



Building a Safer Future
Proposal for reform of the building safety regulatory system

G15 response

About the G15

The G15 is the group of London’s largest housing associations. Our members house one in ten Londoners and own or manage more than 600,000 homes across the country. We’re independent, charitable organisations and all the money we make is reinvested in building more affordable homes and delivering services for our residents. Each G15 member is different, but we’re all striving towards the same goal – to solve the capital’s housing crisis and improve the lives of Londoners.

<https://g15.london/>

Contents

Introduction	3
Stronger requirements for multi-occupied high-rise residential buildings	5
A new duty holder regime for residential buildings of 18 metres or more	7
Part A: Duty holder roles and responsibilities in design and construction	7
Part B: Duties in occupation	13
Part C: Duties that run throughout a building’s lifecycle	19
Residents at the heart of a new regulatory system	23
A more effective regulatory and accountability framework for buildings	26
Enforcement, compliance, and sanctions	30
G15 contacts	33

Introduction

The G15 welcome the opportunity to feedback on the government's proposals for reforming and improving the regulatory framework for building and maintaining buildings safely. Ensuring our homes are safe for the residents who live in them is our single greatest responsibility as a landlord, and we share the government's priority of reviewing the regulation and legislation to make sure the social housing sector is doing everything it can in its approach to safety.

In this spirit, **we wholeheartedly support in principle the measures laid out by the government** in its consultation document. The ambitious approach set out will increase building safety for current and future residents.

While we support the government's focus and approach to improving safety, there are several areas on which we would highlight challenges or ask for further clarification:

- **Structure.** The measures laid out represent a significant departure from the way social landlords have managed safety in buildings to date. Currently we manage safety in a linear, *horizontal* fashion: we have various workstreams for gas, electricity, fire safety, and others, and we manage teams and people that ensure we achieve a high standard of safety in each of these workstreams across all our homes. Setting up and implementing this new building safety regime will necessitate changes to the way landlords typically operate, with the need for an additional layer of holistic, *vertically* integrated building safety management which oversees all workstreams simultaneously. This is the greatest change in the proposed system relative to the current system, and though we see that it has great potential to increase accountability and make residents safer, the magnitude of the practical and cultural changes that housing associations will need to make should not be understated.
- **Cost.** The new regime will significantly increase housing associations' costs in four ways: 1) the increased cost of developing new homes, 2) the increased cost of maintaining homes, 3) the cost of improving existing homes, and 4) the cost of developing and maintaining building safety cases. Without additional grant from the government, this will adversely affect our ability to build the affordable homes London needs,¹ or worse still, make our homes less affordable due to increased service charges.
- **Transition period.** As the proposals are far-reaching and ambitious, their implementation will take some time. Social landlords should not be hurried into delivering the changes; we need to make sure we get them right.
- **Scope.** Further clarity is needed about which types of buildings will be included in the new regime. We respect that this is a question the government is seeking guidance on in its consultation, but for landlords' business plans it would be useful for this to be confirmed as soon as possible.
- **Technology.** Developing, implementing, and maintaining a live safety case system will require us to develop an entirely new approach to building management, with new processes and software systems. This will require investment in new and costly IT solutions for many associations. There will need to be a difference approach between new build and existing buildings in the formation of safety cases, as it will not be pragmatic or practical to expect both to be the same.

¹ London already faces a huge housing funding gap: [research by the G15 and the GLA](#) found that to build the 32,500 affordable homes a year that London needs, funding would need to increase to £4.9bn a year.

In addition, whilst not directly related to this specific consultation, we would like to raise a concern in relation to retail mortgage lending on tall buildings with external wall systems. There is an emerging risk that lenders are seeking information in relation to such buildings that is not yet available. In some cases this information may not be available for some time. In the meantime if this approach becomes widespread it could leave existing leaseholders in such buildings unable to move. We are deeply concerned at the negative impact that this could have on people living within our homes.

We hope that the government will continue to engage with the G15 and the wider housing sector about the above concerns and the development of the new safety regime more generally.

Our answers to the specific questions posed in the consultation document follow overleaf.

Stronger requirements for multi-occupied high-rise residential buildings

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)?

Yes, 18m and above is an appropriate threshold for the new regime to initially affect. We would ask for more clarity on exactly what is meant by 18m: should the measurement be taken to the apex of the roof structure, or to the upper floor windows, or the floor height on the top story?

We note that when considering building safety, the height of the building is only one of many factors, and that over time the government may want to bring more buildings into the new regime. In the meantime, some associations may do this voluntarily. We would caution that if more buildings are mandatorily added into scope, that the workload and cost implications may slow the implementation of the new regulations.

Above all, we would ask for final clarification on the scope as soon as possible, as members have already begun to prepare for the implementation of these proposals. If more buildings are to be included, knowing which are to be included is essential to our planning.

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

It is essential to provide clear guidance for how responsibilities are assigned in cases of complex ownership structures. This is especially true for existing blocks built under older regimes which did not require accountable persons.

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

If the new regime applies only to high-rise residential buildings, clearly the existing regime needs to operate in parallel. Safety risk is a continuum rather than a cliff edge; inspection regimes and remedies should be proportionate to the risk identified when considering the building's attributes (both physical and occupant-related). Hackitt discusses a "layers of protection" approach, making responses proportionate to the risks posed. In practice housing associations already do this: our safety requirements for high-rises are different for low-rises, and those for general needs are different to supported housing.

If the government wanted to ensure some objectivity in social landlords' responses, the use of an independent fire engineer to provide definitive advice on a building by building basis may work well.

1.4-1.6: 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? Which of the 'higher-risk workplaces' in paragraph 42 would you consider to be higher-risk during the design and construction phase? Are there any particular types of buildings within these broad categories that you are particularly concerned about from a fire and structural perspective?

Although it would not be appropriate to bring them under the regime the government is proposing for high-rise residential buildings, we note the following types of building as higher risk:

- Timber-framed buildings
- Large panel system buildings
- Buildings converted to residential buildings which were not originally designed for that purpose
- Family homes sub-divided and converted to houses in multiple occupation.

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?

We recognise that residents with complex needs, whether physical or mental, provide greater challenges in the event of an emergency. This means that we generally treat low-rise supported housing with a different inspection regime than general needs accommodation, for example.

In principle we support applying proportionality to risk control measures, but if the scope of buildings covered by the new regime grows, the cost and speed of implementation will suffer as a result.

As discussed, if the new regime is to apply to more types of buildings than high-rises, we would want to know as soon as possible.

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?

It is essential to provide clear guidance for how responsibilities are assigned in cases of complex ownership structures. This is especially true for existing blocks built under older regimes which did not require accountable persons.

In particular we note that it would be unfair for one accountable person – be it an individual or a body corporate – to be responsible for fire safety in an entire building if he/she/it has no rights of access to parts of the building. If specific leaseholder responsibilities were written into new legislation, including a duty of care to neighbours, and greater access powers for the accountable organisation were granted, this would solve this problem. However, we acknowledge the competing rights of leaseholders to the quiet enjoyment of their homes.

A new duty holder regime for residential buildings of 18 metres or more

Part A: Duty holder roles and responsibilities in design and construction

2.1: Do you agree that the duties set out above are the right ones?

Yes, in principle these duties seem appropriate.

We would ask for clarity on whether the role of “designer” includes the architect, as this is not clear.

2.2: Are there any additional duties which we should place on duty holders?

No

2.3: Do you consider that a named individual, where the duty holder is a legal entity, should be identifiable as responsible for building safety?

There are problems with one individual assuming overall accountability. In practice, it would be hard for any individual to have enough oversight to fairly take accountability for the whole building at different stages of development.

An alternative would be to make the body corporate accountable overall. This makes intuitive sense, as making a building safe is inherently a team effort, and requires the adequate performance of many different individuals and teams working across many different workstreams.

A middle road would be to make the chief executive of the accountable organisation the named accountable individual, but this approach is problematic too, as chief executives (or other executive directors) may act with the best competence and will, but still not be personally at fault if something goes wrong.

We note that the Corporate Manslaughter and Corporate Homicide Act 2008 already places individual accountability on executive directors or other named individuals, if they are genuinely personally at fault.

2.4: Do you agree with the approach outlined above, that we should use Construction (Design and Management) Regulations 2015 (CDM) as a model for developing duty holder responsibilities under building regulations?

Yes. However, we would welcome greater clarity on what the role of Principal Designer involves. Under the CDM Regulations, it refers to meeting regulations 11 and 12, which specifically refer to health and safety aspects of the design in terms of its construction, safety in use, and maintenance, as well as its final demolition, and not the person or body being the Principal Designer for all aspects of the design.

We would want the role of Principal Designer to have further clarification to emphasise the need to remain involved throughout the construction phase and to carry safety critical-design features through to installation and handover, with any design changes through the construction phase being reviewed and approved by the Principal Designer before installation.

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?

Yes, the fire and rescue authorities should become consultees. However, the consultation document states that this proposal “an interim measure until the building safety regulator is established, at which point, we would consider the merits of the building safety regulator taking on this function.” If this is to be the case, that will serve as the “alternative” referenced in the question.

The fire authority consultation process ought to be with the fire authority local to the location of the construction and not limited to Fire Brigade access. The comments and recommendations should also be published alongside the planning information on the Local Authority Planning Portal so that the Designer or Principal Contractor can access them.

We note that different fire authorities apply different approaches and measures for fire safety, so we have concerns regarding regional consistency.

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?

Yes. It should include:

- Means of escape and travel distances
- Passive fire protection
- Active fire systems
- Means of detection and warning
- Structural features of relevance.

We note that different fire authorities may have differing messages. We would welcome a primary authority framework.

2.7-2.8: Do you agree that fire and rescue authorities should be consulted on applications for developments within the ‘near vicinity’ of buildings in scope? What kind of developments should be considered?

Yes. But this should only affect developments which the local planning authority considers could compromise access to the building(s) in scope.

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?

Yes. As described in the consultation document this would prevent designs being passed which then would be rejected at Gateway 2.

2.10: Would early engagement on fire safety and structural issues with the building safety regulator prior to gateway two be useful?

Yes. As detailed in the consultation document this engagement would ensure that at Gateway 2 plans do not need to be altered which would delay the approval process.

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?

Yes, provided initial consultation with the local fire authority has taken place.

2.12: Do you agree that the information at paragraph 89 is the right information to require as part of gateway two?

Annex D covers everything that should be expected within a fire strategy report and should be approved by a fire engineer for buildings above 18m. This should be revised during construction as systems are installed or design elements are changed. As the construction proceeds, the fire safety file should be assembled with evidence of the passive and active fire protection measures as they are installed so that on handover, both health and safety and fire safety files should be part of the final sign-off.

We have concerns that the requirements of Gateway 2 suggest we need to have everything procured before beginning construction. In most cases this makes sense, but in certain cases – for example, where we demolish a building – this may hold up the development process without good reason.

Gathering and maintaining the information in Annex D may require software and data management approaches which organisations do not currently possess/use.

2.13: Are these the appropriate duty holders to provide each form of information listed at paragraph 89?

We suggest A and B are predominantly architectural and fire engineer disciplines, C is a fire engineering discipline, and D is correct as stated in the consultation document.

2.14: Do you agree that there should be a 'hard stop' where construction cannot begin without permission to proceed?

We understand the desire to introduce hard stops to the process. If there is insufficient detail provided at Gateway 2 to provide confidence that the project will achieve compliance, a hard stop would ensure that the correct documentation is produced to ensure compliance.

However, in some cases it may be unreasonable to require all construction to pause whilst approvals are obtained for unrelated elements of the build (for example inspections of service installations preventing cladding installations from proceeding).

We support the principle that inspections must be carried out whilst the relevant part of the construction is accessible/visible to the inspector.

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?

Yes, discretion should be allowed, but this should only be applied in circumstances where the design concept is proven and that there are no anticipated major deviations from this. Ensuring consistency in approach could be difficult.

If a portal or drop folder system is adopted, then information and evidence could be “loaded” with the Principal Designer notifying the Regulator when all the information has been submitted for review.

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?

Yes – where the quality of work cannot be verified through a documented and photographic evidence base then this should be subject to dismantling or destructive inspection.

We would welcome clarity about penalties in such cases where work is carried out without approval.

2.18: Should the building safety regulator be able to prohibit building work from progressing unless non-compliant work is first remedied?

If the Regulator is given this power, it should be used infrequently.

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. Twenty-one days would be reasonable, with the assumption that work can proceed if the Regulator does not respond within the timescale. This would avoid delays.

2.20: Are there any circumstances where we might need to prescribe the building safety regulator’s ability to extend these timescales?

Yes – if, for example, the local fire authority has concerns or requires further clarifications.

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

Yes, but the Principal Contractor should also consult the architect or the organisation who has produced the original design as this may not be the client or the Principal Designer.

The role of the Principal Designer should be clarified in respect to design changes and once the agreed process has been satisfied, provide an “approval signature” to the changes.

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 – this will prevent unauthorised work being conducted and prevent work to be pulled down or removed during the inspection process.

We would welcome greater clarity on what constitutes a major or minor change.

2.23: What definitions could we use for major or minor changes?

A major change could be defined as any design change that would impact on the fire strategy or structural design of the building.

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

This would depend on the scale and scope of these changes. We would suggest seven days for small scale changes and 21 days for major and significant changes. This could be decided through negotiation between Principal Designers and the regulatory body beforehand.

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

Where the complexity of the proposal requires additional sufficient time to reach approval, or where there are changes that impact on the overall safety of the building during occupation.

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?

Yes, but we suggest an alternative process.

The process requires the cooperation of three key persons, the Principal Contractor as the person responsible for construction, the Principal Designer as the person responsible for safety in design (but not often present on site during construction) and the new role of the Clerk of Works, who would spend most, if not all, their time on site checking, inspecting and overseeing.

The final declaration would still not provide a 100% absolute assurance that everything is in accordance with the regulations, but would provide a reasonable level of assurance that the building elements have been installed and constructed in accordance with drawing and material specifications.

Safety critical elements should also need an independent check and sign-off from another competent person not involved in the installation. These would increase the overall cost initially until such time the process becomes imbedded in the routine.

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?

If the Regulator accepts that final works are proceeding (decoration finishing, signage installation and some non-safety critical commissioning works), then 21 to 28 days is reasonable. If the building must be complete and ready for handover, we suggest no more than 24 hours, to avoid undue delays.

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.

Where final safety critical evidence and certificates are yet to be finalised, or a safety critical system is not yet commissioned, then an extension is essential for those about to occupy the dwellings.

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?

The additional requirements of an accountable person – if the decision is taken to mandate that the accountable person is an individual – should be commensurate with the role undertaken. However as discussed, we would caution against one individual having complete accountability, as in practice all projects are the sum of many people's efforts and responsibilities.

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?

Section 177 states this will be a legal requirement.

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.

Partial occupancy should be permitted where it can be demonstrated that it is safe to do so.

2.32: Do you agree with the proposal for refurbished buildings?

Yes. Existing buildings by their nature present challenges in that their fundamental design cannot in many cases be altered. As such any significant refurbishment works should be subject to the gateway approval process.

What is not clear from the consultation document is how works will be permitted in occupied premises. This should also involve the local fire authority in the decision process for works subject to F10 notification while work is to take place while in occupation.

2.33: Do you agree with the approach to transitional arrangements for gateways?

Yes.

Part B: Duties in occupation

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?

The critical element is the provision of accurate guidance about what should be in the safety case review file and the standards that we are expected to provide to. Each high-rise residential building will have its own history, but it is important to set the parameters out. Reviewing the safety case file would require a high level of technical competency.

If there are any issues with backlog, then we would need a certificate for insurance or investment purposes, one option would be for the Regulator to consider a measure where a positive assessment on previous safety case reviews was taken into account. This could mean shift from a certificate being held for a building to a certificate being held for a landlord.

We are concerned about the capacity of the sector to cope, from all perspectives (landlord, regulator, designers, contractors). In particular, surveying/fire safety skills are in short supply and it will take some time before the levels of experience are readily available.

In practice safety case files are meant to be in real time. Safety case file updates point towards the need for a digital facilities management-style solution. This will require a significant transition period to adjust.

If a live document is necessary for scrutiny, this would involve linking the system with live repairs (something most landlords do not currently have the ability to do), and may require asset component tagging.

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

We believe a building pathology approach should be adopted. Survey, photographic schedule, structural survey, escape route plans, building site plans, building drawings, fire risk assessment, and compliance records.

Although initially focussed on new builds, the majority of safety cases will be for existing stock. With new builds the process should be easy to adopt and will be easily controlled. For existing buildings, we are concerned how the cases will be phased in and the capacity to do this. The same people doing the safety case files will need to manage fire safety remedial programmes.

The resources required to develop, update and maintain safety cases are significant. This will impact those landlords with a high number of high-rises disproportionately. The transition period must be long enough to accommodate this requirement.

Viability assessment of schemes will need to factor in the additional resources required for safety cases.

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.

It is important for the building to be reviewed when either the use changes or there are major works carried out. It should be divided into three elements:

- A section which is regularly updated by the Building Safety Manager. This should be anything that requires immediate updating, for example a change in contractor carrying out servicing, or remedial work carried out.
- A section which is reviewed on an annual basis. There should be a formal internal review which has an internal sign off by a prescribed group. This can strategically assess the risk in the building over the previous twelve months and record any actions that need to be taken. This should be brought forward if there is a reason to review it early, for example at the end of a major works programme.
- A section which is reviewed on a five-yearly cycle. This should be a formal process which looks afresh at the safety case and uses the baseline data but commissions new surveys, for example structural surveys and building survey.

We suggest an approach to major refurbishment or works similar to the gateway process proposed. We are concerned that the Regulator may not have the necessary capacity in the initial years to be as involved in existing buildings as may be required, possibly leaving duty-holders in a state of limbo. Assurance will need to be provided that they will have capacity or perhaps, as suggested previously, landlords could be certified/accredited providing residents, insurers and lenders that they are undertaking works/safety cases in a sound fashion.

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

It is critical that the government sets out the standards at which we should be operating, and then it will be for different organisations to respond to the framework in their own ways. There will be complexity around building ownership (e.g. where we lease) but fundamentally housing associations will be owners and managers of the building.

The most challenging element will be where we would expect to re-charge leaseholders for the costs of the safety work. The discussions have often been on high profile topics such as cladding but the safety case is likely to highlight remedial work such as fire stopping, especially around old heating systems or where the building has been adapted. The government ought to consider what it is prepared to support before we start doing these works rather than this to be carried out in a piecemeal way. We would suggest that anything that would not have previously been covered by a fire risk assessment, e.g. external cladding/structure, should not be recharged to leaseholders. But if government does not support this with additional grant, this will hurt our ability to build homes and provide services.

For new builds, where deficiencies are found, there should be better recourse through insurance schemes such as NHBC or directly with the constructors. Often, claims made to NHBC and other institutions do not offer full redress and this is a serious failing – owners and leaseholders should not have to incur a cost due to avoidable failings that they feel they are insured against. These schemes should be scrutinised and made fairer and more accessible.

3.5: Do you agree with the proposed approach in identifying the accountable person?

As discussed, the naming of an individual accountable person is problematic. The consultation indicates it could be a board member, but we are concerned that any individual – be it a board member, the chief executive, or a new role within the property/safety team – could not have the necessary oversight of the myriad of different work streams to be truly personally accountable.

We would welcome greater clarity on whether the duty holder is expected to be the same individual/body as the accountable person discussed in this section.

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.

Our members have some blocks where we are not the freeholder, but we are fully responsible for maintaining the structure. We are concerned that either the head lease or the freeholder could fairly assume responsibility for being the accountable person when there is no real control over what the other party does.

3.7: Do you agree that the accountable person requirement should be introduced for existing residential buildings as well as for new residential buildings?

Yes, it should be for existing buildings as well as for new buildings. Our experience is that existing buildings have similar safety issues and as a responsible landlord, we would expect to have a similar process to go through to make sure they are managed safely and effectively. This will be a regulatory burden but we think it will be one worth shouldering if it is managed effectively. There are plenty of examples where the safety case process would have identified critical issues, not least in the fires at Grenfell Tower or Lakanal, where the refurbishment work on existing buildings played a crucial role in the tragedies.

There need be no exclusions. Existing buildings cannot be deemed safe just because they are still in service and to ensure that they are being managed effectively and safely.

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?

If the regulator does not have capacity to manage and assess all buildings and if landlords are certified rather than specific buildings initially, one certified landlord could transfer to another certified landlord with just the regulator being notified and not directly involved.

3.9: Do you agree with the proposed duties and functions of the building safety manager?

The proposed duties are well set out. The challenge will be for the building safety manager to ensure the work is undertaken by a competent contractor and there are adequate funds to complete the work. There needs to be support from government to develop the skills in the construction industry to support this and requirements on identifying safety spend for landlords who have high-rises.

However, the proposed duties for the role suggests a team rather than an individual; the skills required to take responsibility for all building safety compliance disciplines, yet be available for every resident to report concerns, may not be practicable for one person.

3.10: Do you agree with the suitability requirements of the building safety manager?

Yes, this is a positive step forward to have this role/team and there is an acceptance that the skills will vary dependent upon the building and use. Guidance that follows will need to set out how many buildings a manager can manage and of what complexity, so the role is not diluted. The accreditation required for the role is a good idea. For larger organisations we suggest the need for a team approach to support the function.

3.11: Is the proposed relationship between the accountable person and the building safety manager sufficiently clear?

This will be a (not insurmountable) challenge for a large landlord or a landlord with a large portfolio of tall buildings. It is clear there can be no delegation of responsibility by the accountable person but there needs to be an understanding about how an accountable person can discharge their duties.

There could be a register of suitable building safety managers so that the accountable person can be satisfied that they are employing someone who has the right skills. The accountable person may not be technical enough to judge the suitability of candidates and although the manager will need to be registered once employed; it may save time and confusion if there was a qualification or registering body to choose from.

3.12: Do you agree with the circumstances outlined in which the building safety regulator must appoint a building safety manager for a building?

We think this is reasonably set out in the consultation document. We would not expect any social landlord to be in this position and recognise this should be a last resort.

If there was an approved qualification or register for suitable BSMs, the likelihood of this occurring would be reduced. It would also mean that the accountable person would be able to find a suitable replacement more easily.

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?

There is the potential for a building safety manager to be appointed for a wide range of buildings. There may be instances where the breadth of building or the total number of buildings do not match the building safety manager's capability. In this instance, the regulator may want to step in and, as a last resort, impose a building safety manager such as the collapse of an organisation.

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

There is a case for the minimum amount of time to impose a building safety manager to be for a set period, e.g. twelve months followed by three month extensions. This will allow the Regulator and the residents to have certainty while they get to grips with the underlying concerns they have.

3.15: Under what circumstances should the appointment be ended?

At the point the accountable person is able to demonstrate that they have appointed a suitable manager and that the manager has completed an agreed handover with the imposed manager. Where there is no agreement then the Regulator should have the final say.

3.16: Under those circumstances, how do you think the costs of the building safety manager should be met?

These costs should be re-charged to the landlord. These costs should not be able to be re-charged to residents.

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.

The approach will be more effective if there is a comprehensive training programme for this type of work which is adequately resourced. The weakness in the sector is both in terms of qualifications and experience. There can be a programme of improving education and qualification but it will take longer to develop the level of experience that is needed.

It offers transparency and assurance providing the regulator has the proper capacity to review the safety cases and issue the certificate in a timely manner. It would be a shame to have a slow roll out meaning that some residents would be left in buildings they felt were unsafe just because a review had not been carried out – a delayed review would not necessarily mean an unsafe building and that message would be difficult to manage.

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

The principles will work but there should be some consideration from government on subsidising, the cost of the registration.

For new builds this process is clear and fair. For existing buildings, we have concerns about timings and the fairness that some residents will be living in safe buildings while others will not just because one review was done before another. Roll out and timings will be crucial to getting this right.

3.19: Do you agree with the suggested approach in paragraph 183, that the building safety certificate should apply to the whole building?

If the whole building approach is adopted then there must be a range of tools that allow the accountable person to take action. See sections on Chapter 4. The existing powers that landlords have are limited and would not necessarily fit the requirement. A wider range of tools to give a balanced and proportionate response would be welcomed.

3.20: Do you agree with the types of conditions that could be attached to the building safety certificate?

Yes, as long as any time scale for special conditions is reasonable – for example many are still dealing with ACM not because they haven't taken action but because the industry was not able to support the demand.

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

Rather than a five year maximum, this could be amended to include a six month tolerance. The Regulator needs to be resourced appropriately to be able to carry this out in a reasonable time. There are clear obligations on landlords to provide robust management of the buildings they own and manage, but these need to be reflected by the regulator in having the appropriate technical and operational capacity.

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?

The evidential level should be set at the balance of evidence, with an assessment of the regulator with third party independent review undertaken by a qualified property and safety expert.

Part C: Duties that run throughout a building's lifecycle

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.

Any requirements on the use of BIM should take into account that it is significantly more onerous to implement BIM on existing buildings than it is on new buildings. They should also take into account the fact that implementing BIM involves significant process changes, acquiring and implementing new technology and infrastructure, data transfers, and training. Regulations should allow sufficient time for full and successful implementation.

We would support requirements on the use of BIM specifically for capturing information on external walls. For low risk buildings this could be collected over a longer period of time.

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, but we would appreciate further clarity on the standard set of reporting requirements which support the key documents in the safety case and building operation information.

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.

The key dataset should include, as a minimum:

- Quantity and location of all building services and ducting/risers (e.g. gas, electrical, water, ventilation, dry risers, etc.)
- Means of escape
- Cause and effect of fire safety systems
- Occupation and management arrangements
- Details of any refurbishments (specifications and drawings)
- Cladding and façade information, including materials and compliance

As mentioned in 4.2, we would appreciate further details on what information should be included in the key dataset. We would also appreciate clarity on whether the key dataset needs to be 'live'.

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.

Yes. The key dataset will provide useful information for contractors, building operators, residents, potential purchasers, mortgagers, and existing leaseholders.

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. The key dataset should be open and publicly available. We would not recommend making more detailed technical information available, since this will not be intelligible or useful to most residents. It may also lead to queries which would require a disproportionate level of resources to respond to.

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.

Yes. Risk assessments and residual design risks with mitigation strategies should also be included.

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. The problems in building safety have been more due to lack of accountability than lack of clarity. Lack of accountability has led to complacency and a 'tick box' attitude to building safety. However there is evidence of a lack of understanding of existing requirements among landowners, who should do more to ensure due diligence is part of the building process.

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.

As with question 4.6, details on any residual risks and mitigation strategies should be included.

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.

Responsibilities for these roles must be set out clearly. In relation to establishing reporting systems, we would appreciate clarity on whether the government envisages these as alternatives to the existing mechanisms for reporting systemic issues to the regulator.

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. A just culture is essential for ensuring that everyone is empowered to challenge poor practice and share learning throughout the industry, to achieve better standards.

4.11: Do you agree that, where an occurrence has been identified, duty holders 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?

Yes.

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. However, we would appreciate further details on how reporting on this could occur at design stage.

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.

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

No.

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. Since design is an iterative process, occurrence reporting during design is very difficult to implement. It would be better to monitor occurrences at the gateway points. If the proposed mandatory occurrence reporting is introduced at design stage, further detail would be required on what occurrences count as reportable – for instance, whether data anomalies count, and if so which kinds.

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.

We have no view on this matter.

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.

Yes. It is useful to have a competence framework to work within and to have a consistent standard within the sector. However, competence should be clearly defined.

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.

Yes. Raising awareness is an important role for the regulator.

4.19: Should duty holders 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.

Yes, however we suspect it would be difficult to enforce such a duty.

4.20: Should we apply duty holder 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.

Duty holders should be responsible for compliance with all notifiable work under CDM.

Residents at the heart of a new regulatory system

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.

There is a varying degree of information already provided to residents. For example they are informed about buildings and explained at sign-up/during the sales process of the fire precautions in place, that no items are to be stored in communal areas, how to report any concerns, procedures to follow in the event of a fire and the various ways to contact key contacts if a problem were to occur.

More detail on fire safety responsibilities and penalties could be added. There should be a clarification of the expectations of residents and how resident obligations are expected to work in practice, including what happens when residents do not engage. There needs to be clarification of the level of Building Safety Manager and how this links to criminal proceedings. However, many landlords are already providing this level of information.

The format and detail is currently not written in a resident friendly manner, this needs to be made clearer and easier to understand.

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, a culture of openness is supported in as far as it does not cause concern unnecessarily for example impact on structural assessments.

A mix of engagement is already being carried out. Consultation underestimates the level of vulnerability and needs within social housing, especially given reduction in local authority provisions for social care, children's services, adult services and other vital services.

Information on fire evacuation procedures and planned maintenance programmes are already available upon request.

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?

There should be one nominated person per resident that has a legal right or clear relationship with the vulnerable person in question, and from whom we have received signed paperwork from. These processes are already largely in place but should be wary of possible GDPR issues here.

5.4. Do you agree with the proposed set of requirements for the management summary?

The strategy will increase clerical resource require for building and ultimately increase service charges to residents, many of whom already struggle to pay rent and service charge bills. More detail is needed on the resident participation in decision-making around fire safety.

Current decisions are based on risk and should remain non-negotiable. For example, buggies in communal areas, asking for resident input may result in block decisions to allow them to be stored in

communal areas. There is a lot of engagement that is dependent on activity/topic, such as cladding and leaseholders. Increase in resources may need to come out of service charges. This could be seen as rent paying residents subsidising leaseholders.

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

There is already many engagement and decision making opportunities offered to residents. The offering per building will significantly increase recharged costs to residents.

The complaints processes are already clearly communicated and acted upon.

There are questions surrounding reporting safety reviews to residents for example whether that information is limited to that building. There would need to be discussion on whether residents could opt out and if so, how we enforce this. Webinars and other digital platforms as well as surgeries and drop-ins should be looked into as an option for engagement.

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.

Yes. There is a need for the requirement for meaningful cooperation or it will mean a very small minority will make decisions for the majority. Current legal enforcement is not robust enough to cover this. It is likely there will be significant differences in resident opinions within a building, especially between tenures who have different primary drivers.

There will be statutory tools needed to get access. We would encourage the government to contemplate using the Environmental Protection Act and whether this can be extended to Housing Associations.

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?

Yes, safeguards would be necessary to protect residents' rights. However some residents do not want to engage unless they have a concern. We would need details to clarify how they will be made to engage meaningfully, and what happens if they do not. There should be a system for residents that comply with building regulation being able to opt out.

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

The proposed requirements sound similar to the complaints process that is already in place. Since Grenfell housing providers have put in place a more robust internal procedures and management oversights to ensure safety actions are resolved. There needs to be clarification on how having an accountable person would impact reality and what significant responsibilities this would entail.

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?

There should be a similar process for landlords to challenge building safety regulator findings, as residents can challenge these. There should be further guidance regarding what failings the building safety regulator would review, whether to revoke a building certificate and how to make this approach proportionate. We would need further guidance on what would be viewed as 'systemic issues'.

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.

There is a duty to cooperate already between local authority departments, fire brigade, housing associations and other bodies. There should be clarification of escalation points/accountable person within local authorities as each differs in structure and ability to resource swift engagement. There should be a duty to self-report, including for the private sector.

A more effective regulatory and accountability framework for buildings

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 timeframe and support your view.

The review of the system should be completed every five years – but perhaps an interim review would be required in the early years given the amount of change that is envisaged, and to ensure the direction of travel and momentum are maintained across the wide range of objectives.

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.

Paragraph 315 is extensive, and whilst comprehensive it is difficult to think that all areas will be effective from the date of inception, and some prioritisation/stepped implementation will be required by the Regulator itself, and the buildings it is seeking to regulate, particularly in the areas of competence and upskilling.

We note that there are few references to procurement in the consultation document.

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?

The task facing the building safety regulator is immense, and we would welcome this approach.

We do not need to wait for legislation. Advice Note 14 – whilst well intentioned – has added additional burdens and priorities that doesn't engender confidence in residents as they don't understand the proportionate risk that they face in their individual building. Anecdotally, some feel that they live in a building that is the next Grenfell waiting to happen. This is not helped by the response of solicitors and lenders when approaching resales in tall buildings.

As a sector we need to be realistic about what we can achieve. A collaborative approach and leadership prior to legislation would be welcomed by the sector. As noted above, a stepped approach to implementation will also be required post legislation, and a parallel approach to new buildings and existing approach will aid successful implementation of the Regulator and ensure that the highest risks are effectively managed.

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?

The establishment of standards via British Standard or PAS would be welcome.

It seems that that standards and gateways envisaged in regard to new build buildings and the alignment with CDM are already well thought through (although capacity might cause delays in approval from the Regulator).

The approach to existing buildings seems somewhat more fluid, and more detail around standards in this area will assist in defining the various roles and demonstration of competence in running (rather than designing/constructing) a building within scope.

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?

Yes – this is critical to the success of the Regulator. The existing skills shortage needs to be addressed urgently, especially in the context of Brexit risking a reduction in labour.

We would support a twin-track approach that supports competence for those involved in design/construction and gateway compliance in the build phase, plus a separate (but complementary) stream that looks at competence in occupation and defines best practice.

7.3: Do you agree with the proposed functions of the committee that are set out in paragraph 331?

Yes. This is an extensive piece of work, much needed by the sector so that standards can be set, and work can begin on training ahead of legislation.

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?

Yes. This is an extensive piece of work, much needed by the sector so that standards can be set and work can begin on training ahead of legislation. As noted above, there will need to be transitional arrangements, so the sooner standards can be established and taken forward ahead of legislation the better.

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?

If there is a weakness in the proposals for the building safety regulator, it is the lack of action regarding procurement. Hackitt highlighted the deficiencies of the current system, and the race to the bottom that current evaluation methodology perpetuates.

Irrespective of the future relationship with Europe, it is the British interpretation of OJEU principles that inevitably lead to price taking precedence over quality.

The sentiments contained within the proposals are welcome but need to be underpinned by legislation and standards. We welcome the referencing of lifecycles, but without effective standards and changes to current procurement practices their adoption may not be as widespread as hoped.

That said, the adoption of the inventory list is welcome, and the benefits in a new build environment can be seen (and measured) against lifecycles.

We would welcome more clarity on how the inventory list might operate in the existing building environment other than at refurbishment. For example, how will a landlord judge the gap between an ideal product and what is in place?

8.2: Do you agree that an 'inventory list' should begin with including those constructions products with standards advised in Approved Documents?

The clarity offered will be welcome and supported by the sector, particularly in a new build context, and the link to Approved Documents and EU standards is welcome.

8.3: Are there any other specific construction products that should be included in the 'inventory list'?

No, but as technology and approaches change, the inventory can grow.

8.4: Do you agree with the proposed approach to requirements for construction products caught within the new regulatory regime?

The approach is eminently sensible and will provide clarity to all interested parties, support the golden thread methodology and build confidence for residents.

8.5: Are there further requirements you think should be included?

No.

8.6: Do you agree with the proposed functions of a national regulator for construction products?

Yes. The approach appears measured and appropriate.

8.7: Do you agree construction product regulators have a role in ensuring modern methods of construction meet required standards?

Yes. Without this extension of remit, MMC factories would not be regulated effectively, and could fall into disrepute where strategically this is an area of construction that the government is trying to expand.

It is important that high-rise blocks fabricated in the future using MMC have the same level of assurance as other methods of construction, and the golden thread methodology can be evidenced.

8.8: Do you agree that construction product regulators have a role in ensuring modern methods of construction are used safely?

Yes, as per response to 8.7 above.

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?

Yes. In addition, we support the sharing of information (particularly where there are concerns following a fire incident); this will be key to mitigate risks quickly in other buildings with the same or similar materials should an issue with performance compliance become apparent.

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

The proposals to maintain the minimum standards for independent assurance schemes seem appropriate and sensible, particularly the random testing of products and the introduction of consistent formats.

8.11: Do you agree with the proposed requirements in paragraph 354 for the umbrella minimum standard?

Yes – these seem an appropriate starting point.

8.12: Do you agree with the proposal for the recognition of third-party certification schemes in building regulations?

Yes. There will inevitably be a lack of capacity unless third-party certification is recognised.

8.13: Do you agree that third-party schemes should have minimum standards?

Yes. Minimum standards are required to bring confidence into the off-site manufacture of products and then installation on site. Certification across the whole process seems sensible and required, and minimum standards will help justify the certification process.

8.14: Are there any benefits to third-party schemes having minimum standards?

Yes – they set a benchmark to be met or exceeded, and bring clarity for manufacturers and clients/building owners.

8.15: Are there any challenges to third-party schemes having minimum standards?

As long as the minimum standards are achievable, no.

Enforcement, compliance and sanctions

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?

We welcome the three-step process as a means for addressing non-compliance and establishing clear accountabilities. A meaningful regime requires sanctions, and this logical process complements current working practices with the fire and rescue authorities, where there are graduated levels of enforcement.

It is right that there is a process for ensuring unacceptable practices are addressed. We and our partners should expect to be challenged if we are not complying with the regime, and our expectation is that the three-step process will have the effect of raising quality standards throughout the industry.

We wonder if the word “informal” could make the graduation between the first and second steps feel more significant than it is. We would not want there to be any underestimation of the significance of stage one enforcement. Furthermore, stage three sets out a range of measures and it would be useful to grade those measures and clarify the criteria under which each will be applied. We would be happy to work with the regulator and other key stakeholders on the development of these points.

Overall, quality and safe housing is a necessity and the three-step process, alongside other existing remedies available, will help give our residents greater reassurance and certainty this is the case.

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?

We do not anticipate ever failing to comply with these actions, and would not expect that of professionals operating in this sector. That, combined with the serious potential consequences of non-compliance, makes a strong case for making individuals criminally responsible were these activities to take place.

However, as discussed earlier in our response, there are problems arising from making a named individual accountable at all, let alone criminally. In reality no one person will genuinely have control over every facet of safety at any point in the process. If an accountable person or safety manager has knowingly broken rules, this ought to be a criminal matter, but they should not be criminalised for what is outside of their direct control.

We also note that there are already statutory mechanisms like Corporate Manslaughter to hold people to account where they genuinely cause harm due to serious failings.

There will need to be greater clarity on detail prior to implementation, including a transparent and reasonable process for both registering a building and issuing building safety conditions so that the accountable person/entity or building safety manager/team can reasonably be expected to comply.

9.3: Do you agree that the sanctions regime under Constructions Products Regulations SI 2013 should be applied to a broader range of products?

The holistic approach necessitates duties for all involved – in the design, supply, construction, and management stages.

We support applying the regulations to a broader range of construction products and believe that the product regime should extend to any product employed in the Passive Fire Protection (including elements of construction) that may be employed both within the premises and upon its envelope.

We would expect that consideration would be given to how to effect this change successfully, for example by providing a clear evidence base for making decisions on which products to add, having a clear communications process in place when changes are made to the range of products included, and ensuring that sanctions are applied proportionately. Consideration should also be given to the interaction of products employed in construction as well as the individual product certification.

Ultimately this needs to drive a pathway to compliance of materials in line with those standards and also inevitably towards a third-party accreditation of installation where no adequate scheme is currently in place.

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?

We agree that a new regulatory framework requires a range of penalties with a mix of civil and criminal regimes, with the option for criminal procedures remaining for the most serious (and genuinely accountable) offenders and for repeat non-compliance.

There needs to be clarity over the range of civil penalties, the circumstances under which they would be triggered, and an adequate appeals mechanism. However the risk of non-compliance is of such a serious nature, with the potential to impact people's lives that it is right to introduce civil accountabilities and that fines should be proportionate to severity of breach.

We also believe it is important to distinguish between new build and existing assets – with requirements on the former taking effect more quickly.

9.5: Do you agree that formal enforcement powers to correct non-compliant work should start from the time the serious defect was discovered?

A number of approaches could work, and it is important that enforcement start dates do not act as an unintended disincentive for action. In reality, the developer/constructor has a responsibility to achieve quality standards and the Client has a responsibility to ensure they have sufficient professionals employed to discover latent defects, and both should take their responsibility equally seriously.

On balance however, it is felt that that formal enforcement powers to correct non-compliant works should start at the time the serious defect was discovered, as that feels simply a reasonable approach to take and best from the perspective of ensuring resident redress.

When enforcement powers are exercised, account would need to be taken as to the building regulations that existed at the time the scheme was developed.

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?

We agree with the principle of extending the timing limits for taking enforcement action, with 6 years a minimum, and 10 years as preferable. Before determining this limit extension however, a review should be undertaken of how this change would impact on professionals working in the sector, for example on the insurances that they hold.

Housing associations may need to develop construction contracts to include more robust terms on contractors for having responsibility to evidence the authenticity and sourcing of materials falling under SI 2013 Regulations, in order to support the client's quality assurance checks on construction activities.

For more information, please contact:

Reuben Young

Network Homes

020 8782 4393

reuben.young@networkhomes.org.uk

Brent O'Halloran (G15 lead on building safety review)

The Hyde Group

07918 057829

brent.o'halloran@hyde-housing.co.uk