

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

Evidence from: TPAS Cymru. Written by David Wilton, CEO.

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.

Comments by David Wilton, Chief Executive, TPAS Cymru

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?

Before we continue, TPAS Cymru wants to state that we are generally supportive of this Bill and its goals.

Over the last few years, we have been involved in Welsh Government working groups, developing the thinking that led to this Bill. We have supported tenant voice input via several arranged tenant sessions, which gave tenants many opportunities to give their views to the Welsh Government team working on this.

We support the 3 key principles, but our comments are focused more on gaps, questions, and parts we believe could be tightened up or clarified.

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?

We are supportive of the 3 categories' definitions of buildings based on height. We support the new proposals about the Accountable Person, HOWEVER, upon our reading, it appears corporations, limited companies, etc, can be named as 'accountable person'.

This concerns us that whilst a limited company might be doing the role of accountable person there should be a named individual. Tenants said 'there needs to be a name above the door' like a licensed premises. Trading companies come and go, fold in seconds, etc.

There was feeling that they are not accountable and faceless. The accountable person needs to have a named person – a face to a faceless corporation.

Another concern we have is regard section 39 and 40 about Resident Engagement Strategies.

The provision does not give any requirement to engage with residents to create the strategy. It appears a principal accountable person can write a strategy themselves, and then just let the residents know the plan (how they let the residents know isn't really defined either!) This doesn't feel in the spirit for the various reports and enquiry findings post-Grenfell.

We also had to ask ourselves what an effective Resident Engagement Strategy looks like. TPAS Cymru has considerable experience, support and views on this social housing sector. We know what good looks like in that sector. Who within this framework will be monitoring and auditing these strategies, deciding they are appropriate and ensuring they are enforced? Will Local Authorities be resourced and experienced to deliver this vital part of the Act?

Section 44 defines that 'a Building safety certificate must be displayed in a conspicuous place'. We would also like to see details of the duty-holders/accountable person(s) and how to access the complaints process and the Resident Engagement Strategy.

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?

We support any initiative that brings better safety standards to HMOs. No further comment.

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?

Whilst this section has positive intentions and is a positive development, we have concerns about enforcement and consequences.

Tenants were sceptical that Local Authorities would have the resources to enforce this and ensure suitable consequences for those who fail to meet the requirements of this Bill.

We would hope buildings would be inspected technically by qualified teams, who will be inspecting, monitoring, and enforcing new obligations for duty holders with respect to engagement with residents.

What will be the qualifications and powers of those who don't use that part of the regulation enforcement? Will they have the resources to qualify any submissions with actual residents? What are the consequences if duty holders don't? These are important questions that must be addressed.

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?

Section 105 discusses Criminal Liability. Whilst positive, we believe that having a 'named individual' might help crystallise the seriousness of these responsibilities.

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

We have covered above about Local Authority resources to deliver on all of the Bill's provisions, not just the technical assessments.

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)?

No comment.

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

No comment.

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?

We are unable to comment on the accuracy of the administration and compliance costs. However, we refer to the comment above about whether costs have been considered for regulating and enforcing resident engagement and complaints.

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

We would like to raise the following comments regarding the Bill:

- 1) **Public transparency.** We need to restore trust in flats and high-rise buildings. We have lots of blocks of flats in Wales and are building more. Whilst this Bill should help bring trust to the building management sector, **existing** residents, fire and rescue and insurers - if you were a prospective buyer or renter, how would you know in advance of purchase or moving in as a renter, if the building had issues, improvement orders or the quality of resident engagement? TPAS Cymru regularly witnesses online forums of renters asking, '*Which flats in Cardiff Bay are safe?*'. They don't know and it creates doubt and uncertainty.
- 2) **Whilst this is a Building Safety Bill, there is no provision or improvement for people who can't self-evacuate.** Many resident groups that emerged from Grenfell have called for this. TPAS Cymru supports that call.
- 3) **Communications for all.** When published, the Bill must share information that is accessible and understandable for all - not just those working in the sector. We recommend the creation of a 'What this means for tenants and residents' document', to help explain the Bill. This will increase transparency and trust for all.

TPAS Cymru represents the voices of private and social housing tenants in Wales. With 1 in 3 people in Wales now renting, we provide the opportunity for tenants and residents to share their voices at a local and national level. This can be through our regular Tenant Pulse ([Tenant Pulse - the voice of renters in Wales](#)).

[Give feedback](#)) surveys, or our regular programme of listening and engagement. More information on how we listen and share the tenant voice can be heard here: [How to have your Tenant Voice heard in Wales](#)
