

Report of the Strategic Director (Interim) of Place to the meeting of the Regeneration and Environment Overview and Scrutiny Committee to be held on 25th November 2020

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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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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 2019. 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 23rd 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.

When members were updated in October 2019 this notice was the subject of an appeal to the First Tier Tribunal Property Chamber (Residential Property). The effect of the appeal being that the notice was suspended pending that appeal.

The appellants withdrew their appeal on March 11th 2020 which means that the notice is now operative again, the date for compliance being February 2021.

- 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 13th 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.

- 2.7 At the time of writing, the Prohibition Notice served by WYFRS remains in force and the building is currently empty. The Building Management Company has made significant progress with the internal works required by the Prohibition Notice and 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.
- 2.8 In October 2019 the Committee was advised that the Government had announced the Private Sector Remediation Fund in May 2019. Applications for the funding could be made by “responsible entities” for privately owned buildings where ACM cladding needs to be removed and replaced. This funding is being administered by Homes England.

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

- 2.9 In March 2020 the Government announced the Building Safety Fund for the removal of unsafe non – ACM cladding systems on high rise residential buildings. Building owners, freeholders or other responsible entities could register for the Fund by July 31st 2020. The Council is awaiting details from the MHCLG of any applications that have been registered for buildings in the Bradford district.
- 2.10 A Building Regulations Application for the recladding of Landmark House was submitted to the Council on 23rd February this year and, following thorough scrutiny, was approved with conditions on 1st May 2020.
- 2.11 The Council’s Building Control unit has been in consultation with the managers of Appleton Point to determine the correct specifications for the replacement cladding. Further, the unit has been in close consultation with West Yorkshire Fire & Rescue Service to provide technical input in dealing with the building’s internal works to bring them up to standard.
- 2.12 The proposed Building Safety Bill is making its way through Parliament. It is understood that the Bill will be enacted early in 2021. The new Act will bring considerable changes to the way that safety in tall residential buildings is assessed and regulated through the introduction of a Building Safety Regulator.

3. OTHER CONSIDERATIONS

- 3.1 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. To date, details of 108 buildings in the district have been compiled.
- 3.2 It is anticipated that under the proposed new Building Safety Regulator the scope of enhanced control will include buildings where the top floor is 11 or 15 meters from the lowest ground level. This will bring many more of the district’s buildings under

exacting scrutiny as the current threshold is 18 meters. In simple terms, that means that residential buildings of four storeys or more will come under more stringent control.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 Homes England has confirmed that the applications made to the Private Sector Remediation Fund for Landmark House and Appleton Point have been approved and that they are currently in the process of finalising funding agreements for both buildings. The availability of this funding will assist those responsible for the buildings where ACM cladding needs to be removed to fund the costs of doing so.
- 4.2 The Council is awaiting details from the MHCLG of any applications that have been registered for the Building Safety Fund for other buildings in the Bradford district.
- 4.3 Should the Council have to utilise its enforcement powers to ensure the removal and replacement of cladding there could be significant resource implications.
- 4.5 A public consultation is being undertaken on the proposed Building Safety Bill. The Bill should be enacted early in the new year. Over the next 18 months, the Council will have to show the new Building Safety Regulator that it has the expertise and resources to carry out its statutory duties. Failure to prove that ability will lead to the imposition of charges for a third party to undertake that function locally. Income to be gained by the support the Council would provide to the Building Safety Regulator would also be lost.

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 The key role in ensuring the safety of high rise residential buildings will, once new legislation is enacted, be undertaken by the new Building Safety Regulator. As the draft legislation is written, the anomalies in areas of control will be removed and the new regulator will become the controlling body with the appropriate powers. It is expected that technical expertise and support to that body will be provided by the local authority and fire service.

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.
- 6.3 The situation will be changed with the introduction of the proposed Building Safety Act and the Building Safety Regulator.

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

<https://www.gov.uk/government/publications/draft-building-safety-bill>
<https://www.gov.uk/government/news/explained-the-draft-building-safety-bill>