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The professional voice of the
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Mr Clive Betts MP
Chair
Housing, Communities & Local Government Select Committee
House of Commons
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Sent via email to: hclgcom@parliament.uk

29 June 2018

Dear Mr Betts,

Independent Review of Building Regulations Oral Evidence Session 27 June 2018

On behalf of the National Fire Chiefs Council, (NFCC), thank you once again for inviting us to provide evidence to the Committee regarding the Independent Review of Building Regulations and Fire Safety. At the close of the evidence session you invited panel members to provide any further written evidence we felt appropriate.

As covered in our evidence, in relation to the Government's recently published consultation about flammable cladding, we understand the intention is to offer even greater certainty to concerned residents and to the construction industry. The NFCC support any measure that improves the safety of people in buildings and so we would be supportive of this approach.

While we welcome any approach from the Government to make the guidance more accessible, we would like to make clear that combustible materials are already banned under current building regulations and Approved Document B.

NFCC are of the opinion that the Regulation B4(1) is clear the external walls of the building should adequately resist the spread of fire over the walls and from one building to another, having regard to the height use and position of the building.

There seemed also to be some confusion that Dr Barbara Lane's report submitted to the Grenfell Tower Public Inquiry was unclear on this point.

We would like to draw the Committee's attention to passages in Dr Lane's report where she clearly states that the materials installed on Grenfell Tower did not comply with current building regulations. This can be found in section 11 of [Dr Lane's report](#), and the relevant passage is included below for ease of reference.

Excerpt from Dr Barbara Lane's report to the Grenfell Tower Public Inquiry

11.2.27 I have concluded that, based on the test evidence submitted to the Public Inquiry at this time, and as that test evidence is relevant to the materials installed on Grenfell Tower:

*a) the specified and installed insulation, rainscreen cladding panels and cavity barriers **did not comply** with the provisions made in Section 12 of the Approved Document B 2013.*

*b) the specified and installed insulation, rainscreen cladding panels and cavity barriers **did not comply** with the functional Requirement of B4 (1) of the Building Regulations.*

Following discussion around parts 12.6 and 12.7 of Approved Document B, we would also highlight that concentrating on the meaning of words in 12.7 diverts attention away from the fundamental rule in 12.5. Section 12.5 which we would draw the Committee's attention to is included below for ease of reference. The NFCC feels that section 12.5 is unambiguous.

Approved Document B 12.5

External wall construction

***12.5 The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety.** The use of combustible materials in the cladding system and extensive cavities may present such a risk in tall buildings*

Diagram 40 of Approved Document B, should not be read in isolation but in conjunction with the whole of section 12.

Following broader discussions at the Committee around the functional requirements of B4 of the Building Regulations, we would also clarify that requirements to resist external fire spread apply to all buildings over 18m (not just residential buildings).

For ease of reference, NFCC's recent response to the Government's consultation on desktop studies can be found here:

https://www.nationalfirechiefs.org.uk/write/MediaUploads/Consultations/NFCC_response_to_MHCLG_assessment_in_lieu_of_test_-_Final_24_May_2018.pdf

Sprinklers

Sprinklers are the most effective way to ensure that fires are suppressed or even extinguished before the fire service can arrive. They save lives and reduce injuries, protect firefighters who attend incidents and reduce the amount of damage to both property and the environment from fire.

The NFCC and the National Fire Sprinkler Network (NFSN) have worked together to investigate the effectiveness and reliability of sprinkler systems. The evidence produced indicates that sprinkler systems operate on 94% of occasions demonstrating very high reliability. Furthermore, it is evident that when they do operate they extinguish or contain the fire on 99% of occasions and are thus very effective. The research also found that in both converted and purpose-built flats that sprinklers are 100% effective in controlling fires.

NFCC recognise that sprinklers are an effective part of an overall fire safety solution and can be used efficiently to improve fire safety in a range of new and existing buildings. NFCC support the concept of risk assessed retro fitting of sprinklers in existing buildings and would also welcome the prioritisation of a review of the Building Regulations (Approved Document B) to ensure fire safety requirements keep pace with new building developments. NFCC supports the mandatory installation of sprinkler systems in certain types of higher risk buildings such as nursing homes, and single staircase high rise buildings as two examples.

In respect of high-rise residential buildings we recommend that a review of ADB specifies that sprinklers are a requirement in all new high-rise residential structures above 18m (or as defined in any revised ADB). Student accommodation should be included in this category of building.

In respect of existing high-rise residential buildings, NFCC recommend that where high-rise residential buildings currently exceed 30m there should be a requirement to retro fit sprinklers when these buildings are scheduled to be refurbished. Furthermore, NFCC recommend that sprinklers should be retro fitted where high-rise residential buildings over 30m are served by a single staircase.

The NFCC position statement on sprinklers can be found here:

https://www.nationalfirechiefs.org.uk/write/MediaUploads/Position%20statements/Protection/AWSS_Position_statement.pdf

Higher risk residential buildings (HRRBs)

The NFCC have concerns that the analysis which has informed the proposed definition of a HRRB is too narrow, and overlooks a number of other risk factors such as vulnerability through sleeping, age, infirmness, illness and disability.

The report's analysis states that for the time period examined, there were around three times as many fatalities for purpose-built blocks 10 storeys and above compared to those below 10 storeys.

While this is true, in the seven years prior to Grenfell, there was little difference between the rate of fatalities (per 1,000 fires) between these categories. Figures published by the Home Office show that in the seven years before Grenfell, the rate of fatalities per 1,000 fires was 6.1 in blocks 10 storeys or more compared with 5.1 in blocks less than 10 storeys.

Whilst the terrible loss of life from the Grenfell Tower tragedy must certainly not be overlooked, we must ensure we do everything we can to ensure that residents are safe and that risk is therefore considered holistically. The analysis in the final report skews the level of real-life difference between risk in a 9 storey building and risk in a 10 storey building (for instance), in a way which is potentially unhelpful and overlooks a deeper understanding of risk.

Overlapping Regulatory Frameworks

NFCC has concerns that the proposals in the Independent Review's final report do not adequately address the overlapping regulatory frameworks.

The overlapping regulatory frameworks of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 currently prevent a holistic focus on building safety, and make it difficult to identify who the regulator is in different parts of residential buildings.

While the NFCC welcomes the intention of a Joint Competent Authority to regulate all parts of a building to remove this uncertainty, we have concerns that these proposals do not seem to be underpinned by recommendations to resolve the interaction between the current governing regulations. They will also not address existing problems in a number of other residential buildings which have been left out of scope.

A new regime for a select set of buildings, could create two regimes across an already confused residential sector. This could lead to greater fragmentation and confusion over who the regulator is.

The Independent Review's Interim Report made very clear statements about the interpretation of "common parts" as outlined in article 2 of the FSO, stating on page 48:

"Under the Fire Safety Order, common parts do not include any aspects of fire safety within flats or on the outside of a building, such as cladding. Unlike the Fire Safety Order, the HHSRS applies to all parts of residential buildings, including both individual flats and all the common parts of high-rise buildings."

The final report notes the distinctions made by some regulators over 'common parts', and – whilst noting regulatory overlap as one of the largest issues in the current landscape – is not clear on whether improvements, policy levers, legislative amendments or statutory directions should be explored to help resolve this matter.

We note the recent announcements made by the Secretary of State for Housing, Communities and Local Government on 28 June 2018 regarding actions to accelerate remediation of buildings, including a commitment that:

"...the Department is also developing further statutory guidance for local authorities to enhance their use of existing Housing Act powers in relation to fire safety hazards associated with cladding on high-rise residential buildings".

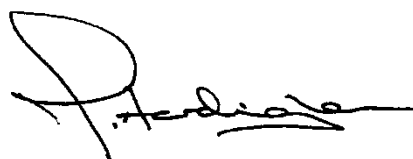
We welcome this commitment, and would recommend that progress on any such guidance be expedited.

We trust the Committee finds this information helpful as part of its wider investigations into Building Regulations and Fire Safety, and thank you once again for the opportunity to give evidence.

Yours sincerely,



Roy Wilsher OBE, QFSM
Chair, National Fire Chiefs Council



Mark Hardingham
**NFCC Protection and Business Safety
Committee Chair**