

Grenfell Tower Inquiry's Phase 1 Report

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House of Commons



Key messages:

- In the two and a half years since the Grenfell Tower fire, councils have worked with the Government to identify dangerous Aluminium Composite Material (ACM) cladding on both social and private housing blocks. The LGA has helped support and coordinate this work.
- We welcome the steps that have been taken to date to address building safety issues to date. The Government has banned combustible materials from new buildings over 18 meters, funded the removal of ACM cladding and has tested several other types of cladding.
- Social housing providers have acted to protect residents. While some private landlords are doing the same, there has been a significant issue with private landlords who are reluctant to act, have attempted to pass charges onto leaseholders or sometimes cannot be identified.
- The fire has raised a number of issues around the safety of buildings and building products and the systems by which both are regulated. The LGA continues to campaign on behalf of its members and their residents to ensure the system is reformed so that an effective and safe system is delivered as soon as possible.
- The LGA is working to ensure that the Government:
 - Acts to protect leaseholders in blocks with non-ACM dangerous cladding from the costs of fixing a problem they are not responsible for.
 - Requires building owners to establish what materials are on their external walls and proactively inform the fire service if they are dangerous.
 - Lowers the height at which sprinklers are required in new residential buildings.
 - Avoids creating a two-tier fire safety system in which buildings under 18 metres are left in a dangerous condition.
 - Fully funds the work of enforcing building safety and fire protection
 - Addresses the historic issues in large panel systems buildings.

Briefing

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Summary of Grenfell Tower Inquiry's Phase 1 Report

The independent inquiry into the Grenfell Tower fire under Sir Martin Moore Bick published its Phase 1 report on Thursday 30 October 2019. The report examines the response to the fire in detail and is critical of London Fire Brigade's (LFB) response, accusing it of institutional failure. The Report praises the efforts of frontline firefighters.

The Report finds that fire started in the kitchen of Flat 16, almost certainly in a fridge-freezer as a result of an unidentified fault. The fire spread through the window or its surround into the cladding system.

The Report concludes that the ACM cladding did not comply with the building regulations and was the major factor in spreading the fire. The combustible insulation and other combustible materials in the cladding system played a part in spreading the fire. One striking element of the report's account is the speed at which a typical kitchen fire developed into a disaster. The original fire was dealt with at a reasonable pace but by the time firefighters tackled it, it was already too late to prevent the fire in the cladding from reaching the roof, from which it spread via molten burning material falling down.

The building then 'suffered a total failure of compartmentation', as smoke and flames re-entered the building from the cladding system. A kitchen fire such as the one which started at Grenfell Tower is not unusual and the block should have been built and refurbished in a manner that did not allow the fire to get out of Flat 16. The report identifies a number of failings in the LFB's response, such as:

- Once the stay put advice was changed, the message that residents' only chance of survival was to leave the building was not consistently conveyed to those trapped.
- Outcomes of firefighters' attempts to reach those trapped were not properly recorded or understood by those despatching firefighters.
- The three emergency services appear to have declared major incidents without telling each other or the Royal Borough of Kensington and Chelsea.
- The Report provides the shocking example of five occupants of Flat 142 who all died. They first called 999 at 01.27. Despite three further calls in the ensuing two hours there is no evidence that anyone was ever sent to that flat from the bridgehead inside the tower. The Report concludes that this was probably not an isolated case, but one representing 'a fundamental failure of command and control'.

The Report's recommendations and the reform of building safety

The LGA believes that the Inquiry should have focussed on the cause of the fire – how a comprehensive failure of the building safety system in England left Grenfell Tower covered in an extremely dangerous material – before conducting a detailed examination of how the LFB coped with a situation it should never had to face.

One consequence of this phasing of the inquiry has been to leave the LFB exposed to all the blame for the terrible events of 14 June 2017, while those who are responsible for the failure of the building safety system have so far not been questioned let alone brought to justice. The LFB is of course right to have accepted the Report and to begin addressing the recommendations it makes that are specific to the LFB.

The Report makes a number of other recommendations that the FRS nationally will need to consider. The National Fire Chiefs' Council is already working to address these recommendations, and this will inform the work the Government is doing supported by the LGA and other stakeholders to reform the system of building safety in England. The detail of the implementation of the Inquiry's recommendations will need to be considered carefully to

ensure that the outcome dovetails with existing work around building safety in the wake of Dame Judith Hackitt's report.

The Queen's Speech

The Queen's Speech announced that a Building Safety Bill and a Fire Safety Bill will be brought before this Parliament. The LGA is continuing to work with the Government to ensure that the Building Safety Bill delivers an effective regulatory system. It is vital that the Bill is not unnecessarily bureaucratic, supports effective enforcement at a local level, and gives local regulators the powers and sanctions they need to drive a necessary culture change. Any reform needs to facilitate close working between the FRS and councils in their capacity as the local housing authority.

The LGA hopes that the Fire Safety Bill will provide an opportunity to address some of the pressing concerns around the safety of existing buildings set out below. The LGA and councils look forward to working with Government on this, but the Bill is likely to impose significant new burdens on FRSs which will require funding.

Dangerous Cladding

It was the presence of flammable ACM cladding that turned the Grenfell Tower fire from a routine call-out to an appalling disaster. Many other socially and privately-owned tower blocks have dangerous cladding systems.

Cladding systems consist of insulation (which sits flush to the original wall) and cladding panels which protect the insulation from weather, with a gap between the cladding and insulation for ventilation (to avoid damp).

Any cladding system can spread fire if the cavity barriers are not properly installed and the danger is increased where flammable insulation is used, as it can emit toxic gases. The LGA first raised the need to consider the risks from non-ACM cladding in September 2017 and called for a ban on combustible cladding on new buildings over 18m, which the Government introduced in December 2018.

Following tests last year, the Government announced that most High Pressure Laminate cladding will need to be removed from high rise blocks. We are still waiting for the results of Government investigations into other potentially dangerous forms of cladding, such as Zinc Composite Material and timber cladding.

Modern methods of construction have been brought into question by fires in buildings under 18m involving timber cladding and balconies and timber frames, including:

- De Pass Gardens, Barking: timber balconies and cladding. The fire destroyed 20 flats and took 15 fire engines 2 hours to bring it under control.
- Richmond House in Worcester Park: destroyed by fire.
- Beechmere Care Home, Cheshire: A timber framed building almost completely destroyed by fire leaving 150 residents homeless, some lost everything. Lives were saved by nearby residents helping people escape before fire brigade arrived.
- The Cube Student Accommodation, Bolton: This building was just under 18 metres, and the cladding and poor access meant that deaths were only avoided due to the effective action of the fire and rescue service.

The LGA also remains concerned that the full extent of risks surrounding large panel system buildings that are nearing the end of their expected life are not fully appreciated.

Remediation

Since the fire councils have worked to make residents safe. All ACM cladding has been removed from council owned blocks. Complications with a Private Finance Initiative (PFI) which owns 9 blocks in Salford have delayed work. Treasury rules prevented the council from

lending money to the PFI, but work is expected to commence this month.

The statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) this month show that, as of 31 December 2019, remediation has finished on 68 and has started on 77 of the 159 social housing blocks with ACM cladding. Of the 197 private sector residential buildings with dangerous ACM cladding, 23 have completed remediation and work has started on 31.

Data collection

At MHCLG's request, councils are collecting data on the cladding systems on all the 11,500 buildings over 18m in England. This is a slow and complex process.

Building owners do not necessarily know what materials are in the cladding systems on their buildings (although they should) and the legal mechanism for requiring them to tell regulators is not as effective as it could be. The LGA has worked with the Government to use the Fire Safety Bill to place an effective requirement on duty holders to ensure they know what is on the external wall of their buildings, and to proactively inform the fire service in cases where the material is dangerous.

Government fund for works on privately owned blocks

The LGA has campaigned for Government to assist leaseholders in privately owned blocks with dangerous cladding since early 2018. In many cases, building owners have been trying to pass the costs of both remediation and interim measures onto leaseholders under the terms of their lease. We are not aware of any successful legal challenge to this.

Leaseholders are not to blame for the failings that have led to flammable cladding being placed on blocks and they should not be expected to meet the costs of either interim measures or remediation.

Councils are increasingly concerned at the effect of this on their residents' mental health. They were not comfortable enforcing the removal of cladding when the cost fell on residents. However, delaying enforcement action is not an option as this would place lives at risk and would still leave leaseholders facing charges for the costs of waking watches, as well as other interim measures.

On 9 May 2019, the Government announced that it was creating a £200 million fund to remove and replace unsafe aluminium composite material cladding from around privately owned high-rise buildings. The creation of this fund has acted as a powerful incentive to private landlords to commit to removing dangerous cladding.

The fund only applies to ACM-clad buildings. Without Government funding, any remediation costs in buildings with dangerous non-ACM cladding systems – possibly including those owned by Housing Associations - will fall on leaseholders. This is likely to bankrupt large numbers of innocent people and significantly slow the pace of remediation.

There are a number of separate building safety concerns that have significant financial implications. These include:

- ACM and non-ACM cladding replacement.
- GRP composite fire doors, which are estimated to cost £750,000,000 to replace.
- Timber balconies.
- Large Panel Systems.

The LGA would like to see the establishment of a fund to cover remediation costs and recommends that stakeholders examine how the industry might contribute to such a fund.

This should allow building owners to spend the money in the most cost-effective way to ensure residents safety, for example, by installing sprinklers.

The LGA has called for the height at which sprinklers are required to be reduced from its existing 30m at least to 18m, and perhaps lower if evidence supports the case. The LGA believes that height alone should not determine whether sprinklers should be fitted, as some buildings, such as care homes, house particularly vulnerable people. The LGA has also called for the government to fund the retrofitting of sprinklers in existing buildings, taking a risk-based approach.

The impact of funding reductions on fire services

According to National Fire Chief's Council figures, the reduction in Government funding for all standalone Fire and Rescue Authorities since 2010/11 is expected to be approximately £137 million by the end of 2019/2020. We are also concerned about the reduction in staff in fire and rescue services over recent years, including full-time fire fighters, and control and support staff.

In order to respond comprehensively to emergency situations, fire and rescue services need to be funded and resourced to respond to risk, not demand. Over half of the fire and rescue services in England and Wales have experienced a significant increase in prevention and protection work, due to the safety checks carried out on high rise buildings in the wake of the Grenfell Tower fire. This has usually been at the expense of other areas of work. The Hackitt Review is expected to lead to a further increase in the number of inspections of residential buildings by fire and rescue services.

The new expectations on fire and rescues services arising from the Hackitt Review or subsequent changes in policy must be treated as a new burden and separately funded. There is also a challenge facing services regarding a significant shortage of fire engineering expertise in the UK. This will need to be addressed if the ambitions of the Hackitt Review are to be achieved. The LGA would expect fire and rescue services to be the home for this increased expertise. This will also require supplementary funding.