

Housing, Communities and Local Government Committee

Oral evidence: Independent Review of Building Regulations and Fire Safety, HC 555

Monday 28 January 2019

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Members present: Clive Betts (Chair); Bob Blackman; Mr Tanmanjeet Singh Dhesi; Helen Hayes; Kevin Hollinrake; Mark Prisk; Mary Robinson; Liz Twist; Matt Western.

Questions 413 - 522

Witnesses

I: Dame Judith Hackitt, Former Chair, Independent Review of Building Regulations and Fire Safety.

II: Kit Malthouse MP, Minister of State for Housing and Planning, Ministry of Housing, Communities and Local Government; Bob Ledsome, Deputy Director, Building Regulations and Energy Performance Division, Ministry of Housing, Communities and Local Government.

Examination of witness

Witness: Dame Judith Hackitt.

Q413 **Chair:** Welcome to this one-off evidence session into building regulations and fire safety. Dame Judith, thank you very much indeed for coming back to Committee once again. It is nice to see you. The last time we met was in the Churchill Room at an event.

Dame Judith Hackitt: It was indeed, yes.

Chair: We have met several times at several events. The Committee well knows who you are, but could you explain what your current role is? That might be helpful, just to put on record right at the beginning.

Dame Judith Hackitt: My current role in relation to building regulations and fire safety is that, having completed my review in May of this year,



HOUSE OF COMMONS

the Secretary of State asked me to continue my involvement with this work and to chair the Industry Safety Steering Group. I am also a regular attendee and a member of the Department's building safety portfolio board and regularly attend their meetings as well.

Chair: Thank you very much. Before we move on to further questions on the issues, could I ask members of the Committee to put on record particular interests they may have that might be relevant to this inquiry? I am a vice-president of the Local Government Association. We will go round the table, if all members could put them on the record.

Liz Twist: I employ a councillor in my office.

Helen Hayes: I am a vice-president of the Local Government Association. I also employ a councillor in my office.

Mr Dhesi: I am a councillor, as per the Register of Members' Financial Interests.

Bob Blackman: I am a vice-president of the Local Government Association.

Mary Robinson: I employ a councillor in my office.

Mr Prisk: I am a fellow of the Royal Institution of Chartered Surveyors.

Q414 **Chair:** Coming back to the current role you have as chair of the Industry Safety Steering Group, do you see that as carrying on your work from the independent review, and keeping a watching eye over things, particularly over the Government, to make sure that all your recommendations are being implemented?

Dame Judith Hackitt: In part, yes. The real focus of the Industry Safety Steering Group is reflected not just in its terms of reference but also its name, in that our focus is very much on ensuring that the changes that industry needs to make are carried through. We are very much focused on the industry aspects of that. Through my role on the portfolio board, I also have an overview of what is happening in relation to all of the recommendations in my review.

Q415 **Chair:** You have two slightly different roles, but they do actually merge.

Dame Judith Hackitt: Yes, and I also report to the portfolio board on how things are going with the industry group, of course. That is part of why I am there.

Q416 **Chair:** Are all those reports and recommendations within the private confines of those groups and departmental workings, or is there any occasion when you have the ability to express views coming out of that more publicly?

Dame Judith Hackitt: There are occasions when we express a view. Just to talk a little bit about the safety steering group and how we work, we have had two meetings so far. We had our first meeting back in September, which was very much a formative meeting and one where we



HOUSE OF COMMONS

agreed our terms of reference and the sorts of areas we wanted to look into. Our first in-depth meeting, as I would describe it, took place just before Christmas, in December, when we got very much into the issue of competence, looking at what was going on within the industry in terms of raising levels of competence.

Our forward programme has us meeting every two months. Our next meeting, in February, will look at the early adopters programme and we will also hear from the Construction Leadership Council on what they are doing. In April we will look at the whole procurement process, and then in June we will look at products and product safety. That is the forward programme that we have. All of that is with a view to producing a report for the Secretary of State by the June meeting on what level of progress we think has been made and whether that is good, bad or needs a good deal of impetus.

Having said that, we are not waiting until June before we make that commentary. Following the meeting with the competent players, if you will, in December, I wrote to them immediately afterwards on behalf of the steering group, telling them what our concerns were and the areas in which we thought they needed to accelerate progress. They were honest with us. They told us about some of the issues that they are struggling with and, to their credit, I have to say that they have come back to us; they have come back to us asking for help. Given the make-up of the steering group that we have in place, we went to a lot of trouble to put the right people on that group, from a lot of other industry sectors, who could offer help, advice and input, and that is what we are going to be doing. We are not just there to give them marks out of 10 but to offer advice. I am pleased to say that they have asked for that, and it is going to be provided.

Q417 Chair: You mention the word “competence”—we will go into some of the other issues that you mentioned in due course—and one of the things that has worried people about the building industry in general is whether people who do the work are really competent to do it. That might be at the level of the managing contractor, it might be at the level of the inspectors on site, which we will come on to in a minute, but it might also just be a matter of whether the tradespeople that do the work are actually competent to do it. We have been around Part P before and the Electrical Competent Person scheme, and discussed that in particular. Are there issues right the way through the industry that you are going to have an oversight of and make recommendations on?

Dame Judith Hackitt: Yes, there are, and indeed it is a massive portfolio of work to address all of those competence issues. There is a lot of good work going on. Let me not give the impression, when I say that this is difficult and that they have asked for some help, that there is not a lot of good work going on in a number of different areas, looking at what those competence standards need to be. The challenge comes in trying to make that a coherent, cross-industry activity that the rest of us can look at and understand and that is user-friendly, if I can say that, as opposed



HOUSE OF COMMONS

to being lots of little pockets of different competency schemes that no one can understand. Thus far, there has been far too much time and attention put into setting up some overarching competency body rather than looking at what that system needs to look like from the user's perspective.

Q418 **Chair:** When you ultimately get to a more considered and definite view of everything, will you be publishing something about this?

Dame Judith Hackitt: Absolutely, yes. In the meantime, as far as I am concerned, the feedback from the Industry Safety Steering Group to those players is a matter of record and it is there to be seen. If the Committee would want to see what we fed back to them after the meeting in December, it is there to be seen.

Chair: That is really helpful. Transparency is really important throughout the whole of this process.

Q419 **Mr Dhesi:** Good afternoon, Dame Judith. In December, the Government announced that they would implement your recommendations in full. Are you satisfied that that is the case and that your proposals have indeed been accepted in full?

Dame Judith Hackitt: There are two parts to my answer to that. Am I satisfied that the implementation is going to go ahead in full? Yes, I am, and I am very pleased. It is a matter of some regret to me that it took seven months before that was made public, because we did lose some momentum, because it was December before that was formally stated. As I made clear at the time when the report was first published, one of the real challenges throughout my review was people saying, "But will Government implement this?" It was waiting for that strong signal from Government that caused us to lose some momentum between May and December. We now need to get that back.

What I am confident of, in answer to your question, is that a huge amount of work has been going on with officials, in MHCLG particularly, in the period between May and now, and a lot of very good progress is being made. That message could have come out earlier to other stakeholders to make it clear that it was going to happen.

Q420 **Mr Dhesi:** That is a valid point. Since then the Government have published a plan to implement your recommendations, alongside several consultations and a call for evidence. However, with the exception of the ban on combustible cladding for new buildings, the regulatory system in England has remained largely unchanged for the last 19 months since the Grenfell Tower fire. Should more have changed by now?

Dame Judith Hackitt: I recognised at the time of doing the review that the regulatory system would take time to redraft, and there is a good deal of work going on. There is a Joint Regulators Group set up. There are a lot of people looking at what that new regulatory system will need to look like. There is some pilot work going on. There have been some



HOUSE OF COMMONS

joint inspections taking place in Manchester. All of those are very good steps in the right direction.

I said in my review that we did not need to wait for the regulation before people started to change their behaviours. That is what we have been trying to push for. As I said, now that we have that clear message from Government that the recommendations are going to be implemented in full, there is a need for us to underline that: that there really is no reason to wait for the regulation before the behaviour change starts to happen.

Q421 Mr Prisk: Following on from that, Dame Judith, you said in your final report—I have the note here—that there is “a cultural issue across the sector, which can be described as a ‘race to the bottom’, caused either through ignorance, indifference or because the system does not facilitate good practice”. What significant change have you seen that you can point to that has changed in the industry over the last year or so?

Dame Judith Hackitt: A lot of the feedback that I have had from people since my report was published has been very positive; almost all of it has been positive. Pretty much everyone has said, “You have captured exactly what is wrong with our industry and our sector”. In a sense, the first thing is the explicit statement of that; the industry has been gracious enough to recognise that that is the case. Obviously and understandably, there are some who have said, “Okay, we are going to change this”. There is a lot of evidence of players who are moving in the right direction, but equally there are others who will wait until they are forced to by the regulation. I am seeing signs of people moving in the right direction, and I am particularly encouraged by some of the things that are going on among the group who have come together as the early adopters group.

Q422 Mr Prisk: I will come to them in a moment. Understandably, cultural change does not happen overnight, but nevertheless the residents of Grenfell, and many other people, want to see something more than an acceptance that there is something wrong in the industry. Are there other things at this stage you can point to that suggest the culture is beginning to change?

Dame Judith Hackitt: There are a lot of signs that the culture is beginning to change. There are a number of things going on within the academic community aimed at providing tools and techniques. A lot of people are coming forward with solutions that will help industry to deliver on new approaches and so on, and we need to be more welcoming to those. We need to help industry to make that culture change by screening those tools and techniques and different methodologies that will help them to see what is possible. That is why I think the early adopters group is a really good way of testing out some of those things and then saying to others, “If they can do it, why can’t you?” and really making that challenge.

Q423 Mr Prisk: You mentioned the early adopters programme, but there is also the Competence Steering Group, which you touched on earlier as



well. Clearly, they are central to shaping whatever new regulatory framework operates. In your personal view, is there any particular example you can provide to the Committee of where those two fora are actually making notable changes, at the moment, that you think will lead on to other practical outcomes that the public can see?

Dame Judith Hackitt: Certainly there is a much stronger focus on delivering safe buildings. It is a language that people are starting to use that previously I really did not encounter. People do understand this need to deliver buildings that are safe for people to live and sleep in. People are starting to feel that sense of responsibility for that. What can I point to in terms of concrete ways in which that is taking place? I have engaged with a large number of people over the last six months, and it is increasingly clear to me that people are very much taking that responsibility seriously. Inevitably I worry that the people I am talking to are the responsible people and it is the tail end of the market that we all have to put the regulatory system in place for, but there are some very encouraging signs.

The competency work is also moving in the right direction. We can be much more confident that we will have more competent people in the system. What we have to do is put the regulatory framework in there and make it clear whose responsibility it is to ensure that they use competent people once they are available and do not carry on with some of the poor practices.

I am very encouraged, in particular, by this notion of a building safety charter that the early adopters are working on. If we can get people to see that there is some visible sign of commitment in the form of that building safety charter, then as long as the commissioning side of the process responds to that in the right way, by requiring people to have that or something equivalent, then we can start to build confidence. I, like you, recognise that the acid test of this has always been, and will always be, when people feel more confident in the system. I am very conscious of the need to build confidence among residents, and always have been.

Q424 **Mr Prisk:** In your report and, more importantly perhaps, following on from that, in the Government's proposed implementation plan, it is made clear that if agreement cannot be reached in certain areas, the Government do not rule out the option of mandating. Some in the professions—the RIBA and others—have actually said: "Look, mandating, at the end of the day, is going to be essential, not least for the worst practitioners, rather than perhaps those who are participating now as early adopters". Do you think at this stage that sufficient progress is going to be made so that the route of mandating that change will no longer be required, or is it too early to say?

Dame Judith Hackitt: I think it is too early to say, in all honesty, because that stake in the ground that says, "This is going to happen; this is going to be implemented", and that firm message that people were



HOUSE OF COMMONS

looking for did not come until December. Now that is there, I think it really will focus people's minds: "We are going to have to do this, so we may as well get on with it". My gut feel, if that is what you are asking, on whether there will be a need for some mandation is that, yes, there will be, but we will be able to be selective about that, once we can we have a good feel for what the industry is able to do voluntarily and deliver voluntarily.

Q425 Mary Robinson: Dame Judith, in our report we said that conflicts of interest are pervasive within the industry and needed to be tackled as a matter of urgency. Beyond the longer-term recommendations in your report, what more should be done to tackle these conflicts of interest in the short term?

Dame Judith Hackitt: First of all, I wish those with obvious conflicts of interest would own up to them rather than keep trying to persuade us all that they do not really exist. That would be helpful. When it is blindingly obvious to most of us that they are there, it baffles me that people keep trying to pretend they are not there at all. That would be the best thing that could happen in the short term.

I raised the issue in my report, and I was particularly grateful that the Select Committee picked up on that and underlined that. Again, once it is out in the open it is much easier to tackle, because we are all very much more aware of it. We just have to keep challenging people about whether there is a conflict here.

Q426 Mary Robinson: Are you doing that challenging? Are you actually going to these interested groups and saying, "You should be owning up to your conflicts of interest"?

Dame Judith Hackitt: Yes.

Q427 Mary Robinson: What is the response?

Dame Judith Hackitt: Again, it is varied. I see really good signs of a number of different organisations willing and able to recognise that and respond to it and others who are very defensive about it.

Q428 Mary Robinson: The independent review called for the role of independent approving inspectors to be significantly reduced, saying their involvement had led to a race to the bottom on building standards. In our report, we agreed. However, the Association of Consultant Approved Inspectors told us that it strongly opposes this recommendation, highlighting concerns that local authorities do not have the skills or resources to oversee the safety of buildings. Should we reconsider whether there is really no role for private sector approved inspectors in this area?

Dame Judith Hackitt: Should we reconsider the recommendation? No, we should not. It is one of the most obvious conflicts of interest in the system, and it needs to be addressed. I dearly wish that the approved



HOUSE OF COMMONS

inspectors would listen, because I have told them repeatedly that this is not going to result in a reduced role for them. In fact, I anticipate that they will get more work, because they will actually be able to do two different roles, not on the same job. They will have the opportunity, as now, to act as advisers to the commissioner of the project, the builder, the contractor or whatever, in that advisory capacity.

I fully acknowledge the point that I think lies behind that statement. They do have a point when they say that their levels of competence are higher than those of local authority building control. Yes, they are right, but what that means is that when the Joint Competent Authority puts together the necessary group of people to review high-rise buildings, they will need to call upon that competence and they will need to appoint approved inspectors to be part of the team. That is the other side of the coin, where they will get more opportunity to participate. What my report makes clear is that you cannot do both at the same time, because therein lies the conflict. If you are acting as a regulator, you have to report to the regulator. If you are acting as an adviser to the constructor, then you can be paid by the constructor. It is simple.

Q429 Helen Hayes: During our last evidence session with you, Dame Judith, you said that the whole system of product testing needs to be looked at in great detail because there are a number of flaws in the system. However, in a letter earlier this month the Secretary of State told the Committee, "We remain of the view...that the BS 8414 test is robust". Are the Government going as far as you would like to ensure that product testing systems are adequate?

Dame Judith Hackitt: BS 8414 is a very specific part of that, and I am aware that that is the view of the expert panel: that BS 8414 remains a robust test. You have to look at that in conjunction with the other things that have happened in terms of restrictions and clearer guidance and, indeed, a ban on combustible cladding. That is a very specific area. Is the whole system of product safety heading in the right direction? I don't know yet. As I said, when we look at our programme of work on the Industry Safety Steering Group, it will be June when we get around to looking at that. I am aware in the interim from my involvement in the portfolio board that a good deal of work is already going on, particularly with the Construction Products Association, and my understanding is that there will be a consultation in the spring on how we should strengthen the product testing scheme for all construction products, not just cladding. I keep coming back to this point: that while I understand entirely why everyone is so focused on cladding, the problem is much more widespread than cladding.

Q430 Helen Hayes: Is there a need for any interim guidance? It is a very complicated area, and your work is understandably taking some time. The Government have not been as quick as you would have wished in bringing this work forward. In the meantime, products are gaining approval and the industry is continuing to use products that have



HOUSE OF COMMONS

approval under the current testing system, notwithstanding the problems that it has, which are much wider than combustible cladding.

Dame Judith Hackitt: Of course. I think there is a case there is a case for some selective guidance in particular areas. The expert panel are the ones you should really talk to about this, because they have done that on fire doors; I know they have done it on cladding, as you know, with 8414. So some of that is already going on.

However, let us be clear: one of my fundamental recommendations in this review is that we have got to stop spoon-feeding the industry, because part of this race to the bottom comes from an attitude within the industry that says, "If the guidance doesn't say I can't do this, I will assume I can". The more we keep trying to chase after covering everything by producing prescriptive guidance, the more we will drive them into that box of, "I just do what I am told". We have to shift this agenda to one where industry takes responsibility for delivering safety. That is a difficult balance between how much guidance you produce to spoon-feed them in the short term versus driving that shift in responsibility.

Q431 **Matt Western:** Just related to this, because we are looking at safety, would you agree, Dame Judith, that it is about quality as well, and not just the quality of component product but the quality in situ, at completion and at construction?

Dame Judith Hackitt: Absolutely.

Q432 **Matt Western:** What overlap is there in the work you are doing with, say, quality control, in construction?

Dame Judith Hackitt: It is almost total. The same principles apply to safety as apply to quality. As with all good systems in all industry sectors, the more those things are integrated, the better and the more robust the system will be.

Q433 **Bob Blackman:** Dame Judith, when you published your report, there was a lot of media attention around the fact that you had not recommended a total ban on such cladding. I know you have clarified the issues both in correspondence with us and, equally, at the time when you came in front of us before. The Government decided to proceed with a ban. Have they got it right?

Dame Judith Hackitt: As a lay person, when it comes to understanding the issue of cladding, it would appear to me that they have put in place a more robust system now, and as far as I can judge, it feels more appropriate and right. I defer to the expert panel on those matters, but I also welcome the fact that they consulted on it. It was the right thing to do. I still maintain that that specific area was one that it was right to come from another group, not from my regulatory review. Do I support what they have done? Yes, I do.



Q434 **Bob Blackman:** Do you think the ban should have been retrospective, not just going forward when new buildings are put up?

Dame Judith Hackitt: You have to look at the totality of work that is going on. There are a variety of different work streams. Now that I am on the portfolio board, I have the privilege of seeing much more of that work that is going on. You have to see the approach that has been taken to cladding going forward in conjunction with the work that is ongoing to identify and address buildings that are out there right now with cladding on that is deemed to be unsafe. There is an element of retrospection that is going on in relation to those buildings, and a huge amount of effort and money is being put into doing that, and rightly so.

Q435 **Bob Blackman:** Do you think the ban should apply to other tall buildings such as schools, offices and indeed hospitals, or other buildings that are lower than the 18 metres?

Dame Judith Hackitt: I know the ban has been applied not just to residential buildings. It is applicable to other buildings, and so it should be because it has to be based on risk. As I said in my review, for me, the big issue is buildings where people sleep.

Q436 **Bob Blackman:** Is it right, then, to set it at a height, or should the issue be looked at in terms of risk, including buildings that are lower than 18 metres in height?

Dame Judith Hackitt: I have said before and I will say again that I think there is scope to extend the ban, but we have to do this in such a way that we don't set out with an unmanageable task. So we have to prioritise it and it is absolutely right, in my view, that we do the highest—a proxy: highest equals highest-risk—first. To extend that in the future would seem eminently sensible to me on a risk-based approach.

Q437 **Bob Blackman:** One of the issues that we raised in our report was a concern that some building contractors and builders claimed that they put their buildings up; they sought advice and sign-off from the building inspectors locally, and the building inspectors signed them off, so they were deemed to be passing the building regulations at the time. Should they then be liable for retrospectively removing that cladding and the costs of putting different cladding on?

Dame Judith Hackitt: On the face of it, those are the most difficult cases to address, without doubt. It would be easy to make a judgment, but, given what we know about a lot of the practices that are below the surface in this whole system, you cannot answer that sort of question unless you know exactly what details were provided by the contractor to the local authority, and that is the sort of detail that you have to unpick.

Q438 **Bob Blackman:** During the scope of your work, did you come across anyone that was making this claim: that, in other words, they had accorded with what the building regulations said and they got it signed it off by an inspector?



HOUSE OF COMMONS

Dame Judith Hackitt: I have heard anecdotal evidence to that effect, yes. People still contact me, infrequently but regularly, to share with me examples of where that is still going on, which is why my response to your question about culture change earlier on was that it is mixed. I know that there are people out there who are already doing the right thing, but there is enough anecdotal evidence coming my way to say that there are others who are slow to respond to that, and not just in the building sector but some of those who are overseeing some of that work.

Q439 **Bob Blackman:** The issue, of course, is not just about ACM cladding, as has been raised with the Minister—and I think we will be talking about this a bit later on. There are other risky buildings with cladding that is non-ACM. What do you think should be done about those particular buildings, given the set of circumstances we are talking about?

Dame Judith Hackitt: The programme of work currently includes taking unsafe cladding off some hospital buildings and so on, and that is absolutely right and proper.

Q440 **Bob Blackman:** I am looking at forms of cladding other than the ACM cladding. I asked the Minister last week on this particular issue in the Chamber, and there is a divergence of view of the number of buildings that the Government believe need to have remedial work, which I think is about 347, or of that order, whereas Rockwool, who have been in correspondence with us, are saying that, in terms of unsafe cladding, it is up to 1,600 buildings, which is a massive disparity. Have you taken evidence or looked at that particular issue?

Dame Judith Hackitt: Have I looked at that particular issue? No, I have not. As your Chairman will attest, he and I have had conversations about exactly this in the past. We are only dealing with part of the problem if we are dealing with the materials that have been used, because the competence issue is linked. Even if you use the right materials, if it is installed improperly, then you can still have an unsafe cladding system that has used the right materials but has been wrongly installed. As yet, whether we have got to the extent to which that is a problem, I do not know.

Q441 **Bob Blackman:** There is obviously a concern out there at the moment. People are saying, "This company is advising that there are unsafe buildings, which no one has yet tested and proven whether they are safe or not". What do you think should be done by the Government to actually expedite this programme as well as obviously the remedial work that is required at the moment?

Dame Judith Hackitt: In terms of how we address this issue over the medium to long term, I tried to address that within my review. The answer is that all of these buildings, in time, when the regulatory system is up and running, will fall into the scope of the safety case review. It will then be for the Joint Competent Authority to ask the responsible person to present the safety case for that building and to examine whether or



HOUSE OF COMMONS

not that building is deemed to be safe. If not, there will be a requirement to put other measures in place to make it safer.

That said, some of those interim reviews have been done, in the follow-up to Grenfell and so on, where interim measures have been put in place, in terms of fire watches and so on. There are a number of actions already in place to address that, and whilst I am extremely conscious that it is not moving at the pace that anyone would want in an ideal world, I am absolutely convinced that there is Government commitment and commitment in MHCLG to take this forward.

Q442 **Bob Blackman:** We understand at the moment that the testing has not even been undertaken on some of these areas.

Dame Judith Hackitt: It is about managing that workload and prioritising the work. That is clear.

Q443 **Chair:** Clearly the focus has been on ACM because that is the material that was on Grenfell. I am a layperson in these matters, so I do not really know what materials do or how safe they are when you put them on buildings, but I am told that zinc cladding material is potentially just as dangerous on buildings, yet no one seems to have given any attention to that so far. Is that part of the issue you have been looking at? Are you aware of it?

Dame Judith Hackitt: I am not aware of that. I cannot answer that question.

Q444 **Chair:** Would it be important that someone is now looking at all materials that may be potentially as dangerous as ACM and saying, "We need to deal with those as a matter of urgency in the same way"?

Dame Judith Hackitt: Of course, and, if I may say so, that was the point that I was trying to make, which got missed by the press at the time of my review, which was that this is not just about one type of cladding; this is about creating a system where people focus on whether this is going to be a safe system for people to occupy. That is where we need to get to.

Q445 **Chair:** The building owner should be asking the question, but perhaps the Government should be taking an overview of this as well?

Dame Judith Hackitt: Yes.

Q446 **Matt Western:** Just linked to that, are you surprised, as an engineer yourself, that there has been no formal audit of all these buildings across the country to understand what there is out there and the scale of the challenge that may face us?

Dame Judith Hackitt: The audit is being done in stages, and it is about identifying the highest priorities first. My understanding is that the immediate action that the Government took in the wake of Grenfell was to identify all other buildings with similar cladding and to look at high-rise



buildings. An audit has been done. Is it complete, if we start to identify other issues? No, but then the regulatory system that I recommended as part of my review is an integral part of putting that in place, because that says very clearly that, for buildings in scope, periodically they will be subject to a safety case review before they are built, and, for those that are built, periodically throughout their life. That is much different from what we have now, and that will require all of those buildings to be registered and we will need to collate that inventory of all buildings in scope as part of putting that regulatory system in place.

Q447 Matt Western: But 19 months on, there are all the buildings that we have described, whether it be the high-rise or the schools or the hospitals; less than 18 metres has been discussed. Correct me if I am wrong, but we do not know what proportion of buildings out there have, say, sprinkler systems or not. Would that be fair? We are not just talking about materials; we are talking about the overall safety of these buildings.

Dame Judith Hackitt: I do not have that data to hand. We must recognise the complexity of the system that we are trying to audit. It is relatively simple—I think of the experience that I was witness to—in terms of gathering that information for buildings that remain in the public sector, owned by councils and so on; that is relatively easy. Getting hold of that data from the private sector, in the case of privately owned properties, is an order of magnitude more difficult.

Q448 Matt Western: Going back to your point about risk—throughout this session, you have used the word “risk”, quite rightly—we do not understand what the risk is out there?

Dame Judith Hackitt: No. That is why another of my recommendations talked about the need to start putting together that bank of critical information about every building in scope, starting with what we have but building from that. As you say, as an engineer, am I surprised that we do not have that asset register that lists those buildings and tells us what the critical safety features are about it? Yes, I am, and I do not understand why the construction industry has been allowed to get away with not having that for as long as it has.

Q449 Mr Prisk: We have rightly been talking about design and the building process, but in your report you also talked about the thread of responsibility running through to the management and ownership thereof. I am aware that there is quite a difficulty now in the facilities management field, in terms of those who manage the buildings once built and indeed buildings now occupied. There is a question mark around the qualifications. There are existing qualifications, but obviously the Government are looking at new qualifications. What is your view about making sure that those people who are already committed in terms of having qualifications are recognised and rewarded as opposed to trying to introduce brand new regulations?



HOUSE OF COMMONS

My main concern here, and what I am trying to establish from you, is whether you also feel that actually grandfathering across or recognising existing regulations is one of the right ways to deal with that culture change, not just in design and build, but in the people who manage the building subsequently. What is your view on that?

Dame Judith Hackitt: I would agree. We should not completely clear the decks and start again. If there are good practices and good things going on, then they need to continue. In part, that is part of the challenge that the Competence Steering Group is struggling with: that there are lots of competency schemes out there already. Some are good; some are not so good. Some are pretty awful, and it is being able to identify those that are good and should be grandfathered over into the new system versus those where we really do need to start again and come up with something much better.

Q450 **Kevin Hollinrake:** Dame Judith, I am sorry if you have answered these questions already; I have come in late, so I do apologise. You suffered quite a lot of criticism that your original review did not recommend a ban on combustible materials.

Dame Judith Hackitt: We have just been talking about that. I have the scars to prove it.

Q451 **Kevin Hollinrake:** I am sorry. My question was not actually that or to reiterate that point. My question was about how happy you are that the current guidance now is clear to those responsible for these kind of buildings. Are they perfectly aware that the situation now does proscribe combustible materials?

Dame Judith Hackitt: I will summarise what I think I have already said in response to several questions, because I think it is really important. In regard to aluminium cladding systems, yes, I think the guidance is clear. I welcome the fact that the Government have done that and put that in place. There is now a big question, which we have already had, about whether or not there is a need for more guidance on more things, like zinc cladding and other cladding systems, and the answer to that is, "Possibly". The dilemma for me is that we have to, at some point in this process, break this vicious cycle of trying to second-guess what the industry is going to try to do next in terms of shortcutting. The only way we are going to do that is by changing the system to one where they are responsible and they are held to account—that is why the regulatory system is absolutely fundamental to this—rather than keep producing more and more guidance.

Q452 **Kevin Hollinrake:** Is it either/or, or is it both?

Dame Judith Hackitt: It is a difficult balancing act. I can see the tensions in the system that say we need some more guidance in the short term, but we need to be selective about that, because in due course we need to move over to a system where we hold them to account for delivering safe systems.



Q453 **Kevin Hollinrake:** In terms of the Government's call for evidence, in terms of a complete review of Approved Document B, is that something your review is going to submit evidence to? Have you particular areas of concern in terms of reshaping that guidance going forward?

Dame Judith Hackitt: My ongoing responsibility is for the Industry Safety Steering Group. We will not, as a group, be submitting evidence. We will be very interested to see the evidence that comes forward from the industry groups; there are many of them—dozens in fact. We will wait and see where they come from in all of that, because our job as a steering group is to advise the Secretary of State on whether or not the industry's culture is changing and where mandation is required because they are not moving fast enough. That is how we will play into that system, rather than being a consultee ourselves and responding to that.

Chair: Dame Judith, thank you very much for coming again to the Committee and giving us some, as usual, very robust, straightforward answers. It is really good to know that you are still involved and pushing on with these issues. The importance of this is not merely your recommendations but whether they are actually delivered and put into practice; that is what we all want to see. At some stage we might well invite you back again—it is not that unpleasant, I am sure—to make sure we keep this on the agenda, keep public focus on it and hopefully get an update on even more progress being made.

Dame Judith Hackitt: In all seriousness, Chairman, I have no problem with coming back again, and I have to say that it feels like a much more positive engagement this time than previously. I do appreciate the support your report gave to my report.

Chair: Thank you very much indeed.

Examination of witnesses

Witnesses: Kit Malthouse MP and Bob Ledsome.

Q454 **Chair:** Minister, thank you very much for coming to our inquiry this afternoon. Could you just introduce your official to the Committee?

Kit Malthouse: I am Kit Malthouse, the Housing Minister, and Bob Ledsome has a handle on the very technical aspects of this particular area of business, so we thought it would be useful to have him along.

Q455 **Chair:** There are quite a lot of those, as we all appreciate. Minister, when we had an evidence session in July, Grenfell United said to the Committee, "Grenfell 2 is in the post unless you act, and quickly". What RIBA said to us was that, with the exception of the ban on combustible cladding for new buildings, the regulatory system is basically unchanged from what it was 18 months ago. Do you think any progress has been



made, and quickly enough, since Grenfell?

Kit Malthouse: I am always impatient for changes to be made as quickly as possible, but there are a couple of things to say. There are two strands of work. The first is dealing with the immediate problem of ACM cladding and the remediation work that is required to make sure that those buildings that have that form of cladding are safe immediately. There are plans to remediate, and indeed remediation is taking place as quickly as possible. We publish on a regular basis, as you will have seen, the numbers of progress that we are making there. It is faster in the social sector than the private sector; you would expect that, given that we are putting significant amounts of taxpayers' money behind remediation in the social sector. We are seeing significant progress in the private sector as well, with a number of large developers and property owners taking responsibility for getting the remediation done.

There are a small number of buildings where plans are, as yet, unclear and we are engaging very closely with those particular situations to make sure that we can see some progress soon. It is undoubtedly going to be the case, as I said in the Adjournment debate and the urgent question last week, that we will get to the point where there is an irreducible core of difficult cases where we are going to have to consider more assertive action.

We have worked very closely with our colleagues in local government and in the fire and rescue service on this issue. There is a ministerial task force that meets, with either the Secretary of State or me chairing, which is driving some of that work forward. We have put together a joint inspection team that sits alongside that to help us with that work. We have given assurance to local authorities that they can be assertive if they are meeting resistance in entering premises and doing the work, and we have promised to support them logistically and with finance in order to do that. That piece of discrete work is taking place.

The second bit of work, which is of significant size, is revising the building regulation system. As we admitted to each other in the Adjournment debate last week, this is a system that has not been functioning for some time and where Governments of all stripes have perhaps not paid it the attention they should have done.

One of the strictures that was put on us by Dame Judith Hackitt's report—I know that you have just heard from her—was that we needed to look at the system as a whole. It is a terrible modern word, but there needed to be an holistic approach to make sure that we got the system right, taking into account not just the building regulations themselves—the documents, whether they need to be clearer, revised, what the scope is—but also things like where tenants sit, what the tenant voice is, what the responsibility is towards tenants, what the regulatory framework is, how the inspection regime works and whether there are inherent conflicts of interest and capability that need to be addressed, and also the culture of building safety within the construction industry that needs to change.



HOUSE OF COMMONS

All of that has taken quite some marshalling into the plan that we have now published. There is a series of strands of work that are now moving ahead, we hope, at pace.

It is very important that we get this right and we did not want to pick off bits and pieces of what is fundamentally an interlocking system that primarily should be focused on protecting the public. To instil that confidence, we did feel the need to take a bit of time to get the structure right so that we are going out knowing that we are collecting the right information from the right people with the right scope, which will translate into a legislative programme over the next few months and, possibly, couple of years, to make sure that we have a system that works for the future.

Q456 Chair: You are absolutely right: Dame Judith's report was comprehensive; it was about the whole approach and culture of the industry, and we will come on to some of those issues in due course. What Dame Judith said very clearly to us—you will not have heard this—when she gave her evidence a few minutes ago was that one of her disappointments was that it took the Government seven months to say very clearly, "We do intend to implement all the recommendations of the Hackitt review in full". Why could that not have been said seven months ago? That would have sent a very strong message to the industry, would it not: "Don't wait for us and don't wait for the regulations; get on and do it now"?

Kit Malthouse: Obviously, we did take some steps straightaway that we felt were of compelling need, such as the ban on combustible cladding and restriction of the use of assessments in lieu of tests—desktop studies, effectively. Some steps have been taken. To be honest, much of the capacity of the Department was initially focused on the requirement of remediation in the aftermath of Grenfell and making sure that we were working with local authority colleagues to assess a very large number of buildings over 18 metres across the country. In total, something like 6,000 buildings have been assessed; is that right?

Bob Ledsome: That is the overall stock of buildings.

Kit Malthouse: That is the overall stock of buildings, so large numbers of buildings needed to be assessed and that obviously consumed some capacity at the start. Nevertheless, we are now over the line in terms of the implementation plan being published. Work streams are ongoing. We are not waiting necessarily for the conclusions of all of that before things start. As you know, we have a shadow body of activity that is taking place with some early adopters and Dame Judith is chairing the industry steering group, to try to bring a sense of urgency to this that moves in advance of the strict regulation coming in place.

Q457 Chair: I was not saying that nothing was happening or that it was not taking a lot of effort in the Department to do what has been done. I was asking whether it would not have been simpler, and perhaps in hindsight



HOUSE OF COMMONS

better, to have simply said, "We are going to implement these recommendations in full. It will take us time to get around to it, but that is our intention." That would have sent a very strong message out, would it not? It has taken seven months to deliver that message.

Kit Malthouse: I cannot second-guess my predecessors; you would have to ask them here and ask them what the constraints were upon them. I do know that in the immediate aftermath of Grenfell the Building Safety Programme was established and a large amount of capacity in that programme was involved in addressing the immediate concern of making sure that people in buildings with ACM cladding were safe, and that remediation was going to be taking place in the very near future. Obviously, we geared the programme up with staff and personnel, and that has now resulted in what we think is a really good and assertive programme of work.

Q458 **Chair:** Okay. That did not quite answer the question, but of course you are saying you were not in a position to make a statement at the time. Let us move on, very briefly, before other colleagues come in, to the plan that you have published, *Building a Safer Future*. There is a lot of good intention in there and indications of further Government action, but no timescales particularly. Is it possible to add some timescales, if not now, in the Committee, before too long, so that we are quite clear when these things will be done as opposed to the fact that they are going to be done?

Kit Malthouse: Yes. Mr Chairman, once we have the information back that we have asked for from the industry—the various calls for evidence and consultations that we have put out there—then obviously we will be able to publish exactly the kind of project timescale that you are looking for. Some of it is dependent upon what comes back. We are hoping, for example, to consult on the scope of Approved Document B, not just the clarity of it in the future. Depending on what people come back with in terms of that scope, there will have to be some assessment about the costs and benefits of doing that work. I would hope that by the end of the spring we would have a clearer idea, exactly as you say, of where this is going to fall in terms of time. Some of this is going to take legislation, and obviously the legislative timetable is not in my control, but I definitely would like to leave you with the impression that this is a very urgent and pressing project for us and we would like to get this work done as quickly as possible, so that the industry can start to embrace the quite significant changes that are going to be required.

Q459 **Chair:** It would be helpful to have, at some point, information about when certain elements can be expected. That will be helpful as a stepping-stone and then we can follow up in due course, if that is possible.

Bob Ledsome: If I may add, the annex to the implementation plan did set out, for each of the individual recommendations, what the Government's proposal was and, for example, when potential further



consultations would happen. The document does not contain a detailed Gantt chart with milestones, but there are indications.

Kit Malthouse: It says spring, summer and autumn, but I understand the desire for more exact information, and we will be able to produce that as we get further down the track.

Q460 **Helen Hayes:** Grenfell United and Shelter's social housing commission have both recently called for more urgent action on regulation and on tenant voice. Dame Judith Hackitt also highlighted the importance of residents' voice in her final report. I know that the Government have recently issued a partial response in relation to regulation and have announced some proposals for additional regulatory reform within the housing sector, but there has not yet been a response on the role of tenants and the voice that tenants will have in the future. What are you doing to act on these issues?

Kit Malthouse: Two pieces of work are pertinent here. The first is the work around Hackitt, where we do recognise the requirement for tenant voice particularly, and I have been talking on a regular basis with Grenfell United. Secondly, we also have our social housing Green Paper, which has been through a consultation exercise in the run-up to Christmas; we are digesting the responses and results of that. One of the key strands in that paper was this notion of tenant voice. From the public meetings that I did across the country, and certainly from the written responses that we have had through, it is clear that a lot of social housing tenants do not feel that their voice is heard, either consistently or at the right level, by their landlords, on any manner of issues, not least safety. We will be synthesising that work as we respond to the social housing Green Paper, to make sure that we come up with a model of tenant voice that encompasses both those things.

We have a pilot ongoing with a small group of social landlords to look at best practice and what works in terms of tenant voice. Certainly, from the conversations I have had with tenants on a one-to-one basis, there are two strands, really. First, there is the voice they have with their landlord. A lot of tenants feel as if they are not in the room when the important decisions are made, or they are pushed off into some kind of sub-committee and do not get to sit and hear the real business; there is an element of suspicion there. Secondly, there was a desire also for some kind of national voice with policymakers, notwithstanding, obviously, their contact with constituency Members of Parliament. They wanted to have some form of regular engagement, essentially with the Department, with Government. Crafting both those structures will be the mission over the next few months.

Q461 **Helen Hayes:** Will representatives of tenants be formal members of the new Joint Regulators Group, to ensure that their concerns are fully heard and represented in any future regulatory framework?

Kit Malthouse: I do not think we have taken a decision about that yet.



HOUSE OF COMMONS

Bob Ledsome: No. The Joint Regulators Group is very much the regulatory bodies that are intended to form part of the Joint Competent Authority, which is the underpinning regulatory structure as recommended by Dame Judith. That will be people like the Health and Safety Executive, the local authority building control, and the local fire and rescue service. That group itself is comprised of those regulatory bodies and they are testing out approaches and starting to do joint inspections. Dame Judith mentioned the work that is happening in Manchester, for example, around that. I don't think the tenants as such will be involved in that process, but, as the Minister has explained, there are plenty of other processes that we are putting in place to capture and ensure that tenant voices are heard.

Kit Malthouse: There is a residents' reference panel, which is intended to bring those voices together to talk about these issues.

Q462 **Helen Hayes:** Given that the lack of tenant voice within all of those organisations is part of the problem and has been well identified as part of the problem, do you think those arrangements are sufficiently formal and give sufficient weight to the interests of tenants at the heart of the process?

Kit Malthouse: That is part of what we are considering at the moment. Having said that, we are quite keen to ensure that the responsibility for building safety rests with the building owners/managers. Housing associations and others, particularly in the social sector, need to realise that the responsibility for the safety of the building is fundamentally pinned on them, and that they are the people primarily responsible for engaging with their tenants in their building. As Dame Judith has referred to, there is a golden thread of safety that runs through: that you are able to look towards an ultimate point of responsibility for safety that will cascade down. It is that point of responsibility that needs to be most informed on a regular basis by tenants.

There is a role, in those larger organisations, for a wider tenant engagement, which all housing associations, in particular, and councils recognise but which, certainly from my experience of the social housing Green Paper work we have done, is patchy. That needs to be sharpened up and certainly housing associations, in particular, are thinking about how they do that.

There is a third bit, which is how the national tenant body engages on a national level with policymakers in Government. Three things are needed, but the primary home of safety must be at that level of the building management and owner. That is fundamentally where they will be responsible.

Q463 **Helen Hayes:** I do not think anybody would disagree that that is where the responsibility lies, but the Grenfell Tower fire proved, if nothing else, that that system is broken, and that that responsibility is not sufficiently weighted in the right direction. Are you confident that saying to building



HOUSE OF COMMONS

owners, "You are responsible and you are responsible for engaging with your residents, making sure that they feel safe and that they are safe," is sufficiently robust?

Kit Malthouse: This is part of what we are considering in terms of regulatory change. For example, one of the questions that has been posed to us as part of the Green Paper process is whether the regulation of social housing is sufficiently consumer-focused. At the moment, regulation is very much on a finance basis: is the balance sheet okay? Are they rated correctly? Is the finance being run? The pendulum has swung away from the idea of service levels and communication and, effectively, tenant satisfaction, which will obviously include on safety issues. One of the things that we will consider as we go forward is whether and how we change that regulation so that these landlords are assessed on a regular basis on how they are engaging to the satisfaction of their tenants and getting the messages clearly from a tenant body.

Q464 **Helen Hayes:** There is a perception that within Government this agenda has been moving too slowly and has not been given nearly the priority or attention to detail that it needs. For example, we have not had a permanent chair of the Housing Ombudsman since June 2017 and there has not been a permanent chair of the social housing regulator since February 2018. These are existing posts; that is not even about future reform. Do you think that is good enough or remotely acceptable to tenants and residents and when do you envisage it changing?

Kit Malthouse: Obviously it would be preferable to have permanent appointments to that position, but in the end, we have good interim chairs who can provide the continuity that we need. We are going through the recruitment process as quickly as we can.

I just want to challenge the contention that you put down that the pace has been slow. I would not underestimate the sheer volume of work required to get this right and the multiple streams of work that are taking place at the same time. While on any particular strand of work you might be able to point to it and say, "If we had only had that sooner," but when you put it all together it is an enormous effort and a huge strategic priority for the Department to get this work right and to weave the various strands of work together into what will be a coherent product at the end that can guarantee people's safety.

Q465 **Helen Hayes:** Just on those two roles, when will permanent appointments be in place?

Kit Malthouse: On the social housing regulator, we will be advertising shortly. I will try to find out how much sooner that is. I think they are both shortly, but I will write to you with a plan once we have decided.

Q466 **Helen Hayes:** We know on this Committee that "shortly" has a very elastic definition.



HOUSE OF COMMONS

Kit Malthouse: Yes, I know; I understand. We have more detail on “shortly”.

Bob Ledsome: We have. The recruitment campaign for the Housing Ombudsman closes on 4 February. We have engaged external support—executive search—to do that, so that campaign will be closing on Monday.

Q467 **Matt Western:** Can we look now, Minister, at the scope of the combustible cladding ban? As a Committee, we expressed surprise that the ban on combustible cladding would not extend to existing buildings, such as hotels and office blocks. However, the Secretary of State then responded, saying it would be “wrong to consider that no measures exist for existing buildings” but noted “existing functional requirements and existing provisions” in the Approved Document B guidance. Given what happened at Grenfell Tower, is it really sufficient for us to rely on “existing provisions”?

Kit Malthouse: I don’t think there is any intention effectively to leave the matter closed. Alongside issuing a clarified Approved Document B, we will, later in the year, be consulting on the scope of Approved Document B and we are open to evidence and to consider, as I said in the House last week, whether the scope of it is right and where different buildings sit. We also have to recognise that in all instances we are guided by the expert panel that has been put together. We also have to recognise that different buildings have different safety requirements, and that the safety of a building is a product of a number of factors. If you have a hotel, for example, that has cladding on it but is below 18 metres, but it also has other measures, such as a sprinkler system and other fire safety measures, if the local fire and rescue service is satisfied that the overall fire safety envelope is okay, from my point of view, as a non-expert in fire safety, I have to take that on expert advice. As I say, we are more than willing to look at the scope of Approved Document B and will be consulting on that later in the year.

For example, one of the issues has been this notion of the 18-metre height. As I understand it, 18 metres has long been an established height in building regulation at which considerations change. We are perfectly happy to consider evidence as to whether that is still the correct height at which that delineation should come or whether it should be lower—hopefully not higher. That will come later in the year. At the moment, we have clarity around Approved Document B. Do you want to add anything on that, Bob?

Bob Ledsome: Just before Christmas we issued a call for evidence on all of the issues associated with Approved Document B to feed into that wider review that the Minister has described. One of the explicit issues that we put on the agenda was this whole point about height thresholds. It has developed historically, but that is something that we are looking at again.

Q468 **Matt Western:** That is very welcome. May I broaden this a little and look



HOUSE OF COMMONS

at what is happening in the whole sector? Something we touched on previously was about permitted development rights. The Government have said, "The ban will also apply where building work is being carried out, in line with the definition of building work in the building regulations, including changes of use and material alterations". For clarity, does the ban apply in circumstances where there have been changes under permitted development, such as when an office building is changed to residential?

Kit Malthouse: Yes, it does.

Bob Ledsome: Yes. Permitted development rights are taken forward under planning legislation. Whether there is a permitted development right in place or not does not impact on the need to comply with relevant building regulations requirements.

Q469 **Matt Western:** So if there is an office block in Croydon or something that is being converted—

Bob Ledsome: If it is an office block in Croydon, if there is a permitted development right, there are still requirements under building regulations, under changes of use, for the work done as part of the conversion to meet building regulations requirements.

Q470 **Liz Twist:** During our inquiry into building regulations, we received evidence relating to how cladding systems using materials classified as being of limited combustibility performed under large-scale tests. Different organisations have different views. For example, one organisation suggested that class A2 materials may not be safe in all circumstances. In July, the Secretary of State told us he would commission further research into these claims. What was the outcome of the research? How has it affected the Government's consultation response?

Kit Malthouse: The research is about to start. We have commissioned the Building Research Establishment to undertake the research. Given the scale of what they are doing, it is taking a bit of time to gear up, but we expect the testing and the research to start in March. That follows the construction of rigs, the designing of the programme and all that kind of stuff. We have had one or two specific issues to deal with on particular types of cladding. There was a Vitracore cladding that needed early testing, but I think it is only used on two buildings in this country. We have not yet had the conclusions, because the testing is about to start.

Q471 **Liz Twist:** During our inquiry, again we heard further concerns: from the Local Government Association that the BS 8414 large-scale fire test was "flawed"; from Rockwool that it failed to assess "the worst possible scenario"; and from the Association of British Insurers that it was "not fit for purpose". However, in his recent letter, the Secretary of State told us, "We remain of the view that...the BS 8414 is robust". How have the Government reviewed BS 8414 since our report?



HOUSE OF COMMONS

Kit Malthouse: We take the advice of the independent expert advisory panel and, fundamentally, they have said that they believe the test is robust. In the end, the responsibility for the test is that of the BSI and, as I understand it, the ABI sit on the board of the BSI. Is that correct?

Bob Ledsome: The standard was produced by the BSI and introduced in 2006. In fact, it originated from a recommendation made by one of your predecessor committees back in 2000, just for a bit of historical interest. The way the BSI operates is that it has a series of technical committees, which look at particular issues. It has a technical committee that is looking at the methodology for the BS 8414 test. When the ABI published its report, to which you referred, it was referred to that committee and the BSI is now undertaking a wider exercise to look at the whole BS 8414 methodology. I understand it is planning for a consultation on that later on in the year, with a view to potentially upgrading the standard for the BS 8414 test.

Q472 **Liz Twist:** So despite that statement from the Secretary of State that the BS 8414 is robust, there is work going on to review that through the British Standards Institute; have I got that right?

Bob Ledsome: There is work going on, yes. Obviously, standards are kept under review. The BSI will always keep standards under review, and if new evidence emerges that suggests a particular standard or a particular test methodology needs to be looked at, then BSI will take that very seriously.

Kit Malthouse: I suppose it is possible for the test to be robust but also to be made more robust, and presumably that is part of the work that is being done.

Q473 **Liz Twist:** Thank you for that. Just as a follow-on to that, though, if the Government felt that they had concerns about an important standard like this, would you not be expressing those concerns and asking the BSI to look at them?

Kit Malthouse: Yes. Obviously, we respond to two things. We respond to evidence, and there are cases of that to be shown—where evidence is brought forward and we respond. Secondly, in the end, we have to rely on the expert advice that we are given and the independent expert advisory panel looks at these issues on a regular basis in response to evidence, but also on a review basis. They are saying that, thus far, they believe it is robust, but that does not mean to say that we should not get the BSI to have another look.

Q474 **Liz Twist:** My other question was going to be about how the Government were going to reassure industry experts who have commented on it that the BS 8414 test is reliable. In light of your comments, is that something you will be making clear to the industry—that this issue will be reviewed, and that there will be Government support for that?



HOUSE OF COMMONS

Kit Malthouse: Obviously, the BSI has responsibility for the robustness of its tests. But given the importance of this particular area, I am not sure that we want to be in a position where we are taking things for granted; let us put it that way. If evidence is brought forward and people have concerns about particular products or particular classifications or even particular testing techniques, we are duty-bound to investigate that and satisfy ourselves, as advised by our experts, that what is being done, either by the Health and Safety Executive or by the BSI or whatever it might be, is robust and satisfactory and that we are treating people's safety appropriately.

Bob Ledsome: The technical committee that I mentioned would have a wide range of experts on it helping the BSI look at the issues and work out what changes may need to be made to the standard. As I said, it is a matter of course for the BSI to put standards out for a public consultation exercise, so there will be plenty of opportunity for industry, experts and all stakeholders to put in their views.

Q475 **Chair:** To return to where we are with the ACM cladding, 457 high-rise buildings with the cladding have been identified. How many have been fully remediated?

Bob Ledsome: Of the 437 high-rise buildings, 160 of those are in the social sector, 268 are private sector and nine are publicly owned. Of those 437 overall, 67 have finished remediation. For the others, obviously there is a process in place. Within the social sector, of 160 buildings, 37 have finished remediation activity, 81 have started and 40 have a plan in place. Of the 268 private sector buildings, 30 have finished remediation, 18 have started and 126 have a remediation plan in place. As the Minister said, there is a tail of buildings where we still need to work to find out what exactly the building owners are planning to do.

Kit Malthouse: I should just say, for clarity, that 100% of those buildings have interim measures in place that mean that the local fire and rescue service is satisfied that the residents are safe tonight.

Q476 **Chair:** That is ACM cladding and at least we have the numbers there; we know what they are and where they are. The problem is that Rockwool provided information to us, which we passed on to the Department, that they estimated a further 1,678 buildings had non-ACM cladding but the material was combustible on those buildings and was potentially just as dangerous. I understand that you said last week to the House that testing on those matters will begin shortly.

Kit Malthouse: In March. We have commissioned the BRE to do this. It is worth saying, Mr Chairman, we have issued advice to owners of these buildings as to what they need to do to ensure their buildings are safe, following advice from the Independent Expert Advisory Panel. At the Secretary of State's request, that was updated in December 2018, so that nobody should be under any illusion about what they need to do to make



HOUSE OF COMMONS

sure it is safe. As for the various products that have been used, yes, that testing programme begins in March.

Q477 **Chair:** What happens if the tests show that that material is potentially as dangerous as ACM cladding? Do you make the same decision to ban it and take it off immediately?

Kit Malthouse: Yes. By definition, it is then combustible cladding, which is now banned. We would obviously have to seek for remediation as we are doing with ACM.

Q478 **Chair:** I am told—and I do not know whether you have had advice—that the zinc cladding material could be just as dangerous as aluminium cladding material.

Bob Ledsome: That is what the BRE has been asked to do. It has been asked to identify certain types of cladding material, initially from a literature search and what we have learned. They will then be put forward into the research and test programme, which the Minister has described.

Q479 **Chair:** We now have a whole series of different categories of material: ACM, which was banned before and is now being taken off; other materials, which you are testing, which might eventually fall into the same category as ACM and might have to be removed; and then other material that is not of limited combustibility, which will be banned in the future but, where it exists on current buildings, is allowed to stay. Is that a fair description of where we are up to?

Bob Ledsome: Going forwards, combustible materials that do not meet the threshold standards, which have been set out in the regulations, will, as you say, Chair, be banned. As we have described, there is an issue about what to do about existing buildings. We cannot retrospectively apply the ban within the building regulations, because we do not have the powers to do that. The safety case approach, as Dame Judith described and set out in her report, provides the mechanism for then looking at existing buildings and working out what exactly needs to be done for those buildings in respect of their cladding systems.

Q480 **Chair:** Again, we have ACM banned and being taken off; materials that are not of limited combustibility that, in the future, will not be allowed and will be banned from new buildings or refurbishments but are allowed to stay on existing buildings; and then there is this whole other group of materials, which, if testing shows they are as dangerous, potentially, as ACM cladding, you will put in the category of banning them and taking them off immediately.

Kit Malthouse: I cannot see that we would have any choice but to do that, yes. If it is equivalent to ACM cladding and proven to be the same, then the tenants or the leaseholders or whoever is in the building would expect remediation.



HOUSE OF COMMONS

Q481 **Chair:** But there could be some material that is not of limited combustibility but is not as dangerous as ACM, which then would be allowed to stay.

Kit Malthouse: Yes. Of course, as I said before, you have to take into account the whole nature of the building. If the building has significant other fire safety measures involved and is below 18 metres, then we would have to consider it on its merits, I guess.

Q482 **Chair:** Wait a minute. If the material was as dangerous as ACM, you could not take any other action than to take it off, could you?

Kit Malthouse: Yes, I agree, if it is over 18 metres.

Q483 **Mr Prisk:** Presumably, if a building owner is responsible for a building that has not had the ban applied retrospectively to it, they still have a duty of care legally to their residents. Do you foresee that being something that will be tested in the courts if owners are prepared to keep material on that was there prior to the ban, which is now recognised as being unsafe?

Kit Malthouse: I would hope not. As I say, we have made it clear to building owners what they need to do now to make their buildings safe in advance of the testing. I would rather wait and see where the testing comes out before predicting whether or not we will end up in litigation.

Q484 **Mr Prisk:** I was not saying that you would remain in litigation; it was more that the building owner or the responsible manager, if that cladding was not removed, might find themselves in court, perhaps from the residents.

Kit Malthouse: In the end, it is the responsibility of the building owner to ensure building safety. That is what we are reinforcing and we have given them advice on what they can do to be safe now. Let us see how the testing regime works out and then we will have a scope for the level of the problem, if indeed there is one.

Q485 **Chair:** To be absolutely clear, when you do this testing, if the material is as dangerous as ACM, it comes off existing buildings? Yes? Okay, that is fine.

Kit Malthouse: Uh-huh. Yes, I would think so.

Q486 **Chair:** Do we know when the testing will be completed by? Obviously, there are a lot of people out there are slightly worried about the whole situation in their blocks. I appreciate that you are saying the fire and rescue authority has been involved in providing other measures to make people safe. That is an important message to get across, but do we know when the results of this testing will be available? Presumably they will be made publicly available, so that everyone living in these blocks can see.

Kit Malthouse: I would expect we will probably publish the results in batches as we test stuff.



HOUSE OF COMMONS

Bob Ledsome: We will have to see how the programme evolves. As with the large-scale tests we did in summer 2017, it may be that we will release the information as soon as we can once the tests have been completed. At the moment, I cannot say precisely how that process might pan out over the coming months.

Q487 **Chair:** Is there any sort of timescale? Will people have to wait two years, or is it likely to be done by the end of this year?

Bob Ledsome: We would hope much sooner than that. Certainly, by the summer we should have completed them and be in a position to have final reports from the BRE.

Q488 **Chair:** That will be made public, so that people who live in these blocks will know precisely what the tests say.

Bob Ledsome: I cannot see why that would not be made public.

Kit Malthouse: Yes.

Q489 **Chair:** Finally, in terms of the ACM cladding and where local authorities have come to you for money, how many local authorities are now waiting for money, having spent it on remedial works?

Kit Malthouse: I do not know how many, having spent the money, are waiting. We have certainly committed £268 million now, which is available for drawdown by the local authorities that have put bids in. That covers 135 buildings, or something like that; we can send you the precise numbers. In terms of cash flow, there is no reason for a local authority to wait to claim the money. They are entitled to it, given that it has been committed.

Q490 **Chair:** Camden have said to us that they have secured just over £80 million from the Department but still need a further £26.5 million to complete the work they have carried out so far. Is there a reason for that delay? You probably do not have the information to hand.

Kit Malthouse: No. I am happy to look at the Camden situation in particular, but that is the first I have heard that there has been any particular delay. We have allocated £248 million at the moment, of the £400 million fund, and that is for 135 buildings; yes, that is correct.

Q491 **Chair:** Could you give us the figures about the allocation made to local authorities and where additional requests have been made that you are considering?

Kit Malthouse: Yes. As I say, we have a total amount of £400 million and we are entertaining requests for funding on a regular basis. They should not hold back in terms of asking.

Q492 **Chair:** What happens if the requests come to more than £400 million?

Kit Malthouse: We will have to talk to our Treasury colleagues about that, but we do not anticipate at the moment that it will.



HOUSE OF COMMONS

Q493 **Matt Western:** Just going on from that, Minister, it seems as though the council tax payer, in the case of Camden, will be meeting that £26.5 million shortfall. Is that not correct?

Kit Malthouse: I do not know in the specific circumstances. I do not know why it would be a shortfall. If it is remediation on a social sector building, then the money should be there to support it. I am happy to look at that specific situation. It is the first that I have heard that there is a particular problem, so if there is one I will have a look.

Q494 **Matt Western:** Could I just come back to the zinc cladding? Perhaps this is a question for Mr Ledsome, given your relative newness to the Department. Mr Ledsome, how long have you been aware of zinc cladding potentially being an issue, and how much is the budget for doing this testing at the BRE?

Bob Ledsome: As the Chair has said, zinc cladding has been raised as an issue with us, as have other materials, which is why the Government decided to put in place the testing programme for non-ACM cladding material. Certainly, we have been aware of that for some months.

Q495 **Matt Western:** How many months?

Bob Ledsome: I cannot say for sure. I can go back and check.

Q496 **Matt Western:** It will be on paper somewhere, will it not?

Bob Ledsome: Yes, so I can check on that. I do not know, off the top of my head, the precise budget for the BRE testing programme, but we can certainly find that information for the Committee.

Q497 **Mr Dhesi:** Let us delve into the new powers for local authorities. Minister, in November last year, the Government very boldly—and, in my opinion, rightly—announced that “local authorities will get the Government’s full backing, including financial support, if necessary, to enable them to carry out emergency work on affected private residential buildings with unsafe ACM cladding”. In particular, an addendum was cited to the operating guidance of the Housing Health and Safety Rating System. With the residents’ safety as a primary concern and given your full backing, many authorities, like Slough Borough Council, undertook remedial works in good faith. When will they finally receive that funding, because as yet they have not received any money from the Government?

Kit Malthouse: Have they asked for it?

Mr Dhesi: I believe so.

Kit Malthouse: Okay. I will have to have a look at the Slough situation again. I had not heard that that was a particular issue. I am pleased that they have taken assertive action, obviously, but I do not know the complications of that particular situation. We have said, though, that we will support local authorities using their powers to enter, under the Housing Act 2004, to do that remedial work and we will offer them financial support. Obviously, our intention is that that money should be



HOUSE OF COMMONS

reclaimed from the building owners/developers—whoever is responsible—but in the end we have offered financial support. I do not know the Slough situation but I will have a look.

Q498 Mr Dhesi: Prior to this addendum in November, did local authorities have the power to remove dangerous cladding?

Kit Malthouse: My understanding is that under the Housing Act they did have the power to enter and do the work. The only change between now and then, which you have referred to, is the strengthening of the HHSRS, which is the assessment tool that local authorities use. Since 2004, though, they have had the power to enter and do safety-critical work. That is correct, is it not, Bob?

Bob Ledsome: Yes. Under the HHSRS, the hazards are categorised and if a hazard is placed, following an assessment, in category 1, then the local authority has a responsibility to take action or see that action is taken. If it is assessed as a category 2, the local authority has powers for action to be taken. Those powers are there and, as the Minister said, the guidance that we issued just before Christmas was to provide better information on how to go about undertaking the hazard assessment process, which would lead to help inform those sorts of judgments and decisions about the nature of the hazard, and therefore what remedial action might be necessary.

Kit Malthouse: I think I am right in saying that effectively the strengthening of the HHSRS was to change its scope, so that you could look at the envelope as well; is that correct?

Bob Ledsome: Yes.

Q499 Mr Dhesi: “The envelope” being—

Kit Malthouse: The envelope of the building.

Bob Ledsome: Making it clear that the common parts, as it were, included the external façade.

Kit Malthouse: Which was not entirely clear in the old HHSRS.

Q500 Mr Dhesi: If it was the case that local authorities had that power prior to November, why were they not exercising that power, in your opinion?

Kit Malthouse: In relation to ACM cladding or any kind of cladding?

Mr Dhesi: Yes.

Kit Malthouse: It is a good question. I could hazard a guess. I do not really know. I do not know if the Chair wants me to guess. Obviously, the scope of the HHSRS—the safety tool—would not necessarily have led them to look towards the envelope of the building. Secondly, we now know that ACM cladding is flammable and dangerous. Whether the defective nature of the building regulation regime, which had built up



HOUSE OF COMMONS

over many years, had given people a false sense of security, I don't know. There are a number of things that brought it to light.

Q501 Mr Dhesi: Last week, the Permanent Secretary advised our Committee that it would be "a big step" and "very risky" for local authorities to undertake a multimillion-pound recladding project with no guarantee that they will receive the money back from the building owners. Are you aware of any local authority that is planning such an action?

Kit Malthouse: We do know we have one or two who are considering it, do we not? Certainly, from the conversations we have had in the ministerial task force there are a number of local authorities that are exploring the extent of their power. Do we have anybody who has entered, at the moment, to conduct work?

Bob Ledsome: I don't know, off the top of my head.

Kit Malthouse: We don't know. We will find out if there is a particular local authority that has done it. As I say, the vast majority of the effort by local authorities and the Government has been on pressuring owners and developers to do the work and to get it done, with some success. Some of the big developers, in particular—a larger number than not—are taking their responsibility and stepping forward and dealing with it. There is a small number where that is not the case. Of that number, for a large number there is some complication about the nature of the cladding. It may be decorative or it might be on a small percentage of the building; it is those kinds of issues that require discussion, if you like, before work is done, and we are in those discussions at the moment. The number that might need the kind of assertive action is relatively small, but nevertheless, as I say, we are willing to contemplate it and support local authorities where they think it is appropriate.

Q502 Mr Dhesi: Minister, can you confirm whether local authorities will be held liable if they do not exercise their category 1 enforcement duty?

Kit Malthouse: That is a good legal question. My understanding is that they have a responsibility, yes.

Bob Ledsome: They have a responsibility.

Kit Malthouse: They have a responsibility to undertake the work.

Q503 Mr Dhesi: But will they be held liable?

Kit Malthouse: Do you mean financially liable?

Mr Dhesi: Yes.

Kit Malthouse: We have offered financial support to enable them to do that, so that they can proceed with the work without being too concerned about it, but it is on the understanding that efforts will be made to recover the money from the building owner, where possible.



Q504 Mr Dhesi: It is my understanding that there are 42 private residential buildings with ACM cladding where the owners' intentions are still unclear, and potentially hundreds more with other forms of unsafe cladding. Some argue that the Housing Health and Safety Rating System process has built-in delays and that it could take months, if not years, before works could start, with landlords afforded the opportunity to respond to councils' improvement notices. In your opinion, should local authorities be given a new power to remediate such blocks more quickly?

Kit Malthouse: For the moment, we think the powers within the Act are sufficient to get the work done. Of the 42, all but three have less than 20% of their surface area clad, so there is some discussion to be had with those owners/developers of the buildings about what remediation looks like. We are in those active discussions at the moment. I would rather see how we get on with the existing powers that we have. As I say, given the large number of buildings that have been looked at and assessed, we are having some success in getting people to take responsibility for the remediation, not to lay the bills off on the leaseholders or the residents, and to ensure it is done in a proper and timely fashion.

I should just say I am aware of a couple of situations where, to a certain extent, the cladding is the least of the problems, because when the cladding has come off or they have looked under the cladding, they have found all manner of defective work beneath. That is resulting in a much larger dispute, which we are obviously not involved in, because that is about non-safety-critical matters, but nevertheless just basic levels of workmanship. Some of these situations are proving to be quite complex, from a liability point of view. While my primary concern, as I say, is to make sure that everyone is safe tonight, where building owners and/or residents—and in some cases they are the same—are in a wider dispute with the original contractors about all the work that has been done, not just the nature of the cladding, it behoves me, to a certain extent, to keep a watching brief on those and see how they resolve themselves.

Q505 Chair: Presumably, if local councils individually, collectively or through the LGA come to you and say, "We have real problems with the way that the rating system works and the process," you would have a look at whether something else needed to be done to help them in this way.

Kit Malthouse: Of course. One of the great strengths of what we are doing at the moment is it is an extremely collaborative effort between us and the local government community. We sit together in the task force and discuss these issues on a regular basis and we are in constant communication about it. It has been very much a collective effort across the whole country.

Q506 Kevin Hollinrake: Mr Ledsome gave us some numbers earlier in terms of the 268 private sector buildings: 30 work carried out, 18 in progress, 126 with a plan in place. Of those 174, are you aware how many times the leaseholders have had to pay for that remedial work?



HOUSE OF COMMONS

Kit Malthouse: I am not aware at the moment. Funnily enough, I did ask this question earlier today. I have not, myself, been made aware of a case where leaseholders have paid against their will, if you see what I mean, or been forced to pay.

Q507 **Kevin Hollinrake:** You will be aware—it has come up in questions several times—of the Northpoint building in Bromley, where leaseholders are receiving bills of £70,000 each, for example. I am aware of some other cases where the leaseholders have been required to pay for this work. Is it possible to find out for exactly how many of those buildings the cost of the work is being levied on the leaseholders rather than the freeholders?

Kit Malthouse: Yes, we can certainly do that. There are some buildings where the leaseholders are the freeholders and where the costs of remediation are tied up in general rectification costs for other defective work, and where that may well have gone through or been settled to the satisfaction of both parties without necessarily us being involved. We can certainly try to analyse the number further for you about where our understanding is of the situation. Notwithstanding that, you will understand that we continue to put pressure on developers to ensure that it is not the case that leaseholders pay.

Q508 **Kevin Hollinrake:** Yes, we will come to that in a second. What advice would you give to leaseholders in this situation? Would you advise them to pay these bills or not to?

Kit Malthouse: I understand the basis of the question, but it is not my place to offer legal advice. All I can say is that the Government's position is that developers and/or freeholders should not be passing the cost on to leaseholders, and that we continue to maintain significant pressure on those who we can to make sure that is not the case. A growing number of companies are taking responsibility for these costs. Certainly, the NHBC is allowing insurance claims in a number of cases as well, and that is the situation that we would like to see pertain.

I am sure you are going to press me on what we are going to do if that does not happen. Obviously, the Secretary of State has said that we rule nothing out. I am afraid I am not authorised to go any further than that.

Q509 **Kevin Hollinrake:** My concern in this is the 94 that do not have a plan in place, of those 268, but also the ones that do try to push the cost back to leaseholders. As you will be aware from the discussions we have had in the past, on the Floor of the House and otherwise, not only is ownership sometimes obscure but at other times there is no contractual liability for a freeholder, who might simply have bought an investment in some ground rents, to do that work. So the only other party that has any other involvement whatsoever in that block may be the long leaseholder. Who else can pay? You may say that you take nothing off the table, but what is on the table in that situation?



HOUSE OF COMMONS

Kit Malthouse: You raise a very good point and we are, as I say, considering our options in those circumstances.

Q510 **Kevin Hollinrake:** Okay. One of the options we recommended to you, as you will be aware, in the Select Committee report was that we should sweep these problems aside. Where this uncertainty exists, we should simply step in with a low-interest loan, for example, either to the local authority or directly to have the work remediated, get in and do the work. We do not need wardens on watch, or whatever else that is costing the leaseholders money. We simply do the work and worry about the money afterwards. Is that one of the options you are considering?

Kit Malthouse: We are considering all sorts of options. Given that such an august body has suggested it, we would be foolish not to consider that one.

Q511 **Kevin Hollinrake:** In the situation that local authorities step in and do that—they, quite rightly, seek to do remedial work to avoid these hazards for the residents—and they then try to claim this money back from building owners, who may or may not be apparent, and they cannot, what will we do for local authorities? As you say, you have put funding in place. Is that for the costs of enforcement or the costs of the remedial work, if they cannot get it back from anywhere else?

Kit Malthouse: We have said that there is basically financial support for local authorities to get the work done. What I have said in other forums is that, given the relatively small number, this is a discussion we have to have with local authorities on a building-by-building basis, and we are happy to do that.

I would just say, as far as tenants are concerned, there are advisory organisations that we have provided financial support to. There is one called LEASE, which can advise leaseholders as to their rights on what the situation is. We have given them some money to support their advisory services in this situation. Given the small number and also given that the number is reducing, we will come to an irreducible core where we will have to consider our options. As the Secretary of State has said in the past, no options are off the table.

I am sorry to be opaque about it, but you will understand that, notwithstanding the fact that we can have these discussions, there is obviously a lot of work and conversation going on within the industry about how we resolve this—roundtables, industry talking. There is a series of situations that are complicated from a contractual point of view, where people are trying to establish liability between different companies; where developers have been taken over and then re-taken over; where the freehold has been through a number of hands; where freeholders and leaseholders are the same; where time limits on NHBC guarantees have just run out. There all manner of complications in these that we are trying to navigate at the moment, and generally it is on a case-by-case basis.



HOUSE OF COMMONS

Q512 **Kevin Hollinrake:** Some building owners might say, "We believe we complied with building regulations," or, "We got signed off by the local authority building control," for example. "Now you are saying that somehow this does not comply with building regulations. Why should we pay, as the building owner?" Do you have some sympathy with that view?

Kit Malthouse: No.

Q513 **Kevin Hollinrake:** Explain why.

Kit Malthouse: Because no matter what the building regulation or other atmosphere, the primary responsibility for building a safe building lies with the developer.

Q514 **Kevin Hollinrake:** Yes, but as building regulations change in lots of other areas we do not retrospectively ask those building owners to go back and keep changing them. In lots of different scenarios that is the case. Sprinklers is a good example. New buildings require sprinklers; we do not say to the old ones, "Go and fit sprinklers," so why, in this case, would we?

Kit Malthouse: We think that the primary responsibility for safety is on the developer of the building for producing a safe building, and that therefore they should bear the cost, not the leaseholder.

Q515 **Chair:** That is a clear message. In the end, whatever the discussions, whatever comes to the table, it should not be leaseholders who have to pay.

Kit Malthouse: Yes.

Q516 **Liz Twist:** I would like to ask about culture. Seven months ago, Dame Judith's report raised serious concerns about the culture in the sector, noting ignorance of the regulations and a motivation to do things as quickly and as cheaply as possible. Have the Government observed a significant cultural change in the industry since May 2018 that has given them renewed confidence in the willingness of the industry to put safety first?

Kit Malthouse: We would say that we have. Certainly there is some empirical evidence: the number of people who have come forward to be early adopters of the new scheme; the willingness of large developers to step forward, for example, on remediation and put that right; little or no resistance to the recommendations that Dame Judith Hackitt put forward in her report; enthusiastic participation in the calls for evidence and consultations; a general acceptance in the industry steering group that there needs to be change. There is lots of evidence that the industry recognises that it wants to change the culture, but we cannot rely on that alone. In order to drive that, there will need to be some regulatory and structural change to make sure that there is this notion of pinning individual responsibility for building safety somewhere in the organisation, which is then able to cascade out an approach towards risk that is much more appropriate.



HOUSE OF COMMONS

Q517 Liz Twist: That is the mix of the regulation and cultural change that Dame Judith has talked about. Have you any measures in place to judge it, or is it just a feeling that people are coming forward and making changes, rather than waiting for regulation?

Kit Malthouse: Obviously, we are out for evidence on that at the moment. We are talking to the industry about what that system should look like. In the end, as somebody who is a chartered accountant by training, I would hope that we are able to produce a kind of auditable trail—this golden thread, as Dame Judith said—of safety right through to an individual point of responsibility, where building developers are able to evidence the consideration they have given to safety and their compliance with building regulations, but critically also, as part of the mix, that we are able to satisfy ourselves that there is competence to deal with these issues, as well as an appropriate relationship between the inspected and the inspectors to ensure that there is no operational conflict there, so that all of it sits together to provide reassurance to me, as the resident of the building.

Q518 Liz Twist: You were just talking about potential conflicts of interest, which we were talking about to Dame Judith recently. Have you any view about where that line is between people making sure that they recognise any conflict and that we take away the need for those conflicts, so that people are transparent?

Kit Malthouse: To a certain extent, this is a known science and it is something that occurs in a number of professional industries. For example, in the one that I am a member of, in the world of chartered accountancy, a CMA inquiry is under way into the large auditors and the appropriate distances between them and their clients, the natural remuneration that takes place between the two and what conflicts that can cause. In the end, our historic professional bodies rely on an element of self-regulation and self-policing of independence. Whether it is the Law Society, the Institute of Chartered Accountants, the British Medical Association or the Royal College of Surgeons, they all rely to a certain extent on the professional status and the policing of that professional status. One of the things we want to learn through this process is what that looks like for the inspection industry. Does it need to change? What are the competences required? What do we need to see to ensure that there is that distance between the two?

Q519 Liz Twist: Finally—I think you touched on this—if industry proposals do not go far enough for that cultural change to produce the goods or if there is no collective agreement, will the Government look at those alternative proposals, including mandating? Have you reached a view on that yet?

Kit Malthouse: Your question answers itself. If you are asking me, “If things do not go far enough, will you do something to make sure they go far enough?” the answer is yes, of course we will. We are unwilling to settle for a less than satisfactory answer to this problem. We want to



HOUSE OF COMMONS

make sure that all the bits of it work. If that means that we need to be more assertive, through regulation or legislation, then we will have to be. What we hope is that certainly the alacrity with which the industry has grasped this issue since the terrible Grenfell fire will continue into the future, and certainly my job is to give it the momentum that it needs.

Q520 Liz Twist: It is finding that right tipping point.

Kit Malthouse: Yes, that is right, but everybody is focused. You have to remember that the Grenfell tragedy and the aftermath had an enormous impact on the industry, and we are already seeing significant reaction and change in the industry. For example, on Thursday, I was in Poole in Dorset, visiting a large affordable housing development where, halfway through the development, notwithstanding that we had not brought the ban in, they voluntarily changed the cladding that they were using on the building, at some cost, to a different product, because they were very concerned to make sure that they got safety right. That was before we had even put anything in place. From my point of view, as somebody who likes to tour the country and put my high-vis on, you can feel the impact already.

Q521 Matt Western: Minister, what product was it that they were putting on?

Kit Malthouse: I am not the expert, but previously they were using a form of ACM. Now it is something that is not. I did not ask what product they replaced it with.

Matt Western: I am just interested to know what testing has been done on that material.

Kit Malthouse: Now you have raised it, I might ask if it is a zinc product and just see.

Q522 Chair: Minister, thank you very much for coming in and answering a broad range of questions. We all recognise that the awful, tragic Grenfell fire has set in motion a range of things that need to be done to make buildings safe, to make people safe and to change the whole culture and working of the industry, which Dame Judith rightly identified.

Kit Malthouse: May I make a suggestion, Chair? I am extremely keen that we are very transparent about the work programme. If it would be helpful to you, I would be more than happy to write on a regular basis with an update report of where we are, progress and all that kind of stuff. It is critical, from my point of view, that there is as much transparency in this process as possible, and you, obviously, as a representative body, should be the primary recipient of that transparency. I would be happy to write to you every couple of months over the next programme, just to outline to you where we are and what we are doing.

Chair: Minister, that is a really helpful and welcome suggestion. We said to Dame Judith as well that, in a few months' time, we would probably like another evidence session, which we would invite her and you to, to



HOUSE OF COMMONS

get further updates on what we hope is rapid progress by the time we meet again. Thank you very much for coming today.

Kit Malthouse: Of course. Thank you.