

**Meeting:** Environment, Economy, Housing and Transport Board  
**Date:** 24 January 2023



## 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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## **Building Safety Update**

### **Background**

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

### **Remediation**

#### General Position

2. [DLUHC statistics](#) show that at the end of November 2022, 95% (463) 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 (99% of buildings identified at 31 December 2019, 98% of buildings identified at 31 December 2020) – an increase of one since the end of October.
3. 441 buildings (91% of all identified buildings) no longer have unsafe ACM cladding systems – an increase of two since the end of October. 404 (83% of all buildings) have completed ACM remediation works – an increase of five since the end of October. This includes 351 (72% of all buildings) which have received building control sign off – an increase of one since the end of October.
4. Of those with ACM cladding remaining, 22 have started remediation. Of the 24 (5%) buildings yet to start, two are vacant, so do not represent a risk to resident safety, and 15 additional buildings were identified after 31 December 2020.
5. 100% (160) of social sector buildings have either completed or started remediation. Of these, 159 (99%) have had their ACM cladding removed.
6. 91% (211) of private sector buildings have either completed or started remediation. Of these, 195 (84%) have had their ACM cladding removed.
7. £29.8 million of funding has been approved from the Waking Watch Relief and Replacement Funds, covering 368 buildings and 26,900 leasehold dwellings.
8. [Building Safety Fund data](#) shows that as of 30 November 2022, 343 buildings have either started or completed work under the BSF, including 81 in the social sector, only 8 have completed and had building control sign off, another 75 are complete but not yet approved.

**Meeting:** Environment, Economy, Housing and Transport Board

**Date:** 24 January 2023

9. As of 30 November 2022, the total amount of funding allocated for the remediation of non-ACM cladding is £1,677m (including social sector). £159m of this is for the social sector.
10. As of 30 November 2022, the Building Safety Fund's total expenditure (including Social and Private Sector spend) was £714 million. £109m of this is for the social sector

#### DLUHC Funding Announcement – Enforcement Teams

11. DLUHC has announced that over £8 million is being allocated to dedicated council enforcement teams which will receive greater resources to pursue freeholders who are dragging their heels and refusing to begin repairs.
12. The funding will be split among 59 councils in England and prioritised for those with the highest number of unsafe buildings, particularly focused in London, Manchester and Birmingham.
13. To allow councils to capitalise on the additional funding, the LGA is encouraging its members to consider whether private buildings in their area might benefit from a JIT inspection. Contact [Brian.Castle@local.gov.uk](mailto:Brian.Castle@local.gov.uk) with any suggestions or enquiries.

### **Cardinal Lofts & Interim Significant Decants Protocol**

#### Background

14. On Tuesday 15th November, the upper three floors of 'Cardinal Lofts', a 9-storey building in Ipswich, were decanted as a result of Suffolk FRS's concerns that the upper three floors had only one set of stairs to be used in the case of a fire (therefore a single point of failure).
15. Ipswich Borough Council assisted those residents requiring immediate temporary accommodation.
16. The decant attracted the interest of the Building Safety Minister, Lee Rowley MP. The minister was interested in what the eventual housing solutions for displaced residents were and what were the next steps in assessing the risk to the remaining residents (the building had other outstanding fire safety and structural issues).
17. DLUHC officials have begun work on a protocol around the managing of decants in response to this incident and with LGA encouragement, in order to ensure that expectations around the information supplied to DLUHC on these topics are made clear and best practice advertised before any more any further decants take place.
18. An interim draft protocol is being informally consulted upon and has had an unplanned road-test following a decant in Manchester over the Christmas period. In this case, it appears to have worked well.

**Meeting:** Environment, Economy, Housing and Transport Board

**Date:** 24 January 2023

19. Separately efforts are under way to ensure the Minister's office understands how decant decisions arise for the various relevant statutes.

## **Building Safety Act & Building Safety Regulator**

20. In its response to the HSE consultation on the BSR's Operational Standards Rules, the LGA expressed concern at the statement that under the new regime building control officers 'must not give advice on design and construction aspects for specific building projects'. Following discussions with HSE we are now optimistic that the HSE does not intend to take this course.
21. The role of local authority building control in supporting the BSR during the 'in-occupation phase' has not yet been settled but the LGA anticipates that it will be announced in the first quarter of 2023.
22. The LGA has raised concerns with the HSE over the cost and resources implications of HSE's oversight of the building control profession and has received assurances that the BSR's regulatory activities will minimise costs and resources.
23. The HSE plans further engagement with duty holders under the Building Safety Act in 2023 focused on what they need to do to register their building(s). The LGA will continue to support this engagement.
24. The first Building Safety Conference is being hosted by the BSR on Wednesday 22<sup>nd</sup> March at the Methodist Central Hall, Whitehall. We encourage anyone with responsibilities for building safety to attend. Attendees will hear directly from BSR about the important changes that will come into effect from April 2023 and how to prepare for them. The link to register should be available by the time of the meeting and will be circulated.

## **Approved Document B: Open Consultation**

25. On 23rd December 2022, the DLUHC launched a consultation on proposed changes to Approved Document B (Fire Safety Guidance). The consultation will close on 17th March 2023 and including:
  - Consulting on the appropriate height threshold for the provision of a second staircases in new residential buildings, with a proposal to set a threshold for single stair residential buildings at 30m
  - Making provisions for all new care homes to include sprinklers
  - Recommending the removal of the national classification system (BS 476) for reaction to fire and fire resistance of construction products, ending the dual system currently in place
  - Calling for evidence on the clarity of guidance, focusing on the use of materials on external walls.
26. Please find the link to the consultation [here](#).

**Meeting:** Environment, Economy, Housing and Transport Board

**Date:** 24 January 2023

## **Improvement**

27. The state of the current year's improvement work is as follows:

- 27.1. We have held three webinars on the developing new regime to date, with around 150 attending the most recent and very positive feedback. A further webinar is planned for Thursday 9<sup>th</sup> March 2023 and we plan to continue the series next year.
- 27.2. We are running a Building Safety Leadership Essentials for two days on 1<sup>st</sup> and 2<sup>nd</sup> February 2023 at Warwick Conferences, Coventry. The course is designed to prepare leaders and portfolio holders for the new building safety regime. Please contact [Grace.Collins@local.gov.uk](mailto:Grace.Collins@local.gov.uk) to sign up.
- 27.3. The E-learning tool on Building Control has been submitted to us by the contractor in draft form and should be ready to launch in February. The tool aims to raise the awareness of councillors, in particular the relevant portfolio holders, of the building control function of local authorities and changes to how it works under the Building Safety Act. This is an important issue as the old building control regime was an important factor in the Grenfell Tower fire and because the new regime may have financial implications for councils and will leave the HSE as effectively a regulator of all council building control functions.
- 27.4. We are commissioning some studies on dealing with Large Panel System buildings. In recent years several social housing landlords have discovered that they own LPS buildings and in many cases, have demolished them. WE anticipate further cases and see the introduction of a new safety case regime for high rise buildings as a good time to share best practice.

## **Implications for Wales**

28. 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**

29. 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.

**Meeting:** Environment, Economy, Housing and Transport Board

**Date:** 24 January 2023

30. 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**

31. 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.
32. 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**

33. Officer to proceed as directed.