

Supplemental Agenda

Environment, Economy, Housing & Transport Board

Thursday, 17 November 2022

11.00 am

18 Smith Square, London, SW1P 3HZ

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8. Building Safety Update	1 - 6

Date of Next Meeting: Tuesday, 24 January 2023, 2.00 pm, 18 Smith Square,
London, SW1P 3HZ



Meeting: EEHT

Date: November 2022

Building Safety Update

Purpose of report

For noting.

Summary

This report updates members on the LGA's building safety-related work since the last meeting

Is this report confidential?

No

Recommendation/s

That members note and comment on the LGA's building safety related work.

Contact details

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Position: Senior Advisor

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Building Safety Update

Background

1. Since the Board's last meeting, the LGA has continued to monitor the implementation of the Fire Safety and Building Safety Acts, to plan related improvement work and continued to support remediation.

Remediation

Joint Inspection Team

2. Councils have a duty to investigate suspected category 1 hazards under the Housing Act, which could include buildings with flammable cladding. The LGA is continuing to encourage its members to consider whether any private buildings in their area might benefit from a JIT inspection. Contact Brian.Castle@local.gov.uk with any suggestions or enquiries.

Remediation Orders

3. DLUHC has launched its [first attempt](#) to impose a Remediation Order under the Building Safety Act. Remediation Orders offer councils and other regulators a potentially much simpler route to enforcement than the existing process under the Housing Act. The LGA will update members on the outcome.

Bristol/EPS

4. On 9 November Bristol City Council [announced](#) it would be introducing interim measures in 38 blocks with expanded polystyrene (EPS) and render wall cladding systems following a number of inspections and the Avon FRS report into a fire.
5. The mayor of Bristol subsequently wrote to the LGA and to the Secretary of State calling for Government support for interim measures and remediation of council stock. The LGA has [previously made similar calls](#).

General Position

6. DLUHC [statistics](#) show that there has been no change from the August figures in respect of:
7. 95% (462) of all identified high-rise residential and publicly owned buildings in England had either completed or started remediation work to remove and replace unsafe Aluminium Composite Material (ACM) cladding (98% of buildings identified at 31 December 2019).
8. All social sector residential buildings have either completed or started remediation. 99% have had their ACM cladding removed.

9. 438 buildings (90% of all identified buildings) no longer have unsafe ACM cladding systems
10. 389 (80% of all buildings) have completed ACM remediation works – an increase of four since the end of August. This includes 345 (71% of all buildings) which have received building control sign off – an increase of five since the end of August.
11. On 28th July 2022, the government's £4.5 billion Building Safety Fund reopened for new applications and remains open. Buildings over 18m with cladding issues are eligible to apply for the fund with guidance for applicants available [here](#). More information for leaseholders about the Building Safety Fund and what it covers can be accessed [here](#). Leaseholders can check if they qualify for the cost protections under the Building Safety Act using the government's new [Leaseholder Protections Checker](#) with [further guidance](#) available. There has been no update on application data since August's figures (see previous Board report).
12. Officers are seeking information from councils that plan to use remediation orders introduced under the Building Safety Act – or would be interested in doing so. Please contact Charles.loft@local.gov.uk

Building Safety Act

13. The LGA has responded to consultations on
 - 13.1. [Consultation on implementing the new building control regime for higher-risk buildings and wider changes to the building regulations for all buildings](#). We expressed concerns about the proposed new building control regime for non-high risk work and its potential cost to councils and industry. These concerns were also raised in our response to the [HSE Consultation: Building Safety Operational Standards Rules](#)
 - 13.2. [Consultation on the in-occupation regime for occupied higher-risk buildings](#). We expressed concern at the apparent complexity of the approach being taken to Safety Cases and urged the HSE to use the Unique Property Reference Number system.
 - 13.3. [HSE Consultation: The Building Safety \(Fees and Charges\) Regulations 202\[3\] and charging scheme](#). We expressed concern over the HSE's intent to impose new burdens on councils
14. The LGA continues to work with NFCC and LABC to support the HSE's delivery of the new regime.
15. On 7 November we hosted a webinar on the Building Safety and fire Safety Acts at which the HSE gave a presentation on the Golden Thread. On 19 December a further webinar will be held with a presentation on the In-occupation regime.

16. The Treasury has signed off on additional funding that had been agreed by DLUHC and the Home Office to increase competence and capacity in local building control and fire and rescue services.
17. The LGA has written to the HSE raising a number of issues around the new regime:
 - 17.1. The need for clarity around key aspects of the new regulatory regime both for regulators and landlords:
 - 17.1.1. The registration and validation requirements for building control officers
 - 17.1.2. The role of building control in the in-occupation phase
 - 17.1.3. The requirements of the Safety Cases landlords must prepare
 - 17.2. Councils must be given enough time to prepare budgets for the new regulatory regime, especially due to the severe budgetary pressures they are now facing.
 - 17.3. The new regime must align effectively with overlapping regimes, in particular the Social Housing Regulator and the Fire Safety Act
 - 17.4. Is the HSE's approach to Accountable Persons (i.e. providing little guidance so APs think critically about the risks) sustainable when applied to 12,000 buildings?
 - 17.5. The resource implications of the non-high-risk building control regime.
18. A Building Safety [Leadership Essentials](#) event for councillors will be held in person at Warwick University on 1-2 February 2023. For more information or to book, contact: Grace Collins Telephone: 020 7664 3054
Email: Grace.Collins@local.gov.uk

Implications for Wales

19. The Fire Safety Act came into force in Wales in [October 2021](#). The new regulations passed under the FSO only apply in England. Building regulations and fire and rescue services are devolved responsibilities of the Welsh Assembly Government, and the main implications arising from the recommendations of the Hackitt Review and the government's response to it are on building regulations and fire safety in England. However, the Welsh government has announced that it will be making the changes recommended in the report to the regulatory system in Wales, and the LGA has been keeping in contact to ensure the WLGA is kept informed of the latest developments in England.

Financial Implications

20. Although the LGA has set up the Joint Inspection Team, the cost of doing so is being met by DLUHC. The Joint Inspection Team has secured funding for the next two years which will see it expand significantly. In effect, it will triple in capacity by the end of this financial year.
21. Other work arising from this report will continue to be delivered within the planned staffing budget, which includes an additional fixed term post in the safer community's team to support the LGA's building safety work.
22. The cost of developing PEEPs under the Equalities Act is impossible to quantify as we do not currently know what would be considered reasonable measures.

Equalities implications

23. EEIS+ and PEEPs are directly related to councils' duties under the Equality Act 2010. The group of people affected by building safety issues will be broad and include a wide variety of potential equalities issues.
24. The Evacuation and Fire Safety Working Group includes representatives of disabled residents and communities and the LGA will continue to promote their contribution – we have already done so in the LGA EEIS+ Consultation Response in which we recommended the Home Office should seek advice from those with lived experience on their proposals.

Next steps

25. Officers to continue to support the sector's work to keep residents safe and reform the building safety system, as directed by members.
26. We are seeking examples of volunteer assistance as a way of delivering PEEPs. If anyone already has any schemes like this contact Charles.loft@local.gov.uk

