

HOUSE OF COMMONS

SESSION 1999–2000



ENVIRONMENT, TRANSPORT AND
REGIONAL AFFAIRS COMMITTEE

Second Special Report

**GOVERNMENT RESPONSE TO THE FIRST
REPORT OF THE COMMITTEE:
POTENTIAL RISK OF FIRE SPREAD IN
BUILDINGS VIA EXTERNAL CLADDING
SYSTEMS**

*Ordered by The House of Commons to be printed
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The Environment, Transport and Regional Affairs Committee is appointed to examine on behalf of the House of Commons the expenditure, administration and policy of the Department of the Environment, Transport and the Regions (and any associated public bodies). Its constitution and powers are set out in House of Commons Standing Order No. 152.

The Committee has a maximum of seventeen members, of whom the quorum for any formal proceedings is five. The members of the Committee are appointed by the House and unless discharged remain on the Committee until the next dissolution of Parliament. The present membership of the Committee is as follows¹:

Hilary Benn MP (*Labour, Leeds Central*)⁵
 Andrew F Bennett MP (*Labour, Denton and Reddish*)²
 Crispin Blunt MP (*Conservative, Reigate*)⁷
 Thomas Brake MP (*Liberal Democrat, Carshalton and Wallington*)²
 Christine Butler MP (*Labour, Castle Point*)²
 John Cummings MP (*Labour, Easington*)²
 Brian Donohoe MP (*Labour, Cunninghame South*)²
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 Anne McIntosh MP (*Conservative, Vale of York*)⁴
 Bill O'Brien MP (*Labour, Normanton*)²
 Bill Olnner MP (*Labour, Nuneaton*)²
 George Stevenson MP (*Labour, Stoke-on-Trent South*)²

On 15 July 1997, the Committee resolved that *Andrew F Bennett or Gwyneth Dunwoody* would be called to the Chair as it saw fit.

The Committee has the power to appoint Sub-committees, require the submission of written evidence and documents, to examine witnesses, and to make Reports to the House. The Sub-committees have the power to require the submission of written evidence and documents, to examine witnesses, and to make Reports to the Committee.

The Committee and Sub-committees may meet at any time (except when Parliament is prorogued or dissolved) and at any place within the United Kingdom. The Committee and Sub-committees may meet concurrently with other committees or sub-committees established under Standing Order No. 152 and with the House's European Scrutiny Committee (or any of its sub-committees) or the Environmental Audit Committee for the purpose of deliberating, taking evidence or considering draft reports. The Committee may exchange documents and evidence with any of these committees, as well as with the House's Public Accounts and Deregulation Committees.

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at <http://www.parliament.uk/commons/selcom/ctrahome.htm>.

All correspondence should be addressed to The Clerk of the Environment, Transport and Regional Affairs Committee, Committee Office, House of Commons, London SW1A 0AA. The telephone number for general inquiries is: 020 7219 4972; the Committee's e-mail address is: ctracom@parliament.uk.

¹Stephen Day MP (*Conservative, Cheadle*), was appointed on 14 July 1997 and discharged on 17 November 1997; Philip Hammond MP (*Conservative, Runnymede and Weybridge*) was appointed on 17 November 1997 and discharged on 22 June 1998; Howard Flight MP (*Conservative, Arundel and South Downs*) was appointed on 14 July 1997 and discharged on 20 July 1998; Eric Pickles MP (*Conservative, Brentwood and Ongar*) was appointed on 14 July 1997 and discharged on 30 November 1998; Eleanor Laing MP (*Conservative, Epping Forest*) was appointed on 22 June 1998 and discharged on 5 July 1999; Alan Whitehead MP (*Labour, Southampton, Test*) was appointed on 14 July 1997 and discharged on 6 December 1999; Graham Stringer MP (*Labour, Manchester Blackley*) was appointed on 14 July 1997 and discharged on 13 December 1999; John Randall MP (*Conservative, Uxbridge*) was appointed on 20 July 1998 and discharged on 21 February 2000

²Appointed 14 July 1997; ³Appointed 30 November 1998; ⁴Appointed 5 July 1999; ⁵Appointed 6 December 1999; ⁶Appointed 13 December 1999; ⁷Appointed 21 February 2000;

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SECOND SPECIAL REPORT

The Environment, Transport and Regional Affairs Committee has agreed to the following Special Report:—

POTENTIAL RISK OF FIRE SPREAD IN BUILDINGS VIA EXTERNAL CLADDING SYSTEMS

The Environment, Transport and Regional Affairs Committee published its First Report on Potential Risk of Fire Spread in Buildings via External Cladding Systems on 14 December 1999, as House of Commons Paper 109. The Government's reply, which was made on 23 March 2000, is published as an Appendix to this Special Report.

APPENDIX

GOVERNMENT RESPONSE TO THE FIRST REPORT OF THE ENVIRONMENT, TRANSPORT AND REGIONAL AFFAIRS COMMITTEE ON POTENTIAL RISK OF FIRE SPREAD IN BUILDINGS VIA EXTERNAL CLADDING SYSTEMS

INTRODUCTION

1. Further to my letter of 15 March, I am writing in response to the Conclusions and Recommendations that the Environment, Transport and Regional Affairs Committee made in its First Report, which was published on 14 December 1999. As you know, I myself gave evidence to the Committee, and I am pleased to report that we have already addressed most of the recommendations you make.

2. I will address the points made in the *Summary of Conclusions and Recommendations* on page xii of your report one by one.

RESPONSE TO COMMITTEE'S RECOMMENDATIONS

Paragraph 18

The evidence we have received during this inquiry does not suggest that the majority of the external cladding systems currently in use in the UK poses a serious threat to life or property in the event of fire.

3. My Department supports this view and agrees that there is no evidence to suggest otherwise.

Paragraph 19

Notwithstanding what we have said [in paragraph 18] above, we do not believe that it should take a serious fire in which many people *are* killed before all reasonable steps are taken towards minimising the risks.

4. I strongly endorse this view. In England and Wales Part B of Schedule 1 to the Building Regulations 1991 deals with the requirements for building work with regard to Fire Safety. The requirements of the Building Regulations are primarily to ensure the health and safety of people in and around buildings, and they are written in functional form. Guidance on how the requirements of Part B may be met is given in the Approved Document to Part B. The Department considers that if this guidance is followed then the risk to life safety as a result of fire spread via the external cladding system will be minimal.

5. Following a full public consultation on proposals for amendments, Part B of the Building Regulations and Approved Document B have recently been reviewed by a Working Group of the Building Regulations Advisory Committee. The members of this Group are all experts with a

particular interest in fire safety. The review has just been completed with amendment Regulations being laid before Parliament on 21 December 1999, and the 2000 edition of the Approved Document being published on 20 January 2000. The Amendment regulations and the 2000 edition of the Approved Document will both come into force on 1 July 2000.

6. During the review there was no suggestion that the guidance given in the Approved Document was insufficient or if followed would tend to create an unsafe scenario in a fire situation with respect to the external cladding. However, as I indicated in my evidence to the Committee, the Department has asked the Fire Research Station to review the guidance given in BR135:1988 (*Fire performance of external thermal insulation for walls of multi-storey buildings*) that we refer to in Approved Document B. A contract with regard to this work was let in January this year. The study is underway with a survey of the existing multi-storey building stock in Great Britain to establish the composition and design of systems in use. This will be followed by a series of large scale fire tests to assess the fire performance of a range of existing and new cladding systems. The results of this work will be used to determine the most appropriate method for specifying the fire performance requirements of cladding systems. The revised guidance should be available by September 2001.

7. The intention is that the guidance given in BR135 will be much more comprehensive with regard to external cladding and will include, for example, better guidance on fire stopping between floors. The Department considers that this revised guidance, which it is funding, will help to minimise the risks by indicating what is adequate fire stopping for current cladding systems. This should go a long way towards addressing the possibility of fire spread up a building via cavities behind the cladding.

Paragraph 20

We therefore recommend that compliance with the standards set in the *'Test for assessing the fire performance of external cladding systems'* which has been submitted to the British Standards Institution for adoption as a British Standard, be substituted in Approved Document B for previous requirements relating to the fire safety of external cladding systems.

8. The Approved Documents are intended to provide guidance on how the requirements of the Building Regulations may be met for some of the more common building situations. The advice given in the Approved Documents is not mandatory as builders are free to use other solutions that will meet the functional requirements of the Building Regulations. There is therefore no obligation to adopt any particular solution contained in the Approved Documents, and they do not impose requirements as such.

9. The 1992 edition of the Approved Document to Part B, which was in force at the time I gave evidence to the Committee last year, sets out the recommended provisions for the fire protection of external surfaces of walls in diagrammatic form. However in the new 2000 edition of the Approved Document to Part B the test method mentioned in your recommendation (currently BRE Fire Note 9) is now quoted as an alternative to meeting these provisions for the external surfaces of walls.

10. This document has been submitted by BRE, with the support of the Department, to the British Standards Institution for adoption as a British Standard. The relevant British Standard Committee has considered the document and is of the opinion that some technical changes need to be made to the document before it is acceptable as a British Standard. The Technical Committee's deliberations on the document are likely to be concluded by the end of May when the Document will go out for public consultation prior to its adoption as a British Standard. The Department is represented on the British Standard Committee which is responsible for this work.

11. When the technical amendments to the document have been completed, and it has been adopted as a British Standard, the Department will amend the reference in the Approved Document to BRE Fire Note 9 to reflect its status as a British Standard. We will also review whether the

reference to this method of demonstrating compliance should be strengthened. It is unlikely that any such changes will be made immediately the status of the test method is changed as such minor amendments to the Approved Documents are difficult to promulgate to ensure that all users of the document are made aware of the change. However, supplements to the Approved Document are planned to give guidance on the new harmonised European methods of test, and the amendment would be included in this.

Paragraph 22

We recommend that DETR and the Housing Corporation instruct local authorities and Registered Social Landlords¹ to undertake a review of their existing building stock with a view to ascertaining how many multi-storey buildings are currently using external cladding systems; and how many cladding systems are in use which, whilst complying with the regulations in force at the time when they were installed, do not comply with current Regulations. Competent fire safety assessors should then be called in to evaluate what work may be necessary to ensure that no undue risk is posed by any of these systems, with particular reference to the lessons learnt from the fires at Knowsley Heights and Garnock Court. Local authorities and Registered Social Landlords should also be instructed to monitor existing cladding systems carefully to ensure that the materials from which they are constructed do not degrade over time and become less resistant to flame spread than they were at the time of construction.

12. Analysis of 1995 UK fire statistics shows that although the risk of death from fire in flats (purpose-built and converted) was double that in houses, none of these deaths had been attributed to external cladding. Internal factors such as internal layout and lack of fire barriers in floors and ceilings were a major contributing factor. Accordingly, any assessment of a dwelling-based fire risk must address both external and internal factors. A new DETR Health and Safety Rating (which will replace the existing fitness standard) will be an important tool for this purpose because it assesses a range of measures linked to fire risks.

13. Since 1 January 1993 all new cladding and over-cladding should have included fire barriers and therefore pose a minimal risk. External cladding before that date may or may not constitute a risk depending on the design of the cladding, the materials used and the subsequent maintenance. A visual inspection of a tower block would not suffice to assess whether there is a problem; that would require more investigative techniques undertaken by structural or fire engineer, as envisaged in the Select Committee's recommendation. Nonetheless, a stock condition survey could identify the age of the building and the apparent age of cladding work. Analysed alongside information on repair and maintenance activity, this data could be a trigger to instigate more detailed investigative work. The DETR will be issuing shortly (probably May 2000) "Further Guidance on Stock Condition Surveys", which will stress the importance of collecting robust stock condition information that can be analysed alongside other data sources for a variety of different purposes, including making recommendations for further investigative work to establish specific risks to occupants. That document will go to all local authorities and RSLs.

14. I am asking my officials to write to the local authority associations and to the Housing Corporation to draw their attention to the Committee's recommendation and the material in the two preceding paragraphs, so that the requisite messages can be conveyed to local authorities and Registered Social Landlords.

¹The Housing Corporation regulates, funds and promotes registered social landlords (RSLs), which are the major providers of new subsidised social housing. The majority of RSLs are housing associations and they have, since the Housing Act 1998, become responsible for owning and managing increasing numbers of local authority housing stock, including a number of multi-storey tower blocks.

Paragraph 23

Approved Document B should make it clear that any addition to the outside of a building which has the potential to lessen its resistance to external fire spread is subject to the Building Regulations and therefore to the guidance contained within that document.

15. Regulation 3 of the Building Regulations 1991 defines the meaning of building work for the purpose of the Building Regulations. One of the definitions is a material alteration, and paragraph 3(2) says "An alteration is material for the purpose of these Regulations if the work, or any part of it, would at any stage result in a building ... not complying with a relevant requirement where previously it did". Paragraph 3(3) gives B4 (external fire spread) as one of the relevant requirements. Thus any addition to the outside of a building which has the potential to lessen its resistance to external fire spread is clearly subject to the Building Regulations by virtue of the Regulations themselves.

16. However, in both the 1992 edition of the Approved Document to Part B and in the new 2000 edition there is a paragraph in the General Introduction which reinforces this requirement. Therefore I feel that this issue is already adequately covered by the Building Regulations and in the Approved Document.

Paragraph 24

We would strongly support any moves to consolidate existing fire safety legislation.

17. In making this recommendation there was a reference to a letter the Committee had seen from George Howarth saying that he was very keen on bringing in a Fire Safety Bill to bring together the 69 separate pieces of legislation that currently cover fire safety. George Howarth has now moved from the Home Office, but the Home Secretary remains committed to the rationalisation and simplification of fire safety legislation, and I fully endorse that objective. Up to now it has not been possible to secure Parliamentary time for a Bill. However, the Home Secretary expects shortly to establish a new Fire Safety Advisory Board which will resolve outstanding issues and develop detailed proposals for legislative change. The Board will also give priority to examining whether, in advance of primary legislation, it would be possible to make use of planned legislation this Session on regulatory reform to secure some of the desired improvements.

18. I hope that this serves to reassure you that the Committee's concerns with regard to the potential risk of fire spread in buildings via external cladding systems have, or are being, addressed.

