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Ymateb gan: South Wales Fire & Rescue Service | Evidence from: South Wales Fire & Rescue Service

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?

1.

South Wales Fire & Service supports the overall policy intention of the Bill to improve building safety in Wales. We agree there is a clear need for legislation, particularly to provide a coherent governance structure, consistent interpretation across Wales, and to align with lessons from the Building Safety Act in England. However, clarity is required on how Welsh Government will ensure consistency across local authorities acting as Building Safety Authorities (BSAs) and how duplication with Fire and Rescue Authorities (FRAs) will be avoided.

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.

What structure will the (BSA) take in Wales, how many BSAs are proposed, and what geographical areas will each cover?

The memorandum details that “The Bill proposes that local authorities will become Building Safety Authorities (BSAs) for buildings within their area.” (Section 5.8) However following a meeting with Martin Walker (Welsh Government and Local Partnerships) on Wednesday the 6th of August 2025, he advised that there may be clusters of BSA’s or any number between 1 and 22 BSAs.

Will there be a national joint enforcement protocol between BSAs and FSAs to prevent duplication and ensure clarity of roles?

Where there are potential conflicts where a local authority is both BSA and Accountable Person (AP); clarity is needed on which alternative bodies Welsh Ministers could appoint.

Duty holder responsibilities must be clear, particularly where multiple APs exist, to prevent gaps in accountability.

A central public register of Principal Accountable Persons (PAPs) should be established and maintained. The register should be user-friendly for regulators to input or amend records, having the ability to integrate with existing housing and fire safety IT systems to avoid duplication of effort.

Golden Thread data must be accessible to both BSAs and FSAs through a common digital platform, with real-time reporting for higher-risk buildings.

How will competency standards for risk assessors be assessed, accredited, and enforced, can further detail be provided on how professional bodies will be supported to develop a consistent competency framework?

Resident engagement strategies must be monitored for effectiveness, with mechanisms for complaints escalation involving FSAs.

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?

3.

The Bill must address overlaps with Housing Act 2004 responsibilities. In particular:

Will there be guidance to prevent parallel enforcement that causes unnecessary burden on duty holders, if so when will this guidance be made available?

Where both structural and fire hazards are identified in a residential unit, which authority leads, and how is evidence shared between BSAs, FSAs and housing enforcement teams?

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?

4.

SWFRS welcomes strengthened enforcement but notes:

The Bill introduces new powers of entry for authorised officers (sections 90–92), which will sit alongside the existing powers under the Fire Safety Order 2005. In practice, this creates potential overlap, particularly in mixed-use buildings (for example, blocks of flats with commercial premises on the ground floor).

Could the Welsh Government clarify:

How enforcing authorities should determine whether to exercise powers under the Fire Safety Order or under the Building Safety (Wales) Bill?

Whether there is an intention to consolidate or align these powers in future, to reduce duplication and legal uncertainty. How will guidance and training ensure officers apply powers of entry consistently and proportionately?

Will joint inspection templates be developed to streamline visits covering both Fire Safety Order (FSO) and Building Safety Bill requirements?

How will urgent enforcement powers, such as Prohibition Notices, coordinate between FSAs and BSAs to ensure proportionality?

Residential Property Tribunal capacity:

As Compliance and Enforcement notices can be appealed, specialist expertise in building and fire safety will be required to ensure decisions are robust and consistent. The Tribunal must be adequately resourced and trained to deal with the increased technical and complex caseload this regime will create.

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?

5.

The transitional provisions and consequential amendments appear proportionate, giving a pragmatic route to move from the Fire Safety Order to the new regime without sudden disruption, however clarity is needed requiring:

Will there be a phased implementation approach depending on building category?

How will transitional guidance be issued to duty holders and enforcing authorities?

It is essential that guidance issued or approved by Welsh Ministers is clear, regularly updated, and easily accessible for both accountable persons and residents.

What impact will the new legislation have on existing formal notices issued by FSA's, these legacy notices only pertain to the common parts of the building and not structural conditions inside residential flats?

What impact will the new legislation have on the decision to issue Action Plans on premises that have signed up for PRP surveys (in partnership with the Welsh Government regeneration program).

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

6.

Potential barriers to implementation

Will joint posts (BSA/FSA) be considered to address skills gaps?

How will the National shortage in fire safety specialists, skilled professionals, cladding remediation impact implementation of the Bill?

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)?

7.

Appropriateness of Ministerial powers:

While SWFRS acknowledges the necessity of subordinate legislation, powers must be exercised transparently and with proper consultation. In particular:

Ministerial powers to intervene where local authorities are both regulator and AP must be clearly defined.

Guidance timelines need to be set out so that BSAs and FSAs can prepare.

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

8.

Will there be guidance to prevent parallel enforcement that causes unnecessary burden on duty holders, if so when will this guidance be made available?

How will conflicts be managed where the local authority is both a BSA and an Accountable Person for a building?

It is noted that Section 6.6 advises “Where a local authority is both the regulator and an Accountable Person for a building, the Welsh Ministers will have powers to direct functions or appoint an alternative body.” (Section 6.6)

What alternative bodies are being considered to perform this function?

Its paramount that potential delays in enforcement are avoided due to unclear leadership between agencies.

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?

9.

The Explanatory Memorandum underestimates the financial impact on FRAs. Additional costs will arise from:

What additional funding or cost recovery powers will be made available to FRAs to cover new duties, including Increased enforcement, case management, and appeals workload?

Will there be Welsh Government funding for specialist training in structural safety risk assessment for fire service officers?

Is consideration being given to funding or cost recovery mechanisms to ensure effective delivery?

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

10.

Strategic and future considerations include:

How success will be measured (KPIs, incident reduction, resident satisfaction)?

Will Welsh government provide a commitment to post-implementation review, with input from FRAs, applying lessons learned from England's Building Safety Act implementation to avoid known pitfalls.
