

Meeting Executive

Portfolio Area Housing & Neighbourhoods

Date 14th June 2023



IMPLEMENTATION OF BUILDING SAFETY ACT 2022

KEY DECISION

1 PURPOSE

- 1.1 The purpose of this report is to highlight the details of the Building Safety Act and set out the policy for meeting these requirements.
- 1.2 This report recommends the new Building Safety Policy for approval. (Appendix A).
- 1.3 The report also provides progress on the implementation of the Building Safety Act for the Council's five High Rise Residential Blocks and other High Risk Residential Blocks. (Appendix B).

2 RECOMMENDATIONS

- 2.1 That Executive approves the draft Building Safety Policy and the roles and responsibilities set out within the policy. (Appendix A).
- 2.2 That Executive note the progress against the Building Safety Act Implementation Plan. (Appendix B).

3 BACKGROUND

- 3.1 Over a number of years the Council has continued a proactive approach to ensure the safety of residents in its High Rise buildings. This has included significant financial investment over the past 5 years including; fire suppressant sprinkler systems to all residential blocks above six floors; fire doors and other measures including fire stopping, to ensure residents' safety. The Council also continues to work closely and effectively with Hertfordshire Fire and Rescue Service (HRFS) who also complete regular inspections of residential blocks.
- 3.2 In 2022, the new Building Safety Act and Fire Safety (England) Act 2021 ("The Act") came into legislation. The acts are two of several pieces of legislation and guidance being implemented by Government to enhance Building Safety. The acts will apply to all new or existing occupied buildings over 18 metres high or seven storeys or more, which contain at least two residential units.
- 3.3 **The Building Safety Act (2022)** The new Building Safety Act is a direct result of the Grenfell Tower tragedy and the recommendations by Dame Judith Hackitt following her review of fire safety and building regulations in 2018. The act seeks to transform how tall residential buildings are designed, constructed and managed. It was brought in to tackle some of the fundamental safety issues, identified during the first phase of the Grenfell Inquiry. It introduces a new body The Building Safety Regulator (BSR) to oversee and licence the occupation of all in scope buildings.
- 3.4 The Act introduces a legal obligation for all contractors working on or in such buildings to be competent. Provides clear guidance on how we must manage our existing High Rise Residential Blocks (HRRB's) and how the Council as a social landlord must provide information to its residents about fire and building safety. It has also redefined a series of servicing frequencies for critical fire safety assets, such as Dry Risers and Automatic Opening Vents. It also provides guidance on the information the Council must share with the Fire & Rescue service, to assist them in managing any emergencies on site.
- 3.5 There is now a legal necessity to register all the Council's HRRB's with the Building Safety Regulator (BSR) and submit a Building Safety Case to support a new Licence to Occupy for these buildings.
- 3.6 The new act requires the Council to manage High Rise (Over 18 metres) and High Risk (to be defined by the council) buildings differently.
- 3.7 The act introduces two new roles to enable this:
- 3.8 **Building Safety Regulator (BSR):** A new body to manage building safety. The BSR will be responsible for overseeing the safety and performance systems of all buildings. They will have powers to enforce the rules and act against those that break them. For high-risk buildings they will be able to implement more stringent rules, including how they are designed, constructed and occupied.
- 3.9 The Building Safety Regulator, will initially be based within the Health and Safety Executive (HSE), for day to monitoring of performance and issues with buildings in scope of the act. The BSR will be utilising the local Fire & Rescue

Service (FRS) to monitor and report against buildings locally. The FRS also have a duty under the act to report any significant concerns directly to the BSR.

- 3.10 **Accountable Person:** The Accountable Person will have an ongoing duty to assess Building Safety risks and provide a Safety Case Report which demonstrates how building safety risks are identified, mitigated and managed on an ongoing basis. The Accountable Person for a Council can be the corporate body.
- 3.11 Specifically, the Council must apply for a licence to occupy of its HRRB's. To achieve this licence, the Council must first register the blocks with the Building Safety Regulator and then provide clear information about the building, identifying any non-conformities to Building Regulations and how the Council proposes to remediate them, along with detailed plans of how these risks are mitigated.
- 3.12 The consequences of not complying with the act can include, being instructed by BSR to decant all of the residents. The Council can only re-occupy once the building safety case is submitted, with detailed risk mitigation for all areas, the BSR can also levy unlimited fines.
- 3.13 **The Fire Safety (England) Act 2021**, amends the existing Regulatory Reform (Fire Safety) Order 2005, to provide clearer guidance and introduce further regulation around all areas of Fire Safety in residential buildings.
- 3.14 The act clarifies that Responsible Persons for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, along with entrance doors to individual flats that open into common parts.
- 3.15 A new standard of Fire Risk Assessments must be adopted (which the Council have already completed) to ensure that all areas of a block are risk assessed, including external walls and cladding, however minimal the cladding maybe.
- 3.16 **The Golden Thread:** A defining element of the Building Safety Act is the 'golden thread' of information, which will act as a digital, always accessible, audit trail throughout the life of a building. This principal is carried forward to repairs, upgrades and installation to all elements of our existing HRRB's and will be equally true of managing the conventions of the Fire Safety Act 2021.
- 3.17 Whilst it is clear that the Council has good foundations in place to manage Building Safety the new legislation will require more focused governance and management of various elements of the Council's management of HRRB's
- 3.18 The refresh of the HRA business plan during autumn 2023 will need to ensure that sufficient resources are provided to support the implementation of both acts along with appropriate investment measures for the housing stock and further considerations for new and future stock.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 The Building Safety implementation plan and policy cover the key actions the Council must take to ensure compliance with the act. The Council must implement the new act and related guidance in the required timescales set by

the regulator. Failure to do so will result in potential action by the regulator, which could ultimately require the decanting of the buildings covered by the act.

- 4.2 The Building Safety policy sets out the framework for how Councils will meet and maintain the compliance with the new legislation for those buildings in scope.
- 4.3 The Council has five High Rise residential flat blocks which are in scope of the Building Safety Act and the regulations it introduces. These are listed below. The Councils High Risk Buildings, which are not over 18 metres, but due to the occupancy type are defined as high risk are also included in this plan. These are not required at this time to be registered with the Building Safety Regulator but are also listed below.:

High Rise Residential Buildings (Required by the Act)

Brent Court	Harrow Court	High Plash
High Croft	The Towers	

High Risk Buildings (Not currently required by the Act but have been included to ensure best practice)

Fred Millard Court	Grosvenor Court	Highfield Court
Norman Court	Pinewoods	Pitt Court
Silkin Court	Truro Court	Twin Foxes
Wellfield Court	Shaftesbury Court	Shephall Way 94-152
Westwood Court		

- 4.4 The Council will be required through both the existing and proposed consumer standards to report to the Social Housing Regulator its compliance with the Building Safety Act, along with other legislation required to ensure the Council's properties remain safe for its residents. Failure to meet the required standards may result in regulatory judgments and unlimited fines.
- 4.5 Duty Holders – Roles and Responsibilities**
- 4.6 The roles and responsibilities of each duty holder is defined in the Building Safety Policy (Appendix A) a summary of these are outlined below:-
- 4.7 **The Accountable Person:** Is the body corporate "Stevenage Borough Council". The oversight for all areas of the acts falls within the responsibility of the Executive and will be discharged and delegated as below.
- 4.8 **Chief Executive:** Will need to ensure that adequate resources are made available to ensure we are able to comply with the new legislation. For existing properties that fall within the BSA, the Chief Executive will delegate their

responsibilities to the Assistant Director of Building Safety and Housing Property Services and Head of Resident Safety. For properties under construction and yet to be completed the Chief Executive will delegate their responsibilities to the Assistant Director of Housing Development.

- 4.9 **Senior Leadership Team:** Will review reports that provide progress updates to ensure that the Council meets the requirements of the Building Safety Act, Fire Safety Act (England) 2021, this policy and the Council's Fire Safety Policy
- 4.10 **Housing Service Leads:** Will work closely with the Head of Resident Safety and others to design and implement suitable projects to ensure SBC is compliant with legislation.
- 4.11 **Head of Resident Safety:** Is responsible for the overall implementation of the policy and the development and delivery of the projects detailed within. The Head of Resident Safety will monitor and track performance to ensure SBC remains compliant with current legislation and that projects are on track to ensure we are ready for the implementation of future legislation and guidance. The Head of Resident Safety will work closely with all departments across the Council to deliver this policy and to ensure buildings within the scope of the BSA remain safe. The Head of Resident Safety will work closely with the Fire Safety Manager and Building Safety Inspector to ensure the Council maintains compliance with the act. The Head of Resident Safety will provide regular updates to Senior Leadership Team and Compliance Group.
- 4.12 **Fire Safety Manager:** Is responsible for managing all compliance activities and informing the Head of Resident Safety of any compliance related issues which may affect the safety of buildings in scope.
- 4.13 **Building Safety Inspector:** Will support the Fire Safety Manager with general administration, contract management and ensuring access is in place. They will store completion reports, ensuring that they are uploaded to central storage areas and shared with Fire Safety Manager and Head of Resident Safety.
- 4.14 Alongside the new duties and responsibilities that are placed upon the Council, the new act also provides obligations on residents. The act now stipulates that "Residents must not create a significant risk" within the building. This includes the removal of door closers, propping or wedging open fire doors or storage of combustible materials in the common parts etc.
- 4.15 It will be essential to highlight this information as part of a new tenancy sign-up and include this information in the annual fire safety advice note the Council issues. The Council will work on an education ahead of enforcement approach, although there may be cases where enforcement action is necessary to ensure the safety of other residents.
- 4.16 **Progress to Date**
- 4.17 A specific policy to support the implementation of and ongoing management of all areas of building safety has been prepared for approval by Executive (Appendix A). The review frequency has been set to six monthly, to support any new legislation, guidance or regulation that is released under the acts.
- 4.18 The Investment Team have developed a comprehensive plan (Appendix B) to further drive improvement and ensure the act is implemented within the agreed

timescales. This is reported to the Corporate Compliance Group attended by relevant service leads, Assistant Directors and chaired by the Strategic Director (RP).

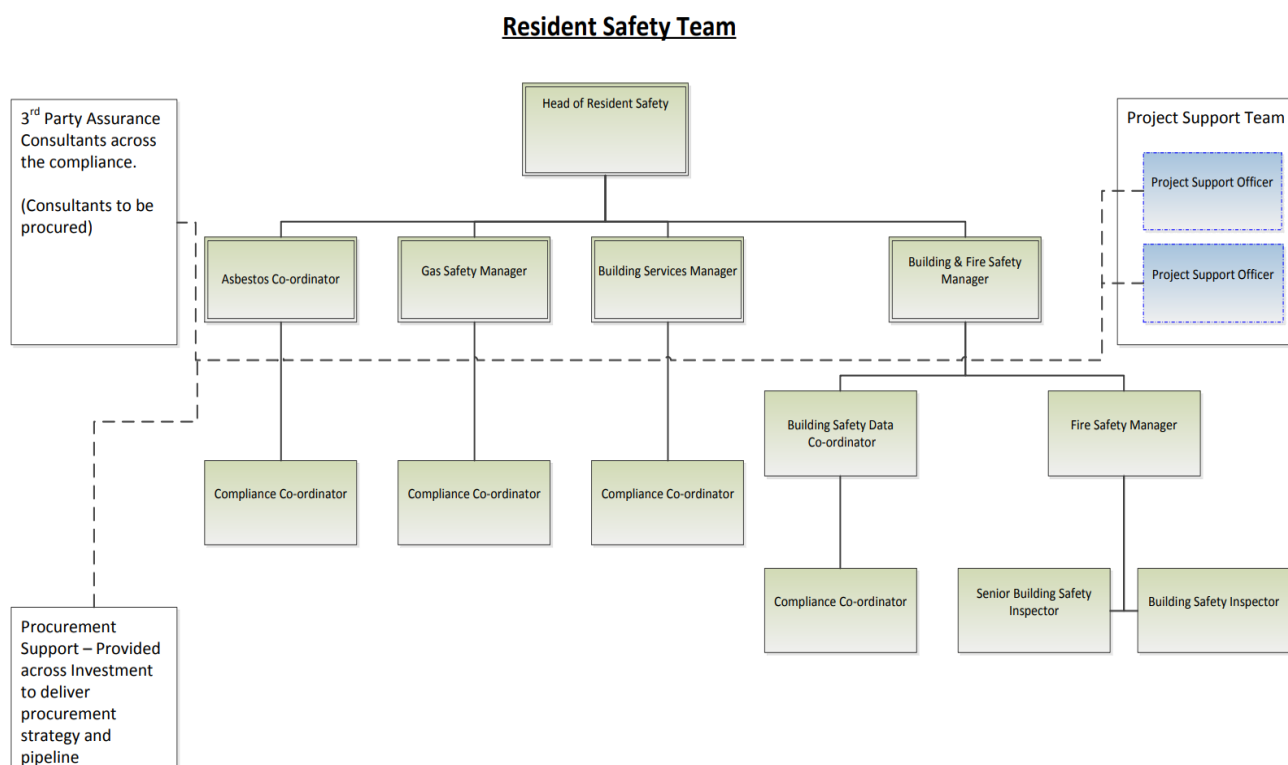
- 4.19 All Stevenage Borough Council HRRB's over 18 metres in height have been successfully registered. Due to the number of HRRB's being registered from all housing providers across the country the Building Safety Regulator has advised that all buildings are unlikely to be reviewed before the end of 2026. In the meantime the Council can continue to occupy them.
- 4.20 The Council maintains an excellent relationship with Hertfordshire Fire and Rescue Service locally. This partnership is developing as a "good practice" model for other housing providers, particularly given the role of FRS in the enforcement of the Building Safety Act.
- 4.21 Additionally, briefings have been held for all relevant managers in Housing and investment to update them on the acts and how the Council is interpreting and implementing them.
- 4.22 Under the new legislation the Council must clearly display key fire and building safety information, this includes details of key fire safety assets, the servicing regime and dates of last and next services. This is to provide assurance to residents that the Council is maintaining all equipment in line with recommendations and regulation.
- 4.23 To achieve this new Secure Information Boxes have been installed at each of the Council's HRRB's. These now contain full floor plans for each block and floor, along with information of key safety assets, such as Dry Risers and Automatic Opening Vents. The secure information boxes also include a list of vulnerable residents in each building, along with a list of any medical gases that they may have within a property.
- 4.24 To further support this a "Digital Noticeboard" has been piloted in one of the HRRB's. This enables the Council to electronically publish all information required, including updated servicing dates for key fire safety equipment. This also enables the Council to provide information to update residents in real time. For example, if a lift breaks down information can be provided for residents to explain that an engineer is on their way, which will also mean that the Customer Service Centre will receive less calls. This pilot has proved successful and others will be installed in the coming months.
- 4.25 The Council now has a statutory responsibility to advise all residents about fire safety in its HRRB's. A site-specific information pack has been produced for all residents. This will be provided to new residents upon sign up to a new tenancy. Residents are asked to sign that they have received and read the information. This will be stored as part of the tenancy file.

- 4.26 A change introduced under the Building Safety Act, requires the Council to develop a resident engagement strategy to ensure the “Residents’ Voice” is heard as part of any changes or improvements to building safety.
- 4.27 The Investment team have worked with Community Development to organise a series of engagement events planned at our HRRB’s. These will be used to gage concerns and to capture details of those residents who want to be included in ongoing design work.
- 4.28 Alongside the new Building Safety Policy, the existing Fire Safety Policy has been updated to incorporate all the amendments to the Fire Safety Act and introduce further areas of best practice.
- 4.29 Additionally, wayfinding signage is being improved to further highlight escape routes and to assist firefighters in locating properties in the event of a fire.
- 4.30 The act introduces new guidance to ensure that only competent contractors are working in or on the buildings in scope. The Investment Team are working with the Council’s internal repairs service and external contractors, to ensure that only competent contractors and operatives work on high rise and high-risk buildings.
- 4.31 The Council will appoint and work with external compliance consultants and specialists to ensure that all areas of our Building Safety Policy is being delivered to the required standards. This will include assistance is reviewing and approving the final specification for all compliance related works in our buildings, along with providing quality assurance that specific works such as fire stopping, installation and maintenance of fire doors and the installation of new components or systems, such as fire alarms, communal heating systems and the like are completed to the correct standards.

4.32 Moving Forwards

- 4.33 It is clear that the Council will further need to further focus its resources on building safety. An Assistant Director for Building Safety and Housing Property Services has been recruited and a further recruitment process has started for a Head of Resident Safety to ensure adequate oversight of all elements of building safety. The proposed team structure for Resident Safety is outlined below:

4.34 Structure



- 4.35 The Corporate Compliance Group will continue to monitor the progress of the implementation plan (Appendix B). Given the need for continued focus and improvement in these areas key compliance performance measures have been included in the Council's Corporate Performance Suite and will be reported quarterly to Executive. Further developments in relation to the Implementation Plan will also be reported to a future Executive meeting.

5 IMPLICATIONS

Financial Implications

- 5.1 All current expenditure for the development of the policy and the implementation of the act(s) has been included a growth in the HRA's budgets .
- 5.2 The future budget implications to ensure compliance with the act will be reviewed through the planned refresh of the Housing Revenue Account (HRA) business plan.

Legal Implications

- 5.3 The Building Safety Act & Fire Safety (England) Act have received Royal Assent and have now been enacted. There are clear timelines within the act to achieve certain milestones of the implementation plan. The implementation plan has been developed to ensure full compliance with the act by October 2023.

Risk Implications

- 5.4 There is a significant risk to the continued occupation of the five HRRB's that are covered by the Building Safety Act and total 356 residential units if the Council fails to submit and then maintain its Building Safety Case. The regulator does have the power to enforce that all properties in these buildings must be decanted if we do not comply with the act.
- 5.5 There is therefore an additional financial and reputational risk if the Council does not comply with the conventions set out in the Building Safety Act 2022.
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Policy Implications

- 5.6 A draft Building Safety Policy has been submitted for approval. It covers all areas required under the act. As the act is enabling legislation, the government can introduce new guidance at any time. This policy will be reviewed every six months by the Head of Resident Safety.
- 5.7 It is expected that before October 2023 the Department for Levelling Up, Housing and Communities (DLUHC) will introduce new guidance and regulation around the mandatory reporting requirements, which relate to "incidents" in the blocks within scope and how these are reported to the Building Safety Regulator. It will therefore be important for the Council to ensure its own policy is updated accordingly.

Staffing and Accommodation Implications

- 5.8 The new role of Assistant Director of Building Safety and Housing Property has been created to take responsibility for all housing property related services.
- 5.9 For the Council to deliver the requirements of the act and the attached policy requires additional staffing resource. However, this has already been built into the HRA growth plans for this financial year. A re-structure of the compliance team to support these changes and clarify responsibilities has been agreed and the new structure outlined in section 4.
- 5.10 This will need to be further reviewed through the refresh of the HRA business plan to ensure all out obligations are met and if the buildings in scope of the act change.

Service Delivery Implications

- 5.11 There will be an impact on the delivery of repairs from the repairs service in those buildings that are in scope. Additional training to ensure operatives have the correct skills and qualifications to work on fire safety assets, such as fire doors will be required.

- 5.12 The implications of the act will require all staff with responsibilities relating to the buildings in scope to be aware of and act on the guidance of the act. This will require additional training for the staff involved.

Information Technology Implications

- 5.13 There is now a legal obligation to provide secure storage of information relating to the “Golden Thread” and to make this information accessible to authorised persons on a read only basis.
- 5.14 In discussions with IT, it is envisaged that the migration to Office 365 and the creation of a SharePoint site, will make available the required information.

APPENDICES

- A Appendix A – Final Draft Building Safety Policy
- B Appendix B – Implementation Plan- Building Safety Act

GLOSSARY OF KEY TERMS

BUILDING SAFETY ACT	BSA
BUILDING SAFETY REGULATOR	BSR
DEPARTMENT FOR LEVELLING UP HOUSING AND COMMUNITIES	DLUHC
FIRE AND RESCUE SERVICE	FRS
HEALTH AND SAFETY EXECUTIVE	HSE
HERTS FIRE AND RESCUE SERVICE	HRFS
HOUSING REVENUE ACCOUNT	HRA
HIGH RISE RESIDENTIAL BUILDINGS	HRRB
RICHARD PROTHEROE (STRATEGIC DIRECTOR)	RP