



DEBATE PACK

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Cladding and remedial fire safety work

By Wendy Wilson
Ed Potton

This pack has been produced ahead of the debate to be held in Westminster Hall on Tuesday 6 March from 2.30-4pm on cladding and remedial fire safety work. The debate will be opened by Steve Reed MP.

The Grenfell Tower fire in June 2017 has prompted debate about the adequacy of fire safety requirements in high-rise blocks, with a particular focus on standards of cladding applied to these blocks and its compliance with the building regulations. The Government appointed Dame Judith Hackitt to lead a review of Building Regulations and Fire Safety, the interim report of which was published in December 2017. The interim report highlighted concerns around the complexity of regulations, roles and responsibilities, and enforcement.

By 16 February 2018, the Building Safety Programme had identified 314 residential or public buildings over 18 metres in England with Aluminium Composite Material (ACM) cladding. 288 of these blocks are residential.

The question of who is responsible for paying for remedial works has been described as “a legal quagmire” and is at the forefront of debates about how quickly the necessary work can be carried out, and the financial implications for residents of affected blocks.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Background

1.1 Fire safety law

Fire safety law and responsibilities are governed by the [Regulatory Reform \(Fire Safety\) Order 2005](#).

The 2005 Order consolidated the wide variety of existing legislation on fire safety, extended its coverage so there was a single fire safety regime applying to all workplaces and other non-domestic premises, including common parts of houses in multiple occupation and blocks of flats; and also introduced a risk-based assessment approach to fire safety. The two main pieces of legislation replaced were the [Fire Precautions Act 1971](#) and the [Fire Precautions \(Workplace\) Regulations 1997](#). The first required fire certification for hotels and boarding houses; and for certain workplaces. The second implemented EU legislation covering most workplaces, requiring a risk based assessment approach to fire safety to ensure protection of employees and other people present.

The 2005 Order applies to all non-domestic premises, including communal areas of apartment blocks. The Order designates those in control of premises as the responsible person for fire safety in communal areas. In the case of apartment blocks, this duty normally falls on landlords and building owners. They have a duty to ensure that a risk assessment is carried out to identify hazards and risks, and remove and reduce these as far as possible. The responsible person then ensures a set of appropriate measures are in place to achieve fire safety. [Guidance](#) sets out the measures that can be taken. The fire risk assessment may be affected by any new issues that arise, such as surveys around risks relating to cladding.

The order is enforced by the local fire authority. The London Fire and Emergency Planning Authority has [set out how](#) enforcement works in in practice:

We target our resources and inspections at those premises that present the highest risk. We respond to complaints about fire safety, undertake post fire investigations where poor fire safety matters are discovered and carry out targeted or sampling inspections. Our fire safety inspecting officers seek to provide information which is consistent, appropriate, transparent and timely. They are based in local offices which serve a particular geographical area.

Where breaches of fire safety legislation occur we will provide practical advice or, where the risk is serious, formal enforcement notices. Except in the most serious cases, we will work in partnership with the responsible person in order to achieve a satisfactory level of fire safety.

Where there is a very serious life risk we will issue a notice preventing the premises being used for certain things, (such as sleeping) or prohibiting all or part of the premises being used at all.

In all cases there will be a right of appeal, both informally and formally. An informal appeal, normally to a more experienced fire safety manager, can sometimes identify a different method of

complying with the Order. If this is unsuccessful, you can appeal formally to a Magistrate. There will also be the opportunity to agree to go to an informal tribunal to agree a remedy where a notice relates to technical issues.

1.2 Building regulations, cladding and Approved Document B

Any new-build or refurbished building must comply with the [2010 Building Regulations](#) (as amended). The technical requirements for new construction that must be met under the regulations are set out in [Approved Documents](#). These provide practical guidance on how to comply with the requirements of the regulations, and also reference more detailed British Standards and other guidance.

It is the responsibility of anyone carrying out building work to ensure compliance with the regulations. The [Government website](#) provides information on when building regulations approval is required. Any major work should be regularly checked by either local authority building control or an independent inspector to ensure compliance. Local Authorities are responsible for enforcement.

Fire Safety Authorities are statutory consultees on fire safety under the building regulations. [Further guidance is available](#) on the role of fire safety in building regulations.

Cladding in Approved Document B

Detail on cladding requirements is given in [Approved Document B](#) on fire safety covering means of escape, fire alarms, internal and external fire spread, and access and facilities for fire and rescue services.

The full text of the section in the document on external walls covers five pages (pages 93-97 of the PDF and pages 91-5 of the actual guidance).

Parliamentary comment on Approved Document B

A series of recent PQs have provided detail on how the relevant parts of the Building Regulations and Approved Document B relate to cladding. For example:¹

To ask the Secretary of State for Housing, Communities and Local Government, whether Approved Document B allows for combustible material to be used in the cladding of a building with a storey of 18 metres or more above ground level.

Answered by: Dominic Raab

Holding answer received on 29 January 2018

Requirement B4 (1) of the Building Regulations 2010 states that "The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building". Paragraphs 12.5 to 12.9 of Approved Document B give guidance on how to meet this requirement. The guidance identifies the use of combustible materials in a cladding system, such as insulation

¹ [PO 124261 \[on High Rise Flats: Fire Prevention\] 5 February 2018](#)

product and filler materials, as a risk to tall buildings over 18 metres in height.

The guidance provides two options. The first is for each individual component of the wall to be of limited combustibility. The second is to ensure that all the combined elements of a wall adequately resist the spread of fire when tested as a whole installed system, in accordance with British Standard BS 8414.

And: ²

To ask the Secretary of State for Housing, Communities and Local Government, if he will update Approved Document B to make clear that cladding must be of limited combustibility.

Answered by: Dominic Raab

We are working with industry experts to complete work to clarify the approved documents on fire safety and this will include the guidance on external wall construction. This will then be the subject of a full public consultation.

The current guidance already makes it clear that materials of limited combustibility should be used or the proposed wall construction should adequately resist the spread of fire in accordance with British Standard 8414. This is why the Government commissioned a series of BS 8414 tests showing which combinations of materials could present a risk to public safety.

Specific questions on combustibility have also been raised:³

To ask the Secretary of State for Housing, Communities and Local Government, whether the use of aluminium composite materials with a polyethylene core is suitable for cladding on high-rise tower blocks under Approved Document B.

Answered by: Dominic Raab

The Government's view is that aluminium composite material cladding with a polyethylene core would not be in accordance with the Building Regulations 2010, Schedule 1 requirement B4(1), or the requirements in Building Regulations guidance, set out in paragraph 12.7 of Volume 2 of Approved Document B, that insulation products and filler material used in external wall construction should be of limited combustibility for buildings over 18 metres in height.

The issue has also arisen in debates. For example, after an urgent question on the withdrawal of the results of a specific cladding test by the BRE following further information provided by a manufacturer, the Minister was asked about cladding guidance:⁴

Mr Steve Reed (Croydon North) (Lab/Co-op)

I fear that the Minister has been misadvised. Government guidance in paragraph 12.7 of approved document B still permits the use of cladding with a polyethylene core, which industry experts advise is dangerously combustible. It is still being put on buildings today, including on one block in Lewisham, because Ministers have consistently ignored professional advice from the building industry. Hundreds of other buildings across the country

² [PO 127211 \[on Housing: Insulation\] 20 February 2018](#)

³ [PO 127316 \[on High Rise Flats: Fire Prevention\] 20 February 2017](#)

⁴ [HC Deb 5 February 2018 c1236-7](#)

are affected, and an average of one fire a month is already being linked to such cladding. When will the Minister issue clear advice on what action should be taken in all circumstances where limited combustibility cladding is in place? When will he order its immediate removal from every residential block where it is present, which includes Citiscape in Croydon?

Dominic Raab

The hon. Gentleman is wrong to suggest that we have not taken the expert advice. We have consistently done that and have acted on it, but I am happy to look again at the material he mentioned. I have been involved in relation to the Citiscape case in Croydon and we have made it clear to the freeholder there, just as we have done everywhere else, that there is a moral case for avoiding any unreasonable costs to leaseholders or tenants. The leaseholders and tenants also of course have the option of going to the first-tier tribunal to settle an issue legally, and it would be wrong for Ministers to interfere in that process.

[...]

Andy Slaughter (Hammersmith) (Lab)

At the last Housing, Communities and Local Government Question Time, my hon. Friend the Member for City of Durham (Dr Blackman-Woods) and I both asked about the review of technical documents. We did not get an answer. To be clear, we are talking not about the Hackitt review, which is doing some good work on the wider issue, but about individual types of cladding and what document B says. We cannot go ahead with the replacement of cladding—we may still put up partially combustible materials on those buildings. The review of technical documents has not yet started.

Dominic Raab

If the hon. Gentleman writes to me about that, I will follow it up. There is detailed dialogue with any local authority that raises such issues. If he wants me to follow it up, he should write to me and I will be very happy to do so.

1.3 Government tests following Grenfell

Following the Grenfell fire the government set up a Building Safety Programme under the then Department for Communities and Local Government.

The government appointed an expert panel, chaired by Sir Ken Knight, to advise the Government on immediate measures needed to ensure building safety and to help identify buildings of concern. The independent panel advised the government to undertake identification screening of residential buildings over 18 metres tall to identify the type of aluminium composite material (ACM) used.⁵ Testing was undertaken by the Buildings Research Establishment (BRE). The Safety Programme states:⁶

On 6 July 2017, having also spoken to a group of technical experts from a wide range of professions and organisations, the

⁵ Taken from [Building Safety Programme](#) [accessed 5 March 2018]

⁶ [Building Safety Programme: Advice for building owners on external wall systems with ACM cladding](#) [accessed 5 March 2018]

expert panel recommended further large scale testing of cladding systems. This was to better understand better how different types of ACM panels behave with different types of insulation in a fire (these tests can be used to show compliance with the building regulations guidance).

These large scale tests, undertaken by the BRE, looked at 3 different types of ACM cladding combined with different types of insulation, in accordance with British Standard 8414. This involved building a 9-metre high demonstration wall with a complete cladding system fixed to it - including panels and insulation. This was then subjected to a fire designed to replicate the circumstances in which a severe fire breaks out of a window. The spreads of the fire up the outside wall, if any, was then monitored.

The programme has published consolidated advice for building owners in: [Government Building Safety Programme – update and consolidated advice for building owners following large scale testing](#), updated 27 February 2018. This includes detail of the tests undertaken and the action building owners should take.

The key findings include the following:

19. Based on the tests conducted and the Expert Panel's advice, the key points are:

- ACM cladding with unmodified polyethylene filler (category 3) presents a significant fire hazard on buildings over 18m with any form of insulation.
- ACM cladding with fire retardant polyethylene filler (category 2):
 - presents a notable fire hazard on buildings over 18m when used with rigid polymeric foam based on the evidence currently available.
 - can be safe on buildings over 18m if used with non combustible insulation (e.g. stone wool), and where materials have been fitted and maintained appropriately, and the building's construction meets the other provisions of Building Regulations guidance, including provision for fire breaks and cavity barriers.
- ACM cladding with A2 filler (category 1) can be safe on buildings over 18m with foam insulation or stone wool insulation, if materials have been fitted and maintained appropriately, and the building's construction meets the other provisions of Building Regulations guidance, including provision for fire breaks and cavity barriers.

20. In all instances, building owners have been advised that they should seek professional advice on what further steps to take with respect to their cladding system based on the specific circumstances of their building, and to satisfy themselves that their building is safe.

21. All building owners have also been advised to ensure their local FRS has visited to complete a fire safety audit of their building, and that they have implemented the recommended interim measures.

Data on the use of ACM cladding is given in section 1.5 below.

1.4 Hackitt Review

Following the Grenfell fire, the Government asked Dame Judith Hackitt to lead a review of Building Regulations and Fire Safety. The full report is expected around Easter 2018. The interim report, published in December 2017, highlighted concerns around the complexity of regulations, roles and responsibilities, and enforcement. While the report mostly relates to high-rise residential buildings, any changes in fire safety regulation will have a wider application to all buildings.⁷ [A shorter summary of the report is available.](#)

The report finds that:⁸

The overall conclusion is that the current regulatory system is not fit for purpose in relation to high-rise and complex buildings.

The report makes the following points (taken from sections 1.8 to 1.52 of the summary):

- Current regulation and guidance is unclear – the Building Regulations are ‘clear’ but concerns are raised with the ‘Approved Documents’.
- The clarity of roles and responsibilities in the system is unclear – the report raises concerns with identifying specific responsibilities.
- That the means of assessing and ensuring appropriate levels of competence throughout the system are unclear and inadequate – this relates to the building process and fire risk assessments.
- That enforcement and sanction measures are poor and do not provide adequate means of compliance assurance, deterrence or redress for non-compliance – this includes changes through the building process, changes in regulations during the life of a building, compliance issues with building control and information flows for fire safety information.
- A lack of clear way for resident concerns to be raised and addressed with respect to fire safety;
- That current methods for testing, certification and marketing of construction products and systems are not clear;
- That there are lessons to be learned from other international regulatory regimes and that there could be greater alignment between building and fire regulatory systems and other regimes.

The report made interim recommendations around building regulations and fire safety (taken from p25-6 of the interim report):

- The Government should consider how the suite of Approved Documents could be structured and ordered to “to provide a more streamlined, holistic view while retaining the right level of relevant technical detail,” with the Government asked to consider presentational changes as an interim measure.
- That the professional and accreditation bodies should work together to come up with a system to ensure those working on the design, construction, inspection and maintenance of complex and high risk buildings are suitably qualified.

⁷ For more information see [Independent Review of Building Regulations and Fire Safety: interim report](#), 18 December 2017

⁸ [Independent Review of Building Regulations and Fire Safety: interim report](#), 18 December 2017, Para 1.6 (summary)

- That consultation with the fire and rescue services is required on plans for buildings that are covered by the Fire Safety Order, but does not work as intended. Consultation by building control bodies and by those commissioning or designing buildings should take place early in the process and fire and rescue service advice should be fully taken into account.
- It is currently the case under the Fire Safety Order that fire risk assessments for high-rise residential buildings must be carried out 'regularly'. It is recommended that the responsible person ensures these are undertaken at least annually and when any significant alterations are made to the building. These risk assessments should be shared in an accessible way with the residents who live within that building and notified to the fire and rescue service.
- The government should significantly restrict the use of desktop studies to approve changes to cladding and other systems to ensure that they are only used where appropriate and with sufficient, relevant test evidence. Those undertaking desktop studies must be able to demonstrate suitable competence.

There were further recommendations on the phased handover of buildings by building developers, and the transfer of fire safety information from builders to the responsible person.

Progress with Building Regulation reviews

In oral evidence to the Communities and Local Government Committee on 15 January 2017, officials from the Department commented on progress with the reviews of Building Regulations. Tamara Finkelstein, Director-General, Building Safety, told the Committee:⁹

Dame Judith had a number of interim recommendations. One of them was about clarifying Approved Document B. She has also asked us to look at the structure of the whole set of approved guidance. We have been doing work on Approved Document B for some time. We did that in the wake of the Lakanal fire coroner's report, and have been developing work in that space. We will be building on that and working with technical experts and industry in terms of the clarification of that document. We are also doing work, which we will give to Dame Judith, around how the whole set of guidance could potentially be restructured to meet some of the requirements she placed in her review.

She also asked us to look at desktop studies. We raised some questions around desktop studies in some of our earlier expert panel guidance, so we have said something around desktop studies already. We have asked the British Standards Institution to develop a new standard around desktop studies. We will be putting a very specific amendment to Approved Document B for consultation in that space. Both of those were immediately for government.

She also had a number of recommendations based on the fact that she saw this as a whole system, with the construction industry and building control bodies having an important role to play. We will be following that up as well.

⁹ [Oral Evidence to the Communities and Local Government Committee, 15 January 2018, Q62](#)

During the meeting officials promised to write to the Committee with timescales but noted that consultation would be required and that a first consultation, on the most immediate issues was likely around, or just after Easter.¹⁰

1.5 Who pays for fire safety work?

Ownership of the affected blocks

The Ministry of Housing, Communities and Local Government (MHCLG) releases a monthly Building Safety Programme bulletin which contains data on progress in identifying high-rise residential buildings with unsafe cladding combinations. The [February 2018 bulletin](#) notes that, as at 16 February 2018, 314 buildings over 18 metres had been confirmed as having ACM cladding, of which 301 were “unlikely to meet current Building Regulations guidance.”¹¹ 158 of the affected buildings are social housing blocks owned/managed by a local authority or housing association, while 130 are privately owned residential blocks, including hotels and student accommodation.

The question of who is responsible for paying for remedial works has been described as “a legal quagmire” and is at the forefront of debates about how quickly the necessary work can be carried out and the financial implications for some residents.

Blocks owned by social landlords

When major works are carried out on blocks owned by social landlords there is no additional cost to be met by secure and assured tenants.

Long leaseholders in these blocks *could* be liable to pay a contribution towards the cost of the works depending on the wording of their lease agreements. As a rule, lease agreements will provide for the recovery of the cost of major works from long leaseholders; this can result in individuals facing some substantial bills, e.g. for roof or lift replacement. More information can be found in the Library briefing paper: [Leaseholders in social housing: paying for major works \(England\)](#).

The Government has made repeated references to a commitment by social landlords not to recover the cost of remedial works associated with cladding safety from long leaseholders:

Just as social landlords are not seeking to pass on costs for cladding remediation, in the private sector we believe that the morally right thing to do is for landlords to not pass these costs onto leaseholders.¹²

David Orr, CEO of the National Housing Federation, the representative body of housing associations, responded to this saying:

¹⁰ Ibid. Q67

¹¹ MHCLG, [Building Safety Programme: monthly data release - February 2018](#), 27 February 2018

¹² [Flats: Safety: Written Question: HL4910](#), 5 February 2018

As freeholders of leasehold properties, our members have legal responsibilities as part of their leases and are therefore legally entitled to recoup the reasonable costs through service charges.¹³

Some social landlords are seeking to recover a proportion of the cost of associated fire safety works from their long leaseholders. For example, the London Borough of Wandsworth (LBW) is seeking to retro-fit sprinklers in all its blocks of 10 storeys or higher and has obtained legal advice to the effect that the cost, estimated to be around £3,000 to £4,000 per unit, is recoverable:

Legal advice has been received that the cost of these works would be recoverable from leaseholders by way of service charges and the sprinkler systems would be maintained by the Council. Of the 6,401 properties that would benefit from the installation, 2,358 are leasehold. There are 1,315 resident leaseholders and 1,043 leaseholders living away from their property.¹⁴

A further LBW report prepared by the authority's Director of Housing and Regeneration, refers to the council's fiduciary duty to recharge long leaseholders:

The Council is of the view that if works are necessary and chargeable under the terms of the lease **then the Council is under a strict fiduciary duty to recharge** and that meeting leaseholders' contributions from the Housing Revenue Account (HRA) or the General Fund is likely to be challengeable.¹⁵

LBW has resolved to refer the decision to recharge long leaseholders to a First-Tier Tribunal:

In recognition of concerns raised by some leaseholders over the proposed works, the report recommends that the Council makes a proactive application to a First Tier Property Tribunal to ensure that the leaseholders' voice is listened to and to seek a clear decision on the Council's ability to undertake the works.¹⁶

There has been little reference to the potential for authorities to be challenged for breach of their fiduciary duty where no attempt is made to recover contributions from long leaseholders, assuming that the leases in question allow for this.

Another contentious issue is whether the Government will make additional funding available to assist social landlords in carrying out fire safety work. When pressed on this issue the Government has said:

My Department has made clear that it considers that building owners should take responsibility for funding fire safety measures including replacement of dangerous cladding. Government will consider financial flexibilities for local authorities who need to undertake essential fire safety work to make a building safe.¹⁷

On 15 January 2018, Tamara Finkelstein, Director-General, Building Safety MHCLG, confirmed that 36 requests for assistance had been

¹³ HC Deb 21 December 2017 c455WH

¹⁴ [LBW, Paper 17-269, September 2017](#)

¹⁵ [LBW, Paper 18-12, 2018, para 5](#)

¹⁶ Ibid.

¹⁷ [High Rise Flats: Fire Prevention: Written Question – 127874](#), 27 February 2018

received from local authorities when giving evidence to the Communities and Local Government (CLG) Select Committee:

Nine of them are authorities that have aluminium composite material cladding; others have other work they are looking to do. The criterion is that, if there is essential work that is required to make a building safe, we can look at financial flexibilities in terms of having more borrowing headroom or accessing other general funds that normal restrictions would not allow them to use in order to fund the work.¹⁸

She went on to confirm that discussions were ongoing with four of the authorities to determine what flexibilities might be right in their circumstances.¹⁹ Melanie Dawes, Permanent Secretary at MHCLG, confirmed that no flexibilities for any authority had been confirmed at 15 January 2018 because discussions had not been concluded.²⁰

Brent Council wrote to the Secretary of State in July 2017 – the council's stock is not affected by ACM cladding but a decision has been made to undertake further fire safety works in high rise blocks at an estimated cost of £10 million. Brent's letter outlines the potential impact of funding the work on its planned and reactive repairs service:

The funding of these improvements needs careful consideration. The Council will reach its Housing Revenue Account (HRA) borrowing cap for capital purposes in 2018/19. You will already be aware that your department's policy of reducing social housing rents by 1% per year until 2020 has put councils' HRAs under considerable strain - the cost of this policy change in Brent is in aggregate £23.3m to 2020. The impact of your department's, policy on high value voids will also increase that pressure. The Council does not believe that social housing tenants should have to pay for these improvements to the stock through a deprioritisation of both planned and reactive repair and maintenance works. For example, £10m equates to 40 new homes or the replacement of 4000 boilers. As such, the Council resolved to request the Government to provide the direct financial support to meet the costs incurred. This letter acts as our official request.²¹

The Secretary of State wrote to local authorities and housing associations on 26 July 2017 saying:

Where a local authority has concerns about funding essential fire safety measures, they should approach us as soon as possible to discuss their position.

Where works are necessary to ensure the fire safety of a building, we will ensure that lack of financial resources will not prevent them going ahead. It would not include general improvements or enhancements to buildings which go beyond this.²²

Melanie Dawes was pressed on the Ministry's position on funding the retro-fitting of sprinklers by CLG Select Committee members on 15 January. She said:

¹⁸ [HC 553, 15 January 2018, Q34-35](#)

¹⁹ [Ibid., Q35](#)

²⁰ [Ibid., Q38](#)

²¹ [Brent Council's letter to Sajid Javid](#), 13 July 2017

²² [Inside Housing, "Javid responds to councils on fire safety funding"](#), 27 July 2017

We are primarily dealing with a problem of faulty cladding here. It was put up and it is now clear it was not safe, particularly when combined with certain types of insulation. That is our primary focus for this work. For any government support on funding, that has to be our primary focus. As Tamara said, in some circumstances local authorities are very clear that sprinklers are an important part of that package. We have not ruled that out, but we are having individual conversations with individual local authorities about that.²³

Privately owned blocks

As noted above, there are around 130 privately owned residential blocks, including hotels and student accommodation, with ACM cladding.

Flats in the affected residential blocks will be owned on a long leasehold basis. As with long leaseholders in blocks owned by social landlords, long leaseholders *could* be liable to pay a contribution towards the cost of the remedial works depending on the wording of their lease agreements. The Government funded Leasehold Advisory Service has posted the following response to the question of who pays for fire safety measures, such as changing cladding on blocks of flats, on its [website](#):

It depends on the terms of the lease between the building owner (the freeholder) and the leaseholders.

Sweeping-up clauses

Even if the lease doesn't say anything about passing on fire safety costs to leaseholders, the freeholder might still be able to.

Freeholders might use something called a 'sweeping-up' clause. This could allow freeholders to get leaseholders to pay for a range of unexpected costs.

These costs could include:

- money spent for the 'benefit of the building'
- money spent to enable 'good estate management'

The Association of Residential Managing Agents (ARMA) has warned that leaseholders could face fire safety bills "in the tens of thousands". ARMA has proposed that the Government should provide interest-free loans to leaseholders to cover the cost of the work in order to avoid safety being compromised by delays in removing ACM cladding.²⁴

One block that has attracted media attention is Citiscape in Croydon which is managed by Firstport on behalf of Proxima Properties. The estimated cost of removing and replacing the cladding on this block is reported to be between £1.8 and £2 million. Reports have said that this could result in leaseholders facing average bills of £21,000 depending on the size of their flats. Firstport has referred the question of the

²³ [HC 553, 15 January 2018, Q52](#)

²⁴ [Inside Housing, "Leaseholders across the country could face fire safety bills in the tens of thousands"](#), 18 January 2018

recoverability of the cost from leaseholders to a First-Tier Tribunal (Property Chamber).²⁵

Leaseholders are also being asked to meet the cost of 'waking watch' fire marshals. These marshals have been installed in affected blocks to provide additional fire safety protection pending the removal and replacement of ACM cladding. Costs for this service are reported to be around £4,000 per week. A First-Tier Tribunal decision concerning the recoverability of these costs from long leaseholders was issued on 24 January 2018. The Tribunal in this case found that the costs were recoverable based on the wording in the lease agreements.²⁶ Giles Peaker of the specialist housing law website, Nearly Legal, commented:

The wording of similar clauses will be stress tested in a manner that these usually uncontroversial and untested clauses have not seen before.²⁷

The Government response

The Government have called on freeholders to cover the cost of the necessary works and has provided additional funding for the Leasehold Advisory Service:

The Secretary of State has made clear that building owners should do all they can to protect leaseholders from costs relating to interim measures and cladding remediation – either funding it themselves or looking at alternative routes such as insurance claims, warranties or legal action.

It is important that leaseholders are able to access specialist advice to understand their rights. The Secretary of State announced on 4 December that the department is providing additional funding to the Leasehold Advisory Service (LEASE), an arm's length-body which provides free initial legal advice to leaseholders, to advise on fire safety issues.

The department is keeping the situation under review.²⁸

Inside Housing has reported that the property management company in charge of New Capital Quay in Greenwich, a block which has similar cladding to that of Grenfell Tower, has launched a legal challenge against the National House-Building Council (NHBC) on the basis that the cladding complied with the building regulations in force at the time of construction and was signed off by the NHBC in their building control role.²⁹

The suggestion that freeholders should meet the cost has been described as 'unrealistic' by some. For example, the following observations were made on the [Nearly Legal housing law website](#):

- The current owners of some blocks may not have been responsible for commissioning the 'flawed' work – on this basis they may be reluctant to fund the necessary works.

²⁵ *The Independent*, "[Grenfell Tower: residents of private flats face £500,000 bill to replace flammable cladding, hears tribunal](#)", 7 February 2018

²⁶ *E & J Ground Rents No. 11 LLP various leaseholders of Fresh Apartments, Salford Fire Safety - Who pays?* 4 February 2018

²⁷ *High Rise Flats: Written Question: 126695*, 8 February 2018

²⁹ *Inside Housing*, "[NHBC faces liability claims for dangerous cladding on tower blocks](#)", 29 January 2018

- Some private landlords may not be able to fund the works. For example, a lessee-owned freehold vehicle (e.g. a nominee purchaser post-enfranchisement) may struggle to raise the finance given that the capital value of the building is primarily in the long leases.
- Traditional private landlords hold a freehold reversion in order to generate an income stream and not to fund substantial works “where the benefit is, on any view, at least shared with the leaseholders.”³⁰

³⁰ [An air of unreality](#), 4 December 2017

2. News items

Inside Housing

ACM cladding work completed on seven buildings

27 February 2018

<https://www.insidehousing.co.uk/news/news/acm-cladding-work-completed-on-seven-buildings-54980>

Inside Housing

Government cladding tests did not register heat failure despite flame spread

23 February 2018

<https://www.insidehousing.co.uk/news/news/government-cladding-tests-did-not-register-heat-failure-despite-flame-spread-54834>

The Guardian

Multiple fire safety risks found at flats with Grenfell-style cladding

15 February 2018

<https://www.theguardian.com/society/2018/feb/15/further-defects-discovered-at-housing-with-grenfell-style-cladding>

Building Products

ACM cladding fire-rating standards need greater clarity, says Vivalda Group

15 February 2018

<http://buildingproducts.co.uk/acm-cladding-fire-rating-standards-need-greater-clarity-says-vivalda-group/>

The Independent

Cladding fitted to Grenfell Tower 'was never fire safety tested'

8 February 2018

<http://www.independent.co.uk/news/uk/home-news/grenfell-tower-cladding-fire-safety-checked-acm-cladding-aluminium-composite-material-reynobond-a8200801.html>

Inside Housing

Who foots the bill for fire safety?

9 February 2018

<https://www.insidehousing.co.uk/comment/comment/who-foots-the-bill-for-fire-safety-54550>

Inside Housing

Kingspan document contradicts government's cladding advice

7 February 2018

<https://www.insidehousing.co.uk/news/news/kingspan-document-contradicts-governments-cladding-advice-54510>

The Guardian

Residents of tower with Grenfell-style cladding told they must foot £2m bill

17 January 2018

<https://www.theguardian.com/uk-news/2018/jan/17/citiscap-croydon-2m-recladding-bill-prompted-grenfell-disaster>

BBC News Online

Grenfell Tower fire: safety rules failing, says review

18 December 2017

<http://www.bbc.co.uk/news/uk-42392138>

The Times [subscription]

Landlords force tenants to fund fire cladding

5 December 2017

<https://www.thetimes.co.uk/article/landlords-force-tenants-to-fund-fire-cladding-xb5pszlpm>

3. Press releases

Ministry of Housing, Communities & Local Government

Interim report into the Review of Building Regulations and Fire Safety

News release issued on behalf of the independent review into building regulations and fire safety.

18 December 2017

The Chair of an independent review into building regulations and fire safety has found that a “universal shift in culture” is required to rebuild trust amongst residents of high-rise buildings and significantly improve the way that fire safety is assured.

Dame Judith Hackitt, who was appointed by government to lead an Independent Review of Building Regulations and Fire Safety following the Grenfell fire, has [published her interim findings](#) today (18 December 2017).

Alongside her interim report, Dame Judith is calling on the construction industry, building owners, regulators and government to come together to address the ‘shortcomings’ identified so far.

The interim report finds that:

- a culture change is required - with industry taking greater responsibility for what is built - this change needs to start now
- the current system for ensuring fire safety in high-rise buildings is not fit for purpose
- a clear, quick and effective route for residents to raise concerns and be listened to, must be created

Chair of the review, Dame Judith Hackitt said:

I have found that the regulatory system for safely designing, constructing and managing buildings is not fit for purpose. The current system is highly complex and there is confusion about the roles and responsibilities at each stage. In many areas there is a lack of competence and accreditation.

While this does not mean all buildings are unsafe, it does mean we need to build a more effective system for the future. That is why I am today calling for the construction industry, building owners, regulators and government to come together to identify how to overcome these shortcomings together.

The [interim report](#) sets out 6 broad areas for change:

- ensuring that regulation and guidance is risk-based, proportionate and unambiguous
- clarifying roles and responsibilities for ensuring that buildings are safe
- improving levels of competence within the industry

- improving the process, compliance and enforcement of regulations
- creating a clear, quick and effective route for residents' voices to be heard and listened to
- improving testing, marketing and quality assurance of products used in construction

Dame Judith has consulted widely in developing her interim report and will continue to do so in the coming months before making her final recommendations.

She continued:

I have been deeply affected by the residents of high rise buildings I have met and I have learned so much from them. These buildings are their homes and their communities. They are proud of where they live, but their trust in the system has been badly shaken by events of the last few months. We need to rebuild that trust.

The independent review will now undertake its second phase of work – including targeted work in partnership with the sector and other stakeholders.

A summit involving government and representatives from the building industry will take place in the New Year and a final report will be published in spring 2018.

Further information

See the [Independent Review of Building Regulations and Fire Safety: interim report](#).

The 6 broad areas for change are outlined in summary from page 9 of the interim report and in greater detail from paragraph 1.6 on page 16.

Consultation

In producing her interim report, Dame Judith Hackitt has:

- issued a call for evidence which received more than 250 responses
- held a series of round-table discussions with industry representatives, professional bodies, tenants and landlords organisations and residents' groups
- held a series of bi-lateral discussions

About the Review

The Review was [commissioned in July 2017](#) and the [terms of reference](#) were published in August 2017.

It is reporting to the Communities Secretary Sajid Javid and the Home Secretary Amber Rudd and is examining:

- the regulatory system around the design, construction and on-going management of buildings in relation to fire safety
- related compliance and enforcement issues

- international regulation and experience in this area

The Review is complementary to the [Public Inquiry](#). It is forward looking and focused on ensuring a sufficiently robust regulatory system for the future and to provide further assurance to residents that the complete system is working to ensure the buildings they live in are safe and remain so. The work of the Review will be shared with the Inquiry team.

Short biography of Dame Judith Hackitt

Dame Judith was Chair of the Health and Safety Executive from October 2007 to March 2016. She previously served as a health and safety commissioner between 2002 and 2005.

She was made a Dame in the 2016 New Year Honours for services to health and safety and engineering, and in particular for being a role model for young women. She was awarded a CBE in 2006.

In April 2016, she was appointed as Chair of EEF, The Manufacturers' Organisation.

Dame Judith is a chemical engineer and graduated from Imperial College in 1975. She worked in the chemicals manufacturing industry for 23 years before joining the Chemical Industries Association (CIA) in 1998. She became Director General of CIA (from 2002 to 2005) and then worked in Brussels for the European Chemical Industry Association (CEFIC).

She was elected as a Fellow of the Royal Academy of Engineering in July 2010 and currently chairs the External Affairs Committee.

Dame Judith is a Fellow of the Institution of Chemical Engineers and a member of council. She was President of IChemE from May 2013 to May 2014.

Dame Judith is also Chair of Semta - the Science, Engineering and Manufacturing Technologies Alliance, and a non-executive director of the High Value Manufacturing Catapult.

Ministry of Housing, Communities & Local Government

Independent review of building regulations and fire safety

28 July 2017

The government has announced an independent review of building regulations and fire safety.

An independent review of building regulations and fire safety has been announced by the government today (28 July 2017).

This follows the tragic fire at Grenfell Tower, which raised serious questions about the fire safety of high rise residential buildings, and subsequent government testing of aluminium composite material (ACM) cladding from similar buildings across the country.

The [first result from large scale tests](#) of building cladding systems has also been published today. These latest tests simulate a tall building and

allow experts to understand better how different types of cladding panels behave with different types of insulation in a fire.

The first system tested, a wall cladding system using an aluminium composite material (ACM) cladding with unmodified polyethylene filler (Cat 3) and foam insulation, failed the test which is set out in current building regulations guidance.

Immediate action is already underway to ensure the safety of residents in these buildings. But the results also make clear that we need to understand how current building regulations and fire safety works in order to make them as effective as possible in the future.

This forward-looking independent review, to be led by Dame Judith Hackitt, Chair of EEF, the Manufacturers' Organisation, will look at current building regulations and fire safety with a particular focus on high rise residential buildings. It will report jointly to the Communities Secretary Sajid Javid and the Home Secretary Amber Rudd.

It will examine:

- the regulatory system around the design, construction and on-going management of buildings in relation to fire safety
- related compliance and enforcement issues
- international regulation and experience in this area

Communities Secretary Sajid Javid said:

Since the tragic Grenfell Tower disaster, the government has been working to make sure people living in high rise buildings are safe.

It's clear we need to urgently look at building regulations and fire safety. This independent review will ensure we can swiftly make any necessary improvements. Government is determined to make sure that we learn the lessons from the Grenfell Tower fire, and to ensure nothing like it can happen again.

As part of the review, Dame Judith will consult the [Buildings Regulations Advisory Committee](#) – which advises the government on changes to building regulations– as well as the construction and housing industry, the fire sector, international experts, MPs and the public.

The review will also work closely with other government departments and the devolved administrations and consider the implications of changes to the regulatory system on other government objectives.

Review Chair, Dame Judith Hackitt said:

I am honoured to be asked by government to lead this important independent review. This review will look at building regulations and fire safety to see what changes can be made for the future to make these more effective.

I am keen to engage widely with industry and the public to inform the recommendations from the review. I want the recommendations to lead to any necessary improvements in the system being made.

Terms of reference for this independent review will be published in summer 2017, once the terms of reference for the Grenfell Tower Public Inquiry have been agreed.

It is expected that the review will present an interim report before the end of the year, and a final report no later than spring 2018. The government will act swiftly on any recommendations from this review to make sure people living in high rise buildings are safe.

Further information

The government also wrote yesterday to all local authorities and housing associations to outline funding arrangements. The government expects that building owners will fund measures designed to make a building fire safe, and will draw on their existing resources to do so.

We will work with relevant bodies so current restrictions on the use of their financial resources do not prevent them from making essential fire safety upgrades to buildings.

Short biography of Dame Judith Hackitt

Dame Judith was Chair of HSE from October 2007 to March 2016. She previously served as a health and safety Commissioner between 2002 and 2005. She was made a Dame in the 2016 New Year Honours for services to health and safety and engineering in particular for being a role model for young women. She was awarded a CBE in 2006.

In April 2016, she was appointed as Chair of EEF, The Manufacturers' Organisation in April 2016.

Dame Judith is a chemical engineer and graduated from Imperial College in 1975. She worked in the chemicals manufacturing industry for 23 years before joining the Chemical Industries Association (CIA) in 1998. She became Director General of CIA (from 2002-2005) and then worked in Brussels for the European Chemical Industry Association (CEFIC).

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Dame Judith is also Chair of Semta - the Science, Engineering and Manufacturing Technologies Alliance, and a non-executive director of the High Value Manufacturing Catapult.

National Fire Chiefs' Council

Expert panel recommends further tests on cladding and insulation

7 July 2017

<https://www.nationalfirechiefs.org.uk/News/expert-panel-recommends-further-tests-on-cladding-and-insulation>

Royal Institute of British Architects

RIBA Statement on Design for Fire Safety

Update - 5 July 2017

<https://www.architecture.com/knowledge-and-resources/knowledge-landing-page/riba-statement-on-design-for-fire-safety>

National Housing Federation

National Housing Federation statement on ACM cladding

28 June 2017

<https://www.housing.org.uk/press/press-releases/national-housing-federation-statement-on-acm-cladding/>

4. Parliamentary material

Statements, debates and Urgent Questions

Commons Urgent Question: [Grenfell Tower](#)

To ask the Secretary of State for Housing, Communities and Local Government if he will make a statement on the implications of the withdrawal of the Building Research Establishment's safety test results for insulation materials used on Grenfell Tower.

HC Deb 05 February 2018 | Volume 635 cc1230-

Lords Statement: [Grenfell Tower: Insulation Materials](#)

HL Deb 05 February 2018 | Volume 788 cc1850-

Written statement: [Update on Building Safety Programme](#)

Earlier this year, the Home Secretary and I asked Dame Judith Hackitt to carry out an Independent Review of Building Regulations and Fire Safety. I am pleased to inform the House that Dame Judith has published her Interim Report today. It is available at: www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-interim-report and copies are being placed in the Libraries of both Houses.

The publication of Dame Judith's Interim Report is an important milestone. The Home Secretary and I welcome the report, its findings, and the extensive engagement Dame Judith has carried out with industry, residents, building control bodies, fire and rescue services, government and other key partners.

It is my intention to update the House further regarding the publication of this report in an oral statement this afternoon.

This Interim report provides a strong foundation for the next phase of the Review. We will continue work with Dame Judith and other partners over the coming months as she finalises her recommendations and I look forward to updating the House on Dame Judith's Final Report in the Spring.

HC Deb 18 December 2017 | HCWS359

[Grenfell Tower](#)

Urgent question on Government action following the Grenfell Tower fire.

HC Deb 19 October 2017 | Vol 629 cc992-1004

Written statement: [Grenfell Tower Inquiry Terms of Reference](#)

On 15 August 2017, I announced the formal setting up of a public inquiry into the Grenfell Tower fire, to be chaired by Sir Martin Moore-Bick, and its terms of reference. This followed Sir Martin Moore-Bick's letter to me of 10 August, which advised me of the outcome of the public consultation on the scope of the terms of reference, and his recommendations. I was happy to accept Sir Martin's recommendations without amendment.

The Inquiry's full terms of reference are:

(i) to examine the circumstances surrounding the fire at Grenfell Tower on 14 June 2017, including

- (a) the immediate cause or causes of the fire and the means by which it spread to the whole of the building;
- (b) the design and construction of the building and the decisions relating to its modification, refurbishment and management;
- (c) the scope and adequacy of building regulations, fire regulations and other legislation, guidance and industry practice relating to the design, construction, equipping and management of high-rise residential buildings;
- (d) whether such regulations, legislation, guidance and industry practice were complied with in the case of Grenfell Tower and the fire safety measures adopted in relation to it;
- (e) the arrangements made by the local authority or other responsible bodies for receiving and acting upon information either obtained from local residents or available from other sources (including information derived from fires in other buildings) relating to the risk of fire at Grenfell Tower, and the action taken in response to such information;
- (f) the fire prevention and fire safety measures in place at Grenfell Tower on 14 June 2017;
- (g) the response of the London Fire Brigade to the fire; and
- (h) the response of central and local government in the days immediately following the fire;

and

(ii) to report its findings to the Prime Minister as soon as possible and to make recommendations.

Sir Martin has said that he is considering appointing assessors to assist him in his task. He considers it likely that he shall wish to appoint a diverse group of people whose experience extends to the occupation and management of social housing and the administration of local government more generally, as well as to matters of a more technical scientific nature. He also states that at a later stage, he may also wish to appoint others to assist on particular aspects of the investigation. He will

make his decisions public in due course. I have not appointed any other members to the Inquiry Panel at this stage. However, the Inquiries Act 2005 allows for appointments to be made, with the consent of Sir Martin, during the course of the Inquiry. This enables the composition of the Inquiry Panel to be kept under review.

My exchange of correspondence with Sir Martin is in the Library of the House.

Sir Martin is holding a preliminary hearing later today where he will set out further detail on how he intends on conducting the Inquiry.

In addition to the work of the Inquiry, my Rt. Hon. Friend the Secretary of State for Communities and Local Government has already announced an Independent Review into Building Regulations and Fire Safety, led by Dame Judith Hackitt. This will urgently assess the effectiveness of current building and fire safety regulations and related compliance and enforcement issues, with a focus on multi occupancy high rise residential buildings. The Review will co-operate fully with the Inquiry. Sir Martin has set out his reasons for not looking into the broader social housing issues but, as he said in his letter, they should not be ignored and I am determined that these important questions are not left unanswered. As a first step, I have asked my Hon. Friend the Housing Minister (Alok Sharma) to personally meet and hear from as many social tenants as possible, as well as other residents of social housing estates, both in the immediate area around Grenfell Tower and across the country. The Housing Minister has already met a number of representative groups and will continue meet tenants during October and November.

HC Deb 14 Sep 2017 | HCWS135

[Grenfell Tower and Building Safety](#)

Statement on the latest progress following the tragic fire at Grenfell Tower 12 weeks ago.

HC Deb 05 September 2017 | Vol 628 cc68-82

[Grenfell Tower](#)

Statement on Grenfell Tower and fire safety.

HC Deb 20 July 2017 | Vol 627 cc1020-1032

Notes: Statement corrected on [5 September 2017 at 628 c2MC](#).

[Building Safety](#)

HC Deb 18 July 2017 | HCWS69

[Grenfell Tower Fire/Fire Safety](#)

Statement on the Government's response to the Grenfell Tower tragedy and safety inspections of cladding in other buildings.

HC Deb 26 June 2017 | Vol 626 cc346-364

PQs

[Grenfell Tower](#)

Asked by: Lord Stunell

My Lords, there are 160 other high-rise blocks of social housing with this cladding, where residents—and tenants in particular—face a difficult choice. Either the cladding comes off and they face frost and damp or it stays on and they have the risk of fire. What is the timetable for issuing clear advice on what replacement cladding should be used? In the meantime, what support can the Government give to tenants and residents who face increased heating bills because of the taking off of that insulation?

Answered by: Lord Bourne of Aberystwyth

My Lords, the most important thing, as the noble Lord will appreciate, is the safety of tenants and others in those buildings, and that is the Government's prime concern. Work is progressing on those blocks, as he identified, and also in the private sector—it is not just social housing and it is important that we press ahead in both areas. Safety is the watchword. If the noble Lord is aware of people who have particular problems with heating, I encourage him to tell them to get in touch with the local authority in the first instance to see what can be done.

HL Deb 27 February 2018 | Vol 789 c582

[High Rise Flats: Fire Prevention](#)

Asked by: Pollard, Luke

To ask the Secretary of State for Housing, Communities and Local Government, what estimate he has made of the cost to the public purse of recladding tower blocks that have combustible cladding in England.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

The cost of recladding a tower block varies significantly depending on the individual characteristics of the building.

My Department has made clear that it considers that building owners should take responsibility for funding fire safety measures including replacement of dangerous cladding. Government will consider financial flexibilities for local authorities who need to undertake essential fire safety work to make a building safe.

HC Deb 27 February 2018 | PQ 127874

[High Rise Flats: Fire Prevention](#)**Asked by: Betts, Mr Clive**

To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 29 January to Question 124261, and with reference to paragraph 12.6 and Diagram 40 of Approved Document B, whether (a) class 0 (national class) and (b) class B-s3, d2 must be composed only of materials that are of limited combustibility.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

Paragraph 12.6 of Approved Document B, which references diagram 40, refers to Class 0 (national class) and class B-s3, d2 (European class). These are different classes to those referenced in table A7 (Appendix A) as required by paragraph 12.7 for insulation products, filler materials etc to be of limited combustibility for buildings over 18 metres.

HC Deb 22 February 2018 | PQ 128437[High Rise Flats: Fire Prevention](#)**Asked by: Betts, Mr Clive**

To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 29 January to Question 124261, and with reference to paragraph 12.6 and Diagram 40 of Approved Document B, whether materials that are not of limited combustibility are permitted on the external wall surface of a building with a storey of 18 metres or more above ground level.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

Guidance in paragraph 12.6 of Approved Document B, which references diagram 40, states that the external surface of a wall should meet Class 0 (British Class) or class B – s3, d2 (European class) or better. This is a different requirement from that in paragraph 12.7 which refers to insulation products, filler materials etc being of limited combustibility for buildings over 18 metres. External wall construction must meet both of these requirements, unless they have met the performance criteria set out in BRE 135 using full scale test data from a BS 8414 test.

HC Deb 22 February 2018 | PQ 128436[High Rise Flats: Fire Prevention](#)**Asked by: Reed, Mr Steve**

To ask the Secretary of State for Housing, Communities and Local Government, whether the use of aluminium composite materials with a polyethylene core is suitable for cladding on high-rise tower blocks under Approved Document B.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

The Government's view is that aluminium composite material cladding with a polyethylene core would not be in accordance with the Building Regulations 2010, Schedule 1 requirement B4(1), or the requirements in Building Regulations guidance, set out in paragraph 12.7 of Volume 2 of Approved Document B, that insulation products and filler material used in external wall construction should be of limited combustibility for buildings over 18 metres in height.

HC Deb 20 February 2018 | PQ 127316

[Housing: Insulation](#)

Asked by: Reed, Mr Steve

To ask the Secretary of State for Housing, Communities and Local Government, if he will update Approved Document B to make clear that cladding must be of limited combustibility.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

We are working with industry experts to complete work to clarify the approved documents on fire safety and this will include the guidance on external wall construction. This will then be the subject of a full public consultation.

The current guidance already makes it clear that materials of limited combustibility should be used or the proposed wall construction should adequately resist the spread of fire in accordance with British Standard 8414. This is why the Government commissioned a series of BS 8414 tests showing which combinations of materials could present a risk to public safety.

HC Deb 20 February 2018 | PQ 127211

[Housing: Insulation](#)

Asked by: Reed, Mr Steve

To ask the Secretary of State for Housing, Communities and Local Government, with reference to Approved Document B, whether paragraph 12.6 of that document sets a different standard for cladding combustibility than paragraph 12.7.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

No. Paragraphs 12.5 to 12.9 of Approved Document B give guidance on external wall construction. This guidance must be read in full and in the context of meeting requirement B4(1) of the Building Regulations 2010, which says that the external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

HC Deb 20 February 2018 | PQ 127210[High Rise Flats: Fire Prevention](#)**Asked by: Baroness Jones of Moulsecoomb**

To ask Her Majesty's Government whether, once the Independent Review of Building Regulations and Fire Safety is complete, they intend to offer advice to local authorities regarding legal action being taken against those building firms and their sub-contractors that did not ensure compliance with building regulations and fire safety provisions in relation to the cladding of high-rise buildings.

Answering member: Lord Bourne of Aberystwyth | Department: Ministry of Housing, Communities and Local Government

Under provisions in the Building Act (1984) it is for local authorities to decide when a prosecution for non-compliance with the requirements in the Building Regulations would be appropriate.

HL Deb 08 February 2018 | PQ HL5159[High Rise Flats: Fire Prevention](#)**Asked by: Lord Hylton**

To ask Her Majesty's Government whether they plan to use the HM Treasury central contingencies fund to meet the costs of removing and replacing dangerous cladding on tower blocks in England.

Answering member: Lord Bourne of Aberystwyth | Department: Ministry of Housing, Communities and Local Government

My Department has made clear that it considers that building owners are responsible for funding fire safety measures including replacement of dangerous cladding. Government will consider financial flexibilities for local authorities who need to undertake essential fire safety work to make a building safe. Housing associations that are concerned about their ability to meet these costs should contact the social housing regulator.

HL Deb 07 February 2018 | PQ HL5230[High Rise Flats: Insulation](#)**Asked by: Lord Kennedy of Southwark**

To ask Her Majesty's Government how much money they have paid to local authorities since the Grenfell Tower fire to help with the recladding of tower blocks.

Answering member: Lord Bourne of Aberystwyth | Department: Ministry of Housing, Communities and Local Government

We have provided financial support to local authorities for data collection and reporting on cladding on high rise private residential

buildings. The total amount transferred to local authorities was £289,000.

The government will also consider financial flexibilities for local authorities to undertake essential fire safety work to make buildings safe. We have not turned down any requests for such flexibilities.

Building owners are responsible for funding fire safety measures.

HL Deb 07 February 2018 | PQ HL5113

[Flats: Safety](#)

Asked by: Lord Beecham

To ask Her Majesty's Government what steps, if any, they plan to take to protect leaseholders from being required by freeholders to pay excessively large sums for remedial work to ensure the safety of multi-storey housing accommodation.

Answering member: Lord Bourne of Aberystwyth | Department: Ministry of Housing, Communities and Local Government

The Secretary of State announced on 4 December that the department is providing additional funding to the Leasehold Advisory Service (LEASE), an arm's length body which provides free initial legal advice to leaseholders, to advise on fire safety issues.

Just as social landlords are not seeking to pass on costs for cladding remediation, in the private sector we believe that the morally right thing to do is for landlords to not pass these costs onto leaseholders.

The Department is keeping the situation under review.

HL Deb 05 February 2018 | PQ HL4910

[High Rise Flats: Fire Prevention](#)

Asked by: Betts, Mr Clive

To ask the Secretary of State for Housing, Communities and Local Government, how many times which materials have failed the 8414 large-scale tests conducted by the Building Research Establishment in the last 5 years; and of those materials that failed such tests what information his Department holds on how many buildings there are that are clad in those materials.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

Results of commercially sponsored tests carried out by independent test laboratories are not held centrally. The Department regularly publishes data on the Building Safety Programme. The latest data release was published on 22 January 2018 and is available at:

<https://www.gov.uk/government/publications/building-safety-programme-monthly-data-release-january-2018>.

HC Deb 05 February 2018 | PQ 124262[High Rise Flats: Fire Prevention](#)**Asked by: Healey, John**

To ask the Secretary of State for Housing, Communities and Local Government, with reference to the local authorities' review of high-rise residential buildings with dangerous cladding in their areas, which local authorities have (a) completed and (b) not completed that review.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

Local authorities and housing associations in England have identified all Aluminium Composite Material (ACM) clad social housing over 18 metres in England and have informed the government that the necessary interim safety measures are in place to keep all residents safe.

Local authorities are continuing to work with building owners to determine the cladding on private sector high-rise buildings and the latest data release has been published on Gov.uk. the data is available at the following link:

<https://www.gov.uk/guidance/building-safety-programme#data-on-the-building-safety-programme>

HC Deb 30 January 2018 | PQ 124167[High Rise Flats: Fire Prevention](#)**Asked by: Betts, Mr Clive**

To ask the Secretary of State for Housing, Communities and Local Government, if he will publish the report produced by Atkins for his Department's industry response group on advice to building owners on cladding and insulation systems in tower blocks.

Answering member: Dominic Raab | Department: Ministry of Housing, Communities and Local Government

The government established an Industry Response Group in June 2017, following the Grenfell Tower Fire, to advise on immediate steps to ensure building safety. Working with Atkins and the Industry Response Group, the Department produced an Information Note to assist building owners to assess what measures should be taken to make their buildings safe. This Information Note was published by the Department in December 2017 and can be found on gov.uk.

<https://www.gov.uk/government/publications/information-note-for-landlords-and-building-owners-of-tall-residential-buildings-with-acm-cladding>

HC Deb 25 January 2018 | PQ 124148

[Remedial Fire Safety Work](#)

Laura Pidcock

How much Government funding has been allocated to local authorities for remedial fire safety work as a result of the Grenfell Tower fire.

The Secretary of State for Housing, Communities and Local Government (Sajid Javid)

The Government will consider providing financial flexibilities for local authorities to undertake essential fire safety work to make buildings safe. We have not turned down any requests for such flexibilities. Separately, we have provided funding to local authorities for the collection of data on private buildings.

Laura Pidcock

Before Christmas, the former Housing Minister, the hon. Member for Reading West (Alok Sharma), revealed that 36 local authorities had contacted the Department about work to secure fire safety in tower blocks, but none of them have received any financial help so far—why not?

Sajid Javid

Let me update the hon. Lady. My records show that the number of authorities is still 36. We have requested further information from 10 of them, and four have provided it. As I said a moment ago, however, we are ready to provide any local authority with whatever financial flexibilities are necessary to ensure that all essential fire safety work is done.

Andy Slaughter

How are local authorities or other landlords to know what steps to take to ensure that there is adequate fire protection when the relevant building regulations are 11 years old and no review of them has yet commenced?

Sajid Javid

Perhaps the hon. Gentleman was not in Parliament last year when the Home Secretary and I asked for an independent review of all building regulations by Dame Judith Hackitt. Just a few weeks ago, in the House, I presented the findings of her interim report, the recommendations of which we accepted in full.

James Gray

Grenfell Tower is seared in all our memories, and of course we must do whatever we can. I very much agree with what was said by the hon. Member for North West Durham (Laura Pidcock)—I hope I can call her my hon. Friend—but am I not right in thinking that if a local authority runs out of funds for fire protection measures, a trigger mechanism allows them to spend more, beyond their normal restraints?

Sajid Javid

First, I can tell my hon. Friend that I am not sure that the hon. Member for North West Durham (Laura Pidcock) is his hon. Friend. As for his question, mechanisms do exist, and we have gone further by saying to local authorities that if there are certain flexibilities that they need, they should contact us, and those flexibilities will be provided.

John Healey

My hon. Friends the Members for Denton and Reddish (Andrew Gwynne), for Rochdale (Tony Lloyd) and for Oldham West and Royton (Jim McMahon) are absent to pay tribute and respect to Kieran Quinn, whose funeral is taking place this afternoon. He was the leader of Tameside Council, which was council of the year in 2016. Our thoughts and condolences are with his family and friends today.

I welcome the new ministerial faces to the Department with a new name, but what the country really needs are new policies to fix the growing housing crisis. More than seven months on from the Grenfell Tower tragedy, how many tower blocks with the same dangerous cladding have had that cladding taken down and replaced?

Sajid Javid

I join the right hon. Gentleman in extending my condolences to Kieran Quinn's family and friends on what will certainly be a very difficult day for all of them.

According to my figures, which I think are accurate up to 10 January, 312 buildings have been tested, of which 299 have not passed the test. The cladding on a number of buildings has started to come down and is slowly being replaced. We are anxious to ensure that there is enough capacity in the industry to meet the extra demand that it is now experiencing, and we are working on that with both the industry and my right hon. Friend the Business Secretary.

John Healey

I wonder whether the Secretary of State has read the update that his Department issued this morning. The number of tower blocks with the same dangerous flammable cladding that has been taken down and replaced—more than seven months on from Grenfell Tower—is three. How has it come to this? Seven months on from Grenfell, only one in four families who are Grenfell survivors has a new permanent home. The Government still cannot confirm how many other tower blocks across the country are unsafe. Ministers still refuse to help to fund essential fire safety work when they know that blocks are dangerous. The Secretary of State is sitting back and letting individual flat owners, rather than landlords and developers, pick up the full costs for private tower blocks. The Secretary of State must know that that is not good enough. What new action will he take to sort out these serious problems?

Sajid Javid

The right hon. Gentleman will know, because he shares this view, that the No. 1 priority for buildings safety following the Grenfell Tower

tragedy is to ensure that anyone living in any tower that might have similar cladding feels completely safe and that those buildings are properly tested. If anything is found before that cladding can be taken down and replaced, which will of course take time, we must ensure that adequate measures such as 24/7 fire wardens are put in place, on the advice of the local fire and rescue service. That is exactly what has been done in every single case. The right hon. Gentleman also asked about private sector tower blocks and the cost of any remedial work that is needed. I have made it clear in the House and since our last oral questions that, just as social landlords are picking up the tab for those changes, and whatever the legal case might be in the event of a private relationship, the moral case is clear: the tab should be picked up by the freeholders of those properties.

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5. Useful links and further reading

Independent Review of Building Regulations and Fire Safety: interim report Interim report which was commissioned by government following the Grenfell Tower fire to make recommendations on the future regulatory system. 18 December 2017

<https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-interim-report>

MHCLG *Building Safety Programme*: A co-ordinated national response to the fire at Grenfell Tower.

<https://www.gov.uk/guidance/building-safety-programme>

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