

Government funding for the removal of cladding from privately owned high-rise blocks

House of Commons

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Key messages

- We welcome the steps that have been taken to date to address dangerous cladding and other fire safety issues, including the ban on combustible cladding. The Government needs to act with urgency to deliver protections for residents in dangerous buildings.
- Social housing providers have acted to protect residents. While some private landlords are doing the same, there is a significant issue with private landlords who are reluctant to act, are passing charges onto leaseholders, or sometimes cannot be identified.
- The Government needs to address the problems facing leaseholders in privately owned blocks who are being told that they are liable for the cost of remediation and the costs of interim fire safety measures. Leaseholders are in no way to blame for this problem and the Government must intervene to cover the costs and pursue those who are responsible.
- The LGA has pushed for action to identify and remediate other dangerous forms of cladding. The Government has taken some positive steps to achieve this, but more needs to be done. If other forms of cladding are shown not to comply with building regulations, the problems facing leaseholders in blocks with Aluminium Composite Material (ACM) cladding will almost certainly extend to leaseholders in other blocks.

Briefing

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Background

Causes of some building fire risks

While the detailed causes of the appalling fire at Grenfell Tower are still being investigated, it is now clear that it, and many other socially and privately owned tower blocks, were covered with cladding systems that are dangerous.

Typically these cladding systems consist of insulation (which sits flush to the original wall) and cladding panels, with a gap between the cladding and insulation for ventilation (to avoid damp). This gap can act as a chimney in the event of a fire and so fire breaks are installed horizontally and vertically. The horizontal ones consist of intumescent strips which are normally 'open' but which close to form a fire break when heated.

This danger stems from three elements of the system:

- Flammable cladding: in particular Aluminium Composite Material (ACM) cladding with a plastic core (PE or FR).
- Flammable insulation: foam rather than mineral wool.
- The chimney effect.

Where blocks are suspected of having or shown to have dangerous cladding systems, the local fire and rescue service inspects and recommends mitigation measures ('interim measures') that can be taken to reduce the risk to residents. These are likely to include a change to evacuation rather than 'stay put' response to fireⁱ accompanied by new alarm systems or a waking watch.ⁱⁱ These measures have a cost. In the long term remedial measures, removing the cladding system and replacing it, are the only solution.

Privately owned buildings

In March 2019, the Government published the latest statisticsⁱⁱⁱ which show there are 226 private high-rise buildings with ACM cladding systems that need to be removed. So far, remediation work has begun on 16 of the private high-rise buildings with ACM cladding. In addition, ACM cladding has been removed from 41 privately-owned residential buildings. Plans are in place for remediation on a further 126 buildings, and plans are being developed for a further 37 buildings. However, remediation plans still remain unclear for 47 buildings, and there are 15 buildings where the cladding status has still to be confirmed. In the case of these latter buildings, councils have already issued enforcement notices under the Housing Act on the vast majority of these blocks to obtain information on the building construction from the owners.

Non-ACM cladding

One issue that the LGA has raised previously, is the possibility that other forms of cladding may pose dangers similar to those found with ACM. The Government has issued [advice](#) to building owners on other insulation systems, including but not limited to:

- Metal Composite Materials (MCM) faced with other metals such as zinc, copper, and stainless steel;
- High Pressure Laminates (HPL); and rendered insulation systems.

This advice stresses the need for cladding systems to have met building regulations when they were installed. Nevertheless, we remain of the view that

more will need to be done to identify and remediate these systems in coming months and years

The Government has announced plans to test non-ACM cladding systems. If these systems are found not to comply with building regulations, we expect blocks with the relevant cladding systems to need similar interim and remediation measures.

Position of leaseholders

The LGA has been concerned for over a year about the position of leaseholders in privately owned blocks with dangerous cladding. In many cases, building owners are trying to pass the costs of both remediation and interim measures onto leaseholders under the terms of their lease. We are not aware of any successful legal challenge to this.

Leaseholders are not to blame for the failings that have led to flammable cladding being placed on blocks and they should not be expected to meet the costs of either interim measures or remediation.

While the Government has been able to persuade some building owners and/or developers to meet these costs, there remains a significant number of buildings whose leaseholders remain at risk. Moreover, the announcement of tests on other forms of cladding raises the prospect that more buildings and their leaseholders will face this problem in the future.

The time has come to ensure that people who have worked hard to buy their home, in many cases a home that is the first rung on the property ladder, are relieved from the stress of possibly losing that home through their inability to afford to remediate a problem that they are in no way responsible for.

The LGA's members are becoming increasingly concerned at the effect of this on their residents' mental health. Our members are not comfortable enforcing the removal of cladding when the cost falls on residents. However, delaying enforcement action is not an option as this would place lives at risk and would still leave leaseholders facing charges for the costs of waking watches, as well as other interim measures.

One way of addressing this issue would be to use public money to cover the cost of remediation, and to recover that cost at a later date through a charge on the property, to be redeemed upon its sale. In the meantime, the state could seek compensation from the developer or contractor where possible. There are a variety of options as to how this charge might be treated in terms of public contribution and interest rates.

The likelihood that leaseholders are able to organise in order to identify and sue the guilty parties seems slim. Even if they do, those responsible for installing dangerous cladding are likely to go out of business without paying up. These scenarios could lead to leaseholders becoming homeless and to councils having to take responsibility for rehousing them. Enforcement action alone cannot solve these problems and needs to be discussed as part of a wider strategy.

Related issues

Progress continues to be made in carrying out remediation to the 45 council-owned and 100 plus housing association-owned blocks with combinations of

aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards.

The latest statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) show that remediation has started on 89, social housing blocks and completed on 46. A further 22 have a remediation plan in place and in one case the plan is still being developed. Specifically in the case of the council blocks, the cladding has already been removed from a significant majority, with the work underway to remove it from the remaining buildings.

The LGA is working with MHCLG and the National Housing Federation (NHF) to ensure that the experience and good practice from the remediation programme is shared across the social housing sector.

The ban on combustible cladding, announced at the end of last year, means that only materials which are classified as A1 or A2 under the European classification can be used on the external walls of the buildings in the scope of the ban, and covers all elements of construction from the outer to the inner faces. There are a limited number of materials exempted from the ban covering components where non-combustible alternatives are not currently available. As a whole, the ban broadly reflects the points raised by the LGA when pressing for a ban on the use of combustible materials.

The Grenfell fire has directly and indirectly led to an increase in concern around a number of building-safety issues, such as

- the apparent inability of glass reinforced plastic, flat front doors to meet their performance specifications in resisting fire for at least 30 minutes
- the quality of strengthening work previously carried out on large panel system-built blocks
- the fire performance of spandrel panels

We are working with MHCLG and NHF to investigate further and address these concerns.

ⁱ In many high rise blocks residents are advised to stay in their flats if a fire breaks out because the block is designed on the 'compartmentation' principle. Compartmentation relies on fire-proof barriers between flats and stairwells etc (such as solid walls or fire doors) to ensure that a fire will be contained for long enough to allow the fire service to arrive and put it out, before it can spread. Flammable cladding breaches compartmentation.

ⁱⁱ https://www.ifsm.org.uk/wp-content/uploads/2014/08/NFCC_Guidance_-_Waking_watch_and_Common_Fire_Alarm..pdf#page=6

ⁱⁱⁱ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793799/Building_Safety_Data_Release_March_2019.pdf