

# Building Safety Act 2022

<b>Overview and Scrutiny Panel</b>	30 May 2023
<b>Report Author</b>	Sally O’Sullivan, TLS Manager
<b>Portfolio Holder</b>	Cllr , Cabinet Member for Housing
<b>Status</b>	For Information
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	yes
<b>Ward:</b>	Eastcliff Ward, Central Harbour, Newington, Dane Valley

## Executive Summary:

This report invites members of the Overview and Scrutiny Panel to review the recommendations made that ensures TDC is compliant with the new Building safety Act 2022 and the revised fire risk assessment policy ahead of seeking approval at Cabinet.

## Recommendation(s):

The Overview and Scrutiny Panel to review the following recommendations:

1. The recommendation to name Thanet District Council as the Accountable person, as described in the Building Safety Act 2022;
2. The recommendation to name the Director of Place as the Principal Accountable Person, as described in the Building Safety Act 2022;
3. To scrutinise the contents of the revised fire risk assessment policy.

## Corporate Implications

### Financial and Value for Money

There is financial implication to the introduction of the Building Safety Act 2022. The act has introduced a new monitoring regime that requires extra resources to implement and manage.

This will have an impact on the HRA’s revenue budget for example:

- Development of IT infrastructure to hold building safety information - the building safety case
- Resident Involvement targeted at residents of the council’s high rise residential buildings
- Regular inspection of fire doors in all buildings over 11 metres

These elements are accounted for in the approved HRA revenue budget

## **Legal**

The Building Safety Bill became an Act of Parliament on 28 April 2022, the council must be compliant with the Act by 1 October 2023.

## **Risk Management**

The Health and Safety Executive (HSE) has been named the building safety regulator. The HSE will assess the annual submission of the building safety case report for each building. If they deem that it does not demonstrate that the ongoing duty has been met, the HSE can issue a compliance notice. Failure to comply with the notice can result in criminal or special measure procedures being initiated.

## **Corporate**

The council's agreed Corporate Statement includes a priority to improve the standards and safety in homes across all tenures.

## **Equality Act 2010 & Public Sector Equality Duty**

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty:

- To advance equality of opportunity between people who share a protected characteristic and people who do not share it

## **Corporate Priorities**

This report relates to the following corporate priorities: -

- *Communities*

## **1.0 Introduction and Background**

1.1 The council's Tenant and Leaseholder Service (TLS) manages the council's social housing stock. This includes day to day maintenance, cyclical and major works and landlord health and safety compliance.

- 1.2 As a social housing provider, the council must comply with regulations and legislation that maintain our tenants health and safety.
- 1.3 An Independent Review of Building Regulations and Fire Safety was finalised in 2018 by Dame Judith Hackitt, which initiated changes in fire safety and building safety legislation.
- 1.4 The Building Safety Act 2022 introduces new duties relating to fire and structural safety and brings in a number of measures intended to improve the safety of buildings and residents.

## **2.0 The Building Safety Act 2022**

- 2.1 The Building Safety Act 2022 sets a new safety standard for High Rise Residential Buildings (HRRB). These are buildings which are 18 metres or higher and have at least 2 residential units. The council owns 6 buildings that fall into this category.
- 2.2 The Building Safety Act 2022 introduces new roles and responsibilities for Landlords. These are:
  - Accountable Person
  - Principal Accountable Person
- 2.3 The Accountable Person (AP) can be an individual, partnership or corporate body and has a duty to manage building safety risk.
- 2.4 Where there are multiple AP's, one must be named as the lead. This is known as the Principal Accountable Person (PAP). The PAP has overall responsibility for making sure building safety risks are being managed appropriately and the duties of the Act are complied with.

## **3.0 The Building Safety Case**

- 3.1 The Building Safety Act 2022 requires the management of building safety risks to be demonstrated through the building safety case; and reported annually to the regulator for building safety as a building safety case report.
- 3.2 The building safety case is all the information about how the risk of fire spread and the structural safety of a building is managed. The principal of the building safety case approach is to help implement measures that are proportionate and effective in ensuring people in and around the building are safe.
- 3.3 The AP can discharge their duty for the management of the councils HRRB's and the submission of the building safety case report through the PAP.

## **4.0 The Fire Risk Assessment Policy**

- 4.1 The introduction of the Building Safety Act 2022 also strengthens the Regulatory Reform (Fire Safety) 2005 with amendments which affect buildings over 11 metres

4.2 Both pieces of legislation affect our current fire risk assessment policy. Therefore this document, attached at annex 4, has been reviewed to ensure it remains compliant with these changes.

## **5.0 Next Steps**

5.1 The council's HRRBs need to be registered with the building safety regulator by 1 October 2023. The AP and named PAP are part of the information required for the registration.

5.2 Once the decision is made as to who shall be the AP and named PAP, the Tenant and Leaseholder Services Building Safety and Compliance Manager will register all the council's HRRB's.

5.3 Following approval by Cabinet, to publish the new fire risk assessment policy.

Contact Officer: Sally O'Sullivan, (Tenant and Leaseholder Services Manager)

Reporting to: Bob Porter (Acting Corporate Director of Place)

### **Annex List**

*Annex 1: [Building Safety Act report - V2](#)*

*Annex 2: [Fire Safety Order 2005 - Introduction of new requirements](#)*

*Annex 3: [Information needed to register our HRRB's](#)*

*Annex 4: [Fire Risk Assessment Policy](#)*

### **Corporate Consultation**

**Finance:**

**Legal:**