

Building Safety Update

Purpose of Report

For information.

Is this report confidential? No

Summary

This Report updates members on the LGA's building safety-related work and relevant developments in the Building Safety and Fire Safety Acts.

LGA Plan Theme: Supporting local people and places

Recommendation

That the Board 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

General Position

2. [The Department for Levelling Up, Housing and Communities' \(DLUHC\) Building Safety Programme Monthly Data Release](#) delineates figures related to its Building Safety Programme, with particular focus on buildings with unsafe Aluminium Composite Material (ACM) cladding and remediation progress.
3. [The 30 April 2023 release](#) gives the following relevant figures:
 - At the end of March 2023, 95% (467) of all identified high-rise residential and publicly owned buildings in England had either completed or started remediation work to remove and replace unsafe ACM cladding, (99% of buildings identified on 31 December 2019, 98% of buildings identified on 31 December 2020 and 96% of buildings identified on 31 December 2021) – an increase of 3 from February 2023
 - 448 buildings (91% of all identified buildings) no longer have unsafe ACM cladding systems -an increase of 5 from February 2023
 - 100% (160) of social sector buildings have either completed or started remediation. Of these, 159 (99%) have had their ACM cladding removed
 - 92% (215) of private sector buildings have either completed or started remediation- an increase of one from February 2023. Of these, 201 (86%) have had their ACM cladding removed.

Building Safety Fund

4. 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](#).

5. As of 30 April 2023, the total value of approved social sector grant claims for the remediation of non-ACM cladding is £191m
6. Private sector funding allocation is £1,675m
7. This makes the total amount of allocated funding £1,866m across both sectors
8. As of 30 April 2023, the total value of BSF's expenditure across both sectors is £948m.

Waking Watch Replacement Fund

9. On 25 May 2023 the government reopened its [Waking Watch Replacement Fund](#) with expanded scope and funding.
10. The Fund has an additional £18.6 million available to cover all capital costs of replacing waking watches with a common alarm system, in accordance with the National Fire Chief Council's guidance on buildings that have changed from a 'Stay Put' to a 'Simultaneous Evacuation' fire safety strategy.
11. The Fund builds on the £35 million Waking Watch Relief Fund (WWRF) which focused on high-rise residential buildings and those with fire safety defects; the Fund is now open to all residential buildings where a waking watch is currently taking place, regardless of building size, cost, or presence of fire safety defect.
12. A segment summarising this development and encouraging eligible Councils to apply to the fund was sent to all Councils in England and Wales as part of Mark Lloyd's weekly Chief Executive's bulletin.

DLUHC's £8m New Burdens funding for cladding remediation

13. In December 2022, DLUHC began distributing £8m in New Burdens funding to 59 authorities to support their remediation of dangerous cladding.
14. The LGA has been working with both DLUHC and local authorities to ensure that this funding is utilised effectively.
15. At this stage, we have ensured that all authorities have been in contact with DLUHC and will be working with DLUHC colleagues to design and implement an engagement strategy to ensure that this continues.

16. We are also contacting local authorities to understand obstacles and challenges to utilising this funding, with an aim to develop a programme of support accordingly.
17. We continue to encourage authorities to consider whether they would benefit from a JIT inspection. Please contact brian.castle@local.gov.uk for any enquiries and interest.

Reinforced Autoclaved Aerated Concrete (RAAC)

18. 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.
19. Where it had previously focused on school buildings, central government is now looking to expand RAAC identification and remediation to the wider public estate.
20. 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.
21. On the 23 May 2023, Secretary of State for Schools Nick Gibb announced that the DfE will make its full dataset on the condition of schools- including prevalence of RAAC- publicly available by summer recess, which begins on the 20 July 2023.
 - 21.1. The LGA will be monitoring the media attention on RAAC in schools and will be preparing responsive policy lines to ensure that the experiences of local authorities are well represented.
 - 21.2. In preparation for this, we are engaging with local authorities to develop our understanding of the issues and obstacles being faced by authorities in identifying and remediating RAAC, as well as ways in which central government can better support this work.
 - 21.3. This work also fits within our wider strategy of raising awareness of RAAC; by engaging local authorities in advanced of this data release we hope to ensure that they are adequately aware and informed on the dangers of RAAC and the potential for media scrutiny.

Joint Inspection Team (JIT)

22. 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. Work is underway to expand the team's remit to cover buildings 11-18m high and non-cladding fire safety defects.

Building Safety Act

Responsible Actors Scheme (RAS)

23. On 25th April, the DLUHC introduced the Building Safety (Responsible Actors Scheme and Prohibitions) Regulation 2023 to establish the Responsible Actors Scheme. Developers are invited to join the RAS if they meet one of the following:

- 23.1. '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;
- 23.2. 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
- 23.3. 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.'

24. 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.

25. 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.

26. 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.

The Building Safety Levy consultation

27. In addition to responding to the [technical consultation on the implementation of the Building Safety Levy](#), we have also written to the [Secretary of State at the Department of Levelling Up, Housing and Communities](#) and the [Chief Secretary of the Treasury](#). The letter urges them to reconsider their proposal to require 309 local authorities to set up separate, individual processes to act as a collection and administration agency for the Levy.
28. Instead, we have suggested that a more streamlined, cost-efficient approach to raising the additional funds for building safety remediation, which would benefit both central and local government, would be to expand the scope of the Residential Property Developer Tax (RPDT).
29. The Secretary of State has responded to our letter. In it he recognises that requiring local authorities to act as collection agents will mean that there will be many bodies collecting and returning the Levy to government and that this will be an additional burden that will require funding. However, the government's view remains that local authorities are a clear candidate to act as the collection and administration agent for the Levy.
30. We will continue to work with DLUHC to ensure that should local authorities be confirmed as the collection agents for the Levy that the process is as streamlined as possible to minimise the administrative burden, and that there is a mechanism for full cost recovery.
31. [On the LGA's website](#), you can find copies of the letters and the LGA's response to the two consultations on the Building Safety Levy.

Building Safety Register

32. On 12th April 2023, the Building Safety Regulator (BSR) opened registrations for high-rise residential buildings in England. Specifically, for all high-rise residential buildings that are: 18 metres tall or higher, at least 7 storeys tall, with two or more residential units.
33. Each building must be registered by a [Principal Accountable Person \(PAP\)](#).

34. It is a legal requirement under the Building Safety Act that all eligible buildings are registered with the BSR by 1 October 2023- failing to do so is a criminal offence.

Improvement

Large Panel Systems (LPS) case studies

35. The LGA has now completed the commissioning of six case studies on management strategies of LPS Buildings.
36. These case studies are now in-hand, and we are looking to publish them on the LGA website. Given the current workload of the marketing team in the run up to the LGA Conference, we're hoping that these will be published by July 2023.
37. 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.
38. We applied for these case studies to be showcased at the LGA Conference's 'Innovation Zone' in July 2023. Our application to the Innovation Zone was unfortunately unsuccessful.

Implications for Wales

39. 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

40. 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

41. 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

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