



TCPA briefing on the Building Safety Bill at Report Stage: Why Lord Crisp's amendment is a crucial step towards healthy homes and places

Summary

The Grenfell disaster is a tragic example of the human costs of getting regulation wrong. The Building Safety Bill is a unique opportunity to get it right, and secure places and homes that enhance people's life chances. As it stands, that opportunity will not be realised because the Bill focuses on a narrow definition of safety and only for a minority of buildings.

Lord Crisp has tabled a simple amendment to Clause 3 of the Building Safety Bill which clarifies that building 'safety' is not just the absence of immediate physical harm, but also includes the consideration of people's wider health and wellbeing. You can find it at the top of [this](#) amendment paper. It will be debated shortly after 11am on 29 March.

The quality of our homes is a life and death issue. If adopted at Report Stage, this amendment would be the start of a new approach to the creation of places which meet everyone's need for a decent home in a healthy neighbourhood. This briefing answers seven questions about it, updates our Grand Committee briefing, and supplements our more detailed briefing on the Building Safety Bill, [here](#).

What is the wording of Lord Crisp's amendment?

Clause 3

LORD CRISP, LORD BLUNKETT, LORD STUNELL, LORD BETHELL

Page 2, line 33, at end insert—

“(6) In this Part “safety” means the risk of harm arising from the location, construction or operation of buildings which may injure the health and wellbeing of the individual.”

What does the amendment do?

The proposed amendment to Clause 3 clarifies the meaning of 'safety' to include health and wellbeing. The amendment makes clear that the building safety regulator should consider human health and wellbeing in discharging its building functions. In practice this means that the regulator, part of the Health and Safety Executive, needs to consider health and wellbeing as part of 'safety' when it exercises building functions under sections 4, 5 and 6 of the Bill and its functions under the Health and Safety at Work Act 1974 or the Building Act 1984. The amendment has two effects:

- It clarifies the existing meaning of 'safety' contained in the Bill to ensure it includes human health and wellbeing; and

- It applies the definition not only to tall buildings at risk of fire but to all responsibilities of the building safety regulator.

How much support is there for the amendment?

Lord Stunell, the Earl of Lytton, Lord Foster of Bath, and Baroness Hayman of Ullock all spoke strongly in favour of the amendment in Grand Committee. Lord Young of Cookham and Lord Blunkett both added their names to the amendment but were unable to speak due to other engagements.

53 national and local organisations have publicly supported the need for a new approach to building standards as set out in the '[Healthy Homes Principles](#)', and the Healthy Homes and Buildings APPG supports the Healthy Homes Bill, which builds on the amendment laid out here.

Why is the amendment important?

'Safety' is currently **undefined** in the Bill so it is simply not clear whether people's health and wellbeing should be considered by the building regulator. This lack of clarity is unhelpful because the '**safety of people**' is generally defined as an absence of health risks or harms. Both 'health' and 'wellbeing' have definitions in UK legislation, so their insertion into law would not be novel. This broader definition allows for the consideration of people's basic and common-sense needs such as freedom from pollution and damp, safety, access to natural light, accessibility including safe stairs, and thermal comfort. While the amendment is limited to clarifying the scope of responsibility of the building regulator it does enable the beginning of a new approach to regulation in which human health and wellbeing are core to the delivery of building safety.

Aren't these issues dealt with by other regimes, such as planning?

The Levelling Up White Paper recognises the vital role that the quality of homes and communities play in people's life chances. However, the Government has so far rejected attempts to clarify the meaning of safety in the Building Safety Bill to include health and wellbeing. It has done this on the basis that these issues are dealt with in other regulatory regimes such as town and country planning. But planning legislation has no legal obligations of any kind that relate to the health and wellbeing of people. The national planning policy requirements that do exist on health are weakly expressed and do not apply to the many thousands of substandard homes converted from commercial premises [without planning permission](#).

How did the Government respond to the amendment at Grand Committee?

Lord Greenhalgh made three arguments against the amendment.

- The Minister explained that under Clause 3 the new Building Safety Bill has two objectives: a) to secure safety and b) to improve the standard of buildings. He claimed that the second of these already covers the kind of improvements to the quality of new homes, via building regulations, that this amendment intends to bring about.

This is not the case. Without a robust definition of safety which includes the wider concept of wellbeing then ‘improvements’ could be limited only to those measures which seek to avoid immediate physical harm. This simply continues the current and failed approach to regulating the built environment. The failure to clarify ‘safety’ will not, therefore, drive the transformational change required. It also leaves the meaning of safety to be defined through the courts. Conversely, the health and wellbeing-focused definition of safety which this amendment provides would bring greater clarity to the types of improvements to the standard of buildings that the Regulator should seek to achieve through its second objective. These improvements may go beyond the scope of building existing regulations.

- The Minister argued that treating safety as encompassing wellbeing in Part 2 (which concerns the Regulator’s high-level responsibilities and its functions) but not Part 4 (which specifically concerns the regime for safety in higher rise buildings), as this amendment does, would ‘confuse the regulator’s mission’.

However, Parts 2 and 4 concern very different functions and objectives in relation to the Regulator. As described in Clause 61, Part 4 is explicitly concerned with the spread of fire and structural failure in at-risk buildings, not the Regulator’s wider operation.

- The Minister claimed that because the Health and Safety Executive acts as a statutory consultee in relation to high-rise buildings at the planning stage, the Bill does need to be amended to consider wider issues of place.

But this has clearly not stopped the construction of homes and places that threaten people’s health, safety, and wellbeing not least through the delivery of housing through Permitted Development Rights. If the Minister is relying on the town planning regime to protect people's health and wellbeing, then he would identify a legal duty on decision makers in planning law which specifically relates to health and wellbeing. No such duty exists although the forthcoming planning reform measures provide an opportunity for Minister to adopt such a provision.

When is the vote and what can I do?

We very much hope that Peers will vote in favour of Lords Crisp, Bethell, Blunkett and Stunell’s amendment at the Report Stage of the Building Safety Bill. **This begins at 11am on 29th March, and their amendment is likely to be one of the first discussed.**

We recognise and support the vital contents of the Bill on fire safety, but the proposed amendment is a vital complement to that agenda and reflects our understanding of the role that homes and neighbourhoods play in tackling health inequality.

Further information

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