

Please use this template to draft your response and email your response to [SeneddHousing@senedd.wales](mailto:SeneddHousing@senedd.wales)

**Ymateb gan:** Peter Keates, Cyfarwyddwr Gweithredol, LABC | **Evidence from:** Peter Keates, Executive Director, LABC

---

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?**

Local Authority Building Control (LABC) represents all local authority building control teams in England and Wales and develops the learning, competences, standards, and practices used by nearly 3,800 building control surveyors and technical staff. LABC, through its network of Registered Building Inspectors (RBIs), advises and supports property owners and professionals, making sure buildings are safe, healthy, and efficient and conform with building regulations.

LABC welcomes the opportunity to provide written evidence regarding the Building Safety (Wales) Bill (referred to as the “Bill” throughout the rest of the written evidence) to the Local Government and Housing Committee of the Welsh Parliament.

LABC supports the issues identified in the Hackitt Review, the Grenfell Tower Inquiry and by the Welsh Government’s Building Safety Expert Group. In light of this, it is the view of LABC that the proposed Bill is an important piece of legislation to improve the safety of people living in multi-occupied residential buildings in Wales.

From reviewing the draft documents, it appears to LABC that the Bill is intending to:

---

- identify those on whom statutory duties under the Bill are to be placed during the occupation phase of multi-occupied residential buildings in Wales
- require the registration of certain regulated buildings, such as those at least 11 metres in height or which have at least 5 storeys, with a Building Safety Authority
- confer new functions on the Building Safety Authority, which are each of the local authorities in Wales
- confer new functions on the Fire Safety Authority in Wales, which are each a Fire and Rescue Authority for an area in Wales or a Fire Inspector (with regards regulation of Crown buildings)
- create duties to assess and manage fire safety risks in all in-scope buildings
- create duties to assess and manage structural safety risks for in-scope buildings, which are at least 11 metres in height or which have at least 5 storeys
- put in place new rights for residents and place duties on them in respect of all in-scope buildings
- establish a new enforcement regime to enable enforcement action to be taken if the new duties are not met

The view of LABC is that the proposed Bill is somewhat similar to Part 4 of the Building Safety Act 2022 which is currently in force in England. However, the Bill seems to have been developed to be more reflective and proportionate to the risks in Wales.

LABC has undertaken a preliminary review of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

---

Notwithstanding the above, there are areas of the Bill where LABC wish to consider the possible implications of the legislation in more detail (see response to subsequent questions below).

Moreover, LABC is keen to fully understand the full details regarding how the Building Safety Authorities will be established, operated and resourced. This would seem a fundamental key point to the success of the Bill. Furthermore, the operating model of the Building Safety Authorities potentially has the greatest impact on our members in Wales. With regards to this, LABC understands that Local Partnerships have been commissioned by the Welsh Government to advise, and work with, Local Authorities and other stakeholders on developing a model to ensure successful implementation of the Bill and the establishment of Building Safety Authorities. LABC is keen to support Local Partnerships and offer to work collaboratively with them on this area of the Bill.

LABC is keen to have oversight of the operating model of Building Safety Authorities, including a thorough understanding of structure and leadership, along with its scope of roles and responsibilities. In addition, full details of its governance arrangements, resources requirements, communications channels and IT arrangements, taking into consideration the existing differences in approaches between the relevant stakeholders.

LABC is of the view that for the implementation of Building Safety Authorities to be successful, it needs to be formed of a multidisciplinary team - including officers from housing, building control, environmental health and the fire service. Moreover, specialists such as fire safety engineers and/or structural engineers may need to be called upon from time to time.

Notwithstanding the above, our members in Wales recognise that the Local Authority building control profession will play a key role in supporting the Building Safety Authorities. However, this will place an additional burden on an already stretched service, so as part of the new regime being established, LABC would welcome the Welsh Government to consider if any extra funding and resources will be made available for areas such as upskilling staff, training and development of suitable back-office systems. It is important to note that historically the building control profession tends to discharge the duties of a Local Authority in relation to legislation that controls the construction phase of a project, rather than legislation that controls occupation during the postconstruction period; therefore it is probable that a period of upskilling and training would be required for building control professionals involved with supporting the Building Safety Authorities. This is likely to be required for building control professionals more

---

than other members of the Building Safety Authorities, such as housing or the Fire Service, who may already frequently use legislation to control aspects of post-construction occupation within multioccupied residential buildings in Wales.

**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?**

LABC has undertaken a preliminary review of Part 1 of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that Part 1 of the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

Notwithstanding the above, there were areas in Part 1 of the Bill where LABC would wish to consider the possible implications of the legislation in more detail. For example, during our preliminary review, we considered if any unintended buildings may fall within the scope of the Bill. We were concerned that, based on our current interpretation, perhaps it could be argued that two semidetached dwellings where the party wall is missing in the loft space may inadvertently be considered a Category 3 building.

Furthermore, from our preliminary review of the Bill, it would seem that a Building Regulations Completion Certificate is not a pre-requisite for registration and occupation of in-scope new build multi-occupied residential buildings. We note that under Section 19(3)(c) of the Bill, there are provisions to enable the Welsh Ministers to make regulations about any documents that must be included within an application of an in-scope building. Therefore, LABC would advocate that any future regulations made under these powers mandate that a copy of a suitable Building Regulations Completion Certificate is provided. Moreover, LABC fully supports the use of hard stops for in-scope buildings – as currently used in England. However, we would encourage the expansion of this feature to non-in scope buildings too.

---

Additionally, we note that Building Certificates are only needed for Category 1 buildings and at the request of the Building Safety Authority by virtue of Section 41(2) of the Bill – however, LABC is of the view that these powers should be extended to allow for the Building Safety Authority to direct the Principal Accountable Person for Category 2 buildings to also apply for a Building Certificate. Moreover, it is not clear to LABC what criteria the Building Safety Authority will use to determine when a Building Certificate is deemed necessary for in-scope buildings.

LABC notes that only Category 1 and Category 2 buildings are subject to structural safety risk assessments. It is not clear to LABC why structural safety risk assessments are not required to all multi-occupied residential buildings, including Category 3. LABC is of the view that all occupants in multi-occupied residential buildings deserve to live in structurally sound buildings, regardless of the height and number of storeys.

From our preliminary review of the Bill, LABC has noted sections that may be slightly disjointed. For example, Section 51 of the Bill deals with “Regulated buildings: fire safety duties of residents etc”. However, Section 51(3) provides an additional meaning of “common parts” above and beyond that detailed in Section 12 of the Bill. LABC would advocate for the Welsh Government to consider whether certain sections of the bill can be re-organised and/or simplified which may assist with its practical implementation when it becomes an Act.

LABC notes that a building is considered a “higher-risk building” during its design and construction phase if it contains at least one residential unit (in addition to other criteria with regards to height and storeys) by virtue of [Regulation 3\(b\)\(i\)](#) of The Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023, which states that a higher-risk building for the purposes of section 120(2) of the Building Act 1984 is a building (including a structure) that:

*“(a) is –*

*(i) at least 18 metres in height (when measured in accordance with regulation 4), or*

*(ii) has at least 7 storeys (when calculated in accordance with regulation 5), and*

*(b) contains–*

*(i) at least one residential unit,*

---

*(ii) a hospital that has at least one bed intended for use by a person admitted to the premises for an overnight stay,*

*(iii) a care home, or*

*(iv) a children's home, and*

*(c) is not an excluded building (see regulation 6)."*

Conversely, LABC notes that for the purposes of the Bill, a "regulated building" must contain at least two residential units by virtue of Section 2(1)(a), which states:

*"In this Act "regulated building" means a building that—*

*(a) contains at least 2 residential units, and*

*(b) is wholly or mainly in Wales."*

Whilst Section 2(1)(a) of the Bill broadly aligns to the legislation currently in force for multi-occupied residential buildings in England by virtue of Part 4 of the Building Safety Act 2022, LABC is of the view that differing criteria on the number of dwellings that are needed to trigger buildings being in-scope during the construction phase and occupation phase in Wales may lead to confusion in the wider industry.

### **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?**

LABC has undertaken a preliminary review of Part 2 of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that Part 2 of the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

---

However, LABC is keen to have oversight of the operating model of Building Safety Authorities, including a thorough understanding of structure and leadership, along with its scope of roles and responsibilities. In addition, full details of its governance arrangements, resources requirements, communications channels and IT arrangements, taking into consideration the existing differences in approaches between the relevant stakeholders.

LABC is of the view that for the implementation of Building Safety Authorities to be successful, it needs to be formed of a multidisciplinary team – including officers from housing, building control, environmental health and the fire service. Moreover, specialists such as fire safety engineers and/or structural engineers may need to be called upon from time to time.

Notwithstanding the above, our members in Wales recognise that the Local Authority building control profession will play a key role in supporting the enforcement process within the Building Safety Authorities. However, this will place an additional burden on an already stretched service, so as part of the new regime being established LABC would welcome the Welsh Government considering if any extra funding and resources will be made available for areas such as upskilling staff, training and development of suitable back-office systems.

#### **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?**

LABC has undertaken a preliminary review of Part 3 of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that Part 3 of the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

However, LABC is keen to have oversight of the operating model of Building Safety Authorities, including a thorough understanding of structure and leadership, along with its scope of roles and responsibilities. In addition, full

---

details of its governance arrangements, resources requirements, communications channels and IT arrangements, taking into consideration the existing differences in approaches between the relevant stakeholders.

LABC is of the view that for the implementation of Building Safety Authorities to be successful, it needs to be formed of a multidisciplinary team – including officers from housing, building control, environmental health and the fire service. Moreover, specialists such as fire safety engineers and/or structural engineers may need to be called upon from time to time.

Notwithstanding the above, our members in Wales recognise that the Local Authority building control profession will play a key role in supporting the enforcement process within the Building Safety Authorities. However, this will place an additional burden on an already stretched service, so as part of the new regime being established LABC would welcome the Welsh Government considering if any extra funding and resources will be made available for areas such as upskilling staff, training and development of suitable back-office systems.

**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?**

LABC has undertaken a preliminary review of Part 4 of the Bill, alongside the Explanatory Memorandum. LABC is broadly satisfied that Part 4 of the Bill will deliver the policy intent of the Welsh Government. Nevertheless, it is difficult to fully establish this without LABC having sight of the plethora of secondary legislation that may be needed to fully realise the extent and scope of the Bill. LABC looks forward to being given an opportunity to assess and comment on the secondary legislation in due course. Moreover, LABC is keen to offer its support to the Welsh Government in working collaboratively with them regarding the development of the relevant secondary legislation if this would be helpful to the Welsh Government.

Furthermore, LABC notes that the fees for exercise of functions by the Building Safety Authorities are set out in Section 103 of the Bill. However, LABC would welcome further oversight of the secondary legislation to understand how our members would recover fees for their involvement in supporting the Building Safety Authorities.

---



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

LABC is of the view that the following are potential barriers to the implementation of the Bill:

- Resources to adequately support the standing-up and then operation of Building Safety Authorities to discharge their duties under the Bill
- Provision of adequate training for members of the Building Safety Authorities to ensure that they are effective and discharge their duties under the Bill
- Education for the public and dutyholders prior to the Bill coming into force. LABC notes that the proposed implementation assumed in the Impact Assessment would focus on Category 1 buildings initially, followed by a roll out of the new building safety regime to Category 2 and 3 buildings and HMOs. LABC would expect that the Building Safety Authorities may spend a disproportionate amount of time enforcing nonregistration for Category 3 buildings and HMOs – therefore, public education is vital in the view of LABC.
- Development of suitable IT systems that integrate with members of the Building Safety Authorities and other stakeholders (where needed)
- Development of the systems to support maintaining a suitable register of in-scope buildings, particularly if the registers are required to be made public by way of secondary legislation as outlined in Section 17(3) of the Bill
- Development of suitable logistics to support effective communication and data sharing with members of the Building Safety Authorities and other stakeholders (where needed)
- Potentially loss of staff if involvement with the Building Safety Authorities increases individual's workload and/or responsibility

## **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)?**

LABC does not have any additional comments or observations on this matter.

---

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

LABC is of the view that the following may be unintended consequences arising from the Bill:

- Potentially loss of staff if involvement with the Building Safety Authorities increases individual's workload and/or responsibility
- Potentially have a negative impact on the number of constructed new build homes and therefore affect national housing targets

**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?**

LABC notes that the fees for exercise of functions by the Building Safety Authorities are set out in Section 103 of the Bill. However, would welcome further oversight of the secondary legislation to understand how our members would recover fees for their involvement in supporting the Building Safety Authorities.

The view of LABC is that the charges and fees need to be suitable to discharge Local Authorities functions whilst recovering their costs.

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

LABC does not have any additional comments or observations on this matter.

---