

Building Safety Act 2022

Cabinet	15 June 2023
Report Author	Sally O’Sullivan, Tenant and Leaseholder Services Manager
Portfolio Holder	Cllr Whitehead, Deputy Leader and Cabinet Member for Housing
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	An executive decision that affects roles & responsibilities for officers of the council under new building safety legislation and the approval of the fire risk assessment policy, to be adopted and published by the council’s Tenant and Leaseholder Service.
Previously Considered by	OSP - 30 May 2023
Ward:	Eastcliff Ward, Central Harbour, Newington, Dane Valley

Executive Summary:

The report seeks the authority for the council to delegate new building safety responsibilities as set out in the Building Safety Act 2022 and to adopt a revised fire risk assessment policy that has been affected by the Building Safety Act 2022.

Recommendation(s):

Cabinet is asked to:

1. Approve the recommendation to name Thanet District Council as the Accountable person, as described in the Building Safety Act 2022
2. Approve the recommendation to name the Director of Place as the Principal Accountable Person, as described in the Building Safety Act 2022
3. Approve the adoption of the revised fire risk assessment policy
4. Delegate authority to the Director of Place to approve future minor amendments required to the 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 Options

5.1 Cabinet is asked to review the building safety report annexed to this report and agree who should fulfil the roles of the AP and PAP. The following is recommended:

- 1) The Accountable Person is Thanet District Council.
- 2) The named Principal Accountable Person is the Director of Place.

5.2 The PAP will delegate their responsibility through the Tenant and Leaseholder Services Manager and the Building Safety and Compliance Manager

5.3 Cabinet is asked to review the fire risk assessment policy annexed to this report and has the following options:

1. Agree the policy as recommended.
2. Amend the document. This option is not recommended as it has been revised by the Tenant and Leaseholder and Services manager and the Building Safety and Compliance manager to ensure compliance with the new legislation.

5.4 Cabinet is asked to delegate authority to the Director of Place to approve future minor amendments required to the fire risk assessment policy.

5.5 This report has also been considered by the council's Overview and Scrutiny Committee at its meeting on 30 May 2023 and any significant observations made by the committee will be shared with members of the cabinet prior to the decision.

6.0 Next Steps

6.1 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.

6.2 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.

6.3 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:

**THANET DISTRICT COUNCIL
RECORD OF DECISION OF CABINET / INDIVIDUAL CABINET
MEMBER**

(Delete the inapplicable)

Name of Cabinet Member:

Relevant Portfolio:

Date of Decision:

Subject:

Key Decision: Yes/No

In the Forward Plan: Yes/No

Brief summary of matter:

(Enter text here)

Decision made:

(Enter text here)

Reasons for decision:

(Enter text here)

Alternatives considered and why rejected:

(Enter text here)

Details of any conflict of interest declared by any executive Member who has been consulted and of any dispensation granted by the Standards Committee:

(Enter text here)

Author and date of officer report:

(Enter text here)

Background papers:

(Enter text here)

Statement if decision is an urgent one and therefore not subject to call-in:

(Enter text here)

Signature:

(Only needed if an individual Cabinet Member Decision - Delete when completing template)