

Safer Buildings in Wales: A Consultation A Building Safety White Paper

Response, CIC Wales

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With: Graham Watts, CIC CEO, and Denise Chevin (supporting CIC)

Q1. Do you agree that the Building Safety Regime in Wales should apply to all multi-occupied residential buildings with two or more dwellings? Please support your view. (Page 29)

Yes, we firmly support this view. We agree with the argument set out in this consultation, that many of the risks to safety are broadly the same regardless of the size of the building. In the wake of the Grenfell Tower fire, it has become clear through evidence heard at the Grenfell Inquiry and the findings of the Independent Review of Building Regulations and Fire Safety that there are systemic and cultural failures within the industry that need to be tackled across the board. These range from procurement and lack of accountability, to quality control and competency.

The CIC has backed the measures outlined in the Hackitt review to be applied more widely across construction, rather than limited to higher risk residential buildings, but acknowledges that rapid changes to the scope of the building safety regime will have capacity and logistical implications for industry.

However, while we acknowledge the practical difficulties of the implementation of a new building regulatory regime, we are concerned that emphasis on height fails to account for other risk factors such as buildings that accommodate vulnerable people.

In England, the CIC has supported a proposal that starts at the narrower definitions currently indicated in the draft Building Safety Bill but which is capable of being extended regularly through revisions to secondary legislation,

after suitable reviews, to bring a much wider range of buildings into scope of the enhanced regulatory regime.

As there are only four to five buildings over 18m built in Wales each year, we believe that there is capacity for Wales to expand the scope of the Building Safety Regime to apply to all multi-occupancy residential buildings with minimal difficulty, and strongly encourage the Government to do this, Wales should take the opportunity to apply these changes more widely.

Q2. Do you agree that there should be two 'Risk Categories' for the Building Safety Regime? Please your views. (Page 33)

We agree that two risk categories would be the best way to proceed. Three categories are unnecessarily complicated and would risk being too confusing for the industry.

Q3. Do you agree with the proposed scope of Category 1 buildings? Please support your view. (Page 33)

We agree that buildings of 18m or more in height or more than six storeys and containing two or more dwellings should be subject to the most onerous requirements of the Building Safety Regime. This is due to their likelihood of being multi-occupancy and that evacuation plans are inevitably more challenging and therefore representing a higher safety risk.

Q4. Do you agree with the proposed scope of Category 2 buildings? Please support your view. (Page 34)

We agree that residential properties with two or more dwellings that are no more than 18m in height should fall into Category 2 Buildings.

Q5. Do you agree that licensed HMOs should be included within the scope of the Building Safety Regime? (Page 34)

Yes. We believe that HMOs pose a level of risk that requires the protection of the Building Safety Regime.

Q6. Do you agree with the exemptions as set out at Figure 6? Are there any other categories of building that should be included within the scope of the regime during occupation? Please support views. (Page 34)

Our view is that any residential accommodation where there are multiple residential units and no concierge or onsite caretaker, or anyone providing oversight, should come under the scope of the regime during occupation. This would point to accommodation that includes self-catering holiday accommodation and serviced apartments.

Q7. Do you think that any extra measures should be taken as regards single flats above high-risk premises like restaurants and takeaways? Please support your views. (Page 34)

Yes. These should come within the scope of Category 2 buildings, because residents could be sleeping over higher-risk premises and need to be afforded increased protection.

Q8. Do you have any other comments on the issues we have raised in this section? (Page 34)

None

Q9. Do you agree that a consistent approach with England to the information set out in the Golden Thread and Key dataset is appropriate? If no, please support your views. (Page 38)

Yes. We would like to see a consistent approach taken in England and Wales. Insisting on a golden thread of information will provide accountability in design and construction and ensure that when buildings are handed over for occupation a set of as-built drawings will be issued evidencing and justifying any variations that occurred during construction. Given that many industry members will work across both England and Wales, a consistent approach to

information sharing is important to ensure understanding and compliance with the regulatory regimes of both countries.

Q10. Do you agree that it is appropriate for all buildings within scope of the Building Safety Regime to provide information in relation to the key dataset? Please support your views. (Page 38)

Yes, this is essential as part of the fulfilment of the golden thread of information.

Q11. Do you agree that the broad duties set out are appropriate? (Page 41)

We agree with the five dutyholder roles.

Q12. Are there any additional duties we should include? Please support your views. (Page 41)

No. We do not think additional duties need to be included.

Q13. Do you agree that there should be a named individual identified where the dutyholder is a legal entity? Please support your views. (Page 41)

We think it is extremely important that the dutyholder roles can be fulfilled by either an individual (defined legally as a 'natural person') or a legal entity, as stated in the consultation. We note that the consultation also states that where this is discharged by a legal entity, there must be a single accountable person at board level who can be identified as having responsibility for building safety. We do not agree that this is required; similarly, to the CDM Regulations, the legal entity being named as carrying out the dutyholder role should be sufficient simply with an identifiable contact within that legal entity.

Q14. How effective are the existing arrangements for Local Authorities and Fire and Rescue Authorities to consider issues of availability of water during the preparation of Local Development Plans? (Page 45)

Welsh Water are a statutory consultee during the planning process. Any information around water availability issues informs the Fire and Rescue Authorities when considering development.

Q15. Should Fire and Rescue Authorities become “specific consultation bodies” as defined by the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005? (Page 45)

We agree with this in principle. However, we believe that the capacity and skills of the fire and rescue services should be reviewed and enhanced where necessary to ensure that delays do not occur to projects progressing through the gateways.

Q16. To what extent do you agree with the proposed content of a Fire Statement?

We agree with the proposed content of a Fire Statement for Category 1 buildings.

Q17. Do you agree responsibility for the content of a fire statement should rest with the dutyholder? (Page 45)

Yes, we agree that the responsibility of the preparation of a fire statement should rest with the dutyholder but it should be approved through the planning process where the planning team can consult with the Fire and Rescue Service and Building Control. Should the local authority not possess the skills to support them, we would suggest they have the mechanism to out-source specialist input during the statutory process.

Q18. Do you agree that Gateway Two should be a ‘hard’ stop point where construction cannot begin without permission to proceed? Please support your views. (Page 49)

We agree with the proposal that Gateway Two should represent a 'hard stop' point. However, we do have some concerns that the local authority building control which is being proposed as the regulator will have the resources and skills to carry out an assessment of the design strategy and other assessments without unduly delaying start on site. This needs to be considered and, again, the skills and resources of local authority building control enhanced where appropriate.

Q19. Should the Local Authority Building Control Body have discretion to allow a staged approval approach? Please support your views. (Page 49)

Yes, we support this approach as we believe it will avoid projects facing unnecessary delays.

Q20. What is an appropriate timescale for the Local Authority Building Control to respond to Gateway Two applications? Please support your views. (Page 49)

Whatever system is introduced in Wales, developers need assurance that this will not add to the time it takes to make a site start. Wales already has PAC which increases the statutory planning process by 6 weeks.

We therefore would not want to see the timescale for the Local Authority Building Control to respond to Gateway Two applications take any longer than it currently takes to get building control approval.

We think that eight weeks would be an appropriate timescale to respond, with commitment that these dates would be met, and potentially penalties imposed if they were not met.

Putting in place a Service Level Agreement, which the local authority building control commits to responding to would be a way of committing to these timescales.

We also acknowledge that industry needs to play its part and ensure that all the necessary information is provided to local authority building control at Gateway 2 to allow them to assess applications within the agreed timescale.

Q21. Should the Local Authority Building Control be allowed to extend these time scales? If so what would the circumstances be? Please support your views. (Page 49)

We would expect that the LABC could request an extension should they feel that insufficient information is submitted to consider the application fully.

Q22. Do you agree that the Principal Contractor should be required to consult the Client and Principal Designer on changes to plans? (Page 49)

Yes, we strongly support this.

Q23. Do you agree the Principal Contractor should be required to notify the Local Authority Building Control of any proposed major changes before carrying out works? (Page 49)

Yes, we agree with this approach to ensure that what is actually to be built goes through the gateway building control approval process before it gets constructed.

Q24. Do you agree that the where major changes are made to the approved plans there should be a “hard” stop and work should not proceed until the revised plans have been approved by the local authority? (Page 49)

Yes, we agree with the hard stop.

Q25. What is an appropriate timescale for the Local Authority Building Control to respond to proposed major changes? Please support your views. (Page 49)

We would suggest something around a 4-week response time would be appropriate.

Q26. Do you agree that for new Category 1 buildings an Accountable Person must be registered before occupation of the building can begin? (Page 50)

Yes, we agree that an accountable person should be registered before occupation.

Q27. Do you agree that a final declaration should be produced by the Principal Contractor with the Principal Designer to confirm that the building complies with building regulations? Please support your view. (Page 50)

We welcome proposals to provide accountability for those undertaking design and construction. We hope that the new regime being proposed in this consultation will curb subsequent changes to the design of buildings and the specification of materials from the as-designed proposals, which is a development over recent years that has gone un-checked.

The views of our members, however, is that any accountability statement will need to be very carefully worded.

Q28. Should Local Authority Building Control be required to respond to gateway three submissions within a particular timescale? If so, what is an appropriate timescale? (Page 50)

We note the proposal is for the LABC to have the opportunity to review the as-built and key dataset information prior to occupation. We believe this review should take no longer than 21 days.

Q29. Are there any circumstances where we might need to prescribe local authority Building Control's ability to extend these timescales? If so, please support your view with examples. (Page 51)

If LABC pick up something that is inconsistent with gateway 2 approved drawings and requires further investigation then they should be able to request an extension ahead of formally responding.

Q30. Do you agree that the Client during Gateway Two (if not continuing in the role as Accountable Person) must hand over building safety information about the final, as built building to the Accountable Person before occupation is permitted? (Page 51)

Yes, we strongly agree.

Q31. Do you agree it is appropriate to allow staged occupation (where previously agreed during Gateway Two) e.g., a mixed-use development?? Please support your views. (Page 51)

Yes, we agree it is appropriate to allow staged occupation, but this would need to be very tightly controlled and requires the designer, contractor and local authority building control to work in a collaborative manner to make sure that completed units within a building can only be occupied if common areas have reached a safe stage, or that on-going construction does not compromise the safety of occupants moving into a completed part of a development.

Q32. Do you agree that Category 1 buildings undergoing major refurbishment should also be subject to the Gateway approach? Please support your views. (Page 51)

Yes, we support the view that Category 1 buildings undergoing major refurbishment should be subject to the Gateway approach. The fire at Grenfell Tower, which was undergoing a major refurbishment at the time, illustrates how important it is to subject major refurbishment of these high-risk buildings to the same degree of safety scrutiny as in the Gateway approach.

Q33. Are there any other types of residential building or characteristics of a residential building that should require it to go through the Gateway process? Please support your views. (Page 51)

No suggestions here.

Q34. We will be undertaking further consultation in this area when we set out regulations. Would you be interested in being added to our stakeholder list in relation to the Design and construction phase? Please provide your details. (Page 51)

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Q 35. Do you agree that there should be a single and clearly identified Accountable Person for all premises covered by the Building Safety Regime?

Yes.

Q 36. Do you agree with the proposed approach in identifying the Accountable Person? Please support your view.

We agree with the approach you have set out, which provides flexibility to accommodate the wide range of ownership models that exist.

Q 37. Are there specific examples of building ownership and management arrangements where it might be difficult to apply the concept of an Accountable Person? If yes, please provide examples of such arrangements and how these difficulties could be overcome.

It might prove difficult if the ownership of the building was not transparent.

Q38. Do you agree that the default position should be that the Accountable Person is the freeholder? (Page 54)

Yes, we agree with this default position.

Q39. For mixed-use buildings there will be a 'Responsible Person' under the FSO for the business premises, and an 'Accountable Person' under the Building Safety Regime for residential parts. Are there any requirements we should consider about how these responsible parties should work together to support and ensure fire safety of the whole building? (Page 54)

It will be extremely important for the parties to collaborate when there are these two different roles being carried out in the same building. We recommend that there needs to be a written plan in place and this includes a commitment to share information.

It also needs to be made clear that if there was to be an incident, who would take responsibility for shared areas, the Accountable Person, or the Responsible Person? That would also need to be set out in the plan and in the fire risk assessment.

Q40. Do you agree with the proposed duties of the building safety manager for Category 1 buildings? Please support your view. (Page 55)

Yes, we agree with the duties proposed for the role of the Building Safety Manager.

Q41. Do you agree with the proposed division of roles and responsibilities between the Accountable Person and Building Safety Manager? (Page 55)

Yes, we agree with the proposed division of roles.

Q42. Is the relationship between the Accountable Person and Building Safety Manager sufficiently clear? Please explain your answer. (Page 55)

Yes. It is made clear in the consultation what the relationship between the Accountable Person and the Building Safety Manager is, and also that the Accountable person is ultimately responsible for the safety of the building. This is the correct approach. We believe it would be challenging to find anyone to take on the safety manager role if they carried this liability.

Q43. Do you agree that the proposed duties and functions set out in Figure 8 for Accountable Persons for Category 1 buildings are appropriate? Please support your view. (Page 60)

Yes. Particularly important are their duties linked to supporting and informing residents.

Q44. Do you agree that the proposed duties and functions set out in Figure 8 for Accountable Persons for Category 2 buildings are appropriate? Please support your view. (Page 60)

Yes.

Q45. Do you think that the different roles and responsibilities for Category 1 and Category 2 Accountable Persons are sufficiently clear and proportionate? (Page 60)

Yes.

Q46. Are there any additional duties that should be placed on dutyholders? Please support your views. (Page 60)

We think the appropriate duties have been covered and have no further duties to add.

Q47. Do you agree with our proposed fire safety outcomes? Please support your views. (Page 69)

Yes.

Q48. Do you agree with our proposed overall purpose of a fire risk assessment? Please support your views. (Page 69)

Yes.

Q49. Do you agree with our proposed risk areas? Please support your views. (Page 69)

Yes.

Q50. Do you agree that a fire risk assessment must be reviewed annually, and whenever premises are subject to major works or alterations for all buildings within scope? (Page 69)

Yes. This will ensure that residents have not compromised the building's safety with any alterations and that the management of the property is properly undertaken to ensure residents remain safe.

Q51. Do you agree that only a suitable qualified and experienced fire risk assessor should undertake fire risk assessments for buildings within scope? Please support your views. (Page 70)

Yes. We think this is axiomatic and will help build trust between landlords and residents that building safety is being properly managed. In addition, if unqualified fire risk assessors are allowed to undertake the assessment, there is little incentive for fire risk assessors to invest in themselves and their workforce to improve levels of competence and knowledge.

Q52. Do you agree that fire risk assessments must be permanently recorded? (Page 70)

Yes. Again, this makes the process more accountable and transparent. Residents will be able to see the results of the assessment and check whether

any problems identified have been dealt with by the landlord, or landlord's agent.

Q53. Do you have any views about whether Accountable Persons or their employees should be precluded from conducting fire risk assessments themselves? (Page 70)

We think it would be acceptable for the Accountable Person or their employees to undertake a fire risk assessment on their own property, provided they were suitably qualified.

Q54. Do you have any views on enforcement or sanctions for non-compliance with regards to the Accountable Person? (Page70)

We think it is vital that compliance is enforced and that there is a means of doing this effectively; and that the penalties are stringent enough to provide a deterrent to non-compliance.

In England, the proposal for ensuring compliance is through setting up of a new regulator role under the Health and Safety Executive. We would recommend that a single national regulator needs to be set up in Wales to provide consistency and enforcement to this new legislation.

Q55. Do you have any views on enforcement or sanctions for a person undertaking a fire risk assessment without suitable qualifications or experience? (Page 70)

Nothing to suggest here.

Q56. Do you agree with our proposal to create duties with regards to compartmentation on Accountable Persons? Please provide information to support your views. (Page 72)

Yes, it makes sense as it is important that there is a responsibility to maintain compartmentation during such times for example as works related to a maintenance programme are carried out.

Q57. Do you agree with our proposal to create duties with regards to compartmentation on residents? Please provide information to support your views. (Page 72)

Yes, we strongly agree with this although they must be provided with the support from the accountable person or building safety manager in their understanding of what would result in a breach of the compartmentation.

Q58. Do you agree the concept of a Safety Case for Category 1 buildings is an appropriate way to assess and manage the risk of building safety issues? (Page 74)

Yes, we agree with this concept. But it will be necessary to upskill people to write safety cases, as it will be a new and therefore unknown concept to many of those that work in this field currently.

Q59. What do you believe would be a reasonable timescale for existing Category 1 buildings to create a Safety Case? (Page 74)

Much of the safety case can be pulled together during the design and construction processes as it references the totality of the building safety information. We would suggest that 4-6 weeks should be sufficient to complete the final supporting pre-occupation evidence identifying how fire and structural risks will be managed.

Q60. Do you agree there should be a mandatory reporting duty on dutyholders in the occupation phase? (Page 74)

Yes. We agree there needs to be a duty on the Accountable Person to report any significant incidents or occurrences that would pose a significant risk to life and safety to the regulator.

Q61. Which incidents/issues do you think should trigger such a duty and why? Please provide examples. (Page 74)

We think the trigger points for reporting to the regulator should be as follows:

- Work that could potentially affect the compartmentation of a building
- Any changes to the use of the building
- Any risk flagged up in the annual assessment that may result in a fire or show that the building is below a satisfactory level of fire safety.

Q62. Should there be a requirement for the Accountable Person to register under the building safety regime during the occupation phase? (Page 79)

Yes, we think there should be.

Q63. Are the registration process requirements sufficient? Are there any others that should be included? If so, please outline and explain. (Page 79)

We think that the ones listed are satisfactory.

Q64. Should there be a requirement for dutyholders (both the Accountable Person and the Building Safety Manager) to obtain a building safety licence in the occupation phase? Please explain your answer. (Page 79)

Yes, we think that there should be. The requirements laid out for obtaining a licence would seem to be appropriate. But it needs more development on how this information would be collated and managed centrally.

Q65. Are there any other requirements that should form part of the licensing process for Accountable Persons in addition to completion of basic training about the building safety regime and the fit and proper persons test (Category 1 buildings only)? (Page 79)

We agree it should be for Category 1 buildings only. We agree with the requirements set out.

Q66. Should there be a competence requirement and/or minimum qualifications for those managing Category 2 buildings? If so what criteria should those engaging in such services meet? (Page 79)

We think that those who manage Category 2 type buildings should have undergone basic training requirements in fire safety if they are to obtain a licence and gain registration to do this job.

We would envisage that training would need to be updated regularly and would suggest that a refresher course be completed every two years as part of the licencing requirement.

Q67. Do you agree that there should there be regulation of all residential property management? Please support your views. (Page 80)

Yes, we agree that there should there be regulation of all residential property management. In the same way that the landlord licensing scheme was put in place it would make sense to regulate property management.

Q68. What standards should those carrying out residential management functions meet? Should there be a differentiation between the standards required for those managing Category 2 buildings, and those managing unadopted spaces? Please support your views. (Page 80)

Our view is that those carrying out residential management in Category 2 buildings and adopted spaces should have the same skills. Many adopted spaces would pose a fire risk if not properly managed (for example, outside space that could block access to the fire services; or indoor communal space where knowledge of fire risk is vital).

Q69. How could the issues of probity and responsibility be evidenced in such a system? Please support your views. (Page 80)

We are unable to comment here.

Q70. Do you agree that all Accountable Persons should be required to promote building safety (as set out at para 8.2.4)? Please support your views. (Page 83)

Yes – it is an important function of the Accountable Person.

Q71. Do you agree that this information should be provided in a way that is accessible and understandable, and should where relevant reflect the specific needs of residents? Please support your views. (Page 83)

Yes. It's vital that residents play their part in keeping the building safe and messages about what constitutes a fire risk must be easily understandable to the general public.

Q72. Do you agree that a nominated person who is a non-resident would be able to request information on behalf of a resident who lives there? If yes who do believe that nominated person should be? (Relative, carer, person with lasting power of attorney, other) (Page 83)

Yes, that should be the case. Our understanding is that these provisions are in place already.

Q73. Is there any other information that an Accountable Person should be required to provide on request? Please provide information on the two different categories of building if relevant. (Page 83)

We think they have all been covered in the list.

Q74. Do you agree that for Category 1 buildings the Accountable Person must provide the information as set out at para 8.2.10? Please support your views. (Page 85)

Yes, we believe that the information as set out should be provided by the accountable person for a Category 1 building. It will form the basis of an appropriate communication strategy with the residents providing them with vital building safety information.

Q75. Is there any other information that you think it would be useful to provide? Please support your views. (Page 85)

We don't think any more information is required.

Q76. In what ways could an Accountable Person demonstrate that they have established effective two-way communication? (Page 85)

This could be through a variety of means. They could hold physical meetings, do an annual survey, send out newsletters and have a dedicated website and social media. A survey and a meeting would perhaps provide the best measure of what forms of engagement residents would feel comfortable with.

Q77. Do you agree that there should be a new requirement on all residents of buildings within scope to co-operate with the Accountable Person (and their appointed representative) to allow them to fulfil their duties under the Building Safety Regime? Please support your views. (Page 87)

Yes, this is absolutely vital.

Q78. Do you think there should be any specific requirements to facilitate this? Please support your views. (Page 87)

This should be made clear to people when they move in to a property and should be part of their lease agreement.

Q79. What safeguards should be put in place to protect residents' rights in relation to this requirement? Please support your views. (Page 87)

We would expect that if landlords needed access to a resident's property then appropriate notice would need to be given, as is the case under normal rental agreements. It should follow the usual right to access provisions set out in standard leaseholder agreements.

Q80. Do you agree that there should be a new requirement on all residents of buildings within scope not to knowingly breach compartmentation? Please support your views. (Page 87)

Yes, again this is vital. But there will need to be increased awareness as to what this means. Education of this would need to be part of the lease pack and regular safety briefings to residents.

Q81. Do you agree that there should be a single process for escalating concerns to the regulator in relation to the Building Safety Regime, regardless of the Category of building or where it is in the building lifecycle? Please support your views. (Page 88)

Yes, we agree and we think it should be same for both categories as residents would not necessarily know what the category of their home is.

Q82. Should a similar model be established to allow leaseholders to apply for a change/ removal of a Building Safety Managers? What would be an appropriate mechanism to do this? Please support your views. (Page 89)

Initially residents need to be encouraged to bring any issues they have about the Building Safety Manager not acting satisfactorily to the Accountable Person. Then if this is not resolved, or if they have suspicion to believe that the Building Safety Manager is acting in an unsatisfactory way on the direction of

the Accountable Person, then it could be brought to the attention of the Regulator.

Q83. What roles and responsibilities are appropriate for Accountable Persons with regards to people who cannot safely self-evacuate? Please support your views. (Page 90)

Our view is that it needs to be the responsibility of the occupant to inform the Accountable Person if they need help to evacuate the building. An occupant may be temporarily immobile because they have been in an accident, for example. How can an Accountable Person be expected to know this if they were not informed by the resident? There should be a responsibility to inform the accountable person of any changes in someone's ability to self-evacuate. The accountable person will then need to update a risk register as appropriate.

Q84. Should Accountable Persons be required to collate details of all those who would require assistance? (Page 90)

We would expect the Accountable Person to keep a register of those that need help, as part of the fire risk register for the building. This should be updated periodically – perhaps through an annual survey mentioned in our answer to Question 76.

But as we said in the previous question, the onus has to be on the occupier to inform the Accountable Person of any changes outside of the periods when the risk register is updated.

Q85. Should Accountable Persons be required to provide this information immediately to the FRS in the event that an evacuation was necessary? (Page 90)

Yes.

Q86. Should this be the case for all Categories of buildings? Please support your views. (Page 90)

Yes. We don't think there should be a difference between the two categories.

Q87. Do you agree that Welsh Government should pursue a means to protect workers from raising concerns with regards to building safety? Please support your views. (Page 92)

Yes – this would particularly help to safeguard a Building Safety Manager or maintenance worker who might want to whistle blow about unsatisfactory standards of integrity of their manager or employer (Building Safety Manager or Accountable Person).

Q88. Are there any actions that could be taken ahead of legislative reform that would support Local Authorities and the Fire and Rescue Authorities to manage multi-occupied residential buildings in a more holistic way? (Page 96)

Yes, collaboration and good practice could begin now. That doesn't need to wait for legislation.

Local authorities and the Fire and Rescue Services need to also begin to assess their resourcing and set out plans for additional skills and training which might be required.

Q89. Do you agree with the list of key functions for the regulator as proposed? (Page 99)

Yes, we agree with the list and have no additional functions to add. But again, we would like to stress that we believe the Regulator needs to be independent and national.

Q90. Are there are additional functions which are not listed that you believe are required in order to achieve our building safety aims? (Page 99)

There are no additional functions – again we believe a Regulator needs to be independent to carry them out.

Q91. Do you think that some of these functions are more essential than others? Please explain your answer. (Page 99)

No. All of these functions are equal.

Q92. In your view, do any of the regulatory model options outlined provide a preferred approach to regulating the regime in occupation. (Page 103)

No. The Regulator needs to be national and independent – and have the same authority as the new Regulatory regime being proposed for England.

We have grave concerns about competency, capacity and consistency if the new safety requirements are regulated regionally or locally.

Also, if local authorities are given the role of Regulator alongside their building control functions, we think this would be akin to local authority building inspectors marking their own homework.

Q93. Are there other regulatory models that are not presented here that we should consider? Please set out any alternatives. (Page 103)

See our Answer to Question 92 above.

Q94. Do you think a local, regional or national approach to regulation would be appropriate? Please explain your answer, highlighting any positives and negatives you identify. (Page 105)

See our Answer to Question 92 above.

We think it should also worth considering that companies work across both England and Wales and it would be better to align as much as possible with the Building Safety regime being put in place in England to reduce any confusion.

Q95. Do you agree that there should be a framework for escalating enforcement and sanctions? Please support your views. (Page 107)

Yes, we agree.

Q96. Do the levels set out at Figure 13 sufficiently reflect these levels? Please support your views. (Page 107)

Yes, we are in agreement with the levels set out.

Q97. What penalties or offences should we consider being created as part of the enforcement and sanctions regime associated with building safety? Please support your views. (Page 107)

Penalties will depend on the breach in terms of building safety. Prosecution could be in place for criminal offences or revocation of licences and/or registration particularly for repeat breaches in terms of safety.

98. Do you agree that access rights should also be provided to the Fire and Rescue Authorities, along similar lines to those available to Environment Health Officers in relation to their powers under the HHSRS? Please support your views. (Page 107)

Yes – if the Fire and Rescue Authorities have a legitimate reason to gain access. There needs to be a mechanism in place to ensure that these authorities gain the necessary permission. We think that the suggestion of operating along the same lines as to Environment Health Officers in relation to their powers under the HHSRS, would be a good solution.

Q99. What safeguards should be put in place to protect residents' rights in relation providing access to their properties? Please support you views. (Page 107)

Again, the same as those protections under inspections for environmental health purposes, whereby access is granted based on evidence for individual properties. We do not think that inspection of communal areas should require prior notice. Arguably it would be more effective if prior notice was not given – the Accountable Person/ Building Safety Manager should not have time to prepare.

Q100. Do you agree with the proposal to establish a Joint Inspection Team as outlined? (Page 108)

Yes, we think it makes sense.

Q101. Do you agree that the Joint Inspection Team's scope should be limited to Category 1 buildings initially with potential to expand? Please support your views. (Page 108)

Yes – this would help resourcing and let the system bed in.

Q102. Do you agree with the proposed composition of the Joint Inspection Team? (Page 109)

Yes.

Q103. Are there other functions the Joint Inspection Team could perform in addition to those outlined (i.e. enforcement advice and evidence gathering)? (Page 109)

We would not be averse to the Joint Inspection Team carrying out additional functions, as long as there was the capacity to do so.

Q104. Do you agree that Welsh Government should pursue requirements around additional fire alarm systems as outlined above that would apply to all residential dwellings? Please support your views. (Page 112)

We agree that Welsh Government should follow the Scottish position and pursue requirements around additional fire alarm systems. It does not seem logical or fair that as things stand, those in the affordable sector are afforded greater protection than those in the private sector.