

# Response to the Grenfell Tower Fire

## House of Commons

6 June 2019



### Key messages

- In the two years since the Grenfell Tower fire, councils have worked with the Government to identify dangerous ACM cladding on both social and private housing blocks. The LGA has helped support and coordinate this work.
- We have also been pressing the Government since 2017 to:
  - ban combustible materials in cladding systems
  - fund the replacement of ACM cladding in the social sector.
  - address the problems faced by blameless leaseholders in privately owned blocks with ACM cladding.
  - identify other dangerous cladding systems.
- We welcome the steps that have been taken to date to address these issues. The Government has banned combustible materials, funded the removal of ACM cladding and is currently testing 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. If other forms of cladding are found to pose a risk to residents, leaseholders in the affected blocks will face similar issues to those in ACM blocks as will councils and housing associations. The Government will need to act quickly to address these issues if a problem is identified.
- We have been working with the Government to address the problems that were identified with Glass Reinforced Plastic composite fire doors in the wake of the fire. To date the industry has failed to come up with an effective remediation plan and we continue to work with MHCLG to find a solution to this issue which has potentially significant cost implications for our members and for housing associations.
- The fire has raised a large number of issues around the safety of buildings and building products and the systems by which both are regulated. The LGA continues to lobby 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.

# Briefing

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## **Background**

### **Causes of some building fire risks**

The detailed causes of the appalling fire at Grenfell Tower are still being investigated. It is now clear that it, and many other socially and privately owned tower blocks, were covered with cladding systems that are dangerous.

Typically these cladding systems consist of insulation (which sits flush to the original wall) and cladding panels, with a gap between the cladding and insulation for ventilation (to avoid damp). This gap can act as a chimney in the event of a fire and so fire breaks are installed horizontally and vertically. The horizontal ones consist of intumescent strips which are normally 'open' but which close to form a fire break when heated.

This danger stems from three elements of the system:

- Flammable cladding: in particular Aluminium Composite Material (ACM) cladding with a plastic core (PE or FR).
- Flammable insulation: foam rather than mineral wool.
- The chimney effect.

Where blocks are suspected of having or shown to have dangerous cladding systems, the local fire and rescue service inspects and recommends mitigation measures ('interim measures') that can be taken to reduce the risk to residents. These are likely to include a change to evacuation rather than 'stay put' response to fire<sup>i</sup> accompanied by new alarm systems or a waking watch.<sup>ii</sup> These measures have a cost. In the long term remedial measures, removing the cladding system and replacing it, are the only solution.

### **Social housing high-rise buildings: progress in remediation**

Progress continues to be made in carrying out remediation to the 45 council-owned and 100 plus housing association-owned blocks with combinations of aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards.

The statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) on 9 May 2019 show that, as of 30 April 2019, remediation has finished on 50 and has started on 87 of the 158 social housing blocks with ACM cladding

The LGA is working with MHCLG and the National Housing Federation (NHF) to ensure that the experience and good practice from the remediation programme is shared across the social housing sector.

### **Privately owned buildings**

The latest MHCLG statistics show that remediation work has been completed on 43 high-rise, private residential buildings (including student accommodation and hotels). A further 223 privately-owned buildings are yet to be remediated. Of these

- 21 have begun remediation.
- 121 have a plan in place.
- 41 have plans in development.
- 40 buildings remain with unclear remediation plans.

There are still 10 buildings where the cladding status is yet to be confirmed, despite enforcement efforts by local authorities.<sup>iii</sup>

In the case of these latter buildings, councils have already issued enforcement notices under the Housing Act on the vast majority of these blocks to obtain information on the building construction from the owners.

The process of identifying privately owned blocks with ACM, contacting owners and ensuring action is taken to implement interim safety measures and replace dangerous materials has involved councils and fire and rescue authorities in a major and unprecedented undertaking

### **Government fund for works on privately owned blocks**

The LGA has been concerned for over a year about the position of leaseholders in privately owned blocks with dangerous cladding. 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.

On 9 May 2019, the Government announced that it was creating a £200 million fund that will be made available to remove and replace unsafe aluminium composite material cladding from around 170 privately owned high-rise buildings. Building owners will have three months to access the new fund which is available for private high-rise residential buildings over 18 meter. As a condition of funding, building owners will be required to take reasonable steps to recover the costs from those responsible for the presence of the unsafe cladding.

We have been highlighting this issue with the Government since 2017 and therefore welcomed this news. Councils had become 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 was 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.

The Government has said that it will look carefully at those who fail to remediate and consider what further action can be taken. We want to ensure that no costs fall on leaseholders and is working with the Government to ensure that effective enforcement action is taken.

### **Non-ACM cladding**

The LGA has been raising the possibility that other forms of cladding may pose dangers similar to those found with ACM since 2017. The Government has issued advice to building owners on other insulation systems, including but not limited to:

- Metal Composite Materials (MCM) faced with other metals such as zinc, copper, and stainless steel;
- High Pressure Laminates (HPL); and rendered insulation systems.

This advice stresses the need for cladding systems to have met building regulations when they were installed. Nevertheless, we remain of the view that more will need to be done to identify and remediate these systems in coming months and years

The Government has announced plans to test non-ACM cladding systems. If these systems are found not to comply with building regulations, we expect blocks with the relevant cladding systems to need similar interim and remediation measures.

This has significant cost implications for councils and leaseholders in private blocks. The Government will need to act quickly to address these issues if/as they emerge.

### **Related issues**

The ban on combustible cladding, announced at the end of last year, means that only materials which are classified as A1 or A2 under the European classification can be used on the external walls of the buildings in the scope of the ban, and covers all elements of construction from the outer to the inner faces. There are a limited number of materials exempted from the ban covering components where non-combustible alternatives are not currently available. As a whole, the ban broadly reflects the points raised by the LGA when pressing for a ban on the use of combustible materials.

The Grenfell fire has directly and indirectly led to an increase in concern around a number of building-safety issues, such as

- the apparent inability of glass reinforced plastic, flat front doors to meet their performance specifications in resisting fire for at least 30 minutes
- the quality of strengthening work previously carried out on large panel system-built blocks
- the fire performance of spandrel panels

We are working with MHCLG and NHF to investigate further and address these concerns.

### **The future of building safety**

In the long term it will be necessary to reform the fire safety arrangements for high rise buildings (as well as for some other buildings, including buildings with vulnerable residents) so that the fire safety enforcement role sits clearly with the fire and rescue services. This will ensure a holistic approach to fire safety in high rise buildings can be established bringing together the internal shared spaces, issues which may breach compartmentation, and external cladding. This is likely to require legislation and an expansion of the role of the fire and rescue service.

On 18 December 2018 MHCLG published 'Building a Safer Future', its plan for implementing the recommendations from the Hackitt Review of building regulations. This makes it clear that the Government will be taking forward all the recommendations in the Hackitt Review to:

- Create a stronger and more effective regulatory and accountability framework to provide greater oversight of the construction industry, with a stronger and more effective sanctions regime;
- Introduce clearer standards and guidance and improve the rigour of the product labelling, testing and marketing process;
- Put residents at the heart of the new system of building safety through better engagement between them and those managing their buildings; and
- Drive culture of change in the construction industry so there is increased responsibility for building safety, including improving the competence of those undertaking building work.

We are working with MHCLG to develop the proposals for the new regulatory framework, to ensure that they are not unnecessarily bureaucratic, that they support effective enforcement at a local level, and that local regulators have the powers and sanctions they need to drive necessary culture change.

### **Sprinklers and Automatic Fire Suppression Systems**

In England, Approved Document B volume 2, which provides guidance on meeting the fire safety provisions in the building regulations, sets out the broad requirements on AFSS in non-domestic buildings. AFSS have to be installed in new high rise blocks of flats over 30 metres in height and in warehouses with more than 20,000 square metres of floor space. Since 2007 the Department of Education guidance in Building Bulletin 100 has required the installation of sprinkler systems in new schools unless the school can demonstrate it is a low risk and installing sprinklers would not provide value for money.

### **Changes to the use of sprinklers as a result of the Grenfell fire and the Hackitt review**

The fire in Grenfell tower block was a tragedy. In order to mitigate against similar tragedies impacting their residents, a number of councils have undertaken work to retrospectively fit sprinklers. For example, Croydon Council have been fitting sprinklers in Croydon's tallest council-owned tower blocks. This includes 25 blocks at 10, 11 or 12 storeys, and an eight-storey sheltered accommodation block will have sprinklers fitted.<sup>iv</sup>

Following the fire at Grenfell, the Government commissioned Dame Judith Hackitt to conduct a review of buildings regulations and fire safety. This reported in May 2018.<sup>v</sup> The LGA supported many of the recommendations made in the final report as set out in our response.<sup>vi</sup> In particular, we are concerned that the definition of higher risk residential buildings in the Review's report is too narrow and should be extended to cover all residential buildings over 18 metres in height and other residential buildings where vulnerable people sleep. The Hackitt review states that the Government could do this as next steps.

The Government has committed to reviewing Approved Document B, the guidance on how to comply with the fire safety regulations. A call for evidence to inform this review concluded in March. This review provides an opportunity for changes to be made to the requirements related to AFSS in residential buildings.

It remains to be seen how the detail of the Hackitt proposals for a new regulator will develop, but it seems unlikely that they will include specific requirements (for example, to retrofit sprinklers) and that the retrofitting of AFSS will be one of a series of measures that a duty-holder may need to employ to meet their obligations.<sup>vii</sup>

The LGA wants to see AFSS required in all newly-built premises of any height where vulnerable people sleep and the height at which AFSS are required in new residential buildings lowered from the current 30 meters to 18 meters.<sup>viii</sup> Owners of existing residential buildings over 18 meters high,<sup>ix</sup> and buildings of any height in which vulnerable people sleep should be required to retrofit AFSS as part of a proportionate risk-based programme of fire safety management. Given the cost implications for a small number of councils with very high numbers of high-rise blocks, the Government should commit to providing assistance to any council experiencing financial difficulty in meeting the retrospective obligations above as it had done in respect of the remediation of social housing blocks with flammable cladding.

## The impact of funding reductions on fire services

According to NFCC 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. Similarly we are concerned by 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. Major incidents such as Grenfell or Buncefield may be rare, but the service must have the capacity to deal with them. Last summer's wildfires added a new dimension to risk for fire and rescue services. It is unlikely that two Grenfell-size fires will occur at once, but wildfires are most likely in drought conditions and the effects of those conditions are likely to increase wildfire risk in multiple locations at once.

In summer 2018, 19 fire and rescue services provided assistance to Lancashire and Greater Manchester to fight the Winter Hill fire, including Dorset and Wiltshire, the London Fire Brigade and Northumberland. 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.

This is unsustainable and could expose communities to risk unless the new provisions or expectations on fire and rescues services arising from the Hackitt review or subsequent changes in policy are 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. We would expect that fire and rescue services will be the home for this increased expertise and this will also require supplementary funding.

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<sup>i</sup> In many high rise blocks residents are advised to stay in their flats if a fire breaks out because the block is designed on the 'compartmentation' principle. Compartmentation relies on fire-proof barriers between flats and stairwells etc (such as solid walls or fire doors) to ensure that a fire will be contained for long enough to allow the fire service to arrive and put it out, before it can spread. Flammable cladding breaches compartmentation.

<sup>ii</sup> [https://www.ifsm.org.uk/wp-content/uploads/2014/08/NFCC\\_Guidance\\_-\\_Waking\\_watch\\_and\\_Common\\_Fire\\_Alarm..pdf#page=6](https://www.ifsm.org.uk/wp-content/uploads/2014/08/NFCC_Guidance_-_Waking_watch_and_Common_Fire_Alarm..pdf#page=6)

<sup>iii</sup> <https://www.gov.uk/government/publications/building-safety-programme-monthly-data-release-april-2019>

<sup>iv</sup> <https://www.croydon.gov.uk/housing/firesafety>; see also <https://www.bbc.co.uk/news/uk-england-manchester-642339927>

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

<sup>vi</sup> <https://www.local.gov.uk/parliament/briefings-and-responses/lga-response-dame-judith-hackitts-reviewbuilding-regulations>

<sup>vii</sup> <https://www.local.gov.uk/parliament/briefings-and-responses/fire-safety-and-sprinkler-systems-house-commons-12-march-2019>

<sup>viii</sup> or lower depending on the outcome of ongoing reviews including the review of Approved Document B

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