

# Building Safety in Wales

August 2024



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# Building Safety in Wales

SB 2024



# About the Committee

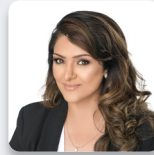
The Committee was established on 23 June 2021. Its remit can be found at:  
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Current Committee membership:



**Committee Chair:  
Mark Isherwood MS**  
Welsh Conservatives



**Natasha Asghar MS**  
Welsh Conservatives



**Mike Hedges MS**  
Welsh Labour



**Rhianon Passmore MS**  
Welsh Labour



**Adam Price MS**  
Plaid Cymru

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The following Member attended as a substitute during this inquiry:



**Altaf Hussain MS**  
Welsh Conservatives

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## Chair's foreword

The Committee was pleased to consider the Auditor General for Wales' report on building safety in Wales, which raises a series of issues that merit further examination and reflection by the Welsh Government.

We are thankful to officials representing Local Authority Building Control and the Welsh Government for engaging so constructively with the Committee during this work.

Following the Grenfell Tower disaster, there is a clear need to reflect on arrangements for building safety in Wales and across the United Kingdom, as well as reflect on the building safety sector more generally, to establish if it is meeting its purpose.

The Committee heard about the workforce and service planning issues that face the industry, that require further intervention and investment. It is vitally important that more is done to ensure that the industry remains an attractive place to work and attracts new candidates who can be the future of the sector. We believe that intervention from central government is necessary to effect positive change in this area, and the Committee feels the Welsh Government could quickly have a positive impact.

More generally, the Committee remains concerned about the traditional mixed market approach employed in England and Wales and encourages the Welsh Government to reflect on the model employed here in Wales, to better understand whether it's meeting the needs of the nation.

The introduction of the forthcoming Building Safety (Wales) Bill will be of considerable interest to this Committee. While the Committee remains concerned about resources in the sector to deliver reform, it's hoped that this will make significant progress and we look forward to working with the Welsh Government in this area.

### **Mark Isherwood MS**

Chair, Public Accounts and Public Administration Committee

## Recommendations

**Recommendation 1.** The Welsh Government should develop a national building safety workforce plan which is codified in a document that sets out its aim and aspirations for the sector. A copy of this national building safety workforce plan should be shared with the Committee, once available..... Page 32

**Recommendation 2.** The details of any further match funding for recruiting trainees for 2024-25, and beyond, should be shared with the Committee, along with details of the approach being taken by the Welsh Government to ensure that trainees remain within the industry, after their training..... Page 32

**Recommendation 3.** The Welsh Government should work with stakeholders in the building control sector to implement a nationwide scheme for the recruitment of trainees and apprentices, to ensure a consistency of approach across Wales. This national scheme could be coordinated by the Welsh Government and underpinned by the national building safety workforce plan.  
..... Page 33

**Recommendation 4.** The Committee requests that any work relating to models of collaboration, including regional hubs by the Welsh Government, Local Authority Building Control and the Welsh Local Government Association be shared with us, once it's available. When this is sent, the Committee would also like to learn more about how the Welsh Government intends to implement any proposals contained within the output of that work..... Page 33

**Recommendation 5.** The outcome of the review of the mixed market should be shared with the Committee once it's available, along with a statement of intent from the Welsh Government about any changes and reforms they wish to make to the system as a consequence. There should also be a consideration of whether a Scottish-style hub model, either as part of a mixed market or local authority approach, is beneficial and could be implemented in Wales. .... Page 34

**Recommendation 6.** The Welsh Government should work with Welsh Councils to evaluate their fee-setting processes, to ensure they fully comply with the Building (Local Authority Charges) Regulations 2010, as well as the Chartered Institute of Public Finance and Accountancy's guidance, in light of the Auditor General's conclusion. Any work in this area should be shared with the Committee.  
..... Page 41



**Recommendation 7.** The Welsh Government should monitor the implementation of the national performance framework for building control and building safety services and report back to the Committee on this in early 2025.

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# 1. Background

## Initial consideration

1. On 1 August 2023, the Auditor General for Wales ('the Auditor General') published a report on building safety<sup>1</sup>, in the context of implementation of the requirements of the Building Safety Act 2022.
2. The Committee considered the report at its meeting on 14 September 2023 and agreed to take further evidence. The Committee held evidence sessions with representatives from Local Authority Building Control ('LABC'), as well as the Welsh Government, to inform its conclusions.

## What are building regulations in practice?

3. Building regulations are a set of legal requirement governing the design and constructions of new buildings, extensions, and material alterations to, and certain changes of use of, existing buildings. These regulations intends to ensure that any new buildings, conversions, renovations, and extensions (domestic or commercial) are safe, accessible and energy efficient.
4. These regulations have been set by the Welsh Government since their devolution in December 2011. The system in Wales mirror that in England, and has largely been unchanged since the enactment of the Building Act 1984.
5. The primary responsibility for complying with these regulations rests with designers, builders and building owners. They are responsible for seeking approval for their work from either:
  - An inspector from the local council; or
  - An Approved Inspector ('AI') from a government-approved building control company.
6. In Scotland, the system is different and all building control activities rest with councils, with no Approved Inspectors involved in the process.
7. Approved Inspectors are required to register with the Construction Industry Council Approved Inspectors Register ('CICAIR'). The CICAIR lists two Approved

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<sup>1</sup> Auditor General for Wales, 'Cracks in the Foundations' – Building Safety in Wales, August 2023

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Inspectors with registered addresses in Wales, albeit there are a total of 8 who list themselves as operating in Wales (as of January 2024).

**8.** Approved Inspectors and local council inspectors operate in the same way, by checking plans before any work starting, physically inspecting any work during its development, advising on any changes necessary to achieve compliance and re-inspecting the job before signing the project off.

**9.** However, powers of enforcement and prosecution only sit with councils, if there is a breach of the regulations. If any issues arise that can't be resolved informally, an Approved Inspector must hand over the project to the Council. Sanctions for regulation breaches can include fines and imprisonment, albeit in practice referrals and enforcement are rare occurrences.

**10.** The system remained largely unchanged until the Grenfell Tower Fire in 2017, which led to the deaths of 72 people. The Hackitt Inquiry was commissioned to review building regulations and fire safety, and reported in May 2018<sup>2</sup>. The report recommended significant reforms to the building control sector, which eventually led to the Building Safety Act 2022 ('the Act').

## **Building Safety Act 2022**

**11.** The UK Government's response to the Hackitt Inquiry was contained in the Act, which changed the system in England. The Welsh Government elected to work with the UK Government for efficiency in common areas, which could also be implemented in Wales. As such, Part 3 of the Act also applies to Wales.

**12.** The practical changes contained in Part 3 of the Act include:

- Allowing Welsh Ministers to define a higher-risk building;
- Requires councils in Wales to carry out work on higher-risk building; and
- Requires the registration of building control staff, the setting of a code of conduct, and setting competency requirements.

**13.** The principal difference between England and Wales is the role of a new Building Safety Regulator ('the Regulator'), which sits as part of the Health and Safety Executive, which will carry out in England the functions that are reserved to Welsh Ministers in Wales.

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<sup>2</sup> [Building a Safer Future - Independent Review of Building Regulations and Fire Safety: Final Report](#), May 2018

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- 14.** The Regulator will monitor the performance of building control bodies, compile a register and set codes of conduct and competence. Any buildings identified as “higher risk” will be inspected in England by the Regulator, whilst councils will do so in Wales.
- 15.** Part 4 of the Act, which doesn’t apply to Wales, establishes new requirements for the occupation of buildings and defines what constitutes a “higher-risk” building. It also establishes the role of an “accountable person”, being an organisation or individual who owns or has a legal obligation to repair any common parts of a building. It requires the appointment of a “principal accountable person” for each building, who is the single point of contact. It requires these accountable persons to assess and manage building safety risks.
- 16.** The Welsh Government anticipates the new systems will be in force from April 2025. The Welsh Government has consulted publicly on the competency framework, registration and regulation, and the code of conduct. It is also preparing supplementary legislation to support its approach and to cover areas of the Act that don’t currently apply to Wales, such as the areas covered in Part 4. It was also developing plans to delegate some of the Act’s responsibilities to others.
- 17.** In a statement on 4 March 2024, the (then) Minister for Climate Change indicated a desire to go further than the rules that apply in England under the Act, with an intention to capture “all multi-occupied residential buildings in Wales which contain two or more residential units regardless of height”<sup>3</sup> in their forthcoming Building Safety (Wales) Bill.

## Previous scrutiny

- 18.** During the Fifth Senedd, the previous Equality, Local Government and Communities Committee conducted an inquiry into fire safety in high-rise buildings. It considered the fire safety guidance issued to residents and how residents were kept informed. It also looked at steps to remediate existing building safety issues. The Committee reported<sup>4</sup> in November 2018 and also responded to a consultation conducted by the Welsh Government on their Safer Buildings in Wales White Paper<sup>5</sup>, in March 2021.
- 19.** The Local Government and Housing Committee of the current Senedd has continued to receive evidence and correspondence about retrospective building

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<sup>3</sup> Welsh Government, [Written Statement: Building Safety in Wales](#), 4 March 2024

<sup>4</sup> Equality, Local Government and Communities Committee, [Fire safety in high-rise buildings \(private sector\)](#), November 2018

<sup>5</sup> Welsh Government, [Safer Buildings in Wales White Paper](#), January 2021

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safety issues. The Committee has heard evidence from a resident action group, the Welsh Cladiators, who are campaigning for action on remediation works to existing buildings, which will be summarised later in this report.

**20.** Whilst they have not reported on the issue, they have raised issues with the Minister for Climate Change in a letter from March 2023, noting concerns about the pace of action to remediate unsafe buildings<sup>6</sup>. The Committee also raised issues about building standards in general and “the apparent lack of regulations for defects to be rectified”.

## **Local Authority Building Control**

**21.** Local Authority Building Control are a representative body for council building control teams in England and Wales. They support council teams through training, technical support, and the partner authority scheme. The latter scheme enables developers to work with one Local Authority Building Control team for all development, regardless of where the development is located.

**22.** It also funds an academy programme for trainee building surveyors in England and Wales. Whilst initially funded by the UK Government, the Local Authority Building Control now fund this scheme in both countries, with trainees receiving two-year contracts with secondments to councils and funded qualifications.

**23.** Local Authority Building Control is led by an executive team, headed by a Chief Executive, Lorna Stimpson, and governed by a Board of Directors formed of building control managers. Local Authority Building Control Cymru is the Welsh branch of the organisation, chaired by Peter Richards. The Committee heard from Peter Richards on 17 January 2024.

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<sup>6</sup> Letter from the Chair of the Local Government and Housing Committee to the Minister for Climate Change, 24 March 2023

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## 2. Auditor General's report

### Overview

**24.** The report considered how the Welsh Government, local authorities and other partners, such as fire and rescue services ('FRSs'), had strengthened building control services and planned to implement the Act.

**25.** The Auditor General considered the robustness of needs information, strategies, plans and policies, as well as the resilience of existing services and plans to strengthen them. He also considered the robustness of the assurance systems in place.

**26.** To inform their work, the Auditor General and his staff interviewed building control staff from every council, civil servants, fire officers, as well as representative bodies including the Local Authority Building Control, along with the Association of Consultant Approved Inspectors, and the National Fire Chiefs' Council. They also met with representatives from the Scottish Government, as well as Scottish building control teams.

**27.** The report didn't examine the measures taken to retrospectively make buildings safe, such as the replacement of cladding, with the focus instead on the systems to ensure future constructions are safe.

### Conclusions and findings

**28.** The report concluded:

*"Responsible bodies – particularly local authorities and fire and rescue – are unable to effectively discharge their responsibilities and ensure buildings in Wales are safe".*

**29.** The Auditor General went on to say:

*"Although it's heartening to see the passion and commitment from those working in the sector, I am concerned that not enough priority is being given to these services on the ground. The absence of robust plans, clear decision making, and adequate resources raises real fears*

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<sup>7</sup> Auditor General for Wales, 'Cracks in the Foundations' – Building Safety in Wales, August 2023, p7

*that the new legislation will not be delivered and the problems it is seeking to address will remain*<sup>8</sup>.

**30.** The report's key findings included:

- The Welsh Government prioritised their response to the Hackitt Inquiry, working with the UK Government. This resulted in the Act, which seeks to address longstanding problems in the regulation and oversight of building design and construction.
- The Welsh and UK Governments have diverged in key policy areas, and some doubt remained on how the Act will be implemented in Wales, mainly because decisions in key areas are yet to be decided and agreed. This has created uncertainty, with most councils and FRSs yet to develop comprehensive plans that set out how they intend to deliver their new and revised responsibilities.
- As a profession, building control and building safety face significant staffing challenges. An ageing workforce, poor succession planning, a wider lack of investment in services and training and development highlight that these services are neither resilient nor fit for the future.
- It raised concerns about the financial management of building control, concluding that some councils' current practices are potentially unlawful<sup>9</sup> with services not operating in line with regulations and guidance.
- While the pandemic helped councils modernise their services, utilising cloud-based IT and remote working, their resilience nonetheless remains weak. Opportunities to strengthen services through collaboration and regionalisation are not being prioritised and little work has taken place in these areas.
- The absence of a national framework for monitoring and evaluating building control and building safety means that councils and their partners are not working to agreed outcome measures, targets, or benchmarks. Coupled with limited scrutiny and evaluation of building

<sup>8</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' – Building Safety in Wales, August 2023, p8

<sup>9</sup> In this context, unlawful means actions contrary to regulations. The Auditor General for Wales did not conclude that any individuals have knowingly committed fraud or any criminal activity.

control and building safety, and poor management of risk, the Auditor General concluded that assurance systems are inadequate.

## Recommendations and response

**31.** The Auditor General made eight recommendations, four of which were addressed to the Welsh Government and four to councils. The Committee considered the Welsh Government's response to the report<sup>10</sup>, at our meeting on 14 September 2023.

**32.** Following this response, the Minister for Climate Change provided an update to the Senedd in November 2023, acknowledging the Auditor General's findings and summarising some of the actions being taken in response to the recommendations.

**33.** The Welsh Government accepted all of the recommendations addressed to them, albeit noting that one was partially in conjunction with others. The recommendations to the Welsh Government included:

- **Recommendation 1** - that greater clarify on the implementation and expectation for the Act to ensure councils can deliver their new responsibilities. This includes clarifying the requirements for competency and registrations, a timetable for the development and adoption of Welsh guidance and working with stakeholders to support understanding and implementation, when the guidance is issued – accepted.
- **Recommendation 2** - that the Welsh Government should ensure it has enough resource to deliver the legislative and policy changes required, to reduce implementation risks – accepted.
- **Recommendation 3** - that they should review the mixed market approach and conclude whether is continues to be effective. In this context, they should look at the model in Scotland, analyse the costs, benefits, threats and risks of the approach and look at existing research and best practice – accepted.
- **Recommendation 4** - that the Welsh Government should increase its oversight and management of the sector, to ensure there is a robust assurance system in place. This would include the creation of a national

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<sup>10</sup> Letter from the Welsh Government's Planning Directorate to the Auditor General for Wales, 31 August 2023

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performance framework, the development of a national building safety workforce plan, and work with the education sector to better understand how to deliver the relevant training – partially accepted.

**34.** Four recommendations were made to councils, including:

- **Recommendation 5** – that councils should develop local action plans that include a clear vision for building control, to allow them to plan effectively to implement the Act’s requirements. This should be based on an assessment of local risks, how the services will be resources, and include outcome measures that are focussed on all building control services, not just dangerous structures.
- **Recommendation 6** – that councils should urgently review their financial management of building control and ensuring they are fully complying with regulations.
- **Recommendation 7** – that council should work with partners to make better use for resources by exploring opportunities for collaboration and regionalisation.
- **Recommendation 8** – that they should review risk management processes to ensure that risks are identified, recorded, assessed, mitigated and subject to evaluation and scrutiny.

## 3. Service and workforce planning

### Service planning

**35.** In order for the new arrangements to be implemented, supporting legislation, regulations and guidance will need to be provided to the sector, to enable planning. The Welsh Government expect this to be in force by April 2025, however, the Auditor General reports that the sector found the detail and practicalities around these changes were uncertain<sup>11</sup>.

**36.** He explained that the role of councils with high-risk buildings, in particular, had not been clearly detailed by the Welsh Government, going on to say:

*“The Welsh Government’s decision to make local authorities the Building Safety Regulator for oversight of high-risk buildings is viewed with unease by some we have interviewed. Several approved inspector bodies (who work across England and Wales) and some fire and rescue service staff raised concerns that local authorities are not sufficiently resourced or suitably experienced to deliver this role. Instead, they would prefer to see Wales adopt the Building Safety Regulator system planned in England”<sup>12</sup>.*

**37.** The report also notes that local authorities and FRSs are concerned about the “late development and notification of policy decisions and options and/or notification of policy decisions and options in implementing changes to the building safety regime introduced by the Act”<sup>13</sup>. The Auditor General also reported concerns from every council about delays in the details surrounding registration processes, as well as concerns about the time required for training support, in the event officers require it.

**38.** The Auditor General’s Recommendations 1 and 2 in the report related to the Welsh Government’s plans to provide details on the implementation of the new regime, as well as their resourcing to support delivery. Both recommendations were accepted and set out in two phases. This includes the regulation of the

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<sup>11</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p7

<sup>12</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p20

<sup>13</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p20

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building control profession, entering into force in April 2024. The second relates to duties on accountable persons<sup>14</sup>.

### Local Authority Building Control and Welsh Government evidence

**39.** In their response to the Auditor General’s recommendations, the Welsh Government committed to sharing information with stakeholders, including Local Authority Building Control, as well as working with the BSR. The Auditor General also recommended that councils should develop local action plans to enable implementation of the Act<sup>15</sup>.

**40.** Local Authority Building Control told the Committee that the timetable suggested is realistic, but will nevertheless be challenging to meet<sup>16</sup>. They confirmed they would work with councils to meet the changes and work with the Welsh Government<sup>17</sup>.

**41.** The Director for Climate Change and Rural Affairs (“the Director General”) concurred with Local Authority Building Control’s assessment, going on to say:

*“It is challenging, but it is definitely doable. We’ve deliberately split the timetable into two phases so that we don’t overwhelm the sector with the scale of change that is coming, and that allows us enough time to consult and properly engage with people as we draft the legislation and introduce the new procedures. So, as I say, not without challenge, but doable from our perspective”<sup>18</sup>.*

**42.** In response to a question about the level of detail available to council to deliver their new responsibilities, Peter Keates told the Committee:

*“I think, probably, the pace of the building safety requirements and their lack of detail at the minute in terms of how it’s going to move forward for implementation in 2025. It probably needs to accelerate quite quickly”<sup>19</sup>.*

<sup>14</sup> Letter from the Welsh Government’s Planning Directorate to the Auditor General for Wales, 31 August 2023

<sup>15</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p13

<sup>16</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p25

<sup>17</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p27

<sup>18</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p19

<sup>19</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p57

**43.** Peter Richards expanded on this, stating:

*“There is definitely some unease, if you like, around the next stage. We’re obviously aware of what we need to do in terms of registration and competency by the end of March. But it’s the phase 2 implementation that is not clear, and hasn’t been communicated. I know it’s forthcoming, but it’s the unease around that, I think, that’s causing issues for authorities at the minute”<sup>20</sup>.*

**44.** Local Authority Building Control representatives concurred with the Auditor General’s findings and recommendations and are working with supporting member to apply them<sup>21</sup>. This includes developing local action plans, financial management training, and risk management<sup>22</sup>. They will facilitate this by holding a summit event for Welsh councils<sup>23</sup>.

**45.** When asked about the resources in place within Welsh Government dedicated to the policy and technical work required for the new system, the Director General told the Committee:

*“... when this work was undertaken, (the Auditor General) did point out the number of vacancies that we had in the team at the time, and I can say that we have been active in recruitment prioritising this area amongst our resourcing pressures. So, the team that are now working on this report, the building regulations team, is at full complement, so that has been addressed. However, there are vacancies in the wider policy and technical team, which we are seeking to address. But in terms of taking this work forward, we do have a full team to do that”<sup>24</sup>.*

**46.** When asked about the difficulties in filling the vacant roles, the Director General told the Committee that there were challenges attracting people with the “right skills, the right qualification and the right technical expertise”, whilst also balancing the organisation’s overall resource pressures<sup>25</sup>. She described a “fragility” in staffing as, in some areas, the expertise was “one-person deep” in respect of staffing.

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<sup>20</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p59

<sup>21</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p31

<sup>22</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p64

<sup>23</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p66

<sup>24</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p21

<sup>25</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p23

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**47.** In relation to the development of guidance and plans, through engagement with key organisations and stakeholders, the Director General described a “tremendous amount” of stakeholder engagement, noting that Local Authority Building Control witnesses had been complimentary about the work done<sup>26</sup>. She went on to say:

*“There’s been a raft of consultations, there have been guidance workshops, we’ve spoken at conferences... and there have been circulars, every form of engagement that you could probably think of. So, we need to keep that up, as we move forward, but I think there’s been very good engagement to date”<sup>27</sup>.*

**48.** In relation to Local Authority Building Control’s evidence that plans around Phase 2 were not sufficiently clear, the Director General explained that the programme had been structured in a specific way, to not “overwhelm the sector with the scale of change that is coming”<sup>28</sup>. She went on to say:

*“... I can appreciate the desire to know more, because you know phase 2 is coming and you want to know what it is, but we’re very keen that we concentrate on phase 1, get that implemented, and then we will move to phase 2”.*

**49.** The Director of Climate Change, Planning and Energy went on to say that there had been some separate pushback from local authorities that the pace of change was too fast, therefore they were phasing the approach more deliberately<sup>29</sup>.

**50.** In relation to local action plans, the Director General confirmed they were supportive of the Auditor General’s recommendations in this area, noting that whilst council will be aware of the risks and resources available, this information may not be brought together into an overall plan (which is something they would encourage)<sup>30</sup>. She went on to confirm that a working group, involving the Welsh Government, the Welsh Local Government Association and Local Authority Building Control, would help to develop these plans.

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<sup>26</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p27

<sup>27</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p27

<sup>28</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p32

<sup>29</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p36

<sup>30</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p38

**51.** In relation to Local Authority Building Control’s proposed summit event, it was confirmed that this would also be discussed at the working group, with the Welsh Government keen for it to take place<sup>31</sup>. The Director of Climate Change, Planning and Energy explained:

*“We think the Auditor General’s report was an important step in raising awareness of the scale of challenges we face in this area. We are conscious that local authorities face challenges in all sorts of other areas of their business. The summit was a proposal designed, even if it’s just in the short term, to generate a little bit more interest in the technical aspect of local authority service delivery, given that, in a post-Grenfell environment, that seemed to us to be worth attempting”<sup>32</sup>.*

## **Workforce planning**

**52.** The council building control sector is described by the Auditor General as being “severely” impacted by changes in demographics, noting that the long-term resilience of those services is under threat<sup>33</sup>. With an older workforce, significant reform poses a risk of losing expertise with officers potentially choosing to retire or leave the profession, in place of complying with new requirements relating to registration and competency<sup>34</sup>.

**53.** At the time of his report, the Auditor General notes that 54% of building control officers were over the age of 50, with only 10% under the age of 30<sup>35</sup>. He explained that this highlighted the “operational and service continuity risks for local authorities which are likely to see a major loss of experience and knowledge when people retire in the next decade”.

**54.** The Auditor General compares the position in Wales to that in Scotland, where there are significantly fewer surveyors per resident (1 for every 23,361 residents in Wales, compared to 10,633 in Scotland)<sup>36</sup>.

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<sup>31</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p46

<sup>32</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p47

<sup>33</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p24

<sup>34</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p26

<sup>35</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p25

<sup>36</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p25

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**55.** The report refers to building control as no longer being seen as a “good career choice”, with the report explaining that:

*“Many managers we interviewed noted that they had joined their local authority as a trainee and had benefitted from opportunities to progress their knowledge and responsibilities over time and had been supported to develop their careers within the organisation. However, in recent years this has changed. The impact of austerity has suppressed wages and reduced staff numbers to the extent that local authority building control roles are no longer seen as financially attractive and with less opportunity for career progression than in the past”<sup>37</sup>.*

**56.** The presence of private sector rivals is also noted, with the opportunity that qualified staff can leave for better pay relatively easily. Whilst this has historically been a big issue, the flow of staff from council to Approved Instructors has slowed in recent years, with the Auditor General noting that private sector firms were now “also beginning to struggle to recruit sufficiently qualified and experienced staff”<sup>38</sup>. Indeed, representatives of AIs told the Auditor General’s team that they were focusing on “growing their future workforce through trainee programmes due to a lack of available qualified staff in both England and Wales”.

**57.** The lack of trainees in the public sector is described as a big problem, with only seven trainees in place in 2022, with only four in permanent positions. Council building control managers explained this was down to a lack of “corporate support to take on trainees and the risk of losing newly qualified staff to approved inspectors”<sup>39</sup>.

**58.** The report goes on to note that there is also a lack of fire engineers and a shortage of surveyors with sufficient knowledge of high-rise structural safety and cladding systems<sup>40</sup>.

**59.** The Auditor General’s report recommended that a national building safety workforce plan should be put in place, to mitigate workforce risks. This plan should focus on trainees as well as establishing competence and improving

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<sup>37</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p24

<sup>38</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p30

<sup>39</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p26

<sup>40</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p26

diversity<sup>41</sup>. The Welsh Government accepted this recommendation and committed to working with the WLGA and relevant education and apprenticeship teams to act on the workforce risks noted in the report.

**60.** In an oral statement to the Senedd in November 2023, the then Minister for Climate Change announced match funding to support local authority building control in the recruitment and training of eight trainee officer for Wales, with further cohorts to follow<sup>42</sup>. She explained that the trainees would learn on the job, whilst completing their professional qualifications and that the arrangements had already commenced.

**61.** Recommendations five and six, directed at councils, covered the mitigation of risks at a local level, including workforce risks and the funding devoted to training to demonstrate competence<sup>43</sup>. Recommendation seven also instructed councils to work collaboratively to address workforce risks.

### **Local Authority Building Control position**

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**62.** Local Authority Building Control's Executive Director told the Committee that four trainee positions had been funded in Wales, commencing in August 2022. These were funded by Local Authority Building Control, with the Welsh Government matching their funding with a £350k grant, to a total of eight funded trainees in Wales<sup>44</sup>. Whilst this initial step was welcomed, the Executive Director acknowledged that they needed to see "many more in the system", going on to say:

*"I think any programme needs to be a continuous programme, to be honest. It's an ageing profession with people leaving at the other end, so I think it needs a constant programme to see where we get to over, maybe, the next 18 months to two years to see where we get to in terms of the profession, and whether the introduction of trainees encourages other people to come into the industry. And the report mentions trainees, young people not being interested in building control. We had 15 roles advertised and we had nearly 1,000 applicants for those 15 roles... Of our trainees that we've taken on so far, about 30 per cent are female, so there is good diversity as well. So,*

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<sup>41</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' - [Building Safety in Wales](#), August 2023, p12

<sup>42</sup> RoP, Plenary, 28 November 2023, p349

<sup>43</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' - [Building Safety in Wales](#), August 2023, p13

<sup>44</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p77

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*the programme is working really, really well, and we would love the opportunity to continue and build on that programme”<sup>45</sup>.*

**63.** The Local Authority Building Control Cymru Chair explained there was evidence at all local authorities of attempts to start their own trainee or apprenticeship schemes, explaining:

*“That usually comes with a sacrifice higher up in the hierarchy of the building control section, where they’ll lose maybe a senior post. There is my own example in Swansea where we sacrificed a senior post to create two apprenticeships, and that was a complete success... Obviously, there are difficulties with austerity and budget situations in all authorities. There’s that inability to invest”<sup>46</sup>.*

**64.** Local Authority Building Control’s Executive Director identified funding as the greatest barrier to having more trainees noting that the education pathways were already in place<sup>47</sup>.

**65.** The representatives were asked about so-called “grandfather rights”, which had previously been suggested to Audit Wales officials during interviews as a means of keeping experienced professionals in the profession, without having to comply with new registration and competence requirements<sup>48</sup>.

**66.** There were mixed views on the subject, with the Executive Director of LABC questioning whether the adoption of such a provision would represent the “step change” required by the Hackitt Inquiry<sup>49</sup>. Conversely, the Local Authority Building Control Cymru Chair felt there was a place for these rights given the workforce pressures being felt, explaining:

*“... there are a lot of officers out there who’ve got 40 years’ experience—because that’s where our risk is at the minute: 35, 40 years’ experience. They’re practising on a daily basis at that very high level on high-risk properties and buildings, and come 1 April they’re not competent anymore. I think it’s a step too far. I understand the registration, and we can register all our building control officers, but I think the competency aspect is causing us a lot of problems at that*

<sup>45</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p82

<sup>46</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p84

<sup>47</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p88

<sup>48</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p89

<sup>49</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p90

*higher end with the experienced staff, who are saying, 'Well, I've 40 years' service, I've been practising at this level for as long as that, and now they say I'm not competent. I'm not going to do these competency tests', and they are leaving"<sup>50</sup>.*

**67.** He went on to explain that by practising continuously, with the associated professional memberships and through continuous professional development, many experienced professionals were evidencing their ongoing competency<sup>51</sup>.

**68.** In relation to the concept of hub provision, where council teams work collectively to deliver common projects (such as digitalisation), both respondents were positive about the idea but neither could provide an example of it at work in Wales<sup>52</sup>. When asked about the benefits of such an approach, the Executive Director of Local Authority Building Control explained:

*"They have obviously got economies of scale in terms of resources. Yes, they cover a bigger area than the individual local authorities, but they've got bigger teams, so they've got the ability to bring in trainees and to train their own. And they've got a little bit more freedom, I think, from the local authorities in terms of how they can operate and what they can do as an organisation that's a shared service and not part of the local authority"<sup>53</sup>.*

**69.** He confirmed that they were working with the Welsh Government and the Welsh Local Government Association to collate some information on collaboration, including examples of the various models for doing so<sup>54</sup>. The Local Authority Building Control Cymru Chair explained:

*"It's definitely something that will need to be done, whether it's regional working or hubs of expertise to take account of where we're lacking in whatever experience. It's probably going to be at the higher end, the high-risk stuff, where there'll need to be that coming together... We did try to do it ourselves many years ago, probably about 15 years ago now, where we looked to deliver a type of regional working, a coming together, but unfortunately, we didn't have buy-in at that time from managers in particular. Personally, I think it needs*

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<sup>50</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p92

<sup>51</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p94

<sup>52</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p98, p100 & p106

<sup>53</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p102

<sup>54</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p103

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*to be driven with the assistance of the Welsh Government, to make sure that it happens”.*

## Welsh Government’s response

**70.** The Director General acknowledged that workforce planning the sector was a “significant issue”, noting that the emphasis placed on it in the Auditor General’s report was not surprising to them<sup>55</sup>. She explained:

*“The sector has an ageing workforce and, as the report pointed out, not diverse... I think there’s quite a lot to do to raise the profile of the attractiveness of the sector, because it does have an awful lot of interest”.*

**71.** She noted that the Welsh Government research had shown a lot of positives to working in the sector, but there was a “job to do to raise the profile of that, and that’s a job for the sector as a whole not just for the Welsh Government”<sup>56</sup>. She went on to note that the working group with Welsh Local Government Association and Local Authority Building Control was looking at the longer-term issues in this area and that Local Authority Building Control were “preparing an options paper at the moment to look at what can be done on some of these workforce challenges”. However, she noted that some of the challenges were “long-standing” and would take time to address<sup>57</sup>.

**72.** The Director of Climate Change, Planning and Energy reported that, through the work of Local Authority Building Control, the sector was having success in attracting younger people to the sector and that there was evidence that they’d “managed to turn the ship around”<sup>58</sup>. The Director General noted that the Local Authority Building Control scheme including a funded traineeship and an accredited qualification, with a competitive starting salary, had “made the difference for LABC”<sup>59</sup>.

**73.** When asked about how the Welsh Government was working with partners in relation to training for young entrants into the profession, the Director General explained:

<sup>55</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p49

<sup>56</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p50

<sup>57</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p51

<sup>58</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p52

<sup>59</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p53

*“We’ve had some engagement last year with our apprenticeship colleagues in the Welsh Government, and we have had discussions with education colleagues. I think there’s a lot more for us to do there, to be honest. I think we could provide more focus”<sup>60</sup>.*

**74.** She went on to note that there was a resourcing issue and that they’d had to prioritise work and focused on the registration elements. The Director of Climate Change, Planning and Energy noted that Local Authority Building Control had built up relationships with further education colleges in England, but that “something similar with one or more Welsh institutions” was now necessary, in order to “ensure we’ve got local supply chains and people coming through into this area of business”<sup>61</sup>.

**75.** On the collection of workforce data, the Director General explained that data collection was “ongoing” with a timetable for “the most systematic collection of data” into next year<sup>62</sup>.

**76.** The Committee asked the Director General for her assessment of the impact of the changes on the workforce and its ability to respond, as well as potential mitigations such as grandfather rights. In response, she stated:

*“We’ve got a lot of sympathy for people working in the sector, but that major change is needed—that’s what was recommended. I can understand, if you’re a very experienced, long-standing professional, to suddenly be asked to demonstrate your competence, to register and to be able to evidence your competence could be a bit demoralising, really, for people. We are aware that this hasn’t been universally welcomed, this registration and this assessing-the-competence assessment”<sup>63</sup>.*

**77.** She explained that, from their data at the time of the session, that 75% of inspectors had started the registration process, ahead of the 1 April deadline<sup>64</sup>. She acknowledged the risks associated with not having sufficient personnel in place by the deadline, going on to explain:

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<sup>60</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p58

<sup>61</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p59

<sup>62</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p61

<sup>63</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p66

<sup>64</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p67

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*"If necessary, we would consider some form of transitional arrangements, maybe a smoother pathway, slightly elongated, but that's not the plan at the moment. For anybody in the building control profession who may view this evidence session, the plan is still for 1 April, but, as I say, we keep a watching brief and a watching brief on the risks associated with it over time"<sup>65</sup>.*

**78.** In relation to the risk of losing older members of the profession, she explained:

*"... there will be individuals there who will decide that it's not for them and they're not going to put themselves through that process and maybe retire slightly earlier than they thought. But those numbers are very small; they're in single figures, Chair. And not without consequence, because what I should emphasise is that they are predominately what are called class 3 inspectors, and that is a very senior inspector and those skills are in short supply. So, I don't think we would give anybody a... pass to not register, because we need to have everybody up to a single system of registration that is really, really clear as part of the new safety regime, but we may provide a smoother glide path into that, if that makes sense"<sup>66</sup>.*

**79.** The Head of Planning confirmed that 8 individuals, out of a total of approximately 132 building inspectors in Wales, had contemplated leaving and were described as being "generally close to retirement"<sup>67</sup>.

**80.** In relation to traineeships, Local Authority Building Control's evidence that eight new trainees would be insufficient was put to the Director General, with the Committee querying whether the Welsh Government wished to increase this figure<sup>68</sup>. The Director General acknowledged it was a small number but that it was a "positive start"<sup>69</sup>. In relation to increasing those numbers, she said:

*"... it does require funding and I suppose that would be a decision for Ministers to decide on the priority and how they want to allocate their*

<sup>65</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p68

<sup>66</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p69

<sup>67</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p71

<sup>68</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p72

<sup>69</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p73

*budget. And I think we also want to look at the retention of those colleagues in the building control sector”<sup>70</sup>.*

**81.** She acknowledged that public sector pay acted as a deterrent to attracting people into the profession, acknowledging that pay pressures may mean the jobs are not as competitive as those in other sectors<sup>71</sup>.

### **Mixed market approach**

**82.** A mixed market of both public and private sector building control services has existed in England and Wales since 1984. In effect, this had led to a competition between different services, as well as giving a choice to developers on their inspector.

**83.** Approved Inspectors should inform councils of any developments that are not compliant, to effect enforcement. However, the Auditor General found that this rarely occurs<sup>72</sup>. His report speculates that the cause of this is the competition between the two parties, with the report stating:

*“This is an inherent weakness of the mixed market system introduced in the 1980s and reflects the conflicting role of local authorities which have both a responsibility for policing building control but are also in competition with approved inspectors to secure work”<sup>73</sup>.*

**84.** It goes on to explain that Approved Inspectors are also motivated by maintaining relationships with developers, to ensure repeat business, which can “discourage approved inspectors from wanting to take enforcement action”<sup>74</sup>.

**85.** The Auditor General explains that, in Scotland, different legislation means that councils are the only bodies that deliver control services. The teams of “building verifiers” are appointed by Scottish Ministers to a fixed six-year term to deliver services in their area<sup>75</sup>. It is permissible, under the legislation, for private bodies to be appointed, but this has not occurred to date.

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<sup>70</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p74

<sup>71</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p77

<sup>72</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p5

<sup>73</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p31

<sup>74</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p31

<sup>75</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p51

**86.** In making these appointments, Scottish Ministers are obliged to consider the competence, qualification, public accountability and impartiality of any potential building verifiers. This is determined from guidance contained in an Operating Framework, which sets out how verifiers can meet these criteria<sup>76</sup>. This sectoral oversight has led to the adoption of a hub system, to deliver changes as a response to the Grenfell Tower disaster<sup>77</sup>.

**87.** Recommendation 3 of the Auditor General's report suggests that the Welsh Government should review the mixed market approach to address what its strengths and weaknesses are, whilst measuring again the alternative system in place in Scotland<sup>78</sup>. In their response to the report, the Welsh Government noted they had previously reviewed the approach, albeit this review has not been published nor was it considered as part of the Auditor General's report<sup>79</sup>.

**88.** The Welsh Government went on to note that it would further review the mixed market approach, pending research from the UK Government<sup>80</sup>. It also notes that a decision was taken to only allow Local Authorities to discharge building control functions for buildings classified as being of higher risk, in line with the recommendations of the Hackitt inquiry<sup>81</sup>.

**89.** The witnesses representing Local Authority Building Control agreed that the position in Scotland is different to that in Wales, given the absence of a mixed market<sup>82</sup>. Both witnesses endorsed the use of a hub system, like the one employed in Scotland<sup>83</sup>, albeit Peter Richards stated "I doubt very much whether it will be the way forward, but it would be a dream come true for me personally if that was the way forward".

**90.** They both supported a review of the mixed market approach and Peter Richards referred the Committee to the conclusions of the Hackitt Inquiry<sup>84</sup>, which stated:

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<sup>76</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' - [Building Safety in Wales](#), August 2023, p51

<sup>77</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' - [Building Safety in Wales](#), August 2023, p52

<sup>78</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' - [Building Safety in Wales](#), August 2023, p12

<sup>79</sup> Audit Wales, [Organisational response - Welsh Government](#)

<sup>80</sup> Audit Wales, [Organisational response - Welsh Government](#), p4

<sup>81</sup> Audit Wales, [Organisational response - Welsh Government](#), p4-5

<sup>82</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p114

<sup>83</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p114 & p117

<sup>84</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p122

*“At present the person undertaking the building work can choose and purchase who specifically provides their building control regulatory oversight. This situation appears to be unique across the UK regulatory environment”<sup>85</sup>.*

**91.** The report went on to conclude:

*“These inherent structural weaknesses need to be properly addressed to restore confidence and clarity to the system”<sup>86</sup>.*

### **Welsh Government’s view**

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**92.** When asked about the nature of the Welsh Government’s review of the mixed market approach, the Director of Climate Change, Planning and Energy explained:

*“I don’t think that we intended to suggest that there’d been some major review of that question. I think what was intended was to refer to the work we did as part of developing our response to the Hackitt recommendations, to consider all sorts of questions, including the issue of the mixed market in this space. So, there wasn’t a great, huge fundamental exercise conducted called ‘a review’, but we did review this question as part of many questions we looked at... we’re still having to contemplate the strengths and weaknesses of the current arrangements, but at the moment, we are supportive of the mixed market in this area”<sup>87</sup>.*

**93.** They acknowledged that there were “important questions around the relationship between commercial organisations and local authorities that need to be thought about in this space”<sup>88</sup>.

**94.** In relation to the low number of enforcement actions being referred to councils from the private sector, the Director General noted:

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<sup>85</sup> [Building a Safer Future – Independent Review of Building Regulations and Fire Safety: Final Report](#), May 2018, p41

<sup>86</sup> [Building a Safer Future – Independent Review of Building Regulations and Fire Safety: Final Report](#), May 2018, p42

<sup>87</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p86

<sup>88</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p88

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*“One of the key concerns, I think, of the Hackitt report was that they had some serious questions about the private sector and enforcement, in the sense of: was the private sector disincentivised to raise enforcement issues for fear of losing business...*

*...I think for us, phase 2 of our work is going to be really, really important in that regard, because that’s where we’re going to have the concept of the duty holder. So, people will become duty holders, and there will be individual accountability. So, if you’re public sector or private sector, you will be a duty holder, and therefore, if something goes wrong, regardless of which sector you are in, you are the accountable person for that...”<sup>89</sup>.*

**95.** On the advantages of a Scottish-style hub model, the Director General noted that there was a “lot to like out of that model for collaboration”, noting it was something they were interested in seeing local authorities pursue further<sup>90</sup>. She noted it would be desirable to pool resources and to develop and share expertise. She also noted it would increase the spending power of local authorities as they could “collaborate on training and development”.

**96.** She notes that Local Authority Building Control is working on an options paper considering the models for collaboration, as part of the working group in place between them, the Welsh Government and the WLGA.

## **Our view**

**97.** The Committee is concerned by the lack of detail provided to the sector around implementation of the new requirements, with the concerns of both the Auditor General and sector representatives noting that some of the detail and practicalities of the changes remained uncertain.

**98.** Despite this, it’s encouraging to hear from Local Authority Building Control that the timetable for implementing changes is realistic to meet, despite the challenges associated with it. The Committee will be monitoring the pace of delivery, as the new requirements are rolled out into 2025, to ensure that the industry has the support and detail it needs to implement the changes.

**99.** The concerns around the future of the workforce are shared by the Committee and it’s vitally important that this issue is addressed, to ensure that the

<sup>89</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p105-106

<sup>90</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p109

sector in Wales remains sustainable and effective. The “fragility” of the current workforce arrangements is noted and the Committee feels that a more interventionist approach is required, along with direct funding, to address the problem. The impact of private sector rivals is noted in our report and the realities of the mixed market approach will be covered later in this report.

**100.** The Committee supports the Auditor General’s conclusion that a national building safety workforce plan should be put in place. We would appreciate a copy of any plan, once it’s available.

**Recommendation 1.** The Welsh Government should develop a national building safety workforce plan which is codified in a document that sets out its aim and aspirations for the sector. A copy of this national building safety workforce plan should be shared with the Committee, once available.

**101.** The Welsh Government’s match funding to support the recruitment of trainees is welcomed, along with confirmation that further cohorts will follow. It’s vitally important that industry moves to a younger demographic, to ensure that the industry has a future. However, it’s also important that this expertise, which is developed with funding from the public purse, is retained within the industry and not simply lost to the private sector.

**102.** It’s noted that Local Authority Building Control representatives did not feel that the number of trainees funded was sufficient to meet the challenge, albeit there were some indications that the situation was improving.

**103.** Accordingly, the Committee encourages the Welsh Government to outline their funding plans for 2024-25, as well as the efforts being put in place to ensure that there are sufficient trainees recruited and retained in the industry.

**Recommendation 2.** The details of any further match funding for recruiting trainees for 2024-25, and beyond, should be shared with the Committee, along with details of the approach being taken by the Welsh Government to ensure that trainees remain within the industry, after their training.

**104.** The Committee was encouraged to hear that there are examples of local authorities trying to introduce trainee or apprenticeship schemes, however, it’s acknowledged in evidence that sometimes these schemes come at the cost of more experienced members of staff from the budget.

**105.** Whilst it’s commendable that local authorities are making these decisions, it’s concerning that an ad-hoc approach could lead to an inconsistent approach and picture for the professions across Wales, albeit there is some evidence of local

authorities working collaboratively to achieve this. There is a need for trainees across Wales and it's this Committee's view that a national training and apprenticeship framework should be put in place, to ensure that there is sufficient expertise and a consistency of approach across Wales.

**106.** The Welsh Government could provide value, in operating such a scheme, by using expertise from its specialist policy teams, including Apprenticeship and Education teams (amongst others), to help facilitate and attract the best candidates to the profession.

**Recommendation 3.** The Welsh Government should work with stakeholders in the building control sector to implement a nationwide scheme for the recruitment of trainees and apprentices, to ensure a consistency of approach across Wales. This national scheme could be coordinated by the Welsh Government and underpinned by the national building safety workforce plan.

**107.** Finally, the Committee is interested in the concept of a regional hub model approach, which could provide better and more rounded provision across Wales. There are possible economies of scale in terms of resources, with opportunities for more effective and rounded training, with a bigger team encompassing different expertise and experience.

**108.** The Committee is encouraged to learn that Local Authority Building Control is working with the Welsh Government and the Welsh Local Government Association to collate information on this way of working, along with examples of potential models for implementation. The Committee feels there is an opportunity for further collaboration, but we concur with Local Authority Building Control Cymru's Chair that there needs to be intervention from the Welsh Government.

**109.** As such, the Committee would like to know more about the outcome of the work being done by the aforementioned stakeholders, as well as the Welsh Government's intentions in this area.

**Recommendation 4.** The Committee requests that any work relating to models of collaboration, including regional hubs by the Welsh Government, Local Authority Building Control and the Welsh Local Government Association be shared with us, once it's available. When this is sent, the Committee would also like to learn more about how the Welsh Government intends to implement any proposals contained within the output of that work.

**110.** The Committee remains concerned about the mixed market approach, whilst acknowledging it has been in place for some time. We are uncomfortable

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with the concept that a private sector building control professional becomes too dependent on one developer and the associated conflicts of interest that could arise in that circumstance. It's particularly concerning to note the Auditor General's finding that approved private inspectors may be discouraged from taking enforcement action due to the need to maintain ongoing relationships with developers.

**111.** It is also concerning that often the private sector operators can be selective about their work, often able to take on the more straightforward tasks and not necessarily alleviating pressure on local authorities.

**112.** The Committee believes the Scottish model to be significantly more preferable to the model in place in England and Wales, however, the significant challenges of pivoting the industry after so many years as a mixed market are also noted. Despite this, the Committee feels that it may be possible to get a better balance in place, which lessens the involvement of private providers.

**113.** We are encouraged to learn about a further review of the mixed market approach by the Welsh Government and believe it is sorely needed. The outcome of this review should be shared with the Committee, and the Welsh Government should set out its views when sharing the review, along with its proposals for implementing change (if any), such as a Scottish-style system.

**Recommendation 5.** The outcome of the review of the mixed market should be shared with the Committee once it's available, along with a statement of intent from the Welsh Government about any changes and reforms they wish to make to the system as a consequence. There should also be a consideration of whether a Scottish-style hub model, either as part of a mixed market or local authority approach, is beneficial and could be implemented in Wales.

## 4. Financial planning, monitoring and scrutiny

### Financial management

**114.** The Building (Local Authority Charges) Regulations 2010 (“the Regulations”) sets out the legal framework for financial governance of council building control. They are intended to enable councils to be fair and transparent in how fees for services are charged. The key principle of the Regulations is that councils should recover their full costs and service users should only pay for the service they receive.

**115.** Consequently, the Regulations split activities into chargeable, non-chargeable work and other building control services. Chargeable activity must be funded by fees, non-chargeable and other building control services are to be funded by the council.

**116.** Councils must review their fees annually to ensure that the income from chargeable activity is as close to the costs incurred as possible. This makes ongoing monitoring of the breakeven position and regular recalculation of fees critical.

**117.** The Auditor General found that fee-setting approaches vary significantly and many are not compliant with Regulations, stating:

*“Of the 12 authorities that responded to our data collection exercise and provided information describing their fee-setting process, nine were not compliant. Most usually because they applied fixed inflationary uplifts; copied neighbouring authority fee revisions; used average national schedules of rates to set their own charges; and/or did not show how they had factored in specific local circumstances that underpin charging such as their staffing structure, central recharges and local operating context”<sup>91</sup>.*

**118.** At the time of their fieldwork, many authorities had not noted they were not annually reviewing fees and a smaller number admitted they had not adjusted

<sup>91</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p34

their fees to accounts for the cost of services in years<sup>92</sup>. In one case, fees hadn't changed since 2012.

**119.** Accordingly, the Auditor General concluded that many local authorities are not charging and setting fees in line with the Regulations and Chartered Institute of Public Finance and Accountancy guidance. By contrast, in Scotland fees are set centrally and determined by the Scottish Government.

**120.** As part of his office's fieldwork, the Auditor General noted:

*"Awareness of this issue was mixed among officers. Some are unaware of the financial performance of their service primarily because management of finances sits outside the service with non-building control specialists. Others were aware of the requirements of the regulations but described pressure on budgets which encouraged raising fees or a lack of knowledge of the requirements of the regulations corporately. This is extremely concerning and poses significant risks to achieving value for money from the service"<sup>93</sup>.*

**121.** Recommendation 6 of the Auditor General's report encourages councils to urgently review their financial management of building control to ensure they are complying with the Regulation<sup>94</sup>, by:

- establishing a timetable of regular fee reviews to ensure charges reflect the cost of services and comply with the Regulations;
- annually reporting and publishing financial performance in line with the Regulations;
- ensuring relevant staff are provided with training to ensure they apply the Regulations and interpret financial reporting correctly; and
- revising fees to ensure services are charged in accordance with the Regulations.

**122.** The Local Authority Building Control representatives agreed that the approach taken across Welsh councils varies<sup>95</sup>. Peter Richards explained that few

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<sup>92</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' – Building Safety in Wales, August 2023, p34

<sup>93</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' – Building Safety in Wales, August 2023, p35

<sup>94</sup> Auditor General for Wales, '[Cracks in the Foundations](#)' – Building Safety in Wales, August 2023, p13

<sup>95</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p130-131

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were able to utilise earmarked reserves to ring-fence any surplus made, adding that there were lots of examples of this ending up in the general fund<sup>96</sup>.

**123.** To address these issues, Local Authority Building Control has held meetings with the Chartered Institute of Public Finance and Accountancy to discuss financial management training and to better understand what is required by the Regulations. It is intended that this will then inform the planned building control summit, to be arranged by Local Authority Building Control with local councils<sup>97</sup>.

**124.** Neither witness from Local Authority Business Control was able to identify instances of any penalties, other consequences or any wider monitoring of building control financial management<sup>98</sup>.

**125.** When asked for their response to the Auditor General’s findings, the Director General stated that the recommendations were “reasonable”<sup>99</sup>. When asked about the consequences to local authorities that fail to apply the Regulations as intended, she explained that they were “duty bound to follow proper procedures and proper practices”, as set out by the Chartered Institute of Public Finance and Accountancy’s guidance<sup>100</sup>.

## Performance monitoring

**126.** The Auditor General report that there is no agreed national performance reporting framework for building control and building safety services in Wales. In the absence of agreed national measures to manage and evaluate the performance of services, most councils report against a series of narrow measures, including market share, customer satisfaction and speed of service<sup>101</sup>.

**127.** The report states:

*“While each of these are important and relevant, they do not provide sufficient detail to understand or judge the effectiveness of building control services. Whilst timeliness is a key factor in administering an efficient building control system, the measure places importance on dealing with large volumes of applications in the shortest time possible, without any consideration of the quality of the work carried*

<sup>96</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p130

<sup>97</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p131

<sup>98</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p135 & p137

<sup>99</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p111

<sup>100</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p113

<sup>101</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p40

*out and does not provide any assurance that the work was carried out safely, risks were reduced and that the overall safety of a building's occupants was improved"<sup>102</sup>.*

**128.** By contrast, in Scotland councils report their performance to the Scottish Government under a national performance framework, which provides Scottish Ministers with measurable data to evaluate whether services are meeting their legislative obligations<sup>103</sup>.

**129.** Recommendation 4 of the Auditor General's report dealt with the Welsh Government's oversight of the building control sector and recommended the creation of a national performance framework, along with clear service standards to "promote consistency of service"<sup>104</sup>. It also called for outcome measures to monitor performance and an evaluation and reporting framework for scrutiny.

**130.** In their response, the Welsh Government accepted the recommendation and indicated that a framework would be published in January 2024, following an earlier consultation in September 2022<sup>105</sup>.

**131.** Peter Keates from Local Authority Building Control told the Committee:

*"LABC operates a quality management system through ISO 9001 and through the British Standards Institute. We fully align that to the operational standards for building safety. At present, 20 of the 22 Welsh authorities are signed up to our British Standards quality management system; the two that aren't are Powys and Monmouthshire, and I assume they have their own system in place. That doesn't cover everything and it doesn't cover the areas in the report that were criticised. We're very happy to work with Ministers to discuss providing wider oversight in Wales moving forward"<sup>106</sup>.*

**132.** Peter Richards explained:

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<sup>102</sup> Auditor General for Wales, 'Cracks in the Foundations' – Building Safety in Wales, August 2023, p40

<sup>103</sup> Auditor General for Wales, 'Cracks in the Foundations' – Building Safety in Wales, August 2023, p41

<sup>104</sup> Auditor General for Wales, 'Cracks in the Foundations' – Building Safety in Wales, August 2023, p12

<sup>105</sup> Audit Wales, Organisational response – Welsh Government, p4

<sup>106</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p156

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*“We have performance criteria that are covered in a team brief, for example, where we look at finance, we look at performance in terms of plans, turnaround, inspections, complaints, all that sort of stuff. So, it’s going on, but it’s not formalised across the 22, but that will be something”<sup>107</sup>.*

**133.** Peter Keates went on to tell the Committee that Local Authority Building Control would be happy to work with the Welsh Government to develop the national performance framework, explaining that their wide range of experience could be of use<sup>108</sup>.

**134.** When asked whether the plan was on track to be published, given the target date of January 2024, the Director General noted that the performance framework was split into parts and that some parts (the Operational Standards Rules and Key Performance Indicators) had been published<sup>109</sup>. In relation to the unpublished elements, she stated:

*“... we’re still working through the how we will monitor and have oversight of the local authority performance part of the performance framework. So, I’d say 80 per cent there”.*

**135.** The Committee asked the Director General about the general principles of the framework, which she summarised into three main areas:

*“One is about the efficiency and effectiveness—being able to judge how efficient and how effective the building control body is. The second part is how well a resource is targeted, and the third part is how well is the building control body delivering on its purpose, so doing the function it was set up to do. And then, underneath those kind of three key purposes, I think, are about six different categories of key performance indicators, and they’re quite wide ranging”<sup>110</sup>.*

<sup>107</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p162

<sup>108</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p168

<sup>109</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p134

<sup>110</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p141

**136.** She noted that, as part of their consultation work, the framework had not been “universally welcomed”, but also suggested the evidence showed that they believed it was a “coherent framework”<sup>111</sup>.

## **Oversight and risk management**

**137.** We found that many council building control services do not formally report to a scrutiny committee regularly. The Auditor General found that there was a mixed approach to assessing risk, with some teams maintaining their own risk registers, some working with corporate registers, whilst others don’t formally record risks or track any efforts to mitigate them<sup>112</sup>. The Auditor General states:

*“... several officers we interviewed noted that known risks are often noted informally within teams and these are considered in isolation from other corporate wide risks.*

*This siloed approach poses a threat to resilience as the system relies too much on a small number of individuals who hold substantial amounts of knowledge without formally being recorded, shared with colleagues for information, or escalated for action. Only a small minority of local authorities we spoke with could describe the formal procedure of escalating risks, with many acknowledging such protocols do not exist”<sup>113</sup>.*

**138.** Recommendation 8 of the report concerned councils reviewing their risk management processes to ensure a more systematic approach to risk, with oversight and scrutiny by members<sup>114</sup>.

**139.** When asked by the Committee about how the Auditor General’s work had led to change in the way that risks are identified and responded to, the Director General stated:

*“... it has really raised it up the agenda. As you can imagine, in Government, we have a risk register in every department, we have the normal escalation processes that you would expect, and that means,*

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<sup>111</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p147

<sup>112</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p43

<sup>113</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p43

<sup>114</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p14

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*then, that risks can reach a certain threshold and then they become group-wide, the red risks, amber risks, et cetera, that are looked at by the very senior team across the Welsh Government... our risk rating for building safety on our risk register is amber... it's amber on remediation, because just the sheer complexity of the work and supply chain issues, et cetera. It's amber on reform, because of the scale of the reform, the work that we have to do to bring the Bill forward, et cetera"<sup>115</sup>.*

**140.** She noted that the Welsh Government had asked the Auditor General to do this work, as they wanted to better understand the risks facing the sector. She therefore noted that the Auditor General's work hadn't escalated risk for them, but had rather helped them as part of the mitigation of risk<sup>116</sup>.

## Our view

**141.** The Committee is concerned to learn about the troubling financial management practices being employed by some local authorities, which are not in compliance with the Regulations. We share the Auditor General's concerns about these practices and note his recommendation that councils urgently review their financial management processes.

**142.** The position in Scotland, where the Scottish Government determine and set fees centrally is noted. Whilst the Committee is not recommending that a change in processes is implemented, the Welsh Government must monitor the position and retain this as an option if processes do not improve in future.

**Recommendation 6.** The Welsh Government should work with Welsh Councils to evaluate their fee-setting processes, to ensure they fully comply with the Building (Local Authority Charges) Regulations 2010, as well as the Chartered Institute of Public Finance and Accountancy's guidance, in light of the Auditor General's conclusion. Any work in this area should be shared with the Committee.

**143.** The Committee is pleased to learn that the Auditor General's recommendations on a national performance framework have been accepted by the Welsh Government. The Welsh Government should ensure that they monitor the implementation of the framework and provide an update to the Committee on this in the spring of next year, some one year after the publication of the framework.

<sup>115</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p159

<sup>116</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p159

**Recommendation 7.** The Welsh Government should monitor the implementation of the national performance framework for building control and building safety services and report back to the Committee on this in early 2025.

## 5. Retrospective issues

### Context

**144.** In addition to making future construction safe, significant attention has been drawn to making existing tall buildings safe. This includes buildings that have Aluminium Composite Material (ACM) cladding – one of the factors in the Grenfell Tower fire.

**145.** When compared to England, Wales has far fewer higher-risk buildings that require remediation works. In 2020, the Welsh Government stated Wales had 147 high-rise residential buildings, compared to over 11,000 in England<sup>117</sup>. As of March 2023, there are 171 high-rise residential buildings in Wales<sup>118</sup>. It should be noted, however, that not all buildings will require remediation work.

**146.** Audit Wales found that, in general, both council and fire and rescue services staff have a good understanding of the number and locations of high-risk buildings<sup>119</sup>. Despite this, the report states:

*“However, many admit that the level of detail and knowledge of design, construction and maintenance of these buildings varies and not all those we interviewed felt confident that they had an accurate and up to date picture. Despite this, we found that there is limited action taking place or planned in terms of updating and improving knowledge of the potential high-risk buildings within each area”<sup>120</sup>.*

**147.** Residents and owners of properties affected by retrospective safety issues have campaigned to raise awareness of the issue, with evidence provided to the Senedd’s Local Government and Housing Committee raising a series of issues<sup>121</sup>.

**148.** In particular, they have asked for the Welsh Government to provide similar legislative commitments to the UK Government relating to retrospective issues. Part 5 and Schedule 8 of the Building Safety Act 2022 provide some protections

<sup>117</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p16

<sup>118</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p16 (footnote 5)

<sup>119</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p21

<sup>120</sup> Auditor General for Wales, ‘Cracks in the Foundations’ – Building Safety in Wales, August 2023, p21

<sup>121</sup> Local Government and Housing Committee, Welsh Cladators – Submission to Welsh Local Government and Housing Committee, February 2022

for leaseholders in England, such as recovering costs for works from developers. These elements of the Act do not apply in Wales.

## Subsequent developments

**149.** The 2021 Co-operation Agreement between the Welsh Government and Plaid Cymru committed to building safety reform and a second phase of the Welsh Building Safety Fund (“the Fund”)<sup>122</sup>. The Fund enables responsible persons for buildings to access funding for safety surveys of existing buildings. Between 2022-23 and 2024-25, the Welsh Government has committed £375 million to the fund<sup>123</sup>.

**150.** The Welsh Government has signed a Developers Pact with the eleven developers of high-rise residential buildings in Wales affected by fire safety issues. This is a legally binding agreement that will require developers to remediate all medium and high-rise buildings they constructed.

**151.** In March 2023, the Minister for Climate Change announced<sup>124</sup> that the Fund would also include:

- An ‘Orphaned’ buildings scheme to support buildings that require remediation work where the original developer is unknown or has ceased trading. As of November 2023, this totalled thirty-one buildings.
- £40 million of funding to remediate thirty-eight social sector buildings, following twenty-six with completed work and forty-one underway.
- A £20 million Developer Loan Scheme to provide interest-free loans for up to five years to assist developers with remediation works. This is only available to those developers who have signed the Pact.

**152.** In March 2023, the Local Government and Housing Committee wrote to the (then) Minister for Climate Change to raise concerns about the pace of remediation work and scale of issues identified<sup>125</sup>. They also outlined how witnesses believed that legislation was required to protect leaseholders as the arrangements to date have not been effective.

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<sup>122</sup> Welsh Government, [The Co-operation Agreement](#), 2021, p4

<sup>123</sup> Welsh Government, [ATISN.16967 – Welsh Building Safety Fund](#), 13 January 2023

<sup>124</sup> RoP, Plenary, 21 March 2023, p215-217

<sup>125</sup> [Letter from Chair of Local Government and Housing Committee to Minister for Climate Change](#), 24 March 2023

**153.** In response, the Minister outlined the commitments made by the Welsh Government and reiterated the need to work at pace to find solutions<sup>126</sup>. The Minister also reaffirmed her commitment to making the building safety regime fit for purpose. In a November 2023 statement to the Senedd, the Minister outlined a remediation route for all residential buildings over eleven metres. This includes buildings both affected and not affected by cladding<sup>127</sup>.

**154.** The Welsh Government provided some further information in a paper to the Local Government and Housing Committee, ahead of budget scrutiny on 18 January 2024, which confirmed:

- Since the launch of the Building Safety Fund in September 2021, 194 buildings have been identified that required an intrusive survey. 169 surveys have been carried out, funded by the Welsh Government, with 25 in the process of being arranged.
- Developer pact contracts identify 130 buildings, of which 110 so far have been confirmed to require work, with work on 34 having started already and work on a further 34 scheduled to begin in 2024.
- Work is underway to consider how smaller developers, who may not be able to cover the full costs of remediation can be supported.
- Works had commenced on three of the 31 orphaned buildings with detailed work schedules being developed for other buildings in this cohort.
- Work to remediate social sector buildings continues. The paper refers to a further £39 million having been added to this workstream and that in total 131 buildings have / will benefit from this funding. This 131 figure is higher than the 105 suggested at the time of the Minister's statement in March 2023 (see above).
- 22 applications have been made to the Leaseholder Support Scheme with 11 eligible applications and two properties having been purchased from their owners. Seven applicants are proceeding through the property purchase process, one is supplying further information to their case handler and one is under review. The Welsh Government also noted that updated cladding valuation guidance from the Royal Institution of Chartered Surveyors should reduce friction and delay for

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<sup>126</sup> Letter from Minister for Climate Change to the Chair of Local Government and Housing Committee, 5 May 2023

<sup>127</sup> RoP, Plenary, 28 November 2023, p345-348

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home buyers, sellers and leaseholders wishing to remortgage their homes.

- Support is being made available to leaseholders in a new scheme to provide independent legal advice for those who have concerns over the fire safety of their building and the works being undertaken to remediate them. The legal advisors are currently being procured, with a view to launching this service in 2024.
- A limited company has been established to host a Joint Inspection Team. Recruitment has commenced as has work to establish an inspection methodology and programme (working alongside councils and fire and rescue authorities).
- The Building Safety (Wales) Bill will be introduced to the current Senedd and build on the proposals set out in the 2021 White Paper to complete the revised regulatory system, establish lines of accountability, and review the Fire Safety Order.

## Local Authority Building Control and Welsh Government evidence

**155.** When asked about the awareness of local authorities of building safety risks in existing buildings, Peter Richards provided a response in the context of his work in Swansea, stating:

*"We have a complete understanding of the identified buildings in Swansea that are in line for remediation, or need remediation. So, it's a complete and thorough understanding in that respect, locally. And it will be the same in the key areas. I can't comment for referring to those random properties here and there"<sup>128</sup>.*

**156.** When asked whether the Welsh Government's approach to risks in existing buildings was sufficient, he stated:

*"I think the inroads that have been made to date are commendable... the tragedy of Grenfell, I know that we are however many years down the line now, but to the people that are involved and affected that live and reside, lease and own these buildings, it hasn't happened quickly enough that these things have to be addressed properly. The risks need to be considered, the funding needs to be considered and*

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<sup>128</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p211



*doesn't come easily. But I think the direction that has been quite clearly laid out by the Minister is commendable*<sup>129</sup>.

**157.** The Committee explored further with the Welsh Government whether specific target dates or milestones had been set for addressing retrospective remediation issues<sup>130</sup>. In response, the Director General explained that each building has “its own milestones and commitments within it”, with no “overall milestone date”<sup>131</sup>. When asked about how the Welsh Government was monitoring progress, given that it was largely dependent on other actors, she stated:

*“I think the pace is dependent to a large extent on others, because we're not actually doing the work ourselves as Welsh Government, but I do think it varies depending on the different interventions. So, if you take the social sector and orphan buildings where we're providing grant funding, we're much more in control of the timetable for those, more so than when we're working with and through the developers, particularly where it's in private ownership...”*<sup>132</sup>.

**158.** It was noted by the Committee that evidence to the Local Government and Housing Committee suggested the remediation process could take three to five years to fully resolve. In response, the Director of Housing and Regeneration explained:

*“We don't have the very significant numbers of buildings affected in Wales as they do in England, but we are, in effect, drawing on many of the same contractors, the specialists and suppliers, in order to be able to remediate these buildings. So, there are lots of aspects that are outside of our control. We need to make sure that we are using high-quality contractors to do this work. They are inundated—there was an awful lot of work around. So, there are an awful lot of factors that are out there. And it's one of the reasons why we've been keen to avoid putting specific timescales in place”*<sup>133</sup>.

**159.** When asked about how they were engaging with stakeholders, the Director General noted they were operating a “strategic stakeholder group”, to bring

<sup>129</sup> RoP, Public Accounts and Public Administration Committee, 17 January 2024, p213

<sup>130</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p173

<sup>131</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p174

<sup>132</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p177

<sup>133</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p180

interested stakeholders into one forum. This includes tenants' associations, the Welsh Cladiators, industry representatives, technical experts and local government<sup>134</sup>.

**160.** The Welsh Government confirmed:

- That there were now fewer than 25 remaining intrusive surveys required, at the time of the session, with 18 estimated<sup>135</sup>.
- That the overall programme for developer pact contract doesn't have a specific timeline, as progress is dependent on the project in question. They estimated that they had "127 buildings covered by the developer contract" with 34 on-site, as noted above<sup>136</sup>.
- That they were considering offering grant aid to smaller developers where costs can't be met<sup>137</sup>.
- That it wasn't possible to provide a fixed end date for completing work on orphaned buildings, with work on four buildings (at the time of the session) to be completed where work has already started. They are checking progress through their monitoring meetings<sup>138</sup>.
- That there would be a final call-out to the social sector in February 2024 to see if further buildings would be added. At that point, the Welsh Government would have a full picture of the demand in that sector<sup>139</sup>.
- That new independent legal advice for leaseholders will be launched by the beginning of the following financial year (2024-2025)<sup>140</sup>.
- The Joint Inspection Team has been established already, as a company limited by guarantee, since October 2023. At the time of the session, recruitment was "going well" with a lot of reported interest<sup>141</sup>.

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<sup>134</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p184

<sup>135</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p192

<sup>136</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p195

<sup>137</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p200

<sup>138</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p203

<sup>139</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p205

<sup>140</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p207

<sup>141</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p211-212

**161.** The Welsh Government confirmed that the Building Safety (Wales) Bill will be introduced in the final year of the Senedd term, but the precise date will be subject to the First Minister's legislative programme<sup>142</sup>.

### **Our view**

**162.** It was encouraging to hear Local Authority Building Control's evidence that the work of the Minister in this area had been positive to date, however, it's crucially important that this work continues to be affected, given the number of affected individuals that remain in Wales. It's vitally important that the Welsh Government maintains strong consultation with stakeholders, to ensure they feel invested and involved in the process.

**163.** The Committee acknowledges the Local Government and Housing Committee's interest in this area and appreciates the work done by that Committee to progress the issues outlined in this area. The introduction of the Building Safety (Wales) Bill will be of considerable interest to this Committee and it's hoped that this will make significant progress in addressing these retrospective issues as effectively as possible.

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<sup>142</sup> RoP, Public Accounts and Public Administration Committee, 1 February 2024, p213

## 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
<b>17 January 2024</b>	<p><b>Peter Keates</b> Executive Director, Local Authority Building Control</p> <p><b>Peter Richards</b> Building Control, Bereavement and Registration Services Manager, Swansea Council</p> <p>Chair, Local Authority Building Control Cymru</p>
<b>1 February 2024</b>	<p><b>Tracey Burke</b> Director General – Climate Change and Rural Affairs, Welsh Government</p> <p><b>Emma Williams</b> Director – Housing and Regeneration, Welsh Government</p> <p><b>John Howells</b> Director – Climate Change, Planning and Energy, Welsh Government</p> <p><b>Neil Hemington</b> Head of Planning, Welsh Government</p>