



Rt Hon James Brokenshire MP
Secretary of State for Housing, Communities and Local Government
Ministry of Housing, Communities and Local Government
2 Marsham Street
London
SW1P 4DF

6th July 2018

Dear Secretary of State,

**Building a Safer Future: Independent Review of the Building Regulations and Fire Safety
Feedback on the Final Report June 2018**

Thank you for you and your team's consideration of our views during the various stages of the review and to Dame Judith Hackitt for the opportunity to be involved in the working groups that informed her final report. We have been reassured to see how Dame Judith consulted so widely and channelled the views of so many diverse stakeholders into her final findings and recommendations.

LABC supports the Review's whole system approach and all of its recommendations. Dame Judith was very clear; "What is described in this report is an integrated systemic change not a shopping list of changes which can be picked out on a selective basis." We wholeheartedly agree and urge you to introduce the changes as quickly as possible, some of which can be implemented now using existing statutes and processes.

In our consideration of her Final Report we have continued to liaise with key stakeholders across the industry and it has been encouraging to realise that there is almost unanimous industry wide support for the recommendations.

We are formally working with other enforcement bodies to consider how existing information systems and processes can be merged and upgraded to support the JCA and provide an efficient and universal 'digital record' supporting the whole building lifecycle and key 'gateways'. We held the first meeting of a working group looking at how the JCA might operate on 3rd July. This was a positive meeting with representatives from the Ministry, Fire Services, HSE, Local Government Association, RTPI and Chartered Institute of Environmental Health and there was broad agreement about our approach and the steps required to support a 'clean slate' system that combines nationwide regulatory consistency with strong local on-the-ground presence.

Where we have been made aware of any legitimate concerns directed towards LABC or its members we have attempted to include a resolution to these in our detailed response.

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Seven Key Elements

In advance of setting out our detailed structured response to Dame Judith's recommendations we wish to reiterate the seven key elements of her proposals that, in our view, provide the foundations for the new way forward.

1. No regulatory system will work if people choose their own regulator and decide the level of regulatory intervention, as happens now (and we have evidence that building control continues – even after Grenfell – to be bought on the basis of 'the least interference for the least cost').
2. Competencies need to be made visible and validated for all those supporting the 'golden thread' of fire safety. LABC has already implemented this and surveyors must be graded, measured and validated within LABC's new national standard quality management system, including third party auditing of individual competence by a UKAS accredited ISO company. This is supported by new accredited training, qualifications, learning management and validation, developed with the Chartered Institute of Building, the University of Wolverhampton and the Institution of Fire Engineers.
3. LABC supports the creation of the JCA to unify the work of regulators across the whole life cycle of the buildings in scope of the review. In particular building control needs to be closer to Fire Services, to have access to the stronger enforcement powers of the HSE and to carry the working relationship forward into regulated work during maintenance and later building upgrades.
4. The JCA should ultimately be extended from the buildings identified to include other multi-occupancy residential buildings and institutional residential buildings. In LABC we see many buildings with high risk (education, health, care, retail, entertainment, mixed used developments and dwellings in multiple occupancy from conversions or for people with special needs); as such we believe all buildings that are subject to the Regulatory Reform (Fire Safety) order 2005 should be covered by the JCA.
5. LABC agrees with Dame Judith that the JCA should provide 'a single, streamlined, regulatory route' where the crucial relationship between LABC(LABS) and Fire & Rescue Services allows for more effective sharing of key fire safety information. The JCA we are seeking to design in conjunction with other stakeholders will provide a cloud-based national portal that alerts partners from planning, building control, fire and rescue and HSE at each project gateway and provides the data for review and collective decision. We see this in a very operational way, utilising existing processes and data within local authorities that can be merged into a digital 'fire safety' information portal for the all professionals working on compliance throughout the life cycle of any 'defined' building. If there are local issues about resourcing competent participants, then the Department for Business Energy and Industrial Strategy 'Primary Authority' scheme is a well-defined method of sharing work and could be used proactively for large national developers working across many areas. The 'Primary Authority' route is also used by Environmental Health, Trading Standards and Fire Services and is supported by the LGA.

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LABC is currently liaising with the National Fire Chief's Council about piloting these arrangements as soon as is practicable. In addition, we are also opening discussions with the Chartered Institute of Environmental Health as environmental health officers also have statutory roles and powers in housing management.

6. Surveyors assessing plans, specifications and working on site need certainty on product science, testing and certification. Products need to be rigorously assessed against relevant tests, clearly marked and easily identifiable during installation. We have an established relationship with the BBA and work closely with them supporting their whistleblowing proposals in relation to product and installer safety.
7. To make the new regulatory system work nationwide LABC (LABS) needs to be the designated body for local authorities and we have written to you separately on 22nd May in this regard. This is vital to introduce shared standards, competency training, competency assessment, national qualifications (accessing funded schemes) and to introduce a unified complaints, performance and whistle-blowing function that local authorities will heed and that can be reported to Ministry officials.

LABC's Structured Response

We are conscious that you will be inundated with detailed written responses in respect of the final report so we have attempted to structure our response more concisely and include:

- A proposed process model for the JCA (maintaining the golden thread) showing how the considerable flow of data through local government can be harvested to create a lasting digital record for the lifetime of buildings, efficiently supporting the gateway principles and all regulatory services.
- Our tabular detailed response to each of your recommendations and the possible legislative/practical implications to resolve.
- A model for how local authorities can legitimately verify their own building stock.

Each of the above are included as separate attachments and a schedule of these is included as an addendum to this letter.

We note that Approved Inspectors have voiced doubts about our members' ability to resource any new system; that the new system will cause delay to industry; also that developers will create building designs to avoid the definitions of higher risk. We don't agree. This hasn't happened in Scotland. Our members already report a change in culture with clients adjusting their approach to compliance and the way they interact with our local authority teams.

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We recently surveyed the 3,500 surveyors and technicians in our network (July 2018) and found:

- Of the 294 local building control teams (this figure covers every district and unitary authority and includes shared service teams), 196 include a level 6 or 6a surveyor. (Level 6 is a surveyor who has proven capability to work unsupervised on a complex or higher risk building. Level 6a is a surveyor who has additional specialist skills such as safety at sports grounds).
- A total of 1,096 surveyors have the required level 6/6a competencies to work on complex buildings – 720 level 6 and 376 level 6a
- The vast majority of level 6/6a surveyors are available for cross boundary working with 72% (789) saying they would work in another authority (subject to workload, cover etc).

Local authority recruiting is at a high and we have the largest new intake for a decade including 250 new surveyors entered into the LABC 'Boot Camp' qualifications series. LABC is also subsidising accredited training and providing the new national ISO-based standards at no cost. This means our members are much better placed now than a year ago to bring in new surveyors, up-skill existing ones, measure and select competent contract staff and work with third party consulting surveyors (under our relevant and audited LABC quality management system). We have also refocussed our efforts internally, shifting resources from marketing into the implementation of your recommendations.

LABC has a 67% market share overall and the current definition of HRRBs represents about 10% of workload – mostly in our core cities. Our members, with our support, have re-established their Core Cities Group to share good practice, resources and assist the Building Safety Programme in the areas with the highest concentration of HRRBs.

Local authorities already have the option to bring in third-party professionals working within the LABC standards and ISO framework. This can include compliant consultancies. Should the definition of high risk buildings be expanded LABC members would continue to call on these options and we would facilitate the assessment of these potential partners for competence.

We also note the total agreement between all the various professionals in the Seminar facilitated by Dr Angus Law that the concepts of public duty, public interest and social capital should be given additional emphasis in ethical codes. The excellent view on competence explained by Dr Law has transformed our thinking and we now realise that creating a demanding definition of the top-most competencies will change the acquisition of skills, knowledge, qualifications and experience throughout a surveyor's entire working life. Fire safety will become part of the DNA of a surveyor from the first day of their career and this will benefit all buildings, not just any defined as higher risk.

The different building standards framework in Scotland which is heavily focussed on approving the design and specification at the front-end of the process (against which the warrant is issued) does not deter developers or create a drag on economic development there. We believe developers and contractors simply want clarity. They always adapt and move on - any on the margins hoping to exploit competition will have to change their business model. Surely that's the point of the Review?

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Finally, I would like to take this opportunity to commend the dedication and professionalism of Dame Judith's and your team in the preparation of the final report. Without exception they have been a pleasure to work with. Please be assured of both our and our members support in the implementation of her report and to building a safer future.

Yours sincerely

Paul F Everall CBE
LABC Chief Executive

Schedule of Attachments

1. A proposed model for the JCA – Digital Record/Golden Thread.
2. A proposed process map for the JCA
3. The JCA expressed in a tabular form describing the possible key stages, current provisions in legislation and any potential issues.
4. Our tabulated response to each of your recommendations and the possible legislative/practical implications to resolve.
5. A proposed model to respond to any concerns over the Local Authority Building Control Partner Authority Scheme and local authorities regulating local authority owned buildings.
6. Summary of LABC Members' Level 6/6a Competence Survey July 2018.

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