

HILLINGDONS BUILDING SAFETY STRATEGY 2022/3 -2025/6

Cabinet Member(s)	Cllr Jonathan Bianco
Cabinet Portfolio(s)	Cabinet Member for Property, Highways and Transport
Officer Contact(s)	Gary Penticost, Place Directorate
Papers with report	Appendix A: Building Safety Strategy

HEADLINES

Summary	Following the Grenfell Tower tragedy and anticipated new regulations relating to building safety, including fire safety, Cabinet is requested to consider the approval of a new corporate document which will set out the Council's strategy for the safety of its buildings and the residents and public that live in and use them.
Putting our Residents First	This report supports the following Council objectives of: <i>Our People; Our Built Environment; Strong financial management.</i>
Financial Cost	There are no direct financial costs relating to this report at this stage
Relevant Select Committee	Property, Highways & Transport
Relevant Ward(s)	All wards

RECOMMENDATIONS

That the Cabinet:

- 1 Approves the Hillingdon Building Safety Strategy 2022/23 to 2025/26 in Appendix A and delegates authority to the Cabinet Member for Property, Highways and Transport, in consultation with the Corporate Director of Place, to update the Strategy if changes in future legislation, regulations and guidance require this.**
- 2 Agrees that the Corporate Director of Place will approve and update as required operational Action Plans to deliver the Strategy's aims, in consultation with the Cabinet Member for Property, Highways & Transport.**

Reasons for recommendation

The Building Safety Strategy detailed in this paper sets out Hillingdon Council's approach to preparing for and implementing the new building safety regime.

Alternative options considered / risk management

None, as the Council is required to prepare for the new building safety regime.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

This Building Safety Strategy sets out Hillingdon Council's approach to preparing for and implementing the new building safety regime. This strategy is a “live” document, given that the new legislative framework is not yet finalised.

Following the Grenfell Tower fire on 14 June 2017, the Government has been planning a wholesale reform of the building safety system to improve building and fire safety, with the primary aim of ensuring that residents will feel and be safer in their homes.

At the centre of this is the Building Safety Act (the **Act**) and its associated regulations and guidance. The Bill received Royal Assent on 28 April 2022 and is now an Act of Parliament.

The Act was published on 13 May and we have reviewed (at a high level) the strategy against the final version of the Act to ensure it remains current.

Implementing the reforms is no small task and the Council has already substantially updated and improved its housing stock and continues to do so.

The proposed Hillingdon Building Safety Strategy, set out in Appendix A, has been developed to set the direction for the future and ensure that the Council is well-prepared for the upcoming changes. It will be regularly reviewed as the Bill goes further along the parliamentary process and as new legislation, regulations and guidance come into force.

The key aims of the strategy are for the Council to:

- Work together with the Building Safety Regulator to discharge our reformed building control responsibilities effectively.
- Take responsibility for ensuring building safety is carefully considered in design and building projects.
- Ensure those working on our design and building projects and on or in our higher-risk buildings are competent to do so.

- Effectively carry out our new statutory responsibilities for our occupied higher risk buildings.
- Engage and communicate with residents meaningfully about building safety for higher-risk buildings; and
- Establish systems and share building safety information with the Regulator and others.

Detailed Action Plans have been prepared, not included in this high-level report, which will support the operational delivery of the above aims of the Strategy. Officers will keep the operational Action Plans current and in sync with legislation, and in consultation with the Cabinet Member. The regular monitoring and activity underpinning this will be undertaken by the Officer Building Safety Working Group. It is also proposed that the Cabinet Member receives periodic updates on compliance with the Strategy.

As part of the reforms, the Council will require the development or purchase of suitable IT (Infrastructure and Technology) systems to enable the effective management and control of building safety “Golden thread” data for all appropriate buildings.

Financial Implications

There are no direct financial implications associated within the recommendations and the Hillingdon Building Safety Strategy 2022/23 to 2025/26 as detailed within Appendix A.

The 2022-27 HRA and General Fund capital programmes, approved by Cabinet and Council in February 2022, includes capital funding for building safety works. The Works to Stock programme includes Fire Safety and Structural Safety related workstreams totalling £43,289k, with a further £9,059k identified for emergency / urgent compliance works. The capital budget for borough wide Corporate Property and the Civic Centre programme includes Fire Safety and Structural Safety related workstreams totalling £1,324k, with a further £1,250k identified for emergency / urgent compliance works.

It is anticipated costs that result from the implementation of the Hillingdon Building Safety Strategy will be managed from existing budgets, although there may be future cost implications to be identified for the development or purchase of a suitable IT system to enable the effective management and control of building safety.

RESIDENT BENEFIT & CONSULTATION

The strategies primary aim is to ensure that all residents feel safer in their homes, which is the centre of the Building Safety Bill.

Consultation carried out or required

None at this stage as Building Safety Requirements will be legislative. Please refer to section 9 Resident Engagement Strategy which sets out the Council's approach to the requirements (including competence requirements) where tenants directly appoint contractors to undertake works in their homes

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above, noting that there are no direct financial implications.

Any purchases relating to the Hillingdon Building Safety Strategy would be subject to separate approval and reviewed as part of the regular monthly budget monitoring process. The ongoing budget requirements will be reviewed as part of the wider MTFF budget setting process.

Legal

The Borough Solicitor confirms that the proposed Hillingdon Building Safety Strategy complies with all existing legislation and with the Building Safety Act

Further, more detailed advice relating to individual buildings will be given whenever necessary in order to ensure that the Council fully complies with statutory obligations and that the safety of Borough residents is safeguarded.

BACKGROUND PAPERS

[Building Safety Bill](#)

APPENDIX A

Hillingdon Building Safety Strategy 2022/23 – 2025/26

1 Introduction

- 1.1 This Building Safety Strategy sets out Hillingdon Council's approach to preparing for and implementing the new building safety regime.
- 1.2 Following the Grenfell Tower fire on 14 June 2017, the Government has been planning a wholesale reform of the building safety system to improve building and fire safety, with the primary aim of ensuring that residents will feel and be safer in their homes. At the centre of this is the Building Safety Act and its associated regulations and guidance.
- 1.3 The Act has through the parliamentary process and is now concluded. The Government expects it to receive Royal Assent by the summer of 2022. Implementation of the new regime is expected within 12-18 months of the Bill becoming an Act of Parliament, with some obligations coming into force before then.
- 1.4 Implementing the reforms is no small task and the Council has already substantially updated and improved its housing stock and continues to do so. This Building Safety Strategy has been developed to set the direction for the future and ensure that the Council is well-prepared for the upcoming changes. It will be regularly reviewed as the Act goes further along the parliamentary process and as new legislation, regulations and guidance come into force.

2 Scope

- 2.1 The building safety reforms cut across many of the Council's service areas, including Property & Infrastructure, Environment and Housing & Regeneration and Finance. They impact the Council as landlord, building control authority, local planning authority and developer. The Council aims to deliver a joined-up approach across these service areas to embed the new regime.
- 2.2 Some of the changes only apply to "higher-risk buildings". As the owner and manager for all Council residential property, the Council has identified 11 existing "higher-risk buildings" which it owns. They are all 7 or more storeys or greater than 18 metres in height. The single exception to this is Queens Lodge, Cliftonville, Kent which is a 6-storey building but has been included because of its remote location from the borough.

2.3 The Council is also in the process of delivering an estate regeneration project across the Hayes Town Centre and Avondale Drive estates. This includes the demolition and redevelopment of "higher-risk buildings" including Fitzgerald House, Glenister House, Wellings House and Skeffington Court. The regeneration includes the development of 3 new tower blocks which will be higher-risk buildings.

3 **Our building safety aims**

3.1 Keeping residents safe in their homes is the key priority underpinning this strategy. To do this, the Council is committed to taking a robust and proactive approach to implementing the new building safety regime and complying with its new legal duties.

3.2 This strategy sets out the first steps to plan for and implement the new regime whilst we await the legislation to be enacted. The strategy sets out the Council's six **key aims**, which are each supported by **specific objectives** and an **action plan** to help achieve the objectives.

3.3 The key aims of the strategy are for the Council to:

3.3.1 Work together with the Building Safety Regulator to discharge our reformed building control responsibilities effectively.

3.3.2 Take responsibility for ensuring building safety is carefully considered in design and building projects.

3.3.3 Ensure those working on our design and building projects and on or in our higher-risk buildings are competent to do so.

3.3.4 Effectively carry out our new statutory responsibilities for our occupied higher risk buildings.

3.3.5 Engage and communicate with residents meaningfully about building safety for higher-risk buildings; and

3.3.6 Establish systems and share building safety information with the Regulator and others.

3.4 The Act provides for an entirely new regulatory regime which the Council will comply with. This strategy focusses on the key changes and priorities for the Council in terms of delivering the new regime but will be updated as the Act progresses, and once further regulations and guidance is published.

4 Monitoring and review

- 4.1 Cabinet has ownership and oversight of the Building Safety Strategy. Given that the legislation is still being scrutinised and further amendments may be made, a [six-monthly] progress report on compliance with the strategy and action plan will be submitted to Cabinet/ lead member, with exception reporting on a more regular basis.
- 4.2 The Building Safety Working Group (with representation from officers across all relevant service areas of the Council) has operational responsibility for the day-to-day coordination and delivery of this strategy and monitoring progress with the Act. The working group should meet [monthly] to review progress.

5 Work together with the Building Safety Regulator to discharge our reformed building control responsibilities effectively

- 5.1 As part of the building safety reforms, a new national Building Safety Regulator (the **Regulator**) will be established. It will oversee the safety of all buildings in England and will also become the building control authority for all "higher-risk buildings" or for work which leads to a building becoming a "higher-risk building". Under the new regime, "higher-risk buildings" (**higher-risk buildings**) are buildings that are at least 18 metres in height or have at least 7 storeys and have at least two residential units. It also applies to care homes and hospitals meeting the same height threshold during the design and construction phase. The Council will remain the building control authority for most other buildings in the borough.
- 5.2 As a building control authority, we will work with the Regulator and other regulators and enforcement bodies responsible for building standards and safety to discharge our reformed statutory functions effectively. To do so, we will:
- 5.2.1 Implement the new building control regime whereby the Regulator becomes the building control authority for higher-risk buildings in the borough.
 - 5.2.2 Make effective use of our new powers to provide assistance requested by the Regulator (ensuring careful consideration is given to such requests) and ensure all staff assisting the Regulator are competent to do so.
 - 5.2.3 Comply with our new duties, including to co-operate and share information with the Regulator and other relevant persons in order to ensure effective delivery of our statutory functions.

- 5.2.4 Implement new enforcement powers in relation to contravention of building regulations, including the introduction of compliance and stop notices.
- 5.2.5 Where appropriate, register staff members as, and comply with new rules in relation to, registered building inspectors; and
- 5.2.6 Ensure we meet the performance standards set by the Regulator.

6 **Take responsibility for ensuring building safety is carefully considered in design and building projects**

- 6.1 We agree that those who commission building work and participate in design and building projects should take responsibility for ensuring building safety is carefully considered throughout the project and complies with building regulations. To ensure this, the new building safety regime imposes new duties on those who procure, plan, manage and undertake design and building projects (**Duty holders**).
- 6.2 Duty holders have particular responsibilities on design and building projects (**Projects**). A Project means a project which includes or is intended to include any building work and includes all planning work, design work, management or other work involved in a project until the end of the construction phase. The Duty holders will be the:
 - 6.2.1 **Client**: any person or organisation for whom a Project is carried out.
 - 6.2.2 **Principal Designer**: appointed by the Client when there is more than one contractor working on the Project, and responsible for planning, managing, monitoring, and coordinating the pre-construction phase when most design is carried out.
 - 6.2.3 **Principal Contractor**: appointed by the Client, and responsible for planning, managing monitoring and coordinating the construction phase.
 - 6.2.4 **Designers**: anyone carrying on a trade, business or undertaking that prepares or modifies a design or instructs any person under their control to do so.
 - 6.2.5 **Contractors**: anyone managing or controlling construction work (including building, altering, maintaining, or demolishing a building or structure) and also anyone who directly employs or engages a construction worker.

- 6.3 As a council developing new homes or carrying out major repairs for our residents, we expect that we will take on the Client role in most Projects, but in some cases, we may also take on other Duty holder roles. We will:
- 6.3.1 Comply with our duties as the Client in Projects, including ensuring:
 - (a) we make suitable arrangements for planning, managing, and monitoring Projects.
 - (b) building information is provided as soon as is practicable to designers and contractors on a Project, including in relation to any "higher-risk building work" (**HRB work**).
 - 6.3.2 Identify and appoint the other Duty holders in the Projects where we are the Client, in line with all regulatory requirements.
 - 6.3.3 Work together with the other Duty holders to plan, manage and monitor the Project, ensure they co-operate and communicate with each other, co-ordinate their work and have systems in place to ensure that the Project complies with all relevant building regulations.
 - 6.3.4 Where we fulfil any of the other Duty holder roles, comply with the specific duties and regulatory requirements required for that role.
- 6.4 For HRB work, we will comply with the new "gateway" requirements, which introduce stop/go decision points that must be passed before we can proceed to the next stage. We will:
- 6.4.1 In our capacity as Client (and any other Duty holder roles), comply with the requirements of:
 - (a) planning gateway one to ensure fire safety matters are incorporated in applications at the planning stage.
 - (b) gateway two to seek the Regulator's approval before commencing any HRB work, including:
 - i submitting a signed application containing the required information together with the relevant fee.
 - ii ensuring that a signed competence declaration is submitted with the application; and
 - iii if such approval is given, give the Regulator at least 2 working days' notice of our intention to commence the work.

- (c) gateway three to seek the Regulator's approval when the HRB work is complete before registering and commencing occupation of the building, including:
 - i submitting a signed application containing the required information together with the relevant fee.
 - ii submitting a signed statement confirming that to the best of our knowledge the building, as built, complies with all applicable requirements of the building regulations.
 - iii ensuring a compliance declaration signed by the appropriate Duty holder is submitted with the application; and
 - iv before or at the same time a gateway 3 application is submitted, notifying the Regulator in writing that the work has been completed: and
- (d) the Regulator's change control procedures where a change is proposed in relation to the HRB work between gateways 2 and 3.

7 Ensure those working on our design and building projects and on or in our higher-risk buildings are competent to do so

- 7.1 We aim to ensure that all those working on design and building projects and on or in our higher-risk buildings have the skills, knowledge, experience and behaviours necessary for their role.
- 7.2 We will comply with the Act's new "competency" requirements. We will:
 - 7.2.1 Comply with the new general competency duty to ensure that the Council has the organisational capacity to carry out any building or design work covered by The Building (Appointment of Persons, Industry Competence and Duty holders) (England) Regulations [2021] (the **Competency Regulations**);
 - 7.2.2 Take all reasonable steps to ensure that those who the Council appoints to carry out any building or design work covered by the Competency Regulations meet the general competence requirement, the competence requirements for their roles and can fulfil their duties to plan, manage and monitor any building work or design work.

- 7.2.3 Where the Council appoints a Principal Designer or Principal Contractor in relation to "HRB work", keep written records of the steps taken under 7.2.2;
- 7.2.4 Ensure we meet the specific competence requirements where the Council is appointed in any other Duty holder role, including, where required, designating an individual to manage the Council's functions under a particular role; and
- 7.2.5 Ensure that where the Council appoints specific persons to work on our higher-risk buildings, they meet the competency requirements to do so.

8 Effectively carry out our new statutory responsibilities for our occupied higher-risk buildings

- 8.1 We agree that there should be greater clarity on responsibilities for the management of safety within higher-risk buildings. A new statutory definition has been created to identify the Accountable Persons for higher-risk buildings which are occupied. Accountable Persons will have legal duties to ensure that the fire and structural safety of their buildings are being properly managed. In the occupation phase, "higher-risk buildings" mean buildings that are at least 18 metres in height or have at least 7 storeys and have at least two residential units, excluding hospitals and care homes.
- 8.2 Accountable Persons will usually be the landlords and freeholders who are in charge of repairing the building. Although we will consider each higher-risk building individually, we expect that the Council will be the only Accountable Person for most Council-owned higher-risk buildings. Where the Council is the only Accountable Person for a higher-risk building, it will automatically become the Principal Accountable Person for that building. This means the Council will have additional duties in relation to the safety of the building.
- 8.3 We will be proactive and clear about our role within a higher risk building and comply with all our duties and responsibilities under the new legislation.
- 8.4 We will:
 - 8.4.1 Ensure that:
 - (a) New higher-risk buildings are registered and have completion certificates submitted with the Regulator before they become occupied or as soon as the relevant section of the Bill comes into force and identify the Council as the Principal Accountable Person; and

- (b) existing higher-risk buildings are registered with the Regulator within the appropriate transition period or as soon as the relevant section of the Bill comes into force and identify the Council as the Principal Accountable Person.
- 8.4.2 Be responsible for applying for a Building Assessment Certificate for the whole building after the higher-risk building has been registered, as directed by the Regulator.
- 8.4.3 Establish and operate a system for Mandatory Occurrence Reporting and comply with Mandatory Occurrence Reporting requirements as set out in paragraph 10;
- 8.4.4 Comply with our responsibilities for resident engagement set out in paragraph 9;
- 8.4.5 Develop and maintain a Safety Case for each higher risk building by:
 - (a) conducting an assessment of fire and structural safety risks for areas of responsibility as soon as reasonably practicable after the building becomes occupied or, if later, when the Council becomes an Accountable Person for the building.
 - (b) conducting further assessments of fire and structural safety risks for areas of responsibility at regular intervals, at any time we have reason to suspect the current assessment is no longer valid and at direction of the Regulator; and
 - (c) taking all reasonable steps to prevent a major incident occurring because of a building safety risk materialising and to reduce the severity of the incident.
- 8.4.6 Bring together the Safety Case Report to show the steps taken to identify, assess, remove, reduce, and manage building safety risks, demonstrating that reasonable and proportionate steps have been taken, and where required, submit these to the Regulator for assessment.
- 8.4.7 Apply a Safety Management System to make and implement arrangements which deliver the effective planning, organisation, control, monitoring and review of all the measures in place to prevent an incident involving building safety risks materialising and to limit the impact should one occur.

- 8.4.8 The accountable person will hold responsibility for the whole higher risk building with the necessary skills, knowledge, experience and behaviours or organisational capacity to carry out the role (or, where appropriate, carry out the role ourselves, appointing an individual to manage and direct the appropriate teams);
- 8.4.9 Be responsible for displaying information about the most recent Building Assessment Certificate, compliance notices and details of those responsible for managing building safety for the higher risk building.
- 8.4.10 Where a special measures order has been made, ensure that no Building Assessment Certificate relating to the building is displayed in the building; and
- 8.4.11 Take the lead responsibility for coordinating the golden thread of safety information for the higher risk building as set out in paragraph 10.
- 8.5 Where there is more than one Accountable Person in a higher-risk building, more complex arrangements arise. We will comply with all of our additional duties, including those to co-operate, consult and co-ordinate with other Accountable Persons and Responsible Persons for fire safety.
- 8.6 The Bill also makes changes to the fire safety system which places duties on the Responsible Person. Where the Council is the Responsible Person for a building regulated by the Regulatory Reform (Fire Safety) Order 2005 (FSO), we will comply with our new duties.

9 Engage and communicate with residents meaningfully about building safety for higher-risk buildings

- 9.1 As set out in paragraph 3.1, keeping residents safe in their homes is the key priority underpinning this strategy.
- 9.2 We will put residents at the heart of the decisions being made about their safety and empower them to play an effective role in ensuring their higher-risk building is, and continues to be, safe. We will communicate clearly with residents about the new building safety regime and our respective roles in keeping their homes safe. An important part of delivering this will be through our roles and responsibilities as Accountable Person set out in paragraph 8.

- 9.3 We will:
- 9.3.1 ensure residents are informed about and are involved in decisions that concern the safety of their higher-risk building, including providing residents with relevant safety information about the building and enabling residents to request further safety information (in line with data protection legislation).
 - 9.3.2 implement (and share with residents) a Residents' Engagement Strategy that promotes residents' engagement and involvement in decision-making about the management of their higher risk building in relation to building safety.
 - 9.3.3 establish and operate a complaints system which ensures residents' safety concerns are heard and dealt with.
 - 9.3.4 clarify our responsibilities and residents' responsibilities to ensure their homes remain safe, including implementing and where necessary, enforcing, the three new safety-related obligations on residents to help them to play their part: and
 - 9.3.5 ensure relevant tenants and leaseholders are aware of the new implied terms and consult on and implement new service charge provisions in respect of:
 - (a) costs incurred in connection with works ; and
 - (b) where appropriate, remediation costs

10 Establish systems and share building safety information with the Regulator and others

- 10.1 Our aim is to ensure there is easily accessible, reliable, up-to-date, and accurate safety information about our higher-risk buildings.
- 10.2 As part of our role in taking the lead responsibility for coordinating the golden thread of safety information for our higher-risk buildings, we will implement good electronic information management systems to ensure there is clear information that allows those involved in the safety of the higher-risk building to understand it and keep it safe. The golden thread is both:
 - 10.2.1 the information about a building that allows someone to understand a building and keep it safe; and

- 10.2.2 the information management to ensure the information is accurate, easily understandable, can be accessed by those who need it and is up to date.
- 10.3 We will also promote a positive reporting culture by complying with new mandatory and voluntary reporting systems so that building safety occurrences can be reported appropriately when they happen.
- 10.4 In relation to higher-risk buildings, we will:
- 10.4.1 During the design and construction phase:
- (a) As a client, take all reasonable steps to ensure that the Principal Designer or Principal Contractor:
 - i before the construction phase begins, establishes, and thereafter operates and maintains an effective Mandatory Occurrence Reporting System to enable those on the site or in the building to report safety occurrences to the Duty holder(s).
 - ii takes reasonable steps to ensure that those on the site or in the building know how to use the Mandatory Occurrence Reporting System and can identify which safety occurrences to report before they start work or enter the site.
 - iii reports certain safety occurrences to the Regulator within the prescribed timescales; and
 - iv ensures an appropriate frequency of inspections for safety occurrences throughout the construction phase.
 - (b) As a Principal Designer or Principal Contractor, we will take responsibility for the duties set out in paragraphs 10.4.1(a).
 - (c) As a client, submit key building information to the Regulator and others in accordance with regulatory requirements.
- 10.4.2 Introduce and comply with a system of voluntary reporting of information about building safety to promote a positive culture within safety management systems.
- 10.4.3 During the occupation phase, we will establish, oversee, and comply with a Single Mandatory Occurrence Reporting System and process, capture and report certain fire and structural safety issues to the Regulator; and

- 10.4.4 As the Client for any HRB work and also during the occupation phase, take the lead responsibility for coordinating the golden thread of safety information for the building, keeping it updated, ensuring it is accurate and accessible and meeting our responsibilities in providing golden thread information to other parties.