

## RESPONSE TO STATEMENT MADE BY RT HON MICHAEL GOVE MP

---

Residents may be aware of statements made by the Rt Hon Michael Gove MP in January 2022 regarding the nationwide building safety crisis and his proposed plans to enforce “polluter pays” legislation to ensure that developers pay for the removal of cladding materials.

We welcome a change in the government’s approach and are pleased the government is now looking at the multi-faceted issues seriously and working with leaseholders to find solutions.

### We are supportive of the following:

- The Secretary of State’s ambitions to protect the consumer and his statements that “those industries at fault must pay” for remediation.
- The focus on ‘proportionality’ and the new technical guidance (PAS9980) is likely to support solutions such as that proposed by EVM’s fire engineer for mitigating measures as opposed to more expensive remediation – this has the potential to deliver safer homes faster.
- We are hopeful about proposals to ensure more fire engineers and risk assessors can get adequate Public Indemnity insurance. This is critical in increasing the speed of assessments and the oversight of any remediation work.
- The expected increase in pace from the Building Safety Fund. This is likely to mean faster decision making, progressing applications sooner.

### We are waiting for clarification on the following:

- Despite the headlines, there does not seem to have been an unequivocal statement from the government about how building safety works will be paid for and what leaseholders can expect from government. More clarity is required about what is eligible for funding, particularly about the definition of “cladding” and whether this includes structural defects behind the cladding and other forms of external wall fascia as well as non-cladding costs. At East Village, ACM cladding materials are used on some balconies, and we would like to see removal of this high-risk material eligible for funding. Similarly, we would like to know how any future costs that may arise as a result of the proposed Building Safety Bill will be funded. (At the time of writing there have not been significant amendments to the Bill as it passes through the parliamentary process).

Triathlon Homes LLP

Registered office:

FLEET HOUSE

59/61 CLERKENWELL ROAD

LONDON EC1M 5LA

[www.triathlonhomes.com](http://www.triathlonhomes.com)

LLP Registration Number: 0C334412

- How lenders and valuers respond, and whether there will be less reliance on the EWS1 form? Without more clarity (and legislation) about protecting leaseholders from costs we don't see this process changing.
- We understand the process for Building Safety Fund applications is under review following the announcement. We are waiting to see how the BSF will approach the new guidance and
  - whether this will change existing applications
  - whether Michael Gove's statement means mitigating measures will be funded as an alternative to remediating the defects, and
  - whether the BSF will recommend only mitigating measures should be undertaken (there is a focus on protecting the taxpayer and mitigating measures are often less expensive)

**What we remain concerned about:**

- On-going uncertainty for leaseholders while further legislation is reviewed and drafted.
- There is no clarity about how non-cladding costs will be funded.
- The scale of the nationwide building safety crisis is significant. In this context, government are right to have an approach based on 'proportionality' and to focus on life safety. However, we are not comfortable that some structural defects may not be funded. We are supportive of mitigating measures to minimise risk but are not certain if these are sufficient without adequate structural measures to prevent the spread of flame. We would not want to see a slide in the standards of safety that residents had rightly expected when they moved in. Surely meeting the appropriate Building Regulations should remain the longer-term goal? And developers/contractors should not be let off the hook for this work?
- The new technical guidance may remain open to interpretation. This doesn't give certainty.
- The legal process to secure funds from those at fault remains slow, expensive and in some cases uncertain.

Triathlon Homes is working to obtain more clarity on exactly what these proposed changes will mean for leaseholders. It is clear clarity is needed soon. If there are further details about how work will be funded, we'll let leaseholders know.

3 February 2022

Triathlon Homes LLP  
Registered office:  
FLEET HOUSE  
59/61 CLERKENWELL ROAD  
LONDON EC1M 5LA  
[www.triathlonhomes.com](http://www.triathlonhomes.com)

LLP Registration Number: 0C334412