

Building Safety update

Purpose of report

For information.

Summary

This report updates Fire Services Management Committee 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 incorporate the Committee's views in the LGA's ongoing building safety related work.

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Building Safety update

Background

1. Since the Committee's last meeting the LGA has continued to support the work of fire and rescue services and councils to address a variety of fire safety issues that have been identified since the Grenfell Tower fire. Although the general election campaign halted any further policy developments by the Home Office and Ministry of Housing, Communities and Local Government, the LGA has also continued to work closely with civil servants in both departments on this agenda.
2. The Queen's Speech in December following the election contained a number of commitments related to building and fire safety.

Remediation

Progress

3. Progress continues to be made in carrying out remediation to the 159 social sector residential blocks with combinations of aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards (an additional block was identified with ACM in October 2019). The statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) on 16 January 2020 show that, as of 31 December 2019, remediation has finished on 68 of these blocks. Of those which have not yet been remediated, work has started on 77 of these blocks (and the cladding has been removed on 33 though remediation work is not complete), and a further 14 have plans in place or plans are in development. Funding for the remediation of 144 of these 159 buildings is provided from the Government's social sector ACM cladding removal fund, and it is expected funding will be sought to remediate the new additional social housing block identified as having ACM. Remedial works for the remaining 14 buildings are being funded through existing funds and litigation action.
4. The latest statistics from MHCLG show there are 197 private high-rise residential buildings with ACM cladding, an increase of 13 over October 2019. Remediation work has been completed on 23 of these high-rise, private residential buildings. A further 174 buildings are yet to be remediated; of these, 31 have begun remediation, 68 have a plan in place, and 75 have plans in development. There are 24 private high-rise residential buildings where the cladding status is yet to be confirmed.

Fire Protection Board

5. As members will recall from the last meeting, the Home Office have established the Fire Protection Board, which is currently conducting an assurance exercise on those buildings with ACM cladding. The Board wrote out to both chief fire officers and Fire and

Rescue Authority chairs in November asking fire and rescue services to establish whether duty holders were taking appropriate measures to mitigate risks from ACM cladding in buildings over 18 metres in height that have yet to be remediated. Services are undertaking the work required to establish this, but have raised some questions about the wording of the assurances from a legal point of view. A revised letter to services which amends the wording of the assurances is currently being discussed in draft form. The Board is also considering a programme of work which will increase the pace of inspection across all high-rise residential buildings.

Funding

6. Following the Government's decision in May 2019 to provide funding for the owners of private high-rise residential buildings with ACM cladding to remediate them, the MHCLG Secretary of State has warned that where owners had not applied the Government was considering naming and shaming them. He also indicated that the Government was considering what other measures could be taken where building owners did not come forward and apply for funding.
7. Building owners have been able to apply for funding from September 2019. These applications can be: to seek confirmation that the building will be eligible for funding; to seek initial funding to tender for the work to remediate the ACM and then develop a full cost application; and, to submit an application for the full cost of remediating the ACM on the block. As of 31 December 92 private residential buildings were in scope of the government's funding programme. An application was submitted by the close of the deadline on 31 December 2019 for 82 buildings, with funding already approved for four buildings. Of the buildings not in scope of the fund the developer or freeholder has committed to pay for the remediation of 75 buildings and 23 buildings are covered by a warranty claim. It is unclear what will happen to fund the remediation of seven buildings.

Joint Inspection Team

8. Although building owners may have expressed an intention to remediate, it remains to be seen whether all of them will follow through on that intention. MHCLG are keen that paid progress is made with remediation. While consideration has been given to the use of the powers fire and rescue services have under the Fire Safety Order 2005 until changes are made to the Order (which are discussed further under the building and fire safety legislation announced in the Queen's Speech), councils are better placed to take enforcement action under the 2004 Housing Act. As members will recall the LGA is hosting the Joint Inspection Team to support councils use their enforcement powers under the Housing Act and the Housing Health and Safety Rating System. The team has so far supported five local authorities to carry out inspections of buildings prior to taking enforcement action following a full site inspection on a small number of buildings, and has provided initial advice to a number of others.

Data collection on external wall systems

9. In July 2019 councils were asked by MHCLG to collect data on the external wall systems on all high-rise residential buildings in England. MHCLG's current estimate is that there are 11,300 residential buildings over 18 metres in height, of which 6,100 are in the private sector and 5,200 are social housing blocks. The importance of this work was highlighted by the fire in November at the student accommodation block, the Cube, in Bolton (even though this building was just below the 18 metre threshold), which involved an as yet unidentified form of high pressure laminate cladding. Collecting information on these buildings is a considerable task, and councils have been provided with additional funding to assist in the data collection process. The LGA and London Councils are currently discussing with Home Office and MHCLG officials what else might be done to assist councils in this exercise, and what opportunities the new legislation being brought forward offers to gather the information on what is on the side of high-rise residential buildings.

Reform

Building Safety Bill

10. The Queen's Speech on 19 December included a number of commitments related to improving building and fire safety. The Building Safety Bill will strengthen the building safety regulatory system by implementing the recommendations from the Hackitt review and in some areas going further. Key measures of the new enhanced safety framework include:
 - 10.1. Providing clearer accountability and stronger duties for those responsible for the safety of high-rise buildings throughout the building's design, construction and occupation, with clear competence requirements to maintain high standards.
 - 10.2. Giving residents a stronger voice in the system, ensuring their concerns are never ignored and they fully understand how they can contribute to maintaining safety in their buildings.
 - 10.3. Strengthening enforcement and sanctions to deter non-compliance with the new regime, hold the right people to account when mistakes are made and ensure they are not repeated.

- 10.4. Developing a new stronger and clearer framework to provide national oversight of construction products, to ensure all products meet high performance standards. Developing a new system to oversee the whole built environment, with local enforcement agencies and national regulators working together to ensure that the safety of all buildings is improved.
11. Our response welcomed the commitment to bring forward new building safety standards, something the LGA has consistently called for. However, we emphasised the need to avoid creating a two-tier building safety system. In our view a close partnership between the new building regulator, fire and rescue services and councils will be essential in ensuring we can build safe communities, towns and cities. At the core of this new partnership must be tougher enforcement powers for fire and rescue services and councils.
12. We also noted that the repair bill for existing buildings is likely to run into the billions of pounds and leaseholders and council tax payers will not be able to meet the costs. In addition we highlighted the significant shortage of the skills required to deliver effective fire safety regulation and the need to fund training as an essential early step in reform. Government needs to work closely with local authorities to address these challenges.
13. As the Committee is aware, shaping the changes required to respond to the Grenfell Tower has been a key priority for the team since June 2017, and the LGA will continue to play a prominent role in this work going forward.

Fire Safety Bill

14. Linked to the Building Safety Bill, the Queen's Speech also included a commitment to introduce a specific Fire Safety Bill which will: clarify that the scope of the Fire Safety Order includes the external walls of the building, including cladding, and fire doors for domestic premises of multiple occupancy; strengthen relevant enforcement powers to hold building owners and managers to account; and provide for a transitional period for building owners and managers and Fire and Rescue Services to put in place the infrastructure for these changes.
15. The LGA's response to the announcement noted that the Grenfell Tower fire had highlighted gaps in the extent to which the Fire Safety Order could be applied, and welcomed the fact the Bill will confirm that it applies to cladding and fire doors to flats. Given the scale of the data collection exercise facing councils to identify the external wall system on every high-rise residential building, we stated that the Bill is an opportunity to place a clear duty on building owners and managers to tell fire and rescue services (FRSs) or councils what materials have been used in these buildings, and also argued that the cost of replacing any combustible cladding should not fall on leaseholders or council taxpayers, and nor should the cost of replacing fire doors in social housing fall on

tenants. In addition we highlighted that the reforms must reflect the fact that FRSs do not currently have the capacity to inspect thousands of high-rise residential buildings.

16. We also called on Government to look at the case for introducing sprinklers at a lower height threshold in newly built premises and in premises where vulnerable people sleep, as well as consideration of additional Government funding for the retro-fitting of sprinklers in high risk buildings.

Joint Regulators Group

17. As members will recall from previous meetings, MHCLG has been progressing development of policy and legislative options for implementation the new building safety regulatory framework through the Joint Regulators Group. This work has continued during the general election campaign though at a less intensive pace than usual, but we expect to pick up discussions with MHCLG again shortly.

Implications for Wales

18. 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

19. 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

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