
Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

Ymateb gan: Cymdeithas Llwyodraeth Leol Cymru | Evidence from: Welsh Local Government Association

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?

There is broad consensus that the Building Safety (Wales) Bill is both necessary and timely. It addresses longstanding gaps in building safety regulation, particularly highlighted by the Grenfell tragedy and subsequent inquiries, which exposed a fragmented and ineffective system. Local government strongly supports the Bill's overarching aim to improve safety in higher risk multi-occupied residential buildings and welcomes its emphasis on accountability, transparency, and risk management. Local Authority however question the need to include low risk multi-occupied properties such as HMO's, which are already regulated under current legislative framework.

A key principle underpinning the Bill is the maintenance of the "Golden Thread" of information throughout the lifecycle of a building—from planning and design, through construction, and into occupation and ongoing management. As identified in the Hackett Report, this is essential to ensuring that safety-critical information is accurate, accessible, and consistently maintained, enabling informed decision-making and effective oversight.

To ensure successful implementation, the Bill must be carefully integrated with existing legislation to avoid duplication, unclear enforcement responsibilities, and unintended gaps. Local authorities already play a critical role under the Housing Act 2004, including enforcement across all dwelling types and the licensing of HMOs, there is currently limited confidence that other legislative powers to both Fire Safety Authorities and Local Authorities have been considered within the drafting of the Bill, resulting in additional burden on both the regulators and social and private landlord.

Concerns remain about the practical implementation of the Bill. The proposal to designate local authorities as Building Safety Authorities is unrealistic, given current resource constraints, limited technical expertise (resulting particularly from the privatisation of Building Control services) and ongoing workforce capacity challenges. Without significant investment and support, local authorities will struggle to fulfil these new responsibilities effectively, potentially undermining the Bill's objectives.

A regional or national delivery model, supported by multidisciplinary teams such as the Joint Inspection Teams (JITs), is considered a more viable and sustainable approach, pooling expertise across a regional area.

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 Building Safety (Wales) Bill introduces important provisions aimed at placing clear safety obligations on owners of multi-occupied residential buildings, which is strongly welcomed. Key elements in Part 1—including the designation of an Accountable Person, the Golden Thread of information, and the mandatory registration of higher-risk buildings—are broadly supported as necessary steps toward a more robust safety framework.

However, several operational concerns remain. The Bill lacks sufficient detail on how the Building Safety Authority will engage with critical functions such as registration, inspection, compliance and enforcement. Moreover, the fragmentation of responsibilities between fire safety authority and structural safety is problematic. These domains are deeply interconnected, and separating them risks inefficiencies and gaps in enforcement, resulting in further fragmentation, risk of hazards not being addressed by any of the responsible authorities.

The absence of a centralised system for maintaining the Golden Thread raises further concerns about data accessibility and consistency. Integration with existing platforms, or development of a national platform, is recommended to streamline processes and ensure continuity. This would of course require additional investment similar to that of Rent Smart Wales. It would however ensure a consistent, more efficient approach long term.

Local authority teams already face significant capacity and training challenges. Without dedicated funding and workforce planning, the Bill's provisions may prove impossible to implement in practice.

To ensure effective implementation, the Bill should it continue in its current format, explicitly clarify:

- The respective roles of Local Authorities as the Building Safety Authority and the Fire Safety Authority.
- Mechanisms for information sharing and joint working between these bodies should it be considered, as it risks being fragmented rather than integrated, reducing accountability.
- Dispute resolution processes where enforcement responsibilities overlap.

Without such clarity, there is a real risk of duplication, conflict in enforcement, and delayed or avoidance in safety interventions, undermining the Bill's intent to deliver a safer built environment.

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 Building Safety (Wales) Bill introduces new fire safety duties for Houses in Multiple Occupation (HMOs), including requirements for risk assessments and record-keeping. While enhanced fire safety is essential, particularly in high-risk settings, local authority stakeholders have raised concerns about the necessity and proportionality of these duties—especially for smaller HMOs already regulated under the Housing Act 2004.

There is a risk that the Bill may duplicate existing enforcement regimes, rather than strengthen them. Many of the current gaps in HMO fire safety enforcement are attributed more to budget cuts and workforce capacity shortfalls than to a lack of legislative powers.

Key concerns include:

- Ambiguity around the scope of affected properties and the required level of fire risk assessment.
- The absence of a defined assessor competency framework, which could lead to inconsistent enforcement.
- The need for clear guidance and a targeted approach that focuses on genuinely high-risk properties.

To ensure the Bill is effective and proportionate, we recommend:

- Prioritising proper funding and resourcing of existing HMO enforcement teams.
- Ensuring the Bill aligns with and supports current regulatory frameworks rather than duplicating them.

Exploring opportunities to strengthen existing enforcement mechanisms through better funding and clearer guidance, rather than layering new regimes may be a better way forward.

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 Building Safety (Wales) Bill introduces a comprehensive enforcement framework, including powers of entry, compliance notices, prohibition notices, and tribunal appeal mechanisms. These powers are extensive and necessary to uphold safety standards and are broadly familiar and workable. However, the complexity of enforcement mechanisms and the potential overlap with current legislative powers are of concern, potentially causing confusion, inefficiency, and inconsistent application.

Key issues identified include:

- Unclear enforcement responsibilities: It is not evident who serves notices, leads investigations, or coordinates enforcement activities.

- Enforcement primacy must be clearly established to avoid conflicting investigations and duplication of effort.
- Building Safety Authority need clear guidance on their role relative to the Fire Safety authority, including mechanisms for information sharing, joint working, and dispute resolution.
- There is uncertainty around the qualifications and competencies required for enforcement officers, which could impact consistency and effectiveness.
- The resource implications for Local Authorities as the designate Building Safety Authority are significant and are currently underestimated.

Without the necessary level of investment in workforce capacity and planning, these provisions risk being undeliverable in practice. A shared enforcement model supported by clear operational guidance is recommended should the current format remain, 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?

Part 4 of the Building Safety (Wales) Bill sets out general provisions and powers for subordinate legislation, including delegated powers for Welsh Ministers, transitional arrangements, and application to Crown buildings. These elements provide the necessary legal infrastructure to support the Bill and offer technical flexibility for future amendments. However, local authority stakeholders have raised concerns about the extent of detail deferred to future regulations, which creates uncertainty for local authorities currently identified in the Bill as being responsible for delivery.

While these provisions are appropriate in principle, their effectiveness depends on transparency, oversight, and operational clarity.

To address these concerns, the Bill should:

- Embed statutory duties to consult local government on subordinate legislation that affects enforcement roles or resource requirements.
- Establish centralised systems for registration and record-keeping to support consistent implementation and reduce the resource burden.
- Include protocols for inter-agency cooperation and information sharing to ensure operational clarity and avoid duplication.

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

The successful implementation of the Building Safety (Wales) Bill faces several significant barriers, particularly for local authorities currently tasked with delivery. These challenges span workforce capacity (now and in the future), resource constraints, role clarity, potential for duplication of effort, and inter-agency coordination, and are compounded by a lack of operational detail by the Welsh Government.

Environmental Health and Building Control teams are already overstretched, with many qualified officers choosing to work in the private industry due to the higher salary scales in the private industry. The Bill introduces substantial new duties and responsibilities, without addressing recruitment, training, or capacity building. Employers would welcome further clarity on the specific skills required as a result of the proposed Bill. Building Control Officers have previously faced re-training and demonstration of competency to enable the planning and build phase of the Bill, impacting local authority resources. There is a genuine concern over workforce burnout, through addition of additional responsibilities which in this case could have a high impact on residents should something be missed. A national workforce strategy is urgently needed.

It is essential that these requirements are supported by appropriate bodies through clearly defined entry routes and career pathways, including apprenticeship schemes. This would help to address potential recruitment challenges and ensure a sustainable pipeline of talent into the sector. In this regard, employers encourage consideration of the extent to which entry schemes—such as apprenticeships and graduate placements—are currently supported by colleges, universities, and schools across Wales. This would help to address potential recruitment challenges and ensure a sustainable pipeline of talent into the sector.

Employers also advocate for a review of the training and development schemes available to the current workforce. Such a review would enable employers to respond effectively to any skills gaps identified as a consequence of the Bill, and to ensure that staff are adequately equipped to meet new demands.

There is concern among employers regarding the potential impact of the Bill on existing workload pressures. Without a comprehensive skills review and appropriate support mechanisms, there is a risk that increased demands on staff could unintentionally exacerbate any retention issues within the sector. This concern is heightened by ongoing recruitment and retention challenges, which employers largely attribute to the difference in pay levels and terms and conditions of employment of Local Government in comparison to the Private sector. Any additional pressures introduced by the Bill must be carefully considered in this context.

The current Regulatory Impact Assessment underestimates the financial and operational burden. Without full cost recover similar to that in England the Bill risks implementation failure.

Employers strongly urge that any financial implications arising from workforce-related requirements introduced by the Bill be fully and sustainably funded on an ongoing basis.

This is critical to ensuring that authorities can implement the Bill effectively without compromising service delivery or workforce wellbeing.

Effective coordination between fire safety authorities and the designated Building Safety Authority is essential but is currently insufficiently detailed in the Bill. As previously stated, the skill required to ensure all elements of risk in a building are understood and addressed do not currently sit with one professional body, given a strong case for the implementation of a multi-disciplinary regional team.

Recommendations:

- Revise the Regulatory Impact Assessment to include detailed cost modelling, workforce assessments, and phased funding proposals.
- Explore alternative delivery models, such as expanding the Joint Inspection Team or developing regional teams to pool capacity and expertise.
- Amendment of the Bill to include the possibility of other regional arrangements to be designate as Building Safety Authority e.g. Fire Authority Boundaries. This would give flexibility to the implementation once the delivery models have been evaluated and agreed. Without this specified in the legislation, further changes would be required down the line.
- Embed statutory consultation requirements for subordinate legislation that affects local government duties and resources.
- Introduce legal harmonisation provisions to avoid duplication and ensure alignment with existing housing and safety laws.

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 local authorities.

Key Concerns:

- The Bill currently defers too much detail to future regulations, creating uncertainty for local authorities currently responsible for implementation.
- There is a risk that new duties or costs could be introduced without adequate scrutiny or input from those affected.
- Timeliness and transparency of regulations and consultation processes are critical to allow for effective operational planning.

Recommendations:

- Introduce a statutory duty to consult local authorities before making subordinate legislation and regulations that affects enforcement roles or resource requirements.
- Establish a statutory framework for consultation and oversight to ensure delegated powers are exercised transparently and with accountability.
- Ensure consultation processes are timely and inclusive, enabling local government to prepare adequately for implementation.

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

While the Bill is well-intentioned and broadly supported, several potential unintended consequences could undermine its effectiveness if not addressed:

Operational and Legal Risks

- Duplication and conflicting enforcement responsibilities may lead to delayed risk mitigation and inefficient use of resources.
- Legal confusion between the Building Safety Bill and existing frameworks such as the Housing (Wales) Act could result in inconsistent enforcement and increased administrative burden.
- Over-regulation of smaller HMOs may impose unnecessary burdens without delivering proportionate safety improvements.

Impact on Local Authorities

- Reputational risks for local authorities who may be perceived as responsible for enforcement failures, even when not the lead body.
- Workforce shortages, training gaps, and resource constraints could hinder implementation, especially for Environmental Health and Building Control teams.

Tenant Experience and Public Confidence

- Tenant confusion over who to report safety concerns to may undermine confidence and delay timely responses.

To mitigate these risks, the Bill should:

- Introduce legal harmonisation provisions to align with existing housing legislation.
- Develop a national enforcement protocol to clarify roles and responsibilities.
- Ensure adequate funding, training, and capacity planning for enforcement teams.
- Provide clear public guidance to help tenants understand reporting pathways and accountability.

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 assessment accompanying the Building Safety (Wales) Bill is currently inadequate and significantly underestimates both the costs and operational demands on local government. This concern is echoed in the Wales Audit Office's report *Cracks in the Foundations – Building Safety in Wales* (August 2023), which identifies systemic issues such as:

- Lack of dedicated funding for training and upskilling building control staff
- Poor compliance with fee-setting regulations
- Absence of robust financial oversight, threatening the long-term viability of building safety services

Key Cost Pressures Not Adequately Accounted For:

- Recruitment and training of Environmental Health Officers and Building Control staff
- Increased legal, inspection, and inter-agency liaison costs
- Costs of maintaining parallel risk assessment systems under different legislative frameworks
- Transitional expenses, including public communications and operational redesign
- Administrative complexity of inspections and enforcement
- Remediation costs resulting from enforcement actions

The proposed increase in planning fees to achieve full cost recovery is based solely on the current level of service provided. The calculations reflect the existing operations of the entire planning service. Importantly, the responsibilities outlined in the Building Safety Bill have not been included in these calculations, as they represent new and additional duties that would require separate funding.

The Bill empowers Welsh Ministers to introduce regulations enabling the Building Safety Authority (the Council) to charge fees. We strongly recommend that these regulations and an accompanying charging scheme be published concurrently with the enactment of the Bill.

According to the Explanatory Memorandum (section 3.46), the fees are not expected to cover the full cost of regulation but are intended to contribute to the administration of the scheme. In contrast, England's Building Safety Regulator Charging Scheme aims for full cost recovery. While Wales and England may adopt different approaches, the quality of service should remain consistent, and local government should not be expected to absorb the costs of delivering a new statutory function. Planning experience has shown the risks of underfunding public services. Introducing new responsibilities without adequate funding is short-sighted, especially given the financial pressures facing local authorities. With England pursuing full cost recovery, it is questionable why Wales would opt for a less robust or cheaper model—particularly given the high stakes involved in building safety.

To ensure the Bill is financially viable and sustainable, we recommend:

A revised Regulatory Impact Assessment co-produced with local authorities, including:

- Detailed, phased cost projections
- Workforce capacity and recruitment feasibility analysis
- Consideration of alternative delivery models, such as expanding the Joint Inspection Team or forming regional teams to pool expertise and resources, reduce duplication and increase accountability.
- Clear commitments to recurring, sustainable funding to fully support enforcement functions
- A statutory requirement for consultation on any subordinate legislation affecting local government duties or resource needs.

Without these measures, the Bill risks placing unsustainable pressure on local authorities and compromising the effectiveness and outcome 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?

Local government strongly supports the aims of the Building Safety (Wales) Bill, particularly its focus on improving safety in multi-occupied residential buildings. The Grenfell tragedy and subsequent investigations have clearly demonstrated the need for a stronger, more coherent regulatory framework to replace the fragmented and ineffective current system.

The Bill assigns enforcement powers to both Fire Safety Authorities and Building Safety Authorities. However, it places sole responsibility for assessing and managing structural safety and handling residents' complaints on the Building Safety Authority. This uneven distribution of duties must be carefully managed to prevent overloading the Building Safety Authority, especially if it lacks adequate funding, guidance, technical expertise, or operational support. While the Bill aims to avoid fragmented responsibilities, its current structure risks creating confusion, duplicated efforts, and gaps in accountability—particularly if tasks are passed between authorities or assumed to be handled by the other.

Operational Clarity and Coordination

- The introduction of parallel obligations under the Building Safety Bill and existing housing legislation (e.g. Housing Act 2004) risks duplication, unclear accountability, and blurred enforcement boundaries.
- Key operational terms, such as “serious risk to life,” require clear definition to support consistent enforcement.
- Joint inspection protocols and dispute resolution pathways between Building Safety Authorities and Fire Safety authority should be developed collaboratively and embedded in guidance or subordinate legislation.

Inspection and Data Systems

- A regional or national inspection model is recommended to pool expertise and address workforce shortages.
- Centralised data systems for registration, record-keeping, and the Golden Thread are essential for consistency and efficiency.

Tenant Communication and Public Engagement

- A statutory duty for clear, accessible public information is needed to help tenants understand who to contact regarding building safety concerns, one regulatory authority or Joint inspection authority would give a clear understanding to all of responsibilities.

Funding and Capacity

- The Bill introduces significant new responsibilities without addressing recruitment, training, or capacity building.

Local authorities are committed to working collaboratively to ensure the Bill's success but urge Welsh Government to address these concerns and future development of regulatory function that impact Local Authorities, in line with the Strategic Partnership Agreement between the Welsh Government and local government in Wales (June 2025).

Please contact us for any further detail or discussion.

Submitted on behalf of:

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