

Building Safety update

Purpose of report

For information.

Summary

This report updates the Safer and Stronger Communities Board on the building safety developments since its last meeting.

Recommendation

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

Action

Officers to incorporate the Board's views in the LGA's ongoing building safety related work.

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Building Safety update

Background

1. Since the Board's last meeting 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. Although the general election campaign halted any further policy developments by the Ministry of Housing, Communities and Local Government and Home Office, the LGA has also continued to work closely with civil servants on elements of the reform of building safety.
2. The Queen's Speech in December following the election contained a number of commitments related to building and fire safety.

Remediation

Progress

3. Progress continues to be made in carrying out remediation to the 159 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 (an additional block was identified with ACM in October 2019). The statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) on 13 December 2019 show that, as of 30 November 2019, remediation has finished on 66 of these blocks. Of those which have not yet been remediated, work has started on 79 of these blocks, and a further 14 have plans in place. Funding for the remediation of 144 of these 159 buildings is provided from the Government's social sector ACM cladding removal fund, and it is expected funding will be sought to remediate the new additional social housing block identified as having ACM. Remedial works for the remaining 14 buildings are being funded through existing funds and litigation action.
4. The latest statistics from MHCLG show there are 194 private high-rise residential buildings with ACM cladding, an increase of 10 over October 2019. Remediation work has been completed on 19 of these high-rise, private residential buildings. A further 175 buildings are yet to be remediated; of these, 27 have begun remediation, 74 have a plan in place, and 74 have plans in development. There are 17 private high-rise residential buildings where the cladding status is yet to be confirmed.

Funding

5. Following the Government's decision in May 2019 to provide funding for the owners of private high-rise residential buildings with ACM cladding to remediate them, the MHCLG Secretary of State has warned that where owners had not applied the Government was considering naming and shaming them. He also indicated that the Government was considering what other measures could be taken where building owners did not come forward and apply for funding.

6. Building owners have been able to apply for funding from September 2019. These applications can be: to seek confirmation that the building will be eligible for funding; to seek initial funding to tender for the work to remediate the ACM and then develop a full cost application; and, to submit an application for the full cost of remediating the ACM on the block. As of 30 November 95 private residential buildings were in scope of government funding, and of these applications had been started for 85 buildings, and two approved for funding. Of the buildings not in scope of the fund the developer or freeholder has committed to pay for the remediation of 74 buildings and 23 buildings are covered by a warranty claim. It is unclear what will happen to fund the remediation of two buildings.
7. The deadline for the submission of completed applications for funding was 31 December 2019. There is no information at this stage as to how many of the 85 buildings where an application had started by the end of November had actually been completed by the end of December. Where applications have not been completed MHCLG will want to consider what enforcement action could be taken to ensure the buildings are remediated.

Joint Inspection Team

8. Although consideration has been given to the use of the powers fire and rescue services have under the Fire Safety Order 2005 until changes are made to the Order (which are discussed further under the building and fire safety legislation announced in the Queen's Speech), councils remain best placed to take enforcement action under the 2004 Housing Act. As members will recall the LGA is hosting the Joint Inspection Team to support councils use their enforcement powers under the Housing Act and the Housing Health and Safety Rating System. The team has so far supported four local authorities. This has involved carrying out full site inspections of the buildings to carry out a Housing Health and Safety Rating System assessment, and then providing the council with a report on any fire hazards associated with the building. In four out of five buildings the team has rated the fire hazards as category 1 risks – the highest level of risk. A further inspection is due to be carried out the week before the Board meeting, and the team has been in discussion with MHCLG about more inspections to be conducted over the coming months.

Fire Protection Board

9. The new Fire Protection Board which is chaired by the National Fire Chiefs Council, with Home Office, MHCLG and LGA representation is currently conducting an assurance exercise asking fire and rescue services to provide assurance (within the context of their functions and duties under the Fire and Rescue Services Act 2004 or other relevant legislation and guidance) that those buildings that have ACM cladding can still be occupied pending remediation. The Board is also considering a programme of work which will increase the pace of inspection across all high-rise residential buildings.

Data collection on external wall systems

10. In July 2019 councils were asked by MHCLG to collect data on the external wall systems on all high-rise residential buildings in England. MHCLG's current estimate is that there are 11,300 residential buildings over 18 metres in height, of which 6,100 are in the private sector and 5,200 are social housing blocks. The importance of this work was highlighted by the fire at the student accommodation block, the Cube, in Bolton (even though this building was just below the 18 metre threshold) during the general election campaign which involved an as yet unidentified form of high pressure laminate cladding. Collecting information on these buildings is a considerable task, and councils have been provided with additional funding to assist in the data collection process. The LGA and London Councils are currently discussing with government officials what else might be done to assist councils in this exercise.

Reform

Building Safety Bill

11. The Queen's Speech on 19 December included a number of commitments related to improving building and fire safety. The Building Safety Bill will strengthen the building safety regulatory system by implementing the recommendations from the Hackitt review and in some areas going further. Key measures of the new enhanced safety framework include:
- 11.1. Providing clearer accountability and stronger duties for those responsible for the safety of high-rise buildings throughout the building's design, construction and occupation, with clear competence requirements to maintain high standards.
 - 11.2. Giving residents a stronger voice in the system, ensuring their concerns are never ignored and they fully understand how they can contribute to maintaining safety in their buildings.
 - 11.3. Strengthening enforcement and sanctions to deter non-compliance with the new regime, hold the right people to account when mistakes are made and ensure they are not repeated.
 - 11.4. Developing a new stronger and clearer framework to provide national oversight of construction products, to ensure all products meet high performance standards. Developing a new system to oversee the whole built environment, with local enforcement agencies and national regulators working together to ensure that the safety of all buildings is improved.
12. Our response welcomed the commitment to bring forward new building safety standards, something the LGA has consistently called for. However, we emphasised the need to avoid creating a two-tier building safety system. In our view a close partnership between the new

building regulator, councils and the fire service will be essential in ensuring we can build safe communities, towns and cities. At the core of this new partnership must be tougher enforcement powers for councils and the fire service, and we look forward to continuing to work with the Government to deliver them.

13. We also noted that the repair bill for existing buildings is likely to run into the billions of pounds and leaseholders and council taxpayers will not be able to meet the costs. In addition we highlighted the significant shortage of the skills required to deliver effective fire safety regulation and the need to fund training as an essential early step in reform. Government needs to work closely with local authorities to address these challenges.
14. As the Board is aware, shaping the changes required to respond to the Grenfell Tower has been a key priority for the team since June 2017, and the LGA will continue to play a prominent role in this work going forward.

Fire Safety Bill

15. Linked to the Building Safety Bill, the Queen's Speech also included a commitment to introduce a specific Fire Safety Bill which will: clarify that the scope of the Fire Safety Order includes the external walls of the building, including cladding, and fire doors for domestic premises of multiple occupancy; strengthen relevant enforcement powers to hold building owners and managers to account, and provide for a transitional period for building owners and managers and Fire and Rescue Services to put in place the infrastructure for these changes.
16. The LGA's response to the announcement noted that the Grenfell Tower fire had highlighted gaps in the extent to which the Fire Safety Order could be applied, and welcomed the fact the Bill will confirm that it applies to cladding and fire doors to flats. Given the scale of the data collection exercise facing councils to identify the external wall system on every high-rise residential building, we stated that the Bill is an opportunity to place a clear duty on building owners and managers to tell councils and fire and rescue services (FRSs) what materials have been used in these buildings, and also argued that the cost of replacing any combustible cladding should not fall on leaseholders or council taxpayers, and nor should the cost of replacing fire doors in social housing fall on tenants. Reforms must reflect the fact that FRSs do not currently have the capacity to inspect the thousands of high-rise residential buildings.
17. We also called on Government to look at the case for introducing sprinklers at a lower height threshold in newly built premises and in premises where vulnerable people sleep, as well as consideration of additional Government funding for the retro-fitting of sprinklers in high risk buildings.

Joint Regulators Group

18. As members will recall from previous meetings, MHCLG has been progressing development of policy and legislative options for implementation of changes to the new regulatory framework through the Joint Regulators Group. This work has continued during the general election campaign though at a less intensive pace than usual, but we expect to pick up discussions with MHCLG again shortly, and have already been talking to MHCLG and Home Office officials about the changes to the Fire Safety Order to be made through the Fire Safety Bill.

Implications for Wales

19. 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

20. 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

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