

Construction Law Update

Fire Safety Reforms 2020 - Criminal Sanctions and Name and Shame

New fire safety reforms unveiled on 20 January 2020 are a clear indication of where the Government's focus remains going into the new decade. The Housing Secretary has promised "*the biggest change in building safety for a generation*" and warned that "*the slow pace of improving building safety standards will not be tolerated*" – but what are the new measures, and will they affect you?

Building Safety Regulator

Firstly, a new Building Safety Regulator is to be established with the aim of raising building and safety performance standards. The Regulator's role will include overseeing the design and management of buildings and ensuring enforcement of the Government's new safety regime for higher-risk buildings. Unusually, the Regulator's enforcement powers will include various measures including the ability to impose criminal sanctions on building owners who do not comply with the new regime. This is the first clear indication that the Government's policy in this area is strict and not to be ignored.

New Safety Guidance for Building Owners

Next, new and simplified advice on the steps building owners of multi-storey and multi-occupancy residential buildings should take to ensure their buildings are safe has been published on the Government website. This includes guidance relating to aluminium composite material ("**ACM**") cladding, external wall systems, balconies, smoke control systems and fire doors and is essential reading for employers and contractors alike who are involved in such developments.

Government Consultations

A consultation on the ban on combustible cladding on high-rise buildings is due to conclude on 13 April 2020. Possible outcomes of the consultation include hotels being included in the ban, the height threshold being lowered from 18 to 11 metres above ground level and a new ban on certain types of cladding on all buildings,

regardless of height. A consultation on the law on sprinklers has also taken place, which may result in the

height threshold for sprinkler requirements in new buildings being lowered. The final outcomes of each of these consultations will, again, be essential reading for those involved in residential developments.

ACM Cladding Measures - Name and Shame Policy

Post-Grenfell measures oblige building owners to remediate buildings with unsafe ACM cladding, but the Government is not satisfied with the pace of some owners' rectification. To accelerate the process, the Government has announced it will, from February 2020, take the unusual step of publicly "naming and shaming" building owners who have not started remediation works. To avoid cost being a barrier to remediation, plans to examine options for mitigating costs/providing alternative financing routes have also been put in place, ensuring "*there can be no more excuses for delay*".

Fire Safety Bill

A new Fire Safety Bill is set to update the law on fire safety, including clarifying the obligations of building owners to mitigate fire safety risks to external wall systems and front doors to individual flats. In time this is hoped to make enforcement against owners for any inaction easier.

Analysis

As a whole, the new measures indicate two key things: (1) the law on fire safety is not yet settled and further changes are on their way, and (2) non-compliance will not be tolerated. Employers and contractors alike must, therefore, keep their eyes peeled for upcoming changes in the law which may affect them.

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