

Decision Report - Key Decision

Forward Plan Reference: FP 22/11/02

Decision Date – 15/03/23

Building and Resident Health & Safety Strategy

Executive Member(s): Cllr Bill Revans - Leader of the Council

Local Member(s) and Division: N/A as Somerset wide

Lead Officer: Duncan Sharkey, Chief Executive, SCC

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1. Summary / Background

1.1. Following the Grenfell disaster there are two new pieces of regulation that have been enacted by Parliament and will be phased into law until April 2024. These are:

- the Building Safety Act 2022
- Social Housing Regulation Bill 2022

As the current owners of Social Housing Stock, Sedgemoor District Council (SDC) and Somerset West and Taunton Council (SWT) jointly commissioned an independent Housing Consultant, Savills, to support the development of a Building and Resident Safety Strategy and Action Plan. The early adoption of this Strategy allows for the new Somerset Council (SC) to be in the best position to plan and prioritise actions as we start as one Housing Revenue Account on 1st April 2023.

SDCs housing stock is managed by Homes in Sedgemoor (HiS), an Arms-Length Management Organisation (ALMO). SDC is the sole shareholder of this organisation and HiS has worked closely with SDC and SWT on the development of this strategy.

1.2. The Building Safety Act applies to the owners of social and affordable rented accommodation formally owned by SWT and SDC. SC will be required to manage safety risks, with clear lines of responsibility for safety during design, construction, completion, and occupation of high-rise buildings, of which there is only one in the new estate, Westfield House in Bridgwater. The Building Safety Regulator will also require a golden thread of information,

with safety considered at every stage of a building's lifetime. SC will be required to report to the Building Safety Regulator annually.

The Social Housing Regulation Act aims to deliver a number of measures to give tenants greater powers, improve access to swift and fair redress, and enhance the powers of the Regulator of Social Housing.

- 1.3.** To ensure that SC is ready to meet those statutory obligations, the Building and Resident Health & Safety Strategy has been developed and via adherence to the provisions of this Strategy, SC will be able to ensure full compliance with its Regulatory, Statutory and Legislative obligations and requirements as a Registered Provider and be able to provide relevant evidence and assurance to Officers, Council Members, Residents and any/all other relevant stakeholders that this is the case. This also a product of the LGR Housing 1 –Housing Landlord Functions sub workstream.
- 1.4.** The draft Strategy attached as Appendix A and associated Action Plan as Appendix B. Please note that the Strategy is in its infancy and will continue to evolve after vesting day which will include the development of all associated appendices to the Strategy.

2. Recommendations

2.1. It is recommended that the Executive;

- a) approves the adoption of the Building and Resident Health & Safety Strategy and its associated Action Plan.
- b) recognises and accepts the Corporate Accountability as set out within Section 5 of the Strategy to ensure the safety of our Buildings and Residents and develop the appropriate reporting and monitoring structure to ensure full compliance.

3. Reasons for recommendations

- 3.1** The primary reason for the recommendations is to ensure SC is able to respond to new statutory regulations as the new Building Safety Act continues to be and is fully enacted in 2024.
- 3.2** The early adoption of the strategy provides an excellent pathway to support the alignment of policies, procedures and operating methods as the two housing operating models are managed in one Housing Revenue Account.
- 3.3** As the new Council embeds, the Strategy clearly outlines the specific roles, responsibilities and accountabilities of both Council Officers and Members for implementation of the measures and commitments set out within it.
- 3.4** In respect to the Building Safety Act, this piece of legislation has wide-ranging implications and as such is intended to be implemented by Central Government over a transitional timetable extending into 2024. This is also the case for many of the reforms and changes intended to be introduced by the Social Housing Regulation Bill 2022.

4. Other options considered

- 4.1.** There were no other options considered as the Building Safety Act will be enacted early in 2024 and SC needed to be in a strong position, to meet those regulatory requirements.

5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 5.1.** The new corporate plan is currently being developed.
- 5.2.** This decision to adopt the Building and Resident Health & Safety Strategy will ensure services are safe and legal from vesting day.

6. Consultations and co-production

- 6.1.** Co-production by the two District Councils through the LGR Housing 1 – Housing Landlord Function sub workstream, including joint senior officer workshops led by appointed consultants Savills.

Homes in Sedgemoor's (HiS) primary channel for consultation will be via the Sedgemoor Tenants Assurance Committee (STAC) which is a sub-committee of HiS Board, comprised of residents with a remit of gathering and monitoring customer insight, ensuring that customers' experiences are influencing services and of therefore bringing customers closer to the Board.

STAC will be considering the Strategy at their meeting on 12th January 2023. Information will also be included on the HiS website in due course.

The Building and Resident Safety Strategy is also specifically referenced in the HiS Customer Influence and Engagement Strategy 2022-2025 which is being presented for HiS Board approval on 31st January 2023.

SWT have undertaken informal engagement with its Tenants Strategic Group on the draft strategy and sought feedback at meetings on 16th and 30th January.

Informal and formal engagement with Council Members is planned as follows:-

Date	Meeting		Comments
17 October 2022	Executive/SLT	HRA Briefing Paper	Brief introduction to Building Safety Act
31 January 2023	Homes in Sedgemoor Board	Draft BRHSS	Approve Strategy subject to ratification for Somerset Council
01 February 2023	SAI Board	Draft BRHSS	To endorse report and strategy
02 February 2023	LGR Programme Board	Draft BRHSS	To endorse report and strategy
06 February 2023	Executive/SLT	Draft BRHSS	Presentation from Savills to endorse report and strategy
02 March 2023	Joint Scrutiny	Draft BRHSS	To endorse report and strategy
15 March 2023	Executive	Draft BRHSS	Recommendation Adoption of Strategy

BRHSS - Building and Resident Health & Safety Strategy

- 6.2.** The Service Alignment Board has been consulted and endorsed the report, draft Strategy and Action with minor amendments on 1st February 2023.
- 6.3.** The Programme Board was consulted and endorsed report on 2nd February 2023.

- 6.4. The Executive SLT was consulted and endorsed the report on 6th February 2023.
- 6.5. The LGR Joint Scrutiny committee was consulted and fully endorsed the report on 2 March 2023.

7. Financial and Risk Implications

- 7.1. The Action Plan (Appendix B) when fully developed, will identify the actions that need to be implemented by SC to ensure compliance with the Act. The funding for these compliance actions will be found within the Housing Revenue Account (HRA). However, there will be a financial impact on the HRA which may result in balancing the overriding Health and Safety of the Estate and its tenants, with the ambitions of the overall improvements of the Estate including the Climate Change Retrofit programmes.
- 7.2. Failure to comply with the Building Safety Act sits under the overarching risk of Regulatory and Compliance failures within the Housing Landlord Function Service and the early adoption of this Strategy will mitigate such risks.

Inherent (current) risk score

Likelihood	3	Impact	4	Risk Score	12
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Projected (residual) risk score

Likelihood	3	Impact	3	Risk Score	9
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8. Legal and HR Implications

- 8.1. The Building and Resident Health & Safety Strategy and Action Plan has been drafted in response to the Building Safety Act 2022 and the Social Housing Regulation Bill 2022, new pieces of regulation that will apply to the new Somerset Council as a residential landlord (though the strategy is wider than these two pieces of legislation). The adoption of the Building and Residential Health & Safety Strategy puts SC in a pre-emptive position to plan and comply with the new regulations in good time.
- 8.2. The Building Safety Act 2022 sets out safety requirements for the Council as a landlord of higher-risk buildings. Higher-risk buildings are at least 18m or 7 storeys high, with 2 or more residential units. The safety rules cover the different stages of building which includes not only the design, planning and construction stage but also post construction whilst tenants and leaseholders

live in the building. The new rules therefore apply to existing higher-risk buildings which are occupied by council tenants and leaseholders.

The Act focuses on the 'building safety risk. It establishes a new building safety regulator, a role which will be fulfilled by the Health and Safety Executive with new powers to enforce and regulate the requirements of the Act. The Act also requires the appointment of an accountable person who will have an ongoing duty to ensure the fire and structural safety of the building and will be responsible for making sure that statutory obligations for higher-risk buildings are met. The Accountable Person will have a duty to assess building safety risks and take reasonable steps to prevent/control the impact of incidents in the building caused by those risks. It must also produce a 'Safety Case Report' to demonstrate that it has assessed the building safety risks and show how it will meet its ongoing duty. This must be kept up to date. A 'golden thread' of information regarding a building must be created, stored and kept up to date throughout the building's life. The intention is that the right people should be able to access the right information at the right time to ensure that buildings are safe and building safety risks can be properly managed.

The Strategy and Action Plan are an extremely important part of the council's governance of its statutory building safety requirements and duties, setting out how the council will ensure compliance with those requirements and duties, with both officers and members having key strategic responsibilities, and provides a means for monitoring and auditing compliance and holding those officers and members to account for resident and higher-risk building health and safety.

HR implications will be dealt within the new structure of SC. However, specific attention will be required on how the Key Strategic Roles and responsibilities will be resourced and managed. Section 5 of Strategy identifies the roles for Senior Officers and Council Members.

9. Other Implications

9.1. Equalities Implications

The Strategy is the overall system framework to ensure that all people living in their social/affordable rented accommodation are assured that their homes are safe to live in including any adaptations to the properties that may be required to keep them safe. If tenants, they need to raise any issues regarding building or community safety, that they are both safe and their voices are heard and acted upon by SC.

There will be a number of residents that are in the protected groups and all policies and procedures will take those protections into account.

9.2. Community Safety Implications

The Strategy details our accountability to residents specifically in the physical safety of their homes. However, there is an emphasis on listening to the 'Tenants Voice' which gives them the opportunity to become more involved in decision-making regarding the management and delivery of services their home and neighbourhood. Communication improvements and subsequent actions should have a positive impact on the perception of community safety and the overall wellbeing of our tenants.

9.3. Sustainability Implications

The Strategy sets out what needs to be actioned, with many of those actions requiring physical improvements to the housing stock and as such there are no immediate sustainability implications. However, all improvements will be approved individually, and the potential sustainability impact (positive or negative) will be set out for consideration of Council Members as works are approved. As a matter of course, all stock improvements are considered with sustainability as a priority.

9.4. Health and Safety Implications

Section 4 of the Strategy (Appendix A) and Action Plan (Appendix B) sets out how SC will meet its statutory compliance including how it will be monitored, giving Councillors assurance through formal reporting structures and reported to the Social Housing Regulator. The Corporate Accountable person (Chief Executive) responsibility will need to ensure appropriate reporting structures are developed.

9.5. Health and Wellbeing Implications

Section 6 of Strategy sets out requirements of the Social Housing Regulation Bill and the Regulator for Social Housing's Tenant Involvement and Empowerment Standard and Customer Satisfaction Measures which includes for the provision of/access to information for residents relating to the key health and safety-related risks of the building they occupy as their home.

By putting in improved and appropriate communications for Tenants to report issues, complain or suggest improvements it is likely the overall feeling wellbeing will improve.

9.6. Social Value

At this point there is no procurement planned. However, as the delivery of the Action plan proceeds this will include procurement exercises, each of which will be reported individually, and will seek to secure the wider social, economic, and environmental benefits as defined by the Public Services (Social Value) Act. SC's Social Value Policy.

10. Scrutiny comments / recommendations:

10.1. The LGR Joint Scrutiny committee was consulted and fully endorsed the report on 2 March 2023.

11. Background

11.1. The Building Safety Act was granted Royal Assent and passed into law on 28 April 2022.

The Act is a central element of the Government's response to the Grenfell disaster of 14 June 2017 and is "intended to secure the safety of people in or about buildings and to improve the standard of buildings." The Act is being introduced in stages and will be fully enacted by 2024. The main provisions are outlined below.

Part 2: The Building Safety Regulator

This Part creates a new Building Safety Regulator (BSR), charged with certain specific objectives, guided by given regulatory principles, and subject to a series of duties with regard to building safety. Those objectives are to:

- a) secure the safety of people in and around buildings and
- b) improve the standard of buildings

The BSR's primary duty will be to facilitate building safety in higher-risk buildings (18m or more in height or having at least 7 storeys usually).

Other duties will include:

- assisting with regulation
- establishing and engaging a formal Residents' Panel
- establishing a new Building Advisory Committee

The BSR will have a number of powers to require fire and rescue, local authorities or others to assist them in their duties with criminal offences in place for failure to provide information or for the provision of misleading information.

Part 3: A New Building Control Regime

This section amends the Building Act (1984) and establishes Higher Risk Buildings as 18 m in height or having at least 7 storeys and enables a new building control regime dedicated to such buildings as well as a new system of registration and supervision of building inspectors and 'approvers'.

A "Gateway" approach to development is introduced to ensure building safety is considered at each stage of a buildings design and construction, and to create 'a golden thread' of information about the design and construction process to ensure buildings are safe and building safety risks managed throughout the building's lifecycle. It becomes a criminal offence to contravene Building Regulations.

Part 4: Management of Safety in Higher Risk Buildings

a) Assessment and Management of Risks

A building safety risk is defined as "a risk to the safety of people in or about a building arising from spread of fire, structural failure or any other prescribed matter with an HRB in this context being a building that is at least 18m in height or has at least 7 storeys and contains at least 2 residential units or as otherwise as may be prescribed".

In terms of Safety Management Duties, Part 4 establishes a duty for HRBs to be registered and, if directed by the BSR to apply for and display (section 82) a building safety certificate. It also creates a series of 'relevant duties', that include:

- a duty to assess building safety risks
- a duty to take relevant steps to manage building safety risks
- a duty to prepare and provide to the BSR a 'safety case report'
- duties relating to mandatory occurrence reporting, with criminal sanction for noncompliance,
- duties to provide information to the regulator and others including residents, in effect to achieve 'the golden thread' of information, and
- a duty to produce a residents' engagement strategy to promote participation in making building safety decisions

11.2. Earlier this year the Social Housing Regulation Bill was introduced to Parliament. The Bill aims to deliver the proposals set out in the Social Housing White Paper by introducing a number of measures to give tenants

greater powers, improve access to swift and fair redress, and enhance the powers of the Regulator of Social Housing.

The Bill seeks to improve the regulation of social housing by bringing forward a stronger and more proactive regulatory regime and putting in place the measures set out in the Social Housing White Paper.

The measures announced under the Bill will for example:

- Enable the regulator to intervene with landlords who are performing poorly on consumer issues and guarantee timely action where the regulator has concerns about the decency of a home
- Enable the regulator to inspect landlords and arrange emergency repairs to ensure tenants are provided with good quality accommodation
- Provide tenants with greater transparency about their landlord's performance by introducing a new set of Tenant Satisfaction Measures
- Enable tenants to access information related to the management of social housing
- Add safety to the regulator's objectives and require registered providers to appoint a health and safety lead
- Require the housing ombudsman and the regulator to cooperate to provide better protection for tenants

11.3. As a responsible landlord provider of social and affordable rented accommodation an overall strategy was commissioned for maximising the safety of building which represent that accommodation and the health and safety of the residents (whether tenant of Leaseholder) who occupy these building as their home. This strategy also includes the requirements of the Social Housing Regulation Bill.

11.4. Strategy attached as Appendix 1 sets out how SC will operate an overall System/Framework to ensure the fulfilment of its obligation and requirements regarding building and resident health.

12. Background Papers

12.1. HRA Briefing Paper (Appendix C)
Savills Building and Resident H&S Strategy presentation (Appendix D) as presented to the Executive SLT on 6th February.

Report Sign-Off

		Date completed
Legal Implications	Honor Clarke	10/02/23
Governance	Scott Wooldridge	08/02/23
Corporate Finance	Jason Vaughan	26/01/23
Customers, Digital and Workforce	Chris Squire	27/01/23
Property	Paula Hewitt / Oliver Woodhams	03/02/23
Procurement	Claire Griffiths	19/01/23
Senior Manager	Duncan Sharkey	23/01/23
Commissioning Development	Sunita Mills / Ryszard Rusinek	18/01/23
Executive Member	Cllr Bill Revans - Leader of the Council	27/01/23
<u>Sign-off Key Decision / Consulted on Non-Key Decision</u>		
Local Member	N/A as Somerset wide	N/A
Opposition Spokesperson	Opposition Spokesperson - Leader - Cllr David Fothergill	19/01/23
Scrutiny Chair	Scrutiny Committee – Joint Scrutiny for Local Government Reorganisation Committee- Cllr Bob Filmer	05/02/23
Scrutiny Chair	Scrutiny For Policies - Adults and Health Committee - Cllr Rosemary Woods	18/01/23
Scrutiny Chair	Scrutiny For Policies - Adults and Health Committee - Cllr Rosemary Woods	03/02/23
Scrutiny Chair	Scrutiny for Policies - Childrens and Families - Cllr Leigh Redman	29/01/23
Scrutiny Chair	Scrutiny for Policies and Place Committee - Cllr Gwil Wren	10/02/23



Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Version

1

Date

29 December 2022

Description of what is being impact assessed

The Building and Residential, Health and Safety Strategy 2023 to 2025

Building Safety Act 2022:

The Act applies to building owners and the built environment industry including those who commission building work and participate in the design and construction process.

The focus of the Act is on high-risk buildings which are described as high-rise buildings that are at 18 metres or 7 storeys high. The estate of the new Somerset Council will have one such building, Westfield House, Bridgwater.

Social Housing (Regulation) Bill 2022:

The bill aims to deliver the proposals set on the white paper – increasing protection for tenants and empowering them against landlords.

1. Broadening the remit of the Regulator of Social Housing (RSH)
2. Strengthening consumer feedback regime
3. Increasing transparency

This is a high level impact assessment, with further impact assessments being undertaken as policies are developed.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

The strategy is the overall system framework to ensure that all people living in their social/affordable rented accommodation are assured if they need to raise any issues regarding building or community safety, that they are both safe and their voices are heard and acted upon by the Council.

There will be number of residents that are in the protected groups and all policies and procedures will take those protections into account.

Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> • 	☐	☐	☒

Disability	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<ul style="list-style-type: none">•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sexual orientation	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
N/A	Select date			<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

Please note that an Action Plan forms part of the Building and Residential Health and Safety Strategy and this will ensure that any additional actions identified from this initial impact assessment are picked up.

Completed by:	Teresa Harvey
Date	6th January 2023
Signed off by:	Angela Farmer
Date	9th January 2023

Equality Lead/Manager sign off date:	Angela Farmer 9 January 2023
To be reviewed by: (officer name)	
Review date:	

