

Meeting date: 19th September
Report to: Cabinet Member for Housing and Environment



Subject/report title: To update members on the outcomes of the Hackitt Review and the implications for Solihull's Building Control Service
Report from: Head of Planning, Design and Engagement Services
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Wards affected:

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1. Purpose of Report

1.1 To update the Cabinet Member on the outcome of the Hackitt Review and the implication for Solihull Building Control Service.

2. Decision(s) recommended

2.1 To note the findings and recommendations of the Hackitt Review.

2.2 To note the steps taken to date in response to the Grenfell Fire and Hackitt Review.

2.3 To support the continued development of the Building Control Service to enable the Council to respond to the recommendations of the Hackitt Report thus ensuring the safety of those living and working in the Borough.

3. What is the issue?

3.1 Following the Grenfell Fire in June 2017, in which 71 people lost their lives, questions were raised about the potential part that the building regulations played in the tragedy. This was largely due to fire having appeared to be accelerated by the cladding on the tower. The specification of the cladding, part of a regeneration programme, had been signed off by the London Borough of Kensington and Chelsea's Building Control Service.

- 3.2 On the 28th July 2017, the Government commissioned Dame Judith Hackitt to conduct a review into the building regulations and fire safety issues.
- 3.3 The review, 'Building a Safer Future; Independent Review of Building Regulations and Fire Safety' which was carried out independently of government, had a particular focus on regulations as they apply to high-risk residential buildings (HRRBs)¹. The review's interim findings were reported in December 2017 with the final full report published on 17th May 2018 which can be viewed [here](#) with the executive summary [here](#).
- 3.4 After the Grenfell incident the Council's building control officers worked with colleagues at Solihull Community Housing to carry out urgent reviews on each of the 37 HRRBs in the Borough; all were found to be compliant and any cladding used was not of the type used in Kensington and Chelsea. The findings were communicated to central government via a number of official returns.
- 3.5 The Hackitt Report makes a number of key recommendations which although not yet formulated into legislation are likely to have implications for our building control service moving forward; including the way that it works with partners both inside and outside of the organisation.
- 3.6 There are eight recommendations:
- There should be a new stronger regulatory framework focused initially on multi occupancy higher rise residential buildings that are 10 storeys or more in height. The framework will be designed to create a more simple and effective mechanism for driving building safety.
 - The framework will be delivered by a Joint Competent Authority comprised of each local authority's Building Control Service, the Fire and Rescue Service and the Health and Safety Executive. The JCA will be the regulator for the whole of the building in relation to fire and structural safety for its entire lifecycle.
 - There should be improved focus on building safety during the design, construction, and refurbishment phases. A clear and identifiable duty holder will focus on building safety whilst the building is occupied; they will be responsible for the safety of the whole building. Periodically they will need to present a safety case to the JCA to demonstrate that building safety risks are being managed, it is suggested that this will be an annual process.
 - There needs to be an improved focus on building safety during the occupation phase. There will be a set of rigorous and demanding duty holder roles and responsibilities to ensure a stronger focus on building safety. A stronger change

¹ HRRB or High Risk Residential Buildings were defined in the Hackitt report as multi occupancy higher rise residential buildings that are 10 storeys or more in height.

control process that requires robust record keeping by the duty holder with more significant changes to the building approved by the JCA. There will be a single more streamlined regulatory route to oversee building standards as part of the JCA. This should be independent of clients, designers and contractors to enable enforcement to take place as and when is necessary. This will mean that the oversight of HRRBs will only take place via local authority building control teams but this could be supplemented with support from private approved inspectors appointed by the local authority.

- Residents should have a voice in the system.
- Levels of competence and accreditation must be raised across the board.
- There should be a more transparent and robust construction products regime.
- There should be a golden thread of information about each HRRB and this will be the evidence that will be used to demonstrate compliance to the JSA.

3.7 The Hackitt Review is particularly pertinent in Solihull as we currently have 37 buildings that would be classed as HRRBs and any further newly constructed buildings (such as the Powergen redevelopment) would potentially fall under the revised regime. It is widely thought that HRRBs will be the first tranche of buildings that the new legislative framework will apply to but it is unlikely to end there, so it is important the Council has the competence and capacity in place to manage this demand moving forwards. There are likely to be resourcing implications as greater work demands are placed on the Building Control Service as a result of the Hackitt Recommendations, as they make their way into law.

4. What options have been considered and what is the evidence telling us about them?

4.1 There are four areas that the Building Control Service is focusing on in response to the current market and impending changes. These are:

- recruitment and retention;
- 3 year business plan;
- developing stronger partnerships;
- reviewing accreditation opportunities.

4.2 Building Control was historically a local authority service, however competition has been allowed through changes to legislation. The consequence of this is that customers can now choose between using the local authority, or an “Approved Inspector. The introduction of competition to the market place has had an impact on local Authorities across the country, most notably in terms of recruitment and more often retention of staff. Over the last four years recruitment in to our own Building Control Service has been particularly challenging. However we have recently been successful in securing two new experienced surveyors. This has also enabled us to review our relationship with Acivico² who had been bought in to support the team over

² Acivico Ltd is a multidisciplinary company wholly owned by Birmingham City Council that offers building control consultancy services.

that period. Our ability to recruit was increased both by a restructuring of the service area and the assessment of salaries and an agreement from the Remuneration Committee to position salaries more competitively against private sector competitors via market forces increments. The permission for additional market forces increments is due to expire early in 2019 and we will seek to renew it before then.

- 4.3 Dame Judith Hackitt's report emphasises the need to ensure that a robust building control system is in place with qualified and competent staff. Having successfully appointed new staff we are at the start of enhancing our service to enable us to meet the demands of operating in the current market place, which given the growth agenda in Solihull remains buoyant, and will grow significantly in the near future, particularly upon the adoption of a revised Local Plan. In response we are in the process of developing a three year plan which identifies areas for continuous improvement within the way the team works. We must ensure that all officers in the team maintain their levels of continuing professional development to support this journey.
- 4.4 We recognise the need to develop relationships with both internal and external partners. Whilst the Building Control Team at Solihull has historically worked closely with West Midlands Fire and Rescue Service we do not have as close a relationship with the Health and Safety Executive. Steps will be taken to cultivate a relationship with the HSE in anticipation of the creation of the Joint Competent Authority. Internally we are working with housing standards colleagues from the Trading Standards and Environmental Compliance Team to share intelligence and knowledge about houses in multiple occupancy (HMOs), as well as building on existing strong relationships with Solihull Community Housing.
- 4.5 Local Authority Building Control³ is currently rolling out a Quality Management System (QMS); this would award compliant authorities an ISO 9001:2015 accreditation. We can explore the value of pursuing accreditation for our building control work. This will further assist us to demonstrate our competence and capability as a service.

5. Reasons for recommending preferred option

- 5.1 The Hackitt Review recommendations will have a direct implication on the role and responsibility of the Council's Building Control Service. It is important that steps are taken now to enable the service to be in a stronger position if and when the proposed changes are brought into force.

6. Implications and Considerations

- 6.1 Delivery of key themes in the Council Plan:

How will the options/proposals in this report contribute to the delivery of the key themes in the Council Plan?

- Improve Health and Wellbeing – Ensuring that buildings are constructed to appropriate safety and construction standards to reduce risk to life or health.

³ Local Authority Building Control or the LABC is a not for profit membership organisation that represents all local authority building control teams in England and Wales.

- ☒ Managed Growth – Building Control covers all new development coming forward in the Borough.
- ☒ Build Stronger Communities – Ensuring that all communities have equal opportunity to live in a safe environment, by administration of the Building Regulations.
- ☒ Deliver Value – Ensuring that the Building Control Service is fit for purpose and resourced appropriately to deliver value, through new ways of working.

6.2 Implications for children and young people, vulnerable groups and particular communities:

6.2.1 Ensuring that building control applications are processed correctly and buildings are constructed to stringent safety standards means that all children and young people, vulnerable groups and particular communities would be safe living in HRRBs in Solihull.

6.3 Consultation and Scrutiny:

6.3.1 None from this report

6.4 Financial implications:

6.4.1 The additional responsibilities proposed by the Hackitt Review do not appear to bring additional funding from Central Government at this stage. The Building Control Team however is self-funding through the income generated from building control applications, and this model will continue.

6.5 Legal implications:

6.5.1 Failure to take action now could leave the Council open to legal challenge at a later date.

6.6 Risk implications:

6.6.1 A failure to respond to the recommendations and any changes in law would expose the Council to significant risk. The risk can be mitigated by ensuring the Service maintains a competent and resourced Building Control Team to minimise the risk of death or injury to those living and working in the Borough.

6.7 Statutory Equality Duty:

6.7.1 None as a direct result of this report

7. List of appendices referred to

7.1 None

8. Background papers used to compile this report

8.1 Building a Safer Future; Independent Review of Building Regulations and Fire Safety: Final Report May 2018.

9. List of other relevant documents

9.1 None