

Building Safety Update

Purpose of report

For information.

Summary

This report updates the Commission 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.

Actions

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

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Building Safety Update

Background

1. Since the Fire Commission last met the LGA has continued to support the work of councils and fire and rescue services to tackle the remediation of a variety of fire safety issues that have become apparent following the fire. The LGA has also worked closely with the Government on the reform of building safety.
2. Earlier this month the new Secretary of State for Communities and Local Government, Robert Jenrick MP, announced a number of measures related to the remediation of existing buildings and the reform of building safety.

Remediation

Progress

3. 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. The statistics published by the Ministry of Housing, Communities and Local Government (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.
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.

Funding

5. The Government has produced details of the £200m of funding available for the replacement of flammable cladding on private high rise buildings (funding has already been made available to most social housing owners). This represents a success for the LGA and others who have campaigned to ensure leaseholders are not left with unaffordable bills and unsellable flats as a result of the cladding crisis. The government has stated that it expects remediation work on private sector high-rise residential buildings to be completed by June 2020. Councils who have private blocks with ACM cladding in their area are encouraged to remind owners of the funds and the need to apply by 31 December 2019.

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Joint Inspection Team

6. The Government expects enforcement action to be taken against owners who do not apply and the LGA is working with the MHCLG through a Joint Inspection Team (JIT) to support councils' use their enforcement powers under the Housing Act and the Housing Health and Safety Rating System. The National Fire Chiefs Council (NFCC) has assisted in providing the JIT with fire engineering expertise. The team has so far supported one local authority to take enforcement action following a full site inspection, and has provided initial advice to a number of others. Further inspections are in the process of being arranged.

Fire Protection Board

7. A new Fire Protection Board is being established, chaired by the NFCC, with Home Office, MHCLG and LGA representation. The Board's Terms of Reference are yet to be agreed, but its initial priority will be to provide assurance around the interim fire safety measures in place in buildings with dangerous ACM cladding. Fire and Rescue Authorities (FRAs) can expect to hear directly from the Home Office about this later this year following a pilot process which is due to commence shortly, but FRAs and Chiefs should begin to ensure preparations are in place for joined-up reporting arrangements.

Other forms of dangerous cladding

8. The LGA raised the need to consider other forms of dangerous cladding with MHCLG in 2017. In spring this year the Government began testing 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. 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.
9. MHCLG has concluded its testing of the other non-ACM cladding systems, but has not yet released 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 and that the delays to publishing results were not acceptable.
10. In July MHCLG asked councils to undertake a data collection exercise to identify external wall materials and insulation on all high-rise residential buildings 18 metres and over within their area. The department has now provided £4m of new burdens funding to support this safety critical work. Although the work will be conducted by councils, we anticipate that FRSs will be informed of any buildings that are found to have dangerous cladding and consider what interim measures may be required. However the

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Government has yet to provide similar funding to pay for the removal of any dangerous non-ACM cladding and the LGA continues to call for this.

Fire Doors

11. 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.
12. 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.
13. We anticipate that MHCLG will produce advice for building owners later this year. Our concerns around the usefulness of the manufacturers' remediation plan 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 they were mis-sold.

Reform

Fire Safety Order (FSO)

14. On 6 June, the Home Office published a call for evidence on the Regulatory Reform Fire Safety Order 2005. The LGA response to this call for evidence is attached at **Appendix A**.
15. Our response was dovetailed with a response to the wider consultation carried out by MHCLG, discussed below.

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

16. At the same time as the FSO call for evidence was published MHCLG published their consultation on the new building safety regulatory framework, which subsequently closed on 31 July 2019. The LGA response set out our main concerns and a proposal for an improved regulatory system.
17. Our response 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.

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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 creating a two-tier regulatory 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 proportionate to their risk.
20. Recent fires at Barking and Worcester Park involving buildings just under the 18m height threshold, raise questions about the 18m+ focus of the reform programme. At Barking wooden balconies and cladding spread the fire and drew attention to confusion over the treatment of balconies by the building regulations guidance. It is too soon to say what lessons can be drawn from the Worcester Park fire.

Joint Regulators Group

21. 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 Commission meeting. Work continues through this group to flesh out the detail of Government's policy proposals, and make practical arrangements for their implementation.
22. The Government is working with the Health and Safety Executive to set up the new building safety regulator they are proposing in shadow form. The LGA continues to lobby to ensure that the views of local regulators (both councils and FRAs) are taken into account when devising the new body, as we expect enforcement and inspection to continue to be delivered locally. The Government intends to respond to the "Building a Safer Future" consultation by the end of the year and to legislate at the earliest opportunity.

Automatic Fire Suppression Systems (AFSS)

23. The Government is consulting on changes to fire safety regulations for new-build blocks of flats. The headline change in this consultation is the proposal to lower the height at which sprinklers are required in new build blocks of flats. The LGA - in conjunction with the National Fire Chiefs Council - has already called for this change and our response

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will reflect the conclusions of the Fire Service Management Committee's working group on AFSS, which have been endorsed by the LGA's Executive. The LGA has already called on the Government to make funding available for councils to retrofit sprinklers and deliver the same safety standards to those living in ageing tower blocks as it requires in new build housing. The consultation, which is linked to wider changes planned for Approved Document B and also covers signage and evacuation alert systems, closes on 28 November.

Implications for Wales

24. 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

25. 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

26. Officers to continue to support the sector's work to keep residents safe and reform the buildings safety system, as directed by members.