

Motion A – Labour Group amendments

Cladding Scandal

Proposer: Councillor John Bevan

Seconder: Councillor Ruth Gordon

Council notes that:

- The tragedy of the 2017 Grenfell Tower fire, which led to the loss of 72 lives, was caused by Aluminium Composite Material (ACM) cladding;
- The government banned the use of all combustible materials on the walls of new high rises in November 2018, extending the problem beyond ACM cladding to buildings clad with other flammable materials;
- The Royal Institution of Chartered Surveyors (RICS) and the UK Council of Mortgage Lenders agreed to the industry External Wall System (EWS) fire review and certification process resulting in what is known as an EWS1 form. There are relatively few qualified professional fire safety engineers across the country who can issue EWS1 forms creating a bottleneck across the country.;
- There is no legal requirement for owners to produce EWS1 forms or take remedial action, but many lenders are now refusing to provide mortgages without such a form;
- Snagging is largely left as a responsibility of residents to take up with developers post-purchase, and even when covered by new build insurance schemes, leaseholders often suffer poor response and cycles of poor quality repair;
- Remediation costs for cladding are sometimes spiralling to over £100,000 per flat, with many owners forcing these charges back onto leaseholders;
- December 2020 saw the first case of a leaseholder being bankrupted by costs associated with the crisis;
- Government plans for leaseholders to sue developers with no financial support will not help many due to: high legal costs, the issue of dangerous cladding being legal at the time buildings were built, and the possibility of developers having since become insolvent;
- Waking watches, when a person patrols all floors and external areas of a building to give warning in the event of a fire, are being used in buildings at high risk of fire due to cladding, and are costing Londoners an average of over £20,000 per month;
- Residents and leaseholders, through no fault of their own, are being left in potentially ruinous limbo, unable to mortgage or remortgage and therefore unable to buy and sell;
- Conservative government-led deregulation in the building and fire safety industries, as well as part-privatisation of building control in local authorities that took place under Margaret Thatcher, has created a race to the bottom culture regarding building safety and stripped local authorities of much of their powers;
- The Regulatory Reform (Fire Safety) Order 2005 places responsibility on the 'Responsible Person' to manage fire risk. The Responsible Person in the case of a block of flats will be the person or organisation who has overall control of the premises, which is usually the owner or managing company working for the owner. The Council cannot fulfil the Responsible Person role for private, non-Council owned buildings.
- No Homes for Haringey properties have been affected by ACM cladding.
- In February 2021, the Parliamentary Labour Party won a commons vote on a motion calling for a national cladding task force to oversee remediation works, and force building owners to take financial responsibility for the safety of their buildings.
- The Council has upskilled its existing Building Control surveyors who are all now qualified as Level 6 Fire Safety Surveyors, the highest competency that Building Control surveyors can attain, to ensure the service to local residents and businesses is of a high standard for safety.

- Cabinet in December 2020 accepted the Scrutiny Review on Fire Safety in High Rise Blocks recommendation to recruit at least two apprentices in the Building Control service to start in the 2021/22 financial year to support the Building Control service in 'growing its own' staff to provide a high standard of service for residents and businesses.
- The Council attaches 'informatives' to planning permissions to inform developers about requirements for building safety e.g. regarding sprinkler installation. As building and fire safety is primarily a matter for Building Control regulations rather than Planning regulations, national planning policy and guidance is clear that requirements relating to EWS1 and snagging issues cannot be attached to planning permissions as 'conditions'. Neither can planning permissions be delayed for such reasons. Nevertheless, the Council is proactive in attaching informatives relating to building safety.

Council believes that:

- The combination of this cladding, EWS1 and snagging scandal is having a devastating impact on many residents;
- The current industry EWS1 process and public funding of remediation works is not fit for purpose and needs rapid attention;
- The funding given by central government towards remediation works is completely insufficient, and costs are still falling on the shoulders of individual leaseholders;
- ~~An independent public inquiry should be set up to look at the government's response to concerns about fire and building safety;~~
- ~~The council has a responsibility and arguably a duty of care to residents who have innocently purchased properties granted planning permission by the council;~~
- ~~The council should not stand by and leave action to the government and should now step in and take action where legally allowed to.~~

Council resolves to request of the leadership that they:

- Sign up to the End Our Cladding Scandal campaign;
- Support any Housing Association residents affected by ACM cladding to contact their MP and the Housing Ombudsman;
- Lobby the government to immediately perform an audit and consultation with resident associations of all habitable buildings in Haringey (regardless of tenure) to establish the potential scope of the cladding, EWS1 and snagging issues, with a report back to Cabinet by the end of 2021;
- ~~Consider options on~~ Lobby government to fully fund advice and support including establishing a Cladding and Snagging Hub by October 2021 to provide assistance to all Haringey residents and residents associations regardless of housing tenure which would support in lobbying developers, building owners and claiming Government funds to urgently rectify their buildings;
- ~~Investigate~~ Encourage government to investigate options ~~such as redeployment and upskilling of staff, supporting and upskilling~~ to increase the number of surveyors or other suitable professionals as appropriate, in order to perform more EWS1 assessments and accelerate remediation and certification;
- ~~Lobby all~~ Work with private building owners and Housing Associations in Haringey to help them act immediately in rectifying issues and achieving EWS1 certification – noting that some of these owners may not be the original developer and may will therefore need the council's assistance to engage and trace developers or find other routes to remedy, thus avoiding any cost to leaseholders;
- ~~Explore ways to delay approving planning applications where the applicant has outstanding snagging or EWS1 certification issues in Haringey and include a condition to be discharged on all future planning applications to provide an EWS1 form before first occupation;~~
- Lobby and work with MPs, MHCLG and the Mayor of London to:

- ~~○ Devolve powers to Haringey Council in order to have jurisdiction over enforcing remediation of housing of all tenures and to obtain local control over the relevant compensation funds from the government, so the council can actively support affected residents in Haringey of all tenures; Encourage government to enforce remediation of housing of all tenures and to improve the compensation funds and actively support affected residents in Haringey of all tenures;~~
- Adopt-Support the sensible recommendations of the Housing, Communities and Local Government Select Committee in their report on cladding remediation from April 2021;
- Support the 10 steps set out by the End Our Cladding Scandal campaign.