

## **Manchester City Council Report for Resolution**

**Report to:** Neighbourhoods and Environment Scrutiny Committee - 2 September 2020  
Executive - 9 September 2020

**Subject:** Fire safety in high rise residential buildings

**Report of:** Strategic Director (Growth and Development)

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### **Summary**

This report provides the Neighbourhoods and Environment Scrutiny Committee and Executive with;

1. The latest information on the removal of unsafe Aluminium Composite Material (ACM) cladding;
2. An update on the collection of data on all External Wall Systems;
3. Information on other fire safety issues in High Rise Residential Buildings;
4. An update on work undertaken on council-owned High Rise Residential Buildings;
5. A description of the Council's interdepartmental Fire Safety Group;
6. An update on the Council's work with residents and, in particular, the Cladiators;
7. A description of the Council's role as an Early Adopter of the Dame Judith Hackitt recommendations; and
8. An introduction to the Building Safety Bill and Fire Safety Bill and the implications for Manchester.

### **Recommendations**

The Neighbourhoods and Environment Scrutiny Committee is asked to note and comment on the contents of the report.

The Executive is recommended to:

1. Note this report
  2. Delegate to the Strategic Director (Growth and Development) in consultation with the Executive Member for Housing and Regeneration responsibility to develop a process for Mandatory Occurrence Reporting as detailed in section 9.10
  3. Agree that the Accountable Person for buildings in scope is the Council of the City of Manchester as described in section 9.16.
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**Wards Affected:** All

<b>Manchester Strategy outcomes</b>	<b>Summary of the contribution to the strategy</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	The Council has continued to work with partners to drive forward major development schemes that provide safe accommodation, stimulate economic growth and job creation.
A highly skilled city: world class and home grown talent sustaining the city's economic success	The City aims to provide safe accommodation which encourages people worldwide to visit, keeping those with the skills the City needs, keeping our home grown professionals.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Everyone will have the same opportunities and life chances no matter where they're born or live in safe accommodation. Voluntary and community groups will find new ways to reach those as yet untouched by Manchester's success to create resilient and vibrant communities.
A liveable and low carbon city: a destination of choice to live, visit, work	The right mix of quality safe accommodation is needed to support growth and ensure that our growing population can live and work in the city and enjoy a good quality of life.
A connected city: world class infrastructure and connectivity to drive growth	The City's transport system has an enormous influence on the lives and prospects of Manchester's residents. To enable people to access jobs we are creating efficient transport systems that link residential communities to employment centres.

**Full details are in the body of the report, along with any implications for**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

**Financial Consequences – Revenue**

The Council owns 36 high rise buildings. The new Building Safety regime requires owners to employ Building Safety Managers to ensure all relevant buildings are managed safely and residents are kept fully engaged.

At this stage the number of managers required and the cost of employing Building Safety Managers has not been established.

**Financial Consequences – Capital**

There are no specific capital requirements as a result of this report

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**Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

**Reports to Executive**

28 June 2017 - Grenfell Tower – The Implications for Manchester  
13 September 2017 - Grenfell Tower - Update on the Implications for Manchester  
13 December 2017 - Grenfell Tower - Update on the Implications for Manchester  
14 November 2018 - Sprinkler and fire safety works update

## 1.0 Introduction

- 1.1 The Grenfell Tower fire happened over 3 years ago on the evening of 14 June 2017 resulting in 72 deaths. Following this tragic event owners of high rise residential buildings (over 18m) have been required to identify the cladding materials on those buildings and to remove any which do not meet the current fire safety standards.
- 1.2 In Manchester, the Council and Greater Manchester Fire and Rescue Service (GMFRS) identified over 200 private high rise buildings and 12 which had material which had to be removed. Where such material existed GMFRS, in almost all cases, required the owner to undertake Interim Measures (usually a waking watch) until the material was removed
- 1.3 14 high rise buildings owned by Registered Providers (Housing Associations) were also identified as having similar cladding to that on Grenfell Tower.

## 2.0 Progress

- 2.1 At the end of August 2020 all of the dangerous ACM cladding has been removed from the blocks owned by Registered Providers.
- 2.2 Work has been completed at 2 of the 12 privately-owned high rise buildings (Cypress Place and Vallea Court).
- 2.3 Work to 4 buildings is ongoing although it has been delayed as a result of the Covid-19 pandemic.
- 2.4 It is unclear when work will begin at the other 6 buildings.
- 2.5 The table below shows the 10 buildings where the cladding still needs to be replaced and the current works status:

Building name	Address	Work started?
One Smithfield Square	122 High Street	Yes
Pall Mall House	18 Church Street	Yes
Vita Student – First Street	13 Jack Rosenthal Street	Yes
Wilmslow Park	Hathersage Road	Yes
Citygate 1	1 Blantyre Street	No
Citygate 2	3 Blantyre Street	No
Citygate 3	5 Blantyre Street	No
The Quadrangle	1 Lower Ormond Street	No
X1 Eastbank Tower	Advent Way	No
Travelodge – Manchester Central Arena	Great Ducie Street	No

- 2.6 Information obtained by the Council's Building Control section suggests that plans are in place to submit Building Regulations applications for 5 of the 6 in the next 2 months, with the intention to begin work as soon as possible thereafter. Though much will depend on the ability to access the government remediation fund.
- 2.7 The owners of the Travelodge have not responded.

### **3.0 Other External Wall Systems**

- 3.1 Last year the government asked local authorities to contact all private high rise building owners again and to ask them to identify all of the external wall systems on each building they owned. Owners were asked to identify the type and amount (percentage) of insulation and cladding on each elevation and the material on any balconies on the building.
- 3.2 Officers contacted the owners or managers of just over 200 high rise buildings and, to date, have received detailed information from all except 5.
- 3.3 There is only one high rise residential building where the information has not yet been provided. However, the agents responsible for the building have commissioned surveys and we expect the information in the next few weeks.
- 3.4 Whilst most owners and manager provided the information when requested, some have been much less responsive and the Council has had to inform them that it would publish the addresses of the buildings and the agent responsible if they failed to respond.
- 3.5 Referrals were made to the Housing Enforcement and Compliance Team in Neighbourhood Services who began the initial stages of the enforcement process using section 235 of the Housing Act 2004, which requires the provision of documents reasonably required by the authority.

It is an offence to fail to do anything required by notice served under section 235 of the Housing Act 2004. Such offence is liable, on summary conviction, to a fine not exceeding £5000.

It appears that this course of action will not now be necessary, as long as the information is provided soon on the 3 remaining buildings.

- 3.6 In February 2020 the government included student accommodation and hotels in the list of buildings required to provide external wall system information

The response from owners and managers has been positive and to date they have provided the relevant information on 64 of the 71 buildings in scope.

There are 26 student blocks in scope and we have information for all of them  
There are 43 hotels and we have information on 39

The owners of 3 of the 4 remaining hotels have committed to provide the information as soon as possible and have engaged surveyors to assist them.

There is only one building - The Works Aparthotel, 33 Withy Grove, M4 – where we have not been able to contact the owner and they have not responded to any correspondence.

The Housing Enforcement and Compliance Team do not have power to take any action as this is not classed as a residential building. The Council will, therefore, work with GMFRS to try to get the owner to engage.

The government has extended the deadline for providing information to 30 October 2020 so there is some time left for the owner to respond.

#### **4.0 Other Fire Safety concerns**

4.1 Many other high rise buildings were found to have fire safety issues when they were inspected by GMFRS following the Grenfell fire. All were instructed to adopt interim safety measures, which most often included employment of 24-hour waking watches. 49 high rise residential buildings are still subject to Interim Measures over 3 years after the Grenfell fire.

4.2 During 2020 the Government announced that High Pressure Laminate (HPL) cladding should also be removed and identified a further fund which owners could apply to for assistance. However, it excluded those buildings where remedial work was underway, penalising those owners and leaseholders who had been more active in getting their problems resolved. In Manchester residents in Skyline Central had agreed to take out a loan, from their building owner, to cover the cost of cladding replacement. Because they had signed up to this before the fund was announced the owners are unable to qualify for any government support. Legal action is being taken by the leaseholders to attempt to overturn this decision.

4.3 It should be noted that there are other multi-occupied buildings in Manchester, which are below the 18m height threshold, which also have Interim Measures. Unfortunately there isn't an accessible database of buildings so the total number is unknown. GMFRS simply know about the buildings that they have actually visited and inspected but there has been no requirement to inspect buildings below 18m to date.

#### **4.4 EWS1 forms**

People living in high rise buildings have had significant problems when trying to sell flats since the Grenfell disaster. In order to try to stimulate the market the Royal Institute of Chartered Surveyors (RICS) designed a form for completion by a competent person confirming details of the External Wall System on a building. This form, EWS1, is intended for recording, in a consistent manner, what assessment has been carried out for the external wall construction of residential

apartment buildings where the highest floor is 18m or more above ground level or where specific concerns exist.

- 4.5 The form is in use now but there has been some criticism about the length of time taken to complete a form, the cost of producing it and the lack of suitably qualified fire engineers, or others, with sufficient liability insurance to undertake the work.
- 4.6 The Council is not required to produce an EWS1 form for all of the blocks it owns but it is recommended by RICS to help people who want to buy or sell an apartment in a relevant building.
- 4.7 Northwards Housing have commissioned a contractor to identify the external wall insulation on one of the tower blocks that they manage and to complete an EWS1 form to understand the likely time and cost involved. Once this is completed they will develop a programme of work in order to produce an EWS1 form for all of the relevant blocks, which will assist leaseholders to market their property.

## **5.0 Work to Council-owned buildings**

- 5.1 Following inspections after the Grenfell fire, none of the high rise residential buildings owned by the Council had ACM cladding on them. However, the detailed fire risk assessments did identify a number of other issues which needed to be resolved.
- 5.2 Brunswick PFI
- 5.3 In Brunswick a more detailed inspection, by the Council's Building Control service, of an empty flat which had been damaged by a previous fire, identified a potential breach of the compartmentation in 3 of the 4 tower blocks. Building Control informed the PFI contractor and Greater Manchester Fire and Rescue Service (GMFRS) and it was agreed that fire marshals (waking watch) should be deployed in each of the 4 tower blocks 24 hours per day and, for the 3 tower blocks affected, the Stay Put policy was amended to an Evacuate policy.
- 5.4 The contractor has now satisfactorily completed all of the work to remedy this defect.
- 5.5 Miles Platting PFI
- 5.6 There are 7 tower blocks in Miles Platting which have had external wall insulation applied between 2008 and 2011. The Council's Building Control section assessed the plans and specification for Building Regulations and are satisfied that it is not the same type as that used on Grenfell Tower and that the system that was specified meets the current Building Regulations with regard to fire safety.

- 5.7 Further detailed fire risk assessments identified that the front door to each flat was of the same, or similar, type as that used on Grenfell Tower. Whilst the door met the Building Regulations at the time it was installed, the contractor has decided to replace all of them ahead of the scheduled replacement date in the PFI contract. Work started in August 2020 as contractors mobilised again following the Covid 19 lockdown.
- 5.8 Plymouth Grove PFI
- 5.9 There are no buildings in scope on this estate.
- 5.10 West Gorton
- 5.11 Five 4-storey apartment blocks were built for the Council in 2010 and all have some external render and cladding. Whilst these buildings are not within the scope of the Hackitt proposals (much lower than 18m) the Council is working to identify the type of cladding to determine whether any action is required.
- 5.12 Northwards Housing
- 5.13 Northwards Housing commissioned Type 4 fire risk assessments at each of the high rise building it manages for the Council following Grenfell. Whilst none of the buildings featured cladding similar to that on Grenfell Tower, it was discovered that there were high pressure laminate (HPL) panels on Whitebeck Court. Whilst the panels were suitable under the Building Regulations in force at the time the work was undertaken, the main contractor, Wates (a Hackitt Early Adopter – see section 8.0) decided to replace the cladding and insulation at their own expense.
- 5.14 Sprinklers
- 5.15 Work began before lockdown on installing sprinklers in tower blocks managed by Northwards Housing. The Executive will be aware that the installation was offered free of charge to leaseholders but also it was an option for tenants to have sprinklers installed. In the four tower blocks in Collyhurst a significant number of tenants have refused to have sprinklers installed. This has not been repeated in other blocks where Northwards have started work. Sprinklers will be fitted whenever a property becomes empty.
- 5.16 Now that the Council has some experience of the issues in fitting sprinkler systems we are discussing the installation with the PFI contractors in Miles Platting (7 blocks) and Brunswick (4 blocks). Sprinklers will also be installed in Woodward Court as part of a wider programme of work.

## **6.0 Fire safety group**

- 6.1 In the days immediately following the Grenfell Tower fire the Director of Housing and Executive Member for Housing and Regeneration established a group of key people to enable the Council to respond appropriately.
- 6.2 The group included representatives from Housing, Building Control, Neighbourhood Services, Legal and GMFRS
- 6.3 This group has met regularly during the past 3 years to monitor progress on remediation and to respond to the Hackitt report and the Grenfell Tower public inquiry.
- 6.4 Following our decision to become an Early Adopter it has been agreed that this group is reviewed and other key personnel have joined including senior officers from the Capital Programmes team and Procurement.
- 6.5 The resource requirement to undertake our role as an Early Adopter should not be underestimated. There are likely to be serious demands on colleagues within Housing, Planning and Building Control and elsewhere in the Council and officers are currently attempting to quantify this.
- 6.6 The Council is also a member of the Greater Manchester High Rise Task Force led by Paul Dennett, City Mayor, Salford City Council (and portfolio holder for Housing, homelessness and infrastructure at the Combined Authority).

## **7.0 Work with residents, including the Cladiators**

- 7.1 Residents in a number of high rise residential buildings in Manchester have been working together and with the Council to lobby the government for either extra resources to resolve fire safety issues or to make the owners of buildings pay for the works rather than passing this burden onto leaseholders. One group, representing a number of mainly city centre blocks, has created a campaigning body known, nationally, as the Cladiators.
- 7.2 The Executive Member for Housing and Regeneration, along with colleagues from Strategic Housing and Neighbourhoods, meets the Cladiators regularly to offer advice and support.
- 7.3 The Cladiators, along with the Council, have been successful in ensuring that the government identify funding for the removal of the type of panels (ACM) used on Grenfell Tower and other dangerous types of external wall coverings. However, the funding provided is clearly insufficient to deal with the known problems and excludes remedial work to deal with other fire safety issues which are not related to the external walls. The Council and the Cladiators, along with the GM High Rise Task Force and others across the country, have made it clear to the

government that there is insufficient funding to remedy the defects but, to date, they have refused to offer any more.

- 7.4 The Council will continue to support residents and work with them to lobby the government for more resources to deal with all fire safety issues in multi-occupied buildings. The Council will continue to argue that leaseholders should not be made to pay to remedy problems in poorly constructed buildings. The Council will also support Greater Manchester Fire and Rescue Service and residents in lobbying the government to provide funding to remedy all fire safety issues in multi-occupied buildings irrespective of the arbitrary 18m height definition.

## 8.0 Early Adopters

- 8.1 In December last year the Council joined a government-led group (Early Adopters) looking at how to practically implement the recommendations from Dame Judith Hackitt's review of the Grenfell Tower tragedy.

- 8.2 The eight industry organisations who are the Early Adopters are:

Barratt Developments, Kier, Wates, Willmott Dixon, United Living (Developers)

L&Q, Peabody, Salix Homes, (Registered Providers).

The Local Authority Early Adopters are:

Birmingham City Council,  
London Borough of Camden,  
Manchester City Council  
London Borough of Richmond  
London Borough of Wandsworth.

- 8.3 The purpose of the **Early Adopters Scheme** is to lead industry change and ensure buildings are safe for residents.

The government is keen for industry to take advantage of opportunities identified in the Hackitt Report, *Building a Safer Future – Independent Review of Building Regulations and Fire Safety*, to drive action on building safety to improve practice and behaviour in the industry in advance of legislation.

- 8.4 The aims of the scheme are for Early Adopters to:

- Lead and drive forward Hackitt recommendations to champion building safety and share best practice to encourage culture change across industry.
- Implement changes across their organisations to ensure that building safety is considered upfront so that buildings they are working on are safer for residents, prior to changes in regulations and legislation.

- Support the government and play an active role in the development of building safety policy.

8.5 The government has developed, alongside the Early Adopters, a Building Safety Charter. The Charter is intended to support and align with the new Building Safety Regulator and focuses on putting safety first through independent verification and benchmarking. The Council, along with the other Early Adopters and the Combined Authority, has signed this Charter.

8.6 The Building Safety Charter sets out five commitments:

1. Collaborate to spearhead culture change and be a voice of building safety across our sector.

2. Be transparent in the interests of safety, sharing key information with residents, clients, contractors, and statutory bodies in a useful and accessible manner in the design, construction and occupation phases of the process.

3. Make safety a key factor of choice in who we work with, ensuring that building safety is placed at the centre of selection decisions without compromising quality or value for money.

4. Ensuring the voices and safety of residents, visitors, staff and employees are central in our decision-making process.

5. Set out and communicate clear responsibilities within our organisation and with our partners, ensuring everyone with a stake in the building during design, construction and occupation understands their role and has the time and resources they need to achieve and maintain building safety.

## **9.0 Building Safety Bill and Fire Safety Bill**

### **9.1 Introduction**

The Government has accepted all 53 of the Hackitt recommendations contained in the “Building a Safer Future” report and, in some instances, intends to go even further than the report set out. The Government will legislate for these reforms in new primary legislation through the Building Safety Bill and further secondary legislation where necessary. .

Together, measures in the draft Building Safety Bill, Fire Safety Bill, and Fire Safety Order Consultation are aimed at improving safety standards for residents of all blocks of flats of all heights, with even more stringent approaches and oversight for buildings in scope.

Main elements of the Fire Safety Bill include a clarification that the scope of the Regulatory Reform (Fire Safety) Order 2005 (‘RRFSO’) ‘includes the external

walls of the building, including cladding’ as well as ‘fire doors for domestic premises of multiple occupancy’. This places a legal requirement on building owners to inspect cladding, balconies, windows and fire doors in blocks of flats. All residential buildings over six storeys will be covered by this new fire safety regime, while sprinklers will be required on all buildings above 11 metres.

## 9.2 Buildings in scope of the new regulatory system

Buildings in scope will initially be all multi-occupied residential buildings of 18 metres or more in height, or more than six storeys, but this will be extended to include other premises. Factors such as numbers of residents and vulnerability of occupants will be considered, alongside height, with the type and use of buildings in scope being extended further. There will be a staged transition period for existing buildings in scope. The Building Safety Regulator will take into account the information available to the Accountable Person (defined in paragraph 9.5) at the time of the application. Before the end of each transitional stage (design, construction, occupation and refurbishment), it will be the responsibility of the Accountable Person to register the building with the Building Safety Regulator and to produce a Building Safety Case report for assessment. Failure to do so will be considered an offence by the Accountable Person. The transition period will be staged in a planned and phased way, the details of which will be set out later this year.

## 9.3 New Regulator

Government will establish a new, national Building Safety Regulator. The new Building Safety Regulator will be responsible for all major regulatory decisions made at key points during the design, construction, occupation and refurbishment of buildings in scope. The Building Safety Regulator will be established in the Health and Safety Executive (HSE) and report to the Secretary of State for Housing, who will retain overall responsibility for the regulatory system. As a priority, the Building Safety Regulator will appoint a Chief Inspector of Buildings to prepare the necessary infrastructure within the HSE. The Building Safety Regulator will establish a national register of buildings in scope. The Building Safety Regulator will ensure that resident complaints about safety issues that have been escalated to the regulator are investigated and dealt with in a timely and effective manner. The Building Safety Regulator will oversee and publish reports on the performance of Building Control, with sanctions available where Building Control services are failing.

Dame Judith Hackitt will provide independent advice to the government on how best to establish the Building Safety Regulator.

## 9.4 The Duty Holder/Accountable Person

When buildings are designed, constructed or refurbished duty holders (including duty holders in existing Construction, Design and Management regulations) will

have responsibilities for formal compliance with Building Regulations. A duty holder will typically be an organisation and legal entity but could be a single, named individual. In all cases a named individual, with responsibility for building safety should be identified.

#### 9.5 The Accountable Person - Occupied Buildings

The Accountable Person is the duty holder for occupation and will be responsible for applying for, and meeting, the conditions of the Building Registration Certificate. The Accountable Person will be the individual, partnership or corporate body with the legal right to receive funds through service charges or rent from leaseholders and tenants in the building. The Accountable Person will also be identifiable by their legal responsibility for the upkeep and maintenance of the structure and outside of the building, and the plant room and common parts within. The Accountable Person will, therefore, in most cases, be the freeholder or head lessee, including overall landlord or a management company, such as those with responsibility under the lease for collecting and discharging service charges or a right to manage company. The Government will produce comprehensive guidance to help identify and support the Accountable Person where there is a complex ownership structure, such as buildings with residential and commercial occupants.

#### 9.6 Building Registration Certificate

To register a building, the Accountable Person will be required to provide specified information such as the core details identifying the building, the details of the Accountable Person and the details of the Building Safety Manager to the Building Safety Regulator. The Accountable Person will be obliged to comply with any specific conditions attached to their Building Registration Certificate, or face penalties including possible criminal sanction. Without a valid Building Registration Certificate, a building in scope cannot legally be occupied.

#### 9.7 Building Safety Manager

The Building Safety Manager will be appointed by the Accountable Person and can either be a legal entity or a person. In both scenarios, the Accountable Person will be obliged to make adequate resources available (including time and funding) to allow the Building Safety Manager to comply with a number of functions. The Building Safety Manager will maintain the building's safety case and ensure the conditions in the Building Registration Certificate are complied with to the satisfaction of the Accountable Person and the Building Safety Regulator. The Building Safety Manager will ensure those employed in the maintenance and management of the building's fire and structural safety have the necessary competence requirements to carry out the role they are undertaking. The Building Safety Manager will engage with residents in the safe management of their building, through producing and implementing a Resident Engagement Strategy. The Building Safety Manager will undertake several functions on behalf

of the Accountable Person, with whom the legal responsibility remains. It is, therefore, essential that the Building Safety Manager has the necessary skills, knowledge, experience, time and resources to carry out these functions.

#### 9.8 Safety case

Submitting a safety case report to the Building Safety Regulator will be a mandatory requirement. The Building Safety Manager will be required to keep the safety case up to date as a way of providing themselves, and their residents, with the assurance that they understand the fire and structural risks in their buildings. The safety case should refer to the totality of the building safety information and include all supporting evidence identifying how fire and structural risks are being managed. This is consistent with the approach undertaken for fire risk assessments under the Fire Safety Order. The Government will issue a template demonstrating how to compile and complete a safety case report.

#### 9.9 Golden thread

Duty holders will be responsible for creating and maintaining the golden thread of building information related to fire and structural safety. The golden thread will be held digitally to ensure that the original design, intent and any subsequent changes to the building are captured. The Government will publish guidance and standards setting out what digital requirements the golden thread of information would have to meet, including specifications regarding the sharing of and access to information.

#### 9.10 Mandatory occurrence reporting

The Building Safety Regulator will establish a system of mandatory occurrence reporting for duty holders. In the occupation phase, it will be a statutory function of the Building Safety Manager to set up a framework to report occurrences. The Building Safety Regulator will be made a prescribed person under the Public Interest Disclosure Act 1998. This will afford workers protection from detrimental treatment or victimisation from their employer when making disclosures in the public interest; more commonly known as whistleblowing protection. The Duty holder and Accountable Person will also be encouraged to report structural and fire safety occurrences, which are not classified as mandatory occurrences under this new reporting regime, to a voluntary reporting scheme.

As a member of the Early Adopters group, and in support of our pledge to make our buildings safe to live in, work in and visit, we have looked at this task and recommend that the Council goes further than the Hackitt recommendations and introduce a system of building safety occurrence reporting for all of our buildings, regardless of their use.

Attached, at Appendix 1, is a copy of a draft on-line reporting form that will inform the Council about any serious safety related incidents and concerns and is

intended to be used by the managers of Council-owned buildings. However, its use is not restricted to managers alone and residents and occupants of our buildings can also use this form, particularly where attempts to raise concerns with a building manager has not resulted in a satisfactory outcome.

The type and nature of the building and the safety concern reported will dictate who will investigate the matter. However, the system we are proposing to introduce will, eventually, be used to report safety concerns to the Building Safety Regulator for those buildings that will come under the regulator's control.

The Council expects that the reporting of safety concerns by those responsible for managing our buildings becomes a culture to be embraced and not to be stigmatised by fear of reprisal or retribution. As such, reporters of serious safety concerns should feel safe in the knowledge that they will not be treated unfairly by making such reports. Conversely, as Hackitt recommends, not reporting serious safety concerns, when these are known, by those responsible for managing buildings, will be treated as a breach of a manager's duty and may result in sanctions being imposed for not reporting a serious safety concern to either the Council or, in the future, the regulator.

The government's expectation is that building safety occurrence reports will be made available to the residents and occupants of our buildings.

#### 9.11 Building refurbishment

Before a building in scope undergoes any defined refurbishment, the Building Safety Manager will need to engage with residents on their proposals and update the safety case on any changes that might affect the fire and/or structural safety of the building. If the refurbishment is subject to the building regulations and being commissioned or undertaken by the Accountable Person or the Building Safety Manager, then the Building Safety Manager or the Accountable Person will be required to submit an application for the building work to the Building Safety Regulator. Work cannot start before Building Safety Regulator approval. Depending on the scale of the refurbishment, the Building Safety Regulator will have the power to request any other relevant information. Residents proposing a refurbishment to their own property will be required to notify the Building Safety Manager. If required, the Building Safety Manager will need to update the safety case and confirm to the resident whether or not the refurbishment can be undertaken (having regard to the safety case). If the changes might affect the fire or structural safety of the building, or are subject to building regulations, the resident, or contractor undertaking the refurbishment on behalf of the resident, will be required to notify the Building Safety Regulator prior to, and on completion of the work. Any application for, or notification of, building work must be accompanied by an updated safety case (or part, or parts thereof) or a declaration from the Building Safety Manager that the proposed work has no foreseeable impact on fire and/or structural risk.

## 9.12 Resident engagement

The Building Safety Manager will be required to produce and implement a Resident Engagement Strategy, setting out how they will inform and engage residents and involve them in decision making. This will be reviewed alongside the safety case by the Building Safety Regulator to ensure that it is robust, and the Building Safety Manager will be held to account for poor performance. Residents will have a transparent process to complain to their Building Safety Manager about fire or structural safety issues.

## 9.13 Residents' responsibilities

The Government will introduce a new statutory duty requiring residents to cooperate with the Building Safety Manager in the fulfilment of their functions. This general duty to cooperate will be supported by a set of specific duties, which will mean that residents have legal responsibilities to avoid actions that could pose a risk to the fire and structural safety of the building. The Building Safety Manager will have a route to enforce resident responsibilities that balances individual residents' rights with the need for effective, timely enforcement where there is a risk to the safety of other residents. The Building Safety Manager will have the ability to enforce the statutory duty through the courts.

## 9.14 Industry Safety Steering Group

The Industry Safety Steering Group (ISSG) was formed in September 2018 to report on the progress of the construction industry in delivering culture change and to challenge, and hold industry to account, on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. It is chaired by Dame Judith Hackitt.

Their second report provides an update on the work of the ISSG from July 2019 to June 2020. During this time the group have heard from 40 organisations and have explored the following issues and themes:

- Building Ownership and Building Management
- Competence
- Building Control
- Mortgage Lending
- Professional Indemnity Insurance
- Commissioning and Procurement
- Standard Forms of Contracts
- Culture Change and Collaboration

The report highlights many areas of good practice but finds that there is a need for further change and progress by industry now, ahead of the legislation.

The government has welcomed the ISSG's report, in particular the progress it demonstrates in some parts of industry to deliver culture change. The government also recognises that more work needs to be done and that the ISSG has a continuing and vital role in ensuring that change is made to support better building safety.

Below is the Foreword from the report by Dame Judith Hackitt along with a link to the full report:

*As Chair of the Industry Safety Steering Group I am pleased to present our second annual report. Over the last year our work has continued to encourage the whole industry to make progress with change ahead of legislation and we have also extended our work to look at how other associated sectors such as insurance, finance and contractual arrangements impact upon the behaviours of the sector.*

*I want to thank all of the members of ISSG for their ongoing commitment to this challenging work. Our bi-monthly meetings are always very well attended, every single member makes a significant contribution to the debate and to challenging those who we invite to attend our meetings and when they have been asked to commit more time to the work of the group they have all done so willingly because they care about delivering the outcome we were tasked with – driving culture change and identifying ways to overcome blockages to progress in delivering safer buildings.*

*In the last year it has become clear that some parts of the industry are making real progress but it has been equally frustrating for me and my colleagues on ISSG to keep hearing that others are waiting to see what the new regulatory regime looks like before they take action.*

*Given the clear evidence that continues to emerge of concerns about high rise building safety which go beyond ACM cladding, we believe that there is a moral obligation on the industry to step up to a different approach. In the last few months my thoughts have often turned to those who are locked down in buildings where they know there is rectification work that needs to be done and my heart has gone out to them. We are determined to continue our work to deliver change.*

*Such is the commitment of the members of the ISSG that this year they have taken the decision to continue to meet beyond the originally envisaged two year time frame and to push even harder to drive change. The group will continue to operate until such time as we feel we can hand over our role to the new Building Safety Regulator. In my capacity as Chair of the Transition Board to establish the new regulator I am able to ensure that our work is fed into the new regulator and I am pleased that the Director of Building Safety and Construction of the new regulator has joined the ISSG so that we can share our knowledge and intelligence of the industry.*

*In the next year one important task which we will undertake is to look for ways to recognise and accredit those who are leading the industry in the right direction. We believe that consumers deserve to know who they can trust and those who are showing the right commitment should be recognised.*

*We all acknowledge that the coming year is going to be challenging for our economy as a whole and that will include the built environment. There remains a pressing need for new homes and for dwellings that are compatible with achieving Net Zero but there can be no question of trade-offs – ensuring that residents feel safe and are safe in their homes remains constant.*

*Dame Judith Hackitt DBE FREng 20 July 2020*

The full report can be found at the link below:

<https://www.gov.uk/government/publications/building-safety-industry-safety-steering-group-second-report-on-culture-change-in-the-construction-sector>

#### 9.15 Enforcement and sanctions

The Building Safety Regulator will have a range of tools available, applicable to any duty holder or Accountable Person, including reviewing the Building Registration Certificate, which could ultimately lead to revocation and, where appropriate, the ability to prosecute the duty holder and/or the Accountable Person as appropriate, potentially leading to an unlimited fine. The new regulatory regime will sit alongside the enforcement powers local authorities have under this legislation. The Accountable Person may be the responsible person under the Fire Safety Order, but it will be on the relevant duty holder to demonstrate that their actions have met both the requirements of the new regime and the existing Fire Safety Order requirements. Where a building is mixed-used, the Government will introduce duties of cooperation between the responsible person(s) under the Fire Safety Order and the Accountable Person(s) under the new regime in order to ensure that the building as a whole is effectively managed.

#### 9.16 Roles and responsibilities in Manchester

There are differing views on the identity of the Accountable Person but it can be a corporate entity rather than an individual.

It is recommended, therefore, that for Council-owned High Rise Residential Buildings the Accountable Person is the Council of the City of Manchester.

The Council owns 36 high rise buildings which are currently in scope.

20 are managed by Northwards Housing

4 are managed by Avro Hollows Tenant Management Organisation

7 are managed by Renaissance Miles Platting Limited (Jigsaw Homes is the housing management contractor)

4 are managed by Solutions 4 Brunswick (Onward Homes are the housing management contractor)

1 is managed by Corporate Estates

Each building will require a Building Safety Manager

Officers are working closely with Northwards Housing and the PFI contractors to determine how many buildings one Building Safety Manager could manage effectively.

In some cases, local authorities and other high rise building owners are considering employing Building Safety Managers directly. In others, the owners are intending to employ consultants who will be able to access a range of support from specialists within their organisations (such as fire engineers) and who will carry professional liability insurance.

#### 9.17 New versus existing buildings

Once the Bill is enacted the regulations will come into force immediately for buildings under construction. In fact, as referred to above, Dame Judith Hackitt is expecting the construction industry to adopt her recommendations voluntarily before the Bill becomes law.

There is an acknowledgment, by the government, however, that the new regime cannot be imposed on all existing High Rise Residential Building owners immediately and that there will have to be a phased implementation for these buildings. To date there are no details, however, on how long this phase might last.

### 10.0 Contributing to the Manchester Strategy

#### (a) A thriving and sustainable city

The delivery of providing safe accommodation could provide the opportunity for an increase in employment across the various schemes.

#### (b) A highly skilled city

The provision of safe accommodation will encourage young people and graduates, to be attracted to apprenticeships and work placements

#### (c) A progressive and equitable city

The planning process of the schemes will encourage residents to get involved and influence decision making for providing safe accommodation.

(d) A liveable and low carbon city

The right mix of quality safe accommodation is needed to support growth and ensure that our growing population can live and work in the city and enjoy a good quality of life.

(e) A connected city

Implementation of safe accommodation across the City. The work will reinforce the City's role as the centre of providing safe accommodation.

## **11.0 Key Policies and Considerations**

(a) Equal Opportunities

Adopting the recommendations made following the Grenfell fire should ensure that all residents in relevant buildings are as safe as possible.

(b) Risk Management

Implementing the recommendations made following the Grenfell fire is intended to manage the risks in High Rise Residential Buildings.

The City Council's Short Term Financial Strategy includes an assessment of budget risk for implementing fire safety measures.

(c) Legal Considerations

As this work develops we may need to work with legal colleagues to ensure that contractors can gain access to undertake any necessary inspections and fire safety works that may be required.