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**Ymateb gan: Jenny Preece, University of Sheffield / UK Collaborative Centre for Housing Evidence | Evidence from: Jenny Preece, University of Sheffield / UK Collaborative Centre for Housing Evidence**

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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.

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**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?**

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**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. The scope of the proposed legislation, and its application – in different forms – to all buildings containing two or more residential units reflects an understanding that there are relevant risks which should be controlled even in low-rise buildings. **Our research** with leaseholders in England demonstrates that people living in buildings at a range of heights are negatively impacted by fire safety problems, including **below 11m**. In our initial research, many leaseholders expressed the view that understandings of risk should be nuanced and comprehensive, not solely related to building height. As well as considering mid- and lower-rise buildings, some participants also reported concerns over what they viewed as over-zealous risk control measures which could create a substantial financial burden for residents (for example in requiring interim measures), noting the importance of proportionate and reasoned measurement of risks.

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3. The inclusion of a wider range of buildings (including those under-11 metres) may expose some tensions, given that leaseholders in lower-rise buildings which may be affected by cladding and fire safety defects currently have no access to funding for remediation works.
  4. Maintaining the potential for regulation to specify when particular buildings should fall into a different category due to being higher risk than the category they would otherwise fall into based on height classification alone, acknowledges that whilst height is a relevant factor in understanding risk it is not the only factor and emerging knowledge may render buildings previously considered relatively low-risk to be reclassified. This seems appropriate, particularly in light of high-profile concerns related to some buildings under 11 metres in England.
  5. In Section 39, the requirement for preparation and following a residents' engagement strategy to promote participation in key building safety decisions is limited to category 1 buildings. **Our research** with leaseholders in England living in buildings affected by cladding and fire safety defects shows common frustrations with lack of access (both proactively and upon request) to information about buildings' fire safety and limited communications with building occupants. During the process of remediation works – which often represent major, relatively long-term disruptive works to buildings – **our research** shows that these longstanding problems related to communication with leaseholders, and consideration in decisions about the building, are commonly exacerbated. Whilst the research is not representative of all buildings, in our samples the experience of these challenges did not appear to be substantially differentiated by building height (for example, between buildings above 18m and 11-18m).
  6. Whilst the burden of developing a resident engagement strategy and implementing approaches to involving residents in decisions about fire safety may be judged to be overly burdensome in smaller, low-rise, and low-risk buildings (such as Category 3 regulated buildings), we have spoken with many leaseholders in mid- and high-rise residential buildings in England who express a clear frustration with lack of information, poor communication, and lack of consideration and involvement in building decision-making processes related to safety. It is not clear why resident engagement should be mandated for a building of seven storeys, but not be necessary for a building of six storeys, and consideration could be given to a combination of building-height and unit minimum for these provisions to apply, recognising that it is not height but
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building size and complexity which may be a more effective way of guiding the utility of a resident engagement strategy. Whether mandated or not, there is

perhaps a role for Government in developing best practice guidance related to the promotion of resident engagement and involvement in decision-making in private buildings, which have much less culture of this practice when compared to, for example, the social sector.

**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?**

7.

**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?**

8. In England, implementing a new building regulatory regime has been complex and issues have been raised in relation to the resourcing of regulatory functions, particularly related to the progression of new buildings through the gateway approval process. Our research with leaseholders in England shows clear frustration and disappointment with the failures that have led to them living in unsafe buildings, and demands for quality assurance to provide confidence in the safety of their homes going forward following remediation work and into the future.

9. In Wales, regulation and enforcement will be the responsibility of Local Authorities for buildings within the relevant geographical area. In other areas, such as the enforcement of standards in the private rented sector in England, research has highlighted that the way in which enforcement agencies (Local Authorities and the Police) carry out their roles is a concern, often resulting from insufficient resources. It is well-established that there are gaps between legislation and its enactment, and practices vary significantly among Local Authorities. It is therefore possible that geographical variation in activities and approaches, lack of specialist experts, and staffing capacity / resourcing more generally are likely to pose a similar risk in relation to the implementation and enforcement of this legislation. The regulatory challenge for Local Authorities is also likely to differ according to the make-up of local housing markets, with concentrations of Category 1 buildings and HMOs falling disproportionately

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within the remit of particular Local Authorities. This may result in pressures on particular Local Authorities which need to be anticipated and mitigated.

**10.** Section 85 relates to the issuing prohibition notices. Such notices may result in residents being unable to occupy buildings due to the risks involved. To aid the implementation of the legislation, it is worth considering the development of guidance for enforcing bodies and for tenants and residents who live in buildings which may be subject to enforcement action, including prohibition notices preventing continued occupation. In England there have been several highprofile evacuations and decants from high-rise residential buildings (for example, Barton House, Bristol; Wicker Riverside, Sheffield; the Ledbury Estate, Southwark). We worked with Tower Blocks UK to produce a checklist for tenants facing emergency or planned moves from their home due to safety concerns. This was designed to provide tenants with a set of common issue or questions which have come up in these cases, and linked these to practical examples from different Local Authorities. Whilst this was specifically oriented to tenants (as provisions for leaseholders will differ) in England, it may be anticipated that many of the issues and questions for tenants facing moves may be the same. This can be found [here](#).

**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?**

**11.**

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

**12.** There are three categories of regulated building, including category three (less than 11m and containing at least two residential units). Category three buildings are subject to fire safety risk assessments (but not registration) and are required to identify an 'accountable person'. Given that a competent person is required to carry out a fire risk assessment within 6 months of the provisions coming into force, there may be a risk in relation to the availability of competent persons to conduct assessments in a high volume of buildings when the provisions first come into force, and on an ongoing basis, given annual reviews. Again, assessment or mapping of the availability of appropriately skilled persons, and anticipation of demand, will be important in managing the implementation of this requirement.

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**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)?**

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

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**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?**

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

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