



A grassroots campaign taking action against mammoth fuel bills and working towards an affordable, sustainable and democratic energy system

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Cladding and Insulation - a National Emergency

The catastrophic fire at Grenfell Tower was both predictable and predicted. Survivors, from the tower and from the surrounding community have yet to be afforded the security and justice they need to begin to recover from their devastating losses. Meanwhile, the effects of the policies which led to this disaster are being felt wherever tower blocks have been found to be clad and insulated with combustible materials. Many residents are still waiting for removal of flammable materials, or are being asked to pay for this themselves. And in other places, the removal of this cover has caused its own serious risks: cold, damp and mould.

Fuel Poverty Action believe that this constitutes a national emergency, seriously impacting on thousands of families in the UK, and that central government should be funding the removal and prompt restoration of safe cladding and insulation, if necessary releasing contingency funds for such large-scale disasters.

We do not claim to be experts on these matters, but have assembled some relevant information as the basis for this demand.

1. THE SCALE OF THE CRISIS

- **The latest figures (15 March 2018)** for **social housing buildings** unlikely to meet building regulations is 158. Of these 103 have begun the process of remediation (65%), with replacement cladding fully installed on just seven (4.4%). The MHCLG does not provide figures for buildings with cladding completely removed but not replaced.
- According to the latest figures, **301 buildings in total** are unlikely to meet Building Regulations guidance. These include 130 private sector buildings, 31 student residences, and 12 public buildings (including hospitals and schools). The MHCLG do not provide any data for what is happening with private sector buildings.
- There are many more buildings **below the 18M height threshold** in building regulations for fire-safe cladding and insulation, where inadequate means of escape may mean residents are still in danger, particularly but not only if a fire takes hold when they are asleep.

- Both those in flammable buildings and those in uninsulated buildings are at risk.
Cold, like fire, kills: over 11,000 people in England and Wales died from cold homes in 2016-2017 ([ONS](#)).
- Cold, and damp and mould, are **Category 1 Hazards** under Housing Health and Safety Rating System (HHSRS), requiring immediate local authority intervention.

Exposed to the elements

Granville Road Estate (Barnet, London): After testing cladding and insulation in June 2017, Barnet Homes ordered their contractors, Keepmoat Limited, to begin the process of removing the cladding and insulation. The cladding and insulation was full removed by September 2017. All three tower blocks have been without cladding and insulation all winter.

Without cladding and insulation people's homes have been left exposed, with people on the highest floors suffering most. **Tenants are having to pay far more to heat their homes, and even if they can heat the house enough to keep themselves warm, they are suffering from damp and mould.**

The expected time-frame for the cladding and insulation to be replaced is by October 2018, over a year from when it was removed. Initially Barnet Homes had agreed to pay residents £15 a week towards additional heating. However, many have reported that they are having to pay far more to heat their homes, and that however much they heat their homes they cannot get rid of the cold and damp. Further, this **money was being paid into their rent accounts, meaning Barnet Homes were effectively paying themselves, and residents with rent arrears were left without extra money for heating. The residents then got this amended so the money is paid direct to all.**

Chalcots Estate (Camden, London): The cladding on Chalcots Estate was fitted in 2006 as part of a £250m PFI deal with Rydon (the same contractor that refurbished Grenfell). Camden council announced in June that it would be removing the cladding on five blocks after they failed fire safety tests. Work to remove the cladding was started in September 2017. Restoration is not expected to be completed until August 2019. Camden cite supply chain problems.

Without cladding and insulation the story for residents at Chalcots has been similar to Granville Road. Again, residents on the highest floors and on the windy side of the building are suffering most. The Council have **guaranteed to cover any extra energy costs due to increased consumption. However, some residents are not aware of this, while others are saying that no matter how much they try they cannot adequately heat their homes.** Some residents have reported suffering from damp and mould.

Please see **quotes from residents** of these two estates at the end of this briefing.

2. NOT A NATURAL DISASTER

- While the Grenfell Tower Inquiry will throw light on specific liabilities, it is already clear that in both social and private housing, **responsibility for the unsafe cladding is shared** between central and local government, and with private developers, contractors, manufacturers, and in some cases, landlords.
- **The ones who bear no responsibility** are tower block residents, who are the ones now paying the price, both financially, and with their health and safety.
- From November 2017, in a bold move on behalf of Camden taxpayers, [Camden Council have been withholding payments to Rydon](#), who put up the cladding on the Chalcots estate, as on Grenfell, in an attempt to recoup some of the £40 million cost of making the buildings safe. However, as far as we can ascertain, leaseholders are still paying for this cladding, now removed, through their service charges.

2.A "IN DUE COURSE": A HISTORY OF REGULATORY INACTION

1985 (Thatcher)	National Regulations (Approved Document B) introduce new fire regulations. London Building Acts and by-laws repealed , in favour of this national legislation. Causal factor in Lakanal fire 2009. Materials no longer need to be 'fire resistant for one hour'.
1997 (Thatcher)	Building Research Establishment (which carries out fire safety checks of cladding) privatised. Since then the government has moved further away from employing construction experts in-house and relied more and more on industry advice.
1999 (Blair)	A fire at Garnock Court in Irvine , Scotland, spread floor to floor, killing a disabled man, Alexander Linton. In response a Parliamentary inquiry into tower block cladding, which recommended a much tougher testing regime and the use of non-combustible materials.
2000 (Blair)	Environment, Transport and Regional Affairs committee final report concluded : "We do not believe it should take a serious fire in which many people are killed before all reasonable steps are taken towards minimising the risks. . . All external cladding systems should be required either to be entirely non-combustible or to be proven through full-scale testing not to pose an unacceptable level of risk in terms of fire spread."
2000 (Blair)	Responding to this report Government recommends all social landlords be instructed to inspect external cladding on their multi-story buildings.
2003 (Blair)	The Building (Scotland) Act - "Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, or from an external source, the spread of fire on the external walls of the building is inhibited." (Following death of Alexander Linton in June 1999)

2009 (Brown)	Lakanal house tower block fire in L.B. Southwark kills six people (regulations not changed as a result)
2010-2016 (Cameron)	Real-terms spending of DCLG cut by 50%
2012 (Cameron)	(2012), the Con-Dem coalition urged ministers to slash “onerous” fire safety requirement by repealing local acts that “burdened” the construction industry with extra costs. The impact assessment, carried out to analyse the impact of pulling back regulations, was labeled as an “appropriate deregulatory measure that reduces procedural and financial burdens on the construction industry”.
2012 (Cameron)	Sections 20,21 of London Building act repealed (section 20 may have prevented Grenfell, but may have been already irrelevant due to 1985 replacement by national regulation)
2013 (Cameron)	All-Party Parliamentary Fire Safety and Rescue Group writes to Minister for Communities referring specifically to composite cladding panels and concluding, “Surely ... when you already have credible evidence to justify updating ... the guidance ... which will lead to saving of lives, you don't need to wait another three years in addition to the two already spent since the research findings were updated, in order to take action?” After further correspondence, Liberal Democrat MP Stephen Williams replied on behalf of the government, “I have neither seen nor heard anything that would suggest that consideration of these specific potential changes is urgent and I am not willing to disrupt the work of this department by asking that these matters are brought forward.”
2015-2020 (Cameron/May)	DCLG agreed to further cuts of 30%
2016 (Cameron/May)	Fire Sector Federation call for review of Approved Document B, last reviewed in 2006, in the light of major changes in building design and construction. They say “The importance of Fire Safety means that it should receive a regular review every 5 years – consistent with British Standards”.
Summer 2016 (Cameron)	Grenfell Tower refurbishment completed
September 2016 (Cameron)	All Party Parliamentary Group sends the last of their dozen letters to relevant ministers about the dangers of new materials and inadequate regulation, this time to Gavin Barwell, at DCLG (previously Croydon MP, now Theresa May's top aide).
November 2016 (Cameron)	Gavin Barwell replies to say his department has been looking at the regulations, and will make a statement " in due course ".
November 2016 (May)	‘ The Grenfell Action Group firmly believe that only a catastrophic event will expose the ineptitude and incompetence of our landlord, the KCTMO’

October 2016 (May)	Housing Minister Gavin Barwell says in the Commons that the government will review Part B of Building Regulations 2010 “following the Lakanal House fire”.
March 2017 (May)	All-Party Parliamentary Group, concerned about the “failure of three successive government ministers” to review building regulations related to fire safety, says housing providers “could face multi-million pound legal costs and compensation” if there is a tragedy like Lakanal. A spokesperson for the Department for Communities and Local Government declined to give a date for the building regulations review and added it will take place “in due course”. (Inside Housing)
May 2017 (May)	London Fire Brigade warns all 33 councils about the potential risks of external cladding on tower blocks.
1 March 2018	MHCLG gives the treasury back £817 million of unspent cash. The money includes £329m for the government’s Starter Homes programme, £72m for affordable homes and £52m for estate regeneration.

2B. PRIVATE INTERESTS OVER PUBLIC SAFETY

- [A Reuters news investigation](#) identified **Rydon, Yates, Engie, Wates, KPMG, and Willmott Dixon** have as companies that have carried out poor quality work, from cladding through to auditing. Despite carrying out dangerous work, many of these companies are being offered contracts worth millions to fix problems they had a hand in creating.
- For 29 buildings, [the same builders](#) that installed cladding have won new contracts to remove or replace the panels, according to the owners of the buildings, who said they were paying millions of pounds for the work. The rehired companies are Willmott Dixon, Wates and Engie.
- [Rydon](#) had secured the Grenfell refurbishment contract by undercutting a rival bid. A March 2015 blog post recorded worries over potential health and safety issues. At one point in that year residents refused Rydon’s employees entry into their homes because of multiple concerns about how the company’s work was being carried out. Rydon had a [50% rise in profit last year](#) to £19m and increased the salary of its highest-paid director by 8% to £459,000. Its accounts show directors decided not to set aside money to cover potential losses or expenses related to Grenfell Tower.
- **Wates**, who are doing the work on two of the blocks in Camden’s Chalcots estate (Blashford and Burnham) were responsible for putting up cladding in Manchester that failed post-Grenfell fire tests.
- **Consultancy firm KPMG** was hired by the Government to help plan the inquiry into the Grenfell Tower fire, even though [the company has earned millions](#) in auditing fees from three of the bodies being investigated . The multinational corporation based in the Netherlands reportedly earned £3.5m for services from Rydon. It has also provided £1m worth of auditing to Saint-Gobain Construction Products UK, which owns **Celotex, the company that made the synthetic insulation coating Grenfell**. KPMG has also reportedly earned nearly £1m in fees from auditing the Royal Borough of Kensington and Chelsea. Following publication of an [open letter](#) exposing the conflicts of interest, KPMG resigned from their role, with immediate effect.
- **The plastic insulation lobby has hijacked fire-safety regulations**, as revealed by a [Sky News investigation](#). The main plastics lobbying group is the **Insulation Manufacturers Association (IMA)**.

- In 2011, the Department for Energy and Climate Change formed an insulation committee to try and increase the volume of insulation installed in the UK. **Of the 10 firms and construction groups invited to take part in the committee, four were from the IMA.** Celotex technical director Rob Warren was a leading committee member who made his intentions clear on a now-deleted company web page. Under the heading "[Celotex enter government](#)," he said his position on the DECC committee meant he was "working inside government" to "shape this critical policy enabling the insulation industry to maximise the benefits."
- Construction expert, [Simon Hay](#), who sat on the 2011 committee, said that **fire safety wasn't mentioned once.**
- Booth Muirie, **who are owned by the UK's biggest plastics insulation company, Kingspan,** was [given control](#) of the key elements of the fire-safety tests carried out on cladding panels post-Grenfell by the Department for Communities and Local Government. The MHCLG now [says](#), "Their designs were independently scrutinised... to ensure they reflected common practice"
- According to Rockwool, who produce fire-safe insulation, **Booth Muirie fudged these tests to gerrymander a 'fire-safe' result.** Rockwool [sent out videos](#) in 2007 showing how their product doesn't burn and how plastic insulation does. They were **sued for trademark violation and malicious falsehood.** Despite the falsehood claim being thrown out the legal action tied up Rockwool for years and cost them millions of pounds.
- In 2013 an [insurance firm](#) set fire to plastic insulation panels to demonstrate that they burned more fiercely in real life than they did in official tests and posted the video on YouTube. It might explain, they suggested, why hundreds of millions of pounds of fire damage had been caused in a spate of factory fires. They were immediately **threatened with legal action and had to remove all references** that could have identified the manufacturer.
- The week after Grenfell, six European plastic industry lobby groups [complained in a letter](#) to the respected publishers of a peer-reviewed paper on the **dangers of toxic smoke** from burning plastic insulation written by chemistry and fire safety expert Professor Anna Stec at the University of Central Lancashire. "**We request that the article is withdrawn,**" it said. "The consequences [...] are enormous and could well lead to significant consequential losses." It ended: "We feel you should [consider this very seriously](#)."
- US fracking produced an oversupply of cheap gas and ethane in the past few years, causing a collapse in prices. The industry has sought other outlets for the petrochemicals produced by fracking, leading to a resurgence in plastics production. Petrochemicals are now being shipped to Norway and Scotland in ships the size of two football fields, to be ["cracked" and turned into cheap plastic.](#)"
- Prices of materials and work are now being raised, as manufacturers and contractors [cash in](#) on the new demand for replacement of panels

3. WHAT IS THE GOVERNMENT DOING ABOUT IT?

- In [statement from the Prime Minister](#) on Grenfell Tower, 17 June 2017, Theresa May said: "Understandably, those living in similar high-rise blocks to Grenfell Tower also want answers. I

have ordered councils to complete urgent safety checks on all these buildings. **If any further action is required, it will be taken** . . . The fire at Grenfell Tower was an unimaginable tragedy for the community, and for our country. **My Government will do whatever it takes** to help those affected, **get justice and keep our people safe.**

- In an oral statement to Parliament on 22 June 2017, she said, “Landlords have a legal obligation to provide safe buildings and where they cannot do that we expect alternative accommodation to be provided. **We cannot and will not ask people to live in unsafe homes.**”
- **The government has refused to release funding to pay for the process of removing and replacing cladding.** Although they have recently announced that they could grant four councils funding flexibility to pay for essential fire safety works, and only 10 of 36 councils who have applied for funding [“appear to” qualify](#).
- **“Flexibility” is not extra money.** Sajid Javid [made clear in October](#) that the government might allow councils extra Housing Revenue Account (HRA) borrowing flexibilities or a one-off transfer to be made from their general funds but would not provide grants for works.
- **Without central government assistance, the bill has been left with Councils,** who have been systematically starved of funding since 2010. This has caused net spending on safety and regulation to be [cut by around 30%](#).
- **The Local Government Association (LGA) says** that between 2015 and 2020 central government’s Revenue Support Grant, the main source of funding for local council’s services, will have shrunk by 77% and it is impossible to cut any further. It estimates a £5.8bn funding gap in 2020 — even if councils stopped filling in potholes, maintaining parks and open spaces, closed all children’s centres, libraries, museums, leisure centres, turned off every street light and shut all discretionary bus routes.
- **Government plans to stop taking business rates income** from councils by 2019/20 were omitted from the Queen’s Speech.
- **As the LGA say** in relation to adult social care, “it is unfair to shift the burden of tackling a national crisis onto councils and their residents.”
- **The cost for Councils of fire safety works will be huge and will suck funding from already struggling public services.** For example Ravi Govindia, leader of Wandsworth Council, [said](#): “Taking £30m out of the Housing Revenue Account (HRA) means we’ve now got less to spend on other things.”
- **These costs are also being used as a reason** for councils not fulfilling their statutory obligations to ensure homes elsewhere can be heated to a safe and healthy standard. [Even repairs](#) are suffering.
- **Councils up and down the country are unhappy with central government’s lack of support on cladding,** with Salford City Mayor, Paul Dennett, [saying](#): “We are taking a lead in dealing with what is a national crisis. We have called on government, as a city council...to financially support councils...so that they can respond swiftly”.
- **Hounslow council managed to complete the entire re-cladding process at Clements Court from 23rd June to 27 October.** Details of how they went about this can be found [here](#) in the summary.

4. WHAT ABOUT PRIVATE LANDLORDS?

- [At least 78 privately owned apartment blocks](#) have been found to be clad in flammable panels.
- The government has told private landlords that it “expects” them to do as social landlords have done, and fund replacement of cladding, **but have done nothing to enforce this**. Ministry of Housing, Communities and Local Government ([MHCLG](#)) [says](#) they are keeping this situation “under review”. However housing minister [Dominic Raab said](#) in February that although “We believe” landlords “should pay the cost” it was up to the first-tier tribunal.
- Residents of **Citiscapetower in Croydon** have been told to either stump up £31,000 each or rely on - and pay for - fire wardens. The expected total cost is £2 million but it could be [up to £4 million](#). The landlord, who reportedly owns 300,000 freeholds and with his brother has a net worth of £850 million, recently bought a yacht estimated at £20 million.
- The first-tier tribunal ruled on 13 March 2018 that residents must pay, but said there were potential claims against the cladding manufacturer, the developer, the local authority, and central government.
- **Croydon MP Steve Reed says**, “given that cladding was put on because of government regulations that were in error, it should in my view be the government that is responsible for removing the cladding.”
- **In Nova House, Slough**, responsibility is disputed as the landlord says the panels put on were not the ones specified. Leaseholders say the owners have been charging around £250,000 a year in ground rent and service charges but refuse to pay the £1.5 million needed to make it safe. [Slough borough council decided to take over the freehold](#) and pay the costs itself, meaning cuts for other spending.
- In the Chips Building in [Manchester](#), many residents have refused to pay for fire wardens, worried that this could lead on to paying for replacement of cladding. In this building, the panels, when removed, were found to have the words “NON FIRE RETARDANT” printed on the back. Despite this, the Urban Splash development was given the green light by a private building inspector in 2009.

5. THEREFORE . . .

Residents and FPA are making a number of demands of local and central government:

- **For social housing, emergency funding** must be made available from central government contingency funds to address this national crisis.
- **For private housing, central government must cover the initial costs**, and then seek to recover costs from landlords, developers and contractors
- **All residents should be guaranteed that they will not pay more** for using extra energy this winter. Payments for extra costs should be direct to residents, should be made in time to cover the bills or prepayment meter costs when needed. They should be based on a calculation of what is required to keep the home healthily warm, not just on previous bills which are a measure of what a person can afford, not what they need. Extra heaters should be provided where needed and extra electricity costs covered.
- Where cladding/insulation has been removed landlords are still responsible for protecting residents from the **hazard of damp and mould**. This may include temporary treatment with

approved professional mould wash systems until the cladding is reinstated (such products are NEVER a permanent solution to condensation problems)

- **The BRE and all regulators and inspectors of building work** must be publicly funded and accountable and independent of private interests. The minefield of **PFI and 'design and build'** contracts in the UK should be completely overhauled in the light of Grenfell.
- Immediate safe, good, permanent housing in the area of their choice for **Grenfell survivors**; no deportations of affected individuals; criminal charges against those responsible for the fire.

6. QUOTES

Anila Gjeta, who lives on the top floor of Templemead Point in **Granville Rd** with her husband and two children, [says](#) "If you touch the wall it feels like there's water pouring down, it's a disaster. And when I kiss my kids goodnight I feel their faces and they have freezing noses."

Another Granville Rd resident told us, "I thought, 'It's getting a bit cold, I'll put the heating on.' Then I realised, it WAS on."

Simon Happily, a resident of the 22nd floor of **Chalcots Estate** in Camden, [says](#) it currently takes eight or nine hours to increase the temperature of his flat by three degrees. "There are times when I feel cold for hours, even when I have the heating on full. I've thought about buying extra electricity heaters, but I wouldn't be able to afford it."

Alex Blanc, 37, a charity fundraiser who owns a two-bedroom flat in **Citiscapex complex, Croydon**, [said](#): "This situation is out of control. I received a letter telling me I have to pay more than I earn in one year's salary in six weeks' time for something I am not even responsible for. I am very worried about the prospect of losing my flat."

Anuj Vats from Citiscapex's Residents Association [said](#): "The government made the regulations and these builders exploited them. We are the ones who are suffering. Isn't it the government's moral responsibility to save each and every citizen?"

Steve Reed, MP for the Citiscapex residents [said](#) "It is an absolute outrage to leave people in a building which they know isn't safe and is at risk of burning down like Grenfell Tower did", [and](#) "Above all else here there's a threat to life, and that must trump everything else. Given there are ongoing legal uncertainties, the Government needs to come up with the money"

Sajid Javid in a letter to chief executives of councils and housing associations July 2017, [said](#): "Our expectation is that, as landlords, you will fund measures designed to make a building fire safe, and will draw on your own existing resources to do so."

Ministry of Housing, Communities and Local Government (MHCLG) unnamed spokesman quoted by Press Officer, Loughlan Campbell: "Keeping people safe in their homes is paramount. We are clear that we want to see private sector landlords follow the lead of the social sector and not pass on the costs of essential cladding replacement to leaseholders. [We are keeping the situation under review.](#)"

Dame Judith Hackitt, introducing the [Interim Report](#) of her Independent Review of Regulations and Fire Safety, [said](#), "As the review has progressed, it has become clear that the whole system of regulation, covering what is written down and the way in which it is enacted in practice, is not fit for purpose, leaving room for those who want to take shortcuts to do so. . . . even now I am aware that some building owners and landlords are waiting for direction from this review on what materials

should be used to replace cladding that has been identified as inadequate. I would urge them not to wait but to consider what materials have already been identified and tested as safe”.

5 March 2018