



Building Safety Bill

(inc. safety compliance)

For consideration by: Housing Scrutiny Commission

Date: 28 February 2022

Lead Director: Chris Burgin

Useful information

- Ward(s) affected: potentially all
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- Report version number: v.2

1. Summary

The Housing Division has measures in place to ensure that all our homes are safe for our tenants to live in and our staff and contractors to work in and this report will update members on the work we currently do that relates to water hygiene, asbestos and fire safety.

Since we last updated scrutiny members there have been several changes to legislation relating to building safety which Leicester City Council as a social landlord has to comply with, this includes a requirement for designated roles. An update in relation to this legislation is provided in this report.

Housing has continued to strengthen fire and safety management over the period since Grenfell and continue to ensure it is a priority and key area, receiving the investment required to ensure our tenants continue to be safe in their homes. These further changes build upon the work we have been doing and require us to create new roles within the Housing Division who will be responsible for domestic residential building safety. A proposed overview of the updated roles and responsibilities are outlined in this report

2. Recommended actions/decision

This report is for information only.

3. Scrutiny / stakeholder engagement

This report has been prepared to update members of the Housing Scrutiny commission on pending changes to legislation on how Housing will need to manage building safety in the future and to seek their comments and observations.

4. Background and options with supporting evidence

n/a

5. Detailed report

[Overview of legislation changes](#)

Fire Safety Act 2021

The Fire Safety Act 2021 amends the Regulatory Reform (Fire Safety) Order 2005 (the "FSO") with the intention of improving fire safety in multi-occupancy domestic premises.

Crucially, the external walls of a building and the fire doors to individual flats must now be assessed as part of the requirement for a fire risk assessment.

We have circa 5600 flats in the housing stock located in 900 blocks.

The Act requires the owners and managers of multi-occupied residential buildings to ensure that the fire risk assessments for such buildings are reviewed and updated to encompass the structure, external walls and flat entrance doors.

The specific provisions of the Act include:

- The Act applies to all multi-occupied residential buildings and is not dependent on the height of the building. The Act further provides English and Welsh Ministers with a regulation-making power to amend the type of buildings the Order applies to in the future.
- The FSO designates those in control of premises as the Responsible Person for fire safety; giving them a duty to undertake assessments and manage risks. The Act now requires all Responsible Persons to reduce, as well as to assess and manage, the fire risks posed by the structure and external walls of the building(s) and by individual doors opening onto common parts of the building.
- The FSO was enforced by fire and rescue authorities but the Act allows these authorities to enforce against non-compliance in relation to the external walls and the individual doors opening onto the common parts of the premises.
- The Act also introduces the concept of 'risk-based guidance' in order to support a proportionate approach towards assessing risk.

Building Safety Act 2023

The Building Safety Bill, as proposed, plans to introduce new design and construction requirements for high-rise residential building and new occupation requirements for existing and new high-rise residential building of 18 meters and above (or at least seven storeys). Leicester City Council has six buildings that fall into this category.

Some of the key provisions of the bill include:

- New building safety regulator
- Duties on those who procure, plan, manage and undertake building work
- New gateway regime to ensure that building safety risks are considered at each stage of a new higher-risk building's design and construction
- Creation and maintenance of a golden thread of information to ensure that the right people have the right information at the right time to ensure buildings are safe and building safety risks are managed throughout the building's lifecycle
- An accountable person defined as the duty holder of a building during its occupation
- Have a Building Safety Manager who has the necessary skills, knowledge, experience and behaviours to carry out the functions assigned
- Duty to assess the building safety risks relating to their building, to take all reasonable steps to prevent a building safety risk materialising, and to limit the severity of any incident resulting from such as risk
- Building control reform
- Strengthened fire safety order

Social Housing White paper

The Social Housing White Paper was published November 2020. White papers are statements of policy intent that will require legislation. This outlines a Charter that sets out what every social housing resident should be able to expect. One of the main themes is “To be safe in your home. We will work with industry and landlords to ensure every home is safe and secure.”

Safety is at the heart of the charter. It proposes that the consumer standards will be strengthened to include safety, and landlords will be required to identify a nominated person to comply with all health and safety requirements. This mirrors the proposals in the Building Safety Bill to have a named Accountable Person responsible for higher-risk buildings.

The Regulator of Social Housing (RSH) will also be expected to prepare a Memorandum of Understanding with the Health and Safety Executive so that information on safety can be shared with the new Building Safety Regulator.

The RSH will launch a consultation on mandatory smoke and carbon monoxide alarms in social housing.

The white paper also proposes new performance measures. This includes tenant’s satisfaction measures relating to tenant safety:

- Compliance with all safety standards on gas, electrics, fire, asbestos, water and lifts
- Overall satisfaction with the health and safety in homes.

[Overview of proposed building safety roles and responsibilities within the Housing Division](#)

Summary of defined legal roles

The Building Safety Manager and Accountable Person roles are proposed to apply only to ‘high-risk’ buildings as defined by the Building Safety Bill.

The Responsible Person is a legally created entity, as defined in Article 3 of the Regulatory Reform (Fire Safety) Order 2005. This applies to non-domestic parts of multi-occupied residential buildings. The Fire Safety Order also defines responsibilities for Duty Holders who are defined as those subject to a contract or tenancy that makes them responsible for the maintenance or repair of the premises or anything in or on them and or the safety of the premises.

Figure 1: Overview of the proposed building safety responsibilities within the Housing Division

Building Safety Manager
<ul style="list-style-type: none">• Support the accountable person, who will appoint them, in fulfilling their duties to manage life safety risks• Ensuring and assessing that those employed to maintain and manage the building have the necessary skills, knowledge and experience• Maintaining and operating information management systems to facilitate safe management of the building• Maintaining and managing the safety case for the building so that risks are proactively identified, and mitigating measures put in place and maintained

- Identifying and ensuring that necessary and appropriate building remediation is undertaken to ensure that the conditions set out in the building registration certificate are met
- Engaging residents in the safe management of their building through a Resident Engagement Strategy that includes routes of escalation for resident concerns
- Demonstrating that fire risk assessments for the whole building are undertaken and reviewed regularly and any recommendations are undertaken in a timely manner
- Reporting mandatory occurrences to the building safety regulator.

Accountable Person

- Registering a building with the Building Safety Regulator.
- Applying for a Building Assessment Certificate, which is issued when the Building Safety Regulator is satisfied the Accountable Person is complying with their duties under the Bill.
- Assessing (and revising as necessary) building safety risks and taking all reasonable steps to prevent the occurrence, and control the impact of, a major incident arising from building safety risks in or around the building.
- Preparing (and revising as necessary) a Safety Case Report for a building which contains their assessment of the building safety risks and the steps that have been taken to prevent a major incident.
- Keeping information on a building and ensuring it is up to date.
- Reviewing the risk assessments on which their arrangements for managing building safety risks and Safety Case Report are based.
- Appointing a Building Safety Manager.

Senior Management / Political Governance

- Oversight of compliance relating to gas, electric, fire, asbestos, water, lifts / HHSRS

Tenancy Management

- As building responsible officers (BRO's) also known as the 'responsible person' they are legally responsible for the fire risk assessment and ensuring that if there have been any significant alternations to the building, processes or equipment, or where they believe that it is no longer valid the fire risk assessment is reviewed and updated
- Minimise the risk of a fire occurring, and take steps to make sure that if a fire starts, it can't spread through the building
- Make sure escape routes are available and that any emergency exit doors are not locked and can be quickly and easily opened without needing a key
- Where a door is shut for security purposes (such as in the storeroom), make sure this can be easily opened from the inside by installing push bar devices - these should not be blocked or obstructed
- Make sure there is a way to detect fires and that this raises an alarm to alert everyone to evacuate - in larger premises where fires can start undetected by a person, this should be an automatic detection and warning system
- In a workplace, train staff on what to do if a fire happens
- In a residential building, tell the residents what the fire safety measures and evacuation strategy are
- Co-operate and co-ordinate with other Responsible Persons where there is more than one (a residential building on top of an office or a shop) - this will help make sure that any risks don't affect each person's remit

- Check that shared escape routes are always clear for example by making sure a shop does not block the escape routes from a residential building when there is a delivery of stock
- For buildings consisting of two or more sets of domestic premises, provide specific fire safety information to residents about relevant fire safety matters, and must keep records of the relevant fire safety matters
- For higher-risk buildings they must cooperate with Accountable Person

Technical Services

- Employ competent person/s to undertake and review fire risk assessments
- Report any fire safety defects to the Responsible Person
- Ensure any contractors working on fire safety measures e.g. fire alarm measures are responsible for complying with the Fire Safety Order to the extent of their obligation
- Undertaking HHSRS surveys and monitoring compliance with the Decent Homes Standard
- Water safety testing and compliance monitoring
- Contracting lift maintenance and compliance monitoring
- Creating an asbestos policy and ensuring appropriate asbestos surveys are undertaken where required and information recorded appropriately.
- Electrical repairs undertaken by contractors is compliant with all safety standards
- Undertakes Electrical compliance monitoring to non-standard building types

Repairs and Gas Services

- Report any fire safety defects to the Responsible Person
- Ensure any repairs and maintenance staff working on fire safety measures e.g. fire doors are responsible for complying with the Fire Safety Order to the extent of their obligation (are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.)
- Gas repairs and gas safety and monitoring compliance.
- Ensuring all operatives have appropriate skills/qualifications and training for the work undertaken
- Electrical repairs undertaken by repairs staff is compliant with all safety standards
- Undertakes Electrical compliance monitoring to standard building types

Tenants / Residents

- Comply with any fire safety measures that have been put in place and not interfere with these
- Report any fire safety defects to the Responsible Person

It should be noted that these duties are currently undertaken by Housing but in the future the responsibility for making sure our buildings are safe will sit with the newly created post of Building Safety Manager.

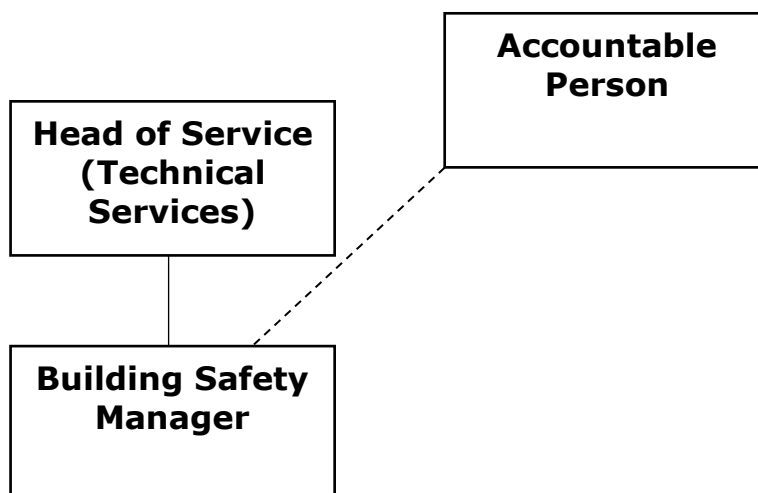
Building Safety Manager

It is clear that this post is critical moving forward. We have prepared a new job description and person specification and the post is currently being graded ready for advert (at time of writing) and we hope to have someone in post by late spring 2022.

Accountable person.

It has been agreed that Chris Burgin, Director of Housing, will be the Accountable Person and he will be fully briefed on his role to ensure compliance.

Governance structure:



How we currently manage compliance matters:

It should be noted that the new Building Safety Act does not change how we manage compliance in the majority of our buildings, it is limited to those over 18m in height, however the Fire Safety Act does and it is very important that everybody know what their roles and responsibilities are, we are fortunate that our current process for fire safety are robust.

The following is how we currently manage water hygiene, asbestos and fire safety in our buildings, which we expect to continue with very few changes.

Water Hygiene

We have the policy to ensure that any water system that may present a risk of legionella bacteria exposure to our tenants, staff and members of the public are designed and maintained to control any risk. This does not relate to individual homes but buildings that have stored water, such as the tower blocks and sheltered accommodation schemes.

There is a lot of legislation that we have to comply with to ensure we are doing this correctly, some are listed below:

- Health and Safety at Work Act 1974
- Water Supply (Water Fittings) Regulations 1999
- HSE (L* 4th. Edition) 2013 Prevention and control of Legionellosis (including Legionaries' disease) HSE approved code of practise L* (ACopL8)

The risk is caused by water systems that create and disperse water droplets that may be inhaled such as:

- hot and cold-water systems
- showers
- spray taps
- jet washers
- air conditioning and ventilation systems

What do we do to manage the risks:

Risk assessments are carried out for all buildings with water systems that are considered to present a reasonable risk of exposure to legionella bacteria. The risk assessment is reviewed periodically and if the water system is changed, the building use is changed, new information becomes available or even at the building users discretion/request.

The risk assessment may identify a range of measures that need to happen to make sure any risk is managed. The risk assessment may also identify works required to reduce the risk, if it does these will be carried out.

Some of the more common works we carry out to ensure that we are safe are:

- Carry out sample checks to ensure water temperatures are being maintained
- Ensure monthly flushing regimes are maintained (water storage tanks)
- Routine shower head cleaning (void properties, sheltered accommodation. hostels)
- All work on our water systems is carried out by approved contractors
- That we identify any unacceptable situations and put them right
- Provide advice, guidance and training to staff

All housing staff have a responsibility to ensure continued compliance, from our teams in tenancy management, repairs and void staff but the responsibility sites in Technical Services.

Resources:

We have a budget of £250k per year, the work is carried out by up to 9 contractors split into 3 main work areas:

- Risk assessments and testing
- Remedial repairs and upgrades
- Air conditioning systems and ventilation serving maintenance and installation.

Fire Safety

The primary purpose of the fire safety policy is to ensure that we prevent a fire from happening and secondly that in the event of a fire we keep our tenants and leaseholders safe. The policy is designed to make it clear what people's roles and responsibilities are:

There are lots of legislation that we have to comply with and this depends on the type of building, we work very closely with Leicestershire Fire and Rescue Service to achieve compliance.

The overarching document is the Regulatory Reform Fire Safety Order 2005 but there are also good practice guides for certain types of accommodation that supplement this.

We carry out risk assessments on all our blocks of flats (communal areas) at least every 3 years and sooner depending on the block type. These fire risk assessments will need to include more after the introduction for the Fire Safety Act.

Some of the legislation/guidance documents are:

- Building Regulation Approved Document B
- Fire Risk Assessments Sleeping Accommodation
- Fire Safety in Specialist Housing Guide (Sheltered Housing)
- LGG Fire Safety in purpose-built flats
- LACoRS Fire Safety in certain types of existing buildings
- British Standard (BS) and European Standards (ES)

We split our accommodation into four distinct areas:

- High rise blocks
- Purpose built flats
- Flats in converted properties
- Sheltered Accommodation/Hostels

There are obvious similarities across the four areas but the reason we have separate approaches is because the risks are different

High Rise blocks.

The risk is higher because of the increase number of flats and the height of the building. The inspection regime of a high-rise block is more intensive, we inspect all floors weekly, we have to carry out alarm testing and ensure any remote monitoring systems are operational. We have now started installing sprinkler systems in our blocks and we need to ensure that the servicing regime is maintained, and they are fully operational at all times.

Purpose built flats

The situation in purpose-built flats is similar, the risks are lower because the blocks are smaller and lower level, so the regime is reduced, the frequency of inspection may be every 4 weeks and a block may not necessarily have an alarm system fitted, these

decisions are made on a block by block basis and based on the fire risk assessment for the block.

Flats in converted properties.

There is sometimes a higher risk in blocks of flats that have been converted because the building is not being used as originally intended. Some of these flat may have been converted many years ago and whilst they were converted to the standards in force at the time of construction techniques and opinions have moved on. The biggest area of concern is the quality of compartmentation, this is why we have a full evacuation policy and not a stay put policy in these flat types.

Sheltered Accommodation/Hostels

This type of accommodation we called specialist because it has sleeping facilities and accommodates vulnerable occupants, and as such we have enhanced levels of inspections and monitoring.

The stay put policy and compartmentation.

Why do we have a stay put policy ?

A stay put policy is designed to stop residents in flats unaffected by fire from unnecessarily evacuating the building and blocking the stairways, this makes it easier for the Fire Service to quickly extinguish a fire

What is Compartmentation?

Compartmentation is the use construction techniques to divide the building into a series of fire tight boxes called compartments

What does Compartmentation do

Compartmentation slows fire spread within the building by reducing the fuel available in the initial stages of a fire.

It also forms a barrier to the products of combustion; including smoke, heat and toxic gases.

Why is Compartmentation needed

Compartmentation should help the occupants to evacuate the building and assist fire and rescue service personnel with fire-fighting and rescue operations.

Compartmentation is critical to a stay put policy.

Passive fire protection

The role of Passive Fire Protection is to limit the spread of fire through Structural Fire protection and Fire compartmentation.

Each flat is constructed to form a fire resisting box, each separated from the rest of the building.

- Where services such as pipes, ducts or cables pass through walls, floors or ceilings, there should be no gaps to allow the passage of smoke or flames.
- The door to each flat should be a self-closing fire resisting door.
- This allows a stay put policy to be in place
- There is no requirement to provide a fire alarm system in the common parts
- Smoke alarms should be provided to each flat
- Emergency lighting should be provided to the common parts
- Firefighting equipment is not usually required in the common parts

Resources:

We have budget of £950k for 2021/22 to carry out fire improvement work, the works are delivered by 7 contractors, the main areas of work are:

- Fire doors and fire stopping
- Fire risk assessments
- Compartmentation surveys
- Fire alarm and emergency lighting maintenance
- Alarm signalling
- Sprinkler installation
- Misting system installation
- Dry riser maintenance

Asbestos.

Asbestos is a mineral that is resistant to heat, fire and corrosive chemicals and was used extensively in the construction industry until 1985. (amosite and crocidolite banned in 1985, Chrysotile banned in 1999) it is made up of small fibres that are hazardous and primarily cause harm to the linings of the lungs when inhaled, any subsequent disease can take from 15 – 60 years to show from being first exposed.

There are three main types of asbestos:

- Chrysotile (white)
- Amosite (brown)
- Crocidolite (blue)

What do we do to manage the risk?

- In the first instance we work to the 'Control of Asbestos Regulations 2012'. Which has shaped our policy.
- We ensure that the asbestos policy complies with and reflects the legal framework and good practise.
- We make sure our policy is implemented by working with leaseholders, stakeholders and other council departments
- We implement processes equally across the Division

- We support staff by providing training for anybody likely to have exposure to asbestos and practical training for any staff liable to work on asbestos containing materials.
- We communicate with tenants and leaseholders in plain English when dealing with asbestos related enquiries.

What does this mean in practise?

We manage asbestos, we do not automatically remove it, if it's in good condition, we monitor it, if it's damaged or likely to deteriorate then we remove it.

Areas in a house that you may find asbestos are:

- Decorative coatings on ceilings
- Bath panels
- Thermoplastic floor tiles
- Pipe boxings
- Wardrobe linings
- Water tanks in lofts

We deal with asbestos depending on the risk, typically cement bonded products can be removed by council operatives, under controlled conditions, but non-cement bonded products have to be removed by licenced contractors under fully controlled conditions. (this is because they are more friable and the risk of a release of fibres is greater)

Asbestos is no risk to the tenants if it is left alone and this is one of the reason that tenants should seek permission to carry out any alterations to their homes first, we can check the asbestos register and be satisfied that the work will not involve disturbing any asbestos containing materials.

For all of our properties we hold asbestos information, this is stored on our Housing System and every time a job is sent to the operative they receive the asbestos information associated to the property. This is so they are aware of its location before they enter the property and any actions they need to take.

We also provide this information to our contractors and it is available to anybody that needs to see it.

We also ensure all our operatives receive annual asbestos awareness training to ensures their level of knowledge and awareness is maintained, we also make this mandatory for our contractors. There may be times when asbestos is hidden, and this could be exposed if we are carrying out a repair or a refurbishment, the operatives need to know what to do in every potential situation.

We also need to make sure we dispose of any asbestos containing material correctly, we do this in house, and collect all asbestos containing waste, we are licenced carries, and make sure it is disposed of correctly.

As part of some recent refurbishments, we have taken the decision that we will remove all asbestos containing materials, we have done this at Maxfield and Gordon House and we

will continue to adopt this approach on a project by project basis, working alongside our managed approach.

Resources:

We have a dedicated Asbestos Coordinator who ensures that all work we do, whether by our in-house teams or contractors is compliant, he is supported by 4 Asbestos Technicians who are all qualified to take asbestos samples and surveys. (an asbestos surveys is carried out in advance of any programmed work being carried out)

We have an asbestos removal budget of £560k and a staffing budget of £215k. all licenced removal area carried out by contractors, we have 3 contractors

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

None sought

6.2 Legal implications

None sought

6.3 Equalities implications

None sought

6.4 Climate Emergency implications

None sought.

7. Background information and other papers:

8. Summary of appendices:

9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

10. Is this a “key decision”? If so, why?