

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FIRE SAFETY BILL

First Sitting

Thursday 25 June 2020

(Morning)

CONTENTS

Programme motion agreed to.
Written evidence (Reporting to the House) motion agreed to.
Motion to sit in private agreed to.
Examination of witnesses.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 29 June 2020

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The Committee consisted of the following Members:

Chairs: † SIR GARY STREETER, GRAHAM STRINGER

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

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

<i>Date</i>	<i>Time</i>	<i>Witness</i>
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 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 Lakeland 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 one, 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.

