

July 2019

## Building a Safer Future: Proposals for reform of the building safety regulatory system.

### Consultation response from The Housing Forum

**Q. 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)? Please support your view.**

In principle, we are in agreement with this however it is important that there is clarity in how the 18m measurement is calculated. An indication of how many buildings this is likely to affect should be available, as this will have resource implications for both the regulator and the wider industry. In practical terms, we consider this should be phased introduction, over 2-5 years and clarity to be given on existing buildings.

**Q. 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? Please support your view.**

We regard the identification of a named individual as the person responsible for building safety as appropriate. We consider the responsibility is similar to Health and Safety matters and so will be familiar to industry. The new responsibilities and requirements for dutyholders should be supported by clear guidelines and regulation.

**Q. 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 finalized?**

We agree that it is critical to ensure that fire services access and water is considered for buildings over 30m; there should be early input into such complex buildings, however, we would seek clarification as to why the difference in height of buildings at Gateway 1 and Gateway 2 which is at 18m. It will be essential that

the Fire and Rescue Authorities are adequately resourced to respond to the consultations within the required timescale so as to not cause delays in the planning process and impact on the governments housing ambitions.

The nature of the consultation with the Fire and Rescue Authorities needs to be clearly defined as purely for fire brigade access and access to water only.

**Q. 2.12. Do you agree that the information at paragraph 89 is the right information to require as part of gateway two? Please support your view**

We support the including of full plans, the Fire and Emergency File and Construction Control Plan as part of gateway two, We do not agree that a 3D model should form part of the information required for gateway two. The reasons for this is that the level of detail required for a 3D model is over specified for this purpose. The model also will not be compatible with other building or stock management models so will have no ongoing value. The level of detail required to include items such as fire stopping into a 3D model for instance would make the digital file too large for most organisations hardware without significant investment.

**Q. 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? Please support your view.**

The final declaration should be produced by the Principal Contractor; there will be instances where the Principal Designer is no longer involved. However, we consider that the liability chain is unclear in the document; the accountable person should have an ongoing relationship with the Principal Designer.

**Q. 2.32. Do you agree with the proposal for refurbished buildings? Please support your view**

We agree with the principle of treating in scope refurbishments in the same way noting that there can be ongoing issues on site - fitting products etc. that this proposal will not cover. This matter is better addressed by a licence scheme for installers as we set out in recommendations 13 in Stopping Building Failures [*A shift towards a mandatory licencing system set up to regulate competencies of operatives initially in life-critical trades (such as passive and active fire systems and structural systems) will drive a step change towards enhanced quality control.*]

This comes back to the issue, missed in the consultation document that procurement needs to be run in a different way - tight margins in contracts affects quality.

The proposed trigger for refurbishment projects to come into scope is defined as works requiring planning permission. This is an unsound measure. Planning will not pick up refurbishment projects that could impact on fire safety. We agree with the license proposal but there needs to be a better trigger for refurbishment projects that may have to be more detailed.

**Q. 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.

BIM is an effective design tool but should not be mandated until information can be effectively used in the occupation stage by alignment with other systems. The model should be compatible with other building or stock management models to have on-going value.

**Q. 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**

We agree. The industry already responds to RIDOR. We would seek clarification of what actions the regulator will take when it receives any reports within this timescale. It is essential that the regulator will be adequately resourced with suitably competent people to respond to any occurrence in a measured and efficient way or else the industry will lose confidence in the system and the benefits of any lessons learnt would be lost.

**Q. 7.1. Government agrees with the Competence Steering Group's recommendations for an overarching competence framework, formalized as part of a suite of national standards (e.g. British Standard or PAS). Do you agree with this proposal? Please support your view.**

We suggest going one step further with licensing of suppliers and installers.

**Q. 8.6. Do you agree with the proposed functions of a national regulator for construction products? Please support your view**

The report suggests this regulator could have a role in quality assurance for MMC potentially supporting Building Control.

In principle, we agree and this will be a safeguard, post Brexit. However recent examples show we need clarity on what constitutes a good test; the testing regime needs to be thorough.h