

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

Ymateb gan: Cyngor Abertawe | Evidence from: Swansea Council

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 represents a vital and long-awaited advancement in Welsh housing legislation, aimed at closing persistent gaps in building safety oversight. Swansea Council supports the Bill's ambition to enhance safety standards in high-rise residential buildings (HRRBs). Nonetheless, we recognise considerable practical, operational, and financial hurdles that must be resolved to ensure the Bill achieves its intended outcomes for residents across Wales.

There is broad consensus among stakeholders that the Bill is both timely and essential. The fragmented nature of current building safety regulations—tragically highlighted by the Grenfell Tower fire—demands reform. The Bill's focus on accountability, transparency, and risk mitigation is widely endorsed, as is its overarching goal of improving safety in multi-occupied residential properties.

However, concerns remain about the Bill's implementation. In particular, the designation of local authorities as Building Safety Authorities was introduced without adequate consultation. Many councils do not have the necessary technical skills, staffing and resources to take on this responsibility effectively. A growing number of voices advocate for a regional or national model, such as Multi Disciplinary Teams (MDTs), potentially aligned with Fire and Rescue Service areas, to avoid overburdening individual councils.

To prevent duplication, confusion over enforcement roles, and regulatory gaps, the Bill must be carefully integrated with existing housing and safety legislation. Environmental Health Housing teams already have enforcement duties under the Housing Act 2004 and the Housing Health and Safety Rating System (HHSRS), particularly where Category 1 fire hazards are identified. It is therefore crucial that the Bill clearly delineates the roles of Local Authorities, Fire and Rescue Services, the Building Safety Regulator, and Accountable Persons.

Given the limited number of Category 1 buildings in Wales, the requirement for competitive salaries to attract qualified staff, and the multidisciplinary nature of the work, we recommend establishing one MDT per Fire and Rescue Service area. These teams should be empowered to act under the legislation and required to consult with Fire and Rescue Service before initiating enforcement actions.

Alternatively having a single central MDT that is appropriately funded could bring greater consistency in approach, advice and delivery; can feedback on future policy development and provide a single legislation focus. This will be particularly important for landlords with portfolios that span multiple fire service and local authority areas.

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 sets out important safety responsibilities for those who own multi-occupied residential buildings. Key provisions include the mandatory appointment of an Accountable Person, the creation of a comprehensive “Golden Thread” of safety information, and the requirement to register higher-risk buildings. These elements are widely recognised as fundamental to establishing a strong regulatory framework.

A significant concern is the lack of a centralised system to manage the Golden Thread and handle registration applications, which raises issues around data consistency and accessibility. Leveraging an existing platform—such as Rent Smart Wales—could simplify implementation and improve continuity. The financial burden of developing and maintaining appropriate IT infrastructure would be prohibitive for individual local authorities and would also lead to 22 different databases being created. Therefore, a regional or national inspection model, supported by centralised data systems for registration and record-keeping, is considered essential.

A further significant concern for social landlords with large portfolios of domestic properties is the requirement to increase their Fire Risk Assessment activities to include all flat type accommodation. Whilst it is logical to include all flats it represents a major increase in the number of assessments to be undertaken and delivering assessments at scale will likely require external resource in order to meet competency requirements. Overall, this will require major increase in expenditure at a time when there are already significant financial demands to meet existing ambitious requirements such as the WHQS2023. There needs to be a financial impact assessment on landlords pre and post introduction.

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 introduces new fire safety responsibilities for Houses in Multiple Occupation (HMOs), including requirements for risk assessments and formal record-keeping. While these measures are important in high-risk environments, there are concerns among stakeholders about whether the additional duties are necessary and proportionate—particularly for HMOs already subject to regulation under existing licensing schemes.

There is a risk that over-regulating HMOs could lead to unnecessary administrative burdens without delivering corresponding safety improvements. Licensed HMOs are already subject to rigorous oversight and do not require inclusion in this new framework. Rather than reinforcing existing enforcement mechanisms, the Bill may unintentionally duplicate them. It does not directly address the underlying issues affecting HMO fire safety enforcement, such as funding constraints and staffing shortages.

It is therefore recommended that these properties continue to be governed under the Housing Act 2004 through the existing HMO licensing regime. Expanding the definition of mandatory licensing to include two-storey HMOs would bring Wales in line with the approach taken in England and strengthen fire safety without introducing additional regulation.

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 Bill outlines a wide range of enforcement powers—including rights of entry, compliance notices, prohibition orders, and tribunal appeal mechanisms—that are familiar to local authorities and generally workable in practice. However, the allocation of responsibilities across different bodies, and the potential for overlap with existing local authority powers, could result in confusion and inconsistent enforcement.

The resource demands associated with these provisions are considerable. Without dedicated funding and strategic workforce planning, there is a real risk that implementation will be unfeasible. To ensure enforcement is effective, coordinated, and proportionate, a shared model supported by clear operational guidance is strongly recommended.

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 grants essential powers to support subordinate legislation and transitional arrangements. While the framework is technically sound, there is concern among stakeholders about the level of detail deferred to future regulations, which creates uncertainty for those tasked with implementation.

To ensure clarity and accountability, we recommend embedding a requirement within the legislation to consult local government on any subordinate legislation that affects enforcement responsibilities or resource implications. Additionally, the Bill should establish centralised systems for registration and record-keeping to promote consistent delivery, alongside regional inspection teams to oversee enforcement for Category 1 and 2 buildings. A risk of deferring details and devolved systems to separate bodies for registration is that divergent approaches evolve across Wales – this could place additional demands and operational stresses on landlords with portfolios spread across Wales.

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 Swansea Council are as follows.

As a regulator:

- Ongoing budget pressures in the Environmental Health and Private Sector Housing Teams means that they do not have the capacity to take on this work with the existing overstretched resources.
 - Lack of experienced Environmental Health Officer's (EHOs) across Wales, combined with inadequate numbers of EH students graduating, makes recruitment almost impossible.
 - Local Authority Building Control Teams work within the Gateway 2 phase and continue to experience issues with recruitment for Registered Building Inspectors (RBIs) since their introduction. The addition of roles set out in Gateway 3 will only add to service pressures.
 - Salary grades in Local Authorities are generally capped at around £43,000 for a Senior EHO or Building Control Officers which are not as attractive for experienced officers and face competition from 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 substantial 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 do not have the finances to 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 alone has approximately 180 Category 1 Buildings, with many LAs having none or perhaps one of these buildings. Authorities will struggle to upskill 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.
-

As landlord:

- Delivering FRAs across all flats represents a major increase FRA activity and therefore costs to landlords, particularly social landlords where rents are capped and the financial operating environment is regulated and restricted.
- Competency needs to be clearly defined across all roles.
- Growing the number of competent assessors as well as increasing the levels of competency amongst those with management and maintenance responsibilities will take a significant period of time and will require additional investment in those services.

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 set out in the Building Safety (Wales) Bill are both appropriate and necessary, reflecting the technical complexity and need for flexibility in regulating building safety. However, their application must be supported by clear guidance, meaningful consultation, and transparent oversight to ensure that subordinate legislation is developed collaboratively and does not place unexpected 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.

The financial requirements will impact social landlords' ability to meet other legislative demands if the financial environment they operate in remains

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 impact assessment accompanying the Building Safety (Wales) Bill is widely viewed as insufficient. It fails to adequately account for key cost drivers such as training, recruitment, increased inspection demands, and administrative workload. These concerns are echoed in the Wales Audit Office's report *Cracks in*

the Foundations – Building Safety in Wales (August 2023), which highlights systemic challenges in the current framework.

To ensure the Bill is deliverable and sustainable, the following measures are recommended:

- A comprehensive analysis of workforce capacity and recruitment feasibility.
- Consideration of alternative delivery models, such as establishing multi-disciplinary Teams (like the JIT model) aligned with Fire and Rescue Service areas to oversee inspection and enforcement of Category 1 and 2 buildings. Alternatively, regional local authority teams could be formed to pool expertise and resources, enabling appropriate salary structures that reflect the specialist skills required and current recruitment challenges.
- Clear commitments to recurring, ring-fenced funding to support enforcement functions.
- A statutory requirement to consult local government on any subordinate legislation that affects enforcement responsibilities or resource needs.
- A financial impact assessment which considers regulatory pressures on landlords as a whole.

Without these provisions, the Bill risks placing unsustainable pressure on local authorities and undermining the effectiveness of the proposed 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 seeks to close critical gaps in housing safety regulation, aiming to establish a more accountable, transparent, and risk-aware framework for high-rise residential buildings (HRRBs) in Wales. While its objectives are widely supported, this response identifies key challenges—such as workforce capacity, funding, operational clarity, and inter-agency coordination—that must be addressed collaboratively with local government to ensure successful delivery.

With meaningful engagement, clear operational guidance, and sustained support, the Welsh Government has the opportunity to ensure that the Bill is not only well-conceived but also practically effective—ultimately creating safer living environments for residents across Wales.
