

ALL- PARTY PARLIAMENTARY FIRE SAFETY & RESCUE GROUP



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**APPG FIRE SAFETY & RESCUE – MEETING WITH DLUHC MINISTER OF STATE
LEE ROWLEY MP – 13TH DECEMBER 2023 – 11am - ROOM “Q” PORTCULLIS
HOUSE WESTMINSTER – DRAFT MINUTES**

1. Vice Chair Baroness Brinton welcomed everyone to the meeting on behalf of Bob Blackman MP who was detained in the Commons Chamber.

IN ATTENDANCE:

Baroness Brinton – Co Vice Chair

Sir Peter Bottomley MP - Co Vice Chair

Rt. Hon. Sir George Haworth MP - Co Vice Chair

Rt. Hon. Sir Desmond Swayne MP – Co Vice Chair

Lord John Hendy KC – Co Vice Chair

Peter Aldous MP - Treasurer

Lord Goddard

Caroline Ansell MP

Bob Blackman MP – Chairman (represented by Harriet Shoosmith –
Parliamentary Secretary)

Anna Firth MP – (represented by Gill Lee Office Manager)

Baroness Grey-Thompson (represented by Flora Klintworth)

Ronnie King OBE – Fire Adviser and Hon. Admin Sec - APPG

Tom Roche – Adviser - Building Safety - APPG

Minister of State Lee Rowley MP

PS to Lee Rowley – George Turley (Building Safety)

Alison Trew – Public Affairs Manager - LFB

Tillie Muir – Political Engagement Officer – FBU
Alysa Remtulla – Fire Adviser – Office of Mayor of London.

2. APOLOGIES:

Bob Blackman MP - Chairman
Dr Kieran Mullan MP – Co Vice Chair
Robbie Moore MP – Co Vice Chair
Anna Firth MP
Kim Leadbeater MP
Hilary Benn MP
Kim Johnson MP
Lord Kennedy of Southwark
Baroness Grey-Thompson
Jonathan Gullis MP
Sir Bob Neil MP
Mick Whitley MP
Royston Smith MP
Jim Shannon MP
Jill Mortimer MP
Nick Fletcher MP
Marsha Decordova MP
Florence Eshalomi MP
Andrew Selous MP
Fleur Anderson MP
Daisy Cooper MP
Andrew Lewer MP
Sarah Jones MP
Heather Wheeler MP
Sir Geoffrey Clifton-Brown MP
Shabana Mahmood MP
Neil Coyle MP
James Sunderland MP
Abena Oppongasare MP.
Thangam Debbonaire MP
Julian Lewis MP
Mike Amesbury MP
Margaret Greenwood MP
Theo Clarke MP
Kate Kniveton MP
Christine Jardine MP

Andrew Rosindell MP
Layla Moran MP
Rachael Maskell MP
Yasmin Qureshi MP
Shabana Mahmood MP
Feryal Clark MP
Meg Hillier MP

**3. To approve the Minutes of the last meeting with Education Minister
Baroness Barran held on 5th September 2023:**

**Proposed by Lord Hendy KC and seconded by Sir Peter Bottomley MP –
AGREED UNANIMOUSLY.**

Baroness Brinton: “Thank you very much. And along with that we note the APPG Chairman’s subsequent letter and the ministerial response which has been circulated, and a further email update to Baroness Barran is also attached”.

Ronnie King: Explained that in releasing the consultation proposals over two years ago the DfE didn’t undertake a risk assessment into the impact which fire has on children’s education and attainment levels as a consequence – until we brought it to their attention (they then said that they would undertake one) that was the first failure. Neither did they set a compartment size for a single storey school at which it must be automatic fire suppression protected, again until we told brought it to their attention. (Again after issuing the consultation). Now they have set one!! We asked who is giving them the advice on Fire Safety, and can we get them into the room so that we can challenge the rationale for the ‘flawed’ proposals being made? The Minister’s PS has since emailed me to say: “The Minister is not now going to meet the Group as previously indicated, and initially proposes a meeting of officers. – Stating: “we are in the process of appointing a fire engineer”!!! So over two years after its consultation closed, DfE is proposing to appoint a Fire Engineer supposedly to authenticate the ‘flawed proposals’ contained in its revision of the Fire Safety Design Guide for new schools!! Proposals which the whole of the Fire Sector strongly rejected!! This is the regretful position we have reached.

Baroness Brinton: “Of course but I think we are making progress - so thank you to members of the APPG and particularly to you Ronnie who’s been doing work on that”.

Sir Peter Bottomley MP: “Could I suggest that we send openly exchanges to the clerk”?

Ronnie King: “Will do Sir Peter – yes”. AGREED

4. To confirm the notes of a meeting with Minister Hollinrake on the 19th September about lithium-ion batteries:

Baroness Brinton: “I was present at that meeting as were a number of other people here, but it wasn’t a whole APPG one. But you should now have seen the notes of that meeting which we’ll be following up in the next session when we see the Minister. Does anyone want to raise anything from that or are we happy with the notes from that”?

Ronnie King: “The London Fire Brigade attended as well. Numerous Government Departments are involved in lithium-ion batteries, not least Business and Trade, Transport, Home Office, and DLUHC which includes Minister Rowley, because of the charging batteries in Domestic Dwellings such as blocks of flats, particularly when charging lithium-ion batteries in areas close to escape routes!!

Baroness Brinton: “Welcome Minister”!

DLUHC Minister Rowley MP: “Thank you”.

Baroness Brinton: asked for the Minister’s forbearance whilst we undertake a very short EGM to elect the Group’s four Officers under the new Rules for APPG’s – THIS WAS UNDERTAKEN SEPARATELY and recorded - with the outcome being reported to the Office of the Commissioner for Standards.

5. To receive DLUHC Minister of State Lee Rowley MP and his update on the issues arising since his last meeting on 25th January 2023 as outlined in the matters raised and forwarded to members ahead of the meeting.

Baroness Brinton: “I think the way we were hoping to do this was start with an update and then perhaps take questions.

Minister: “I’m happy to do a few minutes then we can move into a broader discussion. So first thank you for your forbearance in me being able to come back and talk to you. I’m glad to be here. I think if I stand back – (and obviously fire safety is bigger than just the responses to Grenfell and remediation) - but focusing on that because I know we want to move onto other areas. I think there has been a real set of steps forward over the last NINE to TWELVE months. And what I’ve tried to focus on – and it’s been pretty challenging to be honest – but just a relentless look and progress with each individual building and making them move through the process as quickly as possible.”

“So compared to where we were last time we spoke we now have routes open for all the different types of cladding. Compared to where we were last time, the developers have stepped up and taken responsibility and they are responsible for the best part of £2 billion worth of buildings, over 1000 buildings and progress is being made. We have a whole new sweep of data which is out there. I think like you, as much as I would like to – it’s just the sheer number of buildings that need to go through the evaluation process and then the smaller remediation process means that there is no solution immediately”.

“We have to go through the system and with that in place we can move things through the system and then getting through them as quickly as possible. So we can control it which is effectively what we’re trying to do. I think or (I hope) or I would like to hope that in these conversations that would be reflective of the elements you’d like to discuss. And the new data out in November on building safety shows a complete overview of where we are. So we can evaluate and estimate that”.

“Compared to where we were this time last year, less than 500 buildings had been completed, we’re now over 700 and every month we are going to put data out to that effect. A lot has gone into the process, the cladding safety scheme which was a big gap, is now underway. I will say we’re finding a very interesting phenomenon in the cladding safety scheme which is the 11-18 remediation process which is that we’re struggling to get things into the scheme itself”.

“We did a very long pilot to make sure that we were not going to be overwhelmed in that there were many thousands of buildings that were over 18 metres and we wanted to make sure we weren’t going to be overwhelmed. I think – (I wasn’t around at the time) but when the first building safety scheme opened for buildings over 18 metres there was a rush into that and it meant people could not work as quickly as they wanted. –

there was a bulge that needed to be worked through. We deliberately went into an extensive pilot. I asked them to pull additional buildings into that pilot. I asked them to go out and look at a random geographical area, go out and send letters to see if we could get a proxy before we opened it, of what was likely to come when it opened. The reality is that the inputs have not been the extent that we would like". "So any thoughts, any views, any ideas you have on that? We have a huge piece of work now going on to try and pull people in. 'Homes England' are firing letters off to try to pull buildings in, but it's clear that our problem which we thought might be getting overwhelmed, is actually the opposite, which is that they're not coming in as quickly as we would like them to, for whatever reason. But in aggregate I think we've made lots of progress and it's obviously a substantial amount of progress that is still needed and we're working very hard to try to make that happen".

"And then more broadly the Building Safety Regulator has taken over its powers in terms of looking on the horizon scan of risks across the building safety piece, that is still being worked up. I meet with the BSR, I meet with the Chief Exec, the Chair, those leading this, we're trying to meet with DLUHC on a monthly basis. Obviously it's taken time to mature but what I'm very keen to do is – the point of moving this evaluation, this process over to the BSR is they have the ability to stand back slightly from central government, from DLUHC. And say, what is it we think we need to focus on"?

There's been a lot of discussion over the months, beyond fire but on RAAC, LPS, other things which we'll all have seen in the news. I'm keen to make sure the Department has a very regular interaction with the BSR, taking our views about what we think needs to be focussed on, I'm keen to make sure that they have space to go through the work environment that they inherited and check that because now they're in charge of it they need to validate it. And I'm keen that they will be able to evaluate for themselves, doing a proper horizon scan whether that's fire or safety in general, to work out what they need to proactively tell us about".

"So they are the sort of two big steps forward"?

"Are there issues? - we're going to go through some of those I think in a minute? Yes. But in terms of do I think there has been a material step forward - I do. And I'm very grateful for any of your feedback on those or other issues".

Baroness Brinton: “Does anybody have any comments”?

Rt. Hon. Sir George Haworth MP: “Thanks for that. It’s really helpful to not only know what you’re doing but some of the difficulties you’re experiencing in doing so. I just wanted to ...I don’t want to be alarmist but I do think it’s important to emphasise that this All-party group before Grenfell that was warning about the risks of dangers, and I just think it’s important that we emphasise that yes, you’ve got to get the process right but also meeting the urgency potentially of the concerns that we and others have”.

Minister: “Yes that’s absolutely fair and I’m grateful for all the work that the APPG has done over many years. As I know you know, you’re incredibly reasonable as a collective about it, we know we cannot eliminate risk. So the focus has to be on, particularly post-Grenfell – and I’m new to this process so I didn’t have the benefit of the five years before that – we have to mitigate down the worst risk. We’ve done that to some extent but I think there is still quite a substantial amount of risk there. We’re in the immediate cladding and remediation exam questions in front of us and quite rightly you continually bring us back to broader questions about it...there’s always going to be a balance that needs to be struck there so it’s a healthy conversation”.

Sir Peter Bottomley MP: “Just something on leasehold – the gap on potential claims is for those who have been at fault. And my understanding is that a builder might potentially have a claim against an architect or client. What’s certainly true is that the potential claims of the leaseholders who otherwise would be paying for everything can’t be used because they can only do it through their landlord. I believe Ministers ought to be able to give advice on how potential claims for the leaseholders could be gathered up and then have a joint action with or without the developers to go to those responsible and get back part of the total cost”.

“Some of that the developers might resist because they’re paying up now but one way or another it seems a bit odd that there are no claims against those responsible. In practice it is met by the insurance companies and if they’re faced with a viable claim on behalf of those who otherwise have to pay, then they would probably come to an agreement after two or three ‘roundtables’ which would produce another large sum of money which would make life easier and may make it possible for remediation schemes to go beyond the ones we have”.

Minister: “I’m very happy with your comments on the need to look at that. I think the challenge is bluntly....I think there is a question of the broad issue and I’m about to make it very specific. There is a challenge of making sure we just get these things through the process. We are equipping leaseholders to the extent that we’re able to and those within the system to be able to take action should they need to with the Defective Premises Act, the RCOs and the like – but we recognise that it's not comprehensive. It’s not as broad as it would be in an ideal world. It’s a multi-approach test and it will always need to come back to be checked – the right checks and balances, the right legal options are in the process, and that it’s effective. Because we can’t give theoretical tools where it’s impossible to use them or it’s practically impossible to use them”.

Sir Peter Bottomley MP: “I believe you should be getting advice on how by law, the potential claims could be transferred to an agency. Whether the government knows or not whether there could potentially be major claims if the higher power – the insurance “ companies – makes them”.

Minister: “We are, yes I agree. On an associated point we are pushing very hard for local authorities to step up and take it on where they possibly can. Your point is broad but on this specific point we have the money and have instructed officials at the Department where we have local authorities that have large proportions of these buildings in their areas where they’re not taking action as fast as...so we want to have strong conversations with them and the end point is talking to the chief executive if that were necessary. So yes, your point is broad but I’ll take it up”.

Peter Aldous MP: “Yes many thanks, and many thanks for turning up. Your specific point in relation to sprinklers – I think probably 8-10 years ago we had a big drive in promoting fire sprinklers, and if you look at the briefing we’ve been provided for this meeting with you I think there are three illustrations but we’ve made no advance whatsoever. There was the Inside Housing article from June which basically shows that the vast majority of high-rise social housing has neither sprinklers nor fire alarms. There was the Luton airport car park fire where I think the failure to implement mandatory sprinklers for car parks, despite that report being made 13 years ago, wasn’t implemented and that obviously probably added to that fire. And then when it comes to property protection in schools, we now have the removal of the expectation of automatic fire suppression in schools. That has added to the

risk there. So it is personally disappointing that the role that sprinklers can play has made no advance in the last 10 years”.

Minister: “Well in terms of new buildings and sprinklers, there has been an advance there. I know that can add weight to your broader question about the existing stock. I think the challenge I have with answering that Peter is in isolation none of these issues...none of the points that you raise are unreasonable. The question is – the car park thing I think needs to be allowed to play out, the process and all the rest of it – in aggregate the question is what is ideal to do, what is proportionate to do, and what can be done? With such a sensitive issue I hesitate to go too close into that conversation but the...I’ve been and looked at the 2008/2009 report that you’ve highlighted – well the exec summary of it – you know obviously taking an interest in the fire at Luton and equally the Inside Housing elements. But there is a – and I hope this is taken in the spirit it’s intended – in the same way that I cannot command and control about 5 figures of buildings that need to at least consider remediation, if not do remediation, eventually me or my successors once we’ve got the bulk of them through that, we should be able to command and control a lot, but in the way we can’t do that even with a smaller subset, it is just impossible to command and control a larger subset. So as government you have to say what is proportionate to do? And to me it is, set regulations which people think are reasonable. It is to empower and be clear that the responsibility of these lies with the owners, and therefore if you take the Inside Housing article as an example, it is for individual owners of those buildings to determine how to do things. Some have decided to go in for that, others will not. As long as they meet the threshold and that’s the important thing. Some of the things I have been seeing more broadly in fire safety is making sure the owners whether they be in the social sector or in the private sector are clear about their responsibilities and clear that they have to look at this in detail”.

Lord John Hendy KC: “Thank you, Just following up on one of the points my colleague made, one of the things that’s troubled us in this group is the risk assessment preparatory to the question of fitting sprinklers. Nobody’s suggesting it’s an ideal solution. What we’re concerned with is on what basis are the factors assessed by government before making sprinklers mandatory in various scenarios that my colleague mentioned. You’ve got the magnitude of the risk, the extent of damage if the risk materialises and the cost of the proportion against the risk. It’s quite a simple mathematical model – I realise that there are other aspects, social cost if you lose housing or even car parks,

and so forth but what we're not seeing is any visibility or any transparency about the model that the government is using. Is it possible for us to have a look at it? We've got experts sitting round this table with much more expertise than I have who might be able to assist with that computation."

Minister: "We can look at whether there's a conversation that can be had about that. I need to talk to the BSR and officials about what possibly we could do there, if we could do something. I think where we probably will have slight divergence is – I might as well say it straight up – I think our focus is on life safety and we don't want any property to go but property has to go before life. We don't want that to happen, the regulations and approach is an attempt to prevent that from happening but ultimately it's about life which is people being able to get out in sufficient time when a fire takes hold. I will see what we can do looking at the broader point about sprinklers, if there's a meeting that can be had separately on that".

Lord John Hendy KC: "Can I say it applies to all fire safety precautions including double staircases and things like that – you've got to make the same assessment..."

Minister: "On second staircases which I am very involved in, it's a very timely matter, there's a substantial body of work going on. The BSR are making recommendations and we will work through those recommendations and act accordingly and how we think is proportionate. So there's an element of trying to work out where that conversation happens and what we can do to support".

Ronnie King: "Just quickly on fire suppression Minister, the Lakanal House coroner recommended that Government should seriously consider retrofitting sprinklers into tower blocks. (There were 4000 tower blocks at the time over 30mtrs, with very few sprinkler protected). The Sec. of State replied to the Coroner: "You have suggested that my Department encourages providers of housing in high rise multi-occupied residential buildings to consider the retrofitting of sprinklers. My officials have recently written to all social housing providers about this following the Rule 43 recommendation from the Coroner of the recent inquests into the firefighter deaths which occurred at Shirley Towers in Southampton in April 2010, and I attach a copy of that letter." Regrettably the letter didn't ENCOURAGE the retrofitting of sprinklers as the Coroner had asked for!! on the contrary it said that it was a matter for Southampton. This is DESPITE THE FACT THAT

PEOPLE DON'T DIE IN SPRINKLERED PROTECTED BUILDINGS – a single death in a sprinkler protected building is an extremely rare event and a multiple death is almost unheard of.

Furthermore the BRE updated its 2005 cost benefit analysis report in 2012 with a conclusion that “sprinklers are cost effective in most Blocks of purpose built flats”, yet the Department refused to change its reference on the Planning Portal, on the CLG website. (something raised by the late Sir David Amess MP in his many letters to DCLG Ministers before Grenfell, and for which Justin Beer KC subsequently apologised on behalf of DLUHC) at the Public Inquiry.

This group has been in existence for over twenty years and members are extremely passionate about life and building safety. I am also passionate about it because I've been involved for over 50 years (twenty of which was as a Chief Fire Officer). I receive a Chief Officers pension, so my motivation is not for financial gain. In my career I have been involved in numerous fires where multiple deaths occurred, including a mother and three children. My father before me served as a firefighter in London during the blitz. Hopefully the measures taken in Wales to install all new domestic dwellings with automatic fire sprinklers will eventually result in no deaths in domestic premises from fire. Scotland have also taken positive steps in the same direction, whereas England still has a long way to go, and of course Minister we understand the scale of costs of the measures involved is larger here. But this group doesn't always get listened to. It's almost as if – because we are an all-party group, we're just lobbyists aggravating for improvements and there's something or someone behind it or advising it, who has something to gain.' This is untrue as we just want to be involved in some part of the decision-making process and that's the biggest thing from this group. There are some knowledgeable, experienced and committed individuals here, and a number of really good sound advisers.” Anyway.....

Minister: “No I'm keen to have the conversation. When we first met I was relatively new. This is an acutely – well I don't need to tell you after many, many decades – it's an acutely difficult thing because all of these topics are so important, so sensitive, have such potential for challenge but equally my general sense, and I know government isn't perfect and we'll have different approaches at different times, marginally or largely, but my general sense is you set the standard and you allow as much as you are able and make sure they meet that standard in a way that is appropriate. For example there are still 20-odd buildings which still have 'pretty problematic' cladding on them”.

“And we have made further progress in terms of getting most of those plans in place and every month more comes off which is positive. I know this is not a brilliant example to follow up your point – but I think there are 3 or 4 buildings in there which are just empty. And so if I was to be entirely prescriptive that would be money – and maybe we say ‘we don’t care because they’ve still got to do it’ – but if I was to say rip that off, and if you don’t rip that off I’ll spend lots and lots of government energy in trying to get cladding off a building which isn’t being used, that is capacity, money, time which probably would be better spent somewhere else. And so the sprinkler thing, I’m not an expert, I’m very interested and I have sympathy with the points you’re making but it’s a case of social housing has got an awfully big job to do. Not just on safety but on decency and net zero and things like that, so our priority is on making sure the property is safe but if their entire building stock is over the threshold of safety, if it is to make sure their building stock makes more progress in getting the cladding off, I think that’s a proportionate thing that we have to weigh up, because there’s only so much money in the system”

Ronnie King: “Understood – but we could find common ground”.

Baroness Brinton: “Could I raise the position on lithium-ion batteries. You will have heard when you came in that we had a very good meeting with Business Minister Kevin Hollinrake. The notes are in the briefing. It says that there are now multi-agency government involvement which is very, very good news. But this really is a matter of life or death – a family in Cambridgeshire died as a result of such a fire, and the intensity of these fires is such that it is an area we’re very concerned about. I’m not sure I’ve said this to you, I’ve declared it to other Ministers – for people like me who have wheelchairs with lithium batteries it’s also a worry because a lot of people don’t understand what is something that’s effectively registered and effectively kept well as opposed to the rogue ones which tend not to be so regulation covered, of these and understanding across government about what the issues are is really urgent. Can you give us any update from your end”?

Minister: “I mean I was Minister in DfT for a year and was the batteries Minister effectively so spent two weeks in South America understanding how it works so it’s very interesting from that perspective. Just a tiny bit of background on this: the challenge is how we think DLUHC’s purview could apply here because – and I don’t want to start using silly examples but taking

it to a logical extent, DLUHC is responsible for making sure buildings are structurally sound and safe etc etc; but what people bring into those buildings whether by choice or by requirement is a difficult one to control. This feels closer to being a product standards issue than a building safety or building standards issue because otherwise you're slightly anticipating – I don't see how you can ever...it's a question and I'm interested in views, I'm not trying to dodge it – I don't see how we can ever guarantee what three people bring onto the 14th floor of a tower block, or even into the front room of a semi can't have an impact if that product is defective on the environment around it. Of course we need to rip off petrol based cladding around the building, but it's difficult to...it feels like DLUHC...we are looking at this and I've had active conversations about it but I always get to the product safety element of it".

Baroness Brinton: So I'm quite concerned with your answer because I think the discussion we had with Minister Kevin Hollinrake, was very clear that product registration will lead - but there are other issues and I cite again the Cambridgeshire fire. That was in the hallway of a low set of flats and it killed three people. So the issues are then what would DLUHC want to say about social housing? Can people just start charging things up in common areas that are also emergency exits? That's the question ...Am I missing anything else"?

Adviser T Roche: "I'm one of the technical advisers to the group and I've got to say lithium-ion batteries are pervasive and although you're saying it's not a building matter...in planning we're pushing the need for bicycle parking in buildings and these bicycles have batteries in. Devices that were put in at home in response to using other forms of energy as battery systems. So what's happening to push certain agendas, is bringing this into the built environment and then it falls squarely within building regulations, so we look at that and think how to respond. It's not just about products, it's about the fact people are being driven to do this to meet those requirements. I had a meeting with fire engineers where we discussed a large London building that has an extensive parking area for bicycles but nobody knows what to do with it because most of those bicycles are electric and if there's a fire there it's going to have great implications for the building". "People are taking generators for the building and putting battery systems instead, it then causes fires, it's quite significant...I'm just sort of imploring you to say I think this does have building regulations implications, it's not just products, and policy which is driving that position".

Minister: “I appreciate the point you’re making but I am genuinely struggling with this. If you break down a house there are – without being cartoonish – there are a lot of hazards in a house, whether the fabric of the house or from what you bring into it. It is impossible even if I wanted to, to control that entirely. The building regs aren’t really for that. Is there a case for continually looking at this and making sure there’s coordination particularly on the management side of social housing, that department? Yes, I think that’s entirely reasonable”. “Can I see a process by which the building regs would work, as a non-expert, where we start nudging the building regs even more into this space? I’m not sure that’s the best way to approach this. The logical extension of that is: “Are the building regs responsible for that – and I don’t want to caricature your position – but the building regs end up responsible for everything in the building and that’s just not...we just can’t do that, right? It wouldn’t work, it could never cover all that even if we wanted to...”

Tom Roche: One of the things we started with was horizon scanning. Part of that horizon scanning says the nature of certain risks is changing, and therefore there needs to be a response to that changing risk, and it needs to be proportionate. And I do feel that building regulations have a part to play, to say where we should put some of these devices and where we shouldn’t put some of these devices, how we should arranged them. That could be in guidance, it could be defined as a special hazard.”

Sir Peter Bottomley MP: “Like how we store paint”!

Tom Roche: “So I’m just putting it to you that I think you started with horizon scanning and I think this is in the purview of horizon scanning and I’m wondering what’s happening with that because when we talk about products how does that follow through to how we use those products”?

Baroness Brinton: “One thing, and I’m going to keep coming back to this issue about common parts, and making sure that access for a cleaner to use a vacuum cleaner which happens in many public spaces – the public cannot use that same power point. It’s blocked off and the cleaner would then use it, and that would stop somebody being able to park a lithium bike under the stairs and recharge it overnight which is possibly the most dangerous place it could be”. “I think this isn’t purely about building regs per se, but it’s a DLUHC issue because it covers management issues, safe egress, about making

sure we're not just horizon scanning but we really are thinking about safety issues. I'm not going to do PEEPs other than to say this is a real issue for disabled people if one is compromising emergency exits. So I think we were encouraged when we talked to Minister Kevin Hollinrake, because he was very clear this is a cross-departmental one and I think what we're looking for here is how that is going to work. And I'm not quite getting that at the moment".

Lord John Hendy KC: "I take your point earlier that the building regs don't solve everything. But I mean each of the risks has to be addressed in itself, the charging of lithium-ion batteries in common spaces in blocks of flats, that has to be addressed, so does the manufacturing standards etc etc, but the building regs still have a part to play on the basis as you mentioned, you can't regulate what people bring into their own accommodation and people have got flats and televisions and all sorts of things that catch fire, there was a defective fridge in Lakanal House. But the problem with Lakanal House – and I represented the bereaved and injured in that – the problem there was everybody relied on the construction method of compartmentation and compartmentation had 'gone to pot' over 20 years or so. So of course, if sprinklers had been fitted which was recommended by the coroner after the event, that would have eliminated the deaths in that case. So building regs have got a role to play as well; they're not a complete answer but it's not a question of priorities as saying well manufacturer's standards is the top thing but..."

Minister: "Forgive me – on the management point I think there was an absolutely fair point to be made. It is a case however, without trying to pull back on the point, we have to start from the position that social housing providers have agency. If they're not taking adequate consideration of this, what else are they not doing? That's not a kind of 'stand back, forget it', it's that that is a proportionate, reasonable thing to say. It's a broader question of how we make sure social housing providers do the right thing, and I know most do, most of the time and I'll certainly feed that back to my colleagues who are covering social housing".

"The broader point about building regulations is not that I'm standing here and saying 'DLUHC has no interest in it, we're not bothered about it.' – it's quite the reverse. It's simply that at the moment the logical extension of the work that we've done, and I think horizon scanning is perfectly reasonable and one of the reasons we've given the BSR the space to do that, to be feeding back. We want to give the BSR the ability to say we think there may

be an exception here...this may be something we need to focus on, whatever”.

“We leave that for them to do and then come to us with recommendations. So it is absolutely the case that we will look at this, I just don’t want to – (and I don’t think I have)! – leave the impression in this meeting that I think building regs can fix everything because – and I know you’re not asking me to do that but if that’s what we drive at very heavily here, we just come back to 99 further failings we have to drive at and eventually at some point the entire thing falls over because it’s not workable, or people start ignoring it....it’s about getting that balance”.

Ronnie King: Can I just raise a couple of other matters from the list. - We’re dealing with that issue because I raised it on behalf of Caroline Ansell MP (who is here today) and then I raised it with the Home Office department who in turn raised it with your Department and essentially it’s about the management companies and Directors not being qualified, there was a limitation of resources to answer these questions. Is that in hand? Because we didn’t hear anything for about three months I think it is now”.

Minister: “I looked at it, it was a little while ago now but I will go away and re-look at it. I don’t know whether Caroline...we very briefly talked about this but I don’t know what the current views of the company is, or the residents behind it. I’m happy to reach out and find out. My general sense is this is a process, getting these organisations to take responsibility. It’s going to be a process which is a bit non-linear and there’s going to be groups within this who look at the letter of what they have to do and think ‘woah! I can’t do this.’ What we don’t want is management companies to start collapsing as a result of that, that’s the opposite of the intention, and nor do we want ‘sharks’ wandering around and basically taking advantage of people who don’t want to do this or don’t feel like they should do, and then charging for something they don’t need to. So I’ve asked the BSR to take a really proportionate approach but within the context of this - progress needs to be made, so the registration of high-rise buildings which was the first starter for 10. I get weekly updates and speak to the BSR on taking a multi-stage process which means people get a letter, they get told then eventually they get instructed and there will be requirements at the end of it if they don’t. I think if there’s something we can do to assuage people, we’ll look at that. However I hope that in the round as it’s worked through people will be calmer about the concerns”.

Caroline Ansell MP: “I think that my constituents are still rather overwhelmed in the face of all that is required. I think it’s quite specialist. The lady that’s leading it – they’re all residents so this is powered by goodwill and community spirit – but they feel very much the weight of responsibility. The lady who is leading the charge who is the youngest in the building at 69 and she said there is no queue, should she decide it’s too demanding, because she’s found it very stressful, the guidance changes again and again, and these are very weighty matters when you feel that you are stepping into the gap for people’s safety”.

“So although we’re able to signpost, there are some people who will take it very seriously. And although that’s exactly the sort of people you want., this is quite a significant role for residents and I think to your second point, there is a very great risk that this is something that gets delegated and evolved and they may find that those specialists are not there to be had when the demand is so widespread and so sudden, so it’s still rather challenging”.

Minister: “I’m happy to use your example of your constituency to see where we can get people to a place that is ok. There are responsibilities, right? The whole point of this is to ensure that there’s clarity of responsibility and that they are executed. There is going to be a learning curve, there is going to be a process whereby in buildings some people need greater support for that, understandably and reasonably. I think what the BSR is doing which is run a number of interactions for various different phone calls, video conferences, if that needs to be repeated I can talk to them about that, and ask George if we can put this in my next meeting with the BSR which will be in early January”.

Caroline Ansell MP: “Do you feel there’s been a little bit of a shift in the dynamic or in the responsibilities in that the managing agents seem to be more hands free and they seem to be a bit more in the frame? Perhaps I don’t understand the complexities so I’m full of humility but I just know of the strain and stress that my constituents are feeling because of – as they see it – new liability, new responsibility...”

Minister: “Let me talk to the BSR about it and perhaps we can catch up in the new year if there is an ongoing concern. I don’t – I’m trying to choose my words very carefully here – there is, it’s going to take time, there’s a need to support people through this and there’s also an interpretative question around it which we need to make sure is covered”.

Caroline Ansell MP: “I guess because of the risk to people’s safety there’s no notion that there’s time because any one of these incidents could happen any day of the week. There’s a clock ticking – I don’t think they feel that they’ve got that luxury”.

Ronnie King: “And compliance with the law, that’s the other question, we haven’t got time to raise it properly here”.

Caroline Ansell MP: “I’ll have to run.....another meeting....”

Ronnie King: “Just one last point about fire protection in schools, why are schools absolutely a law unto themselves where there’s no fire advisers, they’ve just told us after all this time – they went out to consultation on proposals for a revised Design Guide for Schools, without Fire Safety advice!!!

Baroness Brinton: “It’s DfE.”

Ronnie King: “Yes DfE have just told us that they’re going to appoint a fire engineer - two years after consulting on its fire safety proposals”.

Baroness Brinton: “We have been talking to DfE as long as I’ve been on this committee which is over a decade and we have consistently been ‘fobbed off’ and told we’re too busy, there’s been very little interest. Then my children’s primary school at which I was chair of governors burned to the ground, 1960s building, probably would have had RAAC in it, but the construction meant it was very bad. Twenty years on we’re still not getting sprinklers in new schools or new wings and it’s just so easy to do right at that point. DfE are blocking that.”

Ronnie King: “The answer that we’re always given is we’re compliant with regulation. Why do they have their own ...only you and schools have your own guidelines? All the others, including DLUHC, have it but not schools, they’re a law unto themselves and they fail to carry out risk assessments which show the impact on children’s education. They don’t say the size of compartment for a school, it could be a mile square – ‘well we’ve put that right now, now you’ve told us’. And the other thing about carrying out risk assessments, it’s something that is like closing the door after the horse has bolted. It’s the only Department that seems to have its own laws and building regulations apply to you, schools, every building. Is there a chance of getting schools under DLUHC in terms of building”?

Minister: “It’s not something... You’ve had Diane in front of you yes? Diane Barran came”?

Ronnie King: “Yes but it was on the back of the RAAC issue and she had to cut it short, saying I can only give you half an hour and then she said I’ll go back to my team, to discuss it all, then I will come back to this Group. Her PS has come back since and said: “We are firstly going to have an officers meeting with you when we’ve appointed our fire engineer,, before meeting members again.”

Baroness Brinton: “I think there’s an issue that may affect you in your role. You’ve now got the Building Safety Regulator, you’ve now got everybody except schools except in the planning stage”.

Minister: “Well I’m not too sure, and I’m so sorry I will have to go”.

Baroness Brinton: “Well thank you so much for coming and listening and I’m sorry if we have been...frank in our discussions! We’re very grateful”

THIS WAS ACKNOWLEDGED BY A NUMBER OF MEMBERS OF THE GROUP:
“Thank you”. The Minister and PS then left the meeting and asked for a copy of the DRAFT transcription of the minutes once ready.

Baroness Brinton: “We have a couple of items. Go back to item 5 – Ronnie could you bring us up to date on the Foam Filled Furniture Regulations relating to domestic upholstered furniture”?

Ronnie King: “Yes just briefly on domestic furniture, the Department for Business and Trade put out this consultation titled: “A New Approach”. On the 24th October it closed. The APPG didn’t reply because the Environmental Audit Committee (EAC) had actually in 2019 issued requirements that they must do and every indication suggestions that they weren’t done!! So I prepared a letter for the APPG Chairman to send to the Chairman of the EAC Committee pointing this out and seeking clarification. Meanwhile we confirmed that we wouldn’t be responding to the Government’s consultation until this was satisfactorily clarified. The EAC Committee asked the Business & Trade Minister for a response by January.”

Baroness Brinton: “What are our next steps then in terms of that”?

Ronnie King: “Well we just wait until the environmental audit committee receive the responses from the Department for Trade and Business and once they’ve received the responses or not, we cannot take any further steps”. “it’s a long story but that’s just a very brief summary”

Baroness Brinton: “So we’ve got a letter coming up at some point in January”?.

Ronnie King: “Yes the Chairman of the Environmental Audit Committee will make public the response he receives from the Business & Trade Minister.”

Baroness Brinton: “So The Department are not strict on deadlines for our response at the moment! Thank you Ronnie, that’s helpful. Is there any other urgent business”?

Tom Roche: “Just something on schools, the public health committee inserted a further recommendation into recommendation 7 that asked to look at time, value and money when it comes to fire safety which very much aligns with the concerns of the group”.

Baroness Brinton: “It would be enormously helpful if you could send Ronnie the link, so that goes in the minutes. Thank you very much”.

Ronnie King: “I think I have got it but I’ll make sure I’ve got the right link and it goes in the DRAFT minutes”.

Baroness Brinton: “And I should say good luck too (Referring to Lord Goddard’s Fire Safety Debate in the Lords the next day), you’ve got a mega long debate tomorrow on fire safety”! And thank you Ronnie for doing a lot of work behind the scenes, and to colleagues”.

The meeting closed at 11.45am.