

## Agenda

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### **Environment, Economy, Housing & Transport Board: Supplemental Agenda**

Wednesday 23 May 2018

11.00 am

Westminster Room, 8th Floor, 18 Smith Square, London, SW1P 3HZ

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## **Grenfell Update: Review of Building Regulations**

### **Purpose of report**

For discussion.

### **Summary**

On 17 May 2018 the Independent Review of Building Regulations and Fire Safety published its final report. Key elements of the report are set out in paragraphs 7 to 15 below.

Also on the 17 May 2018, James Brokenshire, the Secretary of State for the Ministry of Communities and Local Government, announced that he will consult on the banning of combustible materials being used in cladding systems on high-rise residential buildings.

On 16 May 2018, the Prime Minister announced that £400 million of funding would be made available to fully fund local authorities and housing associations with the removal and replacement of aluminium composite material (ACM) cladding, the type used on Grenfell Tower, on social housing buildings above 18 metres.

### **Recommendation**

That Members note the recommendations of the review by Dame Judith Hackitt into Building Regulations and Fire Safety

### **Action**

Officers will continue to update Board members on developments related to the Grenfell Tower Fire

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## **Grenfell Update: Review of Building Regulations**

### **Background**

1. An independent review into Building Regulations and Fire Safety was announced by government in July 2017 following the Grenfell Tower Fire. The review has been led by Dame Judith Hackitt. An [interim report](#) was published on 18 December 2017 and a [final report](#) was published on 17 May 2018.
2. The LGA's submission to the independent review can be found [here](#).

### **Key points**

3. The final report of the Independent Review into Building Regulations and Fire Safety contains a number of recommendations. The LGA is considering these, particularly in respect of the concerns that it has been raising about the effectiveness of the building regulation guidance; the need for building owners to know *now* what might be suitable replacements for the discredited cladding on high rise buildings; the future use of desktop studies; and the need for greater rigour in competency frameworks and the identification and tracking of building materials.
4. These issues are all covered in the review's final report, but in its [response](#) the LGA has said that it is disappointing that Dame Judith has stopped short of recommending a ban on combustible materials and the use of desktop studies, both essential measures to improve safety.
5. The LGA awaits the outcome of the consultation into the future of desktop studies which closes on 25 May. The Government has said that it will ban desktop studies if the consultation does not demonstrate that they can be used safely.
6. The LGA is also pleased that James Brokenshire the Secretary of State announced on 17 May that he intends to consult on banning the use of combustible materials in cladding systems on high-rise residential buildings. The consultation is expected to take place over the summer.

### **Final report of the Independent Review of Building Regulations and Fire Safety**

#### *A new regulatory framework*

7. In the report Dame Judith Hackitt sets out a proposal for a new regulatory framework. In doing so she calls for the establishment of a Joint Competent Authority (JCA) to oversee better management of safety risks. She has subsequently said that the intention here is not to create a new body, but rather to establish a mechanism for existing regulators,

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local authority building control; the fire and rescue service and the Health and Safety Executive to operate collectively to oversee the system of ensuring the safety of multi-occupancy higher risk residential buildings (HRRBs).<sup>1</sup> Dame Judith has defined the scope of the JCA to cover those HRRBs that are 10 storeys or more in height (this differs from the existing scope of the building regulations which defines high rise as above 18metres (6 floors). Under the proposals a mandatory incident reporting system will be put in place.

*Design construction and refurbishment (chapter 2)*

8. The proposals envisage 'dutyholders' with responsibility for building safety at the design, construction and refurbishment stage and also at the occupancy stage of the building's life cycle. Dutyholders will be the subject of rigorous and demanding duties and responsibilities. A series of Gateway points are envisioned at which the JCA will determine whether the development of an HRRB is progressing appropriately.

*Occupation and maintenance (chapter 3)*

9. Once occupied the proposal is that the JCA will assess any plans for refurbishment and that in any event buildings would be subject to regular assessments of their continuing safety by the JCA, based on safety cases presented by dutyholders.

*Tenants (chapter 4)*

10. In the report Dame Judith sets out measures to provide reassurance and recourse for residents, including a no-risk route for residents to escalate concerns about safety to an independent statutory body, potentially the suggested single housing ombudsman.<sup>2</sup> The report also proposes that dutyholders should have resident engagement strategies in place and that residents should have access to fire risk assessments, safety case documentation and information on maintenance and asset management.

*Competence (chapter 5)*

11. To overcome the concerns that the current approach to levels of competence is disjointed and not rigorous enough, the report recommends that professional and accreditation bodies should present a coherent approach to government within one year that sets out the remit and role of an overarching body to provide oversight of competence requirements of competent people working on HRRBs. The report states that the competence requirements for local authority employed building control officers and Approved Inspectors should be consistent. Approved Inspectors will lose their ability however to provide a building control role for HRRBs, though they will be able to provide those building them with advice and can work for councils' building control.

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<sup>1</sup> Dame Judith Hackitt evidence to the Communities and Local Government Select Committee 17 May 2018

<sup>2</sup> MHCLG, Strengthening consumer redress in the housing market: a consultation (2018)

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*Guidance and monitoring (chapter 6)*

12. Dame Judith proposes that the responsibility for developing guidance on building regulations and fire safety should be moved to industry, with government support and validation. The report argues that the full suite of building regulation guidance should be owned by industry who are accountable for managing risk and have an incentive to ensure that guidance keeps pace with innovation. The key focus is on building regulation guidance, but the report also suggests that the Fire Safety Order be reviewed and updated as necessary. It is proposed that there should be a periodic review, at least every five years, of the effectiveness of the whole system.

*Products (Chapter 7)*

13. Dame Judith's interim report sought to restrict the use of assessments in lieu, known as "desktop studies". The final report notes that the government is taking this recommendation forward and does not seek further restrictions. The report notes that using products that are non-combustible or of limited combustibility is "undoubtedly" a lower risk option. But, rather than recommending that combustible products on the outside of HRRBs be banned, the final report argues that a system of mitigation be put in place when using a full system testing option. The report recommends that a more transparent and more effective specification and testing regime of construction products must be developed and that products that are critical to the safety of HRRBs should be subject to periodic retesting to ensure that quality and integrity has been maintained over time in production. In addition the report recommends that all products used in HRRBs must be traceable. A strengthened compliance regime is proposed possibly through an extended remit for the Office of Product Safety and Standards.

*Building information (chapter 8)*

14. The report recommends the creation of a digital record throughout the building life cycle. A Business information Modelling (BIM) approach is proposed which the report says will enable the dutyholders to ensure accuracy and quality of design and construction and a suitable evidence base to maintain the safety and integrity throughout the life cycle of the building. The review also recommends that for existing buildings a set of minimum building data be included in the safety case provided to the JCA when the building is being refurbished or assessed.

*Procurement and design (chapter 9)*

15. The review states that the aim of the procurement process should be to obtain best value rather than lower cost. The review recommends that for HRRBs principal contractors and clients should devise contracts that specifically state that safety requirements must not be compromised for cost reduction. Tenders should propose how any proposed building solution results in safe buildings.

### **Funding to remove and replace cladding systems**

16. On 16 May 2018, the Prime Minister announced that £400 million of funding would be made available to fully fund local authorities and housing associations with the removal and replacement of aluminium composite material (ACM) cladding, the type used on Grenfell Tower, on social housing buildings above 18 metres. This is an important step for those councils with affected buildings and follows lobbying by the LGA

### **Implications for Wales**

17. Building regulation and fire safety are a devolved matter in Wales

### **Financial Implications**

18. None

### **Next steps**

19. We will continue to update the Board on the matters arising as a result of the Grenfell Fire

