

Building Safety (Wales) Bill

Stage 1 Report

November 2025



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Building Safety (Wales) Bill

Stage 1 Report

November 2025



About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddHousing

Current Committee membership:



**Committee Chair:
John Griffiths MS**
Welsh Labour



Peter Fox MS
Welsh Conservatives



Lesley Griffiths MS
Welsh Labour



Siân Gwenllïan MS
Plaid Cymru



Joel James MS
Welsh Conservatives



Lee Waters MS
Welsh Labour

The following Member was also a member of the Committee during the scrutiny of the Bill.



Laura Anne Jones MS
Reform UK

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Recommendations and Conclusions

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.....Page 32

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.....Page 33

Recommendation 3. The Welsh Government should undertake further work to ensure the additional resource requirements that will result from the Bill are fully understood.....Page 33

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.....Page 33

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.....Page 33

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 legal protections are needed within Welsh law, to ensure their suitability for the Welsh housing context.....Page 34

Recommendation 7. The Welsh Government should publish as soon as reasonably practicable (for consideration during 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.....Page 34

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.Page 40

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.....Page 41

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 types of accommodation to which the new regime does not apply.Page 41

Recommendation 11. The Welsh Government should ensure that clear definitions of the key terms used in Chapter 2 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.Page 42

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 identification of Accountable Persons and Principal Accountable Persons.Page 45

Recommendation 13. The Welsh Government should ensure that guidance and support on the exercise of the duties of Accountable Persons and Principal Accountable Persons are available in sufficient time before any persons are required to exercise such duties. This will be crucial in allowing time for Accountable Persons and Principal Accountable Persons to fully understand the

requirements of the role and familiarise themselves with operational guidance before duties become effective. Page 46

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....Page 50

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.....Page 54

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.
..... Page 58

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.
..... Page 62

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..... Page 65

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. Page 66

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. Page 68

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. Page 77

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. Page 86

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. Page 86

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. Page 94

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. Page 94

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. Page 100

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..... Page 101

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.....Page 32

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.Page 33

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.....Page 34

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.Page 40

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.....Page 41

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..... Page 46

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.....Page 53

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.....Page 53

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.....Page 54

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..... Page 65

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'.....Page 66

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'.....Page 68

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..... Page 86

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. Page 94

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..... Page 95

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..... Page 95

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. Page 100

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. Page 104

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.
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1. Introduction

The Building Safety (Wales) Bill (“the Bill”) was introduced on 7 July 2025 and was referred to the Local Government and Housing Committee for scrutiny of its general principles. Other Senedd committees have also conducted scrutiny of financial and constitutional aspects of the Bill.

1. On 7 July 2025, Jayne Bryant MS, the Cabinet Secretary for Housing and Local Government (“the Cabinet Secretary”) introduced the Bill and accompanying Explanatory Memorandum (“EM”). Other accompanying documents published alongside the Bill include a Statement of Policy Intent.
2. The Senedd’s Business Committee referred the Bill to the Local Government and Housing Committee (“the Committee”) for consideration of the general principles (Stage 1), in accordance with Standing Order 26.9. The Business Committee agreed that the Committee should report by 28 November 2025.

Terms of reference

3. On 9 July 2025, we agreed the following framework within which to scrutinise the general principles of the Bill, which were to consider:
 - The general principles of the Building Safety (Wales) Bill and whether there is a need for legislation to deliver the Bill’s stated policy objectives.
 - Any potential barriers to the implementation of the Bill’s provisions, and whether the Bill and accompanying Explanatory Memorandum and Regulatory Impact Assessment take adequate account of them.
 - Whether there are any unintended consequences arising from the Bill.
 - The Welsh Government’s assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum.
 - The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Part 1: Chapter 5 of the Explanatory Memorandum).

- Matters relating to the competence of the Senedd including compatibility with the European Convention on Human Rights.
- The balance between the information contained on the face of the Bill and what is left to subordinate legislation.
- Any matter related to the quality of the legislation.
- Any other matter related to the constitutional or other implications of the Bill.

Our approach

4. We received a technical briefing on the Bill from Welsh Government officials on 9 July 2025.

5. To inform our scrutiny of the Bill a public consultation was held between 14 July and 8 September 2025, focused on the terms of reference above. 28 consultation responses were received and have been published on our [website](#).

6. We held oral evidence sessions with the Cabinet Secretary on 17 July and 22 October. We also held a series of six oral evidence sessions with external stakeholders between 18 September and 9 October. A list of all oral evidence sessions can be found at Annex 1 and a list of written evidence received can be found at Annex 2.

7. We undertook a series of citizen engagement activities to gain insights into the lived experiences and views of residents and landlords of multi-occupied residential properties, to further inform our scrutiny of the Bill. The Senedd's Citizen Engagement Team attended five landlord forums across South and West Wales and two interviews with representatives of property management companies and letting agents. In addition the team issued a residents survey which was promoted via stakeholders such as housing associations and community networks. The findings of this engagement have been [published](#) and have informed the findings of this report.

8. We are grateful to all those who took the time to provide evidence to inform our scrutiny.

Legislative competence

9. On 7 July 2025 the Llywydd issued a written statement confirming her view that the provisions of the Building Safety (Wales) Bill would be within the legislative competence of the Senedd.

Other committees' consideration of the Bill

10. The Senedd's Finance Committee took evidence from the Cabinet Secretary on the financial implications of the Bill on 1 October 2025. The Senedd's Legislation, Justice and Constitution Committee took evidence from the Cabinet Secretary on 29 September 2025. Both committees have reported on their conclusions.

2. General principles and the need for legislation

The Bill introduces a new building safety regime in Wales focused on the occupation and ongoing management of multi-occupied residential buildings, with the overall aim of improving the safety of people living in such buildings.

Background

11. The Bill aims to deliver on a Programme for Government commitment to reform the current system of building safety.

12. In the wake of the Grenfell Tower tragedy in June 2017, the UK Government commissioned a review of building regulations and fire safety (“the Hackitt review”) to make recommendations on a future regulatory system. The final report on the Hackitt review was published in May 2018. It found the regulatory system covering high-rise and complex buildings was “not fit for purpose”. It made over 50 recommendations for establishing a new regulatory framework, and outlined a series of key principles:

- Establish a clear model of risk ownership, so that responsibilities are clear across the life cycle of a building. Those responsible for delivering and maintaining safe buildings should be overseen and held to account.
- Be outcomes-focused and backed by strong enforcement, so that there are incentives to do the right thing and penalties for those who choose to game the system.
- Encourage people to think of buildings as a system, to allow consideration of building safety on a case-by-case basis and to avoid siloed thinking.
- Employ a risk-based approach, so that the level of regulatory oversight is proportionate to the number of people potentially put at risk.

- Ensure transparency of information and an audit trail, to provide reassurance and evidence that a building has been built safe and continues to be safe.

13. In May 2018, the Welsh Government committed to making “the radical and far-reaching reforms to the regulatory system” that were called for in the Hackitt review. The 2021 White Paper on building safety set out its proposals for reform.

14. The Welsh Government has taken a phased approach to developing and implementing the reforms proposed in the White Paper. Changes relating to the design and construction phase have largely been taken forward through the UK Government’s Building Safety Act 2022. The Welsh Government argued that this approach allowed for reforms to be enacted as quickly as possible.

15. This Bill takes forward many of the remaining provisions proposed in the White Paper, primarily those which apply when a building is occupied.

16. Appearing before the Committee on 17 July the Cabinet Secretary for Housing and Local Government summarised the purpose of the Bill:

“This Bill will fundamentally transform safety in multi-occupied residential buildings across Wales. It will bring about a comprehensive reform that protects residents and others through regular assessments and proper management of building safety risks. The Bill forms part of a much wider programme of work taken forward since the Grenfell tower tragedy. That’s aimed at ensuring that all residential buildings in Wales are as safe as possible and that those who call those buildings their home feel safe.”¹

Current legislative framework on building safety

17. This Bill is intended to work alongside existing legislation relating to safety in the occupation of buildings.

18. The Housing Act 2004 and the Housing Health and Safety Rating System (Wales) Regulations 2006 (HHSRS) give local authorities responsibilities to identify and protect against health and safety deficiencies in residential dwellings including homes of multiple occupation and powers to oblige building owners to take remedial action.

¹ Local Government and Housing Committee, 17 July 2025, RoP paragraph (p)10

19. Fire and rescue services oversee fire safety of the common parts of residential buildings under the Regulatory Reform (Fire Safety) Order 2005 (Fire Safety Order) which places duties on a ‘Responsible Person’ to maintain the safety of a building and to reduce the risk of fire in relation to the internal common areas of blocks of flats (e.g. carrying out risk assessments). It applies to workplaces, public buildings and common parts of shared residential properties.

20. Part 4 of the Renting Homes (Wales) Act 2016 sets out the obligations placed on a landlord with regard to the condition of a residential dwelling. These obligations apply to all occupation contracts made for a term of less than seven years. A landlord under an occupation contract is obliged to ensure a dwelling is both in repair and fit for human habitation. The Landlord and Tenant Act 1985 also contains repairing obligations on other landlords and contains important provisions regarding service charges and information provision which will include those pertaining to building safety works and costs.

21. In response to the Grenfell Tower tragedy and the recommendations of the Hackitt Review the UK Government introduced a new, statutory building safety regime via the Building Safety Act 2022. New safety measures relating to the design and construction phase of building included within the 2022 Act apply to Wales and as such, the Welsh Government did not need to legislate on the same.

22. The occupation phase regime established by the Building Safety Act 2022, centred around higher-risk buildings containing at least two residential units and at least 18 metres or at least seven storeys in height, does not apply to Wales.

23. Accordingly the Welsh Government has brought forward this Bill to establish an occupation phase safety regime for buildings in Wales of two or more residential units. The regime to be established by the Bill will apply to all such buildings rather than higher risk buildings only, meaning the regime in Wales will have a wider reach than that established for England.

The need for further legislation

24. All consultation respondents welcomed the policy aims of the Bill. The Welsh Local Government Association (WLGA) noted:

“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.”²

25. Various organisations pointed to flaws in the current legislation for building safety in Wales and the serious safety risks arising from such inadequacies. The All Wales Housing Expert Panel noted that the current system of fire safety risk assessment under the Fire Safety Order is “not all encompassing and not fit for purpose”.³

26. South Wales Fire and Rescue Service commented that the Bill aligns with the Grenfell recommendations by supporting services to concentrate more on residential dwellings, since the Fire Safety Order is based on commercial premises.⁴

27. The Cabinet Secretary expressed the view that “the current regulatory system covering safety in multi-occupied buildings isn’t fit for purpose”.⁵

28. Evidence received demonstrated clear support for the Government’s intention to legislate to achieve stated policy aims, to work alongside other levers to improve building safety in Wales. ClwydAlyn Housing Ltd (ClwydAlyn) noted:

“Legislation is necessary to deliver these aims. Without it, responsibilities remain unclear, compliance is inconsistent, and residents lack enforceable rights. Statutory duties and enforcement powers are critical to achieving consistency across Wales and ensuring that safety is prioritised.”⁶

29. The All Wales Housing Expert Panel for Wales pointed to the urgent need for such legislation which, in their view, is overdue:

“The Building Safety (Wales) Bill is a necessary and long overdue evolution of Welsh housing policy, essential to address longstanding gaps in building safety regulation. The All-Wales Housing Expert Panel welcomes the Bill’s intent to improve the safety of high rise residential buildings (HRRBs).”⁷

² BSWB 14, WLGA

³ Local Government and Housing Committee, 1 October 2025, RoP p8

⁴ Local Government and Housing Committee, 1 October 2025, RoP p177

⁵ Local Government and Housing Committee, 17 July 2025, RoP p9

⁶ BSWB 03, ClwydAlyn Housing Ltd

⁷ BSWB 02, All Wales Housing Expert Panel

30. While generally supportive of the need for legislation those who engaged in our scrutiny highlighted a number of issues of concern in respect of the nature of the Bill and its interaction with existing legislation.

31. Various witnesses drew attention in their submissions to the balance between provisions set out on the face of the Bill and detail left to regulations or guidance. Organisations including Community Housing Cymru⁸, the WLGA⁹ and the Social Housing Law Association Wales¹⁰ pointed to a perceived imbalance and raised concerns about the amount of detail deferred to future regulations, with views expressed that this could complicate and delay implementation. The WLGA suggested the Bill should include a requirement on the Welsh Government to consult local government on subordinate legislation that affects enforcement roles or resource requirements.¹¹ These matters have been considered and reported on by the Senedd's Legislation, Justice and Constitution Committee.

32. Local Authority Building Control noted that it 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."¹²

33. By contrast, ClwydAlyn felt that "the balance in the Bill is sensible" regarding the level of detail to be established in regulation, allowing flexibility to adapt over time but with democratic oversight on significant points.

34. One theme expressed in the evidence was the need for clarity on how the Bill's provisions will work alongside existing legislation on housing safety. Swansea Council emphasised that:

"To prevent duplication, confusion over enforcement roles, and regulatory gaps, the Bill must be carefully integrated with existing housing and safety legislation...the allocation of responsibilities across different bodies, and the potential for

⁸ BSWB 22, Community Housing Cymru

⁹ BSWB 14, WLGA

¹⁰ BSWB 28, Social Housing Law Association Wales

¹¹ BSWB 14, WLGA

¹² BSWB 19, LABC

overlap with existing local authority powers, could result in confusion and inconsistent enforcement.”¹³

35. The All Wales Housing Expert Panel supported the need for effective integration of the Bill’s provisions with existing legislation:

“The Bill must be carefully meshed with existing housing and safety laws to avoid duplication, unclear enforcement responsibilities, and unintended regulatory gaps... The Bill risks duplicating existing enforcement regimes rather than strengthening them.”¹⁴

36. Community Housing Cymru reiterated this view:

“The introduction of the Building Safety (Wales) Bill adds another layer to an already complex regulatory landscape, which includes existing responsibilities under the Regulatory Reform (Fire Safety) Order, landlord regulation, WHQS RH(W)A and the Housing Health and Safety Rating System (HHSRS). There is a risk of duplication or conflict unless clear guidance is issued on how these regimes interact. A lack of clarity may lead to inconsistent compliance approaches and unintended legal or operational consequences.”¹⁵

37. Propertymark acknowledged that work is being undertaken by the Welsh Government:

“...to ensure that the legislation is workable the Welsh Government are attempting to ensure that the building safety regime compliments [sic] rather than duplicates existing legislation and regulatory requirement for owners and managers of residential buildings in Wales.”¹⁶

38. Various organisations, including South Wales Fire & Rescue Service and Community Housing Cymru, noted the need for the Welsh Government to review lessons learned from the introduction and implementation of legislative provisions in England in respect of building safety in the occupation stage, and to reflect such lessons in the Bill.

¹³ BSWB 04, Swansea Council

¹⁴ BSWB 02, All Wales Housing Expert Panel

¹⁵ BSWB 22, Community Housing Cymru

¹⁶ BSWB 24, Propertymark

General principles

39. The policy aims of the Bill were generally supported by those who engaged in our work.

40. The All Wales Housing Expert Panel noted:

“The Bill’s emphasis on accountability, transparency, and risk management is strongly supported, along with its overarching aim, to improve safety in multi-occupied residential buildings.”¹⁷

41. Community Housing Cymru also supported the Bill’s policy aims:

“Community Housing Cymru welcomes the general principles of the Building Safety (Wales) Bill. As the representative body for housing associations in Wales, we fully support the Bill’s aim to create a clear and robust building safety regime that protects residents and ensures accountability across the housing sector.”¹⁸

42. However, while the Welsh Government’s intention to legislate on building safety and the Bill’s policy aims were warmly received, we also heard that various aspects of the Bill are of significant and common concern to some stakeholders. Specific concerns are considered in greater detail later in this report.

43. We also received evidence calling for the Bill’s provisions to be extended to include other matters relating to building safety, which are discussed in Chapter 7. This includes the prominent issue of remediation (the removal and replacement of defective building materials) for which no specific provision is made in the Bill.

Implementation

44. The Cabinet Secretary explained the Welsh Government’s intended approach and timescales for implementation of the Bill:

“...phasing commencement will importantly allow local authorities and duty holders to acclimatise and adjust to the new regime, and for consultation with the wider public and stakeholders to take place. This phased approach does recognise the large number of in-scope buildings. I expect the registration of category 1 buildings to be introduced in the first

¹⁷ BSWB 02, All Wales Housing Expert Panel

¹⁸ BSWB 22, Community Housing Cymru

phase in 2027. Category 2 registration is expected to commence in early 2028, with category 3 duties expected to follow later in that year.”¹⁹

45. We heard from various stakeholders including Swansea Council and the All Wales Housing Expert Panel that, despite the intended phased approach to implementation, various risks and challenges exist which may jeopardise effective implementation of the Bill within these proposed timescales.

Workforce capacity

46. Various organisations raised concerns in respect of workforce capacity and questioned whether sufficient numbers of appropriately skilled professionals are currently in place to effectively implement the Bill’s duties and responsibilities. In particular, concerns were raised about the sufficiency of appropriately qualified and experienced staff to undertake the responsibilities of Building Safety Authorities and to exercise duties in respect of fire risk assessments.

47. Community Housing Cymru emphasised the importance of addressing workforce capacity issues:

“Implementation will also rely on the availability of competent professionals who can prepare key documentation such as safety case reports, structural assessments, and fire risk assessments. At present, the sector is already experiencing shortages in these areas, and the new requirements will place additional pressure on an already stretched workforce. Targeted funding and support will be essential to build capacity, improve competency, and ensure that both regulators and duty holders are equipped to deliver the cultural and technical change that this new regime demands.”²⁰

48. Social Housing Law Association Wales supported this view:

“We are concerned about the extent of new requirements and duties that would be placed on social housing providers which will inevitably involve pressures on its workforce and the need to source those with specialist skills to deliver the requirements of the Bill.”

¹⁹ Local Government and Housing Committee, 17 July 2025, RoP p32

²⁰ BSWB 22, Community Housing Cymru

“Given the size of Wales, it is inevitable that there will be competition to secure the services of those specialists and pressures on those specialists to deliver.”²¹

49. The Chartered Institute of Environmental Health drew attention to various issues relating to workforce capacity, including the lack of a degree environmental health apprenticeship scheme in Wales as has been established in England.²² They also highlighted low local authority wages for appropriately qualified personnel compared to those available in the commercial sector, as a potential challenge to effective implementation of duties to be imposed on local authorities as Building Safety Authorities.²³ The Chartered Institute of Environmental Health also referenced cuts made to local authority legal services, arguing that they would currently not be well equipped as Building Safety Authorities to take on large companies or multinational corporations some of whom may be Accountable Persons and Principal Accountable Persons for buildings under this Bill (paragraph 123 explains the meaning of Accountable Persons and Principal Accountable Persons).²⁴

50. The Royal Institution of Chartered Surveyors (RICS) supported the view that “adequate resources within the local building authority is really important”, adding that

“The building safety authorities are going to be so important here, that they have ring-fenced funding, that they have adequate training in place for people, that there’s succession planning going through for newcomers into the industry as well.”²⁵

51. RICS told us they would be in a good position to help through the training courses they provide.²⁶

52. The All Wales Housing Expert Panel listed various concerns in respect of the building safety workforce’s ability to meet the demands placed on them by the Bill:

²¹ BSWB 28, Social Housing Law Association

²² Local Government and Housing Committee, 24 September 2025, RoP p241

²³ Local Government and Housing Committee, 24 September 2025, RoP p242

²⁴ Local Government and Housing Committee, 24 September 2025, RoP p243

²⁵ Local Government and Housing Committee, 24 September 2025, RoP p227

²⁶ Local Government and Housing Committee, 24 September 2025, RoP p227

- *“Ongoing cuts to EH [Environmental Health] and Private Sector Housing Teams have left no capacity to take on this work with the existing overstretched resources.*
- *Lack of experienced EHO’s [Environmental Health Officers] across Wales, combined with inadequate numbers of EH students graduating, makes recruitment almost impossible.*
- *Salary grades in Local Authorities are generally capped at around £43,000 for a Senior EHO or BCO [Building Control Officers] which are not attractive for experienced officers and cannot compete with the private sector enhancing recruitment and retention issues.*
- *EHOs have no formal training on high rise buildings, construction, fire safety related issues or the complexities of working with HRRBs.[High Rise Residential Buildings]. There is a massive skills gap in the current workforce which can only be partially covered by additional training and upskilling of staff.*
- *The inspection of Category 1 and 2 buildings requires a multi-disciplinary team with a Fire Safety Engineer and a Structural Engineer as part of that team. Neither the LA nor the FRS have these skills in house, and neither can they pay the salary scales that are required to recruit these skillsets.”²⁷*

53. Dr Jenny Preece of the University of Sheffield drew attention to particular concerns about the availability of suitably qualified professionals to carry out fire risks assessments required by the Bill:

“Given that a competent person is required to carry out a fire risk assessment within 6 months of the provisions coming into force, there may be a risk in relation to the availability of competent persons to conduct assessments in a high volume of buildings when the provisions first come into force, and on an ongoing basis, given annual reviews. Again, assessment or mapping of the availability of appropriately skilled persons, and

²⁷ BSWB 02, All Wales Housing Expert Panel

anticipation of demand, will be important in managing the implementation of this requirement.”²⁸

54. The National Residential Landlords Association echoed this view, noting concern that, without appropriate lead-in time ahead of changes to fire risk assessments, landlords and building owners “may find themselves stuck, with a lack of available assessors due to the extremely high demand”.²⁹

55. Several witnesses, including the Mid and West Wales Fire Service and Swansea Council, emphasised that workforce planning takes time. Mid and West Wales Fire Service said it takes two to three years to train a regulator to a competent standard, meaning that “we’re already two to three years behind the starting point in as much as we should have been training regulators up now in readiness for the official launch of the Bill”³⁰.

56. In addition to the concerns raised in respect of a lack of suitable skills and experience within the building safety workforce, some witnesses raised questions relating to the clarity of definition of ‘competent persons’ permitted to undertake fire risk assessments.

57. Despite the significant concerns expressed by the housing sector about the ability of the building safety workforce in Wales to meet the Bill’s requirements, the Cabinet Secretary told us that, as fire risk assessments are already required under the Fire Safety Order, she believes “that the workforce is there to meet this element of the new regime already”.³¹ She added that a set of standards for demonstrating competence will be developed in cooperation with the UK Government and other devolved governments, and mandated by regulations.

58. The Cabinet Secretary explained the steps being taken by the Welsh Government to help ensure a suitably skilled, experienced and qualified workforce will be available to implement the Bill’s requirement effectively:

“For this Bill, we’ve stood up a work stream to support local authorities with their strategic workforce planning, and that workforce plan will be co-designed with local authorities and the Welsh Local Government Association. The plan will focus on recruitment, retention and skills development, and it’ll feed into investment into skills and apprenticeship training under the

²⁸ BSWB 01, Jenny Preece, University of Sheffield/ UK Collaborative Centre for Housing Evidence

²⁹ BSWB 13, National Residential Landlords Association

³⁰ Local Government and Housing Committee, 1 October 2025, RoP p250

³¹ Local Government and Housing Committee, 17 July 2025, RoP p129

new regime so that we do have a cohesive approach to that workforce planning.”

“We have developed a higher apprenticeship for environmental health officers. This is something that my predecessor did, and that went live earlier this year. The programme is already supporting apprentices in environmental health across Wales.”

“At a strategic level, officials are collaborating with colleagues in the skills department in Qualifications Wales, Medr, the regional skills partnerships, just to name a few, and they will be identifying those skills gaps, aligning qualification and planning for the future, where we need to make sure that we have the right skills to deliver this Bill.”³²

Additional funding, recouperation of compliance costs and protection for residents and leaseholders against increased charges

59. Various witnesses highlighted the need for additional funding for bodies to implement duties imposed on them by the Bill as being key to effective implementation.

60. The National Residential Landlords Association called for additional funding for local authorities and Fire Rescue Services to carry out the duties placed upon them:

“Local authorities and fire services are already burdened with enforcement matters from existing regulation, with little to no extra funding. Additional enforcement duties without corresponding funding will compound the issue.”³³

61. Mid and West Wales Fire and Rescue Service said the Bill will increase their workload in auditing and assessing fire risk assessments for Category 1 buildings. They noted that the cost estimates set out in the Regulatory Impact Assessment (RIA) only accounts for the equivalent of two fire safety regulators for the whole of Wales which is “a little limited”.³⁴ They explained that they have 44,000 premises on their register that are scrutinised by fire safety teams via a risk-based

³² Local Government and Housing Committee, 22 October 2025, RoP p188-190

³³ BSWB 13, National Residential Landlords Association

³⁴ Local Government and Housing Committee, 1 October 2025, RoP p247

prioritisation process and that any additional workload that isn't resourced will dilute their capacity to audit these high-risk premises.³⁵

62. The need for additional funding for social housing providers was highlighted by various witnesses, including Social Housing Law Association Wales:

*"At a time when social housing providers are experiencing financial pressures associated with a number of other duties and requirements, SHLA Wales suggests that delivery of these requirements and duties will be difficult without additional funding. Without this, costs may be passed onto residents, which should be avoided at a time when many are feeling the impact of the cost of living crisis."*³⁶

63. Adra Tai Cyf said it expected significant additional costs related to fire risk assessments, staff recruitment and training, and IT system upgrades for golden thread compliance.³⁷

64. The All Wales Housing Expert Panel stated its view that the Bill's "resource implications are significant" and that without ring-fenced funding the Bill's provisions risk being undeliverable in practice.³⁸

65. One of the key findings of our engagement with residents was that residents raised "concerns about the financial burden of possible safety improvements and questioned the fairness of passing costs onto residents".

66. The Property Institute noted that costs for residents could be disproportionately higher in Category 2 and 3 buildings than for residents of Category 1 buildings as costs would be spread between fewer residents.³⁹ They highlighted the leaseholder cost protections in the Building Safety Act 2022 which place a 'firm cap' on what can be charged for non-cladding defects and also give qualifying leaseholders full protection from cladding costs.⁴⁰

67. The Cabinet Secretary responded to the concerns expressed about compliance costs being passed on to residents or leaseholders:

"I'm committed to ensuring that we protect residents from those excessive costs, which is why the Bill ensures that any

³⁵ Local Government and Housing Committee, 1 October 2025, RoP p248

³⁶ BSWB 28, Social Housing Law Association

³⁷ BSWB 05, Adra Tai Cyf

³⁸ BSWB 02, All Wales Expert Panel

³⁹ Local Government and Housing Committee, 9 October 2025, RoP p205

⁴⁰ Local Government and Housing Committee, 9 October 2025, RoP p268

costs passed on to residents via service charges must comply with existing protections. The Landlord and Tenant Act 1985 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 that the service is of a reasonable standard. So, these provisions will ensure that excessive costs are not permitted to be passed on to leaseholders."

"We're currently looking at how we can bolster leaseholder protections by requiring a landlord to consider other funding streams before passing on the cost via service charges for the costs of works to leaseholders. So, landlords would need to assess whether there are any other sources of funding, such as insurance, indemnities or claims against developers, before passing costs down to leaseholders."⁴¹

Impact on supply

68. We heard mixed views on the extent to which the new regulatory regime to be established by the Bill, if passed, could impact on achievement of the Welsh Government policy aim of increasing social and affordable housing supply.

69. Crisis said:

"We note recently published statistics show social landlord housing sales increased by 99% between 2023-24 and 2024-25, resulting in the highest number of sales since 2018-19. One of the reasons for sale stated within these statistics is when housing is deemed 'uneconomic to repair'.⁴² We are worried that this legislation may push more properties into that category, resulting in further reduction of social housing supply."⁴³

70. Trivallis highlighted the large amount of work that the Bill will require of Registered Social Landlords and said that funding it is likely to reduce their operating margin, reducing their ability to borrow private finance and taking the attention of the senior team away from delivering more homes.

⁴¹ Local Government and Housing Committee, 22 October 2025, RoP p249

⁴² [Social landlord housing sales: April 2024 to March 2025 \[HTML\] | GOV.WALES](#)

⁴³ BSWB 18, Crisis

71. UK Finance noted:

*"The additional legislative and cost burdens which the legislation would place on landlords could accelerate further flight from the private rented sector in Wales. This could limit availability of supply of quality homes in the sector, at a time when there are already significant supply challenges in the social and affordable housing sector."*⁴⁴

72. Local Authority Building Control said the Bill could potentially have a negative impact on the number of constructed new build homes, and could incentivise developers to build less storeys.⁴⁵

73. Community Housing Cymru highlighted a potential risk of strain on smaller social landlords, leading to market withdrawal or consolidation.⁴⁶

74. A key finding of our engagement work with private landlords, building owners and managing agents was that landlords feel "overwhelmed by the volume and complexity of legislation" already in place and that regulations are "weighted against the interests of landlords".

75. However, other witnesses disagreed and did not feel the Bill's provisions would significantly impact housing supply. Both the Chartered Institute of Environmental Health⁴⁷ and the Chartered Institute of Housing Cymru⁴⁸ noted their views that the Bill should not have a significant impact on housing supply.

76. ClwydAlyn downplayed the Bill's impact on the availability of new housing supply but highlighted the potential impact on speed of delivery of new stock:

*"In terms of the actual deliverability of the amount of properties, I don't think it will affect that, but what it will affect is in the beginning, and that's where you've got new regulation coming in, and it's how long something is going to actually take within that pre-contract process...that's then going to actually delay getting on to site and it ultimately delays actually getting properties for people."*⁴⁹

⁴⁴ BSWB 09, UK Finance

⁴⁵ BSWB 19, Local Authority Building Control

⁴⁶ BSWB 03, ClwydAlyn Housing Ltd

⁴⁷ Local Government and Housing Committee, 24 September 2025, RoP p209

⁴⁸ Local Government and Housing Committee, 24 September 2025, RoP p287

⁴⁹ Local Government and Housing Committee, 9 October 2025, RoP p41

77. In response, the Cabinet Secretary emphasised the Welsh Government’s policy commitment to increase supply:

“I do know that the committee’s also heard evidence about that, in terms of having an indirect impact on social supply, but I do think that we’re not going to solve that problem by allowing people to live in unsafe homes. Our independent analysis has estimated that the average annual cost of the regime would unlikely make building owners or landlords exit the market.”⁵⁰

Cost estimates

78. Various witnesses raised concern about the completeness and accuracy of the Bill’s cost estimates as set out in the RIA, including the All Wales Housing Expert panel who considered these to be inadequate. They commented that the “key cost pressures” of training, recruitment, increased inspection and administrative burdens “are poorly accounted for”.⁵¹

79. There was a common view expressed that the Welsh Government’s cost model report has underestimated the cost of implementation and that the cost of some particular activities required to ensure effective implementation have not been fully assessed.

80. Social Housing Law Association Wales noted that the estimates “do not fully account for the potential costs”⁵² and called for “a more robust financial assessment to establish the true impact the Bill is likely to have on social housing providers”.⁵³

81. North Wales Fire and Rescue Service said the costs model is “slightly naïve” in not accounting for some costs such as the increased cost of legal action and digital transformation.

82. Community Housing Cymru referred to difficulties in assessing exact costs, but told us they expect staffing and workforce costs to be “huge”. They also expect costs associated with the golden thread, new databases, registration, assessments

⁵⁰ Local Government and Housing Committee, 22 October 2025, RoP p16

⁵¹ BSWB 02, All Wales Housing Expert Panel

⁵² BSWB 28, Social Housing Law Association

⁵³ BSWB 28, Social Housing Law Association

and digital systems, adding that the estimates do not account for “everything that housing associations are going to have to pay for”.⁵⁴

83. The Cabinet Secretary referenced further work being undertaken on cost estimates to ensure all costs are accounted for. She told us:

“...there are those other costs that we’d be looking at as we progress with the Bill and see where they might lie. So, that work is going on at the moment.”⁵⁵

84. The financial implications of the Bill have been considered in greater detail by the Senedd’s Finance Committee.

Our view

85. We acknowledge the clear evidence received that a stronger regime of duties and rights is urgently required to improve safety for those who live in multi-occupied buildings in Wales, and the clear support expressed by witnesses for the Bill’s policy aims. We therefore support the general principles of the Bill.

86. However we also recognise that various issues of significant concern were raised in evidence, particularly in relation to implementation of the Bill, and we note the strength of feeling expressed in respect of some of these concerns.

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.

87. We are particularly concerned by the evidence we heard on a lack of sufficient numbers of suitably qualified and experienced building safety professionals to carry out the requirements of the Bill relating to structural and fire risks and the major challenge this poses to effective implementation. Many of those who engaged in our work are concerned that the current workforce will be unable to carry out the requirements of the Bill effectively.

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

⁵⁴ Local Government and Housing Committee, 9 October 2025, RoP p93

⁵⁵ Local Government and Housing Committee, 22 October 2025, RoP p23

successful delivery of the new building safety regime for Wales and should be prioritised.

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.

88. We note the significant concerns raised regarding the adequacy of funding available to meet the additional requirements of the Bill and the views expressed that the Welsh Government has under-estimated the additional cost and resource implications of the Bill. We also note with regret that full cost estimates in respect of certain aspects of the Bill are not yet available, meaning that we and other committees have not been able to fully scrutinise these at this stage.

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.

Recommendation 3. The Welsh Government should undertake further work to ensure the additional resource requirements that will result from the Bill are fully understood.

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.

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.

89. We are deeply concerned about the clear and significant risk identified in evidence that additional costs incurred by Accountable Persons and Principal Accountable Persons in order to meet the Bill's requirements will be passed on to residents and that such costs could further increase rents and service charges that many people are already struggling to meet. There is a risk that such increases to rents and service charges could potentially lead to some people losing their homes.

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

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

90. We recognise that the evidence we heard on the potential impact of the Bill on housing supply in Wales was mixed. Whilst some witnesses felt the Bill will have little or no impact on the supply of social and private housing, we are concerned that the greater volume of regulation resulting from this Bill could affect supply in several ways. It could lead to private landlords exiting the market or choosing not to enter the market, and could reduce social landlords' capacity to undertake new developments.

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.

91. We acknowledge that various witnesses are, in principle, supportive of the broad scope of the Bill in terms of the three proposed categories of regulated buildings. However the evidence received also demonstrates significant risks and challenges that will arise due to the wide scope of the regulated buildings proposed by the Bill, and in particular the inclusion of Category 3 buildings, of which there are a high number in Wales. We are concerned that the volume of regulated buildings, particularly Category 3 buildings, gives rise to a clear risk of failure to deliver, considerable resource implications and a potential negative impact on housing supply. The scope of the new regime is discussed further in Chapter 3 of this report.

3. Part 1: Safety of buildings containing two or more residential units

This Part of the Bill defines key terms used in the Bill, establishes the roles of Accountable Persons (APs) and Principal Accountable Persons (PAPs) and sets out their responsibilities.

Chapter 2: Key Terms

Regulated buildings, residential units and categories of buildings

92. Sections 2, 3 and 5 provide definitions of key terms used in Chapter 2 of the Bill e.g. ‘building’, ‘regulated building’ and ‘residential unit’. Section 4 sets out an ‘independent part’ test which aims to establish that if a part of a structure meets certain criteria listed in the Section, it should be considered a ‘building’ in its own right. Section 7 provides that ‘ancillary areas’ are included in any reference to a ‘regulated building’ e.g. outbuildings, garages, car parks etc.

93. Section 6 defines the three categories of ‘regulated building’:

- Category 1 buildings are at least 18 metres in height or have at least 7 storeys;
- Category 2 buildings are at least 11 metres in height or have at least 5 storeys but are less than 18 metres in height and have fewer than 7 storeys; and
- Category 3 buildings are less than 11 metres in height and have fewer than 5 storeys.

94. A significant amount of the evidence received related to the inclusion of Category 3 buildings within the new regime rather than focusing only on higher risk buildings as has been done in England.

95. The Cabinet Secretary explained the Welsh Government’s reasons for proposing to apply the requirements of the new regime to a wider range of buildings than in England:

“The differences between what we’re proposing to do here in Wales and in England reflect the different landscape and context that we have here in Wales. As you’ll know, in England, there are about 12,500 high-rise buildings. In Wales, we have 180 of those buildings, so it’s a different context with those buildings. So, focusing just on buildings 18m and above wouldn’t really make sense in our context in Wales.”⁵⁶

96. Some witnesses including local authorities and fire and rescue services were supportive in principle of the inclusion of lower height buildings than are included in England’s regime, mainly on the basis that fire risk is not necessarily proportionate to building height or dependent on it, and that excluding buildings on the basis of height is therefore not rational.

97. However Mid and West Wales Fire and Rescue Service pointed out that there are larger populations living in Category 1 premises which means that prioritising them makes sense:

“...risk isn’t necessarily proportionate to height, however, there are larger populations within the category 1 buildings as opposed to categories 2 and 3, and therefore it would make sense to bring it in in a staged approach, with the tallest buildings initially, working the way down to the category 3.”⁵⁷

98. TPAS Cymru, the Chartered Institute of Environmental Health, Chartered Institute of Housing Cymru and RICS all welcomed the broader focus in Wales provided by the Bill, on the basis that this reflects that fire risks are not solely confined to high-rise but are equally likely to happen in low-rise buildings.

99. The All Wales Housing Expert Panel welcomed that all multi-occupied dwellings will be brought within the scope of the Bill but also expressed a view that that enforcement will be “really hard and time-consuming”.⁵⁸

100. However not all witnesses were supportive of the inclusion of Category 3 buildings within the proposed new regime.

⁵⁶ Local Government and Housing Committee, 17 July 2025, RoP p11

⁵⁷ Local Government and Housing Committee, 1 October 2025, RoP p222

⁵⁸ Local Government and Housing Committee, 1 October 2025, RoP p17

101. Swansea Council questioned whether including Category 3 buildings “is overambitious at this stage”⁵⁹ and noted that focusing attention on Category 1 and Category 2 buildings should be the priority.

102. Community Housing Cymru noted that Category 3 buildings appeared late in the day without proper consultation and expressed the view that whilst the inclusion of Category 3 buildings is welcomed, the duties imposed by the Bill in respect of Category 3 buildings are disproportionate to the level of risk and should be reduced.⁶⁰

103. The National Residential Landlords Association noted:

“Our main concern, and I know this has been a theme throughout all of your sessions, is the category 3 inclusion in this. Our view is that there is already existing legislation in place, but it needs to be properly enforced, and the funding needs to be made available for the relevant authorities to enforce it...Our view is that this proposal [the inclusion of category three buildings] complicates that and there should be a streamlining of the existing legislation, and they should be enforceable, because all of those do protect people who live in three-storey HMO room-only properties. It doesn't need this addition—it complicates with the proposal.”⁶¹

104. Trivallis⁶² and others also called for a simplified set of duties in respect of Category 3 buildings, arguing that the current fire safety risk assessment approach taken by social landlords is already effective and does not need to be extended.

105. However the Cabinet Secretary noted that:

“I'd just challenge the assertion that the current system works well, because if we didn't have category three buildings in the Bill, they would continue to be subject to the Fire Safety Order, which I think is widely acknowledged to be unsuitable for residential buildings, and it is complex for landlords to understand. So, the Fire Safety Order at the moment is, really, for buildings that are not for residential use. It is for workplaces, so that's why we are trying to simplify that, and I think that is a

⁵⁹ Local Government and Housing Committee, 1 October 2025, RoP p16

⁶⁰ Local Government and Housing Committee, 9 October 2025, RoP p25 & 31

⁶¹ Local Government and Housing Committee, 9 October 2025, RoP p189

⁶² Local Government and Housing Committee, 9 October 2025, RoP p12 & 16

benefit to those people who live in those houses at the moment.”⁶³

106. Two witnesses suggested further refinement of the definition of ‘regulated buildings’ to include resident vulnerability as a risk factor. Adra Tai Cyf noted:

“The provisions in Part 1 are broadly workable and reflect a proportionate approach to risk. The categorisation of buildings (Category 1 and 2) is helpful, though we suggest further refinement to include occupancy type and vulnerability (e.g., older residents or those with physical disabilities) as risk factors.”⁶⁴

107. By contrast, Community Housing Cymru⁶⁵ and Trivallis⁶⁶ did not favour residents’ vulnerability being factored into building categorisation since vulnerability is situational, not permanent, and follows the tenant, meaning a building’s category would be subject to frequent change.

108. The National Residential Landlords Association said there would be unintended consequences to private landlords being unwilling to let to vulnerable tenants:

“Our concern would be around the possibility that vulnerable people could be added as a condition on the conditions...There are currently too many people applying for houses and what we don’t want is unintended discrimination against people. So, if you have a house that’s compliant and you have a potential tenant who is vulnerable, then taking them on would add additional needs for the landlords to put more things in place. We don’t want that to happen. We believe that everybody should be able to apply for a house and their status as vulnerable shouldn’t count against them.”⁶⁷

109. The Cabinet Secretary noted that the new regime will provide protections for vulnerable residents of all multi-occupied buildings in Wales regardless of their category under the Bill:

⁶³ Local Government and Housing Committee, 22 October 2025, RoP p60

⁶⁴ BSWB 05, Adra Tai Cyf

⁶⁵ Local Government and Housing Committee, 9 October 2025, RoP p66

⁶⁶ Local Government and Housing Committee, 9 October 2025, RoP p64

⁶⁷ Local Government and Housing Committee, 9 October 2025, RoP p198

“...the Bill does include a range of safeguards for vulnerable residents, including placing duties on accountable persons to engage with residents. This could, for example, provide accessible building safety information, and consider individual needs such as language, impairments and digital exclusion.”⁶⁸

110. Trinity House requested that Schedule 1 of the Bill is amended to include Trinity House as an exempted organisation. They said that the equivalent legislation in England omitted to exclude lighthouses and “this has had real and onerous implications for our operations”. Trinity House owns lighthouses in Wales including at least one that could potentially be defined as a ‘regulated building’ in the current Bill.

111. The evidence received demonstrated some uncertainty about some of the terminology used in the Bill and the importance of the provision of clear definitions for key terms relating to regulated buildings.

112. Cast Consultancy noted:

“Section 6 defines the three categories of ‘regulated building’, and then goes on, in 6 (6), to note that these are subject to further definition. These definitions must be clearly defined, preferably in legislation, or by the building safety authority at the outset to provide absolute clarity on the route to approval, as it will have an impact on viability of a new development.”⁶⁹

113. The National House Building Council’s comments reflected the views expressed by various stakeholders on this issue:

“It is important to have clear and consistent interpretation of these definitions. Misunderstandings could lead to unintended inclusion or exclusion of buildings from the regulatory regime, with significant implications for compliance obligations and safety oversight. It would be beneficial for the Welsh Government to ensure that its guidance and terms within the legislation are clear and unambiguous. This will ensure they are not subject to legal challenge and are aligned with broader UK policy to promote consistency across both regions.”⁷⁰

⁶⁸ Local Government and Housing Committee, 17 July 2025, RoP p214

⁶⁹ BSWB 27, Cast Consultancy

⁷⁰ BSWB 20, National House Building Council

114. Local Authority Building Control highlighted that the definition of a ‘regulated building’ does not align with the definition of a ‘higher risk building’ during its design and construction phase, and noted this may lead to confusion in the wider industry.

115. The National House Building Council asked for consistency of terminology with the Building Safety Act 2022 to avoid confusion.

116. The Legislation, Justice and Constitution Committee asked the Cabinet Secretary why the Bill does not define ‘storey’, and questioned whether basements could come within the definition of a ‘storey’. The Cabinet Secretary said the intention is to align with the definition of ‘storey’ in the design and construction phase of building.

Our view

117. We recognise the crucial importance of establishing a new regime urgently in respect of Category 1 and Category 2 buildings, given the severity of the risks identified following the Grenfell tragedy.

118. However, evidence presented to us demonstrates that the same urgency does not necessarily apply in respect of Category 3 buildings with some witnesses questioning whether the new regime should be applied to Category 3 buildings at all. A current risk profile of safety within Category 3 buildings has not been provided and it is not clear from the evidence received that the current safety regime for Category 3 buildings is significantly deficient in practice. We appreciate that the Fire Safety Order is designed for commercial premises rather than residential, but we have not seen clear evidence that this is causing significant safety failings in Category 3 buildings.

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.

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.

119. Having heard evidence of the potential challenges that may arise in respect of the new regime, in particular concerns around the adequacy of the workforce and funding to deliver effectively, we believe that the proposed timescale for implementing the Bill's requirements for Category 3 buildings in 2028 is unrealistic. As such, we are pleased to note the Cabinet Secretary's commitment to re-consider this timetable if needed.⁷¹

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.

120. We agree with those witnesses who argued against including resident vulnerability as a factor in determining a regulated building's category under this Bill, due to the potential unintended consequences set out above, in particular potentially frequent fluctuations to the category assigned to a building. We concur with the Cabinet Secretary's view that suitable protections should be put in place for vulnerable people in all in-scope buildings.

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.

121. We acknowledge that it may not yet be clear in all cases whether particular types of buildings fall within the scope of the Bill and that there may be a case for the inclusion of additional types of buildings within the exemptions listed in Schedule 1 including, potentially, lighthouses.

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 types of accommodation to which the new regime does not apply.

122. Evidence received demonstrated uncertainty about the meaning of some of the key terms used in Chapter 2 of the Bill, which could lead to inconsistency in implementation and give rise to a risk of disputes.

⁷¹ Local Government and Housing Committee, 22 October 2025, RoP p119

Recommendation 11. The Welsh Government should ensure that clear definitions of the key terms used in Chapter 2 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.

Accountable persons, principal accountable persons and common parts

123. Section 8 defines an ‘accountable person’ (AP) and Section 9 defines a ‘principal accountable person’ (PAP), as persons on whom duties are placed by the Bill in respect of safety within a particular building.

124. Sections 10 and 11 set out arrangements for the identification of APs and PAPs or which part of a building an accountable person is responsible for.

125. Section 12 defines ‘common parts’ of a building and Section 13 defines other key terms. Section 14 allows Welsh Ministers to make regulations supplementing sections 8 to 13.

126. The EM sets out the purpose of the provisions in these sections:

“The identification of an accountable person is crucial for ensuring there is a clear duty holder who can be held to account. Building ownership in Wales is complex and the definition has been devised to ensure that the right person is defined as the accountable person according to their obligations that have been demised under concepts in property law.”

“To ensure there are clear lines of accountability, we are introducing the role of a principal accountable person who will act as the lead accountable person. This will ensure that, where there are multiple accountable persons in a building, there will always be a lead accountable person. For buildings where there is only one accountable person, they will be the principal accountable person.”

“The intention is that, generally, where a person owns or has a repairing obligation for any of the common parts, they will be an accountable person for that part. The principal accountable person will generally be the person who owns or has a repairing obligation for the external structure of the building.”⁷²

⁷² Welsh Government, Explanatory Memorandum to the Building Safety Bill, page 15

127. All witnesses who commented on these sections of the Bill welcomed the creation of the roles of the AP and PAP as a means of providing a clear line of accountability for safety within a regulated building.

128. Propertymark highlighted difficulties experienced in England in relation to the definition of an AP, including APs not being identified and disagreements as to who should be the APs.⁷³

129. Propertymark also argued that managing agents are best placed to fulfil the duties of an AP and called for an amendment to the Bill to specify that if an organisation has been hired to carry out the management of the block or specific common parts, they are to be considered an accountable person by default.⁷⁴ However The Property Institute argued strongly against this, stating that managing agents can be short-term contractors and are therefore unsuitable for the role of an AP.⁷⁵ A similar view was given by the Social Housing Law Association Wales in relation to those undertaking works at property:

“...a contractor instructed by the landlord or management company of a building to undertake works to the common parts may be an AP for what might be a matter of hours whilst undertaking those works. This cannot have been intention of Welsh Government when drafting clause 8(2)(b) of the Bill.”⁷⁶

130. The Chartered Institute of Environmental Health echoed Propertymark's concerns about potential problems in identifying APs and PAPs since ownership in large buildings can be 'fragmented' with overseas owners or freeholders that may have gone into administration, which can be intractable situations for local authorities to resolve.⁷⁷

131. UK Finance raised concerns about AP/PAP duties falling to mortgage lenders:

“There is a potential for unintended consequences if mortgage lenders in possession are to become responsible for duties under the legislation by virtue of having legal title to the property, even if only for a short time...The Bill's wide classification of an Accountable Person may inadvertently include lenders who hold a legal estate in possession as part of their security interest. This raises significant concerns about

⁷³ BSWB 24, Propertymark

⁷⁴ BSWB 24, Propertymark

⁷⁵ Local Government and Housing Committee, 9 October 2025, RoP p279

⁷⁶ BSWB 28, Social Housing Law Association Wales

⁷⁷ Local Government and Housing Committee, 24 October 2025, RoP p248

exposing lenders to statutory duties and liabilities, despite their limited operational control over the property.”⁷⁸

132. UK Finance also noted that the Bill as currently drafted could suppress the appetite of mortgage lenders to provide secured finance, if it meant lenders would become liable for outstanding repairs.⁷⁹

133. The Social Housing Law Association Wales called for various amendments to the Bill to address potential issues arising from provisions for the identification of APs and PAPs. For example, an amendment to Section 11 to add a further definition of ‘interested person’ as a party who is registered as an AP but does not believe itself to be one – to address an issue recently arisen in the First Tier Tribunal in England, and an amendment to section 10(2) in cases where there is more than one potential PAP, to allow for a single AP to make an application to the Building Safety Authority for a determination as to who is the PAP. They said it was unclear why the Bill requires such an application to be made jointly.⁸⁰

134. Various witnesses noted the importance to the successful delivery of the Bill’s aims of clear and timely guidance and support for APs and PAPs on the exercise of the duties imposed on them by the Bill. South Wales Fire & Rescue Service noted:

“It is essential that guidance issued or approved by Welsh Ministers is clear, regularly updated, and easily accessible for both accountable persons and residents.”⁸¹

135. ISPA UK explained the importance of such guidance and support:

“...the Bill places greater responsibilities on the Accountable Person (AP) and Principal Accountable Person to engage with residents, take feedback seriously, and respond accordingly. When combined with the extension of criminal liability (which includes potential prosecution of senior officers and duty holders) this raises significant practical challenges. Evidence from England indicates that, in the absence of explicit guidance, building owners will often adopt a risk averse position that creates operational delays as they contend with their new responsibilities, causing delays. Therefore, the Bill should include specific supplementary guidance for APs on

⁷⁸ BSWB 09, UK Finance

⁷⁹ Local Government and Housing Committee, 1 October 2025, RoP p308

⁸⁰ BSWB 28, Social Housing Law Association Wales

⁸¹ BSWB 07, South Wales Fire & Rescue Service

which works are and are not in scope, in order to avoid confusion.”⁸²

136. The Cabinet Secretary, responding to a question on whether and how APs and PAPs will be supported to fulfil their duties under the Bill, noted:

“Many principal accountable persons and accountable persons will require that support and guidance. So, we’ll provide them with comprehensive guidance to support them in their new roles.”⁸³

Our view

137. We are assured by the high degree of support expressed for the establishment of the roles of the AP and PAP for the purposes of accountability and transparency and believe that this step will be key to the success of the delivery of the Bill’s aims.

138. It is clear that a range of persons could be allocated the duties of an AP or PAP, including individual landlords, local authorities or managing agents. We note the evidence which suggested that contractors undertaking work in respect of a building or mortgage lenders could potentially be identified as APs or PAPs and we agree with the view expressed that this could prove problematic and that this is unlikely to be the Welsh Government’s intention.

139. We note the call for amendments to the Bill to ensure that arrangements for the identification of APs and PAPs are as robust as possible, particularly in respect of smaller privately occupied buildings, and for lessons to be learned from the problems encountered in England with such arrangements set out in the Building Safety Act 2022.

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 identification of Accountable Persons and Principal Accountable Persons.

⁸² BSWB 25, Internet Services Providers Association

⁸³ Local Government and Housing Committee, 17 July 2025, RoP p117

140. We strongly agree with the view commonly expressed that APs and PAPs will require guidance and support to undertake their duties effectively. We recognise that some persons such as social landlords will be in a better position to exercise such responsibilities and will have greater resources and expertise at their disposal compared to others, such as individual leaseholders. However, evidence received clearly demonstrates that all persons assigned the duties of APs and PAPs will require guidance and support.

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.

Recommendation 13. The Welsh Government should ensure that guidance and support on the exercise of the duties of Accountable Persons and Principal Accountable Persons are available in sufficient time before any persons are required to exercise such duties. This will be crucial in allowing time for Accountable Persons and Principal Accountable Persons to fully understand the requirements of the role and familiarise themselves with operational guidance before duties become effective.

Chapter 4: Assessments and management of building safety risks

Fire safety risks in regulated buildings

141. Section 28 requires the PAP to ensure that fire safety risks in all relevant parts of an occupied regulated building are properly assessed.

142. Section 29 establishes that only a 'competent person' – someone with sufficient expertise and experience – may carry out a fire risk assessment, and provides that the Welsh Ministers may by regulations specify requirements that an individual or body must satisfy to be regarded as having sufficient expertise and experience.

143. Section 30 establishes the required timing for fire risk assessments, mandating that the first assessment be completed within six months of a building becoming occupied or the Section coming into force.

144. Section 31 requires the PAP to keep written records of all fire risk assessments and reviews and share them with other accountable persons.

145. Section 32 outlines the legal duties of an AP for an occupied regulated building to manage and reduce fire safety risks in the parts of the building they oversee.

146. The EM to the Bill set out the background to the provisions within these sections:

“The Building Safety Expert Group recommended that the Welsh Government should bring forward legislation to replace the FSO [Fire Safety Order] to provide clarity and resolve the problems identified. In response to this recommendation, the Bill will therefore provide a new regime for residential fire safety duties and their associated enforcement and sanctions. This regime aims to offer better and more appropriate fire safety protection in residential buildings.”⁸⁴

147. Various witnesses referred to the inconsistent and sometimes poor standard of fire risk assessments currently undertaken within buildings of multiple occupation.

148. Mid and West Wales Fire and Rescue Service commented that:

“The issue of substandard fire risk assessments has been one that’s been prevalent for a number of years. The Fire Safety Order currently requires fire risk assessors to be able to demonstrate competence, although the guidance around competence has always been a little unclear. Certainly in mid and west Wales, given the poor quality of fire risk assessors that we regularly encounter, we are not convinced that the competence broad-brush exists within the sector, because we do encounter tick-box types of fire risk assessments or ones where quite fundamental and simple matters have been missed.”⁸⁵

149. Mid and West Wales Fire and Rescue Service also highlighted the new British Standard fire risk assessment for the built environment, which has three competence levels, which they welcomed, but felt that “because of the demand on industry over the last 10 years...that competence level isn’t necessarily there at the moment”. They added that the industry is working towards that standard ‘at pace’, and felt that in five to ten years there will be more capacity in the

⁸⁴ Welsh Government, Explanatory Memorandum to the Building Safety Bill, page 18

⁸⁵ Local Government and Housing Committee, 1 October 2025, RoP p232

commercial sector to meet the need for fire safety risk assessments at the advanced level for complex buildings.⁸⁶

150. The National Residential Landlords Association raised several points in respect of provisions on fire risk assessments and assessors:

- The Welsh Ministers must clearly define at an early stage the definition of a ‘competent person’ to carry out an assessment, to avoid sector-wide shortages of qualified fire risk assessors, with a recommended lead in time of 12 months.
- The Bill allows Welsh Ministers to determine the methodology and content of a fire risk assessment. Diverging methodology or content between Wales and England may make it difficult for assessors to remain fully trained to operate across England and Wales.
- The most recent standard of fire risk assessment, published by the BSI (BS 9792:2025) provides a comprehensive framework for assessing fire risks. This standard may be onerous, and perhaps even irrelevant for in-scope HMOs (as outlined in the Bill) in comparison to other categories of buildings outlined in the Building Safety (Wales) Bill.⁸⁷

151. The Cabinet Secretary remarked that:

“Poor quality assessments are often the work of unqualified or inexperienced rogue assessors. We know they may be cheap, but their work will be potentially unsafe and very probably uninsured. The Bill outlaws this by requiring all fire risk assessors to be competent and by making it an offence to conduct an assessment or even to offer to do so when not competent.”

“We will be publishing detailed guidance on the conduct of fire risk assessment, which will include full references to relevant British standards and other materials. So, there’s no need for us to require use of specified British standards on the face of the Bill, it’s just an aspect of being competent.”⁸⁸

152. Various witnesses pointed to the additional resource and training requirements that will arise as a result of the additional requirements imposed by

⁸⁶ Local Government and Housing Committee, 1 October 2025, RoP p232

⁸⁷ BSWB 13, National Residential Landlords Association

⁸⁸ Local Government and Housing Committee, 22 October 2025, RoP p227 & 231

the Bill in respect of undertaking fire risk assessments and checking completed assessments.

153. In their letter to the Committee on 5 November Community Housing Cymru referenced that significant additional costs were anticipated by one social housing provider “because they interpreted an ‘annual review’ [of a fire risk assessment as required by section 30(5)] to mean an onsite inspection carried out by a fire competent individual in accordance with current British Standards and Industry recognised best practice”. In her letter to the Committee on 5 November the Cabinet Secretary clarified that section 30(5) requires an annual review of completed assessments but not a repeated fire risk assessment unless certain circumstances specified in the Bill trigger a fresh assessment.

154. The Mid and West Wales Fire Rescue Service noted:

“I think that there’s likely to be, or there will be under the new legislation, an increased workload for us in auditing and assessing fire risk assessments under the category 1 scope buildings. And it’s the unknown then, I suppose, with the other elements for the category 2 and 3 buildings, of which there are an estimated 51,000 category 3 buildings in Wales. The impact and burden on regulatory functions within fire authorities is unknown.”⁸⁹

155. South Wales Fire and Rescue Service expressed a view that the cost implications for them of the additional work resulting from the Bill to assess completed fire risk assessments had not been fully considered to date.⁹⁰

156. However the Cabinet Secretary and her officials explained that the Bill’s provisions in respect of undertaking and assessing fire risk assessments should not be considered new requirements:

“...as fire risk assessments are being required under the fire safety Order...it [the Bill] improves the process, we’re hoping it simplifies the process, and it doesn’t create a wholly new requirement.”⁹¹

⁸⁹ Local Government and Housing Committee, 1 October 2025, RoP p205

⁹⁰ Local Government and Housing Committee, 1 October 2025, RoP p256

⁹¹ Local Government and Housing Committee, 17 July 2025, RoP p129

Our view

157. We recognise that the evidence demonstrated shortcomings in some fire risk assessments currently undertaken in respect of buildings of multiple occupation. We find this highly concerning and welcome the provisions included within the Bill to ensure high quality assessments are regularly carried out by suitably qualified persons, as recommended by the Hackitt Review.

158. While we are keen to see such improvements implemented as soon as possible, we agree with the views expressed that those with responsibilities for fire risk assessments will need to be given time to familiarise themselves with a new definition of a competent person and, where required, develop their skills, knowledge and experience. Such persons will also need time to acclimatise to any new regulations on the methodology and content of fire risk assessments.

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.

159. We were struck by the difference in opinion between some witnesses and the Welsh Government on the question of whether the Bill’s requirements in respect of fire risk assessments are a simplification or an extension of existing duties, and the extent to which new requirements will have resource implications for delivery partners. This difference of opinion may be partly down to the confusion expressed on the requirement in section 30(5) to ‘review’ fire risk assessments annually.

160. As outlined in Recommendation 3, we believe the Welsh Government should engage with delivery partners to ensure the additional resource requirements that will result from the Bill are fully understood. We urge the Welsh Government to do so in respect of any additional resource requirements for those on whom duties are imposed in respect of fire risk assessments.

Structural safety risks in Category 1 buildings and Category 2 buildings

161. Section 33 requires APs for occupied Category 1 and Category 2 buildings to ensure structural safety risks in their part of the building are properly and regularly assessed by individuals with sufficient expertise or experience. Structural risk assessments must be carried out ‘as soon as possible’ after the building becomes

occupied and the person becomes an AP. Welsh Ministers may make regulations covering assessor qualifications, assessment standards, and how often assessments must be conducted.

162. Section 34 places a duty on APs for occupied Category 1 and Category 2 buildings to take ‘all reasonable steps’ to prevent or reduce the impact of structural safety risks in the areas they oversee, including carrying out necessary works.

163. We note that whilst fire risk assessments are required by the Bill in respect of all regulated buildings, structural risk assessments are required in respect of Category 1 and Category 2 buildings only.

164. Local Authority Building Control noted:

“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.”⁹²

165. However we did not receive sufficient evidence in respect of this issue to be able to consider whether structural risk assessments should be required for Category 3 buildings.

166. The provisions in sections 33 and 34 in respect of structural risk assessments are similar to those in sections 28 to 32 in respect of fire risk assessments. Much the same arguments were raised in respect of structural risk assessments as were raised in respect of fire risk assessments, including the need to provide delivery partners with sufficient time and resources to be able to undertake their operational and regulatory duties effectively, as reflected in comments made by Community Housing Cymru:

“Implementation will also rely on the availability of competent professionals who can prepare key documentation such as safety case reports, structural assessments, and fire risk assessments. At present, the sector is already experiencing shortages in these areas, and the new requirements will place additional pressure on an already stretched workforce.

⁹² BSWB 19, Local Authority Building Control

Targeted funding and support will be essential to build capacity, improve competency, and ensure that both regulators and duty holders are equipped to deliver the cultural and technical change that this new regime demands.”⁹³

167. Various witnesses expressed the view that structural and fire risks are interdependent and that as such, holistic rather than separate structural and fire risk assessments should be required by the Bill. For example Cascade Risk Management noted that:

“The Bill adopts a siloed approach by requiring separate fire risk assessments (ss.28–32) and structural risk assessments (ss.33–34) but does not explicitly mandate a holistic building safety assessment that integrates multiple hazards and operational risks.”⁹⁴

168. The All Wales Housing Expert Panel echoed this sentiment:

“The Bill recommends that FRS [Fire Rescue Services] are to be responsible for all fire related matters and the LA [Local Authority] for structural issues. These matters are interconnected and cannot be looked at independently or by two different organisations. This needs to sit within one multi-disciplinary team, with all the skills held within that inspection and enforcement team as per the skillsets held within the current Joint Inspection Team.”⁹⁵

169. We note that the Bill includes co-operation and co-ordination duties to ensure that all those assigned duties for assessing and managing buildings work jointly to ensure a ‘whole building’ approach to managing building safety risks.

Our view

170. Based on the evidence received, it is clear that, as is the case for those assigned fire risk duties by the Bill, those assigned duties in respect of structural risks (both operational and regulatory) will need to be given time to familiarise themselves with new requirements to be introduced via regulations made in accordance with section 33, and prepare for such, before any such regulations take effect.

⁹³ BSWB 22, Community Housing Cymru

⁹⁴ BSWB 26, Cascade Risk Management Ltd

⁹⁵ BSWB 02, All Wales Housing Expert Panel

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.

171. We are persuaded by the evidence received that structural and fire risks within buildings are interdependent although this was not a matter considered in detail.

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.

Chapter 5: Duties applying only to occupied Category 1 buildings

Safety case reports

172. Section 36 requires the PAP for an occupied Category 1 building to prepare and maintain a ‘safety case report’ to evidence that fire and structural safety risks have been properly assessed and managed. This report must be prepared ‘as soon as reasonably practicable’ after the building becomes occupied, the building becomes a Category 1 building, and someone becomes PAP. Regulations may specify the required content, format, and submission process for the report and related notices.

173. The Chartered Institute of Housing Cymru generally welcomed the introduction of safety case reports.⁹⁶

174. The Social Housing Law Association Wales noted concern about the human and financial resource required to create building safety case reports and to meet other requirements in the Bill.⁹⁷

175. Community Housing Cymru noted the need for “Clear, co-produced guidance and templates (e.g. Safety Case Report) before implementation begins”.⁹⁸

⁹⁶ BSWB 11, Chartered Institute of Housing Cymru

⁹⁷ BSWB 28, Social Housing Law Association Wales

⁹⁸ BSWB 22, Community Housing Cymru

Our view

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.

176. We note that the Bill does not set a specific timescale for the preparation of safety case reports, but that this would be required 'as soon as reasonably practicable' after the latest of the four events set out in section 36(3). We are concerned that this lacks clarity and gives risk to dispute on the timescale for the preparation of these reports. We believe certainty on the timescale would be beneficial to ensure that PAPs are clear of the requirement upon them and that these reports are completed accordingly. We believe the Bill should be amended to specify this.

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.

Residents' engagement strategies

177. Section 39 requires the PAP for an occupied Category 1 building to prepare and follow a residents' engagement strategy that promotes resident and owner participation in key building safety decisions. Welsh Ministers may set further rules governing its preparation, content, and consultation processes.

178. Section 40 requires the PAP to share the residents' engagement strategy with all other APs as soon as possible after it is prepared or updated. Each AP must then promptly provide a copy to relevant adult residents, residential unit owners, and others as specified by regulation.

179. The EM sets out the purpose of these provisions:

"...residents should be at the heart of the new regime. Residents often report that they do not have opportunities to participate in making decisions about the management of safety in their buildings. The provisions within the Bill are intended to ensure residents are provided with relevant information and in the

case of category 1 buildings, consulted in a proactive and meaningful way.”⁹⁹

180. Section 39(4) sets out that a residents’ engagement strategy must include details such as the information that will be given to relevant persons about building safety decisions and the aspects of those decisions that relevant persons will be consulted about.

181. Residents’ engagement strategies were broadly welcomed by those who commented on them. The Chartered Institute of Housing Cymru noted:

“The resident engagement strategies are a needed addition to ensure that principle accountable persons are seeking the views and involvement of residents in building safety decisions. This meets a specific recommendation of the Hackitt review and highlights the importance of giving residents a stronger voice and better information about building safety.”¹⁰⁰

182. They also noted the importance of training for PAPs on the drafting of effective strategies and expressed the view that the timescales for reviewing strategies should be set out on the face of the Bill rather than in regulations.¹⁰¹

183. Dr Jenny Preece, reflecting on the findings of her research with residents, questioned why the duty to prepare a residents’ engagement strategy applies only to Category 1 buildings:

“Whilst the burden of developing a resident engagement strategy and implementing approaches to involving residents in decisions about fire safety may be judged to be overly burdensome in smaller, low-rise, and low-risk buildings (such as Category 3 regulated buildings), we have spoken with many leaseholders in mid- and high-rise residential buildings in England who express a clear frustration with lack of information, poor communication, and lack of consideration and involvement in building decision-making processes related to safety. It is not clear why resident engagement should be mandated for a building of seven storeys, but not be necessary for a building of six storeys, and consideration could be given to

⁹⁹ Welsh Government, Explanatory Memorandum to the Building Safety Bill, page 24

¹⁰⁰ BSWB 11, Chartered Institute of Housing Cymru

¹⁰¹ BSWB 11, Chartered Institute of Housing Cymru

a combination of building-height and unit minimum for these provisions to apply...”¹⁰²

184. TPAS Cymru called for the Bill to require PAPs to involve residents in co-producing residents’ engagement strategies, on the basis that effective engagement could improve compliance with duties imposed on residents.

185. Comments were received on the timescales for the provision and review of residents’ engagements strategies. The Social Housing Law Association Wales described the duty on PAPs to provide strategies “as soon as possible” after one of four events as “onerous” and invited the Welsh Ministers to consider this phrase further.¹⁰³ The Chartered Institute of Housing Cymru commented on the timescale for reviewing Residents’ Engagement Strategies:

“The bill states that the timescales for reviewing the residents’ engagement strategy will be set out in regulation. However, we feel that the timescale should be on the face of the bill with the timescale being every five years mirroring the re-registration period for the building. Other legislation such as the Housing (Wales) Act 2014 mandates relevant strategies on the face of the bill together with timescales so we feel this approach is proportionate.”¹⁰⁴

186. On residents’ engagement strategies the Cabinet Secretary noted that:

“...statutory guidance will promote the best examples from across the sector to support principal accountable persons to engage with residents in a practical and accessible way, and that was again one thing that came across from residents—there was the need for that to be accessible for them, and to make sure that they had notices or information that was done in an accessible way. So, the guidance will emphasise the importance of tailoring resident engagement to resident needs and a having proactive approach that utilises a range of engagement methods, to make sure that residents’ voices are heard.”

“...if residents feel that the resident engagement strategy isn't working for them, they will have the right to raise the issue as a

¹⁰² BSWB 01, Jenny Preece, University of Sheffield/ UK Collaborative Centre for Housing Evidence

¹⁰³ BSWB 28, Social Housing Law Association Wales

¹⁰⁴ BSWB 11, Chartered Institute of Housing Cymru

complaint to the building safety authority, and that building safety authority will have significant powers of enforcement to deal with principal accountable persons who do not comply with the responsibilities.”¹⁰⁵

187. The Cabinet Secretary also noted in her letter to us on 5 November that:

“We absolutely recognise the importance of meaningful resident engagement and the value of co-producing strategies with residents. ...That’s why we’ve included regulation-making powers under section 39(7)(a), which will allow the Welsh Ministers to specify circumstances in which consultation with residents about the residential engagement strategy must take place.”

Our view

188. We acknowledge the importance of residents’ engagement strategies as a means of addressing the Hackitt Review finding that improved communication in respect of building safety is needed between landlords or building owners and residents.

189. We note the operational issues raised by some witnesses around the support required to prepare strategies and the timescales for their provision and review. We trust the Welsh Government will consider these issues as part of their further engagement with stakeholders.

190. We acknowledge the call for duties relating to residents’ engagement strategies to be applied to PAPs of Category 2 and Category 3 buildings as well as to those in Category 1. While we do not provide a view on this, we believe there is merit in giving this further consideration.

191. We support the suggestion that residents’ engagement strategies should be co-produced between PAPs and residents. We believe this suggestion to be reasonable and see such an approach as a means of both giving residents a say in the building safety information that should be provided to them and promoting good relations between PAPs and residents. This would also help ensure that strategies address the need for residents to receive suitable information in ways which are appropriate to their needs and which is presented in an accessible way.

¹⁰⁵ Local Government and Housing Committee, 17 July 2025, RoP p225-226

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.

Chapter 6: Information and complaints

Duties to keep and provide information and documents

192. Section 45 gives the Welsh Ministers a power to make regulations to require APs to keep particular information or documents relating buildings for which they are responsible.

193. Section 46 gives the Welsh Ministers a power to make regulations requiring an AP to give particular information or documents relating to buildings for which they are responsible to certain other persons. Section 47 gives the Welsh Ministers a power to make regulations requiring an outgoing AP to give specified information or documents to specified persons. Failure to comply, without reasonable excuse, is a criminal offence punishable by fines, imprisonment, and ongoing daily penalties if the breach continues after conviction.

194. The EM explains the purpose of these provisions:

“The purpose of this provision is to help ensure that accountable persons have access to the information they need to assess and manage building safety risks in a building. This will include important safety information that will form part of a “golden thread” of information about the building. In relation to building safety the term “golden thread” is a term used that was used in the Independent Review of Building Regulations and Fire Safety Report to describe the record of safety information about the building.”¹⁰⁶

195. These provisions reflect the recommendations of the Hackitt Review report that important information and documents relating to a building, for example those produced at the design and construction phase, are accessible for the purpose of informing safety assessments.¹⁰⁷

196. Most witnesses welcomed these golden thread provisions. The All Wales Housing Expert Panel noted that:

¹⁰⁶ Welsh Government, Explanatory Memorandum to the Building Safety Bill, page 159

¹⁰⁷ Building a Safer Future: Final Report, chapter 8, page 101

“When dealing with HMOs, we have powers to require documents held by landlords, but when they don’t hold those documents, those powers fall by the wayside. So, if we have a firm direction that accountable persons must hold the following information and must supply it when asked by the local authority or by the building safety authority, then it really strengthens things.”¹⁰⁸

197. The Welsh Cladiators also supported these provisions, citing problems experienced by leaseholders and residents in accessing information relating to buildings:

“I think we know that’s something, the golden thread, that the Act is looking at, because that is essential. Because we all have nightmare stories of the inability of us to find any documentation, in some cases, related to the defects in our buildings...anything that rigorously drives a thread of correct library and data store of important documents is absolutely key.”¹⁰⁹

198. Some witnesses called for changes to the provisions on keeping and sharing information on buildings. Cascade Risk Management reflected that:

“Another omission is the absence of an explicit “golden thread” duty as seen in the Building Safety Act 2022 (England). While Chapter 6 (ss.45–47) places duties on accountable persons to keep and provide information, this is closer to episodic record-keeping than to the continuous, digital, lifecycle-wide golden thread of information envisaged by Dame Judith Hackitt’s recommendations. Without such a requirement, Wales risks the same problems of information loss and poor data transfer between design, construction and occupation phases.”¹¹⁰

199. TPAS Cymru advocated for ‘building passports’ to make information easily accessible to residents.¹¹¹

200. Representations were received in respect of the need for a digital system to hold and share ‘golden thread’ information on buildings and other information required by the Bill. However the potential cost to APs and PAPs of establishing

¹⁰⁸ Local Government and Housing Committee, 1 October 2025, RoP p147

¹⁰⁹ Local Government and Housing Committee, 18 September 2025, RoP p305

¹¹⁰ BSWB 26, Cascade Risk Management

¹¹¹ Local Government and Housing Committee, 24 September 2025, RoP p193

new digital systems was raised as a concern by various witnesses. The All Wales Housing Expert Panel, South Wales Fire and Rescue Service and the WLGA called for a centralised system to maintain the Golden Thread and process registrations, streamline processes and enhance continuity.

201. The WLGA¹¹² also recommended integration with existing platforms with various references made by witnesses to the current Rent Smart Wales platform. For example the Chartered Institute of Environmental Health noted:

“...we want one central portal for all of the applications and paperwork, something very similar to the Rent Smart Wales format that we’ve got. We found that very effective.”¹¹³

202. In her letter to us, the Cabinet Secretary responded to comments raised in respect of the need for a central digital system to hold ‘golden thread’ information:

“To further support local authorities in preparing for the new regime, I have also asked my officials to explore the development of a centralised national IT platform. This will be undertaken in partnership with local authorities and fire and rescue authorities to ensure it meets their needs. It will also be undertaken on a cross-Welsh Government basis to ensure join up where appropriate and that we adopt experiences and learn lessons from elsewhere across Government.”

Our view

203. We acknowledge, reflecting on the Hackitt Review recommendations and the evidence received, the importance of the provisions in the Bill to ensure that all information needed for building safety purposes is retained and accessible to relevant persons. The inclusion of ‘golden thread’ provisions in the Bill is welcomed as a key measure to improving safety within all regulated buildings.

204. We also welcome the Cabinet Secretary’s commitment to work with delivery partners to develop a centralised digital platform to hold ‘golden thread’ information, and encourage consideration of whether a platform similar to Rent Smart Wales could be developed for this purpose. This will be important not only in order to ensure access to the information that residents and others may need but also in ensuring that the costs of providing information is kept to a minimum.

¹¹² BSWB 14, WLGA

¹¹³ Local Government and Housing Committee, 24 September 2025, RoP p277

205. It will be imperative that this platform is made available for use by all relevant persons as soon as possible, to support the exercise of duties imposed by the Bill to keep and share information on buildings.

Complaints

206. Sections 48 and 50 require PAPs of Category 1 buildings and Building Safety Authorities respectively to establish and operate a system for investigating “relevant complaints” about a building safety risk or the performance by an AP of any duty under the Bill or regulations made under it. Section 49 provides that the Welsh Ministers may make regulations to require APs for occupied Category 2 and Category 3 buildings to establish and implement arrangements to consider “relevant complaints”.

207. It is expected that complaints would be made in the first instance via arrangements made under section 48 or 49 as relevant. Section 50 establishes a route to escalate complaints if the complainant feels the issue has not been addressed adequately through section 48 or 49 arrangements.

208. The EM explains the purpose of these provisions:

“A key aim of the Bill is to ensure that any person can raise building safety complaints. A complaints process provides a crucial mechanism for residents, specifically, to be able to hold those responsible for their safety to account.”¹¹⁴

209. Community Housing Cymru said the Bill should set out more clearly how complaints processes will coordinate with landlords’ internal complaints processes and asked how complaints routes established by the Bill and regulations will interact with the Public Services Ombudsman complaints process.¹¹⁵

210. Caerphilly County Borough Council noted that:

“The way in which complaints are dealt with could benefit a centralised approach or some consideration of how it links into individual local authorities existing complaints systems.”¹¹⁶

211. The Chartered Institute of Housing Cymru suggested that information about complaints made and how they were resolved should be held in the ‘golden

¹¹⁴ Welsh Government, Explanatory Memorandum to the Building Safety Bill, page 25

¹¹⁵ BSWB 22, Community Housing Cymru

¹¹⁶ BSWB 17, Caerphilly County Borough Council

thread' information repository "to ensure consistent information recording processes".¹¹⁷

212. Responding to a question on why the duty to establish a complaints system is set out on the face of the Bill in respect of Category 1 buildings but not Category 2 and Category 3 buildings the Cabinet Secretary noted:

*"...it [the Bill] does take a proportionate approach, assigning duties across different building categories, except for category 2 and 3 buildings, which will vary in size and complexity, where it is appropriate to use regulation-making powers to develop tailored complaints arrangements. So, applying the same statutory duty systems for category 1 buildings risks placing an undue administrative and financial pressure on both residents and accountable persons in smaller buildings...the Bill does ensure that all residents, regardless of building type, have access to clear and robust mechanisms for raising complaints."*¹¹⁸

Our view

213. We accept and agree with the argument made by various witnesses that the complaints processes to be established by the Bill, or regulations made in accordance with the Bill, should integrate with relevant existing complaints processes.

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.

¹¹⁷ BSWB 11, Chartered Institute of Housing Cymru

¹¹⁸ Local Government and Housing Committee, 17 July 2025, RoP p114-115

Chapter 7: Duties of residents and owners of residential units

214. Sections 51 and 52 provide that adult residents or owners of residential units in an occupied regulated building, must not do certain acts which could increase the risk of fire.

215. Section 53 enables an AP for an occupied regulated building to apply to a Residential Property Tribunal for an access order where certain criteria are met. Section 54 enables the AP responsible for the part of the building in which a contravention occurred, or the PAP, to give a warning notice to a resident or owner of a residential unit if they have contravened or are contravening, one or more of their duties under sections 51 and 52.

216. Section 55 enables an AP to apply to the Residential Property Tribunal for a contravention order if a resident or owner of a residential unit in a regulated building has been given a warning notice in accordance with section 54 and the AP considered the person has either failed to undertake a step or has done an act specified in the notice.

217. The EM to the Bill explains the purpose of the provisions in these sections:

“A core principle of the new regime is to empower residents with the knowledge, understanding and awareness of the role they play in building safety...Under the new regime, residents will be expected to actively participate in the ongoing safety of buildings and support duty holders to manage building safety risks within the building.”¹¹⁹

218. All witnesses who commented on these provisions said they believed the duties placed on residents are proportionate.

219. However various concerns were raised also:

- TPAS Cymru said tenants they’d engaged with were worried about a culture of ‘giving citations’ for minor issues;¹²⁰
- The Social Housing Law Association Wales noted concerns about the practicalities of the right of entry provisions at section 53 and the contravention provisions at section 54, noting that these provisions are dependent on the orders of the Residential Property Tribunal and that

¹¹⁹ Welsh Government, Explanatory Memorandum to the Building Safety Bill, page 26

¹²⁰ Local Government and Housing Committee, 24 September 2025, RoP p99

the Tribunal in Wales has no power to enforce its own orders.¹²¹ The National Residential Landlords Association echoed this concern about a weak method of enforcement.¹²² Community Housing Cymru requested assurance from the Welsh Government that the Tribunal has the resources at its disposal needed to undertake the additional work likely to result from these provisions.¹²³

- Community Housing Cymru noted the need for a clearer definition of a ‘resident’ in respect of the duties on residents, for example whether the duties apply to the behaviour of children or guests of residents, or to dwellings within which all occupants are below 18 years of age.¹²⁴
- Crisis raised concerns about sanctions against residents needing to be implemented in a way that does not hinder future access to tenancies for those residents.¹²⁵
- Community Housing Cymru and the Chartered Institute of Housing Cymru raised the question of whether occupation contracts will need to be varied to reflect the duties imposed by the Bill and if so whether contract variations will be needed in respect of all categories of regulated buildings or some only.

220. Various witnesses, including Crisis,¹²⁶ highlighted the importance of clear information and guidance for residents on how to comply with their duties under the Bill.

221. Reflecting on residents duties in the Bill the Cabinet Secretary noted:

“...the duties the Bill places on residents reflect what most residents are already doing. However, these duties are in place for when residents behave in a way that puts the lives of others at risk. So, officials are exploring the development of a residents’ handbook to support residents in understanding their rights and responsibilities under the new regime, and obviously this will help residents understand what their duties mean in practice.”

¹²¹ BSWB 28, Social Housing Law Association Wales

¹²² BSWB 13, National Residential Landlords Association

¹²³ BSWB 22, Community Housing Cymru

¹²⁴ BSWB 22, Community Housing Cymru

¹²⁵ BSWB 18, Crisis

¹²⁶ BSWB 18, Crisis

“...the Bill does include a range of safeguards for vulnerable residents, including placing duties on accountable persons to engage with residents. This could, for example, provide accessible building safety information, and consider individual needs such as language, impairments and digital exclusion... the Bill, as I say, does not place a direct duty on enforcing authorities to address such situations, and it does allow for that proportionate, supportive response”¹²⁷

Our view

222. We welcome the positive response from witnesses to the Bill’s policy aim of ensuring residents play their part in building safety.

223. We acknowledge the concerns raised in respect of the specific duties placed on residents by the Bill, arrangements for enforcement of those duties and the potential risk of unintended consequences arising from such enforcement.

224. We agree with those who highlighted the importance of having clarity from the Welsh Government on whether occupation contracts will need to be amended to reflect the Bill’s duties on residents.

225. We agree that clear definitions are required of the key terms used in Chapter 7 of the Bill, in particular in respect of persons on whom duties are placed.

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.

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.

¹²⁷ Local Government and Housing Committee, 17 July 2025, RoP p209 & 214

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.

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'.

Chapter 9: Supplementary

Leases

226. Sections 61 to 65 of the Bill make various amendments to the Landlord and Tenant Act 1985, including to provide implied terms (covenants) in relation to building safety and to make various provisions in respect of building safety costs incurred in the implementation of the Bill. The EM to the Bill explains the purposes of these sections which include the following:

- Oblige landlords to comply with their building safety duties, cooperate with any relevant person (accountable person or special measures manager) fulfilling like duties and comply with any special measures order.
- Tenants will be obliged to allow access for these purposes i.e. not to act in a way that creates a significant risk of a building safety risk materialising.
- Enable recovery in the same way as any other service charge under any relevant lease for the costs of taking building safety measures
- Allow landlords to be able to pass on the running/management costs of the new regime to the tenant through a "variable service charge". The Bill sets out which building safety related costs can and cannot be recovered from tenants via service charges.
- Require that where premises are contained in a regulated building, building safety information shall be contained in demands for rent and that notice shall be given to the tenant(s) containing the relevant safety

information. Where the information is not provided the rent is treated as not being due.¹²⁸

227. Various witnesses noted support for the right of access provision included within these sections of the Bill, including Trivallis:

“...we might have obligations that we can’t discharge. So, it is really important that, as a landlord, if we’re given obligations, we have to have ability to get into properties, to adapt properties.”¹²⁹

228. However Community Housing Cymru questioned how easily and quickly this right could be exercised by landlords due to legal complexities relating to the enforcement of court orders for right to access.¹³⁰

229. Witnesses generally welcomed the requirement on landlords to provide residents with building safety information. However Trivallis raised concerns that regulations may require information to be provided to tenants which is lengthy, confusing and potentially causes needless anxiety – citing this as a lesson learned from the Renting Homes (Wales) Act 2016. Trivallis called for the Bill to be amended so that duty-holders are required to ‘make information available’ to residents rather than being required to provide it.¹³¹

230. On this issue the Cabinet Secretary noted:

“I don’t think we need to amend the duty. We can use regulations to set out what information must be available on request, and what information must be given to residents, and that is what we do intend to do...what information, how the information or copies of documents must be given, and the format in which they must be given, will be set out in regulation and will, of course, be subject to consultation.”¹³²

231. Witnesses including Community Housing Cymru¹³³, the National Residential Landlords Association¹³⁴ and the Social Housing Law Association Wales¹³⁵ raised concerns that the provision in section 65 of the Bill to allow tenants to withhold rent could lead to potentially harmful unintended consequences, with parallels

¹²⁸ Welsh Government, Explanatory Memorandum to the Building Safety Bill, page 32

¹²⁹ Local Government and Housing Committee, 9 October 2025, RoP p68

¹³⁰ BSWB 22, Community Housing Cymru

¹³¹ Local Government and Housing Committee, 9 October 2025, RoP p147

¹³² Local Government and Housing Committee, 22 October 2025, RoP p269

¹³³ BSWB 22, Community Housing Cymru

¹³⁴ Local Government and Housing Committee, 9 October 2025, RoP p300

¹³⁵ BSWB 28, Social Housing Law Association Wales

drawn with issues experienced under the Renting Homes (Wales) Act 2016. The Social Housing Law Association noted:

“We have particular concern regarding clause 65 of the Bill which purports that residents will be able to withhold rent and other charges in the event they do not receive certain documents. Although SHLA Wales is supportive of the Bill’s intention to strengthen accountability,...clear regulation and guidance is required as to how this provision will operate in practice to avoid the uncertainty which led to test cases before the Divisional Court under the 2016 Act.”¹³⁶

Our view

232. We welcome the requirement in section 65 for landlords to provide residents with information on building safety.

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’.

233. We acknowledge the evidence received on the risk that landlords will pass on to residents an unreasonable proportion of the costs of complying with the Bill, via increased service charges or rents. Recommendation 6 of our report addresses this point.

234. We are concerned that the provision in section 65 allowing residents to withhold rent in circumstances where a landlord fails to include building safety information in a demand for rent could potentially give rise to unintended consequences that may be harmful for residents.

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

¹³⁶ BSWB 28, Social Housing Law Association

rise to unintended consequences for residents, and if so whether any changes are required to the Bill to avoid or address such consequences.

4. Part 2: Fire safety in certain Houses in Multiple Occupation

Part 2 of the Bill includes provisions relating to fire safety in certain houses in multiple occupation.

Key terms

235. Sections 67 to 69 set out a number of key terms in relation to the provisions in this Part. Section 67 defines ‘relevant HMOs’ as houses in multiple occupation wholly or mainly in Wales, with certain types excluded such as multi-flat houses, joint tenancies, and homes with live-in landlords and no more than two lodgers. It clarifies that relevant HMOs include associated areas like gardens or shared spaces but not the common parts of regulated buildings (as these are covered by the provisions in the Bill relating to regulated buildings). Welsh Ministers may further refine or amend these definitions through regulations.

236. Section 68 defines ‘landlord’ in relation to a relevant HMO. It also defines ‘duty holders’ as the landlord and any other person who is managing the relevant HMO. It also sets out that if any other person has an obligation or degree of control of the ‘relevant parts’ of a relevant HMO, that person is also a duty holder. The ‘relevant parts’ of a relevant HMO are defined as any parts not provided for the exclusive use of a single household.

237. Section 69 defines ‘fire safety risk’ in relation to ‘relevant HMOs’. It is very similar to the definition for regulated buildings but is required as there are separate provisions in relation to HMOs.

238. Some witnesses raised the need for greater clarity regarding which HMOs are included within the scope of provisions. CIEH were unclear as to whether certain categories of HMOs are in scope or not, and referred to some types, such as poorly converted HMOs, as “somewhat of a grey area” as the Bill only deals with multi-occupied as being two separate physical units with a full set of the three key facilities (kitchen, bathroom, WC) behind one door. They recommended that the Bill should “take some very clear steps” to say which HMOs are in scope.

239. ClwydAlyn called for clearer examples of relevant HMOs¹³⁷ while Swansea Council said the definition is too complicated, as it depends on whether a

¹³⁷ BSWB 03, ClwydAlyn Housing Ltd

property is let under a joint tenancy or individual tenancies. They added that if a landlord decides to alter the tenancy arrangements, an HMO “could fall in and out of this scheme on a yearly basis”.¹³⁸

240. Propertymark also expressed confusion around the proposals for HMOs, saying it would appear “that the measures in this Bill are trying to potentially pull bits of those two Acts and regulations [Fire safety regulations of 2022, Fire Safety Act 2021 and Building Safety Act 2022] together without building on the existing structures”. They suggested either categorising HMOs alongside Category 3 buildings or removing the provisions relating to HMOs, reviewing these and replacing with “something that pulls everything together and supports enforcement”.¹³⁹

241. Others, including Adra Tai Cyf¹⁴⁰ and the Chartered Institute for Housing Cymru¹⁴¹ welcomed the clarity of the definitions in the Bill.

Assessment and management of fire safety risks in relevant HMOs

242. Section 70 requires the landlord of a relevant HMO to ensure that a ‘HMO fire risk assessment’ is made. Section 71 requires an HMO fire risk assessment to be made by a competent person, in terms that are substantially the same as for regulated buildings under Section 29. Section 72 sets out when and how often a fire risk assessment for a relevant HMO must be made and reviewed, in terms that are substantially the same as for regulated buildings under Section 30. Section 73 makes provisions about how a fire risk assessment for a relevant HMO must be made and recovered, in terms that are substantially the same as for regulated buildings under section 31. Section 74 sets out the responsibilities for duty holders of a relevant HMO to manage and reduce fire safety risks in the parts of the building they oversee, in terms that are substantially the same as for regulated buildings under section 32.

243. The Bill provides that houses in multiple occupation, HMOs, will be subject to fire safety duties, but not wider building safety duties. This differs from the approach outlined in the White Paper, which proposed that HMOs should be subject to the full requirements of the safety regime, including the building safety. The Cabinet Secretary explained her rationale for this:

¹³⁸ Local Government and Housing Committee, 1 October 2025, RoP p159

¹³⁹ Local Government and Housing Committee, 9 October 2025, RoP p291

¹⁴⁰ BSWB 05, Adra Tai Cyf

¹⁴¹ BSWB 11, Chartered Institute of Housing Cymru

“HMOs are already subject to comprehensive regulation and oversight by local authorities, so they’re already captured by Rent Smart Wales registration and licensing requirements. Most HMOs are subject to the HMO management regulations, and many larger HMOs are subject to HMO licensing requirements. So, we have, we believe, taken a proportionate approach to the application of the duties on HMOs, but our primary focus has been to ensure that relevant HMOs are subject to the new fire safety duties, responding to that primary task. So, we feel it’s therefore unnecessary to subject them to the Bill’s requirement for registration.”¹⁴²

244. The WLGA and some local authority representatives questioned whether it is appropriate to include relevant HMOs within the scope of the Bill. Swansea Council told us “there doesn’t seem to be anything in addition in this Bill that we don’t already have to deal with those particular properties”.¹⁴³

245. We heard that HMOs are already well-regulated and there is a risk that the Bill will result in over-regulation. The All Wales Housing Expert Panel and the WLGA said the Bill risks duplicating existing enforcement regimes without addressing the root causes of gaps in HMO fire safety enforcement, cited as budget cuts and workforce shortages.¹⁴⁴ The WLGA recommended providing better funding and clearer guidance to support existing HMO regulation rather than layering new regimes.

246. Swansea Council raised particular concern on the potential for confusion to arise when two conflicting regimes are in place, in particular which should be used for enforcement, we were told:

“As a regulator we would have two regimes doing essentially the same thing. That causes confusion. It can cause confusion for us as a regulator, but more importantly it causes confusion for the landlords of these properties. HMOs have a great deal of regulation, and we put a great deal of effort into making sure that accommodation is safe under the licensing regimes. The intent of this Bill originally was for high-rise buildings and safety after the Grenfell tragedy, and I think by being overambitious

¹⁴² Local Government and Housing Committee, 17 July 2025, RoP p51

¹⁴³ Local Government and Housing Committee, 1 October 2025, RoP p16

¹⁴⁴ BSWB 02, All Wales Housing Expert Panel and BSWB 14, WLGA

and trying to include HMOs, which are already well regulated, that perhaps detracts from the intent.”¹⁴⁵

247. Similar concerns around the inclusion of HMOs were also expressed by the Chartered Institute of Environmental Health, who noted that while having multiple enforcement tools to draw upon is helpful for regulators, it may be confusing for landlords and tenants.¹⁴⁶

248. The All Wales Housing Expert Panel welcomed that the Bill will place responsibility on APs in HMOs through fire safety risk assessment, which they said “is an element that’s entirely missing from the Housing Act 2004”.¹⁴⁷ However they said that the current regime of HMO licensing is effective, and called for Wales to extend the scope of mandatory licensing of HMOs in line with England:

“I think that we should not forget those tools that we’ve already got in the box that we could go further with.”¹⁴⁸

249. Propertymark highlighted the need for the inclusion of HMOs to interact with other relevant legislation, but were unable to see how it adds to “what’s already out there in terms of co-ordinating that legislation”.¹⁴⁹

250. Other stakeholders support the inclusion of HMOs, including Community Housing Cymru who described the intention of strengthening fire safety protections in smaller HMOs as “a necessary and overdue reform, particularly given the risks associated with these building types”. They added:

“We welcome the move to extend fire safety duties to a wider group of HMOs, many of which currently fall outside the scope of more rigorous safety legislation. This reform will help ensure a more consistent, proportionate, and risk-based approach to fire safety across housing tenures and building types.”¹⁵⁰

251. The Social Housing Law Association Wales also noted its support for the inclusion of HMOs within the scope of the Bill, given the risks associated, particularly with regard to fire safety, with these buildings. However, they noted that enforcement action (e.g. an application for an access order) may be taken by a duty holder in relation to a relevant HMO but there is no reciprocal right for an occupier of a residential HMO to take enforcement action against a duty holder

¹⁴⁵ Local Government and Housing Committee, 1 October 2025, RoP p29

¹⁴⁶ Local Government and Housing Committee, 24 September 2025, RoP p193

¹⁴⁷ Local Government and Housing Committee, 1 October 2025, RoP p161

¹⁴⁸ Local Government and Housing Committee, 1 October 2025, RoP p143

¹⁴⁹ Local Government and Housing Committee, 9 October 2025, RoP p200

¹⁵⁰ BSWB 22, Community Housing Cymru

who is not complying with its duties pursuant to the Bill. They described this as “a concerning omission”.¹⁵¹

252. Several witnesses raised concern at the potential implications for landlords, with the National Residential Landlords Association commenting that the requirements could be “overly burdensome on HMOs let on a room-by-room basis”. They suggested this could “incentivise landlords to remove the choice about letting arrangements from tenants and make them jointly and severally liable for the behaviour of other tenants”. To avoid this they recommended mirroring England’s Building Safety Act 2022 and Fire Safety Regulations 2023 which set “reasonable and proportionate expectations on landlords” such as having a full fire risk assessment, provision of suitable fire safety information to tenants, and ensuring that communal parts have suitable fire safety doors and signage.¹⁵²

253. UK Finance suggested that the inclusion of some HMOs “could compound some of the stresses that landlord businesses are facing” leaving them to consider whether or not they wish to continue in the market. They added that if landlords leave the market, there could be “a reduction in the availability of quality housing stock in the private rented sector, and that could be a supply issue”.¹⁵³

254. The All Wales Housing Expert Panel emphasised the importance of ensuring good understanding if “a further level of complexity and knowledge” is introduced. He added that it will take “quite a lot of time to really get to grips with all of these new duties, and it’s really important that this is very well explained if we’re bringing in a second regulatory regime the landlords are going to have to look at”.¹⁵⁴

255. Propertymark highlighted the need for more competent persons to be able to undertake assessments if HMOs are to be included. They also highlighted the requirement in section 72 for assessments to be undertaken no later than six months after a HMO becomes occupied or following implementation of the legislation, noting that it is “difficult to say whether six months is enough” time without knowing how many competent assessors will be in place, and called for an impact assessment of competent persons.¹⁵⁵

256. The National Residential Landlords Association argued that the most recent standard of fire risk assessment is onerous for HMOs, and recommended that the

¹⁵¹ BSWB 28, Social Housing Law Association

¹⁵² BSWB 13, National Residential Landlords Association

¹⁵³ Local Government and Housing Committee, 1 October 2025, RoP p308

¹⁵⁴ Local Government and Housing Committee, 1 October 2025, RoP p145

¹⁵⁵ Local Government and Housing Committee, 9 October 2025, RoP p230-231

Welsh Government should outline guidance on who will be considered a competent person and also outlined any methodological or content changes to fire risk assessments well in advance, ideally 12 months ahead of commencement, to ensure adequate time to train and adapt. It recommended that the guidance explicitly state elements to include when performing a fire risk assessment for a HMO.

257. The National Residential Landlords Association raised concern that the EM underestimated the cost per HMO of £62, saying typically it costs £394.50 for a full fire risk assessment. Including potential upgrades identified by the fire risk assessment the cost could be up to £15,000 for a single property.¹⁵⁶

Provision of information and documents relating to relevant HMOs and duties of occupiers of relevant HMOs

258. Section 75 empowers Welsh Ministers to make regulations requiring duty holders of relevant HMOs to provide specified fire safety information or documents to occupants, fire safety authorities, or other designated persons. The regulations may define the timing, format, and conditions under which this information is to be shared, including provisions for requests and legal admissibility. This aims to ensure that critical safety information reaches those responsible for, or affected by, fire safety risks in HMOs.

259. Section 76 places duties on adult occupiers of relevant HMOs to avoid acts that could increase the risk of fire spreading, such as tampering with fire safety features, wedging fire doors open for long periods, or improperly storing combustibles. Occupiers must also comply with valid requests for fire safety-related information from the landlord or duty holder. These duties aim to support overall fire risk management and apply regardless of whether the HMO is within a regulated building.

260. Section 77 allows a duty holder of a relevant HMO to request access to specific parts of the property to carry out fire safety duties, providing the request meets clear written criteria and gives at least 48 hours' notice. If access is refused despite compliance with all requirements, the duty holder may apply for an HMO access order from the Residential Property Tribunal which, if granted, can compel entry and authorise related actions.

261. The All Wales Housing Expert Panel told us that having clarity around the information building owners or accountable persons should hold "is a major step

¹⁵⁶ Local Government and Housing Committee, 9 October 2025, RoP p258

forward” and referred to current challenges of obtaining documents from landlords, despite already having powers to require these. He added:

“if we have a firm direction that accountable persons must hold the following information and must supply it when asked by the local authority or by the building safety authority, then it really strengthens things.”¹⁵⁷

262. The Chartered Institute of Housing Cymru commented that the residents’ duties for relevant HMOs will ensure that “any resident of a high-risk building is under the same expectations around ensuring their behaviour does not negatively impact the safety of the building”.¹⁵⁸

263. Propertymark highlighted the need for landlords and agents to have “teeth” in relation to enforcing the duties on occupiers under section 76 and raised concern at the lack of a specified timescale in section 77 for applying for an access order if a request for entry to the property is not met. They questioned the length of time it will take to apply to the Residential Property Tribunal for an access order and, given the emphasis on safety, whether a fast-track process should be available in “extreme cases”.¹⁵⁹

264. As with the provisions in Chapter 7 of Part 1 of the Bill relating to duties on residents and owners of residential units, several witnesses emphasised the importance of ensuring that all parties understand the requirements upon them. TPAS Cymru noted that the legislation “must share information that is accessible and understandable for all – not just those working in the sector” and recommended “the creation of a ‘What this means for tenants and residents’ document’, to help explain”.¹⁶⁰ Similar points were also raised by the Property Institute¹⁶¹ and the National Residential Landlords Association.¹⁶² These are discussed further in paragraphs 214 to 225 of this report.

265. As with other types of housing, Community Housing Cymru called for clarification from the Welsh Government on other issues arising from the provisions, including on how under-18s are treated in the context of HMO fire safety, how responsible persons are expected to manage risks in settings where the residents are young people with complex needs.

¹⁵⁷ Local Government and Housing Committee, 1 October 2025, RoP p147

¹⁵⁸ BSWB 11, Chartered Institute of Housing Cymru

¹⁵⁹ Local Government and Housing Committee, 9 October 2025, RoP p202

¹⁶⁰ BSWB 12, TPAS Cymru

¹⁶¹ Local Government and Housing Committee, 9 October 2025, RoP p298

¹⁶² BSWB 13, National Residential Landlords Association

General

266. Sections 78 to 80 include general provisions relating to this Part. Section 78 requires duty holders for relevant HMOs to co-operate and co-ordinate with one another and with accountable persons in regulated buildings to fulfil their safety responsibilities. They must also work with special measures managers, appointed building safety managers, and responsible persons under fire safety legislation to ensure comprehensive management of building safety risks.

267. Section 79 empowers the Welsh Ministers to make regulations that treat certain mobile homes, occupied residentially by unrelated individuals, as relevant HMOs under the Bill, while allowing for modifications or exclusions of specific provisions. However, mobile homes used solely for temporary leisure purposes cannot be classified this way.

268. Section 80 provides definitions of ‘person having control’ and ‘person managing’.

Our view

269. We are concerned by the confusion expressed by some stakeholders in relation to the definition of ‘relevant HMOs’ covered by the provisions in the Bill. Given the level of confusion, we believe that consideration should be given to providing further clarity on the types of HMOs covered and those which are not. We are mindful of the diverse range of HMOs across Wales, and it is crucial that the occupants and the landlords and duty holders of those properties are clear as to appropriate regulations. We would like to see work undertaken at pace to provide further clarity on the meaning of ‘relevant HMO’ and potentially to simplify, for example in relation to tenancy arrangements.

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.

270. We recognise that the views we heard on the inclusion of HMOs were mixed, with many raising concern at the prospect of over-regulation or the risk of duplicating existing enforcement regimes. While the safety of all buildings is our primary consideration, we must acknowledge these concerns.

271. We understand that HMOs are already covered by rigorous fire safety requirements, and therefore implementing the provisions for these categories of

dwelling is less critical than for higher risk buildings. In light of the challenges we have highlighted on implementation, in particular the need to grow a skilled workforce, we believe that greater focus should be put on commencing the provisions relating to Category 1 and Category 2 buildings while those relating to HMOs should be reconsidered in line with the stratified risk-based approach suggested in recommendation 8 of this report. The Welsh Government should also use this time to work with landlord and tenant representatives to raise awareness of the new responsibilities ahead of implementation.

272. We note that stakeholders were generally supportive of the provisions relating to the provision of information and documents relating to relevant HMOs and of the duties of occupiers of relevant HMOs, although it is evident that further clarification is needed on some aspects. As outlined in our comments on the provisions relating to duties of residents and owners of residential units, it will be important for all parties, whether as occupiers or as landlords, to be fully aware of the requirements upon them, therefore our conclusion 10 also applies in relation to the provisions on HMOs.

5. Part 3: Enforcement and investigatory powers

This Part of the Bill establishes the roles of Building Safety Authorities and Fire Safety Authorities (the enforcing authorities) and sets out their powers and responsibilities.

Enforcing authorities

273. Section 81 sets out which authorities are responsible for enforcing specific duties under the Bill, including against residents. It designates Fire Safety Authorities and Building Safety Authorities as ‘enforcing authorities.’ While Building Safety Authorities handle most duties, Fire Safety Authorities focus on fire-related responsibilities, though either may act where risks overlap.

274. Chapter 5 of this report on Part 4 of the Bill considers the Bill’s provisions on the persons assigned the roles of enforcement authorities i.e. the operating model for Building Safety Authorities and Fire Safety Authorities.

275. Chapter 3 of this report on the management of structural and fire risks within regulated buildings notes the view expressed by some witnesses that structural and fire risks are interdependent and are not separate risks, and that the assessment and management of such risks should therefore be undertaken in a holistic way to avoid the risk of a siloed approach. Similar views were expressed in respect of the enforcement of duties imposed by the Bill.

276. The Building Safety Act 2022 established one single body, the building safety regulator, to undertake the regulatory duties established by that Act.

277. The All Wales Housing Expert Panel noted:

“These matters are interconnected and cannot be looked at independently or by two different organisations. This needs to sit within one multi-disciplinary team, with all the skills held within that inspection and enforcement team.”¹⁶³

278. Local Authority Building Control reiterated this view:

¹⁶³ BSWB 06, All Wales Housing Expert Panel

*"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."*¹⁶⁴

279. The WLGA recommended an:

*"Amendment of the Bill to include the possibility of other regional arrangements to be designate [sic] 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."*¹⁶⁵

280. The risk of overlap and duplication in the roles and responsibilities of building safety authorities and fire safety authorities was also raised as an issue. South Wales Fire and Rescue Service said that "clarity is required on how Welsh Government will ensure consistency across local authorities acting as Building Safety Authorities and how duplication with Fire and Rescue Authorities will be avoided".¹⁶⁶

281. The WLGA noted:

*"Enforcement primacy must be clearly established to avoid conflicting investigations and duplication of effort."*¹⁶⁷

282. Swansea Council also echoed this view:

"...under the Housing Act 2004, the local authority have a duty to act under that regime, if we assess a category 1 hazard. It doesn't give us the option; we have a duty, we must. One of those hazards is fire anyway, yet this Bill is stating quite clearly that that responsibility sits with the fire and rescue service. So, you have this duplicity where they act, perhaps, they might serve their notice, but we still have our duty under the housing Act, which doesn't mesh. That doesn't sit together well."

¹⁶⁴ BSWB 19, Local Authority Building Control

¹⁶⁵ BSWB 14, WLGA

¹⁶⁶ BSWB 07, South Wales Fire and Rescue Service

¹⁶⁷ BSWB 14, WLGA

283. Responding to a question on whether enforcement functions should lie with one integrated body rather than separately with Building Safety Authorities and Fire Safety Authorities the Cabinet Secretary noted:

*"I don't think that a separate body, independent of local authorities and the FRAs [Fire Rescue Services], is appropriate. It wouldn't create any new capacity within the system, and what could happen would be that it could fragment the capacity that already exists."*¹⁶⁸

284. In her letter of 5 November the Cabinet Secretary referred to work commissioned from Local Partnerships to consider the delivery model for enforcement and summarised their findings:

"There was a clear preference for joint working across multiple authorities and a broad consensus that the new Building Safety Authorities should operate in close proximity to fire and rescue authorities. Local Partnerships will now proceed in supporting local authorities in the development of a "critical path" setting out the necessary steps towards working together in this way."

285. Another issue raised by witnesses was that clarity is needed on how enforcement roles established by the Bill will interact with enforcement roles set out in current building safety legislation. Swansea Council noted:

*"To prevent duplication, confusion over enforcement roles, and regulatory gaps, the Bill must be carefully integrated with existing housing and safety legislation."*¹⁶⁹

Powers of enforcing authorities to give notices / Functions of authorised officers

286. Sections 82 to 88 cover the powers of enforcing authorities including the issuing of information notices, compliance notices and prohibition notices. Section 86 gives certain individuals, such as APs, residents, owners, duty holders, and occupiers, the right to appeal a prohibition notice to the Residential Property Tribunal on specific grounds. Section 88 makes it a criminal offence to fail to comply with an information notice, a compliance notice, or a prohibition notice. Penalties include unlimited fines or imprisonment.

¹⁶⁸ Local Government and Housing Committee, 1 October 2025, RoP p21

¹⁶⁹ BSWB 04, Swansea Council

287. Section 89 establishes the requirements for an ‘authorised officer’ to exercise certain functions of the Building Safety or Fire Safety Authority. Sections 90 and 91 grant authorised officers powers to enter premises to investigate compliance with safety obligations. Section 93 creates an offence to impersonate an authorised officer with intent to deceive. The offence is punishable by an unlimited fine.

288. Swansea Council remarked that “the powers [of enforcement] are excellent”¹⁷⁰. They welcomed the powers of entry requirements, and the powers to request documentation, stating that the latter need to be broader than current powers under the Housing Act 2004.

289. However Community Housing Cymru noted questions of concern:

“The new process around access (via the Building Safety or Fire Safety Authority) appears more time-consuming than the current legal route (e.g. applying for an injunction). We would like Welsh Government to clarify:

- *How this process will work in practice;*
- *How it interacts with fundamental terms on access under RH(W)A [Renting Homes (Wales) Act];*
- *Whether it allows for urgent access to manage serious building safety risks.”*¹⁷¹

290. This view was reiterated by the WLGA:

*“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.”*¹⁷²

¹⁷⁰ Local Government and Housing Committee, 1 October 2025, RoP p83

¹⁷¹ BSWB 22, Community Housing Cymru

¹⁷² BSWB 14, WLGA

291. Fire and rescue services generally welcomed the enforcement powers provided by the Bill but noted differences to their current powers such as having rights of entry and legal procedures involving a tribunal rather than the courts.

292. In their evidence Community Housing Cymru quoted a concern raised by the Social Housing Law Association Wales in respect of enforcement powers:

“It’s our understanding that the tribunal in Wales has no power to enforce its own orders. As such, once an order for entry or contravention order is made, if it’s not complied with, the matter will need to be transferred to the county court for enforcement. We’re not sure, when these are provisions to tackle urgent issues, why such applications cannot be made to the county court in the first instance.”¹⁷³

293. Whilst broadly welcoming the enforcement powers set out in the Bill the Chartered Institute of Environmental Health suggested a number of potential improvements, including that powers of entry are exercisable with due notice before a warrant is sought, reflecting powers in the Renters Rights Act 2025 in England, and to allow notices to be served via prepaid first-class post and not only in person as is currently provided for.¹⁷⁴

294. Responding to questions on enforcement the Cabinet Secretary noted:

“Local authorities and the FRAs [Fire and Rescue Authorities] already work together to determine how far safety risks should be enforced in some residential buildings, and we understand that the fire and rescue authority will often take the lead in that. So, in future, as they do now, they’ll need to consider how best to use their respective enforcement powers to achieve the right outcome. To help them avoid any uncertainty, we intend to publish guidance on this, and we’ll work with local authorities and the fire and rescue service on the development of that guidance to ensure clarity around the operation of that regime.”¹⁷⁵

295. On the role of the Residential Property Tribunal in the enforcement process and the risk highlighted of delays in being able to exercise powers of entry the Cabinet Secretary noted:

¹⁷³ Local Government and Housing Committee, 9 October 2025, RoP p81

¹⁷⁴ Local Government and Housing Committee, 24 September 2025, RoP p312 & 313

¹⁷⁵ Local Government and Housing Committee, 22 October 2025, RoP p207

*"...applications to the residential property tribunal are generally more straightforward and less costly than applications to the court. So, requiring the accountable person to apply to the tribunal for an order, I think is the right approach to take. I do recognise that there may be some instances when action must be taken urgently. So, there are alternative options available, such as an urgent action notice under section 83(3) of the Bill, or access by enforcing authority."*¹⁷⁶

Special measures in relation to category 1 buildings

296. Section 96 establishes the appointment of a Special Measures Manager in Category 1 buildings to handle safety functions on behalf of APs, subject to conditions set by the Residential Property Tribunal, where a serious or repeated compliance failure has occurred. It outlines the eligibility criteria, funding arrangements, and the Manager's potential role as a receiver for commonhold building safety income.

297. Issues were raised in respect of these provisions which, according to two witnesses, would make local authorities reluctant to seek Special Measures Orders to take responsibility for a building. The Chartered Institute of Environmental Health noted:

*"...it's a really expensive and bureaucratic process, managing someone's building for them, and it's not something that the regulatory authority is geared up to do."*¹⁷⁷

298. They added in a letter to the Committee that some companies designated as APs or PAPs for a building may be more than happy for their own levels of risk and exposure to be reduced by having the AP / PAP responsibility passed on to a Local Authority via a Special Measures Order. They also drew attention to the difficulties local authorities could face in passing the responsibility of the AP / PAP back to a company following the revocation of a Special Measures Order, where the company has gone into administration or liquidation.

299. Swansea Council compared the Bill's provisions on Special Measures Orders to Empty Dwellings Management Orders (EDMOs) and noted difficulties experienced by the Council in passing back responsibility for buildings for which they have had to assume responsibility via EDMOs. In a letter to the Committee

¹⁷⁶ Local Government and Housing Committee, 22 October 2025, RoP p214

¹⁷⁷ Local Government and Housing Committee, 24 September 2025, RoP p244

Swansea Council noted that due to such difficulties local authorities would be reluctant to issue Special Measures Orders and commented:

"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."

300. The Cabinet Secretary responded that:

"We don't intend that there will be many special measure orders, because they're designed as a tool to use when other measures have failed, but where a breach must be remedied...I do appreciate that the empty dwelling management orders are not straightforward, and in our discussions with them about this, local authorities' primary concern was about capacity and cost. So, we'll need to address the challenges."¹⁷⁸

Our view

301. We acknowledge that the enforcement functions and powers provided to enforcement authorities by the Bill were generally welcomed by witnesses and welcome the clarification provided by the Cabinet Secretary on specific issues raised by some witnesses, as set out above.

302. We understand the argument that structural and fire safety risks are interdependent and should not be considered separately, and that the enforcement of duties to address such risks should therefore lie with one body rather than two. However, we also recognise that responsibilities for enforcing existing building safety duties and requirements are split between those who enforce structural safety requirements and those who enforce fire safety requirements.

303. We do not have a strong view on whether enforcement of the Bill's duties in respect of structural safety and fire safety should be assigned to one or two different bodies. However, we believe that if responsibilities are to be split between two bodies (i.e. the Building Safety Authority and the Fire Safety

¹⁷⁸ Local Government and Housing Committee, 22 October 2025, RoP p211

Authority), clear guidance will be needed to ensure these bodies are able to work together effectively. Such guidance will be crucial to mitigate the risks identified above e.g. overlaps and duplication in responsibilities, or matters falling between the responsibility of the two enforcing authorities.

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.

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.

304. While it appears sensible for the Bill to include provisions on temporary measures to address failings by APs and PAPs in fulfilling their duties effectively, we are concerned by the suggestion that Building Safety Authorities and Fire Safety Authorities would be unlikely to make use of Special Measures Orders. The reasons given for that likely reluctance to make use of such orders are understandable. There is a risk that the Bill is creating powers that are unusable in practice and as such will remain dormant.

305. It will be important for the effective operation of the new building safety regime that measures are taken to address failings by APs and PAPs in fulfilling their duties effectively. Enforcement authorities must be able to act appropriately where there are serious compliance failures that are endangering residents' safety. Even though Special Measures Orders are not intended to be commonplace, they must work effectively on the occasions when they are needed.

306. We recognise the clear view expressed by some stakeholders that the provisions relating to Special Measures Orders are unworkable, and are persuaded by that view. It will be vitally important that an effective mechanism is established to address consistent or serious failures by APs / PAPs to fulfil their duties and the Welsh Government should take the necessary action to do this.

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.

6. Part 4: Supplementary and general

This Part of the Bill makes various provisions including for the Welsh Government to issue guidance to assist with compliance with duties imposed by the Bill and on the designation to particular bodies of the functions and powers of the enforcing authorities established by Part 3 of the Bill.

Guidance and co-operation

307. Section 98 grants Welsh Ministers the authority to issue guidance to assist any persons in complying with duties imposed on them by the Bill. It also requires the Welsh Ministers to issue PAPs and landlords with guidance to comply with their duties under the Bill or related regulations, particularly in assessing fire safety risks. Before issuing guidance, Welsh Ministers must consult Building Safety and Fire Safety Authorities, as well as other appropriate stakeholders.

308. Section 99 amends the Regulatory Reform (Fire Safety) Order 2005 (the ‘Fire Safety Order’), requiring ‘responsible persons’ (under the Fire Safety Order) to cooperate with ‘accountable persons’ and ‘duty holders’ (under this Bill) when they share responsibility for parts of the same building.

309. Many witnesses highlighted the crucial role of guidance in aiding effective implementation of the new building safety regime. Swansea Council noted:

“With meaningful engagement, clear operational guidance, and sustained support, the Welsh Government has the opportunity to ensure that the Bill is not only well-conceived but also practically effective—ultimately creating safer living environments for residents across Wales.”¹⁷⁹

310. The timing of issuing the guidance for duty-holders on how to exercise their duties was a common theme in the evidence. RICS recommended that guidance be published at the same time as the legislation so that it is available “straight away”, adding:

¹⁷⁹ BSWB 04, Swansea Council

*"What we've experienced in England with the Building Safety Act, for example, is that there wasn't that guidance in place and people were just left floundering as to what it was they were supposed to be doing."*¹⁸⁰

*"...if you're going to do this, you need to have the appropriate training and guidance ready to go at the same time as the Act gets passed, so that it's there for people."*¹⁸¹

311. The Cabinet Secretary acknowledged the importance of the timing of any guidance issued:

*"The intention is for that support and guidance to be available in good time ahead of the regime coming into force, just to make sure that everybody who is responsible has that clear understanding of what they will need to do to meet their obligations."*¹⁸²

312. RICS also highlighted the importance of the status of any guidance issued in order to provide absolute clarity on roles and responsibilities and recommended that:

*"...the guidance that comes through is in the form of statutory guidance and therefore the local authority, as the local building safety authority, and fire and rescue services and everybody else can really regulate effectively against that statutory guidance."*¹⁸³

313. While many witnesses acknowledged the important role of guidance for the effective implementation of the Bill's provisions, some questioned whether too much detail on implementation is being left to guidance and regulations rather than being included on the face of the Bill. Community Housing Cymru noted:

*"While guidance has an important role, it should not be relied upon to define the meaning of the primary legislation. Greater clarity is needed on the face of the Bill itself."*¹⁸⁴

314. The Social Housing Law Association Wales supported this view:

¹⁸⁰ Local Government and Housing Committee, 24 September 2025, RoP p206

¹⁸¹ Local Government and Housing Committee, 24 September 2025, RoP p340

¹⁸² Local Government and Housing Committee, 22 October 2025, RoP p262

¹⁸³ Local Government and Housing Committee, 24 September 2025, RoP p350

¹⁸⁴ BSWB 22, Community Housing Cymru

“SHLA Wales notes that a lot of the detail is left to future regulations and guidance. Whilst this features in the regime in England following the Building Safety Act 2022 (“BSA 2022”), the number of regulations issued was chaotic and Wales is not operating under the same urgent setting... we strongly believe that as much detail as possible should be included in the primary legislation.”¹⁸⁵

Building Safety Authorities / Fire Safety Authorities

315. Section 100 defines ‘Building Safety Authorities’ in Wales as county councils or county borough councils. Section 101 provides for potential conflict of interest when a Building Safety Authority is also an AP for a Category 1 building. It provides that the council must ‘make all reasonable efforts’ for another Building Safety Authority to take on its functions. Section 102 provides that Welsh Ministers may direct a Building Safety Authority to exercise any building safety functions of another Building Safety Authority.

316. Section 103 enables Welsh Ministers to make regulations on the charging of fees by Building Safety Authorities for exercising their functions under the Bill.

317. Section 104 defines ‘Fire Safety Authority’ as the fire and rescue authority covering the area where a regulated building or relevant HMO is primarily located.

318. While the Bill sets out that local authorities will be the Building Safety Authorities and that fire and rescue services will be the Fire Safety Authorities, neither the Bill nor the EM set out whether those roles will be assigned to all 22 local authorities and 3 fire and rescue services or to some of them only.

319. The EM states at paragraph 4.28 that:

“Two or more local authorities may come together to regulate. For example, a possible approach may be for two authorities to take lead responsibility for regulating buildings on behalf of other authorities. However, it will be for the building safety authorities, that will hold the expertise in delivery of the regulatory functions, to identify the most effective operational model and how this should function alongside other local authority responsibilities such as building control and environmental health.”

¹⁸⁵ BSWB 28, Social Housing Law Association Wales

320. During our first evidence session with the Cabinet Secretary, she noted that she was not supportive of 22 local authorities undertaking Building Safety Authority duties, due to the risk of inconsistency of approach, and hinted at the possibility of using Corporate Joint Committees as the structural basis.¹⁸⁶

321. We discussed the question of the appropriate delivery model for enforcement with stakeholders and all who commented on this were opposed to all 22 local authorities assuming Building Safety Authority responsibilities.

322. The WLGA explained why local authorities should not, in their view, be assigned the role of Building Safety Authorities:

“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.”¹⁸⁷

323. The Social Housing Law Association Wales also questioned the use of local authorities as Building Safety Authorities:

“...unlike in England, where there is a single building safety regulator, the approach proposed by the Bill in Wales will lead to multiple local authorities taking on the duties of building safety regulator. This will, in our view, inevitably lead to a position where different local authorities are able to resource and carry out these functions to different degrees, leading to inconsistencies across the country.”¹⁸⁸

324. Cascade Risk Management reiterated the view that relying on local authorities as Building Safety Authorities could create a postcode lottery in safety outcomes due to variable enforcement capacity and resourcing pressures.¹⁸⁹

325. A specific issue raised by various witnesses including the All Wales Housing Expert Panel was that local authorities would be unable to attract suitably qualified and experienced personnel to undertake Building Safety Authority

¹⁸⁶ Local Government and Housing Committee, 17 July 2025, RoP p133 & 137

¹⁸⁷ BSWB 14, WLGA

¹⁸⁸ BSWB 28, Social Housing Law Association Wales

¹⁸⁹ BSWB 26, Cascade Risk Management

functions due to the salaries local authorities are able to pay, which they said do not compare favourably to private sector salaries for relevant roles.¹⁹⁰

326. Similar points on the sufficiency of the resources available to take on additional regulatory functions were raised in respect of fire and rescue services, although witnesses did not object to these being designated the fire safety authorities. Mid and West Wales Fire and Rescue Service noted that:

“Enforcing authorities will need investment for these enforcement and investigatory powers to be undertaken with the intent to which they are being provided. It is anticipated that budgets and capacity are likely to be an issue due to competing pressures of workstreams that also have an impact on Public and Fire-fighter Safety.”¹⁹¹

327. Alternative delivery models for enforcement were suggested by some witnesses. Swansea Council noted that:

“A growing number of voices advocate for a regional or national model, such as Multi Disciplinary Teams (MDTs), potentially aligned with Fire and Rescue Service areas, to avoid overburdening individual councils.”¹⁹²

328. The WLGA pointed to the role of the Joint Inspection Team, established to provide support to local authorities and additional resource to inspect multi-occupied residential buildings, and called for a similar multi-disciplinary approach for Building Safety Authority functions.¹⁹³

329. The Cabinet Secretary explained that Local Partnerships had been commissioned to work with local authorities and other stakeholders on developing a delivery model for enforcement to ensure successful implementation of the Bill.¹⁹⁴ An official accompanying the Cabinet Secretary confirmed that the timescales for scrutiny of the Bill would allow for any necessary amendments to be made to reflect the Welsh Government’s preferred delivery model.¹⁹⁵

¹⁹⁰ BSWB 02, All Wales Housing Expert Panel

¹⁹¹ BSWB 15, Mid and West Wales Fire and Rescue Service

¹⁹² BSWB 04, Swansea Council

¹⁹³ BSWB 14, WLGA

¹⁹⁴ Local Government and Housing Committee, 17 July 2025, RoP p187

¹⁹⁵ Local Government and Housing Committee, 17 July 2025, RoP p156

330. In her a letter of 5 November the Cabinet Secretary noted the outcomes of that work:

“I have recently received Local Partnerships’ report and have agreed with the recommendation for local authorities to work together, mirroring the footprint of each of the three fire and rescue authorities, with a single authority taking the lead in each area. There was a clear preference for joint working across multiple authorities and a broad consensus that the new Building Safety Authorities should operate in close proximity to fire and rescue authorities. Local Partnerships will now proceed in supporting local authorities in the development of a ‘critical path’ setting out the necessary steps towards working together in this way.”

331. RICS highlighted a risk of local authorities not effectively enforcing against themselves in cases where they are an AP of a Category 2 or Category 3 building.¹⁹⁶ Section 101 provides that local authorities must make all reasonable efforts to avoid such a conflict of interest by making arrangements with another local authority to exercise the duties of the Building Safety Authority in those circumstances. However section 101 applies to Category 1 buildings only. Whilst this was raised as a matter of concern by some witnesses, those representing local authorities stressed that while conflict of interest in enforcement can be ‘a perception’, in reality local authorities have robust measures in place to ensure that enforcement takes place appropriately.¹⁹⁷

332. The Cabinet Secretary explained that the Bill does provide for a process to resolve conflicts of interest in respect of category 2 and 3 buildings:

“...using powers under section 102 of the Bill, Welsh Ministers could direct a building safety authority to arrange for the delegation of its functions to another authority. This could provide some protection for a situation where there is a conflict of interest within a category 2 building, where things are not working as they should be.”¹⁹⁸

¹⁹⁶ Local Government and Housing Committee, 24 September 2025, RoP p316

¹⁹⁷ Local Government and Housing Committee, 1 October 2025, RoP p102

¹⁹⁸ Local Government and Housing Committee, 17 July 2025, RoP p196

Our view

333. We acknowledge that many stakeholders voiced concern at the potential for all 22 local authorities in Wales to be allocated the functions of Building Safety Authorities and cautioned against this approach. We therefore welcome the conclusions of the work by Local Partnerships on the delivery model for enforcement, and are pleased that the Cabinet Secretary has agreed the recommendation for local authorities to work together, mirroring the footprint of each of the three fire and rescue services, with a single authority taking the lead in each area.

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.

334. As we were unable to discuss the preferred delivery model with stakeholders and consider its advantages and disadvantages, we are not able to offer a definitive view on the appropriateness of the preferred model. We note the clear view expressed in evidence that the model should preclude the exercise of Building Safety Authority functions by all 22 local authorities. While we have not considered the preferred delivery model in detail, we believe that, in principle, if the Welsh Government has a preferred model, this should be included on the face of the Bill as an integral part of the regulatory framework to be established.

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.

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.

335. On the question of conflict of interest, we acknowledge that there may be a perception of conflict of interest where local authorities could be enforcing

against themselves as APs or PAPs of Category 2 and Category 3 buildings. However, we were persuaded by local authority witnesses that robust measures already exist to ensure separation of functions where needed. We are also mindful of the potential resource demands of delegating Category 2 and Category 3 buildings to other Building Safety Authorities. On balance we are content with the proposed approach.

336. We note the call from stakeholders for clear guidance to be available immediately at the point of enactment and that such guidance should be statutory. We are aware of confusion caused by a delay in issuing relevant guidance in England, following the passing of the Building Safety Act 2022, and this should be avoided in Wales.

337. Timely guidance will be crucial in preventing confusion and uncertainty for organisations on whom duties will be imposed by the Bill. Such clarity is imperative for effective implementation to ensure that all duty-holders know how to exercise the requirements on them under the Bill and subsequent regulations, particularly in respect of working effectively with other duty-holders to fulfil responsibilities. We recognise that such clarity on roles and responsibilities may be provided through provisions on the face of the Bill, regulations and guidance.

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.

338. If clarity on how certain duties should be exercised is to be left to guidance such guidance will need to be issued in good time before duties imposed by the Bill take effect, so as to ensure duties can be fulfilled effectively.

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.

7. Matters raised other than those covered by the Bill

This Chapter of the report sets out evidence provided to the Committee in respect of issues not specifically covered within the Bill.

Remediation

339. The term remediation, in the context of Wales, means work required to address internal and external fire safety risks, including, but not limited to, defective building materials such as cladding which were found to have allowed for the spread of the fire in Grenfell Tower and which are present in many buildings 11 metres high and above.

340. The Building Safety Act 2022 includes provisions to address historical defects in building materials. The Bill as introduced does not specifically include such provisions.

341. The Welsh Government established a Welsh Building Safety Fund to provide support to carry out building safety related surveys, in order to help establish the extent of the presence of defective materials in building in Wales and to provide advice on remediation work required. Progress in assessing and undertaking remediation work required on buildings in Wales is reported by the Welsh Government via a dashboard on their website.

342. As of September 2025, of the 459 buildings in the remediation programme, 44% were either complete or works are underway. Works had been completed on 83 buildings and were underway on 119 buildings. Of the 163 buildings that developers are responsible for remediating, 33% were either complete or works were underway. Works had been completed on 6 buildings and were underway on 48 buildings.

343. The Cabinet Secretary and her officials explained to the Committee that whilst the Bill does not include specific provisions in respect of remediation, remedial works to regulated buildings could be identified via the structural and fire risk assessments required by the Bill and duty-holders would be required to take reasonable steps to ensure any such issues identified are rectified. The Cabinet Secretary noted:

“...the Bill and our remediation programme are separate programmes, but, obviously, it’s not correct to say that the Bill has no bearing on existing safety risks. So, the Bill will require accountable persons to take all reasonable steps to manage fire and structural safety risks, including but not limited to those identified as part of the risk assessment. So, that duty will apply to existing risks.”¹⁹⁹

344. The Cabinet Secretary also informed us that the Welsh Government has signed contracts with 12 developers in respect of remediation works for buildings in Wales and that each of those developers has committed to at least starting such works by the end of 2026.²⁰⁰ The Cabinet Secretary confirmed that this specific commitment is not legally binding²⁰¹ although in relation to the contracts, an official accompanying the Cabinet Secretary noted that “there are opportunities for legal action, if it comes to that”.²⁰²

345. Various witnesses referred in their evidence to a lack of progress on remedial work on buildings in Wales, particularly in relation to developer-led remediation.

346. The Welsh Cladiators provided moving evidence of their lived experiences as leaseholders and residents of properties on which remedial work is required, and the impact that the lack of progress is having on their and others’ lives:

“As leaseholders, we simply can’t win or move forwards. We can’t fight the greedy developers or challenge surveyors for delaying the progress of works...I’m tired of the building issues and endless battles and delays. For the thousands of unheard people trapped in unsafe flats, paying extortionate service charges, unable to either start families or downsize as they age, many struggling with their mental health, others simply wanting to just move on, I’m asking on their behalf: please get this mess fixed, not over another five years, but right now.”²⁰³

“...Our lives have been put on hold for eight years...Work has started at Victoria Wharf [an apartment block in Cardiff]—just. There are five people working on one building—five—to take the stuff off on the outside and put the new stuff back in...On the first building, they are already one year behind. There was a

¹⁹⁹ Local Government and Housing Committee, 17 July 2025, RoP p53

²⁰⁰ Local Government and Housing Committee, 17 July 2025, RoP p70

²⁰¹ Local Government and Housing Committee, 17 July 2025, RoP p61

²⁰² Local Government and Housing Committee, 17 July 2025, RoP p70

²⁰³ Local Government and Housing Committee, 18 September 2025, RoP p220

*pact that these builders signed up to; it's completely unenforceable. Welsh Government have taken no action at all in relation to that pact to hold people to account. An excuse is given, an excuse is accepted; end of."*²⁰⁴

347. The Cladiators also expressed a view that the Welsh Government's developer contracts are 'unfit for purpose'.²⁰⁵

348. TPAS Cymru noted tenants' frustrations at developers being allowed to continue with their development programmes in Wales before remedial works to existing buildings are carried out.²⁰⁶ They added that the Bill could have included penalties on developers for failing to undertake remedial work identified as necessary.²⁰⁷

349. South Wales Fire and Rescue Service said that fire and rescue services are working closely with developers and the Welsh Government but so far progress has been based on "goodwill", whereas "some form of legislative powers in the Bill would probably support that".²⁰⁸

350. The Property Institute²⁰⁹ and Propertymark²¹⁰ both referred to the absence of provisions on remediation in the Bill as a 'missed opportunity'. RICS echoed this view:

"I would say, actually, having been involved in remediation since Grenfell Tower heavily across many countries, that it would be a lost opportunity not to put something in this Bill around remediation of existing defects. Here we are, over eight years since the Grenfell Tower shocking tragedy and we've still got unsafe buildings. So, I would fully support any action to try and improve this Bill around remediation, on what that looks for. I know there's the building safety fund et cetera, and applications are encouraged, but I think it's still slow progress. So, anything that can be put in the Bill to improve and hold developers to account, contractors to account, building owners

²⁰⁴ Local Government and Housing Committee, 18 September 2025, RoP p223-225

²⁰⁵ Local Government and Housing Committee, 18 September 2025, RoP p250

²⁰⁶ Local Government and Housing Committee, 24 September 2025, RoP p71

²⁰⁷ Local Government and Housing Committee, 24 September 2025, RoP p85

²⁰⁸ Local Government and Housing Committee, 1 October 2025, RoP p216

²⁰⁹ Local Government and Housing Committee, 9 October 2025, RoP p219

²¹⁰ Local Government and Housing Committee, 9 October 2025, RoP p209

to account for improving rapidly the safety of their buildings, should be included in this Bill.”²¹¹

351. Social Housing Law Association Wales noted:

“We find the lack of such enforcement avenues to be a concerning omission and invite the Welsh Ministers to look at this again as the tools have been well used in England to take action (including when there has been inaction on the person with responsibility to remediate).”²¹²

352. Propertymark referenced wider implications of a lack of statutory duties on developers to undertake remedial work:

“...we know, certainly from our estate agent members, that—more on the cladding remediation—without regulatory oversight, sales stall. There’s no legislative certainty for consumers, home buyers and sellers, so I think a post-occupation system, steps to be taken, are a step in the right direction.”²¹³

353. On the absence in the Bill of provisions on remediation the Cabinet Secretary explained that the Bill relates to the occupation phase and not the construction phase of buildings, and that remediation was not proposed for inclusion in the Bill in the White Paper. She also noted that Welsh Government officials are working with UK Government officials in respect of a ‘remediation acceleration plan’ “to see what we can use”.²¹⁴

354. Some witnesses pointed to other measures taken in England to ensure remediation works are carried out. LABC highlighted the responsible actors scheme in England, which places planning and building control prohibitions on developers that refuse to join the scheme or fail to comply with its requirements to remediate life-critical fire safety defects.²¹⁵ LABC also highlighted the building safety levy, under which developers in England will be asked to fund cladding remediation from 1 October 2026.²¹⁶ In 2022, the previous Cabinet Secretary Julie James MS expressed disappointment that the UK Government did not give an opportunity for Wales to be included in the Levy.

²¹¹ Local Government and Housing Committee, 24 September 2025, RoP p377

²¹² BSWB 28, Social Housing Law Association Wales

²¹³ Local Government and Housing Committee, 9 October 2025, RoP p183

²¹⁴ Local Government and Housing Committee, 22 October 2025, RoP p160

²¹⁵ Local Government and Housing Committee, 01 October 2025, RoP p50

²¹⁶ Local Government and Housing Committee, 01 October 2025, RoP p50

Our view

355. We are deeply concerned at the evidence received from numerous witnesses of a lack of progress by developers in completing remedial works to address identified historic deficiencies within buildings in Wales. Lived experiences such as those expressed by the Welsh Cladiators bring into sharp focus the devastating and continuing impacts of this in-action and the risk to lives and the well-being of those affected is clear to see. We are grateful to them for sharing their experiences with us.

356. We acknowledge the work undertaken by the Welsh Government to try to ensure deficiencies are addressed, including the contracts agreed with developers and discussions with the UK Government on a remediation acceleration plan. However, more than eight years since the Grenfell tragedy, the evidence received suggests the measures taken to date have not been sufficient to ensure deficiencies are addressed as quickly as needed.

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.

357. On behalf of the many hundreds of people in Wales whose lives continue to be severely affected by living in unsafe buildings, we are concerned that the Welsh Government has not grasped the opportunity of using this Bill to make swifter progress on remediation.

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.

358. We recognise that numerous witnesses, some of whom are involved in assessing fire risks within buildings in Wales, expressed the view that the force of the law must now be used to ensure developers address deficiencies urgently. We are sympathetic to this view, given the lack of progress achieved by the current discretionary approach.

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.

Other issues raised

Evacuation

359. Section 32 requires APs to take all reasonable steps to ensure that people whose safety is at risk from fire can escape quickly and safely.

360. Some witnesses commented that further consideration is required of provisions to ensure safe evacuation especially for vulnerable and disabled people. Crisis noted that:

“The Welsh Government’s White Paper proposals suggested giving residents who cannot leave a building unaided the right to provide relevant details to an accountable person. The current Bill does not explicitly include this, although it does provide Welsh Ministers with powers to create additional regulations. We urge the Welsh Government to ensure this right is included either in the regulations or on the face of the Bill.”²¹⁷

361. RICS drew attention to the residential personal emergency evacuation plans recently introduced in England to improve the fire safety of disabled and vulnerable people in high rise and higher risk residential buildings.²¹⁸

362. We heard from TPAS Cymru that in their engagement with tenants the issue of safe evacuation and the need for personal emergency evacuation plans had been raised as an area of importance.²¹⁹

363. The Cabinet Secretary reflected that:

“...the Bill does require accountable persons to take all reasonable steps to ensure residents can escape from premises quickly and safely. That includes disabled residents. So, if necessary, we can augment that in regulation or guidance, setting out what those ‘reasonable steps’ should be.”²²⁰

²¹⁷ BSWB 18, Crisis

²¹⁸ Local Government and Housing Committee, 24 September 2025, RoP p301

²¹⁹ Local Government and Housing Committee, 24 September 2025, RoP p63

²²⁰ Local Government and Housing Committee, 17 July 2025, RoP p220

364. The Cabinet Secretary also noted that an adaptation to any part of a regulated building to make it suitable for a disabled resident will trigger a requirement for a fresh Fire Risk Assessment. She added that the Welsh Government is “exploring the possibility of using data about vulnerable people, which is already securely held, to inform the response to an emergency and, where necessary, the rescue of people. So, this might well not need legislation at all”.²²¹

Engagement with residents and relevant bodies on regulations and guidance

365. The Bill includes a duty on PAPs for Category 1 buildings to prepare strategies to engage with residents and a power for the Welsh Government to set out in regulations persons with whom PAPs must consult on such strategies. However it does not require the Welsh Government to consult residents or relevant bodies on guidance or regulations it intends to make or issue under the provisions. This differs from the approach taken in England under the Building Safety Act 2022.

366. Various witnesses expressed the view that such a duty should be included in the Bill. Adra Tai Cyf noted:

“Adra recommends early engagement with housing providers during the regulation development phase to ensure practicality and clarity.”²²²

367. Community Housing Cymru argued that:

“To ensure sector readiness and build confidence, it will be essential for the Welsh Government to publish draft regulations as early as possible and to engage meaningfully with stakeholders—particularly housing providers—during their development. Co-production of guidance and regulations will help ensure that the new framework is both proportionate and deliverable.”²²³

368. Propertymark echoed this sentiment:

“...the Welsh Government must ensure guidance is clear – poor guidance on the implementation of the Act has often been cited as a leading cause behind non-compliance with the Building Safety Act in England. The Welsh Government must

²²¹ Local Government and Housing Committee, 17 July 2025, RoP p220

²²² BSWB 05, Adra Tai Cyf

²²³ BSWB 22, Community Housing Cymru

ensure that they engage directly with the industry to create guidance that best helps the industry meet their new obligations.”²²⁴

369. The Cabinet Secretary acknowledged the importance of including residents and relevant stakeholders in policy development on housing and explained how that has been undertaken in respect of the Bill’s development:

“Resident voice is absolutely crucial to this Bill. It is one of the three tenets of the Bill as well, so we place huge importance on that. We’ve already established routes to engage with leaseholders, for example through our leaseholder and residents group. My officials have conducted extensive engagement with residents throughout the making of this policy to ensure that the voice of residents and a broad representation of leaseholders and tenants are heard, and those with lived experience considered as well... We are looking at ways that we can continue that engagement throughout the time, because, as I say, their voice is so important.”²²⁵

370. However the Cabinet Secretary explained that the Welsh Government is not supportive of the inclusion in the Bill of a duty to establish a residents’ panel, such as is included in the Building Safety Act 2022, as such a panel “can limit the number of people, voices, that can be heard”.²²⁶

Telecommunications infrastructure

371. Three organisations noted concern that the Bill’s provisions could impact negatively on telecommunications infrastructure within regulated buildings.

372. Mobile UK noted that the Building Safety Act 2022 had led to a slowdown in the upgrade of telecommunications infrastructure to 5G and the replacement of sites on the rooftops of tall buildings, including on Category 1 buildings in Wales.²²⁷

373. ISPA UK noted that the Bill could slow or even halt roll-out of broadband infrastructure in Wales.²²⁸ Mobile UK also highlighted similar concerns.²²⁹

²²⁴ BSWB 24, PropertyMark

²²⁵ Local Government and Housing Committee, 17 July 2025, RoP p34

²²⁶ Local Government and Housing Committee, 17 July 2025, RoP p35

²²⁷ BSWB 16, Mobile UK

²²⁸ BSWB 25, Internet Services Providers Association

²²⁹ BSWB 16, Mobile UK

374. We raised these concerns with the Cabinet Secretary told us that:

“...this has been a misunderstanding by the sector and officials have met representatives of the sector just to clarify the position.”²³⁰

375. An official accompanying the Cabinet Secretary elaborated that the Building Safety Act 2022 has made changes to the process for approval of changes to the infrastructure of regulated buildings in England, and that this has caused delays in approving changes to telecommunication infrastructure within buildings.²³¹

376. The Cabinet Secretary confirmed in her letter of 5 November that:

“...representatives of the telecommunications sector were reassured to learn that, unlike the Building Safety Act 2022, the Bill does not deal with building regulations or construction. Further, the gateway 2 process in Wales will not rely on a single regulator, as it does in England. The telecommunications sector is anxious to avoid the practical difficulties it has experienced with the gateway 2 process in England. To that end, officials are making arrangements for representatives of the sector to work through the detail with Welsh local authorities ahead of implementation of the gateway 2 process in Wales. However, that work is separate from, and has no implications for, the Bill and its implementation in due course.”

Our view

377. We received persuasive evidence of the need for further consideration by the Welsh Government of the processes and arrangements to be established to ensure that vulnerable and disabled people are quickly and safely evacuated from regulated buildings in the case of a fire, and how such processes should be established.

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.

²³⁰ Local Government and Housing Committee, 22 October 2025, RoP p127

²³¹ Local Government and Housing Committee, 22 October 2025, RoP p130

378. We acknowledge the calls for the inclusion in the Bill of a duty on the Welsh Government to consult residents and their representative bodies on the development of regulations and guidance made and issued in line with the Bill, and for co-production of such documents. We recognise that the Welsh Government could choose to engage with such persons on the development of regulations and guidance, however such a discretionary approach would allow future Welsh Governments not to consult on regulations and guidance on which the input of residents would add value.

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.

379. We are satisfied with the explanation provided by the Welsh Government that the Bill's provisions should not impact on telecommunications infrastructure, despite the concerns raised, and note the ongoing engagement with the telecommunications sector in respect of the gateway 2 process in Wales.

Annex 1: List of oral evidence sessions

The following witnesses provided oral evidence to the committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the [Committee's website](#).

Date	Name and Organisation
17 July 2025	<p>Jayne Bryant MS, Cabinet Secretary for Housing and Local Government, Welsh Government</p> <p>Jo Newth, Lawyer, Welsh Government</p> <p>Kim Phelps, Head of Building Safety Occupation Phase Policy, Welsh Government</p> <p>Steve Pomeroy, Head of Fire Services, Welsh Government</p> <p>Tania Nicholson, Deputy Director – Housing Quality, Welsh Government</p>
18 September 2025	<p>Geoff Spight, Welsh Cladiators</p> <p>Marc Harries, Welsh Cladiators</p> <p>Mark Thomas, Welsh Cladiators</p> <p>Peter Larwood, Welsh Cladiators</p> <p>Rob Nicholls, Welsh Cladiators</p>
24 September 2025	<p>Cerys Clark, Policy and Public Affairs Manager, Chartered Institute of Housing Cymru</p> <p>David Wilton, Chief Executive Officer, TPAS Cymru</p> <p>Gary Strong, Global Building Standards Director, Royal Institution of Chartered Surveyors</p> <p>Henry Dawson, Housing Advisory Panel, Chartered institute of Environmental Health</p>

Date	Name and Organisation
01 October 2025	<p>Alice Marks, Team Leader, Private Sector Housing, Swansea Council</p> <p>Tom Price, Divisional Environmental Health Officer, Pollution, Private Sector Housing and Building Control Swansea Council</p> <p>John Marr, Principal, Devolved Government and Social Housing, UK Finance</p> <p>Peter Keates, Executive Director, Local Authority Building Control</p> <p>Steve Tudball, Housing Enforcement Team Manager for the Shared Regulatory Service, Vale of Glamorgan Council and Directors of Public Protection Wales Housing Expert Panel</p> <p>Paul Slade, Station Manager, Business Fire Safety, South Wales Fire and Rescue Service</p> <p>Siôn Slaymaker, Corporate Head of Emergency Response, Mid and West Wales Fire and Rescue Service</p> <p>St.John Towel, Head of Business Fire Safety, South Wales Fire and Rescue Service</p> <p>Steven Roberts, Head of Protection, North Wales Fire and Rescue Service</p>
09 October 2025	<p>Bethan Proctor, Head of Policy and External Affairs, Community Housing Cymru</p> <p>Duncan Forbes, Chief Executive, Trivallis</p> <p>Dylan Davies, Senior Development Project Manager, ClwydAlyn</p> <p>Jaclyn Mangaroo, Chief Communications Officer, Property Institute</p> <p>Steven Bletsoe, Deputy Director - Innovation, National Residential Landlords Association</p> <p>Timothy Douglas, Head of Policy and Campaigns, Propertymark</p>
22 October 2025	<p>Jayne Bryant MS, Cabinet Secretary for Housing and Local Government, Welsh Government</p> <p>Audrey Johns, Head of Building Safety Occupation Phase Policy, Welsh Government</p>

Date	Name and Organisation
	Jo Newth, Lawyer, Welsh Government Steve Pomeroy, Head of Fire Services, Welsh Government Tania Nicholson, Deputy Director – Housing Quality, Welsh Government

Annex 2: List of written evidence

The following people and organisations provided written evidence to the Committee. All Consultation responses and additional written information can be viewed on the [Committee's website](#).

Reference	Organisation
BSWB 01	Jenny Preece, University of Sheffield / UK Collaborative Centre for Housing Evidence
BSWB 02	All Wales Housing Expert Panel
BSWB 03	ClwydAlyn
BSWB 04	Swansea Council
BSWB 05	Adra
BSWB 06	Environmental Health Wales
BSWB 07	South Wales Fire & Rescue Service
BSWB 08	Trinity House
BSWB 09	UK Finance
BSWB 10	Gwynedd Council
BSWB 11	Chartered Institute of Housing Cymru
BSWB 12	TPAS Cymru
BSWB 13	National Residential Landlord's Association
BSWB 14	Welsh Local Government Association
BSWB 15	Mid and West Wales FRS
BSWB 16	Mobile UK and the Mobile Infrastructure Forum
BSWB 17	Caerphilly Homes, Caerphilly County Borough Council
BSWB 18	Crisis
BSWB 19	LABC
BSWB 20	National House Building Council
BSWB 21	Openreach

Reference	Organisation
BSWB 22	Community Housing Cymru
BSWB 23	National Trust Cymru
BSWB 24	Propertymark
BSWB 25	Internet Service Providers' Association
BSWB 26	Cascade Risk Management
BSWB 27	Cast Consultancy
BSWB 28	Social Housing Law Association Wales

Additional Information

Title	Date
<u>Letter</u> from the Cabinet Secretary for Housing and Local Government to the Local Government and Housing Committee with additional information on the Building Safety (Wales) Bill.	5 November 2025
<u>Letter</u> from Community Housing Cymru to the Local Government and Housing Committee with additional information on the Building Safety (Wales) Bill.	5 November 2025
<u>Letter</u> from Swansea Council to the Local Government and Housing Committee with additional information on the Building Safety (Wales) Bill.	29 October 2025
<u>Letter</u> from the Chartered Institute for Environmental Health to the Local Government and Housing Committee with additional information on the Building Safety (Wales) Bill.	29 October 2025