

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

BUILDING SAFETY BILL

Fifth Sitting

Thursday 16 September 2021

(Morning)

CONTENTS

CLAUSE 2 agreed to.

SCHEDULE 1 agreed to.

CLAUSE 3 under consideration when the Committee adjourned till this day
at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 20 September 2021

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The Committee consisted of the following Members:

Chairs: PHILIP DAVIES, †PETER DOWD, CLIVE EFFORD, MRS MARIA MILLER

- | | |
|---|---|
| † Amesbury, Mike (<i>Weaver Vale</i>) (Lab) | † Mann, Scott (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Bailey, Shaun (<i>West Bromwich West</i>) (Con) | Osborne, Kate (<i>Jarrow</i>) (Lab) |
| † Baillie, Siobhan (<i>Stroud</i>) (Con) | † Pincher, Christopher (<i>Minister for Housing</i>) |
| † Byrne, Ian (<i>Liverpool, West Derby</i>) (Lab) | † Rimmer, Ms Marie (<i>St Helens South and Whiston</i>) (Lab) |
| † Cadbury, Ruth (<i>Brentford and Isleworth</i>) (Lab) | Saxby, Selaine (<i>North Devon</i>) (Con) |
| † Clarke, Theo (<i>Stafford</i>) (Con) | † Young, Jacob (<i>Redcar</i>) (Con) |
| Clarke-Smith, Brendan (<i>Bassetlaw</i>) (Con) | Yohanna Sallberg, Adam Mellows-Facer, Abi Samuels,
<i>Committee Clerks</i> |
| † Cooper, Daisy (<i>St Albans</i>) (LD) | |
| Hopkins, Rachel (<i>Luton South</i>) (Lab) | |
| † Hughes, Eddie (<i>Parliamentary Under-Secretary of State for Housing, Communities and Local Government</i>) | |
| † Logan, Mark (<i>Bolton North East</i>) (Con) | † attended the Committee |

Public Bill Committee

Thursday 16 September 2021

(Morning)

[PETER DOWD *in the Chair*]

Building Safety Bill

Clause 2

THE BUILDING SAFETY REGULATOR

11.30 am

The Chair: Before we begin, I have a few preliminary reminders for the Committee. Please switch all electronic devices to silent. No food or drinks are permitted during Committee sittings, except for the water provided. I encourage Members to wear masks when they are not speaking, in line with the current Government guidance and that of the House of Commons Commission. Please also give each other and members of staff space when seated and when entering and leaving the room. Hansard colleagues would be grateful if Members could email their speaking notes to hansardnotes@parliament.uk.

We now begin line-by-line consideration of the Bill. The selection list for today's sitting is available in the room. It shows how the selected amendments have been grouped together for debate. Amendments grouped together are generally on the same or a similar issue. Please note that the decisions on amendments do not take place in the order they are debated, but in the order in which they appear on the amendment paper. The selection and grouping list shows the order of debates. Decisions on each amendment are taken when we come to the clause to which the amendment relates. Decisions on new clauses will be taken once we have completed consideration of the existing clauses of the Bill. Members wishing to press a grouped amendment or new clause to a Division should indicate when speaking to it that they wish to do so.

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

The Chair: With this, it will be convenient to discuss that schedule 1 be the First schedule to the Bill.

The Minister for Housing (Christopher Pincher): It is a great pleasure to serve under your chairmanship, Mr Dowd. I am pleased to see that we seem to be, if not sharing political attributes, at least sharing some new facial attributes. It is very good to see you in the Chair.

Before we begin to further scrutinise the Bill, I acknowledge and thank all those who have been involved in the legislative process so far, from the hon. Member for Sheffield South East (Mr Betts), who oversaw the prelegislative scrutiny by the Select Committee on Housing, Communities and Local Government, to independent advisers, such as Dame Judith Hackitt, whose independent review formed the bedrock of the Bill. I also extend my thanks to those who sat in the Wilson and Boothroyd Rooms for being part of this Committee's process, some of whom have already been involved in the development of the legislation and who have helped to make it as ambitious as it is in its scope.

I am sure that over the coming weeks we will work constructively together to achieve the same ends. The Bill takes forward the Government's commitment to fundamental reform of the building safety system. It delivers on each of Dame Judith's 53 recommendations detailed in her independent review of building regulations and fire safety, which was published in May 2018.

The independent review found a sector that needed significant reform, that was opaque and fundamentally lacked clear accountability for safety. It has understandably been a complex and extensive process to get to this point today, but for that I do not believe we should make any apology. The Government accepted all the independent review's recommendations and published our "Building a Safer Future" consultation in June 2019. Nearly 900 responses were received from individuals, resident groups and representatives from the fire safety and built environment industry. The Government published our response to the consultation in April of last year.

Having considered stakeholder feedback, the Building Safety Bill was published in draft on 20 July 2020. Prelegislative scrutiny then followed, as I have indicated, with the Housing, Communities and Local Government Committee publishing its final report on 24 November last year, which the Government considered carefully and gave our response to in July this year. I hope the Committee agrees that it has been a comprehensive process.

I welcome Graham Watts's comment in evidence last week that there has not been "a more exemplary case" of the Government consulting with industry on policy matters. I trust that that will stand us in good stead as we scrutinise the Bill. I hope the Committee will agree that at the end of this process, the Bill will usher in a new age of safety for our built environment, and that at its heart it will ensure greater accountability and responsibility for fire and structural safety issues throughout the entire life cycle of buildings that fall within the scope of our new regime.

Clause 2 establishes the national Building Safety Regulator as a new operational arm within the Health and Safety Executive. The Committee will be aware that clause 1 acts as an overview of the Bill's constituent parts and will be considered at the end of the process. The independent review of building regulations and fire safety recommended that the Government should make a series of important improvements to create a more effective regulatory and accountable framework for buildings.

At the centre of the Government's strategy to implement those improvements is the setting up of the Building Safety Regulator, to bring national focus, drive and expertise to the delivery of the reforms. The Building Safety Regulator will implement a more stringent regulatory regime for high-rise residential and other in-scope buildings, oversee the safety and performance of all buildings, and promote the competence of professionals working on all buildings.

The key effect of clause 2 is to determine that the Building Safety Regulator should be delivered by the Health and Safety Executive. The Government believe that the identity of the Building Safety Regulator is critical to the success of the Bill, so we took independent advice on the matter. Following the independent review, the Government took independent advice from Dame Judith Hackitt on who should deliver the new Building

Safety Regulator. Dame Judith suggested that the Health and Safety Executive would be best placed to deliver the Building Safety Regulator. That reflects four particular strengths of Health and Safety Executive delivery.

First, the Health and Safety Executive is an established regulator—it was established in 1975, as we all know—and has extensive experience in making robust and proportionate regulatory decisions, including in a construction industry context.

Secondly, Health and Safety Executive delivery offers the fastest and most efficient route to establishing the new regulator, and is therefore the quickest way to provide reassurance to residents about their safety.

Thirdly, we believe that the Health and Safety Executive's expertise, reputation and knowledge will send a signal to industry that it will be properly held to account by a robust regulator, as offshore drilling was held accountable by the Health and Safety Executive after the Cullen inquiry in 1988.

Fourthly, the Health and Safety Executive combines being an independent regulator with extensive expertise in working with local government in order to deliver—I believe that that is a really important consideration.

The Housing, Communities and Local Government Committee also took evidence on this issue as part of its prelegislative scrutiny. I am grateful to its Chair and members for highlighting that the

“evidence overwhelmingly supported the Building Safety Regulator being established within the HSE.”

It concluded:

“We welcome the location of the regulator within the Health and Safety Executive and agree that it has the experience and expertise to implement the new building safety regime.”

In the light of the strong external evidence that the Health and Safety Executive will deliver an effective Building Safety Regulator, I hope that this Committee will welcome its role.

Where possible within existing legal powers, the Health and Safety Executive is already focused on improving building safety and standards as a shadow regulator. The focus of its work is to develop and pilot key elements of the new regime, work with early industry adopters, and recruit the top team, including the first Chief Inspector of Buildings, Peter Baker. We heard evidence from him, and from Sarah Albon of the HSE, to very good effect last week.

It will be this Bill, however, that gives the Health and Safety Executive the tools and powers to deliver the independent review's vision for an enhanced building regulatory system. Clause 2 introduces schedule 1, which makes a number of necessary amendments to the Health and Safety at Work etc. Act 1974, to support Building Safety Regulator delivery. Those provisions give the Health and Safety Executive a broad power to determine the right administrative arrangements to deliver its new building functions, and to set up committees to support those new functions.

The provisions ensure that up to four members of the Health and Safety Executive Board may be appointed due to their building safety, building standards or fire safety expertise. That will ensure that the Health and Safety Executive board will have the requisite expertise to effectively oversee the Building Safety Regulator. Schedule 1 creates important safeguards around the use of the Secretary of State's existing power to direct the

Health and Safety Executive. Under those provisions, a ministerial direction can never be issued in relation to the enforcement respect of a particular case.

Mark Logan (Bolton North East) (Con): I welcome the Bill, especially as it will be of much benefit to my constituents in Bolton North East. Can the Minister assure me that HSE will have the resources it requires to undertake this role?

Christopher Pincher: I am grateful to my hon. Friend for his intervention. I quite agree that the Bill will help his constituents, and those of all right hon. and hon. Members on the Committee and in the House. We want to ensure that HSE has the appropriate resources to do its work. I am sure that we will discuss that in greater detail as we proceed, but I can say that the finances available to HSE were increased by 10%—to some £14 million—for the course of the covid emergency. That is an example of the financial stimulus that we provided to HSE, and we will of course continue to support it in its new and important role.

Clause 2 and schedule 1 are vital to our wider reform, which the Building Safety Regulator within HSE will sit at the heart of. They provide the regulator with the necessary powers to effectively deliver a new regulatory regime, and I commend clause 2 to the Committee.

Mike Amesbury (Weaver Vale) (Lab): It is a pleasure to serve under your chairmanship, with your very colourful tie, Mr Dowd. It will be a pleasure to work with everybody in this room over the next few weeks, scrutinising and hopefully strengthening the Bill, which will alter the building safety landscape.

11.45 am

As has been reinforced by the plethora of witnesses who gave evidence to the Committee over a solid two days, the Bill will improve the regulatory regime—a point the Minister emphasised in his remarks on the clause. I thank the Chair of the Select Committee and all its members for their evidence throughout the process, Dame Judith Hackitt—I must mention her—and the many stakeholders who have been consulted and have helped build the Bill.

Many proposals to alter the building safety landscape are of course responses to the fire at Grenfell Tower, in which 72 people lost their life, and to the fire at Lakeland House some years before that. Certainly, as the Minister outlined, Dame Judith Hackitt has built a fuller response, in terms of providing evidence. The Opposition have called for a stronger framework of regulation, in which the safety of people in buildings is paramount. The amendments that we have tabled are designed to strengthen that framework further, in order to ensure that buildings are safer for residents and our constituents now—I emphasise “now”—and in the future.

Our fundamental concern is not necessarily with what is in the Bill; it is with what is not. Seventeen times—18 if we include a recent promise by the Prime Minister—Ministers have stated that leaseholders will be protected from historical remediation costs. When we look at the Bill line by line and clause by clause, we see that the evidence is that that simply is not the case.

We heard from many of our witnesses this week about the stark reality of the consequences of responsibility for these astronomical bills being placed on the shoulders

of resident leaseholders. Alison Hills referred to friends going bankrupt, and spoke, as did Steve Day, of the mental health struggles that this crisis caused each and every one of them. Hundreds of thousands of people—millions—are trapped in unsellable flats.

The Chair: Order. The Minister had a little bit of leeway to make a general speech to begin with, but this debate should be about clause 2 and schedule 1. May I exhort you to deal with the specifics of those provisions, please?

Mike Amesbury: I certainly will, Mr Dowd.

Giles Grover from End Our Cladding Scandal referred to the many complexities that make up the layers of the building safety scandal, from waking watch to inflated insurance premiums and the funding lottery created by the limited size and scope of the building safety fund. Do the many clauses and schedules of the Bill respond to that immediate crisis? Does clause 2 do that? The answer is no. This is the very Bill that the Minister with responsibility for building safety, Lord Greenhalgh, said was the appropriate vehicle for responding to the crisis. If there were a prize for being consistently inconsistent, this Minister would win hands down—top of the premier league.

Moving on to the fundamental details of clause 2, many witnesses, including the general secretary of the Fire Brigades Union, Matt Wrack, welcomed the new building regulator and spoke of the constructive working relationship with the Health and Safety Executive, reaffirming the Minister's statement and the evidence from other witnesses about the appropriateness of HSE. Other witnesses, such as Martin Boyd from the Leasehold Knowledge Partnership, spoke of the need to capture the residents' voice, from the grassroots to the highest table of the new regulator, to help to establish and change that culture, and to improve the competence referred to in future clauses. Given the commitment highlighted in the previous social housing White Paper, for example, I am interested in the Minister's thoughts about the residents' voice.

The evidence from HSE management team seemed to indicate that they have the necessary resources to carry out the terms of reference of this new regulator.

Theo Clarke (Stafford) (Con): Does the hon. Gentleman not agree that this Bill does in fact make buildings safer, specifically because the Minister said in his opening remarks that HSE will now have the right expertise to oversee the regulator?

Mike Amesbury: I do hope so. Working together in Committee and across the Floor of the House, I hope we can contribute towards changing that landscape and making people and buildings safe. However, on resources, and this point was mentioned by—I know the Member has a Bolton seat, but do excuse me—

Mark Logan: Bolton North East

Mike Amesbury: Bolton North East. It was The Cube, was it, in your—

Mark Logan: Bolton South East.

Mike Amesbury: It was Bolton South East, yes.

I know it is important to hon. Members that HSE is resourced appropriately, but given the evidence from the inspection regime, with the number of inspectors cut from around 1,400 in 2011 to 900 in 2019 and funding cut by over 30% by HSE, I am not filled with confidence. Will the Minister ensure for residents and leaseholders, let alone Members of Parliament, that the new regulator does indeed have the necessary resources?

Daisy Cooper (St Albans) (LD): While it was reassuring to hear that HSE has been assured by the Government that it will receive the resources it requires, does the hon. Gentleman agree that it is imperative that local authorities are also given the resources they require to deliver this new building safety regime?

Mike Amesbury: I concur with that powerful point. Indeed, the Local Government Association made the same representations. Of course, local authorities have been somewhat hammered over the past decade in terms of resources and austerity. The hon. Lady makes a good point.

In conclusion, Labour welcomes the regulator overall, but we would of course go further and establish a building works agency to deal with the crisis here and now, building by building, with the principle of find, fund, fix and recover, and that the polluter pays. That is the immediate way forward.

Shaun Bailey (West Bromwich West) (Con): It is a pleasure to serve under your chairmanship, Mr Dowd, to participate in this Committee and to follow the hon. Member for Weaver Vale. His contribution was fascinating, and I want to pick up on one of his points about clause 2. I hear what he is saying about not necessarily dealing with the present, but clause 2 is also focused on the future. I am sure he will agree that we have to ensure that we do not see a repeat of what we have seen thus far. We have to ensure, as we heard in the evidence sessions, that the housing market and the industry is fit for the future and keeps people safe, and that we do not allow this race to the bottom to continue or put vulnerable people at the risk of individuals who seem to think it acceptable to create unsafe places to live. Clause 2 is part of the patchwork to do that.

My right hon. Friend the Minister talked about the importance of the Building Safety Regulator sitting within the Health and Safety Executive. I absolutely agree with him. He particularly mentioned the importance of collaboration. HSE has 45 years of experience in dealing with health and safety, and will now be focused on building safety too. That is the right approach. As the Building Safety Regulator is developed, we have to ensure that the right expertise is there, because it will have such a crucial role in the future of the housing market, probably for the next generation.

Ruth Cadbury (Brentford and Isleworth) (Lab): I agree that the Bill is better than what we had before. The hon. Gentleman talks about working for the future and future buildings. Is the system going to be resourced adequately to deal with both the future and the mistakes of the past? It was only through the Grenfell fire's exposure of flammable cladding that the cladding was removed from the Paragon development in my constituency, which was built by the Berkeley Group 18 years ago. Two years after the cladding was removed, after a series

of inspections, it was found that the structure of the building was fundamentally unsafe and the 800-odd students and 150 shared owners and leaseholders were given a week to leave. Should HSE and the Building Safety Regulator not be sufficiently resourced to find those buildings that are already occupied, by all sorts of different users for different purposes, to ensure that they are safe for future use, as well as being resourced to deal with the future?

Shaun Bailey: I thank the hon. Lady for her question. My hon. Friend the Member for Bolton North East made a similar point about resourcing to the Minister. The Minister referred to a funding uplift, and I am hopeful. Obviously, I have no control over those levers, but I would be hopeful that part of the resource uplift would go into that. I do not disagree; the hon. Lady is absolutely right: if we are going to put in this regulator, it has to have the resource to do the job properly. We cannot have it cutting corners, because that only adds to the problems that many of her constituents have already had to deal with. It has to come with a commitment to ensure that the resources are there to adequately deal with the issue.

I am sure there will be debates on what that actually looks like and what the numbers are, but the hon. Lady and I can both agree that the fundamental, core principle is that the regulator needs to be resourced properly. The intervention on the Minister by my hon. Friend the Member for Bolton North East was absolutely right. We can talk in high-level terms about how great it is to have a new regulator, but we have to make sure it can do the job day to day. That is the important part. The one thing I would raise with my right hon. Friend the Minister, while I have his ear in Committee, is that we have to ensure that the system works properly.

I broadly welcome clause 2. It is right that we have a regulator that draws on existing expertise. It is also right that, broadly speaking, the regulator has the ability to make the decisions unimpeded. I welcome what my right hon. Friend the Minister said about not being able to bring about ministerial directions to overturn decisions of the regulator. That is the right move. Given what we have seen in this space to date, having an empowered regulator that can stick up for the most vulnerable is absolutely vital. Those lives that we have seen destroyed by incidents such as Grenfell—that cannot happen again. This plan ensures robustness.

Returning to the point raised by the hon. Member for Brentford and Isleworth, the resource has to be there and the regulator has to be allowed to do its job. I am hopeful, from the overtures that we have heard today, that that will happen.

I welcome clause 2. It is the right move. I think it ensures, in the longer term, the future of this market, and ensures that people looking to buy a home can live there safely, knowing that there is the oversight that they need and that we have an organisation in the Building Safety Regulator that draws on existing expertise but equally has independence. That is the key thing: the independence to do that job properly and ensure that those people are safe.

12 noon

Siobhan Baillie (Stroud) (Con): It is a pleasure to serve under your chairmanship, Mr Dowd. I listened very carefully to the comments from the hon. Member

for Weaver Vale and to your point, Mr Dowd, about focusing on the proposed amendment. It is only natural that we want to look at wider issues. This is such an important Bill. There have been so many horrible incidents, and this affects lives, but the proposed amendment asks for the insertion of mitigation for building safety risks due to climate change—

The Chair: Order. That is clause 3, not clause 2. We will come back to that when we debate that issue. I call Ian Byrne.

Ian Byrne (Liverpool, West Derby) (Lab): Thank you, Mr Dowd. It is a splendid tie. I rise to emphasise that all of us on the HCLG Committee thought that the independent Building Safety Regulator was a fine idea, but over the last decade there have been 46% cuts to HSE and a third of officers have gone. There is a real worry about whether this will be resourced. I know people have spoken about that this morning, but we cannot emphasise it enough. Without an independent, well-resourced Building Safety Regulator, it all falls down.

I would like further commitments about where we are going, and what sums we are talking about. Will there be a complete recapitalisation of HSE to where it was pre-austerity, which we will then build on? It is so important that this is capitalised, and that the experience, officers and moneys are available to ensure that HSE can play a hugely important role in changing the culture. We all heard in the evidence sessions—and I have heard since 2019, sitting on the Select Committee—about how the culture in the building industry has created what we have talked about over the past two days. We heard some heart-rending evidence from so many people.

Shaun Bailey: The hon. Gentleman is very experienced in local government and an experienced member of the HCLG Committee. Does he not agree that it will be really important to ensure that the regulator has a culture of independence? I am sure he will agree that ensuring that the regulator is beholden to no one but itself will be the only way to ensure that it truly keeps people safe.

Ian Byrne: I completely concur with the hon. Gentleman. It is a very valid point, but as I said, this is about ensuring that the resources are there. The hon. Member for St Albans made a very good point about local government. There have been 68% cuts to Liverpool City Council. It has been hollowed out. The ability to check on buildings has been catastrophic at times. This comes back to funding. The intent and the money have to be there. Without them, I am afraid that we could be back to some of the situations that many of us have faced in our constituencies with some buildings.

Christopher Pincher: I congratulate all members of the Committee on their contributions on the clause. A number of Members, properly and understandably, raised funding, including my hon. Friend the Member for West Bromwich West and Opposition Members such as the hon. Member for Liverpool, West Derby. We have made further funding available for the creation of the shadow regulator within HSE. We also, as I said earlier, made funding available to HSE during the covid emergency. We have also made commitments through the building safety levy to ensure that developers that have made

[Christopher Pincher]

mistakes in the past provide appropriate and proper restitution for the remediation of high-rise buildings. We will provide more information about that in due course. Certainly, the funding of HSE is, as always, subject to discussions with the Treasury in the spending review, and I am sure we will hear more about that—to the benefit of HSE—in due course.

The hon. Member for Weaver Vale referred to Grenfell in his remarks, and he was right to do so because Grenfell was the wake-up call to the challenges that we face in a very complex development, ownership and safety terrain. That is why we must approach the Bill and the clause with care, to ensure that we address the complex situation of buildings, safety and ownership carefully, and that is what we will do throughout the course of the Committee.

The hon. Gentleman made two specific points to which I think I ought to respond. He asked about residents' voices. Sarah Albon made clear in her evidence to the Committee last week that HSE is reaching out—to use that modern phrase—to stakeholders, including residents and dwellers of high-rise buildings, to ensure that their voices and concerns are heard. We have also committed to a new homes ombudsman. That is not the point of the clause, but it is something that we will debate later in our scrutiny of the Bill, giving the hon. Gentleman and other Members the opportunity to learn about the Government's work to ensure that residents' voices are heard. The hon. Gentleman also made the point about HSE funding, and I refer him to the comments that I have just made.

To conclude, we have heard the high regard in which HSE is held by all members of the Committee for its historical and, one might say, international reputation as a safety board of the highest regard. We believe that HSE provides the regulator with the necessary powers to effectively deliver the new regulatory regime. I commend the clause to the Committee.

Question put and agreed to.

Clause 2 accordingly ordered to stand part of the Bill.

Schedule 1 agreed to.

Clause 3

THE REGULATOR: OBJECTIVES AND REGULATORY PRINCIPLES

Mike Amesbury: I beg to move amendment 11, in clause 3, page 2, line 14, at end insert—

- “(c) mitigating building safety risks due to climate change, including—
- (i) flood risk
 - (ii) coastal erosion, and
 - (iii) overheating of buildings.”

This amendment would mandate the building safety regulator to mitigate for risks to building safety due to climate change.

Mike Amesbury: Although there is much to welcome in elements of clause 3, there are two points on which I believe it important to expand what is currently set out. Amendment 11 seeks to expand the objective of the regulator to include another major threat to the safety

of people in buildings, beyond fire and the threat of climate change. In 2019, the Climate Change Committee published a report on housing in which it stated:

“UK homes are not fit for the future.”

It found that

“efforts to adapt the housing stock for higher temperatures, flooding and water scarcity are falling far behind the increase in risk”

from the challenging climate emergency. We will face serious consequences if we do not act soon. Some of the biggest risks are the lack of protection from increasing floods and coastal erosion, and the overheating of buildings. There is also the danger of under-insulating buildings. Projections indicate that maximum summer temperatures could rise by 9° by the end of the century. Some 20% of homes overheat in the current climate. Modern high-rise flats are disproportionately at risk of overheating due to lack of protection from the sun and lack of ventilation in many cases. As a result, deaths caused by overheating could triple over the next 30 years if we do not reduce the risk. This is about people and about building safety beyond fire safety. At the other end of the spectrum, cold deaths are also predicted to remain high, but we could reduce them by better insulating homes.

It is not just high-rise flats that are at risk from the effects of climate change; 1.8 million people now live in areas at risk of flooding. That could double by 2080, but we are simply not seeing the resilience measures that we need to be built into the framework. In mentioning flooding, I am not talking about eighth-floor flats, yet there is a clearly a huge risk. Many constituencies and constituents regularly face the threat of flooding. This summer has seen huge flooding that has killed hundreds of people across western Europe. This is another example of how we must look beyond the narrow definition of the present risk and of building safety.

Last year, the chair of the Climate Change Committee's Adaptation Committee, Baroness Brown, wrote to Dame Judith Hackitt as chair of the board overseeing the establishment of the Building Safety Regulator. In the letter, she stated:

“The current building safety works programme must be broadened beyond its current focus on fire safety to include the risk of addressing climate change.”

We are in a climate emergency. Amendment 11 would put that very commitment on the face of the regulator's objectives. I urge the Minister to consider the amendment.

The Chair: I call Siobhan Baillie.

Siobhan Baillie: Thank you, Mr Dowd, and I apologise for my eagerness earlier; I take all opportunities to talk about the climate change emergency.

The Minister was clear in his opening remarks that the Building Safety Regulator is crucial to the success of the Bill and that the Government have consulted widely and listened to many experts in drafting the Bill we are considering today. In those discussions, he spoke to Dame Judith Hackitt and other respected building megabrain. Given that the people who were able to inform us about the regulator's function have not suggested that there should be a clause that refers specifically to climate change and talks about flood risk, coastal erosion and the overheating of buildings, I am confident that we do not need one, not only because we know that they

are thinking deeply about how to make the Bill a complete success, but because the climate emergency is on everybody's lips and mind, and every Government Department wants to tackle it.

12.15 pm

Mark Logan: Does my hon. Friend agree that the legislation does not need to refer to climate change, as the Government, across many pieces of legislation—both those in force and looking to the future—will consider the climate change issues that face the UK and the rest of the world?

Siobhan Baillie: My hon. Friend is right. We will address the climate emergency in many forms. I think the regulator will already be working on it, and I will come to that in a second.

Mike Amesbury: If the regulator and the Bill's provisions genuinely address the climate emergency, why not add it to the objectives rather than making it an assumption?

Siobhan Baillie: I thank the hon. Gentleman for his point. I am somebody who does not think that we should add words for the sake of it, if the regulator is already doing the work. The explanatory notes describe the regulator's core functions, stating that it will implement "the new, more stringent regulatory regime for higher-risk buildings. This means being the building control authority in England in respect of building work on higher-risk buildings and overseeing and enforcing the new regime in occupation for higher-risk buildings. The Building Safety Regulator will work closely with, and take advice from, other regulators and relevant experts in making key decisions throughout the lifecycle of a building."

We know from our constituencies that the Environment Agency, our local authorities and our parish councils are committing to looking very carefully at such issues—particularly, in my patch, those related to flooding. That work, and the work that the Government are already doing to combat flooding, will flow through. I am confident that the Bill as drafted achieves that.

Mike Amesbury: The hon. Lady referred to local authorities and other stakeholders giving due care and attention to flooding. In my constituency, given that new developments are still being built on flood plains, I do not think that is the case. I would again argue that, rather than making it an assumption that the regulator addresses the climate emergency, it should be added to the Bill.

Siobhan Baillie: Forgive me—I hear the point again, in a new form, but I still do not think that that is necessary. We have to rely on the expertise of the regulator and everybody who will be involved. We are so focused on building safety risk at the moment, and rightly so, given everything that has happened. I feel that the work is there.

I had my own mini-experience of coastal erosion growing up. It was not in Stroud, which is landlocked, save for the River Severn. I grew up in Yorkshire and went from Filey to Scarborough to school on a school bus. As we were going along, a hotel called Holbeck Hall fell very steadily into the sea. Many Members may know about it. It went on for many months. It was completely fascinating to school children, but even those many decades ago it was known about, thought through and seriously considered. Everybody was focused on it.

Given the work that has been done in the Bill, I do not believe that, were a building in that state of peril, the regulator would not pick up on it and be able to help.

Ruth Cadbury: The hon. Lady feels confident that the regulator's powers cover high-risk buildings and the risks to buildings from flooding, overheating and the other aspects of climate change that my hon. Friend the Member for Weaver Vale covered, but the Bill as drafted defines a higher-risk building in clauses 58 to 62 and onwards as being residential buildings over 18 metres in height. That will exclude many buildings built on flood plains, and many flats, such as those in my constituency that get dangerously overheated—

The Chair: Order. Ms Cadbury, please sit down. I exhort Members to make interventions short and sharp. People have the opportunity to speak to the substantive issue if they wish. Please keep it short and sharp and to the point. I do apologise for being direct.

Siobhan Baillie: There will be many discussions over the course of the Committee about the definitions, but ultimately we believe in the regulator, in the work that is being done, and in people such as Dame Judith Hackitt and Baroness Brown, who have been mentioned. Those climate change considerations have already been factored in.

Ian Byrne: We need culture change, so why not put it in the Bill to direct the culture of the building industry, which for a long, long time has been wrong in placing profit over safety? Why not put that change in the Bill, as my hon. Friend the Member for Weaver Vale has asked for?

Siobhan Baillie: As I have already pointed out, I do not feel it is necessary to add that given the scope of the Bill, the work of the regulator and the work that has been done to get to this stage. We need to be really confident in the regulator so that it is not hamstrung and can use the expertise of local authorities, the Environment Agency and all the other bodies with which it is directed to work, to make sure that the building safety work is done. I implore the Committee to agree that there is absolutely no need for the amendment.

Shaun Bailey: In the light of your comments, Mr Dowd, I shall try to keep mine short and sweet.

I do not disagree with a lot of what the hon. Member for Weaver Vale said. My concern, as a constituency Member who had real flooding issues last year, is that planning is a real patchwork. That is one thing that we perhaps need to go further on. The hon. Gentleman talked about house building, and he will know as well as me that water companies, for example, are not statutory consultees on planning issues. I would like that to change, because it is ridiculous that water companies are just asked to join an estate up to the network, having played no part whatsoever in planning. That is an example of something that needs to change.

On flooding specifically, we go down a plethora of different avenues. Flood Re is meant to cover buildings at risk, and some house building standards are being amended right now. I do not disagree with the hon. Gentleman about the climate change issue; we know that temperatures are going up and that we all have a responsibility to tackle that. The environment that we are dealing with at the moment is complex and will

[Shaun Bailey]

require us to bring many strings together. Although I do not disagree with his intentions, my concern is about the mechanism for ensuring that that happens. I do not think that relying on the BSR should be our only avenue; we need a mechanism to ensure that this happens.

I have seen the impacts of flooding on my constituents, particularly in deprived urban areas, which are quite often overlooked. For the best part of 18 months, I have been making the case that there needs to be more of a realisation that it is not just nice shire areas that get flooding, but inner-city areas, too.

Mike Amesbury: In my own constituency, the Northwich area has been subject to flooding for the last two years. Undoubtedly, that is partially an impact of the climate emergency. In future, a high-rise buildings regulator could, through a planning gateway process, future-proof that and other environments.

Last week, I had the displeasure of visiting the Strand in Liverpool, near the waterfront. Work there was signed off by building control under a permitted development, and some secondary legislation has already been passed for that. The regulation for such buildings is minimal, to say the least. It is so important that this provision is added to the remit to future-proof and to respond to the climate emergency, including with the practical examples that the hon. Gentleman gave. Beyond this debate, I would like to sit with Ministers and have a conversation about the wording around this, because it is very important.

The Chair: Can I just be clear? People can speak for as much as they want with a substantive issue. Interventions should be pretty short, sharp and to the point.

Shaun Bailey: The hon. Member for Weaver Vale makes an interesting point, but I come back to my point about the environment we are dealing with from a legislative point of view. As an esteemed former member of Manchester City Council, he is much more experienced than me, and he understands the issues. We are crossing into the boundaries of planning reform as well. I do not disagree that that needs to be looked at in this space. However, while I do not disagree with and can subscribe to the amendment's intentions, broadly speaking, I am concerned that doing it like will mean missing other opportunities for a much more comprehensive reform of this space to ensure that the issues that both the hon. Gentleman and I have experienced in our communities can be resolved.

Daisy Cooper: Given the rumours that the Government's proposals for planning reforms have been dropped, does the hon. Gentleman agree with the content of the amendment? If he does not want to see it in the Bill, where does he imagine he would be able to put it over the course of the legislative agenda?

Shaun Bailey: The hon. Member is trying to tempt me into speculation on matters I have no control over, unfortunately. I could not possibly say, purely because I do not wish to speculate. To round up, I do not disagree with the hon. Member for Weaver Vale's sentiment, but there is a better way that we can do it, outside the amendment.

Ordered, That the debate be now adjourned.—(Scott Mann.)

12.27 pm

Adjourned till this day at Two o'clock.