Building Safety Bill Lords Second Reading Debate
2nd February 2022

Introduction

- This is a transcript of the debate, converted into a Word document.
- I have prepared this to make the debate easier to read.
- I have highlighted what I consider to be some of the key elements of the debate, which will enable the reader to skim the document.
- Each reader will have their own particular interests and can easily use the 'Editing' and 'Find' option in Word to search for key words.

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Lord Greenhalgh
That the Bill be now read a second time.

The Minister of State, Home Office and Department for Levelling Up, Housing & Communities (Lord Greenhalgh) (Con)

My Lords, it is a privilege to open the Second Reading debate of this landmark Bill today. I will never forget the events that led us to this moment, nor the 72 people who lost their lives in the most appalling circumstances in the largest loss of life in a residential fire since the Second World War. The fire at Grenfell Tower in the early hours of 14 June 2017 should never have happened. The legislation we are bringing forward today is part of our wider reform to make sure that something like this tragedy can never happen again.

We cannot bring back those who lost their lives on that terrible day, and nothing can undo the errors that led to their deaths. Yet, if anything is to come from this disaster, it must be the lessons that we have learned from the mistakes that were made. That is why the Government appointed Dame Judith Hackitt to review the current building safety regime and recommend wholesale reform. Her findings were unequivocal and clear. Too often, regulations and guidance were misunderstood or misinterpreted. The drive to do things quickly and cheaply—the noble Earl, Lord Lytton, mentioned the concept of value engineering—meant that concerns were ignored and safety was not prioritised. There was ambiguity around who is actually responsible for the safety of buildings, with insufficient oversight and enforcement.

Dame Judith called for a complete overhaul of the system, and her recommendations underpin the Bill, with a golden thread that will ensure that, henceforth, people remain safe in the homes that we build for them. The Bill is unapologetically ambitious, creating a world-class building safety regulatory regime that holds all to the same high standard. The Fire Safety Act, which we will commence shortly, was the first legislative step towards delivering meaningful change following that dreadful tragedy. The Building Safety Bill represents the next step, delivering significant improvements to both the regulatory framework and industry culture, creating a more accountable system.

The Bill will deliver improvements across the entire built environment. It will strengthen oversight and protections for residents in high-rise buildings and give them a greater say, and will toughen sanctions against those who threaten their safety. Its focus on risk will help owners manage their

buildings better, while giving the homebuilding industry the clear, proportionate framework it needs to deliver better, higher-quality homes. It is proportionate and strengthens fire safety requirements in all premises regulated by the fire safety order. It rightly focuses the new, more stringent requirements on those buildings and issues that pose the greatest risk.

To that end, we are strengthening our regulation of high-rise residential buildings which are over 18 metres or above six storeys in height, whichever is reached first; those buildings pose the greatest safety risks in the event of a spreading fire or structural failure. We are including hospitals and care homes that meet the height threshold during their design and construction. We will establish a robust link between safety, design, construction and occupation, with stringent duties to ensure safety throughout the building's life cycle.

The Bill provides the framework to ensure that, during the design and construction, defined duty holders have clear responsibilities for compliance with building regulations, including fire and structural safety. They will have to clear a series of hard stops, through the new gateway system for in-scope buildings.

In occupation, every building in scope will have an identified accountable person with clear responsibility for safety matters. Their duties include registering the building with a new regulator, building an evidence and risk-based safety case, and the continued evaluation of potential hazards. Importantly, it will be a criminal offence not to carry out these duties effectively, punishable by an unlimited fine and up to two years in prison.

We are giving residents a stronger voice in the system through the Bill, making it easier for them to seek redress and raise concerns. The Bill will require an accountable person for a high-rise residential building to engage with their residents and establish a formal complaints process for residents to raise concerns. Both the accountable person and the responsible person for premises regulated by the fire safety order will be required to provide residents with access to key building safety information.

These measures will be overseen by the new building safety regulator within the Health and Safety Executive. The regulator will be equipped with robust powers to crack down on substandard practices. It will oversee the safety and standards of all buildings and will provide important independent advice to government on building safety and standards. It will support a significant improvement in the performance and competence of industry and building control professionals.

The Bill ensures that the regulator will regulate in line with best practice principles, being proportionate and transparent and targeting activity where action is needed. Crucially, it will act to ensure that proportionality is embedded within its operations and in its work with accountable persons to assess buildings.

I turn now to construction products. The testimony we have heard at the Grenfell Tower Inquiry has been shocking to say the least and has exposed a culture of corner-cutting, Spanish practices and disgraceful behaviour by an industry that has compromised building safety. We intend to put a stop to this. Following the Grenfell Tower fire, we banned the use of combustible materials on the external walls of high-rise residential buildings. The Bill creates powers to strengthen regulatory oversight for firms that manufacture and sell construction products and, crucially, powers to remove unsafe construction products from the market and take action against those that break the rules. The Bill will improve the standards of our construction products oversight regime.

The polluter must pay; developers and construction product manufacturers must be held to account. Residents must be protected against substandard materials, workmanship and practices that make homes unsafe. Our new regime will help address these issues for high-rise residential buildings, but we need to expand legal safeguards for residents wherever they live. That is why the Bill retrospectively extends the period during which compensation for defective premises can be claimed by over double the current period—from six to 15 years prospectively and by 30 years retrospectively —to make sure that the failures of the past can be addressed. This is a significant step forward, and we are going further, expanding the scope of the work for which compensation can be claimed to include future renovations.

We are also strengthening redress for people buying a new-build home through provisions for the new homes ombudsman scheme that will provide dispute resolution and resolve complaints involving the buyers of new-build homes and developers.

We also know that we must go further to protect innocent leaseholders, who are the victims, from bearing the financial burden of this crisis. I thank your Lordships, in particular my noble friends Lord Blencathra and Lord Young of Cookham and the noble Lord, Lord Stunell. I could not forget the noble Lord, Lord Kennedy, as well for being ever so helpful during these debates. I also thank the noble Earl, Lord Lytton, the noble Baroness, Lady Pinnock, and, of course, the right reverend Prelate the Bishop of St Albans, who has been an inveterate campaigner on behalf of leaseholders. This is a hugely important issue; it is important that we continue to do our best collectively to protect leaseholders.

The Secretary of State in the other place has been unequivocal in his determination that leaseholders living in their own flats in medium and high-rise buildings will not pay a penny to remediate unsafe cladding. We have scrapped proposals for loans and long-term debt for medium-rise leaseholders. We have allocated a further £27 million to help bring the misuse of waking watches to an end, and we are working towards making sure that leaseholders are protected from the risk of forfeiture relating to historical building safety issues, until a new industry-developed system is in place. But we know that more is needed. We will also explore further statutory protections for leaseholders and we will bring forward proposals for this House to consider at the earliest opportunity. I look forward to working with your Lordships on the Opposition Benches, with the Liberal Democrats, with the Cross-Benchers, and even with my own awkward squad, to ensure that this 143-clause Bill perhaps adds the odd extra clause and is the best possible Bill that we can take forward and get on the statute book.

The Government have accepted their share of responsibility and made significant financial provision—over £5 billion—through the ACM remediation programme and the building safety fund. Some developers have already done the right thing and provisioned or are funding remediation works. We are also seeing that among registered providers. But too many others have failed to live up to their responsibilities; in some cases, they are not engaging at all with government. We cannot keep looking to the taxpayer to keep bailing out this failing industry: we must get the polluters to pay.

We have already announced a £2 billion tax on the biggest residential developers through the residential property developer tax and a further levy on developers building tall buildings through the Building Safety Bill, and we are now engaged with industry to ensure that it pays its fair share for fixing cladding problems, rather than the leaseholders. I point out that where both private developers and social housing organisations have developed land, they are equally culpable if they put up unsafe buildings and they must pay. Our expectations are clear: industry and the owners of land, such as registered providers, should fix the buildings they were responsible for. They need to

contribute to a wider fund to ensure that remaining buildings are remediated to protect leaseholders.

In a round table held with the Secretary of State, senior executives from the country's biggest developers agreed that leaseholders should not pay. We continue to engage with them on how they will deliver a fully funded action plan by early March. We are also acting directly to make sure that those who manufactured dangerous products, built unsafe buildings and knowingly put lives at risk are also properly held to account. We have had a similar meeting with construction products manufacturers. I was shocked that Arconic, one of the manufacturers of the material used on Grenfell, did not show up; that is completely unacceptable. We have been clear in our intent: industry needs to develop real proposals to fund this crisis. If it does not agree a solution soon, we will, if necessary, impose one in law.

The Bill represents the most radical revision of our building safety regime in generations. It is a complete overhaul of safety management, putting residents' safety at the absolute heart of our reform. I commend the Bill to the House.

16:22:00

Baroness Hayman of Ullock (Lab)
My Lords, I begin by saying that we welcome the Bill, which will bring about the long-awaited changes to the building safety regime following Dame Judith Hackitt's independent review. I also thank my noble friend Lord Kennedy for the huge amount of work he has done on the Bill so far.

As the Minister reminded us, we must not forget why Dame Judith's review and this legislation are so very important. He reminded us that in June 2017, 72 men, women and children lost their lives in an inferno fuelled by the highly combustible cladding system that had been installed on the outside of their tower block. We should remember that that tower block was also compromised by a range of other fire safety defects.

Four and a half years on from the Grenfell Tower fire, thousands of residents across the country continue to live in a state of constant fear over the safety of their homes and the cost of putting right past failures. Although we welcome the Bill and the recent promised government amendments, we have concerns that without further changes to provisions affecting leaseholders, it will still fall short of meeting the objective of learning all the lessons of the Grenfell Tower fire and fail completely to restore public confidence in our building system.

I will outline our concerns to the Minister and I hope that his response will provide further positive reasons as to why we can look forward to government action on the outstanding concerns. First, we believe that the Bill's definition of "higher-risk buildings" could be strengthened to take into account the vulnerability of residents. The Minister mentioned the fact that the Government have modified the definition of higher-risk buildings to now include care homes and hospitals that meet an 18-metre height threshold. However, that still excludes often vulnerable people living in buildings below that threshold from access to vital protections under the new regulatory system. We believe that all supported accommodation should be included, regardless of its height.

I now turn to funding protections for leaseholders. Does the Minister agree that leaseholders in all affected buildings, regardless of their height, should be protected from covering any costs related to past regulatory failings, and that should include cladding and non- cladding fire safety defects? That protection should be retrospectively extended to leaseholders who have already made significant out-of-pocket investments in remediation works. The Government and the housing and

development industries must be prepared to fund, in full, both cladding and non-cladding remediation works. As it stands, the Bill simply does not go far enough to address these issues.

We strongly agree with the Minister that developers must be held to account and I was pleased to hear him say that if this does not happen, law will be brought in to ensure that it does. So I would be interested to hear from him more about how that would take place. The Minister recognised that not all of industry has stepped up. How are the Government going to ensure that industry, right across the board, will play its part and pay the funds that it has been asked to? How will the Government continue to play their part and supply the funds that are needed? The Minister rightly said that a lot of money has been promised but this is a huge issue, with many residents very much out of pocket.

We need to make sure that the twin objectives of fixing the building safety crisis and delivering new and improved social housing can be delivered simultaneously through the Bill. Concerns have been raised that the housing building funds could be plundered. Could I please have some assurance from the Minister in that area?

I mentioned that all remediation costs should be covered retrospectively. Can the Minister advise leaseholders as to how they are expected to go about reclaiming those costs? When will the Government publish their promised amendments to provide concrete assurances to leaseholders that they will not be liable for those remediation costs? Will we be seeing those amendments in Committee?

The provisions of the Defective Premises Act currently stipulate that a leaseholder can make a legal claim for compensation if their dwelling is unfit for habitation, as long as the claim is made within six years of the building being constructed. We welcome the amendment made in the Commons that extends that eligibility period from six to 30 years and that claims can now be made for defects arising from refurbishment works. Another crucial change is that leaseholders will be able to make claims retrospectively if their claims fall within the eligibility period. However, we have concerns that the cost and time implications of making a legal claim against developers will prevent many leaseholders from benefiting from this measure. Will the Minister think about what the Government could do to clarify this because it would be helpful if, in the first instance, they said that they expected building owners and freeholders to make a claim as they are more likely to have the capacity to do so than individual leaseholders? That expectation would also reflect the legal duty for building owners to prove that they have carried out their due diligence on finding all possible sources of funding that do not rely on leaseholders paying.

We also welcome the Bill's changes to the fire safety order, mentioned by the Minister, which introduce the duty for fire risk assessments to be completed by competent professional, and the improvements to residents' access to safety information about their buildings. However, it is unclear whether this duty for responsible persons to share fire safety information extends to prospective residents and residents who are not leaseholders but tenants in a building. If the Minister could clarify that, I would be very grateful. This clause could be strengthened by clarifying that responsible persons must proactively share fire safety information, including fire risk assessments in full, with prospective and current residents, including both leaseholders and tenants.

I turn briefly back to the area of most concern to leaseholders: the funding of the cost of cladding remediation and building safety. The Labour Party has been clear in debates both in this House and in the other place that leaseholders should not have to pay to fix this crisis. The Minister confirmed that this is the Government's point of view as well. Overall responsibility for funding building safety work has to lie ultimately with the Government to ensure that this happens.

It is also clear that industry has played a role in making decisions that have compromised the safety of buildings and has a part to play in shouldering the burden of costs. The Minister spoke about the recent announcement by the Secretary of State, which we very much welcomed, about the Government aiming to recover costs from developers for cladding remediation. But, as has been asked before, how does this help leaseholders who live in buildings with non-cladding-related defects, who also face excessive charges to make their homes safe? The Bill must protect all leaseholders facing costs for fire safety defects that they did not cause.

We recognise the Government's efforts to increase the building safety fund, but unfortunately the amount allocated is still not enough. Can the Minister reassure this House that the funding shortfall will not lead to a "first come, first served" allocation? This may mean that building owners with less experience of managing large refurbishment and construction projects will lose out, as it could take them longer to get together the information and evidence necessary to properly complete an application to the fund. This could include buildings where leaseholders exercise their right to manage, for example, or where there are projects with additional complications.

The Government need to find a solution that can make all homes safe, regardless of height, without passing on the burden of cost to leaseholders. The residential property developer tax and the building safety levy are very welcome, but will the Government ensure that the right measures are in place to prevent any unintended loss of affordable housing through lower Section 106 commitments?

The cost of waking watch has been a huge concern for many people, and I was pleased to hear the Minister talk about this. It is really good that in December the Government announced a £30 million waking watch relief fund and that this has now been increased. However, the fund still fails to reimburse leaseholders who have already paid out for interim waking watch costs and does not consider those who continue to need a waking watch as well as a fire alarm. Can this be looked at again?

To answer all these outstanding concerns, Labour has called on the Government to establish a new building works agency. This single body, which would be accountable to Ministers, would decide what works are necessary and commission and pay for them, then sign off the building as safe at the end of the process. The building works agency would work closely with local authorities and fire chiefs, who have been gathering data and are well placed to know how to manage projects locally. It would also have the legal powers to pursue those responsible through the courts if necessary. Keeping people safe in their own homes should not be a political issue, so will the Minister at least consider this very practical suggestion, given in good faith from the Opposition Benches? Will he work with both Labour and other noble Lords as the Bill goes forward to Committee so that we can continue to address concerns and improve this important piece of legislation?

In closing, I put on record my huge respect for the survivors and the bereaved of the Grenfell Tower fire and for the wider Grenfell Tower community, who continue to seek not only justice for their families and neighbours but wider change to ensure that everyone is safe in their own home. I know the Minister has worked hard to bring forward this legislation and I thank him for his diligence, yet there are still improvements that could be made. I offer him our full support in making a good Bill even better.

I look forward to listening to the debate today, and in particular to the valedictory speech of the right reverend Prelate the Bishop of Winchester. I wish him well for the future.

16:35:00

Lord Stunell (LD)
My Lords, I start by declaring my interests as they appear in the register. I am the honorary president of the National Home Improvement Council and an honorary fellow of the Institute of Civil Engineers. For two years, I was the Minister with responsibility for building regulations in DCLG.

We must never forget the 72 deaths at Grenfell Tower or the injuries and trauma arising directly from gross failures by professionals at every stage of the construction process, refurbishment and its regulatory oversight. I first aimed to tackle the long-standing dysfunction of regulation in the industry in my Sustainable and Secure Buildings Act 2004. Section 8 on certification and Section 9 on appointed persons gave a power to the Secretary of State to bring in what we now call the "golden thread". Sadly, those powers remained unused for the following 18 years.

It will not surprise your Lordships that I and my colleagues give an enthusiastic welcome to this overdue Bill. We want to see its speedy passage and quick implementation. My noble friend Lady Pinnock and others will spell out the urgency of all necessary repairs being carried out on the tens of thousands of existing homes that have been found to have fatal flaws in their construction, with full financial protection for innocent leaseholders.

The bold ministerial words uttered so far have cut no ice with leaseholders who face five-figure bills and threats of repossession. Evidence of action is needed. Repairs must be undertaken without delay; bills settled by those who caused the problem, and families made safe in their home. If the developers push back, and the Secretary of State finds himself in the High Court, that must not be a reason to leave leaseholders almost literally swinging in the wind—with no cladding or insulation, and with enormous bills for waking watch and for their basic heating.

Speed is also needed so that the construction industry can get on with the job. It cannot invest in the right skills and training, nor develop competencies without the certainty provided by this legislation.

Of course, not all this can be put into the Bill. We shall certainly vigorously press the Government to explain their intentions more clearly when we consider the draft statutory instruments alongside our further considerations on the Bill. This way, we can assist the Government in producing a coherent scheme of regulation that will be fit for purpose. Such an examination will help to ensure that there is a speedy transition from where we are now to where we must be, so that we do not create another green homes grant fiasco. That landed without notice on an unprepared industry and was scrapped within six months.

The long title of the Bill is helpfully comprehensive and inclusive. It makes,

"provision about the safety of people in or about buildings and the standard of buildings".

However, the specifics addressed in the Bill are quite narrow. Only a small class of buildings will come under the new rules. Only one aspect of their design, construction and occupation is to be regulated by the building safety regulator. As it stands, the regulations and monitoring of other measures required for the avoidance and mitigation of fire in all other buildings will remain subject only to the existing regulatory regime. This system is certainly not rigorous. The British Woodworking Federation estimates that there are 600,000 unfit fire doors currently installed in the United Kingdom. Is the Minister satisfied with this? Does his department simply accept that regulatory failure of fire protection is acceptable, as long as it is not in a high-rise building? We will

want to test these points in Committee and will invite the Minister to bring more buildings into scope.

A further gap in robust regulation is that even in high-risk or high-rise buildings, however defined, the application of all other parts of the regulations will be subject only to the existing failed compliance system, with the failing inspection service still responsible for regulatory oversight of that building's energy performance and weather resistance or climate resilience—among other things—with no golden thread, no long-term monitoring and no accountability.

So, for instance, when zero carbon is not achieved in a high-rise block and faults in design or construction or subsequent alterations emerge, those leaseholders would be no further forward than they are now. It could even be that the same residents in the same flats in another 10 years face bills for remediation of failed insulation, unless, of course, the building safety regulator is also to take on the monitoring of those other parts of the building regulations. The rule should be "One building, one building regulator" for all aspects of building regulations, and we will want the Minister to face up to that in Committee.

The current regulatory system for building construction is manifestly not fit for purpose, regardless of a building's height, complexity or fire risk, or whether the building inspector is from the private or local authority sector. This Bill is a necessary response to the tragedy of Grenfell, but it is also a once-in-a-lifetime opportunity to fully reform that failed system and we will put our views about how that might be done to the Minister in Committee.

Finally, the architecture of the Bill is complex, with an array of new structures, new professions and new roles as a means of achieving its ends. It is not by any means simple or intuitive, and we will be seeking clarification and refinement at Committee stage so that we have a workable and understandable structure that will produce safe buildings well into the future.

This complex Bill is very much welcomed on this side. We want to see it proceed quickly and be implemented smoothly. We must guarantee that the terrible tragedy of Grenfell can never be repeated. We must ensure that the innocent are safeguarded from the folly, carelessness and greed of those who have committed the offences and that those thousands of residents already caught up in the nightmare of unfunded remediation are fully protected. Our work on further stages of this Bill will be to work with the Minister to make sure that we achieve that.

16:42:00

Lord Best (CB)
My Lords, my contribution to this debate relates to the new homes ombudsman, the scheme that will be established by the provisions in Part 5 of the Bill. I declare past interests as the previous chair of the Property Ombudsman and chair of the Government's working group on regulation of property agents.

Among the catalogue of criticisms of this country's major housebuilders, redress for buyers of defective properties and victims of shoddy workmanship, scams and dodgy deals deserve our urgent attention. We are all familiar with the long list of ways in which the volume housebuilders have let us down—building safety, yes, but also poor design, low space standards, soulless estates, broken promises to provide affordable homes, exorbitant profits and bonuses for bosses, leasehold scams, sales agreements that contain unfair conditions and excessive charges, lack of investment in training, skills, and apprenticeships, building on greenfield sites when brownfield development would be far more appropriate, and building out only at a speed which ensures continuing scarcity and ever-

higher prices. We need also to confront housebuilders' defective workmanship and dreadful consumer/customer service in responding to entirely justified complaints by home buyers. It is excellent that the Government are seeking in this Bill to address this issue.

The proposal for a new homes ombudsman came from two reports by the All-Party Parliamentary Group for Excellence in the Built Environment, supported by the Construction Industry Council. I declare my interest as a vice-chair of that APPG alongside my noble friend Lord Lytton. Our first report, in 2015, entitled More Homes, Fewer Complaints, commended the idea of a new homes ombudsman. Our second inquiry, in 2018, spelled out how an ombudsman could drive up standards and improve consumer rights. It was skilfully chaired by Eddie Hughes MP, who is now the very Minister responsible for implementing the initiative. He says in his foreword to our report:

"I have been contacted by many MPs with despairing constituents who have implored them to help achieve redress from housebuilders refusing to rectify poor workmanship … Consumers desperately need greater leverage to drive a change in this culture".

Submissions received by the inquiry from home buyers described how builders failed them, making buying a new home, as one first-time buyer said,

"the worst decision of their life."

Surveys show that well over 90% of home buyers have experienced snags or defects when moving in, and in over 70% of those cases the problem has never been fully resolved. We are a very long way from zero-defect construction. It is quite extraordinary that the new house buyer has to expect snagging difficulties, problems with doors and windows not fitting properly, leaks and cracks. If cars—vastly more complicated things than houses, with thousands of working parts and the capacity to travel safely at speed—can be purchased without defects then why not static, solid, basic houses?

So it is very good news that we are now to have an ombudsman to whom the home purchaser can turn. There have been concerns over the suggestion that the industry-based New Homes Quality Board, rather than the Secretary of State, might appoint the ombudsman and write their code of practice. This could undermine public trust and lead to accusations that the housebuilders were pulling the strings.

My short list of questions today to the Minister, whom I congratulate on bringing forward this legislation, relates to the powers that the new homes ombudsman will possess. In essence, I am asking: will the ombudsman have real teeth?

First, could the Minister confirm that the new homes ombudsman will have the power to expel a housebuilder from the redress scheme—for example, for non-payment of compensation to a buyer—and that this would mean, quite properly, the ombudsman having the power to stop any further sales by a builder since they could not continue to sell homes if no longer in the scheme?

Secondly, will the ombudsman be able to award high enough levels of compensation to deter bad practice?

Thirdly, in common with many ombudsman schemes, will this ombudsman have the power to undertake own-initiative investigations around issues likely to justify multiple complaints, without each complainant having to make a separate case, and will it be able to publish guidance accordingly?

Fourthly, to avoid sharp practices and eliminate detrimental clauses in the small print, will the ombudsman be able to require the use of standardised sales contracts?

Fifthly, can it be that the ombudsman will have jurisdiction only for the first two years after a purchase, bearing in mind that defects often emerge after that date and that warranty providers exclude all the builder's smaller defects that can make life miserable? The Legal Ombudsman, for example, can take action up to six years after a problem has been identified.

Sixthly, will the ombudsman be able to specify that builders use only approved warranty providers that have passed a rigorous assessment?

Seventhly, will the ombudsman be able to ban non-disclosure agreements—"gagging orders"—which some builders, for fear of gaining a poor reputation, have insisted on from buyers whose homes have been subject to remediation?

Eighthly, will the ombudsman publish its decisions, to name and shame offenders and exonerate the others?

Lastly, will the ombudsman be able to extract a sufficient levy from the housebuilders to resource all the work necessary to deal with what I suspect will be a multiplicity of complaints from all over the country?

I look forward to hearing the Minister's response and, I hope, to being able to support this important ingredient in the Bill.

16:49:00

Baroness Sanderson of Welton (Con)
My Lords, I welcome today's debate, and I thank my noble friend the Minister for his commitment to this issue. It is appreciated.

We all know the importance of the Bill before us today and we all know what led to its creation: the devastating fire at Grenfell Tower. It was a tragedy that shocked and shamed the country, yet more shocking still has been the evidence that has since come out of the public inquiry. Listening to all those involved makes for a deeply depressing experience. With the notable exception of RBKC, no one is ever to blame. It is always someone else's fault, someone else's problem.

Take the architects involved in the refurbishment. Apparently, they did not have design responsibility; that was the contractors'—except the contractors say that they delegated it to the cladding subcontractor. But no, hold on a minute, the cladding subcontractor says that the design compliance was not its job but the job of—wait for it—the architects. As for the companies that made the cladding, Arconic, Celotex and Kingspan —no, none of this was their responsibility. Never mind that the inquiry evidence shows that they manufactured or provided products that they knew or suspected to be dangerous for buildings of above 80 metres. Nor, apparently, was it the fault of the bodies responsible for testing and certification—bodies that have been accused of being too close to their customers and failing to provide the necessary protections.

Worse even than all this is the casual disregard—the flippancy—shown by pretty much everyone involved, at every level, in an industry that is supposed to have safety at its core. It is impossible to convey, so here they are in their own words, as heard at the public inquiry. An email from a senior

staff member at Local Authority Building Control about the wording of a certificate, wrongly asserting that Kingspan's insulation could be used on high-rise buildings, states:

"This issue has been burning for a LONG time though, hasn't it? (Get it!!!!) Why is it raising its head again all of a sudden?"

An email between the contractors, fire engineers and architects, about the need to install strong fire barriers, says:

"There is no point in 'fire stopping', as we all know, the ACM will be gone rather quickly in a fire!"

Messages between employees of Kingspan discussing the rating of their material as class 0, or non-combustible, state:

"Doesn't actually get class 0 when we test the whole product tho. LOL."

An email from Grenfell's fire risk assessor to the council's tenant management organisation, after the LFB contacted them asking for help in identifying vulnerable persons, said:

"I would say you have nobody that this refers to … If you identify anybody now questions like why were they not included in the buildings FRA spring to mind. A good response I believe would be thank you for this information if we find anyone in the future we will let you know."

For reference, while some updating did later take place, 15 of the 37 residents classed as vulnerable and disabled died in the fire.

This, then, was the culture of a truly broken industry. Within this, I fully appreciate that the role of government must also be looked at, and it will be considered by the inquiry shortly. I also appreciate, however, that that must not take away from the huge strides that the Bill will make.

Before I get on to that, I have one question for my noble friend the Minister. Incredible as it seems, post Grenfell and after all we have learned, the regulations still allow for tall residential buildings with only one fire escape staircase. Last month, it came to light that plans for two such developments in London are being rethought after concerns were raised locally and by the LFB.

Dozens of other countries require two or more escape stairs in such buildings, and I would like to know whether we will consider doing the same. It seems an anomaly when the Bill will do so much to fix the system, including the building safety regulator; new competence requirements for anyone carrying out design or building work; gateway points to ensure that building regulations compliance is considered at every stage of design and construction; and an accountable person who will ensure that residents are given a voice in decisions that concern the safety of their buildings. These changes are all designed to ensure that a tragedy such as Grenfell never happens again. While I understand that there will be improvements to make, regarding cladding remediation in particular, I urge noble Lords to bear in mind the fundamental reason for the Bill: that no one has to endure what the residents endured that night.

I declare my interest as a community adviser on Grenfell. I have worked with many members of the community since the days immediately after the fire. I have witnessed their strength and dignity in the face of so much suffering. I have heard what happened to them. It is not something that they like to talk about but, with kind permission, I want to tell one man's story.

He grew up in Grenfell Tower and his mother and sister still lived there. On the night of the fire, they were trapped on one of the upper floors. His sister called him, leaving the line open as he rushed from his home in north London. Standing inside the cordon area, he saw his friends at the windows. He watched the flames engulf the building, as he remained on the phone to his sister. Despite her deteriorating situation she kept insisting she was okay, until finally she began to fade away. He heard a banging on the floor and then silence. At this point, he thought he had lost his mum too but, 30 seconds later and for the first time in the early hours of that morning, he heard her voice. She was struggling for breath and said her last words: "I can't breathe, I can't breathe." He stayed on the phone, unable to cut off the call, hearing only the sound of the fire but hoping against all hope that maybe they would be okay, maybe someone would rescue them. It took him over an hour before he finally managed to switch off his phone.

Can noble Lords imagine how difficult that must have been and how difficult the reliving of that moment must still be? That is the reality of Grenfell. That is why the Bill is before us today—and it is why we must do everything we can to ensure its safe passage through this House.

16:57:00

Baroness Warwick of Undercliffe (Lab)
My Lords, I am pleased to join others in welcoming the Building Safety Bill to the upper House and I congratulate the Minister on its introduction. The tragedy of the Grenfell fire four years ago exposed huge concerns about building safety in relation to both fire safety and building standards more generally. The Bill is a hugely important piece of legislation in our efforts to ensure that a tragedy like the fire at Grenfell Tower can never happen again.

Housing associations across the country have been working since June 2017 on assessing and remediating building safety risks in thousands of blocks. As chair of the National Housing Federation, the representative body of housing associations in England—I declare that interest—I have come to understand and appreciate the depth and breadth of the crisis.

It is the priority of the sector to ensure that safety concerns can be identified and addressed as quickly as possible to help residents feel safe in their homes. So many of us will remember from the passage of the Fire Safety Act that progress towards ending this crisis has been delayed and prolonged by seemingly intractable funding challenges, not least for innocent leaseholders facing huge bills.

That is why I very much welcome the announcement that the Secretary of State made in the other place on 10 January that the Government will protect leaseholders from the costs and make developers, contractors and manufacturers pay to fix the building safety issues that they caused. The Government are right to make those who profited from unsafe building practices pay. This important step will enable us to start the process of charting a course out of the crisis.

As I have mentioned many times in this House, housing associations are not-for-profit organisations providing affordable homes for those on the lowest incomes. To cover the costs of remediation on buildings where social renters live, housing associations are already expecting to spend in excess of

£6 billion on building safety works. As a consequence, housing associations are now less able to improve their current homes or build new ones.

The National Housing Federation's 2021 survey found that 12,900 homes, more than 10% of affordable new homes to be built over the next five years, have already had to be cut to prioritise spending on building safety. I welcome confirmation from the Secretary of State that leaseholders of buildings owned by social housing providers will have access to the new funding to avoid these costs spiralling further. However, like others, I would welcome clarity from the Minister on the Government's approach to non-cladding costs, and whether funding recouped from industry will be allocated for this purpose.

I know that the housing association sector is committed to working closely with the Government to find a fair and sustainable solution to our housing prices that balances both making buildings safe and enabling new homes to be built. I was delighted to hear the Secretary of State refer to building social housing and improving existing homes as a core mission of his department. However, I was worried that correspondence from the Treasury made public at the start of the year suggests existing departmental budgets would need to be used, should it not be possible to recoup money from industry. That is why I hope that the Minister will assure us today that the affordable homes programme will be protected to avoid any further reductions in the delivery of much-needed affordable housing.

I also want to support the Government's evidence-based approach to assessing and managing risk in buildings. It is right that, where safety issues present an unacceptable level of risk, they are fixed with urgency; it is also right that, if risks can be eliminated and effectively minimised without vast building works, these options should be explored and, where suitable, implemented. I welcome the launch of PAS 9980 to aid this transition. We are in the early stages of implementation, and it is not yet clear how it would truly impact on how mid-rise buildings are treated and, in truth, what impact it will have on the amount and costs of work needed on buildings between 11 and 18 metres. I understand that the Government have already undertaken a survey of such buildings to ascertain a view on this; I also believe that close monitoring of the implementation of PAS 9980 could greatly help the Government, building owners, tenderers and lenders in understanding the evolving situation. Will the Minister commit to publishing the findings of the Government's recent survey, and what plans does he have to monitor the approach to proportionality?

Finally, I welcome the part of the Bill that introduces a new homes ombudsman scheme—and I declare an interest as the chair of the Property Ombudsman. I wholeheartedly agree with the points made by the noble Lord, Lord Best—indeed, I would like to see the ombudsman report directly to Parliament. I just want to emphasise that, at a time when public and particularly home-buyer confidence is so low, the need for transparency and absolute real and perceived independence is crucial if the Government are to reassure homeowners that the ombudsman has teeth. Only that way will they have the trust and confidence in the redress or reassurance that they receive from the ombudsman. This is especially true when property developers do not comply with a decision; there needs to be a clear and transparent mechanism for enforcing decisions, in the worst case removing businesses from membership, and communicating this to existing and potential home-buyers. That enforcement should apply not just to financial redress but to implementation of recommendations to drive better outcomes for all.

This urgently needed Building Safety Bill has the potential to provide safety and security to those whose homes have wrongfully been built with safety risks. I hope that it will create a future in which the horrors of an event like Grenfell are no longer possible. The housing association sector wants to work with government to ensure that the Bill is as effective as possible at delivering that ambition.

17:03:00

Baroness Brinton (LD) [V]
My Lords, I declare my interest as a vice-president of the Local Government Association and as vice-chair of the All-Party Parliamentary Fire Safety and Rescue Group. I look forward to hearing the valedictory speech of the right reverend Prelate the Bishop of Winchester. He was formerly general secretary of the Church Mission Society. At that time, I remember an imaginative fundraiser when the then Reverend Graham Kings led a camel from Oxford to Cambridge to raise funds for rural Kenyan schools. I did the last day of that walk, and I have to say that the camel was mobbed as we finished it. Large amounts of funds were raised, and there was lots of media coverage—CMS objective achieved. I wish the right reverend Prelate well in his retirement.

It is worrying that, five years after Grenfell, the necessary cultural changes in the building industry have still not happened. We know that there are too many developers prepared to game the system, despite the Grenfell inquiry and Dame Judith Hackitt's review. There still is not a level playing field to protect tenants and leaseholders, not only on who should pay the costs, so ably explained by the noble Baroness, Lady Sanderson, but more broadly on the other deeply unsatisfactory breaches of safety, beyond cladding, which also make people's homes unsafe. I also echo her comments about two staircase exits in high-rise buildings—that is absolutely vital.

Other breaches of building regulations are not covered, such as a lack of compartmentation and electrical standards still not being met, both of which are high-level risks for fire and the spread of smoke and fire. Without compartmentation, staying in your flat is worthless. Doors that do not meet fire safety standards have caused deaths in common parts, including on emergency exit stairwells. There was a fire in a block of flats in Tower Hamlets just two days ago, where smoke escaped into the stairwell and residents trying to get out were overcome. As with cladding, leaseholders are having to pay for all this work to be put right, even though developers have a clear responsibility for not building unsafe buildings, and refurbishment companies ignore the original fire and building regulations. This is totally unjust.

Over the last two years, the All-Party Parliamentary Fire Safety and Rescue Group has responded in considerable detail to the plethora of government consultations on fire and building safety, and I am grateful to the Minister for attending our meetings on a fairly regular basis. Last year's consultation from the DfE proposed to remove the requirement for sprinklers in all but a very small percentage of new schools. Twenty years ago, as a former chair of governors of my local primary school, I saw it burn to the ground. The disruption to the pupils' education over the next two years cost Cambridgeshire County Council many times more than even the retrofitting of sprinklers would have cost. To not even put sprinklers into new schools is just unacceptable.

The case for sprinklers is compelling in high-rise blocks, as well as non-residential buildings. They save lives, they can save jobs and precious education, and they prevent damage to the environment by reducing the severity of fires. As a result of the multiple-fatality fire in 2009 following the refurbishment of Lakanal House, the London Fire Commissioner told the coroner that automatic fire sprinkler protection would have prevented the deaths of six residents. Subsequently, the coroner recommended to the then Secretary of State that he should encourage social housing providers in high-rise blocks of over 18 metres to consider retrofitting automatic sprinkler protection. Can the Minister say if the Government will now accept this recommendation?

Both the All-Party Parliamentary Fire Safety and Rescue Group and the National Fire Chiefs Council in their previous responses to the Regulatory Reform (Fire Safety) Order 2005 consultation said that

there remains a fundamental disconnect between the non-worsening conditions of building regulations and the expectations of continuous improvements through the fire risk assessment process set out by the fire safety order. Regulation 4 of the Building Regulations 2010 states that, where the work did not previously comply with Schedule 1, the new work, when complete, should be

"no more unsatisfactory in relation to that requirement than before the work was carried out"—

meaning that the general fire precautions may never be improved to modern standards. This runs contrary to the principles of prevention outlined in the fire safety order—that premises' risk assessments should adapt to technical progress and reduce the overall risk within buildings.

The all-party group also noted that Dame Judith Hackitt concluded that the construction industry's prevalent culture was undermining building safety. She referred to procurement regimes that were not fit for purpose. In relation to building safety, she added that

"unhelpful behaviours such as contract terms and payment practices which prioritise speed and low cost solutions, exacerbate this situation."

She concluded that poor procurement and payment practice

"provide poor value for money and poor building safety outcomes."

She recommended that contracts' payment terms and practices should be recorded as part of a proposed digital building safety file. Does the Minister agree with these conclusions?

I thank the Local Government Association for its briefings on the provision for duty holders to choose their building control regulator. It says:

"By requiring regulators to remain in competition with 'approved inspectors' for the majority of buildings, the Bill leaves in place one of the root causes of the current crisis."

It absolutely does. It is quite extraordinary that it should be allowed to continue. The LGA goes on:

"Compliance with regulation cannot be a commodity and local authority building control should not be left to tackle non-compliance in buildings over 18m while simultaneously having to compete with private businesses for work in out of scope buildings, often owned by the same developers."

My honourable friend Daisy Cooper MP has repeatedly asked, since the passage of the Fire Safety Act 2021, if the Government will consider the creation of an independent register of qualified fire risk assessors. At the time, she was told it was being considered, and withdrew an amendment from that Bill on that basis, but nothing has happened. Can the Minister say whether this register is now planned, as well as a register of safe building materials?

Finally, what will be in the regulations is critical. Some of the language used in the Bill is not exact enough; what will matter is the regulations that underpin this extremely complicated Bill, which will need to be ironed out before it becomes operational. I hope that during the passage of the Bill, the Minister will be able to clarify some of these key issues at the Dispatch Box to give your Lordships'

House confidence that we will finally see regulations that will protect lives, ensure accountability by those who have not followed the standards and protect buildings.

17:11:00

Lord Aberdare (CB)
My Lords, I welcome the Building Safety Bill, and its provisions to implement the recommendations of the Hackitt report following the Grenfell Tower tragedy. In particular, I was glad to hear the ambitions stated by the Minister that it should represent a complete overhaul of the culture of the construction sector. In so doing, it presents an opportunity to tackle issues that have bedevilled the sector for many years, with a damaging effect on safety and quality. Many of these affect smaller construction firms and their relationships with the larger contractors for whom they work, as well as their ability to invest in improving their skills, quality, productivity and, of course, safety. I shall focus specifically on the issue of cash retentions.

The Hackitt report states:

“Payment terms within contracts (for example, retentions) can drive poor behaviours, by putting financial strain into the supply chain. For example non-payment of invoices and consequent cash flow issues can cause subcontractors to substitute materials purely on price rather than value for money or suitability for purpose.”

There is broad consensus in the sector that action is needed on retentions, and that this requires legislation. The Government have indeed been exploring the options and have conducted a number of reviews and consultations over the years. But their insistence on seeking

“industry-led solutions, rather than further regulation”—[Official Report, Commons, Building Safety Bill Committee, 26/10/21; col. 455.]

to quote the current Construction Minister, Christopher Pincher, during Committee in the other place, has resulted in stalemate. With the industry inevitably divided between the beneficiaries and victims of retentions, this makes consensus unrealistic, if not impossible.

There have been some welcome steps forward. The snappily titled Guidance on Collaborative Procurement for Design and Construction to Support Building Safety, produced by the procurement advisory group set up by the Minister’s own department and issued just last month, reiterates the Hackitt report finding. It states:

“The use of cash retentions can also interfere with cashflow and can undermine the principles on which collaborative relationships are based. Arguably, any collaborative relationship should exclude the use of cash retentions. If exceptional circumstances require a retention, then it should be held in an account ring-fenced by a trust arrangement.”

I say amen to that, but it will not happen without government action. Ministers regularly give assurances that they recognise the importance of the issue. To quote Christopher Pincher again:

“I also recognise—I think we all do—the argument that poor, adversarial practices can lead to unsafe, low-quality building safety outcomes, as well as poor value for money.”—[Official Report, Commons, Building Safety Bill Committee, 26/10/21; col. 454.]

There is work going on in other government departments, notably BEIS, including through the Construction Leadership Council, which it co-chairs with industry, and which has a business models work- stream looking at how to eliminate retentions. The CLC has endorsed the road map produced by Build UK which aims for an end to retentions by 2025, but the road map on its own will not bring this about.

There are other steps that the Government could take. It is disappointing that there is no reference to discouraging retentions in the government-sponsored The Construction Playbook that sets out much positive guidance on procurement. It is hardly helpful that some departments, notably the Department for Education, continue to use retentions. Perhaps the Minister could say whether we can expect any progress in those areas.

We have seemingly endless reports, advisory groups, workstreams, road maps, guidance and good practice models, but without the essential legislative underpinning it seems unclear how the Hackitt report's warning that poor payment culture leads to poor and unsafe buildings will be addressed. Meanwhile, retentions will continue to impact safety and quality.

I would welcome a clear indication from the Minister about which option the Government now favour: an outright ban on retentions, a trust arrangement such as a retention deposit scheme or some combination of both, and how they see any such approach being implemented, given the need for Government to give a lead. After all these years of reviews and consultations, a clear direction and plan are needed if the aspiration of resolving retentions by 2025 is to be met, so that smaller construction businesses, such as those represented by Actuate UK and previously by the Specialist Engineering Contractors' Group, can rely on receiving funds due to them and are no longer hamstrung in their ability to invest in the training, skills and technology that are essential to ensuring safety.

I hope the Minister will say something in his response about how the specific concerns expressed in the Hackitt report about the impact of poor payment practices such as retentions on safety and quality will be addressed by the Bill's new regulatory regime, and indeed how his department will ensure that the guidance provided by its procurement advisory group will be implemented.

This Bill will be—or should be—crucial in changing the culture of the construction sector in relation to safety and quality. Perhaps the Minister will tell us why taking long-overdue action to mitigate the impact of retentions on safety should not be included in it as one of the unsafe industry practices that the Bill seeks to address.

17:17:00

Lord Young of Cookham (Con)
My Lords, like others, I welcome the introduction of this Bill, which will help restore confidence in homes built by the UK construction industry after the damaging revelations of recent months. If the Government's ambitions for home ownership are to be achieved, buyers must have confidence in the homes they are buying and so must lenders.

I join others in wishing a long and happy retirement to the right reverend Prelate the Bishop of Winchester who, when I was a Member of Parliament for Hampshire, had responsibility for my spiritual health.

I want to refer to the helpful covering letter that my noble friend the Minister wrote to us on 20 January, entitled "Introduction of the Building Safety Bill" and, in particular, to the section headed "Protecting Leaseholders from Unnecessary Costs"; I do so alongside the Statement on building safety made in the other place by the Secretary of State on 10 January. My noble friend's letter says:

"The Secretary of State recently announced that leaseholders living in their homes should be protected from the costs of remediating historic building safety defects."

Amen to that, but none of the subsequent paragraphs in the letter, or indeed anything in the Bill at the moment, gives a guarantee that this will be done, nor do they explain how it will be done. Hence the need for further amendments, to which I will return in a moment.

The next paragraph of the letter covers one of the building safety defects—namely, cladding—but not others. It makes it clear that the costs are to be met by a scheme funded by industry, alongside a further push to make sure that developers fix the unsafe buildings they built. Again, amen to that, but it follows that unless and until industry pays, the work will not be done, and the last thing leaseholders want is more delay.

The initiative to get the industry to contribute voluntarily is commendable but the volunteers are not going to pay for other peoples' buildings; their shareholders would complain if they did. We know that many of the offending companies either cannot pay or will not pay. At the moment, leaseholders have no bankable guarantee that their buildings will be fixed with someone else paying. I welcome all the recent initiatives to help leaseholders and applaud the work of my noble friend the Minister for his tireless campaign behind the scenes but, as he recognised in his opening remarks, we are not there yet.

Now we have to turn to the Statement I referred to earlier, which clearly stated:

"We will take action to end the scandal and protect leaseholders."

The Secretary of State went on to say:

"We will make industry pay to fix all of the remaining problems and help to cover the range of costs facing leaseholders."

The Statement concluded:

"I can confirm to the House today that if they do not, we will impose a solution on them, if necessary, in law."

When pressed by an Opposition MP, the Secretary of State said in reply:

"She specifically requested that we provide amendments to the Building Safety Bill to ensure that there is statutory protection for leaseholders. That is our intention—we intend to bring forward those amendments—and I look forward to working with her and colleagues across the House to provide the most robust legal protection."

So the Secretary of State must have some idea of the sorts of amendments that he plans to bring forward.

Later, he clarified what he meant by statutory protection:

“First, we will make sure that we provide leaseholders with statutory protection—that is what we aim to do and we will work with colleagues across the House to ensure that that statutory protection extends to all the work required to make buildings safe.”—[Official Report, Commons, 10/1/22; cols. 285-91.]

Note that that commitment extends to all building work, not just cladding. Again, this is all very good news, and I commend the work of my noble friend for pressing for those commitments. However, it raises some questions—I appreciate that my noble friend may not have all the answers, but he may be able to reply in general terms.

First, many leaseholders are currently threatened with repossession, eviction and bankruptcy because at the moment they are currently legally liable for the bills, which the Secretary of State has recognised are in no way their fault. They have been promised statutory protection—but statutory protection from what, and from when? Are buy-to-let landlords included, and what about private leaseholders in blocks owned by social landlords?

Does this protection cover all the work done for which they have been invoiced but not paid; does it cover invoices only from the date of the Statement? Does it become operative only when the necessary legislation is passed? Does it cover only cladding or—as one of the quotes I just referred to implies—all safety work? Should it be retrospective, as the noble Baroness, Lady Hayman, suggested in her opening remarks? Leaseholders need clarity on these issues, and they need it now.

Then, if both the statutory protection and the legislation to oblige industry to pay are to be included in this legislation—again, as the Secretary of State implied—that is a high legislative hurdle in a very short timescale. What progress has been made in drafting the necessary clauses? They are bound to be controversial if they are to be effective, and the House is allergic to Henry VIII clauses.

I and my noble friend Lord Blencathra—the so-called Awkward Squad; an unusual name for two former Conservative Government Chief Whips—are willing to help tackle the issues that will need resolving. How does one define a delegated powers clause which allows the Government to decide the meaning of “defective construction”, particularly if there has been no breach of building regulations? Will there be an appeals procedure? How do we do this without delaying essential remedial work? Will some sort of credit facility be available until the cash comes in? Will the scheme be proof against ECHR challenge?

How do we enforce against foreign companies domiciled overseas, where they have wound up the offending subsidiaries—and, if we cannot, how will the resulting shortfall be met if no more funds are available from the Treasury?

I hope my noble friend has some of the answers, not just for the sake of concluding our debate this evening but for the sake of leaseholders, who will be hanging on every word of his reply.

17:24:00

Lord Shipley (LD)
My Lords, I agree very strongly with what the noble Lord, Lord Young of Cookham, said. First, I remind the House that I am a vice-president of the Local Government Association. I welcome the Bill strongly. I think I will be happier if it includes, in addition to residential buildings over 18 metres, all high-risk buildings, and I hope we will take that further in Committee.

The disaster at Grenfell represents one of the biggest failures of public policy in recent decades. The report of Dame Judith Hackitt in May 2018 said that the current system was not fit for purpose, so it is vital that this new system works. This Bill represents a fundamental reform of the building safety system. It may have taken four years to get to this point—which is a long time—but it seems to me that it is four years well spent. Of course, even the best systems for securing safety will depend on the people who carry out the new processes. I will say something more about that in a moment.

But first, I want to approach the Bill from the perspective of a new occupant of a high-rise residential block. I would want to feel confident that I knew the following before I moved in: is there more than one lift and more than one staircase? Are there secure emergency exits? What are the evacuation rules? Have they been tested and does everyone know what they are—or do we stay put in a fire? Are there high-quality fire doors in common areas that are kept closed, and high-quality fire doors as part of my own property, such as my front door? Are there sprinklers—and if not, why not? Have the building materials been tested properly and are they safe? Who is responsible for safety? Is there a named person monitoring my block to whom I can go with concerns? Are there regular residents' meetings to raise issues of concern? Are the results of fire safety inspections public for residents to read? Is it clear what I have to do myself to maintain safety, and what penalties might there be for non-participation? Are there regular electrical safety checks, and who undertakes and registers these?

We will explore many of these issues in Committee, and some, of course, lie in the Fire Safety Act 2021. But the success of this Bill will all depend on the people carrying it out: their training, competence and understanding of their role, and the golden thread of information held in one place, which is a such an important part of the procedures in the Bill. In the end, of course, it is everybody's responsibility to make sure that Grenfell can never happen again.

As the Minister said in his letter of 20 January, this is a complex and technical Bill. Importantly, there are a lot of new roles in it, and they all seem to be necessary. There are responsible persons, accountable persons, principal accountable persons, duty-holders, clients—who will have to approve the competence of the principal designer and the principal contractor—other designers and contractors, building safety managers, registered building inspectors, building owners, insurers, and the new homes ombudsman. And there will be others, not least the national regulator for construction projects. It will be vital that everybody knows who is responsible for what exactly, and that there is a regular review of them undertaken through the building safety regulator and the Government.

The crucial role will be that of the new building safety regulator within the Health and Safety Executive, who will have the key role in bringing together the fire and rescue services and local authority experts, including the building control staff, to make regulatory decisions. It will be critical that the regulator drives ahead with improving competence within the sector and within the unified building control profession common to the public and private sectors. This system will work only if everyone working as part of it has the required set of knowledge and expertise.

Much will depend on the gateway structure—which I strongly welcome—so that the risks are evaluated at every stage of a new building's design and construction. In particular, in terms of

gateway 1, I would like to be clearer about what actions are being taken to improve training. It will matter because it relates in part to the planning system, both in terms of application and the permission itself. I submit that local government planning authorities will need to give some substantial thought to the training of councillors.

I wish the Bill well. It is really important and I commend all those involved in getting us to this position because it is a substantial achievement. I hope that the Minister may agree to some system of annual reporting to Parliament on the working of the new structure, that roles are clear and that the blame culture has been significantly reduced, if not eliminated. I hope he will give further thought, too, to how competence will be assessed and reported.

Perhaps I may raise one other issue, which relates to permitted development rights. Are the Government thinking of restricting those rights when office blocks are converted into residential flats of whatever height?

I hope it will not prove the case that too much is being left to secondary legislation. It would be helpful to see as much further information as can be brought forward in Committee and on Report as possible; otherwise there will be a great deal of work to do in assessing that secondary legislation. That said, I commend the Bill.

17:31:00

Lord Crisp (CB)
My Lords, like other noble Lords, including the noble Lord, Lord Shipley, I commend the Bill and very much welcome the concurrent announcements on funding. I come to this from a health background. Health, housing and buildings are intimately connected. However, I have to say that I have been on a learning curve and have talked to a lot of people over the past few days, including architects, builders and others.

I have heard about exactly what the Minister, my noble friend Lord Best and others have commented on: the crisis in construction. As some have said to me, there is a race to the bottom, with people getting away with what they can and a culture in which clients stand back and architects no longer have responsibility for quality. As one person said to me, quality has been devolved to the contractor, so people are marking their own homework or, as the noble Baroness, Lady Sanderson, said, shifting blame from one to the other. This is a systemic issue and not about individuals. I am delighted that the Minister and the Government have ambitions to address that system.

I recognise that the immediate focus is on high buildings and the response to Grenfell, that the matter is urgent and that this has been a long time coming. However, there is a tension here between that short-term ambition and the wider remit of the Bill. Like other noble Lords, I have enormous sympathy for the families of those who have died and am deeply moved by the stories we have heard in your Lordships' Chamber and elsewhere—as well as by the pressure and problems that people have faced over the past four years, waiting to know what will happen to their investment, home or whatever. The Bill cannot avoid these wider issues and I do not really think that the Government want to.

The noble Baroness, Lady Brinton, and other noble Lords reminded us that the Hackitt report talked at length about culture change and the need to force things to be done differently. I welcome the framework that has been developed around accountability, responsible officers and the golden thread. I should be interested to understand in Committee and on Report how those will be worked out in more detail.

We also need a change in how we think about safety—not as a narrow technical concept about freedom from immediate injury but as something much broader, perhaps more common-sense, linking to health and well-being. It should be a concept that people would recognise. If they were thinking about safety in buildings, they would think about damp, cold, poor air circulation and buildings where falls are likely to happen on the stairs, as well as fire and electrical faults that cause fire, and much more—a wider concept of safety. All that is, of course, appropriate to the Long Title of the Bill, which is to make

"provision about the safety of people in or about buildings and the standard of buildings".

There are links here to so much else across government and to Bills that are coming or are already in front of your Lordships' House. That is particularly important at a time when we perhaps move on from the pandemic, when we have seen the importance of people's homes in their lives. If there is a vision for this country, it must include decent homes and buildings that are safe in all the aspects that I have talked about. After all, homes are part of the fundamental foundation for much of our lives.

There are obvious links with the Health and Care Bill going through the House. A number of noble Lords mentioned the importance of the links between health and housing, recognising that until 50 or 60 years ago health and housing were covered by the same Secretary of State. There is overwhelming evidence of the relationship between people's mental and physical health, and the design of their homes and neighbourhoods. That is set out by Public Health England and includes a wide range of structural and place-based factors, from the need for active travel and walkable streets to reducing air pollution, and to minimum space, accessibility and light standards. It is said that all that costs the NHS in the region of £1.4 billion a year, but what is the wider cost to individuals and society?

As regards the levelling-up White Paper and other Bills to come, we all know that people on lower incomes tend to live in poorer-standard homes in poorer environments and have poorer life expectations as a result. I will not, at this stage, ask the Minister how this Bill intersects with the new policies for levelling up, although no doubt that will come up again in Committee.

In Committee I will raise an amendment on safety having a wiser definition—something more like freedom from the risk of harm arriving from the location, construction or operation of buildings that may injure the health and well-being of the individual. The Building Safety Bill is an opportunity to change fundamentally the way we deliver homes and places with multiple benefits to people—a real culture change. Putting safety, in the sense that I am talking about it, at the heart of decision-making would be a positive legacy from the challenges of the pandemic and a response to the tragedy of Grenfell, and would match the ambition at the heart of the levelling-up agenda.

On that note, it is my great privilege to hand over to the right reverend Prelate the Bishop of Winchester for his valedictory speech.

17:37:00

The Lord Bishop of Winchester (Valedictory Speech)
My Lords, by the end of the 19th century, there had been a significant evolution in the quality of housing, particularly in England. The standout feature of this development is the terraced house. In contrast to continental Europe, our towns and cities abound with terraced houses of all kinds, appealing to nearly all levels of income. The Victorians had strict building regulations for terraced

housing and in my own diocese there was also the innovation of a cavity wall system in the city of Southampton. Alongside this development came improvements in safe drinking water and sewerage management. The combination of good housing and water management facilitated good health. Put simply, caring for building safety is caring for the health of our nation. Building regulations are crucial.

Positively, safe housing implies shelter, comfort, security and privacy. It also implies protection from people, pests, hazards and disease. Thus building regulations must require the co-ordination of all those involved in housing provision around the core value of safety as an aspect of national health and well-being. My episcopal friend, the right reverend Prelate the Bishop of Manchester, will say more about this in his speech. Here, perhaps I may take this opportunity to offer a short reflection on my time in this House, as I take my leave at the end of this week and retire in Plymouth, where there are many terraced houses.

From these Benches we do not often show our theological workings in speeches. During my time here, I have come to see the importance of a social imagination shaped by what Jesus often talked about and taught us to pray about: that God's kingdom come and his will be done. With a social imagination of God's justice, truth, mercy and love, both the weighty concerns of our nation and the minutiae of legislation can be opportunities for the coming of the kingdom. With such an imagination, we may dare to believe that God's kingdom comes in fashioning good legislation for the better ordering of our national life and its common good. Hence the importance of fair distribution of safety costs, as emphasised by the right reverend Prelates in the recent fire safety debates. As a Member of your Lordships' House, I have participated using the agreed procedures for our debates, but I am also motivated by a concern that the love of God is made visible in the love of neighbour. My hope is to see God's kingdom come enacted in practical legislation. It is from this perspective that our daily prayers invoke the wisdom of God in all our decision-making.

During my time, I have been most concerned with the institutions of further and higher education, so it has been a privilege to have participated in debates on Bills on these issues. For many, the institutions of FE and HE, both colleges and universities, become anchor institutions for students' personal development and flourishing, and in their preparation and skilling to contribute to our society. If we are to "build back better" and "level up" our communities, we must continue to invest in, sustain and hold accountable our FE and HE institutions. I have urged for both a diversity of provision, and a co-ordination of enterprise between FE and HE. Accessible and, I hope, inspirational vision documents for FE and HE have been published by the Church of England during my time. While these are faith documents, they express their perspectives in the language of a social imagination that we may all share: wisdom, community, virtue, common good, vocation, transformation and hope.

I thank all those who have supported me: my episcopal colleagues, particularly the Convenor of the Lords spiritual, the right reverend Prelate the Bishop of Birmingham; the parliamentary support team, led by Richard Chapman; and especially my parliamentary assistants, not least my son, Johnny Dakin, who was seconded on a work placement as part of his first degree, and latterly Madeleine Hayden, who also worked tirelessly to promote FE and HE in church forums. The Reverend Gary Neave has been an outstanding colleague and has supported my FE and HE work. To the doorkeepers who remind Bishops about our forthcoming prayer duties: thank you for the personal nudge. I also acknowledge my unique link with Black Rod in our shared responsibilities as officers of the Most Noble Order of the Garter. I am glad not to have drawn anything other than felicitous attention from that office during my time.

It has been a privilege to be in your Lordships' company during the years of my tenure. I shall retire with many good memories of informative debates, and of having had the opportunity to play a tiny part in the great traditions of this House as it seeks to inform and revise the legislative programme of Her Majesty's Government. Deputy Lord Speaker, and through you, Lord Speaker, may God grant you wisdom and strength as you oversee this House. And may the building regulations that apply to our national housing stock be applied to the renovations of this great Palace of Westminster, that the health of all here be enriched and prolonged.

Noble Lords
Hear hear!

17:42:00

The Lord Bishop of Manchester
My Lords, I count it a great privilege to speak following the valedictory speech of my right reverend friend the Bishop of Winchester. He has indeed been a powerful advocate, both in your Lordships' House and in the Church, for our nation's further and higher education sector. In that capacity, he has also been a great personal supporter and encouragement for me, in my own rather modest efforts at lifelong learning. Along with this, his passion for the global Anglican Communion and his strong links with Africa will be much missed, both in this House and in the House of Bishops of the Church of England. We all wish him a long, happy and fruitful retirement, and indeed pray that he will be safe in his new home.

In turning to the substance of this debate, I declare my interests as set out in the register, as chair of Wythenshawe Community Housing Group and as deputy chair of the Church Commissioners for England, both of whom are substantial residential landlords. Last year the Archbishops' commission on housing reported, with recommendations for both Church and State. In the debate in this House, my most reverend friend the Archbishop of Canterbury drew attention to the five principles which underlie the findings of that commission: that every household should have a home that is sustainable, safe, stable, sociable and satisfying. As he said in that debate,

"from almshouses to housing associations, (the Church) has for centuries been involved in the provision of decent places to live. We do not do this just to be nice—we are not an NGO with a pointy roof—but because we believe that Christ commands us to love our neighbour."—[Official Report, 24/3/21; col. GC 38.]

We on these Benches heartily welcome this Bill as a means to progress the principles enshrined in the Coming Home report.

The proposed building safety regulator is particularly welcome. As the chair of a housing association, I am familiar with the work of the regulator in that part of the housing sector, where regulation is seen as not simply about punishing bad practice, but as promoting good practice. I welcome this, not least since theologically I am drawn far more to the advocacy of virtue than the denunciation of sin.

While I accept that the regulator of social housing has a particular role as a consequence of the state funds that support the sector, I struggle to agree that issues of safety are substantially different between different forms of tenure. I hope that as this Bill progresses, we will be able to clarify and, where need be, strengthen the regulator's role.

Many noble Lords have already drawn our attention to the fire safety scandal in medium- and high-rise buildings. I deliberately do not refer to it as a cladding scandal; while it may have come to our

attention through the tragic loss of life at Grenfell Tower, what has been exposed is much wider. It has been my privilege this last couple of years to support the campaigning efforts of the Manchester Cladiators. These are ordinary men and women who purchased properties in good faith, and now find their homes are technically worthless. Not only that, but they face unaffordable costs in terms of remediation works and in paying for interim measures.

I am proud that my housing association has spent a considerable sum to remediate taller buildings, and without requiring leaseholders to pay for the work. But that does not come without a cost. As the noble Baroness, Lady Warwick, has already said, many housing associations are now cutting newbuild plans in order to focus spending on building safety. We need both safe homes and more homes. I urge the Minister, whose understanding and sympathy have helped move matters forward significantly in recent months, to press on his colleagues, perhaps particularly in Her Majesty's Treasury, that the one-off costs of remediating a crisis that has built up largely unacknowledged and over many years should not be taken from the budgets required for the regular ongoing work of building the new affordable homes that this nation badly needs.

For many of us in your Lordships' House, this matter will not have been rectified until two things have happened: that all affected properties can be bought, sold and insured at their full, true value, with mortgage providers content to lend against that full value and that this is achieved without the costs being borne by the leaseholders. In that category, I include individuals who have sublet properties that they had to move out of, and now cannot sell. Meeting these two criteria will require the legislation we pass to cover not only buildings of over six storeys or 18 metres in height, but to encompass buildings of four storeys or 11 metres tall, which I believe is the height standard supported by the Fire Brigades Union, whose members attend fires in such properties. I welcome assurances from Her Majesty's Government that they will seek to bring forward new provisions as the Bill progresses. I and my friends on these Benches will be scrutinising those amendments carefully as well as considering support for other amendments as noble Lords may bring before us.

I will end my remarks by quoting Scripture. On the matter of building safety legislation, Deuteronomy Chapter 22, Verse 8, reads as follows:

"When you build a new house, you shall make a parapet for your roof, otherwise you might have blood guilt on your house if anyone should fall from it".

If I may be permitted a pun, they were building on biblical foundations—foundations laid in that book around 3,000 years ago. We must consider not only parapets, but the general safety of our building.

For today, we are seeking to find the right legislation that will protect our fellow citizens in their homes. It is a sacred duty—if we fail, we risk drawing that same blood guilt on this House. I welcome this Bill and look forward to supporting and strengthening it as it progresses through your Lordships' House.

17:48:00

Baroness Eaton (Con)
My Lords, I declare my interest as recorded in the register.

I am delighted to be making a short contribution to this very welcome Bill. I congratulate the Minister and his team, as have others this afternoon, on the content of this long-awaited and very

necessary Bill. I know that all noble Lords taking part today recognise the necessity for the Bill to be passed speedily, and hope that all our contributions bring about a positive outcome. I join others in giving warm wishes for the retirement of the right reverend Prelate the Bishop of Winchester, and hope he recognises that a good life does exist after life in the House of Lords. We thank him most sincerely for his very thoughtful contribution to this very important debate.

Dame Judith Hackitt's review, Building a Safer Future, recommended a culture change within the construction industry. It also said that this had to be underpinned with more emphasis on competence and regulatory oversight.

A number of noble Lords have mentioned professional compliance. I note from the briefing I received from the Architects Registration Board that Clauses 130 to 132 directly change its responsibilities and powers in a very positive way. Professional regulation has an important role in creating a culture of safety in all buildings. The public, who use the services of professionals such as architects, have the right to expect that, once qualified, they are competent and that they will maintain and develop skills and knowledge throughout their working lives. At present, the only way to assess continuing development is if there is a disciplinary complaint. Clause 130 will give the power to ensure that continuing professional development is carried out throughout an architect's career. The Bill also gives powers to publish disciplinary orders against an architect on the register. Clause 130 will help promote public confidence in the profession and deter incompetence and poor professional conduct.

Architects are not the only professionals involved in the construction industry. We heard the most alarming tales from my noble friend Lady Sanderson of buck-passing between professionals after the Grenfell tragedy. I am sure the House would value more information from the Minister as to how the Bill will help raise the bar of competence of other professionals, including approved inspectors.

As a member of the RoSPA presidential team, I was shocked to hear the statistics behind stair accidents in the United Kingdom—43,000 hospital admissions every year is a horrifying number. For many, a fall on the stairs will lead to injuries from which they can never fully recover. An accident on the stairs can cause irreparable damage—not only physical injury but also loss of confidence. Such a fall can rob someone of their independence, resulting in the need for residential care. From there, the burden is often passed on to family members and the NHS. Safer stairs would mean safer homes, and that in turn would mean not only that many lives would be saved but also that their quality would be infinitely improved. The numbers clearly show that stair accidents are a more silent, but more preventable, danger than fires. The number of hospital admissions caused by falls, compared to those caused by burns, is in the ratio 235:1. Our staircases are a very real danger, hiding in plain sight.

Simple solutions to complicated problems are hard to come by, but enshrining the most up-to-date industry standard for stairs into law represents genuine low-hanging fruit. It is a cost-free, industry-approved, ready-made measure which would create a 60% reduction in falls in new builds. As the issue of stair safety is of interest and concern to so many, will the Minister support regulations to ensure that the existing British safety standard is incorporated into the Bill?

I know that including regulations on the face of a Bill is sometimes viewed as inappropriate. I believe there is precedent for including standards such as this in primary legislation. For example, the recent ban on combustible materials has come about by updating Regulation 7 of the Building Regulations 2010. Where legislation can be used to make buildings safer at no extra cost to the taxpayer, surely it is wise to do so. Leaving regulations to secondary legislation can be a long drawn-out process.

With such high numbers of accidents on staircases, speed of implementation is essential. I look forward to my noble friend's comments.

17:55:00

Baroness Young of Old Scone (Lab)
My Lords, Grenfell was, and still is, a safety scandal and a tragedy. The subsequent wrangling as to who should be responsible for remedying fire safety in unsafe buildings is an even bigger tragedy and scandal. I commend the account of the noble Baroness, Lady Sanderson, who really brought home just how tragic the incident was. It is important that this Bill passes your Lordships' House, though with improvements, and I hope that Grenfell can be a watershed moment for wider safety in homes. Apart from high-profile tragedies, there are daily, small and quiet tragedies taking place in terms of building safety that could, through the simple amendment already suggested by the noble Baroness, Lady Eaton, be remedied in this Bill to save lives.

As the noble Baroness, Lady Eaton, said, there are clear statistics about the profile of falls on stairs which bear repetition. They claim the lives of more than 700 people in England every year and are the cause of 43,000 hospital admissions. It is estimated that the most up-to-date British standard on stair design, if adopted, would reduce falls in new homes by 60%. Even though this standard has been in place since 2010, it is only guidance and not a legal requirement. In most new homes, it is simply not happening. Housebuilders go in packs. Unless they are all mandated, none of them will stick their head above the parapet—I hope we are not talking about the parapet that the right reverend Prelate the mentioned.

This Bill could make implementation of the standard statutory and save not only lives but misery for many people. As the noble Baroness, Lady Eaton, said, there are precedents for making such standards statutory. The standard is tried and tested and was subject to extensive consultation at the time of its introduction more than 10 years ago. The Royal Society for the Prevention of Accidents—which I thank for its briefing—has now taken views extensively on making the standard statutory in new homes. It has spoken to homebuilders, private and social housing providers, local government and fire chiefs, and no one seems to be against such a move.

The risk from falls on stairs is increasing as the proportion of older people in the population grows—I am sure that this phenomenon is of interest to Members in your Lordships' House. In addition, it is a fascinating fact that, in all age groups, feet are getting bigger. Overstepping traditional stair tread sizes causes falls. Falls on stairs are problematic for fire evacuations, yet modest increases in the size of stair treads, the provision of handrails and slip-resistant measures have a disproportionately beneficial effect. The standard can be implemented in new homes at minimal or no cost. I hope that the Minister will grasp the opportunity to incorporate this affordable, simple and effective measure into the Bill to save lives and reduce life-changing injuries.

In the other place, the Minister deferred the issue to the building safety regulator. We should not have to wait for the regulator to be established, to gather evidence to identify emerging issues in the safety and performance of buildings, including staircases, and to make recommendations to Ministers, who will consider whether change to standards or guidance is needed. That seems to me a rather long and tortuous process, when the evidence of the effectiveness of the measures and the severity of the risk is already available. The standard has existed for 11 years. The guidance has not worked. This Bill provides the opportunity to tackle these hundreds of small, quiet tragedies that happen every year. I look forward to the Minister's response.

18:00:00

Baroness Bakewell of Hardington Mandeville (LD)
My Lords, I declare my interest as set out in the register. I congratulate the Minister on his passionate introduction to this important Bill—a Bill that is the result of the terrible tragedy at Grenfell Tower. Dealing with the safety of high-rise buildings, whether they provide homes for families or offices for workers, is vital in a society that prides itself on looking after everyone, no matter their circumstances. The Bill is detailed and complex and, although it deals mainly with high-rise buildings, it has other sections dealing with local government building control.

Fire safety, regardless of cladding issues, has always been an aspect of dwellings that are likely to house occupants, whether this is an HMO or a block of flats designed for family units. Having spent some time in the past sitting on a fire authority, I wonder whether the capacity of the fire service has been considered in relation to the provisions of this Bill. As arson has decreased over the years—thank goodness—the emphasis of the fire service has shifted from mainly firefighting to mainly prevention, which is always better than cure.

There are a number of new regulators and enforcers in this Bill. There is a requirement for a principal accountable person to be specific to each building within scope. Those buildings out of scope will be dealt with by local building control. Will local authorities have sufficient capacity and financial resources to fulfil these new complex conditions? Each building will require a building assessment certificate. There will be duties to co-operate, communicate, co-ordinate and appoint competent people. I will return to this competence shortly. For each building, there are three gateways which must be completed, and certification given, before the building can be occupied. I welcome these stringent measures designed to ensure safety and save lives.

Much of the detail will come forward from the Secretary of State through secondary legislation. Trading standards will have its enforcement powers extended to meet the new regulatory requirements. I welcome this, but I wonder whether trading standards will also have sufficient resources to meet these new demands. This leads me on to whether there will be serious issues, including on construction-product testing, and the inspection, competence and skills of fire risk assessors. Ensuring a sufficient supply of fire-risk assessors, installers, building managers and responsible persons who are competent is key. How will the Government ensure that there are sufficient skilled and competent people to fulfil these vital roles?

There is the FE sector, which uses regulated qualifications to train the workforce, including vocational qualifications, NVQs. There are also many qualifications offered by several awarding organisations that can be mapped and amended to use as a platform for upskilling the workforce and to show competence. Are the right people in place to implement this? The supply of competent people to carry out these roles is vital.

The independent review into the testing of construction products has not yet been published. How can Parliament effectively scrutinise the Building Safety Bill without sight of this report? The House does not know what progress has been made to establish a national regulator for construction products to enforce new rules and ensure that the materials used to build homes are safe. Can the Minister say when is this likely to happen?

There are currently a small number of accredited certification bodies with cladding-testing sites in the UK. This means a limited number of furnaces available to test all combustible building and construction material and products, including fire doors. This has led to a delay in lead time for furnace testing. Will manufacturers, therefore, be able to ensure capacity to service the industry? Certification bodies at testing sites are managed by private sector companies, and the woodworking

and joinery sector has serious reservations about the increasing price of testing, as demand increases and there is limited supply. This could lead to increasing prices as the call of shareholders becomes louder, measured against the quality of service and provision?

As I said earlier, fire safety is not just about cladding. On 17 June 2020, the results of the 2019 fire door inspection scheme were published. There were more than 100,000 inspections on more than 2,700 buildings. Of the buildings inspected, 37% had sleeping accommodation, 25% housed the elderly and 5% housed disabled people or people with cognitive needs. From the doors inspected, 76% were condemned as not fit for purpose, and 57% were deemed to need small-scale maintenance. The top reasons for condemning the doors were: excessive gaps around doors that had not been installed correctly; poorly adjusted door closers; poor smoke seals; and non-compatible expanding foam. Only 24% of doors inspected had third-party certification and were installed and maintained correctly.

It would seem that private sector involvement in the fire safety of buildings, especially doors, has led to lower standards, as feared by the FBU. Leaving cladding to one side, properly fitted, effective doors are essential to prevent the spread of fire and provide safe havens and methods of escape during a fire. It is necessary to have sufficient qualified, trained fire inspectors, ensuring that the internal issues around fire safety are dealt with effectively, especially where central staircases are in place, protected by working fire doors. I look forward to the Minister's response to this debate, and I fully support the Bill.

18:07:00

Lord Etherton (CB)
My Lords, I also warmly welcome this Bill and the Minister's introductory words. I am also very grateful to the right reverend Prelate the Bishop of Winchester for his thoughtful comments.

I support the call by many, including the Law Society, for the Government to identify sufficient funding to cover the full cost of cladding remediation to ensure that no leaseholder faces the prospect of picking up the bill themselves, regardless of block height. However, I am concentrating on a situation in which that has not yet happened: a situation that was alluded to by the noble Lord, Lord Young of Cookham. It is probably going to take years for this situation to be resolved, either by payment of compensation to have remediation work carried out or by compelling developers to carry out the remediation work themselves. **In the meantime, there is an obviously liability that needs to be addressed by someone on whom it will fall.**

In this period of time, when there is still work to be done, and at a cost, the relations between the landlord and the tenant are governed by the terms of their lease. In cases of leases of less than seven years, there is no problem, because the landlord cannot recover the costs of repair and maintenance from the tenant. In the case of leases of more than seven years, there will almost inevitably be obligations on the landlord to repair common parts, including the exterior, but expenses will be recoverable, in whole or in part, by way of a service charge payable by the tenant. That situation is, unless something else comes into play, as I said, likely to continue for a considerable period of time.

My comments are really directed to the position of the landlord in relation to these service charges, and against the background that many small, residential, tenanted blocks of flats are owned not by large, profitable property companies but by private individuals. They are not necessarily wealthy but may have wanted some additional income—people who have bought to let or invested their

personal pension in a residential block. There may be a situation in which all or some of the tenants have bought the freehold, or indeed the common parts may be held by way of commonhold.

The issue of how these costs in relation to remediation are to be addressed in this interim period—if I can call it that—is found in Part 5 of the Bill. The effect of Part 5 is to provide for amendments to be made to the Landlord and Tenant Act 1985. I am concerned with the provisions that require the landlord to, among other things,

"take reasonable steps to ascertain whether monies may be obtained from a third party in connection with the undertaking of the remediation works and, if so, to obtain monies from the third party".

That is a mandatory requirement, not one dependent on discretion.

New Clause 20D(3), to be inserted into the 1985 Act, says:

"In subsection (2)(b) the reference to obtaining monies from a third party includes obtaining monies … pursuant to a claim made against … a developer … or … a person involved in carrying out works in relation to the building."

A further new subsection provides that if there is a "failure to comply" with that obligation,

"a tenant may make an application for an order that all or any of remediation costs are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by … the tenant".

Part 5 envisages that in this interim period the landlord is under a requirement to, among other things, take steps to see whether there is a claim and to pursue it. If the landlord—whether a he, a she or an it—fails to do so, there can be an application to the court for an order that the service charge is abated in consequence. As I see it, the difficulty with this is that it will cause the most enormous amount of dispute. Who is to say how much a landlord of the type I have described should properly spend on a claim?

Everybody is agreed—I certainly agree—that it would be quite wrong to expect leaseholders to undertake costly and complex litigation. This sort of dispute in relation to defective building work is among the most expensive, long-drawn-out and complex of all litigation—there is a special court designed to deal with it, the Technology and Construction Court.

Equally, it seems quite wrong for the landlords I have described—the private landlords, not the large companies—to have to involve themselves in exactly the same type of litigation. Indeed, I expect that, were they to do so, the tenants might well say, "I'm not going to pay because you should never have spent so much money on it". You are left with a dilemma in which steps must be taken by the landlord in relation to potential third-party claims, but there is no indication at all of what would be reasonable. How much money should be spent? For how long should the claim just be advised upon? How long should it continue?

There is a provision that:

"The Secretary of State may issue guidance about the taking of steps under subsection (2),"

which I have referred to,

“and may revise or withdraw any issued guidance … proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such failure.”

I urge the Minister and the department to consider very carefully indeed whether it is appropriate to require all landlords to take those steps as a mandatory matter in view of all the costs and the absolutely inevitable dispute between tenants and landlords in relation to who is to bear those costs as reasonable service charge costs.

One solution might be to provide in the guidance, if not in the Bill, that the amount to be spent will be reasonable if it is limited to, let us say, a proportion of the annual rents. There must be some kind of qualification to prevent yet more disputes and more distress.

18:15:00

Lord Naseby (Con)
My Lords, it has been my privilege to be involved in public and private housing for over 50 years now. I was chairman of the housing committee in the London Borough of Islington from 1968 to 1971 and represented Northampton South—the main, central part of Northampton—on a fourth-generation development plan. I looked back on the Bills that have passed since I got into Parliament in February 1974 and can think of no Bill more important than the one before us. Having done that little bit of research, I am thankful that my noble friend on the Front Bench will take charge of it and see us through the challenging package ahead of us.

I want to pick out one or two areas that have not been spoken about this evening. Property protection is not a consideration of the fire safety building regulations. Currently, the fire safety building regulations are based on a consideration of life-saving only—and quite rightly so. The life-saving limitation means that the sole focus of the fire safety building design is the safe evacuation of all occupants in the event of a fire. While life safety is clearly paramount, the consequence of this approach is that it leads to the design of disposable buildings—not the most technical term in the world—which too often results in disproportionate damage when fire strikes. My understanding is that Her Majesty’s Government have commissioned some research to assess the merits of a property protection consideration. I hope we can discuss that in Committee, and I look forward to taking part in that discussion.

Being at the ripe age of 85, I was going to say something about safer stairs, but my noble friend Lady Eaton covered it more than adequately. I back her up and will be happy to join her if she tables an amendment to enshrine British Standard 5395-1 in law. I will support her on that.

I came relatively fresh to this whole business; obviously, I was well aware of the tragedy of Grenfell. The more I look it, the more I think we now seem to be in slight danger of differentiating one type of leaseholder from another. In a Bill as comprehensive as this, that would not be a sensible move. Fundamentally, all leaseholders—whether owner-occupiers or individual landlords—should be treated equally. Not to do so is not only unfair but, I suspect, unnecessary. Buy-to-let landlords and owner-occupier leaseholders face the same problems with developers, through no fault of their own. We also find certain developments where there is a mixture, so in my judgment it would be invidious to deal with just one category rather than another.

On the Bill as it stands, the "golden thread" referred to by Judith Hackitt in her final report is very welcome. It seems so vital. I have had the privilege of working in the aviation industry and being an RAF pilot. Every plane that is made has a logbook and a life history of that plane. We see how vital that is, even in today's world with sophisticated engineering, given the tragedy of the recent Boeings that crashed. You need that history to know how to change and develop. I think it will be welcomed by the industry.

I also looked at the construction products and testing facilities. Some industries test at great length, but I am afraid it is very weak in this industry and we really need to toughen that up. The original problem at Grenfell probably lay with that cladding and its combustibility.

That is enough from me, other than just to make one point. The Bill needs to be implemented successfully. There needs to be a situation in which industry is fully prepared to operate under the new regulatory scheme and it is very important for industry to be provided with clarity and timescales. I know the Secretary of State feels very strongly about this but in my experience, as someone who has been in politics a long time, it is no good shouting at people; you have to work with them. You have to be a bit devious and find a way through the back door. I urge my noble friend to persuade his right honourable friend to do just that.

18:21:00

Lord Foster of Bath (LD)
My Lords, I begin by again offering my condolences to the friends and family of those who died in the tragic Grenfell Tower fire and remind the House that, like my noble friend, I too had a brief stint in DCLG as the Minister with responsibility for building regulations. Like all noble Lords who have spoken already, I am broadly supportive of the Bill so, with the limitations of time, I just want to raise three issues that I think should be included in the Bill and will help the Minister achieve his objective of making it the best possible Bill.

The Bill makes provision for the safety of people in or about buildings and the standard of buildings, so we should be considering the impact of poor-quality homes on the safety of the people who live in them, a point raised by the noble Lord, Lord Crisp, and by both right reverend Prelates. However, the Building Research Establishment's chief executive claims:

"Millions of individuals and families are living in unhealthy housing—a reality that is having a huge impact on the NHS."

According to one study, that costs the NHS in England alone £1.4 billion a year.

Even more worrying is the number of deaths caused by poor-quality homes. Based on the most recently available ONS figures for excess winter deaths, the fuel poverty charity National Energy Action has estimated that well over 8,500 people died from cold in the winter just two years ago, with the charity's CEO, Adam Scorer, commenting:

"Low incomes, high energy costs and poor heating and insulation all combined to leave them in conditions which were unfit to help them survive the cold weather."

Of course, given the significantly rising fuel bills that we now have, we could see even higher death rates in future years unless action is taken.

We still have over 13.5 million homes deemed below band C on the energy performance rating. Over 3 million such homes are occupied by families deemed fuel-poor—people who simply cannot afford to stay warm. Given that the impetus for the Bill was the tragic Grenfell fire, we should also recognise that the number of poorly insulated homes is rising as dangerous cladding, which provided heat insulation, is removed from other blocks, leading to newspaper headlines such as:

"The tower block where they put foil behind the radiators and wear dressing gowns all day to keep warm … this is life in Malus Court"

as that tower block is stripped of its cladding. A major energy insulation programme is urgently needed.

The Government have already set themselves two extremely welcome targets. First, all fuel-poor households should be brought up to EPC band C by 2030 and, secondly, all other households should be brought up to EPC band C by 2035. However, to give the industry the confidence it needs to invest, these targets should be enshrined in legislation. We have heard today, and had it confirmed half an hour ago in the Minister's letter to us all, that placing targets in law is right for the levelling-up programme, so I certainly believe it is right for the home energy efficiency target. I have a Private Member's Bill to this effect, but I would be very happy to hand it over to the Minister so that he can include it in this Bill, so that the Government's promises are turned into legal realities. I look forward to his reaction.

I turn to another issue. The disastrous fires at Grenfell Tower in 2017, Shepherd's Court in 2016 and Lakanal House in 2009 were all started by faulty electrical goods. Electrical Safety First has calculated that in the last five years there were 1,169 fires in high-rise blocks of flats attributed to faulty electrical domestic appliances. It has undertaken investigations into the safety of electrical products sold online, finding that 14 out of 15 electrical products randomly purchased online were unsafe. It found white goods that had been recalled by the manufacturer because they were potentially unsafe still being sold to consumers on online marketplaces. The Office for Product Safety and Standards reported that of 29 unsafe electrical products it had identified, 27 were listed for sale on online marketplaces.

The Government say in their UK product safety review that they are

"committed to ensuring that only safe products can be placed on the market now and in the future",

but it seems these fine words do not apply to the increasing number of electrical goods bought online. Electrical Safety First believes the current regulatory provisions are inadequate. The NAO refers to

"gaps in regulators' powers to regulate online marketplaces"

The PAC shares the same view, noting that

"under current legislation, online marketplaces are not responsible for the safety of products sold by third parties on their platforms."

Can the Minister explain why

"ensuring that only safe products can be placed on the market"

appears to apply to shopping on the high street but not to online marketplaces? Will he use the Bill to remedy this omission? At the same time, can he explain why, contrary to the promise in the social housing White Paper that standards in social housing should be the same as in private housing, a private landlord has to ensure the safety of electrical installations but a private residential owner or social landlord does not? Does he acknowledge these problems and, again, does he accept that the Bill could be used to solve them?

Finally, picking up on a point just raised by the noble Lord, Lord Naseby, and earlier by my noble friend Lady Brinton, I suggest the Bill should address the perverse situation under the building regulations whereby if all the occupants of a building escape safely from a fire but the building is totally destroyed, the outcome is considered a success. This "life safety limitation" provided by the regulations, which significantly influences the design of buildings, should be revised. After all, the outcomes of the Worcester Park and Beechmere care home fires in 2019 and the Bolton Cube fire in 2020 were surely not successes as 23 families, 150 residents and 200 students lost their homes and property.

This should be changed by making a proportionate property protection consideration part of the basis of the fire safety building regulations, requiring a legally enforceable but flexible system for fire safety building design, appropriately tailored for all types of building and delivered through guidance on the appropriate use of, for example, compartmentation and active fire suppression systems to restrict fire spread. I am grateful that the Minister has already started a review of that; I look forward to hearing what it says. While many details need clarification and there are omissions that need to be added to the Bill, this is an important Bill and I commend it.

18:29:00

Baroness Bennett of Manor Castle (GP)
My Lords, I believe I can make this a full cross-House welcome for the Bill—rather a rare occurrence. I join others in warmly welcoming the tone of the Minister's speech. With its regular repeats of the campaigners' hashtag "polluter pays" and the promise to take on board proposed amendments from your Lordships' House, it truly is a breath of fresh air. I can only congratulate the Minister and the Government.

I note how this shows that campaigning works. After uncountable long hours of effort from affected residents, petitioning, marching, letter-writing and social media campaigning, the people who, through no fault of their own, find themselves in unsafe, faulty, terrible standard buildings are today being heard in your Lordships' House. I hope that they will get some sense of repayment from that. If only the residents of Grenfell —who before the terrible tragedy tried so hard to get officialdom to listen to their safety concerns—had been listened to, then 72 people might be alive today. There is a lesson there that I hope Ministers will take note off. Experts by experience are indeed experts about their lives and environment and need to be listened to.

As so many speeches thus far have demonstrated, there is much to do in improving the Bill, ensuring that it covers all the dangerous buildings that it should, particularly those occupied by vulnerable residents, as the noble Baroness, Lady Hayman of Ullock, highlighted, as well as the crucial issue of fire doors, as highlighted by the noble Lord, Lord Stunell, and many others. What could be more basic and surely solvable than that? As many other noble Lords have noted, a lot of the focus has been specifically on cladding, but there are so many other issues, and it is crucial that the Bill does not become overly focused on cladding at the cost of those other issues. Following on from the noble Lord, Lord Foster of Bath, who talked about fire suppression systems, there has often been an ideological resistance in the UK to sprinklers, but we really need to rethink that for many types of

buildings. On the structure of the Bill, the idea that housebuilders will just hand over their ill-gotten gains to cover the damages at the Government's request is surely a fantasy. The Bill needs to demand full, complete recompense.

However, rather than running down the already well-travelled list of the ways in which this Bill needs to be improved, I will briefly take a broader view. I cannot help thinking that the Bill Office was perhaps demonstrating a better quality of engineering than many buildings in putting me after the noble Lord, Lord Foster, given the point he made about building safety more broadly and cold homes—I would add to that homes that overheat, given the increasing number of heatwaves that we will experience in the climate emergency—being a risk to life which should be covered in this Bill.

We have the poorest quality housing in western Europe—draughty, poorly insulated and expensively relying on gas for heating and cooking, which has, as we increasingly understand, significant health impacts as well. I foresee long conversations with the Bill Office about scope, but a home that kills its vulnerable resident with excessive heat, or that sickens and kills them through biting cold, is one that is deadly. That has to be a building safety issue. This is an issue that the Government seem astonishingly reluctant to tackle after their green homes grant fiasco. I note that the big announcement today on levelling up fails to address this issue—astonishingly, given how much of a factor it is in the terrible quality of life and the poverty in so many of the areas in this country that the scheme is supposed to address.

The Bill also needs to at least start to address the enormous systems disaster that is the building sector. I have no doubt at all that, this morning, inadequately trained workers were putting the finishing touches on buildings that are dangerous and that will be moved into by unsuspecting residents—or possibly suspecting residents, who still have no choice in the matter. The CEOs of our mass housebuilders should be forced to have the speech of the noble Lord, Lord Best, embedded on their phones, playing morning and night, to show them what society thinks of them and their companies. They have operated for the profit of the few at the cost of the rest of us, as in so much of our society. That financialisation has to be challenged, treated as morally unacceptable and made legally impossible. I acknowledge that this is something that we cannot fix just with this Bill, however much your Lordships' House improves it—and I am sure that we will improve it massively.

It is interesting to take a global perspective and see the other parts of the world with building safety crises similar to that in the UK. In the US, in Florida, there was the dramatic, awful, deadly Champlain Towers South collapse, which was recently explored in-depth by the New York Times. It demonstrated that in the building boom there in the 1980s, regulatory corners were not cut but rather bulldozed through, and now there is a legacy of incredibly dangerous buildings in an incredibly difficult and dangerous environment. In Australia, the University of New South Wales's City Futures Research Centre looked at 635 apartment buildings in Sydney. Its report—called Cracks in the Compact City, if noble Lords want to look it up—found that 42% of blocks had water problems, 26% had cracking problems and 17% had fire safety issues. One building, built just six years ago, was in danger of immediate collapse.

What ties together these countries? Neoliberal politics and, attached to that, a particular ideology that "cutting red tape" is how to set societies on a better way forward. It is important to highlight that because, as we are here in your Lordships' House today, we see the Government embracing the need for regulation, forced by tragic circumstances and dedicated campaigning. They are accepting the need for so-called red tape, which actually forms the rules that keep us and the environment safe.

At the same time, we have a press release from No. 10 that tells us that a

"'Brexit Freedoms' Bill will be brought forward to end the special status of EU law and ensure that it can be more easily amended or removed".

It tells us there will be a

"Major cross-government drive to cut £1 billion of red tape for businesses".

Applying that approach is what forces us to be here today, trying to rebuild essential systems of regulation that were slashed away in an orgy of deregulation. We can do much today to force the repair of walls, the replacement of fire doors and the renovation of dangerous balconies. Changing our economic and government system is a much bigger task that this Bill demonstrates is urgently needed.

18:37:00

Baroness Featherstone (LD)
My Lords, I too welcome the Bill. I say to the Minister opposite that if he takes on board all the wonderful knowledge, expertise and advice that has been offered to him today, he will have a sensational Bill.

Lord Khan of Burnley (Lab)
It would be a very long one.

Baroness Featherstone (LD)
That is okay, we have the time.

I want to illustrate a number of issues by bringing the actualité of one small block of 45 apartments in Guildford that was just completed in 2016. The block is not 18 metres tall, but it is facing a raft of costly issues to do with fire safety. The End our Cladding Scandal group highlighted these problems because, as it said,

"There may be more funding for cladding … but the burden of paying for repairs for other serious safety defects—lack of compartmentation, missing fire breaks, shoddy building work—has still not been lifted from leaseholder shoulders, whatever their building's height."

This Bill is such an opportunity to do the right thing.

Leaseholders and shared owners in this block have been aware since early on of several issues—snagging, I guess you would call them under normal circumstances —but then came the tragic and terrifying fire at Grenfell. Since then, there have been many concerns over the fire safety of these apartments. It is the case that Metis Homes wrote to confirm that the cladding material was not the dangerous type used on Grenfell. However, in late 2019, mortgage companies were requesting EWS1 forms—external wall system surveys—in order to grant loans against any property that had cladding. While the legal requirement was only for buildings over 18 metres high, which the block that we are talking about is not, none the less, those same mortgagees required EWS1 forms of the residents of this block. In June 2020, they were given a B2 rating—a fail—because although the cladding was fine, the fixing method and the insulation were not. Also noted were the lack of fire barriers—compartmentalisation—and the wooden balconies. It has been very difficult, nigh impossible, for residents to get clear, detailed information on any fire safety risks to the apartments. The builders, Metis, and John Lewis/Waitrose, which owns the retail space below the apartments,

have all completed an invasive survey, but will not disclose the information to the residents. Can we not make access to such information mandatory?

The block of flats had its AGM last week. It is clear from the information provided to residents at that AGM that the fire safety issues for the apartments are extensive and the likely cost of remedial work is £5 million. The developer, Bowmer and Kirkland, is unwilling to accept liability, and therefore the cost of the works is likely to fall on the residents. However, as I said, the fire issues at the apartments relate to insulation and how it has been glued to the building, not the cladding; therefore, I do not believe they will be able to benefit from the remediation funds being made available as part of the Bill. Surely such defects should be covered, not just the cladding: a fault is a fault and danger is danger.

Residents were also informed this week that an enforcement notice has just been served by Surrey Fire and Rescue Service because not enough action has been taken by the management company and, as a result, alarms are going to be installed. Where is the cost to the management company for not taking appropriate action? Where is the forcing mechanism? There must be detriment to the management for lack of proper conduct.

To make matters worse—and this is a relatively small bill—the cheapest quote was £29,000, and that includes 2.5% of managers' costs, and the residents have been advised that the cost will be split between private and social housing residents, with the former paying £600 and the latter £1,200. The housing association has said that it will cover the £1,200 but has given no assurance that it will not recharge it back to the shared ownership residents via rent or service charges. As a result of the uneven split in charges, there is real concern about how the £5 million remedial bill will be split. Even if the £5 million were split equally between the 45 apartments, that is £104,000 each, which is a massive sum that is likely to be unaffordable for the leaseholders, especially shared-ownership leaseholders, who, on average, paid £200,000 for a 50% share of their apartment and often used all their savings to do so.

In the Commons debate on the Bill, the problem of leaseholders facing other fire defects was raised and the Government were questioned on whether they would extend legal protections afforded by the Bill to them as well. The Minister replied:

"We will work with parties across this House—across both Houses—and with interested parties to ensure that these issues are properly understood and debated."—[Official Report, Commons, 19/1/22; col. 381.]

I suggest to the Minister that understanding and debating are not enough: that will not change things. The Government must bring forward amendments—assuming they do not accept all of ours—attributing costs to those responsible. That has to be the way forward.

As far as I can tell, nothing in the Bill would address a plethora of other fire defects. More pertinently, some of these residents are terrified. They have already had a fire. How that fire started is unclear, but the automatic opening vents failed. It was only because a resident heard an alarm going off inside a neighbour's flat and went to investigate that more damage was not done and lives were not lost.

Those residents—and no doubt thousands experiencing the same things across the country—urgently need legal protections within the Bill extended so that they are not left to foot crippling bills that should be paid by those responsible for the defects. The potential economic and human cost of not providing this protection is huge and totally unacceptable.

18:43:00

Baroness Grey-Thompson (CB)
My Lords, I, too, welcome the Bill. I am not a housing expert, but I have been motivated to speak in this debate due to the significant number of disabled people who have been in touch to express their serious concerns. I declare my interests. I am president of the LGA and, when in London, I stay in a block of flats. This debate has made me strongly consider my personal safety.

Like others in your Lordships' Chamber, I have received many emails about the costs of remedial work and the impact on people's lives. It has become apparent that many disabled people have become marooned in their flats, which they, like others, bought in good faith. Disabled people spend an enormous amount of time thinking about accessing and egressing accommodation. They have to take account whether there is a fire lift or whether the lift gets turned off in an emergency. They have to think about evacuation procedures, such as whether it is safer to remain in their flat or to leave; whether there is a refuge or place of safety—they are quite different things—and whether to choose to use an evac chair or an evacuation sledge. That is a difficult choice, as the latter means, for me, giving up my only means of mobility. It is not stepping out of a pair of shoes.

I know from personal experience that finding accessible accommodation that is also affordable and vaguely near where you want to live is incredibly difficult, and you can then become tied into it. Any disabled resident living in a flat under the Regulatory Reform (Fire Safety) Order 2005 has been entitled to have a "suitable and sufficient" fire risk assessment, but one disabled resident who got in touch with me told me that the initial advice in case of emergency was to stay in their flat, but when they sought independent advice they were told to leave because, for the particular block of flats they lived in, if they were there for more than 20 minutes, their chance of survival was severely reduced.

A recent article in the Disability News Service stated that the Government had awarded to CS Todd Associates the contract to produce new fire safety guidance. The same consultants stated in 2011 that it was "usually unrealistic" to expect landlords to put in place arrangements for disabled people to evacuate blocks of flats in the case of an emergency. It also wrote the LGA guidance, which had to be withdrawn, and the British standard, which also had to be withdrawn.

I am also very concerned by comments that have been sent to me by a member of the Fire Safety Forum. I apologise if the comments have been taken slightly out of context, but they do need interrogating. A member of that forum wrote about "what fun" they would have

"watching Rudetube videos of the poor disabled people crawling on their hands and knees down smoke filled corridors when the common parts of the fire alarm system operates to tell them to get out in to the corridors because there is smoke in there. It all promotes equality, because the able bodied people will have to go on their hands and knees too when the smoke layer gets too low, rather than staying in the safety of their flats."

I am happy to share the links with the Minister and his team. The name alongside those comments is Colin Todd. Even if the word "unrealistic" has been misunderstood or poorly defined—because I recognise the complication of providing a plan in what can be difficult and changing circumstances—it feels as if disabled people are being told that they should not get in anyone else's way and do not have a chance of evacuating the building.

I understand that the Minister has responded to the request to look into this and said that the contract was awarded according to the correct procedure. I learned this afternoon that a letter has been sent on behalf of some disabled residents to the Home Office asking that the award of this contract be rescinded.

On researching for this debate, I was reminded that, many years ago, I was on a plane and—please bear with me—I was going to an athletics competition. Without anyone ever telling me, I always knew that the chance of me getting off a plane in an emergency was virtually zero. That is why I taught my daughter, from the point she could understand—probably about 18 months old—that if we were ever in that situation, she had to get herself off the plane. On this particular trip I had given up my day chair, was in my seat right at the back with other athletes, and a member of the cabin crew came to tell me that if the plane went down, not only was I not going to get off, but I should not get in other people's way. Furthermore, no one from the crew, whatever the circumstances, was going to come back and help me off. This is how disabled people feel in these circumstances.

I cannot begin to imagine what anyone went through on 14 June 2017, and I thank the noble Baroness, Lady Sanderson of Welton, for her incredibly moving speech. As reported by Disability Rights UK on 31 March 2021 on the evidence sessions:

"Fifteen of the 37 disabled residents"—

of Grenfell Tower—

"died in the fire that killed 72 people".

That means that 40% of the disabled people who lived in the tower died.

So I ask the Minister: can he understand why disabled people are so angry, and is it not reasonable that a disabled person should have a plan and have at least a chance of getting out of a building in an emergency? When will Her Majesty's Government be releasing the outcome of the consultation on personal emergency evacuation plans, which closed on the 19 July last year? Finally, will the Minister offer his reassurance that he will do everything possible to protect disabled people through this Bill as, at the moment, there is little reference to them?

18:49:00

Baroness Jolly (LD)
My Lords, I feel privileged to follow that speech but also somewhat at sea, so I will default to what I was going to say anyway.

The Government's Notes describe the Bill as:

"A Bill to make provision about the safety of people in or about buildings and the standard of buildings".

As we have heard, it was introduced to avoid life-changing horrors such as we witnessed with the Grenfell fire, causing the death of 72 residents. I would not want to diminish the significance of that disaster, but we ignore another issue that has been taking place in homes for years: falls on the stairs. They are a hidden killer, claiming the lives of 700 people in England every year, with a further 43,000 admitted to hospital. Staircase accidents do not make the news. While tragic disasters such as the Grenfell fire quite understandably horrify us when they occur, staircase falls happen so

regularly that they go completely under the Government's radar. I should declare my interest as another member of the RoSPA presidential team.

For every hospital admission caused by a burn, there are 235 caused by a fall. That is why I am tabling an amendment to the Bill to ensure that staircases in our homes are built to the correct industry standard, BS 5395-1. It has existed since 2010. It has been thoroughly tested, evidenced and assessed by industry, and, as the Minister will confirm, it has been tested by government. However, having been introduced, it was never enshrined in law; it exists only as a standard and, as such, is just a recommendation.

RoSPA, which for over a century has led the way in taking an evidence-based approach to mitigating and managing risk, has consulted widely with house builders and industry bodies. The amendment that I will be tabling has the backing of the housing industry, including the Berkeley Group and Orbit Housing, because building firms recognise that the existing British Standard 5395-1 would make stairs safer at almost zero excess cost. It would also create a legal benchmark and a level playing field for everyone.

The difference between staircases built to the British Standard and most other staircases is minimal to the naked eye, but hugely significant. The British standard requires a larger surface area for the foot to tread and places a maximum steepness on the height of each stair. It also mandates a handrail on both sides. These simple changes reduce the risk of falling by an absolutely staggering 60%. The fact that such an industry standard exists but is not widely used is beyond belief. Countless lives would be saved and so much heartache avoided if we simply enshrined this simple standard in law. Very few amendments to Bills are as uncomplicated and straightforwardly beneficial as the one that I hope to table. It would save more lives than anything else in the Bill. I feel privileged to be part of an organisation that has saved thousands of lives over the last 100 years, and it is no exaggeration to say that this amendment could save thousands more.

Stair accidents are a silent killer because by their very nature they do not make headlines; they happen one at a time, usually to older people, and they are so commonplace that we take them for granted. Staircase deaths occur incrementally, so that only by viewing the bigger picture does the scale of the problem become clear. Making stairs safer by design is essential for ensuring that future generations do not die on the stairs at the alarming rate that our generation does. By outlawing the use of unsafe stairs in new builds, the problem would be steadily weaned out and a fresh page turned.

Given the focus on new builds, we think this would be straightforward; it would cost nothing extra but would save countless lives. I would be delighted if the Government supported the amendment that I am going to table, which calls for the Secretary of State to consult on regulations requiring staircases in new builds to comply with the British standard. If the Minister would like to meet me, I would be delighted to discuss this further.

18:54:00

The Earl of Lytton (CB)
My Lords, all these wonderful speeches are a hard act to follow. I declare that I am a fellow of the Royal Institution of Chartered Surveyors, a valuer and a patron of the Chartered Association of Building Engineers, so this is familiar territory. I very much welcome the Bill and the opportunity that it presents to discuss the issues. I thank the Minister for his comprehensive introduction, his engagement, his openness and above all his vigour. However, I believe the Bill needs improvement in scope and function.

First, a bit of advice. The Minister's letter of 20 January suggests that the department will investigate the governance of RICS. With respect, that ship has sailed. Following a report by Alison Levitt QC, the noble Lord, Lord Bichard, was asked by RICS last December to look into its governance and purposes—so, as ever, we should wait for that report.

The Government should be wary of criticising insurers, managers and valuers for overreaction to safety risks. Proportionality is based on good information and consistent technical advice, so the withdrawal of the consolidated advice note and its replacement with PAS9980 does not necessarily put the genie back in the bottle. Perceptions of risk pervade the property sector. Valuers reflect but cannot uninvent market sentiment. RICS sets standards for consistent analysis and reporting but cannot override the market, which is why, with full support from valuers and the wider industry, it retains the application of EWS1, including low-rise buildings with cladding, and has published a detailed justification.

Noble Lords may recall that a low-rise modern block of flats in Worcester Park was completely destroyed by fire in September 2019—unrelated to cladding, I understand, and, thankfully, nobody was injured. While human life is of first importance, instances of total loss of buildings influence insurance risk. Cladding apart, as we have heard, compartmentalisation, fire stopping and so on are issues regardless of building height, so it is self-evident that low rise does not of itself negate the risk to buildings and occupants, which is why the scope of the problems has grown.

The Bill will create the role of "accountable person". Dame Judith Hackitt's recommendation that there be a single individual is logical in administrative terms, but people are now nervous about taking on that responsibility. Residents' management companies are often populated by volunteers, few with knowledge of building construction and maintenance. Collective freehold ownership and commonhold do not resolve this issue, so management professionals are extremely concerned about this.

My next point is about accreditation, particularly of those who have reason to design, specify, supervise or carry out works to residential properties, most especially those forming part of larger buildings. That certainly needs to be tightened. As HSE is now to have oversight of responsible persons, it should be working with all professions and accreditation bodies to ensure consistent standards without excessive cost.

My main point, however, is about financing the remediation of dangerous cladding and other fundamental defects in construction. I welcome the Government's announcement to protect leaseholders from remediation costs. However, the details and scope are as yet unclear. Without a range of mechanisms for raising the necessary funds quickly, leaseholders may well continue to live in unsellable, risky and high-cost buildings.

The Government demand that industry steps up to the mark and voluntarily pays for its mistakes, but I remain concerned about reliance on that. Whatever welcome pledges of support are made, the Government need to ensure that they are bankable at an early date, so that any necessary fallback measures can be enacted in the Bill.

It is obvious that remediation of unsafe buildings must proceed with redoubled urgency, and unaffected buildings need to be signed off rapidly, so scaling up the inspection capacity is vital. Innocent leaseholders of all types—I make no exclusions—must be protected from the costs of remedying critical construction defects. They have purchased in good faith on the basis of fitness for purpose, and I do not exclude social landlords.

We need to concentrate minds. Responsibility for serious defects in original construction or refurbishment rests squarely with those who designed, specified, constructed or supervised the works, or who made false claims for construction products. Those responsible should not be allowed to collectivise their liability through an overall levy and thus avoid individual blame, or the culture will simply persist. The taxpayer should not fund this, other than to ensure a legislative framework, robust administration and the early generation of remediation funds, and to provide a fallback where all else fails. Funds already allocated should be for bridging and safety-net purposes and not deplete other areas of departmental funding. Protracted legal proceedings and justice according to bank balance must be avoided. This should be overseen by an independent national entity, although the joint inspection team may have a role in assessing buildings and collecting evidence.

These are the principles behind what is known as the polluter pays amendment, which has been gathering momentum for some months. I pay tribute to the Minister for his engagement with this and to those whose persistence has developed the concept to an advanced stage. I hope the Government will adopt it. Polluter pays would create strict liability where it is found that buildings did not meet relevant standards at the time work was carried out. That liability would cover interim safety measures and insurance premium increases. Once defect and involvement are known, liabilities towards owners would be established on a joint and several basis, so blame would not need to be apportioned. It would provide a relatively simple appeals system via the First-tier Tribunal to prevent leaseholders facing an unequal contest with large corporations. These liabilities need to be taken on the chin: no tax breaks, side deals, concessions or sweeteners—just the same transparent rules for everybody.

Successive Governments may have failed to regulate adequately after the Building Act 1984, but that Act did not remove anything from the principles of the building regulations, the British Standards Institution, codes of practice and other documents. Since 1965 the requirements have been clear, but elements of the construction industry have simply evaded obligations and everyone knows it.

We cannot allow the responsibility of the neglectful few to burden society at large or damage the wider industry reputation, or we will never deal with the perverse incentives to cut corners long term. The human toll is acute and practical imperatives need high standards of corporate ethics, shouldering of responsibility to rebuild sectoral confidence and, above all, speed. This need has never been greater. I look forward to working with the Government to seize the opportunity for real and lasting change under the Bill for the relief of freeholders, for national credibility in construction and in the interests of justice.

19:02:00

Baroness Fox of Buckley (Non-Afl)
My Lords, it is a pleasure, though daunting, to follow the noble Earl, Lord Lytton, who has been a fount of knowledge on the issues in the Bill. It is a significant Bill, one which many have been waiting for, because its provisions will have far-reaching consequences for so many householders and the whole industry of building construction. It is also a very technical Bill, which I have struggled with and am unlikely to be able to contribute to in detail in Committee. However, for Second Reading, I thought my recent experience as a leaseholder might be useful.

In April 2020, in the depth of the first lockdown, there was a house fire in my council block of maisonettes in Haringey. The fire rapidly spread across the roof of the block and created a huge blaze. Thankfully, no one was hurt, but 17 fire engines and a lot of shaken up people later, the whole block had suffered major water damage. I and all the families were evacuated and we thought that

would just be for a couple of months. In reality, the due date for return is this April, two years after the fire. This delay has had a devastating impact on many people, my neighbours more than me. The reason I am telling noble Lords this is not for sympathy but to note that sometimes it is not the safety of a building, or even the fire, that causes the suffering, but the officialdom that handles it. In this instance, the context was Covid restrictions and a safety-first approach that became an excuse for inexcusable inaction and inhumane indifference. An atmosphere of excessive precaution over the coronavirus led to a local government housing department seeming to seize up and consign leaseholders and tenants to being made effectively homeless for two years.

I tell this tale because one concern I have is that there are always dangers in responding to something as horrific or emotional as the Grenfell tragedy—a danger that we bend the stick and focus on zero risk and safety first above all other considerations. This can lead to unintended consequences, so now there is a scramble to require building owners to review a fire-risk assessment on all residential buildings. But this can be a time-consuming and expensive business. Most importantly, we need to ask whether it is proportionate or necessary on such a wide scale.

Southwark Council has recently announced extra-intrusive fire safety checks in hundreds of its high rises, involving not only surveys of outside buildings and communal areas but the council being able to

“enter homes with a camera.”

It also

“may need to open up walls and ceilings.”

This is not because of any defined risks; it seems to me that it is an exploratory “just in case” fishing exercise. While it is posed as putting tenants’ safety first, we must ask whether this sort of action, which is massively disruptive for households, addresses the top safety threat to people in south London. The LGA has noted its concerns about these new financial burdens and the impact of such surveys and all the remediation that has to happen on social housing blocks. It warns that the burden for this

“will fall on council housing revenue accounts and housing associations, punishing social housing tenants and those on the waiting list.”

The point is that the vast majority of homes in the UK are safe. The Minister himself noted in his very helpful letter that evidence suggests that only a small proportion of fires in high-risk buildings escape the room of origin, and that there is a general downward trend in the number of deaths from fires in people’s homes over the last two decades. Thank God for that. Overall, the evidence shows that risk is low across all accommodations and buildings. Partly, we need to consider whether blanket mandates affect priorities and resources.

The LGA queries whether height is an effective determinant of risk or too simplistic, sometimes neglecting other factors such as vulnerability of occupants. This catch-all also treats all buildings of over 18 metres as dangerous when they are not, forcing the use of

“scarce resource unnecessarily which could be deployed to life-saving effect elsewhere.”

The mandate to investigate every building and for historical remediation to happen is explained as a way of reassuring residents and leaseholders that their homes are safe, rather than it being a

necessity. I worry, however, that sometimes reassuring measures might inadvertently create a disproportionate sense of escalating fear among the public. I suggest, therefore, that we do not allow the horrors of Grenfell and the egregious negligence there to create the impression that we should all be fearful in our homes all the time. That is one reason that I am glad the Bill stresses throughout that the new building safety regime will be proportionate rather than overuse the precautionary principle.

The phrase "health and safety gone mad" might be a caricatured take on those who are cavalier about regulations and whether there are some destructive features of health and safety culture that can lead to, for example, a focus on myriad possible risks rather than clearly defined dangers, and a micromanagement of unknown risks, with everything seen as a potential hazard. This can lead to a defensive focus on compliance and the proliferation of petty regulations that mean we lose sight of the regulations that really matter. In turn, all this might lead to formalised procedures in which box-ticking can usurp human judgment and create an army of new box-ticking bureaucrats and a new industry of layers upon layers of regulators, with new roles that can be very confusing. Already, we can see that these new layers of bureaucracy are creating a skills crisis and a capacity problem.

Of course, I am keen to see more fire engineers, surveyors and so on, but with the new focus on competence and the upskilling of those presently involved in building construction, we must avoid also suggesting that there is widespread incompetence. I worry about inadvertently demonising the 2 million people involved in the construction industry. I urge noble Lords to avoid characterising the majority of contractors, designers, builders and architects as incompetent cowboys cutting corners. Is this name-calling not just another part of blame culture? It might be that I have a disproportionately high number in my family who work in the construction industry, but I do think we need a balance.

This industry is crucial to building the desperately needed new homes, hospitals and factories and to making the levelling-up agenda concrete. We do not want them all demoralised, stuck in endlessly continuing professional development seminars, tangled up in—yes—red tape and treated with suspicion as dodgy, hostile players by the public. We must resist the temptation, therefore, to demonise everybody in this game.

The Deputy Speaker (Lord Lexden) (Con)
My Lords, the next speaker, the noble Baroness, Lady Harris of Richmond, is taking part remotely. I invite the noble Baroness to speak.

19:10:00

Baroness Harris of Richmond (LD) [V]
My Lords, never again must we be faced with the shocking sight of a tower-block of flats being consumed by raging flames. We watched in horror those devastating scenes, and later listened to the harrowing stories from the survivors of that awful conflagration. Their stories are seared in my memory, and I echo many noble Lords' comments on this.

This Bill proposes welcome improvements to regulations, which should have been foreseen long ago and acted on. It is to our shame that it has taken the loss of the lives of 72 people for us to see what a terrible dereliction of duty the whole building establishment had allowed to occur over many years. We watch today, almost five years on from the appalling Grenfell tragedy, cladding that was known at the time to be lethal still having to be removed from high-rise buildings, because only now are the Government facing up to their responsibilities and offering help in the shape of a £5 billion fund for those living in the most vulnerable or, as the Bill puts it, higher-risk buildings.

It also proposes revising the regulatory framework for construction products, I therefore hope that we will never see the likes of Kingspan, which provided much of the insulation in the cladding on Grenfell Tower, being a chosen business. That insulation, Kooltherm K15, was known to be lethal and Kingspan's employees knew it too, as the inquiry found out. Another company, Celotex, used hidden, non-combustible boards to make sure that it got through safety checks—and so it goes on. We can only hope that the Bill will prevent rogue companies such as these getting any building contracts for this type of work ever again. Can the Minister assure me that the new building regulations will root out those contractors long before they can be allowed to build again?

The current Secretary of State for Levelling Up, Housing and Communities, the right honourable Michael Gove, has finally woken up to the fact that the Government's proposed loan scheme for all the remediation work was a complete non-starter, and stated that no householder living in their own flat would have to pay a penny to fix unsafe cladding. He gave the building industry, as we have heard from the Minister, two months to agree to a financial contribution scheme, but only for buildings between 11 and 18 metres in height. Has the industry agreed a suitable financial contribution? What is going to happen to the thousands of leaseholders of flats that are less than 11 metres high, who also have to face the cost of removing their unsafe cladding? Will the Government ensure that they, too, are compensated, after years of trying to get housing associations and private landlords of these properties to take responsibility for the removal of the cladding? Those tenants have for far too long been ignored and vilified for asking too many questions and making a fuss.

Reading the Bill, it seems to me that there are large number of scrutineers of future building projects. I worry that it could be a case of too many cooks being able to mask rogue elements of the building trade, allowing them to slip through the regulatory net. As my noble friend Lord Shipley has stated, there are the Building Safety Regulator, registered building inspectors, the Building Regulations Advisory Committee, the Industry Competence Committee, authorised officers, the Health and Safety Executive, duty holders, principal accountable persons—who have to appoint building safety managers—all before we get to the Golden Thread through the gateway regime, which, as I understand it, is supposed to ensure compliance throughout the whole of a new build.

Clauses 80 to 84 explain this, and continuing clauses set out the responsibilities of the accountable persons. Those clauses are interesting to me, and I am concerned to know how they will work in practice. A great deal of responsibility will rest on the shoulders of these people, and I worry that this position could be used as a scapegoat in any future structural failings of a building. Clauses 100 to 103 set this out.

I share the concerns expressed by the Royal Institute of Chartered Surveyors that the Bill may create a two-tier system of regulation—especially, as I mentioned earlier, given that no provision has yet been made for the risks in low-rise buildings. It goes on to emphasise that the industry does not yet have qualified individuals to undertake the onerous duties of the accountable person. What is the Government's response to that? Where are they going to get those highly skilled people? The Chartered Institute of Building was equally concerned about these issues, which it believes will be crucial to the practical implementation of the Bill.

Overall, we must welcome this Bill as another step in the long journey of holding our building regulators and suppliers to account for past catastrophic failures, but it is in the implementation of all its proposals that we will be watching carefully and assessing whether this Government keep their word and ensure that the awful sight of the Grenfell Tower in flames will never happen again.

19:16:00

Lord Thurlow (CB)
My Lords, I declare conflicts of interest in owning two buy-to-let flats in London and as a member of the RICS for some 30 years. This Bill is long-awaited; Grenfell is nearly five years ago, and the Bill is long overdue. It sets out clear improvements in the system going forward, and I am keen to support it in principle, but I believe that it contains inadequate protections for existing leaseholders, particularly occupiers of existing older buildings, and certainly including those below the 18-metre height restriction or seven-storey levels.

Other noble Lords have talked about this, too. The principal thrust of the Bill is, of course, to protect lives, particularly those of residents. Yet looking at the Bill, I question whether it is not more building focused than people focused. Of course, one leads to the other, but the focus should, I think, be on the people, and that will manifest itself in different ways. One example is in costs of occupation, which are going to rise as a result, through additional service charge recoveries. It is wrong to expect tenants to pay 100% of the annual costs anticipated by the Bill. Another example is access to redress for leaseholders; the process sounds straight- forward but, as we have just heard, for many it will be a formidable mountain to climb, with layers of bureaucratic overlaps, probably requiring costs that many can ill afford. I hope that the Minister will confirm that this will not be the case. I was much encouraged by his remarks at the beginning of this debate.

For those living in older buildings with a heightened fire risk, particularly since Grenfell, the costs have sometimes been crippling. As we have heard, there have been huge remediation costs, soaring insurance costs, waking watch Bills and the mental health consequences for many, to say nothing of being bled dry financially, with no prospect of selling at value. We have all heard of examples. The Minister refers to protecting leaseholders, but will it be comprehensive? If this Bill sets out to protect people, leaseholders should be at the front of the queue.

I would like to touch on building ownership. Excluding social housing, existing private residential blocks may belong to City institutions or public property companies, transparent organisations. Many will belong to private property companies; some belong to private individuals—and this number is likely to be much higher than most people realise. Many are discrete operators attempting to remain below the radar and anonymous. They can camouflage ownership, probably further protected by managing agents to whom the owners themselves will sometimes be very closely linked. This will confuse and frustrate leaseholders, who will easily give up their quest for redress. I know there are provisions for building safety managers, accountable persons and regulators, but without transparent ownership, I do not understand how redress can be effectively enforced in all cases. I think there should be transparent ownership details available, identifying owners or shareholders rather than corporate vehicles often registered offshore, as the noble Lord, Lord Young of Cookham, referred to in his speech.

Let us consider why investors own these assets. They are investments; they expect to receive rents, net of all costs. Costs are usually redirected to residents via service charges. As I mentioned, the Bill is likely to increase those annual charges to occupiers. I suggest these costs should be paid by the building owners, or at least be shared. It is not enough to assume investors may protect their investments by deflecting unexpected costs on to their residents to protect returns: their assets are, after all, being improved. I repeat: I believe the future costs set out in the Bill should be more equitably shared.

For occupiers, rights of redress are critical. I have mentioned some of the practical difficulties, but the Hackitt report stated that this Bill should reassert the rights of residents. It will not be easy nor cost-free, as items creep into service charge bills. The costs of fire safety works could be shared

between freeholders and leaseholders, though there is a strong case to exempt leaseholders altogether. One normal risk of property ownership is things going wrong. Every property owner with an old house or a flat in an old building knows that it goes with the territory. Insurance is available and is the owner's responsibility. This should not be a tenant risk; however, it usually is.

What of older buildings which fall short on safety grounds, those below 18 metres or the seven-storey threshold? I join many others in referring to this sector—in particular the noble Baroness, Lady Harris, just now. These deserve more attention, particularly to protect leaseholders from risks and costs. I would not want to live in an old building on the sixth floor, just below the 18-metre threshold, which did not make the Bill's cut, and be trapped up there, six storeys up. If there is to be a height limit, there is a strong case for two or three floors. What then of vulnerable people? We have heard about this too. If this Bill really wants to put the interests of residents first, these out-of-scope buildings should be included but treated differently as circumstances and assessors consider appropriate. I hope the Minister will reconsider the scope criteria.

In summary, I do not have time to add to the comments on defective materials and the laudable "polluter pays" principle, which I support. It is excellent to note that leaseholders are indeed to be protected. The more effective regulatory framework for testing and approving building products is overdue. Nor do I have time to discuss offences set out under the Bill, but I think penalties should be high. I look forward to the forthcoming government amendments, and I hope protection for leaseholders will run robustly as a central tenet throughout.

19:23:00

Lord Blencathra (Con)
My Lords, first, I declare a personal interest as a leaseholder of a flat near here, which will qualify for some fire remedial works and was built by one of the big four, who collectively raked in almost £4 billion in 2020. I give a warm welcome to the Bill, particularly the creation of a regulator. However, of particular interest to me are the parts on high-risk buildings and other safety measures. While I welcome these, I believe that we now have an opportunity to go much further.

When the Bill left the Commons, we did not have my right honourable friend the excellent Michael Gove as Secretary of State, so the Bill does only half of what it needs to do. Then on 10 January we had the superb Statement from the SoS, repeated here by my noble friend Lord Greenhalgh, setting out all the actions the Government propose to take to really sort out the cladding problem and protect leaseholders. We all owe a deep debt of gratitude to the Minister: I know that he has been arguing for all the things that were in that Statement and he had the good fortune to get a new Secretary of State who agreed with him and had the guts to go for it. I congratulate him on his rather feisty introduction of the Bill today. I also congratulate the noble Lord, Lord Best, on his outstandingly succinct description of today's construction industry—what the Spectator last year called the house mafia.

What did the Secretary of State say on 10 January? He set out the range of actions and initiatives he wanted to take. These were in two broad categories, which could be classed as leaseholder protection measures and "polluter pays" measures. He said in the Statement repeated by my noble friend that he would take action against those who mis-sold dangerous cladding and insulation and those who profited from the consequences of Grenfell. He would review government schemes and programmes to ensure there were commercial consequences for any company responsible for this crisis and refusing to help fix it. He would take powers to exclude any company from government schemes and impose proportionate risk assessments on organisations such as the RICS and powers to review the operation of the RICS.

He would set a higher expectation that developers must fix their own buildings, and possibly issue instructions to insurance companies. There would be statutory protection for leaseholders from certain building costs and protection of leaseholders from eviction and forfeiture. He would introduce a residential property development tax and a building safety levy, and there would be new collaborative procurement guidance on removing the incentives for industry to cut corners and to help stop the prioritisation of cost over value, and possibly put that on a statutory footing. That is what the Secretary of State said he wanted to do. I am absolutely certain that, if my right honourable friend Michael Gove had been in post one year ago, most of those provisions would be in the Bill today, but now we have the chance to add them.

I do not intend, in Committee, to add just a few new clauses; rather, I have asked the Public Bill Office to draft two whole new Parts to add at the start of the Bill. One Part would be on leaseholder protection, with clauses setting out that no leaseholder will have to pay for any fire-related remedial work. I want leaseholder protection to be first and foremost in the Bill as a new Part 1, or a new Part 2 at the very latest. I want clauses defining what fire-related remedial work is, and what buildings it should apply to; clauses prohibiting freeholders and leaseholders from gold-plating remedial works to add to the value of their property portfolio. For example, if wooden decking balconies have to be replaced, leaseholders must be protected from freeholders replacing them with, say, bronze-covered aluminium or Italian marble flooring, making lease- holders pay.

Then I need clauses setting out alternatives to cladding replacement for low-risk buildings and permitting the Secretary of State to prepare new risk assessments. These could replace those compiled by the Royal Institution of Chartered Surveyors—and I want to put in a legal power to review its modus operandi, since it has not exactly covered itself in glory over the past three years, I submit to the noble Lords behind me. Finally, in this Part, I want a clause creating a scheme similar to the Flood Re agreement between the Government and insurers to keep down the cost of flood insurance, but in this case covering fire insurance.

The other new Part will contain “polluter pays” provisions or schemes for fire hazard remedial works. In it, I want to have clauses setting out that developers will be primarily responsible for the costs of all remedial works. Where they have created special purpose vehicles which they have now wound up, then the holding company will be liable. All contractors who supplied materials which were not fit for purpose, whether or not approved at the time, will be liable. Where we cannot find the developer or their special purpose vehicle, or their holding company, or their contractor, or their supplier, then the whole industry should be liable and pay through a levy system that will raise a lot more than £5 billion. Clause 57 does not go far enough, since it applies to future bills and not to bad ones of the past.

Now, clearly, my proposals—if I lay them before the House—will impact on current company law, laws of limitation, the Building Act and a host of other Acts. There may be ECHR concerns and concerns about retrospectivity. But we have never had a problem such as this before, where companies have made billions from flawed construction in the past. I submit that it is therefore right that we reach back in time to make them pay to remedy it now. They did it, not the leaseholders. Therefore, those parts of the Bill will need to be more skeletal than I would have approved of last week when I was still the chair of the Delegated Powers Committee.

Noble Lords
Oh!

Lord Blencathra (Con)

Ahem. We will also need some Henry VIII clauses to make those changes to existing Acts of Parliament. It is a tall order, but in the time we have, we can do it. We cannot at this stage set out all the details in new clauses since we do not know exactly what powers and provisions we will need. However, we can draft sufficiently wide regulatory powers to deal with all eventualities. Naturally, I want these to take the affirmative procedure so that there is some element of proper parliamentary scrutiny.

Simply look at Clause 57. Five out of the eight new subsections begin with the words "regulations may" or similar, so the Government have already taken wide regulatory powers. In any case, no matter when we take forward a primary Act—in this Bill, next year or in two years' time—we will still need extensive regulation-making powers for all the details. I say let us do it now so that all those who have raked in billions from property deals see that this Government and this Parliament mean business—I have almost finished.

I know that my amendments will have dozens of technical flaws and will need beefing up and filling out. But that is what government lawyers and the Office of the Parliamentary Counsel are for. All I want to do is set the parameters of the action we need to take—and we need to take that action because lease- holders, as the innocent parties, demand nothing less. We need to take it so that all developers and contractors see this sword of Damocles hanging over their heads, because that is the only way they will ever pay up.

I look forward to debating this further in Committee and to getting support from your Lordships, if not for the exact details then at least for the concept of my amendments. In the meantime, I warmly support the Bill.

19:31:00

Lord Jordan (Lab)
My Lords, this Bill was born out of a disaster—one that saw many people killed and injured in their own homes. The Bill, which we all support, will enact measures to prevent that happening again. Tonight, however, we have heard that many more needless deaths and injuries are still happening now in homes, which the Bill could and should take steps to prevent.

I too declare my interest as a vice-president of RoSPA, which is leading a campaign to significantly reduce these injuries and deaths occurring in homes across the country by making staircases safer. The campaign's objective has earned itself a strong base of cross-party support in the other place, and we are now hoping that your Lordships will demonstrate the same unity and bring about the passing of an amendment embedding safe stairs in law.

Your Lordships have heard that the amendment will simply ask the Secretary of State to consult on regulations requiring staircases in all new-build properties to comply with the latest industry standard for stairs. This would not be a case of requiring existing properties to replace staircases, nor would it be a case of inventing a new stair safety specification from scratch. We have an existing construction industry standard that is already proven to be safer and is approved by industry. All we ask is that this standard is legally mandated for new-build homes, putting safety into building design.

We will not find a better or easier opportunity to make houses in this country safer at such a minimal cost. We should not turn it down. Nor should we accept the Government's excuse that primary legislation is not the right place for this amendment. There is ample precedent for mandating standards in this way. An indefensible argument must not stand in the way of saving lives.

The statistics around staircase accidents, including the human and economic costs, are horrifying and unacceptable. We all take it for granted that falls on stairs will happen, but do we really take on board what that means when we hear that every year 700 people lose their lives and thousands more continue to go through pain, suffering and loss of independence because of bone-shattering accidents? We must not forget that the homes we build today must still be standing long after we are gone. It is certain that, if we do not make stairs safer now, lives will be lost. However, an amendment to the Bill that requires a safer standard for stairs in newly built houses will leave a life-saving legacy for future generations.

19:36:00

Baroness Pinnock (LD)
My Lords, this has been an excellent debate on a Bill that is widely supported across the House. I remind noble Lords of my interests as a member of Kirklees Council and as a vice-president of the Local Government Association.

First, a question: why is it that regulation is seen by some as an unnecessary obstacle to business until a tragedy occurs? It has taken, as I think all noble Lords have said, the deaths of 72 people at Grenfell Tower nearly five years ago for building safety to be taken seriously once more. To respect the memory of the 72 and all those whose lives have been scarred forever by that dreadful fire, the Bill must provide the deep-seated reforms that are essential to prevent a repeat of Grenfell. Secondly, the Bill absolutely must ensure that existing leaseholders and tenants do not pay for any of the remediation work, such as replacing flammable cladding and rectifying construction failures such as the failure to include fire breaks.

Noble Lords from across the House have rightly welcomed the Bill, which will make sure that legislation and regulation reflect modern construction methods and materials. It is, as my noble friend Lord Stunell described, “a once in a lifetime opportunity to regulate what is currently a dysfunctional industry”. Unfortunately, the Government have failed to grab that opportunity fully and define new standards of housing construction and accountability for those standards for all new housing. As my noble friends Lord Foster and Lord Stunell pointed out, here was an opportunity to set new standards for energy insulation, expectations for zero-carbon homes and heightened fire safety features; and for a step-change improvement in regulation, inspection, and enforcement. However, the Government have chosen to focus on a narrow element of the housing construction industry: that of so-called higher-risk buildings. That is truly a missed opportunity.

On the proposals in the Bill, Dame Judith Hackitt’s 2018 report, Building a Safer Future—which I have read—proposed a systemic reform of building regulation, and the Bill is incorporating into legislation the safety system that she laid out. The framework, which creates a hierarchy of responsibilities, is a considerable improvement on the existing position. The new building safety regulator will be embedded within the Health and Safety Executive, which seems appropriate and positive. Duty-holders, responsible for different aspects of design and construction, will be accountable to the new regulator. What is not clear are the skills and expertise that are required, as my noble friend Lord Shipley said, and whether these already exist and need to be codified or whether there will be delays in implementation because new training programmes will be necessary.

Once a higher-risk building is occupied, a whole new, and costly, regime is proposed. Leaseholders already pay considerable sums for a managing agent or equivalent posts, which are not regulated—anyone can set up as a managing agent, with no experience of property management. The Bill proposes the role of “accountable person”. Does the Minister anticipate that managing agents will

take on that role? As the accountable person will be responsible for appointing a building safety manager, can the Minister explain what qualifications this postholder will have, the anticipated additional cost to leaseholders and the accountability of this postholder to those required to pay for the work?

I was speaking to leaseholders only yesterday. One said to me that she already pays a service charge of £6,000 a year, and that it is estimated she will have to pay a further £2,000 on top of that for a building safety manager. There surely has to be a better way forward than piling costs on to leaseholders—I think it was the noble Lord, Lord Thurlow, who referred to that. Can the Minister explain whether these posts will be expected to report to the building safety regulator?

What powers will residents have in this new regime, either as tenants or leaseholders? I appreciate that there will be a new ability for tenants to refer complaints straight to the ombudsman, but what rights will leaseholders have to ensure that they are getting value for money from these new posts? Will all inspection reports be made available to all residents? Will they have a right to challenge overcharging for these new posts and for any repairs that are deemed necessary? There is the opportunity in this Bill to strengthen the rights of leaseholders, one for which I am sure we will be placing amendments in Committee because, unfortunately, it is an opportunity that is being missed at the moment.

My noble friends Lord Stunell and Lady Brinton rightly pointed to the disaster that is the existing building inspection system. At the heart of this particular problem was the decision, 20-plus years ago, to enable developers to appoint their own building inspectors, under contract to that company and therefore hardly independent. Perhaps some of the construction failings exposed post-Grenfell are a consequence. The part-privatisation of building control also denuded local government of building inspectors. That, combined with the very large cuts to local government funding, meant fewer inspectors and therefore a less tightly regulated system for construction. Light-touch regulation can have dreadful consequences in this sphere.

Many noble Lords, including my noble friend Lady Harris, spoke about construction materials, and rightly so. The Grenfell Tower Inquiry is exposing some of the irregularities, or indeed worse, by manufacturers and suppliers. A single clause, Clause 128, attempts to remedy this. However, it would be helpful if the Minister could explain the system for testing new products. My noble friend Lady Bakewell of Hardington Mandeville highlighted issues around fire doors in this regard.

I would like to know from the Minister what role the British Research Establishment and the British Board of Agrément will have in testing and recommending building products. They are not mentioned in the Bill. It will be good to hear the Minister's response to that, and to the very interesting suggestion from the noble Lord, Lord Crisp, of taking a wider view of safety. I look forward to discussing that proposal further. This falls in line with many noble Lords who have raised the issue of safe staircases—that would come into that general sphere. There is room, within the Bill, to make amendments to that effect.

Last of all these issues, but in no way least, is the failure so far of the Government to make practical and realistic responses to the cladding and remediation crisis. Just a few weeks ago, the Secretary of State made a bold announcement, in which he said that:

"Government must take their share of responsibility",—[Official Report, Commons, 10/1/22; col. 283]

that manufacturers have shown “insufficient contrition”, that those who profited will pay the price, and that leaseholders are “blameless”.

The aim is to extract £4 billion from the companies that developed the buildings in order to pay for the removal of dangerous cladding from blocks between 11 and 18 metres. It is absolutely based on the polluter pays principle. I congratulate those leaseholders who have campaigned tirelessly for four years to get to the position we have today, where everyone across this House has confirmed they are in support of that principle. However, achieving that aim looks increasingly difficult. The noble Lord, Young of Cookham, emphasised how difficult it is going to be. I read in the media, only last week, I think, that developers are already consulting their legal advisers, which undoubtedly means they do not wish to pay and will find a means not to. What then? The Government appear rightly to have turned to materials companies to also contribute. Can the Minister tell the House the total sum that has so far been contributed by both developers and materials companies?

There is an urgent need to know, as invoices for remediation are with leaseholders now. The deadline for payment is this coming April, for many of them, and housing experts expect numerous defaults unless effective action is taken by the Government. Will the Minister let the House know when action will be taken to fulfil the promise made by the Government—which I applaud—that leaseholders will not have to pay a penny piece towards remediation? They need to know; we need to know.

As the Minister well knows, leaseholders face not just the costs of the removal of unsafe cladding—ACM cladding and other types that are flammable as well—but of construction failings, such as the lack of fire breaks. The Government have stated that leaseholders will not have to pay. We need to see essential steps taken to ensure they are not burdened with these totally unaffordable bills. Until we know, this will not do. Leaseholders have done everything right and nothing wrong; they are completely innocent victims in this building safety scandal.

This is a complex Bill with positive intent. Opportunities for more comprehensive reform have been missed and some elements will need to be amended to fulfil the aims that we all have to improve the Bill and, in the words of the Hackitt report, build a safer future. I look forward to working with the Minister and colleagues from across the House to make what is already a good Bill a much better one, and to make sure that leaseholders do not pay a penny towards remediation costs.

19:49:00

Lord Kennedy of Southwark (Lab Co-op)
My Lords, it is not normal for the Opposition Chief Whip to respond to a Second Reading debate, but Members will be aware that I have been involved with these issues for some considerable time. I have also missed the noble Lord, Lord Greenhalgh, very much, so I thought that with him leading on this Bill and it being such an important issue, I would have to make an appearance. Maybe I will be part of the Chief Whips Awkward Squad from now on. I am not sure that the noble Lord has missed me, or my amendments, as much. I have my Oral Question on Monday on issues very pertinent to this Bill, as he knows.

First, I need to make a number of declarations of interest to the House. I am a vice-president of the Local Government Association, a non-executive director of MHS Homes Ltd and chair of the Heart of Medway Housing Association. I also own a home on a leasehold basis.

Secondly, I pay tribute to the right reverend Prelate the Bishop of Winchester for his service to the House. He has been a Member of this House for 10 years, and we have benefited from his wise

counsel. I note his interests in Africa and education, and I say to the right reverend Prelate that we enjoyed his wonderful valedictory speech very much and congratulate him on it. We will miss him very much, and we wish him well in his retirement.

Thirdly, can I say how much I welcome the Bill before us? It does much of what needs to be done to improve building safety and the building safety regime that needs to be in place to protect people and give them the reassurance they need to live their lives without feeling constant worry, and without being faced with bills they cannot afford for matters they are not responsible for causing or creating.

For too long, elements of the building industry have had a poor attitude to safety, in terms of construction, materials and the verification processes to ensure safety and compliance. I see this Bill very much as another step along the way to driving that culture out. It is not and can never be acceptable that this culture exists. The tragedy in all this is that the catalyst for change was the fire at Grenfell Tower on 14 June 2017, with the loss of 72 lives, and the campaign by Grenfell United following that tragedy. Its campaign goes on, and there will be more to be done when we get the report of the second phase of the Grenfell Tower inquiry.

I very much agree with the comments of the noble Baroness, Lady Sanderson of Welton, about buck-passing and, importantly, the attitudes she highlighted when she read out some of the comments in those emails. It is utterly disgraceful, and that is the culture that needs to be dealt with. The arrogance of the former leadership of Kensington and Chelsea Council needs to be called out as well.

But, of course, there were heroes. There were heroes on the night: the firefighters who went into the burning building; other emergency responders; the contractor who went in and turned the gas off; the local community that responded; the officials from both local and central government who supported the community; and, of course, the community itself and Grenfell United. They all showed people working together selflessly for the benefit of others. They are the best examples of humanity—but we have also seen the worst examples as well.

I have to say, as I have many times before, that the Prime Minister's constant attacks on the FBU irritate me. Let us be absolutely clear: the FBU—the firefighters' union—and the firefighters, the heroes, are the same people. We cannot attack the union and then say what great people the firefighters are. That does annoy me. I have called on him many times before to apologise, and I expect that I will be waiting a long time for that to come along, but I want to put that on record.

As we have heard, many of the proposals contained in the Bill build on the review led by Dame Judith Hackitt and the consultation that followed, which had submissions from the Local Government Association, the National Housing Federation and others. I join with the right reverend Prelate the Bishop of Manchester in his tribute to the Manchester Cladiators and the other "cladiator" groups around the country. The justness of their campaign has been clear for all to see. They are not going to go away; there is more to be done. Their cause is just, and we support them very much.

I have criticised the Government from the Dispatch Box many times on this issue, often about the speed of all this. We have got here, finally, with the Bill, and that is great. But the Bill is not sufficient. Dame Judith's report was published in May 2018, nearly four years ago. Looking at the issues in the Bill, you could never accuse the Government of acting in haste. I note that there was a draft Bill in the other place, and important work has been carried out, but we now need to quickly get on, get the Bill through this House and improve things.

Having said that, as the Official Opposition, we certainly intend to table several amendments to seek to challenge the assumptions in the Bill and to make improvements to it where we think it necessary, and we will divide the House if we must. I am aware that the Government made several commitments in the other place to bring forward amendments to address issues raised there. We look forward to having early sight of these amendments and to having constructive discussions around them and the way forward.

Looking at the Bill itself, I welcome the proposal for the establishment of the building safety regulator and the proposal that the Health and Safety Executive should be the regulator. I ask the noble Lord, Lord Greenhalgh, to set out whether he himself is satisfied that the funding mechanism is adequate, proportionate and financially robust enough to enable the building safety regulator, local authorities and fire and rescue services to go about their important roles efficiently and effectively and to deliver on the promises and commitments made. I fully support the duty to co-operate that will exist for local authorities and fire and rescue services, but, as I have said, we need to be confident that the funding streams and mechanisms are fit for purpose to deliver what is required.

I am also clear that the Bill cannot be seen as separate from the Fire Safety Act. I ask the noble Lord in responding to the debate to address the issue of the responsible person under the fire safety order, the accountable person under the Building Safety Bill, and how that comes together. We cannot create a situation which will cause more difficulty and confusion. We must have clarity here in terms of roles, responsibilities, obligations and what can and cannot be charged for.

I welcome the changes to the fire safety order, which introduces a duty for a fire risk assessment to be completed by competent professionals. As my noble friend Lady Hayman of Ullock said, the issue of height in determining risk has been questioned here today, and many noble Lords across the House have accepted the point that many buildings under 18 metres equally have issues and need to be classified as high risk. I hope that the Government can come forward and publish the findings of their report on the recent survey on buildings between 11 metres and 18 metres, so that we can see the points they looked at there.

Issues such as methods of construction, the number of protected means of escape and the number of vulnerable residents in the building have all been raised by other noble Lords, and we need to take them into account. I very much believe that the definition of higher-risk buildings needs to be broadened to cover the points that I and others have raised. Can the noble Lord, Lord Greenhalgh, also comment on those matters in his reply to the debate?

I am conscious that there have been so many questions that the noble Lord cannot respond to them all, so maybe he could take a leaf out of the book of the noble Lord, Lord Bourne of Aberystwyth, and write us a round-robin letter covering all the points. That was one of the great things that the noble Lord always did, so maybe the noble Lord, Lord Greenhalgh, could do that to cover all the points raised to make sure that nothing slips by, as it were.

We have talked many times over the past four years about the problems that leaseholders living in buildings affected by either cladding concerns or other building safety issues have faced. While the Government have moved on the issue of cladding—I thank the noble Lord very much for his own work on that—clearly lots more work needs to be done and other issues need to be addressed, and I am sure they will be raised in the course of the Bill going through this House.

I have a few questions for the Government. How will they ensure that industry plays its part and pays for the fund it has been asked to pay for? How will the Government continue to play their part

and pay the funds needed to end the crisis while ensuring both that funding is affordable and that social housing supply is protected? It is really important that money is not taken from the social housing fund to fund this work. How can leaseholders who have already paid remediation costs get their money back? That is a really important issue for the leaseholders.

I agree with the noble Lord, Lord Stunell. The Minister's words and the action for leaseholders are very welcome. I very much support these.

My noble friend Lady Warwick of Undercliffe raised important issues with which I agree and to which I am sure the Minister will respond when he replies to the debate. How can we ensure that housing associations will have access to funding to carry on their important building work, delivering for people as well?

Can we have clarity on for which works additional funding can be recouped, and which the industry will cover? Can the noble Lord, Lord Greenhalgh, confirm that the affordable homes programme will be protected in full and ensure that the existing departmental budget will not, as I said, be used as a backstop for the funding if the building industry does not come forward with the money we expect?

I fully endorse the remarks of the noble Lord, Lord Young of Cookham. He raised really pertinent questions for the Minister to answer in the course of the Bill's passage through this House. They are the matters on which we need answers, otherwise we will have lots of amendments on Report to deal with those points, which need answering.

The noble Lord, Lord Shipley, made a very important point about the use of converted office buildings as flats, which need to be fully integrated into the fire safety regime. I welcome the changes to provisions relating to the Defective Premises Act, that claims will be able to be made retrospectively for leaseholders and the eligibility extension to 30 years.

Like the noble Lord, Lord Foster of Bath, I support the calls by Electrical Safety First, and I pay tribute to the work of that charity in campaigning for mandatory electrical safety checks in both social rented homes and leasehold properties. It is important to understand that we have mandatory electrical safety checks in the private sector but not in the social sector or leasehold properties. All three types of tenure, however, could be found in the same block of flats. Unless all three types are checked to ensure that they are correct, the building is not safe. It is important that we bring social housing and leasehold properties up to the same standard, otherwise the buildings are not safe. I hope we can discuss this further and get it agreed while the Bill goes through the House.

Like the noble Lord, Lord Stunell, I very much support the calls from the British Woodworking Federation on the issues of construction, product testing, inspections and the competence of fire risk assessors, installers and building managers. I could not believe these shocking figures: of the 100,000 inspections carried out, 76% of fire doors failed their inspection. This is an absolutely appalling situation and its own scandal, which needs to be put right.

The noble Baroness, Lady Eaton, my noble friends Lady Young of Old Scone and Lord Jordan, the noble Lord, Lord Naseby, and others raised the campaign for safer stairs. Again, this is a very simple change that we want to get through in the Bill. I look forward to the amendment being tabled; it is one that these Benches will certainly support if the House is divided.

I agree with the noble Lord, Lord Foster of Bath, who has called for home energy efficiency targets to be enshrined in law. I hope the noble Lord, Lord Greenhalgh, can take up the offer from the noble

Lord, Lord Foster of Bath, to take his Private Member's Bill on board. I am sure that would be welcomed by all sides of the House.

The noble Baroness, Lady Grey-Thompson, who gave a very powerful speech about building fire safety, highlighted how evacuation procedures are completely inadequate for disabled people. The number of disabled people who lost their lives in Grenfell Tower is absolutely tragic and shocking.

The noble Earl, Lord Lytton, with his tremendous experience, outlined the problems with leasehold and commonhold. His point about reliance on the industry stepping up and what happens when it does not needs to be addressed by the Minister in his response today. The polluter pays amendment is great and could work well, but what if it does not? Could we examine what would happen? We also need to look at that. What could be the robust mechanism behind it to ensure that it works?

The noble Lord, Lord Thurlow, highlighted some of the inadequacies in the Bill, particularly in regard to leaseholders and their means of redress for problems. He speaks with great experience and authority on these matters and the Government should listen to his remarks, which would help the Bill through the House.

I enjoyed the speech of the noble Lord, Lord Blencathra, and look forward to considering his amendments. We may well support them and cause more problems for the noble Lord, Lord Greenhalgh. I very much look forward to that.

In conclusion, there is a general welcome for the Bill. Members right across the House want it to become law quickly. Legitimate concerns have been raised in the House that need addressing. Legitimate questions need answering. The Government need to respond and table amendments quickly in response to the concerns raised and have those discussions. However, as always, I am hopeful of positive engagement with the noble Lord, Lord Greenhalgh. He always does so and I thank him for that. There is no desire to divide the House but, equally, if we have to do so we will. Finally, as I said, we would be grateful if the Minister could confirm that he will send that round-robin letter because it is impossible to respond to all the points. I would not want anything to slip through the cracks.

20:06:00

Lord Greenhalgh (Con)
My Lords, I really enjoy the tutorials I get from the noble Lord, Lord Kennedy. I shall do my best to start at a high level because this is a serious debate. There have been a lot of expert contributions and I have, as noble Lords will know, listened carefully to them all. I should start by saying that when I joined the Government I was told that I could have any job I wanted and was then assigned building safety and fire. The offer changes as one goes through the process.

It means that I have spent some time thinking about the root causes of the Grenfell Tower tragedy. I like to think about things and today we are addressing two of the fundamental root causes. That is why the Bill has the support of this House. We saw a corrosive construction industry culture that needs addressing and the Building Safety Bill seeks to do that. That is why it is so important. We also have, as admitted by my right honourable friend the Secretary of State in the other place, a building safety regulatory system that is, frankly, broken. That is why we need the Bill and we are all keen to make sure that it gets on to the statute book. That is important.

I also want to respond as Fire Minister to the comments of the noble Lord, Lord Kennedy, about the ordinary firefighter and the Fire Brigades Union. I engage; I met Andy Dark and Matt Wrack last

week and will engage with them again. However, it is important to reflect that, as regards the Manchester Arena attack and the night of the Grenfell Tower tragedy, there are lessons to be learned for fire and rescue services. We must not mistake the need for reform, which should get widespread support from this House. As Fire Minister, I am about to publish a White Paper that will seek to reform professionalism and ensure that we get better people into the fire and rescue service. The paper will also look to improve governance. It should not prove particularly controversial and will, I hope, have widespread support. However, the reform agenda does not take away from the fact that the ordinary firefighter goes forward into danger, rescuing people's lives. They certainly have my support and, I am sure, the support of everybody in this House.

It is virtually impossible to respond to the contributions of 32 speeches in the time available. We are then going on to Committee, where the Bill will be debated in depth in the unfortunately slightly less well-lit Moses Room—although it is now dark in here without natural light. We will, however, have an opportunity to debate these matters at length during the passage of the Bill.

First and foremost, we need to understand the issues around scope. This Bill affects the whole built environment. The new building safety regulator will be responsible for building regulations, looking at standards and competence and working with the British Standards Institution to set the competence of the professionals involved in the development of all the built environment.

I want noble Lords to realise that it is important to set the high-risk regime at an appropriate level. If we say we want everything in the high-risk regime then, frankly, the building safety regulator will fail. There are 12,500 high-rise and 77,000 medium-rise buildings—the lower one goes, the more buildings there are. It is very important to have an appropriate scope for the high-risk regime and not ask too much of a new fledgling regulator who exists in shadow form. I hope noble Lords will be patient about scope. This does not mean that it will not widen over time, but we need to start in the right place.

I really enjoyed the valedictory speech of the right reverend Prelate the Bishop of Winchester. I do not think I have heard the right reverend Prelate speak before, but I listened to almost every word. While I do not think the Palace of Westminster is an example of remediation at pace, I completely agree that "caring for building safety is caring for the health of our nation." That is absolutely right. It is one of the reasons why I am passionate about this ministerial brief. It is very important that we get this right, and I thank the right reverend Prelate for raising it in that way.

As someone who loves history, I recognise that the Victorians did not get everything right, but they got the built environment right. They worked off pattern books. They built some of the finest homes that—like the Romans'—will probably last for a thousand years. We must get back to those principles of quality that the Victorians pioneered and that the Edwardians followed. Somewhere along the way, we lost the culture of building quality in this country.

I also single out my noble friend Lady Fox of Buckley—although she is not my noble friend because she is not on these Benches. She raised a very important point. The proportionality needs to be right in both council homes and social housing, as well as in private housing. There are people who profiteer from this stuff; they create a disproportionate approach and people pay for that. I was approached, not about a council home, but about Saxon House—a home in Sutton—where, essentially a cowboy did an EWS1 form and failed it. This caused untold stress and misery. A young man, called George Martin, managed to challenge it. It is important that we stop in their tracks those who are not acting properly. I involved the police in that case and supported the leaseholders in Saxon House. It is important to have a greater sense of proportion when approaching this crisis. We

must remember that some people simply want to profiteer from a problem that has effectively been built up over 30 years. It is shameful to see such instances.

I was given a list of everyone who referenced protecting leaseholders and the polluter pays principle. I could spend the next 40 minutes reading out everybody's names. In trying to answer all the questions, I will pick out those from my noble friends Lord Blencathra and Lord Young. In essence, we have made a commitment to protect leaseholders and make the polluter pay. Voluntary contributions can go so far, but we want this in law. From my noble friend Lord Blencathra I have learned about a framework—a toolkit in my language—for protecting leaseholders and getting the polluter to pay. The Government will bring forward amendments—I think the deadline for Committee is Valentine's Day, 14 February. We will be ready to debate many of these amendments at the next stage of this Bill, although some may not be ready. Some are not government amendments. I have been working very hard and listening very carefully to Steve Day, whom the noble Earl, Lord Lytton, has been championing. I have put him in touch with lawyers with real expertise. Professor Susan Bright of Oxford, a land lawyer of the highest quality, has been helping to draft an amendment —now known as the Bright-Day amendment, which is better than the dark night amendment. I hope that this will be ready for noble Lords to consider, although it has not yet gone through government processes. We want every tool in the toolbox to make sure that we protect leaseholders and make the polluter pay.

The comments from the noble Baroness, Lady Warwick of Undercliffe, were very interesting. I want to find out more about the statistic she quoted. It is staggering to think that many registered providers put £6 billion towards remediating their own housing stock. The leading developers have made provision of no more than £1 billion for their share of this crisis. I therefore pay tribute to the registered providers who are doing the right thing and making their buildings safe and not relying entirely on the probably £300 million or £400 million of taxpayers' money that has gone towards remediation. However, that is a small fraction of the amount of money that the noble Baroness referred to. That is a very useful contribution toward resolving this crisis, because of the balance sheets of the G15, whose shoulders are considerably broader than the average leaseholder and shared owners who live in their homes. That is a tribute, and I look forward to having a summit with the National Housing Federation and leading registered providers to see how we can move forward in that vein.

I was a little disappointed when I saw a tweet that a small number of registered social landlords were effectively engaging a lobbying agency to try to promote ways to stop leaseholders being able to pursue claims. That is not the way to go. We have to recognise that there are people who are doing the wrong thing, and we have to encourage them—whether they are developers or registered providers—to do the right thing by leaseholders.

I thank the noble Baroness, Lady Grey-Thompson, for sharing her speech, but it got to me quite late; it really struck me, and stopped me in my tracks. I got to know some disabled leaseholders who are leading the campaign, Claddag. Sarah Rennie and Georgie Hulme are incredible people, and I want to be pointed to some other examples. When it comes to public procurement —I declare my interest as someone who has been in local government for 20-odd years, although I never became a vice-president of the LGA; I do not know what I did wrong—it is important that we look at that. However, public procurement has the potential for litigation and there are all kinds of things that, as a Minister, I cannot do. I hear what the noble Baroness says, and there is an intention to do all we can to help disabled people to live safely in their home, whether in high-rises or medium-rises. I want to give her that assurance as the Minister responsible.

I have known the noble Lord, Lord Best, for a long, long time. He asked around 15 questions about the new homes ombudsman. I spent the weekend talking to my honourable friend Natalie Elphicke, who is interim chair of the New Homes Quality Board. She assured me that the governance is clear—although they seek contributions from developers to pay for this scheme, they have no say in how it is run. I was reassured by her clear explanation. While the detail of the scheme is going to follow this legislation, I can confirm that the Bill explicitly allows the new homes ombudsman scheme to expel members—that is one assurance that I can give. The scheme must also include provision about the enforcement of determinations made by the ombudsman that may include expulsion from the scheme, alongside setting out the circumstances in which an expelled member would be able to rejoin the scheme. I hope that gives some assurance.

The noble Lord, Lord Shipley, and the noble Baroness, Lady Hayman of Ullock, wanted to know about information for residents. Existing leaseholders and landlord-owners of flats will be able to request building safety information from the accountable person and to share this with prospective purchasers and tenants. Transparency is an essential way of getting this new system to work.

I have not had the benefit of the British Woodworking Federation information about fire doors, but I am pretty shocked by the numbers that have been quoted in this debate. I am aware, of course, that some of the newer fire doors perform far less well than some of the older ones. In many cases, the older the fire door, the better it performed. There is a real fundamental issue with the construction products testing regime carried out by the BRE or the BBA—we have to recognise that it is broken. That is why the previous Secretary of State asked for a construction products testing review. We are not that far away from having the report. We have a draft; I do not know how long it will be, but it is not miles away from being made public. We are looking at it very closely in draft form, but the usual phrase is “in due course”.

I was very struck by the speech of my noble friend Lady Sanderson, someone who has been a community adviser to the Grenfell bereaved and survivors and lived this since the night of Grenfell, along with Nick Hurd, the Prime Minister’s adviser on Grenfell; it is a fantastic way of staying connected with the community. It was a buck-passing culture and a pass-the-parcel approach that led to a lot of the tragedies we have seen. No one takes ownership or responsibility; frankly, that is why we need this Bill. My noble friend rightly questioned whether we should continue to build high-rises with a single staircase. That is a very important point that we need to look at and find out how to address.

The noble Lord, Lord Shipley, and I have one thing in common: we were at Procter & Gamble. I was there in the 1980s and 1990s, but he was probably there in the 1960s.

Noble Lords
Oh!

Lord Greenhalgh (Con)
I am only joking; that is not fair.

Lord Shipley (LD)
It was the 1970s.

Lord Greenhalgh (Con)
The 1970s, okay. One of the things it taught you was to really distil your arguments down and to learn things over time. The noble Lord specifically asked whether we could review this on an ongoing basis. I take that suggestion as a very sensible one. Any Government—this Government in

particular—need to do things and then see whether they work, review and reflect, and try to take that on board. I do not know whether I have overstepped the mark as a Minister, but I think that is a very sensible suggestion.

We will ensure that we improve competence. One of the things we must recognise is that, to improve competence, which was raised by the noble Lord, Lord Shipley, you need to establish what competence is. That is one of the things we are doing very carefully; it is being done by officials and the shadow building safety regulator. You then have to find out how the accreditation will work, and I know that UKAS and others want to step forward and do that. That will all happen as a result of this Bill.

The noble Lord, Lord Aberdare, gave a really thoughtful speech on something that was new to me, so I appreciate his contribution on cash retention. The Government continue to work with industry on the future of retention payments in the construction industry. However, I am told that there is not a clear consensus as to what may replace the practice, so there is more work to be done. I thank the noble Lord for raising an important issue.

The noble and learned Lord, Lord Etherton, raised Part 5 and the duty on landlords, and asked whether we were going to cause litigation by setting unreasonable demands on landlords. He also came up with a solution. I really appreciate him raising that issue; leaseholders need as much protection as possible. We are requiring landlords to seek claims only where reasonable, but we note the noble and learned Lord's suggestions for the guidance, and we will take them on board as we continue with the passage of the Bill.

The noble Baronesses, Lady Jolly and Lady Young of Old Scone, the noble Lord, Lord Jordan, and my noble friends Lady Eaton and Lord Naseby all mentioned the Safer Stairs campaign. As someone who has an elderly father—sadly, my mother did not survive the first wave of Covid—I worry. The thing I worry most about, as someone gets frailer, is staircases. I almost have to declare a personal interest. It is important that we look at staircase standards and recognise how best to achieve that end point, so that new builds have the right level of minimum standard. That does not mean it has to be enshrined as a maximum standard, but we have to work out what we would be proud of as a minimum standard in regulations. I thank noble Lords for raising this issue.

I think it is ironic that one of the sponsors of this campaign is Berkeley homes, because Richmond House, which someone mentioned, is of course a Berkeley build, as is Worcester Park, which really was a shoddy building, although luckily there was no loss of life there. Some developers who normally build good stuff have built things that they should be ashamed of. It is ironic that Berkeley is sponsoring what is a very noble campaign—none the less, I support it.

The noble Lord, Lord Foster, raised electrical safety. I am sure we will work through some of his suggestions—along with pretty much everything else he is interested in—in Committee. I have the briefing and I understand the issue; it is something that we have debated many times.

The noble Baroness, Lady Pinnock, raised building safety managers, and I have the note that was prepared by ARMA and IRPM on this. I hear the concerns about cost, and we take those concerns extremely seriously. There is not a one-size-fits-all approach, and if you are not prescribing how you do it, we do not see why you cannot have a property manager continue to discharge the functions of a building safety manager, going to the expertise only when it is needed. Think of the equivalent in healthcare: you typically go to a GP but see the specialist only when required. I have some sympathy with the issue, but I think that we are not being prescriptive about it, and so it should not be used as an excuse by managing agents to whack up the prices for leaseholders.

I welcome the clear cross-party support from so many noble Lords. There is broad support for the principles set out in a Statement by my right honourable friend the Secretary of State in the other place, on 10 January. We will continue to work with your Lordships —even the noble Lord, Lord Kennedy—and by working together we will ensure that homes are safe for future generations. It is a worthy ambition. I commend the Bill to the House.

Bill read a second time and committed to a Grand Committee.