

Message

From: Anthea Nicholson [/O=DCLGORG/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ANTHEA.NICHOLSON]
Sent: 15/01/2013 18:52:05
To: Brian Martin [/O=DCLGORG/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Brian.Martin]
CC: Bob Ledsome [/O=DCLGORG/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Bob.Ledsome]; Anthony Burd [/O=DCLGORG/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Anthony.Burd]; Ian1 Drummond [/O=DCLGORG/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Ian1.Drummond]
Subject: RE: Lakanal House Inquest - MSU 000432 - LFB to BL
Attachments: 120606 CPS Conditions_Final_clean.pdf

Brian

When we met Louise and Mike last week, we agreed to provide factual contributions on Recommendations 3 - 5. Here is my contribution on Rec 3:

FENSA is no longer the only self-certification scheme for doors and windows. The number has increased over the last few years and there are now (under the Building Regulations etc (Amendment) Regulations 2012, SI 2012:3119) seven other bodies besides FENSA authorised for doors and windows in domestic buildings and three others for non-domestic buildings (see Schedule 3, Rows 13 and 21 respectively).

An installer may apply to any of these bodies to be registered as competent to self-certify their work. It is no longer true that an installer does not have to demonstrate initial competence. We issued new conditions of authorisation in June 2012 that all scheme operators are now committed to meeting:

Conditions 8 - 14 cover the relationship between the scheme operator and its members. They include conditions that a scheme operator must assess its existing members and applicants as technically competent against National Occupational Standards, ensure that members' competences are kept up to date, and carry out regular surveillance of members' work.

Do you want to add anything to this as regards the substantive recommendations?

Anthea

Anthea Nicholson
Building Regulations & Standards
ext [REDACTED]

From: Brian Martin
Sent: Monday, January 07, 2013 2:38 PM
To: Anthea Nicholson
Cc: Bob Ledsome; Anthony Burd; Ian1 Drummond
Subject: Lakanal House Inquest - MSU 000432 - LFB to BL
Importance: High

Anthea (+Bob & Ant) you will need to be aware of the issues arising around FENSA. Ian, I think, gave some observations on this a while ago.

The Inquest starts later this month.

Brian

From: Louise Upton
Sent: Monday, January 07, 2013 2:23 PM
To: Brian Martin; Frances Kitson; Mary Marshall; Mike Larking; Andy Stapleton
Cc: Dawn Eastmead; Ken Knight
Subject: MSU 000432 - LFB to BL re: common parts - advice pls
Importance: High

<< File: 000432 - LFB re Lakanal House common parts.tif >> << File: Scan-to-Me from ela-mfd-f3-zb6 2013-01-07 134232.pdf >>

To see the attached letter from Ron Dobson to Brandon Lewis, ahead of the Lakanal House inquest, making 7 recommendations for Govt to consider - the last two of which are already being dealt with.

The first 2 relate to FSO guidance. LFB are asking that Govt provides further guidance for enforcing authorities on what constitutes the common parts in blocks of flats (particularly in relation to front doors owned by leaseholders). LFB reference the definitions set out in the Housing Act 2004 and the 2006 Management of HMOs (England) Regs - both of which (obviously!) differ.

Recommendations 3 - 5 are for Brian to consider, and are related to windows - including defining in Building Regs what is meant by a 'window'.

Separately, I've received the scanned letter from RB Kensington and Chelsea, referencing the LFB letter and asking us to hold off replying until they have written re the enforcement protocol set out in the LACORS guidance, as they (I believe) feel that irrespective of whatever local protocols that are recommended, it is the FRA who should enforce the FSO against any leaseholders whose premises have been fitted with an inappropriate front door. One of the questions we need to ask is would a leaseholder who replaced their front door become a person with some degree of control over the premises and therefore a responsible person under art 5(4). It seems to me they might, but this would clearly put the ball in the FRA court for enforcement purposes, and it would get very messy, very quickly if the freeholder had not stipulated in the lease what they could/should do about the front door ...

I propose to seek an extension to the draft MSU but given the raft of complex issues it raises, it would be good to discuss handling. One option would be to draft a holding reply saying we're considering these issues and will await the Coroner's findings, but, if so, we should certainly start to explore the issues and the extent to which they can be addressed satisfactorily, so we are in a position to respond to the Coroner should she make similar recommendations to us in her Rule 43 letter. Discussions with FRA colleagues have indicated that EHOs are generally reluctant to enforce the HHSRS (which of course includes the common parts) in purpose built blocks of flats and of course, where the LA is the owner, they can't anyway.

For completeness sake, I attach our views on the common parts issue which LFB raised with us at the back end of 2009.

<< Message: FW: Application of the RRFSO to common parts >> << Message: RE: Common parts >> << Message: Application of the RRFSO to common parts >>

Mike - could you review diaries and set something up for Thurs please. Also, can you seek an extension to the MSU (I'd hate to have Dawn marked down!)

Louise