

BUILDING SAFETY PROGRAMME - FIRE SAFETY IN PRIVATE SECTOR MID AND HIGH-RISE BLOCKS OF FLATS

Committee name	Corporate Resources and Infrastructure
Officer reporting	Michelle Greenidge, Resident Services
Papers with report	Appendix 1 – Legislative Context Appendix 2 – List of high-rise buildings under investigation (Part II)
Ward	All

HEADLINES

Following the Grenfell tragedy, the Government, through the Department for Levelling Up, Housing and Communities (DLUHC) now the Ministry of Housing, Communities and Local Government (MHCLG), requested that Local Authorities collect data on privately owned residential high-rise buildings. This requirement has since been extended to include mid-rise blocks and social housing blocks, whether purpose-built or converted. The information sought covered a range of matters, including the materials used in the construction of external wall systems (EWS).

RECOMMENDATIONS

That the Committee notes the update on the Fire Safety Programme.

SUPPORTING INFORMATION

BACKGROUND

1. Following the Grenfell tragedy, the Government, via the Department of Levelling Up, Housing and Communities (DLUHC), now the Ministry of Housing, Communities and Local Government (MHCLG) asked Local Authorities to gather data on privately owned residential high-rise blocks (now includes mid-rise blocks and social housing blocks) of flats (either converted or purpose built). A variety of information was required, including the materials used in the make-up of external wall systems (EWS).
2. Following on from this data gathering exercise MHCLG called upon Local Authorities to use their powers under the Housing Act 2004 to investigate, inspect and where necessary take enforcement action to rectify fire safety in these buildings. This has been extended to include the provisions under the Building Safety Act 2022.
3. The Council responded to this by establishing a building safety programme to investigate these high-rise buildings, which now includes mid-rise developments. MHCLG have also required LAs to look at blocks in control of social landlords that have issues with

remediation. As this is a specialised area of work, a suitably qualified professional was engaged to lead on the project (one day a week). This includes data management, case investigation, administration, enforcement, reporting and ongoing case management.

4. High-rise is where a building is over 18m in height (there is a specific methodology for establishing height). This definition has now been extended by the Building Safety Act 2022 to include buildings that are 7 or more storeys in height (with 2 or more dwellings). Mid-rise relates to a building that is 11m in height and again this definition has been extended by the Building Safety Act 2022 to include buildings that are 5 or more storeys in height (with 2 or more dwellings).
5. The Council has received New Burdens 25/26 funding for this essential work. It was hoped that there would be consideration of multi-year funding for this work, so as to remove the uncertainty of continued funding. However, that has yet to be confirmed by MHCLG.
6. The London Remediation Acceleration Plan (LRAP)¹ has yet to be published by the Greater London Authority (GLA). However, this is imminent². This may provide further opportunities for the Council in terms of access to resources and possibly funding.

Current Position

7. The Council's prioritisation list of buildings has been updated to account for the unknown buildings that were provided via the 'missing buildings' exercise carried out by Homes England on behalf of the government.
8. There are 79 (previously 82) high-rise blocks in the borough. Of these 13 are hotels, leaving 66 privately/socially owned or high-rise developments that require investigation. The Council works closely with colleagues in the LFB on these buildings and it is the LFB that have jurisdiction over the hotels.
9. The buildings have been subject to a risk prioritisation assessment and ranked accordingly. A RAG system is used. Prioritisation is based on height, the possible combustibility of the EWS and the information held on the property (e.g. if the building owners fail to engage and provide survey data). This means that as information is established, this could result in the movement of a building into a different risk prioritisation category. This has resulted in the following (of the 66 blocks requiring direct investigation):
 - a) 7 high-risk buildings
 - b) 21 (up from 16) medium-risk buildings
 - c) 39 (up from 30) low-risk buildings
 - d) 0 unclassified buildings
10. Following investigations, 19 cases have been closed. This is for a variety of reasons, such as:
 - a) They are commercial and have therefore been referred to the LFB,
 - b) Works have been completed or there are no works to be complete, or

¹ <https://www.gov.uk/government/publications/remediation-acceleration-plan-update-july-2025>

² The Council's expert resource is also advising the GLA on the LRAP.

- c) They have been confirmed as low-rise or out of borough.

Mid-Rise

- 11. The mid-rise list currently has 103 developments on it.
- 12. Although some of these developments have had some preliminary investigations carried out, this was because it was initially believed that these were high-rise. They have subsequently been confirmed as mid-rise and therefore transferred to the mid-rise list.
- 13. This is because the expert resource available to the Council is currently focused on high-rise interventions. The Council doesn't have sufficient funding to expand the Building Safety Programme to mid-rise developments. The intention remains that that the mid-rise programme will be taken forward once the high-rise programme has been finalised.

Investigation Status

- 14. Significant work has been carried out on the programme to see developments improved. Some of the significant activity is highlighted here:
 - a) Formal and informal enforcement action has been taken against all the high-risk buildings. All cases remain open, and the Council's expert resource continues to investigate and take cases forward as required.
 - b) Work at Union House has not progressed as expected. Therefore, the Council have taken formal action against the freeholder by way of the imposition of an Improvement Notice. This Notice hasn't yet been appealed, though the freeholders' agents have made representations that are being reviewed.
 - c) The Council continues to defend appeals lodged with the First Tier Tribunal (property chamber) against 3 Improvement Notices. At this point it is likely that all of these will go to a hearing as there are issues that do not appear to be resolvable via informal talks.
 - d) The Council is currently working with MHCLG on carrying out a data cleansing exercise on the Governments data portal (DELTA)

Conclusions

15. There are approximately, 5,033 households, an increase of roughly 2,000 due to the inclusion of the 'missing building' data, living in high-rise developments (not Council homes). This represents a significant number of people affected by possible fire safety issues in the borough.
16. The dedicated resource is unable to work on the mid-rise buildings as the high-rise programme remains open and these generally are higher risk.
17. Since the last briefing paper submitted on progress with the programme (August 2025), the dedicated expert resource has provided around 22 days of activity for the Council. Even given this relatively small amount of time significant progress continues to be made with the programme. This has already resulted in improved standards of living for many households across the borough.
18. The one day a week resource matches the funding available to the Council via New Burdens funding received from Central Government.
19. These cases are habitually complex, involving convoluted ownership structures. Almost every case investigated has involved other fire safety issues, beyond the issues with the EWS.
20. The case management can often be measured in years due to the challenges of remediation. The Council's requirements are often challenged and there is a high degree of technicality and expertise to this field of work.
21. This work is ongoing and the MHCLG are very content with the progress being made at the Council and recognise the significant work being done.

PERFORMANCE DATA

22. Each year the MHCLG ask for an update on the Building Safety Plan (BSP) at the LBH and ask about how funding has been used and proposals for how it will be used going forward. The latest exercise was completed and submitted in September 2024. Performance is measured by the level of intervention. Informal and formal interventions are published by MHCLG on an ongoing basis - <https://www.gov.uk/government/publications/building-safety-remediation-monthly-data-release-december-2024/building-safety-remediation-monthly-data-release-december-2024#enforcement>

RESIDENT BENEFIT

The BSP will see the safety of 1,000's of residents of the Borough improved through the work to improve fire safety in mid and high-rise blocks of flats.

FINANCIAL IMPLICATIONS

Funding is in place until April 2026

LEGAL IMPLICATIONS

Collectively, legislative frameworks impose statutory duties on responsible persons and landlords to ensure fire safety, building safety, and housing standards are properly assessed, managed, and maintained, with potential enforcement action and legal liability arising where those obligations are not met.

BACKGROUND PAPERS

The Building Safety Regulator - <https://www.hse.gov.uk/building-safety/regulator.htm>

The Remediation Acceleration Programme - <https://www.gov.uk/government/publications/accelerating-remediation-a-plan-for-increasing-the-pace-of-remediation-of-buildings-with-unsafe-cladding-in-england/remediation-acceleration-plan>

Building Safety Remediation: monthly data release - December 2025 -

<https://www.gov.uk/government/publications/building-safety-remediation-monthly-data-release-december-2025/building-safety-remediation-monthly-data-release-december-2025#enforcement>

APPENDICES - Appendix one - Legislative Context

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1. There is a variety of legislation that applies to fire safety in residential high and medium-rise blocks and there are different enforcing authorities depending on the legislation.

a. The Regulatory Reform (Fire Safety) Order 2005 -

<https://www.legislation.gov.uk/uksi/2005/1541/contents>. This is enforced by the Fire and Rescue Service (the London Fire Brigade (LFB) in London). This applies to all buildings (commercial and residential common parts) but excludes individual dwellings.

b. The Fire Safety Act 2001 - <https://www.legislation.gov.uk/ukpga/2001/24/contents>. This is enforced by the LFB. This amended the Fire Safety Order and was an enabling act for further statutes.

c. The Fire Safety (England) Regulations 2022 - <https://www.gov.uk/government/publications/fire-safety-england-regulations-2022>. These are enforced by the LFB. These were introduced in January 2023. These place specific requirements on operators of medium and high-rise blocks of flats in relation to fire safety.

d. The Housing Act 2004 - <https://www.legislation.gov.uk/ukpga/2004/34/contents>. This is enforced by Local Authorities (LAs). This is the basis of housing standards in all forms of residential accommodation. It is primarily used by LAs to enforce housing standards in rented accommodation. Traditionally most LAs did not enforce fire safety in common parts of blocks of flats, this being left to the Fire and Rescue Services due to the complex nature of fire safety in these buildings but is and remains available to LAs to enforce fire safety in common parts and the flats.

e. The Building Safety Act 2022 - <https://www.legislation.gov.uk/ukpga/2022/30/contents> and subordinate Orders and Regulations has introduced a new regime for building safety in primarily high-rise (commercial and residential) and to a lesser degree medium-rise. This covers a variety of issues but introduces a new Building Regulator (overseen by the Health and Safety Executive (HSE)) for high-rise, changes the Building Regulation regime, introduces protections for leaseholders and provides a process for several bodies, including LAs, to apply for Orders to remediate historic fire safety and structural defects in residential medium and high-rise.

i. The new Regulator is operating - <https://www.hse.gov.uk/building-safety/regulator.htm>) and performing some of its functions, such as building registration and Building Regulation compliance.

f. The Remediation Acceleration Programme -

<https://www.gov.uk/government/publications/accelerating-remediation-a-plan-for-increasing-the-pace-of-remediation-of-buildings-with-unsafe-cladding-in-england/remediation-acceleration-plan>
This was published in December 2024. This sets out a raft of measures, including proposed legislative measures with the aim of accelerating the remediation of mid and high-rise buildings with EWS issues, ensuring all relevant buildings are identified as well as extending protections and support for residents and leaseholders.