

Written evidence submitted by Manchester Cladiators [CPR 024]

Introduction

Manchester Cladiators are very grateful to have been given the opportunity to share oral evidence with the Committee to assist your investigation into cladding and the pace of remediation. We are also submitting this written evidence to summarise the issues faced by residents on the ground and our 5 key Recommendations to the Committee. We deliberately use the term 'residents' in this submission as the term 'leaseholders' dehumanises the people and the very real issues they are facing. We have not provided information on EWS1 forms; we agree with the submission of Greater Manchester Fire Rescue Service (GMFRS). We have prepared detailed comments on the flaws of the ACM Prospectus for the Building Safety Minister which we are sharing later this week and will be happy to provide a copy. We have also recently received survey responses on interim measures from over 120 residents, details of which we are happy to share. Please get in touch if we can help in any other way.

Summary of our Recommendations

We are making 5 key Recommendations to the Committee today:

1. The Government must be held to account for its flawed strategy and resulting severe delays and now take urgent steps to make buildings safe
2. A review of interim measures is urgently needed and alarms should be introduced wherever appropriate with costs met through the Building Safety Fund
3. The Government must put significantly more funding into the Building Safety Fund
4. The Building Safety Fund should be available to all residents needing it, not just those who fall into its currently limited categories
5. The Government should meaningfully take on board residents' experience

Lessons learnt from the Green Quarter, Manchester

We need to share some background information about the situation that pre-dated Manchester Cladiators being formed, not only to explain why we formed the group, but also to provide context for our first Recommendation below.

Shortly after the Grenfell Tower tragedy in June 2017, about 350 residents in the Green Quarter in Manchester learnt that their blocks were covered in unsafe Aluminium Composite Material (ACM) Cladding. Their freeholder took the residents to a Tribunal and successfully argued the residents were liable under the terms of their lease to meet the costs of replacing the cladding and other fire safety works - what eventually amounted to £7m, equating to £20k per apartment. On top of this they had borne waking watch costs and been forced to raise £12k to defend themselves at the Tribunal. These were and are life-changing costs.

The Green Quarter residents did not take this lying down. They mounted an intelligent campaign, bringing the brand-conscious previous developer Lendlease into the mix. After many months of campaigning the residents successfully persuaded Lendlease to pay for the remediation works in full in February 2019.

Around this time residents from other local blocks started asking the Green Quarter residents for help. It was immediately clear that every blocks' circumstances were different but the common thread was that none were likely to benefit from the same deal that was struck in the Green Quarter. Whilst the Government was focusing on asking freeholders and developers to 'do the right thing' and foot the bill, the Green Quarter residents instead agreed to help fellow residents launch a campaign asking the Government to fund these costs.

The #EndOurCladdingScandal campaign

We initially approached the Editor of Inside Housing magazine in March 2019 and got them on board to launch a campaign. We involved UKCAG to ensure it had a national reach. The resulting #EndOurCladdingScandal campaign was launched in April 2019 and we collectively brought on board supporters including Grenfell United, National Housing Federation, Shelter, MPs, Bishops and celebrities.

The Manchester Cladiators

At the same time we co-launched our campaign, we brought the growing number of residents and blocks together under the umbrella of Manchester Cladiators. The name was deliberately chosen to reflect the fight that we knew we were embarking upon with the Government.

We have been told by the Government that developers and freeholders would pay for remediation and the Government would not contribute, but they changed their position and launched the £200m ACM Fund in May 2019. We were told by the Government that ACM cladding is more risky than other forms of cladding and they would only fund ACM remediation, but they again changed their position and launched the £1bn Building Safety Fund in March 2020 to cover other dangerous cladding systems. In between we persuaded the Housing Minister to bring together senior mortgage industry figures to prevent lenders overcharging residents when their mortgage comes to an end - this was announced in December 2018. Three times we have persuaded the Government to do the right thing. However, our battle is still only partly won, as you will see below.

Today, Manchester Cladiators (and sister organisations Northern Cladiators and Liverpool Cladiators, which we helped to set up) represent nearly 50 buildings across the North West, with plans to grow across the North. As well as using social media to get our voice across, we have pulled together successful events, such as our powerful Parliamentary lobby organised with the Mayor of Greater Manchester Andy Burnham and also attended by London Mayor Sadiq Khan in February 2020 (pictured below).



Our ability to make this impact is due to the huge support we have received from Andy Burnham, Manchester City Council's Cabinet Member for Housing Suzanne Richards, Lucy Powell MP, Greater Manchester's fire lead and Salford Mayor Paul Dennett and Tony Hunter and Jenni Seex from GMFRS. We are immensely grateful to these and many other honorary Cladiators. Knowing they have our back and our strong sense of community has made a difficult situation at least a little bearable.

Although we are primarily a campaign group, in common with the current Coronavirus outbreak, something good has come from this very difficult time in the form of a stronger sense of community amongst those living with unsafe cladding and fire safety issues. For some time now, we have run a wellness programme (ranging from mental health advice to yoga and meditation sessions) to help residents who are living with the stress and anxiety of this dangerous and financially devastating situation. At the start of the outbreak we also launched [@Sunday_at_10](#) to bring our residents together virtually every week and to share positive stories about how we are supporting each other.

Our Recommendations

Recommendation 1 - The Government must be held to account for its flawed strategy and resulting severe delays and now take urgent steps to make buildings safe

We made it clear to the Government from the outset that their strategy of pursuing freeholders and developers to meet the costs of remediating blocks would not succeed without real teeth (such as legislation) due to the nature of Leasehold Law in this Country, something that the Government has known all along. For many months, despite its slow progress, they carried on with this defective strategy. When they eventually decided to launch the ACM Fund they received legal advice which highlighted that freeholders and developers they had taken months to persuade to meet the costs could in fact now apply for the Fund. They made frantic contact with the committed freeholders and developers to try to persuade them not to apply for the ACM Fund and went to great lengths to keep this embarrassing situation quiet.

Also because senior figures in Government were concerned that the ACM Fund may make them liable for meeting the costs of other forms of cladding and fire safety works they seemed to hatch a plan to avoid this. When their initial non-ACM cladding tests came back, which they knew would not give a complete picture because of the limited cladding/insulations combinations chosen, they held back the results and decided not to commission more tests. They then publicly stated that the (limited) results had confirmed that ACM had an 'unparalleled risk' compared to other forms of cladding and this justified only paying to remediate ACM cladding systems. Subsequent private tests have shown this to be demonstrably untrue, which we believe that the Government knew, or certainly should have known, all along.

These are just two examples of the flawed strategy the Government has adopted over the past nearly 3 years. The result of this has been severe delays, meaning now hundreds of thousands of residents across the Country are trapped living in unsafe buildings, in fear of

losing everything which they have worked hard for and unclear when their homes will be remediated.

We believe all of the Ministers and Officials within Government that we have worked with are sincere in recognising the potential life threatening impact of these unsafe buildings. However, our experience is that they are remarkably slow and we are now close to the third anniversary of the Grenfell Tower tragedy with the Government's own data showing only 24% of private sector blocks with ACM cladding systems have started remediation. During which time two other buildings (in Barking and Bolton) have had life-changing fires for many residents.

Whilst the Committee's brief is primarily forward looking, we ask that they hold the Government to account for their flawed strategy and severe delays to date and in doing so stress the need to urgently make buildings safe now. Once the Government has a proper grip on this crisis, they should take steps to hold to account those developers, contractors and other parties that undertook negligent work or warranty providers that have tried to wriggle out of their liabilities. But that should not be a priority just now.

Recommendation 2 - A review of interim measures is urgently needed and alarms should be introduced wherever appropriate with costs met through the Building Safety Fund

Waking watch is costing residents in Greater Manchester up to £400 per month. Higher insurance costs compound this. This is on top of our mortgage, service charge and ground rent payments. Whilst we are grateful to see the Government belatedly acknowledge these 'inflated' costs we are concerned their recent interest is deflecting attention from the true ticking time bomb of interim measures.

In Greater Manchester alone, there are currently thousands of residents living in over 30 blocks with 'waking watches', where someone walks the block's corridors and lets off a klaxon and knocks on doors to evacuate residents if there is a fire. Waking watches were originally anticipated by fire service chiefs to be a short-term solution, for up to 12 months. Most blocks have now passed this period.

There have been examples of small fires in Greater Manchester where the waking watch has failed to wake everyone up (see an example pictured below left). Fortunately, GMFRS have been quick to respond and done an excellent job, meaning no fatalities so far.

Tweet

GQR_MCR_cladding @G... · 04/05/2019

There's been a fire in Vallea. Absolutely terrifying for residents who were evacuated through smoke filled halls. Luckily the fire service were again fantastic and the fire has been brought under control. This is happening too often @JenWilliamsMEN #EndOurCladdingScandal

3 replies · 35 retweets · 61 likes

Gabrielle Hoodless @GabrielleJaneH

Replying to @GqrMcr and @JenWilliamsMEN

Glad everyone is safe!!! However does anyone have any info about what time this happened?? I was still sound asleep in my bed in Vallea at 7am, I was informed it had supposedly been evacuated at 6am? worrying?? xx

19:48 · 04/05/2019 · Twitter for iPhone

2 Likes

Colette Wiseman @ColetteMWiseman

Video taken from my bedroom window. Hope everyone is ok. #bolton #thecube #fire



1,774 likes · 12:35 AM - Nov 16, 2019

1,081 people are talking about this

However, had these been on a larger scale like the Bolton student block in November 2019 (pictured above right), which fortunately had an alarm, significant deaths could have occurred. This is why Grenfell United talk of the next tragedy 'being in the post', which is a chilling thought for any resident living in an unsafe building.

When YOU go to bed tonight, please ask yourselves whether you would be able to sleep knowing the only difference between life and death might be IF you hear the knock on your door?

What we want to see is an immediate review of interim measures and a prompt move from waking watch to alarms, where they are appropriate, which should mitigate the need for waking watch. Not only are alarms generally more economic for residents than waking watch, but they will be a much safer interim measure as advised by the National Fire Chiefs Council. In fact, to speed up their replacement and given the forecast timeframe for permanent remediation, we believe the Government should meet the cost for new alarms through a first call on the Building Safety Fund. The Government should also work with the insurance industry to help ensure alarms bring down exorbitant insurance costs, partly offsetting the significant waking watch and other costs residents have already incurred.

Recommendation 3 - The Government must put significantly more funding into the Building Safety Fund

The National Housing Federation called for £10bn to address cladding and fire safety issues in social housing. We believe the cost to remediate privately owned blocks will be a similar level. At present we have been collectively offered £1bn. To the public this appears to demonstrate a huge Government commitment to fire safety. However, to us this means, on average, residents of privately owned blocks will receive only 5p in every £1, assuming social housing does not exhaust the £1bn first.

We need the Government to make more funding available - £1bn is simply not enough.

Our recent discussions with Lord Greenhalgh indicated he recognised this and that £1bn may not be a strict cap as the amount to be allocated to make our homes safe would likely be an ongoing negotiation with the Treasury. However, this is far removed from the Government's Coronavirus commitment to 'do whatever it takes'. The idea that Coronavirus vaccines, when available, would be rationed is impossible to imagine, so why should the Building Safety Fund be limited to £1bn and rationed on a first come first served basis.

There is also the perversity that remediation of unsafe cladding and other fire safety works are subject to standard-rated VAT. This means that the £1bn Building Safety Fund is really only a £833k commitment. In practice much of this work is replacement of shoddy new build work, not in fact refurbishment work. We firmly believe that, given the specific and unique context of these unfortunate circumstances, the Government should work with HMRC to remove these rules, with retrospective application to any remediation already undertaken.

Recommendation 4 - The Building Safety Fund should be available to all residents needing it, not just those who fall into its currently limited categories

We have long campaigned about the Government's policies being a Cladding Lottery, leading to 'winners and losers'. Whilst the launch of a £1bn Building Safety Fund hopefully means more 'winners', we are also acutely aware of a number of groups of potential 'losers'.

Firstly, the Building Safety Fund, like the ACM Fund before it, is primarily designed to meet the costs of cladding systems. However there are lots of residents whose issues are not with unsafe cladding, but other serious fire safety issues including, but not limited to, the structural steel framework of the building not being fire protected, serious fire door issues and issues with deficient internal compartmentation between floors, flats and communal areas. We do not understand why these issues are acknowledged in the Government's Advice Note 14, but they are not currently eligible for the Building Safety Fund. They must be aligned.

Secondly, there are those who live in blocks of under 18m. What we want to see is a direct connection between the Government's fire safety rules and the Building Safety Fund. It should not be the case that residents living in a block centimetres under the 18m limit are forced to address cladding and other fire safety issues, yet are unable to access the Fund for which there is only modest flexibility on the heights that are eligible. The Secretary of State himself acknowledged that developers have been gaming the system for years, which is clearly not the fault of residents but those who designed the system.

Thirdly, making residents safe cannot be put on hold whilst the Government deliberates over the parameters of the new Building Safety Fund. We want to ensure that blocks that have already proactively moved forward with remediation work are able to retrospectively recoup costs from the Fund, rather than leave residents to foot the bill. For instance in Manchester, over 120 residents of Skyline have already been forced to enter into payment arrangements with their freeholder for £15-25k, or else risk losing their homes.

Recommendation 5 - The Government should meaningfully take on board residents' experience

We are accidental campaigners, but we are not amateurs. By necessity we have made ourselves experts in fire safety. Our residents include building managers, procurement specialists and lawyers. We also receive pro bono support from many other technical specialists.

We can reliably predict that the Government will engage with us in the run up to Ministers being asked questions in the House of Commons or the lead up to an anniversary of the Grenfell Tower tragedy. At other times, our experience is that they are not interested in our views.

We hope that Lord Greenhalgh is sincere in his commitment to engage with us ahead of the Building Safety Fund prospectus being launched, so that the delays and mistakes with the ACM fund can be effectively learnt from. We have been contacted by his Officials to follow up on this and we are sharing our feedback with him later this week. However, despite this recent engagement, we would still ask the Committee to stress to the Government the importance of meaningful ongoing engagement with residents until this crisis is over.

Impact on residents

Our residents' best case now is that the capital costs of replacing unsafe cladding and other fire safety issues will be met through the Building Safety Fund. However, as explained above there currently remains significant uncertainty about whether this will happen for thousands of residents. Even if it does, our residents will still have incurred £000's on waking watch and additional mortgage and insurance costs.

However, it is the invisible costs that are most striking. We wanted to end by sharing some of the very real impacts this cladding and fire safety crisis has had on our residents. Just within our core group of 12 residents,, one has been unable to sell to pursue a job (as new mortgages are not possible) and another has been forced to discount their apartment by £70k for a cash sale to escape the stress. One has had a mental breakdown and another has been unable to afford to freeze her eggs to have a baby when the crisis has passed (and it may now be too late). These are just a small insight into the experiences of the thousands of residents we support. Some older residents have lost their pensions. We have heard other residents considering bankruptcy and we genuinely fear that some residents may consider suicide if they are forced to pay £000's and bear more uncertainty.

The Coronavirus outbreak has only added to the stresses that residents feel, locked down in their unsafe buildings and in a number of cases with their employment at risk, with no respite from the uncertainty of when their building will be safe or the financial costs.

It has been nearly 3 years since the Grenfell Tower tragedy and it will likely be several more years before buildings across Greater Manchester and the Country are made safe again. During the meeting with Secretary of State, Robert Jenrick on 4th March this year he accepted and agreed that he was the leader on this issue and as the leader of this issue he and his team of advisors need to be working at speed so that residents can feel safe in their homes at no additional cost.

Even then the financial and mental impacts will likely live on longer still. But every day, we remind ourselves that we are, in fact, the lucky ones. The residents and community of Grenfell Tower have suffered more than we ever will. The Government now needs to put Politics to one side, take clear decisive action and bring this sorry chapter to an end.

May 2020