

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 26th June 2019

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

PORTFOLIO: Physical Environment

SUBJECT: Building Control Update

WARDS: All Wards

1.0 PURPOSE OF THE REPORT

1.1 To inform the Board of the recent changes made to building control regulation following the Hackitt Review.

2.0 **RECOMMENDATION: That the presentation is received by the Board to explain the implications of the Government's Implementation Plan**

3.0 SUPPORTING INFORMATION

3.1 The Grenfell Tower disaster occurred on the 14 June 2017. The Independent Review of Building Regulations and Fire Safety was announced by government in July 2017 following that tragedy and was led by Dame Judith Hackitt.

3.2 The final Hackitt Report was published in May 2018, and the Government published its Implementation Plan in December 2018. This also led to a new version of 'Approved Document B', under the Building Regulations, dealing with Fire Safety.

4.0 POLICY IMPLICATIONS

4.1 Dame Hackitt concluded that the ability for duty holders (contractors / building owners) to choose their own regulator (approved inspectors) must stop and regulators must be able to enforce as regulators.

4.2 The key implications are as follows:

- Significant technical regulatory changes introduced with virtually no transition period

- Only local authority building control will be able to regulate higher risk residential buildings
- There will be no choice of regulator
- The new Joint Competent Authority (JCA) will combine regulators (Local Authority Building Control, Fire and Rescue Authorities, Health and Safety Executive) – similar to the Safety at Sports Grounds approach.
- The regulatory framework and enforcement will be strengthened and will be more onerous
- Those directing regulatory services will have the responsibility to ensure competence and that resources match demand. This means validating surveyors and ensuring resilience.
- Records must be consistent, detailed and secure.

5.0 FINANCIAL IMPLICATIONS

5.1 No immediate financial implications as the response to these regulatory changes will be met from existing budgets.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

There are no direct implications for the priorities given below as these are national changes.

6.1 Children & Young People in Halton

6.2 Employment, Learning & Skills in Halton

6.3 A Healthy Halton

6.4 A Safer Halton

6.5 Halton's Urban Renewal

7.0 RISK ANALYSIS

7.1 The main risk arises from a more complex legal framework and responsibilities. For example local authority senior managers overseeing commissioning new buildings, refurbishment and maintenance will have duty holder responsibilities – potentially with a similar weight to corporate manslaughter and Construction, Design and Management (CDM) Regulations in health & safety.

7.2 Potential for legal action against local authorities. Murphy vs Brentwood may not protect local authorities because it applies to economic loss not life loss.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 This report has no direct implications for equality and diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Hackitt Review https://www.gov.uk/government/collections/independent-review-of-building-regulations-and-fire-safety-hackitt-review	Online	Tim Gibbs
Building a Safer Future: Implementation Plan https://www.gov.uk/government/publications/building-a-safer-future-an-implementation-plan	Online	Tim Gibbs
Building Regulations Approved Document B https://www.gov.uk/government/publications/fire-safety-approved-document-b	Online	Tim Gibbs