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Ymateb gan: Chris Roberts - ClwydAlyn Housing Ltd | Evidence from: Chris Roberts - ClwydAlyn Housing Ltd

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

I broadly support the general principles of the Building Safety (Wales) Bill. The focus on safety, clear accountability, and a stronger resident voice is essential to addressing historic failings and ensuring risks are managed throughout a building's lifecycle. The introduction of statutory duty holders, the "Golden Thread" of information, and clear regulatory oversight provides a proportionate and robust framework.

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.

In summary, the Bill establishes the right foundations for a safer, more accountable housing system, though its effectiveness will depend on strong implementation and adequate resourcing.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

I support the provisions in Part 1 as they provide a clear and structured framework for improving safety in multi-occupied residential buildings. Key positives include:

Clarity of responsibility through the new roles of Accountable Person and Principal Accountable Person.

Risk-based approach, with enhanced duties for higher-risk buildings.

Mandatory registration, safety case reports, and the Golden Thread, ensuring ongoing accountability and transparency.

Resident engagement rights, which give occupants greater voice and protection.

Strong regulatory powers for local authorities to enforce compliance.

However, there are potential challenges:

Resourcing – Local authorities will require additional funding and expertise to regulate effectively.

Costs – Compliance costs may be passed on to residents via service charges, creating affordability concerns.

Consistency – Effective oversight will be needed to ensure provisions are applied uniformly across Wales.

Support for smaller landlords – Clear guidance will be essential to ensure duties are understood and workable in practice.

In conclusion, the provisions are workable and well-designed to deliver the Bill's policy intention of safer, more accountable buildings. Their success will depend on adequate resourcing, fair cost management, and consistent implementation.

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

I believe the fire safety provisions for HMOs in Part 2 of the Bill are well-intentioned and largely workable. Requiring annual fire risk assessments, placing duties on landlords and tenants, and designating enforcement to Fire and Rescue Authorities are sensible measures that should improve accountability and reduce risks in multi-occupied homes. The use of tribunals to resolve breaches also provides a clear compliance pathway.

However, there are some practical challenges. The costs of annual assessments and ongoing compliance could be significant, particularly for small landlords, and local Fire and Rescue Authorities may struggle to resource enforcement without additional support. There is also a risk of confusion unless there is very clear guidance on which HMOs are in scope and what is expected of both landlords and tenants.

Overall, I think the provisions will deliver the policy intent if backed by strong guidance and adequate resourcing. To maximise effectiveness, I would suggest clearer examples of in-scope HMOs, practical tools such as template risk-assessment checklists, and ongoing engagement with landlord and tenant groups to promote awareness and compliance.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

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

The main barriers to implementation are likely to be around resourcing, costs, complexity, and skills shortages. The Bill recognises these challenges by embedding clear roles, phased implementation, and ministerial powers to provide guidance and oversight. However, its success will ultimately depend on adequate funding for regulators, effective industry support, and careful monitoring to ensure costs do not unfairly fall on residents.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

I believe the powers given to Welsh Ministers in the Building Safety (Wales) Bill to make subordinate legislation, as set out in Chapter 5 of the Explanatory Memorandum, are broadly appropriate. Building safety is a complex and evolving area, and it would not be practical or desirable for every technical or procedural detail to be fixed in primary legislation. Having the flexibility to address definitions, technical standards, and transitional arrangements through regulations will allow the system to adapt over time as risks, building practices, and lessons from implementation become clearer.

That said, I think it is important that the Bill draws a clear line between matters of genuine policy significance and more minor or technical issues. For example, decisions about what should be treated as a “higher-risk building” are fundamental to the scope of the regime, and I would expect those regulations to be subject to the affirmative procedure so that they receive proper scrutiny by the Senedd. On the other hand, powers to make commencement or saving provisions seem suitable for the negative procedure, as they are more about practical implementation than policy choice.

I also welcome that the use of subordinate legislation in Wales is already supported by safeguards, such as the requirement for Regulatory Impact Assessments, and the wider Well-being of Future Generations framework. These obligations should ensure that regulations are developed transparently, with proper consideration of costs, benefits, and impacts on residents and the sector.

Overall, I think the balance in the Bill is sensible. It gives Welsh Ministers the flexibility they need to implement a complex new system effectively, but within a structure that still allows for democratic oversight on the more significant decisions. To strengthen confidence further, it would be helpful if the

Explanatory Memorandum gave clearer examples of which powers will be subject to affirmative rather than negative procedure.

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

While the Bill is well designed, some unintended consequences may arise. Potential risks include:

- Higher service charges or rents as compliance costs are passed to residents.
- Administrative and financial strain on smaller landlords, leading to market withdrawal or consolidation.
- Delays to planning and construction due to Gateway processes and regulatory capacity.
- Skills shortages in fire safety and compliance professionals, increasing costs and slowing delivery.
- Inconsistent enforcement between local authorities.
- Developers becoming risk-averse, reducing supply of higher-rise housing.

Mitigations within the Bill include: proportional requirements (focusing on higher-risk buildings), phased implementation, ministerial powers to issue guidance, and strengthened resident rights.

With sufficient funding, clear guidance, and support for smaller providers, the risk of unintended consequences can be minimised, and the Bill's aims can still be achieved.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

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

Funding and Resourcing

The Bill places significant new responsibilities on local authorities, landlords, and managing agents. The Explanatory Memorandum could give greater clarity on how regulators will be resourced to ensure consistent and effective enforcement across Wales.

Affordability for Residents

While the Explanatory Memorandum acknowledges costs may be passed on via service charges, more detail on safeguards or mitigation measures would help ensure that residents are not unfairly burdened.

Support for Smaller Providers

Smaller housing associations, co-operatives, and private landlords may struggle to meet administrative and technical duties. Consideration could be given to capacity-building support, guidance, or pooled services.

Skills and Workforce Capacity

Delivering the Bill's provisions will require specialist skills (fire engineers, surveyors, safety professionals). The Explanatory Memorandum could go further in addressing how government and industry will tackle existing skills shortages.

Clarity on Interfaces with Other Regimes

The Bill interacts with the Fire Safety Order, health and safety law, and planning/building regulations. More detail on how these frameworks will align in practice would be helpful to avoid duplication or confusion.

Implementation Timetable

Phased implementation is sensible, but the Explanatory Memorandum could be clearer on expected timescales for different provisions, so stakeholders can prepare effectively.

The Bill provides a strong foundation for reform, but its success depends on adequate resourcing, affordability safeguards, clarity for smaller providers, and alignment with existing regulatory regimes. Greater detail in the Explanatory Memorandum on these points would improve confidence and support effective delivery.
