

The Building Safety Bill was published in draft form 20 July 2020 and was subjected to pre-legislative scrutiny by the Housing, Communities and Local Government Select Committee.

5 July 2021, a new version of the Bill was formally introduced.

The Bill had its second reading 21 July 2021 and entered Committee Stage 9 September 2021.

**This Bill establishes a Building Safety Regulator (BSR) within the Health and Safety Executive (HSE) to:**

- Implement the new, more stringent, regulatory regime for higher-risk buildings (defined as residential buildings over 18m and – following Local Government Association (LGA) and National Fire Chiefs Council (NFCC) representation – care homes and hospitals over 18m at the design and construction stage).
- Oversee the safety and performance of all buildings.
- Assist and encourage competence among the built environment industry, and registered building inspectors.

**Key features of the Bill:**

- The Bill places the HSE and local regulators under a duty to cooperate and gives the HSE the power to direct councils and fire and rescue services. The latter power is to be used only in exceptional circumstances and the Bill provides safeguards to prevent it becoming a default option.
- New buildings will have to pass through three regulatory Gateways in relation to safety – at the planning stage, at the final design stage (before construction can begin) and immediately before occupation when construction is complete.
- In occupation, buildings will need to be registered with the BSR and will require a Safety Case (requirements for building owners to assess and manage building safety risks in buildings within scope). The Accountable Person (AP) (essentially the owner or managing agent), will need to maintain a Golden Thread (detailed information) of information about the building.
- The AP will have a duty to listen to residents who raise building safety concerns – and if residents feel ignored, they can raise issues with the BSR.
- Leaseholders will have to pay a Building Safety Charge (BSC) that covers the costs of operating the new regime. The Government has said that the new BSC will not be able to be used to pass on costs to leaseholders for remediation works. However, these will still be chargeable under existing leasehold arrangements, which vary according to leases, but generally allow APs to pass costs on to leaseholders.
- The first stage of the new regime Planning Gateway One began in August 2021 for any planning applications submitted on or after 1 August 2021 as a result of the [Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021](#), which requires those seeking planning permission for buildings in scope of the new regime to produce a fire statement to ensure applicants have considered fire safety issues as they relate to land use planning matters (e.g. layout and access) and submit the statement to the local planning authority<sup>1</sup>. It also makes the HSE a statutory consultee in those circumstances.

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<sup>1</sup> The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ,by amending the Town and Country Planning (Development Management

## Appendix 7

The BSR will rely on Fire and Rescue Services (FRSs), council building control services and environmental health teams to deliver the regime for higher-risk buildings, which is expected to involve Multi-Disciplinary Teams (MDT).

The details of how the regime may operate in practice are being worked on through the Joint Regulators Group (JRG) chaired by the HSE, and involving Department for Levelling Up, Housing and Communities (DLUHC) and the Home Office. Members include Local Authority Building Control (LABC), the LGA and the NFCC.

### **The Bill impacts councils and fire and rescue authorities as regulators and councils as housing providers. The main issues for local regulators arising from the Bill are:**

- The shortage of expertise both inside the fire and rescue service and in private industry, including but not confined to the shortage of fire engineers;
- The funding for training and capacity increase ahead of implementation;
- The operation of the recharging scheme that allows councils and fire and rescue authorities to reclaim the cost of new burdens BSR work from the HSE;
- The interaction of the new Bill and other relevant legislation – the Housing Act, the Fire Safety Order/Fire Safety Act.
- The balance of democratic accountability for local services and the duty to cooperate with the HSE.

### **The impact of the Bill also interfaces with the impact of the Fire Safety Act (FSA) and associated changes to the Fire Safety Order (FSO), for example:**

- The FSA will require building owners to review fire risk assessments on many residential buildings (a prioritisation tool will allow owners to divide stock between properties that require immediate action, action in the medium term and those that need not alter their cycle of updating risk-assessments).
- Regulations will be introduced later this year relating to premises information boxes; fire door checks and lift checks.
- Further announcements are expected from the Home Office on personal emergency evacuation plans (PEEPs).

### **Timescale:**

- The Building Safety Bill is expected to receive Royal Assent in Spring – summer 2022 with commencement of the new regime under the Building Safety Regulator 12-18 months following (earliest April 2023).
- The report of phase two of the Grenfell Tower Inquiry is expected in 2022, which is also expected to contain recommendations for FRSs.

### **Next steps:**

The NFCC continues to work via the JRG and other forums to support the HSE in the effective development of a target operating model towards which FRSs can begin making more detailed plans.

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Procedure)(England) Order 2015 and the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013, also introduces a requirement that the fire statement is published on the planning register which each local planning authority must maintain; and introduces a requirement that the HSE is consulted by the local planning authority before the grant of planning permission involving a relevant high-rise residential building.

## Appendix 7

In the meantime, Buckinghamshire Fire and Rescue Service will continue to engage nationally with the NFCC and Regionally through the South East working group, to fully understand the implications and demands expected to be placed on the Service.

Including additional resource requirements, development and training of additional fire safety inspecting officers and fire safety engineers, anticipated caseloads, financial implications and governance around implementing the Bill.