



Consultation on the new safety regime for occupied buildings.

Dear Department for Levelling Up, Housing and Communities,

Thank you for the opportunity to respond to this consultation. Please see below our response on behalf of Wandsworth Council. As a stock holding Local Authority with 146 high-risk buildings and over 35,000 tenants and leaseholders overall, we look forward to the outcome of the consultation and embedding these measures into our housing services.

For any queries or follow up questions, please get in touch with Wandsworth's Housing and Regeneration department through michael.liu@richmondandwandsworth.gov.uk Regards,
Wandsworth Council

1. Registration

Timescale and process for registration

Question: Do you agree or disagree that 6 months is sufficient time for the principal accountable person to provide the information to register their building?

- Agree

Question: Do you agree or disagree that an agent may act for the principal accountable person in connection with the application?

- Agree

Question: Do you agree or disagree that the required information is sufficient to identify the building and whether it is within scope of part 4 of the Act, and identify the principal accountable person and accountable person(s) (if there are multiple accountable persons) for the building?

- Agree

Changes to registration information

Question: Do you agree or disagree that the principal accountable person should notify the Building Safety Regulator of any changes to registration information?

- Agree

Question: Do you agree or disagree that the Building Safety Regulator should be notified within 14 calendar days, excluding Christmas Day, Good Friday or a bank holiday in England and Wales, of the change occurring?

- Agree

Question: Do you envisage any difficulties with the requirement to provide a physical address in England and Wales for general communication and the service of notices?

- No

Buildings built under the new regime

Question: Do you agree or disagree that for buildings built under the new regime, the principal accountable person must provide the unique reference number for the completion certificate?

- Agree

Buildings that will be subject to transitional arrangements

Question: Do you agree or disagree that for buildings for which construction has started before the new regime comes into effect and which are subject to transitional arrangements, the principal accountable person must provide the appropriate certificate to the regulator?

- Agree

Existing buildings

Question: Do you agree or disagree with this proposal?

- Agree

We agree with this proposal but are aware that building information for older buildings or older buildings acquired or through stock transfers may not be fully complete or accurate.

2. Building Assessment Certificate

Application for Building Assessment Certificate

Question: Do you agree or disagree that 6 months is the appropriate time scale for calling in (i.e. issuing a direction) applications for a building assessment certificate following occupation of a registered new build building?

- Agree

Prescribed information to accompany an application for a building assessment certificate

Question: Do you agree or disagree how the detail about the mandatory occurrence reporting system should be given in connection with the application?

- Agree

Question: Do you agree or disagree with the proposed requirements for the provision of prescribed information for application for a building assessment certificate?

- Agree

Notices under section 81 - content and requirement for copies to be served on all other accountable persons for the building

Question: Do you agree or disagree that this information must be included in a notice refusing to issue a building assessment certificate?

- Agree

We agree with the contents of the Refusal Notice and would encourage greater transparency and information in order to implement immediate remedies to ensure a prompt resubmission and approval of the building assessment certificate.

Question: Do you agree or disagree that copy notices issued by the Building Safety Regulator under sections 81(3) or (4) should be provided to all accountable persons for the building?

- Agree

Display and content of certain information about accountable persons and the building assessment certificate

Question: Do you agree or disagree that the Building Safety Regulator must plan to conduct an assessment at least once in every 5 years?

- Agree

Question: Do you agree or disagree that this is the right information to be included in a building assessment certificate?

- Agree

Question: Do you agree or disagree that this is the right level of information which needs to be included in a displayed notice?

- Agree

3. Accountable Persons

Part of a building for which the accountable person is responsible

Question: Do you agree or disagree with the approach set out above?

- Agree

4. Principles for managing building safety risks and the safety case report

Principles for managing building safety risks:

Question: Do you agree or disagree with the proposed principles that the principal accountable person and accountable person(s) must follow when managing building safety risks?

- Agree

Form and content of safety case reports, and notifications and submissions of safety case reports to the Building Safety Regulator

Question: Do you agree or disagree with the proposed content of the safety case report?

- Agree

We have previously highlighted the need for an example or completed template approved by the Building Safety Regulator to follow. This can include specification of the minimum requirements for completion. This is to support a consistent and efficient approach to completing safety case reports.

Question: Do you have any views on the format in which a safety case report must be produced, stored and submitted?

Should have an agreed standard template.

Question: Do you have any views on the way in which the Building Safety Regulator must be notified by the principal accountable person following the completion or update of a safety case report?

The preferred model is a shareable live portal where the principle accountable person can make updates in real time which is immediately accessible to the Building Safety Regulator

Question: Do you have any further observations you would like to share?

Guidance will be essential and signed off examples would be preferred, ideally a universal template with examples approved by the Regulator

5. Mandatory occurrence reporting

Establishing and operating a mandatory reporting system

Question: Do you agree or disagree with the proposals for establishing and operating a mandatory occurrence system by the principal accountable person?

- Agree

Circumstances for requiring mandatory reporting

Question: Do you agree or disagree with the proposed circumstance in which a safety occurrence is reportable?

- Agree

Question: Do you agree or disagree with the definition of a safety occurrence?

- Agree

Mandatory occurrence reporting to the Building Safety Regulator

Question: Do you agree or disagree with the proposed information that should be reported to the Building Safety Regulator?

- Agree

Question: Do you agree or disagree that safety occurrences should be reported to the Building Safety Regulator within 10 calendar days?

- Agree

6. Residents voice

Information the principal accountable person or relevant accountable person will provide to residents

Question: Do you agree or disagree with the instances in which the accountable person will be required to provide residents with information?

- Agree

We would also aim to make this information available online or on request but would highlight that additional resource burdens may be placed where building owners are expected to carry out unscheduled reviews or updates, for example if a resident requests an immediate assessment for mortgage or sales purposes.

Question: Do you agree or disagree with the proposed types of information residents should always receive?

- Agree

The proposed information may benefit from information on what to do in an event of a fire, for example, any emergency or evacuation procedures.

Question: Are there any specific documents or information you think should be included or excluded from the information residents receive automatically?

- Yes

Please provide an explanation for your answer to the question above.

In general, a full comprehensive Fire Risk Assessment will hold technical details which are not resident friendly or contain relevant information. It may be better to communicate to residents through the provision of resident friendly Fire Risk Assessments.

In addition, it would be difficult to share personal identifiable information about the interior of individual properties or occupants, for example, if there was a hoarding issue in the building or residents with physical disabilities.

Information pertaining to residents' rights

Question: Do you agree or disagree with the proposed lists of further information that residents can request?

- Agree

How the information must be provided

Question: Do you agree or disagree with how information will need to be provided to residents?

- Agree

Question: Do you agree or disagree that residents should be able to request information in an accessible form?

- Agree

Exemptions

Question: Do these exemptions strike the right balance between making sure residents can access information and the need to protect sensitive information?

- Yes

Question: Do you agree or disagree with the proposed approach to the intellectual property and commercial confidentiality exemptions?

- Agree

The residents' engagement strategy

Providing the residents' engagement strategy

Question: Do you agree or disagree that it should be up to the principal accountable person to decide how to provide residents with a copy of the residents' engagement strategy?

- Agree

The content of the residents' engagement strategy

Question: Do you agree or disagree with the proposed minimum requirements for when residents should be provided with building safety information?

- Agree

Question: Do you agree or disagree with the proposed minimum requirements for the aspects of a decision residents should be consulted on?

- Agree

Methods of engaging with residents

7.31. We propose that it is for the principal accountable person, working with accountable persons, to establish how best to seek views from the residents of a higher-risk building. We believe accountable persons will be best placed to understand the specific requirements of the residents in the building, and to be able to adapt their engagement to meet the requirements of their residents.

Question: Do you agree or disagree with allowing accountable persons to decide how best to seek residents' views?

- Agree

Consulting on the residents' engagement strategy

Question: Do you agree or disagree with the proposed approach to when the residents' engagement strategy should be consulted on and with who?

- Agree

Question: Do you agree or disagree with the minimum period for consultation?

- Agree

Keeping the residents' engagement strategy under review

Question: Do you agree or disagree with the minimum timeframe for reviewing the residents' engagement strategy and the further instances where a review will be required?

- Agree

Question: Are there other specific circumstances that should require a review of the residents' engagement strategy?

- Yes

If yes, what circumstances should require the residents' engagement strategy to be reviewed? Explain your reasoning.

Following major legislation changes or a restructure of the Council's service delivery.

Complaints

Making a complaint about building safety issues

Question: Do you agree or disagree with the approach that anyone can make a relevant complaint?

- Agree

The complaints policy

Question: Do you agree or disagree with the minimum requirements for a complaints policy as set out above?

- Agree

How to make a complaint

Question: Do you agree or disagree with the requirement to have suitable mechanisms for receiving potential complaints and to consider a complainant's communication preference?

- Agree

Question: Do you agree with the requirement to display how to make a complaint in the common parts of the building?

- Agree

Remedies

Question: Do you agree or disagree with the requirements to communicate clearly with complainants when rectifying a relevant complaint?

- Agree

The principle of escalation

Question: Do you agree or disagree with this approach to escalating a complaint to the Building Safety Regulator?

- Agree

Handling a complaint

Question: Do you agree or disagree with the approach of requiring the principal accountable person to respond to building safety complaints in a timely manner and appropriately prioritise them, rather than within a fixed timeframe?

- Agree

Question: Do you agree or disagree that the principal accountable person should have to keep complainants regularly informed of the steps they are taking to resolve a complaint and whether any progress has been made, including reasoning for any delays?

- Agree

Question: Do you agree or disagree with these requirements on how a complaint should be stored?

- Agree

Contravention notices

Issuing a notice

Question: Do you agree or disagree with the requirements for issuing a contravention notice?

- Agree

Recording information

Question: Do you agree or disagree that the accountable person must maintain a record of the contravention notices that they have served, and any relevant information in line with the principles of the golden thread?

- Agree

7. The contents of the golden thread

Relevant and proportionate

Question: Do you agree or disagree that only information relevant to building safety risks should be stored in the golden thread?

- Agree

Question: Do you agree or disagree that the information in the golden thread should be regularly reviewed to ensure it remains proportionate and relevant?

- Agree

Responsibility

Question: Do you agree or disagree with the approach outlined above?

- Agree

Contents

Question: Do you agree or disagree that the proposed information from the design and construction stage should be handed over to the principal accountable person, and that this information should be stored in the golden thread as long as it remains relevant to building safety?

- Agree

Question: Do you agree or disagree that the information/documentation provided at the registration and as part of the building assessment certificate application should be stored in the golden thread as long as it remains relevant to building safety?

- Agree

Question: Do you agree or disagree that the mandatory occurrence reports are stored in the golden thread as long as the reports remains relevant to building safety?

- Agree

Question: Do you agree or disagree that information deemed necessary for use by emergency services in an emergency, as stored by the Responsible Person in the information box, is stored in the golden thread?

- Agree (if emergency info is stored electronically)

Question: Do you agree or disagree that information the Responsible Person is required to collect on wall systems is stored in the golden thread as long as the information remains relevant to building safety?

- Agree

Question: Do you agree or disagree that the information set out above should be stored in the golden thread as long as the reports remains relevant to building safety?

- Agree

Question: Do you agree or disagree that the safety case report and safety case information set out in the list above should be stored in the golden thread as long as it remains relevant to building safety?

- Agree

Question: Do you agree or disagree with the information about building work in a higher-risk building to be stored in the golden thread?

- Agree

Question: Do you agree or disagree that the key building information should be stored in the golden thread?

- Agree

8. How the golden thread is stored and managed - golden thread principles

Definition of digital

Question: Do you agree or disagree with the proposal to require that the golden thread should be digital and that by digital we mean information and data is stored and can be transferred electronically?

- Agree

In the current environment, social landlords may not be in favour investing in new specialist software and Building Information Management (BIM) systems. We are currently exploring how this data can be held through our existing common formats and electronic folder structures such as Microsoft Sharepoint and for the greatest accessibility when transferring information.

Accurate

Question: Do you agree or disagree with the proposed requirements for keeping information and documents in the golden thread accurate and valid?

- Agree

Single source of truth and ensuring information can be shared and transferred with other people

Question: Do you agree or disagree with proposed requirements that the golden thread operates as an interoperable single point of truth?

- Agree

As indicated in our response to the question above (Definition of digital), we strongly agree with the proposed requirements where it would minimise mixed or inconsistent data formats and mitigate the burden on investment of additional Building Information Management systems

Secure

Question: Do you agree or disagree with proposed approach to ensuring the golden thread is secure and personal data is protected?

- Agree

Accessibility

Question: Do you agree or disagree with proposed approach to ensure the golden thread is accessible?

- Agree

Understandable and consistent

Question: Do you agree or disagree with the requirement that the language and information in the golden thread is consistent for the building and appropriate for the people who need to use it?

- Agree

Question: Do you agree or disagree with the approach not to mandate that the golden thread needs to comply with a particular British standard (BSI) or international standard (ISO) or data dictionary?

- Agree

Accountability

Question: Do you agree or disagree with the approach for ensuring accountability?

- Agree

9. Duties on the principal accountable person and accountable person(s) to provide information

Sharing information with other accountable person(s)

Question: Do you agree or disagree with the proposed approach for information sharing between the principal accountable person and accountable person(s)?

- Agree

Sharing information with the Responsible Person under the Fire Safety Order

Question: Do you agree or disagree with the approach around information sharing with the Responsible Person(s)?

- Agree

Information and copies of documents to be provided to residents

Sharing information with the Client (building work)

Question: Do you agree or disagree with the approach for information sharing with the client?

- Agree

Informing the Building Safety Regulator if the principal accountable person or an accountable person becomes insolvent or of other receivership type scenarios

Question: Do you agree or disagree with the proposals detailed above?

- Agree

Handing over information to the new principal accountable person or an accountable person

Question: Do you agree or disagree with the proposals on handover of information to the new principal accountable person or accountable person?

- Agree

Question: Do you agree or disagree that the principal accountable person or accountable person must handover information over to the new principal accountable person or accountable person as soon as reasonably practicable after the relevant time?

- Agree

Informing the Building Safety Regulator about a change in the principal accountable person or accountable person(s)

Question: Do you agree or disagree with the proposed content that that the principal accountable person or accountable person must provide to the Building Safety Regulator after they leave their role?

- Agree

10. Enforcement

Service and content of compliance notices

Question: Do you agree or disagree with the proposed content of compliance notices detailed above?

- Agree

In order to resolve issues thoroughly and without delay, it would be of benefit, if it was a requirement (11.12) that the compliance Notice details the steps required to remedy breaches

Question: Do you agree or disagree with the suggested approach for the amendment, extension and withdrawal of compliance notices?

- Agree

11. Reviews and appeals

Outlining policy

Question: Do you agree or disagree that these decisions described above should be eligible for an internal review by the Building Safety Regulator prior to being appealed to the tribunal?

- Agree

Question: Do you agree or disagree that there should be a suspensive effect as described above?

- Agree

Question: Do you agree or disagree with the internal review process outlined above?

- Agree

12. Key building information

What information is required in the key building information

Question: The key building information is to be provided to the Building Safety Regulator to enable oversight and analysis of the building industry. Do you agree or disagree with the information being required as part of the key building information?

- Agree

Submission of information

Question: Do you agree or disagree with the timescale for submitting the key building information for new unoccupied buildings?

- Agree

Question: Do you agree or disagree with the timescale and for submitting the key building information for existing buildings?

- Agree

Question: Do you agree or disagree that any relevant updates to the key building information must be provided alongside the building assessment certificate application?

- Agree

Question: Do you agree or disagree that key building information must be updated by the principal accountable person within 28 calendar days of any change or within 28 calendar days of them becoming aware of the work?

- Agree

Format of the key building information

Openness and transparency

Question: Do you agree or disagree with the proposal on publishing the key building information excluding any data that is a privacy, safety or security risk?

- Agree