

# Environment, Economy, Housing and Transport Board

Agenda

Thursday, 18 February 2021  
12.00 pm

Virtual meeting via Teams

**To:** Members of the Environment, Economy, Housing and Transport Board  
**cc:** Named officers for briefing purposes

Environment, Economy, Housing & Transport Board  
18 February 2021

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There will be a meeting of the Environment, Economy, Housing & Transport Board at **12.00 pm on Thursday, 18 February 2021**.

**Political Group meetings:**

The group meetings will take place in advance of the meeting. Please contact your political group as outlined below for further details.

**Apologies:**

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

<b>Conservative:</b>	Group Office: 020 7664 3223	email: <a href="mailto:lgaconservatives@local.gov.uk">lgaconservatives@local.gov.uk</a>
<b>Labour:</b>	Group Office: 020 7664 3263	email: <a href="mailto:LABGP@lga.gov.uk">LABGP@lga.gov.uk</a>
<b>Independent:</b>	Group Office: 020 7664 3224	email: <a href="mailto:independent.grouplga@local.gov.uk">independent.grouplga@local.gov.uk</a>
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**LGA Contact:**

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**Carers' Allowance**

As part of the LGA Members' Allowances Scheme a Carer's Allowance of £9.00 per hour or £10.55 if receiving London living wage is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

## Environment, Economy, Housing & Transport Board – Membership 2020/2021

Councillor	Authority
<b>Conservative ( 7 )</b>	
Cllr David Renard (Chairman)	Swindon Borough Council
Cllr Peter Butlin	Warwickshire County Council
Cllr Mark Crane	Selby District Council
Cllr Mark Hawthorne MBE	Gloucestershire County Council
Cllr Patrick Nicholson	Plymouth City Council
Cllr Nicholas Rushton	Leicestershire County Council
Cllr Linda Taylor	Cornwall Council
<b>Substitutes</b>	
Cllr Richard Burton	East Riding of Yorkshire Council
Cllr Catherine Rankin	Kent County Council
Cllr Andrew Mackiewicz	Solihull Metropolitan Borough Council
<b>Labour ( 7 )</b>	
Cllr Darren Rodwell (Vice-Chair)	Barking and Dagenham London Borough Council
Cllr Asher Craig	Bristol City Council
Mayor Philip Glanville	Hackney London Borough Council
Cllr Ed Turner	Oxford City Council
Cllr Rachel Blake	Tower Hamlets Council
Cllr Michael Mordey	Sunderland City Council
Cllr Christopher Hammond	Southampton City Council
<b>Substitutes</b>	
Cllr Peter Mason	Ealing Council
Cllr Claire Holland	Lambeth London Borough Council
<b>Liberal Democrat ( 2 )</b>	
Cllr Adele Morris (Deputy Chair)	Southwark Council
Cllr Peter Thornton	Cumbria County Council
<b>Substitutes</b>	
Cllr Stewart Golton	Leeds City Council
<b>Independent ( 2 )</b>	
Cllr Linda Gillham (Deputy Chair)	Runnymede Borough Council
Cllr David Beaman	Waverley Borough Council
<b>Substitutes</b>	
Cllr Loic Rich	Cornwall Council
Cllr Diana Moore	Exeter City Council
Cllr Tim Hodgson	Solihull Metropolitan Borough Council
Cllr Jamie Osborn	Norwich City Council

## Agenda

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### Environment, Economy, Housing & Transport Board

Thursday 18 February 2021

12.00 pm

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**Date of Next Meeting:** Thursday, 20 May 2021, 12.00 pm

## Council housebuilding

### Purpose of report

For discussion.

### Summary

This report provides an overview of the Board's recent lobbying and improvement activity in relation to council housebuilding. It also proposes a set of actions for the Board to pursue over the remainder of the current Board cycle.

Ellen Vernon, Programme Director of One Public Estate (OPE) will also be attending the EEHT Board to discuss how the OPE programme is supporting councils to unlock surplus public land and property to support housing delivery.

#### **Recommendations:**

Members are invited to:

1. **Comment** on the key areas for lobbying outlined in **paragraphs 9.1 to 9.6** and provide a steer on any omissions.
2. **Comment** on the set of proposed actions (**paragraph 23**) for the Board to pursue over the remainder of the current Board cycle.

#### **Action:**

As directed by the Board

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## **Council housebuilding**

### **Background**

1. There has been a renewed interest in the critical role that council housebuilding could play in supporting efforts to tackle the national housing shortage over the last few years. This includes a series of encouraging government announcements which have included:
  - 1.1. the lifting of the borrowing cap in 2018
  - 1.2. consultation on flexibilities in using right to buy receipts (albeit a government response is still awaited more than 2 years later)
  - 1.3. a new £11.5 billion Affordable Homes Programme for 2016-21, with a specific reference to social rent and a revision of the 80:20 rule which has historically meant that funding has been concentrated in London and the South East;
  - 1.4. Homes England have committed to a greater level of engagement with local authorities through an expansion of their strategic partnership initiative, although we are yet to see the detail of what that will look like
  - 1.5. £100 million Brownfield Land Release fund to be launched in early 2021 to support brownfield development, estates regeneration, development on public sector land and self and custom-build serviced plots in coming forward
  - 1.6. Re-affirming the government's ambition to see a 'step-change in local authority delivery' in the [social housing White Paper](#).
2. The 2020 [Affordable Housing Commission report](#) supported the 'government's encouragement to councils to build again at scale....' and the [Homes, Communities and Local Government Committee](#) recommended that 'A social housebuilding programme should be top of the Government's agenda to rebuild the country from the impact of COVID-19.'
3. Councils continue to proactively address the challenge of building more homes, across all tenures, however there remain a combination of factors that, unless addressed by central government, will continue to limit their ability to deliver at scale, and at pace.
4. The LGA, through the work of the Board, has been lobbying Government for some time on the tools, powers and flexibilities that would have a positive impact on the ability of councils to deliver a generational step-change in direct delivery.
5. Most recently, this has included our [council housing stimulus package report](#) in June 2020, which made the case for counter-cyclical investment in council housing to support recovery from the impact of COVID-19. Building on this work, we also commissioned and [published the 'Building post-pandemic prosperity' report](#) demonstrating that investment in 100,000 council homes would result in a £15 billion boost to the economy, which

received national press coverage. Both of these reports have provided a strong platform for our ongoing lobbying engagement with government.

6. Recent [HMRC figures](#) published at the end of last month showed that despite residential sales having hit their highest level in 13 years in December, bucking the downward trend that is more often seen during a recession, the number of transactions recorded in the financial year to date was still, at 750,540, more than a sixth lower than the equivalent figure in 2019 (880,580).
7. A number of commentators suggest that growth in the last couple of months of 2020 has been driven by a number of issues including transactions that were delayed earlier in the year; a shift in demand from buyers as a result of a desire for more space given increased home working; and the stamp-duty holiday bringing forward transactions.
8. The future of the housing market for 2021 and beyond remains uncertain. Whilst the 2020 recession is likely to have plenty of nuance to it, owing to the nature of its primary cause (COVID-19), history has shown that recession can have a significant impact on the [private housebuilding industry](#) both in financial and output terms. Whilst, as of November 2020, the [average house price](#) had risen by 7.6% (£249,633) compared to the previous year, the Office for Budget Responsibility (OBRE) forecasts that house prices are expected to fall back in 2021. This is likely to be in part driven by the end of the Stamp Duty holiday and the likely hit to household incomes from the labour market adjustment and rising unemployment that it is assumed will follow the end of the Coronavirus Job Retention Scheme at the end of April.
9. Private housing output is not expected to return to the [2019 level of 145,000 new homes per year until](#) 2023. This means that the case for investment for a publicly-funded substantial programme of housebuilding will become even more important, if there is any practical chance of the government meeting its target of 300,000 new dwellings per year by 2025.
10. Key areas that we have focused our lobbying on to date have been:
  - 10.1. A national recognition of the importance of building communities and not just housing estates - this means that an equal effort needs to be put into 'Place' and addressing the other aspects of community such as employment, infrastructure and soft infrastructure. Development also needs to address local housing needs and therefore a local plan-led system is crucial.
  - 10.2. Reform to right to buy – current rules on use of right to buy receipts are a significant impediment to delivery of new homes. Issues include the proportion of the receipt taken by the Treasury; the 'three-year' and '30 per cent' rules about reuse of receipts; and the rule preventing the use of receipts with grant (e.g. from Affordable Homes Programme) or section 106 money in the same scheme.

- 10.3. Grant – increased access to grant funding (particularly as council housebuilding programmes expand) and grant levels per home, will be increasingly important, especially for councils wanting to build for social rent. A significant uplift in the level of grant to support investment in 100,000 council homes would yield a net present value public sector surplus of [£7.8 billion over 25 years](#). It would also make a major contribution to the Government’s ambition of 300,000 new homes a year, help address pressure on public services driven by poor housing conditions and offer a pathway out of expensive and insecure private renting, and on towards ownership
- 10.4. Skills and capacity – provision of additional capacity and improvement support for housing delivery teams within councils and their delivery partners. This needs to sit alongside access to the appropriate skills and expertise to allow councils to assess risks and explore different options for delivery. This could be delivered through increased investment in existing sector-led improvement programmes delivered by the LGA/Local Partnerships/One Public Estate, working closely with Homes England.
- 10.5. Land availability – the cost of land for development can be prohibitive for councils and they cannot compete against private developers/land promoters. Councils should be enabled to acquire public land identified as surplus or redundant by the current public sector owner in their area, to provide public facilities, including housing, at the valuation determined by the District Valuer based on current use. This should include opening up expedited dialogue to allow the transfer of Homes England land assets to councils where it can be used for accelerated housing development.
- 10.6. Resources for estate regeneration – estate regeneration schemes and repurposing of existing stock offer opportunities to improve the quality of housing and neighbourhood design, in turn transforming the way thousands of people live. National funding over recent years has focused in delivering additional homes, rather than on regeneration scheme, but there is an increasing need for the re-introduction of capacity funding for estate regeneration.
11. Another key area of concern for stock-holding authorities, relates to a number of cost and income pressures as a result of COVID-19, which may affect the future sustainability of Housing Revenue Accounts (HRA). This is in addition to other increased cost pressures as a result of building safety reforms, as well as those arising from a potential [revised Decent Homes Standard](#), and a [Future Homes Standard](#). There is a risk that these combined, could have an impact on both councils’ ability to deliver their responsibilities as local housing authorities, as well as their housing delivery plans.
12. In terms of sector-led improvement support, the LGA has continued to run its Housing Advisers Programme (HAP) which provides grants to councils in England, to access specialist advice to address their local housing needs. HAP has been running since 2017 and has supported 3 cohorts of participants to deliver more than 100 projects so far.

13. 17 grants have just been [announced](#) for cohort 4 (2020/21 financial year) which has a particular focus on addressing the impacts of COVID-19 on the housing crisis. The projects the Programme supports are wide-ranging but include those aimed at increasing housing supply and delivering carbon-neutral housing.

#### **Recent council housebuilding activity**

14. In terms of recent activity, the nationally available [statistics](#) suggest that there were 9,720 local authority new build completions between 2014/15 and 2018/19 (average 1,944/year). This is higher than the 5,740 between 2009/10-2013/14 (average 1,148/year). But still significantly lower than, for example, in 1968, which saw the highest levels of completions in England (352,540) with local authorities delivering more than 40% (143,680).
15. However, there is some concern that the national statistics under-represent actual council housebuilding activity, mainly because of the way tenure is recorded. To illustrate, if a council delivers homes as part of a Joint Venture with a private developer, the completions are likely to be recorded as 'private enterprise' delivery. It will be important going forward that data is collected in a format that ensure that council activity is accurately reflected at a national level.
16. [Separate analysis](#) undertaken in 2019 told a much more positive story. Amongst the 240 councils who responded, 131 had directly delivered new housing between 2014/15 and 2018/19 – completing 18,999 net additions (excluding acquisitions). The total figure, taking into account councils who didn't respond, will inevitably be higher. This includes delivery through Housing Revenue Accounts, General Fund, as well as local authority housing companies and Joint Ventures.
17. A [report](#) produced in 2019 for the Royal Town Planning Institute also found that 78% of councils now have some form of housing company. The authors of that report are currently updating their research and the LGA has been invited to sit on the advisory group. This will be an important stocktake on councils' current appetite for direct delivery, particularly in the context of COVID-19.

#### **Looking ahead**

18. In terms of future delivery, the 2019 [Inside Housing analysis](#) showed that respondents were expecting to build 78,651 homes over the 5 years 2019/20-2023/24.
19. It is important to note that owing to a number of councils basing their figures on schemes with planning permission, and others providing an indication of ambitions, there is a possibility that these may not be fully realised or may need to be revised as a result of Covid-19.

20. Nevertheless, this demonstrates that councils have a clear appetite to, and are making significant strides, in driving up their own delivery.
21. It will be important that the LGA continues to work with councils to make the case to government for policy and fiscal interventions that will enable this momentum to continue.
22. Council housebuilding will also become increasingly important in the context of government policies that have introduced a 35% uplift in the housing number requirement for 20 cities and urban centres in England, and increasingly stringent [Housing Delivery Test requirements](#), which now mean that more than 50 councils are subject to the presumption in favour. The majority (75%) of the growth cities and urban centres identified for higher delivery targets are also constrained by Green Belt and other constraints e.g. coastline, National Parks.
23. We continue to make the case that decisions on housing numbers need to be made locally, that the presumption in favour sanctions should be abolished and that councils need greater powers to ensure prompt build out of homes once they have been granted planning permission.

#### **Next steps**

24. Subject to feedback from Board Members, there are a number of potential opportunities for members to build on their work to date. Members are requested to give their steer on the suitability of pursuing the following areas of focus for the remainder of the current Board cycle:
  - 24.1. Invite a senior representative from Homes England to a future Board meeting
  - 24.2. Continue to share local authority experiences and good practice in housebuilding as part of our Sector-Led Improvement offer
  - 24.3. Continue to use our evidence base from previously commissioned work to advance our case for council housebuilding in discussions with officials, parliamentarians and other key stakeholders (including media outlets)
  - 24.4. Commission additional research to build on our existing evidence base. Suggestions from Board Members on the scope/topics of any research is welcomed.

#### **Implications for Wales**

25. Housing policy is a devolved issue.

#### **Financial Implications**

26. None

## **Building Safety Update paper**

### **Purpose of report**

For information.

### **Summary**

This report updates members on the LGA's building safety related work.

#### **Recommendation**

That the Board note the update

#### **Actions**

Officers will take action as directed

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## **Building Safety Update Paper**

### **Remediation**

#### *Progress*

1. [MHCLG statistics](#) show that by 31 December 2020, 90% (417) of all identified high-rise residential and publicly owned buildings in England had either completed or started remediation work to remove and replace unsafe Aluminium Composite Material (ACM) cladding (93% of buildings identified in December 2019) – an increase of 31 buildings since the end of November 2020, the highest monthly increase in 2020. During 2020, 159 buildings started works, compared to 90 in 2019 and 111 in 2018
2. The pace of ACM remediation continues to be slow – 257 buildings (56% of all identified buildings) had had their ACM removed by the end of October. At the end of April 2019 remediation was complete in 22 per cent of buildings, now it is 44 per cent. Of the 202 buildings that had completed work by the end of last month, 22 finished in September and 13 in October. This is an improvement on recent months, reflecting both the increased pressure from the Minister and the resumption of work that had stopped as a result of Covid.
3. Of the 156 social sector residential blocks with ACM, 90 have completed work and 66 have begun work. This is the first time that there have been no social sector residential buildings waiting to start work.
4. In the private sector 64 have completed, 112 have begun and 38 have yet to begin. In addition, 44 Student blocks have completed with 10 underway and none yet to begin.
5. While these statistics suggest a positive direction of travel ACM buildings represent around a sixth of the total number of buildings over 18m with dangerous cladding and the improved rate is the result of significant official effort and ministerial pressure on owners.

#### *Joint Inspection Team*

6. Discussions on the future of the JIT continue with MHCLG. Our expectation is that the team will continue working next year with a remit that expands to cover non-AM dangerous cladding.
7. The team's inspections are currently suspended due to Covid. This is under constant review.

*Fire Protection Board*

8. The Building Risk Review programme overseen by the Board, is ahead of its target schedule to ensure all residential buildings over 18m have been assessed or inspected by the end of 2021.
9. The LGA is sought clarity over the extent to which the funding from MHCLG and the Home Office during 2020-21 to provide a protection uplift, implement Grenfell Tower Inquiry findings and support the FPB's work will continue into 2021-22.
10. The Fire Protection Board in December was told that:
  - 10.1.1. The Home Office has received a 5% increase on baseline funding, with some funds already secured subject to Ministers' agreement.
  - 10.1.2. There will be additional funding to underpin the national work on Protection and the local work on delivering and enhancing Protection services, however, more work is needed to the appropriate level of resourcing and disaggregation based on spending and deliverables from the 2020-21 financial year.
  - 10.1.3. The data from Q2 showed that only 6% of funding for FRSs had been spent, but there is flexibility at the end of the year for FRSs to roll over any unspent funds.

*Waking watch relief fund*

11. In December the Government announced that it would provide £30m to cover the cost of installing fire alarms in buildings that currently have a waking watch because they have dangerous cladding.
12. The fund was launched on 31 January, it applies to private sector buildings over 18m<sup>1</sup> in England only. To be eligible a building must have an unsafe cladding system with a waking watch in place where these costs have been passed on to leaseholders.
13. Social sector buildings where the Registered Provider can evidence that waking watch costs have been passed to leaseholders and the costs of installing an alarm will fall on leaseholders will also be eligible.
14. The fund will only cover the cost of alarms installed on or after 17 December 2020.
15. There will be a staged roll out of the fund with a six-week period in which applications must be made. This begins on 31 January 2021 and ends on 14 March 2021 for all buildings except private sector buildings in London, where arrangements for administering the fund have yet to be completed.

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<sup>1</sup> Actually, over 17.70m in height when measured according to diagram D6 of Approved Document B (Annex A).

16. Installation costs that are above a £1500 per dwelling threshold will require additional scrutiny and may require additional evidence from the applicant to show whether the costs are necessary and reasonable.
17. £22 million of the £30 million funding available has been allocated to the eight metropolitan areas estimated to have the largest number of eligible buildings across England based on [Building Safety Fund: registration statistics](#) with adjustments made to account for social sector funding. These allocations are:

<b>Local/Combined Authority</b>	<b>Allocated Funding (£m)</b>
Greater London	16.1
Greater Manchester	2.1
Birmingham	1.1
Leeds	0.7
Liverpool	0.5
Bristol	0.5
Newcastle	0.5
Sheffield	0.5
Total	

18. In Manchester the Combined Authority will administer the fund; in London the GLA is expected to take on the role. In the other six areas local authorities have agreed to administer it.
19. The remaining £8 million of the fund will be centrally administered and is available to buildings across all other areas of England.
20. Guidance and application forms are available [here](#).
21. The fund has been developed very quickly. While this has drawbacks (e.g. it is not large enough to meet demand) it is understandable given that delivering the fund quickly is essential if it is to be of any value.
22. LGA was consulted by MHCLG as part of its development of the fund. However, MHCLG tended to discuss the matter directly with the councils involved. At the time of writing the greater difficulty posed by administering the fund in London has not been overcome.

## **Reform**

### *PAC report response*

23. Although MHCLG was due to respond to some of the PAC recommendations by the end of January. It has not done so. This is probably a result of the diversion for resource to establishing the Waking Watch Relief Fund.

### *Building Safety Bill*

24. The Government has yet to respond to the HCLG Select Committee's pre-legislative scrutiny of the Bill. This was supposed to be done in January but has slipped slightly. We anticipate publication shortly.

### *Gateway One*

25. Gateway One, which takes place at the planning stage and requires developers to produce a fire statement in relation to high risk buildings, is to be introduced via amendments to planning regulations and we anticipate its introduction in June. We have previously raised concerns regarding the effect of planning reform on this proposal and understand the Government intends to address these.

26. Regulations were introduced over the Christmas period that apply where a developer wants to use a Permitted Development Right (PDR) to extend a block of flats upwards to create new flats. The change adds a requirement to ensure that any necessary remediation has been done to the external walls before the developer can use the PDR, but applies only where the building is over 18m before the extension. We are taking this up with the department.

### *Product safety*

27. On 19 January the Government announced that the Office for Product Safety and Standards (OPSS) will be the new construction product safety regulator. It will have the power to remove any product from the market that presents a significant safety risk and prosecute any companies who flout the rules on product safety. Its enforcement powers will include the ability to conduct its own product-testing when investigating concerns.

28. OPSS will be expanded and given up to £10 million in funding to establish the new function. It will work with the Building Safety Regulator and local authority Trading Standards to encourage and enforce compliance, building on the current work OPSS do with local authorities on product safety surveillance.

29. The government has also commissioned an independent review to examine weaknesses in previous testing regimes for construction products, and to recommend how abuse of the testing system can be prevented. It will be led by a panel of experts with regulatory,

technical and construction industry experience and will report later this year with recommendations.

30. LGA officers have discussed this proposal with ACTSO and will be discussing these developments with MHCLG and OPSS shortly.

#### *Fire Safety Bill*

31. The Bill has yet to return to the House of Commons for the start of ping pong. The latest estimate we have is that it will commence in late April. The delay is believed to be related to the concerns MPs have about the costs to leaseholders of remediating dangerous buildings.
32. According to the latest Government comments in the House of Commons this issue is going to be addressed through the Building Safety Bill and the amendments to the Fire Safety Bill that would protect leaseholders will be opposed. This approach would make it difficult to take enforcement action under the Fire Safety Act until the Building Safety Bill was passed. Officers are raising this issue with the Home Office.
33. A working group is looking at the development of guidance to come into force alongside the Bill in order to mitigate the shortage of fire risk assessors. NFCC has developed a prioritisation tool. The Guidance will ensure that use of the tool will provide owners with legal protection. The work on the guidance is ongoing. The group devising the guidance, which includes LGA, NFCC, Home Office and MHCLG will also look at enforcement under the Bill, although this work may transfer to the Steering Group of the Fire protection Board.

#### *Barking Fire Review*

34. An independent [review](#) by Sir Steve Bullock and Diarmaid Ward of the fire at Samuel Garside House in Barking in 2019 has been published – it identifies communication with residents; complexity of ownership; the role of the council and the arbitrariness of height-based regulation as key issues.
35. The review argues that ‘the responsibilities which each party, including residents themselves, would have in the event of a serious incident had not been clearly explained’. This was exacerbated by lack of a residents’ forum in the building and ‘therefore no clear channel for engagement other than with residents as a whole’ and by the ‘complex ownership of Samuel Garside House and the individual units within it’ (set out on page 12 of the report), which meant that ‘individual residents could find it difficult, particularly in the aftermath of the fire, to work out to whom they needed to address their questions and concerns’ – an issue common to many blocks now.

36. It concludes that 'the local authority... set up the emergency response arrangements ...very quickly and well in our view. However, the multiplicity of other organisations involved with the building quickly became a concern and continued to cause some problems in the following weeks. In the first few days communication was a particular problem, with residents becoming frustrated about their inability to get answers to their questions. The council was the only organisation able to provide overall coordination and leadership even where this went beyond their statutory role'.
37. In addition, the authors highlight:
- 37.1. 'residents greatest concern has probably been the difficulty of resolving issues around helping them to get back into permanent accommodation'.
- 37.2. Poor performance of the insurers: 'at one point the Council Leader felt it necessary to seek ministerial help to get the insurers to act with appropriate speed'.
- 37.3. The decision by Bellway Homes to undertake [remedial] work was taken quickly and willingly in response to the fire. As concerns have arisen about building after building in the aftermath of the fire at Grenfell, that approach has sometimes been conspicuous by its absence elsewhere.
38. The report makes the following recommendations:
- 38.1. Organisations which provide housing for rent or own leases of residential units, together with those that manage residential buildings or provide ancillary services, in the context of the Grenfell Tower fire should **review their plans for dealing with emergencies to take into account the heightened concerns of residents** and the subsequent action in relation to the dangers arising from the use of certain types of cladding and action around fire safety more generally.
- 38.2. Any organisation which has responsibility for the management and safety of a building which includes residential units should **review the way in which it communicates with residents and involves them in the management** and overseeing of issues including, but not limited to, the safety of the building.
- 38.3. Subject to the final provisions of the Building Safety Bill when enacted, local authorities should have **enhanced enforcement powers for buildings below 18 metres** which match those of the Building Safety Regulator for buildings over 18 metres.
- 38.4. Local Authorities should have the power to declare a **'Local Housing Emergency'** situation for an initial 30 days during which they can take all necessary actions, including to reclaim costs incurred from the responsible building owners. Such powers to be exercised directly by the Local Authority or through another organisation appointed by the Local Authority to work on its behalf.
- 38.5. Freeholders should lodge a **'Statement of Ownership'** with the Land Registry **setting out the organisations which hold leases and subleases down to, but**

**not including, leases for individual properties** and indicating the ultimate ownership of those organisations. This should be updated whenever a lease is transferred.

38.6. All residents should receive an **annual statement of responsibilities for their home and the building** of which it is part. This would include the following:

38.6.1. Contacts, day-to-day and emergency, for both internal issues in the case of renters and external issues for all.

38.6.2. Information about what will happen in the case of an emergency such as a fire requiring evacuation of the building for a significant period of time and knowing who will provide temporary accommodation and other support to any displaced residents. If this is to be provided by an insurance policy, contacts for the insurer should be included.

38.6.3. The responsibility of residents for the maintenance of their own homes and that responsibility in relation to common areas as set out in the relevant leases should be made clear. Residents should be provided with guidance in relation to insurance cover, which makes clear that the building insurance does not cover loss of contents in any circumstances and therefore it is necessary for them to arrange for contents insurance themselves.

38.7. Planning authorities should include a requirement to carry out the provision of 5 and 6 above as part of the S106 agreement for all new multi-unit developments.

39. These recommendations were discussed by the LGA's Grenfell Task and finish Group earlier this month and the group recommended that the LGA endorse the report's recommendations and promote them.

### **Other matters**

40. The LGA has published its position statement on [leaseholder costs](#) and has published advice for councillors on [supporting residents with cladding issues](#).

41. Grenfell United [has launched legal action](#) against MHCLG, Home Office, RBKC, KCTMO, LFB, Arconic and others.

42. The Welsh Government is consulting on its [building safety proposals](#). It appears to mirror the English Building Safety Bill, but to be possibly be more rigorous in relation to buildings below 18m. This is relevant to some of the points made in the paper on recent report, to be discussed at the meeting. Officer will seek the views of the WLGA and report back to the Group.

43. The cross-party Fire, Resilience and Emergency Planning Committee of the London Assembly has published a report on the [Cladding Crisis and its Impact on Londoners](#).

### **Implications for Wales**

44. 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**

45. 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**

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



## **Building Safety Announcement Update paper**

### **Purpose of report**

For information.

### **Summary**

This report updates members on the Government's announcement on 10 February and provides some initial reactions.

#### **Recommendation**

That the Board note the update

#### **Actions**

Officers will take action as directed

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## Building Safety announcement

### Announcement

1. On 10 February 2021, the Secretary of State announced further measures in response to the cladding crisis. The announcement has three key elements set out on the [Government website](#). The Government has said the measures announced will
  - provide reassurance and security to leaseholders,
  - give mortgage providers confidence that where cladding removal is needed, properties will be worth lending against and
  - will mean people living in homes which they have been prevented from selling, or re-mortgaging, through no fault of their own, will now be able to move on with their lives.
2. The first element is **£3.5bn to pay for cladding remediation over 18m**.
  - 2.1. This is simply an increase (a very substantial one) in the £1bn already announced for the non-ACM Building Safety Fund. The level of increase suggests the HCLG Select Committee was right to estimate that the initial £1bn would cover less than a quarter of the full cost.
  - 2.2. There is a 30cm tolerance in the 'over 18m' requirement, meaning that buildings over 17.7m can apply.
  - 2.3. The fund only covers external wall systems but does cover insulation as well as cladding. The Government website implies that the new money will be subject to the same limitations as the existing non-ACM fund, which would mean that it will [not cover balconies](#), but would cover render-based systems and cavity barrier issues within cladding systems. We are checking these details with MHCLG.
  - 2.4. We have also asked MHCLG to confirm it will cover costs to leaseholders that are imposed by social providers where social providers own blocks (as the initial £1bn covered this).
3. The second element is **low interest loans for cladding remediation for buildings of 4-6 stories or 11-18m**.
  - 3.1. Interest payments will be capped at £50 per month for each leaseholder. We understand that costs that cannot be met through the repayments will be met by the taxpayer.
  - 3.2. It is unclear what effect this might have on the value of a flat, but it might be expected to reduce the value by an amount that would reduce a typical mortgage by £50 per month. We have seen no reference to a time limit on the payments, but there have been [suggestions](#) by campaigners that £50 per month would service a

loan of between £14,500 over 30 years or up to £25,000 over 60 years, each at 1.5%.

- 3.3. At present the loans only cover cladding costs.
- 3.4. A key question raised by leaseholders is whether the loan stays with the property or with the leaseholder.
- 3.5. We are seeking further information from the Government
4. **The third element is Measures to make the industry pay.** This comes in two parts:
  - 4.1. A 'Gateway 2' developer levy. This will be payable when developments pass through Gateway Two of the new Building Safety system (GW2). GW2 will not exist until the Building Safety Bill becomes law at some point in 2022 and will only apply to 'high risk' residential buildings (currently defined as those over 18m). GW2 is the beginning of construction. It is likely that this announcement will encourage developers to seek planning permission as soon as possible and seek to technically commence work before the levy can be introduced. This would be unfortunate, given that the purpose of GW2 is to ensure buildings are built safely. The LGA will raise this with MHCLG.
  - 4.2. A new tax will be introduced for the UK residential property development sector. This will raise at least £2 billion over a decade to help pay for cladding remediation costs. The tax will ensure that the largest property developers make a fair contribution to the remediation programme, reflecting the benefit they will derive from restoring confidence to the UK housing market. The government will consult on the policy design in due course.
  - 4.3. The LGA has already asked MHCLG whether the GW2 levy will apply to social providers and has stressed the need to ensure the cost of any levy is kept separate from s.106 and does not erode the value of that to councils?

**Will this solve the problem?**

5. The initial reaction from cladding campaigners has been negative and it appears that [Conservative backbenchers](#) will not drop their proposed amendment to the Fire Safety Bill, prohibiting landlords from passing costs on to leaseholders, when it returns to Parliament later this month.
6. Much of this opposition is based on two arguments about fairness.
  - 6.1. Why should cladding issues be covered when other fire safety issues are not? The Government has previously indicated that cladding poses a particular risk because it spreads fire, while compartmentation issues are simply a failure of measures that resist the spread of fire. While this is a valid safety distinction that could usefully be taken into account when considering the need for remediation, once remediation is

deemed necessary the financial consequences of these building/regulatory failures for leaseholders are the same.

- 6.2. Why should buildings over 18m have all their costs covered while those in blocks of 4-6 storeys only get low-interest loans and those in blocks under 4 storeys get nothing? Again, the Government argues that the higher blocks pose a greater danger (which is broadly true) and once again, although this might mean remediation is less likely to be required in lower blocks, it is irrelevant once remediation is deemed necessary.
7. With the exception of those living in blocks over 18m where the only issues is cladding remediation, the announcement does not appear to have provided security or reassurance to leaseholders.
8. Aside from arguments about fairness, the success or failure of this initiative is likely to rest on whether it resolves the problems of mortgage lending and unblocks the housing market – as indicated in the Government’s stated aims.
9. These measures will not in themselves remove the demand for EWS1 forms, because buyers will want a clear indication of what the position in relation to a given block is. The difficulty in obtaining these forms derives from a lack of qualified surveyors and the difficulty of obtaining professional indemnity insurance, so in that respect the measures above are unlikely to have any effect.
10. It is conceivable that in blocks of 4 storeys and higher, where the only remediation required is covered by the new arrangements (i.e. only cladding is affected), flats will be mortgageable and sellable once the funding is in place – whether a grant or a loan (whether buyers will be found before remediation is complete must be open to question).
11. However it is unclear what the impact of remediation loans on prices will be for blocks between 4 and 6 storeys and how mortgage lenders will react to clients whose flats have been reduced in value by the effect of remediation loans but whose outgoings are now increased by the cost of those loans.
12. A key unknown is what proportion of blocks *only* have cladding issues. Our understanding is that in one major city half the blocks with interim measures do not have cladding issues and would therefore not benefit from these measures. Moreover, some of the buildings with cladding issues will have other issues *as well* and so will only derive partial relief from the new arrangements.
13. If this is a typical scenario it seems likely that a significant proportion of flats will remain unmortgageable for the foreseeable future, even if the EWS1 issues are resolved and that the measures outlined may not bring relief even to all leaseholders over 18m with cladding issues. However, this is very much an initial impression and members may have additional points.

### **Social landlords**

14. We understand the Government is not going to help social providers with remediation costs except where these might fall on leaseholders or where a provider's viability is threatened.
15. We have asked MHCLG whether it has any views on mitigating the impact of these costs on maintenance and improvement budgets (bearing in mind that cost pressures on social housing provider refurbishment were a significant factor in causing this crisis in the first place.
16. We have also asked whether the Government is expecting applications to raise rents above the usual cap?
17. We are seeking views of member councils on the impact these costs are having and may have in the future.

### **Implications for Wales**

18. The devolved administrations will receive additional funding through the Barnett formula, except where new departmental spending is funded by an England-only levy (where the devolved administrations can instead implement their own levies should they choose to do so).
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. None for LGA.

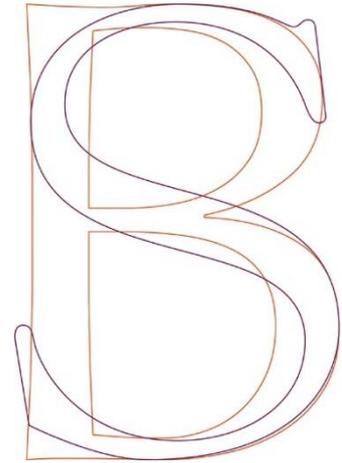
### **Next steps**

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



# SAMUEL GARSIDE FIRE

AN INDEPENDENT  
REVIEW BY  
SIR STEVE BULLOCK  
AND  
DIARMAID WARD



# SAMUEL GARSIDE FIRE INDEPENDENT REVIEW

COMMISSIONED BY THE LONDON BOROUGH OF  
BARKING AND DAGENHAM

UNDERTAKEN BY SIR STEVE BULLOCK AND  
DIARMAID WARD

## 1 FOREWORD

- 1.1 On a Sunday afternoon in June 2019 a fire broke out at Samuel Garside House, Barking Riverside. The quick thinking and bravery of the residents meant that there was no loss of life but eight homes were severely damaged and 39 could not be occupied until significant internal or external works were completed. In the immediate aftermath many of those residents found themselves homeless with only the clothes they were wearing.

*We will never recover from what happened and that our flat was completely destroyed by the fire and the fear that we could have lost our lives will haunt us always.*

*Samuel Garside House Resident*

- 1.2 The shadow of the Grenfell Tower looms large over this city and every Londoner will have thought about the place where they live and wondered about its safety. Many will have asked questions and made enquiries and perhaps found some reassurance. Equally, as the scale of the problems that Grenfell has exposed became clearer, that reassurance has become harder to gain. To then see your own home burn will have impacted on the residents of Samuel Garside House in ways the rest of us can only imagine.
- 1.3 A huge amount of work remains to be done across the country to ensure that all buildings are safe and that it is those who built them that bear the cost not those who bought them in good faith. At Samuel Garside House, as the weeks passed and work began to repair the building, it would have been easy to forget that the trauma suffered by the residents on that day in June was being renewed each day as they had to contemplate a return to the building.
- 1.4 In the days immediately following the fire, individuals and organisations stepped in to help those residents but as the weeks became months many still remained in temporary accommodation and the local authority continued to work on their behalf pressing the building owners, leaseholder and sub leaseholders to resolve matters.
- 1.5 It is the voice of the residents that needs to be heard most clearly. Their expectations and fears can only be properly understood in the context set out above and we therefore needed to give weight to their hopes and their fears as they were expressed to us. Large organisations, both public and private, sometimes struggle to reconcile what they consider to be appropriate responses with the expressed needs of individuals and this is particularly so in dealing with sudden but continuing emergency situations. Our mindset has been on how lessons can be learned which will lead to things being done differently in the future, not to apportion blame.
- 1.6 We were asked to set out an account of the key events associated with the fire, identify lessons learned and propose recommendations for action or change. We were not asked to carry out a technical assessment of issues concerned or changes to building safety but were invited to comment if we felt it to be appropriate in light of the experience at Samuel Garside House.
- 1.7 We heard directly and received written submissions from those who lived in Samuel Garside House and those who in different ways were involved in dealing with the aftermath or had been involved in the building and its management.
- 1.8 We were neither asked nor resourced to carry out an investigation, rather, we were asked simply to review what had taken place and it was inevitable that differences of opinion would come to our attention. It would have been impossible to tell the story of what happened let alone fulfil our brief without taking a view on some of those differences and so, while we have

endeavoured not to assume any sort of judicial role, we fully expect some of those differences to emerge in response to the publication of our report.

- 1.9 It did quickly become clear to us that what people felt and how they reacted to the pressures they faced heavily influenced the course of events and we have sought to understand that rather than look at the rights and wrongs of what was done or not done at any particular point. Particularly for residents how they perceived a situation over which they had little or no control had very real impact.
- 1.10 We want to thank everyone who has assisted us with this review. The conclusions and recommendations we have produced are ours and ours alone and it is now for others to decide to what extent they agree or disagree with our conclusions and consider how they wish to take them forward.

Sir Steve Bullock

Diarmaid Ward

8 January 2021

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## 2 SUMMARY AND CONCLUSIONS

- 2.1 The brief for this review made clear that it was about what happened from the day of the fire and thereafter. However, the context both locally and nationally at the time of the fire was an important factor and explains to a significant extent the communications difficulties, misunderstandings and resulting tensions which arose involving residents, the local authority and the private sector organisations.
- 2.2 It became clear to us that to make sense of what happened after the fire, and in the weeks and months since June, it is important to recognise that context. Anyone would be terrified to see their homes go up in flames as quickly as Samuel Garside House did but for this to happen in the same city that two years earlier had seen Grenfell Tower burn and kill so many of its residents increased the impact many times over. The lived experience of those Londoners prior to the fire was one where the safety of residential buildings was something, they heard about daily in broadcast news, social media and newspapers.
- 2.3 That context included not only the Grenfell fire itself but the subsequent inquiry and the ongoing changes to legislation on both fire and building safety. The fact that Samuel Garside House is less than 18 metres in height is of no relevance to those whose homes were there. This was a building that caught fire and that fire spread quickly because of the external treatment of the building. Residents saw it happen and day after day since then they have read and heard news coverage of other matters relating to building safety and the tragedy of Grenfell Tower itself. Those who followed all of that coverage would have read about the responsibilities given to local authorities to address cladding issues not only in their own blocks but to gather information about privately owned blocks too. They might, not unreasonably, have concluded that their council would play a significant role in the aftermath of the fire notwithstanding the fact that this was a privately owned block.
- 2.4 The fact that there was regular reporting about the detail of what happened at Grenfell will inevitably have influenced their thoughts and emotions and, by itself, made it very difficult for many to return to their homes and feel safe again.
- 2.5 There were also issues specific to Samuel Garside House, in addition to more general difficulties about roles and responsibilities, that exacerbated the situation. Residents are rightly expected to behave towards their fellow residents with consideration and care. There are provisions in the leases which they have accepted and to which they should adhere. But those who live in buildings with multiple occupants are not fire safety experts.
- 2.6 At the time of the fire a “Waking Watch” arrangement was in place at SGH. Work had taken place earlier in the year to address some issues concerning fire stopping in the building and these works were awaiting audit and certification. There is no suggestion that the concerns which led to the works, or the works themselves, contributed to the fire or its spread in any way. However, for the ordinary man or woman in the street, fire safety works followed by a very serious fire would inevitably make a return to the building a matter of considerable trepidation.
- 2.7 This combination of factors meant that, for the residents of Samuel Garside House, the levels of concern and anxiety were extremely high and likely to remain so. In such circumstances it is clear with hindsight that for any of the parties involved there was a likelihood that approaches which had been considered appropriate in the past might now prove problematic.

- 2.8 We believe this was exacerbated by the complex ownership of Samuel Garside House and the individual units within it. We have been able to establish what these are but in doing so it became clear that individual residents could find it difficult, particularly in the aftermath of the fire, to work out to whom they needed to address their questions and concerns.
- 2.9 We recognise that in emergency situations it will always be difficult to manage communications effectively and, in reaching the conclusion that poor communications were a significant issue here, it is not the intention to lay blame at any individual or organisation's door. Rather it is to recognise how problematic this was not only in creating misunderstandings but also in undermining trust. Neither is it to say that there is a perfect way of communicating but some of the recommendations framed in this review seek to address this problem by suggesting ways in which groundwork could be laid that could in future avoid some of the difficulties which occurred here.
- 2.10 It is the responsibility of the local authority to set up the emergency response arrangements in circumstances such as a serious fire and this was done very quickly and well in our view. However, the multiplicity of other organisations involved with the building quickly became a concern and continued to cause some problems in the following weeks. In the first few days communication was a particular problem, with residents becoming frustrated about their inability to get answers to their questions. The council was the only organisation able to provide overall coordination and leadership even where this went beyond their statutory role.
- 2.11 It is clear that the responsibilities which each party, including residents themselves, would have in the event of a serious incident had not been clearly explained. As a result, what residents considered to be reasonable expectations were not met from their perspective.
- 2.12 From that resident's perspective, perhaps the greatest concern has been the difficulty of resolving issues around helping them to get back into permanent accommodation. We have sought as best we can to identify why these have occurred and to suggest what might be done differently to minimise such difficulties in the future.
- 2.13 This has been a recurring problem where, for whatever reason, residents have had to be evacuated. In this case the complex ownership arrangements appear to have been a contributing factor and residents highlighted their concerns around the performance of the insurers. The council also expressed concerns and at one point the Council Leader felt it necessary to seek ministerial help to get the insurers to act with appropriate speed.
- 2.14 The council found itself taking a leading role in the recovery and also having to represent residents. It did not seek this responsibility but, alongside its statutory role, it was the one source of expertise and support that residents could call upon. There was no residents' forum in the building and therefore no clear channel for engagement other than with residents as a whole. We consider that for the future it should be a priority for all landlords to set out to engage with and listen to residents proactively.
- 2.15 Many individuals and organisations went beyond what they were obliged to do and helped in different ways. The response by the wider community, both individuals and groups, in the immediate aftermath was impressive and heart-warming. Council staff and those of other organisations responded quickly and worked long hours. Councillors themselves were present at the Emergency Control Centre.
- 2.16 For some organisations there were both positive and negative comments from residents. Southern Housing responded quickly and effectively at the outset but some residents were

unhappy about being asked to return earlier than they felt comfortable to do so.

- 2.17 The willingness of London and Quadrant to make temporary housing available was important in helping to deal with the extraordinary pressures being faced.
- 2.18 The difficulties and delays which occurred with the removal and replacement of wooden balconies should not obscure the fact that the decision by Bellway Homes to undertake that work was taken quickly and willingly in response to the fire. As concerns have arisen about building after building in the aftermath of the fire at Grenfell, that approach has sometimes been conspicuous by its absence elsewhere.
- 2.19 Carrying out this review has highlighted a number of things which we believe should be addressed:
- The context in which any housing emergency situation is dealt with has changed and in future residents must be better informed and more engaged with what happens in the building where their homes are located
  - Complex ownership arrangements have become more common and this puts a premium on giving all residents clarity about roles and responsibilities, including what happens in an emergency
  - Local authorities are well placed to provide leadership in an emergency situation but need the resources and powers to meet the expectations of their residents
  - Making distinctions based on arbitrary height limits about the rules and regulations relevant to particular buildings may be a short-term necessity but, for the peace of mind of those who live in buildings with multiple self-contained housing units, a common approach is needed as soon as possible.

### 3 RECOMMENDATIONS

- 3.1 Organisations which provide housing for rent or own leases of residential units, together with those that manage residential buildings or provide ancillary services, in the context of the Grenfell Tower fire should review their plans for dealing with emergencies to take into account the heightened concerns of residents and the subsequent action in relation to the dangers arising from the use of certain types of cladding and action around fire safety more generally.
- 3.2 Any organisation which has responsibility for the management and safety of a building which includes residential units should review the way in which it communicates with residents and involves them in the management and overseeing of issues including, but not limited to, the safety of the building.
- 3.3 <sup>1</sup>Freeholders should lodge a ‘Statement of Ownership’ with the Land Registry setting out the organisations which hold leases and subleases down to, but not including, leases for individual properties and indicating the ultimate ownership of those organisations. This should be updated whenever a lease is transferred.
- 3.4 All residents should receive an annual statement of responsibilities for their home and the building of which it is part. This would include the following:
  - a Contacts, day-to-day and emergency, for both internal issues in the case of renters and external issues for all
  - b Information about what will happen in the case of an emergency such as a fire requiring evacuation of the building for a significant period of time and knowing who will provide temporary accommodation and other support to any displaced residents. If this is to be provided by an insurance policy, contacts for the insurer should be included
  - c The responsibility of residents for the maintenance of their own homes and that responsibility in relation to common areas as set out in the relevant leases should be made clear
  - d Residents should be provided with guidance in relation to insurance cover, which makes clear that the building insurance does not cover loss of contents in any circumstances and therefore it is necessary for them to arrange for contents insurance themselves.
  - e The obligation to provide this statement should lie with the landlord in the case of renters and the freeholder in the case of leaseholders
- 3.5 Planning authorities should include a requirement to carry out the provision of 3 and 4 above as part of the S106 agreement for all new multi-unit developments.
- 3.6 Subject to the final provisions of the Building Safety Bill when enacted, local authorities should have enhanced enforcement powers for buildings below 18 metres which match those of the Building Safety Regulator for buildings over 18 metres.
- 3.7 Local Authorities should have the power to declare a ‘Local Housing Emergency’ situation for an initial 30 days during which they can take all necessary actions, including to reclaim costs

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<sup>1</sup> Recommendations 3 and 4 will need to be reviewed in the light of the final shape of the Building Safety Bill

incurred from the responsible building owners. Such powers to be exercised directly by the Local Authority or through another organisation appointed by the Local Authority to work on its behalf.

## 4 INTRODUCTION

- 4.1 The council wished to understand better what happened at Samuel Garside House in the aftermath of the fire. They engaged myself, supported by Diarmaid Ward, to help them do this and were clear that we were being asked to undertake a review not an inquiry. We began with a desktop review of the available information and then identified those groups and individuals that we felt would have useful things to tell us. It was our choice who we contacted and we did not issue a call for evidence in the way that a formal inquiry would. We did not have independent experts advising us.
- 4.2 Our aim has been to produce a report which meets the terms set out by the council and offers suggestions, in the form of recommendations, that can serve as the basis for a discussion about how some of the issues identified can be better dealt with in the future. Our brief did not include any consideration of the cause of the fire and the speed of its spread. However, in order to fully explain the context of the fire it has been necessary to touch on some aspects of these issues. A copy of the full brief is at [Appendix 12](#).
- 4.3 Our work was just getting underway when the COVID-19 lockdown came into force. This denied us the opportunity of face-to-face meetings with residents and others with an interest but we were able to engage through other methods.
- 4.4 Those we spoke to or received information from included council officers, local councillors, emergency services, the building's owners and their agents, and others with an interest in the building. However, it was the residents of the building from whom we were most concerned to hear as they have borne the greatest impact of the fire and continue to live with its consequences. A list of those to whom we spoke or received information from is included at [Appendix 13](#). We have not appended the submissions or transcripts of conversations as it would not have been possible to do this for every input that was made. Where we refer to what we learned in the text we attribute this appropriately.
- 4.5 Our account is based on what we have heard from those individuals and organisations, together with our consideration of the available information. We have described the background to the best of our ability and provided a narrative of what happened in the immediate aftermath of the fire and since. We were asked to look at the information available to us and do three things:
- First to set out the key events of the fire, focusing in particular on the key agencies and those with responsibilities for the building and its residents during both the immediate response and the aftermath
  - Second to identify what went well and where things fell short of what the people affected should have been able to expect
  - And finally, to propose recommendations for action or change, based on our experience and lessons learned.
- 4.6 It has not been our intention to write a technical report or to frame very detailed recommendations, rather we have sought to prepare something that can provide a basis for discussion about how things could work better in the future and that is accessible to anyone with an interest in both what happened at Samuel Garside House and more generally on how buildings containing large numbers of separate households can be kept safe.

- 4.7 The complex ownership arrangements for the building mirrors many blocks across the country. This in itself caused some confusion about where responsibility lay for the recovery effort in the weeks and months following the fire. The London Borough of Barking and Dagenham incurred costs including those for a specialised inspection survey as well as hundreds of hours of staff time on this, despite having a limited statutory role in the aftermath of the fire. They want to understand why the vacuum they filled existed and begin a wider discussion about what should change to avoid this happening again either in Barking and Dagenham or elsewhere.
- 4.8 While this report was being written, the Building Safety Bill was published setting out arrangements for a new system of building regulations intended to put right those failings which contributed to the Grenfell Tower disaster. Those proposals are relevant to parts of our review. In its current form the Bill when enacted would only apply to buildings of 18 metres and higher, while Samuel Garside House is 16 metres high. However, we understand that the Bill may be framed in such a way to permit its provisions to be extended to lower building heights in the future.
- 4.9 There have been other fires recently which appeared to share some of the characteristics of the fire at Samuel Garside House. Each of these involved different local circumstances and not all are of direct relevance to this review. However, in the aftermath of the fire at Richmond House, Worcester Park in the London Borough of Sutton some residents experienced difficulties which mirrored the experience of some residents of Samuel Garside House. We invited the London Borough of Sutton to provide any information they considered relevant. We are grateful to have received an account from both the council and from residents themselves and these are included at [Appendix 14](#). The residents shared a number of recommendations they are making based on their own experiences and it was helpful to see these. In some cases, they cover similar ground to those we are making, while others are of potentially wider significance or are rooted in the particular circumstances of Richmond House as ours are rooted in the circumstances of Samuel Garside House. It would not be appropriate for us to comment on the specifics of that fire and its aftermath but it was helpful in carrying out our review to be able to draw on the experience at Richmond House.
- 4.10 In the chapters which follow we have sought to share the key points from what we have been told by those with direct involvement and set this in context by including both relevant general information and some specifics relating to Samuel Garside House.
- 4.11 Finally, we attempt to present our answers in summary form to the questions asked of us, accompanied by recommendations.

## 5 SAMUEL GARSIDE HOUSE

*This section describes the building and its history*

- 5.1 Samuel Garside House (SGH) consists of four connected blocks (A–D) of varying height from five to seven storeys (including a sub-level car park and ground-floor entrance lobbies leading up to the upper ground-level flats). The maximum storey height of the building is the seventh floor Block D which is estimated at approximately 16 metres from the upper balcony floor to ground level. In total, there are 79 purpose-built residential flats of mixed tenure in the building. These flats were built with timber balconies.
- 5.2 It is built on land owned by Barking Riverside Ltd (BRL). In 2010 the land was let to Bellway Homes on a 999-year lease. At that time BRL was owned 51% by Bellway Homes and 49% by the Homes and Communities Agency (HCA). The HCA share was transferred to the Greater London Authority (GLA) Land and Property on 31 March 2012 when that Agency ceased to operate in London and in 2016 London and Quadrant New Homes Ltd acquired Bellway's stake.
- 5.3 The building was named in honour of Captain Samuel Garside of the Royal Engineers who was awarded the George Medal after safely detonating a 500kg UXB bomb at McNeils Wharf, Barking, on September 24, 1940.
- 5.4 Construction took place during 2013/14 and on completion 32 of the flats were sold to Southern Housing which has continued to manage those flats and rent them. The remaining units were sold on the open market by Bellway Homes. The head lease was later transferred to Adriatic Land which at that time was owned by Bellway but was later sold on. The management of this asset was undertaken on behalf of Adriatic Land by HomeGround as part of its core business of looking after the portfolios of major institutional UK investors. HomeGround initially appointed Pinnacle to carry out the day-to-day management of SGH. More latterly, and shortly before the fire, Pinnacle were replaced by HomeGround with Residential Management Group (RMG).
- 5.5 Immediately on appointment RMG took on responsibility for dealing with an issue relating to fire stopping in the communal areas which had been identified. HomeGround were also addressing this directly with Bellway Homes.
- 5.6 Following a Fire Audit and an internal survey Bellway Homes agreed to carry out remedial work at their expense and fund a 'Waking Watch' until the works had been completed and then certified following an independent audit. These works commenced in October 2018 and residents were informed about this and the introduction of the "Waking Watch" in a letter delivered by hand.
- 5.7 At SGH the work had been completed but not audited and certified at the point that the fire took place and the "Waking Watch" was still in operation.

In the aftermath of the fire and in response to concerns raised by residents in August 2019 the council commissioned a Health and Safety Rating System Assessment (HHSRS) the report of which is at [Appendix 15](#).

## 6 THE LEGAL AND REGULATORY CONTEXT

*Fire safety is covered by a broad legal and regulatory framework, one that transcends legislation and building control regulations. However, there is a lack of clarity on the relationship between health and safety legislation and building control regulations. Furthermore, this framework does not cover all aspects of the aftermath of an emergency.*

### BUILDING CONTROL

- 6.1 The Building Regulations 2010 are designed to ensure health and safety in and around buildings through requirements on design and construction. These regulations cover both new build construction of residential buildings and extensions.
- 6.2 Developers can apply for building control consent from their local council or from a private approved inspector.

### LEGISLATION

- 6.3 The safety requirements of the Housing Act 2004 for purpose-built residential buildings cover both the internal areas of a flat and the common areas. It gives local authorities enforcement powers through a system called the Housing Health and Safety Rating System (HHSRS). This is a means to assess hazards and the subsequent risk. A total of 29 hazards must be assessed, including fire risk, with regard to each individual home. Government operating guidance on HHSRS inspections states that:

*The assessment of all hazards is made once the inspection has been completed and details collected of any deficiencies. Also, there are some deficiencies which can only be determined after inspecting the whole of the dwelling. These are matters which relate to the overall size, design or layout of the dwelling. For example, the means of escape in case of fire can only be properly assessed considering the dwelling as a whole.*

- 6.4 This emphasis on considering the building as a whole can lead to problems for local councils, particularly in taking enforcement action on individual safety issues within a building.
- 6.5 The Regulatory Reform (Fire Safety) Order 2005 covers only the common areas of a block of flats and places duties on the block's 'responsible person' to carry out a risk assessment and make the appropriate fire safety arrangements. The responsible person is defined in Article 3 of the Order as:
  - In relation to the workplace, the employer (if the workplace is to any extent under his or her control)
  - The person who has control of the premises (if not a workplace) in connection with the carrying-on by him/her of a trade, business or other undertaking (for profit or not)
  - The owner, where the person in control of the premises does not have control in connection with the carrying-on by that person of a trade, business or other undertaking.
- 6.6 These same duties are also placed on 'every person other than the responsible person... who has, to any extent, control of the premises...'

- 6.7 In both cases, this responsibility in a block of flats will typically be that of the building's managing agents.

#### FORTHCOMING LEGISLATION

- 6.8 Significant legislative changes are planned around fire safety.
- 6.9 The Fire Safety Bill 2019–2021 is at Committee Stage in the House of Lords at the time of writing. In the Queen's Speech in December 2019, it was stated that the government would put beyond doubt that the Fire Safety Order will require building owners and managers of multi-occupied residential premises of any height to fully consider and mitigate the risks of any external wall systems and fire doors.
- 6.10 The Bill confirms that for any building containing two or more homes, the Regulatory Reform (Fire Safety) Order 2005 applies to the building's structure and external walls, as well as any common parts, including front doors.
- 6.11 A draft of the Building Safety Bill 2019–21 has also been published. The draft Bill contains the following provisions:

#### A NEW BUILDING SAFETY REGULATOR

- 6.12 The main purpose of the Bill is to establish a new Building Safety Regulator. The regulator will establish a system 'duty holders' who will be held to account for health and safety within buildings. The regulator will oversee the safety of all buildings and enforce a tighter regulatory framework for 'higher risk' buildings (a minimum of six storeys or 18 metres in height).

#### REFORM OF THE BUILDING CONTROL AND THE APPROVED INSPECTOR SYSTEM

- 6.13 The Building Safety Regulator will be the building control authority for higher risk buildings, which means that neither local authority building control departments nor private approved inspectors will be able to deal with building control applications for higher risk buildings.
- 6.14 The Building Safety Regulator will also be in charge of the regulation of building control professionals, including both those working in local authorities and approved inspectors.

#### THE 'ACCOUNTABLE PERSON' AND 'BUILDING SAFETY MANAGER'

- 6.15 In the Bill, the Accountable Person is the ultimate duty holder whilst the building is occupied. The Accountable Person will be the freehold owner or any other leaseholder, tenant or managing agent.
- 6.16 The Accountable Person needs to
- register the building with the Building Safety Regulator before it is occupied
  - assess building safety risks and prepare a Safety Case Report
  - take all reasonable steps to prevent major incidents occurring
  - apply for a Building Assurance Certificate.
- 6.17 The Accountable Person must also appoint a Building Safety Manager who will assist with the day-to-day management of safety issues.
- 6.18 The Accountable Person will also be responsible for a Resident Engagement Strategy to ensure

that residents' voices are heard. The Engagement Strategy needs to have a complaints procedure and, ultimately, residents can complain to the Building Safety Regulator.

#### OTHER PROVISIONS

- 6.19 The Bill also includes a new 'building safety charge' designed to make it easier for leaseholders to see how much they are paying towards safety issues in the building.
- 6.20 Lastly, there is the addition of a New Homes Ombudsman which homebuyers can turn to and who may hold developers to account.

#### PLANNING

- 6.21 Local councils administer the planning system and are responsible for deciding on planning applications and enforcement against unauthorised development. However, the Secretary of State for Housing, Communities and Local Government oversees the planning system. The Planning Inspectorate is responsible for adjudicating on planning appeals on behalf of the Secretary of State. Local planning policies must not be in conflict with the National Planning Framework. In particular, the National Planning Framework includes a 'presumption in favour of sustainable development' which makes clear that applications that will deliver sustainable development should generally be allowed. This means that local councils' powers to stop a development from taking place are often rather limited.

#### LEGAL DUTIES AFTER A FIRE

- 6.22 There is no statute, regulation or other legal duty that requires a landlord to rehouse a tenant after a home is rendered uninhabitable by fire or other catastrophic event.
- 6.23 A local authority does have an interim duty to provide accommodation under s188 and 189 of the Housing Act 1996. If a person is homeless as a result of an emergency such as flood, fire or other disaster, they are deemed to be in priority need and should be accommodated pending a decision as to whether the local authority has a further duty.
- 6.24 Beyond this, the duties of the parties involved in the ownership of a block of flats will depend upon legal agreements and relevant insurance policies.

#### THE CIVIL CONTINGENCIES ACT 2004

- 6.25 The outbreak of Foot and Mouth Disease in 2001, together with the severe flooding and fuel crisis of the previous year, led the government to review emergency planning arrangements. This culminated in the Civil Contingencies Act 2004 (the Act).
- 6.26 The Act defines an emergency as:
  - An event or situation which threatens serious damage to human welfare in a place in the United Kingdom
  - An event or situation which threatens serious damage to the environment of a place in the United Kingdom
  - War, or terrorism, which threatens serious damage to the security of the United Kingdom.
- 6.27 It goes on to define an event or situation which threatens damage to human welfare as one that causes or may cause

- loss of human life
  - human illness or injury
  - homelessness
  - damage to property
  - disruption of a supply of money, food, water, energy or fuel
  - disruption of a system of communication
  - disruption of facilities for transport, or
  - disruption of services relating to health.
- 6.28 Local Authorities are ‘Category One Responders’ under the Act with responsibility to both assess the risk of emergencies occurring and put in place emergency plans. Further government guidance also outlines a local authority’s enabling and coordinating role during the recovery phase.
- 6.29 Of course, not all instances involving one of the circumstances above will constitute an emergency under the Act. A road closure due to a traffic accident (‘disruption of facilities for transport’), a burst mains water pipe affecting the supply to a block of flats (disruption of a supply of water), or broadband outage in a particular street (‘disruption of a system of communication’) are all situations with which local authorities concern themselves with on a daily basis. Such examples often require a degree of local authority liaison or coordination. Indeed, each if these instances also have the potential to greatly disrupt the lives of local residents. Most residential fires may require some liaison between the fire service and the respective local authority, and may give rise to a homelessness or safeguarding duty.
- 6.30 Although the Act was not drafted to specifically to apply to a fire in a privately owned residential building, the Samuel Garside House fire constituted an emergency under the Act, particularly given that all of the residents of the building were evacuated. As outlined in detail in the next Chapter, the council set up a Borough Emergency Control Centre (BECC) within three hours of the incident, which remained in place for 12 days. In this case by so doing the council discharged its duty under the act.
- 6.31 However, the Act was not intended to create a system whereby the legal and financial responsibility of the private owners and managers of a building after the immediate emergency are transferred to a public authority. A routine expectation for local authorities to step in to coordinate repair work, organise the long-term temporary accommodation operation and the eventual return of residents to their homes, as well as communication with residents throughout this process, would have very serious resource implications for local authorities.

## THE SAMUEL GARSIDE HOUSE FIRE IN THE CONTEXT OF THE LEGAL AND REGULATORY FRAMEWORK

### THE BUILDING OWNER’S RESPONSIBILITIES TOWARDS RESIDENTS AFTER THE FIRE

- 6.32 Many of the residents we spoke to expressed anger and frustration that there did not appear

to be any one organisation that took responsibility for the building. As one resident we spoke to succinctly put it:

*The layers of building management make it so difficult for residents to get in touch with someone who is actually responsible for the safety of residents. Many residents felt strongly that there should have been a means of contacting Adriatic, as the owner of the building, particularly when RMG as the managing agent were unable to answer residents' queries.*

6.33 Land Registry records indicate that there is a head lease relating to Samuel Garside House dated 18 April 2011 for a term of 999 years. This was made between Barking Riverside Limited and Bellway Homes Limited. The lease requires Bellway to arrange insurance for the property and to arrange for the property to be 'rebuilt, repaired or reinstated' in the event of its destruction.

6.34 However, Bellway Homes Limited state that they no longer have any legal interest in the property. They state that this head lease was transferred to a company called Adriatic. Land Registry records confirm that the proprietor of the property's head lease has been Adriatic Land 3 (GR1) Limited (Co. Regn. No. 6869764) since 25 April 2019. The logical conclusion is that 'GR' stands for ground rent and that company exists as a separate legal entity for the purpose of collecting the ground rent owed on the property. This lease was originally granted to Bellway Homes Limited. The company now known as Adriatic Land 3 (GR1) Limited was previously called:

- Bellway XI Limited (4 April 2009 – 10 April 2013)
- Seaton GR SPV 3 Limited (10 April 2013 – 5 February 2015).

6.35 In their submission to the authors of this review, Adriatic have stated that:

*Adriatic is a property-owning company ultimately controlled by major UK institutional pension funds, that acquire ground rent portfolios for investment income to benefit the pension holders invested in these funds.*

6.36 Bellway stated that, whilst they had no legal duty to carry out repairs and reinstate the building after the fire, they did have a business relationship with Adriatic and wanted to assist in the circumstances.

6.37 The lease does not contain any provision for the welfare, maintenance or rehousing of residents in the event of a catastrophic fire. However, we were informed by HomeGround that the buildings insurance policy included cover for the cost of alternative accommodation with associated costs and was a primary source of support for the residents displaced by the fire over considerable periods.

#### THE BUILDING OWNER'S FIRE SAFETY DUTIES

6.38 As part of our review, we interviewed Pat Hayes, the Managing Director of Be First. Be First are a wholly owned company that provide planning and building control services to the London Borough of Barking and Dagenham. They advise on planning decisions and receive an income through planning and building control fees.

6.39 Mr Hayes expressed concern about the lack of clarity in the relationship between building control regulations and more general fire safety legislation.

- 6.40 Samuel Garside House's building control certificate was signed off by a private approved inspector. Many of the residents that we spoke to were under the mistaken impression that building control could only be approved by a local authority. There are widespread concerns that sign off by a private approved inspector has become akin to a service to a developer, in much the same way as the developer would instruct a solicitor. The emphasis is on finding a legal way of getting the building approved even if it is 'very close to the line'.

## 7 THE LOCAL AUTHORITY ROLE IN DEALING WITH CIVIL EMERGENCIES

*This section looks at what is expected of local authorities and the powers they have to respond*

- 7.1 When something goes wrong communities expect first responders to deal with the immediate problem but quickly turn to their local authority to deal with the wider aspects of the emergency. Authorities plan for this and usually employ specialist staff whose job is to prepare those plans and, when something does happen, put them into practice. Many council staff will have roles to play in those plans, sometimes relating to their day-to-day jobs, but others provide specific roles depending on the nature of the emergency.
- 7.2 Where an emergency is on such a scale that a single council will struggle to deal with the consequences there are arrangements in place for mutual aid to be provided from other local authorities and in extreme cases central government. In exceptional cases additional central funding may be made available.
- 7.3 Local authorities have a range of legal duties and powers which can be relevant when dealing with an emergency situation. In the main these are framed in the context of taking short-term action rather than ongoing involvement. The relevant [legal and regulatory framework](#) is considered in the previous chapter.
- 7.4 However local authorities and their elected members have other expectations which are placed on them by their residents. They are expected to support and give voice to their residents' concerns and when it is beyond their powers to act themselves, they are expected to press others to do so and, where necessary, raise those concerns with other tiers of government. This role is shared with other elected persons, particularly MPs, but the capacity of local authorities to obtain professional advice often puts them at the heart of active campaigns by their residents to put right things about which they are unhappy.
- 7.5 These distinct roles can, at times, create tensions and even conflicts for local authority officers and members as they seek to discharge their legal duties while responding as the democratic voice of local residents. Where matters continue to be problematic for an extended period this is exacerbated and, unless there is outstandingly good communication and a willingness by all parties to recognise the pressures that the others are seeking to deal with, there is potential for significant differences of opinion.
- 7.6 The expectations placed on local authorities extends beyond residents and includes organisations and agencies that may have some involvement in the emergency that has occurred. Those bodies often have a very clear understanding of the legal duties which local authorities have and how these interact with their own responsibilities.
- 7.7 The local authority duty to provide accommodation under the Housing Act 1996 is well understood by building owners and their managing agents as illustrated by the RMG's response [referred to below in chapter 8](#).
- 7.8 In the case of the fire at Samuel Garside House it is clear that the response by the local authority began almost as soon as the first responders had arrived on site. The response is considered in detail later in this report and it is clear that, despite the challenging circumstances, the majority of residents felt that the council had looked after them well.

- 7.9 The council incurred expenditure in excess of £100,000 and a very considerable cost in terms of staff time. None of this is recoverable under current arrangements.
- 7.10 Local authorities do not have the capacity to do everything in such situations and therefore the contribution of voluntary, community and charity organisations is vital. This was the case here where local organisations were quick to respond with practical help and the Red Cross played a significant role.
- 7.11 There is also an expectation that residents' questions will be answered and it was in this context that difficulties began to emerge. In the immediate aftermath of the fire, residents were, understandably, asking questions both about the cause of the fire and their own situations. This is also looked at in some detail earlier but it put the council in the position of being unable to provide answers or to get the answers from the other organisations involved. This left elected members with no choice other than to speak out in support of the residents and back their attempts to get answers to their questions.
- 7.12 As the extent of the damage at Samuel Garside House was established it became clear that there would be no immediate return to the building and, for some residents, it would be many months before they could go back. The council stepped up its work to support residents as the Borough Emergency Control Centre itself was being stood down.
- 7.13 There is clarity about the need for the local authority to take the lead in dealing with the immediate impact of an emergency but views differ markedly about responsibilities during the recovery phase. This raises further questions about how emergencies are defined and when an emergency is over even if considerable work remains to be done. It was suggested to us that the Civil Contingencies Act, 2004 required the local authority to carry out all the work that it undertook in this case. However, our view is that this Act was intended to address the recovery phase of significantly greater and more widespread situations than was the case at Samuel Garside House. This is addressed in the earlier section dealing with the [legal and regulatory framework](#).
- 7.14 The experience here appears to indicate that, in the absence of clearly understood responsibilities of the different parties involved and less than perfect communications between those parties, a situation can quickly develop where the local authority by default becomes the lead body during the recovery process but with limited resources and powers to do what is expected of them. In this case the council nevertheless, at considerable cost, prioritised this role despite the many other pressures it faced.
- 7.15 For the future we believe that some of these difficulties can be avoided if there was at least an outline agreement in place about how emergencies will be dealt with in buildings with multiple owners. In broader terms, legislation setting out the primary role of local authorities in leading recovery from civil emergencies would be helpful.

## 8 9 JUNE 2019 – THE FIRE AND IMMEDIATE AFTERMATH

*This section of our report tells the story of the emergency relief operation in the aftermath of the fire, from the point of view of the Samuel Garside House residents and those who were involved in the efforts to help. It draws on interviews and survey responses from Samuel Garside House residents, interviews with staff and emergency planning reports from the London Borough of Barking and Dagenham (the council), as well as interviews with staff from Southern Housing and submissions by Adriatic and HomeGround, and the Residential Management Group (RMG).*

### THE FIRE

- 8.1 The fire at Samuel Garside House broke out at 3.30pm on 9 June 2019.
- 8.2 The London Fire Brigade (LFB) arrived at 3.36pm and ultimately 15 pumps were on hand to tackle the blaze. The fire was under control by 6pm. All residents were evacuated from the building. There were no fatalities. Sadly, there were some pets that did not survive.
- 8.3 The 32 Southern Housing flats were unaffected by fire but were evacuated on safety grounds. The remaining 47 flats were in the section of the block affected by the fire: 8 fire-damaged flats required reconstruction; 12 flats were affected by water ingress or damage to front doors and required some work; 27 flats were not damaged but could not be occupied until communal works were completed.

### THE EMERGENCY RESPONSE FROM LONDON BOROUGH OF BARKING AND DAGENHAM (THE COUNCIL)

- 8.4 A member of staff from the London Borough of Barking and Dagenham (the council) was on the scene from 3.55pm. He described seeing lots of residents outside the building. In fact, 'it seemed as if the whole area was out on the street'.
- 8.5 At 5.45pm, the council set up a Borough Emergency Control Centre (BECC) in line with local authority procedure. At this stage, all that was known was that the fire was alleged to have started from a barbeque on a balcony, that all flats had been evacuated and that there were no fatalities. One person was rescued from the fourth floor. The London Fire Brigade had commenced a systematic search of the block.
- 8.6 One of the first issues to be dealt with was to establish who lived in the block and who had responsibility for the building. As the BECC began to take the lead on booking hotel rooms for evacuated residents, it emerged that many different organisations were involved in the building's ownership and management: Barking Riverside Ltd were the freeholders; it was owned by a company called Adriatic; HomeGround were the building's managing agents but they, in turn, had appointed RMG to act on their behalf.
- 8.7 As Council Leader, Darren Rodwell, commented after the incident:

*One of the fundamental challenges which comes with living in a modern-day block of flats is the sheer number of parties that run and own it. In the case of Samuel Garside, it's at least half a dozen different parties, including, Bellway (the developer), Adriatic (the owner); HomeGround (the managing agent),*

*who appointed RMG; and NHBC (building control), and Southern Housing Association.*

- 8.8 A rest centre for residents was quickly opened at Thames View Community Centre and Transport for London buses were commandeered to bring residents to it. As the days passed, Thames View gradually transformed into a more general Community Assistance Centre.
- 8.9 17 hotel rooms were booked for residents who needed them.
- 8.10 The BECC was at first extremely busy with people coming and going, and it was clear more staff were required. On the morning of 10 June, staff of the council who were already on site were supplemented by additional staff.

#### THE COMMUNITY SOLUTIONS TEAM

- 8.11 The BECC liaised with the council's Community Solutions Team (Community Solutions is a directorate made up of 16 former council departments including housing, homelessness, estate management, youth services, homes and money, adult education and libraries) to identify any residents with additional needs. Food, nappies, clothing (including underwear) and other provisions were supplied to the rest centre to assist residents. Donations were sent in by many local residents, as well as Asda and Tesco.
- 8.12 The Community Solutions Team also started working on a detailed assessment of what help was needed, including:
  - Who lived at what flat?
  - How many homes were destroyed?
  - How many homes had nominal damage?
- 8.13 Ultimately, Community Solutions introduced coloured wristbands for residents based on need, this meant that a triage system could be used.
- 8.14 Many of the residents we spoke to praised the council's response, particularly the help with essential items and accommodation.
- 8.15 Some residents felt that the different categories of people affected should have been employed at an earlier stage but responses to our survey and interviews also identified that the council ended up taking on this role because of what was perceived to be a lack of action from the building owners or managing agents.

#### POLICY AND PARTICIPATION TEAM

- 8.16 Meanwhile, the work of the council's Policy and Participation Team kicked in, liaising with partner agencies to create a crowdfunding campaign for the residents.
- 8.17 Local charity Barking Renew set up a Crowdfunder and the council immediately contributed £10,000 so that essential items could be supplied to residents who could not return to their homes. This was up and running by 3pm on Monday 10 June.
- 8.18 Council officers commented that their very good relationships with the voluntary and faith sectors in the borough had made a huge impact on their ability to respond effectively.
- 8.19 Beyond meeting the immediate needs of the residents, the responsibility for making good the

losses residents had incurred quickly became an issue. Residents felt that they had lost their possessions through no fault of their own and looked to those responsible for the building to make good their losses. However, Adriatic and HomeGround told us that one of their key challenges in the aftermath of the fire was:

*Meeting unrealistic expectations of residents who had lost contents of their apartments, which was not covered under the buildings insurance policy. It quickly became apparent that a number of affected residents had not arranged their own contents insurance, but still expected their losses to be made good by the building insurers or another third party*

- 8.20 For the future it is important for those responsible for such buildings to make clear to residents what the buildings insurance does and does not cover and that they should consider taking out contents' insurance against losses not only from fire but other risks.

#### THE COMMUNICATIONS TEAM

- 8.21 Communications were a huge challenge. The council felt that it had to strike a balance between helping and showing they cared but also emphasising that Samuel Garside House was not the council's building.
- 8.22 The Communications Team very quickly set up an FAQ site on the council website, in particular clarifying:
- Who managed the building – both the private and social rent flats?
  - Who owned it?
- 8.23 Lots of questions were emerging about why the timber balconies on the outside of the building had not been treated with fire retardant material despite residents repeatedly chasing Bellway to do this.
- 8.24 A residents' meeting was held on the evening of 10 June. The representative in attendance from Bellway was not a communications specialist and did not seem to be fully aware of the details of the incident. He stated that the timber was fire retardant, something that residents felt made no sense in the light of what had happened to the building during the fire.
- 8.25 At the residents' meeting there was a panel at the front but, in the end, Council Leader, Darren Rodwell, sat in the audience and asked questions – he wanted to be an advocate for the residents. Mark Fowler, the Director of Community Solutions for the council, chaired the meeting but this was only done in the absence of leadership from any of the other parties. None of the other stakeholders took responsibility to manage the meeting.
- 8.26 Both the council's Communications Team and many residents said that what was missing was one source of information, one accountable body. One resident went as far as to say that there should have been more presence and help from Bellway, RMG and HomeGround and that each were:
- Unhelpful and not at all sympathetic, they didn't care at all, very defensive and argumentative as well.*
- 8.27 The Communications Team felt that the council became the de facto source of information with those involved in the ownership or management of the building taking 'two steps back'.

8.28 By 11 June, the mood at the rest centre was tense and residents were ‘turning on the council’ due to a lack of available information.

8.29 Indeed, one resident we spoke to said:

*It would also have been good if Bellway or RMG had started sending out consistent communications about what was happening. Everyone was having to contact them to find out information, only to be told different things. There should have been clear communication at set times every few days to keep residents informed. The lack of consistent and clear information only raised the stress levels of everybody. I believe the reason we had such bad communication was because no one in any group involved was willing to step up and speak to people knowing that it might not always be what we wanted to hear.*

8.30 RMG sent fourteen text messages to residents from 11 June, as well as an information pack, insurance FAQs and a joint HomeGround/RMG communication on safety measures. HomeGround’s insurance team telephoned and emailed all eight leaseholders whose apartments suffered catastrophic damage and the 12 leaseholders with medium damage to their apartments on 14 June. Others residents were telephoned by the insurance brokers, Gallagher, during the first week following the fire.

8.31 However, it is clear to the Review Team that residents nevertheless felt confused and unsupported. This is reflected in the two letters sent to residents by the council, on 13 June and 20 June. As well as providing a list of useful telephone numbers, these letters covered lots of different aspects of the recovery operation including –

- Housing support
- The Rest Centre
- Welfare Support and Benefits
- Medical Advice and Counselling Services
- Post and official documents
- Clothing and Equipment
- Food and Drink
- Creche and Play facilities
- Donations

8.32 Indeed, in the letter of the 13 June, the council make clear that they have concerns about the way that the parties involved in the building’s management have handled the recovery operation.

*Having been at the scene and the rest centre daily since the fire, we have spoken to lots of residents involved and are listening to your concerns. We want to reassure you that the council will not be stepping away from this incident until we are satisfied that the organisations involved are supporting you fully.*

8.33 In their submission to this review, Adriatic and HomeGround referred to their limited ability to

assist in the emergency operation after the fire in the following terms:

*To put expectations regarding the financial and other resource-focused response on the part of HomeGround into context, the only income the landlord receives from the leaseholders at SGH is the annual ground rent payable by the 47 private leaseholders, currently totalling just over £13,150 annually. At the time of the SGH fire each private leaseholder's ground rent amounted to £200 or £250 annually, depending upon the size of their apartment.*

#### THE EMERGENCY RESPONSE FROM RMG

- 8.34 Two members of staff from RMG attended the rest centre on the evening of the fire. Following this, as the operation moved from emergency to recovery phase, there was only one staff member from RMG present.
- 8.35 By Tuesday 11 June, the council felt that this RMG staff member was struggling and needed support. The council's Director of Law and Governance spent much of the day speaking to RMG on the telephone, requesting that they send additional staff.
- 8.36 Some of the leaseholders at the rest centre were raising questions about the future of their homes but were not getting answers from RMG. In the end the council stepped in to clarify some of the things that RMG were saying.
- 8.37 Some additional RMG staff members arrived on Tuesday afternoon.
- 8.38 The question of the role of the insurers arose quickly in the days after the fire. Leaseholders have since described that the layers of management around the building made it difficult to get any information about long-term plans and returning to their homes, especially regarding insurance issues. Leaseholders have also described how the council fronted the response after the fire but there was no sign of RMG. One leaseholder commented that:
- It appeared as if RMG were waiting to agree matters with their insurers before taking any action that would have supported us.*
- 8.39 RMG have since confirmed that the insurance for the building was arranged by HomeGround, on behalf of Adriatic, and that they were not involved. However, it is clear that there was some confusion about this and that residents did not feel that they were getting the answers that they needed from the parties that owned and managed the building.
- 8.40 RMG submit that after a fire in a residential building:
- Usually there is no specific role for the managing agent until the property has been reinstated and re-occupied.*
- 8.41 They state that their role was:
- To assist Adriatic to perform its contractual repair and maintenance obligations...Typically this includes cleaning, day to day maintenance, and appointment of necessary third-party contractors.*
- 8.42 With regard to the emergency operation, they assert that:
- The recovery effort is usually led by the property insurers...Further, in complying with its obligations under the Housing Legislation, RMG would*

*expect the council to be the first port of call when it comes to, for example, providing temporary accommodation for residents and the like.*

#### RESPONSE FROM SOUTHERN HOUSING

- 8.43 Residents and council officers reported Southern Housing were at the rest centre from the beginning and were very efficient.
- 8.44 On the evening of 9 June, 11 members of Southern Housing staff attended the rest centre. All Southern Housing's tenants were rehoused that same evening, except for one household who were on holiday and another who chose to stay with relatives. They also made sure residents had what they needed, including essential items such as clothing and personal toiletries. They had laptops set up with details of who was living in each of their properties. They left the site at around 1am.

#### THE COMMUNITY ASSISTANCE CENTRE

- 8.45 On Monday 10 June 2019, the BECC arranged for the 17 hotel room bookings from the previous night to be extended and booked an additional six rooms. These were at Dagenham Premier Inn, Barking Premier Inn and Dagenham Travelodge, initially for three nights until Thursday 13 June 2019.
- 8.46 The Red Cross were also on site at the rest centre to provide support with first aid and general assistance.
- 8.47 On 11 June, five Southern Housing tenant households were able to return home, supported by the Red Cross. 11 Southern Housing tenant households had the option to return home but were still fearful about returning and continued to be accommodated temporarily by Southern Housing.
- 8.48 A further six families who were Southern Housing tenants returned to their homes on 12 June. The remaining 20 Southern Housing tenant households now all had the option to return to their homes. However, they did not feel they could, because they felt scared to do so.
- 8.49 It was not just basic things such as electricity or insurance that needed to be addressed. The council had to liaise with Royal Mail to ensure the post was redirected and access was granted for any resident to retrieve personal items that had survived the fire. Residents also had to regain access to their cars from their garages in the basement of the block before a semblance of normal life could return. Even these simple, basic things which everyone takes for granted in normal times required coordination by the council.
- 8.50 It was clear the fire had made what can only be described as a deep human impact on the residents. North East London NHS Foundation Trust (NELFT) provided psychological support for residents at the council's Sue Bramley Children's Centre. NELFT also prepared a leaflet about their services.
- 8.51 On the evening of 13 June, a residents meeting was held solely on the subject of the safety of the buildings in the Barking Riverside estate. This meeting was led by Bellway Homes and RMG as the builder and managing agents. In the meantime, the council continued to provide humanitarian assistance.
- 8.52 The council's emergency planning records note:

*Whilst the primary housing responsibilities are with the managing agents*

*RMG and Bellway working with Barking Riverside Ltd the council is continuing to work with all partners to provide residents with reassurance and assist them in moving back; in the meantime, any family who doesn't want to return will be accommodated elsewhere.*

*In that context we will nevertheless continue to provide thorough support to all residents around their accommodation and support needs. ComSol (Community Solutions) continue to identify any additional needs and requirements and the BECC are ensuring that those needs are met.*

- 8.53 On 14 June, the Community Assistance Centre was moved to the Rivergate Centre. The Community Solutions Team established a management rota for the centre and all other organisations involved provided their own rotas of people who would be staffing the centre. The Salvation Army and other community organisations took over the food supply operation at the new centre.
- 8.54 Barking Riverside Ltd set up a cabin in the nearby Rivergate Square for Bellway Homes and RMG to offer specific advice about the future plans and to address residents' concerns, ensuring that this service was separate from the humanitarian support provided at the Community Assistance Centre.
- 8.55 A letter was sent by the Leader of the Council to residents of De Pass Gardens and a website link was texted to all directly affected residents. A second letter was delivered to residents in the area generally, along with a leaflet produced by the Red Cross. The council appointed a Humanitarian Assistance Lead Officer (HALO) to oversee the management of the centre and future recovery phases.
- 8.56 On 17 June 2019, a total of 29 families visited the Rivergate Centre. Queries included whether Council Tax would be suspended for residents of the building unable to return to their homes, benefits enquiries, whether nursery provision was available for a displaced family and the availability of laundry facilities.
- 8.57 Residents commented that the process of getting accommodation approved through the Insurance Claims Accommodation Bureau (ICAB) and the insurers was very long and complicated.
- 8.58 On 21 June 2019 at 6pm, 12 days after the fire, the BECC was 'stood down' by the council. 67 households were still in temporary accommodation. Of these, 64 households were staying in hotels, one household was staying in a procured flat and two were staying with friends or family.
- 8.59 The Rivergate Community Assistance Centre continued to operate.
- 8.60 Only 12 households from the 32 Southern Housing managed flats had felt able to return to their homes, despite them all being considered as safe by the LFB. Southern Housing conducted one-to-one visits with residents who had returned home and those still in temporary accommodation.
- 8.61 Of the remaining 47 flats, it was anticipated that the residents of the 27 flats with no damage could return within four weeks, following works in the communal areas.
- 8.62 It was anticipated that the 12 flats suffering medium damage, principally water damage and broken front doors, could return within eight weeks.

- 8.63 The residents of the eight flats that suffered catastrophic damage were advised they would be able to return within 24 weeks.
- 8.64 However, on the first anniversary of the fire, some residents had still not been able to return to their homes due to ongoing work to replace the balconies.

#### PROBLEMS WITH ORGANISING MORE SUITABLE LONGER TERM TEMPORARY ACCOMMODATION

- 8.65 When the council heard that families were being forced to stay in hotels longer than initially anticipated, the Leader of the Council convened a meeting of local housing providers who agreed to provide alternative accommodation locally. This took a huge effort of coordination, including an appeal to the Secretary of State for Housing, Communities and Local Government, before the insurers agreed to extend the cover of the cost of temporary housing until Samuel Garside was in a fit state to return. Without the council's intervention residents faced an uncertain future in hotels dispersed around London with few personal belongings, miles from their local schools and GPs, and paid for at their own expense. At the same time, they were not prepared to return to Samuel Garside House until they felt reassured it was safe – this, once again, fell to the council who provided that reassurance.
- 8.66 In their submission, Adriatic and HomeGround made clear that they did not share this assessment of what happened:

*In some cases, it became clear that a number of stakeholders involved in the aftermath of the SGH fire were unduly focused on seeking to fix blame and making uninformed comments about the ongoing safety in the aftermath of the fire, without waiting for the results of investigations commissioned by the LFB or other safety assessments undertaken. This led to an increased atmosphere of distrust and division... This atmosphere made it increasingly difficult to persuade the insurers to continue to fund ongoing costs, such as alternative accommodation for some residents, where there was no clear evidence of any ongoing issue preventing safe occupation of a number of apartments, and where a number of other affected residents had already moved back to their apartments.*

#### PROBLEMS WITH THE EMERGENCY OPERATION

- 8.67 Many of the council officers that we spoke to made the point that in emergency situations the local authority has a coordinating role and should act as a facilitator. But in this case, the council became the lead body for every aspect of the operation in the aftermath of the fire. This included:
- Booking accommodation
  - Running the Community Assistance Centre
  - Working out which residents lived in which flat and how badly damaged each flat had been
  - Establishing a triage system to expediently assist those residents most in need
  - Enlisting the help of community partners to coordinate donations of food, clothes and other essentials
  - Setting up a crowdfunding platform to raise money to help residents

- Coordinating all communications with residents
- Arranging for residents to get access to their possessions, have their post redirected and get access to vehicles stored in the building's garages.

THE LASTING EFFECTS ON THE LIVES OF THE SAMUEL GARSIDE HOUSE RESIDENTS

*We are still feeling the aftermath of the fire and this will never go away. We lost our home and everything in it and will never get anything back, nothing what we built for four years we lived there. We had to start building life from scratch after being homeless for over a month and living out of bags with clothes that were not ours. We will never recover from what happened and that our flat was completely destroyed by the fire and the fear that we could have lost our lives will haunt us always. – Samuel Garside House Resident*

- 8.68 It is clear from our conversations that the fire has had long lasting effects on the lives of the residents of Samuel Garside House. One resident commented that:

*As someone with mental health issues and not having access to my medication with a young child to look after and no explanation with the prospect of homelessness it was a very confusing and upsetting time.*

- 8.69 Unfortunately, it appears that the stress and anxiety clearly felt by many residents was compounded by the lack of effective communications from either the owners of the building or the managing agents. Residents complained of having to make phone calls every day to ensure that they could continue living in their temporary accommodation and that trying to get all of the necessary information on the state of building and when they could move back in sometimes felt like having a second job. One resident said that this process left them on the cusp of a nervous breakdown. There was a prevalent sense among residents that the owners and managing agents simply were not listening. A resident who was pregnant at the time strongly felt that the lack of facilities for preparing hot food in her temporary hotel accommodation, and need to live on takeaway food for so long, had had an effect on her health.

- 8.70 Adriatic and HomeGround acknowledge that:

*In some cases, communications could have been clearer and more responsive. This is a matter we have been reviewing with RMG throughout, in order to improve procedures in the event of a similar incident response being required in the future.*

- 8.71 It is clear to us that in addition to the initial and perhaps inevitable difficulties with communications there was a significant gap between what was expected and what was offered. Resident expectations were based on their immediate needs and concerns and later by their need for accommodation. The owners and their agents had a clear understanding of their legal responsibilities and drew on their established procedures to move forward.

- 8.72 Bellway homes did not have a communication team at that time but have since told us that following their own internal review of what happened they have created a new Group Communications role “to provide a single point of contact to help drive and coordinate information in the future.”

- 8.73 The council staff who worked the comprehensive emergency operation in the absence of

action or leadership from the building's owners or managing agents also experienced the fear, anxiety and frustration felt by the residents. The specific circumstances of Samuel Garside House in the wider context of concerns about fire safety led to those fears increasing and a gap in expectations continued to grow.

## 9 RETURNING HOME

### *The long-term issues with residents returning to their homes*

*The handling after the fire for me was much worse, the constant fear of having nowhere to live, the contradictory communications, being asked to go back and forth to the site for no reason in the middle of work days. Being told our flat would not be fixed even though it was covered in ash, smoke and water. Living day-to-day not knowing if we would have somewhere to stay was so stressful and constant errors were made which resulted in us having to pay for our own accommodation in the end which cost us £900. Honestly, there were times when I felt like I was on the cusp of a nervous breakdown and just cried because I was so frustrated and no one was listening or doing their jobs properly.*

*Samuel Garside House resident*

- 9.1 It is clear from our conversations with residents that many families were not able to return home until at least six months after the fire. Several families returned to their homes between September 2019 and December 2019. However, others were not able to return home until March 2020, nine months after the fire while for some it took more than a year.
- 9.2 We have identified three primary issues of concern:
- 1 A lack of clarity about the scope of the building safety works, particularly the removal of wooden panels from the building
  - 2 A lack of information about a timetable for the remedial works to the building and when households would be able to return home
  - 3 A lack of assistance in finding alternative accommodation beyond emergency hotel accommodation
- 9.3 In this section we examine each of these issues in turn from the point of view of Samuel Garside House residents.

### BUILDING SAFETY WORKS

- 9.4 Residents living in both leasehold flats and Southern Housing-owned flats have expressed concern that when they returned to their homes, the building still had balconies with wooden panelling.
- 9.5 One resident explained that after being evacuated from her flat on the day of the fire, she made clear to Southern Housing that she did not feel comfortable returning. In her view, it was not safe. Southern Housing wanted her to move back in two or three days after the fire and a member of Southern Housing staff accompanied her to her flat. She insisted that she was only there to collect her belongings and was not prepared to stay. Ultimately, she instructed a solicitor, who was offering pro bono help to Samuel Garside House residents, to tell Southern Housing that she would not be returning to the flat. She did not wish to do so whilst safety matters, particularly the removal of wooden panels from balconies, had not been completed. She subsequently spent four months at a Travelodge in Dagenham and two to three months at a Premier Inn in Barking before, in September 2019, moving to a temporary apartment that was a five-minute bus ride from Samuel Garside House. She stayed in this

apartment up until 20 July 2020 when she returned to Samuel Garside House. Even at this point, she was reluctant to return home because all of the wooden panelling had not been removed from the building. The panelling had been removed from the balcony of her flat but she stated that she was still not comfortable about there being wooden balconies at the back of the building.

9.6 Another Southern Housing tenant confirmed that she was displaced from her home from 9 June to 14 August. She also refused to return due to fears about wooden panels at the back of the building and the fact that the alarm system seemed inadequate. A third Southern Housing tenant returned home after three weeks but then had to leave again because her children were scared. She stated that children are still scared and, to this day, her son cannot get into a lift due to his fears.

9.7 Another Southern Housing tenant said she felt forced to return to the property despite not feeling safe. She was offered another property but the rent was higher and it was a long way from her children's school. She states that she could not afford the increase in rent and therefore felt she had no choice but to move back into Samuel Garside House as requested.

#### LACK OF INFORMATION ON THE TIMETABLE FOR THE REMEDIAL WORKS TO THE BUILDING

9.8 We have not found any evidence that residents were ever provided with a proper timetable for the remediation and building safety work and there does not appear to have been any coordinated plan to keep residents informed as the work progressed.

9.9 A household that was able to return home at the end of October said that multiple residents, including themselves, felt that the work done to their homes was of a low standard and that there had been additional damage to their property while the work was being completed, which was not rectified by Bellway. They suggested that all of the work that was going to be completed should have been fully outlined, either in an email or letter, to each resident.

9.10 Another household who were only able to return home in the second week of March 2020, just before the beginning of the UK's Covid-19 lockdown, said they felt 'lost and alone in almost every sense'. They added that 'the amount of chasing calls I had to make to find out any bit of information was absolutely ridiculous, nobody would take responsibility for anything, and their answer was just to pass you from one company to another or them calling you back a week later with a very vague response'.

9.11 A third household was concerned that Bellway had promised that they were going to put roofs on the highest balconies to protect them from rainwater from the roof of the building but this did not happen. They were later told that this was not covered by the planning permission for rectifications and therefore it was not possible. They also felt that Bellway had not considered that the building work was very disruptive to residents. They questioned why a decision had been taken to move residents back in without properly considering this. The work caused a lot of dirt and dust, to the point that this household could not even open a door or a window.

#### LACK OF ASSISTANCE WITH FINDING ALTERNATIVE ACCOMMODATION BEYOND EMERGENCY HOTEL ACCOMMODATION

9.12 In the days after the fire, the council began speaking to Barking Riverside Ltd (BRL) and L&Q Housing Association (part-owners of BRL) about providing an accommodation offer beyond emergency hotel accommodation. BRL and L&Q agreed to work alongside Reside (the

council's own housing company) to make alternative accommodation available from their collective stock of properties for anyone who would prefer a temporary flat, rather than a hotel room, while Samuel Garside House was being repaired. Bellway Homes and the insurance company agreed with the council's recommendation to make a property available for any household who wished to leave hotel accommodation.

- 9.13 However, residents told us that the Insurance Claims Accommodation Bureau (ICAB), working on behalf of HomeGround and the building's insurers, often offered a poor service and could be dismissive of residents' concerns. Residents reported that they were left to find their own accommodation, before then having to get it approved by ICAB, which was not a straightforward process.
- 9.14 One resident said that after spending a few days in hotels and needing something more permanent, the Insurance Claims Accommodation Bureau (ICAB) told them they should start looking for accommodation themselves. When we spoke to them in June 2020 this household was in long-term accommodation in Canning Town, which they sourced before getting it approved by ICAB and had still has not been told when they could go back to Samuel Garside House. They also raised the point that they have continued to pay service charges since the fire even though they have not been able to go back to their home.
- 9.15 Another household said that they also started looking for long-term accommodation as ICAB were slow and had told them 'you might want to start looking yourself'. The process of finding a property was long and cumbersome. It was necessary to ask ICAB to approve it and then for ICAB to ask the insurance company to approve it before a decision was eventually relayed to the resident. Often, by the end of this process three or four days later, the property in question would no longer be available.
- 9.16 One private tenant stated that very little guidance was available from the building's managing agents about what private tenants should do. She was able to meet with her letting agent two days after the fire. In her words:

*There was uncertainty as to where we would be living and what we would do next, only having the clothes on my back. The week after, still not anywhere forward, I was now placed in a Travelodge in Gants Hill with no facilities for hot food and no microwave. I was living off takeaways and this did not help with my pregnancy.*

- 9.17 She was eventually able to return to her flat in October 2019. Even though she has now been able to return home, she added that:

*The community feels let down and unsure as to when remedial work will be done to make Samuel Garside safe.*

- 9.18 Another private tenant, who had not been able to return to their flat, was offered alternative accommodation by their landlord but it was too expensive, so they instead approached Reside who were helpful. The household has now moved into new accommodation.

## OVERVIEW

- 9.19 Our conversations with residents indicate that Southern Housing acted very professionally and helpfully in the immediate aftermath of the fire. They promptly arranged hotel accommodation when the fire brigade took the decision to evacuate the entire building. But it was felt that Southern Housing's longer-term response should have been much better.

Tenants felt that they were pressured into returning to their homes despite the fact that the issue of the alarm system had not been addressed nor the continued presence of wooden panels on the building. However, it should be stated that Southern Housing did not have direct control over either of these matters.

- 9.20 Earlier in this report we identified problems with the building's managing agents' and owners' emergency response on the day of the fire and the days that followed. In the longer term, there was a lack of clarity about the timetable for the remediation and building safety work and there does not seem to have been a coordinated plan to keep residents informed. Of equal concern to residents was the perceived limited assistance with finding suitable temporary accommodation.

## 10 THE KEY ISSUES

*These are the major concerns that came to our attention during the review. We are clear that we did not have the resources necessary to examine technical matters in detail nor were we asked to do. However, there is a considerable amount of information including some of a technical nature which is in the public domain and at least some residents were aware of this information. In order to understand what happened in the aftermath of the fire we needed to put the reactions of those who lived in SGH into context and therefore needed to acknowledge the impact of this information. What follows is informed by both what we heard from residents and what we have been told by both the council and those organisations charged with the management of the building and also Bellway Homes.*

### OWNERSHIP

- 10.1 The history of the ownership of this building was complex. This has become increasingly common and makes it difficult for the leaseholders of individual flats to be clear about where responsibility for issues affecting common areas and the building as a whole lie. In this case the head lease was granted by Barking Riverside limited to the developer who sold it on after construction. The new owner sought to discharge its responsibilities via a subsidiary which in turn let a contract for the management of the building. This is further complicated by a lack of clarity about the ultimate ownership of the different companies involved. We believe that this could be made simpler in the future by requiring the freeholder to lodge a 'Statement of Ownership' with the Land Registry setting out the organisations or individuals that hold leases and subleases down to, but not including, leases for individual properties and indicating the ultimate ownership of those organisations. This would need to be updated whenever a lease was transferred.

### INFORMATION FOR RESIDENTS

- 10.2 The initial experiences described to us by residents were different for those in the flats owned by Southern Housing and those in privately owned flats. The tenants of Southern Housing were clear who was responsible for the maintenance of their flat and that any concerns about common areas or the building as a whole should also be referred to Southern Housing. Equally Southern Housing were clear that from the point of the evacuation they had ongoing responsibilities for those residents. Other residents reported varying degrees of difficulty in establishing who they needed to talk to and what help they would receive. This is looked at in more detail in [Chapter 8](#). In our view in future, it would be of significant help to all residents of buildings with multiple units if they were provided annually with a statement of responsibilities for their home and the building of which it is a part. This would include contacts for both internal issues in the case of renters and external issues for all. It should also include a clear statement of the responsibilities of the residents both for the maintenance of their own homes and in relation to common areas as set out in the relevant leases.
- 10.3 In so far as any new buildings are concerned planning authorities should consider including provisions in S106 agreements for multi-unit buildings which require owners and leaseholders to provide such statements of ownership and responsibilities.

### DIFFERENTIAL TREATMENT OF BUILDINGS BELOW 18 METRES

- 10.4 At the time of writing, the Building Safety Bill is before Parliament. This seeks to address many of the concerns that have emerged in relation to the tragic fire at Grenfell Tower. It is proposing to create a new Building Safety Regulator which will be responsible for all residential buildings over 18 metres. The regulator will take over a range of powers that currently lie with local authorities in relation to building control. However, Samuel Garside House at 16 metres would not be covered.
- 10.5 If the local authority role in relation to higher buildings disappears, for some authorities there will be a question of whether the capacity and necessary expertise to do similar work on lower height buildings can be sustained. As the Bill proposes to include more significant sanctions for breaches of building regulations there is also the possibility of a two-tier system developing. For example, two buildings in the same development, one of six storeys and one of eight, could be subject to different requirements and have to deal with different sets of officials. However, it is understood that the Bill will be drafted in such a way as to facilitate changes to the height limit in future.
- 10.6 Subject to the final provisions of the Building Safety Bill we consider that it would be helpful to give local authorities additional enforcement powers for building below 18 metres which match those of the Building Safety Regulator for buildings over 18 metres.

### RESPONSIBILITY FOR DISPLACED RESIDENTS

- 10.7 Residents in Samuel Garside House, both renters and owner occupiers, found themselves being evacuated from their homes at very short notice and while Southern Housing immediately took responsibility for its tenants, on the day of the fire it was the council which addressed the needs for assistance of other residents who had been rendered homeless through no fault of their own.
- 10.8 The council fulfilled its responsibilities in dealing with an emergency but also responded as the democratic body to which residents looked for help and support. As the building's owners, through their agents, took on their responsibilities tensions and concerns arose for residents who in turn looked to the council for assistance which the council endeavoured to provide despite their limited powers and resources.
- 10.9 During our work on this review, it has become clear that beyond the perhaps inevitable difficulties in the days immediately following the fire there are differences of view about where responsibility lies and how that changes as the situation develops. We think this should be addressed with some urgency. We suggest in our recommendations an annual Statement of Responsibilities that should include reference to what will happen in emergency situations.
- 10.10 We further suggest that a suitable opportunity be sought to make a legislative change to enable councils to declare a situation as an emergency and reclaim any expenditure incurred during the ensuing 30 days from whosoever had legal responsibility for the building concerned.
- 10.11 Councils have specific though limited powers in relation to the safety of buildings, including the ability to issue notices and, in the event of noncompliance, enter buildings and take action themselves up to and including demolition. They have clear responsibilities in respect to the immediate response to emergency situations. There is, however, significantly less clarity

about responsibility once that immediate situation has been addressed. Councils lack a clear power to act to fully support displaced residents and recover costs. They also do not have the power to require building owners to undertake the most significant (Type 4) building surveys which can lead to residents raising concerns and having to accept the owners' assurances rather than seeing any independent assessment.

- 10.12 We think it would be helpful to address this and suggest that consideration be given to creating a power to declare a "Local Housing Emergency" for 30 days during which a council can take what it considers to be the necessary actions and also reclaims costs incurred by it from the responsible organisations. Such a power should be renewable for a further 30 days if necessary. It should be exercised directly by the council unless prior to the event occurring the council has expressly delegated its exercise to another organisation.

#### THE PERFORMANCE OF THE BUILDING

- 10.13 It is beyond the remit of this review to examine the cause of the fire or comment on how fire safety issues had been addressed. Nevertheless, there were related concerns which impacted greatly on the residents and provide significant context to the events following the fire.
- 10.14 It appears that the timber balconies did not perform as expected and the fire spread rapidly. Bellway Homes, who built the block, undertook to replace the balconies at Samuel Garside House and at the neighbouring Ernest Websdale House. The original balconies had conformed with the regulations then in place but the replacements were constructed of steel. This company no longer had any direct legal or operational involvement with the building but, following the fire, responded immediately to assist RMG and Southern Housing and support residents.
- 10.15 Residents told us that they had previously raised concerns about a number of issues but in respect of the balconies had been given assurances about how the timber would perform in the event of a fire, which proved to be inaccurate.
- 10.16 In the aftermath of the fire issues arose about the condition of the building and when it would be safe for residents, whose homes had not been damaged, to return. Responsibility for building safety lies with the building owners but residents approached the council and asked them for assistance. Like most local authorities Barking and Dagenham is no longer in a position to directly employ staff with the necessary qualifications to carry out such work and the council therefore commissioned a consultant surveyor to carry out a Housing Health and Safety Rating System (HHSRS) Inspection which reported in October 2019.
- 10.17 We have attached, as an appendix, the summary report of that inspection which sets out its findings and also give a helpful explanation of how the inspection system works.
- 10.18 The report of the inspection in this case raised issues which were reported to the council including some which were considered to constitute Category 2 hazards. This enabled the council to consider taking enforcement action in its role as the statutory Local Housing Authority. In this case the council informed the managing agents for the building of their concern and indicated that if action was not taken within 48 hours enforcement would commence.
- 10.19 At the time of the fire Bellway had no proprietary interest in the building and no role in its management but through its intervention found itself in an unprecedented position which requires further explanation. A written submission was received from Bellway Homes which

clarified a number of points

- 10.20 They drew to our attention the view of the London Fire Brigade that the fire occurred as a result of a naked flame igniting flammable materials on a balcony. The instructions for safe use of balconies make clear that there should be no naked flames on balconies. They told us that:

*The main fabric of the building itself performed properly in resisting fire penetration and fire spread. The fire stopping and fire compartmentation elements had been properly installed and worked as intended. The fire doors between individual apartments and communal areas were all properly installed and fitted, allowing the building to be safely evacuated while the fire was put out.*

- 10.21 Notwithstanding their wish to assist they were not the organisation with legal responsibility to intervene and take action without the agreement of those that did have that responsibility. In practice working closely with all the other parties they undertook significant works, including the removal of timber from remaining balconies, at their own cost without waiting for insurers to instruct the work because they wanted to support the residents who wanted to get back to their homes quickly.

## 11 APPENDICES

### 12 REVIEW BRIEF

#### REVIEW OF THE SAMUEL GARSIDE HOUSE FIRE IN BARKING AND DAGENHAM

- 12.1 In the aftermath of the fire at Samuel Garside House in June 2019, the London Borough of Barking and Dagenham is commissioning a review to provide a clear account of what happened during and following the fire – and the lessons learned locally, as well as in the sector more widely.

#### PURPOSE AND SCOPE

- 12.2 The purpose of this review is to:
- 1 Set out the key events associated with the fire, focusing in particular on the response and aftermath of the key agencies and those with responsibilities for the people affected
  - 2 Establish the main lessons learned; identifying what went well and where things fell short of what the people affected should have been able to expect (from the key agencies and those with responsibilities for the people affected)
  - 3 Propose recommendations for action or change, based on our experience and lessons learned (in particular relating to the emergency response and aftermath, but also in relation to questions around building regulations and fire safety).
- 12.3 The review will focus on the response to the fire, not the cause of the fire itself.
- 12.4 The review will not be a detailed or technical assessment of building safety regulation, which is a matter for the government. However, it will pose questions relevant to the future of such regulation, rooted in our experience in Barking and Dagenham.
- 12.5 The review will be concerned with the events and issues surrounding the fire at Samuel Garside House. However, we are well aware that there have been other similar incidents in blocks of flats in London in the recent months and years (most tragically the disaster at Grenfell Tower). Therefore, the review will draw on insights and experiences from elsewhere (e.g. Sutton).
- 12.6 The review will report to the Leader of the Council, Cllr Darren Rodwell.

## 13 INDIVIDUALS AND ORGANISATIONS WHO PROVIDED VERBAL OR WRITTEN COMMENTS

### RESIDENTS AND THE COMMUNITY

- 13.1 29 Samuel Garside House residents
- 13.2 Matt Scott, Thames Ward Community Project
- 13.3 Serena Madvani, Assistant Headteacher, Riverside Primary School

### LONDON BOROUGH OF BARKING AND DAGENHAM COUNCILLORS

- 13.4 Cllr Darren Rodwell
- 13.5 Cllr Cameron Geddes
- 13.6 Cllr Josie Channer
- 13.7 Cllr Bill Turner

### STAFF

- 13.8 Jim Dixon, Operational Service Manager, Highways and Incident Response Unit
- 13.9 Fiona Taylor, Director of Law and Governance
- 13.10 Andy Opie, Director of Enforcement Services
- 13.11 Gary Jones, Head of Regulatory Services
- 13.12 Katherine Gilchrest Head of Support – Community Solutions
- 13.13 Monica Needs – Head of Participation and Engagement (Policy and Participation)
- 13.14 Nicki Lane – Resident Engagement Manager
- 13.15 Emily Blackshaw – Head of Communications and Policy
- 13.16 Jonathan Boyle, Regeneration Projects Lawyer

### BE FIRST

- 13.17 Pat Hayes, Managing Director

ORGANISATIONS INVOLVED IN THE CONSTRUCTION, OWNERSHIP AND MANAGEMENT OF SAMUEL GARSIDE HOUSE

- 13.18 Chris Harris and Suzanne Horsley – Southern Housing
- 13.19 Steven Saville – Bellway
- 13.20 Written Submissions from RMG and Adriatic/HomeGround

ORGANISATIONS INVOLVED IN THE WIDER REGENERATION OF THE AREA

- 13.21 Matthew Carpen – Barking Riverside

EXTERNAL ORGANISATIONS

- 13.22 Catherine Staniland – New London Architecture
- 13.23 Clare Williams, Fire Safety Manager – London Borough of Hackney
- 13.24 Simon Latham, Interim Strategic Director, Environment, Housing and Regeneration – London Borough of Sutton
- 13.25 Deputy Assistant Commissioner Stephen Norman – London Fire Brigade

OTHER SOURCES OF INFORMATION

- 13.26 The Land Registry

## 14 THE WORCESTER PARK FIRE, LONDON BOROUGH OF SUTTON

- 14.1 Sutton Council has been invited to add its comments to the independent review of the recent fire at Samuel Garside House in the borough of Barking and Dagenham in light of its experience of the fire at Richmond House, part of The Hamptons development in Worcester Park, that occurred in September 2019. The comments set out below cover a number of issues and learning points both in relation to the council's involvement with the Richmond House fire and in respect of the proposals set out in the recently published draft Building Safety Bill.
- 14.2 A major issue that arose out of the fire at Richmond House, which comprised 23 shared ownership units, was the uncertainty around roles and responsibilities of the agencies involved and the consequent inherent difficulty in coordinating a coherent response, one which had residents at its focus. This has, rightly, been the subject of much criticism by the residents at Richmond House who a year on are still awaiting compensation and remain in temporary accommodation.
- 14.3 The residents have also raised concerns, which the council supports, around certain provisions in the draft Building Safety Bill. The first is that the proposed 'two gateway' approach to the approval of building safety measures risks undermining fire safety. We agree that it would be better to ensure that all necessary measures are in place and signed off at the planning stage rather than later on in the development process. We are also concerned that the expansion of permitted development rights, in particular in relation to the Planning For the Future August 2023 White Paper, potentially undermines the proposed gateway approach and there is the need to ensure that loopholes do not exist that allow developers and contractors to prioritise cost-cutting considerations over building and resident safety.
- 14.4 The council also shares the concern that the Bill's proposed safety requirements are limited to buildings over 18 metres. Both Richmond House and Samuel Garside House were under this limit yet clearly suffered from catastrophic failure to maintain fire safety. We would argue that all flatted blocks above two storeys should be in scope of the Building Safety Regulator given the potential risk to residents in communal living settings. However, the council believes that the over 18 metres limitation is inadequate and a blunt instrument. The impact of fire on the residents in a building depends on many different factors other than the height, including the potential vulnerability of the occupants and the construction of the property. For example, Richmond House was of timber frame construction. The full range of issues that make the potential impact on residents of a greater or lesser risk should be part of the consideration of which buildings are in scope.
- 14.5 Building ownership can often be complex and fluid, particularly in the private sector, with various management arrangements and shared responsibilities, which can be confusing to residents, whether they be leaseholders or tenants. Accordingly, the council would support the suggestion that there should be a legally required Statement of Ownership with the Land Registry and believes that there should be a mandatory requirement on building freeholders to provide annually updated statements of responsibility, with these made readily available to all residents. The council feels that this is critical in ensuring greater transparency and accountability.
- 14.6 Another key criticism of the residents at Richmond House was the response on the part of both the social landlord and the developer to deal with certain aspects of the fallout from the fire. This included issues of communication, accountability and transparency. Whilst the relationship with the registered provider (RP) improved over time, the response in the

aftermath often left residents feeling bewildered and lost. Having a human response to a human tragedy is a key part of responding to an emergency. At the heart of this should be looking after the health and welfare of residents. All efforts should focus on this so that the people affected can be helped to move on, in their time, to make new lives and new homes. Two specific examples are personal belongings and access to counselling and support. The council feels that getting these right and acting with urgency will help the process of recovery. This didn't happen with Richmond House. If there is not timely intervention and support around the impact on people's lives, their mental health and their well-being is more likely to become protracted with the cost being counted in both human and financial terms.

- 14.7 In essence the council immediately stepped in to support the residents from day one, such as helping the move of a small number of residents into temporary accommodation and sourcing counselling and other support. However, it soon became clear that there needed to be much greater clarity in what the respective roles of the local authority and the building owner should be in such circumstances. We strongly feel that building owners' responsibilities must be enforceable in law (e.g. through a requirement to cooperate with councils where they have declared an emergency). We support the suggestion that the local authority should be able to act in default and claim back costs.
- 14.8 Residents found of particular value the independent, 'honest broker' role the council played in the aftermath and months that followed the Richmond House fire. They welcomed the council's ability to help residents navigate through the post-fire bureaucracy and to unblock obstacles and make things happen more responsively. Whilst it's difficult to encapsulate this into suggestions for concrete changes, it's important to acknowledge that it was this practical, caring approach where the council stood by the side of residents, that made a big difference to them. Whilst the council could have a landlord role (if a fire happened on a council site) it should nevertheless not lose this wider responsibility in such an emergency.
- 14.9 Where flatted blocks are in the ownership of an RP the council believes that the Regulator for Social Housing (RSH) should take a stronger role in relation to the potential for serious detriment towards the RP's residents. At present the RSH does not appear to take an active role in considering whether an RP has breached the regulatory code following emergency incidents. The council's experience is that the emergency planning and response approach and capacity within RPs needs to be strengthened so that they are better prepared throughout the sector in handling both the immediate aftermath and the follow-up. The council believes that a stronger emphasis on this issue from the RSH would create a welcomed heightened focus on this issue with RPs. It's notable that the Home Standard does not directly reference handling building emergencies.
- 14.10 Regarding penalties on RPs who fail to support their residents after an emergency, at the moment there isn't anything to incentivise RPs as the requirements are all preventative (fire risk, building safety) rather than response/recovery orientated after the event (longer term welfare, supporting the replacement of contents, trauma/bereavement support, etc.). As a result, local agencies have to pick up the pieces for the people who have gone through huge amounts of trauma.
- 14.11 In summary, the council believes that any response to an emergency such as that at Richmond House must centre on the impacted residents and their welfare, assisting them to get their lives back to some form of stability where they feel they can move on. This applies not just to those most directly affected by their home becoming uninhabitable but also neighbours where the impact may be less obvious but can also be very profound. The council's concern is

that the interests of developers, landlords and other interested parties tend to focus on reputational damage limitation and minimising costs. There should be a clear responsibility for all interested parties to cooperate with two overriding aims: looking after the residents affected and learning lessons to prevent and better respond to future incidents.

14.12 2 October 2020

LESSONS LEARNED FROM RICHMOND HOUSE, WORCESTER PARK – RESIDENT COMMENTS

THE PERFORMANCE OF THE BUILDING

- 14.13 The factors contributing to the spread of fire are addressed in the expert report by Probyn Miers and LFB’s fire investigation report. A further report is also expected from the BRE.
- 14.14 However, it is clear that some of the key issues seen in other serious fires were also present in Richmond House. The building had a timber frame and a key issue was defective or missing cavity barriers. There were combustible materials (including timber) on balconies and each set linked six adjoining apartments together, which helped the fire to spread.
- 14.15 Compartmentation failed on one side of the building and at roof level. Fire rapidly engulfed all floors, before the London Fire Brigade arrived. The building had a ‘Stay Put’ policy but did not have the minimum amount of fire resistance to support such a policy. The only reason there were no fatalities was because residents immediately helped each other to get out.
- 14.16 Previous fire risk assessments had not uncovered these major issues because only Type 1 FRAs had been carried out, which are too superficial to assess if the whole building is safe.
- 14.17 Building regulations are ultimately designed to protect life safety, not property. Even so, we do not believe it is acceptable to build poorly performing blocks which are ‘sacrificed’ in a fire, because of the impact on residents caused by the loss of their homes, belongings and pets.
- 14.18 Investigations after the fire also revealed safety issues in every other apartment block and some houses on the Hamptons estate, which are subject to 23 LFB Enforcement Notices.

OUR RECOMMENDATIONS:

- At national level, a wider scope of building safety issues needs to be addressed beyond cladding. For example, following a series of serious fires, timber frame requires an independent review. The Building Safety Fund should be extended to cover issues such as compartmentation
- Cavity barrier installation should be performed by specialist, approved installers as suggested in a 2016 BRE report – because poor workmanship is a widely reported issue
- The NFCC’s ‘Stay Put’ policy should be reviewed locally/nationally, for buildings where the construction type is known to be vulnerable to rapid fire spread, e.g. timber frame
- Building owners should be required to conduct intrusive Type 4 FRAs at regular intervals (e.g. every five years or following significant alteration to the building structure or use).

### DIFFERENTIAL TREATMENT OF BUILDINGS BELOW 18 METRES

- 14.19 Richmond House was a mid-rise building of four storeys. Rescue or escape requires less time in a mid-rise building than a high-rise but we would argue that the threat to life and safety can still be significant. Every floor of Richmond House was engulfed in flames before the LFB arrived.
- 14.20 Government statistics also show that in the last year there were three times as many serious fires (spreading to more than two floors) in mid-rise than high-rise buildings.
- 14.21 Despite this, the upcoming Building Safety Regulator will not initially apply to buildings below 18 metres. Even non-structural requirements – such as having named duty holders who are responsible for safety or the right for residents to access critical safety information – will not apply below 18 metres. It's like being given a safety 'handicap' purely because the escape stair is shorter.
- 14.22 The government is currently considering lowering the threshold for the ban on combustible materials in the external wall to 11 metres. This will increase safety for many mid-rise buildings but the measurement relates to the height of the top floor, which is only 9.1 metres in Richmond House, therefore it will do nothing to protect buildings like ours.

### OUR RECOMMENDATIONS:

- Building height is not the only risk factor, therefore government should prioritise buildings based on a risk matrix that considers multiple factors
- The ban on combustible materials in the external walls (including balconies) should be extended to all multi-occupancy buildings, not just those above 18 metres or 11 metres
- The remit of the Building Safety Regulator should be extended, e.g. the requirement for named duty holders responsible for safety should apply to buildings of every height.

### BUILDING CONTROL

- 14.23 Richmond House was signed off as being compliant with building regulations, despite serious defects. The building control process should provide third party assurance to building owners and residents that homes are up to standard but it failed.
- 14.24 The approved inspector scheme effectively allows developers to choose their own regulator, which creates a potential conflict of interest and could undermine independence. However, we are also aware of numerous instances where local authority building control has failed.

### OUR RECOMMENDATIONS:

- Similar to the model introduced by the Victoria/NSW State Governments in Australia, the new Building Safety Regulator should have the authority to carry out on-the-spot site inspections, withhold certification and order rectification for buildings of all heights.

### INFORMATION FOR RESIDENTS – BUILDING SAFETY

- 14.25 Before the fire, there was a history of residents feeling ignored when they raised concerns about building maintenance and safety. This is being investigated by London Fire Brigade.
- 14.26 After the fire, the housing association met frequently with residents – more than 20 times – and answered many questions about the building. However, communication often lacked a

sense of urgency, seemed defensive and therefore lacked honesty, transparency and clarity. For example, the housing association would not share the building's fire risk assessment for almost three months after the fire, citing 'legal reasons' or that the information was too 'technical'.

- 14.27 An 'advice note' regarding balcony safety had been issued by MHCLG in June 2019, which was not shared with residents. Several months after the fire, this advice still hadn't been shared with residents in their other buildings.
- 14.28 The HA also published information which said the frequency of fire risk assessments had increased to yearly for all buildings and that an intrusive type of FRA was being introduced to 'all buildings with a Stay Put policy', which would have included Richmond House. But this information was not correct, so residents were less safe than was being claimed.

OUR RECOMMENDATIONS:

- Housing associations should work with their residents on a safety communications plan
- All building owners should proactively publish fire risk assessments to their residents
- All building owners should be required to make residents aware of critical safety information published by national or local authorities, including advice notes
- Alongside the introduction of a New Homes Ombudsman, there must be an effective and simple route to escalate building safety concerns for existing buildings. Local authorities should also be able to intervene under their duty of care to local residents.

LEADERSHIP IN AN EMERGENCY SITUATION

- 14.29 The housing association was legally the 'responsible person' for Richmond House. However, it was unclear who was liable for the building failure and there was a lack of trust. Residents felt strongly that an independent party should have led the recovery process and repeatedly asked Sutton Council to provide that role but they did not feel it was their responsibility.
- 14.30 However, we were grateful that the council remained involved throughout the process, providing a consistent, independent presence and acting as a liaison with other authorities.
- 14.31 At the suggestion of residents, independent advisors were appointed 10 weeks after the fire. The first 10 weeks was critical therefore this should have been instigated earlier. Their presence was useful but they fulfilled more of a facilitation/mediation role rather than providing project management, direction or leadership. Initially Sutton Council managed this contract, however, after six months the contract moved to the housing association; to some residents the change was very clear and they felt there was a conflict of interest.
- 14.32 Over time, relationships between residents and the housing association's resident liaison officers generally improved. However, the management team was not experienced at dealing with the aftermath of a crisis on this scale and we felt they should have sought support from experienced parties to manage the process.
- 14.33 For example, the HA engaged a specialist firm to remove personal belongings from the building a few days after the fire. They failed to agree a contract and made the decision to put belongings back inside an unsafe building; this was not disclosed to residents for several weeks, despite repeated questioning. This caused further damage to belongings and further damaged trust. A year on, many items have still not been returned. It was also made clear to

residents that cost took precedence over the principle of restoring personal belongings to their owners. This is one example why independent leadership was needed.

- 14.34 We were aware there was a ‘taskforce’ behind the scenes – but it did not include residents. Meanwhile residents had to become quasi-experts in construction and housing; and hire lawyers in order to claim damages. The overriding feeling was that ‘no one was on our side’.

OUR RECOMMENDATIONS:

- Following an emergency, and where there are questions of liability to be resolved, the local authority should be able to take independent leadership of the recovery process or have authority to invite experienced third parties to do so.

RESPONSIBILITY FOR DISPLACED RESIDENTS – RENTAL TENANTS

- 14.35 The Housing Association took responsibility for coordinating emergency accommodation for 22 households from day one, which was an entitlement under the buildings insurance policy.
- 14.36 However, they did not provide any emergency support to one household with renters, who had to declare themselves homeless. Sutton Council provided them with only one night of emergency accommodation.
- 14.37 Their landlord, the leaseholders, had been long-term residents in the building but were residing overseas for family reasons. As a direct result of the fire, they lost the rental income to cover their mortgage payments. They had to incur several months of financial losses until they were able to sell the property back to the housing association.
- 14.38 In similar post-fire emergency situations where there was a greater mix of renters and owner-occupiers (e.g., Holborough Lakes in 2017), we understand residents of ALL tenures were supported with emergency accommodation for at least one month.

OUR RECOMMENDATIONS:

- In an emergency situation, the local authority should be able to provide renters with accommodation support for up to one month, to prevent homelessness. Expenditure should be reclaimed from the organisation who has legal responsibility for the building
- Emergency financial support should be available for apartment landlords who have lost their property as a direct consequence of an emergency such as building failure in a fire.

RESIDENT WELFARE AND MENTAL HEALTH SUPPORT

- 14.39 Escaping a fire and losing your home and everything you own is a traumatic experience. Most residents – including many children – suffered psychological distress including shock, PTSD, anxiety, depression or other health issues.
- 14.40 The British Red Cross were on-site during the first two to three weeks and many residents found their presence very helpful but most of the health effects emerged later than this and ongoing support did not meet everyone’s needs.
- 14.41 No one party accepted responsibility for resident welfare and that lack of careful management led to some residents developing very acute need for support. Four months after the fire, the housing association liaised with the developer to request private counselling be available in a compensation package but one year on that remains in limbo.

- 14.42 Sutton Council liaised with the local NHS support service to 'fast track' referrals but in some cases the process still took a long time to access and then begin treatment (several weeks/months). It seemed particularly difficult to access the right care for children.
- 14.43 Some residents found the service helpful in dealing with the trauma – however typically eight to 12 sessions were not felt to be enough and the type of therapies available did not suit everyone's needs, for example if the trauma was in addition to other existing issues before the fire. Many residents needed to access other services afterwards or pay for private care, or access alternative support through employers.
- 14.44 Other factors which restricted residents accessing help were: that the location was difficult to reach for many; it was less flexible than private services (e.g. a patient's file can be closed if they decline two offered appointment times); it wasn't suitable for those whose first language isn't English; some residents wanted to be able to choose therapists with whom they already had prior experience; and unfortunately Covid-19 also shifted services to phone/online, while some residents only felt comfortable building a rapport face-to-face.
- 14.45 'Resident welfare' is also not just about official health services. For example, it could be frustrating trying to get clear and honest information, which tended to increase feelings of hopelessness and powerlessness. The language used by senior management was of 'equity buy-backs' instead of sensitively acknowledging people's homes were lost, lives were derailed and personal belongings that survived the fire were not handled with care.

**OUR RECOMMENDATIONS:**

- In the aftermath of an emergency, recovery of health and welfare should be high priority for adults and children. It must be clear who is the responsible party for coordinating and managing the overall response
- Public health services have a useful role to play but where they are not able to meet resident needs, it should be possible to supplement this with private counselling services where they are more timely, flexible and appropriate. Expenditure should be reclaimed from the organisation with legal responsibility for the building.

## 15 HOUSING HEALTH AND SAFETY RATING SYSTEM: SAMUEL GARSIDE HOUSE SUMMARY REPORT – OCTOBER 2019

### **HHSRS Assessment of the Common Parts at Samuel Garside House, Under the Direction of London Borough of Barking and Dagenham (LBBB)**

**Dated: 18 October 2019**

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**2****Introduction****Background**

On 9 June 2019, there was a major block fire at Samuel Garside House (SGH) in the London Borough of Barking and Dagenham (LBBB). The building is comprised of purpose-built residential flats occupied by a mix of owner occupation, housing association and private rented tenancies. Independent HHSRS Assessors were instructed by LBBB to carry out Housing Health and Safety Rating System (HHSRS) assessments of selected purpose-built flats and the common areas.

The HHSRS assessment findings were evaluated and this report details the significant findings for the building with a particular focus on fire safety. The purpose of the assessments is to inform LBBB as the enforcing authority under the Housing Act 2004 about the conditions found so that it can determine the appropriate actions it should take.

**Relevant statutory provisions**

The assessments were carried out with reference to the Housing Act 2004:

- The Housing Health and Safety Rating System (HHSRS) (England) Regulations 2005
- The HHSRS Operating Guidance: housing inspections and assessment of hazards ('the Operating Guidance') and, where applicable, to
- The HHSRS Operating Guidance: Addendum for the profile for the hazard of fire and in relation to cladding systems on high-rise residential buildings: Guidance about inspections and assessment of hazards in housing given under section 9 of the Housing Act 2004 ('the Fire Addendum').

While the Fire Addendum deals specifically with high-rise residential buildings with cladding, some aspects will be relevant for other issues relating to the exterior of a building, or to other residential buildings containing flats or apartments.

**The Housing Health and Safety Rating System**

The HHSRS is a health-based, risk assessment methodology for the evaluation of housing conditions. The system assesses the potential threat to the health and/or safety of actual or potential residential occupiers as a result of identified deficiencies. Where unavoidable and potential hazards are found, these should be made as safe as possible. The HHSRS assessments are based on full and detailed inspection of the dwelling/s, and identified deficiencies are linked to associated hazard profiles. Each hazard considered to be worse than the national average is then rated (scored) where it is deemed that the likelihood of an 'occurrence' (as defined in the Operating Guidance) is greater than average. The assessments are carried out ignoring the current household (if any) and are based on the likelihood and outcomes of a hazardous occurrence suffered by a member of the age group most vulnerable to the hazard.

### 3

The hazard rating scores are banded from bands A to J. Those scores that fall within Bands A, B or C (a score of 1,000 or more) are deemed to be Category 1 hazards, while all scores

that fall within Band D and below are classed as Category 2 hazards. Where the local housing authority (LBBD in this case) consider that a Category 1 hazard exists on any residential premises, it must take the appropriate enforcement action in relation to the hazard. Where the local housing authority (LHA) considers that a Category 2 hazard exists on residential premises, it has the power to take enforcement action in relation to the hazard. Emergency measures cannot be used to deal with Category 2 hazards.

#### **Enforcement**

Once a significant hazard has been assessed and categorised, the LHA must decide on the most appropriate form of action to take with regard to the HHSRS Enforcement Guidance, Housing Act 2004, Part 1, Housing Conditions, and the LHA's enforcement policy in order to establish the most appropriate course of action.

The available options for action are as follows:

- Hazard awareness notice
- Improvement notice (which can be suspended)
- Prohibition order (which can be suspended)
- Emergency remedial action
- Emergency prohibition order
- Demolition order (Housing Act 1985 as amended)
- Clearance area (Housing Act 1985 as amended).

Prior to undertaking enforcement action where a prescribed fire hazard exists, the Local Housing Authority (HRA) must consult with the relevant fire and rescue authority for the area where the building is situated. Furthermore, there is a requirement under The Regulatory Reform (Fire Safety) Order 2005 ('the reform order') for the '**responsible person**' to carry out a fire risk assessment (FRA) to identify what fire hazards exist at the premises and what measures have been taken (or will be taken) to minimise the risk in the parts of buildings containing flats and maisonettes that are used in common.

#### **Inspection of the common parts**

The Housing Act 2004 permits the inspection and rating of the common parts. The summary report specifically considers the hazard assessments undertaken to the common parts of the building rather than individual dwellings or purpose-built flats. The assessment of the common parts includes the exterior of the building (as well as any cladding or other panels) and the internal common parts of each floor, including any corridors, hallways, stairways, facilities and amenities (such as refuse disposal and collection points).

**4**

Consideration is also given to private balcony areas and terraces, service risers and ducting. This is considered together with evidence (such as survey reports) that confirms relevant matters in relation to the building. Where survey reports are not available, they will be referred to as such and the assessment noted as a preliminary assessment.

**Further assessment**

For some hazards, further (possibly destructive) investigations may be necessary, or detailed measurements will need to be taken. A preliminary assessment or rating may be undertaken and revised, considering any subsequent information. The scope of the HHSRS assessment/s undertaken in this instance do not include anything in relation to sampling or testing (including ground or air). Also, the HHSRS is non-intrusive. Where further testing by specialists is required, for instance, structural, electrical or gas engineers, then the assessment will be a preliminary assessment pending further specialist reports or investigations.

**HHSRS assessment results**

Below is a summary of the HHSRS assessment findings for the common areas of the building. The hazard profile rating scores are based on the representations made by independent HHSRS assessors and reference Category 1 and 2 hazards for the purposes of the Housing Act 2004, Part 1.

**The building:** Samuel Garside House (common areas)

Fire (Hazard Profile 24):

- Hazard Rating Score: 641
- Hazard Band: D (Category 2 hazard)

Structural collapse and falling elements (Hazard Profile 29):

- Hazard Rating Score: 121
- Hazard Band F (Category 2 hazard)

**Samuel Garside House ('the building')**

Samuel Garside House was constructed in 2013/14. It consists of four connected blocks (A–D) of varying height from five to seven storeys (including a sub-level car park and ground-floor entrance lobbies leading up to the upper ground-level flats). The maximum storey height of the building is the seventh floor Block D, which was estimated at approximately 16 metres, from the upper balcony floor to ground level. In total, there are 79 purpose-built residential flats of mixed tenure in the building.

Following the block fire in June 2019, mitigating measures were implemented by the persons responsible for the building at SGH. The adopted mitigating measures were agreed with the London Fire Brigade (LFB) to allow re-occupation of residential flats following the fire. In summary, those measures included:

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- A full waking watch established to patrol SGH, operating 24 hours a day, 7 days a week
- The review of the current FRA as a matter of urgency, taking into account the mitigating measures adopted
- Regular auditing of all balconies and instructions to residents on the banning of barbecues and smoking on or in the vicinity of the balconies
- Implementation of a comprehensive communication strategy with residents
- The installation of a temporary, audible fire alarm system, complying with British Standard 5839 Part 1 into the communal parts
- The construction of protective tunnels at all seven final exit doors, of robust construction, to give protection to the residents in the event of fire
- A full review of the timber on the external envelope of these and other buildings on the estate and an agreement on timeframes to complete any necessary work.

It is recommended that confirmation is obtained from LFB that they agree to, and are satisfied with, the mitigating measures in place at the building. This will be critical in determining whether the current on-site arrangements are safe for residents and members of the public whilst remediation works are undertaken on site.

Local arrangements are in place to ensure that overlaps between the enforcement of the Housing Act 2004 and the reform order are managed by the enforcing authorities namely LBBB and LFB. These arrangements confirm liaison arrangements and lead authority positions in relation to SGH. This is to enable a consistent and coherent joint working arrangement by both enforcing authorities, including continued liaison for the duration of the remediation works at SGH.

It is recommended that LBBB to continue to consult with the relevant fire and rescue authority (LFB) prior to taking any enforcement action in relation to a prescribed fire hazard (if one were to be found) in any common parts of a building containing one or more flats in accordance with Section 10 of the Housing Act 2004.

### **Significant assessment findings**

#### **HHSRS hazard assessment: hazard of fire – common parts**

An assessment of the hazard of fire has been undertaken in relation to the building and associated common parts.

The fire hazard profile rating score, based on the representations made by independent HHSRS assessors, is a Hazard Band D, Category 2 hazard for the purposes of the Housing Act 2004, Part 1. The rating score was assessed in relation to the relevant matters detailed below and, where appropriate, specifications in relation to suggested remedial works are included.

#### **Balcony construction**

In relation to the external timber balconies and associated spandrels, no evidence has been provided to confirm that they are non-combustible. It is therefore assumed that the timbers are combustible and remain a significant risk to the spread of fire to the face of the external elevations of the building, despite removal of some non-essential elements.

**6**

Concern remains as to the conformity with current building regulation standards. The view endorsed by the government's advisory expert panel (following the Grenfell Tower fire) is that the provisions of the Building Regulations 2010 (as amended) in relation to external fire spread should apply to buildings, regardless of height, on a risk-based approach. Building owners need to ensure that any balconies do not compromise resident safety by providing a means of external fire spread.

– The removal and replacement of any combustible material used in balcony construction is therefore the clearest way to prevent external horizontal and vertical fire spread from balconies. Combustible material used in the external balcony structures should be removed or replaced to prevent horizontal and vertical fire spread, and this should be completed as soon as is practicable. Until such time as removal is practicable, it is recommended that the mitigating measures adopted remain, to the satisfaction of LFB.

**Storage of flammable materials and items**

Information received during the course of investigations confirms that leaseholders and occupiers have been instructed not to use barbecues on the balconies or store flammable items. However, there was evidence of storage, including flammable materials and furnishings, on balconies. There was also evidence of excessive storage of items in numerous flats, including excessive storage of combustible items in cupboards housing electrical consumer units.

- Further information and instruction should be given to residents about the risks arising from storage on balconies and, indeed, generally within their properties, particularly where cupboards containing electrical equipment are also used for considerable storage. This information should make clear that smoking, the use of barbecues and storage of flammable property on balconies can increase that risk. Residents should be further instructed that they must not have any barbecues on any balcony, and that flammable and combustible material must be avoided on balconies, as part of the mitigating measures.
- Where activities that could pose a fire risk or where storage of flammable materials is permitted under leasehold agreements, the provision of appropriate fire extinguisher and fire blanket on each of the balconies would be an appropriate mitigating measure.

**Waste management and storage**

Waste management within the building relies on four separate waste storerooms ventilated by large openings with metal gratings, located below the upper ground-floor (first-floor) balconies to the front (east) elevation of the building. The openings allow for the potential of fire to spread upwards from the waste storage area. In view of the proximity of the flat balconies to the car park, its ventilation openings, and the waste storerooms, refer to the specification for the automatic fire detection and alarm system (common areas) detailed below.

**7****Fire doors to the common areas**

There were concerns regarding several replacement temporary fire doors to un-occupied flats, these were fitted for the duration of reparations. The responsible persons confirmed that no flat will be occupied until any temporary fire door to the flat entrance is replaced by a suitable fire door and associated door-set. This practice should be managed by the persons responsible for management of the works and in liaison with the LFB.

A visual inspection of existing flat fire doors was undertaken based on those flats programmed for inspection under the direction of LBBB. Instances of disrepair of the fire doors serving flat entrances were noted. Disrepair included poorly functioning door threshold smoke seals, over-painted smoke seals, damaged door architraves, missing self-closers and damaged fire door and wall surrounds. Based on the sample of flats inspected, there is a concern about the condition of the fire doors serving flat entrances throughout the building and their ability to prevent smoke entry into escape corridors. To ensure the necessary fire protection is in place, a detailed examination of the fire doors serving the entrance to every flat is recommended by the enforcing authorities. Examination and remediation, where appropriate, should:

- Ensure all flat entrance fire doors and door sets opening onto the escape corridors and stairways are close-fitting and installed with intumescent smoke seals and strips. Door threshold smoke seals should be checked to ensure they are working effectively
- Ensure fire door self-closing devices are capable of closing the door securely into its frame from any open position, and that they will overcome the resistance of the door latch and edge seals
- Ensure that when temporary fire doors are replaced the entire door-set construction is renewed to overcome problems when fitting doors to frames of a different specification to the test construction
- Ensure that fire doors are being installed and maintained in accordance with BS 8214:1990.

**Automatic fire detection and alarm system**

An interlinked automatic fire detection and alarm system has been installed as part of the mitigating measures. The system includes interlinked smoke detectors and sounders to common areas; however, there is no link to the inner hallways of the flats, nor a sounder within the flat.

- The common fire alarm system installed as a mitigating measure to give a warning of fire throughout the building should be extended to include all flats as well as within the common parts. Due process is currently being followed in relation to the works required at the building and it is unclear how long the simultaneous evacuation strategy will be required. As such the common alarm system or automatic fire detection and alarm system supporting simultaneous evacuation should be interlinked to heat detectors in each of the residential flats

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- Heat detectors should also be included in any other rooms, such as plant rooms and other ancillary facilities with windows or vents through which a fire could spread and ignite cladding, with specific reference to the waste storerooms and plant rooms located in the lower ground-floor car park. It is critical that the common alarm system installed in the premises does not have any adverse effect on the other fire safety provisions in the building. For example, the installation of a wired system must not create a route for fire and smoke to spread in fire-rated walls which were previously imperforate. If the system is an extension of the smoke detection system provided for a smoke control system, care must be taken to ensure that the operation of the smoke control system is not compromised by the communal system. Fire alarm systems installed in the common parts must be installed in accordance with BS 5839-1:2002.

**Balcony doors**

In almost all flats the external balcony glazed doors had dropped in places, leaving a gap between the top of the door and frame: these should be checked and adjusted in all flats to limit the spread of fire and smoke, either inwards or outwards.

- Where required and evidence of ill-fitting external doors onto the balconies (including the door frames and any openable lights) is noted, adjustment of the door, door sets and frames, ensuring they are close-fitting and of sound construction, is required.

**HHSRS hazard assessment: Hazard of structural collapse and falling elements – common areas (the building)**

An assessment of the hazard of structural collapse and falling elements for the building was deemed appropriate, based on the significant findings. The 'structural collapse and falling elements' hazard profile rating score, based on representations made by independent HHSRS assessors, is a Hazard Band F, Category 2 hazard for the purposes of the Housing Act 2004, Part 1. The rating score was assessed in relation to the relevant matters detailed below, including suggested additional measures.

Inspection of the sampled flats suggests localised displacement of the external cavity walls, evidenced by cracked mortar and brickwork. There was also evidence of cracked plaster at lintel level, which may be evidence of lintel displacement: this requires further investigation.

On inspection of the sampled flats to the rear elevation, the main areas affected by both external cracking to brickwork and internal plaster at lintel level above openings are the third, fourth and fifth floors, primarily in Blocks C and D to the rear elevation. This is similar in characteristic to the floor levels affected by fire to the front elevation where additional remedial measures to the cavity block and brick was required. It is recommended that the structural surveys undertaken to date are confirmed and reported to LBBDD to inform any decision on the need for additional investigations to the rear elevation at Blocks C and D.

Where the investigations undertaken to date by the persons responsible for the building at SGH does not include Block C and D rear elevations, then additional structural investigations are recommended to include the elevation described, by competent and suitably qualified structural engineers. The scoring and associated justifications made are a preliminary assessment, for the reasons described above.



## **Flooding Update**

### **Purpose of report**

For discussion.

### **Summary**

#### Recommendations

1. To review current policy lines on flooding, see paragraphs 12-15
2. Respond to the consultation on changes to the Flood Re Insurance scheme, ensuring that affordable flood insurance is available to all households in high risk flood areas
3. Engage local authority officers and members ahead of submitting evidence to the Defra and MHCLG review of flooding funding for local authorities

#### Action

As directed by the Board

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## Flooding Update

### Impact of climate change

1. Last year's winter was the fifth wettest winter on record (since 1862) and since 1998 we have seen six of the ten wettest years on record. So far in 2020/21, Storms Bella and Christoph have battered England and Wales with 2000 homes and business in south Manchester were put on evacuation alert on 20 January 2021. Hundreds of people were told to evacuate in Maghull in Merseyside and more than 30 people had to evacuate in Ruthin North Wales as well as the entire village of Bangor on Dee. Over the coming decades the risk and impact of flooding are expected to increase because of population growth and climate change.
2. According to the Defra consultation on changes to the Flood Re Insurance Scheme, flooding causes an average of £1 billion of damage each year to businesses and households in the UK<sup>1</sup>, as well as significant harm and disruption to infrastructure, health, wellbeing, land and natural habitats. Flooding also has an equalities impact, disproportionately affecting the poorer in society<sup>2</sup>.
3. The Environment Agency estimates that 5.2 million homes and businesses in England are at risk of flooding and that around 700 properties are vulnerable to coastal erosion over the next 20 years. In addition, more than two-thirds of properties in England are served by infrastructure sites and networks located in (or dependent on others in) areas at risk of flooding.<sup>3</sup>
4. In the March 2020 budget government announced that £5.2 billion will be invested in flood and coastal defences over the next five years, from 2021. This includes £200 million allocated to innovative resilience projects.
5. The Environment Bill is silent on flooding and flood risk as it is on climate change adaptation. Water as a resources, drainage and sewerage and water abstraction are included for the purposes of amending the Water Industry Act 1991 and the Water Resources Act 1991. Water quality is included for the purposes of enabling future

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<sup>1</sup><https://consult.defra.gov.uk/flood-insurance-preparedness-team/amendments-to-the-flood-re-scheme/consultation/intro/>

<sup>2</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/935599/Social\\_deprivation\\_and\\_the\\_likelihood\\_of\\_flooding\\_-\\_summary.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935599/Social_deprivation_and_the_likelihood_of_flooding_-_summary.pdf)

<sup>3</sup> National Audit Office November 2020

regulations to amend or modify any legislation relating to the chemical status of surface water or ground water.

**Update on the new flood risk management strategy and reviews of flood risk management policy**

6. On 25 September 2020 the National Flood and Coastal Erosion Risk Management (FCERM) Strategy for England was adopted. The FCERM Strategy offers a new long-term approach to improve the resilience of the nation setting out national ambitions for England. The Strategy sets out the long-term delivery objectives the nation should take over the next 10 to 30 years. The three long term ambitions of the FCERM Strategy are for: climate resilient places; today's growth and infrastructure resilient in tomorrow's climate; and a nation ready to respond and adapt to flooding and coastal change.
7. The strategy includes four approaches to managing flood and coastal resilience that risk management authorities can progress with partners.
  - improve place making – making the best land use and development choices,
  - better protect – building and maintaining defences
  - ready to respond – planning for and responding effectively and
  - recover quickly – getting back to normal and building back better.
8. In October 2019 Government commissioned an independent review of the arrangements for determining responsibility for surface water and drainage assets. This review was undertaken by David Jenkins, Chair of the Wessex Regional Flood and Coastal Committee.
9. In November 2020 the National Audit Office published a report into Managing Flood Risk. The report evaluates whether governments approach to managing the risks of flooding and coastal erosion is achieving value for money.
10. Efra Parliamentary Committee on flood risk published its recommendations in February 2021. Their report points out that local authorities will be a key delivery partner for the Government's new flooding policies, so they are very concerned by evidence of inconsistency and shortcomings in capacity. The Efra committee notes that Government has recognised the need to review funding for local government statutory flood risk functions, and it is essential that this review is completed in good time especially given the wider financial pressures local authorities are facing.
11. The Parliamentary Public Accounts Committee is reviewing spending on managing flood risk. We await their recommendations.

### **Taking flooding risk management forward – key issues**

12. The new National Flooding and Coastal Erosion Strategy sets out an ambition for adaptation to flooding and coastal change to be integrated into daily activities and projects. This includes providing timely and quality planning advice that helps avoid inappropriate development in areas of risk and coastal change. Parliamentary committees have raised concerns about planning permissions being granted for housing in flood risk areas, and questioned whether national planning policy pays sufficient attention to the impact of climate change. The LGA has pointed out that the majority of planning applications granted in flood risk areas are made in line with advice from the (97% in the last four years). **Members may wish to consider whether this response is sufficient to address public concern.**
13. On funding, all the reviews listed above have highlighted the need for councils to be properly resourced. The EFRA Parliamentary Committee welcomed Government's committed to doubling capital investment in flood risk management, but said that it is critical that this is not wasted by failing to maintain existing defences. The NAO highlighted the reliance on public funding to support flood risk investment, with 90% of partnership funding for the Environment Agency projects being funded by local government. **The LGA's core ask on funding for flood risk management is for the national capital funding pot to be devolved to local areas. Members may wish to review whether this still fits with the current situation of councils or should be updated.**
14. The FCERM strategy sets out an ambition to speed up the time it takes communities to recover from severe flooding. The EFRA committee noted that there is an absence of support for the long-term recovery of communities in the aftermath of a flood. The LGA has highlighted the shortfall in funding for flood emergencies and the limitations of the Bellwin Scheme and other emergency funds made available to householders and businesses. **Members may wish to offer to work with Government to redesign the Bellwin Scheme.**
15. David Jenkins and the EFRA Committee both expressed concerns about current arrangements for managing the risk from surface water flooding. The EFR committee's view is that the current approach to promoting sustainable drainage systems, coupled with the persistence of the automatic right to connect surface water drainage to the public sewer, is not working. The LGA has highlighted the need for adequate funding in this aspect flooding. **Members may wish to consider whether lines on reducing the risk of surface water funding should go further.**

Table: Alignment between LGA recommendations and stakeholder views

<u>Funding for councils to manage flood risk:</u>	
LGA	<p>Funding for flood defences should be devolved to local areas and sit within a new national framework for addressing the climate emergency.</p> <p>Government should fully fund the development and implementation of local authority climate change adaptation plans</p>
EFRA committee	Government must ensure that councils are properly resourced to implement their existing functions and the governments new flooding policies
<u>Reform of the main source of funding – the grant in aid process:</u>	
LGA view:	<p>Moving to a block grant funding approach and allowing local authorities to self-assure small projects would be far more beneficial for smaller scale projects and local priorities.</p> <p>In areas of regular and/or severe flooding events the grant formulas should reflect these local circumstances to ensure access to sufficient amounts of funding.</p>
<u>Responding to flood emergencies</u>	
LGA view	Improve the Bellwin scheme for emergency flood relief so that councils can access bigger grants, more easily and more quickly. The scheme is vital for councils, but often does not cover the clean-up costs
<u>Leadership</u>	
LGA view	The LGA would like to work with Government on how councils will be supported to lead and implement the new national flooding and coastal erosion strategy locally
NAO	The EA has to rely on a wide range of other bodies to help deliver its strategy but struggles to coordinate their activities

<u>Building resilience to increased flood risk</u>	
LGA view	<p>Building regulations should be changed to include mandatory flood protection measures for new properties. These would require developers to introduce measures like raised electrical sockets, fuse boxes, controls and wiring, sealed floors, and raised damp-proof courses.</p> <p>Nationally prescribed permitted development rights remove the ability of councils and local communities to shape the area they live in, and could also exacerbate local flood risk through the inappropriate use of non-porous materials on floodplains, and the cumulative effect this has on a local area.</p>
FCERM strategy	Provide timely and quality planning advice that helps avoid inappropriate development in areas of risk and costal change
<u>Equalities and fairness</u>	
LGA view	Communities that are repeatedly flooded need more help, including support for the impact on mental health
NAO	The governments approach is designed to ensure deprived areas do not miss out on funding, but the proportion of funding to these areas has reduced since 2014

16. The need for councils to be properly resourced has been highlighted in all of the recent reviews. Government has committed to carry out a review of funding for local authorities, but we are still waiting for more information on the timetable. To make a full response, the LGA will need to refresh its evidence base on the funding gap for managing flood risk.
17. The National Strategy sets out a significant shift in the approach to coastal erosion and flood risk, with a greater focus on resilience and nature-based solutions to flooding. The LGA has highlighted the need to build local authority capacity in these new skills, and recommends that joint training programmes take place between the Environment Agency and local authorities.

### **Review of flood insurance**

18. Following the devastating flooding event in Doncaster in 2019, Government commissioned Amanda Blanc, CEO of Aviva, to undertake an [Independent Review of Flood Insurance](#) as many of those affected did not have insurance cover. The following

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recommendations of the review that Defra has been asked to take forward require collaboration with local authorities.

- 18.1. Landlord Notification: Landlords of properties in high flood risk areas should provide their tenants with details of the building's insurance cover in place, including the support that would be provided by the insurer to the tenant in the event of a flood. Government should explore how to use its existing powers to ensure social sector landlords do so and consider the case for legislating to compel private sector landlords to comply.
  - 18.2. Landlord Buildings Insurance: Government should consider the broader case for legislating to require landlords to have buildings insurance that protects tenants in the event that the property is uninhabitable for an extended period.
  - 18.3. Local Authority Tenant Awareness: Local Authorities should ensure that tenants in high flood risk areas are given guidance on i) the range of risks they face in the event of a flood and ii) ways in which they can protect themselves with adequate insurance cover.
  - 18.4. Flood Re Low Income Affordability: Government should consider more direct ways to increase the take-up of contents cover for tenants in high flood risk areas. As well as promoting awareness, this should include reviewing the impact of the Flood Re premium for contents-only cover on the affordability of contents insurance for low-income households. At £52 for flood cover for Council Tax Band A and B properties, even the lowest Flood Re premium would be a very big uplift on a contents premium (the FCA estimate that the average cost for a new contents policy is £569) and create a cost barrier for low-income households who are already making difficult choices about how to ration their spending.
19. Government has recently launched a consultation on a few measures recommended in the review but none of them look to address these recommendations. The current consultation focusses on property owners that are willing, and intend to, introduce property specific flood prevention measures. The remainder of the consultation focusses on the legal requirements of the insurance industry.
  20. It is recommended that the LGA responds to the consultation as any barriers to insurance will place people in high-risk flood areas at a disadvantage. This may be down to affordability and also tenure, as tenants were found to have low awareness of flood risk and what they could do to protect themselves.

### **Implications for Wales**

21. We will be looking to work collaboratively on any common issues and share learning with our WLGA colleagues.

### **Financial Implications**

22. This activity is within the scope of the current work programme. No financial implications have been identified.

### **Next steps**

23. Members to consider:

- 23.1 Seek to influence the scope of the forthcoming Defra and MHCLG review of local authority funding for flooding
- 23.2 Respond to the call for evidence on how local factors can be taken into account in the government's flood and coastal defence investment programme and how we can increase the uptake of Property Flood Resilience.
- 23.3 Engage with the consultation on the future of the Flood Re insurance scheme, and develop a set of key messages on the role of insurance in protecting the most vulnerable households

## **Climate Change Update Report – February 2021**

### **Purpose of report**

For direction.

### **Summary**

At the end of January 2021, the Environment, Economy, Housing & Transport Board held a special climate change meeting on adaptation. We invited guest speakers from the Department for Environment, Food and Rural Affairs (DEFRA) and Local Partnerships to lead the discussion. This paper provides members with a reflection of the issues that were raised during the meeting and next steps, which includes a direction from Members to develop the Board's policy lines on energy grid connection to deliver infrastructure. There is also an update on the LGA's COP26 strategy.

### **Recommendation/s**

That members provide direction on developing our lobbying on grid capacity to deliver infrastructure and a future discussion on low-carbon behaviour change.

That members reflect and provide any comments on the issues and work raised in this update.

### **Action/s**

Officers to take forward any member comments for future policy work.

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## **Climate Change Update Report – February 2021**

### **Background**

1. At the end of January 2021, the Environment, Economy, Housing & Transport Board held a special Climate Change meeting on adaptation. We invited guest speakers from the Department for Environment, Food and Rural Affairs (DEFRA) and Local Partnerships to lead the discussion. This paper provides members with a reflection of the issues that were raised during the meeting and next steps, which includes a direction from Members to develop the Board's policy lines on energy grid connection to deliver infrastructure.

### **Summary of the special climate change meeting on adaptation**

2. The purpose of the meeting was to provide an opportunity to have a discussion about adaptation, as recent Board discussions have focused more on reducing carbon emissions (for example, debates on decarbonising transport). Tom Walker, Director for Environmental Strategy at DEFRA and Jo Wall, Strategic Director for Climate Response at Local Partnerships presented at the meeting which was followed by a panel question and answer. It was clear from the discussion that it is difficult to talk about adaptation as a distinct topic and rather, it is part-and-parcel of the whole climate agenda. However, the meeting helpfully raised a number of key issues for the LGA to consider further:
  - 2.1 The need for a holistic approach to climate change that encompasses the wider green economic recovery and levelling up agendas. The LGA needs to be more robust about the links to skills and demonstrate the difference local government is making.
  - 2.2 Challenges of local delivery as a result of a lack of powers, funding and skills and capacity within councils. Particular examples raised were housing retrofit, flood defences and deregulation of the electricity grid.
  - 2.3 Fiscal barriers and concern over the effectiveness of funding schemes which are hampered by short timeframes and competitive application processes, for example, the Green Homes Grant.
  - 2.4 Uncertainty over the geography and scale at which some projects need to be delivered at regional or sub-regional level, for example, flood defence schemes.
  - 2.5 The need for greater cross-Whitehall coordination between Defra, BEIS and MHCLG and engagement between national and local government. There was also a reminder of the importance of local action, and the need for the response to climate change to be co-produced by councils and communities.
3. As our next steps, we will seek to take forward DEFRA's offer of coordinating greater engagement across government departments, such as with MHCLG and BEIS. In response to the issues raised in the discussion and feedback from councils, we will

also explore where the LGA can develop further lobbying in line with forthcoming opportunities in the Energy White Paper and lead up to COP26. See policy development section below.

### **Policy development**

4. Climate change is high on the political agenda. Recent government commitments in the Ten Point Plan, Energy White Paper and new Nationally Determined Contribution, along with the publication of the Committee on Climate Change's Sixth Carbon Budget signify government's commitment to the UK being net zero by 2050 and the direction that government will take in meeting this target.
5. There is less detail on how these commitments will be delivered and implemented. With announcements such as the creation of the first hydrogen-powered town, the roll out of electric vehicle charge points and district heating systems, and the installation of 600,000 heat pumps, there is a clear role for local government who are already leading the way and want to work with national government as delivery partners for addressing the climate emergency.
6. There are a number of position statements and recommendations to government from the local government sector that seek to address the needs of councils to deliver. In response to feedback from the Board and our council networks that there is a fragmented approach across local government on climate change, officers undertook a high-level policy analysis across the sector to understand where our positions align with stakeholders and where the LGA may have policy gaps.
7. To develop an evidence base, we gathered intelligence from councils through our Climate Action Group and recently published [climate change survey](#), as well as across the sector. This includes the '[blueprint for accelerating climate action and a green recovery at the local level](#)', led by a coalition of local government and voluntary sector organisations (ADEPT, Friends of the Earth, LEDnet, Green Alliance, London Councils and others); the UK100 network net zero pledge; the recently published '[local climate challenge](#)' by Green Alliance and; the Committee on Climate Change's local authority sixth carbon budget [report](#).
8. The evidence base was tested and developed with colleagues across the LGA through a workshop, facilitated by Local Partnerships. Attendees included the EEHT team, climate change improvement colleagues and representatives from our regional advisers and political group offices. A primary outcome of this policy analysis work has been to understand the barriers for councils in tackling the climate emergency and identify priority policy gaps for the LGA to consider lobbying on.
9. Below is a list of recurring challenges facing councils in meeting their climate ambitions and the top three that have been identified as priorities to work on.

Paragraph 10 proposes options for taking the top three challenges forward and we are inviting Member's feedback. They align with the issues raised by members in the special climate change discussion:

Top 3 challenges for councils identified as priorities to work on:

9.1 Housing retrofit

9.2 Educating, influencing and incentivising low carbon and low consumption behaviours with the public and local partners (businesses, landowners and farmers, developers)

9.3 Ability to connect to the energy grid to unlock and deliver large infrastructure

**10. We know that housing retrofit is a significant challenge for councils. We have strong lines on retrofitting and will continue to strengthen these.**

**We propose adding low carbon and low consumption behaviour change to the EEHT forward plan for further work and future discussion.**

**We think there is a gap in our policy lines to support councils' ability to connect to the energy grid in order to deliver infrastructure projects, including housing, the roll out of electric vehicle charge points, district heat networks and renewable energy. Whilst energy is a climate change issue, it is intimately related to unlocking local growth for a green economic recovery from the pandemic. We are asking Members for approval for officers to explore this topic further with a view to coming back to the Board with recommendations for new policy lines on energy grid connections. This is within the scope of the current work programme.**

11. Other issues raised in the evidence base but are covered in our existing work programme are:

11.1 Adaptation – we held a special climate change meeting focused on adaption and have provided reflections on these above. We welcome Members' comments.

11.2 Climate justice (i.e. the disproportionate costs of the transition in energy, electrification and severe weather on communities) – the fairness and equalities considerations for climate and the environment are being assessed. We will continue to log and highlight equalities issues for climate and the environment and incorporate them in our policy work.

11.3 Repurposing high streets and local places – this is currently being considered and addressed through our economic growth work such as the empty shops and local economic recovery commissions. Repurposing high streets will continue to be an important area of focus across the Board's activities.

12. Key milestones in 2021 to align are lobbying activity are set out in appendix 1. We are organising our activities and campaigning particularly around events leading up to and including COP26 and the five Presidency themes, one of which is energy transition.

### **COP26 Strategy Update**

13. COP26 is being hosted in Glasgow from 1 – 12 November 2021. At present, the Government is planning for a physical summit to take place but remaining flexible in the planning as uncertainties of Covid-19 continue. The LGA is also taking a flexible approach to our COP26 strategy that considers a physical and virtual presence.
14. The Summit will be delivered across two sites: the Scottish events Campus (SEC), referred to as the Blue Zone, and the Glasgow Science Centre, known as the Green Zone. The Blue Zone is managed by the United Nations (UN) and will host the negotiations. It will bring together delegations from 197 Parties and observer organisations who can hold panel discussions, exhibits and side events. The LGA applied for observer status last year before COP26 was rescheduled. We are still waiting to hear the outcome of our application. All attendees at the Blue Zone must be accredited by the United Nations Framework Convention on Climate Change (UNFCCC).
15. The Green Zone is managed by the UK Government and is the platform for the general public, youth groups, academia, business and civil society who can host events, exhibitions, workshops, creative installations and other activities.
16. The Cabinet Office has launched an Expression of Interest inviting proposals from a range of organisations, including councils to participate in the opportunities noted above spanning the Blue and Green Zones. The deadline for proposals is 5 March 2021. LGA officers are engaging in the process to submit our own expressions of interest, and working with our national counterparts across Scotland, Wales and Northern Ireland on a joint submission. We are also in discussions with partners to press Government about having a dedicated Local Government day and councils' involvement in this.
17. We are presenting our COP26 strategy to Informal Group Leaders and the Executive Advisory Board at the end of February.

### **Climate Change Improvement and Support Programme Update**

18. **Councillor workbook** – we have commissioned CAG Consultants to produce self-guided learning materials for local authority councillors on the actions that councils can take to meet net zero targets and support a green economic recovery. This will

be published in the Spring.

19. **Communications guide** – improvement colleagues have commissioned a supplier to create new guidance for councils on engaging with their communities, activists and government on the issue of climate change. This is due to be published in early 2021.
20. **Creating local green jobs** – following the [LGA green jobs report](#), the LGA is working on producing action learning sets for both officers and Members. This will help to work through the issues of green economic recovery with local authorities in similar positions. The learnings will be made available to all councils.
21. **Measuring scope 3 emissions** – to accompany the Greenhouse Gas Accounting (GHG) tool, colleagues in improvement are developing sector led guidance to measure scope 3 emissions. Sector specific guidance will help with providing clarity in interpretation of the GHG Protocol and support improved accuracy and robustness of reporting, which is currently inconsistent.
22. **Leadership essentials climate emergency** – a course for councillors was successfully delivered at the end of January 2021.
23. **Sustainable procurement guide** - the LGA is currently engaging on and writing guidance on sustainable procurement which will be available in April 2021.
24. **Webinars** – a series of webinars have recently been delivered on digital solutions to climate change, locking in positive behaviours and the co-benefits of a green recovery and, planting trees. Further climate change webinars on behaviour change techniques and community engagement are also scheduled.

### **Implications for Wales**

25. We are working collaboratively with WLGA colleagues and our counterparts at COSLA and NILGA on COP26.

### **Financial Implications**

26. Policy development activity on energy grid connection is within the scope of the current work programme. Financial implications for our activities at COP26 will be considered by the Executive Advisory Board.

### **Next steps**

27. Members to consider the options for future lobbying in paragraph 10.



28. We will reflect on and update our climate change and environment work following comments from members.

Appendix 1

A LOCAL PATH TO NET ZERO COP26 Programme of Activity Nov 2020 - 2021	KEY														
	Timescale	In Progress	Complete												
LGA ACTIVITY	STATUS	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
<b>INTERNATIONAL/OTHER ACTIVITY</b>						UN Environ. Assembly, Nairobi	NZ Cities Forum, Japan		COP15 Biodiversity, China	UN World Env Day			UN Youth Summit, Milan	UN Pre-COP Summit, Milan	COP26, Glasgow
<b>Finance</b>															
Publish practical guide to financing green ambitions	Complete							NAO report							
Financing Green Ambition webinar with Local Partnerships	Complete			Dec-02											
Publish think pieces	Complete					Feb-22									
<b>Clean Transport</b>															
Decarbonisation of transport webinars	Complete														
Publish think pieces - RAC, SMMT, RDC, PWC	Complete					Feb-22									
Publish talking head - Hertfordshire Uni Professor	In Progress					Feb-22									
Publish case study video	In Progress					Feb-22									
<b>Nature-based Solutions</b>															
Publish think pieces - UCL, EA, WWT, RTP1	In Progress								May 17-						
Publish talking head - National Farmers Union	In Progress								May 17-						
COP 15 Biodiversity webinar	In Progress								May 17-						
Publish case study video	In Progress								May 17-						
<b>Adaptation</b>															
Webinar	In Progress														
Publish think pieces - Climate Alliance, UKGBC, AECOM	In Progress									Jun-05					
Publish talking head - Climate Assembly	In Progress									Jun-05					
Publish case study video	In Progress									Jun-05					
<b>Energy Transition</b>															
Energy transition webinar	In Progress														
Publish think pieces - Exxonmobil, Ofgem, UKERC	In Progress												Sept 30-Oct 2		
Publish talking head - Community Energy England	In Progress												Sept 30-Oct 2		
Publish case study video	In Progress												Sept 30-Oct 2		
<b>FINAL PODCAST</b>															
Collation of all talking heads	In Progress														PRE-COP
<b>OTHER MILESTONES</b>															
UK100 Climate Change Summit	In Progress									TBC					
London Climate Action Week	In Progress									June 26 - July 4					
LGA annual conference	In Progress									July 6-8					
Comprehensive Spending Review	In Progress														



## **Equality, diversity, and inclusion**

### **Purpose of report**

For information.

### **Summary**

The LGA has committed to further embedding equality, diversity and inclusion (EDI) principles into the way it works. This paper sets out some of the key commitments to this work, a selection of key information sources, and EDI-related work in the EEHT area.

COVID-19 has deepened inequalities, but these inequalities did already exist, and we need to ensure we do not duplicate effort in trying to address them. We need to focus on long-term systemic change to address these complex issues, rather than quick wins.

At this point, it is recommended that the focus is on scrutinising existing workstreams to ensure they promote EDI rather than commissioning new pieces of work in this area.

### **Recommendation**

That future reports to the EEHT Board include a paragraph outlining any potential impact on those with protected characteristics and any mitigating actions which are recommended or have already been taken.

### **Action**

Officers will adapt workplans in line with members' directions.

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## Background

1. Along with many other organisations, the LGA has committed to ensuring that its work promotes equality, diversity and inclusion. In 2020, this led to the inclusion of the following objective in the [LGA Business Plan](#):

### **Councils lead and work with diverse communities and partners to address inequalities and build cohesive and resilient communities – we will:**

- 1.1 review and strengthen the LGA's work on reducing inequalities, promoting equality through our policy messages, and lobbying and our improvement and leadership support to councils
  - 1.2 promote and support councils in developing the diversity of their candidates, elected members and senior leadership
  - 1.3 underline the need for a strong commitment to tackling health inequalities and ensure that local government concerns and priorities resulting from the impact of COVID-19 on their communities are heard by government
  - 1.4 support councils as they address the inequalities exposed by the COVID-19 pandemic, with particular regard to those from ethnic groups most affected by the virus and to children and young people whose development and futures will be affected by the containment measures.
2. The Executive Advisory Board agreed that each Board should have an Equalities Advocate and these have been agreed through the LGA political groups. For the Environment, Economy, Housing and Transport Board this is Councillor David Renard.
  3. The role of the Advocate is to:
    - 3.1. Encourage the Board to consider equality issues in all their work
    - 3.2. Challenge the Board to embed equalities into the work of the Board
    - 3.3. Hold the Board to account around equalities issues.
  4. Outside of the Board the Advocate will be expected to:
    - 4.1. Collaborate with other Equality Advocates from other LGA Boards on cross-cutting equalities issues
    - 4.2. Provide input into and feedback to the LGA equalities work programme.
  5. The LGA must now also comply with the public sector equalities duty, following the change in business structure in 2020. This requires public bodies to:
    - 5.1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
    - 5.2. Advance equality of opportunity between people who share protected characteristics and those who do not
    - 5.3. Foster good relations between people who share a protected characteristic and those who do not.
  6. Legislation identifies the following protected characteristics, which must be considered when implementing new policies and programmes:

- 6.1. Age
  - 6.2. Disability
  - 6.3. Gender reassignment
  - 6.4. Marriage and civil partnership
  - 6.5. Pregnancy and maternity
  - 6.6. Race
  - 6.7. Religion or belief
  - 6.8. Sex
  - 6.9. Sexual orientation
7. In addition to the protected characteristics enshrined in legislation, the LGA expects to also include actions to improve inclusion for those who are economically disadvantaged and other groups that may require targeted support.
8. It is also important to consider how these characteristics intersect in ways which may cause additional disadvantage. For example, disabled people and their families are more likely to live in poverty<sup>1</sup> than non-disabled people and their families; Muslim women from a Black, Asian or Minority Ethnic (BAME) background can face what academics term a 'triple penalty' of racial, religious and sex discrimination when accessing employment opportunities<sup>2</sup>; white men of working age who are homeless are more likely to sleep rough than people from other demographic groups<sup>3</sup>.
9. The remit of the EEHT board covers policy areas that have direct benefits and consequences for people with protected characteristics. The Board has implicitly recognised these issues in its work, but this is an opportunity to review the coverage of its EDI work and to make it more visible. We therefore propose that future EEHT Board papers all incorporate a key heading of 'Equality, diversity and inclusion', in the same way that the Board considers implications for Wales. If the Board agrees, this will take effect for the next Board meeting on 20<sup>th</sup> May 2021. This will aid in the mainstreaming of EDI considerations throughout our workstreams.

### Reviewing existing workstreams

10. As a first step, the EEHT team have undertaken a review of EDI issues in relation to the different policy workstreams covered by the Board, as follows.

### Environment

11. An initial analysis out of potential EDI considerations affecting the environment policy area has been carried out:
12. People with the following protected characteristics have been identified as disproportionately impacted by considerations in a range of environment policy areas:
- 12.1 **Age** – both the very young, the very old and people with underlying health issues are more vulnerable to the ill-effects of extreme heat or cold caused by climate change<sup>4</sup>;

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<sup>1</sup> <https://www.jrf.org.uk/data/poverty-rates-families-disabled-person>

<sup>2</sup> <https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/89/8906.htm>

<sup>3</sup> <https://www.gov.uk/government/publications/rough-sleeping-snapshot-in-england-autumn-2019/rough-sleeping-snapshot-in-england-autumn-2019>

<sup>4</sup> <https://www.gov.uk/government/news/hot-weather-warning-issued-for-parts-of-the-country>

older people are more susceptible to the social isolation which can result from poor local environment quality (LEQ)<sup>5</sup>.

- 12.2 **Disability** – those with restricted mobility may find multi stream recycling inhibitive; accessible ground floor dwellings are more susceptible to flooding; lack of access to green space can exacerbate mental ill health.
- 12.3 **Pregnancy and Maternity** – pregnant people are more susceptible to the ill-effects of extreme heat caused by climate change<sup>6</sup>; parents of young children may be negatively impacted by a lack of access to green space<sup>7</sup>.
- 12.4 **Race** – Gypsies and Travellers can struggle to access public services, including waste and recycling and running water<sup>8</sup>.
- 12.5 **Economic disadvantage** – those on lower incomes are more likely to live in poorly insulated housing, with more expensive metered heating tariffs, which can lead to fuel poverty<sup>9</sup>; they are more likely to experience a lack of access to green infrastructure which can contribute to health inequalities<sup>10</sup>; social housing of high-rise construction and/or with poorly engineered communal heating systems can be more severely impacted by extreme weather events.

## Housing

13. An initial analysis out of potential EDI considerations affecting the housing policy area has been carried out.
14. People with the following protected characteristics have been identified as disproportionately impacted by considerations in this policy area:
- 14.1. **Age** – older people are more likely to live in poor-quality housing than other age groups<sup>11</sup>; younger people are more likely to face housing discrimination from landlords<sup>12</sup>.
- 14.2. **Disability** – there is a lack of affordable accessible housing and an estimated 400,000 wheelchair users live in housing which has not been adapted for their accessibility needs<sup>13</sup>.
- 14.3. **Gender reassignment** – LGBTQ+ people suffer disproportionately from a range of housing issues and discriminatory attitudes and their needs may be particularly severe if they also face issues such as with poverty, young or old age, abuse and racial discrimination<sup>14</sup>.

<sup>5</sup> <https://www.gov.uk/government/news/hot-weather-warning-issued-for-parts-of-the-country>

<sup>6</sup> <https://www.gov.uk/government/news/hot-weather-warning-issued-for-parts-of-the-country>

<sup>7</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/355792/Briefing8\\_Green\\_spaces\\_health\\_inequalities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/355792/Briefing8_Green_spaces_health_inequalities.pdf)

<sup>8</sup> [https://www.gypsy-traveller.org/pdfs/fair\\_access\\_health.pdf](https://www.gypsy-traveller.org/pdfs/fair_access_health.pdf)

<sup>9</sup> [Department for Business, Energy & Industrial Strategy. Annual Fuel Poverty Statistics Report, 2018 \(2016 Data\).](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355792/Briefing8_Green_spaces_health_inequalities.pdf)

<sup>10</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/355792/Briefing8\\_Green\\_spaces\\_health\\_inequalities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/355792/Briefing8_Green_spaces_health_inequalities.pdf)

<sup>11</sup> <https://www.ageing-better.org.uk/sites/default/files/2020-09/Homes-health-and-COVID-19.pdf>

<sup>12</sup> [https://england.shelter.org.uk/legal/housing\\_options/young\\_people\\_and\\_care\\_leavers/accommodation\\_options\\_and\\_costs\\_for\\_young\\_people\\_and\\_care\\_leavers](https://england.shelter.org.uk/legal/housing_options/young_people_and_care_leavers/accommodation_options_and_costs_for_young_people_and_care_leavers)

<sup>13</sup> <https://www.habinteg.org.uk/localplans/>

<sup>14</sup> <https://world-habitat.org/wp-content/uploads/2018/06/Left-Out-Why-many-LGBTQ-people-aren%E2%80%99t-accessing-their-right-to-housing-in-the-UK.pdf>

- 14.4. **Pregnancy and maternity** – pregnant people may face difficulty securing rental or mortgage agreements because of a perception that they will not be able to afford payments.<sup>15</sup>
- 14.5. **Race** – overcrowded housing conditions disproportionately affect BAME communities<sup>16</sup>; Gypsies and Travellers often have difficulty in establishing a local connection to any local authority and may struggle to find culturally appropriate housing options<sup>17</sup>.
- 14.6. **Sex** – women have greater challenges finding and affording suitable housing than men and are more likely to be in temporary accommodation<sup>18</sup>.
- 14.7. **Sexual orientation** – please see the entry above under “gender reassignment”.
- 14.8. **Economic disadvantage** – people living in poverty are more likely to live in overcrowded conditions, with poor ventilation, a lack of space standards, and a lack of access to services and green space<sup>19</sup>.

## Planning

- 15. An initial analysis out of potential EDI considerations affecting the planning, policy area has been carried out.
- 16. People with the following protected characteristics have been identified as disproportionately impacted by considerations in this policy.
  - 16.1. **Age** – many places are not age or child-friendly<sup>20 21</sup> and it can be difficult for older and younger people to fully participate in the planning process<sup>22, 23</sup>
  - 16.2. **Disability** – many places are not designed to make them accessible for people with disabilities<sup>24</sup>.
  - 16.3. **Pregnancy and maternity** – pregnant people and those with young children are impacted by a lack of public toilets, places to rest and green space.
  - 16.4. **Race** - evidence demonstrates that decisions borne out from the planning process can lead to spatially concentrated poverty and/or racial segregation<sup>25</sup> and a lack of planned sites for Gypsy and Traveller communities<sup>26</sup>

<sup>15</sup> <https://www.citizensadvice.org.uk/consumer/discrimination-in-the-provision-of-goods-and-services/discrimination-in-the-provision-of-goods-and-services1/goods-and-services-what-are-the-different-types-of-discrimination/provision-of-goods-and-services-pregnancy-and-maternity-discrimination/>

<sup>16</sup> <http://www.runnymedetrust.org/uploads/policyResponses/Integration%20for%20All.pdf>

<sup>17</sup> [https://england.shelter.org.uk/legal/possession\\_proceedings\\_and\\_eviction/gypsies\\_and\\_travellers/local\\_authority\\_duties\\_towards\\_homeless\\_gypsies\\_and\\_travellers](https://england.shelter.org.uk/legal/possession_proceedings_and_eviction/gypsies_and_travellers/local_authority_duties_towards_homeless_gypsies_and_travellers)

<sup>18</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/pastexperiencesofhousingdifficultiesintheuk/2018>

<sup>19</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/902220/Research\\_report\\_quality\\_PDR\\_homes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf)

<sup>20</sup> [https://apps.who.int/iris/bitstream/handle/10665/43755/9789241547307\\_eng.pdf;jsessionid=A3D64D9346323116CAEC1591145C5967?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43755/9789241547307_eng.pdf;jsessionid=A3D64D9346323116CAEC1591145C5967?sequence=1)

<sup>21</sup> [https://www.london.gov.uk/sites/default/files/gqbd\\_making\\_london\\_child-friendly.pdf](https://www.london.gov.uk/sites/default/files/gqbd_making_london_child-friendly.pdf)

<sup>22</sup> <https://www.kcl.ac.uk/archive/publications/age-friendly-london-report.pdf>

<sup>23</sup> <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=30864427-d8dc-4b0b-88ed-c6e0f08c0edd>

<sup>24</sup> <https://www.theguardian.com/cities/2018/feb/14/what-disability-accessible-city-look-like>

<sup>25</sup> <https://www.rtpi.org.uk/media/2212/povertyplaceinequality-policypaper2016.pdf>

<sup>26</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-8083/>

- 16.5. **Religion or belief** – faith groups use space in unique ways and discriminatory attitudes in society more generally can impact on public responses to planning applications from certain faith groups<sup>27</sup>.
- 16.6. **Sex** - research demonstrates that planning policy has tended to ignore the fact that women and men use public space differently<sup>28</sup>.
- 16.7. **Economic disadvantage** – research suggests that those in poverty often live in degraded environments with fewer services and amenities, with less involvement in neighbourhood planning than more affluent areas<sup>29</sup>.

## Homelessness

- 17. An initial analysis out of potential EDI considerations affecting the homelessness policy area has been carried out.
- 18. People with the following protected characteristics have been identified as disproportionately impacted by considerations in this policy area:
  - 18.1.1. **Age** – youth homelessness<sup>30</sup> and elder homelessness<sup>31</sup> have different drivers to homelessness of working age people and require distinct responses.
  - 18.1.2. **Disability** – a significant proportion of people who regularly sleep rough suffer from mental ill health along with an increased likelihood of poor physical health<sup>32</sup>.
  - 18.1.3. **Gender reassignment** – 25% of trans people have experienced homelessness at some point in their lives and they are at greater risk of violence if sleeping rough<sup>33</sup>.
  - 18.1.4. **Pregnancy and maternity** – homelessness is often a barrier to accessing appropriate healthcare<sup>34</sup>, which can have a disproportionately negative impact on pregnant people.
  - 18.1.5. **Race** – research indicates that people from a BAME background are more likely to face landlord discrimination and in particular are negatively affected by the “Right to Rent” policy<sup>35</sup>. Refugees, asylum-seekers and economic migrants may find themselves affected by No Recourse to Public Funds conditions which can increase vulnerability to homelessness.
  - 18.1.6. **Religion or belief** – a lack of single-sex accommodation options can be a barrier to accessing services for those with religious beliefs which include limiting interaction with members of the opposite sex.

<sup>27</sup> [https://www.london.gov.uk/sites/default/files/faith\\_groups\\_and\\_the\\_planning\\_system-policy-briefing-final.pdf](https://www.london.gov.uk/sites/default/files/faith_groups_and_the_planning_system-policy-briefing-final.pdf)

<sup>28</sup> [https://extra.shu.ac.uk/ppp-online/issue\\_3\\_121108/documents/planning\\_gender\\_equality\\_duty\\_gender\\_matter.pdf](https://extra.shu.ac.uk/ppp-online/issue_3_121108/documents/planning_gender_equality_duty_gender_matter.pdf)

<sup>29</sup> <https://www.rtpi.org.uk/media/2212/povertyplaceinequality-policypaper2016.pdf>

<sup>30</sup> <https://centrepoin.org.uk/youth-homelessness/>

<sup>31</sup> [https://www.ageuk.org.uk/globalassets/age-uk/documents/policy-positions/housing-and-homes/ppp\\_older\\_homelessness\\_england.pdf](https://www.ageuk.org.uk/globalassets/age-uk/documents/policy-positions/housing-and-homes/ppp_older_homelessness_england.pdf)

<sup>32</sup> <https://publichealthmatters.blog.gov.uk/2019/09/30/health-matters-rough-sleeping/>

<sup>33</sup> <https://www.homeless.org.uk/sites/default/files/site-attachments/Supporting%20LGBTIQ%2B%20people%20in%20homelessness%20services%20June2020.pdf>

<sup>34</sup> <https://journals.sagepub.com/doi/pdf/10.1177/2150131914556122>

<sup>35</sup> [https://jcw.org.uk/sites/default/files/documets/No%20Passport%20Equals%20No%20Home%20Right%20to%20Rent%20Independent%20Evaluation\\_0.pdf](https://jcw.org.uk/sites/default/files/documets/No%20Passport%20Equals%20No%20Home%20Right%20to%20Rent%20Independent%20Evaluation_0.pdf)

- 18.1.7. **Sex** - homeless women are more likely to be “hidden homeless”, and their homelessness is more likely to be linked to domestic abuse<sup>36</sup>; rough sleeping is typically experienced by young/middle aged white men<sup>37</sup>.
- 18.1.8. **Sexual orientation** - LGBTIQ+ people are disproportionately more likely to be homeless or insecurely housed than heterosexual people<sup>38</sup>.
- 18.1.9. **Economic disadvantage** - poverty is the biggest driver of all forms of homelessness and being homeless is, in itself, a disadvantage. It is important to note that poverty is not experienced equally across the protected characteristics.

## Transport

- 19. An initial analysis out of potential EDI considerations affecting the transport policy area has been carried out.
- 20. People with the following protected characteristics have been identified as disproportionately impacted by considerations in this policy area:
  - 20.1.1. **Age** – older people are more likely to use public transport and have reduced mobility.
  - 20.1.2. **Disability** – in particular blue badge schemes and those with reduced mobility. Pavement parking is of particular concern.
  - 20.1.3. **Pregnancy and maternity** – pregnant women and parents of young children have particular transport needs.
  - 20.1.4. **Race** – people from a BAME background are more likely to use public transport<sup>39</sup>.
  - 20.1.5. **Sex** – research has shown that women are disadvantaged by engineering decisions which assume a male body as the default; studies suggest that they are 73% more likely to be seriously injured in a head-on-crash while wearing a seatbelt than men<sup>40</sup>.
  - 20.1.6. **Economic disadvantage** – those in poverty are more likely to use public transport or drive older, more polluting, vehicles, which may be targeted by legislation.

## Implications for Wales

- 21. This work is relevant to Welsh authorities and will draw on learning from them, as well as sharing findings with them.

## Financial Implications

- 22. There are no financial implications for this work at this time.

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<sup>36</sup> <https://www.homeless.org.uk/connect/blogs/2018/feb/27/women%E2%80%99s-hidden-homelessness>

<sup>37</sup> <https://www.gov.uk/government/publications/rough-sleeping-snapshot-in-england-autumn-2019/rough-sleeping-snapshot-in-england-autumn-2019>

<sup>38</sup> <https://www.homeless.org.uk/sites/default/files/site-attachments/Supporting%20LGBTIQ%2B%20people%20in%20homelessness%20services%20June2020.pdf>

<sup>39</sup> <https://www.ethnicity-facts-figures.service.gov.uk/culture-and-community/transport/travel-by-distance-trips-type-of-transport-and-purpose/latest#distance-travelled-by-ethnicity-over-time>

<sup>40</sup> <https://www.autoexpress.co.uk/car-news/108721/women-at-greater-risk-in-car-accidents>

**Next steps**

23. Officers are working to identify sources of expertise within the different sectors of the Board's remit. The LGA is also appointing a Senior Adviser to coordinate and guide this work across the LGA policy team.
24. The team will ensure that equality, diversity and inclusion are considered in:
  - 24.1 The development and marketing of all training and events, including considering the diversity of panel members and speakers.
  - 24.2 Best practice sharing and publications.
  - 24.3 New strategies, including commissioning projects/work from any external organisations.
  - 24.4 Drafting our key lines, parliamentary briefings, and press releases.

## **EEHT Update paper**

### **Purpose of report**

For information.

### **Summary**

This paper provides updates on a range of issue within the remit of the Board

#### **Recommendation**

That the Board note the update

#### **Actions**

Officers will take action as directed

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## **EEHT Update Paper**

### **Housing, Planning and Homelessness**

*Webinar: Social Housing White Paper – what next for the regulation of council housing?*

1. On 19 March 2021. The Social Housing White Paper proposes some significant changes for the social housing sector. This webinar will cover the implications for councils and their residents and will explore how councils and the Regulator for Social Housing can work together effectively to achieve improved outcomes for local communities.

*Decent Homes Standard review:*

2. The Social Housing White Paper announced a review of the Decent Homes Standard. The review will be conducted in two parts. Part one will run from Spring to Autumn 2021 and will seek to understand the case for change to criteria within the Standard. If the case for change is made, part two will run from Autumn 2021 to Summer 2022 and will consider how decency should be defined. LGA officers have accepted an offer to sit on the Decent Homes Review Sounding Board and will be seeking input from our networks in order to provide advice and support to the review from a local government perspective.

*Rough Sleeping Peer Support:*

3. The LGA has been working jointly with the Ministry of Housing, Communities and Local Government to develop and facilitate a Rough Sleeping Peer Support offer to assist councils in their rough sleeping response. This offer, launched in December 2020, involves the delivery of a programme of virtual Delivery and Impact Panels which provide a safe space and framework for council lead officers to come together, reflect on their work to date, share and challenge learning and highlight good practice across the sector. At the time of writing, 144 councils have attended a Panel and we have a further 62 booked on to attend and feedback has been positive. The LGA will produce a national report detailing key themes and emerging learning from the Delivery and Impact Panels which will be shared with the Ministry and participating councils in March 2021.

*Homelessness guide and training for elected members:*

4. The LGA has commissioned a written guide and associated training resources for elected members which will support them to effectively perform their role in shaping and scrutinising the local response to homelessness. The online training will be delivered in two half-day sessions on 11 and 12 May 2021.

*Local Plan Housing Allocations Survey:*

5. In September and October 2020 the LGA conducted a survey of Heads of Planning of English local planning authorities. The purpose of this survey was to estimate the number of dwellings allocated in local plans which had not yet either received permission or were yet under consideration. A total of 192 councils (59 per cent response rate). The survey results showed that across England there are over a million homes allocated in local plans which are waiting to be taken up by the development industry. We have used this evidence in our ongoing lobbying work.

*Out of area placements: LGA protocol:*

6. In March 2019, EEHT Lead Members support a recommendation that the LGA develop a sector-led protocol, accompanied by a dispute resolution process. The aim of the protocol would be to mitigate the impact of out of area placements on household, improve communications between councils making and receiving placements and allow for the resolution of disputes. Following several meetings of the working groups and various subgroups over 2019 and 2020, in addition to bilateral meetings with key councils or council networks, there is now a final draft protocol and annexes. These have been checked by a legal adviser and will be published for a six-week consultation in the coming weeks. The EEHT Board has also agreed previously to a programme of engagement with council chief executives and leaders, to encourage councils to formally sign up to the voluntary protocol. We will work with the LGA's regional teams to plan this engagement, with a view to holding meetings towards the end of Spring 2021.

*Parliamentary debates:*

7. We have briefed MPs for parliamentary debates on the [Planning for the Future White Paper](#), [support for homelessness during the winter months](#) and [homelessness and temporary accommodation](#).

*Press releases and statements:*

8. We have issued proactive press releases on the following: successful applicants for the [Housing Adviser's Programme](#); [around 450 primary schools worth of children stuck in temporary accommodation](#); [developers yet to seek planning permission for more than a million earmarked homes](#). We have also made public statements on the following: [response to PAC report on government housing policy](#); [response to £46m Changing Futures scheme](#); [response to number of deaths of homeless people](#); [response to government housing announcement](#); [response to Shelter report on people in temporary accommodation](#); [response to homelessness funding announcement](#); [response to Crisis report](#); [response to extra COVID-19 protections for rough sleepers and renters](#); [response to latest housebuilding figures](#); [response to NAO report on housing rough sleepers](#); [response to coalition call for planning rethink](#); [response to announcement of new housing development rules](#).

## Housing Improvement

### *Housing Advisers Programme*

9. [The 2020/21 Housing Advisers Programme \(HAP\)](#) closed for applications on 7 January 2021. There were 41 applications for funding and 17 councils were awarded grants of up to £20,000 for projects ranging from delivery carbon neutral homes to redesigning homelessness prevention services to address the impacts of COVID-19. The list of successful applicants is as follows: Isle of Wight Council; Sunderland City Council; Wokingham Borough Council; West of England Combined Authority; Oxford City Council; Hertsmere Borough Council; Castle Point Borough Council; South Gloucestershire Council; Royal Borough of Kingston upon Thames; King's Lynn & West Norfolk Borough Council; Hertfordshire County Council, as lead partner of the Hertfordshire Property Partnership (HPP); Cornwall Council; Royal Borough of Kensington and Chelsea; East Riding of Yorkshire Council; Mid Devon District Council; Bristol City Council; Council of the Isles of Scilly. For more information visit [www.local.gov.uk/housingadvisersprogramme](http://www.local.gov.uk/housingadvisersprogramme)

### *Leadership Essentials Course – Housing*

10. This was due to run from 4 - 5 February 2021. Due to a combination of a lack of registrations and the current lockdown we have decided to postpone the course until summer 2021.

## Housing

### *Future Homes Standard and Future Buildings Standard*

11. The Government has responded to last year's [Future Homes Standard](#) consultation responses, including agreeing with [our recommendation](#) that local authorities should retain powers to set local energy efficiency standards. In the [Future Buildings Standard](#) they are consulting on the remaining proposals for homes and all non-residential buildings to be net zero carbon. The consultation ends on 13 April.

## Environment and Climate Change

### *Environment Bill*

12. Due to delays to the Parliamentary timetable the Environment Bill will be carried over to the next Parliamentary session. This delays royal assent but ensures that the Bill is not "dropped" and has to re-start at the beginning. The Bill must complete the final stage in the House of Commons then be debated in the Lords. Government will

continue to prepare for implementation of the Bill and further clarity on the timetable is expected in consultations on the significant changes to waste and recycling services.

*APPG for energy studies*

13. In January we submitted evidence to the All-Party Parliamentary Energy Study Group inquiry into “the energy policies that will drive an independent UK to net zero while fuelling the economy”.

*Public Accounts Committee Inquiry on Achieving Net Zero*

14. We [submitted a letter](#) to the House of Commons Public Accounts Committee inquiry on Achieving Net Zero. It was used at the evidence session on local coordination.

*COP26 – A local path to net zero*

15. The first think pieces on the Presidency themes of finance and clean transport are now on our website. These include contributions from the Grantham Research Institute at the London School of Economics and The Royal Automobile Club Foundation for Motoring (RAC) Foundation. We are building our ‘local path to net zero’ hub up with more think pieces, talking heads from industry experts and case study videos of leading practice by councils.

*APPG for energy studies*

16. In January we submitted evidence to the All-Party Parliamentary Energy Study Group inquiry into “the energy policies that will drive an independent UK to net zero while fuelling the economy”.

*Waste and recycling*

17. Consultations on Extended Producer Responsibility (EPR), Deposit Return Schemes (DRS) and Consistency in materials collected for recycling will now be published second half of March. We have continued to work with local authorities, government and the environment agency to ensure there is support and guidance on the safe collection, transfer and disposal of waste from Lateral Flow Device mass testing sites. We have been working with ADEPT and Defra to restart the local authority survey collecting vital data on waste services during lockdown.

## **Economic Recovery**

18. The latest data from the ONS shows that:

- Over the year 2020 as a whole, GDP contracted by 9.9%, marking the largest annual fall in UK GDP on record (GDP First Quarterly Estimate October to November 2020, *ONS 12 July 2021*).
- GDP grew by 1.2% in December 2020 after falling by 2.3% in November. The economy grew by 1% in quarter 4 (October to December), following a 16.3% rise in quarter 3 (July to September).

18.1 The pattern of growth reflects the level of variation of the Covid related restrictions throughout the year.

19. According to the latest Bank of England Monetary Policy Report (3 February 2021)

10.1 UK GDP is expected to fall by around 4% in 2021 Q1, which will be 12% below its 2019 Q4 level.

10.2 The projections for growth are 5% in 2021; 7.25% in 2022 and 1.25% in 2023.

10.3 Unemployment is expected to increase from 5.1% in 2020 Q4 to 5.5% in 2021 Q1.

10.4 HMRC states that the number of employees on company payrolls has fallen by over 800,000 since the start of 2020.

10.5 As job support schemes are unwound, and as activity recovers, "most workers are judged likely to return to work, although some jobs are likely to be lost".

10.6 Inflation which is anticipated to be 0.8% in 2021 Q1 is expected to rise further throughout the year as energy prices increase and the temporary cut to VAT ends.

20. It has been challenging for Whitehall to focus on longer term economic recovery, given the immediate pressures of responding to the pandemic. However, some interesting work has been done. Under the auspices of MHCLG's Local Economic Development Group a number of task and finish groups, chaired by local government chief executives, were established to look at urban and rural recovery, business support and skills and employment (particularly focused on the implementation of the Kickstart programme). These task and finish groups have now reported and MHCLG has engaged across Whitehall on the recommendations.

21. A ministerial Urban Task Force has been established, jointly chaired by the Secretary of State, Robert Jenrick and Peter Freeman, chairman of Homes England, with a wide number of sectors represented. Sir Richard Leese, Leader of Manchester City Council is the lead local government representative.

22. The LGA will need to continue to push to ensure that longer term recovery in all areas of the country remains a high priority across the whole country.

23. We are still waiting for the Government to publish the prospectuses for the Levelling Up Fund and £220m to pilot projects in preparation for the UKSPF. At the LGA's Councillors Forum on 21 January 2021, Robert Jenrick stated that these would be

published within weeks. Following the Secretary of States recent comments, these funds are now expected to be delivered via councils. The LGA has said that it is concerned by the prospect of a competitive bidding process at a time when councils want to be fully focused on protecting communities and businesses from the impact of the pandemic.

24. In our 2021 [Budget submission](#) to the Treasury the LGA has stated that the Government must move away from a pattern of piecemeal, fragmented, and short-term interventions driven by Whitehall silos, towards a localist settlement that gives councils the ability to drive green and inclusive growth that meets the needs of their communities. [Recently published research highlights the link between fiscal decentralisation and growth](#): if the UK moved to the Organisation for Economic Co-operation and Development (OECD) average for tax decentralisation, all regions of England could see a gain in GDP, with on average a 1.79 per cent increase.
25. The LGA has established an [Economic Growth Adviser programme](#) with the purpose of offering direct bespoke advice and support to local authorities. Through the process public, business and non-governmental partners work collectively to create better conditions for economic growth and employment generation.

### Planning consultations

26. As part of the ongoing planning reforms, the Government consulted on [Supporting housing delivery and public sector infrastructure](#). The proposals would allow premises in the new Commercial, Business and Service use class (E use class) to be converted into residential use without planning permission, under a new permitted development right and a faster planning application process for the extension of public service developments such as hospitals, schools, colleges and prisons. [In our response](#) we said the proposals undermine councils' ability to make decisions that reflect local need and could undermine councils' plans for local recovery.
27. The Government is currently consulting on two additional sets of proposals which we will respond to:
- 18.1 [Right to regenerate: reform of the Right to Contest](#) is meant to encourage the right to be utilised more effectively and more widely to stimulate regeneration and the more productive use of land. It is intended to provide a quicker and easier route for individuals, businesses and organisations to identify, purchase and redevelop underused or empty land in their area. The deadline for responses is 13 March.
- 18.2 The Government is seeking views by 27 March on [draft revisions to the National Planning Policy Framework \(NPPF\) and draft National Model Design Code](#) for England as part of the planning reforms. The National Model Design Code is meant to provide a clear framework setting out the parameters that contribute to good design and a step-by-step process

for local authorities to follow to produce their own local codes and guides. The NPPF clarifies that all areas should produce their own codes or guides, based on the principles set out in the Design Code.

### **High Streets - dealing with empty properties**

28. As previously mentioned to the Board, the LGA has produced [a good practice guide](#) with several case studies on the options and opportunities available to councils to deal with this challenge. The guide covers soft and hard powers available to councils and has a range of case study examples to illustrate the different types of powers and interventions already used by many councils. A complementary webinar also took place on 10<sup>th</sup> February – slides used will be available from the [webinar webpage](#).

### **Future of bus travel**

29. The LGA published its [final report](#) into the future of bus travel; the Board may recall the presentation they received on the emerging findings in the October 2020 board meeting. The findings have been shared with the DfT and buses minister, Baroness Vere. This work was undertaken by transport specialists, Systra Ltd, and explored:

- 20.1 The ambitions that exist across local authorities;
- 20.2 The enablers to that help deliver these ambitions;
- 20.3 The barriers to the delivery of these ambitions; and
- 20.4 What needs to change to help overcome the main barriers.

30. Slides from the accompanying webinar that took place on 19 January can be found [here](#).

## Note of last Environment, Economy, Housing & Transport Board meeting

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**Title:** Environment, Economy, Housing & Transport Board  
**Date:** Wednesday 9 December 2020  
**Venue:** Zoom

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### Attendance

An attendance list is attached as **Appendix A** to this note

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#### 1 Declarations of Interest

There were no declarations of interest.

Apologies were received from Cllr Mark Hawthorne, Mayor Philip Glanville, Cllr Ed turner, Cllr Michael Mordey.

Cllr Claire Coghill, Cllr Andrew Mackiewicz, Cllr Peter Mason, Cllr Claire Holland attended as substitutes.

Cllr Tim Hodgson and Cllr Diana Moore attended the meeting as observers.

#### 2 Economic Recovery Update (Guest Speaker Robert Pollock, Director at Social Finance)

The Chairman introduced Robert Pollock, Director at Social Finance.

Robert explained that Social Finance had been commissioned by LGA to develop good practice advice for councils leading and planning local economic recovery plans and would be interviewing up to 30 councils including Plymouth, Kent and Solihull.

Robert explained that there was a significant level of economic uncertainty following the measures taken during the COVID-19 pandemic, events were evolving, and although no certainty could be given it was clear that the UK was in new economic territory and had experienced the largest fall in GDP since records began.

During the financial crisis, global growth was at around 0. Following the COVID-19 pandemic, global growth was at around -4 or -5 percent. During the financial crisis, in the UK the largest monthly fall in GDP was one per cent, however in the UK in April 2020 the economy contracted by around 20 per cent. He also mentioned that job creation was twice as strong during the financial crisis as during the 2020 crisis.

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The Office for Budget Responsibility (OBR) analysis that fed into the Spending Review assumption on unemployment in UK assumed that there would be an EU transition deal and that mass Test, Track & Trace would take place and that a vaccine would be widely available. Without these things in place, there would be a greater negative economic impact than forecasted, however it was not possible to break down what this would look like at a local level.

Robert explained that the UK introduced public health measures later, for longer and more stringently than other European countries which had a negative effect on consumer habits and therefore the UK economy was more negatively affected than other major global economies.

Social, retail, hospitality, transport, construction, tourism, arts, and leisure sectors were all negatively affected. Things were improving which was positive and many people had been saving during COVID-19 so demand could increase.

Councils were most concerned about the impact on people - across advanced economies, lower skilled, lower waged and younger people were most affected by Covid-19 related job loses – these groups were also expected to experience the long-term effects most negatively.

Survey data showed that those who had been furloughed were most likely to lose their employment in the immediate future. Lower waged individuals were more likely to lose their jobs, as well as younger people, insecure workers, BAME and hospitality workers.

Controversial analyses ranking local authorities (districts in particular) around economic ability and scope to recover were unreliable but certain themes had emerged - some work by EY on behalf of the LGA's ADEPT network suggested that predominantly urban and predominantly rural areas were likely to experience a bigger negative impact. Regional integration, dependency on large employers or specific sectors, as well as any existing underlying vulnerability was also an indication of where negative effects would be felt.

Much of the action that needed to be taken was outside of the control of local authorities however Timothy Geithner, Obama's Treasury Secretary argued that 'any plan beats no plan'.

The main message Robert tried to get across was that local authorities must make plans even though the future was uncertain.

**Decision**

The Environment, Economy, Housing and Transport Board noted the presentation and accompanying report.

**3 Update from Housing Minister Chris Pincher MP**

The Chairman welcome Chris Pincher MP, Minister of State for Housing, to the

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meeting and updated the board on planning white paper proposals. The Minister explained the consultation had closed on 29 October with 44 thousand submissions and will take time to work through. He also explained the following;

- Some clear themes have emerged through interaction with keys stakeholders.
- There is broad support and encouragement for digitalisation of planning process.
- There is broad support for a map-based system that is more engaging, accessible, navigable.
- They were keen to look at the incentive to encourage developers to build where they have permission.
- Balance against disincentives there may be to SMEs.
- There had been a lot of interest in the infrastructure levy and how this will work, we need to consider whether a national levy is the correct approach or a more localised levy system.
- The Minister confirmed that over several months they will work on these key themes, engage with stakeholder to road test refine propositions so that when a final package is resented it is the right one.
- He emphasised that the consultation process is the start of this process and that it will take a big bill to make these changes. Planning community, architects, planners, developers, communities will then begin to make the cultural and systemic changes needed to implement a planning system fit for the 21<sup>st</sup> century.
- The timeline on new legislation was not yet certain.

In the conversation that followed, the following points were raised;

- Concerns were raised around the affordable housing limit being under 50. In particular, there were concerns some developers would avoid this by simply bringing forward two smaller schemes instead of one large one. Views were expressed that modernising the planning system was a good thing, with this in mind some aspects of the White Paper were welcomed.
- Members emphasised they were confident in local governments' ability to deliver an effective planning system and felt that democratic local planning authorities should remain in place.
- Regarding decarbonisation the importance of Councils having the powers they need to build sustainable safe homes was raised.
- The Minister confirmed that they were taking environmental considerations into account, reforms will incorporate future building regulations to ensure sure that homes built from 2025 will be at least 75 per cent more efficient than they currently are.
- The Minister confirmed they were working with BEIS supply chain and the LGA to understand the challenges local authorities may have.
- The Minister also raised that ensuring the planning system would be more streamlined will free up councillors and planners to do more strategic planning.

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- Concerns were raised about the reduction in democratic accountability to communities if everything were to be frontloaded into the local plan, ultimately it should be councils that are responsible for shaping how their neighbourhoods develop and there was concern the new proposals would take those decisions out of the hands of democratically elected local people.
- The Minister explained the digitalised map-based system will be easier to read and use. As it stood, 1 per cent of populations would get involved in the plan making process as it is cumbersome and difficult to navigate.
- Concerns were raised about neighbourhood plans which had stalled. Members explained planning consultants had reported that neighbourhood plans had lost momentum. The Minister reinforced the message that neighbourhood plans still carried considerable clout, that plans should still be made and it was advantageous to have plans that were as up to date as possible.
- Concerns were raised about right to buy receipts. Members explained the way these were structured meant that additional funding was required from other sources in order to build which was a major barrier to spending right to buy receipts and deliverability generally. The minister said that he intended to make an announcement regarding this very soon.
- Members raised that optimising tool kits to ensure that planning inspections can be undertaken quickly, to speed up assessments and adjudications, would be valuable.
- A view was expressed that a new infrastructure levy based on the final developer land value would be a good approach going forwards. As there are such different markets, economies and land values across the country it was emphasised that it seemed beneficial to localise this process.

The Chairman gave thanks to the Minister for joining the meeting of the Board. He emphasised that local government wants to engage positively with government in terms of shaping the white paper proposals.

**Decision**

The Environment, Economy, Housing and Transport Board agreed to note the verbal update.

**Action**

Officers will consider what key messages the EEHT Board want to take forward.

**4 Homelessness and Rough Sleeping Update** (Guest Speaker Penny Hobman, Director of Homelessness and Rough Sleeping at MHCLG)

The Chairman introduced Penny Hobman, Director for Homelessness and Rough Sleeping at MHCLG who was supporting Dame Louise Casey's work at the Ministry during the Covid-19 pandemic response.

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In her opening remarks Penny explained that her advisors had been working closely and collaboratively with LGA officers, throughout the pandemic response and thanked councillors and councils for their assistance.

Penny outlined the following:

- The 2019 Conservative Party manifesto pledged to end rough sleeping in the following parliament.
- The 2019 snapshot published in February 2020 showed encouraging signs and single night numbers were down from the 2018 record.
- In the Spring Budget of 2020 Significant new funding was put into homelessness and rough sleeping. There was a rough sleeping accommodation program to inject 6000 units of 'move on' accommodation into the housing pathway and new funding to tackle substance misuse.
- The response to the pandemic was extraordinary. The 'everyone in' saw a huge mobilisation of effort from health partners, the voluntary and community sector and crucially local government at the heart.
- By September 29,000 vulnerable people had been supported, 10,000 were in temporary accommodation and 19,000 had been provided with settled accommodation or 'move on' support. Evidence showed that this had saved lives, UCL research showed that preventative measures avoided over 21,000 infections, 260 deaths over 1,000 hospital admissions.
- The huge collective effort included legislation to delay when landlords could evict tenants, a stay on repossession proceedings and new protections to ensure bailiffs could not enforce evictions in England over the Christmas period, as well as increases to Universal Credit, local housing allowance and the introduction of the job retention scheme. Collectively £700 million of funding was spent in 2020 by central government on homelessness and rough sleeping.
- £112 million was allocated before the start of the pandemic for the rough sleeping initiative to fund existing plans and councils were later able to repurpose where necessary during the emergency response.
- During Summer 2020 plans were developed for next steps to move people on from emergency accommodation into more sustainable options – an extra £91 million for the continuation of emergency and interim accommodation as well as £150 million for move on accommodation was provided with the aim to deliver 3300 of the 6000 'move on' homes in 2020.
- In Winter 2020, further national restrictions came in and an additional funding stream of £10 million was made available for the Cold Weather Fund for local authorities to provide self-contained, covid secure accommodation, as well as money for faith-led and community/voluntary sector groups to provide accommodation during the winter months.
- Positives to build on going into 2021; close and collaborative working between central government, local government and providers - a valued three-way partnership.
- Priorities for the following year; that funding does its job to keep people safe, to demonstrate the impact and efficient delivery of the schemes.
- The LGA led peer preview of next steps and winter plans was launched, which provided support and effective challenge and identified good

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practice.

- The Spending Review secured an extra funding uplift of £150 million of revenue which meant that a total of £750 million was spent in the year 2020/21 to end rough sleeping and prevent homelessness.
- Next steps were to meet the ambitious targets, make progress, build on partner working, learn from greater flow of management information gathered to know and understand what happens and enable a quicker response.
- Rough sleeping and homelessness caused by a complex range of factors that cut across health, immigration, offender management, benefits etc.

In the discussion that followed, the following points were raised:

- Members welcomed the money provided in 2020 to tackle homelessness and rough sleeping and noted that councils were working to to achieve the government's ambitious objectives by 2027.
- Members sought clarification regarding the 'no recourse to public funds condition' as there was not a clear government position on whether local authorities were held responsible or not, or whether funding would be provided for housing individuals with no recourse to public funds, many of whom were foreign nationals, working in the informal economy. It was noted that this was a Home Office policy issue and that local authorities were left to use their own judgement.
- Members asked for assurances of longer-term strategic investment in order to properly tackle homelessness.
- Private rental access schemes are part of the solution and work best when locally led.

**Decision**

This item was for noting.

**Action**

Continue engagement and partnership working over the coming months.

**5 Building Safety**

Charles Loft, Senior Adviser, introduced the Building Safety paper and welcomed comments from Members of the Board. Charles notified the board that all councils that were stockholders would be required to review their fire risk assessments once the Fire Safety Bill was enacted.

Charles set out the scale of the problems:

- There were approximately 3,000 residential buildings over 18 metres affected by cladding issues, and an estimated 19,000 affected buildings between 11 and 18 metres tall. In total there were an estimated total of 21,000 affected buildings and 362,000 leaseholders. Even more buildings than this were thought to be unsafe due to ineffectual cavity barriers. It had

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taken three and a half years to complete remedial works to 200 buildings.

- Access to insurance remained the main barrier as without insurance, people were unable to obtain mortgages on properties, re-mortgage or sell their homes. With residents trapped inside unsafe homes, the issue would continue to adversely affect the housing market with stock effectively being removed from the market.
- The LGA position was that central government should pay for remediation and then pursue guilty parties in the courts as the chances of individuals in significant number being able to successfully do this was too low.
- Only a matter of time before people walked away and left with dangerous, empty buildings
- The LGA had produced a guide for councillors on the issue.
- The Grenfell enquiry uncovering clear insulation companies have lying about the fire safety of their products. There would be serious questions for the whole regulatory system which had failed people and caused death.

In the discussion that followed, the following points were raised:

- EWS1 (External Wall Fire review) forms were chaotic and caused confusion and misery.
- It was a good time to push the government to pay for remedial works on behalf of leaseholder and freeholders.
- Suggestion that homes made safe by public money should come into public ownership.
- Concerns that the attached paper did not reach far enough and that low-rise properties would be left out.
- Strong support for the notion that central government should pursue the legal routes, as cost was a prohibitive barrier, and provide a guarantee scheme to enable leaseholders and freeholders to move on financially and protect their investments.

**Decision**

The Environment, Economy, Housing and Transport Board noted the update.

**6 Social Housing White Paper**

Jo Allchurch, Senior Advisor, introduced the paper summarising the proposals in the White Paper and highlights potential areas of concerns for councils. Members were invited to comment on the proposals.

In the discussion that followed the following points were raised:

- Disappointment that the White Paper was not a proper consultation document.
- Acknowledgment that working with registered social landlords can be difficult, however creating an Ombudsman role would add more complexity

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and red tape without resolving problems.

- Councils are very good landlords, the problems is that there is not enough council or social housing.

**Decision**

The Environment, Economy, Housing and Transport Board noted the paper.

**7 LGA Business Plan Update**

No comments were made.

**Decision**

The Environment, Economy, Housing and Transport Board noted the update to the LGA Business Plan.

**8 Other Board Update**

No comments were made.

**Decision**

The Environment, Economy, Housing and Transport Board noted the update paper.

**9 2020 Spending Review: On the day briefing**

No comments were made.

**Decision**

The Environment, Economy, Housing and Transport Board noted the briefing.

**10 Note of last meeting**

**Decision**

The minutes of the previous meetings held on 7 July 2020 and 27 October 2020 were agreed.

**Appendix A -Attendance**

**Item Decisions and actions**

Position/Role	Councillor	Authority
Cllr David Renard (Chairman)		Swindon Borough Council
Cllr Darren Rodwell (Vice Chair)		Barking and Dagenham London Borough Council
Cllr Adele Morris (Deputy Chair)		Southwark Council
Cllr Linda Gillham (Deputy Chair)		Runnymede Borough Council
Cllr Peter Butlin		Warwickshire County Council
Cllr Rachel Blake		Tower Hamlets Council
Cllr Christopher Hammond		Southampton City Council
Cllr Mark Crane		Selby District Council
Cllr Mark Hawthorne MBE		Gloucestershire County Council
Cllr Patrick Nicholson		Plymouth City Council
Cllr Catherine Rankin		Kent County Council
Cllr Andrew Mackiewicz		Solihull Metropolitan Borough Council
Cllr Amanda Serjeant		Chesterfield Borough Council
Cllr Nicholas Rushton		Leicestershire County Council
Cllr Claire Holland		Lambeth Council
Cllr Christopher Hammond		Southampton City Council
Cllr Tom Hayes		Oxford City Council
Cllr Peter Mason		Ealing Council
Cllr Peter Thornton		Cumbria County Council
Cllr David Beaman		Waverley Borough Council
Cllr Diana Moore		Exeter City Council
Cllr Tim Hodgson		Solihull Metropolitan Borough Council
Apologies:	Cllr Mark Hawthorne MBE	Gloucestershire County Council
	Cllr Michael Mordey	Sunderland City Council
	Mayor Philip Glanville	Hackney London Borough Council
	Cllr Ed Turner	Oxford City Council

