

Notice of Non-key Executive Decision

Subject Heading:	Building Safety Act 2022 – Accountable Person and Single Point of Contact with the Building Safety Regulator.
Decision Maker:	Neil Stubbings – Strategic Director of Place.
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Housing & Property.
SLT Lead:	Neil Stubbings – Strategic Director of Place.
Report Author and contact details:	Paul Walker – Interim Director of Housing & Property.
Policy context:	Building Safety Act – Requirement to have an Accountable Person and to have a single point of contact with the Building Safety Regulator.
Financial summary:	There are no adverse financial implications arising from this report.
Relevant Overview & Scrutiny Sub Committee:	Places Overview & Scrutiny SubCommittee.
Is this decision exempt from being called-in?	The decision will be exempt from call-in as it is a Non Key Decision, taken under delegation.

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents x

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

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Part A – Report seeking decision

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DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Part 4 of the Building Safety Act 2022 identifies new duty-holders, who are now known as 'accountable persons', for residential high-rise buildings.

At present the Council is the freeholder and/or manager for 15 residential high risk buildings.

An accountable person is either a person or organisation that owns or is responsible for repairing any of the common parts of the building, or a person or organisation required under the terms of a lease, or by an enactment, to repair or maintain any part of the common parts. Common parts include the exterior and structure, corridors, or lobbies.

Accountable persons are responsible for assessing and managing the risks posed to people in and about buildings from structural failure or the spread of fire in the parts of the building that they are responsible for.

If a building has more than one accountable person, the accountable person responsible for the structure and exterior of the building will be the principal accountable person. When buildings have a single accountable person, that entity or person is the principal accountable person.

If the principal accountable person is an organisation, the Council in this case, then someone from the organisation can be the single point of contact for the Building Safety Regulator.

It is proposed that the Assistant Director of Housing & Property be confirmed as the single point of contact with the Building Safety Regulator, given that the Building Safety and Compliance Team report into that post.

Recommendations

1. That the Council, as the accountable person, notifies the Building Safety Regulator that the Council's single point of contact is the Assistant Director of Housing Property & Assets (currently Ian Saxby).

AUTHORITY UNDER WHICH DECISION IS MADE

Section 3.3 of the Constitution, General Powers:

- (a) To take any steps necessary for the proper management and administration of allocated portfolios.

STATEMENT OF THE REASONS FOR THE DECISION

It is required that the Council inform the Building Safety Regulator of who it has nominated as the single point of contact.

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OTHER OPTIONS CONSIDERED AND REJECTED

It has been deemed appropriate for the Assistant Director of Housing & Property to be the named as the single point of contact with the Building Safety Regulator (BSR), given that the Building Safety and Compliance Team reports into this post.

The Council is obliged to provide the BSR with a single point of contact, so no other options have been identified.

PRE-DECISION CONSULTATION

None.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Paul Walker

Designation: Interim Director of Housing & Property

Signature:



Date: 18/04/24

Part B - Assessment of implications and risks

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LEGAL IMPLICATIONS AND RISKS

Accountable Persons are responsible for assessing and managing the risks posed to people in and about buildings from structural failure or the spread of fire in the parts of the building that they are responsible for.

An Accountable Person is an organisation or individual who owns or has a legal obligation to repair any common parts of a high risk building.

Common parts are used by residents, such as:

- The structure and exterior of the building
- Corridors
- Lobbies
- Staircases.

An Accountable Person can be a:

- Freeholder or estate owner
- Landlord
- Management company
- Resident management company
- Right to manage company □ Common-hold association.

The Council cannot nominate an officer or delegate its role as an accountable person.

Further guidance from the Health and Safety Executive can be obtained using the following link:

[Safety in high-rise residential buildings: accountable persons - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/safety-in-high-rise-residential-buildings-accountable-persons)

FINANCIAL IMPLICATIONS AND RISKS

There is no financial implications arising from this decision.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The proposed decision does not give rise to any adverse human resources implications.

It is appropriate for the Assistant Director of Housing Property & Assets to be the single point of contact as the job description for this role includes '...reporting to, and liaison with, the Building Safety Regulator'.

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EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The proposed decision does not give rise to any equalities or social inclusion risks.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The proposed decision does not give rise to any environmental or climate change risks.

BACKGROUND PAPERS

The Building Safety Act 2022.

APPENDICES

None

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Proposal ~~NOT~~ agreed because

Details of decision maker



Signed

Name: Neil Stubbings

Cabinet Portfolio held:

CMT Member title: Strategic Director of Place

Head of Service title Other manager title:

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Date: 19/04/2024

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____