



Ein cyf/Our ref: MA-P-RE-1160-18

April 2018

Dear Des

Last month, you provided me with a briefing relating to the Fire Safety Advisory Group's recommendations, which you submitted on 31 January. Firstly, I would like to thank you and the Group's members for your careful consideration of issues which emerged in the light of the fire at Grenfell Tower. It is by no means clear at this stage that all of the issues have been identified, not least as we await the final recommendations of the independent review of building regulations and fire safety, and the conclusion of the public inquiry. In line with our previous actions, the Welsh Government will continue to take informed, preventative measures as we seek to ensure that people living in Wales are as safe as they can be from fire. Ours is a record we seek to build upon and it is, therefore, helpful to have the Group's recommendations and to have had an opportunity to discuss these with you. Please find my responses below. I have also added updates, where appropriate, in respect of the Group's position statement of 26 September 2017.

Recommendation: Insofar as they relate to fire safety issues, the FSAG recommends the Welsh Government, where responsible, takes steps to comply with Dame Judith Hackitt's interim recommendations, which, in part, chime with our own previous recommendations.

Welsh Government Response: As you know, the-then Cabinet Secretary for Communities and Children and the Cabinet Secretary for Environment and Rural Affairs (now Environment, Planning and Rural Affairs) met Dame Judith Hackitt, Chair of the Independent Review of Building Regulations and Fire Safety, on 10th October, 2017. The Welsh Government, its officials, and stakeholders in Wales have engaged with Dame Judith and have taken note of her initial recommendations. We will continue to engage with her, her team, and the UK Government as we shape our response to the initial, and indeed, final recommendations as part of a coherent approach to assuring resident safety.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Dame Judith recognised, in her initial commentary, the importance of co-ordinated interventions. Throughout, we have maintained our approach to keeping stakeholders updated. In that vein, the Cabinet Secretary for Environment, Planning and Rural Affairs' officials recently published a circular letter, sent to local authority building control bodies, private Approved Inspectors, and the Fire and Rescue Services, stressing the importance of early consultation and of sharing fire safety information as part of the building control system. The letter also confirmed that the Welsh Government is liaising with the Ministry for Housing, Communities and Local Government in respect of implementing those recommendations which fall directly to government to deliver.

You will recognise that improvements have already been made to the Welsh Approved Document B as part of the introduction of residential fire suppression systems. We are also exploring, in line with Dame Judith's recommendation, our wider approach to guidance contained in Approved Documents and will be seeking views on how the guidance is used and how it can be improved in the future.

The Fire Safety Advisory Group has also previously made representations (in your 'position statement') about the competence, registration and ongoing training of fire risk assessors. We fully accept the need for tighter control over fire risk assessors. Under the Regulatory Reform (Fire Safety) Order (2005), as it currently stands, the role of Fire Risk Assessors is critical to building safety, and that needs to be reflected in any appropriate requirements set in terms of their expertise and qualifications.

Whilst detailed proposals would clearly take time to develop, at this stage a similar approach to that in place for other regulated trades would seem sensible. That would mean requiring assessors to be registered members of specified professional associations, and to comply with those associations' requirements as to qualifications, experience and CPD. I would welcome the further input of the Fire Safety Advisory Group ahead of potentially shaping options for consultation.

We continue to gather evidence, for example a clearer understanding from social landlords concerning the date, provenance and outcome of their last fire risk assessment, as well as information in respect of the qualifications of those conducting the assessments. This will be helpful as we continue to develop our own picture of the environment and consider how best, and through what mechanism/s, to implement the initial recommendations and any final commentary Dame Judith makes.

In addition, you also raised issues concerning the Fire Safety Order itself, and, in particular, clarity in respect of 'responsible persons'. Dame Judith's interim findings are, as you know, generally critical of the Fire Safety Order, suggesting it is "not fit for purpose".

The Order does appear both vague and complex. It applies on largely identical terms to all non-domestic premises regardless of fire risk and leaves much to the judgment of the "responsible person" (whose identity, as you stressed, may itself be far from clear) for each premise. As the FSAG also recognises, there is a strong case in particular for reforming the Order to clarify the identity of responsible persons, and to impose competency requirements on fire risk assessors. Dame Judith's final report may also call for further or more radical change.

We will wish to see and consider the final recommendations of the independent review as we determine the appropriate nature of, and vehicle for, any subsequent changes we decide to make.

Recommendation: In advance of other reviews reaching a conclusion, the FSAG considers that – as a minimum – local authorities should be able to draw on accurate, timely information to:

- identify the number of residential tall buildings and hotels in their area;
- establish the cladding type, where appropriate
- establish safety features in place (and, where applicable, certified testing thereof). This should include, for example, whether sprinkler systems are in place; smoke detection facilities; number of stairwells
- ascertain the date and outcome of the most recent fire safety inspection (particularly noting whether any improvement or enforcement notice was issued)
- identify the ownership/responsible person details for each tall building, and
- develop an understanding of particular risk and whether appropriate arrangements are in place for identified vulnerable people.

This entails a close working relationship between local authorities and the appropriate Fire and Rescue Service. It would appear that the data held by the two services does not always tally. Regular, at least twice-yearly, meetings between local government and FRS should be held to triangulate the information each holds and to identify, share and act upon any particular concerns or developments.

Welsh Government Response: The Welsh Government has worked assiduously to develop a complete picture of high-rise residential housing in the social and private sectors, as well as tall hotel accommodation. Indeed, despite the various complexities, we now have a detailed understanding of buildings in the private sector which complements our knowledge of social residential blocks. As a result, we have been able to establish ownership details, managing agent particulars (where applicable) and have established contact with the owners/agents of each block. This has proved rather more time-consuming than anticipated, but has been fruitful not least in terms of sharing and triangulating data with local authorities and fire and rescue services so they have a more contemporary profile of high-rise building stock.

My officials have met the Welsh Local Government Association and South Wales Fire and Rescue Service to discuss how best they can build on and maintain the data and establish protocols across Wales. Through our 'case management' approach we have developed close working relationships with the FRS, local authorities and building owners/agents to help ensure there is a full and deep understanding of risk and actions. In this regard, and as per my previous response, we are also working with social landlords to establish particulars concerning fire risk assessments.

The sharing of data and intelligence between agencies is key to ensuring effective understanding and appropriate action. We will note any final recommendations arising from the independent review, the lessons learned from experiences in Wales and consider any appropriate necessary levers to ensure data is proportionate, accurate and useful.

Recommendation: We recommend that the Welsh Government accepts the actions identified in the attached document as good practice, with a view to adopting and circulating or signposting as and when future fire safety, and possibly other, issues arise in buildings.

Welsh Government Response: You have heard from a number of owners in order to shape your thoughts on good practice and timely, effective engagement with residents. It is good to know that the Group was able to ‘test’ the resulting non-technical ‘good practice’ document with tenants.

I agree that it will be helpful to share these experiences and your recommendations. We will, therefore, provide a link to your good practice document (which should be read alongside existing statutory duties) on our dedicated Frequently Asked Questions pages and also forward a link to owners/managing agents as and when circumstances arise.

Update on Managing Agents

In your position statement to Carl Sargeant, you also recommended, “exploring the feasibility of including additional activities that are carried out by block managers into Section 6(3) of Part 1 of the Housing (Wales) Act 2014 which will result in them requiring to be licensed and be trained.”

In the member debate on Residential Leasehold Contracts on 31 January, I announced my intention to put in place a voluntary code of practice to help improve standards, promote best practice and improve engagement between all parties involved. I also referred to training for leaseholders, managing agents, estate agents, conveyancers and freeholders.

This voluntary code will provide us with the vehicle for stipulating the obligations freeholders and property management agents have in addressing fire safety measures in leasehold accommodation, and providing clarity concerning the scope and nature of these responsibilities. In time, the voluntary code could lead to regulation, and the compulsory registration and licensing of all long lease property management agents.

Future Role of the Fire Safety Advisory Group

Finally, we have discussed the ongoing role of the Fire Safety Advisory Group. I consider that the Group has been useful, both in responding to emerging issues and intelligence, and in providing an important, open line of communication with the UK Expert Panel. In terms of the former, and to echo my opening comments, the situation post-Grenfell continues to evolve and, as such, a flow of advice from the Group continues to be helpful. As to the latter, there is a benefit, both to the Welsh Government and more broadly to the Group’s members and their stakeholders, in maintaining a dialogue between the Advisory Group and the Expert Panel.

I would, therefore, like the Group to continue to meet, on a basis agreed by you and the members, to ensure we continue to exploit both key benefits. I would particularly welcome the Group’s comments and advice in respect of Dame Judith Hackitt’s final recommendations, as far as they pertain to fire safety. Any further input you can provide on standards for Fire Risk Assessors and your thoughts on registration would be helpful.

I have noted your term as Chief Fire and Rescue Advisor for Wales comes to an end this June and would ask that you continue to chair the Fire Safety Advisory Group until that time. Thereafter, I will work with Welsh Government colleagues to ensure we continue to have the right mechanisms in place as we shape and implement an approach that keeps the people of Wales as safe as can be.

Yours sincerely

Rebecca Evans AC/AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

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