



Briefing 20-68

July 2020

Draft Building Safety Bill.

To: England

For info: Contacts from Scotland, Wales and Northern Ireland.

Key Issues

On 20 July 2020 the government published the draft Building Safety Bill. The Bill is being introduced to bring forward fundamental changes that are designed to improve building and fire safety.

1. Introduction

On 20 July 2020 the government published the draft Building Safety Bill. The Bill is being introduced to bring forward fundamental changes that are designed to improve building and fire safety.

This briefing provides an overview of the draft Bill. The full document can be accessed via the following link:-

[Draft Building Safety Bill](#)

2. Background

Following the Grenfell Tower fire in West London on June 14, 2017 the government asked Dame Judith Hackitt to carry out an independent review of building regulations and fire safety with the aim of gaining an understanding of the causes of the fire. The review concluded that the whole system needed major reform and that residents' safety needed to be a greater priority through the entire life cycle of a building – from design and construction, through to when people are living in their homes.

The government state that they have accepted the review's recommendations and the draft Bill, in conjunction with the existing Fire Safety Bill and Fire Safety Order Consultation, set out how it is proposed that improvement will be made to the system.

The draft Building Safety Bill will be examined by a parliamentary committee who will report with feedback and recommendations before the Bill is finalised. In addition, the government advises that it intends to work with stakeholders on areas that need refinement or further consultation to finalise measures.

3. Implications of the Bill for residents.

The government advise that they are putting measures in place to make people safer in their homes. The draft Bill makes provision to ensure that there will always be someone responsible for keeping residents safe in high rise buildings. This person will have a duty to listen and respond to residents' concerns and ensure their voices are heard. This person will be called the 'Accountable Person'.

The Draft Bill, states that residents and leaseholders will have access to vital safety information about their building and new complaints handling requirements are to be introduced to make sure effective action is taken where concerns are raised.

To oversee all these measures and make sure that Accountable Persons are carrying out their duties properly, there will also be a new national regulator for building safety, which will sit in the Health and Safety Executive. The new regulator will be required to ensure that high rise buildings and the people who live in them are being kept safe and will be granted new powers to raise and enforce higher standards of safety and performance across all buildings. The regulator will appoint a panel of residents who will have a voice in the development of its work.

The government clearly states that leaseholders would not be required to pay unaffordable costs for historic repairs to their buildings and they will continue to engage with stakeholders, including leaseholders, on this issue while the draft Bill is being scrutinised. The Ministry of Housing, Communities and Local Government report that they are speeding up work with the finance and insurance industries, to protect leaseholders from unaffordable costs of fixing historic defects, but without relying on tax payers' money and also address insurance issues around building safety. It is proposed that a new 'building safety charge' will be put in place that will make it easy for leaseholders to see and know what they are being charged for when it comes to keeping their building safe. With the aim of ensuring that these costs are affordable, powers to limit the costs that can be re-charged to leaseholders have been included in the draft Bill.

It is commented that combined together, measures in the draft Building Safety Bill, Fire Safety Bill, and Fire Safety Order Consultation, safety standards for residents of all blocks of flats of all heights will be improved, with even more stringent approaches and oversight for buildings in scope.

4. Implications for the industry

The draft Bill set out measures that are designed to make sure that those responsible for the safety of residents are accountable for any mistakes and must put them right. It also makes provision for establishment of the regulator that will enforce the new rules and take strong actions against those who break them.

The regulator will have three main functions:

- To oversee the safety and standard of all buildings.
- Directly assure the safety of higher-risk buildings.
- Improve the competence of people responsible for managing and overseeing building work.

It will operate a new, more stringent set of rules for high-rise residential buildings. The new set of rules, which are contained in the draft Bill, will apply when buildings are designed and constructed.

A new set of rules will be in place for when residents move into a building. Included within the rules is a requirement for the building to be registered with the Building Safety Regulator and apply for a Building Assurance Certificate. The 'Accountable Person' will then need to conduct and maintain a safety case risk assessment for the building and appoint a Building Safety Manager to oversee it day to day.

Building inspectors who are responsible for signing buildings off as safe for people to live in will also be required to follow the new rules and must register with the regulator.

The draft Bill will also give the government new powers to better regulate construction materials and products and ensure they are safe to use.

5. Other measures introduced by the government?

In addition to the measures brought forward in the Bill, the government have also introduced a range of measures to with the aim of making buildings safe.

- Combustible materials on the external walls of high-rise buildings have been banned.
- Clearer guidance on existing regulations that buildings owners must follow have been published.
- It is proposed that it will be mandatory for sprinklers to be fitted in all new blocks of flats over 11m high.
- Building have been identified buildings with unsafe Aluminium Composite Material (ACM) cladding and £600 million has be made available to remove and replace it in both private and social-sector homes over 18 metres high.
- £1 billion has been provided to remove and replace non-ACM cladding materials from high-rise residential blocks.
- The Fire Safety Bill has been introduced to parliament which gives local fire and rescue services the power to make sure building owners deal with potential fire risks in their building.

6. Next steps

The government advises that it is keen to receive further views from parliamentarians, residents and industry via the parliamentary process of pre-legislative scrutiny, before the Bill is then introduced to parliament.

APSE COMMENT

The Building a safer future: proposals for reform of the building safety regulatory system consultation responses set out the governments approach for ensuring the regime is more stringent and provide clarity with regards to enforcement powers, which are now outlined in the draft Building Safety Bill.

Since the implementation of the Building Act 1984 (BA1984) which introduced private building control inspectors the system has become fragmented and these issues have been highlighted in the evidence submitted to the Hackitt review. In addition, the Building (Approved Inspectors) Regulations 2010 states that compliance is reached in a circumstance were the Inspector is satisfied within the limits of professional skill and care. Therefore, it is welcomed that the proposals are seeking for the Building Safety Regulator to take responsibility for the oversight of the competence of building control bodies and create a professional structure for building control covering both local authority staff and Approved Inspectors.

Local planning authorities play a pivotal role in the planning system as a whole and should be empowered and adequately resourced to take on the role of 'master-developers'. This requires changes to financing, skills and a stronger offer from central Government to reward local action.

On a final point, the government should take a proactive role to incentivise domestic production of equipment and sustainable raw materials alongside exploring options for scaling offsite production and modern methods of construction. The government should produce a national labour strategy to support the expansion of the construction industry, recognising the current capacity constraints on delivery due to factors such as the availability of skilled workers. government taking a lead in this area would allow the culture of safety to be embedded throughout the sector.

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