

Decision Maker: RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: 24th January 2018

Decision Type: Non-Urgent Non-Executive Non-Key

Title: Private Sector Tall Buildings Update

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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: All Wards

1. Reason for report

To update Members on progress with Private Sector Tall Buildings cladding and safety.

2. **RECOMMENDATION(S)**

2.1 To update Members on progress with Private Sector Tall Buildings cladding and safety.

Impact on Vulnerable Adults and Children

1. Summary of Impact:
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Corporate Policy

1. Policy Status: Existing Policy: Safer Bromley
 2. BBB Priority: Safer Bromley
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Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: N/A
 2. Call-in: Not Applicable
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Procurement

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Boroughwide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Department of Communities and Local Government (DCLG) have issued guidance and information resulting from the Grenfell Fire to Local Authorities. This is summarised in the **“Building Safety Programme Monthly Data Release of December 2017”** see Appendix One. In September 2017 the Director General for the Building Safety Programme at the DCLG sent a letter and spreadsheet to the Chief Executives of all local authorities identifying all private residential tower blocks (i.e. tall buildings over 18m in height) which may have Aluminium Composite Material (ACM) cladding of which 13 were identified in Bromley on this spreadsheet as “tall residential buildings”. In October 2017 the DCLG issued a spreadsheet for completion titled “Private Building Questionnaire” and of an online data collection tool (DELTA) asking Local Authorities to register to supply statistical returns to the department of the results of the questionnaire.
- 3.2 Letters were sent out in September 2017 requesting information on cladding regarding the 13 DCLG identified properties. Of which we had three replies all stating that there was either no cladding or if there was cladding it did not contain ACM. The buildings, where no reply was received from our letters sent out in September 2017, were visually inspected external and only three were identified with cladding. Therefore, further follow up letters were sent to these three properties in December 2017. At the time of writing one further reply has been received and that was to state that they did not own the building.
- 3.3 However, enquiries are still ongoing to obtain more detailed information about properties which have some cladding. This is to define whether the managing agents or persons responsible for the maintenance of the building have completed any investigations or have an any updated risk assessment and/or testing of the cladding originally installed.
- 3.4 The DCLG **“Building Safety Programme Monthly Data Release of December 2017”** setting out progress made in identifying buildings with unsafe cladding systems on, Local authority housing, Housing association housing, Public buildings, Private: residential and Private: student residential have not identified any properties in the Bromley Borough with ACM cladding problems.
- 3.5 The DCLG’s interpretation of the, Housing Act 2004 and the regulations and Housing Health and Safety Rating System (HHSRS) made under it, are of the view that the powers available to local authorities under this regime are available in respect of the external cladding systems of tall residential buildings.
- 3.6 Therefore, the DCLG considers that the provisions of the Housing Act 2004 (the “Act”) will be available in principle for local authorities to inspect and take enforcement action in respect of ACM cladding where that poses a hazard under the HHSRS.
- 3.7 However, it is of course for each local housing authority to make its own decision about what is lawful on a case by case basis, and to take their own legal advice where necessary.
- 3.8 Dame Judith Hackitt’s Interim Report of the Independent Review of Building Regulations and Fire Safety has been published.
- 3.9 The full Interim Report and a Summary is available using this link www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-interim-report but a summary of the salient points are noted in Appendix Two.

- 3.10 Obviously, it will be what actually gets implemented that is important. However, the Report seems to provide the platform for change that has been requested.
- 3.11 Regarding the Councils powers or responsibility (preliminary reference to this has been made in para's 3.5 -3.7 above) the DCLG's advice on legal powers is further detailed in the attached links in Appendix One

4. LEGAL IMPLICATIONS

None at this time.

Non-Applicable Sections:	Policy, Impact on Vulnerable Adults and Children, Financial, Personnel and Procurement Implications
Background Documents: (Access via Contact Officer)	

Building Safety Programme Newsletter

Issue 10 | 19 December 2017

Following the Grenfell Tower fire, DCLG has established the Building Safety Programme to identify buildings which are of concern through testing the fire safety of cladding systems. This email update provides the latest information and advice for landlords and building owners.

New information you may wish to see

- Earlier in the year the Home Secretary and the Communities Secretary asked Dame Judith Hackitt to undertake an independent review of building regulations and fire safety (link to [terms of reference](#) for the review). Dame Judith Hackitt has published the [interim report](#) of her independent review today.
- The Communities Secretary has responded to the interim report with a [written Ministerial statement](#) and an [oral Ministerial statement](#); and the Independent Expert Advisory panel has issued a [note](#) welcoming the report and encouraging building owners to not delay in acting on the advice that they have already issued.
- Yesterday we published a [data release](#) setting out progress made in identifying buildings with unsafe cladding systems. We will be publishing these monthly going forwards, with the next one due in the week commencing 22 January.

In case you missed it:-

Further information, relevant announcements and correspondence can also be found on [gov.uk](#) including:

- The [latest advice on interim mitigation measures](#) required pending remediation of cladding.
- The [letter to Local Authorities with further information on the legal powers](#) that they can use in relation to private sector buildings which might have ACM cladding, should enforcement action be required under the Housing Health and Safety Rating System.

- To assist owners of high rise buildings in assessing the measures they should consider to make their buildings safe and guide them through the process of remediation, the [Independent Expert Advisory Panel](#) and [Industry Response Group](#) have produced [a flow chart and information note](#). This builds on the [consolidated advice](#) issued on 5 September after completion of the large scale tests.

- The expert panel have worked with DCLG to produce two advice notes on broader building safety issues:
 - What building owners should do to seek advice, assess and mitigate potential risks if they are concerned about the fire safety of [external wall systems that do not incorporate ACM systems](#).
 - How building owners with [External Wall Insulation systems with a render or brick slip finish](#) should assess the risk and the importance of their appropriate design, installation and maintenance. This advice has also been developed with the Standing Committee on Structural Safety.

Thank you for your ongoing interest in this work. Regular email updates will continue to be sent to this email address, however, if you wish to unsubscribe, please click on the link below.

Building Safety Programme Team
Department for Communities and Local Government

The report notes that the Structure of Approved Documents is poor and needs complete review.

- It notes that there should be a more rigorous process for high risk buildings (once they have been defined).
- The report recommends careful consideration on the use of desktop studies for cladding and their use should be combined with some recognition of the qualification of those producing them.
- It says government should not lead on solutions – it should be industry (though how this would work is not described) – but that government should monitor and act on evidence from around the world.
- The current problems with product identification, testing and certification are highlighted.
- It recognises that the system provides shortcuts for those inclined to do so with a mind-set of doing things as cheaply as possible and passing the buck.
- There is some commentary that ‘competition’ and fire safety do not sit well together.
- It recognises compliance and enforcement sanctions are too weak and we need for stronger more effective enforcement backed by powerful sanctions.
- Identification of prime responsibility to rest with those who commission, design and build a project.
- It suggest more should be done to ensure oversights of the “QUALITY” of installation work.
- It proposes that those working on complex and high risk buildings to be suitably qualified – including ‘building control inspectors’.
- Reference to AI’s code of conduct and no such framework for local authorities
- Challenge to AI’s to demonstrate true independence, no enforcement powers other than referring to local authority and recognition that this rarely happens.
- There should be stronger and closer involvement with fire services during design and onwards with regulation 38 being made to work (and that BCB’s should do more on regulation 38).