

19 November 2018

Fire Safety in High Rise Buildings

Purpose of report

For information.

Summary

This report updates the Board on the LGA's building safety related work since its last meeting.

Recommendation

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

Action

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

Contact officer: Mark Norris
Position: Principal Policy Adviser
Phone no: 020 7664 3241
Email: mark.norris@local.gov.uk

19 November 2018

Fire Safety in High Rise Buildings

Background

1. The LGA's activity around fire safety in high-rise buildings since the last Board meeting has centred on progressing the support package for councils to assist them in taking action to ensure private high-rise residential buildings with combustible cladding systems are made safe, on influencing the shape of the government's response to Dame Judith Hackitt's final report and its recommendations, and work on other building safety issues including fire doors and large panel system buildings. This report summarises this work.

Social housing high-rise buildings

Progress in Remediation

2. 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 does not meet the building regulation standards. The latest figures published by the Ministry of Housing, Communities and Local Government (MHCLG) at the start of November show that remediation work has been completed on 28 social housing high-rise blocks. Work is ongoing on a further 87 blocks, and plans are in place or in development for the remediation of the remaining 44 social housing blocks.
3. The Permanent Secretary at MHCLG convened a roundtable in October with councils and housing associations with blocks with ACM cladding systems to discuss progress and issues related to remediation. From this it was clear that issues with the quality of workmanship in installing key fire safety measures in cladding systems are common place and not just confined to ACM cladding systems, but also to other systems such as those using external wall insulation.
4. Following the roundtable MHCLG, the LGA and the National Housing Federation are in discussion about how the experiences and good practice that councils and housing associations have developed as a result of the remediation programme can be shared more widely across the social housing sector, especially as this learning will help councils prepare for the introduction of the reformed regulatory regime set out in the final report from the Hackitt review. Current proposals include establishing an on-line forum on the LGA's Knowledge Hub along with running a series of regional events early in 2019.

Private high-rise buildings

Progress in Remediation

5. The latest statistics from MHCLG show there are 289 private buildings with ACM cladding systems that need to be removed. Of these 199 are residential high-rise blocks, 29 are hotels and 61 are student accommodation. Remediation work has been completed on 19 of these buildings, and has started on a further 21. An additional 98 buildings have plans in place and plans are being developed for a further 49 buildings.

19 November 2018

However there are no clear plans in place for 102 buildings, and there are a further 24 buildings where it is still not clear what type of cladding is present – MHCLG anticipates however that only a small number of these will have ACM cladding.

Partial Cladding

6. A number of these buildings are only partially covered with ACM cladding. MHCLG published a guidance note in September from the Independent Expert Advisory Panel which made it clear that due to the risk of fire spread posed by ACM cladding systems the clearest way to ensure the safety of residents is to remove all ACM, including small or partial areas of cladding, and replace it with a safe material. The publication of the advice will assist local authorities in taking enforcement action under the Housing Act 2004, once the further guidance MHCLG have committed to producing is published.
7. However we are aware of one council that has already taken successful enforcement action against a partially clad private residential high-rise building at the first-tier tribunal, ahead of the additional statutory guidance being published, and LGA officers will explore if there is any good practice to learn from this case that can be shared with other councils.

Additional Statutory Guidance

8. As was reported to the last Board meeting MHCLG committed in the Secretary of State's statement at the end of June to producing further guidance that would 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 on private high-rise buildings.
9. The LGA, London Councils and the National Fire Chiefs Council (NFCC) have been working closely with MHCLG on the drafting of this guidance. This has involved seeking the views of environmental health officers and their testing of the new approach to ensure it is as robust as possible. The Housing Act requires any HHSRS guidance to be considered by Parliament before it can be used, and once the drafting of the guidance has been completed the next step will be for it to be laid in Parliament. It is anticipated this will happen before the end of the year, with the guidance being available for use by councils early in 2019.

Joint Inspection Team

10. Members will recall from the report to the last Board meeting that the private sector remediation taskforce established by MHCLG agreed plans for setting up a joint inspection team. As was reported to the last Board meeting this team will be run by the LGA but paid for by MHCLG. Considerable progress has been made in the discussions with MHCLG about the size and cost of the team, and work has started on drafting a grant agreement between the department and the LGA. However recruitment has not been able to proceed as swiftly as had originally been hoped as issues related to the professional indemnity of the team are resolved.

19 November 2018

Private Sector Remediation Taskforce

11. The private sector remediation taskforce meeting has met twice since the last Board meeting. It has received updates on progress with the remediation of the private high-rise residential buildings with ACM, and heard from councils in London and the North West about the issues they have faced with ensuring building owners take action to remove ACM cladding systems.

Building Regulations and Fire Safety Review

12. Since the last Board meeting the LGA has continued to engage with MHCLG officials as they develop the government's response to the recommendations in Dame Judith Hackitt's final report. The focus of this work has been on developing proposals on how the new Joint Competent Authority (JCA) recommended in the Hackitt Review could function and has involved discussions with the NFCC, Local Authority Building Control, and latterly the Health and Safety Executive, as well as MHCLG. There is an on-going dialogue with MHCLG about how these key regulators and the LGA can work together and with the future JCA.

Ban on Combustible Cladding

13. Following the consultation this summer on banning the use of combustible materials on the external walls of high-rise residential buildings, the Government announced at the end of September that it would proceed with the ban. This represents a considerable lobbying success for the LGA, which called for a ban on the use of combustible materials in cladding systems on the external walls of high-rise residential buildings on the day of the publication of the Hackitt Review's final report, once it became clear there was not a recommendation along those lines in it. Work is currently underway on how the ban will work in practice, and the LGA has been able to comment on preliminary drafts.

Wider Building Safety Issues

Fire Doors

14. LGA officers, along with London Councils, the National Housing Federation and a number of local authorities have been meeting regularly with MHCLG officials to discuss issues related to fire doors. In these discussions the LGA has been keen to stress the need for greater clarity around which types of fire doors have been tested (including what doors have been tested to avoid duplication of tests, the details of those that have failed, and the time they have failed in) so that landlords are aware of what action they need to take, and what advice they can provide their tenants. As a result of this MHCLG has provided answers to a set of frequently asked questions, a copy of which is now hosted on the LGA's website, and to create a joint testing programme to avoid doors being tested multiple times at public expense. We have also raised the question of how the costs of replacement doors are met.

Spandrel Panels

15. In October MHCLG issued an advice note to building owners about spandrel panels (and also window panels and infill panels). They have aesthetic and functional purposes and

19 November 2018

are generally required to meet a number of requirements including those related to fire safety. MHCLG's advice is for building owners to check the materials in the panel to ensure they do not present a risk of fire spread over the external wall of the building they are used on. If there are no written records the advice note suggests that building owners take samples. Where spandrel panels do not meet the required fire safety standards then the advice note states that they should be replaced. The LGA is currently exploring the implications of this advice note for councils.

Large Panel System (LPS) Buildings

16. Since the Board meeting in June LGA officers have been in discussion with MHCLG officials about building safety issues related to LPS buildings. MHCLG agreed that an initial first step would be to establish a forum in which building owners could share best practice about ensuring their LPS buildings meet the building regulation requirements about being able to resist disproportionate collapse. A forum meeting was held in early October. The next stage of work is to identify where and what LPS buildings are still in existence so more authorities can be brought into the forum. LGA officers are currently in discussion with MHCLG about how this can be done, and has also been testing the information that is available on the numbers of buildings with councils to see how accurate it is.

Implications for Wales

17. 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

18. 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 Steps

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