

Papur 11/Paper 11

Dear John & Colleagues

We wish you all a Happy and Healthy New Year

We are writing as a follow up to our meeting on 13 July 2022 concerning the Welsh home build & fire cladding crisis and recent developments

You will be aware that on 16 November efforts made by a cross party group of Senedd MSs to introduce sections 116-125 of the English Building Safety Act into Welsh law were defeated by a Welsh Labour Government whip and the casting vote of the Llywydd.

The debate was a huge disappointment to long suffering victims of this crisis. If enacted the powers granted to Welsh Local Authorities and Fire and Rescue services would have enabled them to issue legally enforceable Remediation & Contributions orders against developers and building owners - as is currently happening in England. Without those powers Welsh citizens now have no option but to rely on their own efforts using the Defective Premises Act. The legal costs and risks involved in taking on large and powerful developers are not attractive but the impotence of the Welsh Government leaves no real choice for those who want to try and get on with their lives.

The debate was also frustrating for the lack of challenge to Minister Julie James assertions concerning sections 116-125 and her Pact. She was able to divert attention away from the powers that would have been granted to regulatory authorities and spin an argument that she was seeking to protect leaseholders from risk? Despite the best efforts of some cross party Senedd members the vote "against" seemed extraordinary when the English BSA enjoyed widespread Westminster cross party support and was subject to enormous scrutiny - good enough for England but obviously not good enough for Wales!

The Minister's additional comments that detailed plans from developers would only come after the Pact had been turned into a legal agreement were both misleading and at odds with the wording of the Pact. We have repeatedly outlined the legal complexities of trying to turn "Pacts" and "Pledges" into effective and legally enforceable contracts. At best they can only ever be "an agreement to agree" and will be unable to deal with the complexity of each development's needs. We have recently learnt that efforts in England to get developers to sign a final legal document are failing.

We have also learnt that after some efforts to connect with the WG on the crisis our meetings are to cease and we have been invited to attend a much larger stakeholder group - which comprises many of the players, who it might be argued are partly responsible for the crisis in the first place. This group is also expected not to revisit or challenge recent WG policy. A very strange commitment for a strategic group! And all this when one development in the Bay, Victoria Wharf has experienced three fire incidents in the last several months.

So as long suffering victims we appear to be left to our own devices and would welcome any advice on how we can engage with a Welsh Government that continually rejects any input or advice given to it by the very victims it is supposed to protect. Our situation is at great odds to the access that English victims enjoy. You should also note that in some cases we lack any real and proactive local elected representative support.

We would like to understand if your committee can offer any further support to us. We are of course aware that at our meeting in July the Welsh Labour members failed to attend and Chair John Griffiths and other Welsh Labour members voted with WG against the enactment of 116-125 in Wales. We are not versed in the protocols of engaging with the Welsh Government so would welcome your thoughts and any advice.

We would of course also be happy to meet your full committee again to outline the immense financial and mental stress that the crisis continues to extract from people who did everything right. Your committee would also be most welcome to visit any of the developments to see the defects and meet some wider victims.

Once again best wishes for 2023

With regards

Welsh Cladiators