

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 14 MARCH 2024
title: BUILDING SAFETY REGULATIONS
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1 PURPOSE

1.1 To update Committee on changes to the building safety regulations as a result of the Building Safety Act 2022 which runs alongside the Fire Safety Act 2021.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To protect and enhance the existing environmental quality of our area.
- Corporate Priorities – To be an environmentally sustainable area, prepared for the future
- Other considerations – Provision of services to all.

2 BACKGROUND

2.1 The Government has committed to improve the professional standards and regulatory provision of all building control inspectors and organisations across both the public and private sector parts of the profession via a new framework of changes.

2.2 These changes are part of the Government's response to the Grenfell tragedy of 2017 with the primary legislation being the Building Safety Act 2022 (hereafter referred to in this report as the Regulations). The Regulations run alongside the Fire Safety Act 2021 with both pieces of legislation aimed at bringing about fundamental changes to the building safety system in England.

2.3 There is a new Building Safety Regulator (BSR) under the Health and Safety Executive which will oversee the safety and performance of all high-risk buildings and promote competence and organisational capability within the sector including for building control professionals and tradespeople. The Regulations do not change enforcement of the Building Regulations, which will remain a statutory Council function.

Building Inspector Registration

2.4 Registration with the BSR is compulsory from 6th April 2024 and the ability of building control professionals to practice will be dependent upon the validation of levels of competency leading to a considerable increase in training requirements and validation of experience. From April 2024 only 'Registered Building Inspectors' may undertake many of the functions currently completed by Building Control Officers.

2.5 Registration is at different levels, or classes, and officers would only be able to assess and take decisions on levels of work commensurate with their registration class. There are 4 classes of registered building inspector: -

Class 1

Must only work under supervision. You do not have to complete a competency assessment to register as a class 1 building inspector. This class is suitable for anyone new to the profession who is undergoing training.

Class 2

Can work unsupervised on building categories they are registered to work on, which may include:

- category A, a residential dwelling house for a single household, less than 7.5m in height
- category B, residential flats and dwelling houses, less than 11m in height
- category C, residential flats and dwelling houses, 11m or more but less than 18m in height
- category D, all building types and uses, less than 7.5m in height
- category E, all building types, 7.5m or more but less than 11m in height
- category F, all building types 11m or more but less than 18m in height

Class 3

Can work unsupervised on building categories they are registered to work on, which may include category A to F buildings and:

- category G, all building types, including standard and non-standard but excluding high-risk, with no height limit
- category H, all building types, including high-risk

Class 4 technical manager

Technical managers are class 2 or class 3 building inspectors with additional responsibilities for the technical management of teams and processes.

A class 2 building inspector, who is also a class 4 technical manager, cannot carry out any class 3 activities unless supervised.

Someone who is not a registered building inspector can administratively manage a building control team, but not on technical matters.

2.6 The Local Authority Building Control (LABC) network which provides a voice to individual local authority building control departments has raised a number of concerns about the delivery of this change, i.e. registration before the 6th April deadline, as despite the best efforts of numerous professional bodies, a significant number of building control professionals will not achieve successful registration before this deadline. The LABC are lobbying the Government for this deadline to be pushed back by at least six months to avoid local authorities being in a position where they are potentially unable to undertake a building control function post 6th April. The LABC are also seeking clarification on the BSR's interpretation of supervision for the Class 1 registration as a means of temporarily overcoming the transition period into registration.

2.7 This Council's position is that all of the Building Control professionals are registered at Class 1, and two of the professionals are expected to have Class 2 registration by this date, and so the building control function is expected to continue. Whilst this means that any Class 3 work could not be undertaken at such time, there are no high-rise buildings in the Borough. The class 3 work includes non-standard building types, which have not been defined nationally but there has been reference to hospitals and sports stadiums falling into this class. The current thinking is that this will be defined at local level, as such the number of 'non-standard buildings in the Borough is an unknown at this stage. In situations where a Council is not in a position to deal with any Class 3 work then the application would be referred to the BSR who would source alternative assessment arrangements, which could involve an Approved Inspector from the private sector.

Monitoring

2.8 The Regulations have imposed a requirement for Council's to submit 'Operational Standards and Rules' (OSR) monitoring data to the BSR as quarterly or annual data returns. The current guidance on this suggests 6 Key Performance Indicators (KPIs) overall, broken down into 43 detailed KPIs, which Council's would need to start monitoring from 6th April. The LABC have asked that the requirement for submission of monitoring data is postponed due to the time taken to build each local authority data collection system.

Building Safety Levy

2.9 The Regulations have introduced powers to impose a levy on relevant new build residential buildings in England, to raise revenue to be spent on building safety. Known as the Building Safety Levy, there has been two consultations to date on the design and implementation of the levy, including how the rate will be calculated by Government, which buildings will be exempt from the charge, and details of the collecting agent.

2.10 The second consultation which ran from 23 January 2024 to 20 February 2024 confirms that the estimated target for the levy remains £3 billion, with a likely duration of ten years or more. It is proposed to publish a square-meter levy rate, with Council's required to calculate the levy charge for a development when an application for building control approval is made or an initial notice submitted. Councils are also proposed to be the "collecting authority" on behalf of the Government and be provided with up-front administrative and operational cost grant monies as well as an entitlement to retain a proportion of annual levy receipts for running costs. It is proposed that completion certificates would only be issued once the levy has been paid.

2.11 It is proposed to apply a 50% reduction to units which are constructed on previously developed land. It is proposed that the levy would only apply to major residential development (i.e. 10 dwellings or more) and exclude certain development types such as affordable homes, residential care homes, children's homes, NHS sites and non-NHS hospitals, and hotels.

2.12 The LABC's response to the second consultation reiterates concerns about the additional burdens imposed on Councils as collecting agents and is of the view that this would be better as a single, central collection agency.

3 CONCLUSION

3.1 That Committee note the contents of the report.

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