

# Council

23 February 2021

## Draft Extract

**COU Motions by Members (Standing Order No. 14)**  
**153 End our Cladding and EWS1 Scandal (Councillor Keating) (Agenda Item 6 (1))**

Having earlier declared an interest in this item, Councillor James took no part in the debate.

In introducing his Motion, Councillor Keating referred to the significant number of low and mid-rise buildings in North Somerset and the residents and leaseholders who through no fault of their own were being left in limbo as a result of the cladding scandal. He referred to the wording of the motion as published with the agenda papers and proposed it be amended to refer the matter to the Strategic Planning, Economic Development and Regeneration Policy and Scrutiny Panel rather than to the Executive, and to ask the Chief Executive to write to Government to express Council's concerns.

**Motion:** Moved by Councillor Keating and seconded by Councillor Charles

"Council notes that:

- a. Following the human tragedy of the 2017 Grenfell Tower fire taking 72 lives blamed on Aluminium Composite Material (ACM) cladding, this has rightfully led to a focus on fire safety in buildings across the country.
- b. The Government banned the use of all combustible materials on the walls of new high rises in November 2018 (MHCLG, Government bans combustible materials on high-rise homes, 29 November 2018) meaning the problem has now extended beyond ACM cladding to buildings decorated with other materials that could be flammable - including balconies, and wooden panels. However, it did not legislate for building owners to take action or provide sufficient compensation funds to cover all situations.
- c. In parallel, the Royal Institution of Chartered Surveyors (RICS) and the UK Council of Mortgage Lenders agreed the industry External Wall System fire review and certification process resulting in what is known as an EWS1 form. Only circa 300 professional fire safety engineers nationally are qualified to issue these - creating a bottleneck across the country including in the West of England.

- d. In North Somerset, there are a significant number of low and mid-rise buildings. These are mostly limited to traditional builds, however there are a concentration of buildings with non-traditionally built dwellings – particularly around Portishead Marina.
- e. Without an EWS1 form, many lenders are now refusing to provide mortgages. As there is no Government legislation forcing owners to produce EWS1 forms or to take remedial action, many leaseholders are having to battle with owners whether their Local Authority, Housing Associations or private landlords. Remediation costs are also skyrocketing in the £100Ks and many owners are forcing this back on leaseholders via financially ruinous service charges – including impacting those in shared ownership.
- f. Subsequently, residents and leaseholders through no fault of their own are being left in potentially ruinous limbo unable to mortgage properties, re-mortgage and therefore unable to buy and sell.
- g. Additionally, residents are living in fear in homes with no idea if they are safe. This is fundamentally holding up people's lives, costing our residents money they shouldn't have to pay and leaving a huge mental health impact.

Council therefore

(1) calls on the Strategic Planning, Economic Development and Regeneration Policy and Scrutiny Panel to establish policy recommendations on the following points and to report back, in all urgency, to a future meeting of the Council:

- a. Sign up the Council to the End Our Cladding Scandal campaign: [endourcladdingscandal@gmail.com](mailto:endourcladdingscandal@gmail.com).
- b. Continuing providing advice and support to provide assistance to all North Somerset residents associations regardless of housing tenure i.e. Council, Housing Association, Shared Ownership or private. The aim being to assist such resident associations in lobbying developers, building owners and claiming Government funds to urgently rectify their buildings. This support should be proactive rather than reactive.
- c. Work in partnership with the West of England Combined Authority and LEP to redeploy and upskill surveyors and suitable professionals as appropriate, in order to perform more EWS1 assessments. The aim being to accelerate remediation and certification. This may also have a longer-term benefit to increasing higher value job opportunities in North Somerset in partnership with Weston College's Institute of Technology.
- d. Work in partnership with all local private building owners and Housing Associations to act immediately in rectifying issues and achieve EWS1 certification – noting that some of these owners may not be the original developer and therefore will need the Council's assistance to engage and trace such developers or other routes to remedy to avoid any cost to their Leaseholders.
- e. Explore ways to delay approving planning applications from developers where the applicant has outstanding snagging or EWS1 certification issues in North Somerset and include a condition to be discharged on all future planning applications to provide an EWS1 form before first occupation.

- f. Explore ways to expediate Planning Applications, Support, and a Design Guide for communities effected by ESW1 forms and cladding issues.
- g. Lobby and work with the MPs, Ministry of Housing Community and Local Government to:
  - i. Devolve powers to local authorities like North Somerset in order to have jurisdiction over enforcing remediation of housing of all tenures and to target relevant compensation funds from Central Government to where it can actively support affected residents best.
  - ii. Adopt the sensible recommendations of the Housing, Communities and Local Government Select Committee that the EWS1 process could be reformed to urgently revise and implement a process (at no cost to leaseholders) that offers clarity to lenders, insurers and peace of mind for homeowners and buyers to reinstate re-mortgaging and property sales provided there is no immediate danger.
  - iii. Adopt the 10 asks of the 'End Our Cladding Scandal' campaign; and

(2) asks the Chief Executive to write to Government to express our concerns about the support provided to our residents affected by the cladding scandal and to highlight the particular circumstances in North Somerset.”

Seven members signalled their support for a debate on the Motion.

Councillor Keating spoke in support of his Motion and urged all members to support it.

**Resolved:** Council notes that:

- a. Following the human tragedy of the 2017 Grenfell Tower fire taking 72 lives blamed on Aluminium Composite Material (ACM) cladding, this has rightfully led to a focus on fire safety in buildings across the country.
- b. The Government banned the use of all combustible materials on the walls of new high rises in November 2018 (MHCLG, Government bans combustible materials on high-rise homes, 29 November 2018) meaning the problem has now extended beyond ACM cladding to buildings decorated with other materials that could be flammable - including balconies, and wooden panels. However, it did not legislate for building owners to take action or provide sufficient compensation funds to cover all situations.
- c. In parallel, the Royal Institution of Chartered Surveyors (RICS) and the UK Council of Mortgage Lenders agreed the industry External Wall System fire review and certification process resulting in what is known as an EWS1 form. Only circa 300 professional fire safety engineers nationally are qualified to issue these - creating a bottleneck across the country including in the West of England.
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Local Authority, Housing Associations or private landlords. Remediation costs are also skyrocketing in the £100Ks and many owners are forcing this back on leaseholders via financially ruinous service charges – including impacting those in shared ownership.

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