

18 March 2019

Fire Safety in High Rise Buildings

Purpose of report

For information.

Summary

This report updates the Board on building safety related issues since its last meeting.

Recommendation

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

Action

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

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Fire Safety in High Rise Buildings

Background

1. Since the last Board meeting there have been a number of developments related to the government's building safety programme, including the publication of further details about the programme of testing of non-aluminium composite material cladding, and information received by the Ministry of Housing, Communities and Local Government in 2015 to assist with the review of the building regulations guidance on fire safety – Approved Document B. The LGA continues to work across a range of strands related to the building safety programme and 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-owned blocks with combinations of aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards.
3. The statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) on 7 February show that remediation has started or plans are in place to start remediation on around 118, or approximately three-quarters, of the 159 social housing blocks. Work has finished on 40 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.
4. Members have previously been advised about the remediation good practice forums the LGA has been organising with the National Housing Federation (NHF). Three roundtable events were held during February in London, Birmingham and Manchester for councils and housing associations to hear about what has been learnt from the remediation work undertaken to date and what some leading councils and housing associations are doing in anticipation of implementation of the recommendations made by the Hackitt Review. We are developing a site on the LGA's Knowledge Hub to enable councils to share best practice more easily.

Private high rise buildings

Progress in remediation

5. The latest statistics from MHCLG show there are 266 private high-rise buildings with ACM cladding systems that need to be removed. So far remediation work has begun on 19 of the private high-rise buildings with ACM cladding, and has been completed on 33

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of them. Plans are in place for remediation on a further 127 buildings, and plans are being developed for a further 37 buildings. However remediation plans still remain unclear for 50 buildings.

Additional guidance on enforcement action

6. In order to enable councils to encourage building owners to make progress with remediation work, MHCLG published additional guidance on enforcement powers available to councils under the Housing Act 2004 in February 2019. This repeated that if a council judges there is a need for emergency remedial action there is support available from MHCLG including the possibility of funding to do the remedial work needed.

Ministerial private sector remediation taskforce

7. The challenges being faced by councils in taking enforcement action under the Housing Act 2004 were also discussed at the private sector remediation taskforce chaired by the Secretary of State for Housing, Communities and Local Government in February, including the timescales councils could give in any enforcement notices, and the funding of any remediation work.

Joint Inspection Team (JIT)

8. Advice for councils on taking enforcement action under the Housing Act is also available from the Joint Inspection Team hosted by the LGA. The JIT has already had preliminary discussions with authorities that may be interested in having its support while further members of the team are recruited. Discussions continue with MHCLG on finalising the agreement between the Department and the LGA on the running and operation of the JIT including the terms of the indemnity provided for the operation of the JIT.

Building Regulations and Fire Safety Review

9. Following publication in December of the government's plan for implementing the recommendations from the Hackitt Review, 'Building a Safer Future', progress has continued with a number of the proposals announced as part of MHCLG's on-going building safety work.

Approved Document B

10. The consultation on the technical review of Approved Document B, which opened in December, closed at the start of March. The consultation sought views on whether for example the scope of Approved Document B should be expanded to cover protecting property from fire as well as safeguarding lives, what changes need to be made to the guidance in relation to specialised housing and care homes, and whether the definition of high-rise buildings should be changed from 18 metres or the requirement for sprinklers to

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be used only in buildings over 30 metres in height revised. Given this was a technical consultation where others, such as the National Fire Chiefs Council (NFCC) have greater expertise, the LGA response was kept short and repeated points made in previous responses to consultations where reference was made to Approved Document B. The recommendations from Fire Services Management Committee's Automatic Fire Suppression Systems Working Group on sprinkler provision in high-rise and high-risk buildings, were considered and approved by the LGA's Executive earlier in the month, and have been incorporated into the LGA's submission – which is attached at **Appendix A**.

11. As part of the consultation MHCLG published research it commissioned from the Building Research Establishment in 2015 covering a range of issues such as periods of fire resistance within compartments, the size of fire compartments, cavity barriers, sprinklers and means of escape for disabled people. The research can be found [here](#).

Joint Regulators Group (JRG)

12. Part of the package of proposals announced by MHCLG to progress development of policy and legislative options for implementation of the recommendations from the Hackitt Review was trialling the new regulatory framework through the Joint Regulators Group. This brings together the Health and Safety Executive, Local Authority Building Control, the NFCC and the LGA with MHCLG officials at an officer level. It has been meeting regularly since the last Board meeting.
13. An early focus of its work has been to consider which elements of the Hackitt Review's recommendations should be prioritised in its work; what recommendations it might be possible to pilot; how those pilots might be conducted; what the relationship between the JRG and other groups working on elements of the Hackitt recommendations such as MHCLG's early adopters group and the working groups established by the Industry Response Group will be; and the governance of the JRG going forward. Due to the amount of work identified for the JRG it has been agreed that a number of working groups, chaired by members of the JRG will be established to work on specific themes, with members drawn from organisations or sectors with expertise or particular relevance to that area.

Wider Building Safety Issues

Fire Doors

14. We continue to hold regular meetings with MHCLG officials, along with London Councils, the NHF and a number of local authorities, to discuss issues related to fire doors. A consistent area of discussion has been when the results of the test data on glass reinforced plastic composite doors will be made available. These were published by MHCLG on 14 February. An issue going forward for building owners is whether there is a glass reinforced plastic composite door that building owners can purchase to replace the

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faulty doors. The Association of Composite Door Manufacturers have drafted a remediation plan setting out their proposals for replacing faulty doors which the LGA and others have been able to comment on. The LGA also convened a meeting with a range of interested bodies and organisations to discuss what assurances building owners could be provided that glass reinforced plastic composite doors in the market meet all the required standards consistently. We will be taking forward some suggestions made at the meeting to see if these could work for the industry and building owners.

Testing of non-ACM cladding

15. MHCLG committed at the end of last year following advice from the Independent Expert Panel to testing other non-ACM cladding systems. Details of the materials to be tested have now become available. These include the following types of cladding: zinc composite material, copper composite material, aluminium honeycomb, high pressure laminates, brick slip systems and reconstituted stone. They will be tested at the Building Research Establishment (BRE) over the spring, with the tests expected to commence shortly, and the results then considered by the Independent Expert Panel. The cladding will be tested using a bespoke test methodology for this programme developed by BRE rather than use the BS 8414 test methodology which is designed to test the entire wall systems. The test programme itself will focus mainly on the fire performance of the external panel (including any core or filler in composite materials) of a cladding system rather than the thermal insulation. The results of the test could have implications for councils if one of the cladding systems performs in a way similar to category 2 or 3 ACM.

Implications for Wales

16. 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

17. 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

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