Building Safety Bill Committee. (Eighth sitting)

Tuesday 21st September, 2.00pm

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Baillie, Siobhan *(Stroud)* (Con)

† Byrne, Ian *(Liverpool, West Derby)* (Lab)

Cadbury, Ruth *(Brentford and Isleworth)* (Lab)

† Clarke, Theo *(Stafford)* (Con)

† Clarke-Smith, Brendan *(Bassetlaw)* (Con)

Cooper, Daisy *(St Albans)* (LD)

† Hopkins, Rachel *(Luton South)* (Lab)

† Hughes, Eddie *(Walsall North)* (Con)

† Logan, Mark *(Bolton North East)* (Con)

† Mann, Scott *(Lord Commissioner of Her Majesty's Treasury)*

† Osborne, Kate *(Jarrow)* (Lab)

† Pincher, Christopher *(Tamworth)* (Con)

† Rimmer, Ms Marie *(St Helens South and Whiston)* (Lab)

† Saxby, Selaine *(North Devon)* (Con)

† Young, Jacob *(Redcar)* (Con)

Yohanna Sallberg, Adam Mellows-Facer, Abi Samuels, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 21 September 2021

(Afternoon)

[Clive Efford *in the Chair*]

Building Safety Bill

Clause 30

Higher-risk buildings etc

2.00pm

The Minister of State, Department for Levelling Up, Housing and Communities (Christopher Pincher)

I beg to move **amendment 17**, in clause 30, page 22, line 2, at end insert—

"(4) The Welsh Ministers may by regulations define 'building' for the purposes of this section.

(5) The regulations may in particular provide that 'building' includes—

(a) any other structure or erection of any kind (whether temporary or permanent);

(b) any vehicle, vessel or other movable object of any kind, in such circumstances as may be specified."

This amendment enables the Welsh Ministers to define "building" for the purposes of section 120I of the Building Act 1984 (inserted by this clause).

The Chair

With this it will be convenient to discuss Government amendments 36 and 37.

Christopher Pincher

The amendments relate to Welsh Government Ministers. They provide the Welsh Ministers with the necessary flexibility to define "building" for the purposes of proposed new section 120I of the Building Act 1984, to be inserted by clause 30 of the Bill. This is the same power as the Secretary of State has for England in new section 120D(4)(a) and (5). New section 120I contains a power for the Welsh Ministers to define "higher-risk building". The additional power for the Welsh Ministers to define "building", provided for by amendment 17, will ensure that Welsh Ministers can add clarity to the definition of "higher-risk building" as required.

Amendment 36 makes the power for the Welsh Ministers to define "higher-risk building" subject to the affirmative action procedure, but the power to define "building" under new section 120I(4) will be subject to the negative procedure, which mirrors the position in England. **Amendment 37** disapplies for the purposes of new section 120I the definition of "building" that exists in section 121 of the 1984 Act. Again, this mirrors the position in England as regards new section 120D.

As the Committee may have gathered, these are important, although technical, amendments to ensure that Welsh Ministers have the necessary power to provide a clear definition of the types of structures that can be captured by the definition of "higher-risk building" and therefore subject to the more stringent building control regime provided for by part 3 of the Bill, which will be reached in due course.

Amendment 17 agreed to.

Question proposed, That the clause, as amended, stand part of the Bill.

Christopher Pincher

I said that the amendments are technical, and so they are, but as to the clause itself, **it provides a definition for which buildings will be higher-risk buildings and therefore subject to the design and construction portion of the new, more stringent regulatory regime**. It also provides for what must be done if a decision is taken to alter that definition in the future. For Wales, it provides the Welsh Ministers with the ability to define their own higher-risk buildings. To support the Committee's scrutiny and, indeed, that of Parliament, we published, upon the Bill's introduction, the draft Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations. Dame Judith Hackitt's independent review recommended implementing the new regulatory regime for buildings of at least 10 storeys. However, the views of stakeholders were gathered and they advocated expanding the scope still further. That is why we are defining the height threshold for a higher-risk building in England as at least **18 metres in height or at least seven storeys**. We are being ambitious, providing the certainty that the markets require with our threshold approach while maintaining the focus on the taller buildings that the independent review advocated.

We agree with the pre-legislative scrutiny report about including more detail in the Bill, which is why we now define the height threshold of the regime within primary legislation and in the Bill. There may be incidents or emerging evidence in future that indicate that the definition of higher-risk building may need to be altered. Consequently, we included the power in section 120D(6), and its use would be subject to the affirmative procedure in Parliament so that a Committee of the House—or indeed the whole House—would be able to discuss, debate and vote on the matter. However, any change must be proportionate. It must not slip into risk aversion. That is why the checks and balances outlined by sections 120E and 120F are necessary. We must understand the costs as well as the benefits. This is why any decision of expansion must consider the expert advice or recommendations of the Building Safety Regulator.

Taken together, sections **120D to 120H provide for a proportionate approach to defining higher-risk buildings** and to the design and construction portion of the new regulatory regime. I commend the clause to the Committee.

Mike Amesbury
(Weaver Vale) (Lab)

Again, **we accept the provisions in the clause** giving the Welsh Government the desired and important flexibility particularly for buildings that are at risk. Buildings at risk have caused considerable debate and the Minister has referred to the original recommendations by Dame Judith Hackitt. There has been lots of debate in the built environment and among key witnesses. I know that members of the Select Committee on Housing, Communities and Local Government have heard similar evidence advocating for a broader definition of what is at risk. **Clearly, many residents and leaseholders are in buildings below 18 metres that are certainly at risk**.

I referred earlier to the fire in **a care home in Crewe**, not far from my constituency in the north-west of England. It was a home for vulnerable people and was constructed out of interesting materials and the results were unfortunately all too plain to see. Thank the Lord, nobody lost their life, but they did lose their home and their possessions. They were definitely at risk. In Runcorn in the neighbouring constituency of my hon. Friend the Member for Halton (Derek Twigg), the Decks development has had a live application to the building safety fund. A number of buildings are 18 metres and above so they are in scope of the definition in the Bill, but some are below 18 metres and they are constructed with even more inflammable material. Again, they are very much at risk.

Selaine Saxby
(North Devon) (Con)

It was Dame Judith Hackitt who initially suggested that the threshold be 30 metres. Does the hon, Gentleman agree that 18 metres or seven storeys is significantly more ambitious?

Mike Amesbury

Yes, but what I heard from the witnesses —the evidence is crystal clear—is that there are buildings, such as hospitals, that have vulnerable people. **One thousand hospitals will not be within the scope of the Bill, because they are below 18 metres.** According to the Department's own figures, **13,200 care homes** will not be classed as at risk under the current regulatory landscape.

The clause will provide that flexibility, which the Minister referred to. If there are thematic incidents, fires or failures related to building safety, the Secretary of State has the welcome flexibility of the regulator in the future. We certainly want the definition of risk on the record, as witnesses have requested throughout.

Shaun Bailey
(West Bromwich West) (Con)

I shall be brief, as I am conscious of the fact that we have already touched on the clause.

The point on which I wish to comment, which was highlighted in the comments of the hon. Member for Amesbury, is the ability of the Secretary of State to liaise with the Building Safety Regulator, as provided in the clauses added to schedule 5 to the Building Act 1984. The key is the facility to recognise that circumstances change—specifications change, the industry changes. The clause gives the Department the flexibility holistically to utilise the Building Safety Regulator, ensuring that subsequent regulations reflect reality.

We have debated the 80 metres specification, but we heard during the evidence sessions that flexibility is necessary. There are many shades of grey in this space—it is not all black and white. The clause pretty much mandates the Secretary of State to have regard to the Building Safety Regulator's advice and to take on board its recommendations. That is vital,

because the way in which we have structured the BSR in the Bill thus far is for it to act not just as an enforcer but as an adviser too, and there will be individuals within the organisation who have the expertise and skill.

The clause provides the flexibility that we will need, and as we come to secondary legislation we will see how important that is going to be. As we build the legislative framework, it will be important that Ministers have the agility to take advice and react to the market. The market and the specifications now will not be the same in five years' time or 10 years' time. We must ensure that if things need to change we can act expeditiously. Clause 30 is the right clause. It provides that flexibility to my right hon. Friend the Minister and his officials and I therefore support it.

Christopher Pincher

I am grateful to my hon. Friend the Member for West Bromwich West and the hon. Member for Weaver Vale for their contributions.

My hon. Friend for West Bromwich West is quite right: we heard from witnesses that it is important to have an objective set of criteria when defining risk. I appreciate that there are different shades of opinion. We heard from Sir Ken Knight and Dan Daly, who are experts in their fields, suggesting that an objective threshold would be a sensible mechanism for adjudicating risk.

We chose high-rise residential buildings of at least 80 metres after engagement with stakeholders and judged that the risk to multiple households is greater when fire spreads in residences of that height. We are following the recommendation of Dame Judith's committee to focus on residential buildings. We have responded to the concerns of stakeholders. That is why, rather than set a threshold at 10 storeys, we chose to set it at above 18 metres or seven storeys. The reason that it is and/or is to make sure that we mitigate the risk of gaming just below 18 metres. **Adding the seven-storeys requirement makes it much more difficult for a regime to be gamed.**

2.15pm

We certainly heard evidence that properties and buildings that are below 18 metres are generally less at risk than those above that height. The BRE Group has said that, as have the National Fire Chiefs Council and Dame Judith in her independent report. That is not to say, however, that we are not mindful that changes cannot take place in future. That is why we have set in place in the clauses a mechanism by which the Building Safety Regulator will have a duty to keep the safety of persons in and around taller buildings constantly under review. Indeed, when we reach it, we will see that clause 139 requires an independent and periodic review of the effectiveness of the building regulatory regime. We have put in place measures that will allow for an expansion of the in-scope regime following advice and recommendations to the Secretary of State by the Building Safety Regulator after a three-part test. We think we have been proportionate and have also allowed in the Bill sufficient scope for appropriate expansion if and when experts deem it necessary.

Theo Clarke
(Stafford) (Con)

I agree with the Minister that 18 metres or seven storeys is a sensible starting point for the regime. I welcome that it is more ambitious than the 30 metres originally recommended by Dame Judith Hackitt. However, will he explain why he chose such a threshold, rather than a matrix of risks and specific factors?

Christopher Pincher

I am grateful to my hon. Friend for her intervention. I understand why some regard a matrix or a set of matrices to be a better mechanism to employ. The problem with a set of matrices is that they are subjective. It is possible that one assessor could rule that a building is in scope of the regime and another rule it or a similar building out of scope. That would create unnecessary confusion in the regime. **It is much more sensible that we have an objective threshold that everyone understands, be they the experts on the gamekeeper's side of the fence or those on the poacher's side. Everyone understands what the rules are.**

The hon. Members for Weaver Vale and for Brentford and Isleworth, who is no longer in her place, mentioned other potential buildings. I have explained how it is possible, through advice from the Building Safety Regulator, to expand the regime, but I simply reiterate my earlier point that **some of those buildings, such as prisons, hotels and hostels, are subject to the Fire Safety Order.** They tend to have multiple means of exit and signage appropriate to guests entering and leaving the building. They are governed by a different regime. The Ministry of Defence's buildings have their own fire safety arrangements and the Crown has its own arrangements under the Building Act. Those provisions have not been introduced and enforced but, as this Bill goes through the House, we will consider whether the Building Act provisions that apply to Crown buildings should be put into force.

We are not blind to the fact that the regime can be refined and improved. As I say, that is one of the reasons why we want to use secondary legislation as a mechanism for delivering the Bill in the most effective way.

Mike Amesbury

I seek some reassurance, on a point that was brought up by the Association of British Insurers and others throughout the Bill's passage so far, and during pre-legislative scrutiny. **With regard to those experts, can the Minister reassure us that there is a sufficient pool of people who not only will be trained and available but, importantly, will get professional indemnity insurance to assess the builders?**

Christopher Pincher

I think I said in previous remarks that the multidisciplinary teams that the Building Safety Regulator will employ presently have many, if not most, of the skills and experience necessary to execute the roles in the new regime, so we do not anticipate that a significant amount of further training will be required. With respect to professional indemnity insurance, however, the hon. Gentleman will know that the Government have made it clear that, **in the final resort, they will provide a backed scheme to ensure that proper professional indemnity for risk assurors is provided.** I hope that gives him some **certainty.**

I will close by restating the key function of clause 30, which is to provide a definition for which buildings will be considered higher risk and, therefore, which buildings will be subject to the design and construction portion of our new and more stringent regulatory regime. Importantly, it also provides for what must be done if a decision is taken to alter that definition in the future—that very clear, staged process, which will ensure that proper tests, proper consultation and proper cost-benefit analysis are undertaken in order to deliver an expanded regime, if that is required. With that, I commend the clause to the Committee.

Question put and agreed to.

Clause 30, as amended, accordingly ordered to stand part of the Bill.

Clause 31 ordered to stand part of the Bill.

Clause 32

Building regulations

Question proposed, That the clause stand part of the Bill.

Christopher Pincher

Clause 32 provides the powers to set procedural requirements in building regulations, which, among other things, will include the procedures for a new building control route for the design, construction and refurbishment of higher-risk buildings, the mandatory occurrence reporting framework during the design and construction of those buildings, and the golden thread of information during design and construction. I will explain each of the paragraphs—there are quite a few of them—in turn.

Proposed new paragraphs 1A and 1B of the Building Safety Act 1984 provide for building regulations to set procedural requirements relating to work, particularly for applications for building control approval. They will provide the basis for the new gateway process for creating new higher-risk buildings, and for a new refurbishment process when carrying out certain building work on higher-risk buildings. We will also be able to put in place new procedures for building control applications to be made to local authorities. The powers provided under the paragraphs will enable building regulations to make provision about notices that must be given to building control authorities—for example, when work commences—the issue of certificates, and the effect of such certificates. These regulations

will also make provision for consultation arrangements, such as when building control authorities need to consult fire and rescue authorities on fire safety measures relating to building work. They will also include timeframes for providing consultation responses. Regulations made under these powers can also set out the grounds for granting or refusing an application.

With regard to the gateways, these paragraphs will allow for building regulations to set out new prescribed documents that must be included in applications for building control approval alongside plans for higher-risk buildings. They will also allow building control authorities the ability to set requirements when granting applications for building control approval. For example, the powers taken in proposed new paragraph 1B of schedule 1 to the Building Act 1984 would allow for staged approval routes for higher-risk buildings to provide greater flexibility for more complex developments—as we know, there can be many varied and complex developments. Applicants will be able to submit their application in stages with permission from the regulator, and in those circumstances building control approval will be strictly limited to the approved stages of work. Applicants will then need to submit plans and documents for other stages of work for building control approval before work on those stages begins.

Brendan Clarke-Smith
(Bassetlaw) (Con)

It is very good to see you in the Chair this afternoon, Mr Efford. The Minister is discussing the powers that have been strengthened for both the regulator and local authorities—something I certainly welcome—and, following on from that, the ability to set requirements when granting applications for building control approval. Could the Minister talk a little more about these gateways and explain in further detail what happens in them, particularly **gateways 2 and 3**?

Christopher Pincher

I am obliged to my hon. Friend. The gateways are a crucial means of ensuring the quality and consistency of work, so that poor work or work that does not meet sufficient standards is spotted and stopped. **Gateway 2 will be a hard stop** that replaces the present building control deposit of plans stage: a gateway 2 application will be submitted to the Building Safety Regulator for approval. It has to demonstrate building regulations compliance, including that plans should be realistic for the building in use and will deliver a building that is safe to occupy. It will be an offence to start building work without Building Safety Regulator approval. We will say more about those gateways in secondary legislation.

Gateway 3 replaces the current completion and final certificate stage of building work—that is, when building work is complete. Again, it will be a hard stop, whereby an application must be submitted to the Building Safety Regulator with building plans and information about the building. The Building Safety Regulator can and will carry out inspections, and if it is satisfied—as far as it can determine—that the building complies with the building regulations requirements, it will issue a completion certificate. These are quite stringent

processes that, as I trust my hon. Friend will recognise, are powerful tools. In circumstances where building control approval is strictly limited to the approved stages of work, applicants will then need to submit their plans and documents for other stages of work for building control approval before work on those building stages can begin.

The powers that we have taken in proposed new paragraph 1B will also allow applicants to submit applications for building control approval with plans and any relevant prescribed documents they consider appropriate for refurbishment in higher-risk buildings. That will ensure that applicants are not subject to disproportionate requirements when proposing relatively minor refurbishments, which could be replacement windows or changes to the central heating or lighting system, for example. However, the regulator will be able to refuse the application if prescribed information is not provided on request. All these provisions together will strengthen the regulatory oversight of design and construction.

2.30pm

New paragraph 1C makes further provision on the issuing of certificates to building control authorities by members of approved schemes. The powers provided by the new paragraph will enable building regulations to set out how schemes may be approved, the time periods for approval, the suspension and withdrawal of approvals and requirements about insurance cover for work covered by certificates.

Currently, there are arrangements whereby those carrying out specified types of work can self-certify that the work is compliant with relevant building regulations requirements and notify the local authority accordingly under the competent person scheme arrangements. This provision recognises that there are a significant number of low-risk building jobs for which it would be disproportionate to require building control authorities to approve or inspect. The powers in new paragraph 1C will enable us to put in place a robust statutory framework for those competent person scheme arrangements.

New paragraph 1D creates a power to enable building regulations to make provision about the supply and retention of information. This power will be used to require a golden thread—we have heard that term before, Mr Efford, and we will hear it again—of information to be created and maintained through the design and construction of high-risk buildings.

Theo Clarke

I welcome the Minister's saying that there will be provisions to deliver the golden thread, which will be critical in helping to ensure that buildings are safe throughout their life, and I welcome the fact that new paragraphs 1C and 1D will contain requirements on the giving, obtaining and keeping of information and documents. **Will this clause also ensure that developers will not be able to switch to cheaper and less safe materials during construction?**

Christopher Pincher

I think it will—in fact I am sure it will—because it will require that, in design, construction and refurbishment, information that is needed to demonstrate compliance with specific building regulations is available. It will also require that information garnered through mandatory occurrence reporting, which we discussed in Committee last week, will be available, and there will be a clear legal requirement on duty holders to hand over that information. The power will also be used to require certain information about safety occurrences to be provided to the regulator. I will discuss that a little more in a moment.

New paragraph 1D also creates the power to make regulations to set out the information and documents that must be stored in the golden thread, and to set out standards that the golden thread must be held to. We know there is currently a lack of information about higher-risk buildings, which makes it difficult to design, construct and refurbish them safely. We are also aware that where there is that information, it is often not kept up to date, not accurate or not accessible. We believe that having accurate, up-to-date information is critical to ensuring that buildings are managed safely, and this new paragraph will ensure that the information is recorded and that it is accurate, kept up to date and accessible to those who need it.

Dame Judith's review recommended that a golden thread be put in place for higher-risk buildings. We agree, and the recommendation is being executed, recognising that it is critical to ensuring that buildings are safe.

New paragraph 1E enables the implementation of a key recommendation of Dame Judith's independent review: **mandatory occurrence reporting**, which I mentioned a moment ago, for higher-risk buildings going through the design and construction phases. Mandatory occurrence reporting is intended to provide a route by which valuable building safety intelligence and trends will reach the Building Safety Regulator and be shared with industry.

The effect of that proposed new paragraph is to enable regulations to be drawn up that require duty holders in design and construction to establish a mandatory occurrence reporting framework to facilitate the reporting of occurrences on site so that the duty holders, who have an obligation to report them to the regulator, become aware of occurrences in good time. Mandatory occurrence reporting will aid in driving intelligence-led enforcement on the part of the Building Safety Regulator, promoting safety-conscious culture change and improving safety standards and best practice across the built environment.

Proposed new paragraph 1F enables building regulations to prescribe the form and content of documents or information that must be given as part of a building control application. Those documents will be a key part of the new building control routes for higher-risk buildings. Proposed documents include a design-and-build approach document, a fire-and-emergency file and a construction control plan. The documents must demonstrate compliance with building regulation requirements and be realistic for the building in use—I made that point to my hon. Friend the Member for Bassetlaw. That will ensure the consistency and quality of building control applications for higher-risk buildings.

The proposed new paragraph also allows for building regulations to set out how documents and information must be given. For example, it may be necessary to submit documents to

the Building Safety Regulator via an online portal. It will also enable certain building applications to be refused if a document is not provided to the building control authority on request.

In order to check compliance, building control authorities must be able to inspect and test work, equipment, services and fittings, and to take samples. New paragraph 1G provides powers for building regulations to make provision for that. Building regulations will also be able to prohibit work from being covered for a period to allow the building control authority to inspect the work and to provide for the building control authority to cut into or lay open the work. Related amendments are also being made to section 33 of the Building Act to enable a building control authority to require a person carrying out the work to carry out tests of the work.

New paragraph 1A, which we discussed earlier, will allow building regulations to set prescribed timetables according to which building control authorities will need to determine applications—for example, gateway 2 applications, change control applications, and gateway 3 applications. That will help prevent unnecessary delays.

New paragraph 1H will allow building control authorities to extend that timetable where necessary, with agreement from the applicant—for example, if a development in hand is particularly complex. That will provide greater flexibility than under the current regime.

New paragraph 1I enables the drafting of regulations to allow persons affected by decisions made under the Building Act, or building regulations, to appeal against them. The Government supports the recommendation of Dame Judith's independent review that the regulator must be "fair and transparent". Where developers want to challenge a decision by a building control authority, it is right that they can do so. This clause makes provision to create routes of appeal to the regulator and the tribunal in England, and to Welsh Ministers or a magistrates court in Wales, whichever is appropriate. It also makes provision to set up procedural and administrative arrangements.

Brendan Clarke-Smith

We have discussed appeals. As part of the process, it is important that we have a robust and accessible appeals process, which is easy for people to undertake. Does the Minister share my opinion that these appeals need to be conducted in a reasonable amount of time? They have a habit of dragging on for long periods. With something as important as this, does he agree that people should have an assurance that when they make an appeal it is not just accessible but that they can expect an answer within a reasonable time period, to correct whatever problem has arisen?

Christopher Pincher

I am obliged to my hon. Friend for raising the **issue of appeals**. We have said in regulations that if the time limit is not met between the regulator and the applicant, and if an extension

is not agreed, then the applicant can submit an application to the Secretary of State for a decision. **That is a last resort.** Through these provisions, we want to ensure that decisions can be made swiftly and efficaciously, so that challenges that may be brought to the Building Safety Regulator by a developer are dealt with rapidly, and a safe development can be advanced as quickly as possible. These include grounds for appeal, and the period during which an appeal can be lodged are also included in this clause.

There are a number of related consequential amendments in draft schedule 5. These include repeals of sections 16, 17 and 31 of the Building Act, which will become redundant with the introduction of new applications for building control approval under paragraphs 1A and 1B in clause 32.

That includes repeals of paragraphs 2 to 5 of schedule 1 to the Building Act, which are directly replaced by the new paragraphs 1A to 1I in clause 32, and amendments of existing references in the Building Act to, for example, the deposit of plans to the

“making of applications for building control approval”.

These new powers apply in Wales as in England, so the Welsh Government will be able to amend its building regulations as necessary. I appreciate that these are technical and rather dry paragraphs, but they are important to the success of the Building Safety Regulator, its powers and the appeals mechanism. Therefore, I commend clause 32 to the Committee.

Mike Amesbury

I thank the Minister for his thorough and detailed examination of the clause. The independent review made several recommendations for stringent new building control procedures to increase the regulatory oversight of design, construction and refurbishment—if we take our minds back to Grenfell, that was a refurbished building—of higher-risk buildings and of building work subsequently carried out. One concern, which was echoed by the Select Committee, is that **a lot of detail is again left to secondary legislation**, as the Minister referred to. To draw upon the golden thread, as a means to explain to Members not just in Committee but beyond, **does the Minister have an example of the golden thread from beginning to end? Has he done some scenario planning of the application of the hard stop? How does the new regime capture permitted development? How does it capture those refurbishments and those conversions of offices into residential buildings?**

2.45pm

Shaun Bailey

I grateful for the opportunity to speak on clause 32 which although very technical, is none the less very important. I want to speak about mandatory occurrence reporting, because I think that is a key matter. In order to understand trends and where consistent issues are becoming a problem it is key that disasters such as Grenfell are not allowed to repeat. We need to spot problems early. That comes back to the broader point of collaboration and

working together. This is a collaborative piece. To ensure that the legislation works for the future and that we have a market that truly works for everyone, we must ensure that information is shared. We must ensure that trends are spotted early. It is about treating the issue as a partnership between stakeholders. To have the BSR acting as the centre point and information gatherer will be key.

The clause needs to provide certainty, although we will need to see the secondary legislation that will derive from the Bill. We need to ensure that leaseholders and residents have certainty and that they know where they stand, but we have a market to meet, and we must build houses. We know that we have a housing shortage and that we need to construct more places for people to live. To do that, we must have a regime that works. We must know that, ultimately, those who use the regime and construct property understand the rules by which they play. Equally, the balance must be struck so that they cannot game the regime either. That is why there needs to clarity.

The hon. Member for Weaver Vale is right that we need to examine the detail in secondary legislation. We need to see what the structure of that will be. It is all well and good to say "we'll prescribe this, and we'll prescribe that" but we need to know what specific forms will look like, how people will fill them out, whether they will be usable in a commercial context or will that encourage an organisation, a builder, a company or whoever to circumvent the system, because they think, "Do you know what? It's a little too complex for me to do, so let's see how I can fiddle it around"? The wording of the clause goes some way to delivering this, but **we need a system that says to builders and stakeholders, "Look, it is within your interests to play within the system and comply with the regulations, and to share the information as part of the mandatory occurrence reporting."**

We have spoken about the impact in Wales as well, and it is important that, ultimately, we have that consistency in England and Wales. The hon. Member for Weaver Vale will know that there is a lot of cross-border buying and selling, and we must ensure that there is consistency so that people know where they stand in terms of the regulations. I am sure that he has many building firms that will do work both in England and in Wales, so they will need that consistency to know exactly the rules within which they are playing. I hope that the Minister will be able to tell us about the conversations he has had with colleagues in Welsh Government to ensure that. That will be a real test of clause 32 and the subsequent secondary legislation, so that the marketplace that must fit within the regulatory framework knows where it stands. I come back to the point I made before, which is ultimately about ensuring that we can continue to have a market that builds houses, to address the situation that we have with local house building.

Ian Byrne
(Liverpool, West Derby) (Lab)

I want to touch on a couple of things. **Enforcement is key.** We heard lots of evidence about the need for culture change. Enforcement gives us rules and regulations, which the sector needs, but we need to change the culture. Listening to the Minister's response, **I am at a loss to know where the enforcement will come from and how it will be funded.** It would be good to get a real understanding of how this golden thread will be enforced. We listened

to evidence from the Fire Brigades Union about how fire safety officers have been decimated. We know about local authority cuts. I would really like an understanding, on the record, of where the enforcement will be made and how it will be funded. We had rules, regulations and laws, but without enforcement we still had Grenfell. Hugely important moving forward is how the new set of regulations will be enforced to ensure that it is adhered to and we get the culture change that we desperately need.

Shaun Bailey

I thank the hon. Gentleman for his intervention; I am sure that there are some points that my right hon. Friend the Minister will pick up. **I agree that enforcement is a really important part of this and has to be done properly.** We discussed funding this morning. As my right hon. Friend indicated, there has been a funding uplift. As I said this morning, it will be on us to ensure that that works and is done in a proportionate way. I have no fear in saying that. It is our job to do that. Without being too repetitious, it is perhaps slightly frustrating, but the secondary legislation will be an important part of it, because that will show the meat of how the enforcement will operate.

It comes down to the operational delivery of all this. The clauses are very technical. They are there to lay the base framework. **From my very limited time in this House, when we are passing legislation the big thing that we always have to think of is how it will work in practice.** There are probably broader debates, particularly with clause 32, about what that will look like. **The hon. Member for Liverpool, West Derby touched on cultural change. It is important that the clause acts as a catalyst for that.** As I touched on, it is about ensuring that there is a framework by which construction firms and builders know to operate, that there is an ability to share that information, and that building regulations flow through to ensure that we know where we are and that a really stringent process is followed. We must also be able to see the information that is required—the safety reports and fire reports—to ensure that we have the golden thread and the pathway that we have discussed, to ensure that we have built a story of compliance and safety, and to ensure that if we have to review the pathway to the construction of a building we can see that it has followed the tests and that corners have not been cut.

Clause 32 provides that base framework, but I stress that the meat will come in secondary legislation. As always, my plea to the Minister is that we continue with the flexible approach that he has adopted so far in relation to this piece of legislation. It is about being adaptable. The clause gives us the framework, but we know that the market changes, pressures change and risks change. When we come to report on building regulations, we must ensure that, as we look at clause 32 in secondary legislation, it has the room for manoeuvre to react. If we have to ramp up the reporting mechanisms, we must be able to do so. Equally, they must be robust enough to manage that.

We must remember, and I know my right hon. Friend is completely aware of this, that it is the leaseholders and residents who are at the core of this. **Clause 32 was described as dry and technical, but it is a linchpin clause because it sets the rules of the game**, which will protect some of the most vulnerable residents and leaseholders—the people we have been sent here to stick up for. We will ensure they have that framework and that right of redress.

It is an important clause and I support it. I am really interested to see the secondary legislation that follows and it has my full support.

Christopher Pincher

I am obliged to the Committee for considering the clause. I am grateful for the intervention by my hon. Friend the Member for West Bromwich West. He raised the question of cross-border co-operation between English authorities and the Welsh Government. I can assure him that my officials have been in close contact with the Welsh Government to ensure that provisions apply properly. Of course, because the devolutionary settlement came after the Building Act 1984, certain changes need to be made to the Act. There certainly has to be a recognition that the Building Safety Regulator does not apply in the same way in Wales as in England. The building control authority in Wales is the local authority—although a local authority can for the purposes of independence designate another local authority to act as the building control authority in a particular instance of a high-rise residential or in-scope building in their authority jurisdiction.

The hon. Member for Weaver Vale asked a number of questions about the golden thread. I agree that it is a hugely important element of the Bill and an important element to demonstrate trust and compliance to the regime. It is about giving information about a building that allows someone to understand the building. It also provides information to effectively manage the building. It needs to be created before building work starts and it must be kept updated throughout the design and construction process—for example where through the change control process, the plans for the building work are changed. That also needs to be captured in the golden thread.

When the building work is finally completed, **the golden thread must be handed over to the person responsible for the occupied building, called the accountable person.** The information required will have to demonstrate compliance with specified building regulations and information required through mandatory occurrence reporting. We will set out specific requirements for the golden thread in secondary legislation. The nature of the information and the documents that must be stored as part of the golden thread are potentially subject to change over time in accordance with technical developments in safety standards and safety practices. Some flexibility in the listed information and documents is required, and that is why we propose putting it into secondary legislation rather than putting it in the Bill.

I can give an assurance to the hon. Member for Liverpool, West Derby, who raised the issue of enforcement. We talked about that last week in Committee, **and I pointed out the funding that has been made available to the Health and Safety Executive to help set up the shadow Building Safety Regulator.** We have talked today about the fees and the charges that may be applied, as well as the spending review commitments we will make to the Building Safety Regulator.

3.00pm

I will give one example of enforcement. If mandatory accounts reporting data is not properly captured or provided as part of the golden thread, that is an offence that the Building Safety

Regulator can pursue through means of prosecution of an appropriate designated party. We are giving the Building Safety Regulator, we believe, appropriate teeth to do its job.

Mike Amesbury

Will the Minister give way?

Christopher Pincher

I will give way briefly, but I am sure that the hon. Gentleman, like me, will want to get on.

Mike Amesbury

I asked the Minister about permitted development and how that will be captured by the golden thread. It will be detailed in secondary legislation, as is mirrored throughout the Bill. I understand some of the practicalities around that, but given that this is a central aspect of improving the building safety landscape, surely the detail should be in the Bill. Look at permitted development. Will there be refurbishments from office to residential? Grenfell was a refurbishment. I would welcome the Minister's comments on that matter.

Christopher Pincher

I am happy to look at the matter for the hon. Gentleman and make sure that we properly cover all eventualities in secondary legislation. I point out that with respect to permitted development rights, it is unlikely—although I would not say impossible—that buildings that fall into the scope of the currently defined regime will be built using permitted development rights. I suggest to him that such a building would very likely require planning permission using the normal routes.

I am very happy to make sure that we cover off those sorts of considerations when we look at secondary legislation. We need to make sure that it is sufficiently flexible to take account of future safety arrangements, future technical designations and future planning rules, which, as the hon. Gentleman will know, we are considering very shortly. With that, I commend the clause to the Committee.

Question put and agreed to.

Clause 32 accordingly ordered to stand part of the Bill.

Clause 33

Dutyholders and general duties

Question proposed, That the clause stand part of the Bill.

Christopher Pincher

Clause 33 relates to amendments to schedule 1 to the Building Act 1984 to enable building regulations to require prescribed appointments and to impose duties on those appointed and other relevant persons.

We agree with recommendations **2.1 and 2.2 of Dame Judith's review**, which ask that key roles and responsibilities in the procurement, design and construction process are specified. Clause 33 contributes to their implementation. It is only right that those who commission building work and who participate in the design and construction process take responsibility for ensuring that building safety is considered throughout the project, thereby ensuring that residents are safe and, importantly, feel safe.

The amendments to the 1984 Act create a power that we will use to make regulations that will identify and place duties on those involved in the procurement, design, construction and refurbishment of all buildings. The duty holders will be those people or organisations who commission the building work and undertake the design and construction or refurbishment building work. In other words, they will be clients, principal designers, designers, principal contractors and contractors, and all other persons involved in the work.

These are the key roles that are most important in initiating, overseeing or influencing activity to ensure building regulations compliance throughout the procurement, design and construction phases. **Duty holders will be required to actively consider and manage building safety risks throughout the process, to ensure that designs, if built, comply with building regulations requirements as well as the building work.**

Draft regulations have been published alongside the Bill. The Committee may find the draft Building (Appointment of Persons, Industry Competence and Dutyholders) (England) Regulations 2021 useful for more detail. The draft regulations set out the framework of duty holders and their duties. The main duty holders will be the client, the principal designer and the principal contractor. However, everyone undertaking design or building work, including designers and contractors, will also have duties.

The duty holders will need to have systems in place to plan, manage and monitor the design work and building work, to ensure they co-operate and communicate with each other, and to co-ordinate their work. The regulations also require duty holders to have the relevant competence—the skills, knowledge, experience, behaviours, and organisational capability—to undertake work, and to ensure that those they appoint are also competent to carry out that work. We will discuss that in more detail when we come to consider clause 34.

The regulations made under clause 33 will hold to account all involved in building work, making them responsible for the work they do and the decisions they make, ensuring those buildings are safe for those who live and work in them. I commend clause 33 to the Committee.

Shaun Bailey

Clause 33 is just common sense, really. It is ultimately about ensuring that those people who are appointing people, or those organisations that are making appointments to do work, are doing so in a way that is right and safe. I am conscious that I should not stray on to clause 34, but it is about ensuring that they appoint people with the ability to do the work and to perform those basic duties that we would expect.

I am slightly surprised that we need clause 33, to be honest, because to me it is common sense that if we were going to appoint people to do a job, we would make sure they could do it properly in the first place. None the less, we have seen, and we have heard in the evidence, that it is needed. It is probably a sad indictment of the market and the industry we are dealing with that we need to specifically prescribe in legislation that people who are appointed to do the work can do so in the way they need to, and that we will require building regulations to specify what that looks like.

I turn to the general duties as specified in new paragraph 5B. A lot of this stuff would appear to be relatively straightforward; it is just about ensuring that people are undertaking the work in the right way. I will not make too many comments on industry competence, because I appreciate that that is addressed further on, but, broadly speaking, for many of these clauses it will be interesting to see the regulations that follow and how that is prescribed.

Ian Byrne

Is the hon. Gentleman wondering, as I am, about professional indemnity insurance and the ability of all duty holders to secure that?

Shaun Bailey

That is a good question. What will be needed is a broader conversation with the industry, and the evidence from the Association of British Insurers was about that industry engagement. What we are trying to do with this legislation is to bring about cultural change, so that cultural change must be holistic. As part of that, we must be open to having those conversations with insurers and with all parts of the sector. I am just thinking about these duty holders, and the point raised by the hon. Gentleman is about remembering what the sector is.

Obviously, it is not just the firms that are building or constructing these developments: it is the insurers, the subcontractors and the people who provide the materials. The sector encompasses all those people as well, so how far do we extend these duties? Again, these are questions that we are going to have to deal with, perhaps through secondary legislation: how far do those appointments go? What do they look like? Who are we appointing? Who are we applying them to?

Those are all academic questions that I do not wish to tempt my right hon. Friend the Minister to answer today, because I appreciate that we will go into further detail about

them, but I think that the point made by the hon. Member for Liverpool, West Derby triggers a further conversation that is definitely worth having. Broadly speaking, though, clause 33 is about doing what many of us would consider to be common sense, and for that reason—although it is quite surprising that we need it—I fully support it and hope that it becomes part of the Bill.

Christopher Pincher

To reiterate, the effect of clause 33 is that those who commission a building, design it, construct it, and may refurbish it will be required to make formal appointments, so that everybody knows what everybody else's role in this is, and proper and effective enforcement action can be taken against them.

A **principal designer** has to be appointed, and the role of that designer is understood; a **principal contractor** is appointed, and the role of that contractor is understood. The new regulator will be able to hold the principal persons to account using the range of enforcement tools that we have discussed, and we have also discussed the mechanisms for funding them as effectively as possible. Local authority building control will also have a range of enforcement powers, so although this clause may be common sense—as my hon. Friend has suggested—it is an important mechanism for codifying building safety, while also making sure that there is sufficient flexibility in the law to take account of future changes in circumstances that the House of Commons may wish to rapidly respond to through secondary legislation, rather than writing all the law on the face of the Bill.

Although clause 33 is possibly common sense, and although it is yet another rather dry and technical clause, I reiterate that it holds everyone involved in building work accountable for the work they do. It makes them responsible for the work they do and the decisions they make, which will ultimately help to ensure that golden thread of information and the safety of buildings. As such, I commend it to the Committee.

Question put and agreed to.

Clause 33 accordingly ordered to stand part of the Bill.

Clause 34

Industry Competence

Question proposed, That the clause stand part of the Bill.

Christopher Pincher

The Government want residents to have confidence that those working on their building are competent to do their job properly and in compliance with building regulations, in order to ensure safe and high-quality buildings. This is vital to underpinning our reforms of building safety. Building regulations currently have minimal provisions about how design and

building work should be done. Our intention is to set out more specific requirements relating to the competence of persons doing any design or building work.

Clause 34 therefore amends the Building Act 1984—which, as we know, is 37 years old—creating powers to prescribe in building regulations the competence requirements relating to the principal designer and principal contractor, the appointed persons, and any other person. **We intend to use this power to impose in building regulations a general duty on anyone doing design or building work to have the appropriate competence to do their job in a way that ensures compliance with building regulations**. Building regulations may also impose duties on those appointing the principal designer, the principal contractor and any other person, to ensure that those whom they appoint meet the competence requirements.

3.15pm

Mark Logan
(Bolton North East) (Con)

Will increasing confidence in the competence of duty holders be a vital part of restoring faith and confidence in the construction industry?

Christopher Pincher

Yes, I think it will be. We have seen a significant decline in confidence in the sector, and we have certainly seen a decline in trust. **We believe that imposing competency requirements will contribute to the golden thread not just of information, but of trust,** which we need to re-engender among residents living in in-scope buildings, and in the wider building sector more broadly. I agree with my hon. Friend, because I believe that it will help to reinvigorate trust.

The requirements will apply to all design and building work that is subject to building regulations—not just for higher-risk buildings—and to both organisations and individuals. For individuals, the competence requirements will relate to their skills, knowledge, experience and behaviours.

Shaun Bailey

My right hon. Friend is being generous in taking interventions. He touched on the skills piece for individuals. The running theme within the Bill is about co-operation and communication with different stakeholders. **How important does he think it will be for the BSR to be engaged, particularly with further education providers, in order to ensure that the benchmarks that are set as a result of the clause can be met in the training that it provides to future members of the industry?**

Christopher Pincher

I certainly think that trade bodies and professional organisations should develop suitable ways for their members to demonstrate their competence. I also want to ensure that the Building Safety Regulator has a broad reach within the understandable constraints of not losing or diluting its very important focus on high-rise and other in-scope residential buildings.

I will reflect on my hon. Friend's point about reaching out to higher and further education providers, but if I may stretch the point a little, it is certainly the case that by working with our colleagues in BEIS and across other Government Departments, we are building a skill set in the construction industry—young people going into construction and becoming bricklayers or skill supervisors. We need to ensure that they have the wherewithal to build their careers, but we also need to ensure that their professional trade bodies are providing them with competence, and that that competence can be properly assessed by the Building Safety Regulator and its officials.

For organisations, the requirements will relate to the organisational capability—the ability of an organisation to carry out its functions properly under the building regulations. Where the principal designer or principal contractor is an organisation**, subsection (3) enables building regulations to require the organisation to ensure that the individuals leading the work have the appropriate skills, knowledge, experience and behaviours to manage their functions.** To provide more detail on how the competence requirements will apply, we have published draft regulations to sit alongside the Bill.

Selaine Saxby

Will my right hon. Friend make it clear that this new regime for driving up competence levels will not have a negative impact on industry capacity, particularly in areas such as mine—this might be slightly outside the scope of the Bill—where the sector already has issues with recruitment?

Christopher Pincher

I am obliged to my hon. Friend. We certainly do not want to see skills and capacity further stretched. I will give her one example of the stimulant action that the Government have taken to support the sector. **Last November we announced funding just touching £700,000 to train up 2,000 external wall system 1 assessors.** I believe that their training commenced in January this year, so they will be coming on stream to provide the sorts of services that are needed. We certainly want to ensure that, in that instance and others, we have appropriate capacity to do the work required.

In addition, the Government intend to provide statutory guidance in the form of an approved document to support duty holders in meeting these requirements. This is a short but important clause, and I commend it to the Committee.

Mike Amesbury

It is incredible that this is not part of the status quo, because we are talking about competence in the construction sector. Of course, this is a changing landscape, with everyone, as the Minister says, having the appropriate knowledge, skills and competence to carry out the new requirements of the regime. **There is a lot of onus on the client and the principal contractor. Who assesses whether the principal contractor is competent? What does competent look like?** Again, it seems that this may be outlined in guidance and secondary legislation. How do people know whether somebody is genuinely competent to construct or refurbish a higher-risk building? I would be interested to hear the Minister's comments.

Shaun Bailey

I am mindful that just looking at this clause triggers a lot of thought processes. As the hon. Member for Weaver Vale has just said, we might have thought that this was already a given: that if we get someone to do a job, they should have the skills and qualifications needed to do it properly. **It triggers some broader thought processes on how we embed these legislative and regulatory standards within the system more broadly.**

I am grateful to my right hon. Friend the Minister for his response to the intervention on education. Clearly, as a result of this clause, we will have to embed this within the culture, which will require that stakeholder engagement. I was heartened to hear my right hon. Friend say that he would take that away and ponder it.

The key thing, as with all of this, is how it will operate in practice. The sentiment of the clause is the right one: in order to ensure that people living in high-rise buildings are safe, those buildings must be constructed by individuals who know what they are doing, and the onus must be placed in statute on the organisations constructing these buildings to ensure that the competence and skills base is there.

My hon. Friend the Member for North Devon raised an important point in her intervention about getting the balance right. I think this does get the balance right, in that it ensures that we can still recruit to the industry, so that a flow of workforce still comes into it, but things clearly have changed since 1984. My right hon. Friend the Minister articulated that by highlighting that the existing regulations are 37 years old. Just to put that in perspective for the Committee, that is slightly before I was born. I was born in 1992—I do not know whether that horrifies some Members.

I am the grandson of a builder, and it is clear that building sites have changed in 40 years. The expectations and complexity of the jobs that firms are now undertaking require the ability to know that the competencies are there. **We now have a raft of qualifications, and different levels of experience and needs, as I have said in previous contributions—I am sure everyone has noted that meticulously.** None the less, it is important. Things have changed and moved on. We are operating and trying to regulate an ever-changing marketplace that has new technologies coming on board and new materials coming into play, and we need the individuals who operate in this space to have the skillsets and ability to react to that.

The one thing that I would say—perhaps this will be addressed in secondary legislation—**is that in my profession, we always had to show continuous professional development**. We had to show that we had not just sat there after qualifying perhaps 10 years ago, because things had moved on.

Ian Byrne

On the issue of competence, last week we touched on training—the funding of training and who is going to do it. **We will need lots and lots of people, and that is a huge opportunity for this country, but who will monitor the competence? Will it be accredited? Will there be an agency to accredit it?** Again, this all links back to the evidence that we have been listening to over the past two weeks about culture change. This can start right at the very beginning of somebody's career, and it can be hard-wired in. It would be good to get an understanding of who will oversee the competence, and how the training will be delivered and—I am going to say the magical word again—funded.

Shaun Bailey

The hon. Gentleman makes a really important point**. I am sure he and I are both passionate advocates of technical and vocational education, and this clause says that we have to treat the industry with some respect.** That means having in place accreditation structures that are properly recognised. I get what he says about funding, and I am sure that my right hon. Friend the Minister has heard his plea. I say to the hon. Gentleman—if you will indulge me, Mr Efford—that he has a sympathiser in me, and I am sure that my right hon. Friend the Minister will at some point have conversations with the Department for Education and the Treasury about how that looks. The hon. Gentleman is right. Ultimately, although this is a short clause, it leads to so many different things. That is the key thing. Ultimately, as he articulated well, if we are going to ask for this, we need to know what the accreditation models are and the FE providers need to know what the structures are for providing this training. All those conversations come out of clause 34.

Mark Logan

Will my right hon. Friend give way?

Shaun Bailey

Of course, although I am not a member of the Privy Council just yet.

Mark Logan

My hon. Friend's exchange with the hon. Member for Liverpool, West Derby got me thinking. I am interested to hear from the Minister in his closing remarks on the clause about **the financial implications of ensuring that we have competency in the industry.** What assessments has his Department, or indeed the Department for Education or the Treasury, made? In the longer term, what benefits does he see the clause giving to UK plc on the long-standing issue that the UK has had with productivity, vis-à-vis some of our peer countries in the G7 and G20, for example?

3.30pm

Shaun Bailey

I am not sure whether the question was to me or to the Minister, but I will give my opinion, as I am sure the Minister will give his.

From my perspective—you are being very indulgent, Mr Efford, so thank you—what clause 34 does for productivity is to push the point on accreditation and on being sure that people have qualifications, so that a young person thinking about where to go hears**, "Come to this trade, because you will get skills, qualifications and accredited."** I know from my communities that a lot of the time it is about how something is pitched or framed. If we want to attract young people into jobs and skills, we have to say what they will get from it. If a young person can get accredited and feel, "You know what, I have a qualification, and can take this further. I can move forward and go different places with it", that is one way to deal with the productivity issue, as my hon. Friend the Member for Bolton North East said in his intervention. There are many other ways as well.

I was trying to articulate a point on the role of the Building Safety Regulator in setting industry competence. We have said throughout our deliberations on the subject of safety that **we cannot see the BSR only as the executioner who comes in at the end, when it has all gone wrong. It cannot do that; it has to be leading the way—that is the key bit.** That comes back to the point that I made before—my hon. Friend doubled down on it for me with his intervention—which is about ensuring that the link-in with the different stakeholders allows us to implement what is going on in clause 34—to ensure that the training bars are there, the levels are in place and we know where we start. When we train up the next generation of people for the construction industry, they need a clear idea of the knowledge base that is necessary.

Ian Byrne

I thank the hon. Gentleman for his long and knowledgeable contribution. I was listening to what he was saying. **What a wonderful opportunity for the trade unions to be involved in training right from the outset**. Does he agree?

Shaun Bailey

I will make a probably revolutionary point: I might be a Conservative MP but, yes, trade unions have a part in this—110%. The discourse with the trade unions is beneficial. I, too, have benefited from positive relationships with my trade unions when necessary. The hon. Gentleman is absolutely right. Again, part of that is the holistic approach. That is the whole point of how the clause has been constructed. It allows us to be flexible and to have those ongoing conversations, which will be important in the implementation of the legislation. My right hon. Friend the Minister is listening intently and absorbing this—I am grateful to him for doing so—and he will pass it on to his officials, because to make the Bill effective we will have to be as broad brush as possible with engagement.

To conclude—I am sure many hon. Members are disappointed—clause 34 as drafted, as I said about clause 33, does something that is basic, which is that people who undertake a job of work should have the ability to do it. I hope I have articulated that in some way in my contribution, but as I have said, that will trigger a lot of further conversations. We need this to work. We need to ensure that the people undertaking the work on these high-risk developments—which we still need, because we have a housing shortage and we need to build more houses and more places for people to live—have the relevant qualifications. To that end, the secondary legislation, the guidance note, the approved document referred to by my right hon. Friend the Minister, and the competence standards being developed by the British Standards Institution, will all be important. We need to ensure that they are translated into a workable approach that brings together all the different stakeholders —we have discussed trade unions, further education providers and the industry more broadly—so that when 16, 17 or 18-year-olds decide to follow this profession as a career, they know what is expected of them. Speaking from my own experience, it can be odd when people do not know what the benchmark is.

Mark Logan

This might be a bit of a long shot, but **if there is more competency among the young individuals going to firms, might that not lead to fewer cases of malpractice and, indeed, bankruptcy down the line?** Some of my constituents in Bolton North East have had issues with builders who have gone out of business and then subsequently set up other companies. I would be interested to hear what my hon. Friend makes of that particular point.

Shaun Bailey

I shall answer briefly. I am not entirely sure whether clause 34 would address those issues. Malpractice is a business competency issue. In terms of the ability to undertake the work, clause 34 sets the base expectations, but I do not think it will solve all of that. To sum it up, clause 34 sets the base, and will, I think, trigger further conversations, similar to those we have had today. I am grateful to my right hon. Friend the Minister for being open to those conversations, which he has very much listened to. I certainly await the approved document and the BSI's intervention with great interest. Thank you, Mr Efford, for indulging me today.

Having listened to the debate, I feel that both Whips on duty may be concerned by the outbreak of political amity that seems to have gripped the Committee, with Liverpool extending its hand across the Chamber to shake the hand of West Bromwich West. It is a sight to behold and is possibly not to be seen again any time soon. The debate on this clause has been a useful one. **It demonstrates the importance of getting competency standards properly understood and properly driven up.**

The hon. Member for Weaver Vale said that it is amazing that we are talking about the issue of competency now. He is, of course, quite right. It is surprising that, with Governments of different stripes and colours over the last 37 years, none have acted in a comprehensive way to deliver the sorts of outcomes that Grenfell has taught us that we need.

1984 was a long time ago. None of us, I think, would want to now wear the clothes that we were wearing back then. Some of us could probably not even get into them. It is right, therefore, that we should revise the Building Act 1984 to meet the challenges of today and recognise that competency is something that we should address in this Bill. That is what we are doing.

We believe, with due respect to the hon. Member for Liverpool, West Derby, that industry must lead the way to improve the competency of those working on higher-risk buildings, and, with Government support, that is what industry has been doing. The competency steering group and its sub-working groups published a report in October of last year.

The Government, as my hon. Friend the Member for West Bromwich West has suggested, is sponsoring BSI to create a suite of national competency standards for high-risk buildings. They include core criteria for building safety in competence frameworks and a code of practice, which sets out key principles to be used by different sectors to develop their sector-specific competence frameworks. It also includes the competence standards for the principal designer and principal contractor.

As we heard in evidence and in the line-by-line scrutiny we undertook last week, the Health and Safety Executive **is setting up an interim industry competence committee.** That will be followed by the statutory industry competence committee within the Building Safety Regulator, to ensure that once the Bill is in force we support the industry to raise competency and contribute a pipeline of people for the new regulatory regime.

To answer some of the points raised by the hon. Member for Liverpool, West Derby, he is right that unions have an important role to play. We had a conversation a week or so ago, and I pointed out to him that the National House Building Council has opened a bricklaying school in my constituency, supported by Redrow. It cuts in half the time it takes for bricklayers to learn their skills, become competent at their profession and receive an appropriate qualification. That is an example of industry working together with third-party organisations to provide the skills, supported by the Government, to ensure that buildings are built properly and effectively.

As I said in my earlier remarks, building regulations currently have minimal provisions about how design and building work should be done. That is wrong and we wish to address that. It is our intention to deal with that through this clause, and I therefore commend it to the Committee.

Question put and agreed to.

Clause 34 accordingly ordered to stand part of the Bill.

Clause 35

Lapse of building control approval etc

Question proposed, That the clause stand part of the Bill.

Christopher Pincher

This clause replaces section 32 of the Building Act 1984, that bell-bottom flare and platform-shoe Act that we need to reform in order to make it more competent. I do not mean to be flippant, but we need to make it more appropriate to the modern day. This clause also amends section 52 and schedule 4 of the Act, to simplify the process under which a building control approval given by a building control authority, or an initial notice issued by a registered building control approver, or a public body's notice, lapses if work has not started after three years.

The changes will bring the Building Act in line with how unused planning permissions lapse automatically after three years if work has not started. Currently, if work has not started after three years, a local authority can issue a notice that any plans approval issued for that work has no effect, or to cancel any initial notice that has been issued for that work.

Rather than placing the onus on the local authority to identify and take proactive action to issue a notice that the building control approval has no effect, or to cancel the notice, the new section 32, and amended sections 52 and schedule 4, allow for the approval or notices to lapse automatically. This simplifies the system and saves the local authority the administration of having to issue the notice of cancellation.

Shaun Bailey

rose—

Christopher Pincher

It looks as if my hon. Friend the Member for West Bromwich West is about to intervene, so I will pre-empt him by giving way.

Shaun Bailey

My right hon. Friend Minister might intend to touch on this—if so, I apologise for pre-empting him—but in the scenario of a multi-purpose development, could he clarify what would happen if a developer of builder had started work on one building in a multi-building development? Would that still lapse? I am conscious that that is a way in which the system might be gamed.

Christopher Pincher

If the buildings are connected, so to speak, they will be treated as one. **The new provision also rules out any possibility of a developer seeking to game the situation by starting work on one building on a multi-building site** and using that to allow the approved building control application, or its initial notice, to continue to have effect for the whole site, even if the site is not built out for many years. It is only for those individual buildings on which work has started that the approval or notice will not lapse; if work has not started, the approval or notice will lapse. This should have the benefit of encouraging sites to be built out more quickly as developers will want to avoid having to resubmit applications. The issue of build-out is raised by colleagues across the House in a wider context, and we may address it in that wider context in another place at another time. Under powers in the clause, we will define in building regulations when work can be considered to start. These amendments will apply in both England and Wales. They are important and sensible changes to simplify how the Act operates.

This is a small but important change, and I commend clause 35 to the Committee.

Mike Amesbury

As stated, it is about time that the scenario is brought up to date with the current planning regime. I would be interested in the Minister's thoughts—this touches on the future conversations that we will undoubtedly have in this place—on whether, if the build-out has not occurred within three years, the response should be to say**, "Use it or lose it".**

Christopher Pincher

Our approach—the House's approach—should always be to make good and effective law. We are all concerned when permissions are granted, be they for tall buildings or smaller buildings, but build-out does not take place. There can be perfectly good and legitimate reasons for that, but there can be less good and less legitimate reasons. The challenge that we have in this Committee and in a broader context with respect to wider planning reform is to ensure that in encouraging build-out, we do not unintentionally create new ways in which those who wish to do so can game the system. Neither do we want unfairly to disadvantage small and medium-sized builders, and we certainly do not want to

disadvantage self and custom-build contractors, or people adding an extension to their home.

We have to make sure that we get the regulations right. I think we have attempted to do that through the small change made in clause 35. I am very happy to work across the Floor more broadly, but hon. Members can be assured that we will attempt to do similarly when we bring forward our more substantive changes to planning reform in the future.

Question put and agreed to.

Clause 35 accordingly ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned.— *(Scott Mann.)*

3.48pm

Adjourned till Thursday 23 September at half-past Eleven o'clock.

Written evidence reported to the House

BSB28 FirstPort

BSB29 Henry Grala, on behalf of Drayton Park residential Group

BSB30 London Councils

BSB31 Local Government Association

BSB32 NAPIT