

Annex 1:

Thanet District Council Building Safety Act 2022

March 2023/V2/Sally O'Sullivan



1.0 Introduction

The Building Safety Bill became an Act of Parliament on 28 April 2022. The new Building Safety Act re-examines building safety regulations, introduces new duties relating to fire and structural safety and brings in a number of measures intended to make buildings and residents safer.

This is done through a regulatory approach to the reduction of risk and to limit the severity of any incident. Although incidents are rare, when they happen the consequences for people in or around the building can be catastrophic.

Building safety risks as defined by the Act are: *'risks to the safety of persons in or about buildings resulting from the occurrence of fire spread, structural failure and any other risk that may be prescribed by regulations in the future.'*¹

The Act also strengthens the Regulatory Reform (Fire Safety) Order 2005 with amendments which affect buildings over 11 metres. [This report addresses these amendments](#)

The council has six occupied high-rise residential buildings as part of the HRA social housing stock. The Tenant and Leaseholder Services is preparing for the new set of roles and responsibilities the Building Safety Act introduces.

Full implementation of the Act is in October 2023. We need to have our building safety regime in place by this time.

2.0 Building Safety Regulator (BSR)

The Building Safety Act 2022 names the Health and Safety Executive (HSE) as the new Building Safety Regulator. The HSE will oversee the safety and standards of all buildings with 7 or more storeys or that are 18 metres or higher and have at least 2 residential units.

They will also take the lead on implementing the new regulatory framework for high-rise buildings and help and encourage the built environment industry and building control professionals to improve their competence.

¹ Building Safety Act 2022, Explanatory notes
(<https://www.legislation.gov.uk/ukpga/2022/30/notes/division/3/index.htm>)

3.0 New roles and responsibilities.

The Act introduces new roles and responsibilities for landlords and/or building owners, these are:

- Accountable Person
- Principal Accountable Person

3.1 Accountable Person (AP)

The 'accountable person' is a new duty holder identified in part 4 of the Building Safety Act 2022.

The AP can be an individual, partnership or corporate body who owns or has responsibility for the residential high rise buildings.

3.1.1 The responsibility of the AP:

The AP has duties to assess and manage building safety risks, to prevent building safety risks materialising and reducing the severity of an incident when it does arise.

They must:

- Comply with mandatory reporting requirements, as prescribed by the BSR
- Maintaining the golden thread of information by retaining information and setting standards, and ensuring that information up to date

Ensuring that all documentation is retained, negating any document destruction policies

Where information is not held, we must obtain it

- Respond to residents' requests for information (not information that would breach data protection laws)

It is recommended that 'Thanet District Council' is named as the AP

3.2 Principal Accountable person (PAP)

Where there are multiple AP's, one must be identified as the lead AP, known as the Principal Accountable Person. The PAP has overall responsibility for making sure building safety risks are being managed appropriately and the duties of the Act are complied with.

Where reference is made to the duties of the AP, this can be taken to mean duties are discharged or coordinated by the PAP.

3.2.1 The duties and obligations of the AP, which are coordinated by the PAP:

- **Register all high risk buildings with the HSE.**

We can do this from April 2023 and must be done by October 2023

- **Building Assessment Certificate**

The PAP must apply to the BSR for a building assessment certificate. This allows the BSR to satisfy itself that all duties and obligations are being complied with. Once satisfied they will issue a certificate.

Details of how to apply and what information is required is currently unclear but it will involve the submission of the building safety case report.

The most recent issue of the building assessment certificate **must** be displayed in a prominent location in the building

- **Preparation of a safety case report** - more details on this in section 5.0
- **Establish and operate a mandatory occurrence reporting system**

The PAP must establish a framework and process which captures and reports any mandatory occurrences to the BRS. The information will be published on an annual basis by the BSR.

- **Prepare a residents' engagement strategy and establish a complaints procedure.**

The PAP must promote a strong partnership with residents. The resident engagement strategy must cover engagement and participation in the safety of the building, as well as creating inclusive opportunities for residents to participate in the decision making about their building.

There must be a complaints process in place for safety complaints. It must enable residents to escalate safety concerns to the BSR, in the same way as residents can escalate complaints to the Housing Ombudsman.

Resident engagement is explored in more detail in section 10.0

It is recommended that the Director of Place is named as the PAP and they will delegate their responsibility through the Tenant and Leaseholder Services Manager and the Building Safety and Compliance Manager

4.0 The building safety case

The AP has an ongoing duty to assess the building safety risk for the buildings they are responsible for. To take all reasonable steps to prevent a building safety risk from happening and to limit the severity of any incident.

This is demonstrated through the building safety case and the building safety case report

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.

4.1 The building safety case should demonstrate the following:

- Measures being taken to keep the building safe
- How the measures in place prevent and limit the consequences of a major incident in the building
- Identify potentially harmful events that show the measures in place will stop or reduce the impact of a major incident (ie fire spread or structural failure).
- The approach to ongoing management of the building that ensures those measures remain effective.

5.0 The building safety case report

The building safety case report summarises the building safety case and is tailored to a particular building. It must demonstrate the following:

- the major fire and structural hazards
- how we are managing the risks they present.
- that proportionate steps are being taken so the risk is kept under control and managed in the future

An example of the information required could be:

- Fire protection
- Structural protection
- Evacuation plans
- Maintenance
- Electrical protection
- Suppression systems

5.1 When the building safety case report does not meet the requirements

The BSR will assess the building safety case report. If they deem this does not demonstrate that the ongoing duty is met, they will communicate with the PAP on what further measures are needed and should be evidenced.

When an agreement cannot be reached the BRS can issue a compliance notice. Failure to comply with the notice means there is a continued breach of the statutory obligation and criminal or Special Measures proceedings can be initiated.

6.0 TDC's high risk building profile

*EWI = External Wall Insulation

*FRA = Fire Risk Assessment

Staner Court,
Manston Road, Ramsgate



No of floors: 15

No of units: 89

EWI: Yes

FRA Risk Rating:
Moderate

Trove Court,
Newcastle Hill, Ramsgate



No of floors: 15

No of units: 89

EWI: Yes

FRA Risk rating:
Moderate

Kennedy House,
Newcastle Hill, Ramsgate



No of floors: 15

No of units: 90

EWI: Yes

FRA risk rating:
Moderate

Harbour Towers,
Hertford Road, Ramsgate



No of floors: 9

No of units: 48

EWI: Yes

FRA risk rating:
Moderate

Brunswick Court,
Hardres Street, Ramsgate



No of floors: 7
No of units: 41
EWI: No
FRA Risk Rating:
Moderate

Invicta House,
Millmead Road, Margate

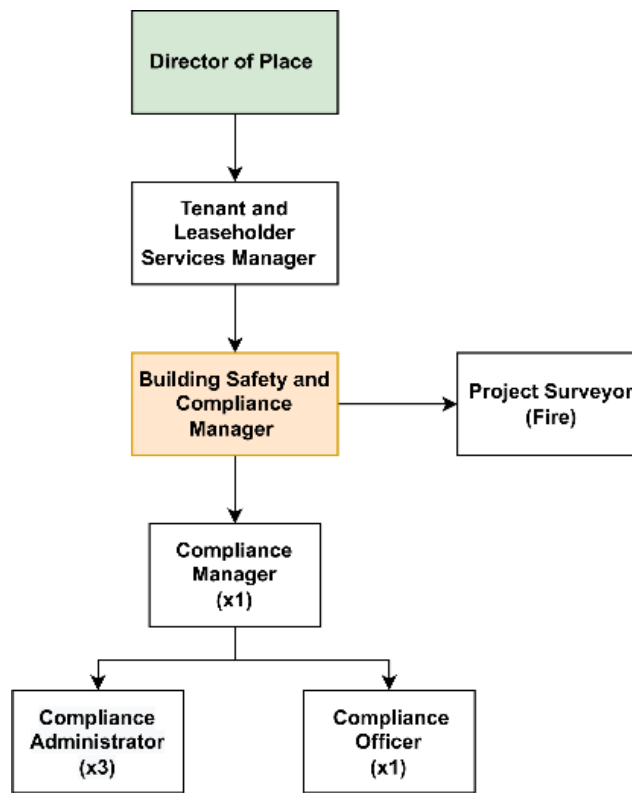


No of floors: 15
No of units: 89
EWI: Yes
FRA Risk Rating:
Moderate

7.0 Personnel

The responsibility for this work will sit in the Compliance Team and introduces a new role that the PAP can delegate the new duties of the Building Safety Act 2022

7.1 The Compliance Team structure:



The Compliance Team already monitors and manages the landlord statutory and regulatory compliance programme.

Much of the information required for the Building Safety Act is already managed by this team.

The structure introduces a new role - Building Safety and Compliance Manager. This role takes over all responsibility for the implementation and ongoing management of the requirements for the Building Safety Act 2022.

There is a lot to do to ensure we are ready for the Act and it requires the focus of a bespoke role to do this.

Embedding this role within the Compliance Team, means that there is resilience to manage requirements when this person is off sick or on leave.

7.2 Support from external consultants

The council is about to award a 5 year contract to a fire safety management consultancy to provide specialist services for the following:

- Fire Risk Assessments (FRA) to all our blocks, including Type 4 FRA's where required
- Fire safety consultancy services to manage legislative change. This includes changes brought about through the Building Safety Act 2022 and Fire Safety Order 2005 (FSO) [This report address the changes required under the FSO](#)
- Fire Safety Strategies for our blocks

7.3 relationship with key stakeholders

Kent Fire and Rescue Service (KFRS) - TLS already work closely with KFRS's Building Safety Team and local crews. This helps confirm that the fire safety of our blocks is adhered to and we are meeting our legal duties under the FSO and Building Safety Act 2022.

Building Control (BC) - TDC's BC team give advice and recommendations on works that we are planning to do that may not necessarily require building control approval. Where building control approval is required, they work with us to ensure works are being carried out in line with regulations.

DDS - DDS are our fire safety and management consultants. They complete FRA's and provide us with fire safety advice on works we are doing, ensuring compliance with the FSO and Building Safety Act 2022. They provide us updates on new legislation changes, they explain how these changes will affect us and what we need to do to ensure we are compliant as well as provide the support services required.

8.0 Database to hold building Safety information

The Compliance Team already uses True Compliance (TC). TC is a purpose built compliance database that manages and monitors our statutory and regulatory landlord health and safety responsibilities.

TC can be adapted to monitor the further aspects of building safety to be compliant with the act.

The TC developers will work closely with us to design the building safety case and the framework for the building safety case report.

9.0 Supporting policies

The following policies are in place to support the health and safety of residents in occupation of any properties managed by TDC. They are relevant to; and support the objectives of the Building Safety Act 2022:

- [Asbestos Policy](#)
- [Electrical Inspection and Testing Policy](#)
- [Gas and Heating Policy](#)
- [Lift Safety Policy](#)
- [Water Hygiene Policy](#)

(These are the links to the policies published on the TDC website)

These policies are due to be reviewed and we will need to ensure that they compliment the new requirements as set out in the Building Safety Act 2022. This work will commence over Quarter 1 2023/34.

9.1 Fire Risk Assessment Policy

The fire risk assessment policy has been affected by the Building Safety Act and the changes made to the RRO. Below is the link to the current policy, published on the TDC website.

Appended to this document is the revised policy, which incorporates the changes required to ensure compliance with the new and revised legislation.

- [Fire Risk Assessment Policy](#)

9.2 Further strategies and policies

Further strategies and policies that support the Building Safety Act 2022 are:

- [Resident Involvement Strategy 2022-2025 PUBLISHED](#)
- [The Estate Strategy](#)
- [Estate Policy](#)
- [TDC Complaints Policy](#)

10.0 Resident involvement

The Building Safety Act says that every resident of a higher risk residential building must:

- Be reassured that the AP is managing their building safety risks in their building
- Are involved in decisions that concern the safety of their building
- Be informed about measures being taken to make their building safe
- Be able to raise safety concerns directly with the building owners

If residents feel their concerns are being ignored they can escalate complaints to the BSR.

10.1 The AP must:

- Produce a resident engagement strategy.
- The strategy must have particular regard to the requirements of residents who have disabilities.
- Establish a complaints system that ensures residents safety concerns are dealt with.

TDC's corporate complaints policy and procedure is adequate to comply with the act.

The Resident Involvement Strategy 2022 - 2025 addresses the requirements of the Building Safety Act 2022, but further work is required to enhance the resident engagement strategy to meet the requirements of the Act

10.2 TLS Resident Involvement Strategy 2022 - 2025

The following objectives in the strategy partially address the criteria required through the Building Safety Act 2022:

Objective 1 - To ensure residents influence services

We ensure that residents influence our services by enabling them to do so.

We will do this by organising resident involvement activities which provide insight that influences our housing services.

This includes:

- Decision making about their building's safety.

Objective 2 - To develop a resident involvement structure that enables residents to influence and scrutinise services

We want to make it easy for residents to get involved in a way that suits them.

We will use a flexible range of formal and informal opportunities for residents to influence and scrutinise services.

We will tailor our involvement opportunities as to how residents have told us they would like to get involved. Learning from best practice, we will trial new opportunities, monitor the impact and stop activities that aren't working.

We will monitor the diversity of involvement and use best practices to target under represented groups.

Examples of activities we would organise for involvement in building safety would be:

- Consulting our strategic umbrella groups with resident membership on matters of building safety (ie the TTLG).
- Creation of a new high rising living tenant and leaseholder group.
- Create opportunities for flexible consultation and scrutiny (ie focus groups or carry out estate inspections)
- Informal involvement opportunities through surveys and complaints monitoring
- Informed opportunities with access to our building safety case reports.

Objective 4 - To benefit from a broader range of experience and ideas

Through the implementation of this strategy we aim to improve our ability to engage with different groups and thus support equality in the following ways:

- Eliminating discrimination
- Advancing equality
- Fostering good relations between people of different characteristics

We will aim to increase resident’s capacity and willingness to engage by accommodating their needs and requirements, as far as reasonably practicable.

10.3 Resident responsibility

The Building Safety Act 2022 places the following responsibilities onto residents to ensure their actions do not negatively impact the safety of others:

- Not act in a way that creates significant risk of fire or structural failure
- Not interfere with a relevant safety item
- Comply with a request by the AP for information reasonably required to perform their duties to assess and manage building safety risk

Next Steps

Action	Description	Person responsible	Status/ target completion
Publish resident involvement strategy	Resident involvement strategy 2022-25 has been approved for adoption by Cabinet	Michelle Thomas	Complete
Report preparations, including identity of AP and PAP to Cabinet	Prepare and present a report to the Cabinet recommending the allocation of AP and PAP responsibilities.	BobPorter/Sally O’Sullivant	In Progress Q1 2023/24
Register High rise blocks (HRB)with the BSR	We must register our high rise blocks with the HSE. We require specific information to be able to do this. Annex 3 - information required to register. Fee to register each building: £251 The deadline for registering HRB’s is 1 October 2023	Claire Pryce	In progress By 1 October 2023
Submit key building information	This part of the registration service opens in May and must be completed by 1 October 2023 There is no further charge for this Annex 3 - provides key building information needed	Claire Pryce	By 1 October 2023

Preparation of True compliance (TC).	Build modules in TC for categories of data required. Explore formats for the building safety case and building safety case report through TC	Claire Pryce	In progress By October 2023
Preparation of Data	Series of workshops to prepare project plans for gathering and inputting data required for the Building safety cases	Sally O'Sullivan	Complete

Reference

<https://www.hse.gov.uk/building-safety/news/safety-case-principles.pdf>

<https://www.gov.uk/government/publications/building-safety-bill-factsheets/dutyholders-factsheet>

<https://www.gov.uk/government/publications/building-safety-bill-factsheets/residents-voice-factsheet>

<https://www.housing.org.uk/news-and-blogs/news/building-safety-act/>

<https://www.legislation.gov.uk/ukpga/2022/30/notes/division/3/index.htm>

<https://press.hse.gov.uk/2023/02/27/new-regulator-takes-major-step-forward-in-landmark-moment-for-building-safety/>