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Evidence from: Chartered Institute of Housing Cymru

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.



CIH Cymru response to the stage one scrutiny consultation on the Building Safety (Wales) Bill

CIH Cymru welcomes the opportunity to provide their views as part of stage one scrutiny of the 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?

CIH Cymru broadly welcomes the publication of this legislation. The Grenfell Tower tragedy is one that should never have happened, and we need to take steps to ensure that a similar tragedy can never happen. There is a need for legislation to meet the stated policy intention and to ensure that multi-occupied buildings in Wales, when occupied, minimise and remove risk to residents. This will help ensure that residents have confidence that the building is safe and that steps can be taken to ensure issues are managed that could pose a risk to them. The legislation is a key part of the strengthened building safety regime in Wales

and will ensure that individuals can feel safe in their home no matter what type of home they choose to live in.

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?

As there are several provisions set out in Part 1 of the bill we have split our response into sections for ease of reading.

Regulated buildings and their categories

The bill proposes three categories of buildings. This appears to have been added to the face of the bill as a result of responses to the white paper consultation. This three-category approach will ensure that the approach for lower risk buildings is proportionate whilst ensuring there is a robust building safety regime in place for higher risk buildings. Yet despite the three categories being a positive addition to the bill there is possibly scope to widen the criteria that will make a building a category one or two building.

Responses to the white paper outlined that height of a building should not be the only trigger for risk and that risk should also include an assessment of the occupant type, the total number of units and the location of the building.

Research by [South Yorkshire fire service](#) has shown that comparing census data to instances of dwelling fires found that single parent households, single adult households and those aged over seventy may be at more risk of a dwelling fire than other groups. [Welsh government research](#) has also highlighted that older people are at a higher risk of a home fire coupled with lowest levels of preparedness and slow reactions when a fire does break out. Individuals with physical difficulties or sight issues would also be at a higher risk when a fire does break out.

Based on the research and responses to the white paper it may be appropriate to amend the criteria for a category three building so that when these buildings are used to house individuals for whom a fire risk is likely to be higher those buildings would then be classified as a category 2 building. This would allow for structural safety risks to also be assessed in the context of ensuring swift and easy evacuation of buildings if a fire does break out in a building that is to house older people or those with physical difficulties.

By ensuring those category three buildings used to house those individuals with an inherently higher fire safety risk as category two buildings it will also place a requirement to register those buildings. This will ensure that the building safety authority is also made aware of those lower rise buildings that may pose a higher fire safety risk due to their occupancy type. This does not mean we are advocating for care homes to be classed as a regulated building. Rather that those regulated buildings that are used to provide sheltered accommodation are classified as category two buildings recognising the increased risk that this could pose as outlined in research.

Registration of Category 1 and Category 2 buildings

We welcome the introduction of a registration scheme but would also like to see the register entry include the number of residential units that are in the building. This will give an indication of the number of people residing in the building and whether this will pose a greater or lesser fire risk should a fire break out.

Basic registration information should also be made available to the public in a similar way Rent Smart Wales holds a register for privately rented properties. This will enable residents or potential residents to have reassurance that their building is registered as part of the building safety regime. If it is not registered or lapsed, steps can then be taken by the resident to notify the Building Safety Authority so that the registration of the building can take place.

Assessment of building safety risks

We welcome the addition to the face of the bill a requirement to undertake an assessment of fire and structural safety risks. Yet any accompanying regulations that define what a competent person is much match the requirements within the building control regulations so that there is uniform criteria for competency at both the occupation and construction phase of a high-risk building. We would also like to see that the accompanying regulations outline that the findings of the risk assessment are stored within the golden thread of information. This will also provide continuity for the building's information from construction phase to occupation phase.

One concern we have is the capacity of the sector to undertake fire safety and structural safety assessments. [Evidence provided to the UK government by the CIH policy team](#) on building safety highlighted that there are ongoing skills shortages and recruitment issues that are impacting building safety work. This is

echoed by the [Chartered Institute of Building \(CIOB\)](#) whose recent skills gap report outlined that 44 per cent of respondents felt that there were lots of skills gaps in understanding building regulations. This stemmed from confusion due to frequent changes, the differences between devolved nations and multiple regulatory documents. Respondents also highlighted a skills gap directly relating to fire safety regulations with 34 per cent of respondents highlighting this gap. Some barriers to upskilling were:

- A lack of access to quality training programmes
- A risk of losing trained employees
- The cost of training.

Concerns around the level of capacity within the sector have also been shared by the [fire protection association](#). There is a risk that those who are deemed competent by regulation will end up overloaded due to shortages in the sector.

A key part of implementation of the bill will be to ensure that the workforce resource is sufficient to undertake the necessary assessments. This will need investment by Welsh government into apprenticeship and skills development to ensure we have the right size of workforce to implement the new assessment criteria outlined in the bill.

Duties relating to Category 1 buildings only

Safety case reports

We welcome the addition of a report specific to the risks for the Category 1 building and for that report to be kept under review. The accompanying regulations around recording of data should specify that this is contained within the golden thread of information for the building so that all relevant information on the building is kept in the one place making revision and reviewing of the information easier to undertake.

Resident engagement strategies

The resident engagement strategies are a needed addition to ensure that principle accountable persons are seeking the views and involvement of residents in building safety decisions. This meets a specific recommendation of the Hackitt review and highlights the importance of giving residents a stronger voice and better information about building safety. The bill states that the timescales for reviewing the residents' engagement strategy will be set out in regulation. However, we feel that the timescale should be on

the face of the bill with the timescale being every five years mirroring the reregistration period for the building. Other legislation such as the Housing (Wales) Act 2014 mandates relevant strategies on the face of the bill together with timescales so we feel this approach is proportionate.

The responses to the white paper outlined that there also need to be steps in place so that new residents are also informed of and provided with a copy of the residents engagement strategy. The bill only outlines that the strategy should be given to current residents and that the accountable person doesn't have to give a resident a copy if they are not aware of the resident. However, there is scope for the addition of a provision that if somebody moves into a relevant building before the strategy is renewed that the accountable person provides them with a copy of the strategy. This will ensure that everyone within the building is aware of the building safety for the building and will ensure that all resident no matter how long they have lived in the building have a voice in building safety matters for the building.

In regard to effective drafting of the resident engagement strategy there is a need to consider training needs for some principle accountable persons. Where the principle accountable person is a registered social landlord or local authority training may not be needed. Yet where the principle accountable person is not one of these there may need to be consideration of providing training on how to draft a resident engagement strategy and on what good engagement looks like. This will ensure that any resident engagement strategy that is drafted is of a good standard and is effective in its objective of ensuring residents are involved in the building safety decisions for their building.

Information and complaints

We welcome the addition to the bill of the provision that regulations will set out the information that needs to be provided to other individuals. We would like to see the regulations specify that this information is recorded within the golden thread which can then be accessed by the relevant individuals subject to GDPR requirements. This use of the golden thread will ensure consistent information recording through construction and occupation phases of the building.

The complaints procedures will form part of the role of ensuring residents are involved with and can have a say in the building safety of their building. Again, whilst we welcome this provision on the face of the bill any accompanying regulations need to specify that details of the complaint system, any complaints

received, and their resolution is also contained in the golden thread to ensure consistent information recording processes. This information will need to be accessed by the Building Safety Authority, the principle accountable person and the accountable person subject to GDPR requirements.

Duties of residents and owners of residential units

The duties set out in the bill for residents and owners seem to be proportionate. Despite this there is possibly an additional duty for residents of Category 1 buildings to be added to the bill. Responses to the white paper highlighted a need to ensure new residents to buildings are also aware of building safety measures within the building. It is proposed that principle accountable persons are to develop and provide a copy of a residents' engagement strategy to every resident that they are aware of. There is a proposed exemption if the principle accountable person is not aware of a resident. Yet this information should be provided to a new resident. So that the principle accountable person does not inadvertently breach their duty there should be a duty placed on new residents of Category 1 buildings that they inform the principle accountable person they have moved into the building. This will ensure they can then be provided with a copy of the resident engagement strategy for the building and are then made aware of their duties as a resident of the building.

It will also need to be explored how the proposed duties for residents can be included into tenancy agreements in a way that they are legally binding on residents.

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?

The fact that the bill clearly sets out what a relevant and non-relevant HMO is welcomed. This additions recognises comments made in respect to the white paper that respondents wanted to see clear definitions within the bill. As such we welcome this inclusion within the proposed bill. This clear definition will aid landlords in establishing if and when they should be assessing fire safety risks in a HMO they own or manage.

As previously outlined in regard to recording the fire risk assessment in writing, regulations should outline that this recording should be done within the golden thread for the building. This information should then be able to be accessed at any time by other relevant duty holders with GDPR requirements being adhered to.

The proposed residents' duties for relevant HMO's will also ensure that any resident of a high-risk building is under the same expectations around ensuring their behaviour does not negatively impact the safety of the building. Again, as previously outlined it should be explored whether these duties should also be included in tenancy agreements so that legislation around tenancies mirrors building safety legislation and there is a consistent approach to expectations of residents of multi-occupied buildings.

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?

The proposals in Part 3 will also need to be considered in line with the current skills gaps for the enforcement agencies. A recent report by CIOB outlined that 76 per cent of respondents to their survey thought there were skills gaps in applying fire safety regulations and a 76 per cent skills gap in applying building regulations.

There is also a need to ensure that our local authority workforce has the resources it needs to undertake their new building safety functions. Our 2025 sector snapshot outlined that a key barrier to developing the homes we need were delays in the planning system due to a lack of capacity within local planning authorities. We do not want the new building safety responsibilities to act as another barrier to developing new homes at the pace and scale we need to effectively tackle the current housing emergency in Wales. Therefore, we need to ensure that local authorities are resourced at a level that enables them to implement the new legislation.

The new measures within the bill to strengthen the building safety regime in Wales are necessary to give residents the confidence that their building is safe to reside in. It also provides a safety net for when things go wrong but this is all dependent on the right level of funding so the new enforcement regime can be

resourced. Enforcement is a vital part of operating a robust building safety regime and we must fund it appropriately.

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 phased implementation is appropriate and mirrors the implementation of the legislation for the construction phase of multi-occupied buildings. Yet despite this it is vital that there is no unnecessary delay in drafting the accompanying regulations that many of the build provisions

rely on. If we are to ensure all our multi-occupied buildings are covered by the new building safety legislation, then we need to have regulations in place as swiftly as possible. These regulations will need to be consulted on so that the wider sector can have input into their workability and the resources that they will need to implement this timely bill.

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

As we have already outlined in our response one of the key potential barriers is the current skills gap for fire safety assessments and building safety assessments. We are also concerned about whether the number of competent individuals currently undertaking this work is at a level that will meet the needs of two separate jurisdictions implementing a strengthened building safety regime at the same time. Concerns have been raised by members that these skills shortages, recruitment challenges and capacity of the fire safety industry could threaten the sector’s ability to meet new regulatory demands. There is a need for targeted investment in reskilling initiatives and apprenticeships to provide the skills we need to implement the new regulations.

We also have concerns around the capacity of local authorities to take on their new building safety regulator role. Local authorities are already facing capacity issues in housing related services. Our series of sector snapshot reports has outlined a common theme of a lack of resources, increasing workloads negatively impacting the mental health and wellbeing of those working in housing. Our 2025 sector snapshot outlined that 40 per cent of respondents were concerned by a lack of resource and 56 per cent of respondents stated their current workload was high. It also outlined the impact that the current lack of capacity within

planning departments is having on the pace and scale of developing new homes. We do not want the new building control regulations to act as another barrier to developing new homes at the pace and scale we need to effectively tackle the current housing emergency in Wales. Therefore, we need to ensure that local authority building control departments are resourced at a level that enables them to implement the new regulations.

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 powers in the bill for Welsh ministers to make subordinate legislation are appropriate.

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

As we have previously outlined there are concerns around the level of capacity within local authorities to undertake their building regulator role. Planning departments already have capacity issues in Wales. There are concerns that this new role will further negatively impact this capacity which in turn could have an impact of the pace and scale of housing development at a time when more homes are needed to tackle our ongoing housing emergency. Yet this unintended consequence will not be pan Wales. Some local authorities could be disproportionately impacted as high rise buildings are not evenly distributed across Wales.

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 overall total cost for implementing the bill seems to be very low. However, this can be explained by the financial impact assessment not considering the costs to housing associations for implementing the bill. There is also no assessment of whether the current level of capacity within the system is enough to meet the new requirements and if not, what steps need to be taken to increase the level of capacity.

Some costs to housing associations that are not considered could be:

- Having to employ a dedicated fire risk assessment expert
- Installing new IT systems to ensure robust and accurate recording of golden thread information
- Wider training needs for housing officers who have regulated multioccupied buildings in the area they manage.

Whilst the costs to local authorities and fire safety authorities include employment costs it is again not clear if this assessment includes an assessment of whether the current workforce level is sufficient. This then being used as a basis of estimating the cost of increasing the workforce to the likely level needed to implement the proposed new regime.

We would like to financial impact assessment to also consider the possible financial impact on housing associations in Wales and how much funding is likely to be needed to assist with implementation.

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 regime is an important part of realising housing adequacy in Wales. But in order to ensure the right level of funding is allocated to its implementation we need a whole system approach to housing adequacy in Wales, where the building safety regime is a key component. Legislating for the right to adequate housing will mean that over political cycles we work towards progressively realising that right allocating the maximum level of resources to its realisation. This in turn will mean the right level of resources for the building safety regime to upskill the sector and ensure the right level of capacity to ensure the regime improves the safety of our multi-occupied buildings preventing another Grenfell Tower tragedy from happening again. This must happen with the foundation of the right to adequate housing in place and building safety undertaken through the lens of housing adequacy in Wales.
