



ENVIRONMENTAL HEALTH WALES

Consultation Response

Consultation –Building Safety (Wales) Bill.

Environmental Health Wales (EHW) is the collective organisation of officers heading up Environmental Health services within local authorities under the Directors of Public Protection Wales (DPPW), with the following Mission Statement:

'To protect personal, environmental, economic and social well-being through policy, regulation and education. By these means to create a safe living and working environment for the communities we serve.'

Under EHW are a selection of specialist/expert panels and groups focusing on specific areas of public protection plus generic aspects of delivery such as training, enforcement, and performance management. We also have representation on an extensive range of fora, advisory groups and steering committees.

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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.

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.
