

## 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

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

### Contact details

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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 (JIT)

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.

### Remediation Orders

3. The Department of Levelling Up, Housing and Communities (DLUHC) has launched its [first attempt](#) to impose a Remediation Order under the Building Safety Act. Officers will update members on the outcome.
4. Remediation Orders offer councils a potentially much simpler route to enforcement than the existing process under the Housing Act. The same may be true in relation to Fire and Rescue Services (FRSs) and the Fire Safety Order and the Fire Safety Act. They also have the advantage of fixing the building rather than simply removing people from a dangerous building. The LGA and National Fire Chiefs Council (NFCC) are working with the government to explore their use further.

### Bristol/EPS

5. 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.
6. 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](#).

### Ipswich and the Interim Decant Protocol

7. Suffolk FRS's partial prohibition of a building in Ipswich has led to work being undertaken, led by DLUHC on a protocol around ministerial expectation of councils and fire services when a significant prohibition takes place, in particular

in relation to the welfare of those displaced from their homes. The draft protocol is being road-tested with the sector.

### General Position

8. DLUHC [statistics](#) show that there has been no change from the September figures in respect of:
9. 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).
10. All social sector residential buildings have either completed or started remediation. 99% have had their ACM cladding removed. No change from September.
11. 439 buildings (90% of all identified buildings) no longer have unsafe ACM cladding systems – an increase of one since the end of September.
12. 399 (82% of all buildings) have completed ACM remediation works – an increase of ten since the end of September. This includes 350 (72% of all buildings) which have received building control sign off – an increase of five since the end of September.
13. On 28 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.
14. [Building Safety Fund data](#) shows that as of 31 October 320 buildings have either started or completed work under the BSF, including 78 in the social sector, only 4 have completed and had building control sign off, another 67 are complete but not yet approved.
15. As of 31 October 2022, the total amount of funding allocated for the remediation of non-ACM cladding is £1,540m (including social sector). £142m of this is for the social sector.
16. As of 31 October 2022, the Building Safety Fund's total expenditure (including Social and Private Sector spend) was £674 million. £104m of this is for the social sector.

### **Building Safety Act**

17. The LGA has responded to consultations on:

- 17.1. [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](#)
  - 17.2. [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 Health and Safety Executive (HSE) to use the Unique Property Reference Number system.
  - 17.3. [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.
18. Final Treasury approval of a number of Building Safety Regulator (BSR) business cases took place in November including funding for Local Authority Building Control (LABC) and NFCC. This will provide certainty over funding streams for the key elements of the BSR's work. This includes the appointment of a business development partner to implement a digital platform and the IT and systems to run BSR functions.
19. The LGA continues to work with NFCC and LABC to support the HSE's delivery of the new regime.
20. 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.
21. 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](mailto:Grace.Collins@local.gov.uk)
22. The next [LGA Building Safety Webinar](#) will take place on 19 December between 13:00-15:00. This event is aimed at Directors of Housing and updates on councils' responsibilities as landlords/ALMO overseers in respect of the new Building Safety Act regime, the Fire Safety Act and new fire safety regulations arriving in January. HSE will provide an update on BSR development (which will include the timetable for implementation) and speak about safety cases and resident engagement in the new In-occupation safety regime (for existing blocks); there will be an update on the Fire Safety Act and associated regulations. To register to attend please click [here](#).

## Implications for Wales

23. 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**

24. 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.
25. 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.

### **Equalities implications**

26. The group of people affected by building safety issues will be broad and include a wide variety of potential equalities issues, with social landlords for example having responsibilities to consider the need for personal emergency evacuation plans for people who are unable to self evacuate from high-rise residential buildings.

### **Next steps**

27. Officers to continue to support the sector's work to keep residents safe and reform the building safety system, as directed by members.