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Local Government, Housing and Planning Committee

Report on Building Safety Bill Legislative Consent Memorandum



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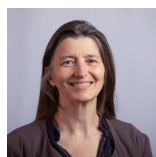
Local Government, Housing and Planning Committee

To consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy, and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister.



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Introduction

1. At its meeting on 1 March 2022, the Committee considered the Legislative Consent Memorandum (“LCM”) for the [Building Safety Bill](#).
2. The Building Safety (“the Bill”) is a UK Government Bill, introduced in the House of Commons on 5 July 2021. The Committee stage for the Bill in the House of Lords began on 21 February 2022.
3. The Scottish Government lodged an [LCM](#) on 27 January 2022. Housing is generally devolved in Scotland and the majority of the provisions in the Bill apply to England and Wales only. There are, however, a number of provisions that apply to Scotland.

Building Safety Bill

4. The UK Building Safety Bill makes fundamental changes to the Building and Fire Safety regime in England. The Bill includes a new regime and regulator for high rise residential buildings in England. The proposed regime in England is based on a pre-emptive building standards system for buildings in scope, which adopts the approach taken by the Building Standards system in Scotland for all buildings. The Bill also introduces a new construction products regulator and introduces new disciplinary and competency processes for architects.
5. Part five of the Bill includes provisions for a New Homes Ombudsman scheme. The aim of the new Ombudsman scheme is to drive up standards in housebuilding and to independently resolve disputes between developers and purchasers where there is an issue concerning the quality of a new-build home.
6. It is Part five of the Bill that engages the need for an LCM. The UK Government has introduced amendments to the Bill that would extend the Ombudsman scheme to the devolved administrations. As the Bill now provides for the New Homes Ombudsman Scheme to apply in Scotland, an LCM is required.
7. The LCM notes that from consultation with stakeholders there is a clear preference for a UK wide approach to this issue.
8. The LCM further notes that the Scottish Government is supportive of such an approach and is therefore recommending that the Parliament consent to the relevant provisions of the Bill.

Committee Consideration

9. The Committee considered its approach to scrutiny of the LCM at its meeting on 8 February 2022 and agreed to write to the Cabinet Secretary for Social Justice, Housing and Local Government noting the Scottish Government's view that it was appropriate in this instance for the UK Parliament to legislate on those matters in the Bill that fall within devolved competence, specifically, those provisions relating to the establishment of a New Homes Ombudsman scheme.
10. The Committee also noted from the LCM that there was widespread stakeholder support for a UK-wide approach to this issue. Accordingly, the Committee considered that there would be very limited value in taking oral evidence on the LCM.
11. However, in order to inform its consideration of the LCM at this meeting, the Committee invited the Cabinet Secretary to confirm why she believed it was appropriate for the UK Government to legislate on this matter. The Committee also invited her to provide further information on the extent of stakeholder support for a UK-wide approach.
12. The Cabinet Secretary's response was published as part of the [meeting papers](#).
13. The Delegated Powers and Law Reform Committee considered the LCM at its meeting on 22 February 2022. Its [report on the LCM](#) was published on 24 February 2022.
14. Following consideration of the LCM at its meeting on 1 March, the Committee agreed to recommend that the Parliament consents to the LCM. The official report of the meeting is available on the [Committee's website](#).

Conclusion

15. The Committee recommends that the Parliament consents to the relevant provisions of the UK Building Safety Bill.

