

Building a Safer Future

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Background

The Grenfell Tower fire was a tragedy and showed a need to make major changes and improvements to the building safety system. The Independent Review led by Dame Judith Hackitt, found that there are issues in the way some high-rise residential buildings are built, managed and looked after. Her review also found that sometimes residents are not confident that their buildings are safe and have been unable to get their concerns taken seriously.

To address these issues, the government have developed a set of policy proposals to improve the fire and structural safety of high-rise residential buildings. These proposals will include:

- clearer responsibilities for those building or managing these buildings;
- a stronger voice in the system and better information for residents;
- greater oversight by regulators; and
- tougher enforcement when things go wrong.

What are the implications for Somerset West & Taunton Council?

Dame Judith Hackitt's Independent Review recommended applying new requirements for buildings over 10 storeys. However the government have looked again at the evidence and propose a wider scope because of the numbers of fires in these buildings and the risk to people's safety. They are now proposing that the new building safety regime will be for buildings that are:

- lived in by multiple households; and
- 18 metres high (6 storeys) or more.

Home Office research also shows that fire incidents in supported/sheltered housing can be high, so they want to design a system to include buildings where vulnerable people sleep, can be included. This is particularly relevant to SW&T with the Kilkenny Court and Lodge Close facilities.

Throughout the consultation document, there are continued references and indicators that this is just the first step, and that the scope will be adapted and expanded to cover more buildings over time.

For Somerset West and Taunton Council, the key implications will now centre around two key areas:

- The new dutyholder regime.
- Putting residents at the heart of the new regulatory system

The new dutyholder regime

For the new building safety regime to work, the council will be required to clearly set out who is responsible for keeping the building safe, this will involve:

- Creating a new 'accountable person' role. This named person will be the dutyholder responsible for making sure that building fire and structural safety risks are reduced as much as reasonably practicable when people are living in the building.
- Dutyholders will create a 'safety case' which contains all the important information about a building that shows how the dutyholders are managing any fire or structural risks on an ongoing basis.
- The accountable person may also employ a 'Building Safety Manager' who has the right skills and expertise to look after the building(s). Their role would be to help the accountable person by doing the day-to-day work involved with keeping a building safe. e.g. the Building Safety Manager would be there to deal with any safety problems they find or are reported by residents in the block(s) they are responsible for.

The council will also be responsible for ensuring premises are safe throughout various stages of its life, through the creation of a Golden Thread of building information. This will be a key set of documents, held digitally on building information, and will include information on the structure of the building and any changes made to the building through refurbishment. It will also allow the dutyholder to demonstrate how they are managing risks at 'gateway points', including:

- Part A – duties when a building is being designed and built
- Part B – duties when people are living in the building
- Part C – duties that run throughout the building's life cycle

The new system will also make sure that all dutyholders employ people who are suitably qualified and competent, the consultation document classifies competence as an individual having the ability to apply the necessary skills, knowledge and behaviours to make informed decisions and carry out their job effectively.

Putting residents at the heart of a new regulatory system

The views and concerns of residents should never be ignored by those responsible for managing the safety of their buildings. The accountable person will have specific duties to residents, which will include:

- Providing residents with the information they need so that they understand the protections in place to keep their building safe from structural or fire issues.
- Setting out how we engage with residents and how residents can get involved, and benefit from participating in building safety.
- To ensure residents can raise safety concerns, the accountable person will need to have a clear process for how they will respond to residents' concerns.

These proposals will give residents a stronger voice too, allowing them to hold us responsible for the safety of their buildings, and to account. Residents will be empowered by having better access to information about their building and have more of a say over decisions made about the fire and structural safety of their building, such as:

- Requesting detailed information about their building and fire safety.
- The ability to raise concerns where individuals may be putting themselves and their neighbours at risk. There will be a clear obligation on residents to co-operate with the work of the accountable person to keep the building safe.
- Residents will be able to take urgent safety concerns to the new regulator if the accountable person fails to deal with them properly.

Enforcement, compliance and sanctions

Through strong oversight by the new regulator, those responsible for the safety of buildings must comply with their responsibilities and will be held to account if they do not. The Independent Review found that those responsible for the safety of buildings were not discouraged enough from failing to comply with their responsibilities as they are not often held to account by the current regulators.

The government will now take a tougher approach to those that do not comply with their responsibilities under the new regime, and are proposing to:

- Create new criminal offences to make sure that those responsible for the safety of residential buildings throughout their lifecycles, comply with their responsibilities;
- Give the new regulator the power to take quick and effective action, through monetary penalties such as fines, when the requirements of the new regime have not been met.

What we will do

Somerset West and Taunton Council are in the fortunate position that we have no buildings that fall into the high-rise and high-risk category, but we do have extra-care facilities, with a number of tenants requiring sheltered accommodation within our general needs portfolio, and of course, a significant number of flat blocks, lived in by multiple households.

The accountable person will be the Chief Executive, although they will delegate day-to-day responsibility to the Property Compliance and Health and Safety Specialists. It is they who will be ultimately responsible for ensuring tenants are provided with the information they need to help them understand the protections that are in place to keep their building safe and, subject to approval, provide support and guidance to the proposed Building Safety Manager(s).

We are proposing the creation of two additional case manager posts who will be designated Building Safety Managers, in order to allow the council to comply with these latest regulations. The post holders will be responsible for:

Appendix A

- Undertaking (as a minimum), quarterly fire safety checks of all communal areas within flat blocks, or more frequently where there are serious safety concerns or breaches of policy and procedure.
- Understanding the Regulatory Reform (Fire Safety) Order 2005, and have the ability to work collaboratively with tenants to ensure that they, and the council, meet all their statutory obligations
- Acting as liaison between tenants and contracts team to ensure works identified within Fire Risk Assessments are carried effectively and in a timely manner.
- The issuing of enforcement notices where appropriate
- Delivering workshops, training and developing communication strategies to support tenants in understanding their responsibilities.
- Supporting the implementation of actions in the council's corporate and commercial (GF) portfolio.
- Providing a gateway for tenants to raise their own concerns through fire safety, allowing them a voice and ensuring it is heard.

Through implementation of the above, we will be better able to engage with our community, building on the good work that has already taken place through Tenant Board meetings and Newsletter communications, thereby allowing the council to demonstrably show it is doing the right thing by way of all its tenants, staff and customers.