

**London Assembly Fire, Resilience and Emergency Planning Committee  
18 July 2019**

**Transcript of Item 6 – Tall Buildings and Fire Safety**

**Andrew Dismore AM (Chair):** This brings us to today's main item, the discussion on tall buildings and fire safety. Can I welcome our guests? Dan Daly, an old friend of ours; Nick Coombe from the London Fire Brigade (LFB); Charlie Pugsley, Fire Safety Specialist Teams at the brigade; Pat Turnbull from the London Tenants Federation; Martin Boyd, the Chair of the Leasehold Knowledge Partnership, welcome; Martin Conlon, who is a Building Control Professional Group Chair of the Royal Institute of Chartered Surveyors (RICS), welcome; and Pat Hayes, Managing Director of BeFirst Regeneration. I think that is everybody. Thank you all for coming, and perhaps I can start with the first questions.

This is probably for Dan and Charlie to start with. How do you define a high-rise residential building?

**Dan Daly (Assistant Commissioner, LFB):** Good afternoon, Andrew, members of the panel. For us in LFB, we have been talking now for a number of years around buildings over 18 metres, and certainly that is a figure you would all be very familiar with in the post-Grenfell era in the work that we have been doing.

The issues for us more broadly around building safety are really about the risk within that building. Whilst we can define high-rise buildings using Approved Document B (ADB) as a guide around six floors and 18 metres as a common pathway, our concerns are in terms of the work that we have been doing post-Grenfell [Tower fire] around building safety, the whole regulatory regime and looking to improve that. It is a broader conversation I think, rather than just talking about tall buildings.

**Andrew Dismore AM (Chair):** If we took that one in Barking for an example, that would not be classed as a tall building.

**Dan Daly (Assistant Commissioner, LFB):** It certainly was not over 18 metres by that definition, no.

**Andrew Dismore AM (Chair):** OK. What are you doing to raise awareness of fire safety in high-rise residential buildings?

**Dan Daly (Assistant Commissioner, LFB):** Again, we have had a very solid programme of prevention work with London's communities. A number of our prevention practitioners work through providing information to specific groups, whether it is around health and vulnerability, to residents of purpose-built blocks of flats. We provide information on our external website with lots of self-help tools for people to understand their risk from fire and how to manage and reduce that risk. More proactively, we have had our home fire safety visit schedule, which lots of people around this table will be aware of. Currently around 80,000 of those are conducted every year, and 80% of those are with what we would class as P1 vulnerable people.

The advice has not really changed around what are the main causes of fire and what people can do to keep themselves safe. I know we are here to talk about tall buildings, but, tragically for us, fire deaths and injuries

happen in a range of buildings across London, and it is more linked to the behaviours and vulnerabilities of individuals rather than where they live in London.

**Andrew Dismore AM (Chair):** We might come back to some of that later on. You presumably are also working with responsible persons (RPs) under the Regulatory Reform (Fire Safety) Order 2005 (RRO). How engaged and proactive on fire safety are the RPs who you deal with?

**Dan Daly (Assistant Commissioner, LFB):** I think it is fair to say we have had a mixed response by and large. We have been very, very careful not to step into the space on fire risk assessors and competent person advice for the RPs, but we have certainly been there to challenge some of the advice that they have had. The most proactive I think are where we have enjoyed decent relationships and been able to add value to the advice that is taken, and we have also had those challenges.

I think Members will be aware from previous discussions around some of the challenges we had with some large developers in some instances, but I am pleased to say, certainly with some of the work Charlie [Pugsley] did in one particular instance, we were able to make progress there. I do not think we are meeting huge resistance at the moment, but there is still this issue with private premises and the issues around engaging and encouraging those private RPs to take action in their buildings where we are currently concerned about the cladding of fascia systems on those buildings.

**Andrew Dismore AM (Chair):** We will be coming back to that later on.

**Dan Daly (Assistant Commissioner, LFB):** I thought we might.

**Andrew Dismore AM (Chair):** Perhaps I could ask Martin [Conlon]. What are the most common fire safety issues in high-rises that were brought to your attention?

**Pat Hayes (Managing Director, BeFirst Regeneration):** The issues with the buildings that we are taking down at the moment are the means of escape in terms of the number of stairwells. All our current stock which is defined as high is essentially the brick-built or Bison framed. There is an issue around de-gassing some of the Bison block still. We have a couple of those blocks. Again, they are fairly advanced in demolition. If one sets the management position to one side, the main structural issues for us are the means of escape, sprinkler systems, and then any other inherited hazards with blocks, particularly the Bison ones. Unless we knock them down, they will be replaced clearly with blocks built to a very different standard.

**Pat Turnbull (Regional Delegate, London Tenants Federation):** I would like to agree with what the [Assistant] Fire Chief said.

**Pat Turnbull (Regional Delegate, London Tenants Federation):** If you start to define tall buildings in a certain way and say everything else is going to be OK, you are going to make a big mistake because fires can happen anywhere, and the Barking example of a six-storey building has just been referred to. Another issue we are concerned about is accessibility for firefighters, like space to park and get the ladders to where they are required, which was also an issue at [the] Grenfell [Tower fire] I think.

Just to go on to what we have done about raising awareness because I think that was your other question, we discussed the Hackitt Review on the basis of a paper produced by one of our members. We discussed safe homes in general at our conference last October 2018. Two of our representatives, myself and another, attended your Fire Safety Summit and reported back to the London Tenants Federation about it.

Unfortunately, it is tomorrow, but tomorrow we are organising an event called the Government Consultation Reforms of Regulation to High-Rise Residential Dwellings, where we have speakers Phil Murphy [Manchester Sustainable Communities] and Stuart Hodgkinson [Lecturer in Critical Urban Geography, Leeds University], who wrote this excellent book, *Safe as Houses*. What we would like to do is, once we have had that meeting, also report back to you our further thoughts. We are strongly in favour of sprinklers in new building retrofitting and we have consistently supported that. We think that the immediate challenge is to remediate high-rise buildings with unsafe cladding. This really has to be sorted out faster than it has been up to now. I know the Government has said it is providing funding for social rented homes, but there is the problem, which is not really our remit of course, of all the other ones.

We are also concerned that the funding that the Government gave came out of the funding for affordable housing overall, and we are concerned too that apart from the question of cladding there are other elements of fire safety procedures. Now that councils are looking at them very closely, they are finding that they need things done about them, and urgently. We are concerned that the money to address those problems is going to come out of the council tenants' rents and is, therefore, going to leave less to be spent on essential upkeep. In the end that is going to create yet more problems. These are some of our concerns about the situation.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):**

I would like to put it into two categories, first from the RICS point of view, the building control. Under new build, I think one of the biggest problems is lack of fire-stopping. We see that. I do not think I can think of a project where fire-stopping and cavity barriers have been properly installed. There is just a lack of it, and it is a lack of understanding and appreciation. For existing buildings that are undergoing retrofit, it is a massive disconnect and a lack of understanding that if you have a building that was built in the 1960s and you suddenly decide to over-clad it to insulate it, irrespective of what the cladding is made of, you are altering the fire dynamics within that building automatically. That can make a massive difference. There is a lack of understanding that when people retrofit or refurbish buildings in lots of areas, they are doing potential damage and issues and they are not considering those.

Also, there has been a disconnect. The regulations and the guidance to the regulations have been shown to be lacking in lots of areas. The Government is trying to address that. Whether it is addressing it properly or not is another matter. We may need to revisit that. There is also generally a disconnect within the whole construction and handover process. From conception and inception of the project right to completion and then into operation and beyond, there are many gaps. The Government have introduced or is trying to introduce this so-called 'golden thread', which is essential, but it is how that operates in practice. It is like crazy paving: there are lots of gaps in it. There are lots of gaps in it that need to be addressed. It is the whole system.

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** I shall not claim to have any technical knowledge of buildings at all, but what has been very clear from the outset is we have two sometimes competing sets of legislation dealing with this issue. We have all the building safety regulations and legislation, and then we have the leasehold tenure legislation. They just do not join up on occasions. We have used the term "the building owner", and that is a perfectly reasonable term to use from a building safety point of view. From the landlord and tenant leaseholder perspective, it is utterly meaningless. In the private sector, what a building owner really owns is the ground rent reversion and the right to control the management of the building. Their financial interest in that building may be as little as 1%, and very often the building owner is a piece of paper in a drawer, sitting in an offshore territory, and it is impossible for the Government to force those sorts of entities to actually look after the building in the way that it wants them to.

**Andrew Dismore AM (Chair):** That is what brings me to the next question, which is for you and Pat Turnbull, which is: how easy do residents find it to get fire safety problems dealt with in a timely manner by landlords or building owners or whatever you want to refer to them as?

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** Given that we are now two years after [the] Grenfell [Tower fire], the fairly obvious answer to that is leaseholders find it extremely difficult. What has been clear is there seems to have been a lack of consistency from Government. We are going through a constantly changing understanding of what constitutes safe and unsafe cladding. Until the Barking fire, wooden cladding on the outside of the building was perfectly acceptable. Now, suddenly, people are living in homes where that is no longer deemed to be safe.

We have had the same issue in terms of the Government advice to local authorities. They were repeatedly told that they had the powers under the 2004 Act to take control of these buildings and do something about them, and then suddenly in February this year [2019] the Government updated its advice on the 2004 Act because it finally accepted it was not working. There are a number of local authorities who fed into the Government to say they are still not happy that the powers that they have would allow them to do anything without passing those costs to the leaseholders.

There is unfortunately a feeling from the leaseholders that they have a lack of control as to what is going on. There have been very much mixed messages sent to them. A lot of them have faced very high costs and they still have no idea really what is going to happen to solve this problem in the end.

**Andrew Dismore AM (Chair):** From the tenants' point of view, Pat [Turnbull]?

**Pat Turnbull (Regional Delegate, London Tenants Federation):** The residents find it difficult to get anything about their homes dealt with, which is due to a whole variety of factors, the most difficult one being that so much of the work that is done in our homes is subcontracted and then subcontracted again. Now tenants are being expected to liaise directly with the subcontractors rather than with their landlord, which just creates further problems. I think that there needs to be clarification about how tenants can get things done.

The idea of having a regulator - we supported Shelter in asking for a regulator - and the possibility of tenants, where necessary, being able to go directly to the regulator is important, but of course the regulator then has to have the powers to do something about whatever the tenant is concerned about.

**Andrew Dismore AM (Chair):** OK. Thanks. Coming back to the LFB, what regular checks and inspections do you undertake to assess fire safety in high-rise residential buildings?

**Dan Daly (Assistant Commissioner, LFB):** High-rise buildings will just be ones with the premises types within our risk-based inspection programme. Traditionally, they have not posed a huge risk in terms of fire safety, but it is something that we have included within our risk-based inspection programme. Certainly, since [the] Grenfell [Tower fire] we have had an active programme of dealing with buildings that were identified to us where there were concerns about the external cladding on the building. We have maintained a dialogue where we found not just issues with the external envelope of the building but also issues with compartmentation, fire doors, and the general fire safety management within those premises.

As you will be aware, we currently in London have something like 215 buildings where there are simultaneous evacuation procedures in place as part of the interim measures associated with the risks within those buildings,

and we are maintaining an active watch of those through fire stations just to make sure those arrangements are still in place. Each of those buildings that we first assessed we issued with a notice of deficiencies (NOD) to ensure that there was a written record of the issues we felt needed to be picked up, and we will be reviewing those. There is clearly a need for us to maintain a presence in high-rise buildings to assist with public reassurance and equally to provide a bit of an outlet for residents in terms of their concerns.

Just before I hand over to Nick [Coombe], something I just want to add. In terms of the issues being raised, your point about residents. We have certainly seen an increase in general fire safety queries into LFB, and we have put extra resource into managing the helpdesk where we service those queries. Fortunately, we have not seen a huge number of significant safety risks elevated through that process, but what we are seeing is a general awareness and interest among residents, and we have been able to provide information either through the website or recommending home fire safety visits and so on to help allay their fears, which I think is an important part of the service we are providing. It is not just about the building. It is that reassurance piece as well. Sorry, Nick.

**Nick Coombe (Strategic Technical Adviser, LFB):** Sorry. Thanks. I think you need to understand as well the limited powers that the fire service has in residential blocks of flats. We only cover the common areas. The Fire Safety Order is built on the assumption that the building would have been built in the first place, because it is a lot about maintenance and management, and we do not cover the external bit.

Also, we have no real powers to access flats. It is people that are at risk and it is what people do in their flats that can cause the problem. Like the issues you have heard around landlords getting access, we cannot even check the front door, because unless we can get them to open it, it is really difficult to check it even has a self-closer. Part of the new framework going forward needs to allow whoever is going to be the regulator in those buildings to have the access they need to ensure that the holistic, whole-building approach works in those types. You have two pieces of legislation. The coroner at Lakanal [House fire] highlighted that these do not work together and it was never rectified at that time, and it is still to be rectified now. The consultations are out and they specifically ask those questions, so hopefully in the future we can fix that issue.

**Andrew Dismore AM (Chair):** Dan, you talked about not just looking at high-rises but vulnerable people in places more generally. How do you decide which are the ones that pose the greatest risk, and to what extent does that apply to high-rises?

**Dan Daly (Assistant Commissioner, LFB):** Traditionally, we have a risk matrix that talks about the risk in buildings, and certainly that has been around for a number of years now. That is something that we have sought to review over the last few years, but with events where they are and now consultations out, what constitutes high-rise buildings being part of that? Something that we are actively pushing very firmly on is that the extent of the review into the Hackitt recommendations considers high-rise buildings to be more than just high-rise, and certainly thinking about specialised housing and care homes, those places where vulnerable residents live. It is a bit of work we still need to come back to once we know the outcome of where we are and what definitions are put in place through the changes we are facing now, but certainly we use fire data as well to inform where fires happen. We think about the types of people, as I say, the vulnerabilities that lead to fires occurring, and all of that comes together in a blend really to determine where we should go.

I think we are still some way off where I would like to be in terms of really targeting risk as firmly as I would like, because there has always been a pressure around the number of audits that we will have achieved as a service. What we are pushing for now is a tighter reflection on what risk needs to be tackled by the specialists that we have in the fire safety department, and equally, where we find those risks and where we tackle RPs

that are not taking their responsibilities seriously, that we have tighter regulation and higher rates of enforcement to bring people to book where we find that.

**Andrew Dismore AM (Chair):** I am coming to enforcement in a minute, but do you actually have a written policy or document which says, "These are the ones we particularly need to look out for"? I presume that is not in the London Safety Plan. I do not think it was when I last looked at it.

**Dan Daly (Assistant Commissioner, LFB):** No.

**Andrew Dismore AM (Chair):** We looked at the London Safety Plan before, two years on. Are you looking to have that somehow set out as a document as a supplement to the London Safety Plan or for next time around?

**Dan Daly (Assistant Commissioner, LFB):** You know we will be working through developing the next London Safety Plan probably around the same sort of time as we are looking for outcomes from the current consultation. Hopefully, if those two things align, it will enable us to do that.

I am not sure that a huge amount changes for me, just thinking about where we think risk is at the moment. As I say, we do set down where we think fires are likely to happen and where we want to focus our efforts. I would like to think that the LFB will be able to give some reassurance around where those things are going forward, but I do not see that that risk changes because, as I say, it is more closely aligned to vulnerabilities and people's behaviours than necessarily what it is around the types of buildings. However, all that said, there is still something there about public reassurance and making sure people feel safe in their homes. Maintaining the presence in those places is hugely important as well.

**Andrew Dismore AM (Chair):** Coming back to non-compliance, which you just mentioned, how many non-compliant high-rises have you identified in the last couple of years? You have talked about NODs. What other actions have you taken? I understand from a Mayoral Question I had answered that you have not taken any formal action against any RPs as yet. Is that still the case?

**Dan Daly (Assistant Commissioner, LFB):** Yes. I do not think we have needed to. In our normal methodology, we would not necessarily have issued NODs to all of those high-rise buildings. They would potentially have come down broadly compliant in terms of the issues that we have access to, as Nick [Coombes] has just described. However, because there is this additional risk around the cladding, we felt it prudent to use a higher rate of enforcement around using NODs to record what we expected RPs to be doing with that particular building. It gave us a figure where we were looking at over 700 premises, I believe, that we ended up issuing NODs on, having carried out in excess of 1,400 visits to different types of high-rise. Those are the levels we have been at.

What we have learnt from the high-rise work, though, is that we need our officers to be able to do more than simply audit a premises, and that was a change that came around through the better regulation process. We need our officers to have the skills and abilities to be able to look deeper into buildings where initial signs and symptoms do not give them the feeling that the buildings are being managed as we would like. We have encouraged that and we have developed our officers to have that ability.

I think you will be aware that we have recently used that methodology and taken it forward into another premises type around care homes, where we did a limited sample of 177 care homes and found that 104 of those then required enforcement of some nature, which is a much higher rate than we would normally see. We

are seeing across the piece higher rates of enforcement. That is interesting for me. It is useful. It is where I want to be. Part of that messaging within the higher rates of enforcement has to be that there is still a desire from us to see people being compliant with the regulations by consent. I do not want them simply stopping because the inspectors have turned up or they have seen the speed camera, to use another analogy. We want 24-seven, 365 days of the year compliance with the fire safety regulations.

**Andrew Dismore AM (Chair):** I can understand prosecutions further down the track, if you get people to work with you to sort it out. There have been no prosecutions so far, two years on. Presumably there must be some sort of triage system you are operating in terms of the seriousness of the defects you find, going back to doing inspections. Have you found RPs who are not prepared to co-operate with you, where you are contemplating prosecutions?

**Dan Daly (Assistant Commissioner, LFB):** In those areas where we traditionally have the remit to inspect the common parts, as Nick [Coombes] said, we have not found the resistance. The issues are really around the cladding systems and the uncertainty and funding availability, the issues that have been spoken about by colleagues here. That has led to the debates, if you like, and the challenges with RPs. More generally, in the traditional areas of general fire safety practice, people have gotten involved with what they felt --

**Andrew Dismore AM (Chair):** A last couple of points from me before I bring Léonie [Cooper AM] in. A joint inspection task force the Government announced a year ago, or two years ago it was. It has just been set up. That is right, is it?

**Dan Daly (Assistant Commissioner, LFB):** Yes.

**Andrew Dismore AM (Chair):** As I understand it, there are only two people in it.

**Dan Daly (Assistant Commissioner, LFB):** It is not quite right. It is a small central team, but they will use the resources of the local authority in which they are carrying out the inspections. I think, Nick, you can probably give an update on whether you are happy with that.

**Nick Coombe (Strategic Technical Adviser, LFB):** You are right. There have been some wranglings around the effectiveness of the team through indemnity insurance. They are only going to offer advice to the local team who have to carry out the enforcement under the Housing Health and Safety Rating System (HHSRS), which is their tool to use. It has been slow. I cannot argue with that. With my other hat on as the National Fire Chiefs' Council (NFCC) we have provided fire engineering support to that team, and my understanding is the first inspection to use enforcement is imminent.

Again, the legislation is they have to give a letter to every single resident in the block advising that they are coming. They then have to give separate letters to the people responsible. They then have to give separate letters to the people who they want to go in their flats, because without that they cannot get in. It is clear that even with the joint inspection, the HHSRS is not fit for blocks of flats because it was not particularly designed for that. It is slow and there are reasons behind that, but hopefully, when the first inspection carries on and enforcement happens, the idea is, once it is challenged through first-tier tribunals and they win, then the rest will fall into place a lot easier. It is about providing support. They do not need a lot of people. They need local authority Environmental Health Officers who are going to carry it out to be sure that they are going down the right track, and they have some expertise in there that is providing that.

**Andrew Dismore AM (Chair):** They are advising the local authorities?

**Nick Coombe (Strategic Technical Adviser, LFB):** Yes.

**Andrew Dismore AM (Chair):** The action is on the part of the local authorities to take the effect.

**Nick Coombe (Strategic Technical Adviser, LFB):** Yes.

**Andrew Dismore AM (Chair):** Are the local authorities sufficiently staffed up to do it?

**Nick Coombe (Strategic Technical Adviser, LFB):** Because I do not work for one, I cannot answer that. I can only give you a general answer that most of the public sector has reduced resources. We have 33 London boroughs. This is a high-risk event. You have external wall systems that are non-compliant that could cause risk. I think they have to go through this route of going through enforcement to get it taken down because RPs are not doing what they are meant to do, but then they have other issues: do they physically have the money to replace £2 million worth of cladding? That is the issue. Where does that money come from?

I think the Government today is announcing how to apply for the private sector fund, but again that is only about the actual aluminium composite material (ACM) and not what else is wrong with that building.

**Léonie Cooper AM:** Just before I come to the other questions I want to ask, you said no prosecutions of RPs, registered providers. I am certainly aware of one example in my own constituency, Clyde House, managed by A2Dominion (A2D). There have been sparking electrics and water, and it is an accident waiting to happen. People have been trying to get A2D to step up and sort all of this out. It may be something that you can write to me separately about from this meeting, but it is a good example, it seems to me. A2D is one of these really large associations, and I was really shocked and horrified at the condition of the building and the really appallingly dangerous conditions for the people that live there. I am slightly worried that we are still saying no prosecutions, because I do not necessarily want to use the "an example should be made" terminology or anything like that, but I do wonder, what do you have to do to be prosecuted?

**Dan Daly (Assistant Commissioner, LFB):** It is a building I am familiar with. I cannot remember the details of it, exactly where we are at, but one of the misconceptions is that the fire service can fix everything, and we really cannot. As those areas --

**Léonie Cooper AM:** No, I think it is A2D that should be fixing it.

**Dan Daly (Assistant Commissioner, LFB):** Absolutely, but in terms of our ability to force it down that line. In the areas to which we can regulate and enforce, if there are not the issues there for us to take further action, then we cannot. There might be other issues that are more related around housing and the Housing Act and things that local authorities should be stepping in on. I cannot remember the specific details so it would be wrong for me to make a guess at this, but I know we have been fully engaged with Clyde House.

**Léonie Cooper AM:** Absolutely. I know that is the case. I am just concerned that there seems to be some form of blockage around who is going to make people who are managing buildings where people are potentially in danger -- and you are from the fire service so it is probably even more of a concern to you than it is to me. How do we make this not happen?

**Dan Daly (Assistant Commissioner, LFB):** I think it comes back to some of the points that were made earlier, that residents need to have a clear line of sight to where they can make those complaints, and those

complaints are actioned quickly. As I say, we have taken steps in LFB to make sure, for residents that are raising concerns with us, there is someone on the end of the phone to take those calls and to answer those responses. Often the issues that are raised with us are not issues that we can directly affect, but we can certainly provide some sort of advice and support to certainly alleviate some of their anxiety. I absolutely understand where residents will find that frustration, and I think colleagues here have alluded to that.

**Pat Hayes (Managing Director, BeFirst Regeneration):** I think you will find, as Dan has said, that there is a perception that the LFB can be all things to all people and deal with everything, but there is a particular limited set of legislation which is not helpful in this case. However, the local authority does have powers, and it has fairly extensive powers, certainly under the Building Act [1984]. Section 77 deals with dangerous buildings or structures, and it actually says that if a building is in such a condition to be dangerous, then the local authority can take action. It has powers, so there are powers available. There also is section 78, where there are emergency powers if the condition is imminently dangerous. You have two types of danger, an imminent danger or a potential danger, what I call section 77. Section 77 requires to go through the courts. Section 78 gives the local authority power to take action immediately, should that be necessary.

**Léonie Cooper AM:** Then of course there is the issue about how many officers local authorities still have in post, given the reduction in funding to them under austerity.

**Pat Hayes (Managing Director, BeFirst Regeneration):** That is right. That is the real issue. Correct. Absolutely. The powers are there. Whether the personnel is there to exercise those powers is another matter.

**Léonie Cooper AM:** Exactly. That is a slightly separate debate but mentioning regulations does bring me on to the area that Andrew [Dismore AM] was anticipating that I would be asking about. I think I am probably coming to the Brigade on that. When we are finding developers developing new buildings, there is a point there where the LFB does have the opportunity to be consulted. 20,000 submissions a year in terms of building and planning. Of the responses where you have made recommendations or you said, "I don't think that is going to work in the way that you have designed that", how many of the recommendations are taken on board? If you have asked for any changes, how many of those get changed? I am not sure whether that is a --

**Dan Daly (Assistant Commissioner, LFB):** I am not sure if Charlie [Pugsley] might have something in some papers he has there, but on the general point of that, one of the major frustrations for us as a service is that we are a statutory consultee. However, people do not have to take our advice on board. One clear example there is we have been consistently now, in a number of premises types, recommending sprinklers as part of that consultation process. There is very limited to zero take-up on some of those recommendations, I would probably say off the top of my head. I have a highly skilled team of fire engineers that are able to write that --

**Léonie Cooper AM:** Just to be absolutely clear, you are saying that you have recommended that sprinklers are installed, and there have been instances where the people that you have sent that to, who are property developers, have said, "Thanks, but no thanks"?

**Dan Daly (Assistant Commissioner, LFB):** Absolutely.

**Léonie Cooper AM:** That is post-Grenfell [Tower fire]?

**Dan Daly (Assistant Commissioner, LFB):** That would be post-Grenfell [Tower fire] and it would be in the years before that. There are a huge amount of frustrations. We have a skilled team of engineers who make

recommendations out of their professional judgment around public safety, and it is appalling that that does not have to be taken on board by developers. It is a frustration for me. It is something that we have asked within the review that those advices are taken on board more readily. I think it is --

**Léonie Cooper AM:** It was pretty astonishing that a statutory consultee can make strong recommendations about what would be best in terms of fire, and then someone can just completely ignore it, and there is literally no comeback.

**Dan Daly (Assistant Commissioner, LFB):** Absolutely. If we think about the building regulations, there are areas of the building regulations in the process where people are able to interpret what meaning the regulation is, and that is one of the things we are seeking clarity on in the technical review and we have certainly fed into that.

There are also areas within the building regulations where people may want to deviate from prescribed standards, and within that there is an implied procedure where there will be agreement with the fire service and the developer around what a solution is to that extension away from prescriptive measures. I am not sure that that is always taken on board either, and I look enviously at some other fire services around the world where they have powers to not only stop buildings from being developed, but where developments are taking place without the fire service approval, they also have the powers to stop those things. We end up in a very difficult situation, and there is a case in London where we are looking very closely. Over two years ago we provided recommendations around the design of that building that was unsafe and we would not support the development. The development has nonetheless gone ahead. It is now an occupied building, and we are now looking at that through our regulatory role to see what we can do, what action we can take.

There are other buildings, subsequent to our advice at planning and early design stage that was ignored, that now have come to having completed the building and carrying out active tests on the building. The failures that were identified in principle by our engineers are coming to fruition in reality, and there are now expensive retrofits being undertaken in those buildings. It staggers me, with all those lessons out there, that people are still not taking the advice. That is not to say just advice from LFB. I think more generally the fire service does have a voice.

**Léonie Cooper AM:** I must say it is hard to feel sympathetic to people who are being forced into those expensive retrofits because they could have listened to you in the first place. I see that Nick wants to come in.

**Nick Coombe (Strategic Technical Adviser, LFB):** I think again we need to clarify the process. The fire service is not building control experts. It comes to us with the knowledge that the building control body has said, "It is ready to go", so we should only really be commenting on, would it meet our legislation if built like that? We are increasingly commenting on stuff that is not correct.

There was a major fatality fire a few years ago where they had to refurbish that building. It is over 30 metres. Did they then put sprinklers in it, even though it is now saying you should? No. They hid behind the non-worsening clause. Did they upgrade any of the firefighting facilities there? No, because they hid behind a clause that says, "If I am not making it worse". If you cannot get a building owner who has had multiple fatalities - death - in that building to improve it when it gets the chance, that is what you are up against. Until they are made to do things, like made to put sprinklers in -- we can say it is a good idea, because it is a great idea, but we have no power. Until it is mandated, they will not do it, because it is all about money, not public safety.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):**

It is another point on the consultation. First of all, you are right, it is a statutory consultation and there is a consultation protocol and procedure that it is recommended to follow between building control and the fire authority. Nick is quite right; what should happen is that the application for consultation should go to the fire authority once building control is reasonably satisfied that it complies with ADB or the regulations surrounding ADB. I am getting feedback all too often that many building control bodies are wanting the LFB to more or less check the plan for them, and then just sitting back and more or less washing their hands of it from that point of view, which I find unacceptable. I do share your frustration there.

I also share the frustration at the fact that the statutory consultation -- I sound like a grumpy old man here. Years ago, when I was actively involved in building control, we had a very, very close relationship with the local fire authority where I worked. That for some reason seems to have dissipated throughout the country as I am speaking to people. The close working relationship does not seem to be there as much and I do not know quite why, whether that is down to cost savings, changes in staff personnel, changes in politics or structure. I do not know, but that close working relationship does not seem to be there anymore. It seems to be much lacking. This idea that there is a disconnect: there are a lot of disconnections throughout the whole system where you would expect that things should be smooth and relatively straightforward, and they are not. They are not.

Also, with all the legislation. It is a good point. At the RICS we are developing a group for international fire safety standards where we are talking with all sorts. We have a group which is across the world, really, where we are sharing advice and guidance and information and good practice, to be quite honest, as well. That is relatively in its infancy. It has only been going for about a year. That is developing an understanding as to where other people are finding difficulties, where we are, but also how other people are finding solutions to some of those difficulties in relation to fire safety standards across the world. I think that is a good point to consider.

Like Dan [Daly] and Nick [Coombes], I share these frustrations with the fact that there are situations where we have very little powers that we can use.

**Léonie Cooper AM:** Can I just follow up that point about building control that you were just making and that Martin was coming in on? Sorry, Pat, to cut you off there. Is one of the reasons why there has been the dissipation of that close working relationship the fact that the arrangements have now been changed so that if someone is building something, they no longer have to use the building control inspection service of the local authority? They can now employ their own independent or quasi-independent person that they pay to come in and do some of these things. Do you think that is having an impact and perhaps that is also leading to the greater workload and the need for greater review by the fire service? Would you say that that might be the case?

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):**

It could be a factor. I am not suggesting that it is the only factor. It could be a factor.

**Léonie Cooper AM:** No, I am not saying it is the only thing.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):**

It could be a factor. There are elements of good practice within the public and the private sector. Equally, there are elements of bad practice in both sections as well. I have also been in the private sector, and in the

private sector I have had some very good relationships with some excellent fire authorities where we have a clear understanding, and we have done joint completion inspections on major projects where we have understood each other's point of view. We have invited the fire authority to come along and inspect while we are undergoing inspections while the place is being fitted out, which has helped not only ourselves but the developer in making sure that they are meeting all their standards. It might be a factor, fear factor, in some certain situations but I would not say it is the only factor.

**Léonie Cooper AM:** No. Sorry.

**Pat Hayes (Managing Director, BeFirst Regeneration):** It was really just to reiterate from the planning authority point of view that our frustration a lot of the time in terms of advice around fire safety and indeed other things can be ignored, and there is very little we can do about that. One of the things that we are trying to develop at the moment effectively is an informal process, where developers sign up to go 'Hackitt plus' effectively at planning application stage to see if we can at least encourage the good ones and hopefully shame the less-good ones to follow suit.

I differ slightly. I do think that the increased use of Approved Inspectors (AIs) has been very unhelpful in many ways. There are some very good AIs and also some not so good AIs who are operating on a fairly pared-down budget and will cut corners. If that means getting the LFB to do a bit of their work, great. If that means not quite doing as they would have done traditionally, again, they do it. I do think that the use of AIs and the way that effectively that has impacted on the Local Authority Building Control (LABC) side -- and just our sheer difficulty recruiting. I have been trying to recruit building control officers and it is enormously difficult because it is a profession that has aged. A lot of people have gone into the work of the AI sector. You are training people up from scratch, effectively, or trying to get people at the end of their careers to come back into the public sector, and it is really difficult. It does knock through in terms of those longstanding relationships: the relationship between building control and planning, the relationship between building control and the LFB.

**Léonie Cooper AM:** I have to say that has very much been my perception. Trying to deal with some of these people as a councillor or Assembly Member has been more difficult than dealing with the LABC department, and very much the point that you are making about the recruitment. I think there are some difficulties in local authorities in maintaining those teams.

**Pat Hayes (Managing Director, BeFirst Regeneration):** A lot of the AIs do attempt to do as much work as they can as a desktop exercise, and I have dealt with people in Cardiff and have had a job to get them to come to London and actually look at their own building.

**Andrew Dismore AM (Chair):** Can I ask you, Pat [Hayes], or possibly Martin [Conlon] about this one? A planning authority could not make it a planning condition that the sorts of things that Dan [Daly] is talking about are part of the development, or could they use that as a ground for refusal?

**Pat Hayes (Managing Director, BeFirst Regeneration):** I think you would be a brave planning authority to do that because the chance is they would appeal and that you would lose at appeal and would have costs awarded against you.

**Léonie Cooper AM:** Dan was suggesting that Charlie might be able to help on the 20,000 that are going in. How many of them are actually taken up in terms of the recommendations? Also, do you monitor? It sounds as though you know of a number of cases. Is there a monitoring process that you follow to find out how many have been taken up or just ignored?

**Charlie Pugsley (Deputy Assistant Commissioner, Fire Safety Specialist Teams):** Good afternoon. The first point in terms of the building control consultations. The more complex type, which are tall or complex buildings, when we get those submissions in, we are looking over a four-year period where between 60% to 70% of those we have to go back to them and make a recommendation. After sending that back, the figures are still around 50% to 60% whereby it comes back that there is still an issue, even after we have been back on the first time.

As part of that work we have also started doing an in-depth study like a deep audit or inspection from the fire engineer perspective. We have sampled 20 buildings, and so far, although we are still putting the data together, we only found that one was what we would call exemplary or to a high standard. Only one in 20 that has gone through that process is found to be to a good or high standard. Obviously, for us, we think, "Do not just strive for the base level. Try to be good or great". That really shows an issue.

On the plus side, our engineers are working with stakeholders from the public and private sector to try to go back, rather than - I think a colleague has raised the issue about it - just getting the fire service to do part of their role. There is this real issue of capacity with our specialist and skilled staff, not just in the fire service, but this is also reflected at London Councils' Fire Safety Group. It is an unfair burden for us to in effect be doing paid work for them. We are looking at going back and pushing back and saying, "No, you actually have to give us a reasonable consultation". As an example, we will get more detail sometimes on a simple building, and for a complex building we will get a few pages. Then that takes up our engineers' time, and in terms of what we would expect in terms of them reducing risk to the public it really is challenging.

One other piece of work - just tying in with Pat [Hayes] - that we are looking at as well is working with the police. For 30 years they have had success with developing Secured by Design (SBD), so we are currently in consultation as part of our collaborative working about SBD Part 2 or Safe and Secured by Design. Again, if, as one of these threads across the industry, we can get at the planning and design stage developers to be more involved - so security, safety, inclusion and accessibility - we believe that we cannot just do the reactive work. We have to also be doing very much the work that is going to perhaps take a few years but we will see the benefits as that comes forward.

**Léonie Cooper AM:** It just makes so much more sense, doesn't it, to make a building accessible and secure by design and to put in the right fire-proofing that you need to at the beginning, rather than trying to go back and do it all afterwards? Sorry, Martin [Conlon].

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** One of the problems - though there are many - is that quite often when an application comes in for building control and fire authority approval it is not a completed design. The concept of design and build is an issue these days. It is a major problem within the industry, I feel. I have come across that, that the design has not been developed fully or appropriately at all, so all you get are sketch plans and then you are expected to try to play catch-up as the place is being built because neither building control nor the fire authority have any powers to stop developers building. We do not have stop notices, unfortunately. That itself is an issue, where you find quite often there is very little information that comes in, and then as the building develops you find things are changing on site on a regular basis, which actually has a massive impact on not just the fire parts of the building but maybe the structure, maybe the thermal aspect, maybe the accessibility as well as the fire.

**Andrew Dismore AM (Chair):** Pat Turnbull wanted to come in.

**Pat Turnbull (Regional Delegate, London Tenants Federation):** I think the problem is we have reached the results of the weakening of building regulations over at least 15 years. For example - I have a short list here - there are loopholes for refurbishment work. There is self-certification of too much building work. There are problems with the qualifications and all the building inspectors, limited enforcement powers, and poor records of a building and what has happened to it. There is a building that I have been taking an interest in because council tenants live in it, where it has been swathed in scaffolding for a year now, with a whole series of tests. They have fire wardens on 24-hour duty so that they can be evacuated if something happens, and still there is no report of what actually is the problem with the building.

One of the proposals from the Hackitt Review is for a joint competent authority which would have a record of a building's entire life and take checks on the building every year, and those would be reported to the residents in the building so everybody would know everything about it. These things have become absolutely essential because of the lax regime that has been operating for many years now. Since [the] Grenfell [Tower fire] I have been taking an interest in it. As you say, there are things that just shock you.

For example, the reason why the LFB is not involved is you can hire your own fire expert and they will say, "Yes, this is what you need to do in your building". There was a report from the fire expert in one building who was a person who used to work in the fire service so he knew what he was saying, and he advised them on all the things that were wrong, but he also told them they did not have to actually do anything about them and they did not have to publicise what he had told them. How can we expect proper, safe standards when this is the sort of thing that is going on?

**Léonie Cooper AM:** I think that begs the question, and the answer seems to be we obviously cannot. Just to come back to the impact on the LFB, you are talking about the need for doing these deep dives to see how effectively your recommendations have been taken up. You are talking about 60% to 70% of your recommendations; you are still coming back and finding 50% to 60% have not been implemented. Obviously this has quite significant resource implications from the point of view of the LFB, and this was something that the Commissioner was talking about in 2018 about enhancing the inspection capacity of the LFB. Is that something that you have been able to do, and is there either a skills gap there in the LFB still, people that you need to skill up to do these inspections? Also, money is a bit of the 'hidden elephant' here. Is there also enough money to make sure that you have the teams in the LFB, leaving aside the issue about whether or not you make recommendations that are then ignored by --

**Dan Daly (Assistant Commissioner, LFB):** It is a point we have talked about a number of times around general competency across the sector, so it is broader than just the fire service, and I will come back to my own personal pressures around staffing. Sector competency is an issue. I think you have seen some examples of where people can declare as risk assessors without necessarily suitable qualifications and with third party reviews to say they are up to the role. We have fire engineers that work for us that are chartered fire engineers. Unfortunately, it is not a protected term, so you may declare yourself as a fire engineer with, I suggest, as much as a first aid certificate. I do not know. It is certainly not where we would like to see it, some of that stuff, but the sector itself is hugely challenged in terms of competency.

**Léonie Cooper AM:** It is still a big challenge.

**Dan Daly (Assistant Commissioner, LFB):** It is still a big challenge for us. Inside LFB we had some funding from the Mayor a couple of years back now. We have tried to make that funding work in ways that support the competency of our existing officers. It was not about putting more officers on the ground. It was about making sure those officers were confident and able --

**Léonie Cooper AM:** And skilled up.

**Dan Daly (Assistant Commissioner, LFB):** -- to do a deeper dive where necessary, to understand the challenges in the built environment more than they possibly did before, because it is hugely dynamic out there. London, unashamedly, is one of the most dynamic cities in terms of the build and design and the way innovation is driving buildings forwards and material and the use of materials. That is a huge challenge to stay across, really. For our Inspecting Officers (IOs), they need to be supported in that. We took the decision not to recruit any IOs for a period of time to ensure that we actually consolidated what our IOs knew and were able to do the job so that when we brought new IOs in, which we have been doing now for the last year or so, they are able to be mentored and supported by competent and qualified IOs. That was not the situation a few years back because we were driving on quantity of audits, rather than thinking about the challenges. We are now all too aware of what those challenges are.

We will be submitting a different budget request this year to try to address that, but that budget request also comes with a plea that we will need the time to develop the individuals within that because there just is not the market out there to go and buy the skills into the LFB. Where those skills are available, there is an absolute premium out there at the moment that is hugely challenging, and we are going to be suggesting within our staffing model going forward something that is a bit different and innovative for LFB to try to ensure we can retain and attract people to come and work for us. We are not going to be able to bridge that gap, and I think Charlie has done a bit of work on this as well.

**Charlie Pugsley (Deputy Assistant Commissioner, Fire Safety Specialist Teams):** No. If I can just add, we have not tried to just carry on doing things the same way. It is incumbent on us, if there is an issue, to say, "What else can we do?" For example, one of our new engineers in training is a chemical engineer. Because there are not the skills out there, we have taken somebody from another discipline that shows, if you like, the base understanding of those skills, and brought them in. She is doing really well, and we are hoping to have her fully qualified in two years, which is shorter than the normal three-year minimum term because she can go straight to doing her Master's. In other words, it makes financial and organisational sense to try these new things.

You sometimes get hidden benefits, like when there is an Environmental Audit Committee report on furniture and furnishing regulations. We have somebody who says, "Oh, I know about this". Again, we are getting additional value from that person, but that is just one of many ways that we are trying to improve the skills gap and address the skills gap across the board because it is from our officers that do the inspections right the way across to the engineering support. If you have one without the other, you are always going to run into difficulties out there.

**Léonie Cooper AM:** Finally from me in this group of questions, what are the challenges that you would say high-rise residential buildings pose for firefighting, including obviously that we have this huge number of buildings going up in London, timber-framed buildings? We have the combustable ACM on them. We also have people deciding that they have an office block that they now want to use - permitted development - to turn that into new residential. What would you say are the key challenges facing you there?

**Dan Daly (Assistant Commissioner, LFB):** Is it about the firefighting part of the question?

**Léonie Cooper AM:** Yes.

**Dan Daly (Assistant Commissioner, LFB):** From a firefighting perspective, we have well-laid procedures around how to tackle fires in high-rise buildings. There will inevitably over the next few months be recommendations from phase 1 of Grenfell [Tower Inquiry] that will point to lessons learnt for the organisation. I am sure we will take those on board, as we always do, and try to learn from them.

The thing we must not lose sight of - and I certainly appeal to the panel on this - is the fact that this is not a question around how we fight fires in tall buildings. It is fundamentally about the building's safety underneath that. It would be very easy to think that recommendations for LFB or any other fire service that will change the way we tackle fires in high-rise buildings, but fundamentally, if the building is unsafe, if the building does not behave in a predictable way, if it does not behave in the way it should, if it does not keep people safe, there is no safety net that the fire service can provide. It is a hugely important point that we cannot lose sight of, because there is a real risk for me that people think it is, "Job done. The LFB has had a slap, has been told what to do, and we are sorted from that point on". It just is not there.

There is a more fundamental issue that we have known about now for in excess of 20 years, and we have been talking about these issues. If you look back over fire safety legislation, it is littered with fire safety disasters. I think Nick [Coombes] made the point to me earlier today that those disasters have led to changes in legislation. The real tragedy is that they have only led to changes in that particular area: Bradford Fire leading to stadia benefits; the Rose and Crown leading to issues around hotels. What we have here is an opportunity to affect the whole regulatory regime to make sure buildings across the piece are safe, not just tall buildings. I could see the desire to simplify the ask and think about tall buildings. It is about all building types, and particularly those where our most vulnerable live.

I do not want to side-track. I am happy to answer questions about firefighting, but I think that is not really the issue here. I would not want to take away from it. This is about building safety.

**Léonie Cooper AM:** So firefighters are as ready to fight fires in tall buildings as they are in other buildings, but the issue for you is not about the readiness of the brigade to respond. It is more about the state of the buildings and improving those in the light of [the] Lakanal [House fire], [the] Grenfell [Tower fire] and a number of others?

**Dan Daly (Assistant Commissioner, LFB):** Absolutely.

**Charlie Pugsley (Deputy Assistant Commissioner, Fire Safety Specialist Teams):** Can I just add to that briefly? One of our submissions has been about modern methods of construction, particularly around timber and cross-laminated timber (CLT) construction. To echo Dan's point, firefighters are trained to respond in a certain way. If even engineers like Arup are highlighting in their recent report that more research is needed, across the board innovation is moving ahead, which we want to support, but if innovation runs ahead of our knowledge of what these things can do and how they behave in fire, how can we expect our firefighters to always understand what you cannot possibly know because even industry does not know those answers yet?

**Léonie Cooper AM:** That is interesting, isn't it? We did that with ACM, in a way. We had the full set of results in terms of how flammable it was. It only seems to have emerged after [the] Grenfell [Tower fire]. Timber-framed and CLT you think could be deserving of a bit more testing.

**Nick Coombe (Strategic Technical Adviser, LFB):** All products before they come on the market should go through a proper testing regime. If you talk about medical, you cannot put a tablet on the market without going through full testing, yet we will test a product and then we will say, "That looks a little bit like it, so it

must be the same result”, and we start with that, and as we go down what was known what was known as desktop studies, the end product is nowhere near the one that had the test certificate. That is what we have allowed through not being robust in how we enforce these products, and our building control and other people do not regulate the buildings.

I am an ex-firefighter, I do not wear a uniform anymore, but if you build it right and it is constructed right, we have adequate firefighting techniques and procedures to deal with that. When you do not, that is when things happen. Until you change the mindset of checking and making sure it is checked, bringing back a regulatory framework that is robust enough -- and a bit about your difference about AIs and LABC. The trouble is the LABC, the rule regulator, is in a competitive market, and if it does not do what the builders want it to do, it will not get the work. You cannot have that. You cannot choose your own policemen. It is as simple as that. Fix that.

**Pat Hayes (Managing Director, BeFirst Regeneration):** Could I just come in on the modern methods of construction point? It is very relevant because the public sector particularly is under a lot of pressure at the moment to use modern methods of construction and clearly there are advantages in doing it. One of the big issues for us is the time that is taken and the lack of capacity around testing of materials. I was looking at something only the other week with brick slip panels, which should be all right but we need to get them tested, and I was told, “Oh, it could take three years”. I suspect a lot of developers would go, “We will just use it. It looks all right and it complies with the current rules”. There is a real issue around capacity of the ability to test new materials in a very rapidly evolving market.

CLT is another good example. There are all sorts of pluses, coming from one angle, to the public body. “Use CLT because clearly it is highly sustainable”, etc. Concrete is a major source of greenhouse gas and other pollution so you are pushed against using concrete from one angle but clearly CLT to a degree is an unknown context in terms of its fire resistance.

**Andrew Dismore AM (Chair):** We are going to come back to some testing issues later on.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** I think what you have come across is the real nub of the matter. The regulations and the guidance tend to be locked in time and innovations in developments move on quite rapidly. You are quite right about testing products and things but what we are not very good at is testing in combination, unlike testing an individual product. How does that behave when it is in testing with a number of other products as well?

Therein lies the problem, and also in the fact that we do have a lack of enforcement. Enforcement is pretty weak in England and Wales, certainly. In England and Wales if you breach building regulations that is a civil matter. In Scotland it is a criminal case. They have a completely different approach, plus the fact that in Scotland you need a warrant to build. You do not need any approval in England and Wales to start building. You can start building tomorrow so long as you put an application in to the local authority to tell them. Once they are aware of it, it is up to them to play catch-up.

There are lots of problems with the whole structure of the legislation, the guidance that we get for what is necessary to satisfy compliance and the way that we deal with enforcement. That is the real nub of the problem. If we can sort that out then I think we are a long way to getting what we all want, which are safer buildings for everybody.

**Andrew Dismore AM (Chair):** Sorry, a quick question for Dan and he probably will not like it. Did you have better enforcement powers in the 1947 Act before it was abolished?

**Dan Daly (Assistant Commissioner, LFB):** I have to say it was before my time - I know some of you will deny it - but I think it was more linear in many respects, pass or fail. I can sense Nick is champing at the bit so let us pass to him and then I will give you a personal opinion.

**Nick Coombe (Strategic Technical Adviser, LFB):** Do you mean more the Fire Services Act, which is replicated in the Fire and Rescue Services Act? Are you talking more around the 1971 Fire Precautions Act, which was around building safety?

The problem with the Fire Safety Order is that you have to prove serious death or injury to prosecute, which is a very, very high threshold. Moving forward we want much more, not so much on-the-spot fines, but certainly if you do not have a risk assessment, that is a linear thing, there is no black and white and we should be able to hit you with that. There are certain things that are clear in the Order that you could say, "Bosh", kind of thing, and other things are a little bit more of a grey area. We need stronger powers than we have at the moment because a self-regulating system, which is what we have, only works if you have a strong enforcement regime, and we do not. We have full self-regulation with weak regulators.

**Dan Daly (Assistant Commissioner, LFB):** If I might, another frustration with the current process, as Nick said, is the high tariff, but equally finding the people who are responsible ultimately for the failures is a significant issue. I know we have touched on it earlier but we have had certain prosecution cases where we have been able to take action against what I would describe as smaller players and smaller offenders in the piece and yet the real architects of the disaster, of the tragedy, are offshore, out of sight and out of reach.

**Andrew Dismore AM (Chair):** That is a general problem with enforcement?

**Dan Daly (Assistant Commissioner, LFB):** It is a general problem but for us, in the most serious offences, it really limits where we can act and where we have an impact. As I say, with everything available to us we should be able to find out. How do residents, without those facilities available, find the people to complain to? It is beyond me. Again, we have asked for this to be picked up.

**Andrew Dismore AM (Chair):** OK. I am bringing Susan [Hall] in now. We have about another hour to go and we have quite a lot of ground to cover.

**Susan Hall AM (Deputy Chairman):** Dan, just very quickly to you, when will the higher ladders procured shortly after [the] Grenfell [Tower fire] be operational?

**Dan Daly (Assistant Commissioner, LFB):** I do have the information here. Certainly, they would be on order.

**Susan Hall AM (Deputy Chairman):** You could keep that page because I am also going to ask you where they will be located.

**Dan Daly (Assistant Commissioner, LFB):** Yes, that is fine. The orders have been placed and we are expecting the new turntable ladders, the short ones, to be around January 2020 and the longer-reach ladders around March 2020.

**Susan Hall AM (Deputy Chairman):** Where are they going to be located, or has that not been decided?

**Dan Daly (Assistant Commissioner, LFB):** We have looked at locations but I have not written them down here, unfortunately. I think they are existing aerial stations across London.

**Susan Hall AM (Deputy Chairman):** Well, it makes sense.

**Dan Daly (Assistant Commissioner, LFB):** Yes. I do not think we have needed to move them. There has been an assessment of where their impacts will be best-placed and it has not moved them from their locations.

**Andrew Dismore AM (Chair):** Presumably because they are heavy they will have to be where the hydraulic platforms (HPs) are now, I suppose.

**Dan Daly (Assistant Commissioner, LFB):** Sorry?

**Andrew Dismore AM (Chair):** They will have to put the big ones where the HPs are now, I suppose, because of the weight.

**Dan Daly (Assistant Commissioner, LFB):** The weight is not the issue. We have had heavier vehicles inside LFB before, I think. It is more about where they are going to have an impact and potentially operationally be most useful

**Susan Hall AM (Deputy Chairman):** The last question in this section. Do you still believe that “stay put” is the right advice for high-rise residential fires to give people the best chance of survival?

**Dan Daly (Assistant Commissioner, LFB):** Yes, absolutely. I --

**Susan Hall AM (Deputy Chairman):** No, I am just asking.

**Dan Daly (Assistant Commissioner, LFB):** I know you want short answers because we are up against time but I think it is worth saying that we attend a number of high-rise fires, and in the vast majority of cases other residents in that building are not directly affected by that fire or the products of that fire and are blissfully unaware that a fire has occurred. When the building is well maintained, as it was designed to be with all of those passive fire protection features in place, it is absolutely where we want to see the advice go. Buildings are constructed to fully enable other methods of evacuations in place. I would reiterate that simultaneous evacuation and interim measures are exactly that, interim measures. They are not a better option.

**Susan Hall AM (Deputy Chairman):** The problem is that you do not know if it has been well maintained. That is the problem.

Let us leap on to the next section. In your view, what are the main aspects of fire safety, building regulations and enforcement that need to be changed? The two Martins. This is very confusing. We have two Pats and two Martins. Both Martins, have you a view on this?

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** Yes.

**Susan Hall AM (Deputy Chairman):** Well, obviously you have a view. A nice, short, concise view would be great. We are running so late.

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** Speaking as a complete non-expert on anything to do with the technical aspects of maintaining buildings, there has been a lack of connection between the people who live in these buildings and the way these buildings are controlled and we have to do something to ensure that that changes. We also need to address the problems that the LFB have in being able to inspect inside of flats, and - for property managers - the ability to enforce safety within a flat as well as the common areas.

**Susan Hall AM (Deputy Chairman):** We have slightly touched on some of this before. Martin [Conlon]?

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** Yes, we did touch on it. The common thread or the so-called golden thread in the Hackitt Review it is a good idea. Make it enforceable. We need more streamlined powers of enforcement. At the moment, under building regulations, first of all you have to notify that there is a defect, you have to give the client a period of time to correct it and it is potentially a long, drawn out process, and it has to go to Magistrates Court, being a civil matter. It takes a lot of time, effort and money for a local authority to carry out an enforcement. I would say swifter powers of enforcement, maybe a stop notice or a prohibition notice of some description that can actually force people to do something fairly quickly.

**Susan Hall AM (Deputy Chairman):** Yes. I could not agree with you more.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** I think that is what is necessary, yes.

**Susan Hall AM (Deputy Chairman):** That is good, thank you. Do you have anything to add, the five of you?

**Nick Coombe (Strategic Technical Adviser, LFB):** Just clear roles and responsibilities with strong enforcement of sanctions for those who do not do what they are meant to do.

**Susan Hall AM (Deputy Chairman):** Good. Good, sound, robust. Thoroughly with that.

This is for the LFB. Do water companies in London adequately discharge their lawful duty to maintain fire hydrants in order for the brigade to fight fires effectively?

**Dan Daly (Assistant Commissioner, LFB):** It is a very long answer. I will try to keep it short for you.

**Susan Hall AM (Deputy Chairman):** No, it is not, Dan. Yes or no would be good.

**Dan Daly (Assistant Commissioner, LFB):** In short, we have arrangements in place with water companies and it is fair to say that on the whole the repairs that we ask for are not necessarily carried out as quickly or as timely as we would like. The provision of water across new developments is still an issue for us as well, in terms of what people are asking for and what consultation goes in. I think water companies are distracted maybe by other priorities around consumer supply, environmental and leakage priorities that take their focus away from

providing for firefighting. That is something that I would like to see addressed, to help when we identify where hydrants are not working or where water supplies are not as good as they should be.

I noticed last night that the Water Services Regulation Authority (Ofwat) have issued a diktat to water companies to improve low pressure for the vast majority of consumers across Britain. Hopefully, where we have some issues with water supplies, that will go some way to helping us as a by-product of that.

**Susan Hall AM (Deputy Chairman):** Have you any idea how many are awaiting repair across London? What sort of time on average?

**Dan Daly (Assistant Commissioner, LFB):** As of about a week ago, I do have some numbers here. We have open orders - that is where we have reported a defect - which may be a minor all the way through to a completely defective hydrant. A missing tablet would be something that is minor. There are about 900 hydrants.

**Susan Hall AM (Deputy Chairman):** 900?

**Dan Daly (Assistant Commissioner, LFB):** About 900, but bearing in mind we have 115,000 hydrants, we believe, across London that sit with the water companies. It is still a relatively small number but nonetheless it is --

**Susan Hall AM (Deputy Chairman):** Nonetheless, it is a reasonable percentage.

**Dan Daly (Assistant Commissioner, LFB):** In terms of hitting a 60-day target, which is the lower tariff of the targets for them to meet, we are seeing 25% to 30% of those hydrants being addressed within that timeframe.

**Susan Hall AM (Deputy Chairman):** Is that all?

**Dan Daly (Assistant Commissioner, LFB):** That is all.

**Susan Hall AM (Deputy Chairman):** Do you want to name and shame anybody in particular?

**Dan Daly (Assistant Commissioner, LFB):** Not necessarily.

**Susan Hall AM (Deputy Chairman):** Now is your opportunity.

**Dan Daly (Assistant Commissioner, LFB):** I do not think I need to. We would probably guess who are the main providers of hydrants across London. It is a broader issue than looking at the provider who has the most hydrants and thinking that is where the issue is, because the issue is true for all providers.

**Andrew Dismore AM (Chair):** How often do you inspect hydrants? You have 115,000 across London. How often could each of those be expected to be looked at?

**Dan Daly (Assistant Commissioner, LFB):** We have a rolling programme where hydrants are inspected once every four years. I think the shame for me is that we can, year on year, find the same hydrants. It might be a

minor fault and those faults are still in place when crews go out next year. I can see why that is a challenge to keep crews motivated to see why this is important. Of course hydrants are hugely important.

**Susan Hall AM (Deputy Chairman):** Of course they are, which is why I am quite appalled by the numbers that you just read out, to be honest with you.

Does the Government's building safety programme go far enough to ensure that residents are safe and feel safe in their homes? It is quite a broad question, that. It is to all of you but if anybody has a specific view --

**Dan Daly (Assistant Commissioner, LFB):** I suppose I have a thought on it. We have been broadly supportive of the Government's building safety programme under Dame [Judith] Hackitt. The devil is in the detail and we are currently working through the consultation document at the moment. I will be quite frank. The period of time given to us and other consultees to reply is shamefully short. I think we have eight weeks for what is potentially the most extensive consultation and, I would argue, the most important consultation around building safety we have seen for a number of years. That said, we will meet the challenge because we are the fire brigade; we do. As I say, the devil is in the detail to ensure that it is not focused just on high-rises.

**Susan Hall AM (Deputy Chairman):** Of course, yes.

**Dan Daly (Assistant Commissioner, LFB):** There will be a pressure to make sure that is the case because it is easier to achieve, but this is not about easy. To come back to my point earlier, this is our opportunity to fix the system for all building types. That is where we are trying to encourage and trying to persuade. There are issues around who the overarching regulator might be and what impact that might have for fire and rescue services in terms of skills that that regulator may draw away from services that still have statutory responsibilities around building safety. There are some really key areas within it that we need to focus on that we would like to give proper due consideration to in the consultation but we are where we are. It is eight weeks, that consultation. Normally we would expect 12 to 13 weeks on an average consultation. Given the size of this I think it is woefully inadequate but like I say, we will meet the challenge.

**Susan Hall AM (Deputy Chairman):** Has the brigade written in and asked for an extension on the time?

**Dan Daly (Assistant Commissioner, LFB):** It is a conversation I had with the Commissioner only last week. The issue for me, if I am perfectly honest, is that I am not sure that that extension takes us any further forward. I think the die is cast in many areas and what we need to be focusing on are the key issues we want to see made part of the end product, the solution, and that is about competency across the sector, extending the building sites, promoting sprinklers, understanding vulnerability and where fires occurred and making sure that those people in our most vulnerable properties are covered off. A number of questions that sit with the consultation have limited value in terms of shaping the final output so we are very focused on what the key fire safety principles should be as part of that response.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** At the RICS we are broadly supportive of the proposal. However, we share Dan's viewpoint about the shortness of the consultation. We are also concerned that what is in the consultation, we hope, will actually be positive. I have had experience in the past where you have one consultation document that says one thing and then at the end of it you have something completely different. The old cynic in me says that was the hidden agenda all along and I am just not quite sure.

**Susan Hall AM (Deputy Chairman):** No, and very many of us say that over so very many things. It is frustrating.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** It is frustrating.

**Susan Hall AM (Deputy Chairman):** I feel your pain with that. What more needs to be done as a matter of urgency? Anything that we have not covered? The first question has covered loads, has it not? No? I will take that as a no.

Now, to the Pats and to the Martins, do you agree with the LFB that sprinklers should be fitted in all purpose-built blocks of flats? This is a no-brainer, is it not? I have been fighting for sprinklers forever. Do you think sprinklers should always be --

**Pat Turnbull (Regional Delegate, London Tenants Federation):** We already said that, I think, yes.

**Susan Hall AM (Deputy Chairman):** The answer should be, "Of course", yes?

**Pat Hayes (Managing Director, BeFirst Regeneration):** I think the only issue is around communal areas, particularly in terms of people setting them off accidentally or deliberately, etc, how we deal with communal areas and the technology possibly to support that. Clearly it should be the standard and it should be enforceable.

**Florence Eshalomi AM:** Just on that, on the sprinklers, obviously we just recently tragically celebrated the ten-year anniversary of Lakanal House [fire], which is in my part of the constituency in Southwark. Following that obviously we had the issue where the council did accept liability but one of the key things from the coroner's report was that they recommended sprinklers. Just following on from Assembly Member Hall's question, why do you think that has been ignored to date?

**Dan Daly (Assistant Commissioner, LFB):** I cannot answer for the council as to why it is being ignored. The case that Nick [Coombe] alluded to earlier is exactly the case you are talking about, Lakanal House [fire]. It is staggering that given the scale of that tragedy and the lessons that ought to have been learnt, that recommendation was not followed through and the loophole that was used to not include sprinklers as part of that was the non-worsening clause, as Nick has alluded to.

**Nick Coombe (Strategic Technical Adviser, LFB):** "But we will put some penthouses on the top of it and sell them off. We will do that but we will not put sprinklers in to make people safe." They would not even put in additional dry riser outlets when the pipe was already there. At the time of the fire the outlets were on alternative floors and we asked to put one every floor, which is literally just drilling a hole into the pipe that was already there. They refused to do that, saying, "That would be an improvement and we do not have to do that". To answer your question, it is because no one can make them do it at the moment, and it costs money. Until they are made to do it, they will not do it. We will tell you the same stuff. You have said it, Susan, yourself. You are a major advocate for sprinklers.

What could the Government have done quicker? They could have changed the regulations on sprinklers quicker. They brought in the combustible ban in quick enough. They should have tied into that. We asked for this, sprinklers in all buildings over 18 metres from new. That would have fixed new buildings and they could

have done retrospective if they wanted. It is a little but harder but that would have been something they could have done and could still do now. Do not wait for the whole review of regulations. That is a quick win and no one can argue that sprinklers are not effective. The evidence is there and has been for years.

**Pat Hayes (Managing Director, BeFirst Regeneration):** Just in terms of the local authority position, we are probably all fairly clear that sprinklers are a good thing. The cost implications to local authorities with very pressured housing revenue accounts (HRA) of installing sprinklers in all their stock is very, very considerable and I think there should have been attention from Government in terms of either a specific grant to support sprinkler installation or further changing the regulations around the HRA in terms of what you can use the money for. At the time the cap has been taken off it. When we are in a cap to HRA situation, you could not borrow against the HRA, it has massive implications. That is why lots of local authorities looked at it and thought, "If we put it in one block we have to put it in the lot, and we cannot afford it without having to put the rents up enormously". There are real issues financially for us on the new build side as well. We are building affordable housing. Again, it is a significant increase in our build cost which puts us into tension in terms of the rental levels that we can deliver because of putting sprinklers in. Again, there is no external support from Government or acknowledgment of that. It is just, "Get on with it and do it".

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** Yes. The Secretary of State at the time did indicate that he would look at changing the legislation and then failed to do so, I think, for those reasons that it was in the period of time when it was and, as all these things do, it just slipped off the political agenda.

**Susan Hall AM (Deputy Chairman):** I think you have gathered that we all absolutely support sprinklers. Nick, we have been banging on about this for years, but of course the resource implications are now quite substantial. What are the immediate barriers to remediate the high-rise buildings with unsafe cladding and what can be done to address that?

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** Cost.

**Susan Hall AM (Deputy Chairman):** All of you, really.

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** The Government has gotten itself into a complete bind as to what happens. When we first went to see the housing department in 2017 after [the] Grenfell [Tower fire] we said, "This has opened up a Pandora's box and it is going to get much, much worse".

We are now in a position where the Secretary of State got an agreement to find £200 million out of the department's own budget to fund the private blocks, sometime after they had agreed to help fund the social blocks, but in doing so he was required to sign a letter by the Permanent Secretary [for the Ministry of Housing, Communities and Local Government (MHCLG)], Melanie Dawes, to say that his use of the money was in breach of Government spending rules and that there would be no further funding for other forms of cladding.

Now, everyone knows that we are likely to get other types of cladding found to be unsafe. We are back where we were in 2017. Nobody is sure how it is going to be funded and we have a whole group of people who are suddenly going to be living in blocks that are deemed to be unsafe. We will have more waking watch, we will

have people who cannot sell their homes if they own them, who cannot move if they are renting their homes, and who face all sorts of mental stresses. We should have got to a better solution by now.

We need to find a long-term method of supporting our high-rise buildings. They have already begun to move to that in some of the other countries, where they require developers to set aside funding to put into a bond system so that that can help cover costs of defects that may arise during the building's life. We need that over here at some point. There is no other way. It is fairly obvious that Government cannot keep finding money to fund different sorts of defects in buildings but we also cannot just put those costs onto the individual people who may own flats in these buildings, whether it is in the social sector and they have a right to buy flat or whether it is in the private sector.

**Susan Hall AM (Deputy Chairman):** My next question is, "How much of a risk does other combustible non-ACM cladding and materials present?" but of course we will not really know the answer to that.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** We do not. I think we are on the cusp of a whirlwind in this case, quite honestly. Insurers are not helpful either on this. They have backed off big-style. Nobody seems to be taking responsibility.

I have been involved in one case in the north of England where the developer and the insurance company, the warrantee provider, had been taken to court and they think it is far better to outspend the court case by delaying tactics so that they do not have to do anything. They think it is far better because once they admit liability and once they admit that they have to do this, the cost is phenomenal. They just will not be able to afford it. It is in litigation. They are just outspending legal fees. This is a problem. Nobody will accept responsibility.

**Susan Hall AM (Deputy Chairman):** Would you say that was the main thing at the moment, that people need to take responsibility and find the funding?

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** Yes. As Martin said, Government clearly are not taking responsibility because they are in a mess. They do not know which way to turn. The recent guidance note that the MHCLG has issued on cladding is causing no end of problems and confusion. Even the guidance that has just come out from the Ministry is causing confusion and problems.

**Susan Hall AM (Deputy Chairman):** Perhaps the fire brigade know. Do you know how many blocks have had cladding removed because of the funding from the Government?

**Dan Daly (Assistant Commissioner, LFB):** I do not think we have those numbers at the moment.

**Nick Coombe (Strategic Technical Adviser, LFB):** They are related by MHCLG on a monthly basis, are they not? They have statistics about how many have been remediated in the public sector. I think there are only two in the private sector.

**Andrew Dismore AM (Chair):** There are 14 where they have started remediation of ACM cladding, out of 142. No, there are 142 left, so 10%.

**Nick Coombe (Strategic Technical Adviser, LFB):** Then, as you said, there will probably be more being added when other systems are just as combustible.

**Andrew Dismore AM (Chair):** Just a couple of points to follow on from Susan's questions. I think the Government started testing types of cladding two or three months ago. My understanding is that they tested the flammability of the materials but not the fumes and gases that are given off. Is that right or do we not know?

**Nick Coombe (Strategic Technical Adviser, LFB):** That is not part of the testing regime of what they are doing. I suppose there are some issues around the fact that flame retardants used in properties to make them more fire-resistant give off toxic chemicals, but you have to balance that with that if they do not spread the fire, people will get out of the building and not take in those toxic fumes. It is something that needs to be researched. Again, it is a case of, "I have found a really good product that makes a product more fire-resistant but I have not really understood what that is giving off".

It is the same as in our furniture regulations, as Charlie [Pugsley] was saying. There has been some really good stuff done. The furniture regulations, he said to me, are one of the biggest things that has reduced fire death but the modern methods of the way they use flame retardants are causing more issues as well. Again, we need to look at that.

**Andrew Dismore AM (Chair):** The other question I am going to ask Dan. Talk just briefly about the inspection regime. Obviously, you are looking at ACM-clad buildings. Are you looking at other cladding as well when you are doing your inspections or not?

**Dan Daly (Assistant Commissioner, LFB):** The cladding sits outside of our range of enforcement. There are guidance notes and advice notes out there for RPs to look at their cladding systems. Currently that is for buildings over 18 metres. It is for them to be able to demonstrate that they have a safe system on their building. I think it is imminent that we will see that extended to buildings below 18 metres. There is a real call for that. It is not that we would ignore it but we would be looking for some evidence going forward to see how that has been captured in the risk assessment. It is difficult for us because it is not something that --

**Andrew Dismore AM (Chair):** It is back to the RPs again.

**Dan Daly (Assistant Commissioner, LFB):** It clearly sits outside the RRO.

**Andrew Dismore AM (Chair):** It is back to the RPs again?

**Dan Daly (Assistant Commissioner, LFB):** We are back to the RPs. It would be wrong of me to suggest that IOs are going to win that argument if an RP refuses to provide the information because it is not within our --

**Nick Coombe (Strategic Technical Adviser, LFB):** The real issue as well is you cannot look at a building --

**Dan Daly (Assistant Commissioner, LFB):** No, true.

**Nick Coombe (Strategic Technical Adviser, LFB):** I think I am pretty good at this game but I cannot walk up to a building and go, “That is high pressure laminate (HPL), class D. It has that”. It does not work like that. You need to take bits off and get it tested. It is as simple as that, really, or not, as the case might be.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** Another problem is that of product substitution.

**Nick Coombe (Strategic Technical Adviser, LFB):** Yes.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** I had instances where a designer has specified a particular product which may well be satisfactory and in compliance, and then through whatever reason, normally called “value engineering”, the contractor decides to substitute that with another product that is a lot cheaper but actually looks identical. This is the point that Nick was making. These things you cannot tell. They can look identical but perform completely differently. Then they do not notify that they are changing the product or whatever. This has happened a lot.

**Andrew Dismore AM (Chair):** I think the case I raised at Mayor’s Question Time (MQT) this morning has the full set of the things we have talked about today, in that they had different cladding compared to what was scheduled, missing fire breaks, air gaps between panels, huge bills to leaseholders, up to £40,000 in some cases. The owner refuses just to rely on the Government fund. It looks like they are going to have to pay that sort of money for the ACM cladding but who knows about the wood cladding that is on the building as well? They have the full set, I am afraid.

**Dan Daly (Assistant Commissioner, LFB):** If I can just add, Andrew, when we had the Deputy Mayor for Fire and Resilience’s fire safety half day in this room, one of the building control officers gave an example where they had been able to effectively win a contract to look over a development against private building control officers, but in order to do that the level of scrutiny they were able to provide in order to successfully win the contract is absolutely minimal. Eight visits for a development that has eight blocks. Through the life of the build of each building – simple maths – it is one visit to that building from the moment the foundations are poured to the time it tops out. What could be hidden within the fabric of that building over time that then becomes a public safety issue down the line? That is part of that concern we referenced earlier that has to be addressed as part of this new regime.

**Pat Hayes (Managing Director, BeFirst Regeneration):** There is also the issue around the total performance of cladding systems, regardless of whether the materials themselves are flammable or flame-resistant or whatever, in terms of their effect on the spread of fire and everything else. I do not think we fully understand that because of the evolution of products that are put on the outside of buildings, particularly rain screens and things like that.

**Florence Eshalomi AM:** Great, thank you. I just wanted to come on to looking at working with local authorities and housing providers, which we have touched on already, bearing in mind that obviously the same way you have seen cuts across the fire services, a number of those organisations are dealing with major cuts. Just going on to the fire brigade colleagues first, what additional support do you provide to local authorities, housing providers and the private sector to strengthen their fire policies and practices?

**Dan Daly (Assistant Commissioner, LFB):** On the general point, we have a long history of partnership working both with local authorities and with developers where they reach out to us and we are able to engage.

Certainly the proactive work Charlie referenced earlier around trying to almost create a Charter Mark for safer buildings. In general, I think we have a strong record there. Just for some detail, Charlie represents us at London Councils and has done now for a couple of years so if I hand across to Charlie he can talk about some of the issues that they have addressed in that room.

**Charlie Pugsley (Deputy Assistant Commissioner, Fire Safety Specialist Teams):** Yes. It is quite broad in terms of range because it is never just about the building, it is about the people inside the buildings. Obviously, the key issues that we will discuss and try to share intelligence and best practice around is things like the cladding. Things like fire doors have come up consistently. For example, we made the point that obviously we are not telling local authorities how to deal with it, but we would rather have a 25-minute rated fire door with a door-closer than an hour fire door without a door-closer because ultimately the whole thing fails if you just leave the door wide open.

Then right across the other range of the spectrum, we have had inputs from our Community Safety Team and Deputy Head of Community Safety because it is also about people's behaviour and trying to give the reason why. With the recent balcony fire, that is a good example. We are all looking at the cladding and everything else but if you have combustible materials on a combustible balcony and you are using smoking materials, barbeques or anything else like that, it is a problem that we have to address from both ends.

Again, part of our monthly meetings with the Fire Safety Group is just to try to ensure that we linked up between practitioner and our IOs working with the local building authority people and the planning teams and everything else, right the way through to higher-level strategic issues. Obviously, that gives us a direct ear on what the current issues are.

**Florence Eshalomi AM:** That is quite good. Just in terms of looking at the assessments already in place, coming to the two Martins now, in your view, if you take into account all the work being done with local authorities, housing associations and everyone, what do you think an effective fire assessment looks like in reality?

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** It covers all aspects of the fire safety, not just of the building and the facilities within the building but it also covers the risks, identifies all the risks, identifies who is responsible for those risks to deal with them, and then produces a report on how those risks can be managed and mitigated against. It is quite detailed. A fire risk assessment is quite difficult because it is almost a snapshot in time. It has to take into account what the potential changing situations are within that building. If we deal with a high-rise risk, a block of flats, it is fairly consistent to the point but what happens if someone puts something in the common areas, as happens quite often?

**Florence Eshalomi AM:** In my block of flats it happens.

**Martin Conlon (Chair, Building Control Professional Group, Royal Institute of Chartered Surveyors):** People will bring bikes in, motorbikes in or scooters. They will bring fire risk stuff in there. They will store furniture in there when they should not do, and the landings on the staircase. It is how that is dealt with and who is responsible. Then if it is a public building where the public have access to it, it is how to identify those changing dynamics when the building is operational or not operational. A supermarket is a good example of that. A good fire risk assessment will consider the risks and the operations of the building as well as its fabric, its structure and its potential to behave in such a manner.

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** Perhaps the only point I can add to this is the impact that we are seeing as a result of what has happened with the changing understanding of fire risks and the knock-on impact that that is having on insurance and people's ability to sell their properties. We are beginning to see contents insurers asking for some sort of proof that the building is safe. We are seeing people who are getting conveyancing solicitors making demands about the safety of the building. The problem is that property managers in both the social and private sector are not able to offer any guidance beyond what is in the fire risk assessment because how do you say nowadays, "I know this building is safe because it has cladding on which is not ACM"? If the Government decides next week that cladding is not safe, you are stuck.

**Florence Eshalomi AM:** One of the things you mentioned is about not just identifying the risk but who is responsible for the risk. That is the key issue that has been raised from a number of tenants. When you look at previous incidents, do you think there is anything that could be learnt? If you have, I do not know, a block of flats or a new development and they set out, "This is the risk", do you think there should be flexibility in terms of as and when maybe that will be reviewed or what the timeframe would be? You have said that next week the Government could change their mind on what is deemed acceptable and what is not. How do we make sure that risk actually works for everybody?

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** No idea.

**Nick Coombe (Strategic Technical Adviser, LFB):** Although a fire risk assessment is a snapshot in time, unless you make changes to the building, if you get a competent person who does a full fire risk assessment it should be as good as that time when it is done unless the changes take place. I think what we have had a history of is people in the housing sector paying lip service to the fire risk assessment and not seeing it as a holistic thing. It is a bit about the physical features of the building and the management of the building because it is that that keeps it up to date and relevant.

It is the whole joined-up approach around how you manage the fire risk in your building. Tenants and residents have a part to play in that - what they do in their flats impacts on that building - but they have a right to information and to know that the building they are in is as safe as it can be and the issues that there are. We are advocating that they are a bit like the eyes and ears and if you had some kind of rating system they could understand in that building -- and also around what is wrong with that building. I could walk around this building and find some issues with it, I am pretty sure, but it is how that risk is.

Secondly, the timescales have to deal with those buildings. What you have with large housing providers is that they have a massive portfolio of buildings and they rush around fixing one building, not looking at a holistic view of their whole building stock, understanding where the risks are and prioritising their limited resources to fix the big risks rather than fixing a building at a time.

**Florence Eshalomi AM:** Tinkering on the edges.

**Nick Coombe (Strategic Technical Adviser, LFB):** Charlie, who manages our business support group -- we were the first fire service to enter into primary authority partnerships with housing to give them that assistance to understand that you manage a risk profile, not an individual building. That is the way to do it correctly.

**Charlie Pugsley (Deputy Assistant Commissioner, Fire Safety Specialist Teams):** If I could just add to that, part of the challenge is not just taking those who take fire safety seriously, it is sometimes about partnering up with some of the more challenging people because safety is a culture. It is not about just, "What is the least I can do to gain compliance?" It is about trying to work with these people and bring them on board.

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** There is also a rather fundamental problem that we have with the legislation in that with lots of buildings you may not have the right to improve to reduce the fire risk.

**Florence Eshalomi AM:** We are going to come on to that. Just following on from what you were talking about there, Nick, I will confess that I have seen a good example of this when there was an issue in the block of flats that I lived in and the brigade were called out. I got a telling off by the firefighter that came in because of the location of where our smoke alarm is. There is so much you can learn.

How does the brigade respond to fire safety concerns by residents? In essence it is about the fantastic work you do on the open days. Again, I have been to a number of them: West Norwood fire station, Old Kent Road fire station. What more does the brigade do to respond to those concerns from residents?

**Dan Daly (Assistant Commissioner, LFB):** I mentioned right at the start that we have a great record, I think, of our preventive activities. The home fire safety visits have been a key one of those. We target the most vulnerable people but equally offer a service where it is not just about fitting a smoke alarm, it is about providing key advice. That is one of the things that we find most challenging, to ensure not only that residents understand it is not about getting a free smoke alarm - and our firefighters, actually - but that they are there to impart advice and learning from previous incidents. The advice that we give is informed by what we know about the built environment, what we know about behaviours and what we know about the common causes of fire.

With our Fire Investigation Team (FIT), for example, gone are the days when we accept as a throwaway cause, "Not known". It is much more forensic now. I think our Total Recalls campaign is evidence of that, where we are able to identify down to the component what was a cause and then identify brands. That campaign is well known to you in terms of the effort that has gone to in keeping people safe. Equally, around balcony fires, we have just used some of the reinvestment around enhancing our inspection regime with officers that now work within FIT to carry out further studies around balcony fires to understand the behaviours that are triggering the risk for residents so that they are better informed around what to not do to keep themselves safe from fire.

There is a comprehensive thing. We do fire reviews to learn from those processes. It is an important part. We do post-fire safety audits on premises involved in fire. All of that creates a nice cyclical pattern where we learn from fires to inform the messages that are important not just for residents to keep themselves safe but also property owners, as I think you were talking about. What are the key issues there? When we had the Shepherds Court fire I wrote to local authorities around the spandrel infill panels that were a source of fire spread on the external part of that building. That is about learning and sharing information as we go.

There are a range of activities. We engage with care providers, we engage with carers, we have used innovative ways through the Community Safety Investment Fund to drive new initiatives around personal protective systems. We engage with telecare service associations who have online training available for carers

to make sure that they were well informed around what the fire risks are for our most vulnerable. That is something that we are committed to doing and it is something that we continue to do.

Charlie has just reminded me of another good example of that, the 'prevention of future fire death' letters that we write to coroners. That is a result of our fatal fire reviews. We have had some significant successes now around emollients, airflow, mattresses and advising people not just in London but nationally around where those risks exist and how carers and family members - those eyes and ears that Nick [Coombe] talked about, who are engaged with people most at risk from fire - can identify those risks and prevent the fire happening.

**Florence Eshalomi AM:** Like I said, it is really good that there is a range of engagement going on. Not just looking at the statistics that we received from the LFB about how many fires and fatalities there are across London, but how else do you measure the success of the engagement work that you are doing?

**Dan Daly (Assistant Commissioner, LFB):** It is really difficult, and it is certainly an ongoing challenge for us because you do not know what has not happened because of what you have done. What I would point to is the historical correlation between activities such as the furniture regulations that Nick talked about, where there are those advances in what we have learnt from fires, but equally the time that the fire service is truly engaged in community safety activities. There is an absolute correlation there between the reduction in fire deaths and injuries over that period of time. Where we do try to evaluate stuff - we are currently evaluating the impact of the Community Safety Investment Fund to see what benefits have been had from that - it is always a challenge in that arena, absolutely.

**Florence Eshalomi AM:** Another challenge - again, we have touched on it earlier - is, as I mentioned, that a number of local authorities and housing providers have seen a reduction in their funding and they have made cuts, in my view, in some areas which are really critical. You look at building control, planning departments. Do you feel that that has had an effect on fire safety measures that you are trying to implement?

**Dan Daly (Assistant Commissioner, LFB):** Absolutely. I think it is undoubted. We covered some of that earlier. Everyone is feeling that pressure and I understand that. One of the things that has always frustrated me, certainly from my time as a First Officer working at fire stations in Hackney, is that you would attend local community activities around prevention and people are much more concerned about crime and whether their bins get emptied and things like that. It is a very easy task, when fire is not high on people's agenda, to look to reduce those activities. In local authorities, was building control such an issue where you do not get lots and lots of building failures? Yet we have been pointing to those issues for, as I say, in excess of 20 years. The LFB has evidence of writing to local authorities and building developers to say, "These are the issues we are finding and you need to be addressing them". It is just a sad fact.

An example of that was some of the engagement we did immediately following Grenfell Tower [fire]. We were attending meetings with local authorities and with private building developers where there was standing room only. Sadly, by Christmas we were ending the same meetings with 12 people in the room. It is remarkably quick how people's memories fade and other priorities overtake. It is good to see is that energy has been returned to that room because we now have challenges around the further issues around cladding, the challenges that will be posed by the new regulatory regime, and people want to know where we sit and what our advice is. That is why we have maintained a presence at London Councils and I am sure if you talk to colleagues in local authorities they would welcome the contribution Charlie [Pugsley] and colleagues have made in that arena.

**Charlie Pugsley (Deputy Assistant Commissioner, Fire Safety Specialist Teams):** As much as it is a terrible tragedy how it impacted people, the Barking and Dagenham fire, I personally cannot help but think it was a timely reminder. As Dan said, we are just getting over that slope where it is almost getting to business as usual but there is still a huge amount of work to do. But for the grace of god. You never want an incident like that to happen again but, as I say, personally - massive impact on the community and the people aside - it is a necessary reminder that there is still a huge amount to do and if we do not do it, we are in trouble.

**Dan Daly (Assistant Commissioner, LFB):** I will just add to that because I do not want people thinking it is business as usual for LFB. We are talking about business as usual in other people's arenas. We have talked at some point about the slowness of the pace of change and what still needs to be done. I can certainly vouch that in terms of the LFB I have never been so busy and never been so busy for a sustained period. I am immensely proud to be in charge of fire safety and the team that are working at such a pitch, and have done continuously for over two years now, largely with the frustration of knowing they pointed to these issues well before and yet they have stayed on the task.

**Tony Arbour AM:** I would like to ask a couple of questions about fire doors. You have just told us you have never been so busy about fire safety. I want to ask you about being busy about fire doors. I understand that five suppliers who provide fire doors have been identified as failing to meet fire performance standards. What work is being done to find out what doors have been supplied by these suppliers and how are we making sure that they are being replaced? This was an investigation by MHCLG.

**Dan Daly (Assistant Commissioner, LFB):** Yes. I will offer that to Nick on his work alongside the NFCC on the expert panel. It is something that certainly went through there.

**Nick Coombe (Strategic Technical Adviser, LFB):** It goes back again to that a lot of local authorities know that they have purchased these doors but have no idea where they have put them in their buildings because they do not keep records. Again, it is a composite door. It looks like a composite door. It is a plastic door. It is going to be very difficult for them to decide what are the good ones and what are the bad ones.

I think, though, what you have to understand, without being too technical, is that the fire test is a really high standard. It is 30 minutes of a compartment fire, in other words the whole flat alight, basically, for 30 minutes. Going back to what Charlie [Pugsley] said, if you have a good self-closer on it and it fits in the hole, to be less technical, that will provide adequate time for people to escape and for firefighters to do their role. It is again around testing. There should be a programme to replace these doors in a risk-assessed way and there is some work being done by the Government at the moment to provide information to the building owners to say, "Look, if it is this type of door", and you follow this kind of flow chart, it will say, "Remediate or replace", or, "Remediate or replace over the lifetime of the building". The number one priority is to ensure that it has a self-closer on it because a ten-minute door is better than the best fully tested door that does not have a self-closer on it. Do those bits first. That is the advice we have given.

Again, it is just another example of a market that has allowed products to go on with a test certificate that the door originally passed. Then someone said, "I am going to put a bit of glazing on that. That will be all right. I am going to do this on it. That will be all right". So, the product that now ends up on the market is not the one that was tested but they are hiding behind the original test certificate. Again, this is what you are going to find. It will be something else.

**Tony Arbour AM:** I follow all that. There is a related question on the Chalcots tower block. They found that the fire doors were missing. I have a note here that says that there were 1,000 fire doors missing from the Chalcots tower block.

**Andrew Dismore AM (Chair):** It cannot be 1,000. There are not 1,000 flats.

**Nick Coombe (Strategic Technical Adviser, LFB):** I attended Chalcots myself. There were probably, over the range of blocks, a large number of doors that were ineffective or non-fire-rated. There were a couple missing. It is not normally the front door of a flat. No one tends to lose the front door of their flat.

**Tony Arbour AM:** Yes, of course.

**Nick Coombe (Strategic Technical Adviser, LFB):** It is normally a cross-corridor door or a cupboard door. Again, it is around making sure that the RP is regularly checking and I am sure in that particular estate residents complained about doors missing, doors broken, and even post-Grenfell [Tower fire] that was difficult to do. Now [London Borough of] Camden have made a real effort to improve their stock. They have spent a lot of money and invested wisely but they are playing catch-up. If you do not invest in something for many, many years, you pay double trying to fix it in the future.

**Tony Arbour AM:** I understand that. Thanks very much.

**Léonie Cooper AM:** Thanks very much. Just on the subject of engagement, which we were talking about, obviously the Government has come up with its proposals for improving resident engagement or changing the way that resident engagement is done. I just wondered how much consultation there has been so far with residents over the proposals. I suppose I am putting that to Martin Boyd and then Pat [Turnbull] and Pat [Hayes].

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** MHCLG is about to initiate a set of roadshows to go out and speak to residents.

**Léonie Cooper AM:** They have launched them but they have not done the roadshows yet?

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** They are imminent and there is a meeting at MHCLG next week as well. The question perhaps to be asked is that they have called it the Residents' Voice. I have not quite understood what they are intending by that. Obviously there is a lot to be done in helping people understand why they have to be more aware of fire risks in communal buildings but we are obviously not going to be asking residents to actively participate in suggesting future safety measures in buildings. We have experts for that.

**Léonie Cooper AM:** OK, but effective resident engagement over these issues is surely important and they have come up with this list of things about accessing more detailed information, having an accountable person with overall responsibility for safety, the accountable person must include resident engagement among their tasks; I do not know how much residents were consulted before this list was drawn up by MHCLG. You are shaking your head. Pat [Turnbull], do you have any idea if residents were actually consulted-- no, you do not think so either. OK, so this list has come up from bureaucrats in MHCLG and is now going to go out through roadshows. Does this sound like effective engagement to you? Are the things --

**Nick Coombe (Strategic Technical Adviser, LFB):** That is not true.

**Léonie Cooper AM:** There has been?

**Nick Coombe (Strategic Technical Adviser, LFB):** There is a best practice group that is full of residents.

**Léonie Cooper AM:** Full of residents.

**Nick Coombe (Strategic Technical Adviser, LFB):** Full of residents, who have come up with some of these suggestions. There is the social paper on housing that formed it and, as I said, they have set up this best practice group that has been engaged for at least 18 months that I am aware of. Some of the suggestions in the consultation come directly from them. Sorry, I hate sticking up for Government, for MHCLG, but they have even done an easy access to the consultation particularly for residents on their website. It is 190-odd pages but they have done a quick read for residents. They are doing further roadshows to engage. I think the --

**Léonie Cooper AM:** Are you referring to *Building a Safer Future: A Quick Read Guide*?

**Nick Coombe (Strategic Technical Adviser, LFB):** Yes.

**Léonie Cooper AM:** Just 190 pages?

**Nick Coombe (Strategic Technical Adviser, LFB):** No, no, that is what it is but they have now done an easy guide that is a lot less than that. They have not engaged well enough, I do not think, with the private sector. I think that is where they need to improve more.

**Léonie Cooper AM:** OK, so you think it has been more with tenants than the leaseholders?

**Nick Coombe (Strategic Technical Adviser, LFB):** Yes, the leaseholders.

**Léonie Cooper AM:** I can see Pat, as in Turnbull, is now desperate to come in and say something as well.

**Pat Turnbull (Regional Delegate, London Tenants Federation):** I did not know about the best practice group of residents and I think that is one of the problems. London Tenants Federation is still, in London, probably the nearest to a democratic organisation of council tenants and leaseholders. I would say that the weakening of tenant organisation as a whole is bound to affect the ability of tenants to respond to the maintenance of their own homes. We do not have as many tenants' and residents' associations in London as we used to have. We do not have as many borough federations as we used to have. All these things are ways in which tenants can meet together, can see what the problems are, can share information about the problems and can respond to them.

**Léonie Cooper AM:** I appreciate what you are saying --

**Pat Turnbull (Regional Delegate, London Tenants Federation):** Yes, but I think this is an absolutely fundamental --

**Léonie Cooper AM:** No, but you are straying into Housing Committee territory here, I think --

**Pat Turnbull (Regional Delegate, London Tenants Federation):** Well, yes.

**Léonie Cooper AM:** -- which I also sit on. I am very happy to take it back to the Housing Committee. I am just conscious this is my second set of colleagues and I do not want to be massacred by my colleagues for going into a slightly wider response there. I think the important issue is the roadshows and whether they are accessible for people to respond to. I appreciate that might be in the context of a slightly less resourced tenant structure where people can get together. What would effective consultation look like? Is it going to be sufficient to just do it through the website and these roadshows? Do you think that the proposals that have come out of MHCLG sound about right to you at this point or do you think there are going to be lots of comments?

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** There is a bit of a problem in that we have different bits of Government facing in different directions.

**Léonie Cooper AM:** That has never happened before.

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** No, of course not.

**Léonie Cooper AM:** Clearly not.

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** We had a statutory instrument introduced last October [2018] on recognised tenants' associations, which everyone accepts has now made it more difficult to form residents' groups. We have the work of the building safety team saying, "We must engage more effectively with residents". If you have made it more difficult to form residents' groups, then it is absolutely true that you are not going to get the flow of information coming through these consultations long-term. It is only going to happen because either the people who run the buildings are managing to get information across to the people who live there or the residents themselves are helping to pass that information over. If you do not use both of those, we are going to get inefficiencies in the system.

**Léonie Cooper AM:** Can I ask you directly what is your own view then of the proposals that have come out from MHCLG so far? Do you think they are any good?

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** I think there is more work to be done on them.

**Léonie Cooper AM:** More work to be done. Pat [Hayes], is that a view that you would personally share?

**Pat Hayes (Managing Director, BeFirst Regeneration):** I think so. They are certainly a step in the right direction. The thing I would say as well is that there is actually quite a lot of good practice. They have drawn into some of that. It really was post-Lakanal [House fire], from local authorities who really had to start to address some of these issues around how you work with tenants and residents around things like what you can store on your balcony, that you cannot have security gates and things like that which can obstruct access. There is a lot of good practice out there that could be tapped into better.

I also think there is a genuine issue of raising capacity in the private sector now. There is a lot of good practice in the public sector. There is also some poor practice. With the growth of the private rented sector, the exponential growth of the private rented sector, there are now a lot more people in that space and they are relatively new entrants to it. There is a lot to be done in terms of improving the quality and the knowledge of

some of the people involved in managing now what are very large private sector rented blocks. Previously the private rented sector was very much concentrated in effectively the house market, terraced houses, small flats and so on.

**Léonie Cooper AM:** That is a very well-made point about expanding it. Pat [Turnbull], I will maybe finish with you. The Government said:

*“The views and concerns of residents should never be ignored by those responsible for managing the safety of their buildings. We will give residents a stronger voice and allow them to hold those responsible for the safety of their buildings to account. Residents will be empowered by having better access to information about their building and have more of a say over decisions about fire and structural safety. Residents will be at the heart of the new regulatory system.”*

Does that all sound as though it is about to happen, to you?

**Pat Turnbull (Regional Delegate, London Tenants Federation):** Let us live in hope, shall we?

**Susan Hall AM (Deputy Chairman):** Always. Always, Pat. Always.

**Léonie Cooper AM:** We can live in hope but I sincerely hope that is not where the fire brigade are coming from. Making sure that we have done everything that we can so that we can be as safe as possible rather than living in hope. Thank you, I will leave it there, Andrew.

**Andrew Dismore AM (Chair):** Just some wrap-up questions. One question I was going to ask was how many of the statements in the brigade’s closing statement at [the] Grenfell [Tower Inquiry] have actually been actioned, but we have quite a long appendix to our brief that answers that question. Perhaps we will read that into the notes.

A general wrap-up question. Very quick answers, please. What are the immediate next steps in fire safety and what can the Mayor do to promote it?

**Dan Daly (Assistant Commissioner, LFB):** The common areas that we have been talking about: greater competency across the sector, better regulation and more robust testing. They are the key areas for us that would underpin whatever else is happening out there.

We have talked about vulnerabilities in people’s behaviour. Ensuring that people at the centre of risk assessments are included as part of that risk assessment, who live, use, work and play in these buildings, to make sure that their needs are adequately met and addressed.

Things around sprinklers. We mentioned it earlier. A very quick win here is to keep pushing for sprinklers in buildings. They are not a silver bullet. I am not pretending they are. They need to be part of a holistic set of fire safety measures. Buildings that fail to perform as we expect will overrun a sprinkler system so I am not going to sit here and say that it is the only answer but it is certainly a quick win that we could move forward on.

**Andrew Dismore AM (Chair):** Thank you very much. Do any of you have anything additional to what Dan has said?

**Martin Boyd (Chair, Leasehold Knowledge Partnership):** Yes. There are two things. One I would say is information. It has been very clear that there has been a lack of information and a lack of understanding about what has happened on our buildings across the capital. The local authorities all went out and collected information on how many ACM cladding sites they have. The chances are that they are all going to have to go back again and collect yet more information and the Mayor and the Greater London Authority (GLA) seem to have a strategic role in that for the capital. The other thing is that we need to do something more to start engaging with residents more effectively because that has become a problem across both the private and the social sectors.

**Pat Hayes (Managing Director, BeFirst Regeneration):** If I could just make one point, it is about the need to look again at the regulations covering building control services and the recognition by Government that actually building control should not just be something that developers purchase and do what they want to it. It is part of a very important regulatory function and should be treated as such. The fact that local authorities only recover the costs from it and have to compete for all the work should be urgently reviewed. At the moment you have effectively the robber potentially appointing their own policeman and that needs to change.

**Pat Turnbull (Regional Delegate, London Tenants Federation):** Just to say that we are having a meeting about this tomorrow and after that London Tenants Federation will put in its own response. Also it will do a model response that it will send out to its member organisations as a prompter to encourage people to put in responses as well.

**Andrew Dismore AM (Chair):** Perhaps you can copy us in on that. Can I thank you all for your contributions.