

# Building Safety Bill

Understanding the impacts for the Council & THH

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# Purpose of the Building Safety Bill



## Draft Building Safety Bill

Presented to Parliament by the Secretary of State for Housing, Communities and Local Government by Command of Her Majesty July 2020

CP 264

- Introduction of major reforms of the safety regime in the wake of the Hackitt Review
- Improving building safety and delivering change that will keep people safer in their homes
  - Strict rules will initially apply to all residential buildings that are either 18m or more in height or more than six storeys tall (can include any high-risk building that has 2 or more-bedroom units).
  - The Council has 54 social housing blocks that are 18 metres or higher and an additional 15 blocks that are 7 storeys tall or above.
  - The Bill may change or be extended later to encompass other at-risk buildings.

# Overview of the Building Safety Bill



The Bill is split into five sections:

Section Summary	
Part 1	Overview of the purpose and content of the Bill
Part 2	Establishes a new regulator, the Building Safety Regulator, within the HSE
Part 3	Outlines the new duty holder regime - design & construction phase of higher-risk buildings.
Part 4	Outlines the new duty holder regime - occupancy phase <ul style="list-style-type: none"><li>- establishes the roles of Accountable Person and Building Safety Manager</li><li>- makes provisions for improving resident engagement (including the resident engagement strategy).</li><li>- allows for landlords to recover the cost of building safety measures through a building safety charge on leaseholders</li></ul>
Part 5	Regulation of construction products with a new homes ombudsman scheme



# The Bills Framework



**Building Safety Regulator**  
Will have powers /responsibility for implementing and enforcing the more stringent regime for higher-risk buildings and will oversee the safety and performance of all buildings. The Regulator will also act as the building control authority on some of the higher-risk buildings. Part of the role of the Building Safety Regulator will be to consult the Residents Panel on its strategic plan and any changes that may impact on their rights and obligations. The Regulator will also have a statutory obligation to regularly publish statements outlining how it will engage with residents in its work.

Building Safety Regulator Support Structure

**Building Regulations Advisory Committee**  
Provides evidence-based guidance on new issues that emerge in the built environment sector. The Regulator will be able to use the Committee to investigate emerging problems or issues in the built environment sector.

**Industry Competence Committee**  
Overcomes 'the fragmented and inconsistent competence of workers and managers that currently exists in the building safety sector'. The Competence Committee will inform the regulator on improvements to competence frameworks and training to ensure capabilities of the sector improve.

**Residents Panel**  
Ensure that residents have a voice in the changes being made to building safety guidance. It will include residents of high-rise blocks and representative tenants groups

**New Homes Ombudsman**  
The Housing Secretary will plan to set up a new a New Homes Ombudsman for new homeowners to make complaints against developers about the quality of the construction of their new home and have them investigated.

# Who the Bill will impact

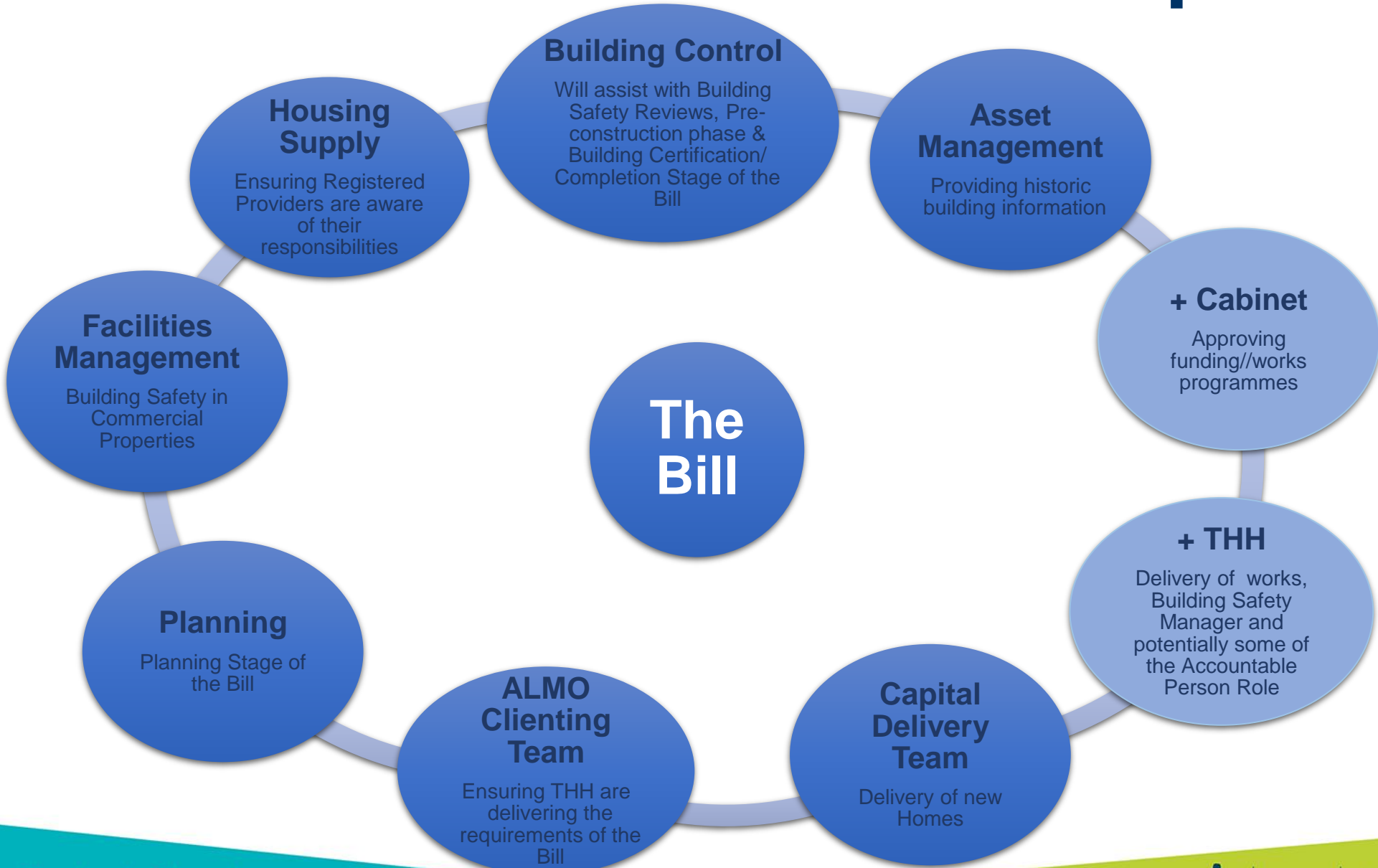
The Bill



- Leaseholders & tenants
- Council-wide departments and individual staff
- Cabinet
- THH and all other housing providers
- Building owners
- Management companies
- Developers
- Construction, manufacturers, distributors & suppliers
- Architects, fire engineers & cladding installers
- Registered building control approvers
- Fire & rescue authorities



# Place Directorate Service Impacts



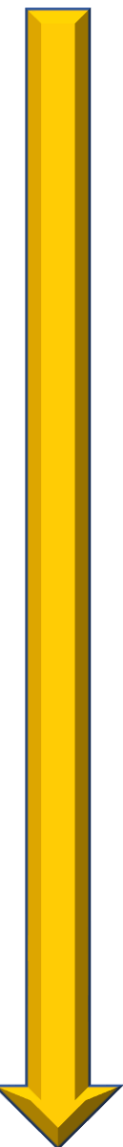
- These are initial interpretations of just some of the Place Directorate service impacts
- Other directorates may also be impacted



# The Golden Thread of Information - Dutyholders



Stage	Role	Duties
Oversees stages	Client	Any person or organisation for whom a construction project is carried out, including as part of their business
	Design Stage	Principal Designer
Construction Stage	Principal Contractor	Appointed by the Client, when there is more than one contractor working on the building project, to plan, manage, monitor and co-ordinate the construction phase.
	Designer	Carries on a trade, business or other undertaking in connection with which they prepare or modify a design or instruct any person under their control to prepare or modify a design.
	Contractor	Manages or controls construction work.
Building Occupied Stage	Accountable Person	<ul style="list-style-type: none"> <li>• This is usually the building owner.</li> <li>• The person or entity will be responsible for the safety once people are living in a block.</li> <li>• The accountable person will also be responsible for registering the building with the Building Safety Regulator.</li> <li>• Securing a building safety assurance certificate before it is occupied.</li> <li>• Duty to manage risks and building safety cases</li> <li>• Appoints Building Safety Manager.</li> <li>• Promotes a strong partnership between residents and the Building Safety Manager via a Resident Engagement Strategy.</li> <li>• Sets up a Mandatory Occurrence Reporting framework for higher-risk buildings in occupation</li> </ul>
	Building Safety Manager	<ul style="list-style-type: none"> <li>• Supports the accountable person in the day-to-day management of the buildings to ensure safety standards are adhered to.</li> <li>• Communicating the work that has taken place on the building to stakeholders.</li> <li>• Ensuring the building is meeting the Regulator's requirements.</li> <li>• Keeping abreast of any advice or non-statutory guidance put in place by the Regulator.</li> </ul>





# The Golden Thread of Information - Gateways



<b>Gateway One</b>	<b><u>Planning Stage</u></b> <ul style="list-style-type: none"><li>• This stage uses the existing planning permission process.</li><li>• This Gateway occurs before dutyholders are required to be in place.</li><li>• its requirements will be fulfilled by those applying for planning permission for developments containing a higher-risk building.</li></ul>
<b>Gateway Two</b>	<b><u>Pre-Construction Stage</u></b> <ul style="list-style-type: none"><li>• Gateway two occurs prior to construction work beginning.</li><li>• This is the building control 'deposit of full plans' stage where a dutyholder provides a building control body with their full design intention.</li><li>• Construction cannot begin until the Building Safety Regulator is satisfied that the dutyholder's design meets the functional requirements of the building regulations and does not contain any unrealistic safety management expectations.</li><li>• Dutyholders will be required to submit information to the Building Safety Regulator to show how the building, once built, will comply with the requirements of building regulations.</li></ul>
<b>Gateway Three</b>	<b><u>Completion/Certification Stage</u></b> <ul style="list-style-type: none"><li>• Building control body assesses whether the completed work has been carried out in accordance with the building regulations.</li><li>• At this stage all prescribed documents and information (the golden thread) must be handed over to the Accountable Person.</li><li>• Dutyholders will be required to submit to the prescribed documents and information to the Building Safety Regulator.</li></ul>
<b>Occupancy Stage</b>	



# Brainstorm: Potential Accountable Person



Counsel advice explains:

- the Accountable Person can be a named individual or a body corporate (an entity)
- The Accountable Person is essentially the business owner
- The role cannot be formally delegated to THH but THH will continue to deliver housing services and can deliver some of the Accountable Person duties on behalf of the Council



# Building Safety Regulator Powers



- Issue “stop notices” on construction projects found to be breaching regulations
- Issue “compliance notices”, which will compel the Accountable Persons to rectify identified issues by a set date
- Hold poorly performing building control bodies to account and ban or remove them from the inspector’s register
- Take over the building control regime for higher-risk buildings, enforcing sanctions for non-compliance, improving the competence of those working on those buildings and overseeing the safety of those buildings in occupation
- Approves the Accountable Person’s selected Building Safety Manager
- Formal action against an Accountable Person who has not appointed a Building Safety Manager without good reason
- Contravention will result in fines and / or imprisonment – this can apply to the Accountable Person right down to other decision makers such as Directors.

**The Regulator will be part-funded from the fees and charges it will levy.**



# The Unknowns



- **Where should the Accountable Person sit within the Council?**
- When will the Bill receive Royal Assent – the market seems to be saying by the end of 2021?
- Whether any changes will be made to the Bill?
- How will the Accountable Person link in with resident panels?
- How many Building Safety Managers are required?
- When to start recruiting for Building Safety Managers and additional resources (if required)?
- Capacity requirements for Building Control, Environmental Health and London Fire Brigade and other departments?
- Format of the Building Safety Case Reviews and Mandatory Occurrence Reporting System for dutyholders?
- What the works programme will look like?
- What are the financial implications of the Bill on the HRA and other budgets?
- Will additional funds be made available from the Government?
- Building safety charge recovery strategy for incurred costs to meet the requirements of the Bill?
- If there will be secondary legislation (such as a Code of Practice, definition of high risk building, may change?)
- The relationship between the Building Safety Regulator & the Accountable Person and other Council departments
- The list of **all** Council directorates / departments that will be impacted



# Where we are now



- Keeping abreast of legislation and guidance
- Referring to Counsel advice regarding the Bill
- Attendance at conference/webinars regarding the Bill
- Discussions with the London Councils
- Discussions with Council with ALMO Groups (CWAG)
- Discussions with National Federation of ALMOs (NFA)
- Discussions with LABC/LDSA round table feedback
- Mapping out other legislative requirements alongside the Bill
- LBTH/THH Building Safety Bill Group monthly meetings



# LBTH/THH Building Safety Bill Group

The LBTH/THH Building Safety Bill Group meet to discuss the responsibilities and implications associated with the Bill. The Group consists of:

## LBTH

- Karen, Swift - Divisional Director of Housing & Regeneration
- Jennifer Peters – Divisional Director of Planning & Building Control
- Adrian Gorst - Divisional Director IT
- Rupert Brandon – Head of Housing Supply
- Paul Butler – Head of Strategic Finance
- John McGeary – Head of Building Control
- Sam Brown - Head of Facilities Management
- Howard Lock / Stephen Shapiro – Joint Interim Heads of Asset Management
- David Tolley - Head of Environmental Health and Trading Standards
- Raziul Haque – Corporate Health & Safety Adviser
- Rita Bange – Principal Property & Regeneration Lawyer
- Mark Slowikowski – Policy and Strategy Manager
- John Kiwanuka - ALMO Clienting Manager
- Lola Williams - ALMO Clienting Officer

## THH

- Will Manning – Director of Asset Management
- Ann Otesanya – Director of Neighbourhoods
- Richard Hards – Head of Leasehold Services
- Darren Cruice – Interim Head of Asset Management and Compliance

**The Group is led by Karen Swift. As we gain more of an understanding of the implications of the Bill, additional members will be added.**



# What THH is doing?



- Building Risk Management Group has been set up to cover all aspects of building safety and compliance
- Enhancing the Resident Engagement Strategy
- Comprehensive review of all FRAs and incorporating the remedial actions into the capital programme
- Constant review of mitigating any fire risk
- Starting to think about the requirements of the building safety case templates
- Investigating digital storage methods to maintain the “Golden Thread of information”
- Working with LBTH to look at the responsibilities linked to the Bill



# What's next?



- The LBTH/THH Building Safety Bill Group will meet monthly to discuss responsibilities
- Inform Place DLT and other directorates regarding the Bill
- Members will be informed of the Bill
- Leaseholders will be informed of the Bill via THH's leaseholders newsletter
- Consider appointing a specialist advisor for support with the Building Safety Case reviews
- ALMO Clienting Team to have an away day to discuss team's service plan and requirements of the Bill that need to be delivered by THH
- The Council's Building Safety Bill guidance will be updated regularly by Counsel
- Council's risk register needs to be reviewed in line with the Bill
- Potentially review existing contracts to ensure they comply with the Bill's requirements
- ICT capacity will be important as it will be paramount in holding the golden thread of information.
- THH will continue carrying out fire/building safety responsibilities.





# Building Safety Bill Trajectory

