

TITLE OF REPORT: Building Safety and Compliance

Purpose of the Report

1. To provide an overview on the current building safety and compliance position

Background

2. The Building Safety Act 2022 (The Act) came into law on 1st October 2023. The Act introduced new duties for the management of fire and structural safety in high rise residential buildings. This includes increased responsibilities for building owners and changes to fire safety legislation.
3. The Act applies to new and existing occupied buildings over 18 metres high or containing seven storeys or more with at least two residential units. The Act clarifies who has responsibility for fire and building safety for the life cycle of higher risk buildings.
4. The Act introduced a requirement for building owners to have an Accountable Person (AP). The AP has a legal duty to assess building safety risks and provide a Safety Case Report to the Building Safety Regulator. This report demonstrates how risks are being identified, mitigated, and managed to ensure residents' safety.
5. The Safety Case report is supported by the golden thread of information which evidences the assessment and management of Building Safety risks.
6. In addition, to The Act, the Fire Safety (England) Regulations came into force in January 2023 which introduced new duties for building owners or managers. There was no impact to the Council as all regulatory requirements are in place.
7. The Act made amendments to the Regulatory Reform (Fire Safety) Order 2005 (FSO) with effect from 1st October 2023 to improve fire safety in all buildings regulated by the FSO. These improvements form Phase 3 of the Home Office's fire safety reform programme, building on Phase 1 (the Fire Safety Act 2021) and Phase 2 (the Fire Safety (England) Regulations 2022). There was no impact to the Council as all regulatory requirements are in place.
8. The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 came into force 1st October 2022. This requires smoke detection on every habitable floor of a property and carbon monoxide detection in any room with a gas appliance (except kitchens). Carbon monoxide detection is fully in place. Smoke detection is in a rolling programme with a July 2025 completion target.

Current Position

9. In line with the requirements of The Act all Gateshead Council high-rise blocks were registered with the Building Safety Regulator by the deadline of 31st October

2023. Key building information was provided within the 28-day timeline after the registration application was submitted.

10. The key building information included details of:
 - the external wall system of the building,
 - the type of roof system,
 - detail of any external fixtures, such as balconies,
 - the structural design of the building,
 - the type of staircasing,
 - the make up of the different levels of the building,
 - the energy supply,
 - fire and smoke control systems,
 - type of evacuation strategy in place.

2. In late 2023, Gateshead Council took part in a pilot scheme with the Health and Safety Executive which looked at the content and layout of the Safety Case Report and the type of information required. This has enabled completion of the first 2 reports with the remaining 22 to be completed by 31st March 2024.

3. The Building Safety Regulator will assess all high-rise buildings in the UK over a five-year period starting from April 2024 prioritised on their height and number of residential units. Four of Gateshead Council high-rise blocks are expected to be categorised in the first tranche – Eslington Court and Redheugh Court with 21 storeys and 166 flats each, Regent Court with 10 storeys and 160 flats and St Cuthberts Court with 17 storeys and 84 flats.

4. A significant amount of work has taken place to meet the requirements of the current legislation and regulation. This includes:
 - an ongoing fire risk assessment programme,
 - completion of external wall structure surveys,
 - completion of building fire strategies,
 - block evacuation processes,
 - a customer vulnerability process in partnership with the Tyne and Wear Fire and Rescue Service,
 - ongoing high rise block audits, with the Tyne and Wear Fire and Rescue Service,
 - completion of safety case reports for Regent Court and St Cuthberts Court with Eslington Court and Redheugh Court due for completion by mid-February 2024,
 - resident engagement strategies and meetings with the resident's multi-storey safety group to discuss how documentation is shared with residents and plans for a high-rise block website page,
 - a complaints procedure for residents via a dedicated email address'
 - a mandatory occurrences process to report any incident or situation relating to the structural integrity or fire safety of a higher risk building to the Building Safety Regulator. This is over and above the existing Council incident reporting process and those relating to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

5. An annual flat front door inspection programme is in place and on target. 577 of 837 flats in 10 blocks have been accessed to date for inspection – 67.02% access rate. A total of 1,850 require inspection across the 24 blocks. All missed

appointments will be followed up. There may be a need in extreme cases to take legal action to enforce access under the new powers included in The Act.

6. A fire door specification is in place to expedite replacement of tenant damaged doors at an average of 15 doors at £20,000 per month. This changes the current 3 week lead in from the current supplier to a reactive service.
7. A quarterly inspection programme of 1,534 communal fire doors is in place and on target.
8. Any high risk repairs are addressed immediately.
9. The high-rise fire detection system, within dwellings, complies with regulation. Some upgrades to the existing systems are planned during capital schemes or when the properties become vacant. This will place additional detection in kitchens and lounges.
10. New compliance software is in the process of implementation with a target date of April 2024. This will provide a major part of the golden thread of information directly from the various compliance and risk assessment programmes.

Compliance

11. Of the six key compliance areas there are no areas of high risk.
12. Fire risk assessments are within target. All remedial actions are within acceptable completion action plans. The programme comprises of 24 high rise blocks, 104 mid rise blocks, 308 low rise blocks, 9 aged person units and 27 communal lounges.
13. Gas Servicing is 100% compliant – 16,607 properties. Solid fuel servicing is 100% compliant – 10 properties.
14. 98.94% of properties have an electrical condition report that is less than five years old – 18,014 of 18,206 properties. The testing programme is in year five of a five-year programme. 192 properties without a test certificate within the last 5 years are due to three access refusals. Re-access will be attempted on an annual basis unless a significant hazard can be evidenced. 3,767 properties are considered safe but are not compliant with the latest electrical regulations. These properties are reinspected every two years and are on a rolling upgrade programme.
15. All fire alarm and emergency lighting testing are compliant.
16. The programme of inspecting the 413 known asbestos containing materials in communal areas is compliant. Two sections contained within service risers are considered high risk asbestos but negligible risk due to near impossible access. These continue to be monitored.
17. The domestic property water risk assessment programme is on target. This has prioritised properties which are at higher risk due to stored water systems. The team continue to carry out water risk assessments in vacant properties and where

changes are made to the water systems in properties. This builds data used to identify any additions needed to the programme.

18. The passenger lift servicing contractor has fallen behind on a servicing programme that is usually 100% compliant due to staff illness. This will be back to full compliance during February 2024. This is minimal risk due to the safeguards built into the lifts. Passenger lift servicing is currently 53% complete and thorough inspections 77% complete.

19. Personal lift and lifting device servicing is currently 83% complete. Access continues to be difficult, and support is provided by Adult and Childrens Social Care and Housing Management. As reasonable endeavours can be evidenced the programme is considered compliant.

20. LOLER/thorough insurance inspections of lifting devices have similar access issues and are currently 66% complete.

21. New compliance software is in the process of implementation with a target date of April 2024. This will report on all areas of compliance.

Proposal

11. Continue to meet the requirements of the relevant legislation and regulation.

Recommendations

12. OSC is asked to note this report.

Contact: Ian McLackland, Service Director, Repairs and Building Maintenance.