

# **Report of the Strategic Director of Place to the meeting of the Regeneration and Environment Overview and Scrutiny Committee to be held on 23rd November 2021**

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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 Transport**

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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 November 2020. 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 needed to be removed and replaced. The costs of such works were significant.
- 2.4 The "responsible entities" for both of these buildings applied for and were granted funding from the Government funded Private Sector Remediation Fund. At the time of writing, works to remove and replace the defective ACM on both buildings are almost complete. In both cases, those responsible for the buildings have appointed the Council's Building Control service to undertake the Building Control function for the works.
- 2.5 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.  
  
The notice is still in place pending completion of the works.
- 2.6 The interim measures that were put in place at Landmark House whilst the ACM cladding was on the building are no longer required as the non-compliant cladding has been removed and replaced.
- 2.7 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.
- 2.8 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.
- 2.9 The Fire Safety Act 2021 has introduced amendments to the Fire Safety Order 2005 to clarify that the Fire Service can use their enforcement powers to deal with

the structure and external walls, e.g. cladding, doors between domestic premises and common parts and anything attached to the exterior walls, such as balconies, of high rise residential buildings.

- 2.10 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 31<sup>st</sup> 2020.
- 2.11 In September 2021 the Council received details from the Department of Levelling Up, Housing and Communities (DLUHC) of enquiries that have been registered for the Building Safety Fund for buildings in the Bradford district.
- 2.12 As lead enforcement authority, WYFRS are taking the lead in this process and, in doing so, have worked with the owners/managers in order to carry out a Building Risk Review (BRR) of each of the buildings.

The 16 original enquiries for the Building Safety Fund have now reduced to nine and WYFRS continue to work with those responsible for these buildings.

Work has already started to remove the non-compliant cladding on one of the nine buildings, The Empress building, Sunbridge Road, Bradford. The Council's Building Control service has been appointed to undertake the Building Control function for the remedial works.

- 2.13 A requirement for a Fire Statement to be submitted in the early stages of the planning process for relevant high rise buildings came into force on August 1<sup>st</sup> 2021 following an amendment to the Town and Country planning (Development Management procedure) (England) Order 2015.

The introduction of the requirement for a Fire Statement in the early stages of the planning process is designed to insert a planning gateway, the purpose of which is to provide focus on fire safety matters for any development involving a high rise residential building.

The information included in the Fire Statement has a specific format published by the Secretary of State. The form asks for information about various elements of the planned development including the basic principles, concepts and approach to fire safety that have been applied to each building in a development along with the site layout. It should also illustrate how emergency vehicles will access the site and the location and type of water supplies sourced for firefighting purposes.

### **3. OTHER CONSIDERATIONS**

- 3.1 DLUHC 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.

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

- 4.1 The responsible entities for both Landmark House and Appleton Point have applied for and received funding from the Government's Private Sector Remediation Fund.
- 4.2 In September 2021 the Council received details from the DLUHC of the enquiries that have been registered for the Government's Building Safety Fund for buildings in the Bradford district. The West Yorkshire Fire and Rescue Service (WYFRS) are the lead authority and officers from the Council's Housing Operations and Building Control services continue to work in partnership with officers from WYFRS to ensure the safe removal of the non-compliant cladding materials from these buildings.

#### **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 Fire Safety Act 2021 has introduced amendments to the Fire Safety Order 2005 to clarify that the Fire Service can use their enforcement powers to deal with the structure and external walls, e.g. cladding, doors between domestic premises and common parts and anything attached to the exterior walls, such as balconies, of high rise residential buildings.

This clarifies that the WYFRS is the lead enforcement authority relating to the cladding on high rise residential buildings.

- 6.2 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 DLUHC (formerly 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.

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

6.4 At the time of writing the proposed Building Safety Bill was at the Committee stage in the Houses of Commons. The legislation, if enacted, is expected to bring considerable changes to the way that safety in tall residential buildings is assessed and regulated, including the introduction of a 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 poly-isocyanates 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 ASSESMENT**

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 that a further update in the form of an electronic briefing be provided should there be any implications for local authorities of the Building Safety Bill following its enactment.

**10. RECOMMENDATIONS**

10.1 That the Committee note the report and request that a further update in the form of an electronic briefing be provided should there be any implications for local authorities of the Building Safety Bill following its enactment.

**11. APPENDICES**

None.

**12. BACKGROUND DOCUMENTS**

None.