



# **Report of the Strategic Director of Place to the meeting of the Regeneration and Environment Overview and Scrutiny Committee to be held on 7<sup>th</sup> November 2019**

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## **Subject:**

### **THE COUNCIL'S INVOLVEMENT IN RESIDENTIAL HIGH RISE BUILDINGS FOLLOWING THE GRENFELL TOWER DISASTER**

## **Summary statement:**

**This report provides a further update for members of the Council's involvement with high rise residential buildings following the Grenfell Tower disaster.**

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**Portfolio:**

**Regeneration, Housing, Planning and  
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**Overview & Scrutiny Area:**

**Regeneration and Environment**

## **1. SUMMARY**

This report provides a further update for members of the Council's involvement with high rise residential buildings following the Grenfell Tower disaster.

## **2. BACKGROUND**

- 2.1 Members last received an update on the Council's involvement with high rise residential buildings in October 2018. This report provides an update on activity since that date.
- 2.2 Members have previously been informed that two high rise residential buildings in the District had been identified as having cladding made of Aluminium Composite Materials (ACM).
- 2.3 The ACM materials that partially clad the two buildings still need to be removed and replaced. The costs of such works are significant, with estimates for the works varying dependent on the requirements relating to the upgrading of the thermal insulation of the buildings as well as the replacement of the cladding.
- 2.4 On January 23<sup>rd</sup> 2019 an Improvement Notice was served under the Housing Act 2004 in respect of Landmark House (one of the above two buildings). The notice requires works to be undertaken to address the hazard of fire and includes works to remove and replace the ACM cladding on the building.

This notice is currently the subject of an appeal to the First Tier Tribunal Property Chamber (Residential Property). The effect of the appeal is that the notice is suspended pending that appeal.

- 2.5 Landmark House is, at the time of writing, subject to "interim measures" in line with the guidance issued by MHCLG following joint inspection by the Council's Housing Standards and Building Control Teams in partnership with the West Yorkshire Fire and Rescue Service (WYFRS). These interim measures are intended to minimise the fire risk to occupants but are considered a temporary measure.

The Council has stressed the need for those responsible for the buildings to ensure that residents are kept informed of the measures in place to ensure their continued safety.

Officers from the Council and WYFRS continue to monitor the building to ensure that the interim measures remain in operation as agreed.

- 2.6 On February 13<sup>th</sup> 2019 WYFRS served a Prohibition Notice in respect of Appleton Point (the other of the above two buildings). This notice prohibited occupation of the building and resulted in a managed evacuation of the building.

The managed evacuation was coordinated by the Housing Service, with support from officers from WYFRS and Emergency Planning. The Housing Options team established an on site service to provide advice and support to the displaced tenants to minimise stress and disruption as much as possible.

- 2.7 At the time of writing, the Prohibition Notice served by WYFRS remains in force and the building is currently empty. Officers from the Council and WYFRS continue to work with the owner of the building and their representatives to monitor progress with works required at the property.
- 2.9 In October 2018 the Committee was advised that the Government had made funding available to support Councils and Registered providers to replace ACM cladding on buildings that they owned and managed as social housing.

On May 9<sup>th</sup> 2019 the Government announced the Private Sector Remediation Fund. This funding will be administered by Homes England. Applications for the funding can be made by “responsible entities” for privately owned buildings where ACM cladding needs to be removed and replaced. The portal via which applications can be made opened on September 12<sup>th</sup> 2019.

Officers have ensured that those responsible for the buildings in Bradford are aware of the fund and continue to receive updates from the Ministry of Housing, Communities and Local Government (MHCLG).

### **3. OTHER CONSIDERATIONS**

- 3.1 In January 2019, another high rise building was found to have just been converted from office accommodation and refurbished to form apartments. An inspection of the building by officers from Building Control, Housing Standards and WYFRS found that some of the cladding on that building had been replaced with materials that, although not ACM, were combustible and do not comply with the Building Regulations that were amended in December 2018. Officers from the Council are working with WYFRS and the Approved Inspectors who are undertaking the Building Regulations compliance service for the development to get this further building remedied before the affected apartments are occupied.
- 3.2 MHCLG has, as was anticipated, extended their requirement for further data collection on all HRRBs (High Rise Residential Buildings) to include details of the external wall construction materials. This work is being undertaken by the council and the information recorded in the government’s DELTA data collection system. There are 34 buildings in the district to which this further data collection requirement applies.

### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The availability of funding via the Private Sector Remediation Fund should assist those responsible for the buildings where ACM cladding needs to be removed to fund the costs of doing so.
- 4.2 Should the Council have to utilise its enforcement powers to ensure the removal and replacement of the cladding there could be significant resource implications.
- 4.3 It is not yet known whether funds from the Private Sector Remediation Fund will be

made available to the owners of Landmark House and Appleton Point.

- 4.4 Dame Judith Hackett's report, "Independent Review of Building and Fire Safety" raises the issue of the competence of those involved with high risk buildings. The council will need to fund the continuing training and development of its staffs' skills required to carry out its statutory duties.
- 4.5 MHCLG has consulted on the formation of regulatory bodies to oversee the safety of high rise and high risk buildings and the outcomes of that consultation are awaited. There will be resource implications for the local authority but these are as yet quantified.
- 4.6 The collection of further data for all the high rise buildings in the district and the entry of that data into the government's data system is drawing on the Council's resources.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 The enforcement of standards in high rise residential building is complex. Officers from the Council and WYFRS will continue to work together to deal with the issues identified with these buildings and will access the Local Government Association hosted Joint Inspection Team as necessary.
- 5.2 Further to Dame Judith Hackett's report "Building a Safer Future", MHCLG have undertaken a public consultation to seek views on the continuing enforcement of safety matters in connection with high rise buildings. It is not yet known what form this will take and what the constitution and powers the proposed regulatory bodies will have. The initial proposals for a joint body consisting of the local authority, the Fire and Rescue Service and the Health & Safety Executive were modified in the public consultation to include private sector involvement.

## **6. LEGAL APPRAISAL**

- 6.1 The legislation enforced by both authorities relating to fire safety is risk based. Since the Grenfell disaster the Building Regulations have been amended and a number of letters of clarification have been received from the MHCLG and WYFRS relating to the enforcement of standards relating to the external cladding of high rise residential buildings.

In practice, because of the joint statutory responsibilities in this type of building in order to fully assess the hazard of fire safety a joint inspection involving WYFRS, Housing Standards and Building Control is undertaken as the assessment requires information, technical and legal expertise from all 3 services. Any enforcement required is then undertaken by the lead authority following consultation between all 3 services.

- 6.2 Enforcement action is complicated and time consuming due to the number of flats involved and the complex nature of the buildings and ownership. Where

formal enforcement action is required the Council has and would seek to utilise the expertise of the LGA hosted advice team.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

The improvement of housing conditions in the District will have a positive impact on those groups and individuals who suffer multiple disadvantages associated with poor quality and inadequate housing.

### **7.2 SUSTAINABILITY IMPLICATIONS**

The interventions that Building Control, Housing Standards and WYFRS take to improve the quality of the housing will help to create a more sustainable housing stock for the district.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

Further amendments to the legislation and required technical standards applying to the introduction of additional thermal insulation may reduce the achievable levels of energy savings. The introduction in December 2018 of a requirement for insulation materials to be non-combustible has limited the use of the highly thermally efficient foamed polyisocyanates and some polyurethane.

The currently available non-combustible substitutes are mostly based on mineral fibre which does not have as good a thermal resistance.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

The removal of potentially combustible cladding from the exterior shell of residential properties provides for a higher safety standard for the residents.

### **7.5 HUMAN RIGHTS ACT**

No implications under the Human Rights Act have been identified.

### **7.6 TRADE UNION**

No Trade Union implications have been identified.

### **7.7 WARD IMPLICATIONS**

The Council and WYFRS work to address any issues with high rise residential buildings across the district.

### **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

Not applicable.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

No implications for corporate parenting have been identified.

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT**

Any data gathered in order to ensure compliance with legislative requirements will be the minimum for the needs of the process.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.

## **9. OPTIONS**

- 9.1 Option 1 – that the Committee note the report.
- 9.2 Option 2 – that the Committee note the report and request a further update on the work relating to high rise residential buildings in 12 months.

## **10. RECOMMENDATIONS**

- 10.1 That the Committee note the report and request a further update on the work relating to high rise residential buildings in 12 months.

## **11. APPENDICES**

None.

## **12. BACKGROUND DOCUMENTS**

“Building a Safer Future”, Independent Review of Building Regulations and Fire Safety, Dame Judith Hackitt DBE FREng, HMSO (2018)