



HOUSE OF LORDS

Industry and Regulators Committee

Corrected oral evidence: Building Safety Regulator

Tuesday 9 September 2025

10.05 am

Watch the meeting

Members present: Baroness Taylor of Bolton (The Chair); Lord Best; Viscount Chandos; Baroness Drake; Lord Gilbert of Panteg; Lord Teverson; Viscount Thurso; Viscount Trenchard; Lord Udny-Lister; Baroness Valentine.

Evidence Session No. 9

Heard in Public

Questions 110 - 125

Witnesses

[I](#): Philip White, Chief Inspector of Buildings, Building Safety Regulator; Chris Griffin-McTiernan, Deputy Director of Operations, Building Safety Regulator.

Examination of witnesses

Philip White and Chris Griffin-McTiernan.

Q110 **The Chair:** Good morning. This is the Industry and Regulators Committee of the House of Lords. Today, our meeting is about the building safety regulator. Our two witnesses are Philip White, who is the chief inspector of buildings at the building safety regulator; and Chris Griffin-McTiernan, who is the deputy director of operations at the building safety regulator.

You have probably both seen some of the evidence that we have been getting in some of our sessions. Colleagues will wish to take up specific points as we go along. I start by asking you for your views on the actual achievements of the building safety regulator and your assessment as to whether the BSR has improved the safety of our buildings, given what has happened so far. Philip, would you like to go first?

Philip White: Good morning. Thank you very much for the opportunity to give evidence this morning; that is greatly welcomed.

Just to let you know what my position is, I was the head of the building safety regulator until early August. I announced earlier in the year that I was going to retire at the end of July or the beginning of August but, with the announcement at the very end of June or the beginning of July about the transfer of the building safety regulator out of HSE to a new body within MHCLG, I agreed to stay on part-time to help the new leadership team and to help with the transfer of the organisation out of HSE. I will be doing that until the end of the calendar year. Chris Griffin-McTiernan here is our head of operations for the building safety regulator.

I will start by taking a step back in relation to the building safety regulator and its role. In reading the evidence that has been presented orally to the committee, reading what we read in the trade press and hearing what we hear, we forget why the regulator is here. It goes back to the tragic events at Grenfell Tower and Dame Judith Hackitt's review; Parliament then passed legislation in relation to building safety. We are part of the building safety system, and that Act has basically transformed things or asked for things to be done radically differently compared to what happened at the time of Grenfell. We can talk about one or two particular issues that the public inquiry highlighted in relation to both building control and culture in the industry.

So the whole system is new. It brings in that hard stop at what we call gateway 2, which I know has been a particular focus of your committee's inquiry; we will come back to that in more detail. We, alongside industry and the department, are the building safety system, I would say. We have a role to play in that. We have issues and we have had successes; I will talk about some of that. There are challenges, and we have been open about them with industry, with Ministers and with the department.

On successes, we have set up a regulator from nothing. It was literally a blank piece of paper when we were asked to set this regulator up. We are now nearly 400 people as part of either the regulator or the other parts of the Health and Safety Executive supporting the regulator, such as planning and finance, legal services and HR. In the short time in which we set up the regulator, it was on the Government's major programmes portfolio. Although it was not one of the highest by value, it was one of the more complex projects, given the numbers of services that have had to be set up.

We set up what we call planning gateway 1, which has been very successful. That is the oldest functioning service; it is now just over four years old. As the Building Control Authority, we have set up the gateway 2 service. We have the in-occupation service; 13,000 buildings had to be registered with the HSE as part of that. It was quite a significant task to go through that registration process, and we are now calling those buildings in over a five-year period to assess their safety. We set up the regulation of the building control profession. We have 4,200 individuals registered as building control inspectors, plus we have registered about 80 private sector building control providers. We are beginning to inspect both public and private sector building control providers.

In addition, we have a contact centre. We are handling quite a large volume of requests for information, concerns that are raised with us by residents and other parties, and incidents that get reported to us. The most high-profile one since we have been in existence was the fire at Dagenham in August last year. So there has been quite a wide range of services.

We have also set up other things. We recently launched—we awarded the contract and it has gone live—the voluntary occurrence reporting system, where people can report matters confidentially to the regulator. This has been done at pace. It has also been done without knowing the final form of the secondary legislation sometimes, because some of that was delayed and we had to operate to tight deadlines.

We had a programme. Reflecting on that programme that set the regulator up over a two-year period, in February this year, we went through the final gateway review with the Infrastructure and Projects Authority. We had a green rating in terms of closing out the programme. I feel pleased for the staff who have been involved in setting up the building safety regulator that they have been recognised in their work. Last autumn, the programme won the programme of the year award given by the Association for Project Management. The programme was very challenging. We had to stay within a financial envelope. We had to set up digital. We had to recruit at pace, as well as set up processes and procedures. Although we could draw on HSE's experience, this is new legislation. It is untried and untested.

Enough about the setting up of the regulator. What have we achieved? I come back to the first service we set up: planning gateway 1 in 2021. This was where local authorities sent us plans of high-risk buildings for us

to comment on at a high level in relation to fire strategies. When that was first live, we were commenting on or rejecting 57% or 58% of applications that came to us. We also received a lot of noise around the service, with people saying, "This is not very good", "This is terrible", et cetera. We are now in a place with that service where we are having to comment on only about 17% of applications. That is still too high; naturally, it should be around about 10%. We meet the SLAs almost 100% of the time. From our point of view, those who put forward their proposals now understand that they have to factor in fire safety at the earliest stages and are beginning to get things right at that stage.

Moving on to some of the functions and services, let me talk about the registration of high-risk buildings. These are buildings that are 18 metres or seven storeys and higher—residential buildings, predominantly. We have a lot of data about 13,000 buildings. The requirement to manage fire and structural safety has meant that those who are responsible for those buildings have almost got under the skin of those buildings to understand whether they are managing issues appropriately. Do they realise what their structure is? Are they managing the risks on a day-to-day basis?

We know that a lot of actions have been taken on the back of proactive work by those principal accountable persons. We also know from the safety cases for those buildings that we have called in that we have already taken a number of actions on the back of our findings, whether it is on technical stuff, fire and structural safety risks—or even if it is the fact that we have not granted a building assessment certificate because we believe that the residents engagement strategy does not engage residents and is not there. A key part of the framework is engaging residents. We have not granted building control applications when we have not seen a proper resident engagement strategy from those who are in charge.

In relation to the gateway 2 process, it has been a big challenge for industry to be able to demonstrate that. It is a big change. It is a change in their model of approach. They have to do more design work to demonstrate compliance with the building regulations at that stage. As you will hear this morning, we have had to reject quite a few applications because there has been insufficient demonstration of fire and structural safety, and that has avoided risks being built into those buildings.

We have this gateway 3 function whereby you cannot occupy a building without final approval from the building safety regulator. Some buildings came into the system—we can explain some of those challenges—early on because a provider went broke. This committee has heard about one or two of those buildings. We went with the London Fire Brigade to a building where the responsible person thought the building was ready for sign-off but there were clearly a lot of failings in relation to fire safety matters in particular. That is another impact that we have had as a regulator.

Also, when I look at the broader responsibilities that we have as the regulator, Section 5 of the Building Safety Act requires us to take account of and look after standards and the safety of all buildings in the built environment. We have also done work on a broader canvas as well. You will no doubt recall that, two years ago—I certainly do because it interrupted my holiday—there was a problem around RAAC in the built environment. We have become involved in advising the Government on that. While it is not for the regulator to manage RAAC in individual buildings, we played our part in advising the Government on that.

We have been participating in research that we have put out in relation to volumetric construction. We have advised more recently on low-rise buildings where there were serious problems in one of the energy schemes in terms of external wall systems. Nearly 30,000 buildings had defective external wall systems built in, basically, which were allowing damp to come into buildings. Gas flues were being blocked and shoddy work was being carried out. Again, we have provided advice to Ministers and to the Government in relation to that.

I have covered quite a lot of ground but I wanted to give you a flavour of, first, the challenges in setting up the regulator; and, secondly, some of what we think are the early successes of the regulator. It was also for you to understand that we are part of the building safety system. The Building Safety Act requires a significant change in the way business is done, particularly for higher-risk buildings because society had concerns following Grenfell. Many of the issues that we are facing as a regulator are consequences of 40 or 50 years of how business has been done, some of the poor buildings that we see in the built environment and a number of other related issues.

The Chair: Thank you. That is certainly a detailed background of how we have got to where we are. Obviously, we will want to follow up some of those aspects in terms of some of the challenges that you are still facing and some of the problems that have been presented to us.

Lord Gilbert, I will bring you in at this stage. Chris, if you want to come in and add something, by all means do so.

Q111 Lord Gilbert of Panteg: Good morning. Can we go to the gateways? We have had lots of evidence about the gateways and the delays in the process. It is fair to say the BSR is taking a lot longer than the statutory 12-week period to make decisions on gateway applications.

What is the cause of these delays? Do you accept that the delays are themselves leading to delays in the construction of new homes and the remediation of safety defects? If they are leading to delays in remedying defects, is that worsening the safety of the buildings for which you are responsible?

Chris Griffin-McTiernan: I will take that one, Lord Gilbert. Let us take a step back on the gateway process, to gateways 2 and 3 in particular;

Philip has already outlined planning gateway 1 so I will not go back over that.

How the BSR makes its decisions on whether a building can, in effect, pass gateway 2—that is, whether its design is sufficient and is in accordance with statutory requirements—and then gateway 3, in terms of whether it can be occupied, is that it assesses them through a multidisciplinary team. You have heard quite a lot about that. That model requires an independent individual from the regulator; that brings it back to the core of the Grenfell inquiry report, which was about the independence of the regulation rather than advice and consultancy. That regulatory lead in the BSR leads a team of sometimes three or four others from three or four different organisations. The model and principle was established that we wanted to take local regulators—the fire service and local authorities, in particular—with us on that journey to the transformation of the built environment.

One core principle here was that, as part of multidisciplinary team, you would want a building inspector, ideally from the local authority, and you would want fire service expertise from that local authority, because it also helps for the wider pool of regulators in that local community to understand what is being built, how it is being built and what the safety issues are.

That MDT model has been a hugely significant challenge and a huge source of frustration within the BSR and across our fellow regulators because, in making that decision, once we went live and experienced this—bearing in mind that it had never been done before—it took a significant amount of administration to co-ordinate between those parties. That is not a criticism of anyone within that MDT. It is simply a frustration of a system that requires you to co-ordinate across three or four organisations, all of which have their own case loads, priorities, management systems, data systems, IT and so on. It is important to acknowledge that that assessment is operated with that model, if you like.

I go back to when the Building Control Authority launched in 2023. There were literally hundreds of assumptions built into the model because it had never been done before. There were best endeavours at the time around how long we thought things would take; how far the industry had come from the landing of the Building Safety Act to the launch of the Building Control Authority; how ready our partner regulators were; how the digital system was operating; and how the processes would work. We endeavoured to track a whole host of assumptions to spot when things were going wrong and when things were not quite right.

One inevitability of an operation that has hundreds of assumptions like that is that things will go wrong and things just will not work. One thing that we identified early on—probably last year, early in the first quarter of 2024—was that many of those assumptions were starting to go quite a bit off. The effort level, both in the BSR and in the regulator layer, and the number of hours that we were spending on applications, were

significantly higher than we had anticipated. We expected a higher level of compliance with the initial applications. We expected our partner regulators to have the capacity to take on the volume of work that was coming. The number of applications being submitted was significantly higher than we had assumed.

Crucially—this is important—towards the start of the calendar year in 2024, two organisations that provided a building control service no longer provided that service. I do not want to go into the reasons for that, but they no longer provided the service, which meant that 50 new-build projects that were either already built, just about ready for sign-off or part-way through build transferred by law to the BSR. None of the information that had been gathered, and none of the assessment work that had been done to the point that it transferred to the BSR, was transferred to the BSR. In effect, the BSR started with a blank page for those 50 applications.

Taking all of that, we had a perfect storm at the start of the last financial year in responding to those particular buildings. It means that new building inspectors, new fire expertise and new regulatory leads in the BSR are starting to assess buildings that are almost built and are having to go back to the start of that design process in terms of whether the building was designed properly and whether the building is being built according to the design—and is, therefore, in compliance with legislation. That is a complex task to do with none of the history. To be fair to the developers responsible for these buildings, they had not anticipated that they would have been in touch with the BSR on these particular projects. None of the administration—none of the compliance-type documentation that we now require at gateways 2 and 3—was necessarily in place.

We have taken action on those buildings in two ways. One is that we try to assess gateways 2 and 3 at the same time so that we reduce the administrative burden. That might mean, though, that those gateway 2 applications are outstanding for significantly longer because we are assessing gateways 2 and 3 at the same time so that we do not double up on the effort.

The Chair: What proportion would come into that category of combining gateways 2 and 3 for approval?

Chris Griffin-McTiernan: I can come back with specific figures, but I would say the majority of the applications in that pool of 50 were in the gateway 2 and gateway 3 stage. Again, we can break that down for you. I do not have those to hand, but a proportion of them were already built.

I totally understand from a developer's perspective and from the Government's perspective that there are 1.5 million homes to house people but the BSR is not signing them off. We are not signing them off because there is real difficulty in demonstrating that those buildings comply with legislation. In some instances—Philip mentioned them—we have been on-site, for example with the London Fire Brigade, at a particular building in London and that building has serious deficiencies.

From a superficial level, a building is there to house people, but the detail underneath that shows significant part A and part B issues, so we are concerned about that building. My view, and the view of the BSR, is that we are stopping those houses being occupied for good, legitimate reasons. That is not the whole story; it is just from that smaller sample.

The impact of that, however, was that, last year, significant resource went into those particularly complex buildings, meaning less resource for other parts of the BSR and the Building Control Authority. Last summer, we became aware, through the assumption tracking, that things were taking longer and that we were significantly over our SLA—an SLA that had not been tested and was done with the best endeavours around how long we thought things would take. We had to take decisions.

We took decisions at that point to recruit significantly more staff. It takes six months to recruit into the Civil Service from start to finish: launching the advert, interviewing, bringing people on board, training and so on. Then, when they start assessing cases, it takes another three months for the cases that they are starting to assess to show. We can show now that, after that decision alone, this time last year, the output of decisions was around 50 per month on average. This month, in the latest data from August, we completed 209 decisions. It is a long lead-in period to show impact because of the nature of the complexity of the assessments that we are doing. These are not simple applications, but that was a decision that we took last year.

We also took decisions last year to think about how we communicate with applicants and across MDTs. I know that you have heard quite a lot about that. Let us take a step back once again. The operating model was established to try to have a buffer between the design team and the assessment team. A real criticism in the inquiry report was that regulators were seen as consultants; I am paraphrasing, but that is what we were seeing. There was a real attempt from ourselves, with the operating model, to ensure that there was a real divide between you designing and being responsible for the building and us assessing whether you have complied with the legislation and standards, which have been around for a long time. Therefore, there was a limit on communication there.

Lord Gilbert of Panteg: Can I press you a bit on some of that? First, we acknowledge that you are in breach of your statutory duties in terms of the time for approval or making a decision. For an authority to be in breach of its statutory duties is serious. I want to press you on this. When will you be in a position to meet your statutory obligations?

Chris Griffin-McTiernan: The answer to that is a bit more complicated, Lord Gilbert, but if you will allow me—

Lord Gilbert of Panteg: Do you have an internal target?

Chris Griffin-McTiernan: We are looking—we have been over the last year—to invest significantly in our change model. That sounds bureaucratic but, in effect, we are looking to try new ideas.

One example that we have—we announced this as part of our leadership changes a few months ago—is to introduce what we call the innovation unit. The idea here, in particular for new-build applications but thereafter if the model works to remediation, is to in-house a lot of the expertise. For example, it takes us six weeks just to set up the MDT. That is six weeks of time when we are not assessing; it is just the administrative set-up. If we can cut those six weeks out, that is six weeks saved straightaway. If we can change some of the communication models that I have been talking about—for example, picking up the phone and speaking to the design team to try to find out, “What did you mean by what you said on page 4?”, and, “What did you mean by this particular design?”—we can cut some of that administration out.

The innovation unit target is that, if we can get that internal resource in the organisation, we can improve that communication model and meet the demand in terms of the number of people that we can get—RBIs and in fire—so that we can meet the demand of the new-build applications. We aim to get that down to 13 weeks. It is a week over the SLA, but it is a significant reduction in what we—

Lord Gilbert of Panteg: So you are not planning to meet the obligation but you are planning to get quite close?

Chris Griffin-McTiernan: We are having to be realistic, Lord Gilbert.

Lord Gilbert of Panteg: I just want to know the internal target. What have you, as an organisation and as a senior management team, set as your target? What are you are driving towards? You say that you cannot realistically meet the statutory obligation but you can get close to it, and that is what you will hold yourselves to account for.

Chris Griffin-McTiernan: Yes.

Philip White: That is the case. Can I point out an important part of why there have been delays? We could reject a lot of these applications far sooner. We made this clear with Ministers. We do not want to reject, in particular, applications for remediation and people who have been waiting a long time, but, if we do not get information that tells us that what you are replacing the cladding with will not be as dangerous as what is already up there—and if there are other structural safety issues—we need those to be demonstrated.

We have tried to work with the applicant to try to get that application across the line within the SLA, but there is to-ing and fro-ing. In requesting more information, it might take two or three weeks for the applicant to collect it, then another two or three weeks for the multidisciplinary team to assess it. Sometimes we have had to go back two, three or four times for additional information to try to get these

applications across the line. We could have rejected them. We could have been in a much better position and said, "Look, we are meeting the SLA far more than we are at the moment", but we wanted to work with industry and applicants to try to get these applications across the line.

It makes our performance look quite poor on one level. On the other hand, we believe that it is important to work pragmatically with the applicant to try to get these things across the line so that the remediation or the new building can take place. We must not forget that, when 40% of the applications that have come to us go through the validation stage and have to provide basic documentation about how they will manage building safety effectively, we have to reject at that stage because key basic information is not being provided by the industry.

I am trying to illustrate, going back to my earlier point, that we have a role to play and we certainly need to do things better as the regulator, but—

Lord Gilbert of Panteg: Sorry—can I stop you there? I would like you to address those. You have told us a lot about the external circumstances you face and the model for which you have been given responsibility. I understand all that. Can you tell me clearly the changes that you need to make to the way you operate, forgetting the external factors, to speed things up?

Philip White: The key thing that we are introducing, as Chris outlined, is that we have launched what we call an innovation unit. With the best will in the world, both the department and we felt that we needed to work with local regulators on all of these applications, but that is not working. The transactional processes are taking too long. We will do more work in-house—in effect, creating the MDT in-house. We are starting on new builds. If that proves successful—we are in the first month; we can give you the data on how the first month has gone—and goes well and is approved, we will then move to remediation.

Other areas—no doubt these have come up in other evidence sessions—include category A for more substantial refurbishment works, including remediation, and category B for small works. Instead of having the highest class of building control inspector do category B works, we will get class 2 inspectors to do that work, thus freeing up class 3 to concentrate on the more complex work. We are taking a number of measures.

Alongside this, you have to look at the work we do with industry to develop guidance. In particular, we want to work hard with industry on two issues: staged applications and approval with requirements. We believe that working with industry and setting those arrangements up will help alleviate or reduce the delays in the system. We must take a number of actions—we are actively on this at the moment—to come down to meet those SLAs.

It is worth mentioning that we were faced with the perfect storm, as Chris outlined, in late spring and early summer last year, with one of the providers going into receivership and far more applications coming in, plus the industry still getting to grips with what was required. Our models of staffing did not anticipate that increase until later in the year and the beginning of this year. It has impacted on us significantly. That is why we have struggled in part, but we have put in measures to change this. We will have to be relentless on this.

I come back to another issue that we will no doubt touch on. A common theme is the capability in the system and capacity around building inspectors, because they are the key here in terms of that resource.

Lord Gilbert of Panteg: Okay. I will leave it there.

The Chair: Those points lead on well to your question, Lord Teverson.

Q112 **Lord Teverson:** In fact, you have answered a lot of my questions. I want to come back on something in your response to Baroness Taylor's question—it is something that we have not talked about—which is the whistleblowing function that you have. People contact you when they are concerned about the safety of their buildings. I do not want to spend a lot of time on this but I want to understand how much of that you get and how you deal with it. Does it take up a lot of your time. It sounds to me like a pretty important function.

Philip White: You are absolutely right. It is really important because, at the end of the day, residents are at the heart of this regime. People need to be safe in their homes and feel safe. A number of concerns are raised with us. I do not have the numbers to hand; Chris might be able to talk us through the numbers, or we can write to you to break the detail down. We have a process of—

Lord Teverson: Give me an idea. Is it 20 a month or 100 a year?

Chris Griffin-McTiernan: As of the end of August, we have received around 1,000 complaints directly from residents about issues in their buildings. They are not necessarily issues that will require the building safety regulator to get involved. People are looking for an outlet at times. Sometimes it is not for the BSR; it could be for other agencies. About a fifth of them—just over 200—have resulted in an investigation.

Lord Teverson: Who investigates them? Do you?

Chris Griffin-McTiernan: Yes. We have a dedicated team, separate to the gateways and in-occupation, which investigates two key things: resident complaints and mandatory occurrence reports. That is where there has been a serious incident that could have led to injury or death or there is a serious issue with the building. A bit like RIDDOR, under the health and safety legislation, that is required to be reported to the building safety regulator. An established independent team will look at those resident complaints and the MORs.

Lord Teverson: Briefly, what happens if you find a real issue there? What do you do?

Chris Griffin-McTiernan: We have a number of options. We can take enforcement action and require principal accountable persons—those responsible for buildings—to take action, whether it is to fix the building safety issues or engage better with the residents, as Philip talked about, under the in-occupation regime. We do not look at just the safety aspect; we also look at resident engagement. How do you engage with your residents? Do you provide them with information about the building? What are you doing about those issues? We can take enforcement action, of course; that can lead to prosecution if the enforcement is not then heeded.

Lord Teverson: Have you ever had to close a building because of that?

Chris Griffin-McTiernan: We cannot. We do not have powers under the Building Safety Act to decant a building. We can prosecute.

Lord Teverson: That is fine; I understand that. You covered most of what I was going to ask in your answers to Lord Gilbert.

Do the contractors and developers starting from afresh—not the ones who got stuck at the beginning—have a clear idea of what is required for them to get through gateway 1 and, in particular, gateway 2? Is what they have to produce and in what form becoming fairly standardised so that you do not have to keep going backwards and forwards—like the planning system, if you like—to stop a rejection and carry it over the 12 weeks?

Philip White: I will make a couple of comments, then Chris can come in on the detail. On what I said earlier about planning gateway 1, to me, it is heartening that we were rejecting or commenting on 57% of matters four years ago and it is now down to 17%. People are getting it at that stage.

In terms of gateway 2 and new applications that are coming in, it is a bit of a mixed picture. I would caution that there is a standard way. You can have a template and tick-box everything as you go through—you can structure things in a certain way—but buildings are different. Yes, work is to be done with similar building types to help speed that through the process, but we are having to reject 40% of applications at the validation stage, which is in the first five working days of receipt, because some basic stuff is missing around change control, the strategy for fire safety, the competence declaration and so on. In one case, someone said, “It complies with the building regulations. That’s all you need to know”. How are we supposed to know? The guidance on that is clear.

When we come to other areas, it is a bit more of a mixed picture, but one or two developers who have got it; their applications tend to go through the system quickly. Chris has a bit more of the detail.

Chris Griffin-McTiernan: Yes. To answer your question, that 40% is a real basic check at the start. It checks whether you have the right documents in the right way and whether we at least think that it is worthy of an assessment because you have all the right stuff in the right order. Some 40% of things are rejected.

To assess that, we take the legislation and check that what is prescriptive in legislation is there. That is not hard. There is no assessment of quality at that point. It is a quick check: do you have the right documents?

Lord Teverson: Which organisations and developers get that wrong? I have an interest in development, but not to do with high-rise buildings. It seems to me that you have to be a pretty sophisticated contractor to build the buildings that you have to look at, so I do not get that.

Chris Griffin-McTiernan: It is across the board. The frustration for us is that that figure of 40% has not really shifted. We have had peaks and troughs over a couple of percentage points difference per month but, broadly, it is at 40% consistently. Last month, for example, our latest data shows that, on its own, it was 40%.

The Chair: Does that not imply that the guidance is insufficient?

Chris Griffin-McTiernan: A lot of work has been done with the industry to produce guidance around what is required. Eventually—this is what you are getting at, I think—the business model here is that developers will mould towards what is required. However, that 40% is different from what we reject after quality assessment. If I can take two minutes to set that out, the 40% is a basic check at the start. Going back to this time last year, we were taking 16 or 17 weeks to do that stage because of the volume and the issues we have talked about. That is now happening within a matter of days—certainly in five working days and often in two or three, so straightaway. Then another 30% of applications are rejected, unless we can be absolutely certain that they have met the statutory requirements.

I should say about the rejection piece that, particularly now, none of the 30% of cases that go through the BSR and are rejected at that stage—not the validation stage but the rejection stage—has not had significant back and forth between developer and BSR: “You’re missing this”, “This hasn’t met the standard”, “You need to tell us more about this”, “We don’t understand what you’re trying to tell us in that”. There is not a case now, whether it is new build, category A to category B, that will be rejected today that has not had that back and forth at least three or four times. That is the point Philip was making. We could stop all of that and reject up front pretty quickly. Our SLA stats would then look positive, in that sense, but nothing would get built and nothing would be remediated.

There is a difference here with the 30%, which is a quality assessment of real technical detail. I understand that it would take some time to get to a point where we can demonstrate that requirement from industry and know that information up front, not during the build. However, that 40%

figure on validation in the first couple of days is literally a lift from the legislation and a check that you have compliance against it. It is not much more complicated than that.

Lord Teverson: After a couple of years, whether it is the industry or you, it seems sad to me that we are still in this situation, to be honest. What that says about the industry, I do not know. Maybe you should do a YouTube or a TikTok video; perhaps that is what is needed these days.

Briefly, the second part of my question is about the Construction Leadership Council, which recently came out with guidance. Will that fix everything?

Philip White: I have a few comments on guidance. We have done a lot of webinars. You can go on to GOV.UK and find lots of stuff that we have done. We have walked people through what you need to do for an application. We have prepared a lot of guidance, working with the industry. We have also done a lot of insight research. I am quite proud of our insight team, which has supported us on a whole range of things in terms of understanding residents' needs but also duty holders' needs.

The CLC's guidance will be helpful. It has stepped up and taken ownership of the challenge here. We have worked in collaboration with it. One or two bits and pieces of the guidance had a few little sticking points. It will help. It will take time. We are now working on the next raft of guidance, looking at staged applications. I completely agree with Mark Reynolds, the co-chair of the CLC, that we have to solve these issues together. It is not just for the regulator to provide all the answers and beaver away by itself. We have to work in collaboration. We will sort this out with MHCLG and we are doing that. I am hopeful.

We meet with the industry—at the moment, it is fortnightly, but, up until recently, it was nearly every week—to keep tabs on the issues, the challenges and what we are working on together. We had a fortnightly meeting yesterday and a lot of good workshops last week, looking at the staged applications guidance.

The frustration for me is that it is a shame that we are doing this now and it could not have been done in advance. We did lots of user testing. We had early adopters looking at things before the duties came in. We are behind the curve a bit on this, but we are working on it. What has happened has happened. We need to work and get it together. I am optimistic about this. We have a good relationship. Adult to adult, we challenge each other on what is appropriate and what is right for what goes into the guidance.

Lord Teverson: We are putting a little bit of pressure on you, but it will be nothing in comparison with Ministers when they do not meet their housing targets as time goes on. I will leave it at that.

The Chair: That is a bigger issue.

Philip White: We have had those challenges. Another thing—I have to be clear about this—is that we are still bedding this in. It has been only the past 16 months. I know that gateway 2 has been in almost two years, but it was quiet for the first six months because people put a lot of applications in before the deadline. If we get this right, developers across England will have much greater consistency and certainty; the way local authorities and local fire and rescue services dealt with it before was highly inconsistent. Getting the design much clearer up front—it is a challenge—will help in the process of construction and will mean less reworking and less designing on the hoof. When we get into the right place, we will begin to see the benefits of this, but we have to work together to get that going.

The Chair: Baroness Drake, do you want to come in?

Q113 **Baroness Drake:** Yes, quickly—if we have the time. You have pointed out a tension between an SLA that says, “Make a decision on an application in 12 weeks”, and getting as many applications cleared as early as possible. If you went hard on making decisions in 12 weeks—you are trying to adapt your processes so that more get cleared earlier and are successful; no doubt you will argue to the Minister that this is the best way of getting his or her houses built—that is a gamble when anybody is looking at this.

Do you have an internal audit plan that tracks what you are doing on processes and controls to get more through earlier, even if they do not make it in the 12 weeks, so that there is a record or some kind of independent assessment of how successful the approach you are taking is or whether it is working?

Chris Griffin-McTiernan: It is worth pointing out two things in answer to that question. One operational function that we established is our operational excellence team, which is independent from operational delivery and does not sit in building control or anywhere else. Its members come from a wide variety of backgrounds, particularly the private sector and running large operations, and its core function is monitoring data.

I am asking twice a day for some of this data around spotting trends to be shared with me. When we put in change, for example, can we demonstrate an impact? Is there a negative impact, in which case we should stop? We have tried a number of pilot projects there, which are all tracked and monitored through our operational excellence function; they report the data around whether we are seeing a positive impact. We are also logging, for example when guidance is released, to see, for the first 20 applications that come in after that guidance, whether there has been an impact.

We ran one particular pilot project, the category B pilot project; that is for all of the lower-risk work that does not impact the rest of the building, such as refurbishment of a dwelling, which was taking as long as some of the more complex new-build projects. Again, we have talked about some

of that administrative model stuff being difficult. We are now at a point where we have taken a different approach. We allocate someone the work to do the whole MDT assessment, not just, "Could you do this part and this part?" The volume of them is coming down significantly. and the time it is taken is significantly better than what it was when it was being done through the traditional model. That is one example where we are saying, "Let's try that for a population".

The innovation unit was an idea before we decided to extrapolate across all new builds coming in from 4 August. We were going to try different approaches to new-build applications, particularly around communication, which I know has been a real bone of contention in your evidence and, certainly, through our engagement with industry. We have now extrapolated that innovation unit to all new-build applications from 4 August—as many as we can meet with the supply of RBIs, fire engineers and so on. We should highlight that independent function there.

In HSE, there is a corporate assurance function, which will do a sample of checks across the BSR, as it does with every other division in HSE. We have already had one, for example, in the investigation space that I was asked about earlier—in that resident engagement/MOR space.

Crucially, as part of our operational design, because this is so new, we said that, within two years of each of the services—building control, in-occupation, the investigation service, et cetera—operating, a thematic strategic review would be done by the OpEx team to look at everything from resource levels and assumptions to tracking, monitoring and so on. We have put in quite a sophisticated model.

You might say that it does not seem to be working, but I would argue that none of the issues you have heard about through the committee are new. We have spotted them through the trends. The difficulty is that the solutions are not necessarily always in our gift. For example, on capacity in the system, there are only 600 class 3 building inspectors who are competent to work on HRBs. We can take as many decisions as we like in the BSR, but there are only 600 people who can deal with remediation and new-build applications. Not all of the recommendations or solutions are in our control, and the ones that are take a bit of time by the time we put them in; we see an impact months later, perhaps.

Q114 Baroness Valentine: I have a two-part question. One part is about approved documents; the other is about the effectiveness of multidisciplinary teams.

First, do you anticipate that the BSR's review of approved documents will deliver an overarching approved document that describes the holistic analyses that must be completed when undertaking building work, as recommended by Dame Judith Hackitt? Secondly, does the BSR currently have the technical expertise to be able to provide this guidance to industry?

Philip White: On approved documents, absolutely. The recent announcement about the review of approved documents picks up on the recommendation from Dame Judith Hackitt's review. We would have liked to start this earlier but, for a number of reasons, it has taken a bit longer to put things together.

Where that work will land, I cannot say, because we need to let that work take its course. As an observation, we have an extensive number of approved documents with a lot of detail on a wide range of subjects, from life safety issues to important matters such as toilets in buildings. These are right across the built environment.

One challenge is how you keep these things up to date across so many areas that are changing, given the focus on net zero and other areas. Also, how do you make these documents accessible for not only larger developers but, in particular, smaller builders, because they are the ones who need this documentation if they are converting a loft or doing an extension to a house? These go right across the built environment. Are we making best use of digital processes for people to access and use them?

We have put together a panel to support this review. It will carry out the review with a wide range of skills and expertise that we do not necessarily have in the BSR. For example, we do not have digital publications in the BSR. We have some capacity in HSE but not enough to help this work go forward. We have created that panel to bring in the expertise that we need.

In terms of technical expertise on issues such as fire safety, structural safety and other matters in the built environment, we have a technical policy unit. It was transferred from MHCLG to the BSR some two and a half years ago as part of creating the regulator. It is responsible for the approved documents.

We should get to a point where we have a set of documents that is much more accessible for all parts of the industry, particularly smaller and medium-sized organisations. We are taking advantage of technology so that a small builder could plug in what he or she is doing in relation to a house extension and quickly identify what applies and what needs to be done, digitally speaking.

There are big questions around whether the Government, in the broadest sense—I mean the BSR here—should specify detailed standards on a whole range of issues. Is this not where industry should take much more ownership? Certainly on life safety issues—on part A, which is structure; part B, which is fire safety; and others—it probably is right for the Government to lead on those standards, but, for other areas, it might be that industry takes some ownership of some of the issues.

We have a big opportunity to relook at that framework and how we keep it up to date. Industry is not told, "By the way, in March or April 2026, you can expect an update on A, B and C. In October 2026, there will be

updates on this". We need a longer-term programme of work so that industry can see what is happening as well.

That panel has a lot of work to do. It is a big challenge but, if we get this right, again, it will help not only those who are building HRBs but right across the built environment, particularly smaller businesses. Hopefully, that has covered the ground that you were looking for.

Baroness Valentine: Can I come back on something there? The way you are talking about it makes it sound slightly like creating something internally and pushing it out—admittedly, using a panel. You mentioned that you do not know quite where this will land.

If you look at this from the other end of the telescope and talk about communication, would one at the outset not ask what "good" looks like—for these purposes, that is a question for the smaller builders and developers, I guess—so that that informs what eventually comes out? That is linked to the digital expertise, which sounds like it needs to be completely built into this process.

Philip White: I agree entirely. In advance of the panel starting its work, we carried out a key piece of work: some insight research into the needs of the different audiences out there, because there are different audiences here, so that we can understand them. All of that evidence will be passed to the panel. This is not internally focused; that is why we have this panel and why we have done that insight research.

In terms of what "good" looks like, we have done and are doing work in relation to gateway 2, coming back to in-occupation. What does "good" look like? If you go into one of the microsites that we have created on GOV.UK, you can look at what a good building control application looks like. That is slightly separate, I suggest, to what the framework of A to Z, almost, for approved documents looks like; how it will be kept up to date; and how it will be accessible and so on in future. It is no good doing this in isolation. You have to do it in conjunction with the users and bring in the right expertise.

Baroness Valentine: Okay. I will move on to the MDT question. We have heard complaints that different multidisciplinary teams have given varying and contradictory advice and decisions to different applicants for similar projects. How would you respond to this criticism? What is the BSR doing to ensure that its MDTs are giving consistent decisions, advice and feedback to applicants?

Philip White: I will start then ask Chris to come in on the detail. I would like to make two points to start off with.

As I have said already, prior to the building safety regulator taking on the Building Control Authority work for HRBs, local authorities and local fire and rescue services had highly inconsistent approaches across England. You only have to speak to developers. The standards in the north-west, the north-east, the West Midlands and London took different approaches.

I do not doubt, because we are in our infancy, that there are inconsistencies. However, when we have asked for that evidence—“Please, developer, you raised it with us. Could you present it to us? We will look into it and take that forward”—we have had very little put to us. Chris will talk through some of the assurance processes that we have put into place and where our maturity is at, because we are an immature regulator. We have to be open about that; we have been open about that at this stage. Once people get more experience, greater consistency will come in.

Chris Griffin-McTiernan: To add to that, and to pick up on that point from Philip’s perspective, we are an immature regulator so there will be a bedding-in period. Certainly, at times, we receive inconsistent feedback from our RBIs or fire or structure on what it looks like on the face of it. Then, when you delve into the detail on different buildings, it may look like an inconsistent picture, but it is because particular buildings, designs or whatever have peculiarities.

Three things are important here, in terms of action that we have taken or are taking. One is around that continuous training piece for our own staff, which is important. We operate on a cost recovery model; that should not be forgotten. The legislation requires us to cost recover every minute that we spend on an application, and we have commitments with the Government and the Treasury on how much of an individual’s time will be spent on applications. We have had some wins around releasing some of that time from applications for training and for development so that we are investing not only, from our reg leads’ perspective, in their personal development but around the system growing in maturity so that people understand what consistency looks like across the piece.

Because of the immature environment that we are in, the operational excellence team, which I mentioned to Baroness Drake, has a quality assurance framework. It is a significant, sizeable piece of work that has been done outside of the operational space, not within teams. It looks at whether process assurances are there for me to say that I am confident that applications will unfold with the right process and, also, whether the decision-making is right, based on the information we have. Quite a sophisticated quality assurance framework sits behind that decision-making.

This is the third and final piece here. Another decision that we have taken—we have taken this recently so it has not impacted yet—is the introduction of account managers. We have absolutely heard and recognise some of the criticism around communication. One aspect that we are introducing now, through recruitment, is to recruit account managers. As well as decision-makers in the process, you will have an individual. If you are a developer who has a significant portfolio of cases with the BSR, you will have a dedicated person that you can speak to. That person will be able to have oversight over that case load and will also have oversight over the decisions that are made across applications to make sure that there is an extra layer of consistency.

They are not in place yet. They are being recruited as we speak. The advert went out yesterday. They are being actively recruited. That piece addresses not only the communication thing, which I know and totally recognise, but the quality assurance piece about the decision-making. I believe that, in terms of the system, I would argue that, if we are sitting here in three years' time, we will have a higher level of consistency than was ever reached when disparate local decision-making was happening, as Philip set out, across the regions.

Baroness Valentine: On the cost recovery, are you saying that you are allowed to price the cost of the person only when they are on the application? Is no overhead built into that?

Chris Griffin-McTiernan: There is an overhead. Let me give you an example from last year. When the BSR was launched, the business case was based on the fact that operational individuals, outside of management, spent 79% of their time on applications and were, therefore, 79% cost recovery. This is in the building control space, which is slightly different than some of the other areas. We were successful in the most recent spending review at reducing that to 60%, where we do not expect the same volume of cost recovery per individual and we release some of that time to do other effective utilised work—for example, training and development.

Part of that was around the importance of development, but there were other aspects. For example, we talk about changing models, operating new models and trying new things. We need to release people from decision-making to help implement that and bring in the expertise.

Baroness Valentine: Sorry—I am not sure whether I made my question clear. If you have a person who is dealing with applications, do you charge 100% of that person to the developer, even though only 50% of their time may be spent dealing with the application and the rest of the time is for training or something else? Are you allowed to charge to the developer more than the time that is just spent on the application?

Chris Griffin-McTiernan: No. We charge exactly how many minutes we spend on an application. If we spend an hour on an application, we will charge for a full hour.

Baroness Valentine: You do not put anything on top of that?

Chris Griffin-McTiernan: The hourly rate that is calculated with the Treasury and the BSR will take into account the fact of their wage plus any overhead, such as HR, legal, digital and so on.

Baroness Valentine: And training now?

Chris Griffin-McTiernan: Yes.

The Chair: Thank you. Lord Udny-Lister is online and wants to follow up on some of those specific points. Over to you, Edward.

Q115 Lord Udney-Lister: Before I ask my question, I need to make a declaration of interest. It is in my register of interests. I am a director of a property company, I chair a registered provider and I do advisory work in the housing field. I do have some straightforward interests.

My question is on something that has been raised with us by some of our witnesses and you touched upon it a little bit in the answer to Baroness Valentine's question. The communications have been an enormous frustration. We are told that people find it difficult to speak to you. When they do speak to you, they cannot speak to their MDTs. When they do get a response, it is a standardised response. What is the difficulty and what can be done to correct that?

Philip White: If I can make a couple of observations first, Lord Udney-Lister, and then Chris will provide some detail.

This time last year, we were completely open that communication between the applicant and the regulator was not what it should be. It was suboptimal. We accept that. That happened for a number of reasons and we said we will fix this. It will not happen overnight, but we will fix how we approach that communication between applicants and the regulator.

I see this as quite separate from the broad communication strategy that we have through guidance, through webinars, through e-bulletins and everything else, because we have a good story to tell there. For me, this is very much around that dialogue, which was not what it should be. We have been open about that. We have put and are putting in quite a few actions to address this.

However, as ever, when you get into the detail, issues sometimes arise. As a small example, we get quite a lot of letters in complaining about delays and other things or people having heard nothing. Sometimes the letter comes from someone who is not the applicant but may have had someone else to put the application in for them and the applicant has not spoken to the person for whom the work has been done, which I find quite strange but that is not uncommon. People feel there is radio silence, but we deal with the applicant. We cannot deal with all the other parties linked into the application.

Chris will explain what we have been doing but, as I said, it was not what it should be.

Chris Griffin-McTiernan: Yes, to echo Philip's point, the communication angle is definitely well understood. Certainly I recognise that our communication was not anywhere near where it needed to be.

I started earlier talking about some of the principle idea of the MDT being a bit of a buffer between the design. That was some of the thinking at the time. It was important that the reg lead speaks to the applicant and not the MDT team because of that buffer aspect. That would be one angle.

The second angle, to be honest, is to do with capacity. When we go back to this time last year, I have already set out about the 50 buildings

coming over, the modelling being wrong and so on. A pretty small team was being asked to spend 79% on application progress for the reasons I have said around cost recovery and utilisation. We had a significant volume of failure demand of people rightfully writing in to say, "I have not heard anything", which did not mean the application was not progressing. At the same time, in that operating model, you are not in the same organisation as your MDT partners and you cannot necessarily pick up the phone because they also have other work to do for their local authority or their private sector organisation or the fire service or whatever.

We recognised that communication needed to improve but, because of the reasons I have set out, that was not an overnight fix. It was not, "Could you start communicating better with applicants?"

We have invested in our case officer support. That is not the decision makers. That is those who are driving progress of cases, ensuring that communication is happening between MDT members and so on. We have invested in them. Again, the point I made earlier is that recruitment is not a quick fix. It does take six to nine months, six months to recruit and three months to onboard and bring people in.

In the recent past, in the last three months, we have brought in a surge capacity. That is a cross-government function that you can bring in. It can work across all government departments and it goes to the crisis points, specifically with one objective in mind and that is applications in the new build space—and we have to prioritise because that team does not have enough capacity for all the applications we have—until we settle that and then we can move to remediation, there is a weekly update to applicants on where their application is at, from a human, not an automated response, specifically from their application. We have recently put that in place.

I want to convey here no argument from me whatsoever that the criticism about communication is spot on in terms of the concept, but we have put actions in place. Some of them will take a bit of time to filter through and undo the narrative that has, unhelpfully, now set in about communication.

The innovation unit approach, for example, where we have the new applications coming in after 4 August, I have seen evidence of that in past days when there was much more proactive, voluminous communication happening between MDT and the design team. We still have to be careful there. Is the benefit and the risk being weighed up appropriately? The benefit of our RBI and fire engineers speaking to the design team, clearly, is that they get the technical understanding of what is been submitted. The risk of that is that we take, potentially, a step back towards the old system where it is quite hard to work out who is who in that discussion between the regulators and the design team.

That is one thing that we are quite careful on, but we absolutely take the point. As I say, we have put in measures most recently to try to change that.

Lord Udney-Lister: Could I come back on that? I am not completely sure I fully follow all of it. If I was an applicant, could I pick up the phone and speak to the MDT?

Chris Griffin-McTiernan: The MDT is made up of four or five people but certainly, yes, going forward, the aspiration is that you would be able to pick up the phone and speak to your case officer. I have set out that it takes us a bit of time to recruit that volume in. We are doing that. That is happening. The onboarding is happening right now. A surge team has been brought in so that you can have communication directly with the MDT lead. That is the BSR member of staff.

The difficulty we have, outside of those cases at the innovation unit, is that you might speak to the reg lead and you might have a technical question that only an RBI could ask. That MDT lead has to then get a hold of the RBI. That RBI does not work for the BSR. We cannot access their diary. They work for someone else. They have a high workload. The capacity to pick up that phone, as simple as that might seem, is quite difficult.

That is why, at the start of this conversation, I said that the operating model of the MDT is just not working. That is why we have to look at things like the innovation approach and the other pilot projects that we are trying to get that in.

Q116 **Baroness Drake:** We have had a lot of questions this morning about what is contributing to the delays in gateway applications. I know you talked about 40% of applications not being right on entry and 30% not meeting the statutory requirements.

Could we focus on the extent to which the delays in the gateway approval are caused by poor understanding of building safety on the part of developers, building owners and management agents, leading to unsuitable applications coming in in the first place? Could you dig into that a bit more?

Chris Griffin-McTiernan: Yes. It is important to say that when we talk about caseload, no cases right now—and there have not been for some time—I would say are in a backlog. To be clear on what I mean by that, a backlog to me is when you say, “We cannot touch that case. We cannot progress it. It has been shelved for whatever reason.”

Last year, we took the approach that we had to prioritise cases because of the factors we have talked about, the numbers and so on. Now, cases are progressing. One developer submitted an application recently. The remediation application got through in just under nine weeks—the SLA is eight weeks—because all the information was present. The application was crystal clear. It was clear how that application met the statutory

requirements and no further information was required. That application just about hit the SLA. It was just over.

There are two aspects to applications going over. We have talked about the administrative model, the six weeks it takes to set up an MDT, and the fact that, for example, an initial assessment of that application will only take 40 hours of someone's time but it takes in excess of eight weeks at times to get that initial assessment back from our fellow professionals. That is not a criticism. That is the reality of the capacity in the system. It is tight. It is not a criticism of anybody who sits on that MDT. Why does a 40-hour assessment take eight weeks to return? It is a capacity issue. When you look across the board at some of the RBIs and some of the fire expertise that are on our MDTs, they have a huge caseload, not just for the BSR but for the other work that they do for that employer. There will be the administrative part of that, and we aim through the innovation unit to try to reduce some of that administrative inefficiency.

However, we cannot get away from the fact that few applications—other than perhaps the one I have mentioned, and I am sure a caseload of 1,000 might have a few others—do not require two, three, four or five further information requests because the information they have provided does not prove that they meet what is set out in law. That takes time. We write back to someone. It takes them a week to get back to us. We receive the information. We share it back with our partners. They take a few weeks to look at it. It is a fact.

One approach that we do not want to take is that to reject straight out and say, "If we have to ask you for further information and it is clear that your application is not suitable for assessment." I would come back to you and suggest that SLAs would be met most of the time, but it would not change the impact that we are looking to have around new builds.

Baroness Drake: What are the top information deficiencies on those applications coming in? To what extent can you push back to the industry and to everyone who is failing, "These are the top reasons why you are failing"?

Chris Griffin-McTiernan: Yes, I can give you that. In some of the work that we did in the last quarter, we looked at trends as to why things were being rejected. Some 50% of existing buildings applications, so that is remediation applications or kitchen refurbishments or whatever, did not meet part A or part B of the applications. In a second, I will go into what that means and some of the things that we found. For new build applications, it was 45%. About half of applications are not demonstrating that their design or their fire precautions meet the standards set out in law.

I will give you some common examples. We are seeing a lot of these, rather than one or two. In part A, we see an inability to show how the building has been designed to prevent collapse, how the foundations support the building, including detailed calculations to prove that you

have done the calculations to prove the building will not collapse, how stairs, balconies, handrails and other fixtures will be supported and not cause undue pressure on the building, how building materials could support loads required by the building, and almost no rationale on how all those bits coming together do not present a collapse risk to that building. That is on structure.

On fire, a common issue is around the modelling of smoke and computer design modelling. There are examples where, in the smoke extracting design, the model is showing that smoke is being pumped into fire exits rather than being extracted out. That has been found in a number of examples where the applicant's own model suggests that that will happen and that is still being submitted to the BSR for review. There are examples with no assurance that the wall will be built to resist fire or with no details of fire barriers in the external cladding to prevent a fire spread. Some corridors are not wide enough to allow total evacuation if recommended by the fire service. In some examples, less so than the others but some, no smoke detectors are provided in flats.

Baroness Drake: These are quite significant weaknesses on first application. It will not collapse. You are saying few first applications are not resulting in information requests on these kinds of issues. What is that telling us about the deficiencies in culture and capability of the applicants?

Chris Griffin-McTiernan: From my perspective, we are someway away from having a system where developers and those responsible for buildings can show upfront that their designs are compliant with the building regulations.

That is the key here. Philip touched on this. The Building Safety Act requires a transformation in the industry. It does not require just a new process and a new application inbox. It requires a complete transformation in the design and construction of buildings. It requires you to invest upfront in understanding and knowing all this detail before you put a spade in the ground.

Philip White: I have said this to the industry and they fully acknowledge it. We are all in that building safety system. We are still on that learning curve as we go through.

Dame Judith Hackitt recommended this hard stop at gateway 2 for people to demonstrate and explain how they are complying with the building regulations at that stage before construction starts. It is not about the fine detail of everything at this stage. It is not every nut and every bolt that we need to know about. However, a certain amount of certainty is needed. A lot of design still goes on during construction and there might be change, but previously that used to happen. The designer assumed the builder might build it that way but the builder might not necessarily have the final design and hence we find these problems.

It is part of that cultural change. We are seeing things moving in the right direction. This is part and parcel of it. Culture change takes time. We are in that change curve at the moment. If you go back to what we saw in planning gateway 1, it has taken us nearly four years to get to the right place. We are in the middle of that change at the moment for gateway 2. It is frustrating for us all because we want to improve these things because we want homes built.

Baroness Drake: What are your top two or three initiatives to get that culture change and the capability of the developers up, not internal processes, but what you are doing, externally focused?

Philip White: A statutory committee has been set up, the Industry Competence Committee, which is doing a lot of work around competence. We have also done some good insight work on culture change, talking about what needs to happen. We have been sharing that with industry.

We work closely with Dame Judith through our industry safety steering group, which is driving a lot of change. MHCLG has convened effectively a high-level group involving the Construction Leadership Council, the Building Safety Regulator, the OPSS and one or two other parties to try to get to grips with what needs to happen in terms of this culture change. There are a number of things and people need to understand things will be different.

Baroness Drake: Can you share that insight work with us?

Philip White: I can show you the draft guide that we produced on culture change. Absolutely, I would be delighted to do that.

Q117 **Baroness Drake:** Moving on to a slightly different question here, as the regulator, you suggested that you would like to issue notices organisation-by-organisation rather than the current system of going building-by-building. First, how do you envisage such an approach operating and how would you address the concerns that we and others have heard articulated that this would lead to a lessening of the focus on the safety of individual buildings?

Philip White: This is for me, who has probably had some hares running in this some time ago.

Baroness Drake: The select committee, yes.

Philip White: I am a health and safety regulator by background and I have spent a lot of time regulating construction over the years. If you identify a problem with a particular duty holder at a building site, say, and you investigate an incident and it turns out there is an underlying problem in how people are trained in lifting plant and equipment, you will want to serve an improvement notice, if that is to get them into compliance, on the organisation to make sure that the different outlets, different building sites that they have and, in future, their policies and their training programmes and everything are in the right place. If you do it by site, you will not have that impact across the organisation.

I was coming from more the in-occupation side. If we identified a problem when we looked at a safety case and that particular principal accountable person had 300 high-rise buildings registered with us and we found a serious systemic issue in how they were managing risks, not only would we deal with that property, the single building, that focus would not go away, but it would give us the opportunity to tackle that problem right across the organisation, which would then have an impact on the 300 buildings or whatever they have in the system.

Also, it will help us speed up the assessment of safety cases where people have multiple buildings. It is not ignoring the single building approach. It is a twin-track approach, if that makes sense.

Baroness Drake: You are not arguing against shifting from the building-by-building application clearance. You are saying you want an additional power, basically, to issue company notices where you have the evidence that a more systemic failure is taking place, but that would not impose on building-by-building clearance.

Philip White: No, and in any event, we are required to issue building assessment certificates building-by-building, and it is the same in terms of the applications for building control. We have to do that application-by-application.

Another perspective is, and this is something I have been pushed hard by colleagues to address, there are organisations that do multiple tasks like, put it this way, mobile telephony. You might well have hundreds of applications to put in new systems in buildings. Would it be more sensible if we could deal with that more holistically? If you have 300 or 400 applications potentially over a year, could we look at that differently as opposed to 300 separate interventions that will require maybe 300 different MDTs? It might be we take everything to one MDT and they could look at it in the round.

We would have to be careful how far this goes because it is not necessary for every brand-new building, but we could be much more efficient with certain activities that happen in HRBs, certainly from our perspective. I know it would be greatly welcomed by those who have to comply with the legislation. We are coming from that other basis as well.

Baroness Drake: Based on your knowledge now, what are your three top systemic issues that you would want to use such a power to issue an organisation notice?

Philip White: That is a good question. We want to avoid, if we can, getting into the enforcement scenario. It is about trying to facilitate the proactive work, using that telecoms example, facilitating and enabling those building control applications to go through in a way that we know will comply with the law and will help the business crack on with replacing the next generation of masts on 300-odd buildings.

In relation to the in-occupation, I do not know if Chris has any examples of common themes where we might want to take enforcement, but it might be that: "We have looked at your building, we have concerns. You have done nothing about residents' engagement. We know you have 300 other buildings. We have had a look at a couple of others; you have not done anything here. We are going to serve you with a notice around enhancing your policies for resident engagement and arrangements for 300 buildings, so you expedite that in a quicker way". That could be something at the moment, but I will have to come back to you on the particular technical topics—fire and structural safety—separately in terms of what we are seeing as the common failure there.

Chris Griffin-McTiernan: Just very quickly, an example in the occupation regime at the moment is there is a high volume of refusals of initial backs, around 70%. Just over 70% of them have been rejected. That is not to suggest that 70% of what we have assessed are imminent risk. There might be some instances, but we are not suggesting the 70% of applications we have looked at are at serious risk. In most cases—and this would be one area I would suggest for the list of your top three—is that people have not done the right structural assessment of their building.

We could look at the 200 buildings that you own, say for example, and take that approach. By the time you get to the 200th, you will say, "I do not know why we could not have just issued some sort of enforcement against you as the PAP—the principal accountable person—to say we have looked at five, you have not done enough structural assessment to reassure yourself and then assure us that, actually, your building risks around catastrophic collapse are being identified and controlled. Therefore, before we look at the others, you must apply that across the rest of your cases." We can use the powers of persuasion and influence and discussion, of course, but the actual power to mandate that to the PAP, other than their specific building, does not exist.

Q118 Viscount Chandos: Can I start by picking up on one of the things you said, Mr White, in your introduction? You mentioned, understandably, your pride in having set up a new regulator from scratch. Much of that was under the wing of the Health and Safety Executive, where, as you have said, you have spent all or most of your working life. We have talked about the industry culture in the sense that there is a corresponding culture for the regulator. Compared to where the regulator is heading to come under MHCLG, do you think some of the difficulties in interaction with the industry may have been exacerbated by that, the origin is from within health and safety?

Philip White: My answer would be, no, I cannot see that is the case at all. I was heavily involved in HSC in a previous job—this goes back to the early 2000s—where we had major problems with the construction industry, where fatal accidents were increasing at a time when the then Government was investing more into the economy, when we were beginning to see more people coming over from Eastern Europe, and certainly Ministers—and particularly the Deputy Prime Minister John

Prescott at the time—were deeply concerned about the industry's performance, because there had been a triple fatality in his constituency.

We set out a programme of work at the time to address cultural issues in the industry. We engaged extensively with the industry. There was a major summit headed by John Prescott that involved us engaging with the industry, getting industry to give commitments. We have a long history of working closely and engaging with industry sectors and I have regulated construction on and off over nearly 40 years.

We have an extensive history of engaging with the industry and I think that is one of our strengths. We can engage, we can collaborate, but obviously, when you go out to a building site—or in this case BSR—you can deal with a building control application or a safety case. We will regulate, so I do not think that is an issue at all.

Viscount Chandos: As an example, do you think you could make the gateway process more proportionate without impacting on safety? Again, back to my first part of the question: a regulator has a primary objective clearly of regulating safety, whether it is employees in the construction industry or the residents of housing that has been built, but everybody is now increasingly focused on how that can be done at the same time as reaching growth and growth targets. A number of witnesses—including the London Fire Brigade—have suggested that there could be some change in what requires BSR approval, smaller work and so on.

Philip White: There are a number of issues there. I do not buy the argument that the fact that the BSR was created under HSE's umbrella is an issue at all. As I said, HSE has a long history of being a pragmatic, proportionate regulator. We deal with regulating critical national infrastructure where we have to take a balanced approach in relation to society functioning. There are big regulatory pressures and demands here in terms of making sure things are running safely. On the other hand, things have to run.

Again, our experience during Covid, where we had to strike the right balance in terms of not everyone could stay at home, is there were critical issues. Power had to be generated. Things had to function, food factories had to operate, and so on. We had to strike the right balance there. So, I do not buy any of those arguments at all.

The real issue here at its heart is that the public inquiry was quite hard hitting around building control. It is hard hitting in terms of the fact that it just did not regulate. It talks about the need for it to regulate rigorously. The new system needs to have rigorous regulation behind it, and building control needs to understand its role. I think what has happened is—and with that model you have to do more design work up front—to an extent, the pendulum may have swung a bit too far in relation to what is expected of industry and regulators. We are working to bring that back to a sensible place with industry by working through things like staged applications, approval with requirements.

There is a balance to be had, but if failure occurs—which we tragically saw at Grenfell, and we have seen this in other sectors—not only is it absolutely terrible at a human level, but the costs to society are phenomenal. Just look at the remediation work and other things, the costs, and hard cash, should we say, that has had to be put into the system post Grenfell. We saw that following Piper Alpha, and we saw it on the railways as well. Hence, it is our intention to get that balance right because we do not want to block houses being built, believe you me. We want to enable that. If we get this right, working closely with industry, I believe that will happen. However, as I said, we are in that phase; we are in that change curve.

We are still working out a sensible balance in terms of that hard gateway 2 point, as to what is right in terms of making the decisions at that stage and we are not far off getting to the right place on that.

Viscount Chandos: Does the BSR have enough delegated authority to implement changes if it thought it was appropriate, safety critical issues, work being approved by a different method, or would there need to be primary legislation to bring the—

The Chair: I think that actually brings in Viscount Thurso in terms of your concerns about resources.

Q119 **Viscount Thurso:** You have already touched on this to a certain extent, but it is quite clear that at the start there was a shortage of resources, and I think you mentioned that the staffing was needed earlier than had previously been thought. I do not think that is a particularly contentious issue, but two points come out of it. The first is that, in evidence to us, a number of people—developers—have said that they would be happy to pay more if that would help to achieve a faster result. You have also said that your model is basically a cost recovery model. Would you like to comment on whether more resource is needed and whether charging more would be helpful and, if not, how you would deal with that?

Philip White: To be fair to MHCLG, obviously we liaise regularly with officials and with Ministers there. They have been supportive in terms of resourcing, particularly with some of the challenges that we have outlined from last year. We had a good settlement for this financial year. Going forward, we are actually working together on the detail of the settlement for next year onwards. There are questions around: the more we try to do in-house in terms of the MDTs to stop the transactional activities, to get people to focus on that, what the cost of that will be, but obviously we can recover those costs.

There is a lot of detailed modelling going on to determine whether the resourcing envelope is right and fit for the future. We would always love more resource, but we have to be realistic. It is not just about the operational resource. We have bolstered the technical policy team that deals with the approved documents, which is responsible for things like the Competent Person Schemes. We also have another unit that deals

with what we call operational policy, which is important. The team has been understaffed, and we are bolstering the capacity there.

In terms of the idea that we would pay more for developers, there are obviously—how shall I put it—Treasury rules around cost recovery and how that is managed, so we work within those rules. I am not sure what paying a premium would actually achieve, other than you might have a two-tier system for those.

Viscount Thurso: I think there is a bit of a suggestion from the big developers that they are looking for a club class approach, as it were.

Philip White: Yes. My view is to concentrate on getting your applications right in the first place. If you get them right in the first place—and what we are doing through the innovation unit and the other changes that we are doing—I think the problem will begin to dissipate over time. However, I am not completely au fait with all the fine detail of Treasury rules through cost recovery. We do a lot of cost recovery. We have different cost recoverable regimes in HSE, but we do have to stick very closely to the rules that are set down by Treasury.

Viscount Thurso: The core question is twofold: one, does the human resource actually exist within the industry at all? Are you constrained by the fact that there are not actually enough trained professionals out there? Therefore, you can pay what you like but you cannot actually increase a pool of people that is not there, so that is part of resource. The other part is: if there were enough people, is there a mechanism by which it would be appropriate for the growth of the economy for developers to pay more to get a speedier result? Not a different result, but a quicker one. I suppose those are the two key points.

Philip White: Yes. Sorry, the first question has gone completely—

Viscount Thurso: Are there enough people?

Philip White: No, I think there has been a real issue—which no doubt we will come on to in a moment—about the registered building inspectors. The profession has gone through change, and it is a critical group. There are not enough. It is a matter that we have been raising with MHCLG because the policy lies there, but it takes time to go through.

There is an issue there, but are we getting the best out of them? Hence why we have tried to say, for certain aspects in HRBs, we use class 2s. Can we get more through the system to become class 3s? How can we work together to move people from class 1 to class 2 and then to class 3? I am still not convinced that a premium or club class, whatever you want to call it, is going to be—

Viscount Thurso: What I am getting from you is it is not actually a question of people paying more and it will improve. That is broadly it. The other side of that, which we have also heard, is from the leaseholding community who have complained that managing agents have simply passed on a huge added cost to them. Does the BSR consider the impact

on leaseholders of the costs that it is imposing, and is there anything you can do that might change the charging regimes for old buildings as opposed to new that might assist the leaseholders?

Philip White: This is a really difficult area. I have sympathy, not only because I have a declared interest in that one of my brothers is a leaseholder in an HRB, so I get it in the neck frequently. I think a lot of the issues that you raise are actually policy matters for MHCLG but what I would say is the assumption was about 10% of the HRBs would be resident management led. It has actually turned out that nearly 25% of buildings that are registered are resident led. To me, they are a different category to your social housing provider, your local authority or your private provider. This regime is a real challenge for them.

I think it was at the beginning of last year that I and the then Minister, Minister Rowley, wrote a communique about what is expected here in terms of proportionate costs. The reality is that the legislation is basically equal on all. That would have to be looked at if different charging arrangements were going to be applied to leaseholders.

What we have said is: "Yes, there is unfortunately a cost to safety. Parliament has decided to pass this legislation to prevent Grenfell ever happening again. It will require you to prepare a safety case, but it is there to explain how you are managing fire and structural safety on a day by day, week by week basis. Do not get brought into the fact that you have to provide documentation that looks shiny that the regulator will just tick, tick, tick. It is not. Just explain how you deal with fire and structural safety in a practical way. We have shared our manual that we use to assess safety cases to people. That should effectively be a one-off cost and we will then require maintenance as you go through. We will assess that once every five years, at the minimum. So, the cost, the hours that we put in to assess your safety case will be a one-off spread over five years among many different residents in a block. So the cost should not be that significant".

I have to say—and I use my brother as an example, and he has shown me some of the paperwork that has been provided—I would challenge that if I was a managing agents. It seems to be another excuse in building safety year on year. "What are you actually getting for it? Your safety case should have been prepared by now."

The other thing, too, is we have worked closely with LEASE—the arm's length body—and MHCLG. We have developed guidance with them for resident-led companies to help them in terms of preparing, doing occupation assessments and other things. I do have sympathy with this, but we have to implement what is required of us and what we are required to do by law. I think MHCLG might need to look into it.

Viscount Thurso: Presumably, once buildings have been through the system, either they are new build under the new system or they have had an inspection and they have been brought up to scratch. Thereafter it will be much easier for them to keep it there.

Philip White: It should be, absolutely. Unfortunately, for some of these buildings—and I suppose this is one of the benefits and successes. Is it a success? From our point of view it is, but it might be seen as a downer for the residents. If the building has never been looked at structurally before, the fact that it has now been assessed, some things have been identified and rectified, it is painful financially but your building is safer and that should set you up.

Q120 **Lord Best:** We need a regulator of property agents, but that is another story. Viscount Thurso was beginning a question about the total amount of people who are available and who could do the jobs that we need to have done. We know the Government are going to increase your budget and you are going to have more people in-house rather than just relying entirely on multidisciplinary teams, but are there sufficient people out there for you to recruit? Are you just going to poach from other places where the same skills are badly needed?

Chris Griffin-McTiernan: The difficulty with recruitment has been faced by the BSR over the last two years. If we go back to the start, when I started in this role I did not have a single person in operations. There are now 300 people that we have had to recruit in the last two years at the same time as deliver. We got an increased settlement last year for this financial year to recruit an extra 100 people. That 100 people have to be recruited by the 300 that are already in the system in addition to everything they are doing. There is a capacity issue there about how do you actually onboard volumes of people at pace? That is before you then look at is there capacity in the system to absorb a huge recruitment like that in terms of having enough RBIs, and so on?

So, there is definitely something from a strategic perspective, as Philip said. We have set this out to MHCLG—particularly in that RBI community, and also in fire and in structure—that there are sufficient skills within the system. Because absolutely, if we do not address that and the BSR, for example, look to recruit or look to onboard 100 RBIs it might make our processes slicker and quicker and we get through more HRBs, but the vast majority of house building that will have to happen to deliver 1.5 million does not touch the BSR at all.

I think estimates from MHCLG are that around 25% of the whole 1.5 million will be HRBs. Therefore, the vast majority of house building that has to happen, the vast majority of remediation that has to happen, does not come at the BSR at all. Of course there is a risk, therefore, that if you pull the resource in to make our process quicker, and we can sit here in a year's time and say, "All our SLAs have all been met", that actually the impact is elsewhere. Therefore, we have to look at this in a holistic way: BSR within a system, and how do we fix the system rather than solving the BSR in isolation? It would make my job easier if we could solve the BSR in isolation. It will not change the system that economic development has been based on around this 1.5 million and the importance of remediating buildings at pace this Parliament.

Lord Best: Your remit goes wider than the high-rise buildings, however,

and you have a broad duty that goes even beyond safety. I am thinking of your role in relation to part M of the Building Regulations, where we are awaiting action by the BSR to get on with a technical consultation, which has been delayed for years. Your staffing situation seems to mean that you do not have anybody to do anything other than the high-rise buildings. Are you sure that there is the staffing there for those other duties that may be being neglected?

Philip White: Just to be clear, our legal locus in terms of building control authority or assessing safety cases, and the occupation work, is only on HRBs. Obviously, in regulating the building control profession—as I think I mentioned earlier—over a five-year period we are inspecting all building control providers, public and private. We did 20% of the services last year. Looking at those standards and ensuring that that function is working well has an impact across the whole of the built environment because local authorities, particularly, are looking at a lot of—most building control applications in England are for smaller jobs, like house extensions.

In terms of our broader work, yes, it comes under the section 5 responsibility. As I said earlier, we have the technical policy unit within BSR. We are doing work on a range of approved documents alongside the broader review of approved documents that Baroness Valentine asked me about. I think we have sufficient resource for that, but again we will put our proposals to Ministers and officials at MHCLG. The policy lead sits again with MHCLG in terms of how we progress or not on some of those activities. We believe we have sufficient resource now because MHCLG has increased our resourcing, certainly for technical policy and other sorts of what I call underpinning skills and teams that are needed to support Chris's operational activities, but also our work in the broader built environment.

Lord Best: To illustrate that, you do have the people available to deal with the approval of part M of the Building Regulations, the changes that we have had coming down the pipeline for about three years now, but which seem to have become stuck with you. You are being reassuring that there are going to be the staffing resources available to move this stuff on.

Philip White: Yes. We would always like more resource, but it is getting the balance right. We have had an additional increase in resource for those technical policy teams. From where they were, dare I say, at the time of the Grenfell tragedy when they were working in MHCLG to when they moved out to HSE two and a half years ago to where they are today, there has been a huge investment in resources. We can drop you a line in terms of the breakdown of resource that we have on the technical policy side so that you are fully transparent about what we have there. Again, what the priorities are for the work there.

Q121 **Viscount Trenchard:** I would like to ask you about your emphasis on all buildings rather than just the tallest buildings, because some of our witnesses have said that it was understandable that the BSR would focus

on the tallest buildings as the most significant safety risk. On the other hand, other people have said that height is not the only determinant of risk and there are likely to be many buildings below 18 metres that present considerable risks. I would like to ask you how you are progressing in improving the safety of all buildings, including low-rise and medium-rise buildings, and do you think that this cohort of buildings has been given enough priority? Are you now identifying buildings with a height of less than 18 metres that might constitute a higher risk or subjecting them to your attention? Or is the focus still on improving performance for the tall buildings?

Philip White: There is obviously quite a lot in that question but again, just to reiterate, in terms of our legal responsibilities as a regulator, we can only deal with 18 metres and above. Anything below 18 metres, other regulators will deal with on a building-by-building basis. However, we do have that section 5 responsibility in terms of keeping the safety and standards of all buildings under review.

What we have done—and this is maturing as we go along—is we have put in place processes and arrangements to keep risks in the built environment under review. Indeed, we report on a quarterly basis to Ministers to that effect. We have also set up a horizon scanning function because it is not just about understanding how existing buildings might be failing, but obviously there are new techniques, new materials, and everything else coming into the system that we need to understand.

In terms of those under-18-metre buildings, we have a number of things in our risk metrics that we are working on at any one time and trying to understand, whether it is rack in the built environment, whether it is cross-laminate timber, whether it is volumetric construction and the risks that that potentially poses. We meet regularly to review that matrix: what is the new evidence? Where is the new data coming from, whether that is our work on 18 metres and above, which we have quite a lot of intelligence on now, or are building more intelligence on, or whether it is through research that we see out there, or whether it is through some other data sources?

Viscount Trenchard: Thank you very much. What impact has your regulation of building control authorities and building inspectors had on their competence and standards? How have they responded to your introduction of regulation, and what further improvements are you hoping to see from them over time?

Philip White: For building control inspectors it has been very challenging over the last few years because obviously there was heavy criticism through the public inquiry of building control. You then obviously had this new building safety regulator introduced who was going to regulate the profession. We have had to set up those arrangements from scratch in terms of: well, how do you regulate that profession across the piece? We had to set up a register and to get on to that register—there are different classes of building inspector—you had to pass a number of competence

tests. A lot of people chose to leave the industry. They did not particularly want to go through those competence tests.

Again, we did find a significant failure rate: 30% were failing the first time around, going through those competence tests. We have stressed that employers—whether private or public—needed to support their staff through the change process for the profession and to help them. They may have failed on one particular part, that is fine. Go away. What learning and support are you going to get to help you go back through that competence test?

If you are one of those individuals, it has been quite a stressful period for you in the sector in that you are being regulated, but actually there will be a much bigger goal here in terms of you are a regulated profession. The status should be enhanced with what we are trying to do in relation to properly regulating building control applications, whether it is through us as a building control authority or whether it is the lower than 18 metres.

We have developed, obviously, the competence framework and a number of other activities there. Yes, there is the uncomfortable bit where we deal with complaints against individuals and against building control providers. That can be uncomfortable. We do investigate those. We have quite a few on the go at any one time.

One of the big things coming forward, is obviously that Dame Judith Hackett has been asked by MHCLG to chair an independent panel. This is one of the recommendations out of the Grenfell Tower public inquiry to look at: should there be a national service for building control and what is the role of the private sector? Two quite chunky policy questions. That may lead to further uncertainty for the building control profession if you are sitting within a regulator at a local authority or even if you are sitting within a private sector organisation, you can expect further change. I think that may leave some of the profession uncomfortable as well. There has been a lot of change. The profession has had to deal with a lot of change, and it is painful, but—the old adage—there is no gain without the pain. The profession will be in a much better place in due course as a result of it.

The Chair: Lord Teverson, I think you want to follow up on something.

Q122 **Lord Teverson:** Yes, hopefully briefly. I am going to ask for short answers here, because I have a couple of questions around the “Golden Thread”, which is part of the legislation, which is around the future, to make sure that it has to be digital, that we track what is happening in terms of modification and who is responsible for them. It seems to me an important part of what we are trying to do here.

My first part of it is—and I would like short answers, otherwise I will test the patience of the Chair—are you aiming to get to something like digital twins at the end of the day in terms of these complex buildings, and is the “Golden Thread” actually happening? Do you see it? Is that

something that you concentrate on? Yes or no will do.

Chris Griffin-McTiernan: Yes, I think, in principle, the idea that where we get to in a period of time, which all buildings have from birth to death, effectively, we have a single version of the truth on a digital platform, absolutely has to be the aspiration.

Lord Teverson: Okay, you have that. It is happening?

Chris Griffin-McTiernan: We are only at the start because, right now, if we are talking about new builds coming through the system, going through gateway 3, that is the formation of that information, which can then be passed to those responsible for maintaining the building so that they understand how it was built, what the structure was like, what the fire things are like, and so on. What we are doing now in an occupation regime is clearly there are buildings that were built 10, 20, 50, 60 years ago, so they can only contain the information that they know at that moment in time. There has to be an aspiration, yes, that, digitally, all new build projects that go forward, there is a single version of information that passes to those responsible at that particular time.

Lord Teverson: How are you going to check that that is being updated as time goes on, so the building that has been approved now, is it your responsibility, are you going to have someone or a department or a team that actually checks that these are updated, say, in five years' time?

Chris Griffin-McTiernan: The important thing to say is that the legal responsibility for that information lies with the duty holder. They are responsible for having that information to hand. In terms of an assurance function from the BSR, that in-occupation regime is exactly that. What we do not know at this stage is what happens after the five-year period, when all the current stock has been inspected, we have a safety case and a building assessment certificate has issued, whether that goes on and every building thereafter will get one every five years, or whether there will be a risk profiling type activity that will go on and we will only look at the top risk buildings. That work has not been done.

Lord Teverson: Therefore, we do not know. This is not a criticism. I am just trying to find out what the answer is, so we do not know how that is going to be managed at the moment.

Philip White: In terms of buildings that are being built today that are new HRBs, which will go through gateway 3 maybe next year or the year after when they are completed, and they will have their digital record, we have yet to decide what the policy is going to be—they will be issued a building assessment certificate at gateway 3—and what we will then do following that.

At the moment we are concentrating on the existing 13,000. If we are clear about this, the risks in the built environment clearly lie with the existing stock. Just with the changes that have happened to approved document B since Grenfell in terms of sprinklers in over 11 metres, you

cannot put combustible cladding on, a second staircase now above 18 metres, you are already reducing your risks for new buildings at one level. So we have to get through those 13,000 before we then think about the numbers that will be coming through.

Lord Teverson: I get that, do not worry. Do you have a register of the accountable persons, duty holders or principal accountable people, do you keep a register of that?

Philip White: We do not keep a separate register. There is a name. If you are registering an HRB, one of the details we ask for is the name of the principal accountable person. In theory, you can—I am not a digital wizard, I have been around too long—get all that out of the system from those 13,000. Obviously, in those 13,000 some of those principal accountable persons might have multiple buildings in the system, so we can get those out.

One of the thoughts we had was about getting information out quickly. How can we use that register to get information out quickly, if there is something like a safety alert that we need to do? You can search through large panel systems, principal accountable persons, and we will send them a safety alert if something new arises—coming back to the previous question—problems in the broader built environment.

Lord Teverson: There has to be an accountable person for all those 13,000 buildings?

Philip White: Yes.

Lord Teverson: Do you have that then? Are there buildings that have not submitted that?

Philip White: That is a good question. At the time of registration, we knew some buildings had not been done. We pushed and pushed on all of this, "Have we got your building registered? Have you put in the key building information?" There was some slowness towards the end. We are taking some cases where we have not had the required information on the register.

Lord Teverson: I understand why that would be difficult. Lastly then, just for clarification, maybe I missed it: do you actually have a register of all those buildings and who the accountable person actually is?

Philip White: Yes.

Lord Teverson: That is fine. Thank you, Chair.

Q123 **The Chair:** Lord Gilbert, I think you have the last significant question here. If you can hear us or are you on mute? We were talking about the Office for Product Safety and Standards. If we are losing you, then perhaps I can just ask how your work actually relates to the regulation of construction products. Obviously, the failure of certain products was significant in terms of Grenfell at the beginning of this inquiry. We have

taken some evidence on products. Do you have views on how significant the progress on that is?

Philip White: We work very closely with OPSS. I think you had Graham Russell and Duncan Johnson come to give evidence. Certainly, I meet with Graham on a reasonably regular basis to discuss matters of mutual interest. There is a lot of engagement between Duncan Johnson and certainly our technical policy colleagues, because there are crossovers in relation to some of the approved work on approved documents in the products area.

We have a memorandum of understanding between ourselves. We certainly participate when MHCLG has convened meetings regarding products, and the Green Paper you no doubt have heard about. Obviously, as we are beginning to develop proposals on the back of that consultation, certainly we have been involved alongside OPSS in those discussions. There have been one or two operational type matters where we have worked closely with OPSS, so relationships are good.

Obviously, there are a whole raft of issues regarding testing, placing of products onto the market. Effectively we are looking at whether we are going to give approval to or not to those products going into the buildings. We have provided some feedback from our perspective—if there are issues—back to OPSS. I hope the Committee is assured that we work closely with OPSS and the Government put out their response to the public inquiry back in early February time, was it not, in terms of the desire to move to a single regulator. Hence why part of that—

The Chair: Do you have a view on a single construction regulator?

Philip White: I do.

The Chair: Would you like to share it?

Philip White: It is needed, and we always anticipated that, once the Building Safety Regulator was set up within HSE, it was highly likely to be moved out to create that sort of single regulator. Is it the right time to do it now? Is it too soon? I think there are questions around that, but that is not for me. Decisions have been made.

Then you have the product side. It is a big area, product. I have always felt could the regulator be far too big to manage all of those products? I think you heard quite extensive evidence around the work of OPSS. It would be about taking the construction product side out of OPSS because it has a big role elsewhere to protect consumers in society. The devil is in the detail on how that will work out in terms of trying to create a single regulator.

The Government are planning to put out their regulatory prospectus, I believe, later this year. Certainly, Graham and I sit on the advisory board that MHCLG has set up in terms of developing a single regulator, so we are inputting into that. We are supportive, but I think we need to understand what tensions there could be in terms of if you had

everything in one group, you have parts of it approving or testing products potentially, and all the work that OPSS does, and then another part looking at it from a slightly different perspective. Is that a good thing or not? It is open to discussion.

The Chair: Baroness Drake, you want to follow up.

Q124 **Baroness Drake:** A very quick one. When we took evidence from the Office of Product and Safety Standards, it referred to the fact that it was going into companies and if the manufacturing of products were not up to standard, it could say "Cease production. Do not put any in supply until this is sorted out". We asked the question: what about those defect products that are already in the supply chain or already in buildings? It said, "Well it depends on the circumstances" but it does let relevant organisations know.

Do you get to know when OPSS has been to manufacturers and stopped them manufacturing because the products are not good enough and pose a risk out there in the supply chain or in buildings? Do you have any knowledge of that? Do you act on that? Do you assimilate that information?

Philip White: If there is anything that we need to know about, OPSS will inform us. Hence the regular dialogue that we have with Duncan and Graham. I am not aware of anything in particular recently. I did read the transcript about the Polish plywood, which I think was a really good example of a regulator doing exactly what it should be doing in a good way. The other thing is what is that plywood actually being used for as opposed to—

Baroness Drake: I understand that. It is what is the risk management system between yourselves and the Office of Product and Safety Standards, so that if it does identify a big risk of a product that has been incorrectly manufactured, and it is out there, who makes that judgment that, "Gosh, we need to act on what is already out there"?

Philip White: We will work on that together. As an example, before I took over—

Baroness Drake: There is a system in place?

Philip White: Yes. There was an issue to do with a certain form of cladding—

Baroness Drake: You have a means of following it up?

Philip White: Yes.

The Chair: Lord Gilbert, I think you have your hand up. If the system is working properly—

Lord Gilbert of Panteg: Can you hear me now?

The Chair: Yes, we can.

Q125 Lord Gilbert of Panteg: Apologies for the tech issue here. My brief follow-up on the issue of a single regulatory approach is it is just more disruption to a regulatory regime, which clearly is not yet completely settled and where there are issues around recruitment and skills and just getting enough people in place to do the existing functions. In the long run it may well be more efficient, but it sounds to me as if it will create further disruption and now is not the time.

Philip White: Just on that, the actual creation of a single regulator and the legislation to bring that about, I think, is some way away. You have to look at the stepping stones. The Government have made the decision to move the Building Safety Regulator out of HSE into a new body under MHCLG, and that can then begin to hopefully carry on the agenda that we have set out, which we are working on at the moment. As I said earlier in the session, we are on that change curve. There is a lot of work going on. I think things will settle down. Things will get into business as usual, but that is going to take a bit of time. We have said to Ministers—because we are very clear to Ministers—that we will do our best as part of that transfer to keep business going as usual. That is important, particularly around gateway 2 and dealing with concerns that come into us from residents and others, regulating the profession, and so on, but you need to understand there will be disruption.

Even just creating a new body in MHCLG, you cannot ignore that, but we will do our best to minimise it, because the regulator could not have been created just by itself. It has relied heavily on skills and expertise from across HSE, whether it is on the finance side, whether it is on the legal side, whether it is on the communication side, and whether it is on the digital side. That is all going to have to be replicated and functioned either by the new body or by MHCLG. We will do our best and we are working on this to see: what support do you want from HSE? Even though the body will be created, we will continue providing, say, a contact centre for residents.

Thinking all that through, bringing all that around will have an impact. You cannot ignore it. I would just mention that, but we will do our best to minimise it.

Lord Gilbert of Panteg: I think that is something for us to press the Minister on, a real analysis of the benefit of this disruption at this point in time. Thank you.

The Chair: Thank you, Lord Gilbert.

We have had quite a long session, so thank you for your patience and the detail that you have given us. There were one or two points where you said you might provide detailed information. We welcome that. Thank you very much for your time this morning. I will call this session to a close. Thank you.