

Building Safety Update

Purpose of Report

For information.

Is this report confidential? No

Summary

This report aims to update members on the LGA's building safety-related work since the last FSMC meeting.

LGA Plan Theme: Supporting local people and places

Recommendation(s)

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.

Update

Remediation

General Position

2. The Department for Levelling Up, Housing and Communities' (DLUHC) Building Safety Programme Monthly Data Release for 31 March 2023 shows some slight changes in figures from 31 January 2023 which informed the March 2023 board update:
 - 2.1. At the end of March 2023, 95% (466) 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 on 31 December 2019, 98% of buildings identified at 31 December 2020 and 96% of buildings identified at 31 December 2021) - **an increase of 2 from 31 January 2023**
 - 2.2. 445 buildings (91% of all identified buildings) no longer have unsafe ACM cladding systems - **an increase of 2 from 31 January 2023**
 - 2.3. 408 (83% of all buildings) have completed remediation works - **an increase of 1 from 31 January 2023**
 - 2.4. 100% (160) of social sector buildings have either completed or started remediation. Of these, 159 (99%) have had their ACM cladding removed- **no change from January 2023**
 - 2.5. 92% (214) of private sector buildings have either completed or started remediation- an increase of one from February 2023. Of these, 199 (85%) have had their ACM cladding removed – **an increase of 2 in both instances from January 2023**

Building Safety Fund

3. On 28 July 2022, the government's £4.5 billion Building Safety Fund (BSF) reopened for new applications and remains open. As of 31 March 2023, the total value of approved social sector grant claims for the remediation of non-ACM cladding is £184m - **up £12m from 28 February**.
4. Private sector funding allocation is £1,664m - **up £35m from 28 February**.
5. This makes a total amount of funding £1,848m across both sectors - **up £47m from 28 February**.
6. Building Safety Fund data states that as of 31 March 2023 390 buildings have started or completed remediation under the BSF (**up 32 from 31 January**) - of which:
 - 6.1. 266 have begun remediation,
 - 6.2. 96 have completed remediation but require Building Control sign off, and
 - 6.3. 28 are complete.
7. As of 31 March 2023, the total value of BSF's Private Sector expenditure is £804m and total social sector grant claims expenditure is £123m - a total of £927m.

Joint Inspection Team (JIT)

8. 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.

Reinforced Autoclaved Aerated Concrete (RAAC)

9. We have continued our work with the Department of Education (DfE) to ensure local authority uptake of DfE's survey registering the prevalence of RAAC across the school estate. Several previously challenging authorities have recently completed these registrations and we are now nearing the close of this project as registrations near finalisation.

10. Where it had previously focused on school buildings, central government is now looking to expand RAAC identification and remediation to the wider public estate.
11. The Office of Government Property (OGP) will be convening a working group in which there will be a designated representative from each Government department who is responsible for the identification and remediation of RAAC in buildings owned by that department. This group will also be attended by key stakeholders including the LGA.

Building Safety Act

Responsible Actors Scheme

12. On 25th April, the DLUHC introduced the Building Safety (Responsible Actors Scheme and Prohibitions) Regulation 2023 to establish the Responsible Actors Scheme (RAS). Developers are invited to join the RAS if they meet one of the following:
 - 12.1. 'The developer's principal business is residential property development, and they were responsible (other than solely as a contractor) for the development or refurbishment of one or more building over 11m in height between 1992 and 2022;
 - 12.2. The developer meets the "profits condition" (broadly, having an average annual operating profit of £10m or higher in the financial years ending 2017, 2018 and 2019), and developed or refurbished multiple buildings assessed as eligible for a relevant government cladding remediation scheme; and
 - 12.3. At least one of the buildings over 11m in height that they developed or refurbished qualifies for remediation under the terms set out in the DLUHC's developer remediation contract.'
13. Under these regulations, RAS members must enter a contract with the Secretary of State in which they must undertake, at their own cost, identify and remediate any fire safety defects in their buildings.
14. Members who entered substantially similar contracts prior to the Regulations coming into force- such as that put out by DLUHC January 2023- will be treated as having satisfied this condition of membership.

15. The RAS will serve as a tool to persuade developers to conduct relevant remedial work. Not signing up to the RAS if invited to do so in effect bars companies from accessing the development market through prohibiting access to major development works or building control approvals for works already underway.

Improvement

Large Panel Systems (LPS) case studies

16. The LGA has now completed the commissioning of six case studies on management strategies of LPS Buildings.
17. These case studies are now in-hand, and we are looking to publish them on the LGA website following the May elections.
18. Considering the new Safety Case regime introduced by the Building Safety Act we hope this will be a valuable resource for our members to become familiar with common challenges and best practise.
19. We have also applied for these case studies to be showcased at the LGA Conference's 'Innovation Zone' in July 2023. We expect the outcome of this application to be communicated by mid-May.

Implications for Wales

20. 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 Meeting: Fire Services Management Committee Date: 9 November 2022 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

21. 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.

Equalities implications

22. 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

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