



Levelling Up, Housing and Communities Committee

House of Commons, London SW1A 0AA

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Lord Greenhalgh
Minister of State for Building Safety and Fire
Department for Levelling Up, Housing and Communities
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14 December 2021

Dear Stephen,

Building and fire safety reform

Last month, the Levelling Up, Housing and Communities Committee held an evidence session on progress made in respect of certain elements of the building and fire safety reform programme. During this session, we heard from Dame Judith Hackitt and Sir Ken Knight. As expert advisers to the Government, they provided their assessment of progress made and set out their role in the ongoing process. I write to set out some points that were raised in that session that the Committee would like to follow up with you.

Procurement

Our witnesses covered the significant and ongoing culture change within the construction and building safety industry, which was recommended by Dame Judith Hackitt's 2018 report. In evidence to the Committee, Dame Judith set out the importance of a "carrot and stick" approach in bringing about this culture change. Dame Judith told us:

...there is more that Government can do to highlight those who are doing things well, and who therefore should be identified and praised for what they are doing. There is also a need to set clear expectations that that is what is expected of anyone who works on public contracts. That is one of the most powerful things that we could do in this process: to make it clear that it is a requirement of public procurement. [Q4]

This point was also made by Sir Ken Knight in his evidence, who suggested that there is a need, particularly at the level of local authority procurement, to ensure that competency sits at the core of those processes. We agree with Sir Ken Knight that cost must not displace the central need for safety, competency and clarity of responsibility.

In light of this evidence, we would be grateful if you could confirm whether the Government is planning to review the legislative framework and guidance relating to the procurement of public construction contracts, and particularly those relating

to local authority procurement. We agree with the points made by Dame Judith Hackitt and Sir Ken Knight in their evidence that procurement can be a powerful tool to join up different elements of the new regulatory framework. We ask the Government to consider the extent to which procurement might be a useful tool to embody and drive the changes in culture and competence recommended by Dame Judith Hackitt in her 2018 review, especially where there are voluntary standards or markers of best practice that can be adopted by the industry.

Buildings under 18 metres

This Committee has [repeatedly raised](#) concerns about the lack of Government data on the full scale and extent of remediation required for buildings below 18 metres. During our session, Dame Judith Hackitt told us about work that she is involved in on medium-rise buildings between 11 and 18 metres, which is looking at:

...moving away from simply looking at walls or cladding and taking a step back to say, "Let us look at the building as a whole and determine whether there is need for any remediation or mitigation on this building to improve the level of risk". [Q49]

Dame Judith told us that this work is being carried out by "a working group that is set up to look at how we can develop a methodology that will enable a whole-system approach to looking at those buildings" [Q50]. As far as we are aware, no details of the activities of this working group have been published by the Department. In the interests of transparency and to enable scrutiny, we ask that the details of this group, including its membership and terms of reference, are made available. Furthermore, we ask that you provide us with an update on when the working group will publish its findings.

Resourcing regulation

We are encouraged by the progress made in establishing the Building Safety Regulator, which we were told is now operating in "shadow form" and is already collecting data and liaising with stakeholders in the industry to enable a swift transition into operation once the necessary legislation has been passed. However, we also note the significant initial anticipated workload of the Regulator, with around 13,000 existing buildings expected to fall within scope of the new regime. Dame Judith Hackitt explained that in tackling this initial workload, the Building Safety Regulator will utilise data from the [Building Risk Review](#) programme as well as the Building Safety Case. Given that the Government's published information on the [Building Safety Case](#) estimates "that it will take the Building Safety Regulator five years to review and inspect the safety cases for all existing buildings for the first time," we ask that the Government publishes the methodology, datasets and factors that will be used by the Regulator to prioritise existing in-scope buildings so that this can be subject to scrutiny.

Our witnesses also told us about the need to ensure that the whole regulatory system is properly resourced. As Dame Judith Hackitt told the Committee:

We must also recognise that, as Ken has already referred to in relation to building surveyors, there is also an increased requirement on people at

local authority level and on fire and rescue services. It is that whole piece that we need to ensure is properly resourced. [Q20]

As the [National Audit Office](#) has pointed out, fire and rescue authorities have experienced real-terms reductions in their spending power, which have significantly impacted on their inspection and enforcement functions. On the enforcement capacity of local authorities, a media [report](#) published earlier this year pointed to an average 27% reduction in building control staff between 2010 and 2020. Given these substantial restraints on the resources of local authority enforcement and fire and rescue services, we would be grateful if you could set out whether the Government is looking to review resourcing requirements for the implementation of the new regulatory regime at a local level, to ensure that building and fire safety regulation is properly resourced at all levels.

Learning lessons – EWS1 forms

As Sir Ken Knight made abundantly clear during our evidence session, the EWS1 form is an instrument that was designed by the Royal Institute of Chartered Surveyors with the wider industry in order to standardise the approach taken by surveyors when assessing external walls, and to provide a mechanism through which lenders can assess the impact of any external wall systems on their valuations. As Sir Ken noted, the Government's Expert Advisory Panel:

...have not advised on EWS1, which is purely a form that is produced by the Royal Institute of Chartered Surveyors and not by the Department's consolidated advice. [Q44]

Yet, the Royal Institute of Chartered Surveyors state on their website that this form "was originally designed following Government advice regarding external wall systems on buildings above 18m" and that "[c]hanges in Government advice in January 2020, brought all residential buildings of any height potentially within scope." Although it is the case that the EWS1 form was not a creation of the Department, it was nonetheless a reaction to Government advice. We therefore ask the Government to publish impact assessments covering the forthcoming Publicly Available Specification (PAS) 9980 and the amended guidance to be issued by the Home Office in relation to fire risk assessments and the Fire Safety Order. We also ask the Department to set out how exactly these measures will address issues of lender confidence and problems with the market sale of leasehold properties that resulted from the previously issued guidance.

Further, during the evidence session, Sir Ken Knight suggested that fire risk assessments under the Fire Safety Act 2021 may replace EWS1 forms "quickly" or "in a short period of time." We have since received correspondence from the Royal Institute of Chartered Surveyors that this process of transition may, in fact, take some time to complete. We would be grateful if you could set out the Department's understanding of the timeline for moving away from EWS1 forms for all types of residential buildings.

Personal Emergency Evacuation Plans (PEEPs)

During the session the Committee asked Sir Ken Knight, as a fire safety expert, whether the Government's current position on PEEPs is sensible. In its

recent [consultation](#), the Home Office proposed that PEEPs should only be required in buildings over 18 metres where a resident self-identifies as being unable to evacuate.

The Committee agrees with Sir Ken Knight's position that it is not sensible to restrict requirements relating to PEEPs to buildings over 18 metres. Given that a resident whose ability to evacuate is impaired may be unable to evacuate down a single floor, we believe that the 18 metre distinction does not stand up to reason. We therefore ask that you set out any plans the Government has for expanding the requirement for PEEPs beyond those who self-identify as requiring assistance in buildings over 18 metres – and if you do not have such plans, why that is the case. PEEPs are an important measure to ensure that residents who are unable to self-evacuate are adequately provided for in the event of a fire.

We therefore ask the Government to expand its current proposals for mandating personal emergency evacuation plans beyond those who self-identify as requiring assistance in buildings over 18 metres. PEEPs are an important measure to ensure that residents who are unable to self-evacuate are adequately provided for in the event of a fire.

Finally, we note that the Secretary of State told us in evidence on 8 November that it was hoped that the Building Safety Bill would have its report stage before Christmas. Given that the House's business has now been announced for up until the Christmas recess, and that report stage of the Bill is not included in that business, we would be grateful for an update on when it is now expected that report stage will take place.

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

Clive Betts MP
Chair, Levelling Up, Housing and Communities Committee