

Update – Draft Building Safety Bill

Feb. 2021

Why are we here?

- ▶ Well over three years on from the Grenfell tragedy on the night of 14 June 2017 where fire broke out in the 24-storey Grenfell Tower block of flats in North Kensington West London just before 1:00 am BST; it caused 72 deaths, more than 70 others were injured and 223 people escaped.
- ▶ Greatest loss of life in a residential fire in a century.
- ▶ Led to an unprecedented response from Government.



Where are we now?

- ▶ Independent Review of Building Regulations and Fire Safety, Ongoing changes to legislation and guidance.
- ▶ Limited combustibility of external walls and threshold for sprinklers from 30m to 11m
- ▶ 20th July draft Building Safety Bill published
<https://www.gov.uk/government/publications/draft-building-safety-bill>
- ▶ Complete Bill and summary
- ▶ Impact Assessment
- ▶ Delegated Powers Memorandum
- ▶ Pre-legislative scrutiny of the draft Building Safety Bill call for evidence concluded 14th September
<https://committees.parliament.uk/work/361/prelegislative-scrutiny-of-the-building-safety-bill/>



What is in the draft Bill?

Five Parts

▶ Part 1 – Introduction

- ▶ Set out the structure of the draft Building Safety Bill over the five parts.
- ▶ Deals with provisions intended to secure the safety of people in or about buildings.
- ▶ And provisions to improve the standard of buildings.

▶ Part 2 – The Regulator and its functions

- ▶ Establishing a new Building Safety Regulator within the Health and Safety Executive.
- ▶ The scope of the regime with respect to the definition of risks that it is intended to manage.
- ▶ Creates a power to set out in secondary legislation the buildings that are included in the scope of the regime.

Draft Bill Cont..

- ▶ **Part 3 – Building Act 1984**
- ▶ Amendments to the Act, as it applies to England.
- ▶ Sets out the provisions for the new regulatory regime during the design and construction phase for buildings in scope.
- ▶ Provides for the registration of building inspectors and building control approvers, to improve competence levels in the building control sector through better regulation.

- ▶ **Part 4 – Higher risk buildings**
- ▶ Provisions relating to buildings in scope when they are occupied.
- ▶ Defines and places duties on the **Accountable Person** and building safety managers in relation to building safety risks in their building.
- ▶ Provisions on resident engagement.

Draft Bill Continued

- ▶ Part 5 – Supplementary and general
- ▶ Details provisions requiring a New Homes Ombudsman scheme to be established.
- ▶ Powers to make provisions about construction products.
- ▶ Strengthens the powers available to the Architect Registration Board.

Building Safety Regulator

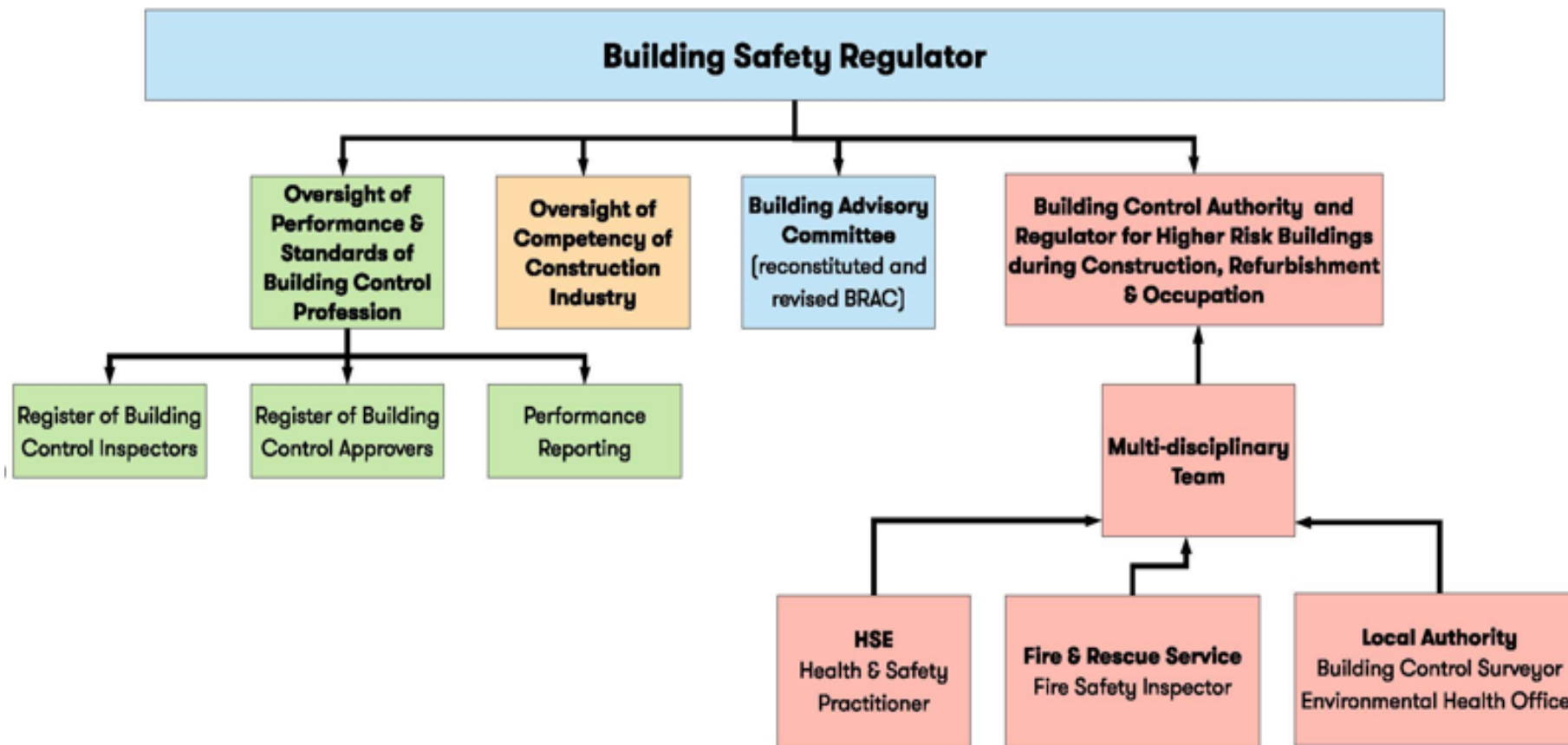
New National Building Safety Regulator [BSR] within the HSE that has three main functions

- ▶ Oversee the safety and standard of **ALL** buildings
- ▶ Directly assure the safety of higher- risk buildings
- ▶ Improve the competence of people responsible for designing, building or inspecting building work and new rules to ensure buildings are regularly inspected and remain safe.

Building Safety Regulator

- ▶ Three New Committees to support delivery of those functions.
- ▶ Building Advisory Committee (previously BRAC - Building Regulations Advisory Committee)
- ▶ Industry Competence
- ▶ Residents Panels
- ▶ Strategic Plan – a plan setting out how the regulator proposes to carry out its building functions in the period to which the plan relates
- ▶ The regulator must prepare a strategic plan, and
- ▶ Submit to the secretary of state for approval – before submission they must consult the resident's panel.

Wider Role of BSR



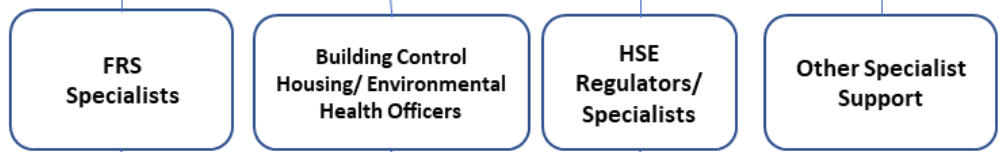
Proposed Building Safety Regime

Proposed BSR Model – Regulation of Higher Risk

National
Regulator



Gateway and safety case assessment and intervention team



Existing
Regulators

Building Safety Bill

- ▶ Dutyholders – Appointed under CDM Regulations and responsible for complying with Building Regulations: Client, Principal Designer, Principal Contractor, Designer & Contractor
- ▶ Accountable Person – The dutyholder during occupation with ongoing responsibility for building safety. Required to engage with residents.
- ▶ Building Safety Manager - Supports the accountable person in the day to day management of fire and structural safety.
- ▶ Gateways – stop / go decision points
- ▶ Golden Thread

Higher Risk - Scope

- ▶ Higher Risk Building (SofS could apply to other buildings in the future)
- ▶ Contains 2 or more dwellings, 2 or more rooms for residential purposes (e.g. supported accommodation) or student accommodation
- ▶ Top storey is 18m or more above ground or six storey (whichever reached first)
- ▶ BSR via Secretary of State can vary Scope as required

Gateways

Three Gateways

Gateway 1 - Planning

- ▶ Fire Statement
- ▶ Building Safety Regulator - Consultee for the Planning Application

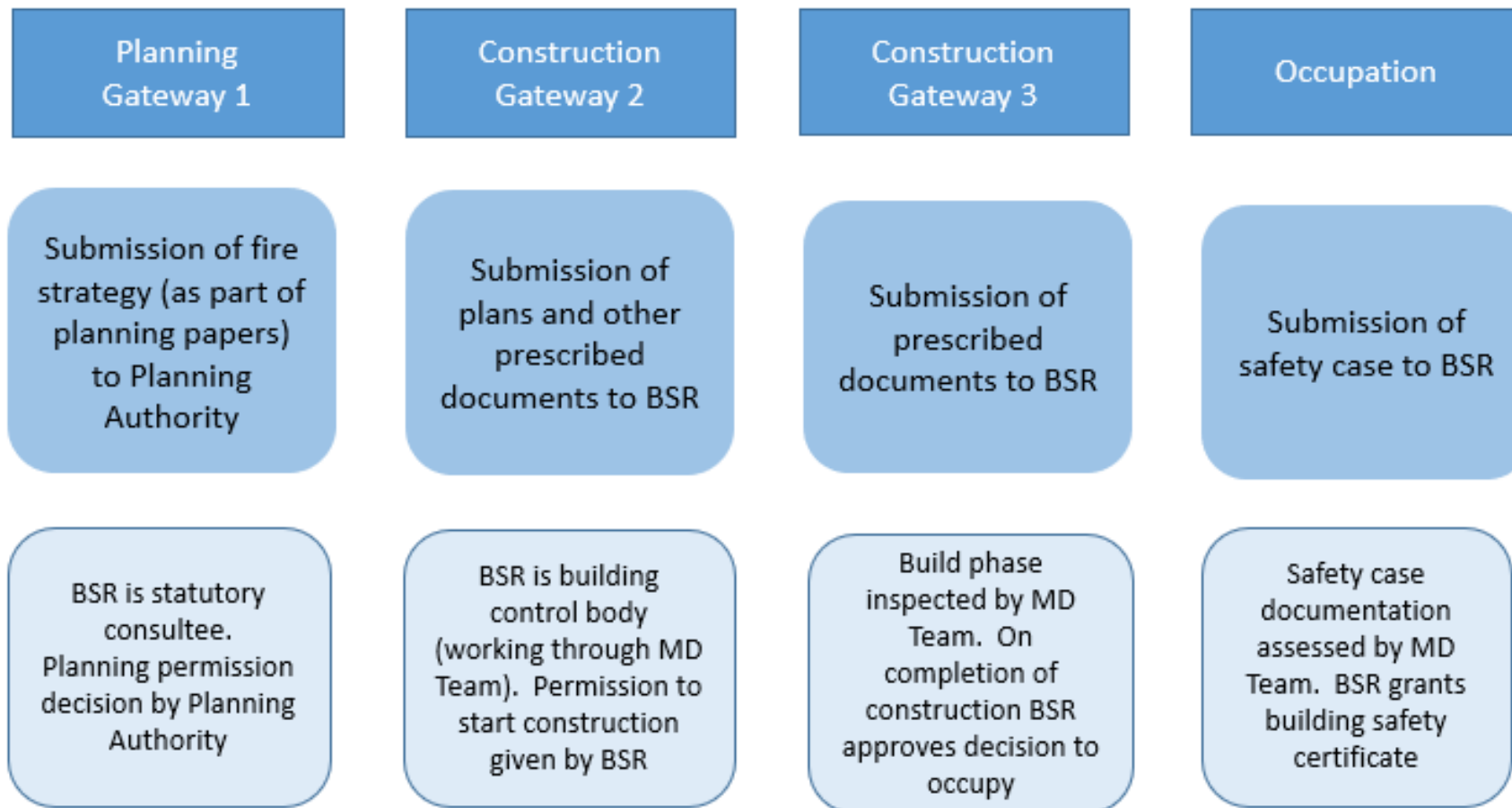
Gateway 2 - Construction Gateway

- ▶ Full Plans approved and signed off by the BSR before work starts

Gateway 3 - Completion Gateway

- ▶ All information including the golden thread handed over to the accountable person. This is approved by the BSR who issue a completion certificate.

Golden Thread – shared through lifecycle of building



Next Steps

- ▶ Pre-Legislative Scrutiny published 24 November 2020
 - ▶ MHCLG published its pre-legislative scrutiny report on the draft Building Safety Bill. The report is extensive, with more than 40 recommendations and it is likely that many of these recommendations will be included in the final Bill that will go before Parliament.
- ▶ MHCLG to respond to Pre-legislative Scrutiny report
- ▶ Spring - Parliament
- ▶ 2021/early 2022 - Royal Assent
- ▶ On Going - Drafting of Secondary Legislation
- ▶ Early 2021- Detailed Transition Plan published.



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

Key Milestones going forward

2021

High level end to end operating model & recruitment of the Chief Inspector of Buildings

2022

January the BSR Enforcement Policy Statement, Enforcement Management Model and Tools

October

- ▶ Competence Committee will be formed
- ▶ BSR duties and enforcement powers will come into effect
- ▶ The BAC replacement to BRAC will be formed
- ▶ The Resident Panel will be fully stood up
- ▶ Local Authority building control and Approved Inspectors will start registering with BSR

2023

First BSR Strategic Plan & first Higher Risk Buildings will enter the gateways end of the system

2024

First safety case review

2025

Target Operating Model reached April 2025.

Thank You

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