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**Local Government
and Housing Committee**

Alice Marks
Team Leader, Private Sector Housing
Swansea Council

27 October 2025

Dear Alice

Building Safety (Wales) Bill

Thank you for providing oral evidence to the Local Government and Housing Committee on the Building Safety (Wales) Bill on 1 October.

During your evidence you raised concerns about the Bill's provisions in respect of Special Measures Orders including that the Bill does not provide a mechanism for such orders, intended to be temporary, to be brought to an end.

During her evidence to the Committee on 22 October the Cabinet Secretary for Housing and Local Government's officials explained that the Bill makes provision about the varying or revocation of special measures orders. These provisions are at paragraph 16 of Schedule 2 and set out that the Special Measures Manager can hand a building back to the accountable person and make an application to the tribunal at that stage for the order to be varied or revoked, as can the building safety authority, the fire safety authority or other accountable persons for the building to which the order applies.

I would be grateful if you would confirm if the explanation provided by the Cabinet Secretary's officials address your concerns about bringing Special Measures Orders to an end.

Yours sincerely,



John Griffiths MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

John Griffiths MS
Local Government & Housing Committee
Senedd Cymru

Please ask for: Alice Marks
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Our Ref:
Your Ref:
Date: 29th October 2025

Dear Sirs

Building Safety (Wales) Bill

Thank you for your letter of 27 October 2025 regarding the provisions in the Bill for the varying or revocation of the special measures' orders.

As I stated in my oral evidence, I have significant concerns about many aspects of the proposed special measures orders and have read the proposals within Schedule 2 in relation to their variance or revocation. You quite correctly point out that an application can be made to the Residential Property Tribunal to vary or revoke the order and that the following shall be considered -

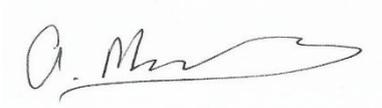
- (5) In considering whether to vary or revoke a special measures order, a residential property tribunal must have regard to—**
- (a) the likelihood of the variation or revocation of the order resulting in a recurrence of the circumstances that led to the order being made, and**
 - (b) whether it is just and convenient in all the circumstances to vary or revoke the order.**

My specific concerns around this part is that it is somewhat similar to the provisions for Empty Dwelling Management Orders under the Housing Act 2004 and we have one of these in place for a property in Swansea. Although there are also provisions there for it to be revoked we have never been able to do so and are unlikely to ever be in a position to end it without the same issues recurring. I can foresee that a similar position may occur with the provision above stating that the RPT must consider whether revoking the Special Measures Order may lead to a recurrence of the circumstances. From my experience of poorly managed buildings generally, It would seem that unless the accountable person changed and all issues with the building were resolved it would be highly likely that issues would recur upon handing the building back to the accountable person. This would leave the Local Authority in a position of being unable to hand the building back in my view.

It is my belief that these fears may discourage local authorities from taking Special Measures as the ongoing management responsibilities and the financial risk is too great.

More than happy to discuss if there is any further information that you would like or if I can be of further help.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Marks', with a long horizontal flourish extending to the right.

ALICE MARKS
TEAM LEADER – PRIVATE SECTOR HOUSING
POLLUTION CONTROL & PRIVATE SECTOR HOUSING