

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: **Championing climate change and local environments**

Recommendation

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

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Building Safety update

Background

1. Since FSMC's last meeting, the LGA has continued to support action associated with the remediation of high-rise residential with dangerous cladding systems, and been engaged in the implementation of the new building safety regime created by the Fire Safety and Building Safety Acts.

Update

Remediation

ACM Cladding Remediation

2. [The Department for Levelling Up, Housing and Communities' \(DLUHC\) Building Safety Programme Monthly Data Release](#) provides data related to its Building Safety Programme, with particular focus on buildings with unsafe Aluminium Composite Material (ACM) cladding and the progress with remediating them.
3. The August 2023 release gives the following relevant figures:
 - 3.1. At the end of August 2023, 96% (470) 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 at 31 December 2020 and 97% of buildings identified at 31 December 2021) – no change since the end of July.
 - 3.2. 457 buildings (93% of all identified buildings) no longer have unsafe ACM cladding systems – an increase of 2 from the end of July 2023.
 - 3.3. 100% (161) of social sector buildings have either completed or started remediation. Of these, 160 (99%) have had their ACM cladding removed.
 - 3.4. 92% (216) of private sector buildings have either completed or started remediation. Of these, 207 (88%) have had their ACM cladding removed.

Building Safety Fund (BSF) – other cladding systems

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 31 August 2023 the Building Safety Fund had received 2,833 private sector registrations of which 722 applications are proceeding with an application for funding. 341 private sector registrations have been withdrawn as the majority are covered by developer remediation contracts. 222 social sector applications have been made of which 147 applications are proceeding. In total 425 buildings within the Building Safety Fund have started with remediation work, of which 171 have completed works.
6. £2.139 billion has been approved for the remediation of unsafe non-ACM cladding, of which £1.939 billion is for private sector remediation, and £200 million for social sector remediation. At the end of August the Building Safety Fund's total expenditure was £1.167 billion.

Waking Watch Relief and Replacement Funds

7. On 25 May 2023 the government reopened its [Waking Watch Replacement Fund](#) with expanded scope and funding.
8. The Fund has an additional £27 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. As of the 31 August £2.4 million of funding had been approved relate to 25 applications.
9. 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 Relief Fund has allocated £27.3 million covering 329 applications, of which 212 have been approved and cover 320 buildings.

Joint Inspection Team (JIT)

10. 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. The team has so far inspected 89 buildings out of the 243 inspections conducted by local authorities to the end of August 2022.

Building Safety Act 2022 (BSA)

11. Work continues to put in place all the elements needed to ensure the new building safety regime in the Building Safety Act is in place for commencement in April 2024. This work has looked at the role on inspections of premises in the BSA regime, and how cultural change will be driven in the construction industry and how progress with that can be measured. The National Fire Chiefs Council (NFCC) has also contributed to work around enforcement under the BSA and links across to enforcement under the Regulatory Reform (Fire Safety) Order

2005 (the FSO) and the Housing Act 2004, and what powers the Building Safety Regulator (BSR) has under the legislation to prohibit the occupation of a building.

12. Alongside that the NFCC has continued to highlight concerns also expressed by Fire Services Management Committee about the definitions of higher-risk buildings under the BSA, and where buildings in scope of the new regime are structurally dependent on other, out of scope buildings.
13. Further guidance has been published by the Health and Safety Executive as the Building Safety regulator on the information accountable persons have to keep which then form part of the safety case for a higher risk building; guidance for the principal accountable person on how to prepare and update the safety case report, which has to be submitted to the BSR when applying for a building assessment certificate; how as an accountable person you should go about assessing and managing the building safety risks in a high-rise residential building as part of the safety case process; and guidance on how to put together a resident engagement strategy.

Section 156 of the BSA

14. New fire safety guidance comes into force on 1 October 2023 through amendments to the BSA.
15. Section 156 of the BSA makes a number of amendments to the FSO, of which full details can be found [here](#). In summary, these changes place additional requirements on Responsible Persons (RPs), primarily relating to conducting, commissioning and recording fire risk assessments. These include recording the fire risk assessment in full and also the name of the individual or organisation that carried out or reviewed the fire risk assessment. RPs must also share their contact information with other RPs in the same premises, and there are further requirements on sharing information with residents, in residential premises.
16. Fire and rescue authorities remain the primary enforcing body for the FSO - exceptions include non-occupied buildings on construction sites, which will be enforced by the Health and Safety Executive, and sites occupied by the armed forces, which will be enforced by the Defence Fire Safety Regulator.

Building Safety Register

17. On 12 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.

18. Each building must be registered by a [Principal Accountable Person \(PAP\)](#).

19. 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

20. FSMC was updated at its last meeting on the commissioning of six case studies on management strategies of LPS Buildings. As was reported last time these have now been completed and we are looking to publish them shortly.

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.

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.

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.