**Safer buildings in Wales**

**Consultation Response Form**

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| Your name: |
| Organisation (if applicable): |
| email / telephone number: |
| Your address: |

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| **Section 5: Setting out the Scope of the Building Safety Regime**  |
| Q 1. | Do you agree that the Building Safety Regime in Wales should apply to all multi-occupied residential buildings with two or more dwellings? Please support your view. |
| Q 2. | Do you agree that there should be two ‘Risk Categories’ for the Building Safety Regime? Please your views. |
| Q 3. | Do you agree with the proposed scope of Category 1 buildings? Please support your view. |
| Q 4. | Do you agree with the proposed scope of Category 2 buildings? Please support your view. |
| Q 5. | Do you agree that licensed HMOs should be included within the scope of the Building Safety Regime? |
| Q 6. | Do you agree with the exemptions as set out at Figure 6? Are there any other categories of building that should be included within the scope of the regime during occupation? Please support views |
| Q 7. | Do you think that any extra measures should be taken as regards single flats above high-risk premises like restaurants and takeaways? Please support your views. |
| Q 8. | Do you have any other comments on the issues we have raised in this section? |
| **Section 6: The Building Safety Regime (Design and Construction Phase)** |
| Q 9. | Do you agree that a consistent approach with England to the information set out in the Golden Thread and Key dataset is appropriate? If no, please support your views |
| Q 10. | Do you agree that it is appropriate for all buildings within scope of the Building Safety Regime to provide information in relation to the key dataset? Please support your views. |
| Q 11. | Do you agree that the broad duties set out are appropriate? |
| Q 12. | Are there any additional duties we should include? Please support your views |
| Q 13. | Do you agree that there should be a named individual identified where the dutyholder is a legal entity? Please support your views. |
| Q 14. | How effective are the existing arrangements for Local Authorities and Fire and Rescue Authorities to consider issues of availability of water during the preparation of Local Development Plans? |
| Q 15. | Should Fire and Rescue Authorities become “specific consultation bodies” as defined by the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005? |
| Q 16. | To what extent do you agree with the proposed content of a Fire Statement? |
| Q 17. | Do you agree responsibility for the content of a fire statement should rest with the dutyholder? |
| Q 18. | Do you agree that Gateway Two should be a ‘hard’ stop point where construction cannot begin without permission to proceed? Please support your views. |
| Q 19. | Should the Local Authority Building Control Body have discretion to allow a staged approval approach? Please support your views. |
| Q 20. | What is an appropriate timescale for the Local Authority Building Control to respond to Gateway Two applications? Please support your views. |
| Q 21. | Should the Local Authority Building Control be allowed to extend these time scales? If so what would the circumstances be? Please support your views. |
| Q 22. | Do you agree that the Principal Contractor should be required to consult the Client and Principal Designer on changes to plans? |
| Q 23. | Do you agree the Principal Contractor should be required to notify the Local Authority Building Control of any proposed major changes before carrying out works? |
| Q 24. | Do you agree that the where major changes are made to the approved plans there should be a “hard” stop and work should not proceed until the revised plans have been approved by the local authority |
| Q 25. | What is an appropriate timescale for the Local Authority Building Control to respond to proposed major changes? Please support your views. |
| Q 26. | Do you agree that for new Category 1 buildings an Accountable Person must be registered before occupation of the building can begin? |
| Q 27. | Do you agree that a final declaration should be produced by the Principal Contractor with the Principal Designer to confirm that the building complies with building regulations? Please support your view. |
| Q 28. | Should Local Authority Building Control be required to respond to gateway three submissions within a particular timescale? If so, what is an appropriate timescale? |
| Q 29. | Are there any circumstances where we might need to prescribe local authority Building Control’s ability to extend these timescales? If so, please support your view with examples. |
| Q 30. | Do you agree that the Client during Gateway Two (if not continuing in the role as Accountable Person) must hand over building safety information about the final, as built building to the Accountable Person before occupation is permitted? |
| Q 31. | Do you agree it is appropriate to allow staged occupation (where previously agreed during Gateway Two) e.g. a mixed use development?? Please support your views |
| Q 32. | Do you agree that Category 1 buildings undergoing major refurbishment should also be subject to the Gateway approach? Please support your views. |
| Q 33. | Are there any other types of residential building or characteristics of a residential building that should require it to go through the Gateway process? Please support your views. |
| Q 34. | We will be undertaking further consultation in this area when we set out regulations. Would you be interested in being added to our stakeholder list in relation to the Design and construction phase? Please provide your details |
| **Section 7: The Building Safety Regime (Occupation phase)** |
| Q 35. | Do you agree that there should be a single and clearly identified Accountable Person for all premises covered by the Building Safety Regime? |
| Q 36. | Do you agree with the proposed approach in identifying the Accountable Person? Please support your view. |
| Q 37. | Are there specific examples of building ownership and management arrangements where it might be difficult to apply the concept of an Accountable Person? If yes, please provide examples of such arrangements and how these difficulties could be overcome. |
| Q 38. | Do you agree that the default position should be that the Accountable Person is the freeholder? |
| Q 39. | For mixed-use buildings there will be a ‘Responsible Person’ under the FSO for the business premises, and an ‘Accountable Person’ under the Building Safety Regime for residential parts. Are there any requirements we should consider about how these responsible parties should work together to support and ensure fire safety of the whole building? |
| Q 40. | Do you agree with the proposed duties of the building safety manager for Category 1 buildings? Please support your view. |
| Q 41. | Do you agree with the proposed division of roles and responsibilities between the Accountable Person and Building Safety Manager? |
| Q 42. | Is the relationship between the Accountable Person and Building Safety Manager sufficiently clear? Please explain your answer. |
| Q 43. | Do you agree that the proposed duties and functions set out in Figure 8 for Accountable Persons for Category 1 buildings are appropriate? Please support your view. |
| Q 44. | Do you agree that the proposed duties and functions set out in Figure 8 for Accountable Persons for Category 2 buildings are appropriate? Please support your view. |
| Q 45. | Do you think that the different roles and responsibilities for Category 1 and Category 2 Accountable Persons are sufficiently clear and proportionate? |
| Q 46. | Are there any additional duties that should be placed on dutyholders? Please support your views. |
| Q 47. | Do you agree with our proposed fire safety outcomes? Please support your views. |
| Q 48. | Do you agree with our proposed overall purpose of a fire risk assessment? Please support your views |
| Q 49. | Do you agree with our proposed risk areas? Please support your views |
| Q 50. | Do you agree that a fire risk assessments must be reviewed annually, and whenever premises are subject to major works or alterations for all buildings within scope? |
| Q 51. | Do you agree that only a suitable qualified and experienced fire risk assessors should undertake fire risk assessments for buildings within scope? Please support your views. |
| Q 52. | Do you agree that fire risk assessments must be permanently recorded? |
| Q 53. | Do you have any views about whether Accountable Persons or their employees should be precluded from conducting fire risk assessments themselves? |
| Q 54. | Do you have any views on enforcement or sanctions for non-compliance with regards to the Accountable Person? |
| Q 55. | Do you have any views on enforcement or sanctions for a person undertaking a fire risk assessment without suitable qualifications or experience? |
| Q 56. | Do you agree with our proposal to create duties with regards to compartmentation on Accountable Persons? Please provide information to support your views. |
| Q 57. | Do you agree with our proposal to create duties with regards to compartmentation on residents? Please provide information to support your views. |
| Q 58. | Do you agree the concept of a Safety Case for Category 1 buildings is an appropriate way to assess and manage the risk of building safety issues? |
| Q 59. | What do you believe would be a reasonable timescale for existing Category 1 buildings to create a Safety Case? |
| Q 60. | Do you agree there should be a mandatory reporting duty on dutyholders in the occupation phase? |
| Q 61. | Which incidents/issues do you think should trigger such a duty and why? Please provide examples |
| Q 62. | Should there be a requirement for the Accountable Person to register under the building safety regime during the occupation phase? |
| Q 63. | Are the registration process requirements sufficient? Are there any others that should be included? If so, please outline and explain. |
| Q 64. | Should there be a requirement for duty holders (both the Accountable Person and the Building Safety Manager) to obtain a building safety licence in the occupation phase? Please explain your answer. |
| Q 65. | Are there any other requirements that should form part of the licensing process for Accountable Persons in addition to completion of basic training about the building safety regime and the fit and proper persons test (Category 1 buildings only)? |
| Q 66. | Should there be a competence requirement and/or minimum qualifications for those managing Category 2 buildings? If so what criteria should those engaging in such services meet? |
| Q 67. | Do you agree that there should there be regulation of all residential property management? Please support your views. |
| Q 68. | What standards should those carrying out residential management functions meet? Should there be a differentiation between the standards required for those managing Category 2 buildings, and those managing unadopted spaces? Please support your views. |
| Q 69. | How could the issues of probity and responsibility be evidenced in such a system? Please support your views |
| **Section 8: Residents: Roles and Responsibilities** |
| Q 70. | Do you agree that all Accountable Persons should be required to promote building safety (as set out at para 8.2.4)? Please support your views. |
| Q 71. | Do you agree that this information should be provided in a way that is accessible and understandable, and should where relevant reflect the specific needs of residents? Please support your views. |
| Q 72. | Do you agree that a nominated person who is a non-resident would be able to request information on behalf of a resident who lives there? If yes who do believe that nominated person should be? (Relative, carer, person with lasting power of attorney, other) |
| Q 73. | Is there any other information that an Accountable Person should be required to provide on request? Please provide information on the two different categories of building if relevant. |
| Q 74. | Do you agree that for Category 1 buildings the Accountable Person must provide the information as set out at para 8.2.10? Please support your views. |
| Q 75. | Is there any other information that you think it would be useful to provide? Please support your views. |
| Q 76. | In what ways could an Accountable Person demonstrate that they have established effective two way communication? |
| Q 77. | Do you agree that there should be a new requirement on all residents of buildings within scope to co-operate with the Accountable Person (and their appointed representative) to allow then to fulfil their duties under the Building Safety Regime? Please support your views. |
| Q 78. | Do you think there should be any specific requirements to facilitate this? Please support your views. |
| Q 79. | What safeguards should be put in place to protect residents rights in relation to this requirement? Please support you views. |
| Q 80. | Do you agree that there should be a new requirement on all residents of buildings within scope not to knowingly breach compartmentation? Please support your views. |
| Q 81. | Do you agree that there should be a single process for escalating concerns to the regulator in relation to the Building Safety Regime, regardless of the Category of building or where it is in the building lifecycle? Please support your views. |
| Q 82. | Should a similar model be established to allow leaseholders to apply for a change/ removal of a Building Safety Managers? What would be an appropriate mechanism to do this? Please support your views. |
| Q 83. | What roles and responsibilities are appropriate for Accountable Persons with regards to people who cannot safely self-evacuate? Please support your views. |
| Q 84. | Should Accountable Persons be required to collate details of all those who would require assistance? |
| Q 85. | Should Accountable Persons be required to provide this information immediately to the FRS in the event that an evacuation was necessary? |
| Q 86. | Should this be the case for all Categories of buildings? Please support your views |
| **Section 9: Raising Concerns** |
| Q 87. | Do you agree that Welsh Government should pursue a means to protect workers from raising concerns with regards to building safety? Please support your views. |
| **Section 10: Regulating the Building Safety Regime** |
| Q 88. | Are there any actions that could be taken ahead of legislative reform that would support Local Authorities and the Fire and Rescue Authorities to manage multi-occupied residential buildings in a more holistic way? |
| Q 89. | Do you agree with the list of key functions for the regulator as proposed? |
| Q 90. | Are there are additional functions which are not listed that you believe are required in order to achieve our building safety aims? |
| Q 91. | Do you think that some of these functions are more essential than others? Please explain your answer. |
| Q 92. | In your view, do any of the regulatory model options outlined provide a preferred approach to regulating the regime in occupation |
| Q 93. | Are there other regulatory models that are not presented here that we should consider? Please set out any alternatives. |
| Q 94. | Do you think a local, regional or national approach to regulation would be appropriate? Please explain your answer, highlighting any positives and negatives you identify. |
| Q 95. | Do you agree that there should be a framework for escalating enforcement and sanctions? Please support your views. |
| Q 96. | Do the levels set out at Figure 13 sufficiently reflect these levels? Please support your views. |
| Q 97. | What penalties or offences should we consider being created as part of the enforcement and sanctions regime associated with building safety? Please support your views. |
| Q 98. | Do you agree that access rights should also be provided to the Fire and Rescue Authorities, along similar lines to those available to Environment Health Officers in relation to their powers under the HHSRS? Please support your views. |
| Q 99. | What safeguards should be put in place to protect residents’ rights in relation providing access to their properties? Please support you views. |
| Q 100. | Do you agree with the proposal to establish a Joint Inspection Team as outlined? |
| Q 101. | Do you agree that the Joint Inspection Team’s scope should be limited to Category 1 buildings initially with potential to expand? Please support your views. |
| Q 102. | Do you agree with the proposed composition of the Joint Inspection Team? |
| Q 103. | Are there other functions the Joint Inspection Team could perform in addition to those outlined (i.e. enforcement advice and evidence gathering)? |
| **Section 11: General Requirements in Relation to Fire Safety Equipment** |
| Q 104. | Do you agree that Welsh Government should pursue requirements around additional fire alarm systems as outlined above that would apply to all residential dwellings? Please support your views. |