

**REPORT FROM:** PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER

**TO:** POLICY AND RESOURCES

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**BUILDING A SAFER FUTURE: PROPOSALS FOR REFORM OF  
THE BUILDING SAFETY REGULATORY SYSTEM**

**PURPOSE OF REPORT**

To advise Members of the consultation and to appraise the Council of the implications for Pendle.  
To agree to the content of the response.

**RECOMMENDATIONS**

- (1) That Committee note the proposed changes set out in the consultation.
- (2) That Committee agree with the consultation responses set out in Appendix (i).

**REASONS FOR RECOMMENDATIONS**

- (1) To inform the Council of the proposed changes.
- (2) To ensure Pendle has an input into the consultation process.

**ISSUE**

- 1 The Grenfell Tower tragedy in 2017 has resulted in an ongoing review of the functioning of the Building Regulation process in England. There have been numerous elements to this including identification and remedy of buildings with Aluminum Composite Material (ACM) cladding and a wide ranging review of Building Regulations and Fire Safety led by Dame Judith Hackett.
- 2 The Hackett report had 53 recommendations in it all of which have been accepted by the Government. The Government however intends to go further with reforms. The proposal sets out these reforms and asks a series of questions on the structure of that reform.

3 There are four broad areas of reform:

- Changes to the fire risk regime for buildings 18/30m or higher. This includes new builds and a system of risk assessments and maintenance for existing in scope buildings
- Introduction of the concept of duty holders who will have responsibility of demonstrating buildings are safe
- Proposals to give residents greater voices in how buildings operate. This would be through new legislation which would review social housing regulation.
- The introduction of a building safety regulator underpinned by strengthened enforcement and increased sanctions.

- 4 The appendix to this report sets to the issues and the suggested response to the consultation. Pendle has no buildings in scope presently as we have no buildings over 18m in height. Consideration is being given though as to whether the scope needs to be extended to cover other forms of buildings although the question in the consultation do not deal with that.
- 5 To improve the safety of all residential buildings, the Government has commissioned a review of the Housing Health and Safety Rating System (HHSRS). This will have implications for our housing sections who review the condition of properties.
- 6 At the same time as this consultations being discussed the Home Office is calling for evidence on the review of Fire Safety Orders which looks at the ongoing management of fire safety in non-domestic properties and the common parts of multi-occupied residential buildings.
- 7 The broad thrust of the proposals is to put in place a system of regulation on fire risk for buildings. Commissioners of work, designers and builders would have defined responsibilities within the construction phase. During the course of erecting 18m or higher buildings there will be introduced gateway points where fire safety issues will be considered. That will include details at the planning applications stage, before construction begins and final sign off before occupation.
- 8 A Regulator would be introduced (the proposals include questions on whether an interim solution should be put in place) who would sign off the scheme before it is occupied, or partially occupied.
- 9 An accountable person system will be introduced for buildings once occupied. That person will be responsible for registering their building and ensuring that risks are minimized so far as is reasonably practicable. The accountable person would also have to appoint a competent building safety manager responsible for the day to day maintenance of the building. Duties are also proposed on occupants to co-operate in the safety process, although in our view that duty does not have sufficient teeth to be effective.
- 10 A competency framework overseen by the Regulator is advocated to ensure all those involved are capable of doing their job. This will include a company framework for building control officers who may inspect buildings on behalf of the Regulator.

**Policy:** None

**Financial:** The costs would be that of training staff to reach the levels of professional competence needed to inspect buildings.

**Legal:** None arising directly from this report

**Risk Management:** Staff would need to be trained to ensure they were capable of doing the inspection work in line with the requirements of the competency framework

**Health and Safety:** None arising directly from this report

**Sustainability:** None arising directly from this report

**Community Safety:** None arising directly from this report

**Equality and Diversity:** None arising directly from this report

## **LIST OF BACKGROUND PAPERS**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/806892/BSP\\_consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806892/BSP_consultation.pdf)

## Appendix (i)

**Q. 1.1. Do you agree/ that the new regime should go beyond Dame Judith's recommendation and initially apply to multi-occupied residential buildings of 18 metres or more (approximately 6 storeys)? Please support your view.**

Yes. The figure of 30m is an arbitrary one. An 18m is a high building and the risks associated with these are no less than a 30m high structure. 18m is a more appropriate scale of building to apply the new measures to and proportionately relates to the evidence about fire danger.

**Q. 1.2. How can we provide clarity in the regulatory framework to ensure fire safety risks are managed holistically in multi-occupied residential buildings?**

The risk assessment process should in our view be independently overseen initially. It should not be left to the responsible person to do. If it is then there should be an independent assessment of the risks and action plan. The role of the responsible person should be to implement the findings of the assessment and to keep the operation of the premises under a systematic and documented control process.

**Q. 1.3. If both regimes are to continue to apply, how can they be improved to complement each other?**

See 1.2.

**Q. 1.4. What are the key factors that should inform whether some or all non-residential buildings which have higher fire rates should be subject to the new regulatory arrangements during the design and construction phase? Please support your view.**

The nature of the question in one way answers this question. There is no easy way of differentiating between one type of building and its use and another building with a similar use that could have very different fire safety issues. The only way of dealing with this in a coherent way is to apply the regime to all buildings. The simpler the building the simpler the risk assessment process would be.

**Q. 1.5. Linked to your answer above, which of the 'higher-risk workplaces' in paragraph 42 would you consider to be higher-risk during the design and construction phase?**

As indicated in the last answer there is no easy way of differentiating this. An open prison on a single storey may have a far less fire risk than a secure hospital over 3 stories. Trying to differentiate between uses and design in an arbitrary way is not the solution to this. A risk based approach but with it applying to all buildings is the approach to take.

**Q. 1.6. Please support your answer above, including whether there are any particular types of buildings within these broad categories that you are particularly concerned about from a fire and structural perspective?**

Please refer to the previous answers.

**Q. 1.7. On what basis should we determine whether some or all categories of supported/sheltered housing should be subject to the regulatory arrangements that we propose to introduce during the occupation stage? Please support your view.**

Please refer to the previous answers.

**Q. 1.8. Where there are two or more persons responsible for different parts of the building under separate legislation, how should we ensure fire safety of a whole building in mixed use?**

Duties to co-operate in these instances are fraught with difficulties and enforcing it on the occasions where parties may disagree would be equally difficult. A single regime that has standards applicable to both commercial and residential in these instances should be provided.

**Q. 2.1. Do you agree that the duties set out in paragraphs 61 to 65 are the right ones?**

Yes. We however have concerns at the use of the words “so far as reasonably practical” and “must take into account”. These are too flimsy and open to interpretation and should be changed to a requirement to comply.

**Q. 2.2. Are there any additional duties which we should place on dutyholders? Please list.**

No

**Q. 2.3. Do you consider that a named individual, where the dutyholder is a legal entity, should be identifiable as responsible for building safety? Please support your view.**

Yes. It is essential that there is a specific identified person who is responsible. That will ensure that the company takes the matter seriously and places an onus on their corporate set up to ensure there is an accountable process in place internally to oversee a development.

**Q. 2.4. Do you agree with the approach outlined in paragraph 66, that we should use Construction (Design and Management) Regulations 2015 (CDM) as a model for developing dutyholder responsibilities under building regulations? Please support your view.**

Yes

**Q. 2.5. Do you agree that fire and rescue authorities should become statutory consultees for buildings in scope at the planning permission stage? If yes, how can we ensure that their views are adequately considered? If no, what alternative mechanism could be used to ensure that fire service access issues are considered before designs are finalised?**

It makes sense to have a design input from the fire authorities at the planning stage of an in scope development. This is for two reasons. Whilst it will not enhance the planning process it would prevent wasted design time and amendments to planning applications if the design incorporates fire prevention measures at the outset.

The simplest way to deal with this would be to make fire a material consideration that planning authorities must take on board in making planning decisions.

Comments from consultees often determine how quickly a planning application is determined. It is essential that fire services have the resources to make timely comments on applications referred

to them. It is equally essential to ensure the national planning validation list is updated to require fire risk assessments at the validation stage for planning applications.

**Q. 2.6. Do you agree that planning applicants must submit a Fire Statement as part of their planning application? If yes, are there other issues that it should cover? If no, please support your view including whether there are alternative ways to ensure fire service access is considered.**

Yes but our view is that it should be for buildings 18m or higher not 30m as stated in the consultation.

**Q. 2.7. Do you agree that fire and rescue authorities should be consulted on applications for developments within the 'near vicinity' of buildings in scope? If so, should the 'near vicinity' be defined as 50m, 100m, 150m or other. Please support your view.**

This is a question for the fire authorities and what they consider will be necessary, if anything.

**Q. 2.8. What kind of developments should be considered?**

- All developments within the defined radius,
- All developments within the defined radius, with the exception of single dwellings,
- Only developments which the local planning authority considers could compromise access to the building(s) in scope,
- Other.

This is a question for the fire authorities and what they consider will be necessary, if anything.

**Q. 2.9. Should the planning applicant be given the status of a Client at gateway one? If yes, should they be responsible for the Fire Statement? Please support your view.**

It is irrelevant for the planning application process. There is already a dutyholder role for the principal designer and it is more appropriate for them to be a dutyholder at this gateway stage.

**Q. 2.10. Would early engagement on fire safety and structural issues with the building safety regulator prior to gateway two be useful? Please support your view.**

It is clearly beneficial not to have different and potentially competing regulatory systems in place. The Government has placed great emphasis on a speedy planning system, bereft of red tape to enable development to proceed quickly. If the design is left until gateway two then this will inevitably require changes to the planning permission which could slow the development process down. It makes sense to have the designs looked at together at an early stage.

The consultation also states (para 84) that a development relates specifically to land use under planning. The planning system moved away from this concept a decade ago. Including this in the NPPF would make it a material planning consideration.

The process should require consultation with the regulator and the outputs of this should feed into the planning process via a process whereby the Regulator indicates that discussions have taken place and the design takes into account its comment.

**Q. 2.11. Is planning permission the most appropriate mechanism for ensuring developers consider fire and structural risks before they finalise the design of their building? If not, are there alternative mechanisms to achieve this objective?**

The planning systems is absolutely not the place to resolve structural risks. There is neither the skill set or capacity to do that. This should be done through a form of consultation with the Regulator to feed into the planning application process.

**Q. 2.12. Do you agree that the information at paragraph 89 is the right information to require as part of gateway two? Please support your view.**

Yes

**Q. 2.13. Are these the appropriate dutyholders to provide each form of information listed at paragraph 89?**

Yes

**Q. 2.14. Should the Client be required to coordinate this information (on behalf of the Principal Designer and Principal Contractor) and submit it as a package, rather than each dutyholder submit information separately?**

The principal designer is responsible for three out of the four elements. It would make sense for him/her to be the responsible person.

**Q. 2.15. Do you agree that there should be a 'hard stop' where construction cannot begin without permission to proceed? Please support your view.**

The ability to control sites when work has been commenced becomes more difficult the further the development proceeds. This new regulation process is intended to make all those involved responsible for the design of the building and to ensure that a full controlled and agreed design process is followed. It would not therefore make sense to allow development to proceed ahead of the completion of the design process.

**Q. 2.16. Should the building safety regulator have the discretion to allow a staged approach to submitting key information in certain circumstances to avoid additional burdens? Please support your view.**

It is not clear what additional burdens there would be. The return to a developer will not happen until the development is complete and either sold or occupied. If the information is required then it should be provided at the right stage.

**Q. 2.17. Do you agree that it should be possible to require work carried out without approval to be pulled down or removed during inspections to check building regulations compliance? Please support your view.**

Yes. The alternative would be to allow potentially defective work to remain which defeats the purpose of the new system.

**Q. 2.18. Should the building safety regulator be able to prohibit building work from progressing unless non-compliant work is first remedied? Please support your view.**

Not as a punitive measure. There should be the ability to prevent other work if it would impact on the non-compliant work.

**Q. 2.19. Should the building safety regulator be required to respond to gateway two submissions within a particular timescale? If so, what is an appropriate timescale?**

Yes. The system must be responsive and not frustrate development. It must be adequately resourced to allow for responses in a reasonable timescale.

**Q. 2.20. Are there any circumstances where we might need to prescribe the building safety regulator's ability to extend these timescales? If so, please provide examples.**

Not without the agreement of the applicant. To allow timescales to slip would create a situation where lack of resources could be accepted at the expense of the developer through delays. The system must be set up to be responsive in a timely manner.

**Q. 2.21. Do you agree that the Principal Contractor should be required to consult the Client and Principal Designer on changes to plans?**

There should be a requirement to consult the Principal Designer to ensure the changes are acceptable and compatible with the remainder of the design. The client has no design input and would have a relationship with the Principal Designer which would be sufficient.

**Q. 2.22. Do you agree that the Principal Contractor should notify the building safety regulator of proposed major changes that could compromise fire and structural safety for approval before carrying out the relevant work?**

Yes

**Q. 2.23. What definitions could we use for major or minor changes?**

- Any design change that would impact on the fire strategy or structural design of the building;
- Changes in use, for all or part of the building;
- Changes in the number of storeys, number of units, or number of staircase cores (including provision of fire-fighting lifts);

The question does not show an understanding of the issues. Minor changes can be significant in a fire safety sense. The process needs to look at impacts not a set of arbitrary definitions.

**Q. 2.24. Should the building safety regulator be required to respond to notifications of major changes proposed by the dutyholder during the construction phase within a particular timescale? If yes, what is an appropriate timescale?**

Yes. As the changes are major they would be likely to require structural input and hence for major changes 14 days would be appropriate.

**Q. 2.25. What are the circumstances where the Government might need to prescribe the building safety regulator's ability to extend these timescales?**

Again here the emphasis should be on no extension of timescale as this could become the norm and slow down development. There would have to be significant extenuation circumstances for extensions to be sought.

**Q. 2.26. Do you agree that a final declaration should be produced by the Principal Contractor with the Principal Designer to confirm that the building complies with building regulations? Please support your view.**

Yes. These are the two parties that have the design knowledge and who have built the project so it is the most effective combination.

**Q. 2.27. Should the building safety regulator be required to respond to gateway three submissions within a particular timescale? If so, what is an appropriate timescale?**

Yes

**Q. 2.28. Are there any circumstances where we might need to prescribe the building safety regulator's ability to extend these timescales? If so, please support your view with examples.**

No comment.

**Q. 2.29. Do you agree that the accountable person must apply to register and meet additional requirements (if necessary) before occupation of the building can commence? Please support your view.**

Yes

**Q. 2.30. Should it be an offence for the accountable person to allow a building to be occupied before they have been granted a registration for that building? Please support your view.**

Yes

**Q. 2.31. Do you agree that under certain circumstances partial occupation should be allowed? If yes, please support your view with examples of where you think partial occupation should be permitted.**

The purpose of the new process is to ensure that buildings are safe. If that can be achieved in a safe way then not allowing occupation until the whole building is certified would not achieve anything. It should fall on the Client to satisfy the Regulator that partial occupation could occur safely.

**Q. 2.32. Do you agree with the proposal for refurbished buildings? Please support your view**

Partially. Refurbishment of buildings starts from a different point to that of a new build. There may be circumstances where the existing buildings is being significantly improved from its current state but could not fulfill all of the planning and Building Regulation requirements. It would be entirely undefendable at a planning appeal to refuse planning permission for something that would improve the building. Unless a reasonable approach is taken this proposal could lead to a situation where a building is left in its present worse condition.

**Q. 2.33. Do you agree with the approach to transitional arrangements for gateways? If not, please support your view or suggest a better approach?**

We agree with the approach set out at para 107.

**Q. 3.1. Do you agree that a safety case should be subject to scrutiny by the building safety regulator before a building safety certificate is issued? Please support your view.**

We agree that there should be a safety case and that the Building Regulator should oversee that. What we are not clear about is how the process will work for existing buildings and what the sanctions would be for the failure in existing buildings. What is not clear is whether this can be achieved and whether there is sufficient expertise available for this to be achieved for existing buildings.

**Q. 3.2. Do you agree with our proposed content for safety cases? If not, what other information should be included in the safety case?**

Yes

**Q. 3.3. Do you agree that this is a reasonable approach for assessing the risks on an ongoing basis? If not, please support your view or suggest a better approach.**

Yes

**Q. 3.4. Which options should we explore, and why, to mitigate the costs to residents of crucial safety works?**

The consultation gets confused here. On the one hand it indicates that human life should be protected but then indicates that risk needs to be weighed against the trouble, time and money needed to control it. This leaves open the possibility that extremely poor buildings may not get even minimum necessary remediation if it is too much trouble to do it. There needs to be some form of minimum standard that all buildings reach to protect life and this should not be assessed against the “trouble, time and money” test set out. Beyond that there would need to be a reasonable approach to make sure that works were not disproportionate to risk but we disagree that there should be a risk based approach whatever the circumstances.

**Q. 3.5. Do you agree with the proposed approach in identifying the accountable person? Please support your view.**

No. The accountable person should be a person specified within a company or an individual. A partnership or corporate body would not necessarily fulfil the role effectively enough so there needs to be a person within that who is the accountable person. This would be difficult in buildings with multiple owners in which case each owner could be jointly the accountable person.

**Q. 3.6. Are there specific examples of building ownership and management arrangements where it might be difficult to apply the concept of an accountable person? If yes, please provide examples of such arrangements and how these difficulties could be overcome.**

No comment

**Q. 3.7. Do you agree that the accountable person requirement should be introduced for existing residential buildings as well as for new residential buildings? Please support your view.**

Yes.

**Q. 3.8. Do you agree that only the building safety regulator should be able to transfer the building safety certificate from one person/entity to another? Please support your view.**

This seems sensible and would avoid situations where individuals abdicate their responsibility to some spurious third party.

**Q. 3.9. Do you agree with the proposed duties and functions of the building safety manager? Please support your view.**

Yes. We would also however suggest that the accountable person could also be the building safety manager and have a dual role. The key issues here are to ensure that the building safety manager is appropriately qualified and that they are supported in their role by the accountable person.

**Q. 3.10. Do you agree with the suitability requirements of the building safety manager? Please support your view.**

Yes. See previous comments

**Q. 3.11. Is the proposed relationship between the accountable person and the building safety manager sufficiently clear? Please support your view.**

No. The roles in terms of final accountability need to be more clearly defined and there also needs to be a mechanism in place for the BSN to raise issues with the accountable person if they are being stifled in being able to carry out their role.

**Q. 3.12. Do you agree with the circumstances outlined in which the building safety regulator must appoint a building safety manager for a building? Please support your view.**

The responsibility would need to be that of the accountable person who should have a legal duty to appoint the person within a given short timescale where one BSM is deemed unsuitable. If the default position is to be adopted there would have to be provisions about who pays for that more clearly defined than in the draft.

The BSM role can only function if they are given the resources by the accountable person to undertake their role. Without provisions in for this any appointed BSM would not be able to operate.

**Q. 3.13. Do you think there are any other circumstances in which the building safety regulator must appoint a building safety manager for a building? Please support your view with examples.**

In the event of persistent failure of an accountable person to appoint a suitable person to be the BSM then there should be provisions for one to be appointed by the Regulator.

**Q. 3.14. Under those circumstances, how long do you think a building safety manager should be appointed for?**

Until the Regulator is satisfied that adequate alternative provision is put in place.

**Q. 3.15. Under what circumstances should the appointment be ended?**

Until the Regulator is satisfied that adequate alternative provision is put in place.

**Q. 3.16. Under those circumstances, how do you think the costs of the building safety manager should be met? Please support your view.**

This is a question that is difficult to answer. If the accountable person has funds available to pay then this should be the first avenue to explore. In circumstances where there are insufficient funds then it may be possible to divert rental income. If that is from multiple residential occupants that would be an extremely difficult and onerous task to organize and would require legislation to allow personal data to be used as well as setting up fund transfers.

The other alternative would be to require accountable bodies to set up a fund to be available for such events to secure the services of a BSM for say a period of 6 months.

**Q. 3.17. Do you agree that this registration scheme involving the issue of a building safety certificate is an effective way to provide this assurance and transparency? If not, please support your view and explain what other approach may be more effective.**

Yes

**Q. 3.18. Do you agree with the principles set out in paragraphs 180 and 181 for the process of applying for and obtaining registration?**

Yes

**Q. 3.19. Do you agree with the suggested approach in paragraph 183, that the building safety certificate should apply to the whole building? Please support your view.**

No. This clearly will not work. A duty to co-operate will not be adequate to ensure co-operation with the accountable person. It will also be an exhaustively onerous task for an accountable person to deal with places with multiple owners, tenants etc. The only way to deal with this in an equitable and effective way would be to place a legal requirement on the owners to comply with the safety case and make it a duty on them to comply with conditions in their own property.

**Q. 3.20. Do you agree with the types of conditions that could be attached to the building safety certificate? Please support your view.**

The conditions refer to co-operation. As with the previous comments if his system is to work there must be the ability to enforce compliance and not rely on co-operation.

**Q. 3.21. Do you agree with the proposals outlined for the duration of building safety certificates? If not, please support your view.**

Yes

**Q. 3.22. Do you agree with the proposed circumstances under which the building safety regulator may decide to review the certificate? If not, what evidential threshold should trigger a review?**

Yes

**Q. 4.1. Should the Government mandate Building Information Modelling (BIM) standards for any of the following types and stages of buildings in scope of the new system?**

- a) New buildings in the design and construction stage, please support your view.
- b) New buildings in the occupation stage, please support your view.
- c) Existing buildings in the occupation stage, please support your view.

If the Golden Thread is to exist it is essential that there is a standardised approach unlike what happens currently. That however needs to be fit for purpose, be easily achieved by all parties and not require a whole raft of new software and IT systems to be introduced across LA's and AI's.

**Q. 4.2. Are there any standards or protocols other than Building Information Modelling (BIM) that Government should consider for the golden thread? Please support your view.**

No comment

**Q. 4.3. Are there other areas of information that should be included in the key dataset in order to ensure its purpose is met? Please support your view.**

No

**Q. 4.4. Do you agree that the key dataset for all buildings in scope should be made open and publicly available? If not, please support your view.**

We see no reason for this to happen. The details of the building, its design and content only matter to those who are directly involved with its design, build, occupation and management. There is no public interest in making this information known to everyone.

**Q. 4.5. Do you agree with the proposals relating to the availability and accessibility of the golden thread? If not, please support your view.**

Yes

**Q. 4.6. Is there any additional information, besides that required at the gateway points, that should be included in the golden thread in the design and construction stage? If yes, please provide detail on the additional information you think should be included.**

No

**Q. 4.7. Are there any specific aspects of handover of digital building information that are currently unclear and that could be facilitated by clearer guidance? If yes, please provide details on the additional information you think should be clearer.**

No

**Q. 4.8. Is there any additional information that should make up the golden thread in occupation? If yes, please provide detail on the additional information you think should be included.**

No

**Q. 4.9. Do you agree that the Client, Principal Designer, Principal Contractor, and accountable person during occupation should have a responsibility to establish reporting systems and report occurrences to the building safety regulator? If not, please support your view.**

Yes in principle. Critical issues need however to be properly and unambiguously defined.

**Q. 4.10. Do you think a 'just culture' is necessary for an effective system of mandatory occurrence reporting? If yes, what do you think (i) Industry (ii) Government can do to help cultivate a 'just culture'? Please support your view.**

Yes but culture is part of the DNA of an organization and that is not something that can easily be legislated for. It is also often the case that much work is carried out by sub-contractors and creating such a culture with these permutations would be difficult in the extreme to achieve.

**Q. 4.11. Do you agree that, where an occurrence has been identified, dutyholders must report this to the building safety regulator within 72 hours? If not, what should the timeframe for reporting to the building safety regulator be?**

No. That should be within 48 hours.

**Q. 4.12. Do you agree that the scope of mandatory occurrence reporting should cover fire and structural safety concerns? If not, are there any other concerns that should be included over the longer term?**

Yes

**Q. 4.13. Do you agree that mandatory occurrence reporting should be based on the categories of fire and structural safety concern reports identified in the prescriptive list in paragraph 222? Please support your view.**

Yes

**Q. 4.14. Do you have any suggestions for additional categories? Please list and support your view.**

No

**Q. 4.15. Do you think the proposed system of mandatory occurrence reporting will work during the design stage of a building? If yes, please provide suggestions of occurrences that could be reported during the design stage of a building.**

No. We are not clear why at a design stage there would be any need for this. It seems to be a requirement without a purpose.

**4.16. Do you agree that the building safety regulator should be made a prescribed person under Public Interest Disclosure Act 1998 (PIDA)? If not, please support your view.**

Yes. This is an essential requirement.

**Q. 4.17. Do you agree that the enhanced competence requirements for these key roles should be developed and maintained through a national framework, for example as a new British Standard or PAS? Please support your view.**

There should be a competency framework but linked to existing qualifications where they are comparable. A framework should be fit for purpose and not an alternative to existing qualifications for the sake of it.

**Q. 4.18. Should one of the building safety regulator's statutory objectives be framed to 'promote building safety and the safety of persons in and around the building'? Please support your view.**

No. The whole purpose of the new framework is for this objective to be achieved. Making it a duty misses the whole point of the process in the first place and will simply add to what will already be a task that will be hard to achieve.

**Q. 4.19. Should dutyholders throughout the building life cycle be under a general duty to promote building safety and the safety of persons in and around the building? Please support your view.**

No. The requirements for them will already make the building safer and this is an unnecessary requirement.

**Q. 4.20. Should we apply dutyholder roles and the responsibility for compliance with building regulations to all building work or to some other subset of building work? Please support your view.**

Yes but this should be accompanied with a wider review of builders and their competency. The greater challenge for building generally is an overall competency for builders. There is no general competency for anyone carrying out building work and the quality of builders varies significantly from those who are very competent to those who clearly should not be involved in construction due to their lack of any training or expertise.

**Q. 5.1. Do you agree that the list of information in paragraph 253 should be proactively provided to residents? If not, should different information be provided, or if you have a view on the best format, please provide examples.**

Yes.

**Q. 5.2. Do you agree with the approach proposed for the culture of openness and exemptions to the openness of building information to residents? If not, do you think different information should be provided? Please provide examples.**

Yes

**Q. 5.3. Should a nominated person who is a non-resident be able to request information on behalf of a vulnerable person who lives there?**

**If you answered Yes, who should that nominated person be?**

- a) Relative,
- b) Carer,
- c) Person with Lasting Power of Attorney,
- d) Court-appointed Deputy,
- e) Other (please specify).

Yes

**Q. 5.4. Do you agree with the proposed set of requirements for the management summary? Please support your view.**

Yes

**Q. 5.5. Do you agree with the proposed set of requirements for the engagement plan? Please support your view.**

Yes

**Q. 5.6. Do you think there should be a new requirement on residents of buildings in scope to co-operate with the accountable person (and the building safety manager) to allow them to fulfil their duties in the new regime? Please support your view.**

No. This does not go far enough and if there are uncooperative residents this could place the whole safety strategy in jeopardy. There should be an equal responsibility of residents to comply with the safety plan and it should be a legal requirement to be certified that they have.

**Q. 5.7. What specific requirements, if any, do you think would be appropriate? Please support your view.**

No views

**Q. 5.8. If a new requirement for residents to co-operate with the accountable person and/or building safety manager was introduced, do you think safeguards would be needed to protect residents' rights? If yes, what do you think these safeguards could include?**

We do not agree that this is the right process. See other comments.

**Q. 5.9. Do you agree with the proposed requirements for the accountable person's internal process for raising safety concerns? Please support your view.**

Yes

**Q. 5.10. Do you agree to our proposal for an escalation route for fire and structural safety concerns that accountable persons have not resolved via their internal process? If not, how should unresolved concerns be escalated and actioned quickly and effectively?**

Yes

**Q. 5.11. Do you agree that there should be a duty to cooperate as set out in paragraph 290 to support the system of escalation and redress? If yes, please provide your views on how it might work. If no, please let us know what steps would work to make sure that different parts of the system work well together.**

Yes

**Q. 6.1. Should the periodic review of the regulatory system be carried out every five years/less frequently? If less frequently, please provide an alternative time-frame and support your view**

It would be appropriate to set an initial review timescale of 5 years to see how the system will work in reality. It would also be interesting to understand how it will impact on the development industry and the investment market.

After the first five years there should be a light touch review in the next five years.

**Q. 6.2. Do you agree that regulatory and oversight functions at paragraph 315 are the right functions for a new building safety regulator to undertake to enable us to achieve our aim of ensuring buildings are safe? If not, please support your view on what changes should be made.**

It should not be for the regulator to provide the framework for competency and for it to oversee that process. The standards for competency should not be set by the body that would be tasked with overseeing the process. It also may be too great a task for the Regulator to drive competence. That should be undertaken by the industry that carries out the development but that would be overseen by the Regulator to ensure those standards are acceptable.

**Q. 6.3. Do you agree that some or all of the national building safety regulator functions should be delivered ahead of legislation, either by the Joint Regulators Group or by an existing national regulator? Please support your view.**

No. What is being proposed is already going to be extremely complex, it will take away capacity from Local Authorities as there are already a lack of resources that the setting up of the Regulator will exacerbate and putting in interim measure in place will simply add to the complexity and

bureaucracy that will inevitably follow with this. If a Regulator is to be set up it should be done thoroughly without any interim measures. It also MUST be given enough resources and capacity to work effectively and not to give the burden to Local Authorities who have already been starved of resources and are struggling to find staff as it is.

The political pressure (doctrine) to include commercial private interests is causing confusion and holding back speed of change. It is not described in this consultation even though officials are already referring to the new "Regulator" (not the JCA) and competition for inspections i.e. choice of regulator. This consultation is badly flawed for not revealing the policy intent to abandon Dame Judith Hackitt's principles.

**Q. 7.1. Government agrees with the Competence Steering Group's recommendations for an overarching competence framework, formalised as part of a suite of national standards (e.g. British Standard or PAS). Do you agree with this proposal? Please support your view.**

Yes

**Q. 7.2. Government agrees with the Competence Steering Group's recommendations for establishing an industry-led committee to drive competence. Do you agree with this proposal? Please support your view.**

Yes. That must apply across the whole spectrum of private industry and Local Government with the increased costs associated with it being given in direct grant to Local Authorities.

**Q. 7.3. Do you agree with the proposed functions of the committee that are set out in paragraph 331? Please support your view.**

If competency is to be embedded into the process it cannot be left to the industry to deliver competency on a voluntary basis. There has to be some form of mandatory framework. What is being proposed does not have enough teeth.

**Q. 7.4. Do you agree that there should be an interim committee to take forward this work as described in paragraph 332? If so, who should establish the committee? Please support your view.**

No. As for the Regulator this needs to be done thoroughly and properly from the outset. Putting interim measures in will add confusion and different views into what will already be a major change to the industry and Regulation system.

**Q. 8.1. Do you agree with the approach of an 'inventory list' to identify relevant construction products to be captured by the proposed new regulatory regime? Please support your view.**

Yes

**Q. 8.2. Do you agree that an 'inventory list' should begin with including those constructions products with standards advised in Approved Documents? Please support your view.**

Yes

**Q. 8.3. Are there any other specific construction products that should be included in the 'inventory list'? Please list.**

No comment

**Q. 8.4. Do you agree with the proposed approach to requirements for construction products caught within the new regulatory regime? Please support your view.**

Yes

**Q. 8.5. Are there further requirements you think should be included? If yes, please provide examples.**

**Q. 8.6. Do you agree with the proposed functions of a national regulator for construction products? Please support your view.**

Yes

**Q. 8.7. Do you agree construction product regulators have a role in ensuring modern methods of construction meet required standards? Please support your view.**

Yes

**Q. 8.8. Do you agree that construction product regulators have a role in ensuring modern methods of construction are used safely? Please support your view.**

Yes

**Q. 8.9. Do you agree with the powers and duties set out in paragraph 350 to be taken forward by a national regulator for construction products? Please support your view.**

Yes

**Q. 8.10. Are there other requirements for the umbrella minimum standard that should be considered? If yes, please support your view.**

No

**Q. 8.11. Do you agree with the proposed requirements in paragraph 354 for the umbrella minimum standard? If not, what challenges are associated with them?**

Yes

**Q. 8.12. Do you agree with the proposal for the recognition of third-party certification schemes in building regulations? Please support your view.**

No comment

**Q. 8.13. Do you agree that third-party schemes should have minimum standards? Please support your view.**

No comment

**Q. 8.14. Are there any benefits to third-party schemes having minimum standards? Please support your view.**

No comment

**Q. 8.15. Are there challenges to third-party schemes having minimum standards? Please support your view.**

No comment

**Q. 9.1. Do you agree with the principles set out in the three-step process above as an effective method for addressing non-compliance by dutyholders/accountable persons within the new system?**

No.

**Q. 9.2. Do you agree we should introduce criminal offences for:**

- (i) an accountable person failing to register a building;**
- (ii) an accountable person or building safety manager failing to comply with building safety conditions; and**
- (iii) dutyholders carrying out work without the necessary gateway permission?**

Yes

**Q. 9.3. Do you agree that the sanctions regime under Constructions Products Regulations SI 2013 should be applied to a broader range of products? Please support your view.**

No comment

**Q. 9.4. Do you agree that an enhanced civil penalty regime should be available under the new building safety regulatory framework to address non-compliance with building safety requirements as a potential alternative to criminal prosecution? Please support your view.**

Yes

**Q. 9.5. Do you agree that formal enforcement powers to correct non-compliant work should start from the time the serious defect was discovered? Please support your view.**

Yes

**Q. 9.6. Do you agree that we should extend the limits in the Building Act 1984 for taking enforcement action (including prosecution)? If agree, should the limits be six or ten years?**

Yes