

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 Board meeting.

LGA Plan Theme: **Championing climate change and local environments**

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

Update

Overall Remediation

2. On November 16, The Minister of State, Lee Rowley MP published a [written ministerial statement](#) on the progress of remediation.
3. [The Department for Levelling Up, Housing and Communities' \(DLUHC\) Building Safety Programme Monthly Data Release](#) provides data related to its Building Safety Programme. From October 2023 this data release has included new additional data on the overall progress made so far on Aluminium Composite Material (ACM) remediation, Building Safety Fund (BSF), Cladding Safety Scheme (CCS), Developer remediation, and Social Housing Sector, and Enforcement.
4. The January 2024 release gives the following relevant figures:
 - 4.1. There are 3,839 residential buildings 11 metres and over in height identified with unsafe cladding whose remediation progression is being reported on in the release.
 - 4.2. Overall, 1,608 buildings (42%) have either started or completed remediation works.
 - 4.3. A breakdown can be seen below of these:
 - 4.3.1. 797 buildings (21%) have completed remediation, including those awaiting building control sign off
 - 4.3.2. 811 building (21%) have started remediation
 - 4.3.3. 2,231 buildings (58%) have not started remediation
5. It should be noted that the total number of buildings set out above does not sum to the total number of buildings reported in the sections below which are also taken from the data release due to crossover between schemes.

ACM Cladding Remediation

6. The January 2024 release gives the following relevant figures:

- 6.1. of the 496 high-rise (18 metres and over in height) residential and publicly owned buildings with ACM cladding systems unlikely to meet Building Regulations, 476 (96%) have either started or completed remediation works.
- 6.2. of these, 425 buildings (86%) have completed ACM remediation, including those awaiting building control sign-off.
- 6.3. there are 20 buildings yet to start ACM remediation (4% of all buildings). Two buildings are vacant and so do not pose a risk to resident safety, 14 buildings have forecast start dates and three without a start forecast have had local authority enforcement action taken against them.

Building Safety Fund (BSF) – other cladding systems

7. 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.
8. As of 31 December 2023, of the 950 buildings proceeding with an application, 255 buildings (27%) have started remediation works and 231 buildings (24%) have completed remediation.
9. £2.139 billion has been approved for the remediation of unsafe non-ACM cladding, of which £2.067 billion is for private sector remediation, and £214 million for social sector remediation. At the end of December, the Building Safety Fund's total expenditure was £1.375 billion.

Cladding Safety Scheme (CCS)

10. As of the end of December 2023, 534 buildings 11 metres and over in height have live applications with the Cladding Safety Scheme, and a further 104 buildings have already been assessed as eligible. There are an additional 900 buildings in the pipeline that are being investigated.

Developer Remediation

11. 1,345 buildings have been identified with life-critical fire safety risks that will be remediated by developers. Of these 262 are reported to have completed remediation, 473 are reported to have started remediation, and 506 have plans in place for remediation but work has not yet started.

Waking Watch Relief and Replacement Funds

12. On 25 May 2023 the government reopened its [Waking Watch Replacement Fund](#) with expanded scope and funding.
13. 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 December £2.4 million of funding had been approved related to 25 applications. The number of approved applications and amount of funding remains unchanged from August 2023.
14. 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. The number of approved applications and amount of funding remains unchanged from August 2023.

Regulator of Social Housing (RSH) survey

15. On November 16 2023, The RSH published [findings](#) from the Fire Safety Remediation Survey (FRS) for buildings 11 metres and over in height, which opened to all landlords on 23 August 2023 and closed on 15 September 2023.
16. A summary of the findings is below:
 - 16.1. Response rate: 88% response rate to the survey. 32% (426) of all landlords that responded identified themselves as being the responsible entity for at least one 11-metre-plus building, the majority of whom are large landlords. In total landlords reported 15,405 buildings over 11 metres in height. The majority of these, 11,230 are 11-18 metre buildings, with the remaining 4,175 buildings measuring 18 metres or more in height.
 - 16.2. Building defects: Of the buildings assessed, there were 1,608 affected buildings identified in their most recent assessment. Work is complete on 7% of these buildings and is underway on a further 31%. Work is due to commence on an additional 37% of buildings by September 2024. 11-18 metre buildings account for 57% and 18 metre plus buildings account for 43% of buildings with EWS related LCFS defects.
 - 16.3. Building stock: Fire risk assessments have been undertaken on 98% of all buildings reported, with plans to assess a further 1% of buildings in the next six months. For buildings measuring 11–18 metre in height, 97%

have a fire risk assessment and of the buildings measuring 18 metre plus, 99.6% have a fire risk assessment.

16.4. Remediation status: Landlords report that work is complete on 7% of buildings with a LCFS defect related to EWS.

17. The survey also collected information about non-EWS defects and the costs of remediation. This data is subject to further cleansing and analysis.

18. A second survey opened on 1 December 2023, with registered providers required to submit their data by 31 December 2023 (with data reported as of 30 November 2023). The findings have not yet been published. In the [written ministerial statement](#) on 16 November, the Minister set out that registered providers will be expected to provide quarterly updates on progress on Fire Safety Remediation for all 11 metre plus buildings (including those over 18 metres). The Minister also stated that further publications by DLUHC will include data on a provider-by-provider basis.

19. The returns by local authority registered providers are currently on a voluntary basis with no associated new burdens funding.

Joint Inspection Team (JIT)

20. Ensuring dangerous external wall systems are remediated will remain a multi-agency activity with councils and Fire and Rescue Authorities at the forefront for buildings between 11-18m in height. The government expects councils to investigate suspected flammable cladding under the Housing Act 2004. In order to support councils, the remit of the Joint Inspection Team has been expanded following negotiations with DLUHC so it can inspect buildings between 11-18m in height, as well as those over 18m, and provide training on the use of the tools and powers in the Building Safety Act in particular Remediation Orders. The definition of the external wall systems the team can work on has also been aligned with definitions in the Building Safety Act. The team has so far inspected around 100 buildings out of the 293 inspections conducted by local authorities to the end of December 2023.

London councils fire safety group for private sector housing

21. After discussions with councils in London the LGA set up and continues to run and organise this group which shares good practice around enforcement activity by councils under the Housing Act and Building Safety Act against building owners who are not remediating dangerous external wall systems on residential buildings. At its most recent meeting earlier the group heard from the London

Borough of Lambeth about their successful use of a remediation order in conjunction with leaseholders in the relevant block (which had been inspected by the JIT) to enforce remediation work.

22. The group also heard about the successful prosecution brought by Newham Council against a building owner for failing to remove combustible cladding. Following an inspection by the JIT of the Lumiere building Newham served an improvement notice requiring dangerous cladding to be removed by 31 March 2021. Work did not start on removing the cladding until March 2021, and was not completed until February 2022.

Building Safety Act 2022 (BSA)

23. 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. The duties under the Act on accountable people to manage building safety risk in their buildings came in to force on 16 January 2024. The Building Safety Regulator (BSR) will be instructing accountable people to apply for building assessment certificates for each building they own which comes under the legislation from April.
24. The BSR published its strategic plan for 2023-26, which sets out how the BSR will: improve standards in building control; drive improvements in the built environment; regulate the planning, design and construction of new higher-risk buildings (HRBs); and ensure building owners manages the fire and structural safety risks in existing HRBs. Fire and Rescue Authorities will work alongside the BSR under the Building Safety Act on the design and construction of new HRBs and ensuring existing HRBs are safe. The strategic plan also hints at how the BSR will prioritise buildings – height and number of dwellings will be important so the tallest buildings with the most number of dwellings will be assessed earlier. Any buildings with un-remediated ACM cladding will be assessed in the first year irrespective of height and number of dwellings.
25. Local Authority Building Control (LABC) and the National Fire Chiefs Council continues to work closely with the BSR to ensure building control and Fire and Rescue Authorities can play their part when the new regime comes into force in April 2024. This work includes consideration of how those HRBs registered with the BSR will be allocated across the five year programme to assess their safety cases and issue building assessment certificates, and how the work will be allocated to services.

26. DLUHC has published guidance on the use of remediation orders, which were introduced as part of the Building Safety Act 2022. The orders were designed to make it easier for councils and other parties to take enforcement action against building owners where the progress with remediating dangerous external wall systems has not been as fast as it should be.

27. The King's Speech included the Leasehold and Freehold Reform Bill, which will seek to extend the measures protecting leaseholders in the Building Safety Act to ensure the provisions in the Building Safety Act work as intended.

Building Safety Register

28. On 12 April 2023, the Building Safety Regulator (BSR) opened registrations for high-rise residential buildings in England that are: 18 metres tall or higher, at least 7 storeys tall, with two or more residential units.

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

30. The deadline for registering high-rise residential buildings with the BSR was 1 October 2023. Failure to register buildings is a criminal offence. The BSR is currently working through the registrations they have received and this will be used to inform the building safety assessment certificate process, which starts in April 2024. The number of buildings registered with the BSR is expected to be in line with the government's estimate of approximately 12,000 buildings across the private and public sector.

Building Control Regulation

31. Under the Building Safety Act, the BSR has a role overseeing building control bodies (councils and approved inspectors) and the building control profession. This oversight role covers the performance of building control bodies, and the competence of professionals working in those bodies.

32. In order to work as a building inspector individuals are required to register with the BSR from April 2024 under one of four classes of building inspectors. Alongside the register the BSR has introduced the building inspector competence framework (BICoF) to provide a framework for demonstrating competence for the whole profession. As building control bodies councils have to ensure their staff are registered in the appropriate class. Going forward building inspectors will have to show they are undertaking continuous professional development to continue to be registered.

33. Around a quarter of local authority building control staff are over 55, with nearly all the remainder between 24-55 years old. Anecdotally there have been indications some of these staff have suggested they will retire rather than go through an assessment process to register in one of the four classes or they will only apply for one of the lower classes rather than one that reflects their experience and skills.
34. Council chief executives have raised with DLUHC officials the number of building control vacancies they are carrying, with difficulties in recruitment and gaps going forward due to the new competency requirements leaving them struggling to fill positions. The 2022 LGA Workforce Survey showed 43 per cent of councils with a building control function reporting difficulties in recruitment and 21 per cent saying they have retention problems. This pressure is being made worse by private sector building control bodies (approved inspectors) continuing to offer substantial salary increases to attract staff from councils.
35. LABC has received capacity building funding from DLUHC to support the implementation of the Building Safety Act to bring new trainees into the profession. LABC is investing £500,000 a year in a new LABC Academy to keep this initiative going.

Large Panel System (LPS) Buildings

36. The LGA has commissioned six case studies on management strategies for LPS Buildings. These have now been completed and are now on the LGA's website.
37. On November 14, Bristol City Council made the decision to decant the LPS tower block Barton House and evacuate 400 residents. There was concern that the tower block could be damaged in the event of a fire, explosion or large impact which posed a risk to the structure of the building as it was thought some structural ties connecting the floors and walls could potentially be missing, and the concrete cover protecting the building's metal reinforcements may have been too thin. Subsequent investigation has revealed the structural ties were in place and in good order, and that the concrete's thickness was generally found to be good. However work is being undertaken to ensure the building is structurally sound and fire safe.

Implications for Wales

38. 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

39. 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

40. 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

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