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Ymateb gan: Mid and West Wales FRS | Evidence from: Mid and West Wales FRS

Senedd Cymru | Welsh Parliament

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

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

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

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

1. It is the opinion of Mid and West Wales FRS, that the Bill represents a positive step forward – aligning with England’s building safety regime, which has been in place since 2023.
 2. There is a clear demonstration to introduce legislation that will enable the greater protection of lives, whilst empowering residents, and holding stakeholders accountable – including Fire-fighter safety.
 3. A strong observation is that the legislation only focusses on new builds, to make a real difference, it is felt that the legislation should be applicable to all existing premises. This will significantly enhance Public and Fire-fighter Safety.
 4. As much as there is a need for this legislation, there is parallel need to ensure appropriate resources (including competent Inspectors and budget), are made available to regulate and enforce the intent that is being demonstrated.
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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?

1. It is this premises type that brings the most in-scope premises of The Bill, these premises are estimated to be in the region of 51,000.
2. There appears to be a perception that Category 1 & 2 premises are a higher risk. If the intention is to prevent fires from occurring, this may be a false perception.
3. Will the focus and intent of the Bill be compromised by the workloads that fall into Category 3 Premises – perceived as the lower risk?
4. Regarding Category 3, there will not be a requirement to assess Structural Safety Risks and therefore will not bring additional workload to the BSA. However, there is still a requirement to assess fire safety risks, and this will inevitably result in a change of focus in our current Risk Based Inspection Programme.
5. Sections 45 & 46 of The Bill is welcomed, as it is these types of premises that is difficult to receive information from.

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?

1. This may cause duplication of work presently undertaken by the Local Authority. If the proposal is to have a BSA within each Local Authority then it is workable, however if the intention is to have less BSA then the duplication of work starts.
 2. From a Fire Safety perspective, it places a duty on the landlord to ensure a HMO Fire Risk Assessment is made and available to FRA's, which we do not receive from the Local Authorities as part of the current licensing arrangements.
 3. Reference (70) in The Bill is made to "HMO Fire Risk Assessment", is this a specific FRA template for HMO's? We don't currently have individual templates for Fire Risk Assessments based on premises type.
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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?

1. 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.
2. Will the Enforcement and Investigatory Powers be able to be applied to existing premises – this will give opportunity to regulate against the new legislation and improve both public and fire-fighter safety across a greater number of premises.
3. There would be benefits to learn from our current challenges when inspecting and enforcing The Regulatory Reform (Fire Safety) Order 2005. An example being, referencing if a notice can be served, postal, in person or electronic.
4. The term Enforcement Notice would be more appropriate rather than Compliance Notice as from a Fire Safety perspective it falls aligned to the same enforcement power as does within The Regulatory Reform (Fire Safety) Order 2005. This could also be perceived as a positive, to give clarity to which legislation is being enforced.

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?

1. These provisions mirror best practices from Building Safety Act 2022 in England which is what this Bill is to similarly replicate. Therefore, they appear to be quite appropriate and legally coherent.
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6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

1. Enforcing Authorities capacity and budget.
2. Different terminology, Compliance Notice - Enforcement Notice, Accountable Person - Responsible Person. As a result, FRA's are likely to experience a significant amount of duplication in policy, training and standard letter templates.

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)?

1. The effectiveness of subordinate legislation will depend on robust consultation with residents, industry professionals, and regulators. Without this, changes could feel top-down or disconnected from lived realities.

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

1. There seems to be a localised enforcement and tribunal system, the Building Safety Act 2022 seems to emphasise on a stronger centralised regulation and National Tribunal System.
 2. The Bill places significant enforcement and duties on local councils and fire authorities, including inspections, issuing notices, and managing building safety registers.
 3. The legislative responsibilities for Enforcing Authorities will drive a change in focus – this is likely to result in reduced activities that do not have statutory requirements and further increase the likelihood of risk in lower risk buildings. The current Risk Based Inspection programme will undoubtedly change its focus away from current high-risk premises unless appropriate resource and capacity supports this Bill – this will impact both public and fire-fighter safety.
 4. Will precedence set in tribunals relating to this Bill cross-reference and create technicalities that are mitigate enforcements that relate to The Regulatory Reform (Fire Safety) Order 2005.
 5. There is likely to be an increase in supporting roles across the enforcing authority to enable the increase in legal proceedings – this relates to the points that have been made about budget and capacity.
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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?

1. The estimated financial costs attributed to fire and rescue authorities to discharge the duties of the fire safety authorities under the Bill are summarised in Table 9. The forecast impact for the 3 FRS is around £140K per year for all 3 FRS.
2. The suggested investment equates to two Fire Safety Inspectors at Watch Manager Pay scales (£68,977 including on-costs), with no other additional capital or revenue costings being calculated to carry out the enforcement and inspections across the three Welsh Fire and Rescue Services. Therefore, there is likely to be a significant financial impact on current budgets, which will only to a reduction of activities taking place elsewhere in these authorities – arguably increasing organisation risk and fire-fighter safety.
3. A percentage of each application should be given to the respective FRA as this will support the FRA's administrative costs.

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

1. The timeline that will be available to understand the final version, along with delivering the knowledge, understanding and application to inspecting officers following the introduction the Bill. This will be critical when balancing current workstream pressure to ensure a smooth transition to enforcing as intended.
 2. Further examples of Premises types and the application of overlapping enforcement would be beneficial – this could be included in a consultation where the intended enforcement authorities are able to ask the questions.
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