

Company Number 11177145

Fire Safety in High Rise Buildings

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 Board note and comment on the LGA's building safety related work.

Action

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

Contact officer: Mark Norris
Position: Principal Policy Adviser
Phone no: 0207 7664 3241
Email: mark.norris@local.gov.uk

Company Number 11177145

Fire Safety in High Rise Buildings

Background

1. Since the Board's last meeting there have been a number of developments by the Ministry of Housing, Communities and Local Government (MHCLG) related to its building safety programme, including the publication of its consultation on reform of the building safety regulatory framework, which closed on 6 June 2019.

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 aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards.
3. The statistics published by MHCLG on 15 August show that, as of 31 July, remediation has finished on 57 of these blocks. Of those which have not yet been remediated, work has started on 83 of these blocks, and a further 18 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.

Private high rise buildings

Progress in remediation

4. The latest statistics from MHCLG show that remediation work has been completed on 13 high-rise, private residential buildings. A further 166 buildings are yet to be remediated; of these, 21 have begun remediation, 73 have a plan in place, 46 have plans in development, and 26 buildings remain with unclear remediation plans. There are still five buildings where the cladding status is yet to be confirmed.
5. Members will recall from updates in previous meetings, the Government announced that it would fully fund the costs of remediation on private sector residential buildings in order to prevent the cost burden falling to leaseholders, following successful lobbying by the LGA. MHCLG published the prospectus for this funding on 18 July and set out a deadline of 31 December 2019 for applications; where building owners do not apply, MHCLG have stated that they expect local authorities – supported by the Joint Inspection Team – to take enforcement action. The government also stated that it expects remediation work on private sector high-rise residential buildings to be completed by June 2020.

Company Number 11177145

Joint Inspection Team (JIT)

6. As members will recall from updates to previous meetings the joint inspection team, which was established by the MHCLG Private Sector Remediation Taskforce and hosted by the LGA, is now fully established. The team has so far supported one local authority to take enforcement action following a full site inspection, and has provided initial advice to several others.

Non-Aluminium Composite Material Cladding

7. 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.
8. MHCLG have now begun an exercise to collect data on which external wall systems are on residential buildings over 18 metres. MHCLG are carrying out a new burdens exercise to understand the costs falling to local authorities from the data collection, which the LGA is supporting them with.
9. Members will recall from previous updates that the Government is now testing the behaviour of a range of non-ACM materials used in cladding systems. MHCLG have now released the results of its BS-8414 tests carried out on High Pressure Laminate (HPL) panels, and subsequently published an advice note stating that, while certain combinations of HPL cladding and insulation may be safe, systems using HPL panels of a European classification of class C and D are “very unlikely to adequately resist the spread of fire”. Similar conclusions were reached regarding systems using any type of HPL panels with combustible insulation.
10. Building owners have been advised that the level of risk is not as high as that from systems using ACM Category 3 panels. Nevertheless, they have been advised to remove unsafe HPL systems.
11. MHCLG have yet to release the results of any of its other tests. We have expressed our concerns to MHCLG that the types of tests carried out were insufficiently robust testing, and that the delays to publishing results were not acceptable.

Wider Building Safety Issues

Fire Doors

Company Number 11177145

12. 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 National Housing Federation and a number of local authorities, to discuss the issues created by this.
13. Members will recall from previous updates that this resulted in a remediation plan drafted by the fire doors industry, setting out how they intend to cover the costs of remediating sub-standard GRP fire doors. The LGA and its members had several concerns with this plan relating to manufacturers' ability to cover costs, and the exclusion of several high-risk categories of buildings.
14. Following sustained lobbying by the LGA, we have been given the opportunity to comment on a near-final version of the remediation plan, which appears to have the endorsement of Government. However, our concerns around manufacturers' ability to pay for the remediation of doors as per its plan still remain. We have expressed our concerns to MHCLG and await further discussions on the role of the Government in supporting local authorities to remediate the unsafe doors which they were mis-sold.

Large Panel System (LPS) Buildings

15. As members will recall from previous updates, we are working with MHCLG to understand the number of large panel system buildings still in existence, and had intended to contact local authorities to ask for verification of our information. However, given the risk that this would undermine the data collection exercise on non-ACM cladding systems, we continue to explore alternative ways of gathering this information with the Government.

Building a safer future: proposals for reform of the building safety regulatory system

16. On 6 June, MHCLG published their consultation on the new building safety regulatory framework, which subsequently closed on 31 July 2019. The LGA submitted a response which is attached at **Appendix A**.
17. Our main concerns about the proposed framework related to the structure of the new regulator and the scope of the new regime. In our response, we focused on the need to keep front-line enforcement with the fire service and local authorities, in order to maintain a local perspective on development and community safety, avoid excessive bureaucracy and upheaval and also to avoid a position in which the fire service attend a fire at a tower block at which a national; regulator has been responsible for ensuring the dry risers are operational.

Company Number 11177145

18. We advocated a national regulator that sits as a coordinating body, setting standards and ensuring consistency, but also holding powers which can be variously exercised by fire service personnel, local authority Environmental Health Officers or building control officers (and Health and Safety Executive inspectors), subject to the competence of the individual officer to make a judgement on the issue in question. We have said that this regulator should have a board which includes representatives of local government in order to maintain local democratic accountability.
19. In order to avoid a two-tier system, we also advocated that the regime was not limited to scope to buildings above 18 metres but instead that all residential buildings were brought into scope, and therefore removed from the Fire Safety Order. However, we propose that the legislation is staged such that only the highest-risk buildings are subject to the most onerous requirements, and that other buildings are subject to requirements proportion to their risk.

Joint Regulators Group

20. 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 National Fire Chiefs Council are members of this group, which has been meeting regularly since the last Board meeting.
21. Work continues through this group to flesh out the detail of Government's policy proposals, and make practical arrangements for their implementation.

Implications for Wales

22. 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

23. Although the LGA has set up the Joint Inspection Team, the cost of doing so is being 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

Company Number 11177145

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