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Ysgrifennydd y Cabinet dros Gymunedau a Phlant  
Cabinet Secretary for Communities and Children

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau  
Equality, Local Government and Communities Committee  
ELGC(5)–31–17 Papur 5 / Paper 5



Llywodraeth Cymru  
Welsh Government

John Griffiths AM

Chair

Equality, Local Government and Communities Committee

1<sup>st</sup> November 2017

Dear John

## **Fire Safety in High-Rise Blocks in Wales**

Thank you for your letter of 4 October, following my appearance, with the Cabinet Secretary for Environment and Rural Affairs, at the Equality, Local Government and Communities Committee on 27 September. I offered to provide further detail on a small number of issues, and I trust the information below is helpful in that regard and addresses the subsequent questions set out in your letter.

## **Fire Safety Advisory Group**

I established the Fire Safety Advisory Group to offer me advice and recommendations in terms of high-rise buildings in Wales, as well as to link with the UK Expert Panel. As I made clear to the Committee, the Group submitted a Position Statement with recommendations. I have now been further briefed by the Group's Chair and, in responding formally, I will confirm my agreement to extend the Group for a further three months (to be reviewed again in January 2018) and set out my expectations for the extended period. In the interests of transparency and to enable scrutiny, I will make the Group's Position Statement and recommendations, and my response to the same, available to you shortly.

## **Private Sector Buildings: identification, engagement and compliance**

I can report that progress continues to be made in identifying privately owned high-rise residential buildings, with the identification and response rates improving. As I explained, a number of data sources have been used in this exercise, including Geographical Information Systems, information provided by partners including the WLGA, local authorities, fire and rescue services and higher education institutions.

As buildings have been identified, my officials have attempted to contact owners to establish the situation with regard to any presence, or possible presence, of Aluminium Composite Material (ACM) cladding.

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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.

As I set out to the Committee, ownership details and involvement can be complex and, where direct contact with the owner has been problematic, we have focused efforts on identifying the managing agents. I recently wrote to all Assembly Members to confirm numbers of buildings identified.

My officials have also adopted a 'casework' approach, working with managing agents of private sector buildings with ACM systems which correspond with failed large-scale tests. The local authority (all of the relevant buildings are in Cardiff) has also been involved throughout this process. Officials have established a dialogue with the managing agents and are actively engaged with them and the local authority in monitoring mitigating actions and plans for remediation. Officials report that engagement with residents has met expectations and progress against DCLG guidance is being made. I have noted that the Fire Safety Advisory Group has now heard from the owners or managing agents of the developments with ACM corresponding to failed large-scale tests and will be preparing recommendations for good, effective engagement with residents.

I understand that owners and managing agents are taking their responsibilities seriously, are engaging with tenants and, accordingly, the question of non-compliance has not arisen.

## **Tenant Engagement**

Further to the above, under the terms of the tenant participation grant award, TPAS Cymru has been asked to work proactively with private sector tenants and landlord representative groups to support development of tenant participation and engagement practice across the private rental sector. This is a new area of engagement which is in the early stages of development. I understand, however, that there has been positive feedback from early engagement events to which this sector has been invited.

TPAS Cymru is working collaboratively with its partner organisations, including Rent Smart Wales, the Residential Landlords Association in Wales and Shelter Cymru, to produce sector-specific guidance, aimed at supporting continued development of tenant engagement across the sector, which is particularly important at this time.

## **Funding Issues**

As I set out to the Committee, funding for remedial work is a matter for landlords and, as such, the Welsh Government does not intend to make additional funding available for social landlords or to the private sector. We will, however, continue to work closely with them on their plans and to monitor developments, including any impacts on residents.

I wrote to the Secretary of State for Communities and Local Government last July, in part to ensure that, where discussions were taking place relating to the potential financial impact of any changes to building regulations or fire safety, the Welsh Government is fully involved.

In terms of mortgage availability, my officials actively engage with the Council of Mortgage Lenders and are unaware at this time of any change in lending policy by mortgage lenders. We will continue to engage and to monitor the situation. We are, however, conscious of recent media reports and will continue to engage and to monitor the situation carefully.

## **Fire Sprinklers**

I set out here, as agreed, more detail on the numbers of new-build properties which are not required to fit sprinkler systems.

Under the current building regulations there are no restrictions on the number of dwellings that can be included on a single application, provided they meet the relevant application requirements.

A survey was undertaken with local authority building control bodies, which have a statutory obligation to record the data in relation to building regulation applications. Over 53,093 dwellings were included in building regulation applications made prior to the sprinkler legislation coming into force on 1 January, 2016. The largest application from the survey included 8,000 dwellings in one single application.

Following the expiry of the transitional period, a follow-up survey was undertaken with local authority building control. Of the previous 53,093 dwellings registered, the number of dwellings which commenced on-site and will not have sprinklers fitted will be 25,219.

Applications which did not commence within the transitional period (26,606 dwellings) will now have to install sprinklers. Applications relating to the remainder of the dwellings (1,268) were either cancelled or withdrawn.

I also agreed to provide information on the length of time that developers have to start construction, following submission of plans, before they would be subject to the requirement to install sprinklers. The transitional provisions for the introduction of sprinklers into the building regulations provided that where applications were submitted prior to the coming into force date of the 1 January 2016, the work had to commence on site (excavation of foundations) on at least one dwelling before the 1 January 2017 (i.e. work had to commence on site within 12 months of the coming into force date).

Where applicants complied with this requirement it precluded them from having to install sprinklers on all the remaining dwellings included within the application (If there were 100 dwellings in an application and one started before the 1 January 2017, then the remaining 99 would not have to install sprinklers).

In considering further the issues around the retro-fitting of sprinkler systems, I will, of course, have appropriate regard to the conclusions of the independent review of building regulations and fire safety, the public inquiry and any submissions in this respect from the Fire Safety Advisory Group.

## **Accompanying guidance to the Fire Safety Order**

The 'Fire Safety in Purpose-Built Blocks of Flats' guidance discussed during the Committee session was published by the (English) Local Government Association. While it has no status under the Fire Safety Order, it is sound advice. There are no plans at this time to produce a separate version for Wales. However, as the Cabinet Secretary for Environment and Rural Affairs and I said in our evidence, we believe the Order and its accompanying guidance should be reviewed in light of the lessons learned from the Grenfell tragedy. We will do so at that point

## **Role of Fire and Rescue Services in the planning and Building Regulations regimes**

Finally, I agreed to clarify the role of Fire and Rescue Services in providing advice on the fire safety of high-rise residential blocks prior to construction in both the planning and Building Regulations regimes.

Where a Building Regulations application has been submitted to a Building Control Body (local authority or private approved Inspector) and the building is to be put to a use where the 'Fire Safety Order' 2005 applies (or will after completion of the work), the Building Control Body is required to consult with the fire and rescue authority before passing the plans. The Fire Safety Order applies to, for example, offices, shops, factory, hotel and/or boarding houses and residential premises with common areas such as apartment blocks with communal areas.

Section 15 of the Building Act 1984 makes it a statutory requirement for local authorities to consult the fire and rescue authority. Regulation 12 of the Building (Approved Inspector etc.) Regulations also makes it a statutory requirement for Approved Inspectors to consult the fire and rescue authority.

There is no statutory requirement to consult the fire and rescue authority under the Town and Country Planning Act.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Carl Sargeant', written in dark ink.

**Carl Sargeant AC/AM**

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Cabinet Secretary for Communities and Children