

**Ref:** IG-10833  
**Contact:** Information Management Services  
**Email:** [InformationRights@nottinghamcity.gov.uk](mailto:InformationRights@nottinghamcity.gov.uk)



**Nottingham**  
**City Council**

**Information Management Services**

Development & Growth  
4<sup>th</sup> Floor  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 876 4376

**Email:** [InformationRights@nottinghamcity.gov.uk](mailto:InformationRights@nottinghamcity.gov.uk)  
[www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

25 June 2018

Dear Requester

**Request under the Freedom of Information Act 2000 (the Act)**

The council has considered your requests which we received on 4 June 2018 and our response to your questions is shown below.

*According to the latest Building Safety Programme release from the Department for Housing Communities and Local Government, Nottingham Council has between 6 and 10 buildings (defined by DHCLG as residential buildings over 18m tall or public buildings) with cladding systems that have failed large scale system tests.*

*Could you provide me with a list of any such buildings, and tell me whether they are publicly or privately owned?*

In accordance with section 1 (1) of the Act the council has a duty to confirm whether it holds the information of the description specified in the request, and if that is the case, to have the information communicated to the requester.

Information about tower blocks in Nottingham that the council owns or controls should be direct to Nottingham City Homes (NCH). NCH manage social housing for the council. Further information about NCH can be found here:

<http://www.nottinghamcityhomes.org.uk/about-us/data-protection-and-freedom-of-information/>

The council can confirm it holds information regarding privately owned and controlled buildings in Nottingham City that have a cladding system that failed large scale tests. In accordance with section 31(1)(a) of the Act, the council is withholding the requested information as its disclosure would be likely to prejudice the prevention of crime. A disclosure under the Act is a disclosure to the world at large. The council considers that release of this information is likely to put public safety at significant risk, by providing a comprehensive list that allows buildings with cladding, which is likely to present a hazard, to be easily identified.



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There are a significant number of reported arson attacks every year in the UK. The Home Office publish an annual report '*Fire and rescue incident statistics: England, year ending September 2017*'. Some of its key findings were:

- There were 3,205 deliberate dwelling fires in the year ending September 2017. This was a nine per cent increase compared with the previous year (2,941).
- Fire and rescue services (FRSs) attended 750 fires in purpose-built high-rise flats in England in the year ending September 2017; 3% more than in the year ending September 2016

On 27 June 2017, following the Grenfell Tower fire, the Home Office published a statistical release focusing on fires in purpose-built flats. This report covered fires, casualties and fatalities in dwelling fires attended by Fire and Rescue Services (FRSs) in England, including specific data on purpose-built flats. Some of its key findings were:

- Of the 30,296 dwelling fires attended by fire and rescue services in England in 2016/17 a quarter (25%) were in purpose built flats.
- Of the 714 fires in purpose-built high-rise flats in 2016/17, 56 fires had spread further than the 'room of origin' (8%)
- There were 63 non-fatal casualties requiring hospital treatment from fires in purpose-built high-rise flats in 2016/17.
- Number of fires with a casualty requiring hospital treatment was 49 in 2016/17.
- There were three fire-related fatalities in high-rise purpose-built flats (defined as 10 storeys or more) in England in 2016/17.

These statistics have been shattered because of the fire that engulfed Grenfell Tower in June 2017, where 71 people died and hundreds of residents were left homeless. The council believe release of the building names and associated information regarding privately owned and controlled buildings in Nottingham City that have a cladding system that failed large scale tests is likely to place the buildings and residents at risk of a directed attack on those buildings or their inhabitants. Section 31(1)(a) can be used to withhold information that would make anyone, more vulnerable to crime. It would be inappropriate to release the requested information as it would lead to the buildings, and in turn their occupants, being in a more vulnerable position.

As the council have relied on section 31(1)(a) of the Act, the council are required to carry out a public interest test to ascertain whether the public interest in withholding the information is greater than in releasing it. The council acknowledge there is a strong public interest that buildings that have a cladding system are identified, the cladding on those buildings are tested, and residents are aware of potential fire risks at their buildings.

On this occasion, the council feel it is in the best interests of the public that the requested information is not released in the public domain. Nottinghamshire Fire and Rescue are leading on any action towards vulnerable buildings in the city alongside assistance from the Safer Housing Team at the council. The council has written to the owners of over 500 private high rise blocks (over 34 metres) in the city, with the tallest residential buildings having been prioritised, to ask them to look at building and safety standards in the wake of the Grenfell tragedy. You can see which owners have responded here:

<https://www.nottinghamcity.gov.uk/media/457105/top-32-280717.pdf>

The council has also written to the owners of residential properties (over 18 metres) in the city to ask them to look at building and safety standards. You can see which owners have responded here:

<https://www.nottinghamcity.gov.uk/media/457104/residential-properties-280717.pdf>

Please note, this list identifies buildings that are ACM clad, but does not identify those buildings that have failed large scale tests.

The council have encouraged the owners of these buildings to keep residents fully informed about the safety of their own buildings. The council have also encouraged anyone with particular concerns about their own privately rented property to contact the Safer Housing team. The council therefore believes it is already serving the public interest, without placing residents of buildings at further risk by identifying that their home has a cladding system that failed large-scale tests. The council therefore believes the public interest in being made aware of the buildings is outweighed by the knowledge that risks have been addressed by Nottinghamshire Fire and Rescue together with the council.

As stated above disclosure of the information is likely to result in a real and significant threat to the buildings and their residents. Unfortunately there are examples of buildings being deliberately targeted by individuals to commit arson, it would be against the public's interest for the council to release a document into the public domain, that may in any way, enable or assist such criminal behaviour. Release of this information is likely to impact on the available resources of the council, the police and fire service to take preventative measures to deal with such criminal activity. For these reasons, the council feel it is appropriate in this case to maintain the exemption and withhold the information.

As the council is withholding the information as detailed above under section 31(1)(a) please accept this letter as a refusal notice issued in accordance with section 17 of the Act.

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If you are unhappy with the response provided or with the handling of your request, you can ask for an internal review by email: [informationrights@nottinghamcity.gov.uk](mailto:informationrights@nottinghamcity.gov.uk) or writing to the **Information Governance Specialist, Information Management Services, 4<sup>th</sup> Floor, Loxley House, Station Street, Nottingham, NG2 3NG** by stating the reasons for your dissatisfaction. Your request for an internal review should be made to the council within forty working days of the date of this letter. Please quote reference IG-10833 in all communications.

If you remain unhappy after receiving the response to your initial complaint you can request an independent review from the Information Commissioner's Office at **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF**. You may also contact the Information Commissioner's Office by telephone on 01625 545745 or by email at [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk).

Yours sincerely

Information Rights & Insight Team  
Information Management Services  
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