

Carl Sargeant AM  
Cabinet Secretary for Communities and Children

15 August 2017

Dear Carl

## Fire Safety in High-rise Blocks in Wales

Thank you for agreeing to give oral evidence to the Committee on 27 September. This follows on from our sessions on 13 July, where we took evidence from representatives of:

- The Fire and Rescue Services ('the FRS') in Wales;
- Professional bodies;
- Tenants;
- Local authorities; and
- Registered Social Landlords.

The sessions covered a wide range of issues, some of which are highlighted in this letter. There are also areas where we would appreciate further clarity from the Welsh Government.

### Public sector response following the Grenfell Tower fire

We were encouraged by the responsiveness of all the partners in Wales after the horrific fire at Grenfell Towers. We heard how social housing providers worked



closely with the FRS to provide reassurances to tenants and residents; and to check the safety of buildings.

Social housing providers told us that, broadly, the information and leadership provided by the Welsh Government had been effective and timely. In particular, we heard that the joint media briefing had been valuable in trying to dispel myths and ensure that events were reported accurately.

However, Swansea Council did flag up concerns about the information flow between themselves, the Welsh Government; the UK Government Department for Communities and Local Government; and the Building Research Establishment ('the BRE'). They indicated that this was also a source of frustration for the Welsh Government, and we would like to know if these issues have now been rectified. This is clearly still a live issue, as, at the time of writing, it is still unclear the implications of the whole system testing of the cladding materials by the BRE. Following the latest whole system testing results that were made available on 2 August, which the materials used at Newport City Homes did not pass, we would welcome further information on what support will be given to Newport City Homes, and any other landlord affected by future test results, by the Welsh Government.

We were also reassured by the statements from each of the Fire and Rescue Services that they had the capacity and equipment to deal with an equivalent event in Wales.

## Regulatory Reform (Fire Safety) Order 2005 ('the Order')

### *'Responsible person'*

We asked witnesses about the Order and its effectiveness. One of the issues raised by most witnesses was the definition in the Order of a 'responsible person'. As North Wales Fire and Rescue Services told us:



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“The limitation from my perspective is that of the person considered to be a responsible person. There is no specific qualification, accreditation or level of skill or knowledge defined in the legislation for that person.”

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This is a potential gap in the regulatory framework which underpins fire safety. It was clear that the landlords we spoke to take their responsibilities on this issue seriously, however, we know that in the private sector this may not always be the case. We believe that there is merit in exploring the feasibility of changes to the regulatory framework which would ensure that the ‘responsible person’ had to meet a minimum level of qualification, skills or relevant experience. We would welcome your views on this issue.

We appreciate that while the Assembly does not at the moment have legislative competence to amend the Order or issue new regulations, once the Wales Act 2017 has come into force the Assembly will have competence to make changes to the regulatory framework on fire safety.

Further to this issue, is a fundamental matter of FRS identifying who is the responsible person. While this seems unproblematic in the social housing sector, we heard that it becomes more complex in the private sector. This is of concern to us given fire safety is also of the utmost importance in the private sector. We would welcome your views on how this issue can be best addressed.

#### *Accompanying guidance*

A number of witnesses made reference to a review by the Welsh Government of the guidance that accompanies the Order; ‘Fire safety in purpose-built blocks of flats’. Witnesses believed that this review was almost complete. We would welcome an update on when the revised guidance will be issued, and if it will take account of any of the developments arising from Grenfell Tower.

#### *Primary fire authority*

Community Housing Cymru highlighted that their members have sometimes received different advice from each FRS. They proposed having a primary fire



authority for high-rise living, which would ensure consistent advice across Wales, as well as enabling that authority to develop a particular expertise in this area. They suggested having such a lead authority would have made it easier, in the aftermath of Grenfell, to get accurate data on high-rise blocks in Wales more quickly. We would welcome your views on this suggestion.

## Fire safety measures

A lot of the evidence focused on the:

- fire safety measures already in place within tower blocks in Wales;
- challenges faced by landlords to preserve adequate levels of fire protection; and
- further measures that could be taken.

### *Importance of preserving compartmentation*

This was a strong theme. We heard of the different ways that compartmentation can be reduced, often through small scale improvement works within individual flats. The FRS made clear that their responsibilities and enforcement powers stop at front doors for flats and that they are only responsible for communal areas. Dealing with any breaches within individual units, are a matter for the local authority. Are you confident that local authorities have the resources and skills to adequately assess and enforce fire safety requirements within individual flats?

Local authorities told us that dealing with modifications within flats was an issue for those flats that had been sold. A particular issue was leaseholders replacing their front door, which can have a significant adverse impact on ensuring fires do not spread beyond a single home.

Social landlords were confident that major refurbishment work did not impact on compartmentation, and fire safety more broadly. However, they did have concerns about the small scale, minor works that may be done by residents, or utility services such as telecommunications companies, who may not realise that very minor changes can impact on the compartmentation, and fire safety.



We would welcome your thoughts on how these issues can be best addressed.

### *Home Fire Safety Checks*

We were surprised to hear that some residents refused free home fire safety checks that were offered following the fire at Grenfell Tower. Although we understand that there may be a range of factors influencing this decision, including a general distrust of public bodies, or concerns that appliances may be taken away. The FRS highlighted the work of bodies such as Electrical Safety First, and called on manufacturers to be more proactive in dealing with recalls when issues arise with appliances.

We would be interested to know what more can be done to better encourage residents to take up home fire safety checks, and whether there is a need for more public information on fire risks within individual homes.

### *Retrofitting sprinklers and other remedial work*

We heard significant concerns from social landlords about the increasing cost of installing sprinkler systems into tower blocks, and other remedial work, such as the replacement of cladding, following the fire at Grenfell Tower. Landlords indicated that this was a result of increased demand across the UK. We are concerned that it will be a case of those who can pay the most will get this work done first, rather than a risk based approach of identifying where need is greatest. We would welcome more information on what discussions are taking place with the UK Government and industry on this, to ensure that social landlords are able to install the necessary safety measures at a price that is not artificially high, and in a timely fashion.

Concerns were also raised by tenant representatives that the most vulnerable in society will potentially have to pay for building failures at the most fundamental level, and questioned the fairness of this. We would like to know whether there will be any financial support offered to social landlords to ensure that tenants do



not have to finance the majority of the remedial work resulting from the fire at Grenfell Tower and the need for greater fire safety

Linked to this issue, we also heard a specific concern from Bron Afon and Merthyr Valleys Homes about the impact of restricting Housing Benefit in social housing to the local housing allowance (LHA) rate, which is lower than the rent that these housing associations currently charge. Merthyr Valleys Homes said that by 2019, when the proposal is expected to take effect, the gap could be around £7 a week. This will have an impact on their ability to ensure that the rent they receive covers the cost of fire safety measures. While acknowledging that this is a not a Welsh Government policy, we would like to know what discussions you have had with the UK Government on this issue and whether there are any actions the Welsh Government can take to mitigate the impact of restricting Housing Benefit in social housing to LHA rates, in particular in relation to ensuring the appropriate fire safety measures are put in place in tower blocks across Wales.

### Building Regulations 2010 (Regulations)

We touched on issues in relation to the Regulations and the Approved Documents which have been produced under the Regulations. It was noted that it is not a requirement (although it does happen sometimes due to good working relationships between parties) that the FRS be consulted on fire safety and compliance with the Regulations during the construction of high-rise flats. We would be grateful for your advice as to whether you will be considering revising the statutory framework and/or the Approved Documents to require the involvement of the FRS in this process.

Also whether you intend to amend or overhaul the Regulations in relation to fire safety generally in high-rise flats (we acknowledge that although the Welsh Government has executive powers in this area, the Regulations will not be within the legislative competence of the National Assembly until the Wales Act 2017 comes into force).



We note that the UK Government announced on 28 July an independent review of building regulations and fire safety. In announcing the review, the UK Government stated that the review will work closely with the devolved administrations, we would welcome further information on how this review will interact with the work of the Welsh Government and the Welsh Fire Safety Advisory Group.

## External cladding

Flintshire Council highlighted that while the science and expertise about internal fire protection has been developed over a number of decades:

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“Externally, cladding and the types of systems that we’ve got now are quite a new science...it is a new science that maybe we haven’t got enough knowledge about...

...basically, we’re putting something on the outside of a building, and we’ve set light to a building from the external side, and yet, not from the inside. We’ve got good fire protection measures on the inside, generally, across most buildings, but we’re moving into a new science, a new area of technology, that maybe, collectively, a lot of people haven’t got a lot of knowledge about.

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It is possible this was a factor in the delay in moving to whole system testing, which we highlight earlier.

We also heard that while cladding might meet all standards and regulations when it is first fitted, its effectiveness can be reduced by aging, breaches of the cladding due to improvement work and the weather.

We feel that this would be an area that might benefit from closer consideration by the Welsh Fire Safety Advisory Group. We would be interested to know if the Welsh and UK Governments are looking to work with the BRE, industry and landlords to help improve understanding of cladding technology, and how it impacts on fire safety.



## Private sector

Our evidence focused on the social housing sector, but also touched on issues within the private sector, as we have highlighted earlier. We welcome the fact that the private sector is now represented on the Welsh Fire Safety Advisory Group and is covered in the terms of reference of the Group. We would like more information on how else you have engaged with the private sector (including, in particular, student accommodation, which is increasingly in high rise blocks privately owned and managed), and what, if any additional steps, you believe are necessary to ensure that levels of fire safety measures are comparable between the social and private sectors.

## Tenants and residents

We were encouraged by the activities of social landlords immediately following Grenfell to provide information, advice and reassurance to their tenants and residents. It was clear this was taken very seriously by all involved, and we commend this work.

But more broadly, we heard that there is a lack of formal support for tenants to challenge landlords. Though a lot of work has been done in helping tenants scrutinise and engage with landlords, Steve Clark from Welsh Tenants argued strongly there was a need for a national representative voice for tenants to externally challenge landlords.

Closely linked to this, was the increase of the private rented sector, which does not have the formal tenant engagement structures that are embedded in the social housing sector. Steve Clark suggested that not having a tenants' body nationally, undermines any attempts to help private tenants shape the development of this sector.

Does the Welsh Government agree that there is a gap in terms of a national representative tenant's body? If so, what can the Welsh Government do to help establish and support such a body?



*Advice to tenants and residents*

We explored with all witnesses the adequacy of the advice provided to residents, and in particular managing any change in advice in the event of a fire happening. We heard that it can be difficult to give advice that covers all possible eventualities, especially as every building, and every fire is different.

We would welcome the Welsh Government's view on the adequacy of advice given to tenants and residents, and how best changes in circumstances, in the unlikely event of a fire, can be best communicated to residents.

As I'm sure you can appreciate, this letter does not cover all of the issues that were raised during the session. For completeness, I enclose a copy of the transcript from the session on 13 July.

To help inform our session with you on 27 September, I would appreciate a response to this letter by 15 September.

I am sending a copy of this letter to the Climate Change, Environment and Rural Affairs Committee, along with our counterpart committees at Westminster and the Scottish Parliament, the Communities and Local Government Committee and the Local Government and Communities Committee (respectively).

I look forward to exploring these issues further with you both on 27 September.

Yours sincerely



John Griffiths AM  
Chair



Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

