



Government response to the Housing,
Communities and Local Government
Select Committee report 'Building regulations
and fire safety: consultation response and
connected issues'



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Presented to Parliament
by the Secretary of State for
Housing, Communities and Local Government
by Command of Her Majesty

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Introduction

The Government welcomes the Housing, Communities and Local Government Committee's report 'Building regulations and fire safety: consultation response and connected issues' [HC2546] published on 18 July 2019.

We thank the committee for its valuable scrutiny of the Government's work to reform the building regulations and remediate buildings with dangerous cladding. The Government notes the conclusions of the Committee and we have set out our progress to date and response to the recommendations below.

The Government is committed to making lasting change, but recognises that bringing about successful, fundamental, real-world change on this scale, and across a complex market and regulatory landscape, will take time.

The Government recognised that the Grenfell Tower fire was a tragedy that required immediate action, and we have:

- Established the Building Safety Programme to identify safety issues and support building owners in mitigating and remediating risks, and to diagnose and address faults in the building and fire safety regulatory system;
- Supported the distinct Police Investigation and Public Inquiry into the Grenfell Tower fire; and
- Provided ongoing support to the community and those affected and to the Royal Borough of Kensington and Chelsea in leading the local recovery effort.

Progress to date

Support for the Grenfell community

The Grenfell Tower fire was an unprecedented tragedy – the Government is committed to doing all we can to prevent a repeat of this horrific event and to ensure that all those affected by the Grenfell Tower tragedy get the help and support they need to recover and rebuild their lives.

The Government has committed over £150 million to support the community following the Grenfell Tower fire. This includes over £89 million which has already been spent and an additional £61 million which has been committed. Amongst other things, the funds support rehousing costs, new mental health services, investment in the Lancaster West estate, and a new community space. In addition, NHS England will provide up to £50 million to fund long-term mental and physical health checks and treatment for those affected by the Grenfell Tower fire.

On 15 July 2019 the Government took ownership of the Grenfell Tower site until its long-term future has been determined by the community. The Government will now make operational decisions, such as on the site's safety and security. No decisions about the future of the site have yet been made, but the Government has committed to ensuring the bereaved, survivors and community will lead decision-making regarding a fitting and lasting memorial.

The Government put in place the Independent Recovery Taskforce to provide support and challenge to the Royal Borough of Kensington and Chelsea in their response to the Grenfell Tower tragedy, including rehousing, as well as provide assurance to Government. Their fourth report was published on 17 July 2019.

The Minister for Grenfell Victims continues in his work to support the Grenfell community and ensure they have a voice within Government.

Identification and remediation of risk in existing buildings

After the fire, we worked quickly with relevant authorities and building owners to identify and support the remediation of buildings with unsafe aluminium composite material (ACM) cladding on residential buildings over 18 metres in height. This work has been supported by local fire and rescue services who ensure that interim safety measures are in place in all buildings, until the cladding has been removed and replaced.

To speed up remediation work and protect residents we have provided up to £400 million to remediate buildings with unsafe ACM in the social sector and a £200 million fund for the private sector. We have also increased our support for local enforcement where building owners are failing to act, with stronger guidance and the establishment of a Joint Inspection Team to offer expert advice to local authorities. As of 12 September, eligible private sector building owners are able formally to submit their applications for funding for ACM removal and replacement. They have until the end of December to apply. There is no excuse for building owners to delay – the Secretary of State has been clear that we will name and shame individuals and businesses if we see inaction during the autumn.

We are also addressing other safety issues and concerns that have come to light by diagnosing problems and identifying solutions to make buildings safe. This includes intervention in the market to ensure that safety materials are marked correctly and removed when evidenced to be unsafe, and providing advice to building owners and others on the steps they should take to address identified risks, including on the performance of fire doors and other (non-ACM) types of cladding.

We have commissioned research and testing to support the understanding of the fire performance of ACM and non-ACM external wall systems, and of fire doors, and the results of this programme informs the advice notes produced by the Independent Expert Advisory Panel and published by the department. Subject to further advice from the Independent Expert Advisory Panel we expect this programme of research and testing to conclude during the Autumn this year, with results published at this stage.

The Government is working with the National Fire Chiefs Council and the Local Government Association to establish a new Protection Board, which will provide expert and consistent inspections across the country to ensure we are identifying, managing and properly recording risks to make sure building owners are acting on the very latest safety advice. The Board will be responsible for developing a work programme to significantly increase the pace of inspection activity across high rise residential buildings by initially concentrating on known buildings with ACM cladding and then progressing to ensure all other high-risk buildings have been inspected or assured no later than 2021. Government has committed to providing £10 million per year of additional funding to local authorities next year to help them improve their inspection capabilities and support the work of the Protection Board. £4 million has also been provided to support local authorities to collect further data regarding non-ACM clad buildings.

Fixing the system

In July 2017, the then Housing and Communities Secretary and the then Home Secretary commissioned an Independent Review of Building Regulations and Fire Safety, led by Dame Judith Hackitt. As the Committee has heard directly from Dame Judith, her review found that the key issues underpinning the system failure included ignorance, with regulations and guidance

being misunderstood and misinterpreted; indifference that resulted in a failure to prioritise safety and residents' concerns being ignored; a lack of clarity on roles and responsibilities; and inadequate regulatory oversight and enforcement tools. Our Implementation Plan, published on 18 December 2018, summarised the work that had already been undertaken to make existing buildings safe and to kick-start system reform, as well as stating what we intend to do to fundamentally reform the building safety system. Our consultation over the Summer, 'Building a Safer Future: proposals for reform of the building safety regulatory system' builds on and sets out how we intend to take forward all of the recommendations from the independent review. We will respond to the consultation by the end of the year and intend to bring forward legislation at the earliest opportunity.

Whilst we drive forward this fundamental change programme that will put residents at the heart of the system and bring about lasting change with greater oversight by regulators, we are continuing to make real time system improvements.

We have introduced a ban on combustibles materials on residential buildings over 18m in height and some other buildings, further restricted the use of desktop studies, and published a clarified version of the building regulations fire safety guidance (Approved Document B) to improve understanding and avoid misinterpretation of fire safety requirements.

We have also held a call for evidence to inform a wider review of the fire safety requirements set out in Approved Document B and, as a first step in response to that, have launched a consultation on proposals to widen the requirement for sprinklers in new blocks of flats and to improve signage and alarm systems to aid fire-fighting operations.

We are working with the construction industry and regulators to drive early delivery on improving industry competence and behaviour. The Early Adopters Scheme has been encouraging industry to step up and do the right thing by taking voluntary, early action to make buildings safer. They have launched a Building Safety Charter as a step towards spearheading cultural and behavioural change across the construction industry; the Charter consists of five pledges which demonstrate the commitment to putting building safety first, ahead of all other priorities.

In addition, we have established a Joint Regulators Group to develop and pilot new approaches and assist with the transition to a new regulatory framework that will result in greater accountability, robust oversight and strengthened sanctions. We will take decisions on the regulator's long-term functions and structure during the autumn.

Responses to Recommendations

The pace of change since the Grenfell tower fire:

The Government must pick up the pace of reform, before it is too late, and we have another tragedy on the scale of Grenfell Tower. (HC 2546: Paragraph 10)

We appreciate the view of the Committee and are determined that the changes we make are effective and lasting. Dame Judith Hackitt's 'Independent Review of Building Regulations and Fire Safety: Final Report' recognised that we need to adopt a very different approach to the regulatory framework covering the design, construction and maintenance of high-rise residential buildings, which recognises that they are complex systems where the actions of many different people can compromise the integrity of that system.

As outlined in our introduction on progress to date, we are not waiting for legislation to act and have taken steps to fix existing problems, trial new approaches and encourage industry to lead the necessary culture change.

Our consultation, 'Building a Safer Future: proposals for reform of the building safety regulatory system', closed on 31 July 2019. It outlines how we propose to implement meaningful legislative reform and invites views on the proposed changes. Implementation will move us to a proactive system where developers and building owners take responsibility for ensuring that residents are safe. At its heart is the concept of the safety case, which provides assurance through the full life-cycle of a building and will be overseen by a new regulatory body with stronger enforcement powers. To make change on this scale across a complex market and regulatory landscape will take time.

The Government has already shown its acceptance of the need for some prescription, having implemented a ban on combustible cladding and insulation. It should now go further and require the installation of sprinkler systems in new and existing high-rise and high-risk buildings, including residential buildings, student accommodation and hospitals, where structurally feasible. (HC 2546: Paragraph 15)

On 18 December 2018 we announced a full technical review of aspects of fire safety in building regulations fire safety guidance.

We completed a call for evidence on 15 March 2019 which was the first step in the technical review of Approved Document B. It set the agenda, terms of reference and programme for the review and to identify what research may be needed to inform the review.

On 5 September 2019 we published the analysis and high-level summary of responses received to this Call for Evidence on the future technical guidance contained within Approved Document B. This is available at:

[ADB call for evidence and analysis¹](#)

The provision of sprinklers was identified for consideration and inclusion in the technical review and our call for evidence asked for evidence and views on whether the rules should be changed to require sprinkler provision in a wider range of new buildings; specifically whether the current trigger heights for sprinklers should be changed for high rise residential buildings in particular.

We are committing to moving forward with fuller consideration of the options for reducing the height threshold at which sprinkler systems would be required from the current requirement of 30 metres to a lower height threshold for new high-rise blocks of flats. The consultation proposes reducing the height threshold to 18 metres, but asks for any evidence for other height thresholds. Decisions will be made based on evidence.

The consultation also proposes requirements for wayfinding signage and evacuation alert systems for Fire and Rescue Services in new blocks of flats. The consultation will close on 28 November 2019 and is available at.

[Sprinklers and other fire safety measures in new high rise blocks of flats²](#)

The Government should set a realistic, but short, deadline by which time all buildings with any form of dangerous cladding should be fully remediated and indicate when this will be. Government policies and funding mechanisms should work to meet this deadline, while sanctions should follow for building owners who fail to make their buildings safe within a reasonable timeframe. (HC 2546: Paragraph 18)

¹ <https://www.gov.uk/government/consultations/technical-review-of-approved-document-b-of-the-building-regulations-a-call-for-evidence>
² <https://www.gov.uk/government/consultations/sprinklers-and-other-fire-safety-measures-in-new-high-rise-blocks-of-flats>

ACM cladding poses an unparalleled fire risk and the Government has worked intensively since the tragedy at Grenfell Tower to ensure that unsafe ACM cladding is replaced without delay.

Progress has been made. At the end of September 2019, 90% of social sector residential buildings and 20% of private sector residential buildings with unsafe ACM cladding had started or completed remediation.

In the social sector, the Government expects that, other than in a small handful of exceptional cases, remediation will be completed by the end of 2019.

To accelerate progress on private sector residential buildings, the Government announced a £200 million fund in May 2019.

A detailed funding prospectus was published in July to help building owners prepare funding applications and, as of 12 September, eligible private sector building owners can formally submit their applications for funding for ACM removal and replacement. They have until the end of December to apply, unless there are exceptional circumstances. We are in contact with a responsible entity in the UK for every relevant building and there is no excuse for building owners to delay.

The Secretary of State has been clear that we will name and shame individuals and businesses if we see inaction during the autumn. Additionally, the department will support local authorities to take robust enforcement action against reluctant building owners, and we have asked the joint inspection team will provide them with all necessary advice.

While we await the publication of the full application guidance, it will need to provide greater clarity on the scope of the funding. In particular, the fund must be flexible enough to cover all ancillary costs associated with remedial works—such as building surveys—and the reasonable costs of any additional essential works that become apparent after remediation has begun. The benefits of the fund would be diminished if high costs were anyway passed on to leaseholders, or if building owners and managing agents refused to participate in the scheme because of perceived financial risks to themselves. (HC 2546: Paragraph 35)

The Government should clarify that it is the building owner, the freeholder, who should retain full responsibility for remedial works that are to be paid under the Government's scheme. (HC 2546: Paragraph 38)

The Government should confirm that the costs of replacing combustible insulation will also be covered by this fund. (HC 2546: Paragraph 40)

The fund will cover works directly related to the replacement of unsafe ACM cladding systems. The Government published the full application guidance for the private sector remediation fund in July 2019, which provides detail on the costs that are covered by the fund and who can make applications for funding.

[Private sector ACM cladding fund guidance³](#)

As of 12 September, eligible private sector building owners can formally submit their applications for funding for ACM removal and replacement. We expect applications to be submitted by December 2019, unless there are exceptional circumstances.

³ <https://www.gov.uk/government/publications/private-sector-acm-cladding-fund-state-aid-guidance-and-declaration>

The costs of replacing all unsafe cladding should be established and the Treasury should provide this funding to the Ministry of Housing, Communities and Local Government to fully cover the costs of remediating buildings with unsafe cladding. (HC 2546: Paragraph 33)

The Government should, therefore, immediately extend its fund to cover the removal and replacement of any form of combustible cladding from a high-rise or high-risk building. (HC 2546: Paragraph 47)

Government intervention to provide funding for the removal of unsafe ACM cladding is wholly exceptional. The Government sought expert advice, which together with our own testing programme, highlighted the unparalleled fire risk posed by ACM cladding as an accelerant of fire. The Government is clear that the type of ACM cladding believed to be on Grenfell Tower, and present on other high-rise buildings, is not safe, did not comply with Building Regulations and should not have been put up.

Non-ACM cladding systems which are not directly related to the remediation of ACM cladding systems will therefore not be part of the fund. The government has consistently made clear that building safety is the responsibility of the building owner and we have, through the Independent Expert Advisory Panel, provided clear advice on the steps building owners should take to ensure the safety of non-ACM cladding systems.

The Government must publish the results of its testing process and release full details of all past test results of non-ACM cladding. Residents have the right to know whether the buildings they live in are safe or require urgent remediation. (HC 2546: Paragraph 23)

Building Regulations require that external walls should adequately resist the spread of fire. We continue to update advice notes to building owners with guidance that is endorsed by the Independent Expert Advisory Panel in response to safety concerns.

These advice notes issued from the Independent Expert Advisory Panel to building owners reiterate that the clearest way to ensure safety is to remove unsafe materials.

[Advice Note 14: non-ACM wall systems⁴](#) was published on 11 December 2017 (and updated on 18 December 2018) is for the attention of anyone responsible for, or advising on, the fire safety of external wall systems of residential buildings 18m or above in height. It addresses concerns about the fire safety implications of such systems that do not incorporate Aluminium Composite Material.

To complement this advice, the Building Research Establishment has, at Government's request and with the permission of its commercial customers, published the results of past BS8414 tests where the wall systems have met the BR135 criteria set out in the building regulations guidance.

Government has also commissioned a programme of medium scale tests on non-ACM materials, these were identified on the basis of the advice of an independent project steering group. This programme compliments other research and testing commissioned by Government.

The Building Research Establishment (BRE) research programme into Non-ACM materials is being undertaken to determine whether there are materials which may have unexpected fire behaviours which are not recorded through standard fire classifications. The contract details can be found:

[BRE fire performance of cladding materials contract⁵](#)

4 <https://www.gov.uk/government/publications/advice-for-building-owners-external-wall-systems-that-do-not-incorporate-acm>
5 <https://www.contractsfinder.service.gov.uk/Notice/88ccc1d7-608b-4631-957b-0e9490abf05d?p=@QxUIRRPT0=NjJNT08=UF>

Until the research programme is completed it would be premature to speculate on individual outcomes, the full picture of outcomes from the tests can only be provided following a detailed analysis of all the test data.

The approach fulfils the need for a full and open investigation burning behaviour which goes beyond a simple pass/fail criteria and limitations of the standard metrics. Preliminary testing concluded in the Summer and it is now in analysis phase and results will be published in the Autumn.

Alongside this, we have completed a single large-scale BS 8414 test (the same type of test as the series we commissioned on ACM wall systems in the Summer of 2017) on a Class B High Pressure Laminate (HPL) panel on 11 July 2019; the details of the test report and classification of the system have been published and are available online:

[Fire-test-report⁶](#)

Based on the information in this test, the Independent Expert Advisory Panel also issued an advice note on HPL used in an external wall system to building owners which is available at:

[Advice Note 22: Use of HPL Panels in external wall systems⁷](#)

If any tests conducted through our programme of work suggest an immediate public safety concern, the Government will consult the Independent Expert Advisory Panel urgently, consider appropriate action, and inform the House and public accordingly.

Public safety is paramount, and the Government monitors the outcomes of the individual tests closely as they proceed.

The Government should urgently implement a programme to provide comprehensive public health services to survivors of the Grenfell Tower fire and the local community. (HC 2546: Paragraph 56)

As the HCLG Select Committee report references, £50m in additional funding has been made available over the next five years to fund a comprehensive range of new NHS services that have been introduced since the fire, responding to the specific needs of the survivors, bereaved and the community. This has included, for example, extended GP appointments and enhanced health checks for all those who have been affected by the tragedy; staff from the Central and North West London NHS Foundation Trust embedded within the Dedicated Service for the bereaved and survivors; and the Grenfell Health and Wellbeing Service, codesigned by local residents. The additional funding will also allow the NHS to plan for the long term and identify and support emerging or new health needs.

The NHS continues to have discussions with survivor and bereaved groups on what further services they may need, including access to specialist services, on-going emotional and mental health needs. The enhanced health checks for survivors are tailored to their needs and include spirometry testing and respiratory assessments. There is also long term monitoring of respiratory health for adults, children and young people who were in the Tower at the time of the fire who will be offered annual appointments with a specialist Respiratory Consultant or, for children and young people, a Paediatric Consultant.

The enhanced health checks aim to detect the early signs of health problems, underlying

⁶ <https://www.gov.uk/government/publications/fire-test-report-mhclg-bs-8414-hpl>

⁷ <https://www.gov.uk/government/publications/advice-for-owners-of-residential-buildings-with-hpl-systems>

conditions, or monitor long-term or existing conditions. Patients from the local community can also be referred to specialist services including the specialist respiratory clinic provided by Imperial College Hospital NHS Trust.

We understand that some in the community wish to see physical testing for toxins. Human biomonitoring is not a blanket test that reveals every type of pollutant that may be present in the body. In order to carry out the monitoring, there is a need to have identified the specific pollutant or set of pollutants to test for, and therefore clear evidence that people may have been exposed to high levels of a specific pollutant that could be a risk to health. The ongoing programme of soil testing – in addition to air quality monitoring that has been in place since the fire - seeks to establish exposure and the consequent risk to health from any environmental contamination. This will enable the NHS to respond and adapt their services, should new evidence emerge.

Response to the consultation

As we have noted earlier in this report, the pace of change in the sector has already been far too slow, and the Government should be ambitious with the scope of the new regime from the outset, setting out timescales to bring different types of buildings within scope. (HC 2546: Paragraph 66)

The Government should clarify that it is the building owner, the freeholder, who should always be the accountable person. Where a freehold has a complex ownership structure, the accountable person should be a board member of the freehold company. (HC 2546: Paragraph 74)

The Government must ensure that new burdens funding is made available where it expects public bodies to take on new responsibilities. (HC 2546: Paragraph 93)

We thank the Committee for its recommendations and will consider these alongside responses to the consultation. It is the department's intention to respond to this consultation by the end of the year and to legislate at the earliest opportunity.

