

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 5, Tŷ Hywel

Meeting date: 1 October 2025

Meeting time: 09.00

For further information contact:

Manon George

Committee Clerk

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Hybrid

Private pre-meeting

08.45 – 09.00

Public meeting

1 Introductions, apologies, substitutions and declarations of interest

09.00

2 Building Safety (Wales) Bill: Evidence session 5

09.00 – 10.00

(Pages 1 – 55)

Steve Tudball, Housing Enforcement Team Manager for the Shared Regulatory Service, Vale of Glamorgan Council – Directors of Public Protection Wales

Housing Expert Panel

Peter Keates, Executive Director, Local Authority Building Control

Tom Price, Divisional Environmental Health Officer – Pollution, Private Sector Housing and Building Control, Swansea Council

Alice Marks, Team Leader – Private Sector Housing, Swansea Council



Attached Documents:

Research brief

Paper 1: Building Safety (Wales) Bill – Written evidence from the All Wales Housing Expert Panel

Paper 2: Building Safety (Wales) Bill – Written evidence from the Welsh Local Government Association

Paper 3: Building Safety (Wales) Bill – Written evidence from the Local Authority Building Control

Break

10.00 – 10.10

3 Building Safety (Wales) Bill: Evidence session 6

10.10 – 11.00

(Pages 56 – 68)

Sion Slaymaker, Area Manager, Mid and West Wales Fire and Rescue Service

St.John Towell, Head of Business Fire Safety, South Wales Fire and Rescue Service

Station Manager Paul Slade, Compliance Officer, South Wales Fire and Rescue Service

Steven Roberts, Head of Protection, North Wales Fire and Rescue Service

Attached Documents:

Paper 4: Building Safety (Wales) Bill – Written evidence from the Mid and West Wales Fire and Rescue Service

Paper 5: Building Safety (Wales) Bill – Written evidence from the South Wales Fire and Rescue Service

Break

11.00 – 11.10

4 Building Safety (Wales) Bill: Evidence session 7

11.10 – 12.00

(Pages 69 – 73)

John Marr, Principal, Devolved Government and Social Housing, UK Finance

Attached Documents:

Paper 6: Building Safety (Wales) Bill – Written evidence from UK Finance

- 5 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of this meeting and for item 1 of the meeting on 9 October**

12.00

Private meeting

12.00 – 12.30

- 6 Building Safety (Wales) Bill: Consideration of evidence**

12.00 – 12.15

- 7 Reviewing Committee Effectiveness in the Sixth Senedd**

12.15 – 12.30

(Pages 74 – 83)

Attached Documents:

Paper 7: Reviewing Committee Effectiveness in the Sixth Senedd Consultation
– Letter from the Chairs Forum

Document is Restricted

Please use this template to draft your response and email your response to SeneddHousing@senedd.wales

Ymateb gan: All Wales Housing Expert Panel | Evidence from: All Wales Housing Expert Panel

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

The Building Safety (Wales) Bill is a necessary and long overdue evolution of Welsh housing policy, essential to address longstanding gaps in building safety regulation. The All-Wales Housing Expert Panel welcomes the Bill's intent to improve the safety of high rise residential buildings (HRRBs). However, we note significant practical, operational, and financial challenges that must be addressed if the Bill is to succeed in delivering a safer environment for Welsh residents of HRRBs.

There is widespread agreement among stakeholders that the Building Safety (Wales) Bill is both necessary and timely. The fragmentation and inefficiency of existing building safety laws were tragically illustrated by the Grenfell disaster and subsequent inquiries. The Bill's emphasis on accountability, transparency, and risk management is strongly supported, along with its overarching aim, to improve safety in multi-occupied residential buildings.

Despite its positive aspirations, the Bill's practicality is questioned. Notably, the proposal to make local authorities the official Building Safety Authorities was introduced without sufficient consultation. Councils currently lack the technical expertise, resources, and workforce capacity to fulfil this role. There is growing support for a regional or national approach, utilising multidisciplinary Joint Inspection Teams (JITs), perhaps on the basis of one Team per Fire and Rescue Service area, rather than burdening every local council individually.

The Bill must be carefully meshed with existing housing and safety laws to avoid duplication, unclear enforcement responsibilities, and unintended regulatory

gaps or overlaps. Environmental Health Housing teams already enforce fire safety under the Housing Act 2004 and the Housing Health and Safety Rating System (HHSRS) and currently have a “duty” to Act if a Category 1 hazard of fire is identified. Therefore, the Bill must explicitly define the boundaries and responsibilities of Local Authorities, the Fire and Rescue Service, the new Building Safety Regulator, and Accountable Persons.

With a relatively small number of Category 1 buildings in Wales; the salaries required to attract staff to these posts; and the multi-disciplinary team that is clearly required; it is our recommendation that a JIT be created for each of the three Fire and Rescue Service areas. These Teams be given the authorisation to take action under the legislation and be required to consult with both the relevant LA and the Fire and Rescue Service prior to taking any enforcement actions.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

The Bill introduces crucial safety obligations for owners of multi-occupied residential buildings, notably the mandatory designation of an Accountable Person, the establishment of a Golden Thread of safety information, and the compulsory registration of higher-risk buildings. These measures are broadly seen as vital to creating a robust regulatory framework.

A major concern is the absence of a centralised system to maintain the Golden Thread and to process registration applications, raising questions about both data accessibility and consistency. Integrating these requirements with an existing platform, such as Rent Smart Wales, would streamline processes and enhance continuity. The cost of setting up and maintaining suitable IT systems and databases would be cost prohibitive for LAs. A national or regional inspection model and centralised data systems for registration and record-keeping are essential.

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

Part 2 of the Bill sets new fire safety duties for HMOs, including risk assessments and record-keeping. While these steps are crucial for high-risk settings, stakeholders are concerned about the necessity and proportionality of these additional duties, particularly for HMOs already regulated under HMO Licensing schemes.

HMOs, including Section 257s, which have valid mandatory or additional licenses in place are designated “outside of scope” of the Bill but other non-licensed HMOs would be within scope. Over-regulation of HMOs may impose unnecessary obligations without matching safety benefits; licensed HMOs are already heavily regulated and do not require incorporating into this regime.

The Bill risks duplicating existing enforcement regimes rather than strengthening them. The root causes of gaps in HMO fire safety enforcement—budget cuts and workforce shortages—are not directly addressed.

It is believed that these properties should be regulated under the existing HMO Licensing regimes of the Housing Act 2004 by extending the definition of Mandatory licensing to include 2 storey properties and to bring it into line with the definition in England.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

Part 3 introduces extensive powers, entry, compliance notices, prohibition notices, and tribunal appeals—that are familiar to local authorities and broadly workable. However, the distribution of roles between different bodies and potential overlap with current local authority powers could lead to confusion and inconsistent application.

Resource implications are significant and without ring-fenced funding and workforce capacity planning, these provisions risk being undeliverable in practice. A shared enforcement model supported by clear operational guidance is recommended to ensure effective, coordinated, and proportionate enforcement.

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

The Bill provides necessary powers for subordinate legislation and transitional arrangements. While technically sound, stakeholders are concerned about the extent of detail deferred to future regulations, creating uncertainty for those responsible for delivery.

We recommend that it is embedded within the legislation to consult local government on subordinate legislation that affects enforcement roles or resource requirements. The bill should also establish centralised systems for registration and record-keeping to support consistent implementation and regional teams for inspection and enforcement work of category 1 and 2 buildings.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

The main concerns of the All-Wales Housing Expert Panel are as follows:

- Ongoing cuts to EH and Private Sector Housing Teams have left no capacity to take on this work with the existing overstretched resources.
- Lack of experienced EHO's across Wales, combined with inadequate numbers of EH students graduating, makes recruitment almost impossible.
- Salary grades in Local Authorities are generally capped at around £43,000 for a Senior EHO or BCO which are not attractive for experienced officers and cannot compete with the private sector enhancing recruitment and retention issues.
- EHOs have no formal training on high rise buildings, construction, fire safety related issues or the complexities of working with HRRBs. There is a massive skills gap in the current workforce which can only be partially covered by additional training and upskilling of staff.
- The inspection of Category 1 and 2 buildings requires a multi-disciplinary team with a Fire Safety Engineer and a Structural Engineer as part of that team. Neither the LA nor the FRS have these skills in house, and neither can they pay the salary scales that are required to recruit these skillsets.
- The Bill recommends that FRS are to be responsible for all fire related matters and the LA for structural issues. These matters are interconnected and cannot be looked at independently or by two different organisations. This needs to sit within one multi-disciplinary team, with all the skills held within that inspection and enforcement team as per the skillsets held within the current Joint Inspection Team.
- Wales only has approximately 180 Category 1 Buildings, with many LAs having none or perhaps one of these buildings. They cannot train up officers and maintain that level of competence and knowledge in house.
- Conversely in LA areas that have many, such as Cardiff and Swansea, they are facing significant difficulties in recruiting staff due to pay levels, lack of officers and an aging workforce.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

The delegated powers outlined in the Building Safety (Wales) Bill are appropriate and necessary, given the technical complexity and need for regulatory flexibility in building safety. However, their use must be accompanied by clear guidance, robust consultation, and transparent oversight to ensure that subordinate legislation is developed collaboratively and does not impose unforeseen burdens on regulatory services.

8. Are there any unintended consequences likely to arise from the Bill?

Duplication, conflicting enforcement, and legal confusion with existing frameworks could delay risk mitigation and increase administrative burdens.

Workforce shortages, training gaps, and resource constraints could hinder implementation.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

The Bill's financial impact assessment is considered inadequate. Key cost pressures—training, recruitment, increased inspection and administrative burdens—are poorly accounted for. This concern is reinforced by the Wales Audit Office report *Cracks in the Foundations – Building Safety in Wales* (August 2023), which highlights systemic issues.

There must be:

- Full workforce capacity and recruitment feasibility analysis.
- Consideration of alternative delivery models, such as providing a team similar to the Joint Inspection Team per Fire Rescue Service to carry out inspection and enforcement of Category 1 and 2 buildings. Or the formation of regional local authority teams to pool expertise and resources and enable salary structures to reflect the level of expertise required and scarcity of staff adequately.
- Clear commitments for recurring, ring-fenced funding to support the enforcement functions.

- Embedding a statutory consultation requirement for any subordinate legislation that impacts local government duties or resource needs.

Without these measures, the Bill is placing unsustainable pressure on local authorities and undermining the effectiveness of the new building safety regime.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

The Building Safety (Wales) Bill sets out to address critical gaps in housing safety regulation, aiming for a more accountable, transparent, and risk-managed future for Welsh HRRBs. While its intent is widely supported, this response highlights key challenges—capacity, funding, operational clarity, and coordination—that must be resolved in partnership with local government if the Bill is to fulfil its promises. With meaningful consultation, clear guidance, and robust support, Welsh Government can ensure the Bill is not only well-intentioned but also effectively implemented, providing a safer environment for all Welsh residents.

Senedd Cymru | Welsh ParliamentY Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing CommitteeBil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

There is broad consensus that the Building Safety (Wales) Bill is both necessary and timely. It addresses longstanding gaps in building safety regulation, particularly highlighted by the Grenfell tragedy and subsequent inquiries, which exposed a fragmented and ineffective system. Local government strongly supports the Bill's overarching aim to improve safety in higher risk multi-occupied residential buildings and welcomes its emphasis on accountability, transparency, and risk management. Local Authority however question the need to include low risk multi-occupied properties such as HMO's, which are already regulated under current legislative framework.

A key principle underpinning the Bill is the maintenance of the "Golden Thread" of information throughout the lifecycle of a building—from planning and design, through construction, and into occupation and ongoing management. As identified in the Hackett Report, this is essential to ensuring that safety-critical information is accurate, accessible, and consistently maintained, enabling informed decision-making and effective oversight.

To ensure successful implementation, the Bill must be carefully integrated with existing legislation to avoid duplication, unclear enforcement responsibilities, and unintended gaps. Local authorities already play a critical role under the Housing Act 2004, including enforcement across all dwelling types and the licensing of HMOs, there is currently limited confidence that other legislative powers to both Fire Safety Authorities and Local Authorities have been considered within the drafting of the Bill, resulting in additional burden on both the regulators and social and private landlord.

Concerns remain about the practical implementation of the Bill. The proposal to designate local authorities as Building Safety Authorities is unrealistic, given current resource constraints, limited technical expertise (resulting particularly from the privatisation of Building Control services) and ongoing workforce capacity challenges. Without significant investment and support, local authorities will struggle to fulfil these new responsibilities effectively, potentially undermining the Bill's objectives.

A regional or national delivery model, supported by multidisciplinary teams such as the Joint Inspection Teams (JITs), is considered a more viable and sustainable approach, pooling expertise across a regional area.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

The Building Safety (Wales) Bill introduces important provisions aimed at placing clear safety obligations on owners of multi-occupied residential buildings, which is strongly welcomed. Key elements in Part 1—including the designation of an Accountable Person, the Golden Thread of information, and the mandatory registration of higher-risk buildings—are broadly supported as necessary steps toward a more robust safety framework.

However, several operational concerns remain. The Bill lacks sufficient detail on how the Building Safety Authority will engage with critical functions such as registration, inspection, compliance and enforcement. Moreover, the fragmentation of responsibilities between fire safety authority and structural safety is problematic. These domains are deeply interconnected, and separating them risks inefficiencies and gaps in enforcement, resulting in further fragmentation, risk of hazards not being addressed by any of the responsible authorities.

The absence of a centralised system for maintaining the Golden Thread raises further concerns about data accessibility and consistency. Integration with existing platforms, or development of a national platform, is recommended to streamline processes and ensure continuity. This would of course require additional investment similar to that of Rent Smart Wales. It would however ensure a consistent, more efficient approach long term.

Local authority teams already face significant capacity and training challenges. Without dedicated funding and workforce planning, the Bill's provisions may prove impossible to implement in practice.

To ensure effective implementation, the Bill should it continue in its current format, explicitly clarify:

- The respective roles of Local Authorities as the Building Safety Authority and the Fire Safety Authority.
- Mechanisms for information sharing and joint working between these bodies should it be considered, as it risks being fragmented rather than integrated, reducing accountability.
- Dispute resolution processes where enforcement responsibilities overlap.

Without such clarity, there is a real risk of duplication, conflict in enforcement, and delayed or avoidance in safety interventions, undermining the Bill's intent to deliver a safer built environment.

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

Part 2 of the Building Safety (Wales) Bill introduces new fire safety duties for Houses in Multiple Occupation (HMOs), including requirements for risk assessments and record-keeping. While enhanced fire safety is essential, particularly in high-risk settings, local authority stakeholders have raised concerns about the necessity and proportionality of these duties—especially for smaller HMOs already regulated under the Housing Act 2004.

There is a risk that the Bill may duplicate existing enforcement regimes, rather than strengthen them. Many of the current gaps in HMO fire safety enforcement are attributed more to budget cuts and workforce capacity shortfalls than to a lack of legislative powers.

Key concerns include:

- Ambiguity around the scope of affected properties and the required level of fire risk assessment.
- The absence of a defined assessor competency framework, which could lead to inconsistent enforcement.
- The need for clear guidance and a targeted approach that focuses on genuinely high-risk properties.

To ensure the Bill is effective and proportionate, we recommend:

- Prioritising proper funding and resourcing of existing HMO enforcement teams.
- Ensuring the Bill aligns with and supports current regulatory frameworks rather than duplicating them.

Exploring opportunities to strengthen existing enforcement mechanisms through better funding and clearer guidance, rather than layering new regimes may be a better way forward.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

Part 3 of the Building Safety (Wales) Bill introduces a comprehensive enforcement framework, including powers of entry, compliance notices, prohibition notices, and tribunal appeal mechanisms. These powers are extensive and necessary to uphold safety standards and are broadly familiar and workable. However, the complexity of enforcement mechanisms and the potential overlap with current legislative powers are of concern, potentially causing confusion, inefficiency, and inconsistent application.

Key issues identified include:

- Unclear enforcement responsibilities: It is not evident who serves notices, leads investigations, or coordinates enforcement activities.

- Enforcement primacy must be clearly established to avoid conflicting investigations and duplication of effort.
- Building Safety Authority need clear guidance on their role relative to the Fire Safety authority, including mechanisms for information sharing, joint working, and dispute resolution.
- There is uncertainty around the qualifications and competencies required for enforcement officers, which could impact consistency and effectiveness.
- The resource implications for Local Authorities as the designate Building Safety Authority are significant and are currently underestimated.

Without the necessary level of investment in workforce capacity and planning, these provisions risk being undeliverable in practice. A shared enforcement model supported by clear operational guidance is recommended should the current format remain, to ensure effective, coordinated, and proportionate enforcement.

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

Part 4 of the Building Safety (Wales) Bill sets out general provisions and powers for subordinate legislation, including delegated powers for Welsh Ministers, transitional arrangements, and application to Crown buildings. These elements provide the necessary legal infrastructure to support the Bill and offer technical flexibility for future amendments. However, local authority stakeholders have raised concerns about the extent of detail deferred to future regulations, which creates uncertainty for local authorities currently identified in the Bill as being responsible for delivery.

While these provisions are appropriate in principle, their effectiveness depends on transparency, oversight, and operational clarity.

To address these concerns, the Bill should:

- Embed statutory duties to consult local government on subordinate legislation that affects enforcement roles or resource requirements.
- Establish centralised systems for registration and record-keeping to support consistent implementation and reduce the resource burden.
- Include protocols for inter-agency cooperation and information sharing to ensure operational clarity and avoid duplication.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

The successful implementation of the Building Safety (Wales) Bill faces several significant barriers, particularly for local authorities currently tasked with delivery. These challenges span workforce capacity (now and in the future), resource constraints, role clarity, potential for duplication of effort, and inter-agency coordination, and are compounded by a lack of operational detail by the Welsh Government.

Environmental Health and Building Control teams are already overstretched, with many qualified officers choosing to work in the private industry due to the higher salary scales in the private industry. The Bill introduces substantial new duties and responsibilities, without addressing recruitment, training, or capacity building. Employers would welcome further clarity on the specific skills required as a result of the proposed Bill. Building Control Officers have previously faced re-training and demonstration of competency to enable the planning and build phase of the Bill, impacting local authority resources. There is a genuine concern over workforce burnout, through addition of additional responsibilities which in this case could have a high impact on residents should something be missed. A national workforce strategy is urgently needed.

It is essential that these requirements are supported by appropriate bodies through clearly defined entry routes and career pathways, including apprenticeship schemes. This would help to address potential recruitment challenges and ensure a sustainable pipeline of talent into the sector. In this regard, employers encourage consideration of the extent to which entry schemes—such as apprenticeships and graduate placements—are currently supported by colleges, universities, and schools across Wales. This would help to address potential recruitment challenges and ensure a sustainable pipeline of talent into the sector.

Employers also advocate for a review of the training and development schemes available to the current workforce. Such a review would enable employers to respond effectively to any skills gaps identified as a consequence of the Bill, and to ensure that staff are adequately equipped to meet new demands.

There is concern among employers regarding the potential impact of the Bill on existing workload pressures. Without a comprehensive skills review and appropriate support mechanisms, there is a risk that increased demands on staff could unintentionally exacerbate any retention issues within the sector. This concern is heightened by ongoing recruitment and retention challenges, which employers largely attribute to the difference in pay levels and terms and conditions of employment of Local Government in comparison to the Private sector. Any additional pressures introduced by the Bill must be carefully considered in this context.

The current Regulatory Impact Assessment underestimates the financial and operational burden. Without full cost recover similar to that in England the Bill risks implementation failure.

Employers strongly urge that any financial implications arising from workforce-related requirements introduced by the Bill be fully and sustainably funded on an ongoing basis.

This is critical to ensuring that authorities can implement the Bill effectively without compromising service delivery or workforce wellbeing.

Effective coordination between fire safety authorities and the designated Building Safety Authority is essential but is currently insufficiently detailed in the Bill. As previously stated, the skill required to ensure all elements of risk in a building are understood and addressed do not currently sit with one professional body, given a strong case for the implementation of a multi-disciplinary regional team.

Recommendations:

- Revise the Regulatory Impact Assessment to include detailed cost modelling, workforce assessments, and phased funding proposals.
- Explore alternative delivery models, such as expanding the Joint Inspection Team or developing regional teams to pool capacity and expertise.
- Amendment of the Bill to include the possibility of other regional arrangements to be designate as Building Safety Authority e.g. Fire Authority Boundaries. This would give flexibility to the implementation once the delivery models have been evaluated and agreed. Without this specified in the legislation, further changes would be required down the line.
- Embed statutory consultation requirements for subordinate legislation that affects local government duties and resources.
- Introduce legal harmonisation provisions to avoid duplication and ensure alignment with existing housing and safety laws.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

The delegated powers outlined in the Building Safety (Wales) Bill are appropriate and necessary, given the technical complexity and need for regulatory flexibility in building safety. However, their use must be accompanied by clear guidance, robust consultation, and transparent oversight to ensure that subordinate legislation is developed collaboratively and does not impose unforeseen burdens on local authorities.

Key Concerns:

- The Bill currently defers too much detail to future regulations, creating uncertainty for local authorities currently responsible for implementation.
- There is a risk that new duties or costs could be introduced without adequate scrutiny or input from those affected.
- Timeliness and transparency of regulations and consultation processes are critical to allow for effective operational planning.

Recommendations:

- Introduce a statutory duty to consult local authorities before making subordinate legislation and regulations that affects enforcement roles or resource requirements.
- Establish a statutory framework for consultation and oversight to ensure delegated powers are exercised transparently and with accountability.
- Ensure consultation processes are timely and inclusive, enabling local government to prepare adequately for implementation.

8. Are there any unintended consequences likely to arise from the Bill?

While the Bill is well-intentioned and broadly supported, several potential unintended consequences could undermine its effectiveness if not addressed:

Operational and Legal Risks

- Duplication and conflicting enforcement responsibilities may lead to delayed risk mitigation and inefficient use of resources.
- Legal confusion between the Building Safety Bill and existing frameworks such as the Housing (Wales) Act could result in inconsistent enforcement and increased administrative burden.
- Over-regulation of smaller HMOs may impose unnecessary burdens without delivering proportionate safety improvements.

Impact on Local Authorities

- Reputational risks for local authorities who may be perceived as responsible for enforcement failures, even when not the lead body.
- Workforce shortages, training gaps, and resource constraints could hinder implementation, especially for Environmental Health and Building Control teams.

Tenant Experience and Public Confidence

- Tenant confusion over who to report safety concerns to may undermine confidence and delay timely responses.

To mitigate these risks, the Bill should:

- Introduce legal harmonisation provisions to align with existing housing legislation.
- Develop a national enforcement protocol to clarify roles and responsibilities.
- Ensure adequate funding, training, and capacity planning for enforcement teams.
- Provide clear public guidance to help tenants understand reporting pathways and accountability.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

The financial assessment accompanying the Building Safety (Wales) Bill is currently inadequate and significantly underestimates both the costs and operational demands on local government. This concern is echoed in the Wales Audit Office's report *Cracks in the Foundations – Building Safety in Wales* (August 2023), which identifies systemic issues such as:

- Lack of dedicated funding for training and upskilling building control staff
- Poor compliance with fee-setting regulations
- Absence of robust financial oversight, threatening the long-term viability of building safety services

Key Cost Pressures Not Adequately Accounted For:

- Recruitment and training of Environmental Health Officers and Building Control staff
- Increased legal, inspection, and inter-agency liaison costs
- Costs of maintaining parallel risk assessment systems under different legislative frameworks
- Transitional expenses, including public communications and operational redesign
- Administrative complexity of inspections and enforcement
- Remediation costs resulting from enforcement actions

The proposed increase in planning fees to achieve full cost recovery is based solely on the current level of service provided. The calculations reflect the existing operations of the entire planning service. Importantly, the responsibilities outlined in the Building Safety Bill have not been included in these calculations, as they represent new and additional duties that would require separate funding.

The Bill empowers Welsh Ministers to introduce regulations enabling the Building Safety Authority (the Council) to charge fees. We strongly recommend that these regulations and an accompanying charging scheme be published concurrently with the enactment of the Bill.

According to the Explanatory Memorandum (section 3.46), the fees are not expected to cover the full cost of regulation but are intended to contribute to the administration of the scheme. In contrast, England's Building Safety Regulator Charging Scheme aims for full cost recovery. While Wales and England may adopt different approaches, the quality of service should remain consistent, and local government should not be expected to absorb the costs of delivering a new statutory function. Planning experience has shown the risks of underfunding public services. Introducing new responsibilities without adequate funding is short-sighted, especially given the financial pressures facing local authorities. With England pursuing full cost recovery, it is questionable why Wales would opt for a less robust or cheaper model—particularly given the high stakes involved in building safety.

To ensure the Bill is financially viable and sustainable, we recommend:

A revised Regulatory Impact Assessment co-produced with local authorities, including:

- Detailed, phased cost projections
- Workforce capacity and recruitment feasibility analysis
- Consideration of alternative delivery models, such as expanding the Joint Inspection Team or forming regional teams to pool expertise and resources, reduce duplication and increase accountability.
- Clear commitments to recurring, sustainable funding to fully support enforcement functions
- A statutory requirement for consultation on any subordinate legislation affecting local government duties or resource needs.

Without these measures, the Bill risks placing unsustainable pressure on local authorities and compromising the effectiveness and outcome of the new building safety regime.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

Local government strongly supports the aims of the Building Safety (Wales) Bill, particularly its focus on improving safety in multi-occupied residential buildings. The Grenfell tragedy and subsequent investigations have clearly demonstrated the need for a stronger, more coherent regulatory framework to replace the fragmented and ineffective current system.

The Bill assigns enforcement powers to both Fire Safety Authorities and Building Safety Authorities. However, it places sole responsibility for assessing and managing structural safety and handling residents' complaints on the Building Safety Authority. This uneven distribution of duties must be carefully managed to prevent overloading the Building Safety Authority, especially if it lacks adequate funding, guidance, technical expertise, or operational support. While the Bill aims to avoid fragmented responsibilities, its current structure risks creating confusion, duplicated efforts, and gaps in accountability—particularly if tasks are passed between authorities or assumed to be handled by the other.

Operational Clarity and Coordination

- The introduction of parallel obligations under the Building Safety Bill and existing housing legislation (e.g. Housing Act 2004) risks duplication, unclear accountability, and blurred enforcement boundaries.
- Key operational terms, such as “serious risk to life,” require clear definition to support consistent enforcement.
- Joint inspection protocols and dispute resolution pathways between Building Safety Authorities and Fire Safety authority should be developed collaboratively and embedded in guidance or subordinate legislation.

Inspection and Data Systems

- A regional or national inspection model is recommended to pool expertise and address workforce shortages.
- Centralised data systems for registration, record-keeping, and the Golden Thread are essential for consistency and efficiency.

Tenant Communication and Public Engagement

- A statutory duty for clear, accessible public information is needed to help tenants understand who to contact regarding building safety concerns, one regulatory authority or Joint inspection authority would give a clear understanding to all of responsibilities.

Funding and Capacity

- The Bill introduces significant new responsibilities without addressing recruitment, training, or capacity building.

Local authorities are committed to working collaboratively to ensure the Bill's success but urge Welsh Government to address these concerns and future development of regulatory function that impact Local Authorities, in line with the Strategic Partnership Agreement between the Welsh Government and local government in Wales (June 2025).

Please contact us for any further detail or discussion.

Submitted on behalf of:

CLlr Stephen Thomas (Frontline and Regulatory Services Spokesperson)

CLlr Andrea Lewis (Housing & Asylum Spokesperson)

Please use this template to draft your response and email your response to SeneddHousing@senedd.wales

Ymateb gan: Peter Keates, Cyfarwyddwr Gweithredol, LABC | **Evidence from:** Peter Keates, Executive Director, LABC

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

Local Authority Building Control (LABC) represents all local authority building control teams in England and Wales and develops the learning, competences, standards, and practices used by nearly 3,800 building control surveyors and technical staff. LABC, through its network of Registered Building Inspectors (RBIs), advises and supports property owners and professionals, making sure buildings are safe, healthy, and efficient and conform with building regulations.

LABC welcomes the opportunity to provide written evidence regarding the Building Safety (Wales) Bill (referred to as the “Bill” throughout the rest of the written evidence) to the Local Government and Housing Committee of the Welsh Parliament.

LABC supports the issues identified in the Hackitt Review, the Grenfell Tower Inquiry and by the Welsh Government’s Building Safety Expert Group. In light of this, it is the view of LABC that the proposed Bill is an important piece of legislation to improve the safety of people living in multi-occupied residential buildings in Wales.

From reviewing the draft documents, it appears to LABC that the Bill is intending to:

- identify those on whom statutory duties under the Bill are to be placed during the occupation phase of multi-occupied residential buildings in Wales
- require the registration of certain regulated buildings, such as those at least 11 metres in height or which have at least 5 storeys, with a Building Safety Authority
- confer new functions on the Building Safety Authority, which are each of the local authorities in Wales
- confer new functions on the Fire Safety Authority in Wales, which are each a Fire and Rescue Authority for an area in Wales or a Fire Inspector (with regards regulation of Crown buildings)
- create duties to assess and manage fire safety risks in all in-scope buildings
- create duties to assess and manage structural safety risks for in-scope buildings, which are at least 11 metres in height or which have at least 5 storeys
- put in place new rights for residents and place duties on them in respect of all in-scope buildings
- establish a new enforcement regime to enable enforcement action to be taken if the new duties are not met

The view of LABC is that the proposed Bill is somewhat similar to Part 4 of the Building Safety Act 2022 which is currently in force in England. However, the Bill seems to have been developed to be more reflective and proportionate to the risks in Wales.

LABC has undertaken a preliminary review of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

Notwithstanding the above, there are areas of the Bill where LABC wish to consider the possible implications of the legislation in more detail (see response to subsequent questions below).

Moreover, LABC is keen to fully understand the full details regarding how the Building Safety Authorities will be established, operated and resourced. This would seem a fundamental key point to the success of the Bill. Furthermore, the operating model of the Building Safety Authorities potentially has the greatest impact on our members in Wales. With regards to this, LABC understands that Local Partnerships have been commissioned by the Welsh Government to advise, and work with, Local Authorities and other stakeholders on developing a model to ensure successful implementation of the Bill and the establishment of Building Safety Authorities. LABC is keen to support Local Partnerships and offer to work collaboratively with them on this area of the Bill.

LABC is keen to have oversight of the operating model of Building Safety Authorities, including a thorough understanding of structure and leadership, along with its scope of roles and responsibilities. In addition, full details of its governance arrangements, resources requirements, communications channels and IT arrangements, taking into consideration the existing differences in approaches between the relevant stakeholders.

LABC is of the view that for the implementation of Building Safety Authorities to be successful, it needs to be formed of a multidisciplinary team - including officers from housing, building control, environmental health and the fire service. Moreover, specialists such as fire safety engineers and/or structural engineers may need to be called upon from time to time.

Notwithstanding the above, our members in Wales recognise that the Local Authority building control profession will play a key role in supporting the Building Safety Authorities. However, this will place an additional burden on an already stretched service, so as part of the new regime being established, LABC would welcome the Welsh Government to consider if any extra funding and resources will be made available for areas such as upskilling staff, training and development of suitable back-office systems. It is important to note that historically the building control profession tends to discharge the duties of a Local Authority in relation to legislation that controls the construction phase of a project, rather than legislation that controls occupation during the postconstruction period; therefore it is probable that a period of upskilling and training would be required for building control professionals involved with supporting the Building Safety Authorities. This is likely to be required for building control professionals more

than other members of the Building Safety Authorities, such as housing or the Fire Service, who may already frequently use legislation to control aspects of post-construction occupation within multioccupied residential buildings in Wales.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

LABC has undertaken a preliminary review of Part 1 of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that Part 1 of the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

Notwithstanding the above, there were areas in Part 1 of the Bill where LABC would wish to consider the possible implications of the legislation in more detail. For example, during our preliminary review, we considered if any unintended buildings may fall within the scope of the Bill. We were concerned that, based on our current interpretation, perhaps it could be argued that two semidetached dwellings where the party wall is missing in the loft space may inadvertently be considered a Category 3 building.

Furthermore, from our preliminary review of the Bill, it would seem that a Building Regulations Completion Certificate is not a pre-requisite for registration and occupation of in-scope new build multi-occupied residential buildings. We note that under Section 19(3)(c) of the Bill, there are provisions to enable the Welsh Ministers to make regulations about any documents that must be included within an application of an in-scope building. Therefore, LABC would advocate that any future regulations made under these powers mandate that a copy of a suitable Building Regulations Completion Certificate is provided. Moreover, LABC fully supports the use of hard stops for in-scope buildings – as currently used in England. However, we would encourage the expansion of this feature to non-in scope buildings too.

Additionally, we note that Building Certificates are only needed for Category 1 buildings and at the request of the Building Safety Authority by virtue of Section 41(2) of the Bill – however, LABC is of the view that these powers should be extended to allow for the Building Safety Authority to direct the Principal Accountable Person for Category 2 buildings to also apply for a Building Certificate. Moreover, it is not clear to LABC what criteria the Building Safety Authority will use to determine when a Building Certificate is deemed necessary for in-scope buildings.

LABC notes that only Category 1 and Category 2 buildings are subject to structural safety risk assessments. It is not clear to LABC why structural safety risk assessments are not required to all multi-occupied residential buildings, including Category 3. LABC is of the view that all occupants in multi-occupied residential buildings deserve to live in structurally sound buildings, regardless of the height and number of storeys.

From our preliminary review of the Bill, LABC has noted sections that may be slightly disjointed. For example, Section 51 of the Bill deals with “Regulated buildings: fire safety duties of residents etc”. However, Section 51(3) provides an additional meaning of “common parts” above and beyond that detailed in Section 12 of the Bill. LABC would advocate for the Welsh Government to consider whether certain sections of the bill can be re-organised and/or simplified which may assist with its practical implementation when it becomes an Act.

LABC notes that a building is considered a “higher-risk building” during its design and construction phase if it contains at least one residential unit (in addition to other criteria with regards to height and storeys) by virtue of [Regulation 3\(b\)\(i\)](#) of The Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023, which states that a higher-risk building for the purposes of section 120(2) of the Building Act 1984 is a building (including a structure) that:

“(a) is –

(i) at least 18 metres in height (when measured in accordance with regulation 4), or

(ii) has at least 7 storeys (when calculated in accordance with regulation 5), and

(b) contains–

(i) at least one residential unit,

(ii) a hospital that has at least one bed intended for use by a person admitted to the premises for an overnight stay,

(iii) a care home, or

(iv) a children's home, and

(c) is not an excluded building (see regulation 6)."

Conversely, LABC notes that for the purposes of the Bill, a "regulated building" must contain at least two residential units by virtue of Section 2(1)(a), which states:

"In this Act "regulated building" means a building that—

(a) contains at least 2 residential units, and

(b) is wholly or mainly in Wales."

Whilst Section 2(1)(a) of the Bill broadly aligns to the legislation currently in force for multi-occupied residential buildings in England by virtue of Part 4 of the Building Safety Act 2022, LABC is of the view that differing criteria on the number of dwellings that are needed to trigger buildings being in-scope during the construction phase and occupation phase in Wales may lead to confusion in the wider industry.

3. What are your views on the provisions set out in Part 2 of the Bill - Fire safety in certain houses in multiple occupation (sections 67 - 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

LABC has undertaken a preliminary review of Part 2 of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that Part 2 of the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

However, LABC is keen to have oversight of the operating model of Building Safety Authorities, including a thorough understanding of structure and leadership, along with its scope of roles and responsibilities. In addition, full details of its governance arrangements, resources requirements, communications channels and IT arrangements, taking into consideration the existing differences in approaches between the relevant stakeholders.

LABC is of the view that for the implementation of Building Safety Authorities to be successful, it needs to be formed of a multidisciplinary team – including officers from housing, building control, environmental health and the fire service. Moreover, specialists such as fire safety engineers and/or structural engineers may need to be called upon from time to time.

Notwithstanding the above, our members in Wales recognise that the Local Authority building control profession will play a key role in supporting the enforcement process within the Building Safety Authorities. However, this will place an additional burden on an already stretched service, so as part of the new regime being established LABC would welcome the Welsh Government considering if any extra funding and resources will be made available for areas such as upskilling staff, training and development of suitable back-office systems.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

LABC has undertaken a preliminary review of Part 3 of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that Part 3 of the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

However, LABC is keen to have oversight of the operating model of Building Safety Authorities, including a thorough understanding of structure and leadership, along with its scope of roles and responsibilities. In addition, full

details of its governance arrangements, resources requirements, communications channels and IT arrangements, taking into consideration the existing differences in approaches between the relevant stakeholders.

LABC is of the view that for the implementation of Building Safety Authorities to be successful, it needs to be formed of a multidisciplinary team – including officers from housing, building control, environmental health and the fire service. Moreover, specialists such as fire safety engineers and/or structural engineers may need to be called upon from time to time.

Notwithstanding the above, our members in Wales recognise that the Local Authority building control profession will play a key role in supporting the enforcement process within the Building Safety Authorities. However, this will place an additional burden on an already stretched service, so as part of the new regime being established LABC would welcome the Welsh Government considering if any extra funding and resources will be made available for areas such as upskilling staff, training and development of suitable back-office systems.

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

LABC has undertaken a preliminary review of Part 4 of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that Part 4 of the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

Furthermore, LABC notes that the fees for exercise of functions by the Building Safety Authorities are set out in Section 103 of the Bill. However, LABC would welcome further oversight of the secondary legislation to understand how our members would recover fees for their involvement in supporting the Building Safety Authorities.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

LABC is of the view that the following are potential barriers to the implementation of the Bill:

- Resources to adequately support the standing-up and then operation of Building Safety Authorities to discharge their duties under the Bill
- Provision of adequate training for members of the Building Safety Authorities to ensure that they are effective and discharge their duties under the Bill
- Education for the public and dutyholders prior to the Bill coming into force. LABC notes that the proposed implementation assumed in the Impact Assessment would focus on Category 1 buildings initially, followed by a roll out of the new building safety regime to Category 2 and 3 buildings and HMOs. LABC would expect that the Building Safety Authorities may spend a disproportionate amount of time enforcing nonregistration for Category 3 buildings and HMOs – therefore, public education is vital in the view of LABC.
- Development of suitable IT systems that integrate with members of the Building Safety Authorities and other stakeholders (where needed)
- Development of the systems to support maintaining a suitable register of in-scope buildings, particularly if the registers are required to be made public by way of secondary legislation as outlined in Section 17(3) of the Bill
- Development of suitable logistics to support effective communication and data sharing with members of the Building Safety Authorities and other stakeholders (where needed)
- Potentially loss of staff if involvement with the Building Safety Authorities increases individual's workload and/or responsibility

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

LABC does not have any additional comments or observations on this matter.

8. Are there any unintended consequences likely to arise from the Bill?

LABC is of the view that the following may be unintended consequences arising from the Bill:

- Potentially loss of staff if involvement with the Building Safety Authorities increases individual's workload and/or responsibility
- Potentially have a negative impact on the number of constructed new build homes and therefore affect national housing targets

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

LABC notes that the fees for exercise of functions by the Building Safety Authorities are set out in Section 103 of the Bill. However, would welcome further oversight of the secondary legislation to understand how our members would recover fees for their involvement in supporting the Building Safety Authorities.

The view of LABC is that the charges and fees need to be suitable to discharge Local Authorities functions whilst recovering their costs.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

LABC does not have any additional comments or observations on this matter.

Papur 4 / Paper 4

Agenda Item 3

Please use this template to draft your response and email your response to SeneddHousing@senedd.wales

Ymateb gan: Mid and West Wales FRS | Evidence from: Mid and West Wales FRS

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

1. It is the opinion of Mid and West Wales FRS, that the Bill represents a positive step forward – aligning with England’s building safety regime, which has been in place since 2023.
2. There is a clear demonstration to introduce legislation that will enable the greater protection of lives, whilst empowering residents, and holding stakeholders accountable – including Fire-fighter safety.
3. A strong observation is that the legislation only focusses on new builds, to make a real difference, it is felt that the legislation should be applicable to all existing premises. This will significantly enhance Public and Fire-fighter Safety.
4. As much as there is a need for this legislation, there is parallel need to ensure appropriate resources (including competent Inspectors and budget), are made available to regulate and enforce the intent that is being demonstrated.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

1. It is this premises type that brings the most in-scope premises of The Bill, these premises are estimated to be in the region of 51,000.
2. There appears to be a perception that Category 1 & 2 premises are a higher risk. If the intention is to prevent fires from occurring, this may be a false perception.
3. Will the focus and intent of the Bill be compromised by the workloads that fall into Category 3 Premises – perceived as the lower risk?
4. Regarding Category 3, there will not be a requirement to assess Structural Safety Risks and therefore will not bring additional workload to the BSA. However, there is still a requirement to assess fire safety risks, and this will inevitably result in a change of focus in our current Risk Based Inspection Programme.
5. Sections 45 & 46 of The Bill is welcomed, as it is these types of premises that is difficult to receive information from.

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

1. This may cause duplication of work presently undertaken by the Local Authority. If the proposal is to have a BSA within each Local Authority then it is workable, however if the intention is to have less BSA then the duplication of work starts.
2. From a Fire Safety perspective, it places a duty on the landlord to ensure a HMO Fire Risk Assessment is made and available to FRA's, which we do not receive from the Local Authorities as part of the current licensing arrangements.
3. Reference (70) in The Bill is made to "HMO Fire Risk Assessment", is this a specific FRA template for HMO's? We don't currently have individual templates for Fire Risk Assessments based on premises type.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

1. Enforcing authorities will need investment for these enforcement and investigatory powers to be undertaken with the intent to which they are being provided. It is anticipated that budgets and capacity are likely to be an issue due to competing pressures of workstreams that also have an impact on Public and Fire-fighter Safety.
2. Will the Enforcement and Investigatory Powers be able to be applied to existing premises – this will give opportunity to regulate against the new legislation and improve both public and fire-fighter safety across a greater number of premises.
3. There would be benefits to learn from our current challenges when inspecting and enforcing The Regulatory Reform (Fire Safety) Order 2005. An example being, referencing if a notice can be served, postal, in person or electronic.
4. The term Enforcement Notice would be more appropriate rather than Compliance Notice as from a Fire Safety perspective it falls aligned to the same enforcement power as does within The Regulatory Reform (Fire Safety) Order 2005. This could also be perceived as a positive, to give clarity to which legislation is being enforced.

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

1. These provisions mirror best practices from Building Safety Act 2022 in England which is what this Bill is to similarly replicate. Therefore, they appear to be quite appropriate and legally coherent.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

1. Enforcing Authorities capacity and budget.
2. Different terminology, Compliance Notice - Enforcement Notice, Accountable Person - Responsible Person. As a result, FRA's are likely to experience a significant amount of duplication in policy, training and standard letter templates.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

1. The effectiveness of subordinate legislation will depend on robust consultation with residents, industry professionals, and regulators. Without this, changes could feel top-down or disconnected from lived realities.

8. Are there any unintended consequences likely to arise from the Bill?

1. There seems to be a localised enforcement and tribunal system, the Building Safety Act 2022 seems to emphasise on a stronger centralised regulation and National Tribunal System.
2. The Bill places significant enforcement and duties on local councils and fire authorities, including inspections, issuing notices, and managing building safety registers.
3. The legislative responsibilities for Enforcing Authorities will drive a change in focus – this is likely to result in reduced activities that do not have statutory requirements and further increase the likelihood of risk in lower risk buildings. The current Risk Based Inspection programme will undoubtedly change its focus away from current high-risk premises unless appropriate resource and capacity supports this Bill – this will impact both public and fire-fighter safety.
4. Will precedence set in tribunals relating to this Bill cross-reference and create technicalities that are mitigate enforcements that relate to The Regulatory Reform (Fire Safety) Order 2005.
5. There is likely to be an increase in supporting roles across the enforcing authority to enable the increase in legal proceedings – this relates to the points that have been made about budget and capacity.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

1. The estimated financial costs attributed to fire and rescue authorities to discharge the duties of the fire safety authorities under the Bill are summarised in Table 9. The forecast impact for the 3 FRS is around £140K per year for all 3 FRS.
2. The suggested investment equates to two Fire Safety Inspectors at Watch Manager Pay scales (£68,977 including on-costs), with no other additional capital or revenue costings being calculated to carry out the enforcement and inspections across the three Welsh Fire and Rescue Services. Therefore, there is likely to be a significant financial impact on current budgets, which will only to a reduction of activities taking place elsewhere in these authorities – arguably increasing organisation risk and fire-fighter safety.
3. A percentage of each application should be given to the respective FRA as this will support the FRA's administrative costs.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

1. The timeline that will be available to understand the final version, along with delivering the knowledge, understanding and application to inspecting officers following the introduction the Bill. This will be critical when balancing current workstream pressure to ensure a smooth transition to enforcing as intended.
2. Further examples of Premises types and the application of overlapping enforcement would be beneficial – this could be included in a consultation where the intended enforcement authorities are able to ask the questions.

Please use this template to draft your response and email your response to SeneddHousing@senedd.wales

Ymateb gan: South Wales Fire & Rescue Service | Evidence from: South Wales Fire & Rescue Service

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

1.

South Wales Fire & Service supports the overall policy intention of the Bill to improve building safety in Wales. We agree there is a clear need for legislation, particularly to provide a coherent governance structure, consistent interpretation across Wales, and to align with lessons from the Building Safety Act in England. However, clarity is required on how Welsh Government will ensure consistency across local authorities acting as Building Safety Authorities (BSAs) and how duplication with Fire and Rescue Authorities (FRAs) will be avoided.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

2.

What structure will the (BSA) take in Wales, how many BSAs are proposed, and what geographical areas will each cover?

The memorandum details that “The Bill proposes that local authorities will become Building Safety Authorities (BSAs) for buildings within their area.” (Section 5.8) However following a meeting with Martin Walker (Welsh Government and Local Partnerships) on Wednesday the 6th of August 2025, he advised that there may be clusters of BSA’s or any number between 1 and 22 BSAs.

Will there be a national joint enforcement protocol between BSAs and FSAs to prevent duplication and ensure clarity of roles?

Where there are potential conflicts where a local authority is both BSA and Accountable Person (AP); clarity is needed on which alternative bodies Welsh Ministers could appoint.

Duty holder responsibilities must be clear, particularly where multiple APs exist, to prevent gaps in accountability.

A central public register of Principal Accountable Persons (PAPs) should be established and maintained. The register should be user-friendly for regulators to input or amend records, having the ability to integrate with existing housing and fire safety IT systems to avoid duplication of effort.

Golden Thread data must be accessible to both BSAs and FSAs through a common digital platform, with real-time reporting for higher-risk buildings.

How will competency standards for risk assessors be assessed, accredited, and enforced, can further detail be provided on how professional bodies will be supported to develop a consistent competency framework?

Resident engagement strategies must be monitored for effectiveness, with mechanisms for complaints escalation involving FSAs.

3. What are your views on the provisions set out in Part 2 of the Bill - Fire safety in certain houses in multiple occupation (sections 67 - 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

3.

The Bill must address overlaps with Housing Act 2004 responsibilities. In particular:

Will there be guidance to prevent parallel enforcement that causes unnecessary burden on duty holders, if so when will this guidance be made available?

Where both structural and fire hazards are identified in a residential unit, which authority leads, and how is evidence shared between BSAs, FSAs and housing enforcement teams?

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

4.

SWFRS welcomes strengthened enforcement but notes:

The Bill introduces new powers of entry for authorised officers (sections 90–92), which will sit alongside the existing powers under the Fire Safety Order 2005. In practice, this creates potential overlap, particularly in mixed-use buildings (for example, blocks of flats with commercial premises on the ground floor).

Could the Welsh Government clarify:

How enforcing authorities should determine whether to exercise powers under the Fire Safety Order or under the Building Safety (Wales) Bill?

Whether there is an intention to consolidate or align these powers in future, to reduce duplication and legal uncertainty. How will guidance and training ensure officers apply powers of entry consistently and proportionately?

Will joint inspection templates be developed to streamline visits covering both Fire Safety Order (FSO) and Building Safety Bill requirements?

How will urgent enforcement powers, such as Prohibition Notices, coordinate between FSAs and BSAs to ensure proportionality?

Residential Property Tribunal capacity:

As Compliance and Enforcement notices can be appealed, specialist expertise in building and fire safety will be required to ensure decisions are robust and consistent. The Tribunal must be adequately resourced and trained to deal with the increased technical and complex caseload this regime will create.

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

5.

The transitional provisions and consequential amendments appear proportionate, giving a pragmatic route to move from the Fire Safety Order to the new regime without sudden disruption, however clarity is needed requiring:

Will there be a phased implementation approach depending on building category?

How will transitional guidance be issued to duty holders and enforcing authorities?

It is essential that guidance issued or approved by Welsh Ministers is clear, regularly updated, and easily accessible for both accountable persons and residents.

What impact will the new legislation have on existing formal notices issued by FSA's, these legacy notices only pertain to the common parts of the building and not structural conditions inside residential flats?

What impact will the new legislation have on the decision to issue Action Plans on premises that have signed up for PRP surveys (in partnership with the Welsh Government regeneration program).

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

6.

Potential barriers to implementation

Will joint posts (BSA/FSA) be considered to address skills gaps?

How will the National shortage in fire safety specialists, skilled professionals, cladding remediation impact implementation of the Bill?

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

7.

Appropriateness of Ministerial powers:

While SWFRS acknowledges the necessity of subordinate legislation, powers must be exercised transparently and with proper consultation. In particular:

Ministerial powers to intervene where local authorities are both regulator and AP must be clearly defined.

Guidance timelines need to be set out so that BSAs and FSAs can prepare.

8. Are there any unintended consequences likely to arise from the Bill?

8.

Will there be guidance to prevent parallel enforcement that causes unnecessary burden on duty holders, if so when will this guidance be made available?

How will conflicts be managed where the local authority is both a BSA and an Accountable Person for a building?

It is noted that Section 6.6 advises “Where a local authority is both the regulator and an Accountable Person for a building, the Welsh Ministers will have powers to direct functions or appoint an alternative body.” (Section 6.6)

What alternative bodies are being considered to perform this function?

Its paramount that potential delays in enforcement are avoided due to unclear leadership between agencies.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

9.

The Explanatory Memorandum underestimates the financial impact on FRAs. Additional costs will arise from:

What additional funding or cost recovery powers will be made available to FRAs to cover new duties, including Increased enforcement, case management, and appeals workload?

Will there be Welsh Government funding for specialist training in structural safety risk assessment for fire service officers?

Is consideration being given to funding or cost recovery mechanisms to ensure effective delivery?

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

10.

Strategic and future considerations include:

How success will be measured (KPIs, incident reduction, resident satisfaction)?

Will Welsh government provide a commitment to post-implementation review, with input from FRAs, applying lessons learned from England's Building Safety Act implementation to avoid known pitfalls.

Please use this template to draft your response and email your response to SeneddHousing@senedd.wales

Ymateb gan: John Marr, UK Finance | Evidence from: John Marr, UK Finance

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

1. We support the general principles of the Bill, to provide a more comprehensive robust regime for fire and structural safety in the occupancy phase residential multi-occupancy buildings.
2. Such a regime is needed for higher and high-risk buildings, particularly in the context of the Grenfell tragedy and the need to ensure fundamental changes to the building safety regulatory regime are made reflecting the findings of the Hackitt Review and the Grenfell Inquiry, as well as the Welsh Government's own Building Safety Expert Group. It is right that the Bill should be brought forward to deliver this, reflecting the priorities for Wales, above the equivalent legislation which was introduced in England to address this.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1-66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

3. Although we welcome the more robust regime for higher risk buildings in proposed Categories 1 and 2, we caution that the regime for Category 3 buildings (for example, converted terraced houses containing two or more flats) could be

challenging to implement and enforce if flat owners do not have the skills, resources or willingness to act as Accountable/ Principal Accountable Person.

- 4.** There could be capacity challenges to implementation if there are insufficient qualified, competent and insured assessors to undertake the required fire risk assessments, including on Category 3 buildings.
- 5.** There is a potential for unintended consequences if mortgage lenders in possession are to become responsible for duties under the legislation by virtue of having legal title to the property, even if only for a short time.
- 6.** The broad definition of Accountable Person raises concerns for lenders. The Bill's wide classification of an Accountable Person may inadvertently include lenders who hold a legal estate in possession as part of their security interest. This raises significant concerns about exposing lenders to statutory duties and liabilities, despite their limited operational control over the property.
- 7.** The Bill carries a risk of imposing legal duties on unwilling or unsuitable individuals - the framework may compel individuals into duty holder roles for which they are neither legally equipped nor personally willing to undertake. This could result in critical safety works being delayed or neglected, undermining the Bill's core objectives.
- 8.** Legal repair obligations may lead to unintended accountability - the Bill assigns accountability based on legal repair obligations for common parts, with the Building Safety Authority empowered to designate the Principal Accountable Person. This raises questions about whether such responsibility can be imposed on individuals, some of whom may be vulnerable or otherwise incapable of fulfilling these duties, potentially leading to inequitable outcomes.
- 9.** The Bill proposals could have the effect of suppressing appetite of mortgage lenders to provide secured lending finance. This could be so particularly if the proposed obligations/ duties in relation to Category 3 buildings mean no flat owner is willing to take on these responsibilities. This could result in a lack of management/ maintenance for such buildings.
- 10.** Similarly, if a repossession takes place, lenders would not expect then to be responsible for funding outstanding repairs potentially, to the further financial detriment of the former owner.
- 11.** Lenders would also need to understand the affordability consequences of obligations on borrowers under the proposed legislation, some of which might fall to individuals rather than collectively.

12. The overall effect of the proposals particularly for Category 3 buildings could impact lender appetite to lend on such properties.

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

13. The additional legislative and cost burdens which the legislation would place on landlords could accelerate further flight from the private rented sector in Wales. This could limit availability of supply of quality homes in the sector, at a time when there are already significant supply challenges in the social and affordable housing sector.

14. It would be helpful to have clarity on how the Bill proposals would work with the Rent Smart Wales Scheme and how it would interact with the complexities of the Renting Homes Act- for example on requirements to share information with tenants and how these requirements would be met.

15. Implications should be considered if relevant information or documentation is not provided and whether this would enable tenants to withhold rent (or request rent to be repaid). For example, if demand for fire risk assessments and available capacity of assessors means there is a delay in assessment and relevant information/ documentation being provided, then could this result in a case for withholding rent.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

16. Additional powers and enforcement requirements should be accompanied by appropriate resources to ensure delivery.

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

17. The drafting, development, approval and issuing of guidance envisaged by the Bill could involve a significant programme of work not only within government but also between government and other organisations/ industries.

This could take time and, if so, it would have to be factored into the overall timeframe for implementation and any phased implementation or transition to implementation plans.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

18. As above, barriers could include capacity and availability of fire/ building safety risk assessors; skills resources and willingness of Accountable Persons or Principal Accountable Persons especially in Category 3 buildings; capacity and resources of enforcing and investigating authorities; capacity within and outside government to develop required guidance in time.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

19. The Bill would confer apparently extensive regulation making powers on Ministers and, again, legislative capacity to develop the required regulatory framework could be considerable. This will need to be factored into account in implementation timeframes.

8. Are there any unintended consequences likely to arise from the Bill?

20. As above, unintended consequences could arise in relation to

21. Driving PRS landlords of some HMOs to sell-up and leave the sector.

22. Mortgage lenders in possession being responsible for duties/ responsibilities under the legislation, when they have legal title to a property even if only for a short time.

23. Whether tenants could withhold rent through non-provision of relevant information/ documentation which might not be available or be delayed owing to capacity constraints in the fire/ building assessor sector.

24. While we fully support the rationale for introducing the Bill, together with its general principles/ policy intent, there are concerns that the legislation could have an unintended punitive and restrictive effect. For smaller converted buildings (Category 3), management/ maintenance issues are generally addressed through informal agreements and other arrangements. Formal requirements and obligations in legislation could undermine this approach.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

25. No response.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

26. We are keen to work with government and officials to ensure the regime envisaged by the Bill is realistic and workable.

Agenda Item 7

By virtue of paragraph(s) ix of Standing Order 17.42

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