

20 September 2018

Fire Safety in High Rise Buildings

Purpose of report

For information.

Summary

This report sets out the LGA's building safety related work since the last Committee meeting, including our response to Dame Judith Hackitt's final report, the LGA's response to the consultation on the ban on the use of combustible materials on high-rise residential buildings, and work related to remediating private high-rise buildings with combustible cladding systems.

Recommendation

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

Action

Officers to proceed as directed.

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Fire Safety in High Rise Buildings

Background

1. At its last meeting FSMC considered the recommendations from Dame Judith Hackitt's final report on building regulations and fire safety published in May. Since then the LGA's work has focused on the implementation of the recommendations, responding to related government announcements and consultations, problems related to fire doors, and progressing issues related to the private sector high-rise building safety programme. This report updates the Committee on the LGA's activity since June.

Review of building regulations and fire safety

2. The Committee's views from the additional meeting held to discuss Dame Judith's recommendations to reform the building control system informed the LGA's response to her final report. The response was also informed by discussions at the Grenfell Task and Finish Group and with the Lead Members of other relevant LGA Boards. A copy of the LGA's response is attached at **Appendix A**.
3. At the heart of Dame Judith's proposals was the creation of a new regulator, the Joint Competent Authority (JCA), to oversee better management of safety risks. Dame Judith's final report suggested this would be a mechanism to enable existing regulators to operate collectively rather than being a new body, although no further detail was provided on how it was envisaged that these regulators would be brought together. A specific team has been established by the Ministry of Housing, Communities and Local Government (MHCLG) to work up proposals for how the JCA would operate in practice, and preliminary discussions have been held between MHCLG officials and the National Fire Chiefs Council (NFCC), Local Authority Building Control (LABC) and the LGA. The LGA has also been involved in meetings with the NFCC and LABC to discuss how the JCA would work in practice, and further discussions with these and other interested organisations are being held in September. An oral update on these will be provided at the Committee meeting.
4. In MHCLG's response to publication of Dame Judith's final report, the department indicated it would be consulting on banning the use of combustible materials on the external walls of high-rise residential buildings. The consultation was published on 18 June and closed on 14 August. The LGA's response to this consultation was considered by the Committee's Lead Members as well as those from other relevant LGA Boards and the members of the Grenfell Task and Finish Group. A copy of the LGA's response is attached at **Appendix B**.
5. In addition to the consultation on banning the use of combustible materials MHCLG published a revised version of the guidance on how to meet the fire safety requirements of the building regulations – Approved Document B – on 19 July. The LGA will be responding to the consultation which closes in October, and can be found here:

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<https://www.gov.uk/government/consultations/fire-safety-clarification-of-statutory-guidance-approved-document-b>

6. Dame Judith's recommendations were also considered by the Housing, Communities and Local Government Select Committee. The LGA, along with a range of other organisations, were asked to provide evidence to the Committee. Its [report](#), published on 18 July, agreed with the LGA's assessment of Dame Judith's recommendations: that there is a need for a significant culture change in the industry, the building regulations require simplification, the recommendations on high-risk residential buildings should apply more widely than those over 10 storeys in height, it is right to ban the use of combustible materials on the external walls of high-rise residential buildings, and there is a need for a new testing regime that better reflects real world conditions and is more transparent. The Committee also recommended the retrofitting of sprinklers in high-rise residential buildings, and the introduction of a low interest loan scheme for owners of private high-rise residential buildings so the cost of remediation work is not passed on to leaseholders.

7. The [Social Housing Green Paper](#) published by MHCLG in August seeks views from respondents on those elements of Dame Judith's recommendations about sharing information on fire safety with tenants, giving residents a means of raising fire safety concerns with their landlord, and a clear route for escalating concerns along with an ability to seek redress where these are not addressed. The LGA's Environment, Economy, Housing and Transport Board will be leading the response to this consultation, and as it develops a draft response we will seek views from the Committee on those elements related to Dame Judith's recommendations.

Social housing high-rise buildings

Progress in remediation work

8. Progress continues to be made in carrying out remediation to the 45 council owned and 100 plus housing association blocks with combinations of aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards.

9. The statistics published by MHCLG on the 23 August show that remediation has started on 121, or just over three-quarters, of the 159 social housing blocks. Work has finished on 14 of these buildings, and in the case of the council blocks the cladding has already been removed from a significant majority, with the work underway to remove it from the remaining buildings.

Materials to use in remediation

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10. The LGA has been pressing MHCLG for a considerable time for clarity around what materials can be used to replace combustible ACM cladding systems when carrying out remediation work. In May MHCLG confirmed that as part of the conditions for funding remediation work by councils and housing associations, only cladding that meets the A1 and A2 European classifications could be used.
11. Since that announcement however questions have been raised about whether A2 classified materials are actually non-combustible. A report on the BBC's Newsnight programme on Friday 6 July suggested that an A2 cladding panel had recently failed a large scale test (the BS 8414 test). The manufacturer contests these test results though, saying the panel that had been tested had previously passed a BS 8414 test last year.
12. MHCLG has been investigating the conflicting claims and whether or not the panel in question satisfies the criteria to be classified as an A2 material. In the event the panel is correctly classified as an A2 material this will raise further questions about the robustness of the BS 8414 test and whether its results can be relied on.

Costs of the remediation work

13. As was reported to the last Committee meeting the government announced on 16 May that it would be fully funding the removal and replacement of unsafe cladding. Details on how councils can apply for funding were published on 3 July 2018.

Private high-rise buildings

Data collection

14. While those social housing high-rise blocks with ACM cladding systems were identified last year, councils' work to identify private high-rise residential buildings with ACM cladding has taken a number of months. This is because they have had to gather information on over 6,000 buildings. The deadline for gathering this information was the end of May, and the results were first published in the data released by MHCLG at the end of June 2018.
15. Updated data published by MHCLG in August showed 150 further private high-rise residential buildings with ACM cladding systems had been identified by councils as part of this process in addition to the 143 identified by the owners. In total there are therefore 293 private high-rise buildings with ACM cladding. This number may increase slightly as there are approximately 60 buildings where councils have not yet been able to confirm whether the cladding on the building is ACM or not. It is anticipated that between 3-5 per cent of these buildings will have ACM cladding. So far remediation work has begun on 34 of the private high-rise buildings with ACM cladding, and has been completed on 9 of them.

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Secretary of State's announcement

16. With remediation work currently underway on only a small number of these private high-rise buildings, and MHCLG only aware of plans for starting that work on another 93 buildings, the Secretary of State for Housing, Communities and Local Government set out how the government would drive swifter progress by building owners in removing unsafe cladding in a statement at the end of June. The package of measures in the announcement included:

16.1. The establishment of a new taskforce to oversee the remediation programme on these private high-rise residential buildings, chaired by ministers and including the LGA, the NFCC, London Councils and local authorities with large numbers of these blocks as well as industry representatives.

16.2. The convening of a joint inspection team by the LGA and the NFCC to help councils ensure building owners start remediation work on those private high-rise residential buildings with ACM cladding, and where necessary are supported to take enforcement action. £1 million will be made available to support enforcement action by councils.

16.3. The development of further statutory guidance by MHCLG to make it easier for councils to use their powers under the Housing Health and Safety Rating System (HHSRS) in relation to fire safety hazards posed by ACM cladding systems.

16.4. Inviting industry representatives to develop their own solutions that progress the removal of unsafe cladding while protecting leaseholders from the costs. At the same time MHCLG said they would consider a range of other options if the industry does not provide solutions.

Private sector remediation taskforce

17. The first meeting of the new taskforce took place at the end of July, with the second in early September. Alongside consideration of its terms of reference, the Taskforce has discussed what data was available on the remediation plans and work to private high-rise buildings, heard from the London Borough of Tower Hamlets on the issues they are facing and agreed plans for establishing the joint inspection team.

Joint Inspection Team

18. The plans for the Joint Inspection Team discussed at the private sector remediation taskforce drew heavily on the proposal for such a team developed by London Councils and the LGA at the start of the year. Our preparatory work identified the skills and

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experience such a team would need, and the processes it will need to work through under the Housing Act and the HHSRS. We also suggested to MHCLG officials that the work of such a team would be assisted by changes to the HHSRS statutory guidance in relation to the fire safety hazards posed by ACM cladding.

19. The Joint Inspection Team will be run by the LGA, but paid for by MHCLG. We are currently in discussion with MHCLG about the size of the team and costs, and once these are concluded we intend to swiftly commence recruitment to the team. As part of this we will be contacting local authority chief executives to highlight the existence of the team and ask whether any of their environmental health officers could be seconded into the team. A further oral update on progress with establishing the team will be provided at the Board meeting.

Fire doors

20. Following the announcement in March that the investigation by the Metropolitan Police Service into the spread of the fire in Grenfell Tower had identified concerns about the fire doors in the block, MHCLG conducted further tests on fire doors made by the same manufacturer as those used in Grenfell Tower. The results of these tests were announced on 16 May, when MHCLG also said they would be looking at the wider fire doors market and testing fire doors from other suppliers.
21. A further announcement from the department at the end of July confirmed that fire doors from five manufacturers had by then been identified as failing to meet the requisite fire performance standard. The doors which failed the tests were glazed and unglazed doors supplied by Manse Masterdor and Masterdor Limited and glazed composite doors supplied by Specialist Building Products Limited trading as Permadoor; Solar Windows Limited; and Birtley Group Limited trading as Bowater by Birtley. All the doors known to have failed to meet the standards have been withdrawn from the market.
22. The advice from the government's Expert Panel and the NFCC remains unchanged that the risk to public safety is low, as even when doors do not meet the required standard they will provide some protection from the spread of fire. The advice to building owners issued by the Expert Panel in May was revised in light of the new findings at the end of July. The updated guidance repeated that landlords and building owners should replace doors they suspect do not meet the required standard, using a fire risk assessment to determine how quickly the doors should be replaced.
23. The fact that doors from a number of manufacturers have failed to meet the required standards has led MHCLG to conclude there is a broader issue across the fire door market. One problem identified as a result of this work has been that some fire doors have been marketed on the basis of a single fire resistance test on one side of the door. However guidance in Approved Document B states that fire doors have to be tested on

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both sides to demonstrate compliance with the building regulations as most are not truly symmetrical, particularly in the case of complex door constructions. MHCLG therefore reiterated the need to ensure there was evidence that fire doors have been tested on both sides when checking their suitability in a letter to building control bodies on 31 July.

24. To address the problems in the market MHCLG has met the major fire doors suppliers to agree a plan of action to address the manufacturing failings which have been identified as part of this process. The department has also been in discussion with National Trading Standards about coordinating the response from affected trading standards teams.
25. LGA officers along with London Councils and a number of local authorities have been meeting with MHCLG officials to discuss the implications for councils of the department's work, and to share knowledge and experience between councils.

Implications for Wales

26. 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. An expert group will be established to advise on how to incorporate these change into law, policy and practice in Wales.

Financial Implications

27. Although the LGA is setting up the Joint Inspection Team, the cost of doing so will be 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 step

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