

# Developments in Fire and Building Safety

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# Agenda

- Cladding update
- Update on implementation of the Hackitt Review in England & Wales
- The Scottish Government's response to the Cole and Stollard reports
- Progress to date with the Grenfell Inquiry and criminal investigations

# E&W Ban on combustible materials

- Amendments to the Building Regulations 2010 came into force on 21 December 2018 to limit the use of any materials used on the **external walls** of building higher than 18 metres to European **fire rating of Class A2-s1, d0 or better**. Limited transitional provisions.
- Private Sector Remediation fund has been created to remove ACM cladding on high rise residential above 18m
- Building owners required to take reasonable steps to recover the costs from those responsible for the presence of unsafe cladding.
- Local Authorities have power and financial support to **remove and replace unsafe** cladding on private buildings (Amendment to Housing Health and Safety Ratings System “HHSRS”).

# Advice Note 14

- Fire safety of cladding systems which do not incorporate ACM
- Owners need to evidence that wall systems either contain only materials of limited combustibility, or have BR135 classification via a BS8414 test.
- Many owners have no evidence of either
- Lenders requiring certificate of compliance
- Surveyors cannot or will not issue
- Property is unsaleable

# Scottish Ban on combustible materials

- 1 October 2019
- buildings of over 11 metres in height
- entertainment and assembly buildings, as well as residential care homes and hospitals of any height.
- Materials used on the exterior of these buildings must be of European classification A2 or above.

# Dame Hackitt's Report

- Review of fire and building regulations in light of the Grenfell Tower tragedy on 14 June 2017.
- Interim Report – Dec 2018
- Final Report- May 2018
- Sets out principles for a new regulatory framework
- 53 recommendations made to government

# Timeline

- Government Response by the end of the year?
- Legislation next year?
- Implementation will take time
- Interim fire protection board
- Current consultation on provision of sprinklers closes 28 November
- NB: response to consultation on Approved Document B – “work will take some years to complete”

# Key Hackitt recommendations

- Central conclusion - the system is broken
- A new regulatory framework which will drive culture change and new behaviours
- A clear model of risk ownership - clear responsibilities for Client, Designer, Contractor, Owner and Manager
- Duty holders to be overseen and held to account by Joint Competent Authority
- Outcomes based - not prescriptive rules and complex guidance
- Applies to HRRBs and buildings with sleeping risk

# Challenges implementing Hackitt

- Buildings in scope – MHCLG wants to go even further
- Buildings/areas not in scope
  - Residential buildings under 18 m – second class citizens?
  - Higher risk workplaces
  - Mixed use buildings generally
- The regulator

# Challenges implementing Hackitt

- Who wants to be a building safety manager?
- Existing buildings – retrospectively creating a safety case
- Resource intensive for the regulator and industry

# What might make its way here?

- Competence
- Greater focus on individual responsibility
- Revisiting common areas?
- Golden thread
- Enhanced enforcement powers

# Competence

- Industry-led
- Organisations in roles of PD, PC and building safety manager must have a nominated individual registered with the regulator as competent
- Professional and trade bodies to create an overarching competence framework for anyone working on buildings in scope – See: “Raising the Bar Interim Report”
- Appropriate level of fire and structural safety knowledge
- Overseen by a separate, independent, stakeholder-led standards committee under auspices of the regulator

# Issues for individuals

“Dutyholder roles can be fulfilled by either an individual (defined legally as a natural person) or a legal entity. However, we are considering whether, where this is discharged by a legal entity, there should be a single accountable person at board level who can be identified as having responsibility for building safety”

# Revisiting approach to common areas

- New accountable person/building safety management roles?
- Development of a consistent regulatory approach to fire safety enforcement in common areas
- Potential new duty holder role
- Further consideration as part of review of Tenement Management Services

# Golden thread of building information

- Maintained and held digitally
- To capture the original design intent and any subsequent changes
- Compliance with BIM standards
- Government will define standards via guidance.
- Key dataset to be stored in spreadsheet format to allow the regulator to compare data. This should be open and accessible by default.

# Future enforcement

- Civil sanctions?
- Impact of new sentencing guidelines in England and Wales?
- Will SFRS make better use of their powers?

# Scottish response to Grenfell

- Ministerial Working Group on Building and Fire Safety
- Also designed to address construction defects -  
Edinburgh Schools and DGOne
- Output – 3 reports:
  - Fire Safety content of Building Standards – Dr Paul Stollard
  - Compliance and Enforcement of Building Standards – Professor John Cole
  - Review of Fire Safety for Domestic High Rise Property

# Cole Report

- Scottish Building Control is not fundamentally broken
- Pre-emptive building warrants are a strength
- There are implementation problems
- Cultural change is required
- Training and competence of building control staff
- Lack of building control resources
- Digital evidence
- Verification
- Penalties

# Stollard Report

- National hubs to verify fire safety engineering
- Combustible Cladding Ban
- Escape stairways
- Evacuation Sounders
- Extension of automatic fire suppression systems.

# Fire Safety in Domestic High Rise

- Fire Safety Guidance for Residents
- Scottish Guidance on Fire Safety in purpose built blocks of flats
- Scottish Guidance on Fire Risk Assessments
- Scottish Guidance on fire safety in specialised housing
- Development of a consistent regulatory approach to fire safety enforcement in common areas
- Potential new duty holder role
- Further consideration as part of review of Tenement Management Services

# New fire safety standards for all homes

- By Feb 2021:
- All homes
- smoke alarm in the living room or lounge, and in circulation spaces such as hallways and landings.
- every kitchen must have a heat alarm
- the alarms will have to be interlinked so they can be heard throughout the property.
- carbon monoxide alarm where there are fixed combustion appliances.

# Amendment of Scottish Building Standards

- Legislation and Technical Handbooks
- Took effect in October 2019
- Cladding ban
- buildings over 18 metres
  - second escape staircases
  - evacuation alert systems
  - storey identification signs
  - dwelling indicator signs

# The Grenfell Inquiry



- Phase 1 complete
- Focus on the night of the fire
- Criticism of LFB
- Phase 2 planning underway - design construction and modification of the building
- Report not due until 2020 earliest

# Criminal investigations

- Metropolitan Police investigation ongoing
- Liaison with HSE
- Independent advice from BRE

# Questions?



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