

Building Safety update

Purpose of report

For discussion.

Summary

This report updates FSMC members 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.

Actions

Officers to incorporate members' views in the LGA's ongoing building safety related work.

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Building Safety update

Remediation

Progress

1. [MHCLG statistics](#) show that the pace of Aluminium Composite Material (ACM) remediation continues to be slow – 257 buildings (56 per cent 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.
2. Of the 155 social sector residential blocks with ACM, 90 have completed work, 61 have begun work and 4 have yet to begin. In the private sector 53 have completed, 83 have begun and 75 have yet to begin. In addition, 42 student blocks have completed with 8 underway and 4 yet to begin.
3. A recent [Sunday Times](#) article suggested work would take 150 years at the current rate and estimated that ‘about 700,000 people are still living in blocks of flats taller than 18m wrapped in dangerous materials’.

Joint Inspection Team (JIT)

4. As members will recall the LGA is hosting the Joint Inspection Team to support councils to use their enforcement powers under the Housing Act and the Housing Health and Safety Rating System. The LGA is discussing the future of the JIT with MHCLG with a view to the possible expansion of both its size and remit (to cover buildings with non-ACM cladding).
5. The team is currently inspecting roughly two buildings a month.

Public Accounts Committee

6. The Government has [responded](#) to the Public Accounts Committee [report](#) on the progress of remediation at the end of September, agreeing to all its recommendations except the recommendation that it publish its impact assessment of the safety risks and financial impacts on private leaseholders and social landlords (it extended the timelines for some others).
7. The recommendations were for MHCLG so are only indirectly relevant to Fire and Rescue Authorities. The most relevant in that respect are:

- 7.1. To be working with the new Building Safety Regulator within 6 months to begin vigorous enforcement action against any building owners whose remediation projects are not on track to complete by the end of 2021. The Government aims to do so by Spring 2021 and we anticipate that it expects some of this enforcement to take place under the Fire Safety Order; and
- 7.2. Within the next three months, assess the capacity of specialist fire safety skills within the sector and set out what the impact is on delivery of its timetables for the removal and replacement of unsafe cladding. It should include in this assessment options to tackle the skills shortage so that this does not become a barrier to remediation work continuing at pace (the Government agreed to do this in December 2020 – it is worth noting that the Home Office needs to do this as part of its preparation for the Fire Safety Bill's commencement).

Data collection on external wall systems, Mortgage and insurance issues

8. In July 2019 councils were asked by MHCLG to collect data on the external wall systems on all high-rise residential buildings in England. Although the exercise is not yet complete, it has reached a stage where [estimates of the number of buildings with little or minimal](#) cladding have been published.
9. These estimates were drawn up to show proportions of housing stock that does not need an EWS1 form. This form is currently being required by mortgage lenders to demonstrate that the cladding system on a block is safe. It was [originally intended](#) only to apply over 18m but has now spread to lower buildings. The government has [announced](#) it is not required for buildings that have no cladding and the implication of the manner in which these statistics have been presented is that the Government does not deem it to be required on buildings under 18m that have less than 20 per cent cladding.
10. The essential problem with the EWS1 form is the shortage of surveyors who are both competent to make judgements about external wall systems and can obtain professional indemnity insurance to do so.
11. The Government has [announced](#) nearly £700,000 of new funding to increase the number of fire risk assessors. This is most welcome, but will obviously take a very long time to deliver a solution.
12. In addition to mortgage issues, some buildings have seen insurance costs increase by as much as 800 per cent in a year, with a reluctance among companies to be the sole provider of insurance to any individual building.
13. The government issued [supplementary advice](#) to the Expert Panel's [Consolidated Advice note](#) of January 2020.

Fire Protection Board

14. The Building Risk Review programme overseen by the Board, remains on track to ensure all residential buildings over 18m have been assessed or inspected by the end of 2021.
15. The LGA is seeking 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.

Reform

Building Safety Bill

16. The Building Safety Bill is the subject of a separate paper.

Fire Safety Bill

17. The Fire Safety Bill has now passed from the Lords back to the Commons.
18. The Lords inserted a Government amendment offered in concession to the LGA's concerns about the implementation of the Bill. This promises statutory guidance to accompany commencement which, if followed, protects duty-holders from enforcement action.
19. As far as our long-held concerns about the impact of the Bill given the shortage of fire risk assessors are concerned, the next stage is the framing of this guidance. The Home Office will be chairing a group including the LGA, NFCC and Fire Sector Federation to oversee the production of the guidance and the risk-assessment tool it depends on.
20. The guidance will be aimed at the fire service, building owners and risk-assessors.
21. Devising the tool is a task that requires technical expertise but is entirely doable. The difficult part is how to ensure that across the building stock as a whole, the highest priority buildings get assessed first. This would be true even if the following were known (which they are not):
 - 21.1. The number of buildings likely to fall into different categories of risk
 - 21.2. The number of assessors available to undertake the work
 - 21.3. Whether insurers will be more willing to provide PII in future.
22. In the circumstances the best we can do is probably:
 - 22.1. to use deadlines to set expectations;

- 22.2. to ensure the guidance can be amended quickly if things go awry;
- 22.3. to encourage Government to improve the information it has in relation to the variable above. In this context it is worth bearing in mind that MHCLG has promised to get back to the Public Accounts Committee in December in relation to its recommendation that the Government 'assess the capacity of specialist fire safety skills within the sector and set out what the impact is on delivery of its timetables for the removal and replacement of unsafe cladding. It should include in this assessment options to tackle the skills shortage so that this does not become a barrier to remediation work continuing at pace'.
23. The Lords also inserted three other amendments. We expect these amendments to be opposed by the Government which should mean that they are overturned in the Commons and the Bill returns to the Lords. As a result, the Bill may not receive Royal Assent until January (or possibly later) and commencement has slipped back as a result. It can be expected two months after Royal Assent.
24. The estimated commencement date has slipped from February to March as a result.
25. Work will be necessary to ensure that enforcement activities under the Bill are aligned with those undertaken by councils under the Housing Act. Discussions on how best to achieve this are likely to take place in the new year.

Letter to Minister

26. The lead members of the Fire Services Management Committee wrote to Lord Greenhalgh, the Minister for Fire and Building Safety, to ask that officials discuss with the LGA measures to ensure that extension of Permitted Development Rights does not undermine fire safety. We have yet to receive a reply.

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, and the LGA has been keeping in contact to ensure the WLGA is kept informed of the latest developments in England.

Financial Implications

- 27 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

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