



**Andrew Dismore AM**

Chair of the Fire, Resilience and Emergency Planning Committee

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31 July 2019

**Robert Jenrick MP**

Secretary of State for Housing, Communities and Local Government  
CC Nick Hurd MP Minister for London and Grenfell

Dear Secretary of State,

**Building a Safer Future – Proposals for reform of the building safety regulatory system:  
A consultation**

Congratulations in your new role. The work of your Department to ensure that what happened in Grenfell can never happen again is vital. This letter provides the London Assembly Fire, Resilience and Emergency Planning Committee's response to the Ministry of Housing, Communities & Local Government consultation on Building a Safer Future – Proposals for reform of the building safety regulatory system.<sup>1</sup> The London Assembly is the democratic voice of London, representing 14 constituencies and 5 political parties. The Assembly scrutinises the decisions and actions of the Mayor of London - the UK's most powerful directly-elected politician - ensuring he is democratically accountable and that promises to Londoners are delivered.

The Committee welcomes the opportunity to respond to the consultation about the changes being proposed to improve safety and minimise the risk of fire in high rise buildings, following on from the findings in Dame Judith Hackitt's Independent Review of Building Regulation and Fire Safety. Supporting this review, the Committee have also heard that there is concern in the way some high-rise buildings are built and managed, and that residents do not always feel safe in their homes. Overall, we welcome the plans for moving from a passive system, centred around compliance with building regulations to a proactive one, where developers and building owners take responsibility and residents are empowered to have a stronger voice.

The wider scope to apply the new regime to all multi-occupied residential buildings of 18 metres or more, going beyond Dame Judith's recommendations, is welcome. However, this

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<sup>1</sup> MCHLG, [Building a Safer Future – Proposals for reform of the building safety regulatory system](#), June 2019

does not go far enough. All residents have the right to feel safe within their homes, and we believe that other buildings should also be considered within the proposals. Specialised housing, care homes and generally those places where vulnerable people sleep should also be considered. The new building safety regime should align with risk, vulnerability and people's behaviours, rather than the height of a building. Height may increase risk but it is far from the only factor to do so and determining what is high-risk cannot be based on height alone.

While the committee acknowledge the commitment to “design a system so that over time, additional buildings, for example buildings where vulnerable people sleep, may be included”, we urge the Government to progress this as a priority so that the safety of all residents can be assured.

The Committee agrees that there is a need for a system of duty holders that have clear responsibilities at each and every stage of a building's life. We also support the introduction of 'gateway points' during the building process. We understand that the London Fire Brigade would like to be informed about a building's fire safety at an earlier stage to ensure fire safety plans are correctly implemented; and to be notified of any design changes throughout the process to ensure that these do not compromise fire safety.<sup>2</sup> We urge the Government to put in place a system that ensures robust fire safety is considered at the planning permission stage. The Committee agrees that a 'Fire Statement' goes some way to achieving this aim. However, proposals that the Fire Statement should only cover fire service vehicle access and access to water supplies are quite limited. We believe it should go further and include, for example, details of the building's construction, means of escape and passive and active fire safety measures.

Recent fires have again brought to the fore the issue of whether concerns of residents about the safety of their homes have been heard. We agree that the views and concerns of residents must never be ignored. We believe that residents must be successfully engaged to ensure all necessary safety measures are in place, both in communal areas and individual flats. Residents need better access to information about their building and about decisions concerning the fire and structural safety of their building. We are keen to ensure that residents can swiftly and confidently raise concerns and expect the accountable person to fulfil their duty to respond to these in a professional and timely manner. However, while residents should be at the heart of the new regime, clarity is needed on how this will be achieved. For example, we have heard that there are no longer as many tenants' and residents' associations or borough federations as there used to be. This makes it harder for residents to come together, raise issues, share problems and enable a response. The nature and culture of resident engagement needs to change. This is a challenge that needs to be addressed urgently.

The introduction of a new building safety regulator to enforce the new regime robustly and effectively is essential to avoid past failings. Further information on time frames, composition and how this will be resourced is needed.

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<sup>2</sup> London Assembly Planning Committee, [Meeting with LFEPA](#) (page 9), 8 November 2017

The shortage of qualified and competent practitioners in the fire sector is also a concern. For example, the issue of the fire safety skills gap within the London Fire Brigade has been raised at our meetings. The London Fire Brigade has also warned that building safety reforms “could fail unless urgent action is taken to address the skills gap in the building and fire safety sectors.”<sup>3</sup> While plans to improve the oversight of a building’s design, construction and maintenance is welcome, there is concern that there are not enough people to provide the proper scrutiny and oversight. It is generally acknowledged that a skills gap exists but further information on plans to address this are needed.<sup>4</sup>

Finally, we would also like to take this opportunity to express disappointment that no recommendations have been made around automatic fire safety and suppression systems (AFSS). The London Fire Brigade has long championed the use of sprinklers as a part of a package of fire safety measures, and it continues to advocate their use particularly in residential premises, schools, care homes and specialist housing.<sup>5</sup> In its response to the consultation on Approved Document B, the London Fire Brigade asked that the technical review should include the use of AFSS, such as sprinklers and water mist. The Brigade said that it would like to see AFSS fitted in all purpose-built blocks of flats; and, at the very least, in all blocks over six storeys; all homes where vulnerable people live; and all buildings housing vulnerable residents such as care homes or sheltered accommodation. The LFB also argued that a general height of 18 metres is a more appropriate threshold than the recommended 30 metres for AFSS in residential premises.<sup>6</sup> We support this approach and we ask you write to us by 30 September with your view and reasoning on whether this is possible.

Attached to this consultation response is a copy of the London Assembly’s Planning Committee report, *Never Again: Sprinklers as the next step in fire safety*.<sup>7</sup> The report looks at the benefits AFSS offer as an additional layer of fire safety in London’s homes. The report recommended that the Government, Mayor of London and the fire and AFSS industries work together to produce a legislative phased road map towards requiring AFSS in every new residential building in England. The road map should include clear milestones for bringing in changes to the Building Regulations, based on an assessment of risk for different types of residential development, the capacity of the market and the installation skills in the labour force. The time is right to take the next step in fire safety by ensuring AFSS is fitted in new homes. We hope you agree that making AFSS mandatory over time is necessary to keep people safe. We urge the Government to make AFSS the next step for fire safety.

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<sup>3</sup> London Fire Brigade, [Government building safety recommendations could fail due to fire safety skills crisis](#), 18 December 2018

<sup>4</sup> Ministry of Housing, Communities and Local Government, [Brokenshire introduces tougher regulatory system for building safety](#), 18 December 2018

<sup>5</sup> LFB, [Change the law on sprinklers. They save lives and properties.](#)

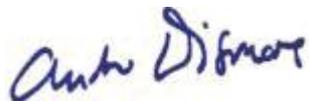
<sup>6</sup> LFB, Fire safety: Technical review of Approved Document B of the Building Regulations – A Call for Evidence, 1 March 2019

<sup>7</sup> London Assembly Planning Committee, *Never again: Sprinklers as the next step towards safer homes*, March 2018

This submission should be read in conjunction with the response from the Mayor of London.

We hope that this response will help inform the much needed, and urgent, changes to the building safety system.

Yours faithfully,

A handwritten signature in blue ink that reads "Andrew Dismore". The signature is written in a cursive, slightly slanted style.

Andrew Dismore AM

**Chair of the Fire, Resilience and Emergency Planning Committee**