20 September 2017

Dear Bob

Building Regulations and Fire Safety in Scotland

Following your request for information on the extent to which combustible cladding has been found on private high rise buildings in Scotland, I welcome the opportunity to share with the Committee the work to date to establish the use of Aluminium Composite Material (ACM) on private high rise domestic properties.

The Ministerial Working Group wrote to local authorities on 20th June 2017 extending their initial request on the use of ACM on high rise social housing to high rise private housing. By the 4th Meeting of the Ministerial Working Group, held on 9th August, 30 local authorities had completed their checks and confirmed that no ACM had been identified on private high rise domestic property.

The Scottish Government has been grateful for the intensive work that local authorities, housing associations and other building owners have done to provide reassurance to the public that the homes people live in are safe.

We asked all local authorities for the same information but appreciate that for large cities more work has been required to gather information. The Scottish Government therefore offered assistance and support to City of Edinburgh and Glasgow City Council to enable them to compile all the information we asked for. City of Edinburgh Council took up this offer of support and additional building survey resource was made available to complete the information gathering required. They subsequently confirmed that no ACM had been found on any private high rise domestic buildings. Glasgow City Council declined this offer of support.

Bill Dodds, Head of Building Standards in the Scottish Government sent further communication to Mr Barlow, Assistant Head of Planning & Building Standards at Glasgow City Council on 17th August seeking information about progress in responding to the
Ministerial Working Group’s request and reiterating the offer of additional resource support. This offer was again declined. On 4th September a further email was issued by Bill Dodds to Mr Barlow requesting an update on when the required information on private high rise domestic buildings would be available. Mr Barlow replied on the evening of 5th September attaching a table of information. Inspection of this information showed that several key components of the information requested were missing or unclear. For example: the table indicated the presence of some buildings where composite cladding had been identified but it was not clear whether it was ACM or not. In other cases the information suggested that for some buildings the plans had not been retrieved so it was not clear whether ACM was present or not. And in others, where the table indicated that ACM was present the extent of its use was not clear (eg whether it was isolated panels, partial elevation or complete elevation) or the type of ACM was not specified.

The Ministerial Working Group discussed the information returned by Glasgow at its meeting on 8th September and agreed that the information was not sufficiently clear to be able to provide the necessary level of public reassurance. This was especially important as depending on the type of ACM cladding, the extent of its use and how it has been installed as part of a cladding system there might be no cause for concern. It was decided to write again to Glasgow City Council highlighting these concerns and again offering additional support and resource to further scrutinise the information collated and where required to investigate further. This was done on 14th September.

Glasgow City Council accepted the Scottish Government’s offer of assistance on 20 September. We will therefore now work with Glasgow City Council to fully investigate and scrutinise the information they have shared so that they can reassure the owners and occupants of private high rise domestic buildings that they are safe.

The Committee will be aware that local authorities have a range of building standards enforcement powers under the Building (Scotland) Act 2003. Where any issues are identified which require remedial action the Scottish Government would expect local authorities to utilise their enforcement powers to ensure that the necessary actions are completed. These powers include serving notice on the relevant person in cases where work is being done or has been completed without a building warrant or is not in compliance with the building warrant. And if the notice is not complied with the local authority may undertake the necessary work.

The 2003 Act also gives local authorities powers to take appropriate action when they consider an existing building to be defective. This includes serving a notice calling for work to be carried out to improve the quality of properties that are in disrepair, or doing the work in default of the owner complying with the notice. Additionally the 2003 Act also gives local authorities powers to deal with buildings that they consider to be dangerous. The local authority has a duty to act and would be expected to respond immediately. It is therefore the local authority’s role to determine the most appropriate course of action taking into account the particular circumstances of each case.
I attach to this letter, copies of the email correspondence sent to Greater Glasgow Council on 17th August, 5th September and 14th September.

Yours sincerely

KEVIN STEWART
Thanks Lesley

We are working through our estate to identify any issues, as well as the housing stock in the City. Discussions are ongoing with Bill and your support is appreciated. I’ll feedback if we need anything else.

Best Wishes

Annemarie

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Dear Annemarie

I hope that you are well.

Many thanks too for the follow up call on this work a couple of weeks ago. This is just a quick note to say that, as we discussed, do let me know if there’s anything that we might be able to help with.

I know that Bill Dodds, our Head of Building Control has offered a meeting to your Building Control team, and Andy Robinson, who has been coordinating many of the Local Government responses for us, is also in touch with your colleagues. But do let me know if there’s anything else.

Thanks again for all your work on this.

Best wishes

L

Lesley Fraser | Director
Housing and Social Justice
Scottish Government | 0131 244 0768

I work Monday to Friday when the Director inbox is normally covered from 8am-5.30pm. If you need an urgent response outside those hours, please call 07747873382.
Dear Lesley

Thanks for your email and your understanding of the pressure this is putting on us.

We are working hard to understand the scale of this exercise. There are approximately 8600 building control records which were generated between 1985 and 2005. These will need to be manually checked by someone with the appropriate expertise.

We do not yet know how many records have been generated since 2005 although these are digitised and checking will be easier, albeit it will still be time consuming and need expertise.

There will also need to be visual checks made of some buildings as the records do not tell us what height a building is, only how many storeys it has.

I am afraid this means that I will not be able to answer your question by 13:00 today and am not yet able to give you an estimate of how long it will take to give you an answer.

However it is possible that if we stop all new building control work, and if you are able to lend us staff with the relevant expertise, it will take a period of weeks.

We are currently designing a methodology for checking. Understanding how other local authorities are addressing this would be helpful. Importantly we are referring to ACM only. Under building regulations, equivalent cladding material can be used so long as it meets the same standard. Are local authorities applying this approach to their checking?

We also want to understand the impact on other developments but this can follow after the residential sector have been looked at. Happy to discuss with you so we can manage the messaging on this.

Annemarie

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Dear Anne Marie

I hope that you are well.

Many thanks indeed to you and your teams for your help in the last couple of weeks since the tragic fire at Grenfell Tower. It’s been very helpful to be able to assure the residents of all Council and RSL high rise domestic properties in Scotland that no cladding like that at Grenfell – using Aluminium Composite Material (ACM) has been used in their homes. I know that your teams are also helping provide similar assurance in relation to high rise schools.

We now have returns from 2/3 of Scottish Councils confirming that ACM cladding hasn’t been used in the private sector high rise domestic properties in their area, and we’re keen to complete the picture as quickly as possible.

I know that your teams are working on this as a matter of urgency. It would be very helpful to know when you think that work might be complete for Glasgow. Could you kindly let me have an estimate of when the checks for private sector high rise domestic will be complete for your area? The Ministerial Working Group on Fire and Building Safety has its second meeting tomorrow, and an update by 1pm on 28 June would enable me to update them on progress.

This will be additional work for your teams who I know are already very busy. If you think that SG staff might be able to help, please do let me know. I would be happy to have a discussion if you think we might be able to assist.

Many thanks once again.

L

Lesley

Lesley Fraser | Director
Housing and Social Justice
Scottish Government | 0131 244 0768
Bill

I’ll get back to you at the start of next week. The check of the warrants I had previously mentioned was completed by staff. Unfortunately I was then off at this point … and so I’d intended picking up this week to go over their findings. Unfortunately this then coincided with a major incident for our Council when the weir in the city centre partly failed. This resulted in a couple of miles of upstream river embankment being subject to a few metres of tidal movement that it isn’t normally subject to. There are various areas of movement and failure in adjacent walkways, roads and services. We were involved in the major incident planning over the last couple of days and our staff involved inspecting areas where buildings could be compromised. This has fortunately now abated as the damaged section was been able to be closed but surveys will continue on the resulting damage and may have further need for our input. We also had the lead in and final preparation for our stakeholder event yesterday afternoon and so it’s only this afternoon that we’re back to normal business.

We will be reporting on another number of properties from earlier part of the 2000’s that appear to have ACM.

Regards

Raymond
Good morning Raymond.

Can you clarify where you are with returning the information request on high rise domestic buildings in the private sector that may have ACM cladding material?

Regards

Bill

Bill Dodds | Head of Building Standards
Scottish Government | Building Standards Division
Local Government and Communities

Address: Denholm House | Almondvale Business Park | Livingston | EH54 6GA

📞: 0131 244 6533
📧: Bill.Dodds@gov.scot
Thanks for your e-mail.

Whilst the research to identify the information about domestic properties was extensive, time consuming and difficult the terms of the request in the Ministers letter of the 19 June were quite straightforward i.e. had ACM been used and, if so, which properties and when this occurred. The information we provided satisfies these questions but also contains some additional commentary.

If more detail had been required by you it is disappointing that this was not made clear to us when we were carrying out our extensive research. This could have avoided the questions were are now being asked.

At the moment we are not in a position to respond to your comments for additional information or the offer of assistance unless you specify clearly what additional level of detail is now being looked for under the terms ‘extent and location’.

If you can provide that clarification I will liaise with my staff who looked at these records, assess our position and then come back to you.

At the same time I have to note that we did already give some information in relation to extent and location.

To help with moving this forward I have attached a Version 2 of our list where I have numbered each block of addresses for ease of reference and corrected the odd typo. I have then highlighted in red where we have already provided additional information, such as locations, and below have asked for clarity where this isn’t sufficient as well as listing comments on all of the entries.

In relation to those properties in 6, 7 & 8 where there were no files available then it is likely we will withdraw them from the list if we cannot ascertain any information. I will advise on those once I have spoken further to the staff involved.

1. Our notes say specifically that ACM is used in panels between windows – **what more do you consider is required?**
2. Unclear where it is used and so we may not be able to expand further – **we will liaise with our staff on this whilst awaiting clarity on the general extent of additional information desired**
3. ACM noted as used on only the two new top storeys at the top of the building – **what more do you consider is required?**
4. **Await your clarification on the level of detail now desired**
5. ACM noted as used only on the two new top storeys - what more do you consider is required?
6. No plans
7. No plans
8. No plans
9. Noted ACM on top two storeys - what more do you consider is required?
10. Await your clarification on the level of detail now desired
11. Await your clarification on the level of detail now desired
12. Noted ACM but we were refused further information from the agents – unlikely that we can give any additional information
13. Noted ACM on top two storeys but were refused further information from the agents – unlikely that we can give any additional information
14. Await your clarification on the level of detail now desired
15. We were doubtful of the type of material shown but the factors Hacking & Paterson have informed us and you of ACM use. If you can provide clarification on the general level of detail required we can request that information from the factors
16. Await your clarification on the level of detail now desired

Regards

Raymond

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Raymond Barlow
Assistant Head of Planning & Building Standards

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Raymond

Thank you for providing your information on hi-rise domestic properties as requested by Kevin Stewart, Minister for Local Government and Housing, in June following the Grenfell Tower fire. I appreciate this has been a very difficult exercise for you. I see that you have identified evidence of aluminium composite cladding (ACM) on some buildings but from your table the extent or coverage on individual cases is not clear. Also there are cases where you have not retrieved the plans.

Mr Stewart sits on the Ministerial Working Group (MWG) on building and fire safety and this matter was discussed at the 5th MWG meeting last Friday 8 September. The group has the picture from all other local authorities and would like to see a more complete picture for Glasgow.

In my email on 8 August, I confirmed the Minister’s offer to provide assistance on collating this information. This offer still stands and if you wish to take this up, please let me know what you would need. This should be in terms of staff level (for example BS surveyor) and anticipated number of staff hours. I will then be able to try to source the appropriate agency help.

I would be grateful if you let me know by next Friday 22 September how much longer you will need and whether you need additional help. If you have any queries please contact me and please note that Bill is on leave until 26 September.

Thanks
Jonathan

Jonathan Astwood
Head of Practice Unit - Building Standards Division

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Bill

Please find attached the list discussed.

It is grouped with addresses which relate back to the original warrant consent.

The information is the best we have been able to ascertain and there are some properties included here where we don’t actually know if the product has been used. We are aware that Hacking & Paterson have notified you of some properties and these are part of the list. We have one area of cross referencing to do with a different factor but which can be done quickly tomorrow to see if it adds anything further.

We obviously do have to caveat that it has been a very difficult exercise even just to ascertain the properties that are above 18m and so we cannot give re-assurance that the list is definitive. Descriptions of products vary and for those we have we included we are relying on warrant specifications whilst not having direct evidence of what has actually been installed.

I trust this is of assistance

Regards

Raymond

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Raymond Barlow
Assistant Head of Planning & Building Standards

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Good Morning Raymond

We have a meeting with the Local government Committee on Wednesday. It is highly likely that they will ask what the position is with Glasgow’s return.

We really need to have the information by tomorrow morning at the latest.

If you are unable to do this – can you let me know? At the very minimum we need to know what the scope of the problem is? That is are we talking about large numbers of buildings with ACM or is it relatively low in number?

I have left a message for you to give me a call and I will be about most of today so happy to discuss.

Regards

Bill

Bill Dodds | Head of Building Standards
Scottish Government | Building Standards Division
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