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Title: Fire, Resilience and Emergency Planning (FREP) Committee – Cladding Crisis and its impact on Londoners

Executive Summary

At the FREP Committee meeting on 13 October 2020 the Committee resolved:

That authority be delegated to the Chair, in consultation with the Deputy Chairman and party Group Lead Members, to agree any output from the meeting.

Following consultation with the Deputy Chairman and party Group Lead Members, the Chair of the Committee, Andrew Dismore AM, agreed a report on the Cladding Crisis and its impact on Londoners.

A copy of the report is included in **Appendix 1**.

Decision

That the Chair, in consultation with the Deputy Chairman and party Group Lead Members, agree a report on the Cladding Crisis and its impact on Londoners.


Assembly Member

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature

Date 08/01/2021



Printed Name Andrew Dismore AM (Chair, Fire, Resilience and Emergency Planning Committee)

Decision by an Assembly Member under Delegated Authority

Notes:

1. *The Lead Officer should prepare this form for signature by relevant Members of the Assembly to record any instance where the Member proposes to take action under a specific delegated authority. The purpose of the form is to record the advice received from officers, and the decision made.*
2. **The 'background' section (below) should be used to include an indication as to whether the information contained in / referred to in this Form should be considered as exempt under the Freedom of Information Act 2000 (FoIA), or the Environmental Information Regulations 2004 (EIR). If so, the specimen Annex (attached below) should be used. If this form does deal with exempt information, you must submit both parts of this form for approval together.**

Background and proposed next steps:

At the FREP Committee meeting on 13 October 2020 the Committee resolved:

That authority be delegated to the Chair, in consultation with the Deputy Chairman and party Group Lead Members, to agree any output from the meeting.

Three and a half years after the Grenfell Tower fire in which 72 people tragically lost their lives, many Londoners are still living in buildings with dangerous cladding which are assessed as high risk.

Following consultation with the Deputy Chairman and party Group Lead members, the Chair of the Committee, Andrew Dismore AM, agreed a report on the Cladding Crisis and its impact on Londoners.


This will be reported back to the Committee's first meeting in 2021 for the public record. A copy of the report is included at Appendix 1.

The terms of reference for this project were approved by the Chair under delegated authority. Officers confirm that the report and its recommendations fall within these terms of reference.

Confirmation that appropriate delegated authority exists for this decision

Signed by Committee
Services

Date 08/01/21



Print Name: Diane Richards

Tel: 07925353478

Financial implications**NOT REQUIRED**

Signed by Finance N/A Date N/a

Print Name N/A Tel: N/a

Legal implications

The Chair of the Fire, Resilience and Emergency Planning Committee has the power to make the decision set out in this report.

Signed by Legal  Date 30/12/2020 BY EMAIL

Print Name Emma Strain, Monitoring Officer Tel: X 4399

Additional information should be provided supported by background papers. These could include for example the business case, a project report or the results of procurement evaluation.

Supporting detail/List of Consultees:

Susan Hall AM (Deputy Chairman) and David Kurten AM.

Public Access to Information

Information in this form (Part 1) is subject to the FoIA, or the EIR and will be made available on the GLA Website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** this form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 – Deferral**Is the publication of Part 1 of this approval to be deferred? No**

Until what date: (a date is required if deferring)

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA or EIR should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form - No

Lead Officer/Author

Signed Philippa Goffe Date 30/12/20

Print Name **Philippa Goffe** Tel: x. 6562

Job Title **Senior Policy Advisor**

Countersigned by *E. Williams* Date 08/1/2021
Director

.....

Print Name **Ed Williams** Tel: x. 4399

An aerial photograph of a city street, overlaid with a green map of London. The map shows the River Thames and surrounding urban areas. Several people are walking on the street, scattered across the frame. The text is centered over the map.

Cladding Crisis and its impact on Londoners

Fire, Resilience and Emergency Planning
Committee

LONDONASSEMBLY

Fire, Resilience and Emergency Planning Committee



Andrew Dismore AM
(Chair)
Labour



Leonie Cooper AM
Labour



Susan Hall AM
(Deputy Chairman)
Conservatives



David Kurten AM
Brexit Alliance Group



Tony Arbour AM
Conservatives



Dr Alison Moore AM
Labour

The Fire, Resilience and Emergency Planning (FREP) Committee reviews the London Fire Commissioner's priorities and objectives and makes recommendations. Its work includes:

- Any actions and decisions of the Mayor and/or Deputy Mayor for Fire and Resilience in relation to the GLA's fire duties and responsibilities;
- Any actions and decisions of the London Fire Commissioner;
- Any actions and decisions of an officer of the London Fire Commissioner; and
- Any other matters which the Assembly considers to be of importance to fire and rescue in Greater London.

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Foreword



Andrew Dismore AM

Chair of the Fire, Resilience and Emergency Planning Committee

There are hundreds, if not thousands of people stuck in unsafe and overcrowded homes. The word cladding could send shivers down a homeowner's spine. Since the tragic Grenfell Tower fire in 2017, the true scale of the cladding crisis affecting our country has started to unravel. In London alone, the London Fire Brigade told our Committee that 590 high-rise residential buildings require waking watches, and/or other temporary fire safety measures, in case a fire breaks out.

The Government introduced a new safety measure for anyone trying to sell their home that has any type of cladding on the outside of their building. Leaseholders must obtain an External Wall Fire Review (EWS1) form before they sell their home to ensure that it is safe. EWS1 forms were introduced in 2020 and, following many discussions with Londoners, our Committee heard that the way in which these forms were introduced means that they have caused more problems than they have solved. While our Committee fully understands the need for safety to come first, these forms are making it extremely difficult for people to move home, leaving Londoners stuck in overcrowded properties. Our Committee heard from families who are sharing one-bedroom apartments due to the delays in obtaining an EWS1 form. In some cases, leaseholders were told it could take years for any remediation work to be complete on their buildings meaning obtaining an EWS1 form is in the very distant future. Many Londoners only realise that their properties are impacted by the cladding crisis when they want to sell their property and are told they need to obtain an EWS1 form, meaning the true scale of the problem across the capital is still unknown.

There is a lot of anger and anxiety amongst Londoners whose homes are impacted by cladding. Londoners are either stuck in homes that are unsafe due to cladding or they are stuck in homes that are no longer suitable for their families. Some Londoners feel like they have nowhere to go to for support or advice on how to deal with the cladding crisis. One Londoner who is living in a one-bedroom property in North London with her husband and toddler discussed the impact that the cladding crisis is having on her and her family. Due to COVID-19, this small space is not only her family's home but also their office too. This Londoner is eager to sell her property to move to one that is more suitable for her family's needs but until the cladding issue in her

block is fixed, she is trapped. This is just one story, there are many, many others stuck in similar situations.

In December 2020, the Mayor called for a new levy to be paid by private developers to help fund building safety. Whilst this is a step in the right direction, Londoners need action now. There's no time to waste in getting a new tax set up. The Mayor and the Government must act immediately to help Londoners who are trapped in unsafe, overcrowded homes. With people spending more and more time at home due to COVID-19 restrictions, there is a greater need to tackle this issue head on. The stress and strain of the cladding scandal is taking its toll on people who are living and breathing this crisis. For people who are dealing with the effects of the cladding crisis, this is part of their life from which there is no escape, until the problem is fixed. This is one of many side effects of the cladding crisis that a lot of people forget.

Our Committee wants to see action from local and national Government. This issue shouldn't be passed from politician to politician, leadership is needed to ensure that Londoners feel safe in their homes. To rectify all buildings affected will take time. Therefore, to support Londoners now, our Committee is calling on the Mayor to provide a hub for London's leaseholders and residents affected by cladding and fire safety issues so that they can access legal advice and mental health support. From speaking with Londoners impacted by different cladding and fire issues, alongside the financial worry, they feel that they don't know where to turn or to ask for advice. By the Mayor offering this for Londoners, it will help provide support throughout this extremely difficult situation that many people find themselves in.

The Government's Building Safety Bill is currently going through Parliament. Our Committee wants the Mayor to help with our lobbying efforts to protect leaseholders from being made to pay for historical building defects. Homeowners who bought their properties in good faith should not have to pick up the bill for something that is not their fault and entirely out of their control.

Without strong action, our Committee fears that fixing the problem could be dragged out for years to come. Now is not the time for politics to come into play. Our Committee has one ask of the decision-makers - to put the safety of Londoners at the heart of any policies introduced to deal with the cladding scandal. If policy makers are to learn anything from the tragic Grenfell Tower fire, it's that safety must come first.

Andy Digney

Recommendations

Recommendation 1

The Mayor should press for the adoption of the ten action points set out in the report published by Inside Housing, 'The Next Fire Won't Wait'¹ before the fifth anniversary of the Grenfell House fire on 14 June 2022.

Recommendation 2

The Mayor should work with the London Fire Brigade to assess the impact of new data about London's building safety and the cost of changing LFB's working practice to keep Londoners safe from dangerous cladding. He should lobby Government to address funding gaps caused by this change in workload.

Recommendation 3

The Mayor should press the Government to act as insurer of last resort to provide public indemnity insurance for all existing, and for the new pool of, chartered fire safety engineers that the Royal Institute for Chartered Surveyors is training up to undertake EWS1 fire safety assessments.

Recommendation 4

The Mayor must work with the London Assembly and lobby MPs to press the Government to amend the Building Safety Bill to protect leaseholders from being made to pay for historical building defects. He should also lobby for support from lenders to allow leaseholders to access market rates when re-mortgaging affected properties.

Recommendation 5

The Mayor should press the Government to extend the Waking Watch Relief Fund to cover the cost of all temporary fire safety measures required in a high rise high risk building until the fire safety defects are fixed.

Recommendation 6

The Mayor should provide a hub for London leaseholders and residents affected by cladding and fire safety issues to access legal advice and mental health support.

¹ Inside Housing, <https://www.insidehousing.co.uk/insight/insight/the-next-fire-wont-wait-here-are-the-10-steps-to-end-our-cladding-scandal-68019>, 27 September 2020

Executive Summary

Three and a half years after the Grenfell Tower fire in which 72 people tragically lost their lives, many Londoners are still living in buildings with dangerous cladding which are assessed as high risk. Cladding remediation has been slow and other fire safety defects in high-rise buildings are still being identified. Although the Government has provided funding for removal of some cladding from residential buildings over 18 metres in height, there are thousands of buildings across London with dangerous cladding that are excluded from Government funding. Leaseholders who had no knowledge of their building's fire safety defects when they bought their property are being made to pay for remediation.

As at 18 December 2020, the London Fire Brigade advised that there were 590 residential high-rise buildings in London, of a mixture of heights which require 'waking watches' and/or have a common fire alarm system in case a fire breaks out. This is because they have a simultaneous evacuation strategy, instead of a 'stay put' policy in the event of a fire, because the buildings are compromised by dangerous cladding and/or other fire safety defects. The London Fire Brigade is required to inspect each of these buildings once a fortnight to check on these temporary fire safety measures.

The people who live in these buildings live with the stress of knowing that their building is unsafe, of not knowing when the defects will be rectified, and of having to pay for the waking watches in order to protect themselves and their families.

On top of this, leaseholders are finding that mortgage lenders assess their properties as having nil value, so they cannot sell or remortgage and face huge increases in insurance premiums because of the fire risks of the buildings they live in. Until the dangerous cladding is removed and any other remediation work is completed, leaseholders are stuck in a situation over which they have no control.

The Government has provided funding of £1.6 billion under its Building Safety Programme (funding confirmed in the 2020 Spending Review²) to remove dangerous cladding from residential buildings over 18 metres (six storeys) in height. However, the FREP Committee has heard evidence that fire safety defects are also widespread across residential buildings below 18 metres in height. Leaseholders in these multi-storey buildings have been told they will have to pay significant sums to pay for the removal of cladding on their buildings.

In addition, the Committee heard from Londoners in shared ownership properties who have been told that while they may only own a percentage of their home, they are required to pay 100 per cent of the remediation work. Many Londoners in this situation face the real prospect

² Gov.uk, <https://www.gov.uk/government/publications/spending-review-2020-documents/spending-review-2020#departmental-settlements>, 25 November 2020

of bankruptcy and the loss of their homes as they see no prospect of being able to find the money the building owner or manager is demanding from them. Shared ownership, which is meant to be an affordable way to get on the property ladder, is now costing some Londoners thousands of pounds for a problem that is not their fault.

This situation is having a devastating effect on those with young families who desperately need more space or those who need to move to be able to care for ailing relatives. The Committee heard from families with children who are living in one bed properties with no way to move until the remediation work is complete. The limited space and fear of potential fire hazards has been made even worse since the COVID-19 pandemic began, as people have had to stay inside during lockdown and many are now working remotely.

Residents' mental health is suffering badly, due to the constant worry caused by living in a potentially dangerous building and the financial stress of being billed for temporary fire safety measures, remediation costs and increased insurance premiums.

The Government announced on 17 December 2020, a new £30 million Waking Watch Relief Fund to pay for the installation of building fire alarm systems to replace waking watches³. Although this is very welcome it will not resolve the issues. The LFB has said there are around 250 high rise residential buildings that have solely a waking watch as a temporary safety measure. Many buildings require both a fire alarm system and a waking watch to provide satisfactory fire safety measures. The Government's funding will not resolve the situation for this wider group of people and has not addressed the historical costs and financial hardship already suffered by leaseholders being made to pay the costs.

The developers and builders responsible for the building defects identified as a result of the Grenfell Tower disaster are currently not being held responsible, or being made to rectify them. Leaseholders whose buildings are not eligible for the Government funding in the Building Safety Programme are facing being billed for the costs of remediation as the building owners or managers seek to recoup the costs from them. For many this represents a real fear of bankruptcy to rectify building defects for which they have no responsibility and with no meaningful intervention from the Government to counter this fear.

Quotes from leaseholders

"We are being punished." Ritu Saha

"It is a scandal that is not being resolved and we are potentially looking at losing our homes and being bankrupted." Charlotte Daus

"The mental effect is huge." Samar Radwan

³ Gov.uk, <https://www.gov.uk/government/news/new-30-million-waking-watch-relief-fund-announced> , 16 December 2020

“It has been a massive drain on our time and our energy and our emotional reserves.” Charlotte Daus

“People do not have a spare £50,000. If they do pass these costs on, what happens? Are you going to put all these people on the streets?” Amanda Wilson

“We are under 18 metres, we don’t qualify for funding but yet we are still paying a £30,000 bill. That’s not on.” Mark

Chapter one: Background

Recommendation 1

The Mayor should press for the adoption of the ten action points set out in the report published by Inside Housing, ‘The Next Fire Won’t Wait’⁴ by Government before the fourth anniversary of the Grenfell House fire on 14 June 2021.

Following the Grenfell Tower tragedy in 2017, the Government undertook a range of actions and commitments, in addition to legislative reform. For example, it initiated the Building Safety Programme to identify and make safe high-rise residential buildings with unsafe cladding as a matter of urgency. This included large-scale tests, undertaken by the Building Research Establishment (BRE), that looked at three different types of Aluminium Composite Material (ACM)⁵ cladding (similar to that used to clad Grenfell Tower), combined with different types of insulation. All failed to meet current building regulation guidance.⁶

The Government also banned the use of combustible materials on the walls of new high rises,^{7 8} made £600 million available for ACM cladding remediation work⁹ and announced in July 2018 that £400 million of this would go to the social housing sector to fund the removal and replacement of unsafe cladding, the Social Sector ACM Remediation Fund (SSCRF).

⁴ Inside Housing, <https://www.insidehousing.co.uk/insight/insight/the-next-fire-wont-wait-here-are-the-10-steps-to-end-our-cladding-scandal-68019>, 27 September 2020

⁵ Aluminium Composite Material (ACM) is a type of flat panel that consists of two thin aluminium sheets bonded to a non-aluminium core, typically between 3 and 7 mm thick. The panels can have a painted or metallic finish and were the type of panels used to clad Grenfell Tower.

⁶ MHCLG, [Building Safety Programme](#), updated 11 April 2020

⁷ Fire Industry Association, [Combustible materials banned on high-rise buildings](#), 30 November 2018

⁸ MHCLG, [Government bans combustible materials on high-rise homes](#), 29 November 2018

⁹ See [Grenfell: Government Response](#), House of Commons, 10 June 2019 and Inside Housing, [London building manager demands millions from leaseholders despite government cladding fund](#), 8 July 2019

Subsequently, on 9 May 2019, to aid progress with remediation in privately-owned buildings and to prevent leaseholders being billed for the costs, the Government established the Private Sector ACM Cladding Remediation Fund (PSCRF).¹⁰ The £200 million fund is available to fund remediation of privately owned, high-rise buildings over 18 metres with ACM cladding. The first London project to be awarded funding for remediation under the PSCRF commenced earlier this year and was due to complete by December 2020.¹¹

Following the identification of other inflammable cladding being present on high rise residential buildings, the Government announced in the March 2020 budget that it would provide £1 billion in 2020 and 2021 to fund remediation of non-ACM cladding. This is for residential buildings 18 metres or over in height, via the Building Safety Fund for both social and private sectors.¹² This is in addition to the funding for the removal of ACM cladding, bringing the total of Government funding for remediation to £1.6 billion. As at 25 September 2020, registrations to this fund for London numbered 1,587 out of an overall total of 2,784, meaning 57 per cent of applications are for London buildings.

On 12 June 2020, the Housing, Communities and Local Government (HCLG) Select Committee published a report on the progress of cladding remediation.¹³ The report states that there are still 2,000 high-risk residential buildings with dangerous cladding in England. The HCLG Select Committee stated that, in addition to 300 buildings awaiting remediation, a further 11,300 with combustibile cladding needed remediation of which approximately 1,700 are high-risk and need urgent attention. The Committee said:

“Three years since the Grenfell Tower fire, to still have 2,000 high-risk residential buildings with dangerous cladding is deeply shocking and completely unacceptable.”

In its report, the Committee urged the Government to accelerate remediation. It called on the Government to lead a national effort to remediate all affected buildings urgently with the target for all ACM cladded buildings to be remediated by December 2021; and all other buildings with fire safety defects, including non-ACM cladding, to be remediated before the fifth anniversary of the Grenfell Tower fire in June 2022.¹⁴

The HCLG Committee also stated that the £1 billion fund for remediation is insufficient for the 1,700 buildings identified. The Committee said that the fund is likely to cover only one third of this figure.¹⁵ It estimates that fixing “all serious fire safety defects” in high risk residential buildings could cost up to £15 billion. The Select Committee is calling for the £1 billion fund to

¹⁰ Gov.uk, [Private sector ACM cladding remediation fund: prospectus](#), 18 July 2019

¹¹ Guildmore, [First London project to be awarded and receive funding under the Government’s Private Sector ACM Cladding Remediation Fund \(PSCRF\)](#), 22 June 2020

¹² Gov.uk, [Remediation of non-ACM buildings](#), updated October 2020

¹³ House of Commons, Housing, Communities and Local Government Committee, [Cladding: progress of remediation](#), 12 June 2020

¹⁴ Parliament, [Conclusions and recommendations, Progress of remediation](#), 12 June 2020

¹⁵ Ministry of Housing, [Communities & Local Government, Remediation of non-ACM buildings](#), last updated 31 July 2020

be increased and that the fund should address all fire safety defects in every high-risk residential building.

A fire safety assessment process for high-rise residential buildings with external cladding was developed by the Royal Institution of Chartered Surveyors (RICS) and the UK finance industry. It must be undertaken by a fire safety engineer who provides an EWS1 (external wall survey) form for a building to confirm that the external walls meet fire safety standards. This is the only process available to confirm compliance since the Grenfell Tower Inquiry uncovered widespread non-compliance with building and fire safety regulations.

It was introduced by RICS after the Grenfell Tower fire as a reassurance for mortgage lenders to enable them to make informed lending decisions on high rise residential buildings of 18 metres and above. Although this form and process was originally aimed only at these higher buildings, after the Government consulted on extending the scheme, it became adopted as the default fire safety assurance by mortgage lenders who now routinely require an EWS1 form to support a mortgage or remortgage application for any residence in a multi-storey building. There is only a small number of qualified professionals - estimated at 300 nationwide - available to do these assessments, and it has been estimated that it could take up to 10-11 years to complete EWS1 forms for all high-rise buildings.¹⁶

The Public Accounts Committee (PAC) published its latest report on progress on remediating dangerous cladding¹⁷ on 16 September 2020. It stated that it was 'unacceptable' that three years on from the Grenfell Tower fire, ACM-style cladding remains on residential buildings.

The Committee's recommendations include that: the Government should take enforcement action against building owners whose remediation projects are not on track to be completed by the end of 2021; assess the impact and risk of not fully funding the removal of all dangerous cladding in recognition of difficulties faced by leaseholders; ensure cross-sector work addresses issues with the EWS1 fire safety assessments, including providing professional indemnity insurance for fire safety assessors ; and also address the skills shortage to widen the pool of professionals available to do fire safety assessments and prevent escalating insurance costs for leaseholders.

Inside Housing magazine relaunched its *End Our Cladding Scandal* campaign on 22 September 2020 by publishing a ten-point plan in its report 'The Next Fire Won't Wait'¹⁸, to deal with the "millions of householders unable to move and facing crippling bills for removal of cladding." Inside Housing says its campaign has the support of the Mayor, the National Housing Federation, Chartered Institute of Housing and politicians from across the political spectrum. The ten points are:

¹⁶ Inside Housing, [How the government has failed to make buildings with dangerous cladding safe three years after Grenfell](#), 12 June 2020

¹⁷ House of Commons Public Accounts Committee, [Progress in remediating dangerous cladding](#), 16 September 2020

¹⁸ Inside Housing, [The next fire won't wait. Here are the 10 steps to End Our Cladding Scandal](#), 27 September 2020

- Government to ensure all dangerous cladding is removed by June 2022 with high-risk buildings prioritised;
- Building Safety Fund should be extended to all buildings regardless of height and to cover remediation of internal and external fire safety defects, not just cladding;
- The Government should fund remediation upfront and seek to recover costs afterwards from building owners or through a levy on development;
- Social housing providers must have full and equal access to funding;
- Building owners or managers must be compelled to inform residents of fire safety defects;
- The Government should fund the cost of temporary fire safety measures, e.g. waking watches;
- The Government should act as insurer of last resort where premiums have soared;
- A fairer, faster process needs to replace the EWS1 and funding be provided to ensure all buildings that need a survey have it completed within 12 months;
- Mental health support should be provided for affected residents; and
- Protecting residents from historic and future costs should be included in legislation.

Andy Roe, the London Fire Commissioner, told the Committee that he'd been notified at the start of the Building Safety Programme by MHCLG that there are 72,000 'high risk' buildings in London. These will be a mixture of buildings, some of which the LFB would normally be required to inspect such as care homes, but many would not normally be part of its remit, representing a significant extension of its workload.

In the light of correspondence received by Assembly Members on these issues, and the reports by MHCLG Committee and the PAC, the FREP Committee wrote, jointly with the Housing Committee, to the Mayor about the growing problem for London leaseholders caused by mortgage lenders requiring EWS1 forms. The letter highlighted two cases where leaseholders could not sell their properties because their buildings lacked an EWS1 form. The letter also highlighted the growing problem of residential buildings of under 18 metres being identified as needing cladding remediation, but falling outside the Government-funded programme, with costs being passed on to leaseholders.

In order to investigate the situation in greater detail and depth, the Committee held a meeting on 13 October to which it invited: four London leaseholders, two representatives from the Royal Institute of Chartered Surveyors (RICS) and the London Fire Commissioner.¹⁹

¹⁹ See Appendix A

Chapter two: Data

Recommendation 2

The Mayor should work with the London Fire Brigade to assess the impact of new data about London's building safety and the cost of changing LFB's working practice to keep Londoners safe from dangerous cladding. He should lobby Government to address funding gaps caused by this change in workload.

The Grenfell Tower fire brought into focus changes in building and construction practice and highlighted the danger of some of the materials being used. Products that had been marketed as safe for use on high-rise buildings are now recognised as a fire risk. The most significant news to come from the Phase 1 report was that the aluminium composite material (ACM) cladding on Grenfell Tower did not comply with building regulations. The report stated that: 'The principal reason why the flames spread so rapidly up, down and around the building was the presence of the aluminium composite material (ACM) rainscreen panels with polyethylene cores, which acted as a source of fuel.'²⁰ This finding, that the cladding fitted to the external walls of the tower fuelled the fire, highlighted potential dangers in building safety across the Capital.

Cladding had been widely used on buildings across the Capital, although there is still only a partial picture of the number of buildings affected by dangerous cladding. Examination of other external wall features has found that some high pressure laminates (HPL) and some types of timber cladding present a significant fire risk as well as ACM cladding²¹. Of these, only ACM cladding has been banned for use on new buildings above 18m.

Figures from the Government's Building Safety Programme (updated to 30 November 2020)²² show that nationally:

- 99 per cent (154) of social sector buildings have either completed or started remediation. 84 per cent of the 155 buildings have removed the ACM cladding.
- 70 per cent (150) of private sector buildings have either completed or started remediation. Of these, 73 have had their ACM cladding removed.

Registration for the £1 billion Building Safety Fund provided by the Government to remove unsafe non-ACM cladding from buildings over 18 metres in height opened on 26 May 2020 and closed on 31 July 2020²³. Applications for funding could be submitted from 31 July 2020 for

²⁰ Grenfell Tower Inquiry, 'Phase One Report overview' page 4, para 2.13 a]

²¹ Gov.uk, '[Advice for building owners of multi-storey, multi-occupied residential buildings](#)' [Date accessed 10.11.20]

²² Gov.uk, '[Building Safety Programme: Monthly Data Release](#)', 30 November 2020

²³ Gov.uk, '[Remediation of non-ACM buildings](#)', updated 9 October 2020

those who had registered. Published information on registrations made to this fund, as at 25 September 2020, showed that 1,587 registrations were made for buildings in London,²⁴ out of a total of 2,784 nationwide. Information on the progress of applications subsequent to registration is not yet available.

Roofing Today magazine cites how building owners are required by law to demonstrate cladding compliance and identify potential fire risks that may be caused by non-compliant systems. It said that leaseholders and building owners are calling out for assistance to identify and replace inflammable cladding for all buildings, as many missed the short window to register for Government funding and failure to take steps towards remediation severely affects mortgage and resale enquiries.²⁵

Buildings that are 11-18 metres in height are not covered by the Building Safety Programme as they are deemed not as high a risk as those that are 18 metres and over. However, these buildings are a growing area of concern, although there is a lack of data on how many there are. In the Building Safety Programme November release, MHCLG gave an estimate of a total of 77,500 buildings nationally in the 11-18 metre height range.²⁶ Over 98 per cent of these buildings were identified as residential dwellings/flats, with the remaining proportioned across residential education and sheltered accommodation. There is no assessment of how many will need fire safety remediation, but it is reasonable to assume that building regulation and fire safety failings will be similar to buildings of 18 metres and over.

On 9 October 2020, the Minister of State for Housing, Communities and Local Government, Christopher Pincher MP, confirmed that the Government has started a pilot data collection project for buildings of 11 to 18 metres in height to produce a prevalence estimate and to inform the design of a wider national 11 to 18 metres data collection exercise. Scope and coverage of the project is currently being designed.²⁷

Local authorities are currently collecting information on buildings over 18 metres in height with unsafe non-ACM cladding. The Government has had to extend repeatedly the deadline for local authorities because the number of buildings is very high, particularly in London, for boroughs like Tower Hamlets and Greenwich which have many tall buildings.

In respect of buildings in the 11 metres to 18 metres range, Megan Life, Head of Building Safety, Housing and Land, GLA, told the Committee that the number of buildings in that range is tenfold greater than what local authorities have dealt with to date. She said it would be a huge undertaking to start that data collection exercise, and that the GLA could not take this on as it is not staffed to do that work.

²⁴ Gov.uk, [Building Safety Fund Registration Statistics](#), September 2020

²⁵ Roofing Today, [Combustible Cladding Remediation in the Spotlight as Applications for Government Funding Support Come to a Close](#), 9 July 2020

²⁶ Gov.uk, [Building Safety Programme: Monthly Data Release](#), 30 November 2020

²⁷ UK Parliament, Written questions, answers and statements, [UIN 98287](#), tabled October 2020, answered 9 October 2020.

The London Fire Commissioner(LFC) told the Committee that there are in excess of 72,000 premises in London that may be considered ‘high-risk’ and within the scope of the new Building Safety Regulator as notified to the LFC by the MHCLG at the start of the Building Safety Programme. He said the actual number is likely to be many more given emerging evidence of fire safety defects. He said that these buildings include care homes, sheltered housing blocks, hospitals and other buildings where the vulnerability of the residents is a crucial factor. High risk buildings include those not just with cladding concerns but also other fire safety risks such as a lack of, or poor, compartmentation.

The LFC highlighted the Worcester Park fire²⁸, one year after Grenfell, which spread due to problems with internal compartmentation and a poor standard of construction. In what was a very high-value, low-rise residential block, 23 flats burnt to the ground in approximately 11 minutes once the fire had taken hold.

The LFB is working with the GLA, local authorities and MHCLG to generate more accurate data, but this will take time, and the true number of high-risk buildings may grow as more fire safety standards issues arise.²⁹ In particular, the LFC told the Committee that this figure would grow as better understanding is gained of elements beyond cladding, but which are relevant to inspection and construction, beginning to emerge from what he described as “very disturbing testimony in the second phase of the Grenfell Tower Inquiry.”

The Government publishes data in monthly updates for its Building Safety Programme on remediation progress for high rise residential and publicly owned buildings with ACM cladding systems that are unlikely to meet Building Regulations. Data from the November update³⁰ is shown in the following charts.

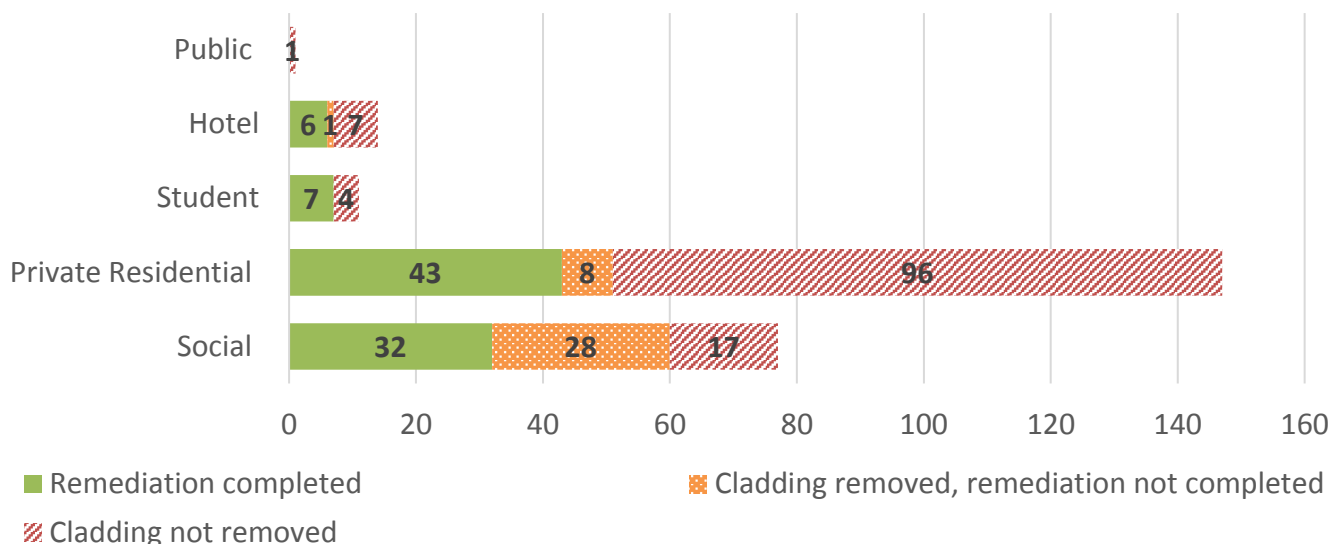
Chart 1 provides a breakdown of remediation progress for such buildings identified in London by their tenure type. Over half of the buildings identified in London are private residential, and of them, around two thirds—96 buildings—have not yet had cladding removed. Better progress has been made on social sector buildings, with only 22 per cent (17) still without cladding removed. There are fewer student buildings—only 11 in total— but of these, 4 still have not have cladding removed.

²⁸ BBC News, <https://www.bbc.co.uk/news/uk-england-london-49630496>, 9 September 2019

²⁹ London Assembly Fire, Resilience and Emergency Planning Committee, 13 October 2020, [minutes](#),

³⁰ Gov.uk, [Building Safety Programme: Monthly Data Release](#), 30 November 2020

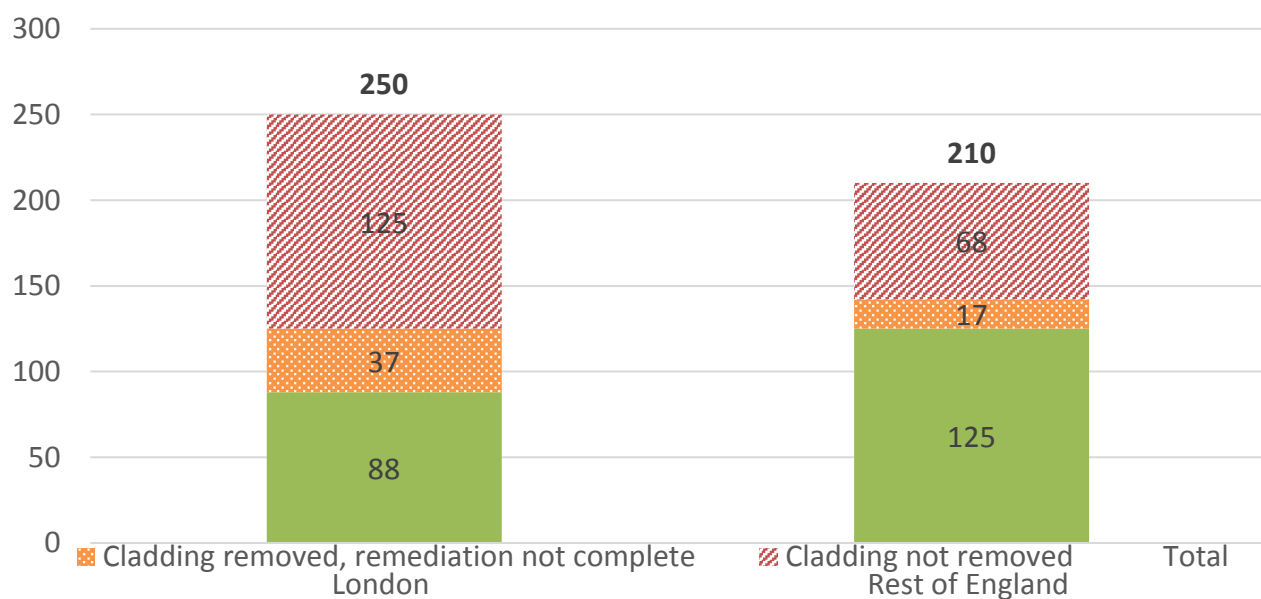
Chart 1: Number of completions by building tenure, London



Source: MHCLG [Building Safety Programme Monthly Data Release](#), 30 November 2020

Chart 2 provides a comparison between London and the rest of England, again highlighting lower progress in London. 50 per cent of buildings identified for remediation in London have had cladding removed, compared to 68 per cent in the rest of England.

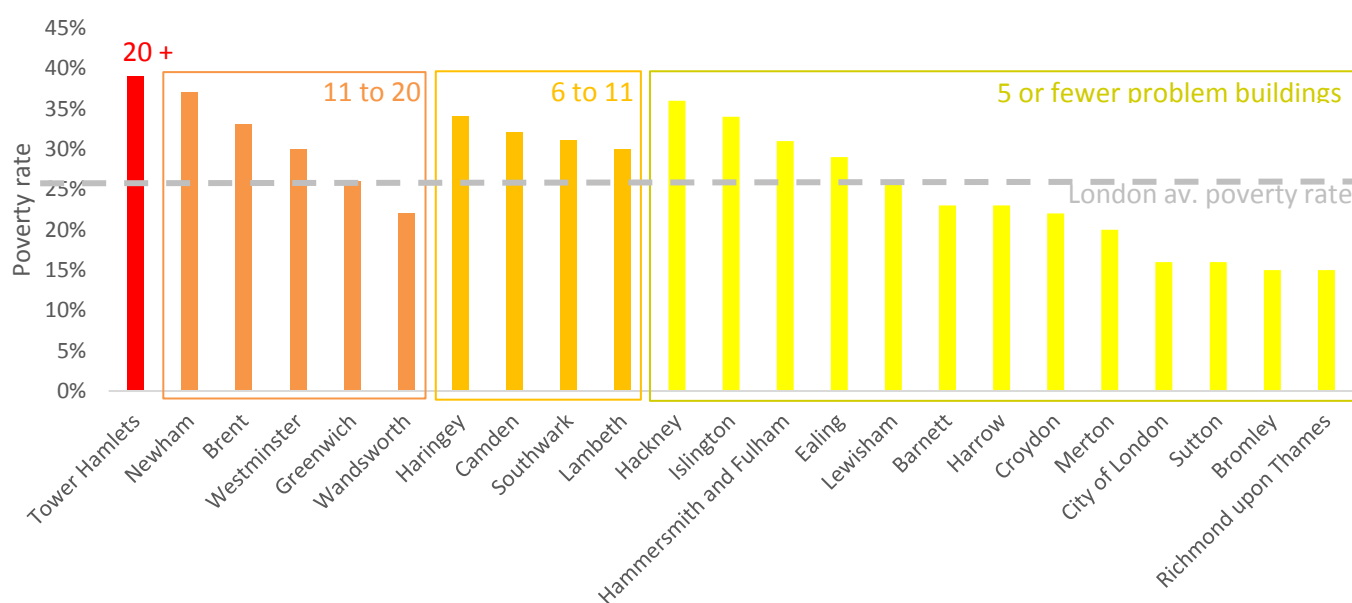
Chart 2: No of completions, London compared to rest of England



Source: MHCLG [Building Safety Programme Monthly Data Release](#), 30 November 2020

It is significant that London boroughs with higher poverty rates are more likely to have higher numbers of buildings identified for remediation in the Building Safety Programme. Of the top six London boroughs with the highest number of buildings identified for remediation, five were at or above the average poverty rate in London. Tower Hamlets, the London borough with the highest poverty rate (39 percent), also has the highest number of buildings identified for remediation, at over 20. This is reflected in Chart 3.

Chart 3: Relationship between number of problem buildings and borough poverty rate



Notes:

- London average poverty rate is 26 per cent; See **Appendix B**.
- problem buildings = high rise residential and publicly owned buildings with ACM cladding systems unlikely to meet Building Regulations as identified by the Building Safety Programme

Sources: Poverty rates by London borough, 2013/14: <https://www.trustforlondon.org.uk/data/poverty-borough/>;

ACM buildings: MHCLG Building Safety Programme Monthly Data Release, 30 September 2020

The LFB has received no additional government funding for its work to keep Londoners safe in light of the risks posed by cladding and other defects such as poor compartmentalisation or unfit cavity wall barriers.

The work of the Brigade has stepped up to address the safety risks of London’s built environment, with the LFB required by government to provide Fire and Rescue Services Act 2004 section 7(2)(d) visits to 8500 buildings across the Capital³¹. 6000 of these visits have now taken place, with the work continuing during lockdown.³² The Brigade also undertakes

³¹ London Fire Brigade, <https://www.london-fire.gov.uk/media/4741/lfc-0369x-d-pn800-fin.pdf>

³² London Assembly FREP Committee webcast <https://www.london.gov.uk/fire-resilience-and-emergency-planning-committee-2020-12-16>, , 16 December , (0.42.30)

monitoring of buildings where a waking watch is present, inspecting communal areas and fire safety doors to understand potential risks. As at 16 December the LFB advised that 590 high-risk buildings in London have waking watches or common fire alarms as temporary fire safety measures. The LFB must check these on a fortnightly basis. This comes at a significant cost to the brigade, a cost that was unforeseen in 2015.

Chapter three: EWS1 and fire safety assessments

Recommendation 3

The Mayor should press the Government to act as insurer of last resort to provide public indemnity insurance for all existing, and for the new pool of, chartered fire safety engineers that the Royal Institute for Chartered Surveyors is training up to undertake EWS1 fire safety assessments.

The EWS fire safety review process was agreed by the Royal Institution of Chartered Surveyors (RICS) and the UK Finance industry as a new industry-wide valuation process to help people buy and sell homes and remortgage in buildings above 18 metres (six storeys) in height. It was introduced in December 2019 as a new standardised process to be used by valuers, lenders, building owners and fire safety experts in the valuation of high-rise properties, with actual or potential combustible materials to external wall systems and balconies. It must be renewed after five years.

Revised Government advice issued in January 2020³³ lowered the height threshold for EWS1 forms from 18 metres to 11 metres, thus bringing a further estimated 88,000 buildings into the pool of buildings needing to be assessed³⁴.

The review process requires that “a qualified professional” (fire safety engineer) must review a building’s exterior, determine the risk and issue an EWS1 form. However, subsequent to its introduction, a series of issues have arisen with the review system:

- There is only a small number of qualified fire safety engineers (approximately 300 nationally) available to undertake the surveys;
- Many qualified fire safety engineers are unable to get the professional indemnity insurance (PII) to allow them to sign off an EWS1 form. As a result, the number of fire safety engineers able to carry out EWS1 forms is significantly reduced.
- Building owners must obtain the EWS1, and some may be dis-incentivised to do this because of the potential for other fire risks to be identified that would need to be corrected;
- Buildings may be owned by a non-British resident/company that lacks the incentive to obtain the EWS1;

³³ Ministry of Housing, Communities and Local Government, [Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings](#), January 2020

³⁴ Inside Housing, [Sadiq Khan urges government to take 'urgent action' to fix EWS crisis with five key steps](#), 22 September 2020

- Mortgage providers are now requiring EWS1 forms for buildings under 18 metres in height and those with balconies following the publication of consolidated advice by the Government in January 2020,³⁵ therefore increasing the demand for EWS1 reviews;
- Leaseholders are finding their homes have a nil value and are effectively unsaleable, as a mortgage cannot be obtained without an EWS1; and
- Leaseholders are facing rising building insurance premiums because of the fire safety risk if their building does not have an EWS1.

The number of buildings and people impacted by these issues is difficult to quantify. Although there is a count of buildings requiring cladding remediation which are over 18 metres in height, there is no clear assessment of the number of lower-rise properties needing remediation or of those which are assessed by mortgage lenders as needing an EWS1 form.

The EWS1 form and fire safety assessment cannot be done until cladding remediation has been completed and signed off, and even then, the backlog of work for the small number of qualified fire safety engineers able to do this work means there is currently no means of predicting when an EWS1 form will be available.

The Committee spoke to representatives from the Royal Institute of Chartered Surveyors on 13 October 2020, Gary Strong, Fire Safety lead and John Baguley, Tangible Assets Valuation Director, to get their views on fire safety reviews and the EWS1. Gary Strong told the Committee that the MHCLG consolidated advice note was published in January following a number of fires in lower height buildings, such as the Bolton Cube fire which occurred on 15 November 2019³⁶. He told the Committee that this extended the requirement for building owners to check the cladding on the outside of their properties to include residential buildings under 18 metres in height.

In the absence of an alternative, and because of the loss of confidence in building regulations, they are using the EWS1 form and fire safety assessment, although it was designed for use only in buildings of 18 metres and above. This has added significantly to the workload of the limited pool of fire safety engineers qualified to undertake these assessments, exacerbated by the insurance industry being reluctant to provide public indemnity insurance (PII) without which they cannot operate.

Gary Strong explained that fire safety defects were not limited to cladding. He said that it is not just about cladding, and that RICS is getting feedback on a daily basis from fire risk assessors that compartmentation is really the bigger problem. He said:

“There are so many buildings out there, particularly those I would say built in the last 10 to 20 years, where the standards of construction and standards of inspection have been so poor that compartmentation is terrible.”

³⁵ Ministry of Housing, Communities and Local Government, [Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings](#), , January 2020

³⁶ Bolton News, [Bolton Cube fire: Cause of devastating blaze revealed](#) , 30 July 2020

He told the Committee, as an example, that he had heard about one brand-new development of six blocks that fire risk assessors refused to sign off, because the compartmentation was so poor.

John Baguley told the Committee that mortgage lenders were relying on the EWS1 form as there is no alternative to clarify what the wall system is. Building regulations can no longer be relied on as confirmation that the building is satisfactory and the current fire risk assessment does not include external walls.

Although the Government maintains the position that an EWS1 form and fire safety assessment is not required for buildings under 18 metres in height, mortgage lenders are asking for this as standard for any multi-storey building as this is the only means available to them to verify fire safety. In a written Parliamentary answer, Christopher Pincher MP, the Housing Minister, stated: "Government does not support a blanket use of EWS1. The Building Safety Minister has met with mortgage lenders seeking their support to a more proportionate approach to valuation of multi storey, multi occupied residential buildings."³⁷

The Committee asked RICS about the number of qualified fire safety engineers available to undertake fire safety reviews and issue EWS1 forms. RICS confirmed that the pool of experts that are qualified through the Institution of Fire Engineers (IFE) is very small, around 300, and that the availability and affordability of professional indemnity insurance (PII) was also restricting that number further. It takes four years for a person to train as a fire engineer, but a chartered fire engineer requires additional training, usually taking a further two to three years.

RICS was clear that there is no shortcut to delivering the right level of trained engineers and emphasised the critical nature of its work which ensures people's safety. They said this gold standard must be maintained. However, it told the Committee that the MHCLG has asked RICS and the IFE to devise a training programme to upskill chartered building surveyors with a fire safety background to increase rapidly the pool of qualified fire safety engineers. RICS told the Committee that this programme is underway now, and it hoped to launch it before Christmas, to deliver a pool of experts that can scale up and undertake fire safety reviews. RICS has been set a target of upskilling 2,000 trained chartered building surveyors to do this. Although the IFE is also going to upskill their members, the number will be much smaller (reflecting its own size as an organisation).

RICS told the Committee it was confident that it could deliver the number of qualified fire engineers MHCLG had asked for, but said its availability to take on fire safety reviews cannot be guaranteed, due to the reluctance of the insurance industry to provide PII. It told the Committee that the Government needed to take urgent action to address this problem, and said it has been pressing the Government via MHCLG to do this. RICS said that it is aware the Minister, Lord Greenhalgh, is in detailed discussions with the insurers, but is not aware of any outcome to date.

³⁷ Parliament.uk, <https://questions-statements.parliament.uk/written-questions/detail/2020-11-09/113243>, 16 November 2020

Megan Life told the Committee that there are projects waiting to be approved for funding under the Building Safety Programme where not a single member of the professional team has indemnity cover, or where they have got general indemnity cover but it contains an exclusion for any works related to cladding. She told the Committee that this is a systemic problem that needs concerted Government attention.

The Committee welcomes the Government's recent announcement³⁸ that EWS1 forms will no longer be required for buildings without cladding following an agreement reached with RICS, UK Finance and the Building Society Association (BSA). The Government estimates this could benefit up to 450,000 leaseholders. It also announced that it will fund the upskilling of the 2,000 trained chartered surveyors by RICS referred to in the Committee meeting on 13 October. The Government also stated that it is continuing discussions with the insurance industry to ensure professional indemnity insurance is available for fire safety assessors; and welcomed the progress by the industry in developing a portal where lenders, valuers and leaseholders will be able to find out if their building already has an existing EWS1, thereby reducing the demand for duplicate forms.

³⁸ Gov.uk, [Government steps in to help homeowners caught up in 'EWS1' process](#) , 21 November 2020

Chapter four: Impact on Londoners

Recommendation 4

The Mayor must work with the London Assembly and lobby MPs to press the Government to amend the Building Safety Bill to protect leaseholders from being made to pay for historical building defects. He should also lobby for support from lenders to allow leaseholders to access market rates when remortgaging affected properties.

Recommendation 5

The Mayor should press the Government to extend the Waking Watch Relief Fund to cover the cost of all temporary fire safety measures required in a high rise high risk building until the fire safety defects are fixed.

The Committee heard from leaseholders about other problems they face which are associated with fire safety defects and living in a building assessed as being at risk.

Financial impact

The Committee heard from Samar, who lives in Samuel Garside House in the Barking Riverside development built by Bellway Homes. This is a 6-storey development that suffered a major fire in June 2019³⁹ when wooden balconies fuelled the spread of the fire. A survey undertaken in January that year had highlighted the fire risk, but no action was taken. Remediation work is now in progress at Barking Riverside, but the building does not qualify for Government funding as it is under 18 metres in height, and leaseholders have been told they must pay for this work. Samar now risks bankruptcy and the loss of her home. She told the Committee how she would struggle to start again and get another mortgage because of her age, but she cannot afford to pay the money demanded to fund the remediation.

The Committee also heard from Amanda, who lives in a building over 18 metres high that has been identified as needing cladding remediation, but is not in a Government funding programme. She said that she and her fellow residents have been served with section 20 notices⁴⁰, for the remediation costs of their building if the application for Government funding fails (her building does not have ACM cladding). The costs are estimated at between £30,000-£50,000 per flat. Amanda said that leaseholders are now living in fear of having to meet these costs, as the application for Government funding may fail.

³⁹ The Guardian, [Experts had warned of fire risk at Barking block of flats](#), 19 June 2019

⁴⁰ A section 20 notice informs a leaseholder that the owner/manager intends to carry out work or provide a service that they will have to pay towards.

Shared ownership

Another important issue is where the leaseholder is in a shared ownership arrangement. An example of this is Mark who lives in a flat in North London with his wife and two young children. The building is under 18 metres so does not qualify for Government funding. It has timber cladding and needs remedial work. Mark owns 55 per cent of his property, but has been told he must pay the same amount as if he owns it outright.

Waking watches/temporary fire safety measures

Where a residential high-rise building's 'Stay Put' fire policy has been revoked and replaced by simultaneous emergency evacuation, temporary fire safety measures must be put in place to ensure residents can be swiftly alerted in the event of a fire. This will usually be a 'waking watch', a common fire alarm system or a combination of measures. Leaseholders are being made to pay for these temporary fire safety measures, which will remain in place until the cladding is removed, and over which the leaseholders have no control. Waking watches can be very expensive, with leaseholders being billed as much as £840 a month per household for the service.⁴¹ Government data shows that the average monthly cost per dwelling in London is £499. Waking watches and other temporary fire safety measures in buildings where the stay put policy has been revoked must be checked by the LFB on a fortnightly basis.

The LFB says there are, as at 16 December, 590 high-risk buildings in London that have waking watches or common fire alarms as temporary fire safety measures and they advise that there are around 250 where there is just a waking watch. The LFB must inspect these buildings every two weeks. This is a continuing cost and call on the brigade's resources, that will continue until all dangerous cladding is removed and the buildings declared safe.

COVID-19 has also had an impact on the progress of remediating buildings requiring waking watches. The Mayor has said:⁴²

"Delays to remediation as a result of COVID-19 mean that interim fire safety measures must continue for longer. Because of this, I have called on the Government to fund the ongoing cost of waking watch so that residents do not bear the burden of this cost. I'm extremely disappointed that the minister, Lord Greenhalgh, has ruled this out, and I would urge him to reconsider."

The Committee heard about leaseholders' experiences of living in a building that requires a waking watch.

Ritu lives in Northside, a building in Bromley that has ACM and high pressure laminate cladding, and falls within the criteria for the Government's Building Safety Programme as it is over 18 metres high. The building was the first to have funding approved under the programme, but remediation has yet to be completed. Ritu told the Committee that she and her fellow

⁴¹ Inside Housing, [Government looks at ways to reduce waking watch costs for residents, Jenrick says](#), 28 April 2020

⁴² Mayor of London, [Construction works on unsafe high rises affected by covid-19](#), 19 June 2020

residents found out in November 2017 that their building has cladding and that the waking watch which has been in place since then, as the stay put policy was revoked, has to date cost the 57 families in her building more than £500,000. They have also had to put in a common fire alarm to support simultaneous evacuation at a further cost of £120,000. The waking watch and costs arising from it will remain in place until the remediation is completed and a fire safety assessment confirms that the stay put policy can be reinstated.

The Committee heard how residents have sought to reduce the costs by undertaking waking watches themselves. We heard how a retired lady took on three waking watch shifts, lasting from midnight to 7am, three nights a week for months. Ritu also told us she had taken on waking watches in her building on top of her full-time job. She had to rush back from work to do a waking watch from 7pm to midnight.

The National Fire Chiefs Council (NFCC) has recently issued new guidance on the use of expensive fire safety measures, such as waking watches. It says these should only be temporary and that they can often be replaced by cheaper and more proportionate measures such as installing fire alarm or heat detection systems and banning car parking near cladding. This would help relieve the burden being passed on to leaseholders.⁴³

The Government published data on the cost of waking watches⁴⁴ on the 16 October 2020 as part of its Building Safety Programme update. The table below shows mean and median costs for waking watches in London and England.

Average monthly Waking Watch costs per building and per dwelling, England

Mean monthly Waking Watch cost	England*	London	Rest of England
Per building	£17,897	£20,443	£15,279
Per dwelling	£331	£499	£179
Median monthly Waking Watch cost	England	London	Rest of England
Per building	£11,361	£15,641	£10,929
Per dwelling	£137	£256	£116

*England = England overall, ie London + rest of England

The Government announced on 17 December a new £30 million Waking Watch Relief Fund to pay for the installation of building fire alarm systems to replace waking watches⁴⁵. The fund will

⁴³ The Guardian, [Fire chiefs step into row over soaring insurance costs for high-rise flats](#) , 6 October 2020

⁴⁴ Gov.uk, [Building Safety Programme: Waking Watch costs](#) , 16 October 2020

⁴⁵ Gov.uk, <https://www.gov.uk/government/news/new-30-million-waking-watch-relief-fund-announced> , 16 December 2020

open in January 2021. However, it does not address historical costs of waking watches to leaseholders and fails to consider that some buildings that have had common fire alarm systems installed are still required to have a waking watch.

The fund will also not pay for waking watch costs pending installation of a common fire alarm system. The Committee believes this is unfair to leaseholders and that the Government should fund all temporary fire safety measures until a building's fire safety defects have been fixed and stay put policies reinstated.

Insurance premiums

Rising insurance premiums have been another escalating problem for leaseholders who have seen premiums increase significantly because insurance companies have raised the price of building insurance where fire safety defects, including cladding, have been identified. Some leaseholders have faced increases of 1200 per cent or have been unable to get insurance. On 6 October 2020, it was reported that the NFCC had met the Association of British Insurers to argue for a "more informed approach".⁴⁶

For many leaseholders, the first time they realise there is a problem with their building is when they want to sell or remortgage, and find that mortgage lenders assess their flat as being of nil value. It has been difficult for leaseholders to find out about their building, so the recent announcement by the Government that a portal is being developed by industry that will allow a check to be made on whether a building has an EWS1 form is welcome⁴⁷. However, leaseholders told the Committee that it was a struggle to get to grips with the legal issues due to the costs of obtaining legal advice and having no central point of reference, meaning that individual leaseholders are often having to repeat a process done by others at an additional cost to themselves.

Shared ownership

If the building is below 18 metres, there is no Government funding available for remediation. Building owners/managers are passing remediation costs on to leaseholders. This is particularly harsh for those in shared ownership properties who have worked hard to get on the housing ladder, but find they are being billed a full share of the remediation costs.

In Mark's case, he is in a shared ownership arrangement and finds that he is being made to contribute a full portion of the costs of remediation, although he only owns 55 per cent of the property.

The Government's Building Safety Bill is a response to Dame Judith Hackitt's 'Building a Safer Future' report⁴⁸ which made recommendations for a new system to replace the current flawed system. Despite the Government saying previously that it wants to protect leaseholders from

⁴⁶ The Guardian, [Fire chiefs step into row over soaring insurance costs for high-rise flats](#) , 6 October 2020

⁴⁷ Gov.uk, [Government steps in to help homeowners caught up in 'EWS1' process](#) , 21 November 2020

⁴⁸ Gov.uk [Building a Safer Future: Independent Review of Building Regulations and Fire Safety, Final report](#) , May 2018

excessive costs arising from historic building defects. there is no provision for this in the Bill. This was raised recently in Parliament by Clive Betts, MP, the Chair of the Housing, Communities and Local Government Committee⁴⁹⁵⁰ He questioned clause 88 of the Bill which provides for a building safety charge to be imposed on leaseholders and which can include historic defects. Mr Betts asked the Minister to confirm that leaseholders should not be asked to cover the costs of removing defective cladding. Christopher Pincher MP, the Housing Minister responded that:

"I cannot say that there will not be some costs at some point related to some defect in historical building safety that will not fall upon the leaseholder. "

He said Government was looking at a number of innovative solutions but could not "write an open cheque on behalf of the taxpayer". However, he did say that:

"I am clear that public funding does not absolve the industry from taking responsibility. We expect investors, developers and building owners who have the means to pay to cover remediation costs themselves."

Until the Government addresses this issue, there are many leaseholders now who are being told by their building owners or managers that they must pay for remediation. The Committee does not see why they should be made to pay for the mistakes and failings of the building industry and Government regulation. The Building Safety Bill should be amended to make sure leaseholders are protected from costs arising from historical building defects, and the Government needs to prioritise ensuring the industry is made responsible.

⁴⁹ BBC.co.uk, [No guarantee for leaseholders over cladding removal costs](#) , 25 November 2020

⁵⁰ Parliament.uk, <https://hansard.parliament.uk/commons/2020-11-24/debates/7B3B749F-B2E9-4222-AD7D-58BD2DDA13F4/LeaseholdersAndCladding> , 24 November 2020

Chapter five: Mental Health and legal advice

Recommendation 6

The Mayor should provide a hub for London leaseholders and residents affected by cladding and fire safety issues to access legal advice and mental health support.

Mental health and legal advice

The Committee heard from Charlotte who has a shared ownership property in a building over 18 metres high identified as needing remediation, but not currently getting Government funding. She told us how a group of residents have developed a building action group, but this takes up a lot their time. As most people have busy families and full-time jobs, undertaking the additional work to understand the issues is hard to manage, as well as stressful. She said that to take legal action would be impossible, because it is too expensive.

Amanda told us about the stress and time it takes her and fellow residents to research the situation and legal position, including checking documents to look into the freeholders and the developers to see if there was potential to pursue them for fault. She said that 100 people had come together in a group and have split tasks up between them to share the burden. Amanda said she had personally spent “hours and hours, researching everything” to try to understand it.

Mark lives in a shared ownership one bedroom flat. When he and his wife started a family they wanted to move to a larger property. This was when Mark found himself and his young family trapped in a flat that is too small for them as the building does not have an EWS1 form. He and his wife have now had a second child, and they are all confined to the small flat and face the day to day pressures of living in a small space. The toll on their mental health has been huge, exacerbated during the initial COVID-19 lockdown and subsequently as Mark has been working from home.

Samar told the Committee about how her mental health has suffered since the fire at her building. She had suffered from depression before but following treatment was fine. The fire and the subsequent cladding issues have made her seek therapy again so she can cope. She had put her flat on the market a week before the fire and now cannot sell it. The financial pressures and worries she faces are having a severe toll on her mental health.

Charlotte told the Committee that she and her fellow residents find the financial uncertainty very stressful, exacerbated by the inability to move on with their lives as well as the worry about safety for their families. She spoke about the anxiety felt by children in her building who are worried about fire. She told the Committee how her own daughter had asked her what is happening, and how it was very difficult to explain it to her in a way that would alleviate her anxieties.

Ritu is co-founder of UK Cladding Action Group, which has brought together a range of residents and leaseholders affected by cladding issues. The group undertook a survey⁵¹ of affected residents in June 2020, which highlighted the severe impact on their mental health of living in buildings with cladding problems. 550 leaseholders and residents took part in the survey and key findings from this are:

- 90 per cent didn't believe the problem will be resolved in a year
- 78 per cent said their mental health has been severely affected
- 46 per cent had sought or were seeking medical help
- 54 per cent had difficulty concentrating
- 55 per cent experienced increased tiredness
- 34 per cent had experienced problems selling
- 50 per cent said their service charges had risen
- 20 per cent had problems getting building insurance
- 63 per cent had waking watches in their building

Tellingly there is clear evidence that tenants and leaseholders feel abandoned and unsupported:

- 72 per cent felt unsupported by the Government/MHCLG
- 67 per cent felt that the Government response to Grenfell was slow and inadequate
- 75 per cent had increased financial concerns because of COVID-19 delaying remediation
- Of 94 buildings in scope only 9 had received full funding approval
- 8 per cent said nothing to their knowledge had been done to make their building safer as a temporary measure

The survey involved residents of 143 buildings in total, impacted by a range of issues, some with ACM cladding, some non-ACM cladding and some with internal fire safety defects and no cladding issues. 86 of these buildings are in Greater London.

There is clear evidence that affected residents need mental health support and the UK Cladding Action Group report points to this being provided to people who were impacted by flooding. Despite repeated requests to the Government, this has not been forthcoming for those impacted by cladding issues.

The Mayor has provided a hub for European Citizens resident in London,⁵² providing guidance on applying for settled status and guiding them to further support and advice if required. The Committee urges the Mayor to establish a similar hub for Londoners caught up in the cladding crisis to help direct them to mental health support and legal advice as well as providing a link to others in similar situations.

⁵¹ UK Cladding Action Group, [Cladding & Internal Fire Safety Mental Health Report 2020](#), June 2020

⁵² Mayor of London, <https://www.london.gov.uk/what-we-do/european-londoners-hub>,

Appendices

Appendix A

Attendees who gave evidence to the Fire, Resilience and Emergency Planning Committee on 13 October 2020

Ritu Saha, Bromley leaseholder and co-founder of UK Cladding Action Group
Samar Radwan, Samuel Garside House, Barking Riverside leaseholder
Amanda Wilson, Bridges Wharf development, Battersea leaseholder
Charlotte Daus, Colindale shared ownership leaseholder and Chair of the Residents' Association
Gary Strong, Fire Safety Lead, Royal Institute of Chartered Surveyors
John Baguley, Tangible Assets Valuation Director, Royal Institute of Chartered Surveyors
Megan Life, Head of Building Safety, Housing and Land, GLA
Andy Roe, the London Fire Commissioner

Appendix B

Table 1: London Boroughs by number of problem buildings, and key demographics

Borough	# unremediated high-rise residential/public buildings with ACM cladding unlikely to meet regulations	Poverty rate	Above London average (26%)?	% population from BAME groups	Above London average (42.5%) ?
Tower Hamlets	Over 20	39per cent	Above	54per cent	Above
Newham	11 to 20	37per cent	Above	73per cent	Above
Brent	11 to 20	33per cent	Above	21per cent	Equal or below
Westminster	11 to 20	30per cent	Above	39per cent	Equal or below
Greenwich	11 to 20	26per cent	Equal or below	40per cent	Equal or below
Wandsworth	11 to 20	22per cent	Equal or below	30per cent	Equal or below
Haringey	6 to 10	34per cent	Above	38per cent	Equal or below
Camden	6 to 10	32per cent	Above	19per cent	Equal or below
Southwark	6 to 10	31per cent	Above	46per cent	Above
Lambeth	6 to 10	30per cent	Above	42per cent	Equal or below
Hackney	5 or fewer	36per cent	Above	44per cent	Above
Islington	5 or fewer	34per cent	Above	32per cent	Equal or below
Hammersmith and Fulham	5 or fewer	31per cent	Above	34per cent	Equal or below
Ealing	5 or fewer	29per cent	Above	53per cent	Above
Lewisham	5 or fewer	26per cent	Equal or below	47per cent	Above
Barnet	5 or fewer	23per cent	Equal or below	50per cent	Above
Harrow	5 or fewer	23per cent	Equal or below	62per cent	Above
Croydon	5 or fewer	22per cent	Equal or below	50per cent	Above
Merton	5 or fewer	20per cent	Equal or below	37per cent	Equal or below
City of London	5 or fewer	16per cent	Equal or below	35per cent	Equal or below

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Sutton	5 or fewer	16per cent	Equal or below	25per cent	Equal or below
Bromley	5 or fewer	15per cent	Equal or below	65per cent	Above
Richmond upon Thames	5 or fewer	15per cent	Equal or below	16per cent	Equal or below

Notes:

- London average poverty rate is 26per cent; London average per cent of population from BAME groups is 42.5per cent.
- Sources: Poverty rates by London borough, 2013/14: <https://www.trustforlondon.org.uk/data/poverty-borough/>; BAME data: <https://data.london.gov.uk/dataset/london-borough-profiles>; ACM buildings: MHCLG Building Safety Programme Monthly Data Release, 30 September 2020

Other formats and languages

If you, or someone you know needs this report in large print or braille, or a copy of the summary and main findings in another language, then please call us on: 020 7983 4100 or email assembly.translations@london.gov.uk

Chinese

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Vietnamese

Nếu ông (bà) muốn nội dung văn bản này được dịch sang tiếng Việt, xin vui lòng liên hệ với chúng tôi bằng điện thoại, thư hoặc thư điện tử theo địa chỉ ở trên.

Greek

Εάν επιθυμείτε περίληψη αυτού του κειμένου στην γλώσσα σας, παρακαλώ καλέστε τον αριθμό ή επικοινωνήστε μαζί μας στην ανωτέρω ταχυδρομική ή την ηλεκτρονική διεύθυνση.

Turkish

Bu belgenin kendi dilinize çevrilmiş bir özetini okumak isterseniz, lütfen yukarıdaki telefon numarasını arayın, veya posta ya da e-posta adresi aracılığıyla bizimle temasa geçin.

Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਸੰਖੇਪ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਲੈਣਾ ਚਾਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ 'ਤੇ ਫੋਨ ਕਰੋ ਜਾਂ ਉਪਰ ਦਿੱਤੇ ਡਾਕ ਜਾਂ ਈਮੇਲ ਪਤੇ 'ਤੇ ਸਾਨੂੰ ਸੰਪਰਕ ਕਰੋ।

Hindi

यदि आपको इस दस्तावेज़ का सारांश अपनी भाषा में चाहिए तो उपर दिये हुए नंबर पर फोन करें या उपर दिये गये डाक पते या ई मेल पते पर हम से संपर्क करें।

Bengali

আপনি যদি এই দলিলের একটা সারাংশ নিজের ভাষায় পেতে চান, তাহলে দয়া করে ফো করবেন অথবা উল্লেখিত ডাক ঠিকানায় বা ই-মেইল ঠিকানায় আমাদের সাথে যোগাযোগ করবেন।

Urdu

اگر آپ کو اس دستاویز کا خلاصہ اپنی زبان میں درکار ہو تو، براہ کرم نمبر پر فون کریں یا مذکورہ بالا ڈاک کے پتے یا ای میل پتے پر ہم سے رابطہ کریں۔

Arabic

الحصول على ملخص لهذا المستند بلغتك،
فارجاء الاتصال برقم الهاتف أو الاتصال على
العنوان البريدي العادي أو عنوان البريدي
الإلكتروني أعلاه.

Gujarati

જો તમારે આ દસ્તાવેજનો સાર તમારી ભાષામાં જોઈતો હોય તો ઉપર આપેલ નંબર પર ફોન કરો અથવા ઉપર આપેલ ટપાલ અથવા ઇ-મેઈલ સરનામા પર અમારો સંપર્ક કરો.

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