

RESIDENTS' REFERENCE PANEL ON BUILDING SAFETY IN HIGH RISE RESIDENTIAL BUILDINGS

MEETING FOUR – REPORT: PANEL RESPONSE TO
BUILDING SAFETY CONSULTATION

JULY 2019

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INTRODUCTION

The Ministry for Housing, Communities and Local Government (MHCLG) commissioned a Residents' Reference Panel on Building Safety in High Rise Residential Buildings.

The purpose of the panel was to help inform government decisions on building safety. This means issues such as fire and structural hazards that pose a serious threat to the physical safety of residents.

The panel consisted of up to twenty residents, chosen through purposive sampling. Panel members were varied in terms of their experience of high rise living (for example, what floor they live on and the type of tenure they hold) and demographic criteria such as age, gender and ethnicity.

The panel met four times in total, in October 2018 and January, April and July 2019.

MHCLG contracted participation charity Involve to design, facilitate and write-up all four panel meetings. The Involve team again worked with MHCLG to decide how the fourth meeting would work, facilitated the meeting on the day and produced this report.

ABOUT WORKSHOP FOUR

The fourth and final meeting of the Residents' Reference Panel took place on Monday 22nd July 2019. The meeting aimed to produce a panel response to the Building Safety Consultation with a particular focus on Chapter 4: Resident's Voice.

ABOUT THIS REPORT

This meeting report contains the views, feedback, information and ideas put forward by panel members at their fourth meeting.

It does not seek to interpret the information, other than grouping it into relevant themes. Instead it aims to provide a clear presentation of the feedback collected so that it is easy for MHCLG to reference and use.

The report has been produced from the verbatim write up from the meeting which has also been shared with MHCLG and the participants for transparency.

SECTION ONE: INFORMATION PROVISION

Panel members split into two groups to answer the consultation's questions on Information Provision. The notes below are a summary of their answers.

PART 1 (QUESTION 5.1 IN THE CONSULTATION DOCUMENT)

a. Do you agree that the list of information in paragraph 253 should be proactively provided to residents?

Panel members agreed that the list of information in paragraph 253 should be proactively provided to residents, describing it as 'comprehensive'.

They also made several additional points:

- Having procedures to follow when a fire occurs in the building (including for evacuation) is a priority;
- There should be a "go to person" with ultimate responsibility for information provision;
- There needs to be a way of explaining the "accountable person" role to all residents;
- Information around residents' responsibilities should include guidance not to store flammable materials outside of flats, on balconies or in communal areas;
- Residents should also take responsibility for sharing the information in paragraph 253 with their neighbours.

Panel members expressed their support for the 'culture of openness' described elsewhere in the consultation document.

b. If not, should different information be provided?

N/a

c. If you have a view on the best format [in which to provide that information], please provide examples.

Order of information

The order in which the information is presented was important to panel members in group 1. They noted that not everyone reads everything, so key information needs to be displayed first. They recommended that item D should be at the front of any information booklet, followed by C. The main point of contact needs to be listed at the end, along with their contact details.

Panel members also suggested that information should be ordered by responsibility: information on the areas for which the dutyholder or accountable person are responsible should be first, followed by actions that residents can take to make the building safe. Panel members felt that this would encourage collaboration and shared responsibility between the accountable person and residents.

Format & location of information

Panel members indicated that a variety of information in different locations and formats would be most suitable.

Some participants felt strongly that building evacuation plans should be placed at strategic points on each floor (for example, at fire exits so that they are in accessible locations when / if people panic). They suggested that the rest of the information should be placed in locations where everyone will see it – for example, in the concierge's office, or on noticeboards next to entrances and exits.

Participants felt that any information should be available in both print and digital formats. They suggested that printed versions are the highest priority because not everyone has access to a computer. Panel members also stated that, regardless of how digitally competent someone is, the information is complicated so printed versions may help to present the information more clearly to everyone. A printed summary of the information was also recommended.

Panel members suggested digital information should be shared on a website. They suggested that this could be in PDF format. One panel member indicated a read only Word document would be better than a PDF. S/he suggested that this would allow residents to copy the information and pass it on to other residents if required. S/he recognised that there could be commercial sensitivities that made this idea difficult to deliver in practice.

Panel members were keen that information be accessible to vulnerable residents. They noted a need to provide the information in braille and / or via voice activated software for people who are blind and live independently without a carer. Some residents suggested that landlords should know who their residents' carers are and be responsible for ensuring the information is shared with them.

d. Any other comments?

Panel members raised concerns around the Grenfell fire safety plan and suggested that fire safety plans should include the building's evacuation procedure. MHCLG need to consider how often these plans should be updated.

Panel members requested that fire safety plans be checked with the fire brigade. They recommended that the fire brigade sign off these plans during the construction of new buildings and asked whether they could do a fire safety check of new buildings too. Another consideration raised by the panel was a need for the fire brigade to know who the key holder for the building's fire alarm is so that they can turn alarms off when required.

Panel members also talked about supporting others in the case of fire. Panel members recommended that people next door to someone with a disability should know how to help in these situations. This was based on a concern that letting the fire brigade know may not be quick enough to get people out in time if a fire spread quickly. Both the resident with disabilities and those providing support would need to consent to this arrangement being put in place. The Concierge could also hold the relevant information and provide assistance where possible. Panel members acknowledged the challenge of keeping this type of plan up to date, given that people can move flat frequently. They also noted that some individuals may prefer not to disclose information about their disability. Panel members suggested that fire safety awareness also needs to be taught in schools.

One panel member noted that Haringey Council has already implemented most of the above suggestions and could be used as a good example when developing policy around information provision further.

Finally, panel members requested a change in terminology from information being provided 'proactively' to 'automatically'. They suggested that this would be clearer and easier for residents to understand.

PART 2 (QUESTIONS 5.2 AND 5.3 IN THE CONSULTATION DOCUMENT)

a. Do you agree with the approach proposed for the culture of openness and exemptions to the openness of building information to residents?

Most panel members in general agreed with the proposed approach for the culture of openness and exemptions for building information. Panel members felt that information about anything affecting them directly, for example evacuation and safety prevention measures, were the most important pieces of information to share.

Some panel members questioned the clarity of the proposed approach. They felt that the information under “culture of openness” was not very clear, such as the use of “CPNI”. Another panel member questioned the use of “on request” noting that some residents will request the information and others will not.

For sharing the information, one panel member recommended that the information is placed on a website that is regularly updated so it is accessible when needed. This panel member felt that residents could find the majority of the information they needed here and then could call someone for the remaining information. The panel member recommended the Building Safety Manager (BSM) should know all this information and therefore be the point of contact here.

Panel members raised the question of whether there will be competing needs for information. They gave the example of the risk of this information being used to commit a terrorist act whilst this information could also be needed to mitigate a potential hazard to residents. Panel members felt residents should be required to provide a reason why they need information that could entail a terrorist risk too. Panel members asked if MHCLG are considering another panel to discuss this.

Panel members also suggested that residents don't need this information as they don't need to do structural renovations on a building.

One panel member said they were not worried about whether information that might compromise security was redacted or not when it was shared. They would want information to be clearer and more transparent in general.

Panel members also raised a point around historical building information. They felt MHCLG need to consider what process should be in place if historical building information is needed several years later and there is a new BSM in place.

- **If not, do you think different information should be provided? Please provide examples.**

N/a

b. Should a nominated person who is a non-resident be able to request information on behalf of a vulnerable person who lives there?

c.

- **If you answered Yes, who should that nominated person be?**

- a) Relative,
- b) Carer,
- c) Person with Lasting Power of Attorney,
- d) Court-appointed Deputy,
- e) Other (please specify).

Panel members in general supported this idea and several suggested more than one of these options should be chosen. Some panel members provided the following factors to be considered when sharing this information with the suggested individuals:

- Residents need to provide permission and confirm a nomination. Residents should be able to withdraw this permission at any point.
- Checks need to be in place to ensure the nominated person genuinely represents the resident before information is shared with them, including people who say they are a relative.
- If a resident has an existing carer, the carer has already been given permission to act on the resident's behalf.
- Guidelines should be in place to protect the privacy of the individuals concerned.

Other panel members were not as concerned about ensuring permission is provided when the individual has already been appointed by a court. One panel member suggested it is likely in these situations there will be a self-delegated, approved third party who can act on behalf of the vulnerable person. They noted if the resident suffers from mental health issues then the council should hold that information already.

Panel members agreed that friends and neighbours should be added to this list too because they could know a resident very well. They felt that this would still need to be authorised by the resident.

One panel member felt the information should again be put on a website and shared that way. They suggested this would be cheaper than having to answer questions individually. They noted that this might be a sales pitch to the organisations responsible for providing this information because it would make it easy for them to share reducing the costs associated with having to provide this information.

SECTION TWO: INTERNAL & EXTERNAL ESCALATION & REDRESS

Panel members remained in two groups to answer the consultation's questions on Internal & External Escalation & Redress. The notes below are a summary of their answers.

PART 1 (QUESTION 5.9. OF THE CONSULTATION)

a. Do you agree with the proposed requirements for the accountable person's internal process for raising safety concerns? Why?

Panel members did not provide a clear yes or no answer to this question. They instead shared recommendations for how this process should work.

Clarity about roles & points of contact

Panel members felt it needs to be clear to everyone who to raise safety concerns with and what the role of that person is. Panel members said the role of the Building Safety Regulator and who they control needs to be set out very clearly. Panel members felt that the Regulator should not be inundated with concerns but should be able to follow a trail back in order to understand a specific issue that has been raised if needed. They suggested issues should be raised with the BSM first and then the Building Safety Regulator.

One panel member always copies multiple people into emails to make sure a complaint goes to all the relevant people. They will include the repair manager, housing officer and the Director of Housing because they feel this ensures someone will see the complaint. They felt it was tough to put all the responsibility on one person.

Some panel members recommended that MHCLG need to consider the tensions and trade-offs that will arise here between cost and safety. They were concerned that a BSM could go beyond the minimum safety requirements calling this the "Gold Plated" idea which could incur extra costs for residents.

Panel members queried whether leaseholders have the right to delay maintenance due to financial implications if the maintenance is required in order to resolve a safety concern. Panel members thought that residents need a right of appeal to an independent body that can make a final decision in these cases. They provided the following example to illustrate this: what happens if the BSM says something is a safety issue and the leaseholder doesn't agree that it's a safety issue?

Panel members also recommended that page 282 should refer to the BSM instead of the accountable person.

Timescales

Panel members noted the importance of managing expectations around timescales for an escalated issue. They felt residents need to be clear when to escalate an issue otherwise they may escalate it too soon. There should be centrally agreed, reasonable timescales (amendable with permission) that can act as guidance but not a legal requirement. Panel members suggested emphasising the distinction between urgent and non-urgent issues could help determine timelines for escalation. They felt the level of urgency should be determined by whether it was a safety issue or not.

Panel members felt that residents should get a response straight away that acknowledges receipt of the concern they have raised. This acknowledgement should contain timescales for dealing with the specific issue.

Panel members made the general point that MHCLG need to collect feedback on whether the timescales for escalation (and other proposals throughout the consultation) are working so they can make any necessary changes.

Storage space

Panel members raised a specific request for adequate storage space to be provided for prams and bicycles and other similar items in new builds and buildings that can be adapted. They questioned how residents could comply with page 284 without this.

Method of contact

One panel member again noted that Haringey Council is a very good example for escalation and redress; they email or write back depending on the method used for the initial contact.

PART 2 (QUESTIONS 5.10 AND 5.11 OF THE CONSULTATION)

a. Do you agree to our proposal for an escalation route for fire and structural safety concerns that accountable persons have not resolved via their internal process?

Panel members agreed with the proposed escalation route for fire and structural safety concerns. One panel member noted they supported the proposal because this type of escalation route was not an option for Grenfell residents. Panel members again felt that issues should be escalated when they are urgent especially if they relate to safety issues.

One panel member queried the strength of paragraph 287 asking where the “teeth” are in the proposals it describes.

- **If not, how should unresolved concerns be escalated and actioned quickly and effectively?**

N/a

b. Do you agree that there should be a duty to co-operate as set out in paragraph 290 to support the system of escalation and redress?

- **If yes, please provide your views on how it might work.**

Panel members confirmed there should be a duty to co-operate as set out in paragraph 290. Panel members noted the co-operation needs to be at a council level. They recommended that a time limit should be placed on the bodies concerned to co-operate. For example, they must deal with an issue within 7 days.

Panel members raised the following points when considering how this might work:

- The possibility of the anonymity of residents in this process should be considered by MHCLG.
- Could MHCLG be another route for escalation?
- One panel member felt that in general, people would have same tolerance level and understanding about the need for safety which should encourage them to act around the issues raised.

Panel members also questioned paragraph 288. They felt it was not clear when this might happen.

- **If no, please let us know what steps would work to make sure that different parts of the system work well together.**

N/a

SECTION THREE: RESIDENT ENGAGEMENT STRATEGY

Panel members stayed in the same two groups to answer the consultation's questions about the Resident Engagement Strategy. The notes below are a summary of their answers.

PART 1 (QUESTION 5.4 OF THE CONSULTATION)

a. Do you agree with the proposed set of requirements for the management summary? Why?

There was a difference of opinion between the two groups about whether they agreed with the proposed requirements or not.

One group agreed with the proposed set of requirements. They felt the requirements were straightforward. Panel members in this group recommended that MHCLG refer back to previous panel meeting discussions for further suggestions around this area too.

The other group felt it was hard to see or imagine these requirements working in practice at the moment and they said they would need to see examples of the management summary in use before saying if they agree or not. Panel members in this group felt that all the points were relevant but queried how the requirements would be enforced.

Both groups found some of the information confusing and asked several clarifying questions. Panel members described the information as "committee speak". For example, panel members said: "demonstrate commitment" was a woolly phrase. The panel noted how important it is for information to be concise and clear so that people (residents and the accountable person) comply with the requirements. This is connected to panel members querying how the management summary would work for and be used by people who do not speak English.

Panel members also asked when the management summary would be used; whether this was just for new buildings or existing buildings too?

There were differing views on how the requirements outlined where responsibility lies. One panel member liked the constant reference to responsibilities on both sides. They said this placed a stress on co-operation and it was positive to see this emphasis. Another panel member felt the council wants to get rid of their responsibilities and wants residents to take on more responsibilities.

Another panel member noted that if someone wants to rent out their flat, they need to be responsible for ensuring tenants are provided with the relevant safety information. They recommended that the BSM should follow up with tenants to make sure this information is shared with the resident once they have moved in. Panel members suggested that a paragraph should be included in the information booklet or equivalent information that is given to residents covering their responsibilities around safety.

Panel members also recommended that residents should be helping to determine the success criteria of the management summary.

PART 2 (QUESTION 5.5 OF THE CONSULTATION)

a. Do you agree with the proposed set of requirements for the engagement plan? Why?

Panel members agreed with the proposed set of requirements for the engagement plan. They felt these were necessary to help residents understand their rights and responsibilities.

Panel members again thought the information should be shared through a combination of digital and paper versions. They suggested the paper copy could be a summary of the information. Some panel members suggested additional ways this information could be shared including online and through meetings with residents.

One panel member questioned how information is shared in other languages and felt that MHCLG need to think through the practicalities of doing this too.

One panel member again suggested removing the word 'proactively' from this section.

SECTION FOUR: RESIDENT RESPONSIBILITIES

Panel members stayed in the same two groups to answer the consultation's questions on Resident Responsibilities. The notes below are a summary of their answers.

(QUESTIONS 5.6, 5.7 AND 5.8 OF THE CONSULTATION DOCUMENT)

a. Do you think there should be a new requirement on residents of buildings in scope to co-operate with the accountable person (and the building safety manager) to allow them to fulfil their duties in the new regime? Why?

All panel members thought there should be new requirements for residents to co-operate with the accountable person to allow them to fulfil their duties in the new regime. Some panel members felt the next key question is what these new requirements should include.

Panel members also queried how the current requirements work. Some panel members expressed surprise that it was not already a law to allow the landlord or accountable person access to a flat.

Panel members noted some form of consequences and punishment should be included in these requirements for the small minority who are causing building safety issues in order to hold them accountable. Panel members felt that there should be suitable punishments for different types of events. They said the ultimate punishment should be eviction.

Panel members felt people who sublet a flat should be responsible to provide safety information to their tenants. They suggested that there could be a register that landlords and tenants sign to confirm safety information has been shared, if this was not too expensive.

The panellists flagged that MHCLG need to be aware that some people will ignore letters from the council too. Panel members suggested that the BSM should engage with residents on this to make sure residents take their responsibilities more seriously. Panel members felt that residents should also be responsible for their visitors.

Finally, panel members also asked MHCLG to consider whether the requirements will be legal requirements. Some panel members felt that there will always be people within a system who will abuse that system. They queried how it is possible to legislate against these "bullies" who they felt will exist in all systems.

b. What specific requirements, if any, do you think would be appropriate? Why?

Panel members noted again that residents do need to be aware of their responsibilities. Panel members shared occasions in their buildings where the following problems were not reported: magnetic doors that don't release in a power cut and a major leak in communal areas. They shared a list of potential resident requirements that they felt would be appropriate:

- Do not start fires
- Do not obstruct evacuation routes
- Do not make structural changes to your flat that could cause safety issues
- Get leaks or maintenance issues fixed in a timely way before they become a problem
- Report problems (e.g. in communal areas)
- Give as much notice as possible for work on a flat and provide some choice around dates, times etc.

Panel members noted the difficulty of imposing requirements on private residents. They also felt that a requirement where landlords can enter a flat on the grounds of “safety” would get abused by landlords. They recommended specific requirements are needed in response to new work carried out on a resident’s flat.

The panellists again noted that a tenant needs access to the opportunity for redress if they are not given the correct safety information too. Further panel responses around this area are covered in the Internal & External Escalation & Redress section of this report.

Panellists also questioned how these requirements should be communicated to residents and how residents should be engaged with this. Their thoughts on this area are captured in the Resident Engagement section of the report.

c. If a new requirement for residents to co-operate with the accountable person and/or building safety manager was introduced, do you think safeguards would be needed to protect residents’ rights?

➤ **If yes, what do you think these safeguards could include?**

Panel members felt that certain safeguards are needed to protect residents’ rights if new requirements to co-operate with the accountable person and / or BSM are introduced.

Right of entry

Panel members want to be able to ID the person coming into their flat and they noted residents have a right of notice for entry to their flat. They said residents will be less responsive and accepting if the suggested entry times are very prescriptive. The person who wants entry needs to give a range of time options for when they will visit.

Panel members felt there need to be guidelines around the right of entry and what the accountable person should do if residents refuse entry. Panel members noted that forced entry should not be the first step as this could spook vulnerable people. They said these requirements need to consider vulnerable people carefully.

Safety & maintenance

Panel members said regulatory checks on fixtures such as gas, electricity and fire prevention cannot be exempt from access. They noted that these require certification for both the council and the landlord, and basic safety standards need to be maintained. Essential utilities that have to be checked should be pointed out to tenants at the start of the tenure. Panel members again felt that enough notice should be provided to do these checks at a convenient time for the resident.

Panel members suggested checks and balances need to be in place to make safety requirements proportional. They provided the example of residents storing petrol tanks compared to storing bikes. They suggested different requirements are needed in different situations.

Panel members also noted the importance of ensuring that people who are deciding what work needs carrying-out, or who carry-out the work, are competent. They felt this will help safeguard residents. One panel member gave the example of a neighbour who used an incompetent plumber which then impacted on other residents.

Landlord/council/tenant requirements

Panel members felt that at all costs, the privacy and rights of tenants must be respected. Panellists also recognised that tenants must take into account that their landlords have a duty of care to perform and should not be hampered from doing so. One panel member explained they would support the idea of tenants being reminded of their agreement to co-operate with the accountable person when such an occasion arises.

Panel members felt that this requirement to co-operate would already be part of an agreement between the council and landlords with their tenant. One panel member felt the format of these agreements could be used. There could be a focus included on the tenant needing to understand the priority of this co-operation.

Some panel members said that because these are already in place between tenants and the council, there is a need to ensure that other (private) landlords adhere to the same requirements.

Right of appeal

Panel members felt the right of appeal for residents is important especially if something has an impact on all residents. Panellists noted residents need to understand what's going to happen if they don't comply and why.

Panel members said residents need to have a person they can go to for advice and support who can present a resident's case. Panel members felt this was necessary for all residents and particularly for vulnerable people. They were aware that ignorance is no defence for a legal position and recommended that residents need support to understand their responsibilities.

They also noted that at some point, someone has to make a decision on issues or problems.

Resident resistance

Panel members said most people will accept these requirements, but there will be a small number of residents who will disobey. Panel members recommended that MHCLG need to consider how they will deal with a resident being wilfully disobedient.

Panellists felt that residents need to overcome the empathy hurdle with the new posts (e.g. BSM and the accountable person). They noted increased interaction between the new posts and residents will help to address this and could help encourage more co-operation from residents.

Panel members said that landlords should have the ability to evict residents if they do not comply. They felt there should be a court process for extreme cases. They also recommended that MHCLG should consider an escalation process before this so that the "full nuclear" option is not chosen straightaway.

Finally, one panel member felt that residents of a private flat in their building would be more likely to adhere to requirements as they have a vested interest to do so. Another panel member was not sure if people would say no in their block because they are given lots of notice and warning which helps them to co-operate when needed.

APPENDIXES

Appendixes A, B and C cover topics from the consultation that we did not discuss at the workshop. Involve offered participants the opportunity to comment on these other topics either by email or in a telephone call. Three participants took this opportunity.

These sections differ from the write-up above in that they contain the notes from individual participants who provided their thoughts and feedback on these topics to us afterwards. They therefore are not the views of the whole panel. The notes below are a verbatim reproduction of the notes which participants sent to us, or of participants' views given over the phone.

APPENDIX A: BUILDING SAFETY MANAGER & DUTYHOLDER

General comments on consultation document

- Very concerned about no mention of fire evacuation plans. In particular:
 - No mention of whether the 'stay put' guidance is staying and, if yes, when and how it's going to be applied. It was this guidance that was responsible for people's deaths at Grenfell.
 - It doesn't say whether going to talk to fire authorities about fire evacuation plans for individual buildings. P13 says will consult the fire and rescue team, but don't specify how.
 - Need to take account of people's behaviour – e.g. people don't pay attention to fire evaluation signs unless they are flashing (almost 100% increase in likelihood of response if the signs flash).
 - Fire evacuation models, are there different models that the fire inspector could look at and use as basic template to apply to buildings, then modify it to take account of specific features of that building? Could be a way for learning to be shared and built upon. Would there be sign-off on evacuation plans?
 - Q. 2.5 Fire safety authorities should be statutory consultees. Fire evacuation plans should be part of the safety case. Go ahead to build should not be granted until and unless the fire brigade have inspected the plans and said they could evacuate the building safely.
- What happens if the building safety certificate is permanently revoked? Do you rehouse residents? Is there a statutory duty to do that? Are you intending to develop a means of redress in law for residents affected by this?
- For a large, multiple occupancy block (50 plus dwellings), the Building Safety Manager is a fine concept. For smaller blocks I think a requirement for a BSM would have to be diluted. Maybe an area BSM (local authority?) could provide this service?
- Defining the scope of the BSM could be tricky. Our group on Monday at the panel meeting discussed the definition of safety related and how a safety case might have to be justified.

Very good ideas

- Having an accountable person
- Dutyholder responsible for maintaining golden thread
- The Dutyholder is the vital role. There has to be one named individual who bears the responsibility for a building's safety. Where a company (private flats) or a local authority/housing association own the freehold this could be a board member or council official.
 - It may be very difficult to enforce this. There may be a resistance to individual responsibility and a move to shelter behind a corporate responsibility.

Questions

- If a building is co-owned by flat owners, and run by committee, who is the dutyholder and accountable person? Is that type of informal structure going to be acceptable or does there need to be a more laid down structure? Would there be a need to employ an external person, and if yes how would that be paid for?
- What happens if the building is owned by a foreign person or company, how would the rules apply to them? Could they apply to them in the same way as for UK-based owners? If they had to employ additional people, how would that be paid for?

Other feedback

- On responsibilities: [Involve comment for context: These panel members also provided further reflections on questions 5.6, 5.7 and 5.8 on Resident Responsibilities]:
 - Residents should be obliged to co-operate with the responsible person. Recently saw a local paper article about people refusing to have sprinklers put in. That's completely unacceptable. Have to have rules to make people obey when their behaviour threatens others' safety. [Involve comment for context: Some participants felt this needed the force of law.]
 - The above needs to be balanced with proper protections for residents. The responsible person needs to make an appointment to come to the flat with sufficient notice, and respect residents' privacy etc. The responsible person needs to explain what the dreadful outcomes could be (e.g. fire risk) if the resident doesn't co-operate and the penalties the resident could face. This should be the first step before the penalties are used.
- On cladding and the safety of materials:
 - Very soon after Grenfell, blocks were built with unsafe cladding and materials. Bribery involved. How do you legislate about that? This was a huge concern for panel members.
 - No reference to cladding in report or to high pressure laminate. The initial fund after Grenfell was only applied to social housing but not privately-owned buildings (at least not to the same extent) – so how going to fund it? Is it going to be illegal not to update the cladding/unsafe materials?
- Not sure it should be possible for the BSM to be the accountable person. Wouldn't that entail a conflict of interest?

Answers to more detailed questions on consultation document

- Q3.1 Yes. No point having certificates unless proved to be safe.
- Q3.2 Yes, but still needs someone to approve it and fire evacuation plan should be included.
- Q3.3 Yes, reasonable. But also might want to undertake unannounced spot checks to make sure people aren't pulling a fast one. Spot checks could involved asking to see aspects of safety case. Reviewing registration every 5 years is reasonable.
- Q3.4 Leaseholders may not be able to afford the remedial works need to make their flats fire safe. Good to have some kind of scheme in place to help with repairs that are urgent and/or important. Should also be pointed out to people that they should save so can afford this type of thing.
- Q3.5 Yes.
- Q3.6 As per above.

- Q3.7 Yes, because the whole point is that there are lots of other potential Grenfells out there.
- Q3.8 Yes, because they are independent and have overarching responsibility, so people are less able to game the system
- Q3.9 Yes. Some of them have to be more explicitly explained and laid down – need to be specific about what they want people to do because things not happened in the past.
- Q3.10 Yes.
- Q3.11 No, not really – it is not that clear. Conflict of interest if accountable person is BSM (how does p169 apply in this case)? Needs to be two separate people.
- Q3.12 Yes.
- Q3.13 Where there is evidence that BSM hasn't being doing job or is corrupt. Need register of BSMs so check other properties affected by same BSM or by other BSMs employed by same company. Register should be mandatory and held at a central point. Confirm on annual basis who BSMs are. BSM not suitable if have any criminal conviction.
- Q3.14 Depends on circumstances.
- Q3.15 Depends on circumstances – eg when found someone suitable for permanent role, it should end.
- Q3.16 Don't know. The building owner? After all, they are the ones that have control of the building.
- Q.3.17 Yes.
- Q.3.18 Yes. How do they determine the size of the fee and who's eligible for it?
- Q.3.19 Yes. If building connecting blocks could get certificate for one block whilst others being built. But ultimately you'd need one certificate that covered all the blocks together if they are connected.
- Q3.20 Yes.
- Q3.21 Looks good. Might want to make it a bit less, but fine.
- Q3.22 Yes. Additional would be criminal activity, or misbehaviour in other blocks that they own.

APPENDIX B: COMPETENCE

Overall comment on consultation document and its suitability for residents

- The more complicated you make it, the less likely people will read it and follow it.
- Terms not explained fully enough and not all terms explained – e.g. what is golden thread in this context.
- The look up tool is good but quite tedious to use. Need a proper index printed at the back.

- Need to refer across document to answer questions – e.g. to work out what a BSM is and what their role is. Spent hours looking at document but still not got enough of a grasp to answer all of the questions.
- Need a very short and concise alternative as well as the main document. It is often those people who won't read a long document that need to be involved. This short concise document should be made available to all residents.
- We would expect all tradespeople to be qualified and competent to carry out maintenance or refurbishment work on our buildings. For high rise work maybe we could insist on a higher degree of competence, akin to an HGV licence compared to the general motoring licence.

General questions

- How long till responses to the consultation are published?
- How long before government response to consultation findings and publishes its plans?

Questions

- One participant has maintenance work done by volunteer residents with relevant professional backgrounds – would that be acceptable or not? Works extremely well. These people are living in the building so it is in their own interest to do the work well.
- Who is looking at fire safety competence?

Answers to detailed questions in consultation

- Q4.1 Some participants think they are unnecessarily complicated, and some people think they are a good idea. Shouldn't be mandatory because might be unnecessary. But should have this or something that is just as good at all the stages outlined. At pre-construction phase (design and application stage) it must be ensured that all materials are safe.
- Q4.2 Don't know.
- Q4.3 Fire evacuation plan, for all reasons said in BSM document. Two major points (1) safe materials; (2) ensure that stay put policy is never used again. Second of these never addressed at all. United States has phased evacuation plans – are the UK fire brigade talking to their US counterparts to develop phased evacuation plans for large buildings? Plans needs to be flexible enough to be adaptable to specific blocks – on completion of building there must be inspection and approval of fire evacuation plan.
- Q4.4 Some participants said yes. Others said that they do think that people should be able to ask to see the history of the building – e.g. what materials have been used. But need safety protections to prevent terrorism. Maybe create documents in word so that you can redact certain bits when sharing them with people?
- Q4.5 Yes.
- Q4.6 Fire evacuation plan.
- Q4.7 No.

- Q4.8 Fire evacuation plan - want to know the fire brigade has a good plan. Also when building a new block, they should take account of whether a fire engine could actually get to the building and also whether they could access water supplies if needed. You shouldn't be able to build a building that doesn't have these two types of access.
- Q4.9 Yes - whole point of having overarching system in place.
- Q4.10 Yes - don't want to put people off reporting. Need someone independent to report to – confidential phone line. This must be confidential.
 - The person at the other end needs to question the person reporting the problem to get at systemic failings – i.e. ask them why that slip up occurred/problems exists.
 - Need appropriate response and punishment. Could make recommendations and give people a chance to put things right before hand out punishments and fine. Want people to comply before gets to the stage of fining people, otherwise it's too disruptive to the industry as a whole. Incentivise people to act in a good way in the first place.
- Q4.11 Don't know about time frame but yes must report it. Does timeframe depend on the particulars of the occurrence?
- Q4.12 Yes.
- Q4.13 Yes.
- Q4.14 Lack of performance / breaches of duty – i.e. not doing jobs. Who do you go to if you think the dutyholder isn't up to scratch?
- Q4.15 Don't know. Looks good but not our area of expertise.
- Q4.16 Yes. Unclear how prescribed person relates to body.
- Q4.17 Yes. Sounds like a really good idea.
- Q4.18 Yes, need to ensure that residents and tenants are behaving in the way that they should. Should actively promote that. Everyone needs to take it seriously. Upmost importance that residents feel involved and have sense of responsibility.
- Q4.19 Yes, really key.
- Q4.20 To all of it. Needs to be a coherent hole otherwise opening opportunities for something dodgy. Real concerns about bribery

Additional points

- [Name of a Company] made a mess at two panel members' blocks. Where do you go from there – i.e. when a well-known company is not being competent?
- Problem of regulation in building stage is an issue – do we have firm grasp on number of people who are and aren't competent? Are there enough good workers to cover everything? Including in light of Brexit?

APPENDIX C – Q & A WITH MHCLG ON IMPACT OF THE PANEL

MHCLG led a Q & A for participants at the beginning of the meeting. Panel members raised these questions:

- How do you make sure people can learn the job and aren't prevented doing so by competence rules?
- Capacity issues around competent people (given Brexit etc) and people who come in and out from abroad.
- When in-house team doing maintenance / building work or it's subcontracted, how do residents know the person is 'competent' i.e. meeting requirements?
- What do you do if people are competent on paper but aren't in reality?
- Does this entail extra costs for residents (e.g. in private blocks) – who will pay for extra checks etc?
- In consultation documents, don't require examples when asking people to answer questions – it puts people off.
- How quickly will the new rules / laws suggested in the consultation document come into force, and what are residents meant to do in the meantime?