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Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Our Ref: JB/2722/25

John Griffiths MS
Chair Local Government and Housing Committee
Senedd Cymru
Cardiff
CF99 1SN

19 December 2025

Dear John,

I am grateful to the Local Government and Housing Committee for its consideration of the Building Safety (Wales) Bill and the Committee's recommendation that the Senedd agrees to the general principles of the Bill. I also note the concerns raised in evidence provided to the Committee during Stage 1 and look forward to working in partnership to address them.

I have set out my responses in the table below and am pleased to note that I have accepted the majority of your recommendations.

I trust this response will help to inform further scrutiny of the Bill and I look forward to continuing to work with Committee Members as we proceed through the Senedd's legislative process.

I am copying this letter to the Chair of the Finance Committee and Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely

Jayne Bryant AS/MS

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Cabinet Secretary for Housing and Local Government

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Recommendation	Government Response	Comments
<p>Recommendation 1: We recommend that the Senedd agrees to the general principles of the Building Safety (Wales) Bill but notes that significant concerns were raised in evidence provided to the Committee in respect of various aspects of the Bill, which the Welsh Government should address urgently.</p>	<p>Noted</p>	<p>I am grateful to the Committee for its consideration of the Bill and its recommendation that the Senedd agrees the general principles of the Bill, which it did on 9 December. However, I also note the concerns raised in evidence and commit to working in partnership to address them.</p>
<p>Recommendation 2: The Welsh Government should consult on and publish its building safety workforce plan as soon as possible. The plan should provide baseline data on current capacity for the undertaking of structural and fire risk assessments by competent persons and the undertaking of regulatory functions by the Building Safety and Fire Safety Authorities. It should include details of how and when progress in workforce development will be reviewed</p>	<p>Accept in principle</p>	<p>I agree with the Committee that the development of a workforce plan should be based on information on current skills capacity. We have established a workstream with a specific focus on local authority workforce capacity to resource the new building safety regime. Consultation with local authorities, WLGA and industry bodies underpins our approach.</p> <p>The workforce plan will focus on issues around recruitment, retention and skills development. The plan will feed into investment in skills and apprenticeship training under the new regime, so that we have a cohesive approach to workforce planning with clear milestones for development and review.</p> <p>Fire safety authorities will have similar functions under the Bill to those they have now under the</p>

		<p>Regulatory Reform (Fire Safety) Order 2005 (“FSO”). So, the Bill should not create the need for significant numbers of extra staff.</p> <p>Structural risk assessors and fire risk assessors are largely employed in the private sector, including by small businesses and as sole traders. We will continue to work with the fire safety sector and with the UK and other devolved governments to develop an agreed framework for fire risk assessor competence.</p>
<p>Recommendation 3: The Welsh Government should undertake further work to ensure the additional resource requirements that will result from the Bill are fully understood.</p>	<p>Accept</p>	<p>Officials are working with local authorities and fire and rescue authorities to better understand the costs of the Bill. This work will inform the revisions to the RIA after Stage 2.</p>
<p>Recommendation 4: The Welsh Government should ensure that local authority landlords and housing associations receive such additional funding as is required to be able to discharge duties effectively</p>	<p>Accept in principle</p>	<p>Officials will continue to liaise with local authorities and housing associations in preparation for implementation of the Bill and during the development of regulations made under it. This will include consideration of the cost implications of duties and how these might be funded.</p> <p>Decisions on long term funding will be for a future Government.</p>

<p>Recommendation 5: The Welsh Government should re-consider whether the fees that may be charged in accordance with the Bill for exercising regulatory functions should provide for full cost recovery. If not, the Welsh Government should clarify to the Senedd and those on whom regulatory duties are placed how any differences between the cost of exercising regulatory duties and the fees that may be charged are to be funded.</p>	<p>Accept in principle</p>	<p>If standard fee levels are kept reasonable and proportionate, it is unlikely that they could cover the full cost of regulating the regime. This is because only a relatively small proportion of buildings included within the new safety regime will be subject to such fees.</p> <p>Our agreement with local government, the Strategic Partnership Agreement, sets out the approach to funding, including in relation to new responsibilities. In accordance with that Agreement, there has been a commitment to ensuring that delivery partners are appropriately funded to be able to discharge all their duties effectively. Officials continue to work with them to ensure that there is a shared understanding of the likely costs arising from the Bill.</p> <p>Decisions on long term funding will be for a future Government.</p>
<p>Recommendation 6: The Welsh Government should engage with representative bodies on behalf of tenants and leaseholders, including those engaged in provision of legal advice, to consider the adequacy and effectiveness of existing legal protections against the passing on of unreasonable costs by landlords to tenants and leaseholders. The Welsh Government should also consider whether further</p>	<p>Accept</p>	<p>I accept the Committee's recommendation to consider the sufficiency and effectiveness of existing legal protections against the passing on by landlords of unreasonable costs to residents and leaseholders. We will continue to engage with representative bodies on behalf of tenants and leaseholders to ensure that there is an understanding of the legal protections</p>

legal protections are needed within Welsh law, to ensure their suitability for the Welsh housing context

imposed by the Landlord and Tenant Act 1985 which imposes requirements for what costs can be taken into account when determining the amount of service charge payable. These requirements are that the costs are reasonably incurred and the service is of a reasonable standard. This will ensure that excessive costs are not permitted to be passed on to leaseholders.

We are also working with the UK Government on legislative reforms to improve protections and provide additional rights to leaseholders in England and Wales. The upcoming draft Commonhold and Leasehold Reform Bill, which is due to be published by the end of the year, is expected to include important reforms for leasehold homeowners in Wales.

Additionally, officials are currently analysing the responses to our joint consultation on ‘Strengthening leaseholder protections over charges and services’, which included detailed proposals for implementation of service charge transparency measures in the Leasehold and Freehold Reform Act 2024.

Recommendation 7: The Welsh Government should publish as soon as reasonably practicable (for consideration during

Accept

I believe that landlords should be required to consider other funding streams before passing on the costs of

the amending stages of the Bill at the latest) the findings of the work currently being undertaken to consider whether landlords should be required to consider other funding streams before passing on to tenants or leaseholders additional costs incurred in order to meet the Bill's requirements.

works via service charges to residents or leaseholders.

I have therefore tabled an amendment that requires landlords, if they are an accountable person, to investigate other funding options for building safety works before claiming costs back through service charges.

If a grant or funds are available, the accountable person would then be required to take reasonable steps to obtain them and deduct them from costs that may be charged via service charges.

Recommendation 8: The Welsh Government should provide clear justification for the inclusion of Category 3 buildings within the new building safety regime in terms of impact on the safety risk profile of Category 3 buildings. Due to insufficient evidence that the proposed approach to Category 3 buildings and HMOs is proportionate, the Welsh Government should consider adopting a stratified risk-based approach so that higher-risk Category 3 buildings and HMOs are brought into the new regime ahead of lower-risk Category 3 buildings and lower-risk HMOs

Accept in principle

The justification is that Category 3 buildings and HMOs are not "low risk". On the contrary, data consistently show a higher rate of fire casualties in HMOs and buildings converted into flats (almost all of which are in Category 3) than in purpose-built blocks. Furthermore, the Bill does not impose wholly new safety duties on these premises; it contains duties that are similar to those that already exist in the FSO, but which are tailored to the risks in residential buildings. The FSO will continue to apply in full until the Bill is brought into force. So delaying commencement would have no benefits at all; it would mean only that relatively high-risk buildings

		<p>remained covered by the sub-optimal provisions of the FSO.</p> <p>We have taken a proportionate approach to the introduction of duties in Category 3. There is no duty to conduct structural risk assessments in Category 3 buildings or relevant HMOs, for example. Neither is there a requirement to register Category 3 buildings with the building safety authority.</p> <p>I have provided further information in the factsheet at Annex 1.</p>
<p>Recommendation 9: In light of the evidence received of the significant challenges to be faced in implementing the Bill's duties in respect of Category 3 buildings by the end of 2028, the Welsh Government should provide an update on its consideration of the timetable for the introduction of these duties</p>	<p>Accept in Principle</p>	<p>We will provide updates on the implementation of the Bill, but we do not believe there are significant challenges relating to Category 3 buildings. All Category 3 buildings are currently within scope of the FSO, and the duties the Bill would impose in respect of them are similar to those in the FSO, but expressed in clearer and more relevant terms.</p>
<p>Recommendation 10: The Welsh Government should engage with providers of specialist types of accommodation such as lighthouses to ascertain whether they should be within scope and ensure clarity is provided on all relevant types of accommodation to which the new regime does not apply.</p>	<p>Accept</p>	<p>I accept the Committee's recommendation to provide clarity to industry on all relevant types of accommodation to which the regime applies. We will continue to engage with the sector, including with those with an interest in specialist types of accommodation, to raise awareness of the new</p>

		<p>regime and ensure the extent of its application is clear and understood. We are also encouraging future duty holders through representative bodies to prepare for the new regime. A greater focus on safety and engaging residents in buildings for which they are responsible is encouraged now.</p>
<p>Recommendation 11: The Welsh Government should ensure that clear definitions of the key terms used in chapter two of the Bill are provided in advance of the commencement of the provisions in this chapter, so as to ensure consistency in implementation of these provisions.</p>	<p>Accept</p>	<p>I consider the definitions in the Bill to be clear as drafted. The intention is that guidance issued under section 98 will include, amongst other things, guidance on the key terms in chapter 2 of the Bill where appropriate. In particular, we will consider the inclusion of examples of how the terms apply in practical scenarios and diagrams to aid understanding where appropriate.</p>
<p>Recommendation 12: The Welsh Government should engage further with relevant bodies including the Social Housing Law Association Wales, UK Finance and other relevant stakeholders to discuss and resolve concerns raised regarding the range of persons who could potentially be identified as Accountable Persons and Principal Accountable Persons and arrangements set out in the Bill for identifying them, including within buildings wholly owner-occupied. This is important in order to ensure lessons are learned from challenges experienced in England with arrangements for the</p>	<p>Accept</p>	<p>I accept the Committee's recommendation that the Welsh Government should engage further with relevant bodies to discuss and resolve concerns raised regarding the range of persons who could potentially be identified as accountable persons and principal accountable persons and arrangements set out in the Bill for identifying accountable persons and principal accountable persons. We will continue to engage with stakeholders, including Social Housing Law Association Wales and UK Finance, to ensure lessons are learned from challenges experienced in</p>

<p>identification of Accountable Persons and Principal Accountable Persons.</p>		<p>identifying accountable persons and principal accountable persons in England.</p>
<p>Recommendation 13: The Welsh Government should ensure that guidance and support on the exercise of the duties of APs and PAPs are available in sufficient time before any persons are required to exercise such duties, to allow time for those identified as APs and PAPs to fully understand the requirements of the role and familiarise themselves with operational guidance before duties become effective.</p>	<p>Accept</p>	<p>I accept the Committee’s recommendation that guidance and support on the exercise of the duties of accountable persons and principal accountable persons is available in sufficient time before any persons are required to exercise such duties.</p> <p>We recognise that timely guidance and support for accountable persons and principal accountable persons is pivotal to the success of the new regime and we will work with industry to develop the necessary guidance products.</p> <p>The guidance and support will be provided in good time prior to the commencement of the accountable persons and principal accountable persons duties for each of the building categories, and could include examples and diagrams where appropriate.</p>

<p>Recommendation 14: The Welsh Government should consult all relevant persons on any regulations to be made in respect of the meaning of a ‘competent person’ to carry out a fire risk assessment and in respect of how such assessments should be carried out, and provide adequate time for assessors and regulators to familiarise themselves with and prepare for new requirements set out or commenced in such regulations, before any such regulations take effect</p>	<p>Accept</p>	<p>I accept the Committee’s recommendation that the Welsh Government should consult all relevant persons on any regulations to be made in respect of the meaning of a ‘competent person’ to carry out a fire risk assessment and in respect of how such assessments should be carried out, and provide adequate time for assessors and regulators to familiarise themselves with and prepare for new requirements set out or commenced in such regulations, before any such regulations take effect. The Bill already requires consultation with relevant persons before making such regulations (sections 29(4), 31(3), 71 (4) and 73(3)). We will allow for those affected by the regulations to have as much time as possible to prepare for their coming into effect.</p>
<p>Recommendation 15: The Welsh Government should amend section 36 of the Bill to provide a more specific timescale for the preparation of a safety case report and its submission to the Building Safety Authority</p>	<p>Reject</p>	<p>Section 36 uses the phrase ‘as soon as reasonably practicable’. This phrase is often used in legislation because it recognises that it’s not always possible to achieve something in a set number of days. What is ‘reasonably practicable’ in one situation may differ in another. For example, setting a short, specific timescale would risk a principal accountable person being unable to meet that timescale, and consequently facing enforcement action, when it was not reasonable to have expected them to have met</p>

	<p>that deadline. Setting a longer specific timescale might allow and possibly encourage principal accountable persons to take longer to prepare and submit the safety case report than was required in the circumstances of the case.</p> <p>Requiring these actions to be taken 'as soon as reasonably practicable' is a fair and balanced way of approaching this matter. It avoids the arbitrary imposition of timescales that may either be unrealistically short or overly generous.</p> <p>Where a safety case report is not prepared as soon as is reasonably practicable, or a copy has not been submitted to the building safety authority as soon as possible after it has been prepared (in accordance with the duty set out section 36(4)) enforcement action can be taken by the building safety authority.</p> <p>Furthermore, section 41 provides the building safety authority with a power to direct the principal accountable person to apply for a building safety certificate within 28 days. Under section 42, that application must be accompanied by a current safety case report.</p>
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<p>Recommendation 16: The Welsh Government should amend the Bill to place a duty on Principal Accountable Persons to involve residents in the development of residents' engagement strategies, rather than specify in regulations when Principal Accountable Persons should consult residents on their preparation.</p>	<p>Accept</p>	<p>I accept the recommendation that the Welsh Government should amend the Bill to place a duty on principal accountable persons to always involve residents in the development of residents' engagement strategies. As such, I have tabled an amendment to section 39 to make provision on the face of the Bill requiring the principal accountable person to consult residents during the initial preparation of the strategy. However, we will retain the regulation-making power in subsection 39(7) to ensure that principal accountable persons must also consult residents in other circumstances specified in regulations when revising the strategy.</p>
<p>Recommendation 17: The Welsh Government should engage with those persons who may potentially be involved in the complaints processes to be established under sections 48 to 50 of the Bill, to consider if and how such processes can be made compatible with existing complaints processes. The Welsh Government should also engage with all regulatory bodies to whom complaints could currently be made against persons set out in sections 48 to 50 of the Bill, including the Public Services Ombudsman for Wales, to ensure the compatibility of new and existing complaints processes and to avoid duplication in processes.</p>	<p>Accept</p>	<p>Officials will engage with those persons who may potentially be involved in the complaints processes to be established under sections 48 to 50 of the Bill, to consider if and how such processes can be made compatible with existing complaints processes.</p> <p>The principal accountable persons and accountable persons, when meeting their requirements under sections 48 and 49 (as applicable), should be able to accommodate building safety complaints within any existing complaints processes they already have, providing the legislative requirements under the Bill are met.</p>

		<p>Officials have engaged with regulatory bodies, including local authorities and the Public Services Ombudsman for Wales, to consider the approach to handling of building safety complaints. They will continue to do so to ensure that there is no unnecessary duplication.</p>
<p>Recommendation 18: The Welsh Government should ensure that guidance prepared for Accountable Persons and Principal Accountable Persons in respect of residents' duties is clear that residents should be supported to meet their duties prior to enforcement measures being taken, and on how such support should be provided. The guidance should also reflect the additional support requirements of some vulnerable residents and ensure a proportionate approach to enforcement at all times</p>	<p>Accept</p>	<p>I accept the recommendation of the Committee that the Welsh Government should ensure that guidance prepared for accountable persons and principal accountable persons is clear that residents should be supported to meet their duties prior to enforcement measures being taken, and on how such support should be provided. Part of the rationale for the regulation making power enabling the placing of duties on accountable persons to provide building safety information to residents (section 46(1)(d)) is so residents are empowered to understand their rights and responsibilities under the regime.</p> <p>The primary focus of the duties placed on residents is to encourage a culture of safe resident behaviours. Should residents or owners of residential units breach their duties, we would expect informal steps to be taken by the principal accountable person or</p>

		<p>accountable person in the first instance by working with the resident to try and rectify the breach.</p> <p>I also accept the Committee's recommendation that guidance provided to accountable persons includes information on how residents should be supported in understanding their own duties under the Bill, with examples provided where appropriate.</p>
<p>Recommendation 19: The Welsh Government should consider steps to be taken to ensure that landlords or property owners who are not designated Accountable Persons or Principal Accountable Persons are fully aware of the duties and rights to be established by the new building safety regime, in order to be able to play their part in its implementation.</p>	<p>Accept</p>	<p>We are planning to extensively publicise the new regime through a comprehensive communication campaign to raise awareness of the requirements of the new regime and related duties.</p> <p>It is anticipated that the campaign will commence well in advance of Category 1 implementation in 2027.</p>

<p>Recommendation 20: The Welsh Government should engage with representative bodies on behalf of residents and other relevant persons to consider if withholding rent in accordance with section 65 of the Bill could give rise to unintended consequences for residents, and if so whether any changes are required to the Bill to avoid or address such consequences</p>	<p>Accept in principle</p>	<p>I am confident that the provision in section 65 is reasonable, as it is intended to ensure that residents are empowered with the vital information they need in order to raise any concerns about the safety of their building.</p> <p>Nevertheless, officials will continue to engage with representative bodies on behalf of residents and other relevant persons in relation to section 65 and all other matters in the Bill that impact them.</p>
<p>Recommendation 21: The Welsh Government should amend the Bill to provide further clarity as to the meaning of ‘relevant HMO’ outlined in section 67. In doing so, and in developing any subsequent regulations, engagement with the housing sector will be key to ensuring that all types of HMOs are taken into consideration and that all opportunities to simplify the definition are identified</p>	<p>Reject</p>	<p>I believe the legal meaning of “relevant HMO” in section 67 is already clear, and we have been unable to identify any amendments that would make the term easier to understand without changing its meaning. We will, though, publish guidance to explain the effect of section 67 in everyday terms.</p>

<p>Recommendation 22: The Welsh Government should provide clear guidance on the exercise of enforcement duties and powers and this should be provided in sufficient time to allow authorities to familiarise themselves with the guidance before the enforcement functions and powers take effect</p>	<p>Accept</p>	<p>We will provide full and comprehensive guidance in relation to the exercise of enforcement functions. To ensure that this happens, I have tabled an amendment for consideration at Stage 2 that would place a duty on the Welsh Ministers to issue guidance to building safety authorities and fire safety authorities on the exercise of their functions under the Bill and any associated regulations</p> <p>We will also ensure that the publication of this guidance happens in sufficient time for enforcement authorities to familiarise themselves with it before their functions are commenced.</p>
<p>Recommendation 23: The Welsh Government should give further consideration to the Bill's provisions on Special Measures Orders in light of the evidence received and discuss with local authorities, fire and rescue services and other relevant persons how special measures management functions can be effective in practice.</p>	<p>Accept</p>	<p>I will give further consideration to the Bill's provisions on Special Measures Orders in light of the evidence received and discuss with local authorities and fire and rescue authorities how special measures management functions can be effective in practice.</p> <p>I am aware of the concerns raised in relation to the capacity of enforcing authorities to bring forward a special measures order and the costs involved. This is something that we will explore further with the enforcing authorities at implementation. Whilst I do not currently consider changes are needed to the Bill's provisions, I agree that further consideration can</p>

		<p>be given to this, including discussions with the enforcing authorities at implementation, to ensure that the tool is effective.</p>
<p>Recommendation 24: The Welsh Government should bring forward amendments to include its preferred delivery model for enforcement on the face of the Bill. Amendments should also make it clear that not all 22 local authorities can be designated as Building Safety Authorities.</p>	<p>Reject</p>	<p>Any amendment on the face of the Bill that prescribes a particular model of delivery would remove the flexibility to adjust the model in the future to respond to changing circumstances.</p> <p>Under section 101(1)(b) of the Local Government Act 1972, local authorities already have the power to delegate non-executive functions to one another. This provides a ready-made mechanism for enabling the currently preferred model of concentrating building safety authority functions in a small group of local authorities that mirror the fire and rescue authority areas. I have tabled an amendment to section 100 of the Bill, which provides that functions of a building safety authority are not to be those of the local authority's executive, and this will ensure that the power set out section 101(1)(b) of the 1972 Act can be used by local authorities in this context.</p> <p>If it not possible to achieve the preferred delivery model through mutual consent, the Welsh Ministers have a power to direct the delegation of functions under section 102 of the Bill. To further facilitate this, I</p>

		<p>have tabled a Stage 2 amendment to section 102, that would enable the Welsh Ministers to direct multiple building safety authorities to arrange to delegate functions to one of their number rather than rely on multiple directions to achieve the same effect.</p> <p>I will, however, consider whether there is any other amendment that could be brought forward to further facilitate the implementation of a preferred delivery model, without losing the flexibility provided for in the Bill currently.</p>
<p>Recommendation 25: Given the intention to base Building Safety Authority teams within local authorities, the Welsh Government should work with local authorities to identify solutions to their concerns about taking on the responsibilities of Building Safety Authority including the problem of uncompetitive salaries for key roles within those teams.</p>	<p>Accept in principle</p>	<p>I recognise that the local authority salaries for some building safety roles can be uncompetitive within the wider jobs market. We have commissioned Local Partnerships to advise, and work with, local authorities on developing a “critical path” to implementation. Their work includes how resourcing pressures can be overcome, for example through paying a market supplement for particular staff.</p>

<p>Recommendation 26: The Welsh Government should make an urgent statement on the measures it intends to take, beyond those being taken at present, to address slow progress by some developers and to accelerate the pace at which remedial works are undertaken to address historic deficiencies in buildings in Wales.</p>	<p>Accept</p>	<p>I will make a written statement before Christmas recess to update the Senedd on the progress being made and address stakeholder concerns with the remediation programme.</p>
<p>Recommendation 27: The Welsh Government should amend the Bill to include provisions for legally enforceable deadlines and sanctions in respect of remediation, and for penalties for failures by developers to address deficiencies within required timescales</p>	<p>Reject</p>	<p>Developers have signed up to a contract committing to remediate the buildings they are responsible for. It would not be appropriate to include legally enforceable deadlines for remediation in the Bill.</p>

<p>Conclusion</p>	<p>Government Response</p>
<p>Conclusion 1: We support the Welsh Government's intention to work with delivery partners to develop a building safety workforce plan to ensure the Bill's requirements can be met in future, and to establish a degree apprenticeship scheme for environmental health officers. Workforce planning will be key to the successful delivery of the new building safety regime for Wales and should be prioritised.</p>	<p>I welcome the Committee's support for our work with delivery partners to develop a building safety workforce plan to provide more certainty for stakeholders on implementation. We will work with stakeholders to understand where skills training can be expanded and where new degree apprenticeship programmes can be developed.</p>

Conclusion 2: We recognise that many of the organisations and services upon whom responsibilities will be placed by the Bill are already under financial pressures and that they may struggle to meet additional resource requirements

Work is already underway with local authorities to further examine the cost and resource implications of the building safety authority functions. I am committed to ensuring that our delivery partners are appropriately funded to be able to discharge all their duties effectively. Our agreement with local government, the Strategic Partnership Agreement, sets out our approach to funding, including in relation to new responsibilities.

Conclusion 3: The evidence received demonstrates that this Bill could have an unintended consequence on housing supply in Wales and may therefore impact upon achievement of the Welsh Government’s targets for increased social and affordable housing supply. The Welsh Government should reflect on the evidence received and consider whether changes are required to the Bill to ensure consistency with the policy aim of increasing social and affordable housing supply

We are committed both to increasing social and affordable housing supply and to improving building safety.

Whilst I acknowledge some of the evidence the Committee heard was that the Bill may have an indirect impact on housing supply, we will not help to solve the challenges we’re facing in housing by putting people into unsafe homes.

We know from our engagement with social housing providers that many of the measures set out in the Bill have already been implemented by them. I saw this firsthand when I visited St Tydfil’s Court in Merthyr Tydfil in the summer.

Conclusion 4: We do not believe that the Welsh Government has made a clear case that the inclusion of Category 3 buildings and HMOs within the new regime is necessary. It has not demonstrated that the additional costs and resource implications arising from greater regulation, and the potential risk to housing supply, would be proportionate to any safety benefits to be achieved via the application of the new regime to such buildings

The risks are significant in all multi-occupied buildings, not just tall ones. Fires also occur in smaller buildings occupied by multiple households, and on some measures, these are the most hazardous of all. We cannot ignore the evidence.

If we did not include Category 3 buildings or relevant HMOs in the Bill, they would just continue to be subject to the FSO, which was

	<p>not designed for residential buildings and is complex for landlords to understand and apply. Our independent analysis estimated that the average annual cost of the regime would be unlikely to make building owners or landlords exit the market.</p>
<p>Conclusion 5: We welcome the Cabinet Secretary’s commitment to engage with representative bodies on behalf of disabled people to identify suitable protections for vulnerable residents in regulated buildings and how best to establish such protections.</p>	<p>I recognise the importance of engaging with representative bodies to identify suitable protections for vulnerable residents and will continue to engage interested parties as we develop proposals and options.</p>
<p>Conclusion 6: We welcome the Cabinet Secretary’s commitment to provide to Accountable Persons and Principal Accountable Persons such guidance and support as will be required to be able to undertake their duties effectively. This will be key to the effective delivery of the Bill’s aims</p>	<p>I fully support the Committee’s conclusion and believe it is essential to the success of this regime that accountable persons, and others, are supported. We are committed to issuing guidance to support those with duties under the regime.</p>
<p>Conclusion 7: The Welsh Government should consult all relevant persons on any regulations to be made under section 33 relating to structural risk assessments, and provide adequate time for those assigned duties in respect of structural risk assessments to familiarise themselves with and prepare for new requirements set out in such regulations, before any such regulations take effect</p>	<p>Section 33 places a duty on the Welsh Ministers to consult with all relevant persons before making regulations under this section. I agree that adequate time must be provided for those subject to the duties that will be placed upon them under the Bill, including in relation to structural risk assessments, to familiarise themselves with and prepare for the new requirements, prior to any regulations or new duties taking effect.</p>

<p>Conclusion 8: We note the calls made for structural and fire risk assessments to be conducted holistically rather than separately, due to the interdependence between structural and fire risks within buildings. While we do not have a view on whether or not the Bill should be amended accordingly we acknowledge that this may be an issue for further consideration by the Welsh Government and relevant stakeholders.</p>	<p>While there is some overlap between fire and structural risks, particularly in that structural defects can compromise compartmentation, the two types of risk are not generally interdependent. There are many common examples of fire hazards which have no structural implications at all, such as defective or missing fire doors, obstructed escape routes, accumulations of combustible waste in common areas, inadequate emergency lighting and signage, and poorly maintained electrical installations, firefighting lifts or smoke control systems. Equally, structural problems like subsidence, penetration of foundations by groundwater or tree roots and overloaded balconies typically have no fire safety implications. The two types of risk are also basically different. Fire can break out at any time and does so suddenly, while most structural problems develop very slowly and gradually. Therefore, the approach to, and frequency of, assessing such risks should also be different.</p>
<p>Conclusion 9: We agree with the view expressed that it would be useful for the Welsh Government to provide a template for safety case reports and other documents that must be prepared in accordance with the Bill's requirements, as a means of helping to address concerns raised about the resource implications of such duties for delivery partners</p>	<p>I accept the Committee's conclusion that templates could be helpful. We will consider this as we work with partners and stakeholders to determine the appropriate format for the documents that must be prepared in accordance with the Bill's requirements.</p>

<p>Conclusion 10: We agree that it will be important for all parties to be fully aware of the requirements upon them, whether as occupiers or as landlords. We therefore welcome the Cabinet Secretary's assurance on the development of a residents' handbook. However, we are not aware of arrangements to raise awareness among landlords or property owners who are not Accountable Persons or Principal Accountable Persons, and ask for further information from the Cabinet Secretary on how this will be done</p>	<p>My officials are exploring the development of a residents' handbook to support residents and owners of residential units in understanding their rights and responsibilities under the new regime. The handbook will help residents and owners who are landlords to understand what their duties mean in practice.</p> <p>We are planning to extensively publicise the new regime through a comprehensive communication campaign intended to raise awareness of the new regime.</p>
<p>Conclusion 11: We believe that clarification of key terms used in Chapter 7 in respect of residents' duties is needed to ensure clarity on persons to whom such duties apply, including the term 'adult resident'</p>	<p>We will ensure that the explanations of key terms in respect of resident duties are explained in the residents' handbook, setting out examples if needed.</p>
<p>Conclusion 12: We agree with the Cabinet Secretary that the success of the policy aim of the requirement in section 65 relating to the provision of building safety information to residents will depend on such information being appropriate to residents' needs and presented in a way which is understandable to them. Regulations made in respect of the provision of such information will need to take into account the additional work and resources required of those on whom duties are placed and ensure an appropriate balance between information to be provided to residents and information which should be 'made available'</p>	<p>It is our intention to use regulations under new section 49B(5)(e) of the Landlord and Tenant Act 1987 (as inserted by section 65 of the Bill) to set out what relevant building safety information, in addition to what is already set out in subsection (5) must be given to tenants under sections 47B and 49B of the Landlord and Tenant Act 1987. That information is not intended to be overly onerous on landlords - the intention is to ensure that vital building safety information is given to tenants.</p>

<p>Conclusion 13: If enforcement functions and powers provided by the Bill are to be split between Building Safety Authorities and Fire Safety Authorities, both will need clear guidance from the Welsh Government on how they should work together to enforce their legislative duties and requirements. Guidance should also set out how the enforcement functions and powers in this legislation will interact with existing enforcement functions and powers set out in current building safety legislation</p>	<p>I accept the Committee’s conclusion. We will publish guidance accordingly, working with enforcing authorities on its development. To that end, I have tabled an amendment that will require the Welsh Ministers to publish guidance on the exercise of functions by enforcing authorities. Another amendment will require building safety and fire safety authorities to co-operate with each other in the exercise of their relevant functions in certain circumstances. Guidance issued by the Welsh Ministers may include advice on compliance with this co-operation duty.</p>
<p>Conclusion 14: Whilst we recognise that the proposal for three Building Safety Authorities with jurisdictions mirroring the footprint of each of the three fire and rescue services will be attractive to at least some of our witnesses, it is regrettable that the Welsh Government’s preferred delivery model for enforcement was not made known in time for us to consider it in the detail during our stage one scrutiny. We have not been able to consider the costs and benefits of the proposed model or the potential risk of duplication of responsibilities that may arise from establishing more than one regulatory authority</p>	<p>The preferred delivery model is not explicit in the Bill and therefore is not costed.</p>
<p>Conclusion 15: We acknowledge the representations made in respect of the volume of detail on implementation being left to guidance and regulations and not included within the Bill. We note that the Senedd’s Legislation, Justice and Constitution Committee has considered this issue in detail</p>	<p>I have considered the recommendations of the Legislation, Justice and Constitution Committee and written to the Committee with my response.</p>

<p>Conclusion 16: We welcome the Welsh Government's commitment to provide support and guidance on the exercise of duties imposed by the Bill before duties take effect.</p>	<p>I am grateful to the Committee for recognising our approach to providing support and guidance on the exercise of duties imposed by the Bill prior to their commencement and are committed to a smooth transition to the new regime where duty holders have the timely information to allow them to prepare for undertaking their responsibilities.</p>
<p>Conclusion 17: Our understanding of the approach to remediation adopted by the Welsh Government, as described by the Cabinet Secretary, is that it is dependent upon the goodwill of developers to begin works by the end of 2026, with no legal requirement to abide by this date. There is also no deadline, legislatively backed or otherwise, for completing works. Whilst we acknowledge that some progress has been made we are of the view that a different approach must now be taken to ensure that life-threatening historic deficiencies within buildings are addressed urgently</p>	<p>I am pleased to note that all developers signed up to the Welsh Government contract have agreed to begin remediation works by the end of next year. We continue to monitor the delivery of the contract closely and should the agreed terms not be met we would take steps to address this.</p>
<p>Conclusion 18: We welcome the Cabinet Secretary's acknowledgement that solutions are needed to ensure vulnerable and disabled people are evacuated quickly and safely in the case of a fire in a regulated building. We note the Welsh Government's ongoing engagement with disabled people and look forward to hearing the outcomes of the work to be undertaken to explore such solutions</p>	<p>My officials are exploring options and solutions to ensure vulnerable and disabled people are evacuated quickly and safely in the case of a fire. We are committed to working with our stakeholders to identify the most appropriate means of ensuring provisions are in place to plan for the evacuation of residents whose ability to self-evacuate is compromised. We look forward to sharing the outcomes of this work upon completion.</p>

Conclusion 19: We note that the Senedd's Legislation, Justice and Constitution Committee has considered in greater detail the issue of consultation with residents on regulations and guidance made and issued in line with the Bill.

I have consider the recommendations of the Legislation, Justice and Constitution Committee and written to the Committee with my response.

Annex 1: Building Safety (Wales) Bill

Category 3 buildings and Relevant Houses in Multiple Occupation

Risks

Category 3 buildings and Houses in Multiple Occupation are among the highest risk premises for fire.

StatsWales data indicate broadly similar casualty rates of around 25 casualties per 100 fires in both converted premises and in purpose-built blocks since 2009. The difference becomes starker when different levels of occupancy are factored in. For example, take a 3-storey house converted into 4 flats with 10 residents and a 10-storey tower block with 40 flats and 100 residents. If a fire breaks out in both of them, any given individual in the converted building is, all other things being equal, more than 10 times as likely to be killed or injured than any given individual in the tower block. There are several reasons why this might be so, the simplest being that individuals in the smaller converted building are more likely to be close to the fire than those in the tower block. But it would be plainly wrong to see Category 3 buildings as low risk simply because of their size; indeed their small size may well contribute to them being relatively high risk.

Fire Safety Duties

The Regulatory Reform (Fire Safety) Order 2005, or “FSO”, currently applies to all Category 3 buildings and all Houses in Multiple Occupation that are covered by the Bill. The Bill, and regulations made under it, will create a regime that is tailored to the risks in residential premises. It includes broadly comparable duties to those that currently apply under the FSO, for example:

Regulatory Reform (Fire Safety) Order 2005	Building Safety (Wales) Bill
Duty to take general fire precautions (art.8)	Duty to take steps to minimise fire risk (s31)
Duty to make a “suitable and sufficient” fire risk assessment (art.9(1))	Duty to conduct a fire risk assessment (s28) Requirement for a fire risk assessment to be made by a competent person (s29)
Duty to review assessment and keep it up to date (art.9(3))	Duty to review assessment annually and redo it if out of date and/or if “trigger events” occur (s30)
Duty to apply “principles of prevention” (art.10 and Sch.1)	Duty to pursue fire safety outcomes (s32(2)).

New Duties

Proposed new requirements	Rationale
<p>Duty to keep information and documents</p> <p><i>This includes information and documents important for assessing and managing fire safety risks. The requirements will be set out in regulations but may include: a copy of the most recent fire risk assessment; information about complaints raised by residents relating to fire safety risks and any action taken by the PAP or AP in response to those complaints.</i></p>	<p>It is important that key information about buildings is securely maintained and accessible throughout the building’s lifecycle. This formed part of the recommendations made in the Hackitt Review, which called for greater transparency for residents. The review highlighted widespread concern over the ineffective operation of existing rules for creating, maintaining, and handing over building and fire safety information.</p> <p>The intention is that this duty will be applied in a proportionate way to Category 3 buildings. It will only extend to information about fire safety risks.</p>
Duty to give information and documents to other persons	A key recommendation of the Hackitt Review. Hackitt emphasised that residents need access to clear, accurate information to understand the safety measures in place and to

<p><i>Regulations will set out the information to be provided to residents and what must be made available, if requested.</i></p>	<p>play an active role in managing risks. Section 46(2) provides that the regulations may specify when and how the information or copies of documents must be given, and the format in which they must be given. These regulations will be subject to public consultation.</p>
<p>Duty to arrange consideration of complaints*</p> <p><i>Regulations will set out the arrangements for the consideration of complaints in categories 2 and 3 that are proportionate, effective, and tailored to the needs of residents. For a category 3 building, this might include:</i></p> <ul style="list-style-type: none"> • <i>Providing residents a point of contact, such as an email address or phone number, to make a complaint</i> • <i>Informing residents of how a complaint will be resolved</i> • <i>Providing residents information on how to escalate a complaint to the BSA</i> 	<p>A key recommendation of the Hackitt Review. Hackitt reported many residents lack clarity on who to contact or how to raise safety concerns, leading to a loss of confidence in those responsible for managing their buildings. Section 49 addresses this by requiring accountable persons in Category 3 buildings to make, and give effect to, arrangements for considering complaints. Regulations made under this section will be subject to public consultation.</p>
<p>Co-operation and co-ordination duty</p>	<p>A key recommendation from Hackitt. Hackitt identified the need for clear collaboration across all duty holders. The co-operation and co-ordination duties in section 60 ensure persons with responsibilities for assessing and managing building safety risks work together to deliver a ‘whole building’ approach. This is critical because safety risks do not respect boundaries between different parts of a building.</p>

*Does not apply to Houses in Multiple Occupation