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### **Building Safety Levy: second consultation**

The National Fire Chiefs Council (NFCC) is pleased to respond to this consultation, published on 23 January 2024, regarding the Building Safety Levy. NFCC is the professional voice of UK fire and rescue services (FRSs) and is comprised of a council of UK Chief Fire Officers. This response was created by NFCC's Strategy and Policy team and was drafted in consultation with our members across UK FRSs. Our response reflects their expertise and competence with the subject matter.

NFCC supports the intention of the Government to provide reassurance to homeowners and restore confidence in the housing market through this building levy, and we welcomed the extension of the levy's scope to apply to all residential buildings, rather than only those above 18m.

However, NFCC holds concerns that whilst this system will help contribute to the existing remediation budget, building standards and culture haven't changed significantly enough. This levy must be considered in conjunction and with close alignment to an introduction and implementation of better building standards along with an active effort to change industry culture.

Additionally, while the levy is intended to prevent the brunt of the cost of building defects being borne by leaseholders, it is clear that developers will inevitably pass these costs onto leaseholders in the price of new homes. We are mindful of the pressing need to produce sufficient new homes for our communities yet there should not be a conflict between streamlined planning, affordability, sustainability, improved building standards, and fire safety. When addressing the housing crisis, quantity and quality are not mutually exclusive.

## **Refurbishment**

NFCC welcomes the Government's decision to apply the levy to conversions/where buildings are converted into residential use but does not agree that major developer-funded refurbishments should be excluded from the levy. We would caution the Government on compromising on this detail and departing from their policy directive as laid out in previous consultations and documents. Given refurbishments contribute to the need for remediation, it should also help pay for it.

As well as including refurbishments in the levy, NFCC has repeatedly asked for a change of use or major refurbishment to trigger a cost/benefit analysis of reasonable life safety improvements balanced against the value of the building works in question. This could be applied to the entire built environment, to help gradually improve safety across building stock over time.

The Government's current policy directive around decreasing the impact of stored carbon within the built environment could lead to an increase in major refurbishments which will add to housing stocks along with new builds. These refurbishments must be held to the same fiscal accountabilities as new builds. NFCC would also highlight that refurbishments can bring a higher degree of complexity and risk to a project as they must interface with buildings already in use and where different materials and standards of construction have been used.

There are also issues around liability, especially where developers open subsidiary companies or special purpose vehicles to be responsible for new development or refurbishment. Such companies can then be closed after completion of a project and the parent company rarely has any ongoing legal liability for the premises or remediation. Including major refurbishments within the levy could address some of these liability issues through the need to pay in through the gateway process.

## **Scope of remediation**

Government funding currently only applies to cladding, yet buildings may have other fire safety issues, such as problems with compartmentation or cavity barriers. Therefore, Government-funded cladding remediation will not always remove the need for costly interim measures.

By adopting a wider approach that does not rely on simplistic height thresholds or remediation of certain types of cladding, but instead looks at buildings holistically, it is possible to find longer-term and more cost-effective solutions to building defects for government, building owners, and residents.

Sprinklers and other suppression systems can buy crucial additional time in firefighting operations and may mean that evacuations are not necessary. NFCC would like to

reiterate our strong support for sprinklers in all buildings regardless of height or other safety factors.

Many of the specific questions in your consultation are best addressed by others in the sector, though we have answered the questions relevant to FRSs.

**Question 5: Do you agree with the process for dealing with disputes outlined above? Please explain your answer.**

When a decision is disputed, the review period should be the same in all instances. The proposals currently allow 28 days for a local authority to review a decision, but only 14 days for the BSR to review a dispute over a completion certificate. This may not always allow enough time.

**Question 6: Do you think that the communal accommodation listed above should be excluded from the levy charge? Please explain your answer.**

NFCC agrees with the proposal to exclude the listed communal accommodation and would not wish to slow down the development of important community facilities.

**Question 7: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? Please explain your answer.**

NFCC has no immediate views on the potential impact of the proposals on those with protected characteristics but would welcome the publishing of the Equality Impact Assessment done by DLUHC in developing this policy upon its announcement to ensure that this decision does not result in any unintended consequences.

NFCC hopes this response is helpful and welcomes further discussion following the outcome of the consultation.

Regards,



**Gavin Tomlinson**  
Protection & Business Safety Scrutiny Committee Chair  
NFCC