



APSE 12 March 2024

Building Safety

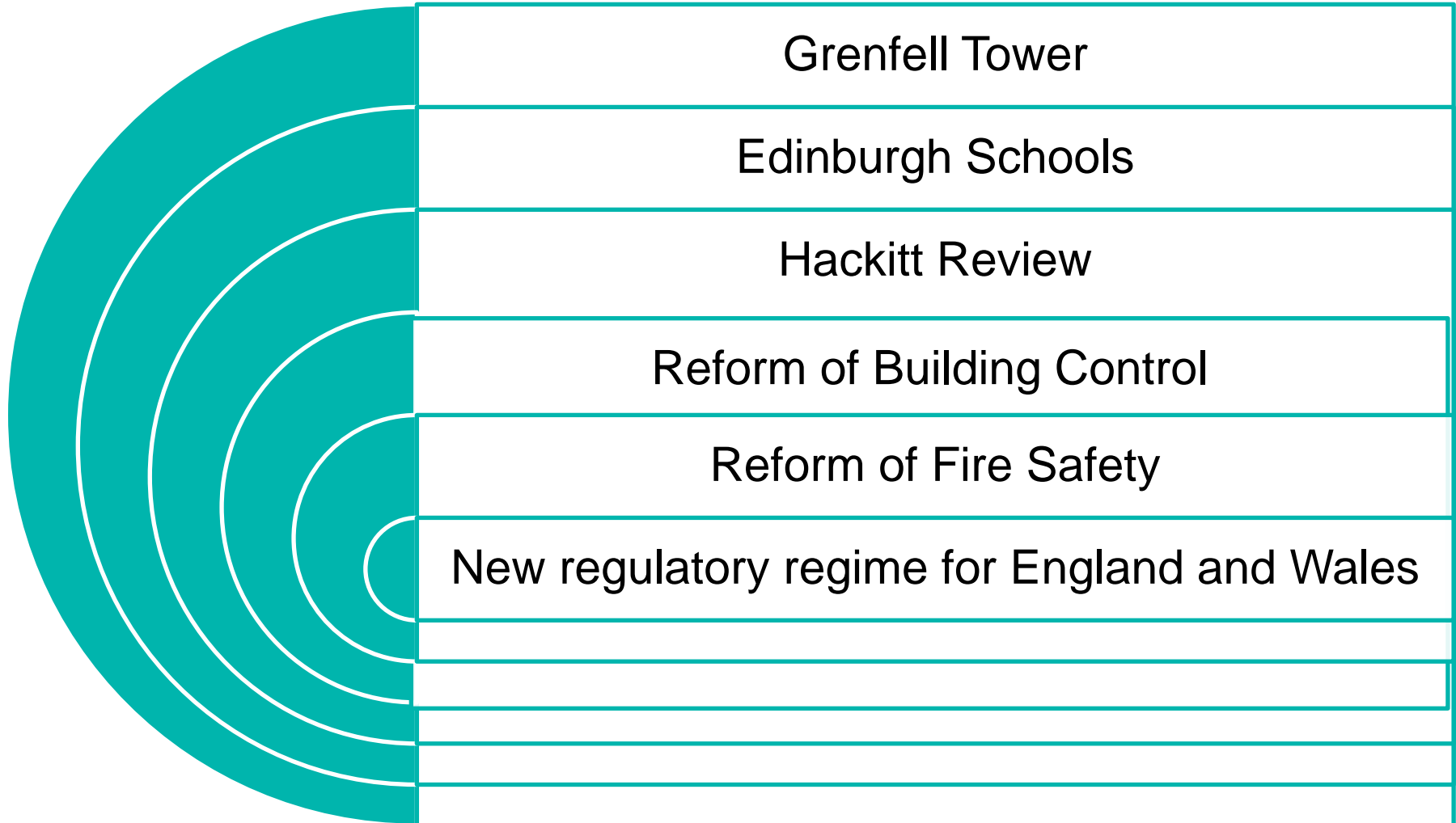
Jon Cowlan, H&S Senior Consultant

A purpose-led professional services
business with law at the core



Scene Setting

Background and context



Key Regulatory Developments



Building Safety Act 2022
Building (Higher-Risk Buildings Procedures) (England) Regulations 2023
Building Regulations Etc (Amendment) (England) Regulations 2023
Fire Safety (England) Regulations 2022

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Fire Safety (England) Regulations 2022

Key Regulatory Developments

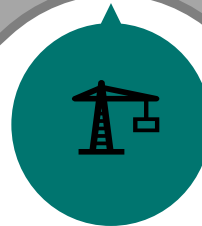
1 October 2023

Registration deadline for Existing Buildings



1 October 2023

Dutyholder Regs in force



1 October 2023

Gateways 2 and 3 and occupation duties in force

6 April 2024

BSR begins to invite Building Assessment Certificate applications

6 April 2024

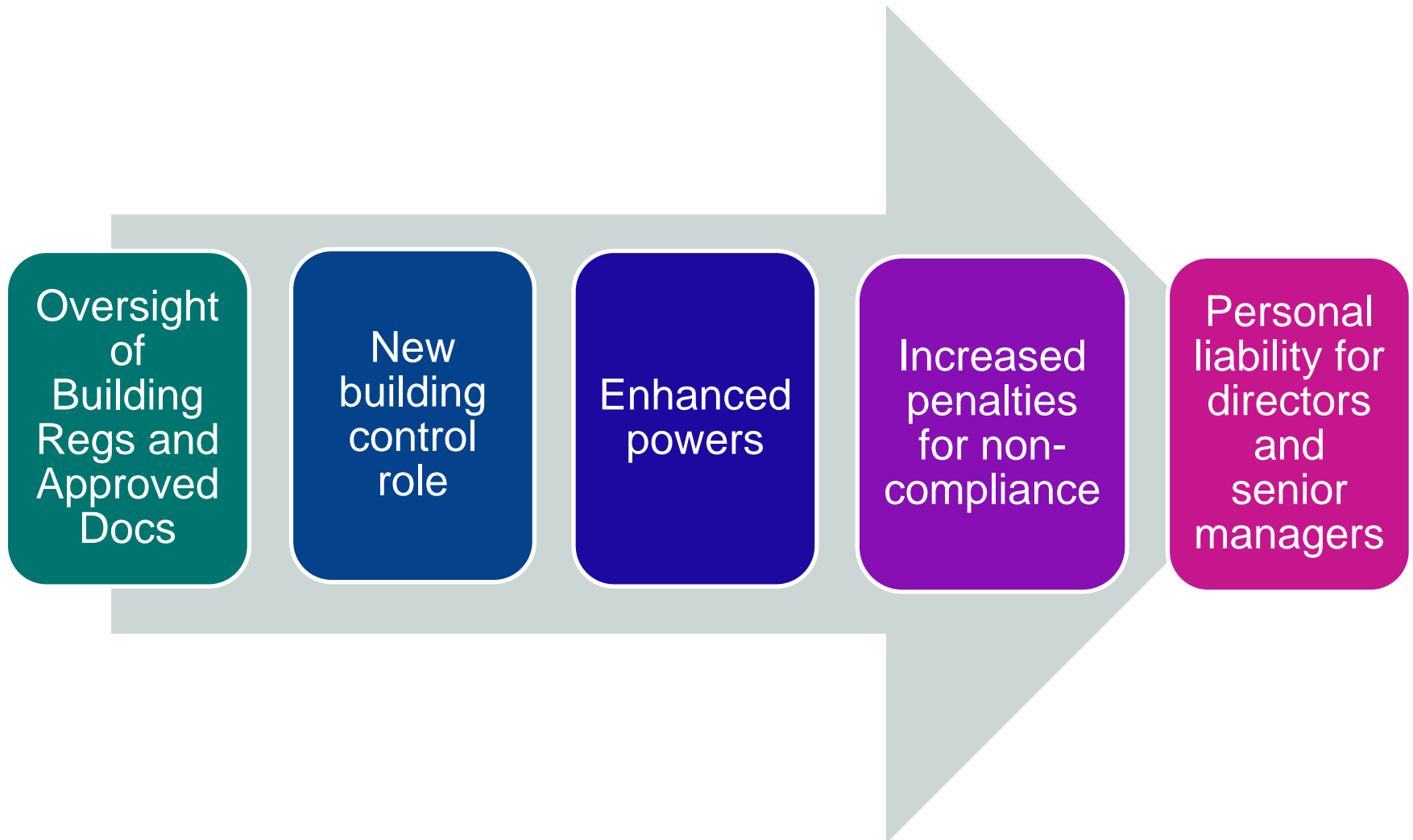
Reform of Building Control





Building Control Reform

Building Safety Regulator – a regulator with teeth



Building Control Bodies



Approved inspectors are no more



Registered Building Control Approvers



Registered Building Inspectors



New competence requirements



Mandatory from 6 April 2024



Consequences if your inspector does not register

Building Control Process

Single process for building control approvers



Building Control Approval Application

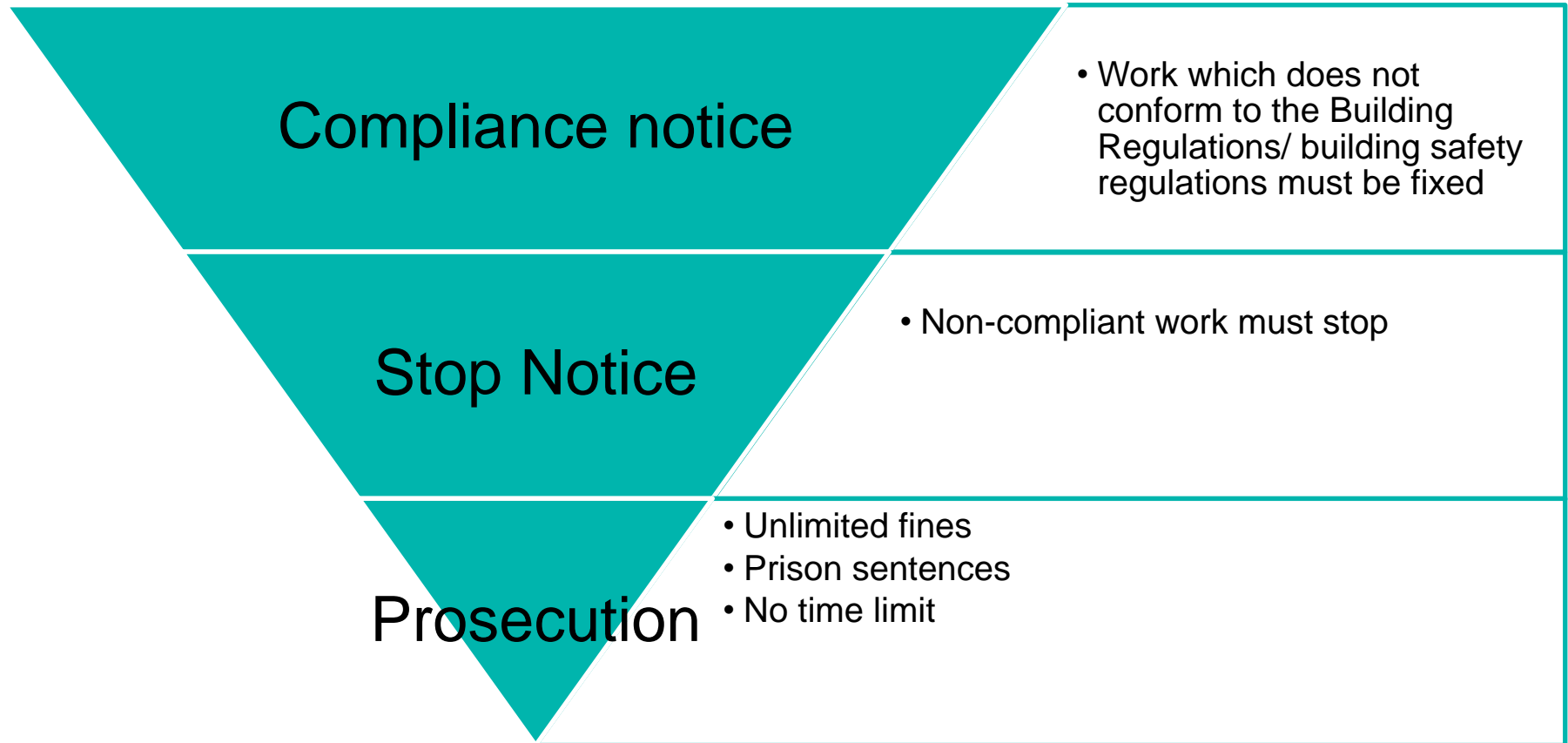


Full Plans required



Completion Certificate issued

Oversight/Enforcement



Future building standards

Legal duty to comply with standards at the time of building control approval – what if these change?



Building Regulations 2010

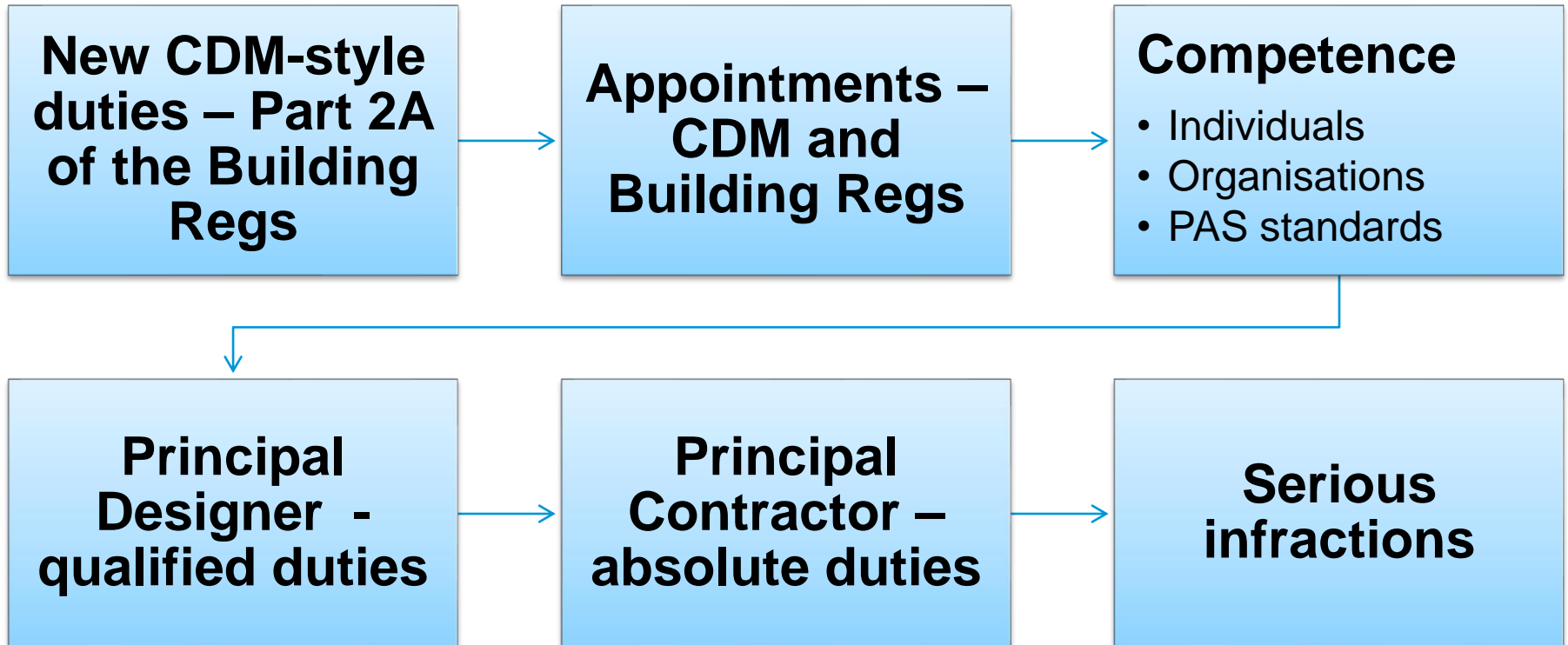
Wholesale review of Approved Documents

Interim changes – tightening of cladding restrictions, sprinklers, second escape staircases



Dutyholder regime and CDM

Competence and appointments



CDM vs Building Regs

Construction Work vs Building Work

Consultants for PD role

Competence – what difference does behaviour make?

Competence – health and safety vs functional requirements

Nominated individuals

Record keeping

Notification requirements



Fire Safety Reform

Fire Safety Act 2021



Fire Safety (England) Regulations 2022



In force – 23 January 2023.



**Implement
recommendations – Phase 1,
Grenfell Tower Public Inquiry**



**High-Rise Residential
Buildings**

Building Plans
External Wall Systems
Lifts and other key fire fighting
equipment
Information boxes
Wayfinding signage

Fire Safety (England) Regulations 2022



Multi-Occupied
Residential Buildings
(no height threshold)

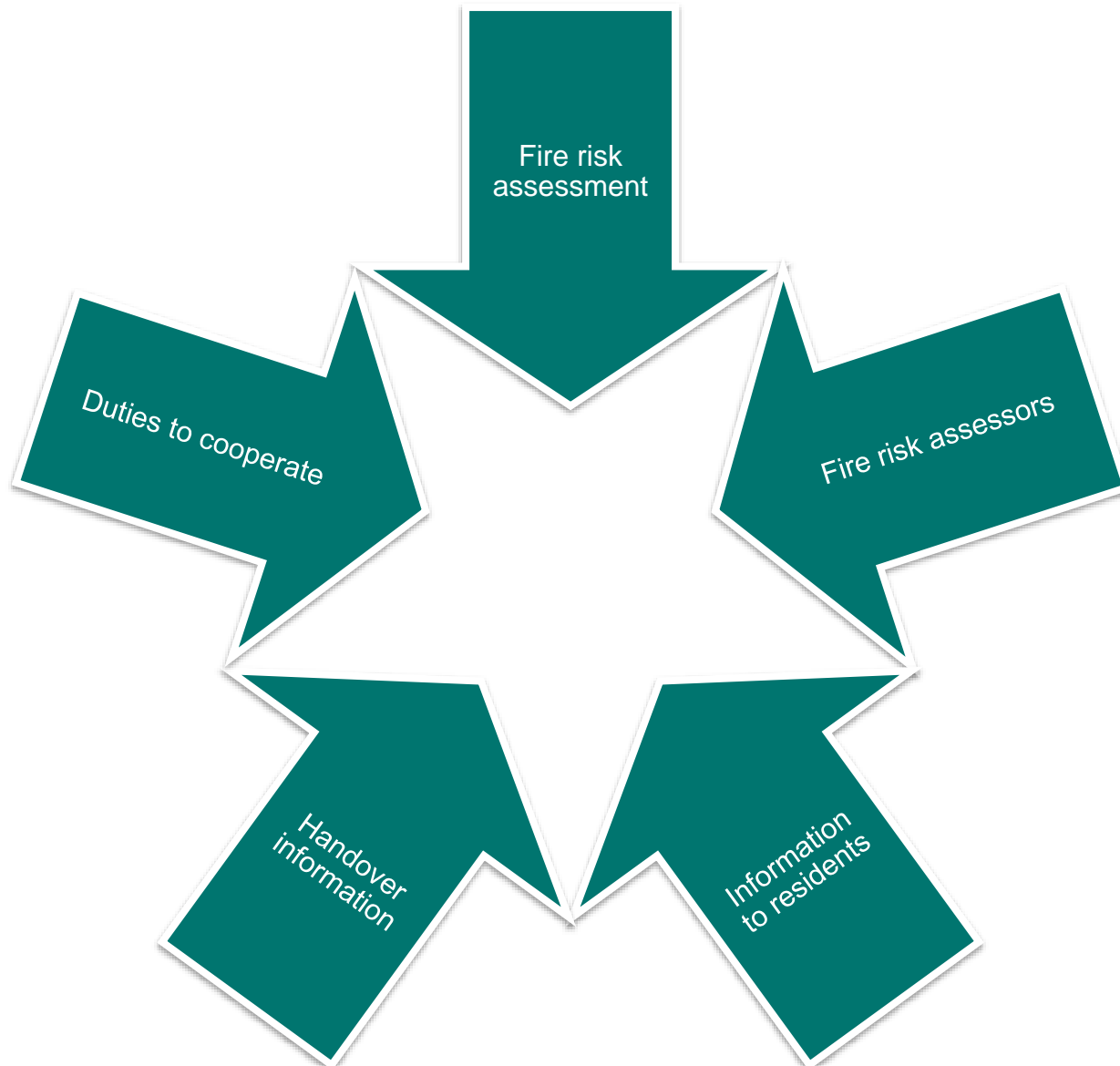
Fire safety instructions
Fire door information



Residential buildings
over 11m

Fire door checks

RRO – Building Safety Reforms



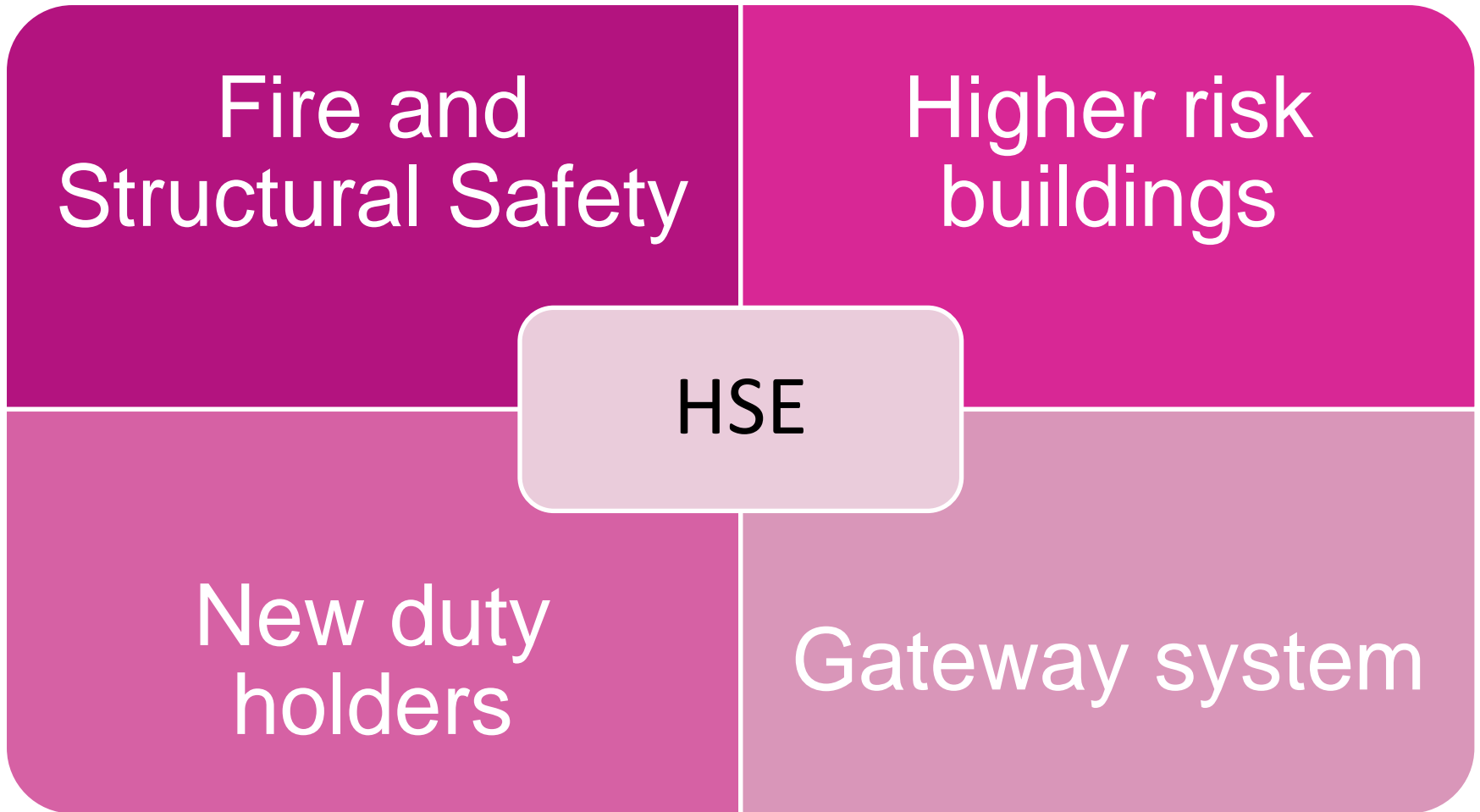


Higher- Risk Buildings

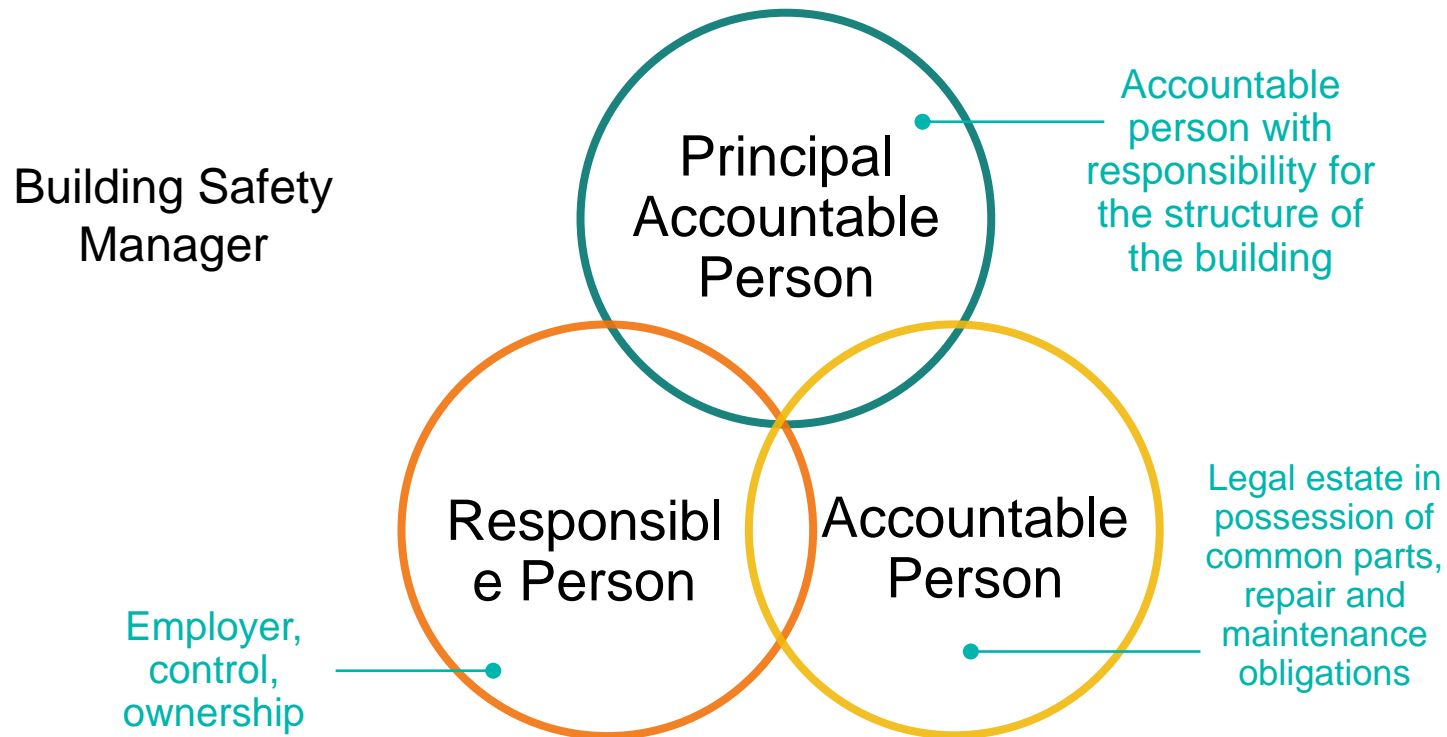
What's in Scope - HRBs



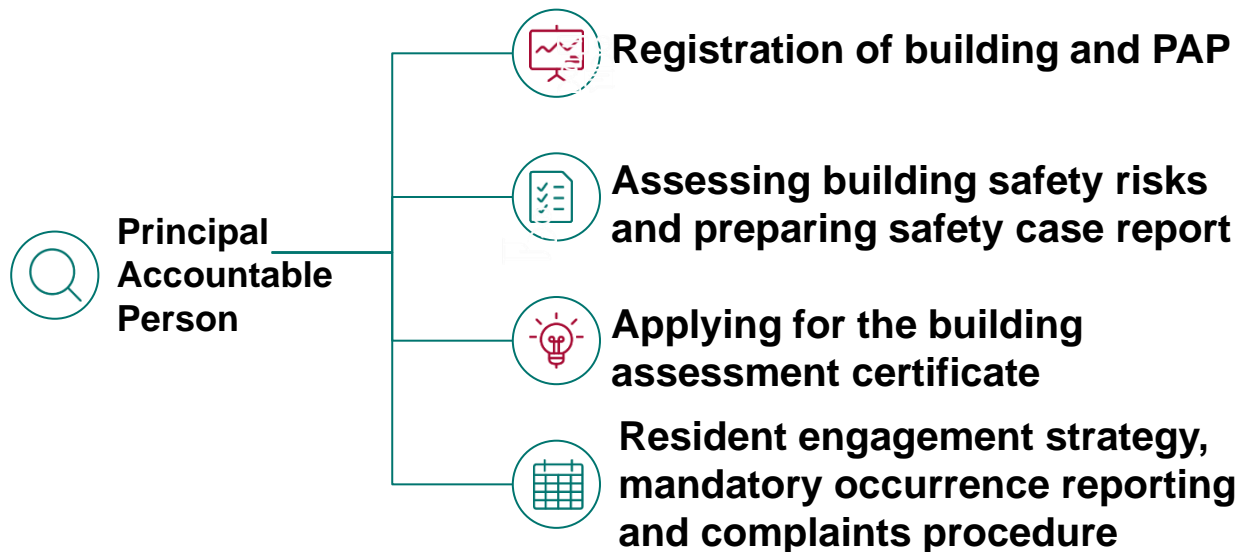
Higher risk buildings



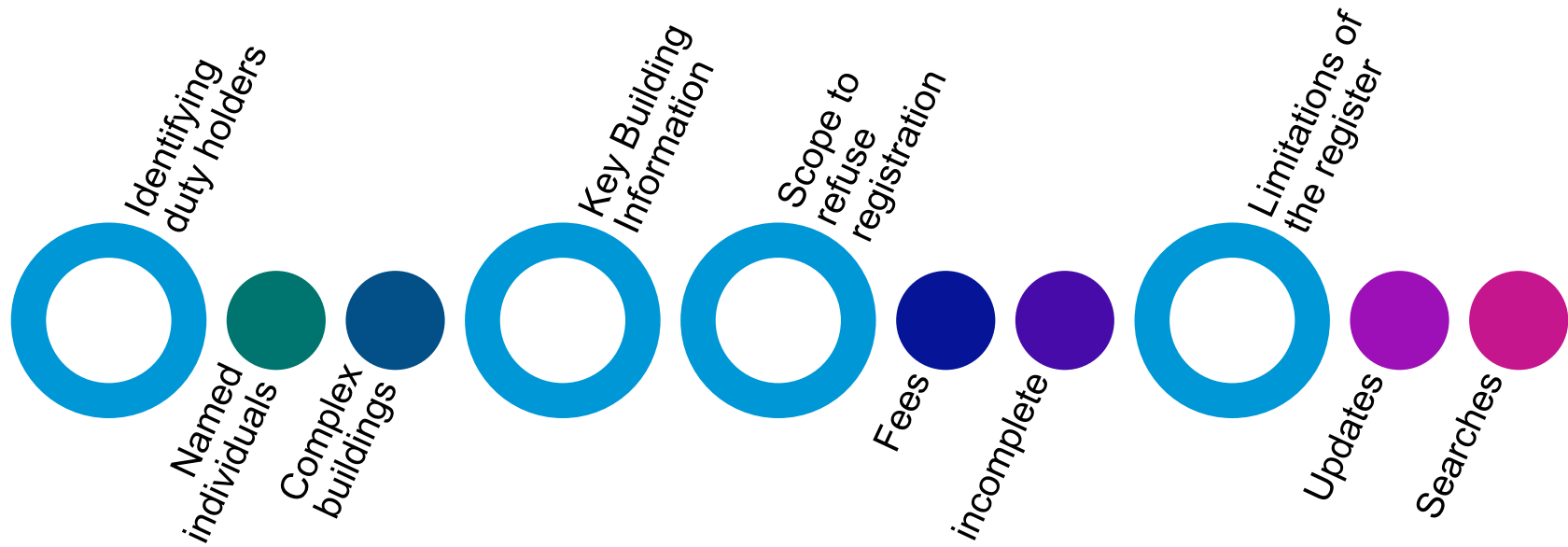
Who is responsible for the occupation phase?



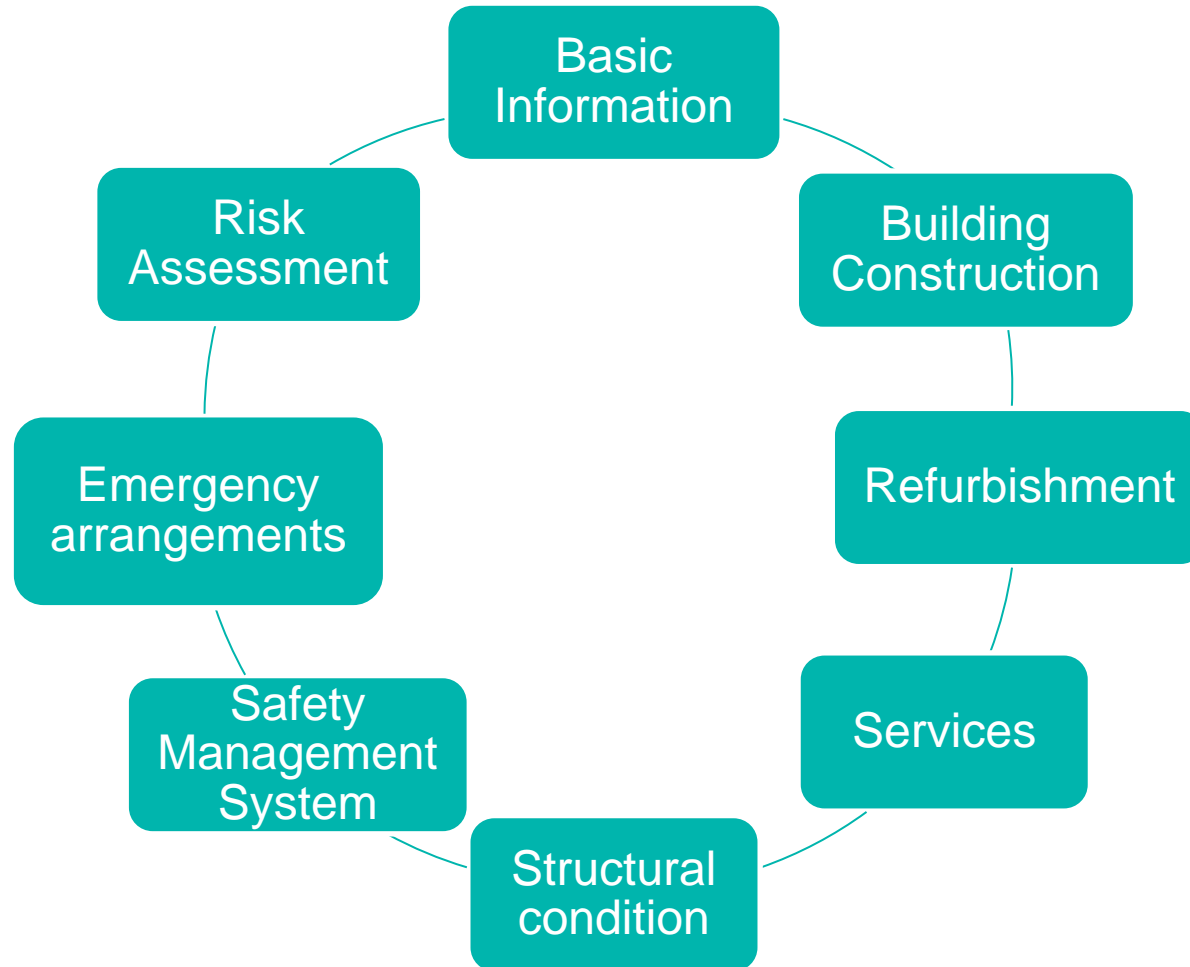
Principal Accountable Person duties



Registration requirements



Preparing a safety case



Applying for a Building Assessment Certificate



Resident engagement

Residents over 16 and owners of residential units

Consultation

Review

Decisions where you should seek opinions

Complaints process is separate

Building safety management system



Offences – occupied buildings

Occupying building without a completion certificate

Not registering the building or PAP

Failure to apply for building assessment certificate

Failure to submit mandatory occurrence report

Failure to provide handover information

Breach giving rise to risk of death or serious injury

Directors – consent, connivance or neglect

Penalties – Corporate and Individual

Corporate all H&S including Corporate Manslaughter:

- Unlimited fines.
- Tariff based linked to turnover
- Assessment of harm (likely not actual) and culpability

Individuals:

- Unlimited fine and/or up to 2 years imprisonment
- Director's disqualification for up to 15 years (typically 5+ years)
- **Gross Negligence Manslaughter:** Life Imprisonment

Reputational consequences

Other enforcement options

Action against residents

Conditions in building assessment certificate

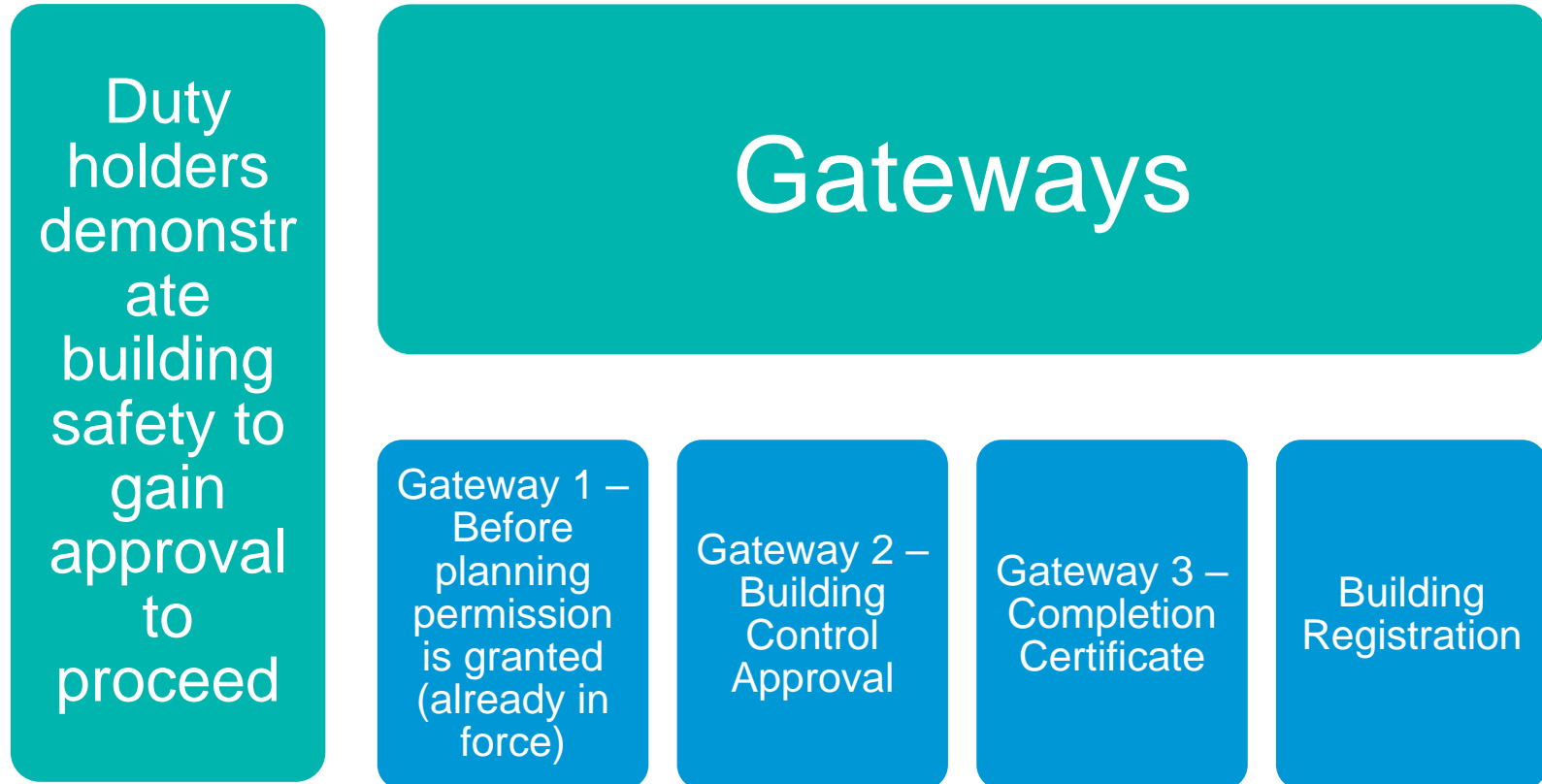
Compliance notice

Special measures



Design and Build Duties

Gateway System – Overview



Gateway 2 – Building Control Approval Application

Timing

- 12 weeks to consider
- Reviewed by MDTs
- Pre-application engagement
- Validity checks

Golden Thread

- Detailed plans
- Competence Declaration
- Building Regs Compliance Statement
- Fire and Emergency File
- Construction Control Plan
- Change Control Plan
- Mandatory Occurrence Reporting
- Partial Completion Strategy

During construction

Change control

- Record keeping
- Major change
- Notifiable change

BSR inspections

Mandatory Occurrence Reporting

Gateway 3 – Completion Certificate Application

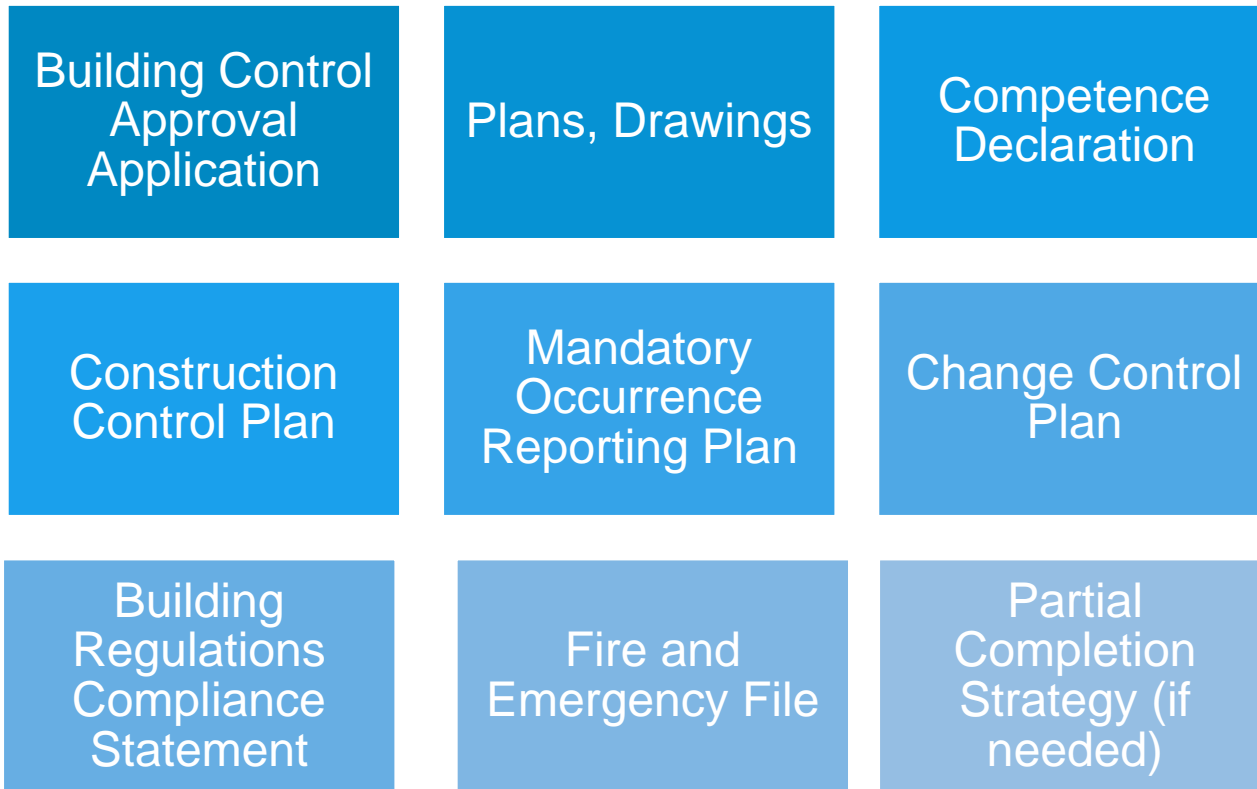
Timing

- Validity checks
- Reviewed by MDTs
- 8 weeks to consider
- Final inspections
- Snagging?

Golden Thread

- As-built drawings
- Updated Gateway 2 info
- Compliance Statements
- Reg 38 Handover Declaration

Building Safety Process and Procedures



Work on existing HRBs



Is it building work?

Refer back to Building Regs



Category A

Changes to height, storeys, flats, staircases, external walls, layout,
passive and active fire safety measures and common parts.
Full gateway 2 application and supporting documents required.



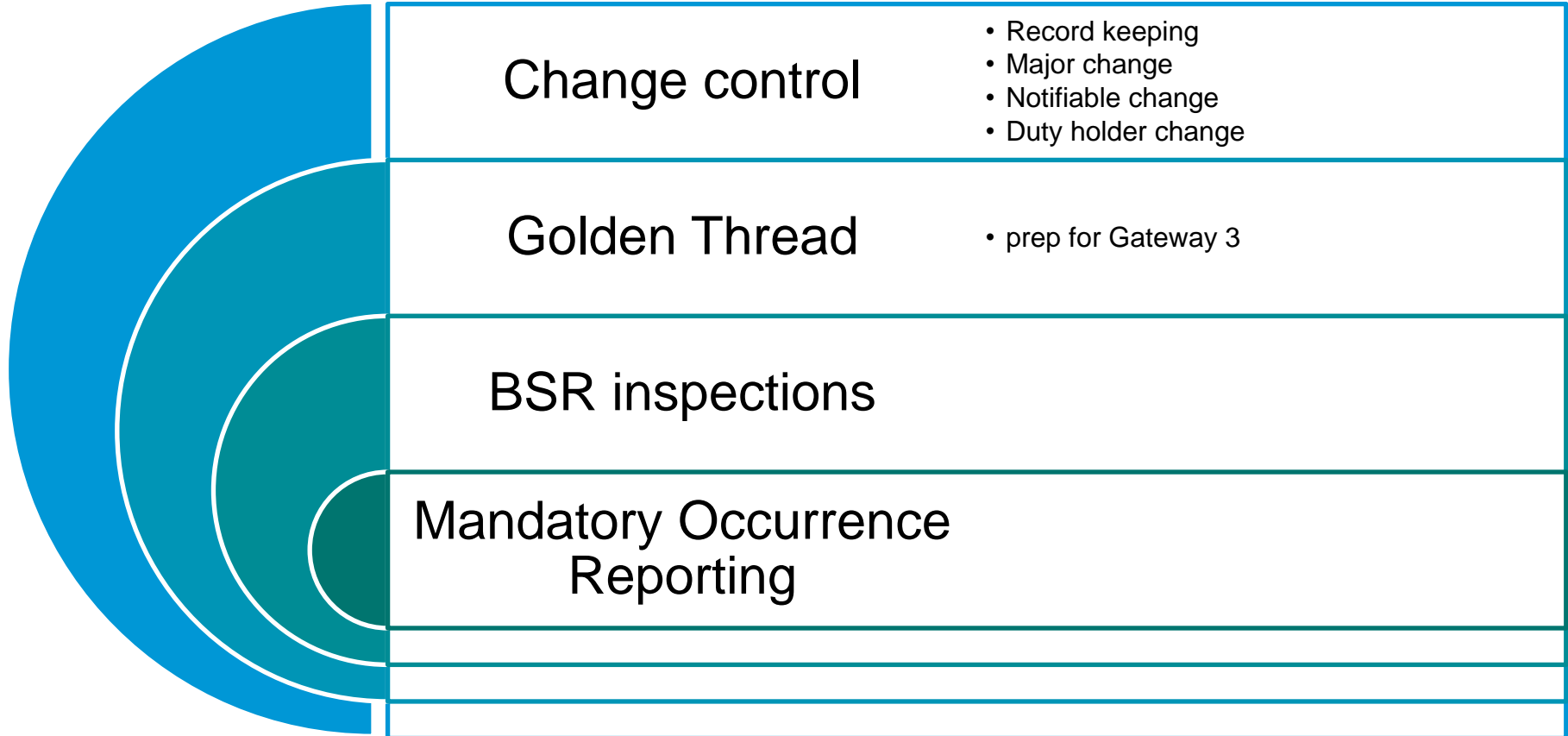
Category B

Everything else (except exempt work and scheme work)
HRB documents submitted “if applicant considers it appropriate”



Change control, mandatory occurrence reporting and golden thread requirements apply

During construction



Gateway 3 – Completion Certificate Application

Timing

- Validity checks
- Reviewed by MDTs
- 8 weeks to consider
- Final inspections
- Snagging?

Golden Thread

- As-built drawings
- Updated Gateway 2 info
- Compliance Statements
- Reg 38 Declaration by Principal Accountable Person

Work on existing HRBs

Category A

- Changes to height, storeys, no of flats, staircases, external walls, layout, passive and active fire safety measures and common parts.
Full gateway 2 application and supporting documents required.

Category B

- Everything else (except exempt work and scheme work)
- HRB documents submitted “if applicant considers it appropriate”

Change control, mandatory occurrence reporting and golden thread requirements apply