



Housing, Communities and Local Government Committee

House of Commons, London SW1A 0AA

Tel 020 7219 4972 Email hclgcom@parliament.uk Website www.parliament.uk

The Rt Hon Robert Jenrick MP
Secretary of State
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

17 April 2020

Dear Robert,

RE: UPDATES ON BUILDING SAFETY REFORMS

Thank you for your letter of 2 April regarding the Government's response to its Building a Safer Future consultation and ongoing fire safety issues in high-rise and high-risk buildings. The Government is right to maintain a focus on these critical issues during the ongoing pandemic.

The Committee responded to the Government's consultation in July 2019 through its report [Building regulations and fire safety: consultation response and connected issues](#). It is disappointing that we have not yet received a formal response to our report, which is now seven months late.

However, we are encouraged that many of the recommendations we made in our report have since been adopted by the Government. In particular, we welcome the recent extension of funding to remediate all forms of potentially dangerous cladding.

The Committee will continue to scrutinise the Government's remediation programme in the coming months through our recently-launched [inquiry](#), which will consider the sufficiency of the new fund to address fire safety concerns in high-rise and high-risk buildings, as well as emerging issues around the pace of remediation, access to buildings and professional indemnity insurance and mortgage finance for leaseholders.

These issues would also be addressed if the Committee undertakes pre-legislative scrutiny of the Draft Building Safety Bill later this year. While we await a timetable for this work, we felt it would be helpful to outline our current views on the building safety proposals set out in the recent consultation response.

Scope of the new regulatory system

In our July 2019 report, the Committee recommended that the new regulatory system should not be determined by height alone. Instead, other determinants of risk should also be taken into consideration. We said:

While a more complex risk matrix might lack the clarity of a simple height threshold, restricting vital safety measures to buildings above 18 metres in height is inadequate [...] the Government should be ambitious with the scope of the new regime from the outset, setting out timescales to bring different types of buildings within scope.

We are pleased that the consultation response makes clear that the scope of the system should be “based on factors broader than height alone” and that the Government has committed to clarifying this in advance of the Bill being introduced to Parliament.

We shall continue to urge the Government to implement a wide scope from the outset of the new regulatory regime. In particular, we recommend that the Government reduces the proposed height threshold to at least 11 metres – in line with height requirements set out in other recent Government consultations – and ensure that all high-risk buildings for vulnerable residents are included.

Accountable Persons

The Government has said that an Accountable Person will be nominated for each building within the scope and that this person will be legally responsible for assessing and managing fire and structural safety risks. The consultation response explains that, in most cases, the Accountable Person will be the freeholder or head lessee, including the management company with responsibility for collecting and discharging service charges or a right-to-manage company.

As we concluded in our report, we agree that it is right to appoint a named individual to be accountable for fire safety within each building. Our view, however, is that this should always be the building owner, the freeholder, and not the managing agent or right-to-manage company. Many managing agents, particularly smaller businesses, would not be able to take on the financial risk of such a requirement and freeholders should not be allowed to bypass their responsibilities.

Our report also noted the significant levels of personal risk likely to be associated with these roles and the need to ensure that they remain attractive to suitably qualified individuals. Many professional freeholders argue that the absence of ground rents in future leasehold properties – which this Committee continues to strongly support – will make it harder to attract institutional investors willing to take on the risks. It is unclear whether the Government has adequately addressed these concerns. We believe that further consideration will need to be given to alternative means of making these crucial positions attractive to qualified individuals.

Furthermore, we raised concerns around the importance of ensuring that any costs associated with these new roles, which are likely to be passed on to leaseholders, are not excessive. The Government should provide an estimate of the likely additional costs that individual leaseholders are likely to incur as a consequence of these new measures.

Residents’ Voice

The Government’s consultation response noted that “the overwhelming majority of consultation respondents agreed that residents should be empowered partners in the more stringent regulatory regime”. This is certainly the Committee’s view and we welcome the Government’s proposals to ensure that residents’ concerns are heard and addressed in future.

However, our report also noted the particular difficulties social housing tenants continue to face in having their concerns addressed by the management of their buildings. In this respect, our report noted the lack of progress around the Social Housing Green Paper since its publication in August 2018, an area in which we have seen no meaningful progress in the subsequent nine months. We again call on the Government to set out a clear timetable for the publication of a White Paper.

Financial support for local authorities

Our report noted that the proposals the Government had put forward were likely to be

expensive to implement, particularly for councils and fire and rescue authorities. Indeed, the Government's consultation response estimates that the total cost of the proposed measures, gross of the benefits, is likely to be between £266 million and £530 million per annum.

The Committee called on the Government to ensure that new burdens funding be made available where public bodies are expected to take on new responsibilities. We repeat that call now and ask the Government to commit that such funding will be provided to local authorities and housing associations at the appropriate time.

Sprinklers

The Committee welcomes the Government's recent announcement that, following its recent consultation into Approved Document B, sprinkler systems will soon be required in all new high-rise residential buildings over 11 metres. This corresponds with the recommendation we made in our July 2019 report.

However, in both July 2018 and July 2019, we also called for the mandatory retrofitting of sprinkler systems, where determined by a Fire Safety Officer to be feasible, in existing high-rise and high-risk buildings. As was true with the ban on combustible cladding, if measures are deemed necessary for residents in new buildings, then they should also be extended to the hundreds of thousands of people living in existing buildings.

Conflicts of interest

Since the Committee began its close scrutiny of the building regulations and fire safety following the Grenfell Tower fire, and in particular through our evidence sessions with Dame Judith Hackitt, we have been particularly conscious of the need to tackle conflicts of interest. In our July 2018 report, we said:

If the Government is to restore public confidence in the construction industry, then it must—as a matter of urgency—tackle the conflicts of interest that exist throughout the system [...] From builders choosing their own inspection services, manufacturers selecting product testers for their perceived leniency [...] Conflicts of interest are pervasive within the industry.

We are, therefore, supportive of the Government's proposals to ensure that the new National Buildings Safety Regulator will have a strong role in overseeing buildings within scope and that local authority building control will provide the main support for the new regulator.

We note that the Government expects Approved Inspectors and other independent professional specialists to continue to have a role in the new system, including the development of separate consultancy services. We therefore call on the Government to implement strong safeguards to ensure we do not return to a system where construction companies can choose independent specialists according to their perceived leniency.

A handwritten signature in black ink, appearing to read 'Clive Betts', with a stylized flourish above the name.

Clive Betts MP
Chair, Housing, Communities and Local Government Committee