



HOUSE OF LORDS

Industry and Regulators Committee

Corrected oral evidence: Building Safety Regulator

Tuesday 28 October 2025

10 am

Watch the meeting

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

Evidence Session No. 10

Heard in Public

Questions 126 - 141

Witnesses

[I](#): Samantha Dixon MBE MP, Parliamentary Under-Secretary of State (Minister for Building Safety, Fire and Democracy); Andy Roe, Non-Executive Chair, Shadow Building Safety Regulator Board, Ministry for Housing, Communities and Local Government; Charlie Pugsley, CEO, Building Safety Regulator; Catherine Adams, Director, Building Systems and Insight in the Buildings, Resilience and Fire Group, Ministry for Housing, Communities and Local Government.

Examination of witnesses

Samantha Dixon, Andy Roe, Charlie Pugsley and Catherine Adams.

Q126 **The Chair:** Good morning. This is the Industry and Regulators Committee of the House of Lords. We have been taking evidence about the working of the building safety regulator. Our witnesses this morning are: Samantha Dixon, who is the responsible Minister; Andy Roe, who is the shadow building safety regulator board non-executive chair; Charlie Pugsley, who is the chief executive of the building safety regulator; and Catherine Adams, who is director of building systems and insight in the department. Welcome to you all. When it comes to answering questions, divide it between yourselves as to who you think should come in first.

We start with the Minister. We have spent a lot of time taking evidence about what has been happening since Grenfell, which triggered all this. We have concerns about some of the things that have been happening. Could you just start off by saying, from your perspective, what you think the new arrangements have achieved and what the significant challenges are that the building safety regulator has had to face?

Samantha Dixon: Thank you for the invitation to attend today. This is my first outing at such a committee and I am honoured to have been asked to take on this important role. The building safety regulator exists to make sure that we make significant improvements to building safety and standards that were tragically exposed as all too necessary by the events at Grenfell Tower and the following inquiry. At the heart of everything we do, we have to remember the 72 people who lost their lives and should be with us, living good and long lives, as well as those who were bereaved and those who survived them. Since my appointment, they have always been at the core of everything that I do, and certainly your other witnesses today feel that equally—probably more passionately than I do.

Accelerating the remediation of unsafe cladding, changing the culture that fostered the building safety crisis and making new homes safer than ever have been central and high on the Government's priorities, alongside the scourge of homelessness, which we find in the crisis around accommodation and housing our communities. The Government also want to deliver the 1.5 million new homes that we need during this Parliament. The BSR has to deliver on all those things, which is a challenge. But, having met the new leadership, I feel it is one that they are able and confident to deliver for us.

As you are probably aware, on 30 June, MHCLG announced leadership changes and operational reforms that set the BSR up for success and make it easier for us to hold it to account. I welcome the appointment of Andy and Charlie, and their efforts and drive to bring us forward in a positive way on this agenda. They bring a unique perspective to the task, which I am sure that you will learn about as we go on this morning. They bring their perspective on keeping people safe in their homes, and invaluable experience about institutional reform.

I appreciate and acknowledge the concerns raised by industry stakeholders, developers, Members of both Houses and the communities that we serve regarding delays, operational challenges and the impact on housing delivery. These are serious issues and I hope that today we can begin to reassure you of our determination to address these challenges. We really welcome the opportunity to discuss them openly.

The Chair: We will want to follow up on many of those points in some detail, but I wonder if Andy and Charlie would like to comment and perhaps pick up on what the Minister said. You used the word “culture”, which was one of the points that we were getting around to and had concerns about.

Andy Roe: I would start with the Act. If you were to ask me what the most significant achievement is within this context, it is the Act, because what Charlie and I saw that night on 14 June 2017 was the most profound, multi-institutional failure that this country has experienced in living memory, I would suggest. It is that multiple failure of institutions that makes it so profound and horrible in the context of what we witnessed that night and the multiple failures of every organisation involved—from government to the regulator; to the local authority; to the fire service, which we were a part of; to the construction industry; and to those who manage housing. Every single person and organisation who inhabited that landscape had failed in the most profound way, which should not have happened. That is what this regulator is about, because all those same organisations are either involved in the business of regulation within this framework or are being regulated as part of it.

For me, the moral imperative that comes with the Act is unassailable. What I want to acknowledge—because, otherwise, why would I be here?—is that to make sure that we honour the legacy of extremely courageous survivors and people who lost their families, we have to make sure the Act works. Both Charlie and I know, from years and years in one of the busiest emergency services in the world, that not having a house does not make you safer either. So I think we both fully understand that this is utterly necessary and that the most significant achievement of the regulator is that it has already, I would suggest, driven cultural change and shifted the paradigm to one of quality design and build, based on better regulation. But it needs to be delivered proportionately because, frankly, people need homes to live in. I would imagine that the rest of this session will be to unpick how we think we can enable that to achieve our core mission, which is to ensure that homes are built safely for ordinary people in this country.

The Chair: Yes, there is more than one dimension to this. Charlie, do you want to add anything at this stage?

Charlie Pugsley: We may come to culture later, possibly, but we acknowledge, having worked directly with the industry and the sector, that there is a real desire to build safe houses at pace. We recognise that, but part of our current portfolio really highlights that we are not out of

the woods yet. There are still some very clear issues that we have to work through.

The Chair: We will come on to those later.

Q127 **Lord Best:** The building safety regulator was a response to the Grenfell tragedy, but it has failed us, has it not? The delays not only mean that it has been very difficult to achieve any new development; they have also put at risk the people living in properties where there are long delays in getting them remediated. So it has not worked, and the question is: why? What are the reasons why these long delays have crept in and been so destructive?

Samantha Dixon: I would slightly push back. The building safety regulator has actually improved building safety in some ways, notwithstanding the comments you have just made, because it keeps the safety and standards of all buildings under review; it is making sure that there is improvement in the competence of the industry and building inspectors, which is a widespread aim that we need to achieve across the whole of the country; and it is regulating the building control profession and acting as a building control authority for the higher-risk buildings, which is the issue to which you are referring. So I would not describe it completely in that entirely negative frame. But I accept your points, and I will turn to Andy.

Andy Roe: Like the Minister, I think there is a lot that the regulator has done well, whether that is in the regulation of the building control profession, which was difficult to achieve—there were challenges at the start—or, I would suggest, in some parts of its operational processes where, again, it does well. It exceeds the target processing of applications at gateway 1, for example. It is doing a good job in horizon-scanning, understanding risk and supporting change to regulation.

But we would be the first to acknowledge that, until we sort out the very real challenges and issues at gateway 2, which is the part of the operational process you referred to, none of that means anything, because it is a significant factor in having slowed building down, particularly in London. Why has that happened? Because a process was designed in good faith that does not work—it is that straightforward.

To go into the detail of it, at gateway 2, the original operational system was that the BSR would set up a locally franchised multidisciplinary team—that is how it would describe it—within a 12-week timescale, which is laid down in law, to come to a determination on an application. The BSR, even within those 12 weeks, would give itself six weeks to stand up a local multidisciplinary team comprising a fire engineer, a registered building inspector, a structural engineer and other associated experts led by a regulatory lead. Straightaway, if you are building a six-week stand-up period into a 12-week SLA, are probably not going to meet your SLA.

The challenge of a locally franchised model is that the BSR does not control those teams. One of my new colleagues made the analogy that it

is a bit like having a football team where you do not choose the players and you do not know what game they are playing in. They are split among multiple other roles and priorities, potentially within the local authority they work within or a registered building control authority—a private entity that does building control and that might be handling multiple projects.

The real issue with this is very simple—it is an operational one, in respect of gateway 2. There was a delay built into the process of standing up teams to assess applications. You are not in control of those teams. There is a national shortage of some of the skills required to deliver that work, and that is why you have, at last look, a median of 43 weeks to determination, nationally, and 48 weeks in London. That is simply not acceptable. We are not going to sit here and defend that.

We have been looking forward to the opportunity to come and speak to the committee, because that model will not exist in the future. We are, in effect, working through a backlog of 91 cases comprising approximately—Charlie, do you want to help me out on that?

Charlie Pugsley: Comprising 33,000 housing units.

Andy Roe: That is 33,000 housing units, which we intend to clear by Christmas through the old system. In the meantime, over the summer, we set up a new operational process, which people have called either the fast-track unit or, internally, the innovation unit—that is not my choice of title. That is a centralised resource model, where we have, in the last published figures, 24 cases—it is actually 27 at the last count—which is going up by the day. All the applications in that process—and this is backed by feedback from industry—are either meeting or exceeding the SLA.

That is where all new-build applications are going in now. We have employed the RBIs, who we have brought in through contingent labour contract frameworks, and we are employing the fire engineers. Therefore, we control our own football team, to go back to that analogy, and are clearing those applications. I expect the backlog of 91 to be pretty much cleared by Christmas. I said that in the Select Committee back in September. My colleagues are making good progress. It is hard miles. There are some challenges within that—we will probably come back to culture, relationships and communication at some point in today's meeting—but I am optimistic. As long as we continue to build capacity into the centralised model, I think we will continue to succeed.

On your point around remediation in gateway 2, that is more challenging. There is a larger number of applications in there and we are dealing with a national skills shortage in terms of the right people to look at those applications. At the moment, only new builds are going into the innovation unit. We have started in the past three weeks to batch up bundles of 20 to 40 applications and contract them out, with oversight from a regulatory lead, into the large engineering firm providers—names that you on this committee would probably recognise. They are also

getting tightly managed, because we have control of that, on that 12-week SLA—or eight-week SLA if it is refurbishments—and we expect to see that increased capacity help us to both clear remediation, keep pace with new builds as they come in, and, I hope, restore confidence to the regulatory system.

I guess that is my answer to you, Lord Best—that we know it has not worked, so we are not going to keep on delivering it in that way, and that we are trying a different approach, which seems to be succeeding at the moment. It is early days, we are tracking it very carefully, and we expect to be held to account on progress and clearing applications.

Samantha Dixon: To add to that, in June, MHCLG announced that we intend to move the BSR from the Health and Safety Executive into a new body, which will require a statutory instrument that will be laid next month, hopefully. That will make sure that there is a dedicated focus on building safety and will also strengthen accountability directly to MHCLG Ministers and to Parliament, which is an important milestone on the way to the single construction regulator, which was one of the recommendations from the Grenfell inquiry. So, alongside the very fast-moving reforms that Andy outlined, government is playing its part as well.

Andy Roe: There are some other dimensions to it that are worth playing out as well, because you have asked the right question, Lord Best. It is not just about centralised resources or control or leadership; it is also about availability of skills. I will mention one of the things we have done more recently—again, I give real credit to colleagues in the BSR who have moved at pace to work through the guidance and legislation to enable it. There are about 450 class 3-registered building inspectors working in the UK—there are about 650 in total but 200 of them work in senior leadership and management positions, and rightly so because they are very senior industry figures. That is a very small pool of people to process a lot of complex applications. Under the previous system, only a class 3 would be able to work on those applications. So, inevitably, that will have an impact on capacity, whether we are using them centrally or the big engineering providers are using class 2s.

It is fair to say that there was not sufficient guidance available for industry or residents, in the form of resident management committees, around how to apply successfully within the BSR historically—I do not think that has helped the BSR. Again, I hope the committee recognises that, over the process during the summer, there has been a raft of well-written guidance coproduced with industry, whether for gateway 2, soon for gateway 3 or soon again for the building assessment certificate process. There are still challenges about where we present that because of the digital offer, which needs to improve and change.

My message to you is that we know that significant parts of this operation do not work. We are looking at every single aspect of it, from decision-making to consistency, guidance, our digital offer and the bare-bones basics of how the teams are comprised and who we have got to put on

them, to shift the dial. The one thing we do understand is that this is a building control process; it is not a hard-stop regulator. We are here to enable the safe construction of thousands and thousands of homes for people, which is our aim. So that is at the heart of what the changes mean, but I would expect to be held to account on the numbers. All of this is talk until we prove that we have delivered what we said.

Samantha Dixon: Andy mentioned accountability. Since 16 October, the BSR has published its performance data and will continue to do so monthly so that it will be held to account. It is that willing to shift the dial.

Andy Roe: I do not think we have anything to hide because we are making progress and it is moving. It is useful for us to be held to account and to hold ourselves to account.

Q128 **Lord Gilbert of Panteg:** Minister, you have addressed the first part of my question, which is on the shift of the BSR from the Health and Safety Executive to a new body within your department. Can you tell us a little more about the reasoning for that and when the organisation change will be complete? Do you think this move in itself will lead to a step change in performance?

Samantha Dixon: I would like to acknowledge that the Health and Safety Executive provided strong leadership and technical insight at the beginning of the BSR's existence and during its early operations, and its expertise provides the foundations for future reforms. But the move to the new body, accountable to MHCLG, will give us a dedicated focus on building safety and the accountability to Ministers and Parliament that we lacked previously. It is an important milestone. There is the ambition to set up the single construction regulator, which is really important.

In terms of the process, the statutory instrument that will allow us to make the transfer is expected to be laid before Parliament in November, with the transfer of the functions for the new body to take place early in the new year, subject to parliamentary process. Alongside that, the appointment in shadow of Andy and Charlie has been an important move, and I think you can appreciate already the difference that they are making.

A programme team has been set up to manage the transition of people and services from the Health and Safety Executive to the new body, making sure that there is a smooth transfer and no impact on the BSR's ongoing work. I think we all agree that we need the BSR to be working properly and efficiently, and that this transfer should not interrupt that in any sense. So it is an important step and we, as a Government, are making it as smooth as possible so that they can get on and do the job they need to do.

Lord Gilbert of Panteg: You talked about accountability, but you have not mentioned the body's independence. Is there not a risk that moving it closer to Ministers will dilute its independence? If you considered that

risk, have you put any mitigations in place, or any clarity about process that will avoid that?

Samantha Dixon: The BSR's independence is enshrined in the Building Safety Act and legally set out. Its core powers and responsibilities are in primary legislation. That cannot be overridden by ministerial direction. Operational independence in its decision-making is really important, and it is ensured in law. I cannot change that and have no intention of doing so.

The transition of the BSR from the HSE will enhance capacity, efficiency and effectiveness as well as accountability. It is not an indication of political interference or control; it is purely for the reasons I have set out. It is modelled on other successful bodies that operate independently, which also maintain professional and technical standards through those networks. To reassure you on that point, it will remain independent, but it will work at pace.

Catherine Adams: It will also be subject to the usual framework documentation and accountability governance documents that you would expect from an arm's-length body of government, in line with Cabinet Office guidance and other best practice ways of operating. The organisational structure we are proposing will have a non-executive chair, with Andy Roe in that place initially, which will keep that separation from Ministers to ensure that operational independence continues—yet the accountabilities are clear through framework documentation, letters from the Secretary of State to the chair and the usual governance documentation you would expect for a body like this.

Lord Gilbert of Panteg: Andy, do you see this change leading to a significant step change in performance? Do you think it will help the body to perform more effectively, and do you have any concerns about the independence of the body, given its proximity to Ministers?

Andy Roe: No. First, I go back to the Minister's answer around the Act: it is enshrined in law. Secondly, by moving it out of the HSE, we are bringing a much more singular focus to a complex area of regulation. The HSE did an amazing job in moving at pace to set this system of regulation up; it did an important job on behalf of this country. But it is part of a much bigger, powerful independent regulator in its current form, and what will benefit this regulator is having a very singular focus on the unique and complex business of building control in a high-risk environment. I think it will bring greater focus.

It will have its own board for the first time. At the moment, it sits as a subset: it is the building safety division of the HSE. It sits as an agenda item within the HSE's board. It is not that the board does not give it due attention, but obviously the HSE's regulatory responsibilities are massive, so it is one part of a much bigger whole. I think this will improve our governance, oversight and accountability—like all good public bodies, we would expect transparently to make available the minutes of those board meetings. It is where decisions should flow through. It will improve

accountability, system governance and focus. Therefore, one would assume that it will improve the performance of the BSR, because we are no longer one part of a much bigger whole.

Lord Gilbert of Panteg: On the issue of disruption, which the Minister touched on, any reorganisation in Whitehall or the public sector is always disruptive. It consumes resource and a lot of people's time. Some of the witnesses we spoke to felt that now was not the time for this move and that, given the issues that the BSR has had—particularly all the delays that have been experienced—a further period of bedding down would be a wise thing to have before that disruption.

Samantha Dixon: I would respectfully challenge that, because the change needs to happen. You have heard evidence that illustrates why that change needs to happen. The BSR needs to start working at pace. My officials will work very carefully to make sure that the disruption is absolutely minimised, because the BSR has a very important job to do and a real focus. The understanding of what it needs to do is very clear—I think you will have already heard that. Catherine, do you want to talk to the point about minimising disruption?

Catherine Adams: You are right to identify it as a risk, and we are doing our utmost. We are working closely and have joint governance with the Health and Safety Executive, with Charlie and his team and a team on the MHCLG side to ensure that we are managing that as much as we can. We are working in ways that can mitigate some of those risks. We are moving at pace to move it out, through the statutory instrument that the Minister referred to. We will be working through continued arrangements for things such as corporate services and corporate functions—and those day-to-day hygiene things that are absolutely essential and important for the employees of the organisation—to be provided by HSE, while we take the time to move those into the BSR. Some of those things de-risk this and mitigate some of the risks that you have identified.

Coming back to your original question about why we are doing it right now, while trying to drive through the operational changes, what we identified really clearly—picking up on what Andy has said—was the importance of having dedicated leadership that is focusing on building safety as its sole focus. That has allowed the kind of the laser focus, if you like, on driving forward these operational changes that Andy and Charlie have outlined. So, while there is risk to doing it at pace and a risk to moving an organisation while also doing those operational changes, we needed to tackle the leadership and the accountability while doing the operational changes. That is why we have done the move and made the announcement.

Samantha Dixon: You have to balance it against the risk of not doing it.

Andy Roe: You are right to point out that there is a risk. It would be completely disrespectful to sit in this committee and pretend that there was not, because there is always risk with change at pace. But I would argue that it also brings in energy and opportunity. Both Charlie and I

have been previous facilitators and custodians of very significant change programmes inside an organisation that was, I would argue, under greater scrutiny and pressure, and which required greater change, frankly—it was in a form of special measures.

You are right; it is not easy. It comes with risk. But if you can harness the energy of that moment and drive it forward with opportunity, it gives a momentum to things in a way that is quite difficult to do if you are trying to hold it within the space it has always been in. That is not a criticism of the HSE. As I have said before, it set this regulator up at great pace. This is a young regulator under enormous pressure in the shadow of that tragedy. I do not want to sit here and bad-mouth my colleagues; I have the greatest respect for them, and they have done an enormous job getting us to this point. It is more like passing the baton and having people come in with a real energy and a singular focus to take it forward. Charlie might be able to speak to some of the detail of this in terms of managing risk.

Charlie Pugsley: Part of the transition is that we have a whole programme where we look at risk regularly. One of the things I want to come back to, if I may, is the opportunity piece, because having spent time meeting teams—there are some really great people there—it is also a good time to look at the systems and processes that sit underneath that. For example, we are exploring AI options and things that can leverage better efficiency going forward.

Part of that transition means that you have to look at your service catalogue of all the things that comprise the organisation. This then gives you the opportunity to look at it line by line and ask: how can we make this work, and can we make it work any better? Part of that is our duty to our staff as well, in terms of better enabling them to do the job they want to do, which is to keep people safe and deliver homes.

Q129 Baroness Nichols of Selby: You have probably answered most of my question, but I will give you it again anyway. From my point of view, at the beginning of this process, people were quite critical of the slowness and not understanding. However, by the time we moved further along, they recognised that there had been some change in there.

On the point about change, I work for a local authority and have done for 41 years, and we have just gone through local government reorganisation of eight councils into one, affecting 23,000 staff. It can be done. The wrong thing would have been not to do anything after that. So I will ask the question, with the preface that I think it has changed anyway.

We heard repeated calls for the BSR to give clearer guidance on how gateway applicants should demonstrate that their construction will be safe. Do you accept the need for the BSR to be clearer? You have probably already said yes, in talking about how its multidisciplinary teams assess whether buildings are safe. How do you expect applicants to be able to demonstrate this? Do you feel that the recent guidance published

by the Construction Leadership Council, produced with the BSR and industry, is sufficient in this regard? Should the BSR continue to publish further guidance, case studies or examples of compliance and take a more proactive position on matters of concern?

Andy Roe: It is yes to everything. The recent guidance is of really good quality, and I thank the Construction Leadership Council. Mark Reynolds and Karl Whiteman, in particular, have been very supportive of the process of change. Charlie meets with them weekly, basically, and I have very regular meetings with them. They are really keen to see this regulator work. They know how important it is; they understand the construction industry's responsibility for part of the failures that led to the death of all those people.

The proof is in what has been produced over the summer and the continuous delivery of good-quality guidance. Some of that does need to be matched by the improvement to the digital offer, because so much guidance and understanding is disseminated digitally these days. One of the advantages of standing up an individual arm's-length body or agency that has a singular focus on this is that we can have our own digital identity. We will have one place for people to go to, rather than three currently—think about where you have to search on the internet. It is about basic stuff like this. It is about not just the guidance but the system you come into.

We know that my colleagues inside the BSR have struggled with some aspects of the IT system. It does not give them everything they wanted. We know that it has to be better because that will also help the quality of applications as we will be able to manage documents, highlight risk and interrogate them in a different way if we get that right. That is not happening currently—very often we are working from SharePoint and Excel systems. There is quite a long way to go in terms of change and better management of applications alongside the guidance. The answer is yes, but we are demonstrating that we are open to that.

There are bits of the BSR that work really well. The statutory committees that are laid down in the Act—whether residents, the building advisory committee or the Industry Competence Committee—are full of really good people, either industry experts or people who have their own lived experience. They are also a very important part of co-production of guidance and evolving the regime. I have sat in all those spaces now and watched the value they bring. The trick for us, as a more singularly focused regulator, is finding a way to surface it, communicate it and make best use of it. We are thinking across all those dimensions.

Charlie Pugsley: Part of it is engagement. We came from a position where there was very little engagement, so guidance is essential. Sometimes the things that we are now doing—be it either Andy or myself at a strategic level, or some of our teams meeting with the design teams—mean you can solve many things a lot quicker in that format. This then creates a learning cycle within the industry.

One of the challenges we found was checking CFD computer modelling, and we are now starting to hear from industry that, through those meetings and engagement, they are getting third-party review up front. It is about driving efficiencies through the process. We need to carry on engaging, carry on with the guidance and not be complacent.

Andy Roe: A simple change that has come in is that Charlie and I met with all 145 reg leads in the new build space last week to really understand, from the shop floor, the challenges they face. It is a challenging role working in complex schemes with people who are themselves under incredible pressure to deliver on schemes. It was useful to see that they were thinking much the same as us. There is a real energy within the regulator to change and shift.

The feedback we got from them was that they would like to move—if we can generate the capacity for them to do so—to a more meeting-based approach, rather than correspondence. It is a very simple thing. Thinking about those MDTs—whether they are centralised or in the franchise model, which we are no longer going to use in the new build space—you can imagine that one meeting quite often will do the work of four weeks of correspondence. It is about very simple changes, such as further education for the reg leads and supporting our staff in development.

The answer is yes to everything, but there is an additional level of detail beneath that. We are trying to take the guidance and make sure it is used properly by staff who are well supported, feel well trained and feel like we have got their back.

Q130 **Viscount Chandos:** Andy, you mentioned early on multidisciplinary teams. That feels in principle a great development but, in practice, we have had evidence that those teams have been giving contradictory, different feedback and decisions to applicants with similar projects. Coming in with a fresh eye, how do you see that and what do you see the BSR doing to improve it?

Andy Roe: It is practical steps. With any new regulatory system, there is always going to be a degree of inconsistency. It is not just inconsistency on the side of the regulator but inconsistency of approach by developers, and not necessarily wrongly, because, of course, the building regulations provide an outcome. This is perhaps the difference from some of the other spaces that the HSE regulates. There are a number of different ways to get there. My experience of this, having sat across a number of MDTs for my own education in the summer, is that if you put two good structural engineers in a room, a bit like lawyers, they will both come out with a different answer to get to the same outcome. So there is a challenge in the complexity of this system. Some of the inconsistency you refer to is actually professional difference of opinion, having now witnessed it.

Therefore, we need a better internal route of arbitration. What I would hope is that by the end of the year—although, as ever, with public sector recruitment, there are some challenges—we will have heads of profession

supported by small teams who basically, rather than having to go to a First-tier Tribunal or appeal to the Secretary of State, if there is a matter of perceived inconsistency or on decision-making, we will be able to go to someone who is a step further back, a credible figure. They will need to be people recognised as credible figures by industry and able to take a measured approach to any complaint of inconsistency or difference of professional opinion.

We are already seeing, just by changing the way in which we deliver MDTs, a reduction in some of that, because in my experience, having personally sat on a number of MDTs—Charlie has seen this as well in the time he has been in—when you put people together in a room and we give some really good people in the form of our regulation leads the chance to chair a meeting and arbitrate, you get a better discussion and tend to find that those experts are more often in agreement than disagreement. Where there have been a lot of written requests for information back and forth it feels like there has sometimes been a missed opportunity to communicate more effectively. Obviously, as a regulator, you need a record of decision-making, so you do not end up in regulatory capture, inappropriate relationships, and so on.

So, it is a mixture of things. It is training the regulatory leads, better guidance and a meeting-based approach. It is a practical and proportionate route for arbitration internally. It is that continuous engagement with the industry because, if it understands what we want and we understand what it is bringing, with that continuous conversation, whether through the committees, meetings with the CLC and individual developers, that all helps.

We are also getting to a point where we are now onboarding account managers who are going to look at portfolios of cases, whether by large developer, region or by particular kind. Again, you will start to see inconsistencies because that is an individual who is not taking regulatory decisions but is there to hold a relationship with a developer, region, local authority or particular set of schemes. Therefore, we will pick up on any particular complaint around inconsistent decisions across multiple applications within a single scheme, for example. We recognise it and are thinking practically about what we can do to address it.

Charlie Pugsley: Across the whole range of services that the BSR undertakes—be it looking at the duty to keep the safety of buildings under review or delivering MDTs—we are trying to embed a learning cycle so that we get that regular feedback. This comes back to Andy's point about the benefit of us sitting with our regulatory leads. We know that they have great managers who are passionate about improving their training, but to hear it directly helps us support their managers in driving some of those outcomes. As you know, with any group of colleagues sitting together, if you talk through something, you share that learning as well. So we are keen to do that.

Andy Roe: Can we talk briefly about culture, because Charlie touched on something important? Because of the experience of delay, there has been

an impression created that there is a culture inside the BSR of saying no. I have not experienced that. I hope you would recognise that we have been pretty upfront about where the other challenges are within the system. I have found the opposite; I have often found new employees who are new to regulatory business, but are keen to do the right thing, are driven by a moral mission and are really capable. That is one of the areas of opportunity.

The people who I have met inside the BSR are very hard-working. Their work ethic is unbelievable. They are keen to own and see change and are operating in a complex environment, where they want to do the right thing. So that is not an area I have an issue with: I have not experienced a culture of saying no; it is more about support, education and perhaps the more strategic leadership necessary to unlock that potential. I honestly think that they are really good. It would be wrong of me to come to this committee and not recognise the energy and effort that they are delivering on behalf of the regulator.

Viscount Chandos: We will come to culture later. Can I pick you up on the creation, if I understood correctly, of the account manager/relationship manager role? Does that imply that developers and so on will not have direct access, direct communication, with the multidisciplinary teams? That is one of the complaints.

Andy Roe: Not, at all—it is completely the opposite. It has to operate on two levels. For an individual application, so that proper regulation is delivered and the detail of a scheme can be properly considered, discussed and communicated with developer, that individual regulatory lead to project manager relationship has to be maintained. Individual MDTs have to be able to speak to their respective professional peers on the applicant side. If anything, we want to increase that level of communication.

Regarding the principle of the account manager, say, for example, you are a large developer that has a multi-towered scheme across a split site; you will probably have to make, within the context of the way in which the legislation is written, eight or nine applications. We want to group those applications together rationally, so you have consistency, if possible, of regulatory leads, with MDTs looking at them because there are going to be design similarities. It is just more efficient and safer. Your account manager will be able to speak to those multiple applications, that scheme and maybe the other 15 to 20 schemes you have, and have a portfolio overview.

That is the way in which they can then feed back themes into the detailed regulatory system. What is the developer doing well? What is the developer picking up on in terms of its feedback on our performance as a regulator? Are there any particular challenges in a single developer's design approach? Do they have a particular approach to structural engineering that we perhaps do not agree with and want to talk about at a system level?

So the idea is to have a single point of contact, whether it is a developer or, say, the GLA, the London region or whatever it might be, such as a big local authority. They can come to that person and say, "Look, rather than an individual problem on a scheme necessarily, we have a more existential issue", or "We'd like to suggest this". Perhaps, in the first instance, they have not received the communication they wanted within that MDT; they may want to point out an issue with that individual MDT, which then the account manager will, in a business partner role, take back to the BSR and work through the relevant line management. That is the approach: it is a relationship role where we can both helpfully, I hope, hold applicants to account at a system level, but they can reasonably also hold us to account.

Q131 Lord Teverson: Thank you for your candid comments so far. That is really useful. Among the things that we have heard during our evidence sessions, or one of the dimensions, are critical reports of the industry itself, particularly around gateway 2, in that there is a culture there that does not really fit those requirements by the BSR—whether it is management style or the fact that we have subcontractors of subcontractors. Is that the real problem from that end? Given that that could require a major culture change on that side, we all know that trying to change the culture of an industry that has been there for years is going to take quite a bit of time. So how is that going to work? Whatever you do to change your culture and your own efficiency, is the industry really able to respond? Hopefully, your guidance is a lot more effective than it has been in the past.

Andy Roe: The culture of the industry is still an issue, but it is far more nuanced than has perhaps been presented at times. Like in all industries, there are good actors and bad actors. We are certainly seeing examples of really good actors in this space—people who really want this regulatory system to work because they can see both the moral imperative and the economic value. If you were to speak to any of the big blue-chip developers, they would tell you that they never want to experience the expense of remediation again. To be fair to the industry, we have seen a significant culture shift already.

Sometimes there has been a tendency in lots of different spaces, across the media and politics, to paint the industry and the regulator as hero and villain, or vice versa, which is spectacularly unhelpful because this is a complex system and it is a part of the economy. I am happy to say that to this committee as I said it when we sat with the regulators. The development industry has been characterised as the enemy and as having somehow done something wrong. Just to be clear, as someone who stood there that night and watched that tower, everyone had failed, so everyone has a responsibility to do better, including the regulator.

When we talk about the industry, we are really talking about thousands and thousands of working-class people who started in the same sort of space as I did, who are employed by and build houses for thousands and thousands of other working-class people. That is the construction

industry. There is this image of developers as the villains of the piece. I think that is really unhelpful.

Yes, the culture of construction needs to change, but it already has done significantly. That is one of the great achievements of the HSE in setting up this regulator. I regularly sit with the CEOs and chairs of major developers, who tell me that they recognise the need for it and feel that the culture has shifted. They are the first to admit that the system of subcontracting in the construction industry in this country still holds great danger. I do not know if we will get into this today, but there is a real need to regulate not just the building control profession but the other engineering professions and other critical roles inside construction.

I am not casting any aspersions here, but looking at the age of the people answering the questions and potentially those in the committee, we may all remember the clerk of works. That was a very important figure who worked alongside the architect to ensure that what was designed got built. We need perhaps to get to a place where we understand all the different professional roles in the construction industry and, working with the industry, get back to a place where we regulate and register them. I think the industry itself would welcome that.

Charlie Pugsley: One of our workstreams is about regime development, where we are specifically looking at culture. As a single regulator we can achieve so much, but if we work with a much broader sector, we can achieve much more. This comes back to Andy's point about the Industry Competence Committee and the building advisory committee, which are really important statutory committees that are trying to use partners to amplify that cultural change, as well as in their own workstreams. It will take time. It is challenging, but we cannot not do it.

Samantha Dixon: The Government are working very hard on developing the professions and introducing ideas of regulation around the construction product sector. It is often a very human response to focus on poor behaviour, but we need to reward good behaviour. The BSR rewards good behaviour from developers by getting them through the system very quickly and enabling them to do what they want to do. It supports them around the application process and facilitates and enables them. For those doing the right thing, the reward is that they get to build faster.

Lord Teverson: I suppose I find that a little bit reassuring—otherwise, I would believe that all the commercial high-rise buildings that get built which you do not have anything to do with are inherently dangerous, which is hopefully not the case. Given the big emphasis from you and the Government, as you have shown today, on gateway 2 and getting these buildings through, is there not a risk that you neglect other key bits of the BSR's work? I will mention just three: the golden thread and being able to track how buildings change in future; having a record of a responsible person for each building you are responsible for; and whistleblowers who come back to you and complain about existing buildings. Is any work being done on those points? They are really

important, particularly the golden thread and responsible people, for the future safety, let alone the immediate safety, of newly constructed buildings.

Andy Roe: I understand the focus on the new build environment because of the societal impact, but, to reassure the committee, there is an enormous amount of concurrent activity across all the spaces that the regulator has responsibility for. We have a very heavy focus on the golden thread and the building assessment certificate, which is the practical delivery of that. There are option papers coming through to colleagues in government to look at how we improve that regime. Again, that is an example of an absolutely vital part of the regime. If you were to ask me post Grenfell what I really wanted to hold on to, it would be that—to understand how building ownership can change repeatedly over the lifetime of a building, particularly in London, effectively having an MOT on that building is really important. It is good for constructors, residents and the regulator. Currently, that process requires system improvement. We are thinking about how we can proportionately and practically apply it, how we call them in and what information we require. There is a really significant bit of work going on there.

On whistleblowing enforcement, we are seeing increasing numbers of people confident to bring problems to the regulator. That is a very busy part of the regulator. If it would be useful, we can come back to you with some figures and information to demonstrate that that is an area of continued growth and good practice. We have some really good people in that space who are doing excellent work.

In terms of other parts of the regime, we are thinking about it all the time. Charlie and I have been in a space where you fix one problem only to find that you have another one. We would quite like to get ahead of that. The sort of thing we are thinking about—Charlie might be able to speak to this—is whether, in creating capacity in gateway 2, we are creating a problem in gateway 3, which is about inspecting on the way to build and then occupation. Are we making sure that we future-proof the changes we are making in gateway 2 to ensure that we have the capacity in gateway 3 and it is applied proportionately? We are seeing some early success there and some good work by BSR colleagues in bringing applications through the gateway 3 process.

I am very interested in refurbishment—the category A and category B applications. In my opinion, some of that needs to stay in the regulator because it is high risk. Some of the great failures we saw in the structure of Grenfell were due to very poorly carried out remediation. One of our former colleagues described it as a cheese grater wrapped in petrol, which seems accurate. But it also feels like there are elements of that regime that are not proportionate or making people safer. There is a fairly significant piece of work under way with MHCLG colleagues to look at that part of the regime.

We know that we cannot afford just to look at new build. Frankly, my experience of leading change in the public sector is that you do not get

much thanks for it when you have succeeded—someone is probably going to find the other thing that you were not doing quite right. We are looking to get ahead of that and try to improve.

Charlie Pugsley: I would come back to the legislation; the value it has added is that we at least have an accountable person and principal accountable person. In our previous roles, sadly, we encountered issues with schemes where it was somebody offshore—you could not trace them or find out who was responsible. We recognise the value that the Act has given and our duty is to carry on delivering and improving it.

Lord Teverson: Of all those buildings for which you have responsibility, for what proportion do you have a credible responsible person?

Charlie Pugsley: I would prefer to come back to you in writing with that detail. The legislation says that every building has to have that accountable person. It depends what metric you judge it by—for example, if we have engaged with them, have there been any issues? That is certainly my understanding, but I think it is better if we come back to you with a written submission.

Andy Roe: That is a good question in the sense that, for example, we know that we have got to do better with right-to-manage companies. Both Charlie and I have spent quite a lot of time with End Our Cladding Scandal and LEASE, so we know that the way the regime is applied currently does not really differentiate about right-to-manage companies—entities that are led by residents, who rightly require greater support because they are not building industry professionals. That would be one example of where you have people who want to be responsible and are happy to be responsible for their building, but perhaps need far greater support in ensuring that their building is safe. It would be quite difficult to tell you in some ways how we measure the effectiveness of a principal appointed person. That may well be an area that we have to look at more closely.

Q132 **Baroness Harding of Winscombe:** Andy, earlier on you were referencing creating these account managers looking across the various different approvals that might be looking for a single developer. The BSR suggested, we think, that it would like to have the ability to issue notices on an organisation-by-organisation basis. Would you want to go that far, and what would you see as the pluses and minuses of that sort of a regulatory regime?

Andy Roe: Charlie really should come in on this one because, in his old role, he was responsible for a very similar application of regulation at an organisational level—what we used to call primary authority partnerships, which the HSE actually does in other parts of its business. You are looking, in effect, at system-level assurance and regulation. You could talk about licensing schemes, which you see in other jurisdictions around the world; I think we have an interest in that, because it makes sense to understand an organisation at a system level—who they appoint, their credibility, their competency, their systems of risk management—and

that might give an opportunity to effectively build a commonly understood relationship with the regulator that drives efficiency and allows us to focus resources where there is the greatest risk. We probably would support something in the context of a licensing scheme or that looks at organisations in the context of their whole system, behaviour and delivery, but some of that might well need legislation change, probably in the form of the single construction regulator.

Catherine Adams: The current Act is set up very much as a buildings regulation structure. This is something we are keeping under review. As you in the regulator stand up your account management teams, that will actually help us get some intelligence and some evidence around how this is being managed at a portfolio level—or not—by developers. Also, as the building assessment certificate process rolls out and, as Andy and Charlie have set out, as they work with us on the operational set-up for that, again, it will be really interesting whether or not you see continued issues at an organisational level. At the moment, as I said, the legislation is set up on a building-by-building basis, but we are keeping the legislation under review and there is a statutory requirement in the Building Safety Act to do an independent review of the performance of the regime within five years of the Royal Assent of the Act. The review would need to be set up by April 2027.

Baroness Harding of Winscombe: Minister, what would your view be? Would you support what could sound like an expansion of greater regulation, but alternatively could be a way of getting greater efficiency? What is your view? What is the Government's view?

Samantha Dixon: The ambition is to lead towards a single construction regulator. As we move towards that, we have to keep all things under review and consider what the evidence is showing us and what the work is actually demonstrating to us as it progresses. An open mind, I think, is what we need to keep.

Andy Roe: I do not know whether it is worth Charlie sharing his experiences of what we would have called primary authority partnership, because it does have some efficiency to it.

Charlie Pugsley: Primary authority, as I am sure you will be aware, applies management principles across the portfolio for an organisation. On a tactical level, while the legislation dictates that we have to take a building-by-building approach to sign-off, where possible we are trying to get MDTs to work across. For example, if you have six identical blocks, we could drive those efficiencies at a tactical or operational level. Coming back to colleagues' comments, it is also really important to measure twice and cut once—let us not have any unintended consequences by those changes. That is part of the reason I think colleagues and the Minister are just saying that it is important to be careful and actually make sure that we have an approach of better efficiency and better regulation, but that we do not sacrifice safety because we have not done the due diligence around it.

Andy Roe: There is a bit of reassurance that, certainly within the BSR, there is quite a lot of debate about this and work being done to think about it, and to support government colleagues if and when the Minister and other political colleagues decide how they want to take regulation forward. It is a complex area. Take, for example, a licensing scheme; we have to be careful that it does not disadvantage SMEs. There is an absolutely logical argument for having licensing for the large developers, but you would need to be careful that you then did not disrupt huge bits of the market by giving them competitive advantage against SMEs.

You then have to look at competent person schemes, the suitability and sufficiency of those and the registration of professions. Even if you are not licensed, we will know who you are bringing into a construction environment and whether they are suitable and appropriately trained. You would need to do layers of work to ensure that, as Charlie put it, you do not design something that seems like it might work at the top level, but you have not done the work flowing back down through the levels of understanding about how it would then be practically applied.

Baroness Harding of Winscombe: One other area on which the BSR has indicated that it intends to take a more staged approach is to the gateway 2 approval process. I would be really interested in all your views on how you manage the trade-off between the really strong feedback that we have heard that the black and white gateway to single-point process has just ground everything to a standstill. On the other hand, if you open it up to a staged process, do you not end up straight back at a design and build model that, as you have referenced, looks to have been proven not to work? How do you get to a pragmatic solution that avoids the two extremes?

Andy Roe: I do not think, in anything that has been proposed, we would go back to, in effect, being able to build and change as you went. One of the great failures of the whole system, both regulation and construction, that led to Grenfell was the lack of appropriate change control—the lack of control on subcontractors in the build phase. Gateway 2 does approval by requirements, which is already happening now; we are seeing a very large number of approval requirements coming through—matters of detail that do not substantively stop the scheme moving forward safely; they enable construction to start, but you will not get a building sign-off unless you come back with requirements. We will not let you occupy it, so it is going to be much more expensive if you do not satisfy the need of the regulator there.

I think we are going to move into an environment where we do staged applications. Charlie can speak to that, because the guidance is being written as we speak. We are conscious that we neither want to create a cliff edge nor get to a place where we have to go back to a building because it has been built unsafely.

Even though that might feel like we are going back to the old system, I do not think we will, because you still will not be able to start construction on a particular aspect of a scheme until your design is

cleared. Logically, if we get it right, as long as we have understood the underlying principles of a scheme within the context of the building regs and they are meeting the standard, you can do your groundworks. But what you will not be able to do is put up your structure before you have had the very detailed design agreed. It is a way of working through logically. As long as we keep to the timescales that we have indicated, it allows people to plan projects, bring contractors on site and secure investment in a way that makes sense. I do not know if you want to add any detail about when that is actually coming or when you think it might land.

Charlie Pugsley: Currently, in a multitower site, you can have staged application anyway—so tower by tower. But what we are looking to do, hopefully by the end of November, following the positive work with the Construction Leadership Council, is to get guidance out that will allow you to build, in essence, staged application below ground—as Andy said, your foundations, your piling—and then above ground. That is a really positive step in enabling the construction industry to actually get building in a safe way.

Samantha Dixon: I simply add, as somebody who has been introduced to this relatively recently, that it is an incredibly complex area of activity, and it needs to be visible—and it really is very visible. It needs to be handled sensitively so that the checks and balances between safety and productivity, if you like, are met as sensitively as possible. What you can hear from Andy and Charlie is a real focus on the fine balance that they intend to bring to this organisation—it is probably already there but not quite balanced properly.

The accountability is really important to me. The legislative background and the intention to move this regulator into a direct line of sight, and to raise its visibility, is the way that we try to achieve this balance as sensitively as possible. But we cannot build homes that are not safe, and I do not believe that the regulator will ever allow that or ever get into that arena. But, correspondingly, for developers who come forward and do want to build safe and secure homes—the homes we desperately need—it will enable them. This is a very tricky arena to be working in, and I have confidence—I hope you will too at the end of your deliberations—that their approach is right, with the new leadership.

Baroness Harding of Winscombe: Minister, what warning signs will you look at to see whether that balance is not right on either of the two sides?

Samantha Dixon: Being called to another of your committees, perhaps. No, I think the warning signs will come forward in the public arena. With monthly publications, if there is attention and proper focus on that visibility, any indication that that balance has not been met and that this process is not working will become apparent very quickly. Andy has given an undertaking that there will be resolution to some of the issues before the end of the year, which is ambitious. A lot of focus and visibility are already on that commitment that Andy made. I think it will become

apparent very quickly if it is not working. To date, we have heard reassuring signs. I may be overstating that, but I turn to Andy and ask him if he thinks that that is a fair assessment.

Andy Roe: It is in the evidence and the data. We will not be able to hide it: things are either getting built safely or they are not. I am afraid that becomes apparent quite quickly, in my experience of the built environment over years and years of being in both safe and unsafe buildings.

On a personal level, Charlie and I have sat through two rounds of public inquiry. I have not got anything to hide. If I think something is going wrong, we will tell you, because it will get found out. The great learning I took from this is about all those things that some of us saw on the way up, as we were coming up earlier in our careers and thought, "That doesn't seem like the right decision". Maybe for some of those people at the time, it felt like the easier thing was not to red flag, highlight and escalate. That came crashing home in the most terrible way. That is my experience of people within the regulator as well: they are very conscious that they are making decisions that might one day impact life and death. That sits at the heart of what I have been encouraged by within the regulator: an understanding that the decisions they are making have a profound impact.

You have a commitment, certainly from me and Charlie, that if we do not think it is working, we will tell you, not least because we will get found out. If we do not shift the numbers—if those numbers do not change on the monthly reports and the weekly stand-up meetings we have—we are not succeeding. On the flip side, in terms of safety, there is such an awareness now both in industry and from residents—particularly given the way that social media works—that if we are cavalier enough to let unsafe buildings through this system, we will very quickly get found out.

Charlie and I could speak to multiple examples in our previous lives of where those buildings were found out, and where we have had to decamp buildings—I am talking about new buildings. Think about the 34 so-called transitional buildings that we have within the gateway 2 system, which were very recently built and half of which are unsafe. The evidence is there and it can become apparent very quickly. Post Grenfell, people's awareness of this leads to the fact that we are more likely to be exposed.

Samantha Dixon: If I may, I will bring in Catherine because I think you need some reassurance about how the department works with the regulator.

Catherine Adams: Some of the themes that have come through the committee today speak to this as well. I would pick up on what Andy was saying about some of the cultural changes: this feels like a very different environment than it did previously, just in terms of the responsibility that the Government took in light of the serious failings at government level that were identified in the inquiry report. So the level of resource, oversight and scrutiny that we have now of the performance of the

system and the regulator are poles apart from the world pre 2017 and the Grenfell Tower tragedy.

There are also checks and balances in the system now that did not exist previously. The statutory committees that Andy referred to, the residents' committee, the Industry Competence Committee and the buildings advisory committee that sits within the BSR all give a space for different voices and try to get away from the groupthink in order to provide those correctors in the system to allow and support the challenge coming through. Part of that is the golden thread that has been mentioned here. These new builds immediately go into the building assessment certificate framework. It is not like they are never looked at again under this new regime. That was not the case previously so, again, that gives you another check in the system to identify things.

Crucially, under the Building Safety Act, the building safety regulator has a specific statutory duty under Section 5 to keep under review the safety and standards of all buildings. That is a risk horizon-scanning function and a research function, working closely with partners in the industry, whether it is the professional bodies or other big property owners across government or in the private sector.

So, collectively, different tensions are deliberately built into the system now, and there is a shift in the culture where that whistleblowing function, the golden thread and the accountability of moving the BSR out from the HSE through to Ministers are all there to make sure that we have some correctives and we move away from the risk of groupthink.

Q133 Baroness Valentine: I will continue with the thread of the gateway process and what is proportionate in ensuring safety but getting things built. Is it possible to make the gateway process more proportionate without impacting on safety? If so, how should this be done? I am going to ask a long question and then leave you to answer as you like.

Should smaller, less safety-critical works within higher-risk buildings be dealt with outside of the BSR's building control process and potentially by other building control authorities? Several leaseholders have suggested to us that domestic renovations have been subject to BSR approval, leading to long delays and expensive application costs. Will you legislate to allow smaller category B works to be assessed by other building control authorities, rather than going through the gateway process? If not, should the BSR create a more proportionate application process for those sorts of works?

Andy Roe: Starting at the top, as I said at a Select Committee I was at in September, simply centralising the MDTs by bringing forward the batching process—the bundling of applications—is a way of improving the efficiency of the gateway process without touching building safety at all. What you are doing is simply taking the layout. Simply reducing delay by having a more efficient process where you have central control of resources, with the right capacity, is not about safety at all; that is just

about an operational system that needed improvement. That would be my top-line answer.

Flowing from that, what you are asking is: what should be in the regime itself, and is it proportionate for some of it to be in the regime? There is a pretty consistent consensus within the regulator that, now that we have had a chance to see the regulations working in practical delivery, there is a good opportunity to look at what sits within the category A and category B application process. There is a view, I think, that a significant proportion of those could appropriately go back into local authority building control or through an RBCA, because it is clear that there have been some unintended consequences. Charlie, do you want to give a couple of the examples you have picked up on? I think that the case examples are useful.

Charlie Pugsley: One example is where you have a dangerous building with a waking watch and you have to put a common fire alarm in as a control measure to help alert people in the event of an issue. That needs to go through as cat A work, so you can experience a significant delay. That is just one example.

We have all talked about unintended consequences. The legislation came forward in good faith, but that is part of the reason why we are working closely with the department to provide options in terms of how we can, I hope, rationalise that and bring some sense to it.

Andy Roe: The answer is yes. We do not quite know the quantum of it because, going back to Grenfell and one of the previous questions about red flags and proportionality, we need to be careful that we do not again do something knee-jerk that results in a different unintended consequence. Whether you look at Lakanal, which is another terrible example of loss of life, or at Grenfell, remediation is where many of the sins lay. So it will potentially be more about a proportion of types of refurbishment work coming out of the regime; we are working on a proposal to pass through ministerial and government structures to do exactly that.

For example, on NHS refurbishment, if a hospital wants—quite reasonably—to replace all of its fire doors because they are coming to the ends of their lives, it is working within a pretty tightly constrained budget cycle. Perhaps it has available some underspend that it would like to use to do this piece of work. Because of the way in which the current process works, with a degree of delay, the hospital may not be able to replace all of its fire doors in the end. As you can see, that is not actually making people safer. We do not really want to be part of a system that does that to some of our biggest NHS trusts. I, along with Charlie and other senior leaders, have had a number of meetings with the NHS to understand the impact on its refurbishment and improvement programmes.

What we are saying, I think, is that we are going to work through the detail of it. We need to be clear about which things are still risk-critical—particularly things carried out as scaling refurbishment, which should

therefore stay within the regime—and about which things could reasonably pass into another form of building control because they just do not carry the same risk. Alternatively, we need to be clear about which things need to be carried out at pace because they make people safer, but the current system does not enable that.

The Chair: Charlie mentioned legislation there. Would these changes require legislation? If so, would that be primary legislation, or could you do it better through SIs?

Catherine Adams: That is something we are working through with the building safety regulator. Some things can be done operationally at the choice of the regulator. Some of the changes that Andy and Charlie have already spoken about have not required legislation, either primary or secondary. For example, the use of class 2 building inspectors under the direction of class 3 has been an operational choice; with the right mechanisms in place, the regulator can choose to do that. We are currently looking at whether some of the other things will require legislative change and, if so, whether that will be primary or secondary.

The Chair: Baroness Valentine, do you want to come back in there?

Baroness Valentine: No, thank you; I am happy with that.

The Chair: Okay. In that case, let us go to Baroness Drake, who is also online.

Q134 **Baroness Drake:** Good morning. My questions are on fees; I have two questions but I will start with the first one. Obviously, it is clear that there has been a shortage of resources at the BSR. The Government are providing additional funding to boost capacity. You have talked about the reforms and the pace you are working at, but some developers have indicated that they would be willing to pay an increase in fees if that would guarantee them receiving a better service.

My question is in three little parts. First, should the BSR increase the fees that it charges developers for building control applications? Secondly, should the BSR consequently commit to service improvements in that event? Thirdly, should the need for any resource increase be met with additional public funding?

Andy Roe: Do you want to start on this one, Minister? I will definitely pick up some of the points.

Samantha Dixon: The BSR is working with the sector to improve processes and increase compliance; that is its objective. Although funding supports capacity, delays stem from other reasons as well. Efficiencies will emerge as Andy and Charlie dig deeper into the organisation, as the transfer of the powers moves over and as the structural challenges become more apparent. Obviously, funding for the BSR will happen through the usual business planning process in the ministry, but I think—Andy will no doubt touch on this—that it will identify efficiencies as its work continues. We are looking forward to hearing more about that.

Catherine Adams: As with any public body, the fees and charges of the building safety regulator are set in line with the *Managing Public Money* guidance that is issued by the Treasury. That allows you to recover costs but it does not necessarily allow you to offer premium services without having the legislative means to do so.

As Andy and the Minister have set out, at the moment, the focus is on ensuring the effective and efficient processing of all applications; it is not about creating a class of applications that get special treatment. We have identified the importance of all of the applications that are in front of the building safety regulator. It is not the case that some are more important than others or that some need to be built faster than others—they are all important and need to be delivered, whether they are new build or whether they are the remediation of unsafe cladding. At the moment, the fees are cost recovered so are not subject to taxpayer money. In such a process, as efficiency increases, revenue will also increase, from the perspective of cost recovery.

I do not know whether Andy and Charlie want to add anything on that.

Andy Roe: You have covered a lot of it. Obviously, we are working with colleagues in government to look at what initial investment might be needed as we make change, but on the presumption that you should cost recover that and drive efficiencies forward because this is a cost recovery model.

I have to say, I do not think that many of the issues faced by the regulator lie in the cost recovery model. Sometimes, it is actually about the availability of skilled resource nationally. Think about registered building inspectors and fire engineers. There are general shortages in the construction skills sector across those professions and across other engineering professions. We need the same people as the construction industry. Sometimes, it does not matter how much money you have—there just are not the people.

There are a number of different issues there. It is not just about increasing the number of staff; it is also about who you hire and how you reward them. All of that is baked into our thinking around how to deliver future cost recovery. What we need, perhaps, is investment now to ensure that—colleagues have rightly challenged us on this—we do not allow change and transformation to disrupt daily business. I must say, though, I have had very good support from government, Ministers and colleagues in that regard.

I do not necessarily see cost recovery as the defining issue; I would not say that either finance or cost recovery is a defining issue for the regulator at this point. The defining issues for the regulator are more around efficiency, appropriateness, proportionality, evolving systems and bringing in the right skills. That is a challenge.

Baroness Drake: So, in a nutshell, let the efficiencies flow through and the capacity build before looking at the fee structures.

Andy Roe: I think so.

Baroness Drake: I turn to my second question. Leaseholders have complained that managing agents have passed the cost of regulatory fees on to them and that this has had a significant impact on them. Should the BSR have separate charging regimes for new buildings and buildings that are in occupation, allowing for more of the cost of regulation to be placed on developers rather than on leaseholders?

Andy Roe: I have a view but I think that the Minister should start.

Samantha Dixon: The BSR charges for the time taken to process applications for new build and in-occupation regulatory roles. Chargeable functions include the determination of building control approval applications for higher-risk buildings, assessing applications to dispense with or relax building regulations, and the inspection of building work. Charges also apply to the registration of high-risk buildings and building inspectors, as well as to review of safety case reports. The BSR calculates the charges using a set application charge, with hourly rates for staff and fixed charges for more uniform activities; these are managed by the *Managing Public Money* principles that Catherine talked about earlier.

The Leasehold and Freehold Reform Act 2024 brought in a range of measures that improved home ownership for millions of leaseholders in England and Wales. A consultation on how to implement the new requirements to help leaseholders better scrutinise and challenge unfair fees and charges, and the reasonableness of the services that they paid for, ended very recently, on 26 September.

To keep charges down for leaseholders, accountable people should only bring in external support when it is absolutely necessary. In more complex cases where external support is needed, they should ensure that it offers really good value for money. Catherine, is there anything to add about the consultation at this stage?

Catherine Adams: We will be considering those responses and responding in due course. On your question around whether there should be different charging models, there sort of are different charging models. The reality is that, in occupied buildings, often the developer will be long gone not because they are doing anything inappropriate but because the age of the buildings means that you can no longer identify the builder. Whether it is a 1970s tower block, a 1960s tower block or a building from the 1980s, those companies no longer exist. They may have been dissolved. The ownership structures have changed many times since the buildings were built. So inevitably the costs of the occupation regime go to the responsible person for that building, and that flows through in the normal way through service charges.

There are things that the regulator is doing—I will bring in Andy and Charlie on this front—particularly on the unoccupied buildings, which is where you are building an assessment certificate, and the safety case regime is causing the kind of charges to flow through to leaseholders.

Again, the proposals that they are considering to improve the efficiency and proportionality of that regime should then flow through to reduce charges for leaseholders as well. Andy and Charlie, do you want to add anything?

Andy Roe: It is very difficult to change the charging structure because, at the end of the day, if you look at the model on which it was established, the regulator needs to pay for itself. Therefore, the point you make is really well made; both Charlie and I have serious concerns about our relationship with leaseholders and right-to-manage companies particularly, because that was an element of establishing the regulations that perhaps did not get the focus it deserved.

I have spent quite a lot of time over the summer, and Charlie more recently, with RMCs of people trapped in unremediated buildings. We need to change the way we build a relationship with those entities, because they are different. They are different from industry, they require greater support and they are somewhat prey to an industry of “expert advice” with associated charges. It is very difficult for them to ascertain whether or not that is suitable.

There are lots of things that we can do that we should be doing outside the charging regime to reduce cost and stress to leaseholders—better guidance specifically for them, and a greater template approach for some of the processes for RMCs, so that we can walk them through it. If we have account managers for developers, do we need a different sort of ring-fenced service for RMCs? I do not know.

All I can assure you is that we are thinking very carefully about our relationship with RMCs, particularly in the remediation portfolio. We have talked a lot about new build today, but I have a particular concern that we still have thousands and thousands of residents living in wholly unsafe buildings. We have a responsibility as a regulator both to process those applications efficiently and to get them remediated—I know that we are part of the delays to that at the moment and we have to turn our attention to that pace—and in our relationship with other big agencies, such as Homes England, in ensuring that processes are aligned so that you do not duplicate costs, time or stress in the application of the building assessment certificate, not just within that portfolio but across any HRB.

We are thinking in real detail about how we can improve that, because I recognise that, at the moment, our processes are confusing and anxiety-causing for resident-led entities and residents. It is a mix of guidance and perhaps a different sort of service for them. I do not know the shape of that yet, but that is something that Charlie and colleagues inside the BSR are giving thought to. I doubt you would change the charging structure itself because the regulator has to pay for itself. Therefore, the amount of time you take and the value you bring has to be demonstrative to those leaseholders, and we have to do everything we can to ensure that they are not subject to poor advice or unnecessary consultancy and that our delivery of the regime is proportionate.

I will give you an individual example, because that might help more than talking existentially. Currently, if you need a building assessment certificate on your building, part of that is a judgment on whether the structure is safe—some sort of structural analysis. At the moment, I would suggest that the guidance within the regime is not clear enough as to when you need that level of intrusive structural survey. The type of structural survey you get to form your building safety case can greatly impact the cost of it. If you are doing an intrusive survey, with the cost passed on to leaseholders, that can be very expensive. In some buildings, that might be entirely necessary because of its method of construction, age et cetera, but for others it might not be. So providing clarity to minimise cost appropriately is an important part of the regime.

Charlie is looking at other areas and may want to something.

Charlie Pugsley: It would be best to present more detail as it unfolds, because there are so many bits that are interlinked. If we look at remediation versus a building assessment certificate, what are the overlaps there? Or, as Andy said, how much detail do we need on a structural survey when we know that we have an issue with punching shears, where the concrete structure can sometimes break away? That is something we are getting visibility on now. It is about making sure that we are looking across all the different elements and making the right recommendations, so that we do the very best for residents. We know we have to try to do this as quickly as possible.

Andy Roe: I assume that, at some point, we will talk about remediation as well. I am very conscious that we have residents and leaseholders—good people who have been living in wholly unsatisfactory circumstances for a very long time since the tragedy itself—who will no doubt be watching this and will have heard a lot of conversation around new build. For their sake, we would really like to be able to answer some of the points around remediation, because that is a remaining challenge and we need to do better in that space. We need to think about how we resource and increase capacity. I need to be upfront about that because they very often feel that, with the focus on new build—as right as that is because of the societal impact and the need to build new houses—they are being forgotten. I want to reassure them that they are not. But there is a challenge in bringing skilled capacity into that space, which we would be happy to talk about.

Samantha Dixon: Certainly, from a government perspective, the needs of the people who are affected in this way are really at the forefront of my mind and the officials' minds as well. The loud voices in the new-build sector should not be heard at the expense of others who in some circumstances are in a truly desperate situation.

Baroness Drake: Taking what you have said, obviously the regulator has this focus on how you can adapt regulation and approach it so that it is more fit for purpose for resident-led entities. The Government do not want to change the fee structure, but when you report on and give a response to the consultation that concluded in September, will you be

addressing this point? Obviously you cannot comment on what you are going to reply but is it in the list of things that you have to report on? Is it coming through in that consultation?

Samantha Dixon: I have not seen the results of the consultation and officers have not brought that to me at this stage, but we would certainly be very pleased, following the consultation, to keep the committee apprised of what our intentions are, what the results of it are and how we are going to address the issues that have surfaced from it. We will do that in as timely a way as we can.

Q135 **Lord Udney-Lister:** Before I ask my question, I should declare an interest, which is in my register of interests, that I am a director of a property company and a chairman of a registered provider, and I do advisory work in the housing sector. So I am very much involved with it.

My question is about something that you have already touched upon—the staffing issue. There are two parts to it. Where are you going to find the staff without delaying the availability of staff for other purposes, whether they be local government or construction companies? There is a very limited number of people there. Are you looking at the possibility of part-time staff within your MDTs rather than always going for full-time staff? That may be a way of getting around it.

My second point is, if you are going to drive all this extra capacity into the BSR, it may well increase the speed at which high-rise building is going up but could equally slow down building control approvals for low-rise buildings, which constitute the majority of housing being built. So it is a multipart question.

Andy Roe: To work our way through that, the answer is that we are coming at this from a number of different angles. Obviously, we have talked about a centralised model, but we are not actually talking about huge numbers of people there. The numbers of applications, although they comprise complex schemes with thousands of units, has a backlog, for example, of 91 applications currently. We are talking about a central pool of potentially just short of 30 registered building inspectors and associated experts. That is going to be the final limit of the centralised model of experts. We are well on the way to that.

Inevitably, where you are pulling someone in, it might mean they stop doing what they were doing elsewhere, but we have all recognised that the delays that currently within the regulator are significant enough, with high-rise buildings being perhaps 20% of the Government's housing targets. Certainly for the moment, while there is that capacity need, it is worth bringing them into the centre in that way.

We have had some success with that recruitment, but it is difficult. Charlie has the numbers and can follow up on this. It is one of the reasons we have turned to a contracted model, because we have recognised exactly what you have just highlighted: thinking about it in isolation would be a mistake. We have worked with both the CLC and all

the CEOs of the large engineering providers. We have met with local authorities, including the Greater Manchester Combined Authority, Yorkshire and London to understand what the provision is like in the public sector space before we start trying to design anything new that might suck on their capacity or ability to deliver on other projects.

The prime example of that is the batching model, because the message we got back from the big engineering firms is that we have probably reached the limit of the number of people we can reasonably employ in a centralised unit, both in being able to attract them and because, in doing so, you compromise other significant infrastructure projects or large housing schemes. Their ask of us was that we, with the appropriate regulatory oversight, provide large numbers of cases to them to manage across multiple different areas of responsibility. They might have an RBI that is working on both a large high-rise scheme and a defence infrastructure project to meet the demand that you have articulated there, Lord Udney-Lister.

Additionally, we are looking to increase capacity in any part of the professions that we can. We are looking at who is actually doing the work. For example, the recent work to allow certain categories of class 2 to work on applications is an example of trying to increase capacity and grow skills in the sector. We are looking to expand that further, reasonably, across the other categories, both classes 1 and 2, to allow them to be employed and build their skills appropriately.

There is a bigger conversation that lies beyond the boundaries of the regulator about how we encourage people to join these professions and incentivise it—the construction skills piece—which we should not ignore, because otherwise we would be asking the regulator to fix a problem that is not necessarily ours. Certainly, Charlie and I were complaining for years in our old jobs about the lack of investment in wider engineering professions, the shortage of specialist skills and what that was going to do. In the end, it created a logjam.

The answer is that we are trying to employ people in a way that does not disrupt other areas of application. There is a problem with part-time working, though; you will not thank me if we start to employ a lot of part-time RBIs. That is basically the old MDT model. We find that, where you do not have direct control and quick access to a pretty much dedicated RBI—a number in the innovation unit are part time—that is not our preference because we have good empirical evidence that shows that, where you employ a part-time RBI or fire engineer, you inevitably get significant delays within the gateway process.

The answer is a mix of contracting out and centralising to a reasonable limit, and not trying to recruit from places that cannot give us them. We have had a lot of conversations with local authorities; they simply do not have the capacity to give us people within the model, so we are not going there and will look at a different way of working with them.

Charlie Pugsley: Currently, we have the equivalent of nine full-time RBIs within our innovation unit. As Andy said, our ambition is to get to 27. We have two being onboarded over the next couple of weeks or the equivalent of that. I will reinforce Andy's point that, while we are open to different ways of working and time commitment, we cannot go back—I will use Andy's earlier analogy of the football team—to where we do not know who our players are playing for on any given day, because otherwise we would be setting ourselves up not to deliver what we need to.

Samantha Dixon: I can come on to the wider industry objectives if you would like me to. We are alert to the challenges within the professional sector across building safety, not just for the BSR but across the wider country. There will be a forthcoming construction skills action plan that takes a strategic and long-term approach to workforce development. In the June 2025 spending review, the Government committed an additional £12 billion to the skills system by 2028-29, supporting 65,000 additional learners annually in key areas such as housebuilding, remediation and building safety. We have also invested £16.5 million specifically to recruit and train registered building inspectors. We are working with the Building Control Independent Panel to identify system-wide improvements.

Alongside this, there are targeted programmes, like the Construction Industry Training Board's rainscreen facade installer training, which is expected to train around 100 skilled cladding workers and 25 site supervisors per cohort. On a personal note, I have children who are 20-somethings. One is in engineering. To every young person I am speaking to, I am saying that this is a great sector crying out for people with expertise. Look at it for a long-term career plan; it is an attractive proposition for the young people in our country and something that is desperately needed.

Catherine Adams: I apologise, Minister; you left out a crucial decimal point. Just for the record, the spending review committed £1.2 billion of funding for that skills space.

Samantha Dixon: I beg your pardon. Thank you, Catherine; that is why you are here.

Q136 **Viscount Thurso:** I think, Minister, you have just deftly answered the question I was about to ask you. Let me go to the beginning. Was that answer an acceptance that the Government are concerned that there needs to be a fairly drastic increase in skills available, based on the answers that Andy Roe gave at the beginning, when he said that we are dealing with a national shortage of skills, that this is recognised by the Government and that the construction skills action plan is deemed to be the answer?

Samantha Dixon: It has been long recognised that we need to recruit to the skills in the construction sector. I was a council leader in the middle of the last decade, and it was recognised then that that we were heading in this direction. The Government are now taking action and putting

investment into this sector, because it is it is urgently needed and, dare I say, long overdue.

Viscount Thurso: What is behind my question is, as you have just said, that that has been long recognised and nothing much has really happened. I am gently asking if the Government accept that they have to get a grip of it and that, if they do not, it will not be gripped.

Samantha Dixon: The Government definitely have their part to play. There needs to be a wider analysis, which we are doing in the department, of the skills provision and how we build these professions. We will bring forward proposals around the professions in the coming months.

Andy Roe: To be fair to the Minister, it is our responsibility as well, as the regulator, to feed into this, and we are. So we have an Industry Competence Committee that operates really well. We need to do better at communicating the work that it is bringing forward. It is thinking now about how we encourage people into the professions and build credible competent person schemes. We have been approached repeatedly, over the short time we have been in the regulator, by the leads of the big professional associations across mechanical engineering, structural engineering, fire engineering and the building control profession. They are very willing to engage and see whether, within our own responsibilities as a regulator—recognising that the registration of other professions might come—we can work together to make those professions more attractive and bring some boundary and structure to them.

Viscount Thurso: Just to test you a bit on that, I am sure you are not claiming that the introduction of a building standards regulator will cure, single handedly, a 30 year-old problem of a lack of staff.

Andy Roe: Absolutely not.

Viscount Thurso: You will be part of it, but ultimately—this is what my question is about—Governments are in the frame, whoever is in government. Clearly, in the past, it has not worked, and the question therefore for the Minister is: are you going to make it work this time? I think the answer is: "Yes, because we're going to do it through the construction skills action plan".

Samantha Dixon: Yes. I am drawn in particular to this gap that has been identified and is so visible to everyone concerned in the sector. It needs to be addressed urgently. I am a people person, and I really want to try to help the sector in addressing the issues that are falling out of this wider problem. It has been coming for a long time, and what we are seeing now are the results of that problem. The Government are determined to invest, and they are investing—notwithstanding my misplacement of decimal points—substantially in this sector. They need to because that is the way that we get to secure homes.

Viscount Thurso: As a follow-up, very often one of the problems in the public sector, where you have a shortage of a particular skill, is that skill is at a premium and therefore the private sector simply pays more to get what it wants. Whoever is prepared to pay most gets the skills. In the public sector, we are constrained by the fact that there is a set of pay scales. If the regulator had the problem of being unable to get the right skills in because it was unable to compete in the market, would the Government be prepared, as they are in some areas, to relax the rules to enable it to compete?

Samantha Dixon: Although that may seem like an attractive option, it runs the risk of destabilising the wider sector. I do not think it is an approach that would be particularly helpful, given the constraints that the sector is working with at the current time. Andy will have a closer view of this. We have talked a lot today about unintended consequences and, were we to do that, we could destabilise something that is quite sensitive already.

Andy Roe: It is not always about paying the commercial rate. Again, we have practical experience of this. Charlie led a bit of work because we were very short of fire engineers. We hold more fire engineers in the old organisation than probably anywhere else in the country. We had to pay a market-rate supplement, but it was far less than you would get as a commercial rate. We found that we had to market a lot better. We had to do practical things: we had to explain that you often got better holidays, your work had a real moral purpose, you would grow your experience, and this would be a really useful thing on your CV. So there are quite a lot of things you can do before you get to paying commercial rates reasonably and appropriately within a public sector environment.

Those are some of the things we are turning our mind to now, because you can see that this is a challenge for anyone employing certain types of technical specialists within either the regulatory or the construction fields. Charlie is leading on some stuff now around that and around how we can enhance the offer appropriately without compromising the Minister's point, which is well made. There are practical steps that can work to do that, but that is a continuous effort. I would just suggest that, if you are leading in this space in the public sector, there is a continuous effort to recruit and retain staff and you have to make it as attractive as possible.

Charlie Pugsley: If we get into a pure bidding war, we will always lose because there will always be somebody particularly commercially driven who needs that for the success of the project and who can then just go one up repeatedly. So you just create, to some degree, artificial inflation. We have to look at our whole offer for our staff, trying to make it as good as possible. But certainly our experience is one thing we benefit from, as long as we are clearly trying to look after our staff. A big pull for many of the people we have worked with historically is that they feel they are making a difference to public safety. Looking at people in the fire sector, Andy said that the London Fire Brigade had roughly two-thirds of the entire national fire service engineer cadre. In the building safety

regulator, we have really good people, and a big driver for them is doing the right thing, so it is a blended thing.

Viscount Thurso: It falls on you, as the chief executive of the organisation, to staff it properly. I completely get—I have been in the chair of a public body and employed people—that the whole package is not just about money, but are you confident, as the chief executive, that you have the whole package available and that you will be able to get the resources you need?

Charlie Pugsley: I would be wrong to say that I am confident now because, 14 days in, there is quite a lot still to learn. Hopefully what you get from Andy and me is a genuine commitment to get the right outcomes and to believe in our people. This will take work. If you are complacent, we will get undone.

Andy Roe: There are some other tricks that you might be able to pull in this space, but this again has to be done proportionately and appropriately. If you start thinking about the control professions as they might come through a single regulator—we are seeing this now with the building control profession—there is an argument that, to ensure that you maintain your status and competency, you should do some element of work in the public realm, potentially within the regulator, because it broadens your skill and you tend to work on the more complex and impactful schemes, potentially.

We need to be careful because, again—Lord Udny-Lister’s question was a good one—we cannot afford to do that in a disproportionate way that disincentivises and puts people off joining the profession. But we are giving some active thought to how you build into the system a mandate, if it is a registered profession, to contribute—to maintain your competency—to some work on behalf of the regulator. How that would be done, though, would need to be designed very carefully with industry so that we did not have, as ever, an unintended consequence.

On Viscount Thurso’s question, the two of us have been in this space for a very long time. We were moaning about the lack of professional skills five, six or seven years ago. The conversation at that point was not particularly developed: you did not sit in rooms with developers and have that conversation. We asked for meetings repeatedly with the Department for Education, but we never got one.

The landscape has changed entirely. I think this is the first time that I have seen a conversation happening at a national level with industry. I am very conscious that the CLC deserves real credit for leading on some of the construction skills thinking and problem solving. It is a very live issue inside government, and it is definitely a live issue inside the regulator because we know that our ability to operate is dependent on it as well. Everyone is talking to each other. That in itself is a sign that we have recognised this nationally.

On whether that follows through into success, I am not naive enough to believe that it always does. I hope it does, because it is certainly the most developed I have ever seen the conversation, with money to back it and a real desire by industry to push it forward. The one thing this regulator has done, certainly in terms of high rise—think about how people might look to a single construction regulator—is that people know that we will look at their subcontractors and their quality of design. We know that we will look at the competency of the individuals within their process. So the regulator has a part to play in this, both in being proportionate but also in influencing the regularisation and safe development of those skills.

- Q137 Baroness Nichols of Selby:** On a very similar theme but moving away from Civil Service pay scales and concentrating more on the building control element, we are picking up throughout this process that there are staffing issues in most local authorities and a national shortage of planning officers, et cetera. This question is probably more for the Minister, but I would be quite content if others want to join in. Obviously, pay scales in local authorities are very much in line with equal pay. To move some of these building control officers, who are predominantly male, might impact pay scales. A lot of them are moving away because they see that they will end up with additional responsibilities, which may not take them where they need to be. In the private sector, they get cars and all the rest of it; that does not work for a local authority. Are the Government thinking of making any changes around that? That would have to be negotiated.

You are right that people go into the public sector not for pay but because they want to support their communities. But it is becoming a problem. My own council has lost a number of building control inspectors. Before the merger, they were in a building control partnership. It has now been brought back in-house. There are issues with these arrangements for local authorities to work with you on. What are the Government's plans around that?

Samantha Dixon: It is very challenging for local authorities, and we acknowledge that. While reviewing pay structures may sound quite straightforward, I talked earlier about how it could destabilise partnership organisations as well. We would have to be very careful. That is why we are working with local authorities, the BSR and the registered building control approvers to develop a long-term workforce strategy. That is the nub of the issue. We are very alive to the wider debate around building control. Catherine may want to add to that, but I do not think embarking on a review of the pay structures would be particularly helpful right now.

Catherine Adams: I would just pick up on the building control panel that Dame Judith Hackitt, who I think has come before the inquiry, is chairing on behalf of the Government. One of the recommendations from the Grenfell Inquiry report is to look at the structure of building control; it is an unusual structure that is different from other structures in terms of the roles of local authorities and the private sector. Part of the remit of that group will inevitably be to look at the interaction of career paths and

career progression between the two sectors and potentially go into what Andy has been saying about how you grow the capacity and competence of the sector over time and encourage investment and progression at both an individual and institutional level.

Andy Roe: There is a practical point that relates to the questions from Viscount Thurso and Lord Udny-Lister. We need to be very careful as a regulator about where we go for our resources. Frankly, I started this summer with a question around why we were not seeing the level of support we would want in terms of incoming RBIs and people perhaps seconded from big regional authorities. Having now spent quite a lot of time with those authorities over the summer, it is clear that they are in a very difficult position with their staffing. There is a tacit understanding in the regulator that, where we would have looked to second people from a local authority, at this point in time there is very little opportunity for that because they need to focus, going back to Lord Udny-Lister's point, on the very important work they will be doing in their local environment across schemes other than high rise. Hence we have gone to a more commercial arrangement at the moment with respect to batching, because we recognise that that puts the pressure somewhere else.

I cannot speak to pay because it is not my position to do so. I just refer back to Charlie's point that you can go only so far and you cannot compete with the big engineering firms in any way, shape or form. If you are employing only a single engineer for a particularly important scheme and the economic value of that scheme is running into the tens of millions, you are going to pay well beyond what a local authority can afford, regardless of any change to pay scales, if necessary. It is more about not getting in an arms race and looking at the longer workforce strategy—the deeper skills and education piece, the pathways and the incentives to come in and out of private and public practice that you see in some other professions.

Q138 Baroness Harding of Winscombe: Thank you to all four of you. You have been incredibly candid and forthright about where you see change—until the last 10 minutes, where I have felt that you all know that there is a supply and demand problem with people with these skills, yet you are finding ways of saying that we do not need to increase the price. I was listening to this trying to imagine that I was in my 20s thinking about a career choice. This does not seem to me like a career choice where, in the next 10 years, I will earn more money than I would have done in the last 10 years. Minister, I wondered whether in your long-term workforce strategy the Government will address pay in local government and the regulator. Otherwise, I just cannot see how this structural problem of not enough people coming into this profession will get solved.

Andy Roe: I can understand why you have experienced it in that way, but that is genuinely not why I or Charlie, I am guessing, answered the question like that. It is because we have practical lived experience of this. We found ourselves in a position where we did this for the engineering professions we employed. We paid a market rate supplement, we abated their pensions and we looked at all sorts of incentives. We got into an

arms race with industry, and it won—it would simply pay double the salary.

My experience of this is that we had to find other ways to retain staff. We had to recognise that there was almost a constant cycle of people in and out. We became more of a training space and then lost people. We had to accept that, very often, we were where people started their careers. We were honest about that and incentivised it by saying really openly: “You probably will not spend your whole career here, but it is where you are going to get the best training and work across the most complex schemes in the widest possible way, with the most societal impact. We will do our best to match commercial rates, but we are never going to get there. At some point you might choose to leave, but we would expect a return on our investment of so long”. So I understand why you are saying that, but I genuinely do not believe it is right. There is a reasonable case for looking at a basic level, because local authority colleagues whom I have spoken to over the summer are losing people, as we inevitably will, to the private sector. I just think that the answer probably does not lie in something as simple as a pay change.

Baroness Harding of Winscombe: That is really helpful.

Samantha Dixon: There is a wider conversation, which is much broader than this committee’s considerations, about public sector pay in its totality. The Government are committed to addressing it.

The Chair: I am very conscious of time, so I think we will leave pay there for a minute.

Q139 **Baroness Nichols of Selby:** How is the BSR progressing in improving the safety of all buildings, including low-rise and mid-rise buildings? Has this cohort of buildings been given enough priority? Is the BSR identifying buildings below 18 metres? We have had evidence that there is lots more risk for lower rise, but because of the incidents we are quite rightly concentrating on others. Is that getting enough attention, or should it focus on improving performance for buildings above 18 metres? In particular, what impact has the BSR’s regulation of building control and authorities and building inspectors had on their competence and standards? How have they responded to the introduction of the regulation by the BSR? This is a long question. What further improvements are you hoping to see over time? You have probably answered an awful lot of that, but this is an opportunity just to finish off. Should the BSR be more proactive in feeding back the findings of its work—I realise there is the monthly newsletter, et cetera—on high-rise buildings and those that regulate them? Should it publish an annual report—you have told us that you will give us a monthly report—most significantly on the safety risk facing these buildings and the findings of its inspections of the building control profession? It is a long question.

Samantha Dixon: I will kick off on the definition of high-risk building, which was essentially your first point. The Grenfell inquiry recommended that the definition should be reviewed so that the risks to vulnerable

people are continually assessed. The plans for that ongoing review will be published, alongside the initial review that we did, by the end of 2025.

The BSR works with MHCLG on these reviews, which consider the infancy of the regime and the limited existing evidence base that we have to build it on at the moment. Any expansion of it needs to be based on the evidence and the BSR's beginning. It is 18 months old, so we need to work through how this definition may change as their work progresses. To give you reassurance, it is constantly reviewed. Obviously, the implications of the review need to be considered alongside what the evidence is showing us.

Catherine Adams: I would point to another element. Most of what we have discussed today about the higher-risk regime, which is defined as 18 metres, also includes hospitals and care homes within it. It already has an element of the most vulnerable of our residents and residential buildings in it. To refer to something I said earlier, in addition to its roles and responsibilities with respect to the higher-risk regime, the building safety regulator also has a catch-all duty to keep the safety and standards of all buildings under review. This duty is not defined by height, or by commercial versus residential. The regulator has a role in advising the Government on the standards for new buildings—the building regulations and approved documents—and in horizon scanning and understanding what the risks are already in the built environment, and clarifying the role of responsible owners for those. It also identifies upcoming new risks as they emerge, as new products and new construction technologies get rolled out, and as we learn more about them.

Q140 **The Chair:** Can I ask about new products and methods? There seems to be a lot of resistance to some obvious potential features that could improve our ability to meet the targets we have got for housing. I am thinking of different kinds of construction models such as prefabricated and modular. Where do you sit with that?

Andy Roe: We are completely agnostic. There are so many different innovative ways to build a building safely. I will go back to the people; it is all in the quality of the people that you get to build it. I have seen fantastic examples of modern building, such as modular construction prefabs, and I have seen lethal examples of it in my professional career, where the people who put it together—even prefabs, which are often very well built in a factory environment—do so very badly when they are out on site. This comes back to subcontracting and deeper system issues.

To go to Baroness Nichols's point, this is a really important part of the regulator that we have not talked about at length, because there is so much focus on some of the operational challenges and where we need to improve. The regulator has a very good intelligence-scanning function; I do not think we communicate it effectively enough. I have seen papers recently on everything as varied as panel systems, consideration of RAAC, modular construction and render systems, which carry some risk.

The work is being done, but that is not the same as the capacity of the regulator to then go and look at it.

This is something that Charlie and I have a very long history of having to grapple with. In our old regulatory jobs, we had, for example, oversight of 20,000 listed buildings, over 500 major-scale health facilities, 700 transport hubs and 3.8 million dwellings. You simply will never build the capacity into a system in the complexity of the whole built environment, with all the risk that pertains to it, such as subsurface and storage of energy—all these things which are all part of the built environment.

As the regime develops, we are thinking about where we put our focus. Where does our Section 5 duty take us? Where does that duty make us look next? How do we proportionately ascertain the level of risk there? We will not be doing our job for residents, as a regulator, if we do not think about the next Grenfell to come. We have seen modular construction of schools very recently. We were beginning to see serious emerging issues with domestic energy storage. These are all things we want, but they need to be installed correctly by competent people, or they will bring a new quantum of risk.

In terms of medium rise, we all recognise that we need to make this current evolution of the regime work first. If we were seeking to apply similar methodology to an unbelievable number of buildings in the medium-rise environment, we would simply fail, and it would be very unlikely we would generate the structures or capacity to deal with it.

At the moment we are doing the right thing, because, particularly while we have still got so many unremediated buildings in the high-rise environment, and we know there is unfinished business in the context of the recommendations that flow from the second phase of the inquiry, it is right to focus on this type of building at the moment.

Although more people die in different sorts of buildings, I am afraid, the reality is that when something goes wrong in one of these buildings—and I have been to hundreds and hundreds of these fires or critical incidents with structural collapses—it is very high impact because of the volume. It is low frequency, but very high impact. The quantum of risk in this space is very different from what we knew before Grenfell. I do not think that it is wrong to look at it now, but it is the right challenge to make because there is plenty else in the built environment that can harm people. It is about how we proportionally address it. Charlie is someone who has thought about this continuously—I do not know whether he has anything to add in the detail.

Charlie Pugsley: In the interests of time, I will not dwell on it, but I have been assured by meeting some of the teams that there is both the intelligence scanning linking it to standards and the work feeding into the department. It is certainly going to be a key area of focus for me going forward under the appropriate scrutiny.

Andy Roe: It does take you back to some of the other questions and points, for example, raised by Baroness Harding. Do we need to start thinking about licensing? Do we need to look at every single application? What is proportionate if we are casting a wider gaze across risk? This is not about the current regulator—it would be wrong to create headlines about something that is not happening. But it would also be wrong if we were not thinking about it, because at some point we probably do want to look at other types of building; one would hope this is the case in an evolving regime. We are just not at that point yet. I think we have got to get this one to work first.

Samantha Dixon: On construction products, we had a Green Paper this year and we will be bringing forward a White Paper in the spring.

Q141 **The Chair:** I was going to follow up by asking about products, because you mentioned this issue earlier, as well as about the idea of moving to a single construction regulator. Can you say a bit more about the timescale you might be working to on this?

Samantha Dixon: We hope to bring the White Paper before the spring of next year. Catherine, can you remind me of the timescale for the work on moving towards the single construction regulator?

Catherine Adams: We have committed to publishing what we are calling a regulatory prospectus, which is a more detailed proposal on what we see as the future of the single construction regulator, including how it fits with the existing regulatory environment and the pathway towards it. We have committed to publishing that in the autumn of this year, so it is coming in the coming months. That will set out our proposals around how this will sit with the changes to the building safety regulator that we have brought forward, including moving it out of the HSE and into its own stand-alone arm's-length body that is accountable to MHCLG. We signalled at the time of that decision that it was a first step.

The recommendations from the inquiry, in terms of the single construction regulator, included some quite specific functions that the inquiry recommended should be included within the single construction regulator. We will respond with a bit more detail on how we will take those recommendations forward.

Samantha Dixon: We need to think carefully about those particular issues.

The Chair: As well as about how they all fit together—I can see that. Andy, you mentioned earlier the challenge that you face with remediation. You said that you might want to say a bit more. Before we finish, I want to give you the opportunity to do so, because you did say that we need to do better in that particular respect. What are your current thoughts?

Andy Roe: We have some amazing colleagues managing the gateway 2 process in that space, but they do not have the capacity that they need

to deal with the volume of applications in there. So we see significant delays in that part of the gateway 2 process.

Going back to many of the other questions, recognising the impact on other organisations and capacity, I do not think that we can simply replicate another centralised model or unit to deal with that issue. What we started to do is pass remediation cases into the batching model in greater numbers. It is too early for us—we are only three weeks into that new process—to see whether that will massively increase the processing through, but I am super conscious that lots of people living in these blocks have an active interest in what I, Charlie and other leaders in the BSR say. I want them to hear this and know that, although there is a focus on improving the application process in relation to new builds, concurrent work is happening to improve the application process in the remediation space. It may not be exactly the same model but we are acutely aware that, as we deal with the backlog in the new-build environment, we should rightfully be expected to apply the same energy and focus in the remediation space. We have started on that, but I know that we have to accelerate and think imaginatively about how we can do better there.

We have had some very positive discussions with Homes England. At the moment, there is a situation where we have two organisations with similar datasets. Homes England in particular has brought forward a lot of improvements in how it manages relationships and portfolios around remediation funding. We need to sit in greater alignment and integration with it. We need to wrap our arm around RMCs and leaseholders; I am just not sure yet how we will do that. There is some early thinking on that, with work to follow, but, at the most basic level, we know that we have to bring more capacity to bear in the remediation space. It has started with batching. As we bring in more resources, we will see where we can divert them and use them in that space.

We expect to be held accountable for those numbers and to report back on them, but that area is an area of challenge where we know we have to do better.

Samantha Dixon: From a government perspective, no one should be living in an unremediated building eight years after the Grenfell inquiry. Where the BSR identifies those barriers, we will work really hard with it to try to get rid of the barriers and to fix buildings quicker.

The Chair: There are a lot of people who are not only worried about safety but trapped, in that they are unable to sell properties. That is a very big concern.

Samantha Dixon: We are taking a number of other measures as a Government to try to support people in that particular situation.

Andy Roe: Can I come back on the new-build space? I have said this openly to really good people from End Our Cladding Scandal and from some of the other campaign groups who are trapped in those buildings.

Obviously, as people who have spent their entire lives in the safety profession, we want those buildings to be dealt with; you just fear that something might happen in the intervening period. However, not having a house is equally dangerous. So, as important as it is for the economy and for the existential thinking around society, we come at this from a safety basis.

When I was a commissioner in London, one of the fires I dealt with basically involved a family of people—children among them—who were killed because they were living in a single room and cooking on a Primus stove. Not having a house is not safe either; neither is having 18 people living in three rooms in a shed in someone's back garden in west London. People die there as well. Sometimes, we are asked to make a choice between new build and remediation, but it is a false paradigm because both things are equally dangerous.

We are in a difficult position where we are trying to move our resources in order to balance the safety needs of society in the widest context. That is not straightforward but, every time I come in front of one of these committees, I feel that, quite rightly, the people living in those blocks deserve some better answers. We need to give them those answers. We have started that process but I expect to have to come back again, either here or elsewhere, to articulate what we are doing in that space.

The Chair: We also have to try to build more houses. You have been very generous with your time and set out very openly some of the challenges that you face, both in government and in the context of the building safety regulator. Listening to you all has been very helpful to us, so thank you.