the Health and Safety Executive and Local Authority Building Control (LABC) as part of a Joint Regulators Group established by MHCLG to advise it on proposals for a more rigorous and effective system of fire safety regulation.
20. Current LGA priorities are to ensure that the reform programme:
  - 20.1. Delivers effective powers and sanctions and identifies specific duty holders
  - 20.2. Ensures the fire and rescue service remains the enforcing authority on the ground for fire safety in high rise buildings
  - 20.3. Enables a holistic view of fire safety in individual buildings
  - 20.4. Does not create a two-tier system for buildings in and out of scope.
21. MHCLG has now published a [consultation document](#) on its proposals for building safety reform and the Home Office has produced a [call for evidence](#) on the Regulatory Reform (Fire Safety) Order 2005 which sits alongside it.
22. The consultation promises new powers for regulators, backed with effective sanctions. Building owners will have to demonstrate that high risk buildings are safe at the design and construction stages and throughout their occupation, including during and after refurbishment. A new competence regime will cover the construction industry and building management and new bodies will set national standards for essential

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construction products, and provide oversight of the regulatory system. Most importantly, new measures will ensure that residents' concerns are listened to, and acted upon.

23. The consultation and the call for evidence both close on 31 July. Members whose authorities are responding may wish to share their responses with the LGA to inform its work in this area. To do so, please contact [charles.loft@local.gov.uk](mailto:charles.loft@local.gov.uk).

### **Barking Fire**

24. On 9 June a fire broke out on a wooden balcony at Samuel Garside House in Barking, built by Bellway Homes. The fire spread across wooden balconies and cladding destroying 20 flats and damaging a further 10.
25. The Barking fire raises familiar concerns about whether residents' concerns have been ignored by landlords and whether the building regulations guidance is fit for purpose. A 2016 Building Research Establishment report had already raised issues around the way Approved Document B deals with balconies but does not appear to have led to revisions of the guidance. As this block was under 18m, the fire also demonstrates the need to avoid creating a two-tier fire safety system.

### **Implications for Wales**

26. 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**

27. 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**

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