**Nobel House Residents Update 19.03.21**

Below is the weekly update on progress on the Nobel House cladding issue, including responses to specific questions that residents posed.

**Questions for Y&Y**

**Q1: Do you have a Fire Safety Policy (NOT the Fire Risk Assessment)? All residents and owners should have sight of the Fire Safety Policy, can you please send this policy to 4QM and Raven so that people can have easy access?**

A: Of course, please see attached.

PLEASE NOTE: This was not attached and is still outstanding. We will ask Y&Y for a copy.

**Q2: The ACM fund has been reopened, will an application to that fund now be made and if so when?**

A:  We have requested for this grant through the BSF.

**Q3. Not answered from previous week. Who is the Fire Risk Assessor? Is the current Fire Risk Assessor Delco Safety who provided the last Fire Risk Assessment (FRA) v.3? Why not answer the question with a name?**

A:  The Fire Risk Assessor is Delco Safety.

**Q4 Insufficient from previous week. It might "depend on the lease agreements in place" ... WHAT ARE THE LEASE AGREEMENTS IN PLACE?! Y&Y/Avon must have information on the lease agreements. Please can they check these agreements and answer the questions as to whether the trade leaseholders pay a service charge as well and are therefore liable for extra charges (should there be any) with regard to the current fire safety works.**

A: This would incorporate the commercial elements as well.

PLEASE NOTE: This question will be carried forward to next week, to try to establish what elements can be answered without sharing commercially sensitive information.

**Q5. "We are in discussions with MHCLG" ... please tell us more about what these discussions involve because we are still waiting to hear about our BSF application. The last update from Y&Y was that they'd heard nothing from MHCLG. What have they now heard? Please can Y&Y submit evidence of their discussions with the MHCLG, OR if they can’t do this describe in full where exactly they are in the process of ascertaining whether their initial registration has resulted in a letter of invitation to apply for BSF support.**

A: We are now awaiting the specification of works so we can submit this to the MHCLG BSF.

PLEASE NOTE: We will ask Y&Y if they can provide more detail on what discussions there have already been with MHCLG.

**Q6. What is the fee that is currently in dispute?**

A: £5,280.00.

**Q7. Why is the Capital fee an estimated figure? This sum £42,000 is contradicted in Q22 where the figure is £45,000. Why? Why is the fee an estimated figure?**

A: The cost is dependent on how far we go with the firm and what expertise we use with them.

PLEASE NOTE: We will ask for clarification on the breakdown of their estimate and what services have already been commissioned.

**Q8. With regard to sending the O&M manuals. There are many documented ways of sending large files. This should not be taking Y&Y a long time.**

A: That is correct.

PLEASE NOTE: We will ask Y&Y again to share the O&M manuals so that we can then share them with residents.

**Q9 To our knowledge the Trespa cladding has never been tested. Please provide evidence. It has not been shared previously. Why do Y&Y believe that the Trespa panels have been tested?? They say that we have been given test results for these but that's absolutely untrue, the only "test results" we have are that they are not ACM. We know this, they can't be, because they're HPL (High Pressure Laminate) - one of the key types of cladding which have been identified as specifically needing testing/replacement via the non-ACM find. It's staggering to discover at this point that Y&Y still believe them to be safe / previously tested. They categorically have not been!**

A: I am not too sure what the query is on this one. No one is contradicting the statement. The trespa cladding was tested for ACM. The survey being carried out now is to ensure the exact combustibility. This is one of the very reasons for the survey.

**Q10: What impact, if any, does the new guidance issued by RICS on the issue of EWS1 forms have on applying for certification for Nobel House?**

A: It does not have much relevance as most the guidance that makes a difference is in reference to buildings up to 5 stories.

**Q11: There is absolutely NO fire test report for the Trespa panels. On Raven’s website the document that is labelled “Trespa Testing Report” is in fact the JWA Report which indicates a need for further review of the cladding in location areas 2&3 (ie Trespa). The only proper fire testing that has been done is on the ACM panels at Warrington in 2020. Previously in 2017, two sections of cladding (presumably Trespa) were sent to BRE and were returned untested as they were non ACM, ie these test samples were NOT ACMtherefore ineligible for the testing at that time. Can Y&Y agree that the Trespa panels have not undergone a fire test?**

A: Please see response to Q9.

**Q12: On page 9 of the Building Safety Fund Guidance under Cost Recovery it clearly says “You are required to demonstrate that you have taken all reasonable steps to recover the costs of replacing the unsafe non-ACM cladding from those responsible through insurance claims, warranties, legal action etc. At the application stage we will ask for information regarding such steps and may seek further information to satisfy ourselves of the position.”**

A: As per previous discussion and responses. We will be making a claim against NHBC should we be eligible following the intrusive report which is being carried out at this time.

**Q13: Are you aware that an application to the NHBC may be turned down if we do not alert NHBC at the first sign of any fault in the fire safety system?**

A: We are not aware, however we have already put them on notice.

**Q14: If NHBC do turn down our application on account of prior evidence (JWA report) how fair would it be for leaseholders to absorb these costs?**

A: We do not see any reason for them to turn this down for those reasons. The report by JWA would have not been sufficient for them to accept a claim and therefore on the contrary this will only assist with a claim.

**Q15: A Fire Risk Assessment (FRA) is NOT a fire policy : we need a Fire Policy for the building that does not say “Stay Put” as this recommendation has been superseded. We also need a Fire Policy that shows an evacuation procedure. Please can Y&Y send details of the current Fire Policy and if there is no policy, please can Y&Y assure us that one will be forthcoming in the fastest possible time.**

A: Letters will be sent out with a clear strategy. This is to ensure that all residents are clear of the fire policy.

**Q16: Surely there is a more up to date Fire Risk Assessment than v.3 dated 20/9/19 considering all the new evidence that has come out since then? Are Fire Risk Assessments not supposed to be carried out Annually? Please send the latest FRA and outline the works required. The FRA should surely be available to all owners?**

A: A new assessment was carried out last month. We are in the process of drawing up a schedule of works with our firm of contractors. [The assessment is attached](https://seemediauk.sharepoint.com/:b:/s/ExternalSharing/EcM0NI65B0FLjjOKvNf0NpoBDbR9HTDDruCJwrMr0FP5Ig?e=kM56fD).

**Q17: With costs amounting to more than £250 per unit and with no S20, that surely means the costs will be absorbed by the freeholder?**

A: I am not too sure what this is referring too? If this is the cladding works. Section 20s will be served if required. We will await the outcome of the report and advise before the next stage.

**Q18: With the new deadline for the Building Safety Fund looming, it is concerning to hear that we may not be seeking to go through the fund. The Government recently committed that no leaseholder in a building with a height greater than 18m will have to pay for the replacement of cladding. This includes Nobel House. It's vitally important we make an application to the Building Safety Fund.**

A: We are aware of this and as per previous responses. We are in contact with the MHCLG.

**Q19: What avenues have Y&Y explored with regard to a retrospective application to the ACM fund, given their previously stated intention to do so?**

A: Please see answer to Q2

**Q20: In the aftermath of Grenfell, why were the ACM panels on the building not discovered by the original testing that took place in 2017? If Y&Y have extensive O&M manuals, why were all the different types of panels on the building not identified and tested? Why were the ACM panels not identified at the time?**

A: We had all the information from the Risk Assessor and the Gov information at the time. This was all found to be acceptable at the time. However, since then the introduction of the EWS1 certification process has led to further tests being needed.