PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FIRE SAFETY BILL

First Sitting

Thursday 25 June 2020

(Morning)

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not later than

Monday 29 June 2020

The Committee consisted of the following Members:

Chairs: † Sir Gary Streeter, Graham Stringer

† Bacon, Gareth *(Orpington)* (Con)
† Britcliffe, Sara *(Hyndburn)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
Clark, Feryal *(Enfield North)* (Lab)
† Cooper, Daisy *(St Albans)* (LD)
† Duffield, Rosie *(Canterbury)* (Lab)
† Eshalomi, Florence *(Vauxhall)* (Lab/Co-op)
Hunt, Jane *(Loughborough)* (Con)
† Jones, Sarah *(Croydon Central)* (Lab)
† Lewer, Andrew *(Northampton South)* (Con)
† Longhi, Marco *(Dudley North)* (Con)
† Malthouse, Kit *(Minister for Crime and Policing)*
† Moore, Damien *(Southport)* (Con)
† Saxby, Selaine *(North Devon)* (Con)
† Simmonds, David *(Ruislip, Northwood and Pinner)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Tomlinson, Michael *(Lord Commissioner of Her Majesty's Treasury)*

Yohanna Sallberg, *Committee Clerk*

† attended the Committee

Witnesses

Dan Daly, Lead on Protection and Building Safety Matters, National Fire Chiefs Council

Penny Pender, Deputy Team Leader of the NFCC's Building Safety Programme Team, National Fire Chiefs Council

Dennis Davis, Vice Chair, Fire Safety Federation

James Carpenter, Head of Fire Safety, L&Q Group

Adrian Dobson, Executive Director for Professional Services, Royal Institute of British Architects

Matt Wrack, General Secretary, Fire Brigades Union

Public Bill Committee

Thursday 25 June 2020

(Morning)

[Sir Gary Streeter *in the Chair*]

Fire Safety Bill

11.30 am

The Chair: Welcome, colleagues, to Public Bill Committee proceedings on the Fire Safety Bill. We are now sitting in public and the proceedings are being broadcast. Before we begin, I have a few preliminary announcements. Please switch electronic devices to silent. Tea and coffee are not allowed during sittings and, given the temperature outside, jackets or other items of clothing may be removed.

Today, we will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication and a motion to allow us to deliberate in private about our questions before the ordinary evidence sessions. I hope we can take those matters formally, without debate.

Ordered,

That—

(1) the Committee shall (in addition to its first meeting at 11.30am on Thursday 25 June) meet at 2.00pm on Thursday 25 June;

(2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

Date	*Time*	*Witness*
Thursday 25 June	Until no later than 12.00pm	The National Fire Chiefs Council
Thursday 25 June	Until no later than 12.30pm	The Fire Sector Federation; the L&Q Group
Thursday 25 June	Until no later than 1.00pm	The Fire Brigades Union; The Royal Institute of British Architects

(3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Thursday 25 June.—*(Kit Malthouse.)*

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—*(Kit Malthouse.)*

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—*(Kit Malthouse.)*

The Chair: Copies of written evidence that the Committee receives will be sent to Committee members by email. We will now go into private session to discuss the lines of questioning. I hope it will not take us long as we will be eating into witness time.

11.31 am

The Committee deliberated in private.

Examination of Witnesses

11.34 am

Dan Daly and Penny Pender gave evidence.

The Chair: Thank you for coming to give evidence. Please begin by introducing yourself for the record.

Dan Daly: My name is Dan Daly. I am an assistant commissioner, currently seconded to the National Fire Chiefs Council. Previously I had 32 years' service with the London fire brigade. I have been the assistant commissioner for fire safety in London for the past four years, until 1 June.

Penny Pender: Good morning. I am Penny Pender. I work at the National Fire Chiefs Council, where I am the deputy team leader for the building safety programme. I have been there for the past two or three years.

Q1 The Chair: Thank you. We have a number of questions for you, but do either of you wish to make an opening statement first?

Dan Daly: We welcome the Bill and the clarifications that it seeks to provide. We are very keen that those clarifications should work not just for us as regulators and enforcers but for the people who have day-to-day responsibility for building safety, and for those people who live in, work in and visit those buildings, so that they understand what is required to keep them safe and their duties.

The Chair: I should explain that you have Members of Parliament in front of you and behind you, because we are socially distanced and the room is not quite big enough to allow us all to sit around the horseshoe table. We will start the questioning with Sarah Jones, who leads on this issue for the Labour party.

Q2 Sarah Jones (Croydon Central) (Lab): Thank you for coming today, and thank you for your written evidence. I think that our amendments cover a lot of the points that you are concerned about. I want to jump straight to enforcement. How are we going to do this, because there are a lot of new responsibilities and not that many qualified people to do the work? It will take us a while to get all these risk assessments, given the increasing number of buildings. How do you think we should implement this? What comes first and what should we prioritise? How do we make it work?

Dan Daly: We have had a debate on whether these are clarifications or new aspects, and we have settled on them being clarifications. I am fine with that, but it suggests to us that the buildings to which they apply are those buildings that are currently there. I do not think that the Bill is attempting to grow the range of buildings that come within scope. We are seeking some clarification on certain definitions, to ensure that there is no creep in the scope of what the Bill is intended to do.

With regard to the pressures on fire and rescue services, the onus is on us to maintain skills and competencies in the sector, and we have a body of work to do in order to move forward and deliver that. Where we have a preference for the service, it is that we bring the legislation forward as it is, all together at one time, rather than putting in arbitrary height restrictions and things like that. I know

that you will hear from industry that there will be pressures on competent persons to provide extendable assessments, and things like that.

I think that what we can offer is a risk-based approach to help the people with those responsibilities manage the ask in a way that targets the highest risk buildings first. There was a model that we used—in the London fire brigade we termed it the Croydon model, as you may be aware—which was to help those large portfolio holders understand where we expect them to apply their initial assessments with the new legislation. I think we can adopt a similar approach here. I think that will help to ease the pressure across the board. Certainly, as they are clarifications, it would imply that the legislation applies to those buildings already, so it does not appear that now is the time to bring in arbitrary height allocations.

Q3 Sarah Jones: You mentioned maintaining skills and competencies. Who do we need? What is your view of fire risk assessors, and should we have a system whereby they are accredited in some way?

Dan Daly: I would certainly welcome a register for fire risk assessors and third-party accreditation for that. In a similar way, we are working towards a competency standard for fire inspection officers within the fire service. That is a bit of the work that the building safety team is doing at the moment. Certainly, the service will be working with them over the coming years to develop the skills within their own workforce to achieve that. Again, with the new building regulator, we are looking to bring in a level of competence to interact with more complex buildings.

Q4 Sarah Jones: How do you think the other pieces of legislation that are coming forward sit together? We have the building safety Bill, for example. One of the concerns that have been raised with us is that we might have all these pieces of legislation that do not necessarily speak to each other in the same language and do not tie up. It has been suggested that at the end of all this we need to bring it all together into one Bill. What is your view on whether that is a risk and whether we can try to overcome that?

Penny Pender: That certainly picks up on some of the points we have made in our submission about ensuring that the different pieces of legislation speak clearly to each other. The first example is the term "building": one concern we had was that if it was not clearly defined, the default setting would be to refer to the definition in the Building Act 1984, which is referred to in the Regulatory Reform (Fire Safety) Order 2005.

Picking up on Dan's point from earlier, that would be a much wider definition than the scope of the fire safety order currently covers, so that is the type of thing we are hoping to iron out. We just want to ensure that there are opportunities, maybe through secondary legislation or in guidance, for those types of thing to be spelled out clearly, to ensure that all the different pieces are interpreted clearly when they all come together in the future.

Q5 David Simmonds (Ruislip, Northwood and Pinner) (Con): Apologies to the witnesses for dancing around behind you in this way. Picking up on the point about qualified persons and the inspection process, one issue that has been raised a good deal in my experience as a local authority councillor is how those inspections can be undertaken to satisfy the responsible person that the fire risk is being appropriately managed.

For example, if you have leaseholders in a block of flats owned by a local authority that is responsible, what the leaseholder does within the property that may create risk to others may not be something to which the local authority can readily gain access. I am interested in this point about how the different pieces of legislation interact. Do you have a view on how we might collectively move towards a resolution of that problem?

Dan Daly: We talked earlier about how the clarifications in this Bill are really useful in terms of ironing out some of the overlaps we have seen that have caused us difficulties before, both in holding people to account, and in people's understanding of their duties.

This is a bit of legislation that underpins a self-regulatory regime, and we must ensure that at the end of this we have something that makes it very clear to those people what their responsibilities are. It must also help residents and leaseholders to understand what they can rightly expect from the people with day-to-day responsibility for the safety of their buildings. That is the sort of thing that we are working closely with Home Office colleagues on. The Bill has been presented as it is today, but I know we have taken some assurances in the background that we will work together on providing secondary legislation and guidance to pick up those areas where we might still seek further clarification, to ensure that it is absolutely clear to those people who it most directly affects day to day.

Q6 Daisy Cooper (St Albans) (LD): I have two interlinked issues. One is about the number of assessors needed; we have received some evidence that suggests there are around 400 third-party registered fire risk assessors and potentially around 400 APQC independent assessors, but there is nobody putting a number on the assessors that might be needed.

The first question is whether you have any estimates, because we know roughly where we are at the moment and where we need to get to. I was pleased to hear you say that you would welcome a register of assessors, but the interlinked issue is how we train those people. We have had differing evidence. Some suggests there should be a fast-track training, or different levels of assessment, and other evidence suggests that we should not have fast-track training because it can lead to problems. I would welcome your views on both questions: how many people do we need overall, and does there need to be comprehensive training for everybody, or would you take a differentiated view?

Dan Daly: I do not think I can give you a number on how many we need overall, because there is a bit of work to be done before that. This speaks back to the risk-based approach. If we look at the work we are doing with the building safety regulator and the ideas going forward about the level of competency to interact with buildings of different complexity and risk, we could apply a similar staged approach to how we look at the buildings to which the legislation needs to be applied. Picking up those most at risk will allow time for training to come through, and development of people to support the wider piece of work, while ensuring that the effort is focused on the buildings that we would see as highest risk.

There is further work that we need to do as a service overall on understanding what risk looks like. We have a historical risk matrix that informs the regularity with which we inspect buildings; that was based on good evidence at the time, but we have a richer understanding of risk now. We understand vulnerabilities, behaviours and lifestyles that have an equal impact on the likelihood of fire, and therefore the settings that those people may be living in. It helps us understand risk in a totally different way—understanding that this is not just our opportunity to fix high-rise living but is about the wider built environment. It is an opportunity to understand risk in a much more holistic way and ensure we are applying more rigorous inspections to those higher-risk premises, and an appropriate level of inspection to those lower down the risk register, so to speak.

Q7 Andy Slaughter (Hammersmith) (Lab): I had a couple of questions, mainly for Mr Daly. Could I just clarify something from your opening statement? Is it your view that this Bill does not add in new types of premises or new responsibilities but is simply clarifying what should already be happening?

Dan Daly: That is certainly my understanding.

Q8 Andy Slaughter: Therefore, do you think the attempt in clause 1 to specifically include building structure, external walls and common parts goes far enough? We will be debating amendments this afternoon, some of which have been supported by the fire brigade, which obviously you have had a distinguished career with. One is to say that when defining "common parts", it would be better to include all parts of a building except private dwellings. Do you think that would be a helpful amendment?

Dan Daly: Absolutely. The concerns we have and the clarifications we are seeking are shared in the submission from the National Fire Chiefs Council. There is no intent to apply this legislation inadvertently to buildings inappropriately, but we should be very clear that parts that are used in common between properties would be subject to the order. I do not think that creeps any further forward what buildings are in scope, but it makes very clear those areas to which it does apply.

Q9 Andy Slaughter: So if we are engaged in a clarification exercise, it would be better that we do so properly. Because there are different definitions of what "common parts" means, we should ensure that they are defined as every part of a building that is not within the individual tenant or leaseholder's domain.

Dan Daly: Yes, absolutely. As I say, we are working very well with colleagues on those clarifications and on commitments to getting those definitions in. Our reason for repeating to you our concerns about those clarifications and commitments is not to suggest that work is not going forward; it is partly to place it on record that we think those issues are hugely important to the success of this Bill and its application.

Q10 Andy Slaughter: It has been said that the purpose of this Bill is specifically directed against those parts of the structure that are liable to be dangerous, obviously with a view towards cladding. That itself covers a multitude of sins: different types of cladding, compositing—that is, a mixture of materials—the way in which the cladding is applied, and indeed the way it is modified: whether there are breaches and offences in that way. Do you agree that that is the purpose, and do you think that the Bill will enable that to happen?

Dan Daly: Yes. This issue, particularly if we talk about external wall systems—which encompasses insulation and fixing everything, as you have suggested—has been debated for some time. In August 2016, I attended an incident in your constituency that you will be very familiar with. I was in my old role with the London Fire Brigade at the time, and we sent a letter to registered landlords to advise them to look at what was on the outside of their buildings. We debated for some time whether that letter could go further and suggest enforcement action, but it eventually became an advice note because we were unable to bottom out clearly what that legal advice should be. I think the clarifications we are seeking will make it much clearer that external wall systems are covered.

Q11 Andy Slaughter: So you think enforcement will follow from this, and responsibilities will lie squarely with the owner or manager of the building.

Dan Daly: Absolutely. It is for the property owner.

Q12 Gareth Bacon (Orpington) (Con): Central to the Bill is the issue of the responsible person, but since the 2005 fire safety order was introduced, the identity of the responsible person has become more complex than at first sight it perhaps should be. It could be the owner of a building, a tenant management organisation, or an individual. I know from my previous involvement with the London Fire Brigade that that can actually be quite a problem for any fire and rescue service. Do you think there are ways in which that could be clarified—if not now, perhaps in secondary legislation or in the Bill that is likely to come through from the Ministry of Housing, Communities and Local Government later? Would it be helpful for that to be clarified?

A secondary question relates to the skills, qualification and training of responsible people—this is very like Ms Cooper's question from earlier—and how they can carry out fire risk assessments. Do you think that there is sufficient detail at present to satisfy the requirements?

Dan Daly: In terms of the training, there is work to do. The industry will point to some difficulties with capacity and volume. That is why I would urge a risk-based approach, and that we manage that here and now. The clarification of where responsibilities lie and what those responsibilities are is hugely important in this legislation to aid some of that training, so that it is very clear what the requirements are on individuals and on the competent persons who will be providing advice. Again, it is hugely important that this speaks to those people.

Our experience in enforcement terms is that there are those who seek to comply; there are those who seek to comply, but who fail to understand what is required of them; and then there are those who actively seek to dodge the legislation and work their way around it. What we want to do is close the loopholes for that secondary group, and to make it absolutely clear for the others who are doing their best to understand that the guidance and legislation support their understanding of their duties.

Marco Longhi (Dudley North) (Con): My question comes from somebody who was a local government elected member for some 21 years, who has sat on planning committees and dealt with building regulations, and someone who has built properties and who is currently a landlord. I would like to ask a more specific question when we are considering risk. Much of what you talk about is about taking a risk-based approach. In your written submissions, you talk about how you would like greater resources and investment to be put into the enforcement side of things. Clearly, that is something for the Government to respond to.

Do you agree that construction and sign-off are potentially the points at which there could be the greatest risk of errors or non-compliance, either wittingly or unwittingly? Do you also agree that even after a structure has been signed off—whether it is by building control or by the local council—the time soon afterwards is still a point of high risk, because that is when door furniture can be changed, carpets can be fitted and all sorts of other things can happen that might have meant that the structure did not pass the certification in the first instance? Do you agree that perhaps a more dynamic monitoring role is required over how new buildings are being addressed from within existing structures—therefore, no extra body is particularly needed because we are approving buildings as we speak—but that looking at the timeframes might be a useful thing to do?

Dan Daly: I suppose that speaks more to the work that is being done around building safety—the Bill that is coming forward and the work on designing a new building safety regime. We cannot escape the findings of the Dame Judith Hackitt review. They were very damning about the existing system, and they speak to why we find ourselves with the built environment that we do and the challenges that that poses—not just for RPs in managing it, but for residents who have to live in the buildings, for us as enforcers and for firefighters in terms of their safety when they attend the buildings. We are fully engaged in that process.

It is equally important that we get this legislation absolutely right so that during occupation, the duties of whoever is responsible, day to day, for the fire safety in those buildings is very, very clear and it does not allow people to pass the buck—so that it is absolutely clear who is responsible, and they will be held accountable. That is what we are seeking.

Q13 Sarah Jones: First, we suggested putting the recommendations from the Grenfell phase 1 inquiry into the Bill, and I am interested in your view on that. Secondly, this is not really covered by any of the amendments, but a concern raised by several people is that with the EWS1 form, we have seen a huge complication of people not being not being able to sell their flat and being stuck because they do not have the right piece of paper. If we implement this legislation and take a risk-based approach, it will be a long time before everybody has their piece of paper that says that they have had a fire risk assessment. How do we prevent that from creating a massive insurance problem, with people stuck because they do not have the right piece of paper, while the piece of paper that they had before is out of date because there is new legislation?

Dan Daly: On the first point, we suggest that the Bill should be amended to make sure that it has the flexibility to encompass the Grenfell phase 1 and phase 2 inquiry recommendations. I think that is entirely appropriate, because I think people expect the Bill to pick up the lessons and the learning from that, so we absolutely support that. Can you remind me of the second point?

Sarah Jones: The insurance issue—if you take a risk-based approach, what about all the people who do not have the right pieces of paper?

Dan Daly: Our role is to be fully engaged with insurers and those who support people to invest in and take out mortgages on properties, to give them an understanding of what that risk-based approach means. If we are able to convince those partners that the lower-risk buildings present a lesser risk, that should, hopefully, help with some of those challenges.

At the moment, when we have a slightly less finessed version of what risk looks like in these buildings, it is very hard for people in those circumstances to make accurate judgments and assessments. Part of our role is to support that, and I think the risk-based approach that we propose will help with some of that, because we will absolutely identify those more high-risk buildings, put resources towards them and focus the remediation efforts on them. By design, that would allocate other buildings to a lower threshold of risk.

The Chair: Penny, did you want to come in at all on that question?

Penny Pender: No, thank you.

The Chair: Thank you. That brings us to the end of this panel. We have only three minutes left before 12 o'clock. Thank you so much to both of you for answering our questions this morning; it has been extremely helpful. We will now conclude this part of the sitting and move on to the next. Thank you for being with us.

Examination of Witnesses

11.58 am

Dennis Davis and James Carpenter gave evidence.

Q14 The Chair: Good morning. I welcome Mr Davis and Mr Carpenter, from the Fire Sector Federation and the L&Q Group respectively. As we begin, could you please introduce yourselves for the record? Perhaps Mr Carpenter should go first, because we can see you.

James Carpenter: I am James Carpenter, head of fire safety at L&Q. If you are not aware, L&Q Group is a large housing provider in London, and we currently manage more than 110,000 homes. I have been in the housing sector since 2007. Prior to that, I was a firefighter in the Royal Air Force. We are also, as a group, involved with and an early adopter of the building safety programme, and we are a strong supporter of the brief on fire safety across the built environment, to improve existing buildings but also new buildings coming out of construction. Our aim is to support that continuous improvement in fire safety to avoid tragedies such as those we have seen.

In offering evidence, we hope to ensure that amendments to the Bill are realistic and, more importantly, achievable for those who manage buildings and for residents, so

that they understand what those challenges are and, ultimately, so that we can give reassurance about the safety of people's homes.

Q15 The Chair: Thank you. Mr Davis, you may introduce yourself, and I think you have a short opening statement.

Dennis Davis: Thank you. I am Dennis Davis, the executive officer of the Fire Sector Federation, which is a not-for-profit non-government organisation. We are an organisation of organisations, so our membership comprises professional bodies, trade associations, unions and commercial enterprises. Our collective work is really to improve public fire safety. We work as a group, and I lead work around competency and fire risk assessment.

We, like many others, have been working for a long period to try to improve overall competencies—our work predates the tragedy of the Grenfell Tower fire—and most recently we have been working with the Government and others to try to improve fire risk assessor competency across the board. We, too, welcome the Bill and look forward to its guidance, but we have concerns about definitions and clarity, and concerns about the implications of taking it forward in practice.

The Chair: Thank you. We have a number of questions for you from Members of Parliament on the Committee. We will start with Sarah Jones, who leads for the Labour party on this matter.

Q16 Sarah Jones: Mr Davis, you are a fire engineer and have a master's degree, so you are enormously well qualified. Can you talk us through your model of what good looks like in fire risk assessors, fire engineers and the whole landscape of how we ensure we have enough competent fire risk assessors and a proper system to implement the Bill?

Mr Carpenter, one of our amendments is about how the definition of responsible persons should not include leaseholders. One issue that has been raised with us is how you implement a Bill when you are looking at a building in its totality and, as a freeholder, you have a responsibility to look, for example, at doors that might belong to the flat owner rather than you. How on earth can you do that? How do you know if changes are made or things happen when parts of the building are not in your control? How does that work?

Dennis Davis: The first thing to say is that the built environment—the part we are concerned with—is very complex. Buildings, of course, are infinitely variable, from a small single-storey dwelling to a block of flats on top of a commercial development that has got car parking, leisure activities and so on. So the environment you are looking at is complex, but fire risk in particular is holistic. By that, I mean it is about the way people interact with the building, the building itself, the structures and the way the whole process is put together. One big issue that often arises is that when the way you design, construct and build—the professional leadership in the process—is transferred on to the ground, and more importantly into the life of the building, you find that things you thought had been constructed, developed and managed in a certain way are not.

The first point I would like to make, therefore, is that in trying to look at the competence of individuals, you are first trying to ensure that there is a common platform of understanding about fire and its behaviour, and about people and how they behave, before going into the complexities and granularity of buildings themselves. You could have a fire engineer—I am a qualified fire engineer—who specialises in a particular area. You might have someone working offshore, in the radiation industry or on high-rise buildings. You cannot take one simple snapshot and say, "Oh, he or she is qualified as such and therefore is able to develop himself or herself into all these areas."

Secondly, many of these things are not mandated, in terms of qualification. You can become qualified, but when it comes to applications in the real world, often there is no specific legislation that says, "You must use one of these people." Because of the need for flexibility, the legislation has to ensure that it asks for competent people and, on that basis, you become reliant on a definition of what is competent. If we can pass through that, we can start to understand how difficult these issues can become.

Most of what we do in more complex environments involves a team-based assessment, rather than an individual one. We are talking about fire risk assessment or fire engineering. An individual may be capable of handling a project, but if that project evolves and becomes bigger and more complex, you add more skills and colleagues, and there is more team-based working. That has to be applied through the life of the building. The built stock is the difficult bit. New buildings should be well regulated, but once a building is occupied and used, it becomes a different environment again.

The Chair: Mr Davis, thank you for that. We have a lot of questions to get through in the next 25 minutes. That was an excellent and comprehensive answer, but I would be grateful if we could have slightly more concise answers.

James Carpenter: I think the key point is around access and, as you mentioned, doors. With residential housing, a lot of buildings might be fairly straightforward in their basic design. The complexities come with the various management arrangements, lease agreements and so on.

The biggest question and challenge for housing providers is one of access. We cannot have it, we do not have it—there is no right of access. With tenants, we might be able to go to court and get injunctions to gain access to a home, but with leases, that challenge becomes even more difficult. It is their private space and we cannot touch it. When it comes to self-closers and checking inside doors, it is optional and voluntary for the leaseholder to listen or to comply with what we are asking. That is a big concern.

As we submitted in the evidence, in my view and in that of others, it would be useful if the law would allow leaseholders to be held responsible for their actions. That could allow building owners some leverage in getting leaseholders to co-operate. Also, if we got to that final point, action could be taken directly against them by enforcing authorities, which would solve the challenge that there has been in housing for the last 13 years or so.

Q17 David Simmonds: My question draws out something that was touched on in the previous response. What powers do responsible persons need in order to be able

discharge these duties? If the answer is that there are no powers that would allow them to discharge those duties in practice, do you have a view about what else needs to be done to make the powers real?

From personal experience, I refer to the example of a structure that has been signed off by building control—an independent contractor of the contractor who has built the structure—but, when occupying the building, the local authority discovers that the fire door has been installed against a false ceiling so that it is, in effect, not providing any fire safety at all. One would only know that by taking the whole thing down and finding that that was the case. Such intrusive activity is a significant step into leaseholders' property. Does the accountable individual need powers, or does something else around building control need to be done to change this situation?

James Carpenter: Ultimately, if there was a way of transferring ownership of a leaseholder's property through legislation so that it is no longer theirs but the building owner's, that could solve the problem, because it is now our door and not theirs. I do not know whether that is possible, but that could be something to look into. Other than that, I am not sure. If leaseholders, or whoever it is, have a responsibility to ensure that something is there, safe and how it should be, they have a duty to ensure that that continues and must not make any changes to jeopardise that. That is where I think the law needs to be able to hold multiple people responsible, as opposed to just a single building owner. While I appreciate that having one person in control of everything would make things a lot easier, realistically, I do not think that that is possible.

Dennis Davis: It is quite a difficult one. Again, it is worth remembering that there is another Bill, which will take some of those powers and is about trying to ensure that a building is maintained as well as constructed to a standard. Some of that legislative power may exist within those requirements. We picked up the point about common doors in our submission, because it is an issue. It needs to be very clear that the responsible person has access and can control those elements in the same way that they can control the fire safety systems—alarms or detectors—within a dwelling. Clarity in that area would be helpful; there is no doubt about that.

The Chair: Can you see us all right, Mr Davis? Are you watching this?

Dennis Davis: Yes, I am watching.

Q18 Andy Slaughter: I think there is quite a lot of support for this Bill. The issue is whether what it is trying to achieve is clear enough and how it will be enforced. It is already clear that, where landlords are trying to do remedial work, that is highly problematic, first because it is confusing what types of building it applies to—what sort of height and what sort of materials—and secondly because there is prioritisation.

For example, a building that is mainly brick but has some detailing made from aluminium composite material or high-pressure laminate will have a much lower priority than one that has complete cladding. Also, there just are not the people there to carry out the enforcement. For example, a social landlord—and social landlords are much better than private landlords, in my experience—that is not L&Q is telling occupants of a particular building in my constituency that it might take four years for this to be done. That is problematic in itself, and it has the additional problem that the EWS1 form and the process to be gone through effectively stops any sale or movement during that time. Are you aware of those problems, and how can you see them being resolved?

James Carpenter: L&Q currently has 191 buildings that are over 18 metres, and we estimate at the moment that those buildings will cost in excess of £450 million to resolve, which may take up to 10 years. The G15, as a wider group of housing providers in London, has over 1,100 buildings, and the estimated cost could be as high as £6.8 billion for those buildings. I appreciate that there are extreme challenges with buildings.

On the point about sales, I think it is really important that the insurance industry, which seemed to be holding up the EWS1 forms being completed, works with mortgage lenders to try to open the market again, to allow at least one of those problems to be resolved. If the building insurance covered the cladding, would mortgage lenders be happier to lend, on the basis that their money is not at risk, because it is covered by the wider building insurance?

The situation of leaseholder and mortgage prisoners, as they have been referred to in the press, is extremely unfortunate, and I do not think that that is right at all. People should be able to buy and sell their homes regardless of whether the walls have a different material on them. It is right that we all work towards the end goal of making sure all those buildings are safe. We can look at the numbers for how much money it will cost to resolve some of these buildings, but we must deal with it by risk. It has to be about safety risk, where we have concerns with lower-rise buildings that might be able to move if we can solve the cladding issue by just issuing a certificate. We need to keep focusing on safety risk. We have to continue working with and lobbying mortgage lenders, with the Government, to make sure those measures do not hold up the lending process and stop people moving.

Dennis Davis: As a first answer, we are very much aware of these issues, and I think that comes out in our evidence. The clarity that we are seeking is around definitions, for some of the reasons that have been touched on. External walls are a team event, as I have made clear. Therefore, it is about scaling part of this process—how many people are available to undertake the sort of area of cover that we are dealing with. The impact assessment suggests that it is a very large number of properties, rather than just the over 18 metres.

On the example of over 18 metres, where the Government has funded the schemes of remediation, you can see how progress can be made. Equally, even with funds, dedication and teams, it is a relatively slow process. We are three years on and the National Audit Office is saying we are getting there. The issue is how we manage it. As Mr Carpenter said, it is about managing the process through prioritisation of the risk. We are working with the Government, hopefully through a new task-and-finish group, to try to move that forward in a positive way.

There has to be due diligence from the responsible person to make sure this is happening, but it is worth remembering that a lot of these people are in relatively low-risk low-rise buildings, which are now within the scope. We need a process to manage that that is very open and transparent, so that tenants know they are safe. We can work on that together.

The EWS1 form has created its own problem. It was intended originally for high rises, but it is now being used to free up the whole mortgage market. The problem that we see with that is that you get unqualified assessors signing off forms just so that the market can move. Risk assessors have found it difficult to get indemnity cover. We have spoken to the insurance world about that as a trade body—our people have contacted them—and the people who want that level of insurance can get it. You are dealing with a broad spectrum of risk, and we need to get the elephant down to bitesize chunks.

Q19 Andy Slaughter: I am persuaded that you understand what the problem is, but who will solve it, given that there are so many interests involved? It is unacceptable to expect people to wait 10 years before they can sell their flat, apart from anything else. Who will resolve it? Will it be a joint industry initiative? Does it need Government intervention? Who are you looking at to do this? You have explained the problem, which we are all familiar with, but I do not see the solution there.

The Chair: Mr Davis, do you have a solution for us?

Dennis Davis: I think the solution, Chairman, is shared work between those responsible for the buildings; the owners, like L&Q; those who are actually applying the skills, techniques and competences; the enforcers; and the Government. As I understand it, the initiative that is being created by the Home Office to try to work this process through will do that. Where and when the result of that will be seen, and how much and who pays—I am afraid I cannot answer that.

Q20 The Chair: Thank you. Mr Carpenter, do you have a quick comment on the follow-up question? Is there a solution to anything?

James Carpenter: With that particular issue, I do not know what the answer is. I think there needs to be an understanding. The key is to separate the two points. Resolving the mortgage lending issue should be looked at completely separately to solving the cladding issue. Separating them completely would solve the concerns that have been raised with leaseholders. But we still need to appreciate that the sums of money involved in remediating buildings are very expensive and it will take time. There is no quick solution to finding either the money for it or the skilled people to do it. But I think the answer is to take mortgage lending and view it completely separately. How to do that I am not quite sure, but to take the risk of cladding away from lending would be the right thing to do.

The Chair: Thank you. We have time for two more questions, which will be asked by Daisy Cooper followed by Karen Buck, and then the Minister may want to come in quickly at the end.

Q21 Daisy Cooper: This question is to Mr Davis. In your written evidence, you talked about the standard of risk assessor training being "infinitely variable" and said that only some people may be "competent". Could you expand on that and explain what the lowest end of being competent is, compared with the highest end, in order that we can understand what you are saying? For people at the lowest end of being qualified or competent, are you saying that they need one day's training or two years' training? What is the gap? If you could explain it, that would be helpful.

I also have a quick question for Mr Carpenter, following up on your last point. What do you think is the fairest way of managing the costs? I say that as an MP with constituents who are being asked to pay 20 grand or more as an up-front, one-off cost, as well as having their service charges increased sixfold. Some of them are trapped financially because they cannot fight, and they have no mechanism to raise the money that is needed to pay for the remedial work. So that is a question for each of you, quickly.

Dennis Davis: It is difficult to give you a very quick answer. There could be 50,000 people who call themselves risk assessors. Some of them will be employed by a company specific to their premises and will help to maintain the integrity of that company's building facility etc. They will be trained, maybe on a week's course and maybe in particular areas, and that will be their skill base and they will do that.

The fire safety order, when it was brought in, was deliberately intended to be applied by individuals if they so wished. Part of the phrasing, I think, at the time was that it was not intended by the Government to be a consultants charter. The inference from that is that you should be able to apply a lot of common sense, and the Government published a very detailed series of guides to assist in that.

So at one level you need no qualification; you can do this yourself, provided that the premises are simple. At the other end of the spectrum, you certainly would need degree-level education—level 4 and above—to be able to apply the standards to complex buildings. In addition to that, you might need a high level of granularity, as I have said, in a particular system. That might be the installation—that is, the cladding system—or the fire alarm system.

This spectrum is very wide. The problem, as we foresee it, is that there are people going around who say that they are fire risk assessors, but they do not have a qualification. They have not attended any form of course, training and so on, yet they purport to offer this service. Our worry is that the public are then placed in a situation where they think that they have received good advice, but they may not have done. There is certainly anecdotal evidence of that sort of application.

James Carpenter: One of our asks is that we want to be able to reassure housing association residents that they will not need to foot the bill for these works. Obviously, there is the £1 billion building safety fund at the moment, but that is predicated on where the viability of the owners may be threatened by funding the works themselves, and it will involve submitting a business case and so on as to why they would be at risk without support.

We are currently assessing our position. However, it would be unlikely that large associations such as L&Q would be eligible under this particular scheme, and those that are would then have to notify the Regulator of Social Housing, which may in turn result in a downgrade of their viability. We are working jointly with the G15 on this. Neither our leaseholders nor tenants should pay the price for systemic issues in relation to building safety. We need to exhaust all possible options to claim

the costs, or to get those that were responsible to pay for those things. Failing that, and in the absence of Government funding, we will have no choice but to consider those legal obligations that are set out in leases with residents. However, that is the last point. We have not done it with the buildings that we have remediated; we have not done it with leaseholders, but it is there as the last resort.

Q22 Ms Karen Buck (Westminster North) (Lab): I want to return to the issue of access, because I feel that the Government underestimated fairly consistently the complexities of access, be it in respect of fire doors or the issue of retrofitting sprinklers. There were local authorities that wanted to retrofit sprinklers, and even set aside money, but were unable to do so because of this issue of uncertainty of access. Could you two give us an idea of what you feel to be the scale of the problem?

It was widely believed that leaseholders would want to co-operate, for example, after the Lakanal fire, yet lawyers were saying that as many as one in three simply did not and would not. So can you give us an idea about the scale of the problem and the complexities? In London, there are particular issues with things such as the overseas ownership of property, which makes it difficult to track the true owners of properties. Can you also comment on why enforcement is difficult, for example, for housing associations and local government, in terms of the cost and the length of time it takes to take people to court?

The Chair: Mr Carpenter, for some fairly concise answers, if you will, please.

James Carpenter: On the challenge, we have got more than 100,000 homes and there are tenants in a lot of those. The issue of access is not just in relation to leaseholders; we also have issues with tenants, where they do not want to help us to meet those demands. With leases, we have a separate issue. It is not just about inspecting; we can also have challenges where we want to make improvements to buildings, but they are objected to by residents, because they do not want sprinklers in their home or a fire alarm system. We may then manage to put a fire alarm system in someone's home, and it is linked to the building to raise warning to others, and they unscrew detector heads and so on. So the challenge is a huge and, as a landlord, there is very little power we can take without going through a lengthy and costly court process—often the costs of that are not recoverable. That is the challenge, but I point out that that is not all tenants and all leaseholders. Obviously, we do get people who co-operate and understand, but there are also people who don't want you accessing their home.

Q23 Ms Buck: Is that a significant minority, and we are not just talking about this being very rare?

James Carpenter: Access is a significant problem for building owners to manage—it is not small in any sense. It is not all tenants who cause those issues, but this is a significant challenge for landlords.

The Chair: A quick answer from you, Mr Davis.

Dennis Davis: I am very sorry but I cannot give you a scale on this, which is what you asked for. The anecdotal evidence certainly is that there are tenants, whether leaseholders or not, who do not like you to have access. In addition, there are difficulties in any case for everyone, because people work and so on. Therefore, access outside normal working hours can often be the norm if you are trying to visit inside someone's dwelling. You can understand why those arrangements have to be made, but it is a serious issue for those seeking to maintain systems—there is absolutely no doubt about that.

The Chair: I believe we are not allowed to go beyond 12.30 pm by the programme motion, but the Minister has a quick point to make.

The Minister for Crime and Policing (Kit Malthouse): I was just going to try to draw out some of the complexities of access, not just for fitting, but for maintenance. Just to clarify, the way the Bill is commenced will have significant effects. I draw the Committee's attention to the fact that one thing we have done is to convene this task and finish group, which Mr Davis referred to, with the various bodies, not least the NFCC and the Fire Sector Federation on it, to devise a recommendation to the Home Office as to how the Bill should be commenced. I know we have an amendment on commencement this afternoon, but that is going to be our method of making sure we get it right.

The Chair: Thank you, that is very helpful.

Gentlemen, thank you very much indeed. We have now run out of time. Thank you, Mr Carpenter and Mr Davis for excellent answers. The Committee is very grateful. We must move on to our last set of witnesses.

Examination of Witnesses

Adrian Dobson and Matt Wrack gave evidence.

12.29 pm

The Chair: This session can last until 1 pm. Beginning with you, Mr Dobson, would our witnesses kindly introduce themselves for the record? If you would like to say a few words up front, now is the time to do so.

Adrian Dobson: Thank you very much, Chair. My name is Adrian Dobson and I am the executive director for professional services at the Royal Institute of British Architects where, broadly, I look after educational and practice standards. I also support the work of RIBA's expert advisory group on fire safety.

Matt Wrack: I am Matt Wrack, the general secretary of the Fire Brigades Union, which represents the vast majority of serving fire officers across the UK. I signed up as a firefighter in the London Fire Brigade in 1983 and have served as general secretary since 2005. Our approach to the Bill is that we broadly support it. However, we have some concerns about the need for a more joined-up approach on the whole question of the fire safety regime.

In that regard, I represent particularly fire inspecting officers, a specialist group within the fire and rescue service. I thank them for their feedback on their views on the Bill. The concerns come down to issues about implementation, and therefore about investment. For example, the impact assessment is based in our view on a very rough and ready calculation based on the current regime. However, in our view and that of our members,

that regime is not fit for purpose. That is demonstrated very clearly by some major failings, most notably the Grenfell Tower fire.

Look, for example, at the specialist roles within the fire and rescue service. Between 2011 and 2020, we have seen a 19% reduction in the number of watch managers, a 23% reduction in the number of station managers, and a 20% reduction in the number of fire and rescue service staff overall. If we take the number of inspectors, we see inadequate record keeping by the relevant Department, which is currently the Home Office. Most recently, it reported that in England some 951 fire and rescue staff are eligible to carry out fire safety audits. If we look back 20 years for England and Wales, the figure was some 1,724, so in terms of competent staff with rather technical expertise there have been very significant reductions.

The impact assessment that has been produced in relation to the Bill does not, in our view, adequately take account of the demands that will be placed upon the fire and rescue service as a result of the Bill. We therefore urge the Government and parliamentarians to seek a more joined-up approach to the whole question of the fire safety regime, in this case across England.

The Chair: Thank you, Mr Wrack. You will now be asked questions by a number of Members of Parliament. We will start with Sarah Jones on behalf of Her Majesty's loyal Opposition.

Q24 Sarah Jones: Mr Dobson, in my former brief as the shadow housing Minister, I worked a lot with RIBA regarding the excellent work that you have done looking at all these issues post Grenfell. Can you set out whether there is anything in the Bill and in the amendments that we have tabled that you would disagree with, and what you think "good" would look like in taking the Bill, and whatever else needs to be done, to create a fire safety system that works?

Mr Wrack, you have already set out for us quite a lot of the concerns about funding. We know that the fire service has had significant cuts over the past 10 years. Can you, again, tell us what "good" looks like in terms of how we implement the Bill? What do we need in terms of resourcing and the joined-up approach that you talked about?

Adrian Dobson: We certainly recognise that the Bill is important legislation. I will pick up on the point that Mr Wrack made on joined-up thinking. It is a piece in the jigsaw. We are still concerned about having strong and clear functioning building regulations and a proper enforcement regime. Obviously, our main expertise is in the design and construction of buildings to the point at which they are handed over to the owner or occupier, or where there is major refurbishment.

Our essential concern is the relationship between this Bill and the Building Safety Bill. The two must join together. We would support most of the provisions in this Bill, particularly giving enforcement powers to local fire services in relation to the structure and external walls of buildings, fire doors and so on. I note Mr Wrack's point, however, that the resources must be in place to do that.

On joining the Fire Safety Bill and the Building Safety Bill, I can highlight a danger whereby gaps might exist. For example, the fire safety order talks about a "responsible person", but the Building Safety Bill talks about an "accountable person" and a "building safety manager". What would be the lines of communication between those roles? Are they fulfilled by the same person? There is a risk there.

Dame Judith Hackitt has been a prime driver of the content of the Building Safety Bill. She talks a lot about "the golden thread". We are aware that the quality of information handed over at the end of construction work is often poor. If the fire service is looking at evacuation plans and wants to know what materials have been used in the building, that information is not as readily available as it should be. We would like an amendment that says that the fire service and the occupier should be entitled to accurate, as-built information. Members of the Committee are probably aware of some of the dangers in procurement when materials get changed during the design and construction process.

While we welcome the Bill, we await an improved enforcement regime in relation to building regulations and changes to the approved documents. To illustrate the importance of that, for example, the Bill talks about the need to review evacuation plans, but we know that some of the legislation around escape routes is ambiguous. We need to ensure that the two tie together.

Matt Wrack: On the question of what "good" would look like, I am approaching this from the point of view of firefighters and the fire and rescue service. For us, there must be a joined-up approach between the specialist fire safety teams and firefighters on stations.

If you look at the question of resources—unfortunately, a lot of this does come down to resources—we need a greater understanding of fire safety in the operational workforce. Unfortunately, over the past 15 or 20 years, we have seen a reduction in initial training courses to cut costs. Courses that might have been 16 weeks 20 years ago are now reduced to 13 or 12 weeks, or less than 10 weeks in some cases. There needs to be a greater understanding at the station level of fire safety risks.

There needs to be an end to the reduction in fire safety teams. Fire services that have been financially squeezed have found it easier to cut specialist fire safety teams than fire stations. I am not in favour of cutting either, but they have cut fire safety teams. We have reports of fire safety teams being cut by 25%, 50% or more over the past decade.

We need a joined-up approach between the two wings of the fire service in that respect. We need to prevent fires from happening, if we can. We need to mitigate the spread of fire where it does occur. We need to know how to fight fires when they occur—we know that they will occur. That is what we mean by a joined-up approach.

There are concerns among fire safety specialist officers about the levels of training, both at the stations and among their peers. There are concerns about refresher training. If new materials come on to the market, such as cladding, there needs to be adequate resources to enable people to be updated with the latest developments.

The final point I would make about what "good" would look like is that we need a much more joined-up approach nationally to the whole question of fire, fire policy and how we deal with fires. That means proper research. It is alarming that many firefighters and many fire services apparently did not know what was being put on to buildings. They therefore had not researched

how they would inspect such buildings to be aware of the risks, for example, at Grenfell. They were also, therefore, not aware of how such fires might be tackled if necessary.

We used to have a body in the British fire service called the Central Fire Brigades Advisory Council, which would have addressed such matters. Sadly, it was abolished in 2004, and nothing similar has been put in place to replace it. That is what we mean by a lack of a joined-up approach, and that is what is desperately missing in the fire safety regime in Britain today.

Q25 Daisy Cooper: Mr Wrack, in your written evidence, you say that

"the impact assessment 'does not include any additional enforcement costs'",

and you suggest that fire inspectors would need to spend

"a great deal of time and effort"

to focus on getting cases through the courts and so on. I suspect this question might be like, "How long is a piece of string?", but in the absence of an impact assessment, can you give an estimate of your own assessment of what those additional enforcement costs might be?

Matt Wrack: I am afraid I am not able to give that. I do think that, on the question of enforcement, there have been cases of ministerial pressure to reduce the enforcement role of the fire and rescue service, which is something that Ministers need to think carefully about. Fire services have been criticised subsequently for being slow to act on their enforcement role.

The whole question of fire services' enforcement role ties in with the more general points I have made, in that they need adequate specialist fire safety teams, and that is possibly the area, or certainly one of the areas, where we have seen the largest reductions in staffing levels, with all the knock-on concerns about training and refresher training. I am not able to answer that question directly, but I think it is very much a resource question.

Q26 Andy Slaughter: Good afternoon to you both. We have heard that this Bill is a clarifying Bill rather than one that introduces new powers. Do you agree that that is its purpose, and do you think it achieves that?

The specific point that I would like you both to address is that it appears, as there is a specific mention of "external walls" in clause 1, that the Bill is directed at what we have already seen coming out of the Grenfell inquiry in relation to external cladding and cladding systems. But lots more issues have emerged from that, such as the way that buildings are constructed or modified, means of escape, alarm systems and the processes for evacuation in that way. Do you think that they are also adequately covered in the Bill or do we need other legislation? Do you think we have the means to carry out all those matters?

Adrian Dobson: There is quite a range of questions there. Essentially, in my view, the Bill is just clarifying and pointing to some key facts, as it is not fundamentally changing the nature of the approach. I could not agree more that, although it is useful to highlight the issue of external wall construction and cladding, there are lots of other known issues in relation to fire safety. For example, the Scottish schools report talks a lot about fire compartmentation and lack of proper fire barriers. You have pointed out the issue around means of escape and evacuation strategies. To return to my earlier point, I see this as only part of the jigsaw. What we desperately need is clarification of the building regulations themselves and a stronger enforcement or competency regime around that, so that the two work together.

Matt Wrack: I see the Bill as a clarifying Bill, as has been suggested. On that level, we welcome it, with some of the amendments in particular. You highlight an important point—much of the national focus is on cladding.

There is clearly a national scandal about flammable cladding being put on to buildings, but we are aware from Grenfell and other fires that there are many other failings in fire safety in buildings, particularly with the risk of the breakdown of compartmentation. Cladding is clearly one mechanism by which that happened at Grenfell, but issues around other materials used in renovations and modifications of buildings are also relevant. If people have fire resistant walls and drill holes through them, that will clearly alter the fire resistance of the compartment. All those things need to be built into a proper fire safety regime.

I do not think the Bill addresses the question of evacuation. That is obviously a huge concern to people living in high-rise residential buildings; it is also a huge concern to firefighters, who have been trained for decades in ways to fight fires in high-rise residential buildings that are based on the construction and design of those buildings. Over the past 20 years or so, those buildings have been modified in a way that was never intended, which has altered the whole structure and fire behaviour in those buildings.

In our view, there is no simple answer to the question of evacuation. Again, we raised the question of a review of evacuation at the close of stage 1 of the Grenfell Tower inquiry. We now have Government bodies looking at reviewing the evacuation policy and saying that it might take two or three years. Firefighters were apparently supposed to decide on new strategies on the night, even though the people reviewing the policy have told us that it will take them two years or more to reach such a conclusion.

I come back to my point about a joined-up approach. We should have bodies in the British fire service that take account of the views of all professionals, take account of research and develop answers to these questions as we go along. We should be horizon-scanning. There had been fires in clad buildings elsewhere in the world. It is staggering that no one in leadership positions in the British fire service or at Government level was monitoring those and seeing what should happen to alter policy in Britain.

Q27 Andy Slaughter: I think we understand from what you have said that there is a lot to do, and that there are limited resources at the moment. Where work has been going on, do you think the best practice is being followed? Is that being done in both the maintenance and the construction of buildings? We had a story in the press last week about Berkeley Homes rowing back on whether all types of cladding, including ACM cladding, should be removed from buildings. Do you think this is being taken seriously? When buildings are being given planning permission, being constructed or being modified, are best practice and best standards being adhered to?

Adrian Dobson: I think I would answer broadly yes, in those aspects that have now effectively been covered by prescriptive regulations. In relation to combustible external wall materials on high-rise residential buildings, we have at the moment a fairly prescriptive piece of legislation that makes best practice pretty clear. As you say, however, there is a certain element of lobbying to say that we need a more flexible approach, so you can already see attempts to row back on that. In terms of what has actually been regulated, fairly good practice is in place. We know there is quite a lot of good retrofitting work happening on buildings above 18 metres, even if it is very slow, but we do not really have much idea in terms of combustible materials below 18 metres.

Matt Wrack: I would like to comment on the lobbying that was mentioned by a building developer recently and in some earlier comments in your session. One of the voices we are keen to hear are those of tenants. The lesson of Grenfell is that the voices of tenants were ignored. The voices of tenants are often ignored in relation to building and modifications to the places where they live. The vast majority of tenants are respectable, sensible people and their views should be heard. They were not heard at Grenfell. I think they, us and firefighters would have greater respect for a risk-based approach if we could have the confidence in such a risk-based approach. Unfortunately, experience shows that risk-based approaches are often driven by commercial and financial interests, and that is why people have scepticism about them.

Q28 Sarah Jones: Mr Wrack, could you just give us your view on the current system of fire risk assessors and how that needs to be changed? Labour and the Liberal Democrats have tabled amendments on having a more qualified regime. It would be good to hear your thoughts on that. Mr Dobson, it would be helpful to get your sense, which we have sort of touched on, of the issue that there is so much to be done: the point about just the G15 having to spend £6.8 billion and the time all that will take. How do we prioritise? How do we fund that? What does that process look like going forward?

Matt Wrack: We oppose a deregulated system of fire risk assessors. Sadly, much of the work we end up doing arises out of tragedies. One of our experiences in that regard relates to the death of one of our own members. It emerged that the fire risk assessor in the case concerned had few or no qualifications in that field and had simply set up in business as a fire risk assessor. That highlighted to us a disgraceful state of affairs, so we would support the better regulation of fire risk assessors. However, the best protection we have, in terms of the delivery of advice to occupiers and building owners, and the best mechanism for inspection and enforcement, is a well-resourced and highly skilled workforce in a publicly accountable fire and rescue service.

Adrian Dobson: Clearly, on the specific issue of cladding and insulation, retrofitting is possible. The very reason those materials were used for cladding is because they are lightweight and external—they do not form part of the structure of the building—so the practicality of making buildings safer is definitely there. We have seen some, albeit slow, progress.

As I think one of the witnesses in your earlier session said, the cost can be very significant indeed. While steady progress is being made in the social sector, I think your Committee has today discussed some of the issues when it comes to private leaseholders in privately owned blocks and the ultimate issue of where the funding will come from. That, of course, is what set off secondary problems within the insurance and mortgage markets. One of the problems we face is professional indemnity insurance. Although the cladding can be identified through testing and so on, it tends to require intrusive testing. It requires specialists to look at it and that requires insurance for them, so there is a potential blockage.

The bigger concern is that following the fires we had in Barking and Bolton, attention has naturally turned to whether these sorts of materials pose a very significant risk on lower-rise buildings. There has been discussion about what height threshold might apply. Some people have suggested 11 metres—indeed, 11 metres is the height chosen by the Government for sprinklers—but one of the problems there is that you have got a whole different order of magnitude, potentially, of properties that could be affected. That may also be a factor that is driving some of the movement in the insurance sector, because there is probably a realisation that this is potentially a much larger problem than was first thought.

Q29 Sarah Jones: Mr Wrack, do you think that we understand the scale of the problem that we face? According to the figures that came out this week, an extraordinarily high proportion—I think it was something like 65%—of inspected fire doors were wrong in some way or other. Do you think we even know quite what we are dealing with in terms of the scale of that problem?

Mr Dobson, do you agree with Mr Wrack's frustration about the time that it has taken to do all of that? Grenfell was three years ago. What should we be doing? Clearly, there is huge complexity and hundreds of working groups at the Ministry of Housing, Communities and Local Government are working through all this. Equally, there is a real hunger for going faster. Is there any way in which you think we could and should be going faster?

Matt Wrack: No, I do not think that we grasp the scale of the problem at all. If I can refer back to Grenfell, the focus of the country has been on ACM cladding, but what we found at Grenfell was that virtually every single element of fire protection in the building failed. So if that has happened in one building, what is the scale in every building in the country? It is immense. There has been a lot of renovation, refurbishment and modification of buildings over the past 20 or 30 years, which has altered the building as it was originally designed and constructed, so we will therefore have altered fire behaviour in such buildings, particularly for compartmentation, in relation to the response of firefighters.

That brings me back to our frustration with the Bill's impact assessment, because it is based on the current way that buildings are looked at. In our view, we need a much better way of looking at buildings. That would require time for an upskilling of firefighters in fire stations so that they recognise risks and can then refer them to specialist teams within the fire service. That would require training for both groups of staff and adequate powers to undertake the necessary inspections on a scale that, at the moment, we do not currently grasp in full detail.

The Chair: Thank you. Mr Dobson, we will finish the sitting at two o'clock, so you have two minutes to answer.

Adrian Dobson: I will try to rise to that challenge. I think that we see the problems as threefold. There is an issue around how we procure buildings in the first place and procure alterations to buildings. I imagine that when the final report of the Grenfell Tower inquiry is written, it will have much to say about that. Then, there is an issue of competence and expertise, which you have already touched on. Of course, the UK construction industry is a relatively deregulated industry with very few regulatory competence requirements—they are mainly voluntary systems—so the industry will really have to put its house in order if it is going to regain public confidence.

There is also a regulatory problem. We have seen movement on the introduction of requirements for sprinklers being extended, and on combustible materials—from the consultation, that is likely to be extended. However, although we have good movement on the building safety Bill and on the Fire Safety Bill, we have not seen a comprehensive review of the actual guidance that people work to, so we are essentially working to the same approved documents that we worked to previously. That is disappointing because, although people recognise the need for research on some of those issues, we seem reluctant to get on and commission it and, as Mr Wrack said, reluctant to learn from colleagues in other countries who have experienced similar problems.

The Chair: Thank you very much, Mr Dobson and Mr Wrack, for your excellent evidence—you have helped the Committee enormously. As you know, we will grapple with those issues this afternoon as we go through the Bill line by line.

1 pm

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FIRE SAFETY BILL

Second Sitting

Thursday 25 June 2020

(Afternoon)

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Monday 29 June 2020

The Committee consisted of the following Members:

Chairs: † Sir Gary Streeter, Graham Stringer

† Bacon, Gareth *(Orpington)* (Con)
† Britcliffe, Sara *(Hyndburn)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
Clark, Feryal *(Enfield North)* (Lab)
† Cooper, Daisy *(St Albans)* (LD)
† Duffield, Rosie *(Canterbury)* (Lab)
† Eshalomi, Florence *(Vauxhall)* (Lab/Co-op)
Hunt, Jane *(Loughborough)* (Con)
† Jones, Sarah *(Croydon Central)* (Lab)
† Lewer, Andrew *(Northampton South)* (Con)
† Longhi, Marco *(Dudley North)* (Con)
† Malthouse, Kit *(Minister for Crime and Policing)*
† Moore, Damien *(Southport)* (Con)
† Saxby, Selaine *(North Devon)* (Con)
† Simmonds, David *(Ruislip, Northwood and Pinner)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Tomlinson, Michael *(Lord Commissioner of Her Majesty's Treasury)*

Yohanna Sallberg, *Committee Clerk*

† attended the Committee

Public Bill Committee

Thursday 25 June 2020

(Afternoon)

[Sir Gary Streeter *in the Chair*]

Fire Safety Bill

2 pm

The Chair: We now begin line-by-line consideration of the Bill. Members will understand the need to respect social distancing guidance. I will intervene if necessary to remind everyone, but at the moment it is okay. Members may remove jackets during our proceedings. Tea and coffee are not permitted during our sittings, and Members must ensure that mobile phones are turned off or switched to silent mode.

The selection list for today's sitting, which is available in the room, shows how the amendments selected for debate have been grouped. Please note that decisions on amendments take place not in the order that they are debated, but in the order in which they appear on the amendment paper. *Hansard* reporters would be most grateful if Members could email electronic copies of their speaking notes to hansardnotes@parliament.uk.

Andy Slaughter (Hammersmith) (Lab): On a point of order, Sir Gary. I apologise for rising so early. I do not want to start on a contentious or sour note in what I am sure will be a consensual Committee, but there was some consternation about the way in which the Committee was timetabled. I make no criticism of the necessary rigours enforced on us by social distancing; the staff have done an excellent job in that respect.

The issue of fire safety in tall buildings, particularly in west London, is very important. It is one of the very few issues that keep me awake at night. We are dealing with the whole the Bill, which, as the evidence session this morning showed, ramifies in many ways, in one day. We had the evidence session this morning, and we are dealing with line-by-line consideration of the whole Bill, albeit a short Bill, this afternoon. The evidence was excellent; it would have been good to have time to digest it and perhaps propose amendments on the basis of it. We now have three hours for debate—I will be brief so as not to eat into that time—and we also have a Committee that is smaller than was originally envisaged. That is partly to do with the constraints of the room and social distancing, but it is an unhelpful precedent.

I do not know whether it is a matter for the Chair or for the Government to take away, but I wanted to put on record my concerns. The matter before us needs to be explored in depth; it has huge complexities and different streams, even within the limits of the Bill, which is one of several. I hope that the authorities and the Government will take away the message that scrutiny should not in any way be constrained.

The Chair: I am grateful to the hon. Gentleman. I have taken notice of his point of order. The programming motion has already been agreed, so we cannot change it, but he has made some powerful points and they are now firmly on the record. We will now start line-by-line scrutiny.

Clause 1

Power to change premises to which the Fire Safety Order applies

Andy Slaughter: I beg to move amendment 1, in clause 1, page 1, line 6, leave out lines 7 to 14 and insert—

"(1A) Where a building contains two or more sets of domestic premises, the things to which this order applies include—

(a) the building's structure and external walls and floors, and any common parts;

(b) all doors between the domestic premises and common parts (so far as not falling within sub-paragraph (a)).

(1B) The reference to external walls and floors includes—

(a) doors, windows or penetrations in those walls and floors, and"

This amendment would apply the Fire Safety Bill specifically to penetrations that pass from a dwelling, through a fire-rated wall or floor into a common space.

The Chair: With this it will be convenient to discuss amendment 2, in clause 1, page 1, line 8, after "include" insert

"all other parts of that building including—"

This amendment aims to clarify that the Regulatory Reform (Fire Safety) Order 2005 applies to all parts of a building that contains two or more dwellings, other than those dwellings themselves, and is not limited to parts that come within the meaning of structure, external walls or common parts.

Will the hon. Gentleman move one chair to his left? That would be better from a social distancing point of view.

Andy Slaughter: Thank you, Sir Gary, for looking after my and everybody else's health. I rise to speak to amendment 1, tabled in my name. It is grouped with amendment 2, tabled in the name of the shadow Minister, my hon. Friend the Member for Croydon Central. The two matters are linked. My amendment, as is the custom in my case, is more pedantic and finickity than the broader amendment 2. If I may, I will speak to my own amendment.

As I mentioned a few moments ago, we had a very useful evidence session this morning. It was short—only an hour and a half—but there was a lot of information there. What came through from all the witnesses was that this Bill clarifies existing law. It is a matter of constitutional debate whether the function of legislation is to clarify existing law. Governments have a habit of doing that to fill in time or to make an emphatic point, although it is perhaps not a good use of legislation. It is clear, however, that there are problems that need to be resolved in relation to fire safety, which has troubled us hugely since the Grenfell Tower disaster three years ago and should have been troubling us for many years previously in the light of other disasters.

I guess, therefore, that the Bill is intended not so much to change the law, but to say, "This is the law, and this is what should have been happening." That begs others questions. Are the resources there now to make

this happen? Is the focus of the Bill in the right area? In questions this morning, I made the point—and I do not think the experts dissented—that the phrase, "the building's structure and external walls and any common parts", in clause 1, line 8, is rather tendentious. The "building's structure" could mean anything in relation to the building, but it is then qualified by the reference to "external walls" and "common parts".

My amendment addresses the issue of whether there is a clear definition of common parts, but I think we all know why the phrase "external walls" is in the Bill. As has already come out of the Grenfell inquiry—indeed, the recommendation from the inquiry was perhaps not needed—a substantial cause of the Grenfell disaster, as well as a contributory factor in many other major fires, including in high-rise buildings, has been the type of material that adheres to or forms part of the external structure of the building. That could be cladding—certain types of which have been found to be more combustible than others—insulation, or the way in which the materials combine. We are only scratching the surface—excuse the pun—of the types of cladding and systems that are appropriate to be used, or to remain in use, on such buildings.

It is pretty clear, however, that such material is a major focus of the Bill. The money, time and resources the Government have spent so far—many of us believe they have not gone far enough—have gone on looking at aluminium composite material cladding and then perhaps at high pressure laminate and other types of cladding. No doubt, as we consider the Bill, there will be some focus on that. My amendment, and that of my hon. Friend the Member for Croydon Central, go slightly beyond that. As Matt Wrack, the general secretary of the Fire Brigades Union, pointed out this morning, Grenfell has exposed not only that there are issues with cladding, but that there are fire safety issues in the construction, management and operation of tall buildings, in particular, that go far beyond that.

My amendment addresses a specific point by dealing with opportunities for fire to penetrate into a building other than through doors and windows. Doors and windows are a major way in which fire can enter a dwelling. If a window is open or a fire door is not—as my hon. Friend the Member for Croydon Central explained this morning—sufficient, sufficiently well fitted or has other defects that do not maintain a 30 or 60-minute barrier, there is that opportunity. It is perhaps stating the obvious to say that the reason that flammable cladding is such a danger is that it allows fire to spread across the face of the building in a very short space of time, as we saw at Grenfell. That in itself is not what is causing the problem; it is the ingress of that fire into the building itself. That could be through a window that is open or through a door that is insecure, but it could be through any other means of entry. There are other ways for fire to spread that are perhaps more serious than doors and windows. That is why I used the word "penetrations". They could be ducting, pipework or openings that have been created for good or bad purposes: it could be shoddy workmanship, but equally it could be something necessary to do with the supply of services through the building.

One other point on amending clause 1 was to add the words "external walls and floors". It is clear why clause 1 mentions doors and windows—generally we have doors and windows; I understand that point—but other openings or apertures created in a building may well be through floors. The danger is that anything of that kind will allow the spread of fire—but not only fire, as I will come on to explain in a moment—throughout a building very quickly, particularly if there are pipes and ducts. If the opportunity arises for fire to spread, it can go through them very quickly. As I say, it is not just fire, but smoke and other gases. A major factor at Grenfell was the spread of smoke through the building. That can make escape difficult and, particularly if it is created by the burning of toxic materials, can create a toxic atmosphere, which has an effect on the respiratory system of those trying to escape the fire.

To explain my point, I will provide an example from my constituency. It did not end in disaster, I am pleased to say, but it easily could have done. In January this year, a resident of a block of flats with over 20 storeys was returning home late at night when she noticed a strong smell of gas. She checked her flat but could not find anything that was causing the smell. Fortunately, there was a member of staff, a concierge, on site even at that late time. They investigated, and the National Grid was called out, but it could not find anything. Neighbours' doors were knocked on, and the emergency services were called out. By this time, it was the early hours of the morning and neighbours on several floors were being woken up. Eventually, the source of the gas leak was found four floors below. An elderly resident—over 80, I think—with an elderly gas stove had turned on the gas and left it on. The gas had effectively filled the whole block, from the ground floor reception up to at least the eighth or ninth floors of the block.

This matter ramifies endlessly. Why should an unsafe gas appliance be allowed in a block anyway? Modern gas appliances have failsafe mechanisms—if the gas is left on, they will shut off after a while—but unfortunately the reality is that some people, particularly poorer people perhaps, will have very old gas appliances that do not work in that way, and therefore the gas, after being turned on, will fill the whole flat. In this case, the occupant, who had obviously made a genuine mistake, needed oxygen. Many people had either opened their windows or were confused about what was happening. It was only because of the excellent action by one concerned resident—this was the opinion of the emergency services—that the matter did not end up in disaster. What happened late at night in January was that the gas did not pass through doors or windows but up through the building, potentially causing great stress.

My point is that, with fire, smoke and other noxious fumes passing through a building, it is complacent to say that simply ensuring that fire doors work and that windows are properly sealed and do not have combustible material around them means that a building is entirely safe and the fire will not spread internally. I hope the Government will accept my amendment. It is a relatively technical addition, which improves the Bill rather than changes it materially. I will wait to see what the Minister says in response; he might want to break the habit of a lifetime and say that we can allow an Opposition amendment to get the Bill Committee off to a flying start.

2.15 pm

Amendment 2 is more comprehensive and very sensible. It would clarify that, as well as the occupied residence itself—the hereditament, the domicile, or however we

want to define it—everything in the building should be covered by the Bill. I am not sure that the Bill's wording adequately does that at the moment, but the belt and braces suggested in amendment 2 would do so.

I am vice-chair of the all-party parliamentary fire safety and rescue group, which is an excellent group, chaired for many years by the hon. Member for Southend West (Sir David Amess). Its honorary secretary, Ronnie King, was a very senior chief fire officer, and the group does a lot of extra work. Yesterday we had a presentation from the Fire Protection Association, which dealt with exactly the points I am making. One thing that struck me about that presentation was that the test platform for fire safety had become the development platform. That means that the planning and testing for tall buildings has been based on a model that is not reproduced in real life, and that developers therefore build without regard to the matters we are talking about in the Bill—without regard to the effect of windows, doors and other apertures. That is a serious contributory factor to the spread of fire.

I am sure we are going to focus on cladding this afternoon, but we should be aware that, yes, it is the accelerant, but there are other causes of spread. I have dealt with gas, but we might also look at electrical appliances, which appear to have caused the fire at Grenfell Tower and a serious one at Shepherd's Court in my constituency the year before Grenfell. All these matters need to be addressed. In so far as we cannot be certain about whether human error is involved or about the role that the complexity of different types of tenure plays, as we discussed this morning, we have to be as certain as we can that if a fire starts it will be controlled.

The strategy behind fire safety in this country—the stay put policy for tall buildings, which is now itself coming into question—depends on compartmentalisation and on fire being contained within a small area of a block. If there is the opportunity for it to spread, because fire doors do not work, windows have combustible surrounds, or the fire can penetrate elsewhere, we immediately undermine the whole principle. That is the reason for amendment 2.

Sarah Jones (Croydon Central) (Lab): Let me start by saying that the Opposition support the Bill. We are here to be constructive. Although clearly we wish that things had gone faster and that we had been able to do more, we support the Bill and want to make it the best that it can be. On Second Reading there was agreement across the House on what needs to be done to fix some of the problems with the legislation. Amendment 2 relates to one of those problems, which has been raised by many of the organisations that have submitted written evidence.

I associate myself with everything said by my hon. Friend the Member for Hammersmith, who is an expert in this area. He is absolutely right that we need to ensure right at the outset that we include parts of the building not currently listed in the Bill.

Amendment 2 would do what amendment 1 would do, but in a slightly different way. As the explanatory statement states, the amendment would make the Regulatory Reform (Fire Safety) Order 2005 apply

"to all parts of a building that contains two or more dwellings, other than those dwellings themselves,"

Not just the

"parts that come within the meaning of structure, external walls or common parts."

I had a long conversation with the London Fire Brigade about how we define "common parts". Introducing that term without a definition alongside the definition of "domestic premises" in article 2 of the fire safety order could lead to confusion about what it means and could add an additional layer of complexity to what is already quite a difficult landscape.

In the past, "common parts" has been used to refer to entrance halls, corridors or stairways in a block of flats, but it does not necessarily cover areas such as lift motor rooms, service risers, roof voids and other potentially high-risk areas, as well as fire safety facilities that are inside individual dwellings but used in common for the protection of the entire premises, such as sprinklers and detection systems.

This is not a new issue. Following the Lakanal House fire, the coroner recommended that there be clear guidance on the definition of "common parts" in buildings containing multiple domestic premises. Dame Judith Hackitt has also recommended that the assignment of responsibilities in blocks of flats be clarified.

The purpose of the Bill, as we discussed this morning and as my hon. Friend the Member for Hammersmith has already mentioned, is to provide clarity on what is covered under the law. Without really clear definitions, there will be new questions of interpretation, and we will not achieve what we are setting out to achieve. There will be the potential for confusion and conflict.

Simply put, the absence of a clear definition creates opportunities for those who might try to game the system. We know that the system has not worked in the past, because people have been able to do things that nobody intended them to do. We want to make it crystal clear that the provisions cover all common parts of the building, and want to make it clear that "common parts" includes all the other spaces, such as lift motor rooms, that are not set out in the Bill.

David Simmonds (Ruislip, Northwood and Pinner) (Con): I very much sympathise with the motivation behind the amendments, but I am unpersuaded by the argument. There is sometimes a risk of seeking to make very precise what in reality is not at all precise.

Following the Grenfell Tower disaster and the Lakanal House fire, the Local Government Association, working with local authorities across the country, commissioned a huge piece of work to try to understand the inherent risks in tall buildings, but also in other types of building in the public estate, and to learn lessons that might be relevant to the private sector.

I want to refer to a particular type of structure known as a Bison block, which is common in west London and found across my constituency, and which my local authority has spent a good amount of time examining. It is particularly relevant to amendment 2, which is seeking a very tight definition. The blocks were large panel system builds. They are quite common across the capital and in other parts of the country.

A great many of these blocks were extensively refurbished, particularly in the 1980s, because they are not especially attractive buildings and in the past there have been concerns about their structural integrity and safety. The refurbishment was undertaken by a process that we might understand as cladding. In this case, a brick skin was erected around the entire outside of the

building. New windows were installed, and the structure now looks considerably more attractive than when it was first constructed.

To manage the risk of fire spreading in the cavity between the floor where a fire occurs and another floor, a steel band needs to be installed between each storey's-worth of brick structure. It ensures that a fire that gets into that cavity cannot spread up or down. On examination following the Grenfell disaster, it was discovered that some of the window installations, for example, had been changed, which had had an impact on the integrity of the fire safety system. The banding had been constructed many years ago. The challenges of inspecting something that is inside a sealed brick structure, the natural dilapidations of time and the consequences of a small amount of heave or subsidence around the site would all have had an impact on it. That is a significant issue for those of us who are concerned about the safety of those high-rise towers.

I am concerned that the amendment, by seeking to be very precise, could open the door to our not including a number of the elements that we would see in a variety of structures around the country. I have heard the Minister speak about this before when questions have been asked of him. I am satisfied that one of the motivations behind the Government's choice of wording was to make the definition sufficiently broad that all the issues were captured. To ensure that the definition relates to all the different, unique types of structure out there, many of which there may be little evidence of on the public record today, it may be wise not to narrow our definitions too much. We could end up with a lawyers' bonanza of arguments about whether, for example, the provision covers the steel band structure for fire safety in a Bison block. For that reason, I am unpersuaded of the merits of the amendment.

The Minister for Crime and Policing (Kit Malthouse): I am very conscious, not least as the former London Assembly member for the area, that it is less than two weeks since we marked the third anniversary of the Grenfell Tower fire, which saw the worst loss of life in a residential fire since the second world war. I am sure that all those who died, the bereaved and the survivors will be in our minds as we do our work this afternoon and into the future.

On the day of the publication of the Grenfell Tower inquiry phase 1 report, my right hon. Friend the Prime Minister accepted in principle all 12 recommendations addressed to the Government directly. Eleven of the recommendations will require implementation in law. The Fire Safety Bill, which will amend the Regulatory Reform (Fire Safety) Order 2005, is an important first step toward enacting those recommendations. As has been mentioned, the Bill is short and technical; it clarifies the scope of the order. We appreciate that this is the first Bill on fire safety since the Grenfell Tower tragedy, and we intend to legislate further.

It is vital that regulatory standards and public confidence be increased across the whole system of building and fire safety. Next month we will publish a consultation on the implementation of the phase 1 recommendations that call for changes in the law, alongside proposals to strengthen other aspects of the fire safety order. I assure the Committee that the Bill is the start, not the finish, of a process through which we intend to improve the fire safety order.

Alongside the consultation, there is the building safety Bill, which will be presented in the House for pre-legislative scrutiny before the summer recess. That Bill will put in place new and enhanced regulatory regimes for building safety and construction products, and will ensure that residents have a stronger voice in the system. It will take forward the recommendations of Dame Judith Hackitt's independent review of building regulations and fire safety.

Our programme of work is not limited to legislation, of course. It includes establishing a remediation programme, supported by £1.6 billion of Government funding, through which we will remove unsafe cladding from high-rise residential buildings. We are undertaking, in conjunction with the fire service, a building risk review programme for all high-rise residential buildings in England by December 2021, supported by £10 million of new funding.

This Fire Safety Bill is also a move towards enhancing safety in all multi-occupied residential buildings by improving the identification, assessment and mitigation of fire risks in those buildings. It will resolve the differing interpretations of the scope of the fire safety order in such buildings and provide clarity for responsible persons and enforcing authorities under the order. It will make it clear that the order applies to the structure, external walls—including cladding—balconies and flat entrance doors in multi-occupied residential buildings.

2.30 pm

As we heard this morning, for many, the Bill will result in operational changes that will present challenges. On Second Reading, we heard differing views from Members on how to commence the Bill, and there are also diverse stakeholder views. The Government are clear that we need to work with the industry and others to take account of the scale of the changes, and the capacity and expertise needed in the system given the volume of fire risk assessments that will need to be updated. That will have to be balanced against the need to take swift action to identify and address serious fire risks in multi-occupied residential buildings. As I said this morning, the Government have established a task and finish group to advise us on commencement.

The Government will fund the British Standards Institution to produce guidance for the assessment of external wall systems. That guidance will encourage competent and suitably qualified individuals to assess the fire risk of external wall systems and help support the implementation of the Bill.

I turn to the amendments. Amendment 1 would ensure that the fire safety order applied to penetrations from a dwelling—interpreted as domestic premises—through a fire-rated wall or floor into a common space. Our position is that the order applies to the whole building except what is excluded by article 6 of the order. That includes domestic premises. By seeking specifically to cover penetrations passing from domestic premises into non-domestic areas or common parts, the amendment could be interpreted as extending the order into domestic premises, which in turn could create a significant extension of the scope of the fire safety order—namely, into people's private homes. The order has always excluded domestic premises except in very limited circumstances that are not relevant to the amendment, and we stand by the order's original intention and effect.

I understand and sympathise with the concerns of the hon. Member for Hammersmith, whom I have known for many years. As he rightly said, effective compartmentation prevents a fire and its smoke from spreading from a flat and, importantly, protects the normal escape routes, allowing residents to evacuate to safety. Of course, walls and floors outside the domestic premises are covered by the order. As I have said, our position is that everything not specifically excluded is within scope. Any penetration into the common parts can be observed, assessed and taken into account as part of the responsible person's fire risk assessment, and where necessary, general fire precautions can be put in place that protect the common parts, and particularly the route of escape.

I remind the Committee that if a local authority considers there to be a serious hazard in a residential building, including in an individual dwelling, it must take enforcement action under the Housing Act 2004. Such hazards are assessed using the housing health and safety rating system, the HHSRS. Structural collapse, failing elements and fire safety hazards are assessed using that tool[1]. Under the proposed building safety regime, the safety case will cover the totality of the building safety information, including all supporting evidence identifying how fire and structural risks are being managed for all buildings within its scope.

I assure the Committee that the Government intend to issue guidance to support those who will be operating under the Bill's provisions. The guidance will be drawn up with the assistance of practitioners, and will provide a level of specification to operationalise the changes to the order and ensure that they are interpreted and applied consistently.

Amendment 2 seeks to clarify that the order applies to

"all parts of a building that contains two or more dwellings, other than those dwellings themselves".

As I have said, the order specifically excludes domestic premises. The Bill does not change the definition of domestic premises, and we seek to state expressly that external walls and flat entrance doors, which it could be argued are parts of domestic premises and are therefore excluded, are indeed in scope. The Government have not included a proposition to the effect that the fire safety order applies to all other parts of the building, as we believe that to be unnecessary, and it could cast doubt on article 6(2). The Government therefore resist the amendment. I hope that I have given enough reassurance for both amendments to not be pressed.

Andy Slaughter: I will reply to two points. The first was made by the hon. Member for Ruislip, Northwood and Pinner, who has huge experience in this sphere, not least from his role in local government over the years. I disagree with his point because the example that he gave of modifications to the exterior of a building should be included in the Bill under that part of clause 1 that talks about external walls. I think that that is specifically envisaged to include not just external cladding but the whole external structure; it would therefore include voids and attempts that have been made through banding to restrict those voids.

Equally, I do not agree with what the Minister said. We all understand the point about private homes. It cannot be dismissed. We mentioned this morning the issue of leaseholders who provide their own front doors and how far that is considered, but there are other issues. There are issues to do with sprinkler systems and their installation in the homes of either leaseholders or tenants—assured or secure. This is not a black-and-white issue in terms of what goes into individual homes.

The amendment is a necessary or at least helpful addition to the Bill. Over a period of 30 or 40 years, a huge number of modifications will be made to buildings, even if, when a building was originally constructed, it was done in a secure way that would prevent the spread of fire and smoke. We know that this issue has been neglected, but it is so important that it should be reflected. However, given that the Minister has put it on the record that he believes that these matters will be dealt with, through the Bill and other measures that the Government are taking, I do not propose to press the amendment to a vote.

Sarah Jones: I thank the Minister for his response. He was basically saying that amendment 2 is unnecessary, which I would challenge, because the fire service has asked for the definition and thinks that it would be an important part of the Bill. I agree with the fire service, but I take the same approach as my hon. Friend the Member for Hammersmith and hope that these matters will be looked at as we go forward.

Kit Malthouse: Fundamentally, as my hon. Friend the Member for Ruislip, Northwood and Pinner says, we are concerned that the definitions in the amendments might have a narrowing effect. Detailed guidance offering definitions will come out as a consequence of the Bill, and obviously we will work with partners to ensure that we get that guidance right.

It is worth pointing out that this approach is consistent with that in the Housing Act 2004, which uses similarly broad definitions to ensure that the many and various varieties of housing in this country, some built over many hundreds of years, all fall within a generalised definition in guidance that is put in place later on.

Andy Slaughter: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Sarah Jones: As the Minister said, we recently passed the three-year anniversary of the Grenfell Tower fire. I just want to mention the letter that we will all have received from Grenfell United last night. It was not able to give evidence before us today, but it welcomes the Bill and is pushing for it to have the funding that it needs and for it to apply to all buildings. It reminded us of the fire in Canning Tower, in east London, only last week, when 100 people were evacuated. It used to be covered with Grenfell-style cladding, but that was removed last year, just in the nick of time. As the letter says, there were not any serious consequences.

The importance of the Bill is not to be underestimated. Small though it is, it is incredibly important. We support the Bill and we support clause 1. It provides clarification, although it is a shame that we could not take it a bit further with our amendments. There are many issues

1. *[Official Report, 8 July 2020, Vol. 678, c. 4MC.]*

that we would want to bring into the Bill, but because it is too small in scale, we cannot. They include electrical safety—people are keen for us to talk about that, and my hon. Friend the Member for Hammersmith mentioned it. We tried to have some of those issues included in the Bill, but they are not within its scope. There is a huge raft of issues beyond that of cladding—important as it is—that we must address, through the building safety Bill and subsequent measures.

Kit Malthouse: The hon. Lady is right to raise with me whether there is a need to address the issue of cabling and ducting in buildings. That was raised with me when I was Housing Minister, and I hope that I have explained that there will be opportunities to look at that quite soon, in more comprehensive measures to follow. For the moment, the Bill is a small, tight, technical one, which creates the foundational stone on which we will build an entirely new regulatory and fire safety regime, which must be coherent. We must therefore proceed step by step. I fully appreciate the comments that Members have made, and they will be fed into the next stage of our work, and the consultation, which will be issued next month.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2

POWER TO CHANGE PREMISES TO WHICH THE FIRE SAFETY ORDER APPLIES

Sarah Jones: I beg to move amendment 3, in clause 2, page 1, line 21, at end insert—

'(aa) for the purpose of changing or clarifying any of articles 2 to 22 or 38 of the Order'.

This amendment aims to ensure that the key articles of the Regulatory Reform (Fire Safety) Order 2005 can be amended to account for the Grenfell Tower Public Inquiry Phase 1 and subsequently the Phase 2 recommendations and changes that may be brought about by the forthcoming Building Safety Bill.

The Chair: With this it will be convenient to discuss the following:

Amendment 4, in clause 2, page 1, line 22, at end insert 'or (aa)'.

See amendment 3.

Amendment 5, in clause 2, page 1, line 22, at end insert

'(1A) The relevant authority may make regulations under subsection (1) for the purpose of aligning the Order with regulations which concern fire safety and which are made under any other power.'

This amendment seeks to ensure there is proper alignment between the Fire Safety Order and other regulations that relate to fire safety, including the upcoming Building Safety Bill.

Sarah Jones: Amendments 3 and 4 would ensure that the key articles of the Regulatory Reform (Fire Safety) Order 2005 could be amended to account for the Grenfell Tower public inquiry phase 1 recommendations—and the phase 2 recommendations, although of course phase 2 has not happened yet—as well as any changes that may be brought about by the forthcoming building safety Bill. The issue was brought to our attention by the London Fire Brigade, and it makes a reasonable point.

Clause 2 provides for further changes to be made to the scope of the 2005 order, and clarification of its application. Our amendments would ensure that there was sufficient legal power, which could be relied on to respond to emerging evidence or events. It is important that we should not find that there are constraints in the future. The London Fire Brigade gave some examples of things that could be included. One was a legal mechanism for improvements to or replacement of the front doors of flats. Others were the installation of additional fire detection and warning systems, the retrospective fitting of fire safety measures in a building, and the adjustment or clarification of what an enforcing authority might need to be notified about.

As I have said and will keep saying, we welcome the Bill. We do not think it goes far enough, but want to make sure it does everything it sets out to do. We want to make sure that it is possible to make changes or additions to this cornerstone or foundation, as the Minister called it, including as a result of what comes from phase 2 of the Grenfell inquiry.

Amendment 5 would ensure that there was proper alignment between the 2005 order and other regulations on fire safety. The forthcoming building safety Bill, which we have talked about, will place requirements on accountable persons to ensure that buildings in occupation are safe.

This will include fire safety and will place enforcement responsibility with the new building safety regulator.

2.45 pm

The fire safety order refers to a responsible person, but it is not clear whether this aligns precisely with the accountable person or the building safety manager referred to in the "Building a safer future" consultation. We have heard from local government that a lack of clarity about the boundary between the fire safety order and the Housing Act 2004 has been a complicating factor in resolving issues with dangerous cladding on buildings, so it would be useful to hear from the Minister; hopefully he can provide assurance that the concept of the responsible person aligns precisely with the accountable person or the building safety manager referred to in the consultation. If someone is deemed to be the responsible person for the purposes of the fire safety order, will they be considered the accountable person or building safety manager under the building safety Bill?

These are issues of quite complex semantics, but they are important, and we need to make sure that there is clarity about who is responsible for carrying out essential fire safety checks in all circumstances. Any confusion or ambivalence would lead to delays or attempts to shift responsibility, which could put lives at risk. The entire purpose of the Bill is to clarify fire safety rules in order to reduce any risk to life, so I urge the Minister to consider the merits of the amendment.

Concerns were raised about this issue on Second Reading. There is a risk of creating silo pieces of legislation that do not talk to each other; it would be good to understand from the Minister what could be done about that, what the Government are doing, and

how we can make sure that we do not create silos. Again, Members from all parties raised this issue on Second Reading.

Andy Slaughter: Briefly, it is very important that there is the closest possible alignment between the Bill and what emerges from the Grenfell inquiry. We have had phase 1 of the inquiry, which dealt with what happened on the night. Phase 2 is coming, albeit not for some time. It relates to the wider issues of concern around building safety, and of course there is further legislation coming about building safety.

We heard evidence this morning from the Royal Institute of British Architects and the Fire Brigades Union. Despite their very different perspectives and experiences, they were essentially saying the same thing: that Grenfell has exposed not just the really criminal action of putting highly combustible material on the outside of tower blocks, but the huge weaknesses and inadequacies in the system, causing us to look again at the whole way in which building safety works.

Just one example of that is the stay put policy. Most experts will say, "Well, the stay put policy is still in effect." That may be literally true, in the sense that for most blocks that do not have combustible cladding and where compartmentalisation works, it may be the opinion of experts—whether they are from the fire service, are building experts, or others—that it is safer to stay in a flat than to leave it while the fire is contained within a single flat in a high-rise block, but try telling that to the occupants of that block post Grenfell.

The Leader of the House made comments about the evacuation of Grenfell Tower that were not just unhelpful but disrespectful; he asked whether people were right to stay in Grenfell Tower in that way. A senior Member of this House has raised doubts about whether it is sensible to stay. If a fire is known to be occurring, people will try to exit the tower block.

Any review of the stay put policy will look at the way that evacuation procedures, alarm systems and sprinkler systems worked. Recommendations coming out of the Grenfell inquiry should be reflected in the Bill. That is my only point.

Kit Malthouse: The amendments seek broad delegated powers to amend key articles of the fire safety order: articles 2 to 22, in parts 1 and 2 of the order, which relate to the interpretation of the order and to fire safety duties; and article 38, a miscellaneous article relating to a further duty on the responsible person to concern themselves with the maintenance of measures for the protection of firefighters. The amendments also seek to enable changes to be made to the fire safety order by secondary legislation, rather than primary legislation, that are consequential to changes made by other regulations. The amendments build on the delegated power in clause 2 of the Bill, under which it is proposed that the order can be amended for the purpose of changing or clarifying the premises to which it applies, and can allow for consequential provision to be made. I have already set out the purpose and limitations of that power.

The fire safety order already has a delegated power under article 24, which enables the Secretary of State to make regulations on the precautions that are to be taken or observed in relation to the risk to relevant persons. That can be used to provide additional fire precaution requirements over and above those already required under the order.

Although powers that enable legislation to be expedited when needed, and with the appropriate scrutiny, have clear benefits, the Government's view is that it would not be appropriate to ask Parliament to delegate legislative power in the manner proposed. I have made the point already that this is a short and technical Bill. We intend to legislate further. The Government will shortly publish the second of our fire and building safety Bills, the building safety Bill. Alongside this, there will be pre-legislative scrutiny: we will publish a fire safety consultation, which will set out our proposals for strengthening the fire safety order and improving compliance on all regulated premises, leading to greater competence and accountability.

We will also implement the recommendations of the Grenfell Tower inquiry's phase 1 report, which calls for new requirements to be established in law to ensure the protection of residents in multi-occupied residential high-rise buildings, with some proposals applying to multi-occupied residential buildings of any height.

As the Committee has heard, the Government are taking further steps to ensure that the fire safety order continues to be fit for purpose, as part of our consideration of reform of the wider building safety landscape. The consultation will propose changes to strengthen the order in a number of areas to improve fire safety standards. It will also seek further evidence and implement further legislation if required.

Sir Martin Moore-Bick's report examining the events of the night of 14 June—the night of the Grenfell Tower fire—was exhaustive. Of the 46 recommendations made in the inquiry's first report, 12 were addressed to the Government directly, with 11 requiring legislative changes. They relate primarily to a number of prescriptive safety measures and checks, to be undertaken by building owners and managers. The Prime Minister accepted the principle of these recommendations on publication of the report in October last year.

Subject to the outcome of the consultation, our intention is to deliver, where possible, the Grenfell inquiry recommendations through secondary legislation under the fire safety order. Where an amendment to the order is required through primary legislation, we intend to do that in the building safety Bill. That Bill will also cover the consequential amendments that will be required to the fire safety order to ensure that the Bill, when enacted, and the order align and interact with each other. We will ensure that the legal frameworks and supporting guidance provide clarity for those operating in this area, and bring about the outcomes sought across the fire and building safety landscape.

The hon. Member for Croydon Central mentioned having a single point of responsibility, and that is very much on our minds. Intensive work is going on between the Home Office and the Ministry of Housing, Communities and Local Government, and with the wider sector, to ensure that there is no confusion as to who is the responsible individual.

One of the key principles that came out of Dame Carol's review—I mean Dame Judith's review; Dame Carol's review is about drugs, which is also within my portfolio—was the need for the point of responsibility to be transparent and known to everybody. It is a key

part of the proposals, and I have no doubt that it will form part of the consultation and, therefore, the legislation that will follow.

Sir Gary, I hope that explanation is enough to allow the Committee to be content for the amendment to be withdrawn.

The Chair: We will see.

Sarah Jones: We say the same things on both sides of the Committee, but we on the Opposition side want speedy action, and we have been frustrated by the delays. It would be reassuring if we could have some kind of timetable before the summer recess for when the building safety Bill will be introduced. There is a whole raft of other activities, and we do not know when they will be coming forward—and covid is no reason for these things not to come forward.

This morning, Matt Wrack asked where responsibility for some of these issues rests in Government, and I wonder whether the split between MHCLG and the Home Office compounds some of the problems with how these things fit together and work. The more information we have about the timetable, the better. It would be good if the Minister could take these matters away; I know officials are looking at how they will sit together. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Sarah Jones: I will be brief. I want to make a point about finances and resources, and it seems fitting to mention that as we debate clause 2. We heard a lot of evidence this morning about the need for proper resourcing. We heard from L&Q about the extraordinary amount of money that it and its colleagues will have to spend in the housing association sector on removing cladding. Although the Government's £1 billion fire safety fund is welcome, that will not be anywhere near enough.

As for enforcement of the legislation, the fire service has had significant cuts, as was outlined excellently in the Fire Brigades Union's written evidence to the Committee, particularly around inspection, where we need to beef up the resources. We will need a lot more fire risk assessors. We will have to try to fund all that. There is a point to be made about what the Home Office has done about the cost, because the resources are not anywhere near enough. That is all I want to say, but it is a really important point that the Government will have to grapple with.

Kit Malthouse: I recognise Members' impatience for us to get the measure through as quickly as possible and to put the new regime in place, not least because it will take time to bed in. There will be not only structural change, but cultural change in various parts of the building safety world. The Bill is a start. There will be a consultation shortly. The Bill will be scrutinised before the summer recess. There will be a flurry of activity. On the point made by the hon. Member for Croydon Central about coherence between Departments, as Housing Minister I recognise that issue, and she will be pleased to know that the old sparring partner of the hon. Member for Hammersmith—I am not sure he will be pleased—and former leader of the London Borough of Hammersmith and Fulham is now the joint Minister between the Home Office and the Ministry of Housing, Communities and Local Government. He has responsibility for fire, albeit in the Lords, which is why I am here today.

Question put and agreed to.

Clause 2 accordingly ordered to stand part of the Bill.

Clause 3

Extent, commencement and short title

Sarah Jones: I beg to move amendment 6, in clause 3, page 2, line 25, after "may" insert "not".

This amendment seeks to ensure that the Bill be brought into force at the same time for all buildings it will apply to, rather than adopting a staged approach that may make arbitrary distinctions between similar premises.

This amendment is slightly controversial, in that there are different ways to interpret it. It seeks to ensure that the Bill is brought into force at the same time for all the buildings that it will apply to, rather than us adopting a staged approach that may make arbitrary distinctions between similar premises. Some might have concerns about the amendment; the National Housing Federation—the only organisation that responded to all the amendments in writing, which is very impressive—is worried that if we bring everything into the scope of the Bill straight away, there will be a capacity issue. I understand that, but I will explain the thinking behind the amendment.

I have heard from several organisations that the Home Office was looking at perhaps bringing into scope buildings over 18 metres first, and then other types of buildings. The view put to me was that that is slightly arbitrary and not the best way to approach the issue. We heard this morning about the risk-based approach, which had its infancy and was undertaken excellently in my borough of Croydon, rather than people there saying, "We will do this set of buildings first and then this set of buildings." People who knew what they were doing were trusted to look first at the areas that were most problematic.

3 pm

I suspect that the Minister will say, "We have set up a task and finish group that will look at how all of this works," but I think it important to make the point in Committee that we do not want an arbitrary approach or something that will take years. We potentially face the need to carry out risk assessments for hundreds of thousands of buildings, which will take time. The best approach is to look at it through the eyes of the experts who will decide how to manage that challenge, which is why we tabled the amendment.

Kit Malthouse: We acknowledge that clarification of the scope of the Regulatory Reform (Fire Safety) Order 2005 will represent operational change for many, particularly responsible persons, who, as the hon. Lady said, will need to update their fire risk assessments to include external walls and flat entrance doors. The Bill will also have an impact on the fire sector, fire risk assessors and other competent professionals, such as fire engineers, who are needed to assist the responsible person in complying with the order.

[Kit Malthouse]

We acknowledge that there are capacity and capability issues, particularly in relation to assessing the risk for external walls. This is not just the Government speaking, but a number of organisations from the fire sector, local authorities and housing associations. The Government are committed to ensuring that we commence the Bill in a way that is workable across the system, while ensuring that swift action is taken to address the most significant fire safety risks.

That is why, as I mentioned this morning, we have established a task and finish group—co-chaired by the Fire Sector Federation and the National Fire Chiefs Council—that will be responsible for providing a recommendation on how the Bill should be commenced. The group will advise on the optimal way to meet the Bill's objective of improving the identification assessment of fire risks in multi-occupied blocks and addressing them as soon as possible to ensure resident safety while also effectively managing any operational impact.

The task and finish group is made up of representatives from the early adopters group on building safety at the Ministry of Housing, Communities and Local Government; private sector developers; the fire sector; the NFCC; and a number of fire and rescue services. The group is expected to report no later than the end of September. It is tasked with providing a recommendation based on an assessment of the evidence and on their knowledge and expertise, which the hon. Member for Croydon Central said was preferable.

We expect that recommendation to address how the highest-risk buildings should be prioritised for assessment of the composition of, and risk associated with, their cladding systems. Ministers will consider the advice and make a final decision. The amendment would remove the ability to make regulations that enable the Bill's provisions to be commenced on different days for different purposes. That is, it removes the possibility of using regulations to ensure a staged commencement. I make no comment on whether and how the commencement might be staged, but the Government will not prejudge the advice of the task and finish group, or support any restrictions on the ability of the Secretary of State and Welsh Ministers to make informed decisions about when and how regulations are made to commence the provisions in the Bill.

I am particularly conscious that this morning the hon. Lady raised the issue of individuals who might, because of a sudden commencement, find themselves in some kind of limbo, and be unable to undertake property transactions for many years, given the scale of what is required. Notwithstanding that risk is the primary concern, some of those issues will have to be taken into consideration. I hope that gives the Committee a suitable explanation as to why the amendment should be withdrawn.

Sarah Jones: I will withdraw the amendment on the basis that there will be a task and finish group, but I stress that we have had a lot of groups, conversations and consultations. In my previous role in housing, we had 60 consultations on leasehold reform, yet we still do not have leasehold reform. We need to push this forward. Having some sense of when the Bill will commence and how it will be implemented would be helpful. It would also be helpful to know the implementation date, because that is not set out in the Bill. There is a lot of uncertainty, and we are putting a lot of faith in the experts and in the Minister to get this done as quickly as possible, but I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Sarah Jones: Very briefly—although, we are now doing well for time—I want to reiterate the point about the Bill not having a date for when the new requirements will come into force, aside from what is implemented and when. The Bill allows the Secretary of State to choose a date that is considered appropriate, and that makes us uncomfortable. Again, we need to do this as quickly as possible, because these are literally matters of life and death. That is the biggest issue with the clause; other than that, I am happy.

Kit Malthouse: Thank you, Mr Streeter—Sir Gary. [Hon. Members: "Hear, hear."] I apologise. Again, I acknowledge the impatience. It is worth remembering that the Bill is a technical clarification of a fire safety order that should be functioning well in the vast majority of circumstances. Although there are respectable views about disagreements on definition within the order, which is why we are seeking to clarify it, in the end there is still someone out there who has responsibility for safety in all these buildings. Although I recognise the impatience of the hon. Lady and other hon. Members to get it under way—we share their impatience—I would give that background.

The task and finish group should be reporting by the end of September. There will be more consultation legislation on the way. I realise that the hon. Lady is suffering a little from consultation fatigue. Nevertheless, these are complex issues dealing with effectively unravelling and reknitting a huge system of building safety regulation that has grown up over many decades and needs wholescale reform. It is therefore no surprise that if we want to get this right for the future and avoid any possibility of a future Grenfell, we need to ensure that we do the detailed work, which is what we are trying to do—hence this foundation stone today.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

New Clause 1

Public register of fire risk assessments

"(1) The Secretary of State must, by regulations, make provision for a register of fire risk assessments made under article 9 (risk assessment) of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541).

(2) Those regulations must provide that the register is—

(a) publicly available; and

(b) kept up-to-date.

(3) Regulations under this section are—

(a) to be made by statutory instrument; and

(b) subject to annulment in pursuance of a resolution of either House of Parliament."—*(Daisy Cooper.)*

This new clause would enable would-be renters and owners to check the fire safety status of their potential home, like the EPC register.

Brought up, and read the First time.

Daisy Cooper (St Albans) (LD): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 2—*Public register of fire risk assessors*—

"(1) The Secretary of State must, by regulations, make provision for a register of individuals who are qualified to make fire risk assessments under article 9 (risk assessment) of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541).

(2) Those regulations must provide that only persons on the register may make such assessments.

(3) Those regulations must provide that the register is—

(a) publicly available; and

(b) kept up-to-date.

(4) Regulations under this section are—

(a) to be made by statutory instrument; and

(b) subject to annulment in pursuance of a resolution of either House of Parliament."

This new clause would enable home owners to verify fire assessors qualified to conduct compulsory checks such as completing the EWS1 form, and would enable government and industry to assess the numbers of assessors to be trained.

New clause 7—*Accreditation of fire risk assessors*—

"The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to require fire risk assessors for any building which contains two or more sets of domestic premises to be accredited."

This new clause would require fire risk assessors to be accredited.

Daisy Cooper: New clauses 1 and 2, which stand in my name, are fairly self-explanatory. They both call for a public register: one for assessments, and the other for assessors. The Hackitt review said that risk assessments should not only be held by building owners, but be kept centrally with a public body such as a Government-appointed regulator. Chapter 4 of the Hackitt review refers to

"the need to rebuild public trust by creating a system where residents feel informed and included in discussions on safety, rather than a system where they are 'done to' by others… The interim report recommended that fire risk assessments should be carried out annually and shared in an accessible way with residents."

For something as vital as fire safety, that information should be readily accessible to current and prospective residents of the building, both for public trust and for the sake of enforcement. Of course, the most accessible way to present such assessments is on a public register. If the Government are not minded to support new clause 1, I would welcome assurances that they intend to introduce such a public register at some point.

New clause 2 would create a public register for fire risk assessors. Of the two clauses that I have tabled, this is by far the more urgent. We heard shocking evidence this morning from the FBU that there are still people calling themselves fire assessors who are going out and conducting fire assessments without being qualified to do so. The witness gave the example of a member of the union who died in a building that had reportedly been assessed by one of these non-qualified fire assessors. We cannot wait for the public register of fire risk assessors; we need it now. The practice by those who are not qualified must stop.

In 2018 the London Fire Brigade raised the issue of assessor numbers. The Fire Safety Federation talked about fears that there were overwhelming demands for ESW1 surveys. It is clear that most mortgage companies now require the ESW1 certificate before lending. Feedback from my constituents, from management agencies and from local government indicates that there is a severe shortage of professionals across the country who are insured to sign off the new survey. A new public register would not only help to build trust, but show Government and industry how many fire assessors we need to train. From the questions we asked this morning, it was clear that the current number of assessors is between 400 and 50,000. Those were the numbers we were given, which is why it is so important that we have a public register and that we have it now.

My constituents have told me about delays of between 12 and 18 months in getting ESW1 surveys, putting their lives on hold and leaving them in constant fear of living in a dangerous home. That is made all the worse for my female constituents who are pregnant and living in such homes, as well as those who fear a loss of income as we head into a pandemic recession.

My final point is that there is a precedent for both these public registers. We have a register for homes, in the form of the energy performance certificate, which operates in the same way. EPC certificates are publicly available on a Ministry of Housing, Communities and Local Government website. There is a register for domestic energy assessors and for energy performance certificates, so there is a precedent for such registers to exist. It is a simple proposal that could be adopted in exactly the same way, but for fire safety, which, from a safety perspective, is far more vital.

Sarah Jones: Thank you, Sir Gary—I did wonder whether that was the correct way to address you when you are in the Chair. I also forgot to say, "It is a pleasure to serve under your chairmanship."

The Chair: It never is. *[Laughter.]*

Sarah Jones: It is good to get these things right.

I welcome the two new clauses proposed by the hon. Member for St Albans, who speaks for the Liberal Democrats. We are coming from the same place and we all accept that having fire risk assessors who are not necessarily qualified in any way is completely unacceptable. We need to get to grips with that for many reasons, including those that she mentioned.

The register of fire risk assessments is slightly challenging because it would take a long time to get the assessments, to get it up and running and to get it done. That may be something for the future, but not now. Having a public register of fire risk assessors is a way of dealing with the problem. It is similar to our new clause 7, which is about having an accreditation system for fire risk assessors. That is probably one of the most important elements of our concern, and it was raised by Members on both sides of the House on Second Reading. I raised that concern in a conversation with the Minister and Lord Greenhalgh when I was first appointed, and I know that the Government are looking at it.

It is remarkable that there is currently no legal duty to have any kind of qualification before becoming a fire risk assessor. It could be argued that some parts of the role are relatively straightforward, such as checking whether there are obstructions in the way of fire exits. The Bill introduces the need for an understanding of

[Sarah Jones]

the nature of cladding; what it is made of and how it works. There is absolutely no way someone could assess that without being qualified.

Concerns have been raised for many years about private sector involvement, lack of qualification and a "race to the bottom" mentality. The fact that anyone can set up as a fire risk assessor to assess schools or care homes cannot be defended.

3.15 pm

Kit Malthouse: It is shocking.

Sarah Jones: I agree; it is shocking.

We have all seen examples, and one was given to us this morning. In 2017 an independent fire risk assessor was given a four-month jail sentence when a court described his assessment of a Cheshire care home as "woefully inadequate". In the same year, a private hire safety consultant was found to have given valueless risk assessments to several businesses in south Wales, putting people at serious risk of death because of poor escape routes, a lack of fire alarms and insufficient precautions to reduce fire and the spread of fire. In 2012 a fire risk assessor in Nottingham was fined £15,000 after it was found that fire precautions in two hotels he assessed were inadequate, potentially putting hundreds of lives at risk. I suspect there is much inadequacy that we do not know about because it has not come to light.

Therefore, what do we do about this? We propose a fire risk assessor accreditation system. There are ways of easily mapping skill levels and the competence of individuals that are used across many sectors. We could look at those and work with the experts to find the right balance. For many years, the further education sector has used regulated qualifications to train the workforce. Vocational qualifications, which have been around for many years, have been the main way of demonstrating that an individual has met a certain standard. I spoke at length to the chief executive of the British Woodworking Federation, who sits on the Build UK WG2 competence of installers working group in Government, which is looking at some of these issues and mapping the competence of an installer following the Hackitt review. It is looking at third-party certification routes, continuous professional development and different things that would be possible. There are relatively straightforward options through the Health and Safety Executive, Ofqual—there are all sorts of ways to do this.

In anticipation that the Minister might not accept the new clause, I ask him to take this matter seriously and accept that there is a problem that we must do something about. I also ask him to see it in the round with what on earth happens if it takes a long period of time to try to build up workforce expertise, with people potentially living in buildings without the piece of paper that tells them they can get insurance and mortgages, as the hon. Member for St Albans said. This job must be done—whether it is done now is for the Minister to decide—and it must be done sooner rather than later, to avoid deaths in the future.

Andy Slaughter: I agree with these sensible new clauses, because they would remedy the defects identified by the FBU and others in how the system currently works, by professionalising it and taking it seriously. Having said that, they would create another requirement to be actioned by the Government. Whether the Government accept the new clauses or not, I am sure that they wish to see fire risk assessments and mediation carried out properly and efficiently.

We heard evidence this morning from the Fire Safety Federation and the head of fire safety at the L&Q Group about how the system is working—or not working—in practice. Whether the Minister accepts the requirements, we seriously need to address the current investigation process. I say this with no disrespect to the witnesses, but I was not filled with confidence by them saying that the processes of assessment must be looked at, with is done either through the enforcers, the owners and the Government coming together, or through everyone doing their own bit, because it is simply not working at the moment.

I gave the example, which I will briefly amplify, of a block of some 400-plus flats owned by Notting Hill Genesis, a big housing association in London, with which some issues to be resolved have been found. Those issues are not the most serious issues; there is some timber construction and some cladding on the building. Most of the building is constructed of brick. The effect was that the building perhaps did not have as high a priority as more dangerous structures. The effect of that has been to set out for all residents, including those leaseholders who have sold or are trying to sell their properties, a process that goes through six separate stages: initial survey, survey review, developer engagement, project planning, specification and tender, and remedial works. That process could take as little as 16 months or up to 42 months, and only at the end of it would an EWS1 form be issued. I thought that was bad enough, but we heard from the head of fire safety at L&Q that they expect it to be 10 years before all the buildings in London are dealt with.

That situation cannot be allowed to continue, so I ask the Minister to ensure, when he looks at the issues raised by the new clauses, that we have competent and professional assessment of risk, and proper processes to carry out those assessments. We must also look at the speed at which that work is done, because the Government have found it necessary during the covid crisis, and previously during the housing crisis, which we see particularly in London but which exists generally across the country, to intervene with measures that help people either to get on the housing ladder, to upscale or to move; there need to be different types of packages in that regard.

That is needed here and now. This matter cannot be left to the relationship between leaseholders or tenants and their landlords or owners at the end of the building process; it must be for the Government to address. Otherwise, in what is already an extremely depressed and fractured housing market, this situation will cause further delay and misery. It is not just a case of people being forced to stay in properties that they do not want to stay in—they want to move, perhaps because their family is growing, or because they want to take up a job in another part of the country. This situation is causing real financial and social distress. That may be an unintended consequence of what is designed to be an efficient process, but the process is simply not working at the moment.

Kit Malthouse: My role on this Committee is obviously becoming clear: it is to manage Members' legitimate desire for urgent action and change, and to indicate that there is a process we need to go through in order to get this matter exactly right. I find myself in that position once again.

The fire safety order establishes a self-compliance regime. There is currently no requirement for responsible persons to record their completed fire risk assessments, save for limited provisions in respect of employers. They are simply required to record the significant findings of the assessment and any group of persons identified by the assessment as being especially at risk. The creation of a fire risk assessment register will place a new level of regulation upon responsible persons that could be seen as going against the core principles of the order, notably its self-regulatory and non-prescriptive approach.

There is also a question of ownership and maintenance, and where the costs of such a register would lie. A delicate balance needs to be struck. There are certainly improvements to be made, but we also need to ensure that such improvements are proportionate.

The Government acknowledge that there is work to be done to ensure that residents have access to the vital fire safety information they need in order to be safe and feel safe in their homes. People need to be assured that a suitable and sufficient fire risk assessment has been completed, and that all appropriate general precautions have been taken or will be taken.

I also say to potential buyers of leasehold flats that any good conveyancing solicitor would ask for sight of the fire risk assessment from the responsible person—the freeholder—as part of their pre-contract inquiries. If the assessment was not forthcoming, one would expect that the solicitor would advise their clients accordingly and that all due inferences would be made. I can assure the Committee that the fire safety consultation will bring forward proposals for the recording of the fire risk assessment and the provision of vital fire safety information to residents.

New clause 2 would create a public register of fire risk assessors and require the fire risk assessors to be accredited. I agree that there is a clear need for reform concerning fire risk assessors, to improve capacity and standards. I understand the probing nature of the new clause, so it may be helpful to outline work that is ongoing in the area of fire risk assessor capacity and capability.

Some hon. Members will be aware of the industry-led competency steering group and its working group on fire risk assessors. The group will soon publish a report, including proposals for creating a register, third-party accreditation and a competency framework for fire risk assessors. The Government will consider the report's recommendations in detail.

We are working with the NFCC and the fire risk assessor sector to take forward plans for addressing the short-term and long-term capability and capacity issues within the sector. I share hon. Members' alarm at the existence of unqualified fire risk assessors; one wonders how many decades this situation has been allowed to persist unnoticed by anybody in this House or by any Government of any hue. The fire safety consultation, which will be issued shortly—I have already committed to that—will bring forward proposals on competence issues.

To summarise, the right approach is for the Government first to consider the proposals of the competency steering group and its sub-groups in relation to a register of fire risk assessors and accreditation. The Government's position is that that work should continue to be led and progressed by the industry. I am happy to state on the record that we will work with the industry to develop it. Any future statutory requirements on fire risk assessors might be achieved through secondary legislation, which will offer us greater flexibility to add to it or amend it in the future. For those reasons, I intend to resist these new clauses.

Daisy Cooper: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 2

PUBLIC REGISTER OF FIRE RISK ASSESSORS

"(1) The Secretary of State must, by regulations, make provision for a register of individuals who are qualified to make fire risk assessments under article 9 (risk assessment) of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541).

(2) Those regulations must provide that only persons on the register may make such assessments.

(3) Those regulations must provide that the register is—

(a) publicly available; and

(b) kept up-to-date.

(4) Regulations under this section are—

(a) to be made by statutory instrument; and

(b) subject to annulment in pursuance of a resolution of either House of Parliament."—*(Daisy Cooper.)*

This new clause would enable home owners to verify fire assessors qualified to conduct compulsory checks such as completing the EWS1 form, and would enable government and industry to assess the numbers of assessors to be trained.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 9.

Division No. 1]

AYES

Buck, Ms Karen	Eshalomi, Florence
Cooper, Daisy	Jones, Sarah
Duffield, Rosie	Slaughter, Andy

NOES

Bacon, Gareth	Moore, Damien
Britcliffe, Sara	Saxby, Selaine
Lewer, Andrew	Simmonds, David
Longhi, Marco	Tomlinson, Michael
Malthouse, Kit	

Question accordingly negatived.

New Clause 3

PROHIBITION ON PASSING REMEDIATION COSTS ONTO LEASEHOLDERS AND TENANTS

"The owner of a building must not pass the costs of making any remedial work attributable to the provisions of this Act on to any leaseholders or tenants of that building."—*(Daisy Cooper.)*

The purpose of this new clause is to stop freeholders passing on remediation costs to leaseholders and tenants, such as through demands for one-off payments or increases in service or other charges.

Brought up, and read the First time.

Daisy Cooper: I beg to move, That the clause be read a Second time.

New clause 3, by my own admission, is a rather blunt instrument—I put that down to the fact that I joined the Committee at rather short notice last week. I would not want to invite the law of unintended consequences, which the new clause does slightly, and prohibit people from paying towards something that might actually help them to move house if they wanted to do so. The purpose of the new clause is to seek to draw the Government's attention to the question of who has financial responsibility. It is one that we discussed this morning, and to which there were no clear recommendations or answers from those who gave evidence.

The Bill puts the onus for fire safety on the building owner, but not enough has been said about who should take the financial burden of the measures that follow. The fact is that, despite the responsibility of the freeholder, building insurance premiums that residents may have paid for years, valid nuclear new build warranties, financial burden—all those things—it has been shifted and shirked, and ultimately the financial burden seems to land upon their tenants and leaseholders.

In my constituency of St Albans, one residents' association has been told that every individual leaseholder will probably face extra charges of around at least £20,000 each per flat. Some of their service charges have already increased sixfold since the tragedy of 2017. Those service charges have increased in preparation for the necessary works, and I hope that the Government will agree that in a property market that is already so financially challenging, with the pandemic recession just ahead of us, to be hit by a further bill of £20,000 is completely unacceptable and, for some, completely impossible.

3.30 pm

More needs to be done to protect those leaseholders, and others like them around the country, from being totally and utterly financially crippled. We heard from the National Fire Chiefs Council that disputes over the liability for remediation costs are very likely without access to funding. We heard from the L&Q Group this morning that the Government should exhaust all options before passing the costs on to leaseholders, and that that needs to be done ideally through Government support. There seemed to be a lot of consensus that without Government support we will end up with very complicated lease arrangements.

My constituents, and many others around the country, are in a completely impossible position. They are struggling to, or cannot, extend their mortgage to pay this large one-off fee. However, they also cannot sell their flat without the EWS1 certificate. They feel trapped in an unsafe building, while having to try to find the funds to pay the escalating service charges that they simply cannot afford. That simply cannot be right.

Sarah Jones: I want to put on record our support for the notion that leaseholders have been incredibly hard done by in recent years. They are championing their cause through incredibly powerful campaign groups, and we have heard over the past three years of the costs that have been put on them to remove cladding. It is extraordinary. In new clause 4, I try to ensure that they are not part of the definition of the responsible person in the legislation.

I agree with the premise of the new clause proposed by the hon. Member for St Albans, but having been the shadow housing Minister for three years, looking at the issues of leasehold and freehold and working with the Law Commission and with lawyers to try to unpick some of the legal issues, I think that it would be a challenging new clause to accept as it is, without significant compensation having to go to freeholders. I think the hon. Lady is probably right to describe it as being a blunt instrument, but I agree about the impossible position of leaseholders being faced with more costs when they are struggling so much.

Andy Slaughter: I applaud the hon. Member for St Albans for bringing the matter to the Committee's attention, although the new clause may not quite be the way to deal with the issue in law. I say that because although Government have made funds available in a drip by drip way—it is quite a substantial amount of money, so perhaps drip by drip is the wrong phrase—it is an inadequate sum to deal with the necessary remediation.

The way in which the funding relating to ACM and other types of cladding has been announced to social landlords and then private landlords has not only created some degree of confusion, but meant that there are huge gaps in terms of accessibility to funds to leaseholders and freeholders for carrying out remediation work. Therefore, landlords—not the worst landlords, necessarily; in some ways, it could be the better ones—are seeking to deal with remediation works in relation to blocks that do not fall within the fairly restrictive criteria that the Government have set. They are saying, "Yes, we will remove cladding, or do other works, but it isn't covered by the Government's building funds at the moment. We will therefore look, with section 20 notices or in other ways, for leaseholders to carry the costs."

We are right to draw attention to this point, and I hope that the Minister will respond to it. He has been reading out his ministerial brief, which is all to the good because we need to put it on the record, but it would be quite good for him to respond to some of the points spontaneously made by Opposition Members.

The Lord Commissioner of Her Majesty's Treasury (Michael Tomlinson): My hon. Friend has done both

Andy Slaughter: I say that because, in the previous debate, there were issues to do with the speed at which the process is going, and I do not think the Minister responded to my points about that nor to those about the qualifications of assessors. If he intends to resist the new clause, which I suspect he probably is, he needs to deal with the issue of leaseholders who, faced with the prospect of bills, cannot then be advised "Go to the Government funds", because such funds are not available for those purposes.

The Chair: I call on the Minister to read out his brief. *[Laughter.]*

Kit Malthouse: Sir Gary, the hon. Member for Hammersmith knows the impositions put on Ministers of the Crown as to what they can and cannot say in public. Legal interpretations emanate from their words, such is the importance of the things that we say in this

place, and many legal cases have been decided on the words, imprecise or otherwise, of a Government Minister in a Committee such as this, so we try very hard to be precise. I should point out that, although I previously had responsibility for this portfolio when I was Housing Minister, I am covering for a Minister who is shielding at the moment. Hence I have to make sure that the words I use are broadly those that he would use as well.

Andy Slaughter *rose—*

The Chair: Mr. Slaughter is going to apologise.

Andy Slaughter: I was seeking to flatter the Minister. We not only want to hear from the civil servants; we also want to hear from him.

Kit Malthouse: Notwithstanding the fact that the hon. Member for St Albans obviously recognises that this blunt instrument, as she put it, might result in unintended consequences, not least driving a coach and horses through the notion of privacy of contract, which is a fundamental part of our economy and legal system, I recognise her aspiration and the obvious concern and distress that there has been across the country among people who have been caught in the nightmare. As the hon. Member for Croydon Central knows, as Housing Minister for 12 months I wrestled with that issue and lobbied the then Chancellor of the Exchequer with increasing ferocity that the Government should step in to assist, which we have now done. My efforts, along with those of my right hon. Friend the Member for Old Bexley and Sidcup (James Brokenshire), who was then the Secretary of State for Housing, Communities and Local Government, managed to secure the first £600 million of the £1.6 billion now pledged for remediation of various types of cladding.

I should point out that the funding does not absolve the industry from taking responsibility for any failings that led to unsafe cladding materials being put on buildings in the first place. We still expect developers, investors and building owners who have the means to pay to take responsibility and cover the cost of remediation themselves without passing on the cost to leaseholders. We committed in a recent Government response to the building safety consultation to extend the ability of local authorities and the new regulators to enforce against building work that does not comply with the building regulations from two years to 10 years. Further details will be set out in the draft building safety Bill when it is published next month. The new regime in that Bill is being introduced to prevent such safety defects from occurring in the first place in new builds and to address systematically the defects in existing buildings. Moreover, as part of any funding agreement with Government, we expect building owners to pursue warranty claims and appropriate action against those responsible for putting unsafe cladding on the buildings. In doing that we are not only ensuring that buildings are made safe and that residents feel safe, and are safe, we are ensuring that the taxpayer does not pay for the work that those responsible should fund or can afford.

I appreciate the intent of the new clause, particularly to protect leaseholders from the very high cost of removing and replacing cladding. That is why we have made £1.6 billion available to cover the costs, particularly where experts say that they represent the highest risk, and we are working with industry to identify what funding structures would be most appropriate to help cover the cost of further remediation work. Leaseholders should not have to face unmanageable costs. The Secretary of State for Housing, Communities and Local Government will provide an update on the work when he presents the draft building safety Bill to Parliament before the recess. I ask that Members recognise the complexity of this policy area, which cannot be solved, I am afraid, through the new clause. Indeed, it would make owners who, in some cases, would include leaseholders, responsible for funding any and all remediation work. For example, service and maintenance charges would at present meet the costs of safety work required as a result of routine wear and tear, such as worn fire door closers. Under the new clause, those costs would fall to building owners. I hope that hon. Members will agree there are more effective ways of achieving the same aim, which we all share, and I therefore hope this clause can be withdrawn.

Daisy Cooper: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 4

MEANING OF RESPONSIBLE PERSON

"In article 3 of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) (meaning of responsible person"), at the end of paragraph (b)(ii) insert—

'(2) Where a building contains two or more sets of domestic premises, a leaseholder shall not be considered a responsible person unless they are also the owner or part owner of the freehold.'"—*(Sarah Jones.)*

This new clause aims to clarify the definition of 'responsible person' to ensure leaseholders are not considered a responsible person unless they are also the owner or part owner of the freehold.

Brought up, and read the First time.

Sarah Jones: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 5—*Single assessment of risk*—

"In article 9 of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) (risk assessment), after paragraph (3) insert—

'(3A) Where a building contains two or more domestic premises, any person identified as a responsible person in relation to any part of the building must co-operate with other responsible persons to obtain a single assessment of risk relating to the building as a whole.'"

This new clause seeks to create a requirement that, where a building contains two or more domestic premises and there are multiple responsible persons, a fire risk assessment should be a single document in instances.

Sarah Jones: New clause 4 also relates to leaseholders, and I think what it proposes is quite straightforward, easy to do and something that the Government could put on the face of the Bill relatively easily.

On Second Reading, the definition of a responsible person was raised again by Members from across the House. There were worries about the ambiguity of that

[Sarah Jones]

definition, and about the risk that the responsible person might seek to use any such confusion or ambiguity to avoid their responsibilities under the Bill. There is a worry that leaseholders might be defined as the responsible person, which they are not unless leaseholders have collectively bought the freehold; that model is not used much, but it does exist. The point of this new clause is simply to ensure that unless that model exists—unless leaseholders have bought the freehold—leaseholders are not the responsible person. It is a relatively straightforward clause, and I cannot see that it would cause any problems.

I suspect that new clause 5 is a probing one, because there are many complex types of buildings, with different types of ownership within them. A block may well contain council housing, housing associations, leaseholders, and—although not part of the Bill—commercial premises within residential premises. All those different types of ownership within a block creates a complex situation when it comes to making the "responsible person" responsible for ensuring the safety assessment is done for the entire building. This clause is a question and challenge to the Government: how will the Bill work when we have all these levels of complexity, including commercial premises, different types of residential premises and different problems with access? This relates in part to some of the issues we were talking about this morning, such as getting access to domestic properties, but there are blocks in my constituency where half of the block is housing association, and half is a mix of all kinds of other private housing. We are worried about how that is going to work in real life when this legislation is introduced, so that is the point of new clause 5.

Kit Malthouse: The fire safety order places the onus on the responsible person to identify and mitigate fire risks. For the most part, it engages responsibility for fire safety in line with the extent of control over a premises or part of a premises. That is the underlying principle.

In multi-occupied residential buildings, the leaseholder of a flat is unlikely to be a responsible person for the non-domestic premises. The exceptions to this would be where they own or share ownership of the freehold, as is acknowledged in new clause 4. However, the leaseholder can be a duty holder under article 5 of the order. This will be determined according to the circumstances in any particular case. This Bill does not change that arrangement; it does, of course, clarify that the order applies to the flat entrance doors. Depending on the terms of a lease or tenancy agreement, responsibility to ensure the door complies with the requirements of the order could therefore fall to the responsible person for the building, having retained ownership of the doors, or the tenant or leaseholder as a duty holder. The lease can also be silent.

Legislating for the removal of the leaseholder as a responsible person, or indeed duty holder, would undermine the principles of the order. It could leave a vacuum when it comes to responsibilities under the order, and therefore compromise fire safety. However, as part of our intention to strengthen the fire safety order, we will test further some of the relevant current provisions of the order with regards to flat entrance doors in order to support compliance, co-operation and, if necessary, enforcement actions. The NFCC has offered to support these considerations; again, the fire safety consultation is the right place for us to take such matters further. The Government are committed to ensuring that sufficient guidance and support is given to those regulated by the order. That is why the Home Office, working alongside our stakeholders, has established a guidance steering group that will be responsible for recommending, co-ordinating and delivering a robust and effective review of all the guidance provided under the order.

3.45 pm

Article 9 of the fire safety order currently requires all responsible persons or duty holders to complete a "suitable and sufficient" fire risk assessment to ensure the fire safety of the premises for which they are responsible. Where there are multiple responsible persons in one premises, the order requires them to co-operate and co-ordinate with all other persons in order to enable compliance

"with the requirements and prohibitions imposed on them by or under"

the fire safety order. A responsible person is also required to

"take all reasonable steps to inform the other responsible persons concerned of the risks to relevant persons arising out of or in connection with the conduct by him of his undertaking."

I wish I could extemporise the technical detail for the hon. Member for Hammersmith; sadly, even that is beyond me. The intention of the articles is to ensure a suitable and sufficient fire risk assessment is completed that considers and accounts for the impact that other parts of the premises may have on the fire safety of the building as a whole. From the responses to the 2019 call for evidence, we acknowledge the difficulties faced by responsible persons in complying with the duty to co-operate. We have considered in much detail the responses provided in the call for evidence on co-operation, and we have developed proposals to address these issues.

The fire safety consultation will set out specific proposals to address those and other issues raised in the 2019 call for evidence, and it is of the utmost importance that the fire risk assessments provide robust and accurate assessments of the fire safety of a premises as a whole, regulated by the order. That is why we want to ensure that the steps we take are informed by the people they will impact, and that they can have a say on how best we can address the issues raised from the call for evidence. I will, however, ask officials to reflect on the comments that have been made this afternoon, and to ensure that they and any additional issues that have been raised are incorporated in the consultation. On that basis, I hope the new clause will be withdrawn.

Sarah Jones: I feel like we are being beaten down with consultations, steering groups and promises of honey to come. I know it is complex and there a lot of questions to answer. The basic premise of new clause 4 is that, where there is a freeholder, the leaseholder should not be the responsible person. I know there are complexities with that: who is responsible for the front door, and how does it all work? That all needs to be ironed out, but there is a basic principle in the new clause. Given the Minister's proposal to go back and talk to officials, however, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 6

DUTIES OF OWNER OR MANAGER

"The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to require an owner or a manager of any building which contains two or more sets of domestic premises to—

(a) share information with their local Fire and Rescue Service in respect of each building for which an owner or manager is responsible about the design of its external walls and details of the materials of which those external walls are constructed;

(b) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake regular inspections of individual flat entrance doors;

(c) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake regular inspections of lifts and report the results to their local Fire and Rescue Service; and

(d) share evacuation and fire safety instructions with residents of the building.*"—(Sarah Jones.)*

This new clause would place various requirements on building owners or managers, and would implement the recommendations made in the Grenfell Tower Inquiry Phase One Report.

Brought up, and read the First time.

Sarah Jones: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 9—*Inspectors: prioritisation*—

"In discharging their duties under article 27 of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) (powers of inspectors) in relation to any building which contains two or more sets of domestic premises, an inspector must prioritise the premises which they consider to be at most risk."

This new clause would require the schedule for inspecting buildings to be based on a prioritisation of risk, not an arbitrary distinction of types of buildings.

Sarah Jones: The new clause does what the Government say will come later: it puts on the face of the Bill the recommendations made in the Grenfell Tower inquiry phase 1 report. At the beginning of June, the MHCLG announced that it was preparing to open a public consultation on recommendations for new fire safety regulations emerging from the Grenfell Tower inquiry. In a letter to Martin Moore-Bick, the Prime Minister gave assurances that action on the findings of the inquiry's first report "continues at pace". However, the Government had already promised in October 2019 to implement the inquiry's recommendations in full and without delay. Failing to include the simpler recommendations for the Bill, such as inspections of fire doors and testing of lifts, is a breach of their commitment to implement the recommendations without delay.

Only this week we saw alarming statistics that underline the urgency of implementing the recommendations. Of more than 100,000 doors in about 2,700 buildings across the UK inspected by the fire door inspection scheme in 2019, 76% did not comply with building regulations and about one in six, or 16%, were not even proper fire doors. Nearly two thirds, or 63%, of the buildings also had additional fire safety issues. Those are huge challenges. We need to move as quickly as possible to implement the recommendations.

Earlier this month, the Secretary of State for Housing, Communities and Local Government said that the Bill

"provides a firm foundation upon which to bring forward secondary legislation".—[*Official Report*, 2 June 2020; Vol. 676, c. 41WS.]

The Minister has taken the same approach, but there is no timetable for when everything else will happen. There are lots of committees, consultations and groups looking at these things, but it is not acceptable that after the promise of "without delay" in October 2019, we still have not moved on those issues by the middle of summer 2020.

I do not understand, and it would be good for Minister to explain, why we would not put such provisions in the Bill. They have the support of the organisations that we heard from this morning. It is just a case of putting things up front in the legislation, rather than waiting for an undefined time that may or may not come at some point in the future.

The new clause would require an owner or manager to

"share information with their local Fire and Rescue Service in respect of each building for which an owner or manager is responsible about the design of its external walls and details of the materials of which those external walls are constructed…in respect of any building for which an owner or manager is responsible which contains separate flats, undertake regular inspections of individual flat entrance doors…in respect of any building for which an owner or manager is responsible which contains separate flats, undertake regular inspections of lifts and report the results to their local Fire and Rescue Service; and…share evacuation and fire safety instructions with residents of the building."

It just pushes faster and implements more quickly the action that the Government have committed to implementing. I press the Government to accept that that is possible, or to set out exactly when those things will become part of legislation.

David Simmonds: I have similar feelings about new clause 6 as I had about amendment 1. There is a risk that by seeking to be precise, we may create additional gaps in the legislation. Looking at the list, it would be clear to anybody with experience of the issue in a wider context that many other issues would come into consideration in such circumstances.

For example, the London Borough of Hillingdon had to go to court on 16 occasions last year to gain access to tenants' properties to undertake essential safety-critical work on gas installations. If we were to define the duties that we are placing on the responsible individuals, the list would be extremely long. I have heard the Minister talk on the issue and I know that, with his local government experience, he is well aware of the context.

The properties to which the legislation will apply are hugely diverse, as are the risks that they offer. I therefore strongly believe that the new clause is another example where we are better off having a broader-brush piece of legislation that provides the opportunity to catch every set of circumstances flexibly, rather than being unnecessarily specific and risking missing out things that might turn out to be safety-critical.

Andy Slaughter: Thank you, Sir Gary. I apologise for referring to you as Mr Streeter throughout.

The Chair: You can call me whatever you like.

Andy Slaughter: I will get it right before the end.

I have a brief comment about new clause 9, which goes to the heart of our discussion. It says that where there are

"two…sets of domestic premises, an inspector must prioritise the premises which they consider to be at most risk".

That echoes what Mr Carpenter, the head of fire safety at L&Q, said in evidence this morning, and it must be right. It also mirrors the debate that we are having about covid-19 and the balance between the health implications and the economic implications. If all our eggs are put into the basket of buildings where there is believed to be a singular risk or multiple risks, there will be all the consequences we have already discussed relating to delays to sale and so on for buildings with a more marginal risk that nevertheless need remedial work. The Government have to grasp that dichotomy and say how they propose to deal with it.

At the moment individual landlords are dealing with it in their own way. My local authority, for example, has gone far beyond what are considered to be minimum standards. It has something called a fire safety plus programme, which means that fire safety experts visit tenants to check electrical and fire detection appliances. They replace white goods for free if they are faulty. I referred earlier to problems with flame failure devices, where gas leaks can occur, and the authority has now incorporated checks of all gas devices into annual boiler checks.

Some responsible landlords, and particularly social landlords such as Hammersmith and Fulham Council, take those responsibilities seriously and prioritise those matters. However, that has to happen across the board and not be left to landlords' good will, as it were, or their responsible action. It has to be something that the Government enforce. It would be useful to include that with new clause 9 and provide for such prioritisation in the relevant circumstances. However—and yes, this is cake-and-eat-it, but this is a cake-and-eat-it Government, so I am sure they can incorporate it—we cannot forget those tenants or leaseholders who are at the back of the queue and who, as Mr Carpenter said at column 14 in the first sitting of the Committee, may be waiting 10 years for remedial work to take place. I should be interested to hear the Minister's response to that—both whether he agrees with the content of new clause 9 with respect to prioritisation, and what he would do as a consequence.

Kit Malthouse: As the hon. Member for Croydon Central has pointed out, the Prime Minister has accepted the outcome of the Grenfell inquiry. However, Sir Martin Moore-Bick's report stated that his recommendation should command the support of those with experience of the matters to which they relate. That means that we need to make sure that everyone is on board with the proposals as we take them forward.

Our intention is to enact the proposals, subject to the views of the consultation, under article 24, which specifically requires the Secretary of State to

"consult with such persons or bodies of persons as appear to him to be appropriate."

Once again I acknowledge the impatience of the hon. Lady and everyone else in the Committee to get on with it, and get the Grenfell inquiry measures in place, but there are stages that we need to go through to make sure that we get the measures right and to ensure that the changes made to building safety will be cultural as well as legislative and structural. That is an issue that became clear during my time as Housing Minister. The entire sector has to acknowledge its moral and legal duties for the safety of those in its care, whether that is in the design, building, management or maintenance of properties. That means we need to make sure everyone is bought in.

On new clause 9, I do not dispute the need to ensure that resources and enforcement activity are targeted, but I dispute the need for legislation to do so. Fire and rescue authorities are in the business of managing risk and are accountable for how they do so. The fire and rescue national framework for England requires fire and rescue authorities to have a locally determined risk-based inspection programme in place, for enforcing compliance with the order. It sets out the expectation that FRAs will target their resources on those individuals or households at greatest risk from fire in the home and on those non-domestic premises where the life safety risk is greatest. In parallel, the regulators' code states that all regulators should base their regulatory activities on risk, take an evidence-based approach to determine the priority risks in their area of responsibility, and allocate resources where they would be most effective in addressing those priority risks.

We acknowledge the vital work that local FRAs do and the NFCC has done, and will continue to do, to ensure that building owners are taking all necessary steps to make sure that those living in high-rise buildings are safe and feel safe to remain in their homes.

4 pm

The building risk review programme, which will see all high-rise residential buildings reviewed or inspected by fire and rescue authorities by the end of 2021, is a key part of this work. The programme will enable building fire risks to be reviewed and data to be collected to ensure that local resources are targeted at those buildings most at risk. It will also provide reassurance to residents that the risks in their buildings have been assessed and appropriate action has been taken.

We have provided £10 million of funding to support the work—not only to facilitate the review of all buildings, but to support the strengthening of the NFCC central strategic function to drive improvements in fire protection. This is in addition to a further £10-million grant to support the bolstering of fire protection capacity and capability within local fire and rescue services. The funding has been allocated based on the proportion of higher-risk buildings, further demonstrating the need to target resources at the risk.

In summary, the Government's position is that adequate arrangements are in place to ensure that enforcement authorities target their resources appropriately and are accountable for their decisions without the need to make it a statutory requirement. I ask that the new clause be withdrawn.

Sarah Jones: I hear what the Minister says—there are stages that we need to go through to get this right—but the Bill has no date for its commencement, so we could put this provision in the Bill and then do the things that need to be done in order to bring it into force at the time

that the Secretary of State deems right. Therefore I would, on this new clause, like to test the will of the Committee.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 9.

Division No. 2]

AYES

Buck, Ms Karen	Eshalomi, Florence
Cooper, Daisy	Jones, Sarah
Duffield, Rosie	Slaughter, Andy

NOES

Bacon, Gareth	Moore, Damien
Britcliffe, Sara	Saxby, Selaine
Lewer, Andrew	Simmonds, David
Longhi, Marco	Tomlinson, Michael
Malthouse, Kit	

Question accordingly negatived.

New Clause 7

ACCREDITATION OF FIRE RISK ASSESSORS

"The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to require fire risk assessors for any building which contains two or more sets of domestic premises to be accredited."—*(Sarah Jones.)*

This new clause would require fire risk assessors to be accredited.

Brought up, and read the First time.

Sarah Jones: I beg to move, That the clause be read a Second time.

New clause 7 is about fire assessors being accredited. Again, I heard what the Minister said: there is the competency steering group; we are going to bring forward these kinds of changes. I think that we could be doing that sooner rather than later, so I would like to test the will of the Committee on this new clause, too.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 9.

Division No. 3]

AYES

Buck, Ms Karen	Eshalomi, Florence
Cooper, Daisy	Jones, Sarah
Duffield, Rosie	Slaughter, Andy

NOES

Bacon, Gareth	Moore, Damien
Britcliffe, Sara	Saxby, Selaine
Lewer, Andrew	Simmonds, David
Longhi, Marco	Tomlinson, Michael
Malthouse, Kit	

Question accordingly negatived.

New Clause 8

WAKING WATCH

"The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to specify when a waking watch must be in place for any building which contains two or more sets of domestic premises and which has been found to have fire safety failings."—*(Sarah Jones.)*

This new clause would require the UK Government (for England) and the Welsh Government (for Wales) to specify when a waking watch must be in place for buildings with fire safety failures.

Brought up, and read the First time.

Sarah Jones: I beg to move, That the clause be read a Second time.

New clause 8 refers to an issue about waking watch that has been raised with us many times by struggling leaseholders. The aim of the new clause is to clarify exactly when a waking watch must be in place and when one should not be. We have seen since Grenfell that this involves a huge number of buildings; tens of thousands of people are living in blocks where some kind of remediation work is necessary and so a waking watch has been put in place. There are lots of concerns about waking watch in general. How qualified are the people doing the job, and are there enough of them? Is it a suitable alternative to the work that needs to be done?

Many leaseholders have told us that there are conflicting instructions on whether people should have waking watch, depending on where you are and which block you live in. The National Fire Chiefs Council says that waking watch should be temporary, but there are residents living in blocks that have had a waking watch for nearly three years, at huge cost. I have spoken to leaseholders who are paying £14,000 a year for the waking watch. In one galling case, residents on the block spent £700,000 on waking watch, but when the building was tested, it was found to be safe, so they spent a lot of money collectively for something that they never actually needed in the first place.

We will clearly not remove all the cladding that needs to be removed for some time, given that the issue it is not just ACM cladding, but HPL and other forms, too. Those things take time and we do not have enough people to do the work. What will happen in that time? Do people really have to pay that much money for that long when, in some areas, people are told they need a waking watch, and in others, they are not? Other questions remain about whether people can have other alarm systems that would mean not paying as much. People are going bankrupt paying for something that is supposed to be temporary but is not needed or the best thing for them to do.

Through the new clause, we are saying to the Government that this issue has been raised many times. There is inconsistency about the waking watch and how it is applied. In any case, it is not supposed to be in place for only a short period, not three years. The issue was raised by Government Members on Second Reading and has been raised in housing questions for some time. We want a system where it is clear what waking watch is for and what it is not for, to resolve inconsistencies.

Kit Malthouse: I should start by acknowledging the issue of waking watch. It is obviously very serious. In my previous position as Housing Minister, I met a number of groups that were struggling to pay for waking watch. I will speak later about what the Government are doing to support its proper use. I acknowledge the issue the hon. Member for Croydon Central raised, and I am sorry for the particular story she pointed to. However, expanding the scope of the Bill with this new clause is not the best way to achieve what she seeks.

[Kit Malthouse]

There are significant issues with the wording of the new clause. First, it would introduce a regulation-making power that "must" be exercised to amend the fire safety order. Further, the term "fire safety failings" is very broad and subject to interpretation. There could be several circumstances where there is a fire safety failure that would not warrant the imposition of a waking watch—for example, cases where only a faulty fire door or smoke detector needed replacing. In such circumstances, swift remedial action can be undertaken, but the wording makes no distinction between fire safety failures.

Aside from the wording, we oppose putting this provision in primary legislation in any event. A decision on the use of waking watch is a matter for the responsible person when considering how to achieve compliance in particular premises. That decision must factor in the circumstances of the premises and other fire protection measures in place. Auditing for compliance is ultimately an operational issue, best dealt with by the relevant enforcing authority on a case-by-case basis. Specific circumstances will dictate what form of remedial action is necessary. The fire safety order already provides for an appropriate enforcement action to be taken. To impose a prescriptive legislative requirement of this type would be unhelpful and, worse, potentially inhibit an enforcing authority from taking the most appropriate action.

We are, however, taking forward work in conjunction with the NFCC on waking watches; it might reassure Members if I outlined it briefly. First, the NFCC is updating its guidance on waking watches. Once that guidance is available, we will ask fire protection boards to advise fire and rescue services on how best to ensure the guidance is implemented on the ground by responsible persons. That will include looking into other measures, such as installing building-wide fire alarm systems to reduce the dependency on waking watches wherever possible.

We are also looking to publish data on the costs of waking watches. That will ensure transparency on the range of costs, so that comparisons can be clearly made. Our aim is to help reduce the over-reliance on waking watch and, where it is necessary, reduce costs.

Furthermore, as Committee members may be aware, we are already working with the NFCC and fire and rescue services to undertake a building risk review programme on all high-rise residential buildings of 18 metres and above in England, which will ensure that all such buildings are inspected or reviewed by the fire service by the end of next year. It should give residents in high-rise blocks greater assurance that fire risks have been identified and action taken to address them, reducing the need for waking watches and other interim measures.

Essentially, we find ourselves in the same argument that my hon. Friend the Member for Ruislip, Northwood and Pinner has raised on a number of occasions: by being prescriptive, we create a situation where anomalies may occur and lacunae open up in the fire safety framework, of which this foundational Bill is meant to be the keystone—or whatever firm word we want to use—for the future. For that reason, we hope that this new clause will also be withdrawn.

Sarah Jones: Heaven forbid that lacunae should open up! I immediately withdraw the new clause. I completely understand the point about this being a matter for the responsible person. The issue is that the freeholder is the responsible person, and the leaseholder is the one who has to pay, so there is a problem there.

I welcome the work that the Government are doing in trying to shine a light on some of the issues about costs; we have heard all kinds of accounts of different costs for the same job, so shining some light on that would be helpful. I think this is an issue that needs to be pushed, but I am happy to beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Question proposed, That the Chair do report the Bill to the House.

The Chair: Colleagues, we have done well. If anyone wishes to say anything pleasant about officials at this stage, that is the usual course of events.

Kit Malthouse: Strangely, the officials have not provided me with a script of nice things to say about them. First, I am obviously grateful to all Members of the Committee for the constructive way in which our proceedings have taken place and to you, Sir Gary, for your benign chairmanship.

This is obviously a difficult and complex piece of work, and while we see the emanation of it in the clauses and the various bits of legislation that come before us, a whole team of officials at both the Home Office and MHCLG has been beavering away on this for some time, engaging with various industry groups and often with affected residents who are in distress, in as sensitive and proportionate a way as possible. I know the Committee express their appreciation for all that work as well.

I hope, as we move into the next phase of this very important journey and this enormous reform to the system, we can continue with not only that very forensic work that officials have done to put us in this position, but the collegiate and co-operative political atmosphere. As I say, this is a situation that, unfortunately, has arisen over a number of decades, under Governments of all colours, and it behoves us all as a political class to put it right.

Sarah Jones: I will be brief; my hon. Friend the Member for Canterbury has put her jacket on, so I know it is time. I thank the officials who have helped me to find my way through this, not least when the House adjourned at 5.30 pm on Monday instead of 10.30 pm as normal, since that was the deadline by which we had to table amendments. There was a particular pickle at that moment, but the officials were incredibly helpful. Thank you, Sir Gary, for your chairmanship.

I will finish by saying again that we welcome this piece of legislation. We wish things had gone a lot further and faster. There is a lot more to be done, and we are very hungry to see it done and happy to help the Government in any way we can to get it done. We all keep top of mind the people who lost their lives in the Grenfell Tower fire. That is what we are here for, and we must therefore act as quickly and as well as we can.

The Chair: Thank you very much. I know the whole Committee will endorse those remarks. I also thank Yohanna for her excellent clerking of the proceedings.

Question put and agreed to.

Bill accordingly to be reported, without amendment.

4.16 pm

Committee rose.

Written evidence reported to the House

FSB01 Fire Brigades Union
FSB02 Institution of Engineering and Technology ('IET')
FSB03 Fire Sector Federation
FSB04 National Fire Chiefs Council (NFCC)
FSB05 British Property Federation
FSB06 Greater Manchester Fire and Rescue Service
FSB07 National Housing Federation