

MEETING: 19 MARCH 2018

**SUBJECT: INDEPENDENT REVIEW OF BUILDING REGULATIONS AND FIRE
SAFETY: INTERIM REPORT**

**JOINT REPORT OF THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE (THE CLERK
TO THE AUTHORITY) AND THE STRATEGIC FINANCE OFFICER**

1 INTRODUCTION

- 1.1 The purpose of this report is to provide members with information regarding the interim report of the Independent Review of Building Regulations and Fire Safety chaired by Dame Judith Hackitt. This paper summarises the findings and recommendation of the review to date, with the full findings expected in May 2018.

2 BACKGROUND

- 2.1 In the early hours of 14 June 2017, a fire spread through Grenfell Tower. Seventy-one people died, with many homes destroyed and countless lives affected. The fire appeared to accelerate through the building's exterior cladding system, leading to a national programme of extensive testing of the cladding on other high-rise buildings. This revealed widespread use of aluminium composite materials (ACM) that did not meet the limited combustibility requirements of building regulations guidance, and raised concerns for the safety of others.
- 2.2 The government announced an independent forward-looking review of building regulations and fire safety on 28 July 2017, following the Grenfell Tower fire. This review, commissioned jointly by the then Secretary of State for the Department for Communities and Local Government (DCLG) and the Home Secretary, is part of the ongoing response to the Grenfell Tower disaster. As set out in the review's terms of reference, published on 30 August, this review is running in parallel with the work of the Grenfell Tower Inquiry. The review is independent and covers the system of regulation for all high-rise residential buildings.

3 REVIEW SUMMARY

- 3.1 The Independent Review of Building Regulations and Fire Safety aims to make recommendations that will ensure there is a sufficiently robust regulatory system for the future and provide further assurance to residents that the buildings they live in are safe and will remain so.

3.2 The work of the review to date has found that the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose. The key reasons for this are:

- Current regulations and guidance are too complex and unclear. This can lead to confusion and misinterpretation in their application to high-rise and complex buildings.
- Clarity of roles and responsibilities is poor. Even where there are requirements for key activities to take place across design, construction and maintenance, it is not always clear who has responsibility for making it happen.
- Despite many who demonstrate good practice, the means of assessing and ensuring the competency of key people throughout the system is inadequate. There is often no differentiation in competency requirements for those working on high-rise and complex buildings.
- Compliance, enforcement and sanctions processes are too weak. Buildings are not built as proposed in the design phase and there is a lack of robust change control. The lack of meaningful sanctions does not drive the right behaviours.
- The route for residents to escalate concerns is unclear and inadequate.
- The system of product testing, marketing and quality assurance is not clear.

3.3 The review will now undertake its second phase of work and publish a final report in spring/summer 2018. This will include targeted work in partnership with the sector and other stakeholders. The interim report sets the direction for change that will underpin that report and covers six broad areas.

- Regulation and guidance
- Roles and responsibilities
- Competence
- Process, compliance and enforcement
- Residents' voice and raising concerns
- Quality assurance and products

4 INTERIM REPORT RECOMMENDATIONS

4.1 The review recommends that government should consider how the suite of Approved Documents (AD) could be structured and ordered to provide a more streamlined, holistic view while retaining the right level of relevant technical detail, with input from the Building Regulations Advisory Committee. Given that reframing the suite of guidance may take some time, the review has asked the government to consider any presentational changes that will improve the clarity of Approved Document B as an interim measure.

- 4.2 The review highlights there is a need to be certain that those working on the design, construction, inspection and maintenance of complex and high-risk buildings are suitably qualified. The professional and accreditation bodies have an opportunity to demonstrate that they are capable of establishing a robust, comprehensive and coherent system covering all disciplines for work on such buildings. If they are able to come together and develop a joined up system covering all levels of qualification in relevant disciplines, this will provide the framework for regulation to mandate the use of suitable, qualified professionals who can demonstrate that their skills are up to date. This should cover as a minimum:
- Engineers
 - Those installing and maintaining fire safety systems and other safety-critical systems
 - Fire engineers
 - Fire risk assessors;
 - Fire safety enforcing officers and
 - Building control inspectors
- 4.3 The review has asked these bodies to work together to propose such a system as soon as practicable.
- 4.4 The review found that consultation with the fire and rescue services is required on plans for relevant buildings covered by the Fire Safety Order, but does not work as intended. It suggests that consultation by building control bodies and those commissioning or designing buildings should take place early in the process and that fire and rescue service (FRS) advice is fully taken into account. The aim should be to secure FRS input and support at the earliest stage possible so that fire safety is a fundamental part of the building design.
- 4.5 Furthermore, the review stated building developers needed to ensure that there is a formal review and handover process ahead of occupation of any part of a new high-rise residential building. While there are legitimate reasons to allow occupation in a phased way, the practice of allowing occupancy of buildings without proper review and handover presents barriers to the implementation of any remedial measures identified as part of the completion process.
- 4.6 Finally, the review points to the need for building control bodies to do more to ensure that fire safety information for a building is provided by the person completing the building work to the responsible person for the building in occupation. Given the importance of such information for ongoing maintenance and fire risk assessment, proof of transfer should be sought.
- 4.7 It is encouraging to see that government seem to have taken note of the review's interim report. In particular, it is worth noting a letter dated 15 February 2018 from the Ministry of Housing, Communities and Local Government to all council leaders, heads of building control, approved inspectors and chief fire officers, which highlights the recommendations of the review and promotes the implementation of the recommendations now. The letter also gave an update on

what government has/will be doing following the recommendations in particular they are reviewing the Approved Documents.

5. NATIONAL FIRE CHIEFS COUNCIL (NFCC) / TWFRS RESPONSE

5.1 NFCC have engaged with the review, following publication of the interim report. In its next phase, the review aims to develop practical solutions to deliver the areas of change and direction of travel set out in the interim report. Working groups were established to develop innovative solutions in six key areas. The NFCC has contributed to five of these:

- Design, construction and refurbishment – establishing what industry and regulators need to do to embed building safety during the design and construction phase.
- Occupation and maintenance – identifying what building owners, landlords and regulators need to do differently to ensure that building safety is prioritised when a building is occupied and throughout its life cycle.
- Competency – establishing how competency requirements for key individuals involved in building and managing complex and high-risk buildings should change.
- Regulation and guidance – resolving whether central Government ownership of technical guidance is the most appropriate model for complex and high-risk buildings.
- Products - determining how the product testing and marketing regime can be improved.

5.2 TWFRS staff are contributing to the work of the competency work stream to identify solutions to areas set out in para 4.3, identified as lacking or requiring improvement.

6. RISK MANAGEMENT

6.1 There are a number of buildings within the Authority's area that have combustible cladding and the fire safety officers are working with the landlords of these premises to ensure that the cladding is removed and replaced with a suitable system, whilst ensuring that the building and its residents are safe in the interim. Officers continue to work with our Local Authority partners in building control, environmental health and the NFCC as part of this process.

6.2 It is noted that if the recommendations as described above and any additional recommendations, expected in May 2018, are to be implemented they may have a significant impact on departmental resources. Specifically in relation to increased and more detailed workload, increased training/qualifications, additional enforcement and an increase in frequencies of fire safety audits.

7 FINANCIAL IMPLICATIONS

7.1 There are no financial implications in respect of this report.

8 EQUALITY AND FAIRNESS IMPLICATIONS

8.1 There are no equality and fairness implications in respect of this report.

9 HEALTH AND SAFETY IMPLICATIONS

9.1 There are no health and safety implications in respect of this report.

10 RECOMMENDATIONS

10.1 The Authority is recommended to:

- a) Note the contents of this report
- b) Receive further reports as appropriate.

BACKGROUND PAPERS

The under mentioned Background Papers refer to the subject matter of the above report:

[Independent Review of Building Regulations and Fire Safety - Terms of Reference](#)
[Independent Review of Building Regulations and Fire Safety - Interim Report](#)

