

Meeting: Fire Services Management Committee

Date: 6 March 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

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

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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.

General Position

3. The Department of Levelling Up, Housing and Communities (DLUHC) [statistics](#) for 31 January 2023 show that there has been a slight change from the December figures in respect of:
 - 3.1. 95% (464) 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 and 96% of buildings identified at 31 December 2021).
 - 3.2. All social sector residential buildings have either completed or started remediation. 99% have had their ACM cladding removed. No change from November.
 - 3.3. 443 buildings (91% of all identified buildings) no longer have unsafe ACM cladding systems – an increase of one since the end of December 2022.
 - 3.4. 407 (83% of all buildings) have completed ACM remediation works – no change since the end of December 2022. This includes 357 (73% of all buildings) which have received building control sign off – an increase of three since the end of December 2022.
4. On 28 July 2022, the government's £4.5 billion Building Safety Fund (BSF) 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.

5. [Building Safety Fund data](#) shows that as of 31 January, 358 buildings have either started or completed work under the BSF, including 83 in the social sector, only 11 have completed and had building control sign off, another 93 are complete but not yet approved.
6. As of 31 January 2022, the total amount of funding allocated for the remediation of non-ACM cladding is £1,767m (including social sector). £169m of this is for the social sector.
7. As of 31 January 2022, the Building Safety Fund's total expenditure (including Social and Private Sector spend) was £809m.

Building Safety Act

8. The LGA continues to work with the National Fire Chiefs Council (NFCC) and Local Authority Building Control (LABC) to support the Health and Safety Executive's (HSE) delivery of the new regime.
9. The NFCC has been asked to update members on its work in relation to the new regime at the meeting.
10. The LGA has a number of concerns, including:
 - 10.1. the difficulty fire services are experiencing in increasing staff capacity to deliver the new regime;
 - 10.2. the lack of information available to duty holders (who must begin registering buildings with the new regulator in April and complete the process by October); and
 - 10.3. proposed rules around the definition of a building for the purposes of the Building Safety Act, which risk excluding crucial parts of structures from the BSR's overview, confusing duty-holders and producing an unfunded transfer of work to the fire service.
11. 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.
12. The HSE launched its 'Be ready' building safety campaign on 27 February. The campaign aims to help and encourage everyone affected by changes to building safety law to:
 - be ready – understand what is coming and how to prepare
 - step up – take ownership and manage risks
 - act now – comply with new law

The campaign's first focus is on being ready for high-rise building registration, the first operational function of the Building Safety Regulator (BSR) to come into force under the Building Safety Act, 2022. Owners of high-rise residential buildings must register them with the Building Safety Regulator by 1 October

2023. Details can be found [here](#); and you can sign-up to receive detailed information [here](#).

13. The first Building Safety Conference is being hosted by the BSR on Wednesday 22nd March at the Methodist Central Hall, Whitehall. Attendees will hear directly from BSR about the important changes that will come into effect from April 2023 and how to prepare for them.

Approved Document B: Open Consultation

14. The LGA shall be responding shortly to DLUHC's [consultation](#) on proposed changes to Approved Document B.
15. The consultation includes:
 - 15.1. Consulting on the appropriate height threshold for the provision of a second staircase in new residential buildings, with a proposal to set a threshold for single stair residential buildings at 30m;
 - 15.2. Making provisions for all new care homes to include sprinklers;
 - 15.3. 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; and
 - 15.4. Calling for evidence on revisions to paragraphs 10.6 and 10.7 of Approved Document B covering materials and products used in the construction of external walls.
16. The LGA shall be responding in line with previous policy positions and recommendations from the NFCC.
 - 16.1. We shall propose a threshold of 18m for provision of a second staircase in new residential buildings.
 - 16.2. We shall support the mandatory provision of sprinklers in all new care homes of any height.
 - 16.3. Subject to NFCC views, we shall support the removal of the national classification system (BS 476).
 - 16.4. We shall oppose any watering down of paragraphs 10.6 and 10.7.
17. A draft of the response has been discussed by Lead Members of the Committee.

Improvement

18. The LGA has commissioned a set of six case studies on Large Panel Systems (LPS) Buildings which aim to explain the various management strategies of different local authorities in England.
 - 18.1. These case studies will detail the unique circumstances in which each council found their LPS stock, the challenges they encountered and the solutions they then adopted, varying from maintenance to demolition of all LPS blocks.

- 18.2. The case studies will be published on the LGA website and will provide a resource for councils to utilise when facing their own challenges involving LPS building blocks. We anticipate further cases where LPS blocks require management and see the introduction of a new safety case regime for high rise buildings as a good time to share best practice.
19. A Building Safety [Leadership Essentials](#) event for councillors was held in person at Warwick University on 1-2 February 2023. We had a very strong turn out and responses have been positive.
20. The next [LGA Building Safety Webinar](#) will take place on 9 March between 14:00-16:00. 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

21. 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

22. 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.

Equalities implications

23. 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

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