

Jayne Bryant MS
Cabinet Secretary for Housing and Local
Government
Welsh Government

26 January 2026

Dear Jayne

Building Safety (Wales) Bill

Thank you for your response to the Committee's stage 1 report on the Building Safety (Wales) Bill, which we discussed at our meeting on 21 January.

Following discussion with the Committee I would like to provide further explanation of the basis for recommendation 8 in the report as it appears that our reasons for making this recommendation may have been misunderstood, and as the recommendation relates to a matter on which strong sentiments were expressed during stage 1 proceedings. Recommendation 8 was that:

'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.'

In your response to this recommendation you noted that the justification for including category 3 buildings and HMOs in the new building safety regime is that these are not 'low risk' buildings. You also commented that delaying implementation to allow for a phased approach to the inclusion of such buildings within the new regime (as recommended by us) would have no benefits at all.

I would like to clarify that the Committee does not consider all category 3 buildings and HMOs to be low risk. As will be the case with all other types of buildings the fire safety risk profiles of each category 3 building and HMO will vary and our recommendation acknowledges that some such

buildings are high risk. Rather our recommendation reflected the strong evidence received at stage 1 that the building safety workforce in Wales does not currently have the capacity and skills required in order to be able to effectively implement the Bill's requirements in respect of all buildings to which the new regime will apply, within the Government's proposed timetable. Whilst many witnesses felt that implementation of the new regime within the proposed timetable should be manageable in respect of category 1 and 2 buildings, widespread and significant concern was raised about the workforce's ability to implement requirements effectively in respect of category 3 buildings and HMOs within proposed timeframes.

We appreciate that only some of the requirements set out in the Bill will apply to category 3 buildings and HMOs i.e. fire safety requirements, and that this provides some proportionality. However the common view of those who engaged in our stage 1 work was that effectively implementing fire safety requirements in respect of all category 3 buildings and HMOs within the proposed timetable will not be possible due to workforce constraints. Accordingly, other recommendations in our report focus on measures to be taken to enhance capacity and improve skills within the workforce over time, in order that the new regime can be implemented effectively in future for all regulated buildings. The recommendation for a phased approach to implementation in respect of category 3 buildings and HMOs was aimed at allowing for effective implementation of the Bill's requirements and to avoid risk of failure in implementation, whilst workforce capacity and skills are developed.

I appreciate that category 3 buildings and HMOs are already subject to fire safety measures under the Fire Safety Order 2005 and the Welsh Government's view that the new fire safety obligations imposed by the Bill are not significantly more onerous. However the view commonly expressed by those who engaged in our stage 1 work is that the Bill's obligations cannot be met effectively within current workforce constraints, in respect of those buildings.

Building safety information published by the Welsh Government acknowledges that some buildings which will fall within category 3 carry a higher fire safety risk than others. For example according to data in the 2021 Safer Buildings White Paper, HMOs carry the highest level of risk, followed by converted flats, then bungalows and then purpose-built flats. Such data could potentially be used as a basis for a phased, risk-based approach to the imposition of the Bill's duties in respect of the significant volume of category 3 buildings in Wales. In addition, HMOs and converted flats are broad categories within which there will be variation in risk, and the Welsh Government may be able to identify factors such as size of building, age, or presence of shared kitchens, that may enable further risk stratification.

I would welcome further consideration of recommendation 8 by the Welsh Government during the amending stages of the Bill and any further thoughts on this issue you wish to share with the Committee.

Yours sincerely,

A handwritten signature in black ink that reads "John". The letters are cursive and connected.

John Griffiths MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.