

Committee(s): Planning & Transportation-For Decision	Dated: 20/12/2022
Subject: District Surveyors Building Control, Business Development Opportunity.	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1.
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Juliemma McLoughlin, Executive Director Environment Department	For Decision
Report author: Gordon Roy, District Surveyor, Environment Department	

Summary

The purpose of this report is to request consent from the committee to develop and implement a proposal to allow the District Surveyors Office to act as a central HUB, and initial single point of contact, for all London Building Control departments when being requested to provide Building Regulation services by the Building Safety Regulator.

Recommendation(s)

Members are asked to:

- Approve the proposal for the District Surveyors Building Control office to form the LDSA (London District Surveyors Association) HUB to provide a single point of contact for London, for the Building Safety Regulator, when the Regulator requests assistance under Section 13 of the Building Safety Act 2022.

Main Report

Background

1. Following the Grenfell tragedy, on the 14th June 2017, when 72 people died following a fire in a 24 story residential tower, the government have been reviewing fire safety legislation.

2. An initial review, led by Dame Judith Hackett, called “Building a Safer Future” established, that the regulatory system was broken, that building owners were being allowed to “choose” their own regulator, there was widespread ignorance of the Building Regulations by the construction industry, and that there was no system to monitor changes in design, with many decisions being driven by cost and not safety. The review made several recommendations to improve building safety, improve responsibility for buildings, improve guidance and procedures all designed to ensure people are safe and feel safe.
3. To improve building safety, government initially amended Building Regulation 7, requiring the external walls of high-rise residential buildings to be constructed of non-combustible materials. Additional changes to other fire safety legislation have continued, and in April 2022, following the recommendations in the Hackett review the Building Safety Act received Royal Assent.
4. The Building Safety Act 2022 is designed to improve safety across the whole build environment and introduces new requirements for Building Control, designers and owners of existing buildings. The main implications of the Act are.
 - The formation of the Building Safety Regulator (BSR) as part of the Health & Safety Executive.
 - The BSR having responsibility to ensure safety across the whole building industry.
 - Introduces the BSR as the Building Control Authority for all High-Risk Buildings, which are currently defined as a building containing more than one residential unit and being more than 18m above ground level or 7 storeys and above tall.
 - Requires all existing private building control companies, Approved Inspectors, to register with the BSR and will be known as Building Control Approvers.
 - All building control professionals to register with the BSR and will be known as Building Inspectors.
 - All Building Inspectors as they register will be required to demonstrate their competence to work and will be required to provide competence verification through an accredited body. All inspectors will only be allowed to work on buildings that they have the proven competence to work on.
 - The BSR can request or instruct Local Authorities and/or Fire & Rescue Authorities to help them undertake their duties as a Building Control Authority.
 - All existing high-risk buildings from April 2023, are to register with the BSR.
 - All high-risk buildings to have a Principal Accountable Person who will be responsible for the buildings safety and establishing a residents’ forum.
 - When requested to do so by the BSR, all Principal Accountable Persons must apply for a Building Assessment Certificate which will include evidence of the building’s safety set out in a building safety case.
 - All Building Assessment Certificates must be displayed in high-risk buildings.
5. In addition to these new requirements, the procedure for applying for approval under the Building Regulations will also change.

- Gateway 1 has already been implemented, with all applications for Planning Permission for high-risk buildings having to be consulted with the BSR, regarding fire safety.
 - Gateways 2 and 3 will commence from October 2023. These Gateways are still being developed but will require all Building Regulation applications to be approved or part approved before works can commence on site.
 - Gateway 3 will require a formal application for a Completion Certificate to be issued.
 - Enforcement powers for Building Control will also be improved with the introduction of a “Non-Compliance Notice” and a “Stop Notice”. This will allow Building control to issue these Notices and if a Stop Notice is issued a contractor is not permitted to continue works until the matter is rectified.
 - Additional information will be required to be submitted at part of the Building Regulation application process, with details still being developed.
6. The Building Safety Act 2022 also requires significant amounts of secondary legislation to be approved and this is still in the process of being consulted on.

Proposal

7. As part of the new Building Safety Act, the BSR will become the Building Control Authority for all new high-risk buildings and all applications for Building Regulation consent will go directly to the BSR and not to local authorities or private Building Control Approvers. Under section 13. Building Safety Act 2022, the BSR can request the assistance from a local authority Building Control department, to help them determine the application and to carry out site inspections, providing they have the necessary resources and appropriate proven competence to do so.
8. This potentially will require the BSR to communicate directly with all 300+ local authorities in England. However, the quality of service delivered by local authorities can vary, and if the BSR does not receive a reliable, efficient service, there is the potential for the BSR to request a private Building Control Approver to assist them with their work on high rise buildings.
9. To ensure a consistent level of service is provided to the BSR and to ensure any request for works remains with local authority's, the national organisation, Local Authority Building Control (LABC) have agreed to act a single point of contact for the BSR when they are requesting assistance for all local authorities in England outside of Greater London. Within Greater London, the London District Surveyors Association (LDSA) have requested that one London Building Control team acts as the single point of contact for all of London's 33 building control teams.
10. Following meetings of the LDSA Executive Committee on the 6th October 2022 and the full LDSA committee on the 20th October 2022, the City of London District Surveyors Office was nominated as the preferred Building Control office to act as the BSR single point of contact for London. This process will be known as the London HUB.

11. The London HUB will identify which borough can assist the BSR to help them check plans and carry out site inspections, to ensure compliance of the Building Regulations 2010. All initial requests for assistance will go from the London Hub to the Borough where the building is located, but if they are unable to assist, then the HUB will look for an alternative Borough for the BSR.
12. The London HUB will have the objective to ensure that all BSR requests for assistance are provided by a London Local Authority building control team in a timely manner. This will have the benefit of.
 - Ensuring a consistent level of service is provided initially to the BSR.
 - Local Authorities maintain the work within their teams, rather than requests for assistance going to private Building Control Approvers.
 - Additional work will help retain staff and upskill others within Local Authority building control teams.
 - Maintain and increase income to building control departments within local authorities including the City of London.
 - Help build good working relationships with the BSR.
13. Procedures and protocols will be developed to ensure an efficient, cost-effective process is established, which will help all London Local Authority building control departments.
14. The establishment of the LDSA HUB within the District Surveyors Office, will ensure the City of London's Building Control team are at the forefront of new working practices within the Building Control industry as the Building Safety Regulator starts to act as a new Building Control Authority.
15. All costs for the London HUB will be met by other building control teams, on a cost recovery basis, but will allow the District Surveyors office to identify the potential for new services early, when/if other local authority teams are unable to assist the BSR on their own, with the result of increasing income.

Corporate & Strategic Implications.

Financial implications

16. This proposal will increase work for the District Surveyors technical support team, but costs will be recovered from other local authority building control teams on a cost recovery basis.
17. Acting as the London HUB will allow the District Surveyors to monitor all requests for assistance from the BSR and will allow the department to offer to assist the BSR if required, which will increase workload and income.

Resource Implications

18. The development of forming the London HUB and managing the process is expected to be undertaken within the departments existing establishment.

Legal Implications

19. There are no legal implications. Acting as the London HUB is subject to acceptance of all London Building Control departments and will be established under a Memo of Understanding.

Risks

20. The development of the London HUB will ensure that all requests from the BSR are managed in an efficient manor, with the objective that all requests are carried out by local authority building control teams, and not private companies. The District Surveyors office can provide assistance with plan checking and site inspection services when required which will increase workload and income. This will reduce the risk of work and income reducing.

Equalities

21. There are no equalities implications.

Climate

22. There are no climate implications.

Security

23. There are no security implications.

Conclusion

24. Following the Grenfell tragedy in 2017, the government have been reviewing and improving safety including fire safety across the built environment. In 2022, the new Building Safety Act received Royal Assent, and will start to take affect from April 2023. In October 2023, the BSR will become the Building Control Authority for all high-risk buildings, but under section 13 of the Building Safety Act, they can request assistance from a local authority, to help them in their role to ensure compliance of the Building Regulations.

25. To ensure an efficient service is provided to the BSR from all local authorities, the LDSA and LABC are to establish a single point of contact for the BSR, rather than the BSR trying to contact 300+ different local authorities.

26. The LDSA have requested the City of London, District Surveyors team to act as the single point of contact, and establish a London HUB process, to act as the single point of contact for London.

27. I request that the committee agree for the District Surveyor to establish the LDSA London HUB within the District Surveyors Office and develop all required procedures and protocols as necessary.

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