



Report of the Cabinet Member for Corporate Services and Performance

Service Improvement, Regeneration and Finance Scrutiny Performance Panel 12 March 2024

Audit Wales Report – “Cracks in the Foundations” Building Safety in Wales

Purpose	To brief the Panel on the findings of the Audit Wales Report, the implications and actions required of the Council.
Content	The Audit Wales report gives a critical oversight and raises concerns that not enough priority is being given to Building Control services. It suggests that there is an absence of robust planning and clear decision making, and inadequate resources, which raises fears that the new Building Safety act legislation will not be delivered as intended in Wales.
Councillors are being asked to	Consider the information provided and give views
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1. Background

- 1.1 Following the Grenfell tragedy in 2017 and the recommendations made in the Hackett report, the Building Safety Act was given Royal ascent in April 2022. This Act aims to improve the safety of high rise and other in scope buildings in England and Wales, by establishing new regulations for the design, construction, maintenance, and occupation of such buildings.
- 1.2 The Act also sets a requirement for all practicing Building Control Inspectors to demonstrate competency at one of three levels (Domestic, General, Specialist) and become registered by April 1st, 2024.

2. Findings

- 2.1 The Audit Wales Report looked at all Building Control Authorities in Wales and how each is prepared to take on the enhanced responsibilities and requirements of the new Building Safety Act 2022. The audit focused on the resilience of existing services and the robustness of building safety assurance systems.
- 2.2 The findings from the report give a critical oversight and raised concerns that not enough priority is being given to these services. It suggested that there is an absence of robust planning and clear decision making, and inadequate resources, which raises fears that the new legislation will not be delivered as intended in Wales.
- 2.3 Eight recommendations were made, four directed at Welsh Government and four directed at Local Authorities.
- 2.4 Recommendations for Local Authorities
- Plan for new responsibilities and ensure they are adequately prioritised and resourced.
 - Review financial management and fee setting.
 - Explore opportunities to strengthen resilience through collaboration and regionalisation.
 - Review and strengthen risk management processes.

3. Council Response

- 3.1 Short Term
- Continue with recruitment campaign to fill vacancies.
 - Subject to the success of the above consider conversion to apprenticeships.
 - Direct all staff towards proof of competence and successful professional registration.
 - Consider action for officers refusing to undertake the above.
 - Implement new salary / structure April 24 following successful registration of officers.
- 3.2 Long Term
- Establish long term succession plan.
 - Maintain continued competencies and registration of officers.
 - Consider opportunities for collaboration regional / hub working.
 - Create an earmarked reserve where any surplus income generated is reinvested into the service in accordance with the Building (Local Authority Charges) Regulations 2010.
 - Publish financial statement annually in accordance with the above regulations.

4. Legal implications

4.1 There are potential risks to fulfil the requirements of the Building Safety Act and maintain service delivery if officers fail or refuse to undertake relevant competency validation to become registered. There are also potential sanctions for failing to account in accordance with the Building (Local Authority Charges) Regulations 2010 and CIPFA Local Authority Building Control accounting guidance 2010

5. Finance Implications

5.1 The establishment of an earmarked reserve may have wider implications for the corporate budget.

6. Integrated Assessment Implications

6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

6.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

6.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

6.2 As this is an information report there is no need for an IIA.

Background papers:

Building Safety Act

https://ccossecure-my.sharepoint.com/:w:/r/personal/peter_richards2_swansea_gov_uk/Documents/Desktop/The%20Building%20Safety%20Act%202022.docx?d=w4a2660bb10e64fbe9527f1a6a15ebe3a&csf=1&web=1&e=aR7v90

Audit Wales Report

[‘Cracks in the Foundations’ – Building Safety in Wales \(audit.wales\)](#)

Fees and charges legislation

[The Building \(Local Authority Charges\) Regulations 2010 \(legislation.gov.uk\)](#)

Appendices:

Appendix A – “Cracks in the Foundations – Building Safety in Wales