

**Manchester City Council  
Report for Information**

**Report to:** Economy and Regeneration Scrutiny Committee – 8 October 2024

**Subject:** Legislative Changes in Building Safety Requirements

**Report of:** Strategic Director (Growth and Development)

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### Summary

This report provides a full outline of the major legislative changes within Building Safety following the tragic events at Grenfell Tower on 14<sup>th</sup> June, 2017. This report provides an update on what progress has been made relating to the remediation of high-rise buildings and the implementation of the legislative changes for Council Owned residential high-rise buildings.

### Recommendations

To note and comment on the contents of the report.

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### Wards Affected: All

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| <b>Environmental Impact Assessment</b> - the impact of the issues addressed in this report on achieving the zero-carbon target for the city                              | Although the contents of this report do not directly relate to the Council's achievement of the zero-carbon target for the city, we recognise that where buildings are being remediated, new external cladding will be fitted that meets the current building regulations including thermal efficiency and performance. |
| <b>Equality, Diversity and Inclusion</b> - the impact of the issues addressed in this report in meeting our Public Sector Equality Duty and broader equality commitments | All residents of Manchester have the right to live in safe homes, regardless of tenure. The Council supports residents through utilisation of enforcement powers and sharing of information for enforcement partners. The Council upholds its duties to residents living within our own housing stock.                  |
| <b>Manchester Strategy Outcomes</b>  | <b>Summary of the contribution to the strategy</b>  |
| A thriving and sustainable city: supporting a diverse and distinctive  | Manchester is home to a diverse population. By maintaining a reputation of safety, Manchester will continue to  |

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| economy that creates jobs and opportunities  | attract more people to live and work here.  |
| A highly skilled city: world class and home-grown talent sustaining the city's economic success                | By providing safe homes for all the residents of Manchester, we will contribute to retaining talented individuals in our city.  |
| A progressive and equitable city: making a positive contribution by unlocking the potential of our communities | The Council supports all residents of high-rise buildings equitably to ensure they have a safe home to live in.   |
| A liveable and low carbon city: a destination of choice to live, visit, work                                   | By supporting the drive for the remediation of unsafe buildings at pace, the Council is ensuring our current and future residents have access to safe homes.  |
| A connected city: world class infrastructure and connectivity to drive growth                                  | The Council recognises the importance of ensuring our city has the appropriate infrastructure in place. The Council supports the development of infrastructure with high-rise residential buildings when installed appropriately, meeting legislative requirements. |

**Full details are in the body of the report, along with any implications for:**

Equal Opportunities Policy  
Risk Management  
Legal Considerations

#### **Financial Consequences – Revenue**

None directly from this report.

#### **Financial Consequences – Capital**

None directly from this report.

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**Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy, please contact one of the contact officers above.

- Report to Neighbourhoods and Environment Scrutiny Committee – 2 September 2020 - Fire safety in high rise residential buildings
- Report to Economy and Regeneration Scrutiny Committee - 3 September 2024 - The Council's Role As A Good Landlord

## **1. Introduction**

- 1.1 The Council recognises that a large number of Manchester's residents have made their home in high-rise buildings. According to the Ministry of Housing, Communities and Local Government (MHCLG), as of July 2024 there were 254 high-rise buildings in Manchester. Of those 254 buildings, 105 had either had remediation completed, or were deemed safe by the Developer or Social Housing Provider. A further 54 buildings were deemed as having started remediation work. Remediation figures provided by the MHCLG for September 2024 show that Manchester is in the upper percentile when compared with other local authorities of similar size. Nonetheless, the Council recognises the impact the delay to remediation has on residents. The Council has enforcement capabilities under the Housing Act 2004 and Housing Health and Safety rating system (HHSRS) which is an assessment tool leading to the issuing of improvement or repairs notices. However, as part of the wider Greater Manchester Combined Authority, the enforcement of high-rise buildings to date has principally been undertaken by GMFRS through the Regulatory Reform (Fire Safety) Order 2005. The Building Safety Act 2022 has introduced two further enforcement powers, Remediation Orders and Remediation Contribution Orders, which are available to any 'interested person', including the Council, as the Local Authority.
- 1.2 The Council owns 36 high-rise residential buildings, which are managed internally through Neighbourhoods Housing Services and Homelessness Teams, in partnership with Tenant Management Organisations and externally through Private-Finance Initiatives (PFIs).
- 1.3 The Council is also the freeholder for land which has been developed under long-term lease agreements including the development of high-rise buildings. As a Local Authority, the Council's Building Control Team ensures that buildings within our authority are designed and constructed in accordance with the Building Regulations and associated legislation. The building control function for high-rise buildings, as defined within the Building Safety Act 2022, has moved to the Building Safety Regulator. The Council Building Control Team support the Building Safety Regulator where available, upon request, through the Building Safety Regulator's Multi-Disciplinary Team approach.

## **2. Key Legislative Changes**

- 2.1 The tragic fire at Grenfell Tower in the early hours of the 14<sup>th</sup> of June 2017 claimed 72 lives. The impact of the disaster has had wide-reaching consequences, including major legislative changes that have been put in place in an attempt to mitigate against a similar tragedy in the future.
- 2.2 In late June 2017, cladding from similar buildings across the UK began being tested, revealing that the scale of risk to similar high-rise buildings was bigger than originally anticipated.
- 2.3 In July 2017, the government announced that Dame Judith Hackitt would lead an independent review of building regulations and fire safety.

- 2.4 In September 2017 the public inquiry was launched, led by Sir Martin Moore-Bick. The inquiry was tasked with investigating the causes of the fire, the adequacy of building regulations and the actions of those responsible for managing Grenfell Tower.
- 2.5 In December 2017, Dame Judith Hackitt published the interim report for her review.
- 2.6 In May 2018, the final report into building regulations and fire safety, produced by Dame Judith Hackitt was published.
- 2.7 In October 2019, the Phase 1 Report of the Grenfell Tower Inquiry was published. The report found that the cladding at Grenfell Tower had not complied with building regulations and was the primary cause of the fire's rapid spread.
- 2.8 In late 2019 the UK government began implementing key new fire safety regulations, including banning the use of combustible materials on external facades of high-rise buildings and reviewing building safety protocols.
- 2.9 The second phase of the Grenfell Tower Inquiry commenced in 2021, focusing on the broader issues, including the role of government policies, the construction industry and the management of social housing.
- 2.10 Throughout 2021 to date, several key pieces of new legislation have become law. The Fire Safety Act 2021, the Fire Safety (England) Regulations 2022, the Building Safety Act 2022 and associated secondary legislation. Figure 1 shows a hierarchy of the key legislation, which will be outlined in further detail later in this report.

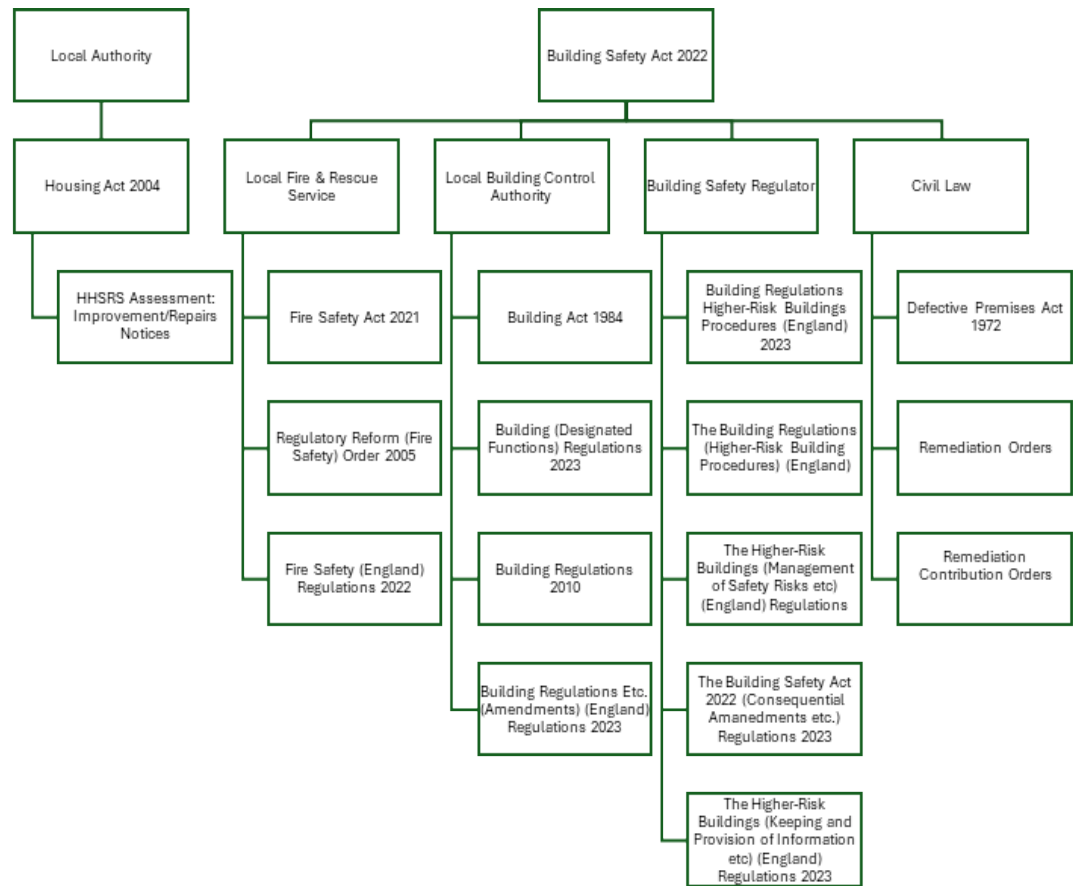


Figure 1: hierarchy of key legislation

- 2.11 On the 4th of September, the Phase 2 Report of the Grenfell Tower Inquiry was released. The report makes several recommendations, referenced later in this report and which are likely to impact future legislation in coming years.
- 2.12 **The Grenfell Tower Inquiry Phase 1 Report**
- 2.13 Published in October 2019, the Phase 1 report focused on the events that took place on 14 June 2017 and the cause of the fire along with the role undertaken by the London Fire Brigade. It made a number of recommendations which were included in the Building Safety Act 2022 (and associated secondary legislation), the Fire Safety (England) Regulations 2022 and the Fire Safety Act 2021.
- 2.14 Further recommendations were made within the Phase 1 report which have not yet been included in legislation, including:
- Improved methods of collecting and sharing information of survivors within resilience plans
  - Personal emergency evacuation plans (PEEPs) for residents who may have difficulty evacuating
- 2.15 **Fire Safety Act 2021**

- 2.16 Having come into force in England on May 16, 2022, the Fire Safety Act applies to all multi-occupied residential buildings in England and Wales, regardless of height.
- 2.17 The Act clarifies that the Regulatory Reform (Fire Safety) Order extends to include the structure, external walls (including cladding, windows and balconies), and individual flat entrance doors between domestic premises and common parts of multi-occupied residential buildings.
- 2.18 The Act requires the Responsible Person to carry out fire risk assessments that consider these clarified areas and update them as necessary. Through the Act fire and rescue services are able to enforce against non-compliance related to external walls and individual doors. The concept of risk-based guidance is introduced to help Responsible Persons prioritise fire safety across different premises. A new Fire Risk Assessment Prioritisation tool was developed to help Responsible Persons identify which buildings should be prioritized for updated fire risk assessments.
- 2.19 The Act places legal responsibility on the Responsible Person to take steps to reduce or eliminate risks identified in fire risk assessments. The Act provides a new requirement for Responsible Persons to share information about external wall systems with fire and rescue services.
- 2.20 **Building Safety Act 2022 (and Secondary Legislation)**
- 2.21 The Act applies to new and existing occupied buildings over 18 metres high, or more than seven storeys, containing at least two residential units. In addition, the Act covers the above buildings while they are under construction, extending to include care homes and hospitals, meeting the height requirements.
- 2.22 The Act establishes a more effective framework for the construction and residential building management industries, by introducing the following requirements:
- The establishment of the Building Safety Regulator (BSR) which includes roles previously set out under Local Authority Building Control functions
  - Increased clarity and definition of roles for occupied buildings, including the requirement to define and name a Principal Accountable Person (PAP) and any relevant Accountable Persons (AP) for each in-scope building
  - Further clarity and definition of roles and competence for in-scope buildings during construction. In particular, duty holders representing the client, principal designer and principal contractor - and having suitable arrangements for planning, managing, and monitoring a project.
  - Registration of all occupied high-rise buildings with the Building Safety Regulator
  - Creation and maintenance of a safety case report and associated regime for all occupied high-rise buildings
  - Application for a Building Assessment Certificate when called upon to do so by the Building Safety Regulator, so they can assess whether the

Principal Accountable Person is managing the risk of fire and structural safety appropriately.

- Keeping information when a building is being developed, that describes the building and shows how it complies with regulations and updating that information throughout the life of the building – also known as the Golden Thread of Information
- Producing and maintaining a Mandatory Occurrence Reporting (MOR) procedure for all in-scope occupied buildings and reporting any events which meet the threshold for MOR directly to the BSR for investigation
- Creating, consulting on and implementing a Building Safety Resident Engagement Strategy (BSRES) for each in-scope occupied building, ensuring the document is updated at least every two years
- Providing additional protection for leaseholders against the cost of rectifying unsafe cladding or other relevant defects, also known as The Building Safety (Leaseholder Protections) (England) Regulations 2022
- Establishing a new regulatory regime for construction products.
- Extending the limitation period for claims under the Defective Premises Act from 6 years to 30 years retrospectively for claims accruing before 28 June 2022 and to 15 years for claims accruing after 28 June 2022.
- The establishment of a three-stage gateway regime for building control applications for high-rise buildings
- Mandating that building control inspectors must be registered with the BSR, with select classes of registration, according to qualification and experience, aligning with the type of work the individual can undertake
- Required reporting of data and key performance indicators for building control bodies in support of the operational standards rules

## 2.23 Fire Safety (England) Regulations 2022

2.24 The regulations came into force on January 23, 2023, and apply to England only. Aimed to implement the key recommendations from the Grenfell Tower Inquiry Phase 1 report, the regulations require responsible persons (e.g. building owners and managers) to comply according to the height of the building.

2.25 Requirements for high-rise residential buildings (18 metres or 7+ storeys):

- Provide electronic information about external wall systems to the local fire service
- Install a secure information box containing building floor plans and contact details
- Conduct monthly checks on firefighting lifts and equipment
- Install wayfinding signage visible in low light conditions
- Report any defective lifts or firefighting equipment to the fire service if not fixed within 24 hours

2.26 Requirements for residential buildings over 11 metres:

- Conduct quarterly checks on all communal fire doors
- Conduct annual checks on flat entrance doors



- 2.27 Requirements for all multi-occupied residential buildings:
- Provide residents with relevant fire safety instructions and information about the importance of fire doors

## 2.28 **The Grenfell Tower Inquiry Phase 2 Report**

2.29 Published on 4<sup>th</sup> September 2024, the report is 1,571 pages in length across seven volumes. The executive summary alone is 52 pages in length and thus, a summary of the key recommendations within this report would not suitably encompass all elements. For this reason, a select list of key recommendations which may directly affect or be influenced by Manchester City Council have been outlined below. The relevant section and volume of the report is referenced at the end of each point for ease of reference.

- That it be made a statutory requirement that a fire safety strategy produced by a registered fire engineer to be submitted with building control applications (at Gateway 2) for the construction or refurbishment of any higher-risk building and for it to be reviewed and re-submitted at the stage of completion (Gateway 3). Such a strategy must take into account the needs of vulnerable people, including the additional time they may require to leave the building or reach a place of safety within it and any additional facilities necessary to ensure their safety (113.15 of volume 7).
- the introduction by regulations made under the Building Safety Act 2022 of a requirement for a Building Regulations compliance statement, made or approved by the client, to be provided at the time of an application for building control approval (Gateway 2) (113.34 of volume 7).
- That a more active approach to replacement of internal gas pipework in older buildings be taken to avoid a serious leak with potentially catastrophic consequences (113.45 of volume 7).
- That social housing providers should give careful consideration of and take appropriate action towards the key elements of parts 4 and 5 of the report in relation to the TMO's relationship with residents and its management of fire safety. This is especially in relation to the way the TMO carried out its responsibilities, including in relation to handling complaints, remedying defects identified in fire risk assessments, installing and maintaining fire protection systems and routine inspection and maintenance of fire doors (113.46 of Volume 7).
- Review of The Civil Contingencies Act 2004 (113.67 of volume 7).
- Local Resilience Forums to establish partnerships with voluntary, community and faith groups (113.68 of volume 7).
- Local resilience forums to adopt national standards to ensure effective training, preparation and planning for emergencies and adopt independent auditing schemes to identify deficiencies and secure compliance (113.71 of volume 7).
- Independent verification of the frequency and quality of training provided by local authorities and other Category 1 responders (113.71 of volume 7).
- Emergency plans should be supported by a qualified humanitarian assistance liaison officer (HALO) (113.72 of volume 7).
- Adequate arrangements for staffing the emergency communication centre, and adequate provision for humanitarian assistance (113.73 of volume 7).

- Devise methods of obtaining and recording information (113.74 of volume 7).
- Make arrangements to place people in temporary accommodation at short notice and in ways that meet their personal, religious and cultural requirements (113.75 of volume 7).
- Include in contingency plans arrangements for providing immediate financial assistance to people affected by an emergency (113.76 of volume 7).
- Make effective arrangements for continuing communication with those who need assistance using the most suitable technology and a range of languages appropriate to the area (113.77 of volume 7).
- Make arrangements for providing information to the public (113.78 of volume 7).
- The responsible person for a general needs residential building should collect sufficient information about vulnerable occupants to enable appropriate measures to be taken to assist their escape in the event of a fire (113.79 of volume 7).

### **3. Progress**

#### **3.1 Enforcement**

- 3.1.1 Within Greater Manchester, the enforcement of unsafe high-rise buildings is primarily through the Fire Safety Order 2005, led by Greater Manchester Fire and Rescue Service (GMFRS). The Council works closely with GMFRS and other partners across a variety of forums to assist in the required remediation.
- 3.1.2 A multi-disciplinary approach is taken during Building Remediation meetings with colleagues from GMFRS, the Ministry of Housing, Communities and Local Government (MHCLG), Homes England and the Council. Specific buildings of concern are raised for discussion utilising cross-partnership working and shared intelligence, enforcement options are evaluated and assessed, as well as informal opportunities to progress remediation.
- 3.1.3 In addition to the above, both informal and formal enforcement options are evaluated, considering the length of time each option may take in terms of remediation progress.
- 3.1.4 The Council also meets with colleagues from MHCLG fortnightly to monitor the progress of key buildings.
- 3.1.5 The Council is committed to continuing work with colleagues from MHCLG and GMFRS to ensure building owners continue to remediate unsafe high-rise buildings in a timely manner. Recent figures from the MHCLG show that Manchester's remediation figures have increased with 43% of buildings eligible for the Building Safety Fund (18m+), Cladding Safety Scheme (11m+) having been completed as of August. This was an increase of 2% from the previous month.

3.1.6 The Council is involved in wider groups to ensure Building Safety is given highest priority, including:

- GM High Rise Building Safety Strategic Oversight Group
- GM Housing Providers Building Safety Group
- Core Cities – Building Safety Regulation Engagement

3.1.7 The Council is exploring the use of new enforcement powers introduced under the BSA, namely remediation orders and remediation contribution orders. The Council will continue to use intelligence gathered from local Councillors, the residents of Manchester, GMFRS, MHCLG, Homes England and the LGA to identify key buildings of concern.

## 3.2 Remediation Funding

3.2.1 The Building Safety Fund (BSF) originally opened in June 2020 for buildings over 18 metres. The BSF provided funding for the reparation of fire safety problems with external cladding. In June 2021, the original BSF closed, however it reopened in 2022. When the BSF reopened, the process had been adapted from a Consolidated Advice Note (CAN) route, to a Fire Risk Appraisal of the External Walls (FRAEW) assessment approach. The new approach ensures that the level of building work matches the risk and is aimed at minimising disruption for tenants. The BSF has been clear that the safety of residents remains the highest priority, and the change in approach does not impact this focus.

3.2.2 In July 2023, the Cladding Safety Scheme (CSS) opened, expanding the funding available through the BSF to cover buildings between 11 and 18 metres in height. Following the release of the CSS, those with a legal responsibility for the safety of a building, who meet the eligibility requirements, can apply for funding. Whether an application is made to the BSF or CSS depends on the height and location of the building, as well as when the application was made. For buildings located within Manchester, applications made after July 2023 are considered under the CSS.

3.2.3 On the 30 January 2023, the government wrote to developers asking them to sign a contract committing them to remediate unsafe buildings which they developed. As of 31 January 2024, 55 developers had signed the contract. Where a building is covered by the developer remediation contract, the developer has agreed to fix fire safety problems, reimburse costs incurred by building owners and leaseholders to fix the building and reimburse government funding received through the BSF (where applicable).

3.2.4 The leaseholder protections in the Building Safety Act 2022 came into force on 28 June 2022 and apply to buildings over 11 metres in height. To be protected, leaseholders must qualify by meeting certain requirements which are; that on the 14 February 2022 they either owned the property as their main home or have owned no more than three UK residential properties in total on that date. Qualifying leaseholders are protected in law from all cladding system remediation costs. For properties valued at less than £175,000 in the

UK (excluding Greater London) or whose building owner has a group net worth of more than £2 million per relevant building, qualifying leaseholders are exempt from all historical safety remediation costs. For qualifying leaseholders who don't meet the exemption criteria, non-cladding defects and interim measures (including waking watch costs) are capped and spread over 10 years (including any costs paid out prior to 28 June 2017).

### 3.3 **Principal Accountable Person**

3.3.1 The Council acts as the Principal Accountable Person for the 36 high-rise buildings it owns. In some cases, day-to-day management of the high-rise building is delegated to an Accountable Person through a variety of mechanisms. The breakdown is as follows:

- 21 high-rise buildings owned by the Council and managed internally via Housing Services or Homelessness teams, both included within the Neighbourhoods Directorate. In this case, the Council is the Principal Accountable Person, with no other Accountable Persons present.
- 4 high-rise buildings owned by the Council and managed by the Avro Hollows Tenant Management Organisation through a Management Agreement. Support provided by Housing Services and Strategic Housing Teams. In the case of these high-rise buildings, the Council is the PAP, with Avro Hollows TMO acting as an Accountable Person.
- 7 high-rise buildings owned by the Council and managed by Jigsaw Homes through a private-finance initiative (PFI), known as Miles Platting PFI. Management of the PFI agreement is led by Strategic Housing within the Growth & Development Directorate and includes support and oversight for the PFI contractor. For the Miles Platting PFI, the Council is again the PAP, with Jigsaw Homes acting as an additional AP.
- 4 high-rise buildings owned by the Council and managed by S4B through a further PFI, known as Brunswick Regeneration PFI. Management of the PFI agreement is again lead by Strategic Housing, with support and oversight of fire safety management for the PFI contractor. In the case of the Brunswick Regeneration PFI, the Council is the PAP, with S4B and Mears (a sub-contractor of S4B) both acting as Accountable Persons.

3.3.2 In our duty as the PAP for all 36 high-rise buildings outlined above, the Council has ensured all were registered with the Building Safety Regulator prior to the deadline of 1st October 2023.

3.3.3 The Council has a dedicated Building Safety Team within Housing Services, led by the Strategic Lead Assets & Repairs. The Building Safety Team (Housing Services) is currently expanding with several new roles currently being recruited including a Head of Building Safety & Compliance. The expanded Building Safety Team within Housing Services will continue to complete the operational tasks required to ensure the Council is fully compliant with the new legislation. For further details on the changes being implemented with Housing Services, please refer to the Report to Economic and Regeneration Scrutiny Committee on 3rd September 2024, entitled The Council's Role As a Good Landlord.

3.3.4 The Building Safety Team within Strategic Housing leads on ensuring progress with all elements of the Building Safety Act (BSA), supporting the PFI partners, TMO, Housing Services and Homelessness Teams in discharging all requirements under the BSA. In addition, the Building Safety Team (Strategic Housing) monitor remediation progress in privately owned buildings against expected timelines.

### **3.4 Leaseholder Protections**

3.4.1 The Council has retained the freehold on land and entered into long-term lease agreements with third parties. In some cases, this land has been developed upon, with in-scope high-rise buildings now complete. The Council takes its duty as freeholder seriously and will assist any head lessee requesting landlord certificates under the leaseholder protections provision of the Building Safety Act.

### **3.5 Building Control**

3.5.1 The Building Control Team within the Council is currently meeting all new requirements of the Building Safety Act. Building Control Inspectors have registered as required prior to the extended deadline of 6th July 2024. Inspectors have registered at the class they feel is most suitable, with progression being carried out through upgrading their class over time.

3.5.2 Under the Building Safety Act, the BSR is now the regulatory body for building control of high-rise buildings. Local Authority Building Control Teams are utilised by the BSR as part of their Multi-Disciplinary Team (MDT). The Council has been called upon to act within the MDT in terms of the building control gateway process. The Council anticipates it will also be called upon to act as part of the MDT as part of the Building Assessment Certification process for existing buildings and new builds. The Council will accept MDT invitations where possible to support the BSR in their work.

## **4. Key Policies and Considerations**

### **4.1 Equal Opportunities**

Continuing to drive the remediation progress of unsafe buildings within Manchester should ensure that residents of Manchester are as safe as possible. Ensuring that the Council meets the requirements of the new legislation in terms of our own residential high-rise buildings, will also keep our residents safe.

### **4.2 Risk Management**

Implementing the requirements of the new legislation will assist the Council in managing the structural and fire safety related risks in high-rise residential buildings.

### 4.3 Legal Considerations

As the new legislation was introduced, we have worked with legal colleagues to understand wider implications of the legislation and ensure the Council is compliant with all aspects of the various Acts.