



UK CAG <ukcladdingactiongroup@gmail.com>

Re: FPRA and the Fire Safety Bill

1 message

UK CAG <ukcladdingactiongroup@gmail.com>

Sun, Apr 25, 2021 at 5:20 PM

To: "Bob@fpra.org.uk" <Bob@fpra.org.uk>

Cc: info@fpra.org.uk, info@shularich.co.uk, martin boyd <martin.boyd@leaseholdknowledge.com>

Dear Mr Smytherman

Thank you for your email.

First of all, I am stunned that you say "*We do not represent individual Leaseholders like your group and many others*". The first thing any leaseholder sees when they click on the following link: <https://www.fpra.org.uk/> is "**FPRA – The voice of leaseholders**". If you are not representing individual leaseholders, we would request that the FPRA immediately change their extremely misleading slogan.

We are alarmed that the FPRA have taken the view that they would rather be in the room with the Home Office to review possible changes to responsibilities and liabilities of Responsible Persons under the existing Fire Safety Order.

If you are truly representing the RMC & RTM Companies in England & Wales who are your members, and if you have their best interests at heart, **then surely the position of the FPRA should be that these RMC and RTM companies should not in any way be responsible for fixing the dangerous/defective external walls of buildings and internal fire safety issues?**

Surely your position should be that RMC and RTM companies must not bear any liability or responsibility to fix these historic fire safety defects, which arose out of a failure of the building safety regulatory regime, unsafe construction practices, mis-selling of dangerous cladding and insulation products, and negligence of building control authorities?

Surely your position should be that since RMC and RTM companies are in no way responsible for the building safety crisis, the Home Office cannot simply pass on the responsibility and liability of fixing this crisis onto RMC and RTM companies?

Why is the FPRA part of a government working group discussing responsibilities of RMC and RTM companies of fixing historic fire safety defects in buildings, when those responsibilities should clearly not be falling on RMCs and RTMs in the first place?

Your presence in the room with the Home Office signals clearly to government that you believe that RMCs and RTMs should bear responsibility and legal liability for fixing historic fire safety defects in buildings that we had no say in building or renovating. This is an incredibly concerning stance of the FPRA and will be weaponised by the government to put legal responsibility and criminal liability on innocent leaseholders who are directors of RMCs and RTMs, when they are not responsible for causing this mess.

Please let me know what the outcome of your meeting with the FPRA directors about this matter was.

If you are genuinely in the business of helping RTMs and RMCs that are your members, then you would be clearly saying you will not engage in such discussions with the Home Office because your stance should be that RMCs and RTMs must NOT be liable for fixing historic fire safety defects, **and you should be publicly pushing for such responsibilities not to be forced on RMCs and RTMs**. Have you done so till date?

You say you were somewhat surprised that this working group did not include groups such as UKCAG or LKP and Leasehold Advisory Service. There is no need to be surprised – the view of UKCAG is that RMCs and RTMs must not be made legally responsible or liable for fixing historic fire safety defects in buildings. It is no wonder that the Home Office would not invite us to this working group!

If you would genuinely like to help your members, you should be scrutinising the grant funding agreements that RMCs and RTMs that have now been caught up in the crisis are being forced to sign by GLA, Homes England and MHCLG. These agreements are heavily biased against the interests of RMCs and RTMs. Have FPRA scrutinised these agreements on behalf of their members? Have FPRA made representations to MHCLG on the harmful clauses to be removed? What has been the outcome of these representations?

Is the FPRA taking up the case for RTMs and RMCs whose applications to the ACM and BSF have been rejected? Are you taking up the case of RMCs and RTMs whose applications to the waking watch relief fund have been rejected?

Instead of leaving RTMs and RMCs of individual buildings to fight these battles with MHCLG themselves, the FPRA should be taking a proactive role in representing all RTMs and RMCs in discussions such as this. This will lead to an increase in your membership and put the FPRA on the right side of history.

We would like to arrange a meeting with you to discuss these matters. Would 28 or 29 April at 5:30 pm work for you?

Kind regards
Mrs Ritu Saha

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UKCAG
UK Cladding Action Group

On Wed, Apr 14, 2021 at 7:23 AM Bob@fpra.org.uk <Bob@fpra.org.uk> wrote:

Thank you both for your email about the FPRA and our involvement with the Home Office.

We are a member organisation representing a number of RMC & RTM Companies in England & Wales , I am not sure whether your building is one of our members or not?

Our organisation has for the last 50 years provided FREE impartial & independent advice to our members on the many various issues impacting on their building.

We do not represent individual Leaseholders like your group and many others , we are a limited company with our own Articles of Association and the Directors accountable to our members. Many of these members are "Responsible Persons" under the existing Fire Safety Order and therefore when invited by the Home Office to review possible changes to these responsibilities and liabilities we took the view we should be in the room making the case for the impact on these Directors many of whom like myself carry out these responsibilities on a voluntary basis for the buildings we live and are the duty holder. These Flat Management Company Directors are often overlooked by Government when proposing new regulations and therefore I took the view declining the offer to be involved in this work would be counter productive.

To be honest I was somewhat surprised that this working group did not include groups such as yours or LKP and Leasehold Advisory Service which provide Government funded advice to individual Leaseholders which we do not.

I am meeting with the FPRA Directors tonight to discuss another matter so will raise this with them to review whether our involvement is undermining those campaigning to amend the Bill.

I am very happy to meet with yourselves and discuss this further should you feel this would be useful but I would reiterate the FPRA are in no way endorsing the Bill as it stands and are simply informing the Home Office of the impact we believe any changes to the Fire Safety Order will have on Flat Management Companies and those living in buildings managed by these Companies.

I trust this explains our position and our attendance at this working group.

Best Regards

Bob Smytherman - Hon Chairman

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On 13 Apr 2021, at 23:29, UK CAG <ukcladdingactiongroup@gmail.com> wrote:

Dear Mr Smytherman

We are concerned to read about FPRA's recent social media comments on the Fire Safety Bill (FSB). As a group representing thousands of leaseholders, we are even more alarmed to discover that you are participating in discussions around secondary legislation around the bill and the impact of these regulations on leaseholders, with the government, without engaging with us.

You may not be aware but **we have worked very closely with MPs and peers from across political parties to introduce amendments to the Fire Safety Bill, which is completely unfit for purpose in its present form.** We are actively working to lobby MPs from across political parties to support these amendments to the FSB.

If the FSB passes without amendments designed to protect leaseholders from the costs of historic safety defects not of our making, the consequences for leaseholders, including your members, will be disastrous. One of us (Ritu), is a volunteer leaseholder director in the RMC of her own block, and we have huge reservations about the FSB, as do all the cladding groups across the country that UKCAG work with.

Please do note that if FPRA publicly endorse the FSB in its present form, **you will considerably undermine the work that cladding action groups have been doing for so long.** We categorically do not support the FSB in current form, and if amendments are not made to it to protect leaseholders from the costs of historic fire safety defects, then we would much prefer that the bill fail, than go through in this parliamentary session.

Please do understand that we are working for the benefit of **your** members, by raising awareness of the horrifying consequences of the bill for leaseholders, and by trying to change the bill accordingly.

I am sure you will understand that the government will simply use FPRA as a pawn, and use your involvement to tout that leaseholders in general are supportive of the Fire Safety Bill in its current form. **This could not be further from the truth.**

We urge you to meet with us to understand the consequences of supporting the FSB in its current form. Anyone who represents the interests of leaseholders, must lobby ministers and MPs in public and private to stop the bill in its current form, and to push for amendments such as the McPartland Smith Amendment. That certainly must include FPRA.

We look forward to hearing from you on the matters raised, and would welcome a meeting to discuss.

Kind regards
Mrs Ritu Saha and Dr Will Martin

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