

Building Safety Bill – Issues for the Committee Stage

I have summarised below the feedback I have so far on BS Bill Accountable Person issues.

A number CWAG members have indicated that they feel there is a lack of clarity around the Accountable Person role and where this should be assigned, something that is more complex when there is an ALMO.

The Bill indicates that there may be more than one Accountable Person, and if so, one must be nominated as the Principal Accountable Person. The Bill does not go into detail but potentially this means that there could be various Accountable Persons within the Council and ALMO who make decisions regarding building safety, indeed some of the guidance indicates that the Building Safety Manager can also be an Accountable Person.

Most councils agree that the Principal Accountable Person will be within the local authority (rather than the ALMO), however there is considerable uncertainty about whether this is a corporate role or something that should be assigned to a specific individual. In the latter case, this raises questions about where this position should sit within the management structure (Chief Executive, member of the Executive Team, Portfolio Holder etc). There are also questions around how the Principal Accountable Person manages their responsibilities; this is likely to be particularly onerous for an individual postholder where there are a large number of higher risk buildings.

The presence of an ALMO has the potential to further complicate the establishment of clear lines of responsibility for safety and raises questions about the way the ALMO model operates. ALMO Management Agreements delegate significant control over the management and maintenance of buildings to the ALMO. Overlaying this arrangement with the new Principal Accountable Person role, will potentially create split lines of responsibility for the management of some buildings with the council involved in direct oversight of building safety and the ALMO responsible for everything else.

There is also a lack of clarity on how the building safety manager will align with the accountable person for consumer standards/responsible person for health and safety, both of which will be located in the council and come under housing regulation, whereas building safety will come under the HSE and could reasonably be located in the ALMO; essentially what will be the relationship between the HSE and RSH, will they align/inform one another and which will take precedence in a given situation?

For CWAG members it is important to have clear guidance around how these arrangements should work and be implemented in practice. Without an agreed and consistent approach, we run the risk of putting a range of different systems in place (for all the right reasons) and finding out later that some of these are not correct.

AF – 18/08/2021