From: Eric Hotson, Cabinet Member for Corporate and Democratic
                   Services

To: Policy and Resources Cabinet Committee – 29th June 2018

Subject: Hackitt Report: Building a Safer Future (Independent Review of
                   Building Regulations & Fire Safety)

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: This report is to inform Members of the outcome of the
Hackitt Review as an information item.

Electoral Division: ALL

Summary:

1.   The Hackitt Review published on the 17th May 2018 in response to the
        Grenfell Tragedy headlined as "Building A Safer Future" makes a
        considerable number of observations and subsequent recommendations.

2.   Whilst the review's main focus has been high rise residential buildings, it also
        references in places other building types. The report provides a good source
        for guidance and the future direction of fire safety generally.

3.   The Hackitt Review has also considered wider fire safety regulation more
        generally and has concluded fire safety regulation needs greater clarity,
        simplification and integration between the bodies involved. There is also an
        emphasis to hold fire safety Duty Holders even more to account. This is likely
        to mean that fire safety will require greater resources than at present,
        although KCC are operating already quite a strict regime so it is hoped that
        these impacts overall will be minimal.

Recommendation:

The Policy and Resources Cabinet Committee is asked to Note the contents of the
report and the recommendations of the review.

1.   **Introduction**

1.1   The Grenfell Tragedy on 14th June 2017 brought building fire safety to the
       forefront of Central and Local Governments' agendas.

1.2   The Hackitt Review (An Independent Review of Building Regulations & Fire
       Safety) was set up by Central Government in the wake of Grenfell.

1.3   The independent review of building safety and fire regulations was
       commissioned by the Secretary of State for Communities and Local
       Government and Home Secretary in July 2017. It examined building and fire

safety regulations and related compliance and enforcement, with the focus on multi-occupancy high-rise residential buildings. The findings of the interim report were previously reported to the Policy and Resources Cabinet Committee.

1.4 Following an interim report in December 2017, there was a summit of industry experts in January and reports by working groups in March leading to its publication. It is important to note that the Hackitt Review is separate to the judge-led Grenfell Tower Inquiry and does not replace the criminal investigation and did not seek to identify the cause of the Grenfell Tower tragedy.

1.5 The headline title of the Hackitt Review is "Building a Safer Future". The 156-page report is comprehensive and provides in depth insight and recommendations for fire safety in buildings. It cites ignorance, indifference, inadequate regulatory oversight & enforcement tools and lack of clarity on roles and responsibilities, and seeks to overturn this "race to the bottom" approach to fire safety.

2. Summary of report findings

2.1 The report recommends a new regulatory framework focusing on high-rise residential properties (HRRB's) which are 10 storeys high or more. It states that the government should identify new buildings which will fall into this category through Local Planning Authorities and utilise the experiences of the MHCLG Building Safety Programme to compile a list of other existing residential buildings which fall into this category.

2.2 Many recommendations in this report are only intended to apply to HRRBs. However, in some cases the review suggests applying specific recommendations to a wider set of buildings. Specifically, it identifies two further classes of buildings where specific recommendations should equally apply:

- Other multi-occupancy residential buildings (e.g. blocks of flats below 10 storeys) where the Fire Safety Order already applies. In this report these buildings are referred to as 'multi-occupancy residential buildings'); and

- Institutions and other buildings used as living accommodation where people sleep including hospitals, care homes, hotels, prisons, Halls of Residence and boarding schools (referred to in the report as 'institutional residential buildings').

2.3 The report recommends a radical rethink of the whole system, in order to implement a more robust and assured approach to building and managing increasingly complex residential structures. It warns of an industry culture which is described as a '*race to the bottom*'. The key issues underpinning system failure include:

- *Ignorance* – regulations and guidance are not always read by those who need to, and when they do the guidance is misunderstood and misinterpreted.

- *Indifference* – the primary motivation is to do things as quickly and cheaply as possible. When concerns are raised by others involved in building work or by residents, they are often ignored. Some of those undertaking building work fail to prioritise safety, using the ambiguity of regulations and guidance to game the system.
- *Lack of clarity on roles and responsibilities* – there is ambiguity over where responsibility lies, exacerbated by a level of fragmentation within the industry, and precluding robust ownership of accountability.

- *Inadequate regulatory oversight and enforcement tools* – the size or complexity of a project does not seem to inform the way in which it is overseen by the regulator. Where enforcement is necessary, it is often not pursued. Where it is pursued, the penalties are so small they act as an ineffective deterrent.

2.4 The report recommends a new 'whole system' regulatory framework, based on a collaborative approach, bringing together government, industry and the community. The new framework aims to radically enhance the current model of responsibility so that:

- Those who procure, design, create and maintain buildings are responsible for ensuring that those buildings are safe for those who live and work in them.

- Government will set clear outcome-based requirements for the building safety standards which must be achieved.

- The regulator will hold dutyholders to account, ensure that the standards are met and take action against those who fail to meet the requirements.

- Residents will actively participate in the ongoing safety of the building and must be recognised by others as having a voice.

2.5 The new framework will:

- Be focused in the first instance on multi-occupancy higher risk residential buildings (HRRBs) that are 10 storeys or more in height.

- Create a new Joint Competent Authority (JCA) comprising Local Authority Building Standards, Fire and Rescue Authorities and the Health and Safety Executive to oversee better management of safety risks in these buildings across their entire life cycle.

- Embed a mandatory incident reporting mechanism for dutyholders with concerns about the safety of a HRRB.

- Introduce a series of robust gateway points to strengthen regulatory oversight.
- Create a stronger change control process that will require robust record-keeping by the dutyholder.

- Enable a single, more streamlined, regulatory route to oversee building standards removing overlap.

- Bring in more rigorous enforcement powers.

3. Key recommendations for local authorities

3.1 The report outlines a series of recommendations. The key elements of the report for local authorities are summarised below:

- Whilst the recommendations in this report relate predominantly to HRRB's, the report makes it clear there would be merit in certain aspects of the new regulatory framework applying to a wider set of buildings to drive change more broadly.

- A new regulatory framework means thinking about buildings as a system and considers the different layers of protection required to make that building safe on a case-by-case basis.

- Prescriptive regulation and guidance are not helpful in designing and building complex buildings so an outcome-based framework is needed.

- Significant systemic reform is needed spanning every aspect of the 'life' of a building – from design to construction to ownership and on-going management.

- Improving the procurement process will play a large part in setting the tone for any construction project. This is where the drive for quality and good outcomes, rather than lowest cost, must start.

- There should be a clearer, statutory change control process that places requirements on the relevant dutyholder to notify the regulators of significant changes post-Full Plans sign-off (identifying two types of changes - 'major' and 'minor' changes).

- Local Authority Building Control should be newly branded as 'Local Authority Building Standards' given their re-focused role in overseeing standards and dutyholders' key responsibilities during design and construction.

- Government should consider also applying this change control process to other multi-occupancy residential buildings and to institutional residential buildings.

- There should be transparency of information and an audit trail all the way through the life cycle of a building from the planning stage to occupation and maintenance which is essential to provide reassurance and evidence that a building has been built safe and continues to be safe.
- There needs to be a clear model of risk ownership, based on a risk matrix, overseen and held to account by a new Joint Competent Authority (JCA).

The JCA will bring together the Health and Safety Executive, Local Authority Building Standards and Fire and Rescue Authorities.

- A more transparent testing regime needs to be introduced for insultation and cladding systems. The JCA will be more likely to approve the use of lower risk materials. Where full testing is carried out, this needs to take a whole system approach to installation and maintenance throughout the lifecycle, in order to mitigate potential risks.

- The report stops short of recommending an outright ban on the use of flammable cladding materials in HRRB's or the use of 'desktop' exercises.

4. Considerations for KCC

4.1 Kent has comparatively few HRRB's which are the main focus of the report. However, notably the report recommends that some aspects of the new regulatory framework should apply to other public buildings, which has implications for KCC as a 'corporate landlord' (directly managing and maintaining assets) and as a 'commissioner' (commissioning services for vulnerable people in other public buildings). The report is clear that those who procure, design, create and maintain buildings are responsible for ensuring that those buildings are safe for those who live and work in them.

4.2 Of particular relevance is how this may apply to 'institutional residential buildings' - other buildings used as living accommodation where people sleep including hospitals, care homes, hotels, prisons, Halls of Residence and boarding schools. For KCC, it will be important to understand what this means for care homes (both in house, commissioned and private provision for Kent residents), settings for Children in Care/Care Leavers and short breaks/respite provision.

4.3 The clarity of accountability/responsibility, how to undertake the new requirements throughout the lifecycle of the building and new transparency and audit requirements will be important to understand, not only within KCC, but with our public sector partners (e.g. Districts and Fire and Rescue Authorities) and providers. Key considerations will be how data can be collected, stored and managed in a transparent, consistent way between different stakeholders. To respond to the 'golden thread' principle of the Hackitt report, information will need to be kept and shared throughout the whole building lifecycle. These new requirements may build in additional time and have cost and capacity implications.

4.4 The report is clear that the procurement process is the starting point for driving better quality and good outcomes for residents. For higher risk residential buildings (HRRB's), principal contractors and clients should devise contracts that specifically state that safety requirements must not be compromised for cost reduction. Tenders should set out how the solution that is proposed will produce safe building outcomes, approaching the building as a system. Those procuring should use the tender review process to test whether this is the case. The report urges the government to consider applying this requirement not only to HRRB's but to other multi-occupancy residential buildings and to institutional residential buildings.

4.5 The resident voice is an area where the government is already considering policy change, for example the forthcoming Social Housing Green Paper. The report states that dutyholders should provide reassurance and recourse for residents of all tenures by providing:

- greater transparency of information on building safety;
- better involvement in decision-making e.g. residents' associations and tenant panels;
- a no-risk route for residents to escalate concerns on fire safety where necessary, through an independent statutory body that can provide support where service providers have failed to take action, building on ongoing work across Government;
- residents of HRRBs should have the right to access fire risk assessments, safety case documentation and information on maintenance and asset management that relates to the safety of their homes. The report recommends that the government should consider applying this requirement to other multi-occupancy residential buildings.

To be able to respond to these new requirements, local authorities and providers would have to create accurate and accessible records of information to be able to respond to greater transparency requirements in a timely manner.

4.6 Local Authority Building Standards is the proposed name for the rebranded Local Authority Building Control – the professional body covering building control teams working in local authorities. More detailed work on potential JCA models would be required before the necessary governance arrangements and infrastructure can be built and accountabilities drawn. For Kent, it will be important to understand how this works in practice in a two-tier area and what geography the JCA will cover. All three regulators are currently overseen by different government departments, however there are already precedents of similar arrangements where different regulators and departments work together to oversee major hazards/risks.

5. Conclusions

5.1 The Hackitt Review does not directly address the role of KCC as the holder of an estate in the same way it does a Housing Authority with high rise residential buildings, though it does reference institutional residential and most certainly it provides interesting reference to good practice and how fire safety will be treated in the future.

5.2 A taskforce has been established to consider further the recommendations of the Hackitt report and its impact on the Council.

6.   Recommendation(s)

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to Note the contents of the report and the recommendations of the review.

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7.   Background Documents

Summary version of the final report
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707792/Building_a_Safer_Future_-_foreword_and_summary.pdf

Full version of the final report
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707785/Building_a_Safer_Future_-_web.pdf

8.   Contact details

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