



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Y Pwyllgor ar y Gorchymyn Cymhwysedd  
Deddfwriaethol Arfaethedig ynghylch Diogelwch Tân  
Domestig  
The Proposed Domestic Fire Safety LCO Committee**

**Dydd Mawrth, 6 Mai 2008  
Tuesday, 6 May 2008**

**Cynnwys**  
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2008  
National Assembly for Wales (Legislative Competence) (No. 7) Order 2008

Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynndi yn y Siambr.  
Yn y golofn dde, cynhwyswyd cyfieithiad o'r areithiau hynny.

In the left-hand column, the proceedings are recorded in the language in which they were spoken in the Chamber. In the right-hand column, a translation of those speeches has been included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Huw Lewis	Llafur (Cadeirydd) Labour (Chair)
Sandy Mewies	Llafur Labour
Janet Ryder	Plaid Cymru The Party of Wales

**Eraill yn bresennol**  
**Others in attendance**

Naomi Alleyne	Cyfarwyddwr Cydraddoldebau a Chyfiawnder Cymdeithasol, Cymdeithas Llywodraeth Leol Cymru Director of Equalities and Social Justice, Welsh Local Government Association
Colin Hanks	Ymgynghorydd i Gymdeithas Llywodraeth Leol Cymru, Gwasanaeth Tân ac Achub Gogledd Cymru Adviser to the Welsh Local Government Association, North Wales Fire and Rescue Service
Ann Jones	Aelod Cynulliad, Llafur Assembly Member, Labour
Colin King	Rheolwr Adeiladu Cynaliadwy, Y Sefydliad Ymchwil Adeiladau Cymru Sustainable Construction Manager, Building Research Establishment Wales

**Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol**  
**Assembly Parliamentary Service officials in attendance**

Sarah Beasley	Clerc Clerk
Keith Bush	Prif Gynghorydd Cyfreithiol a Chyfarwyddwr Gwasanaethau Cyfreithiol Chief Legal Adviser and Director of Legal Services
Lewis McNaughton	Dirprwy Glerc Deputy Clerk
Sue Morgan	Ymgynghorydd Cyfreithiol i'r Pwyllgor Legal Adviser to the Committee
Ben Stokes	Gwasanaeth Ymchwil yr Aelodau Members Research Service

*Dechreuodd y cyfarfod am 9.16 a.m.*  
*The meeting began at 9.16 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Huw Lewis:** Welcome to our final evidence-gathering session of the committee for

the domestic fire safety LCO. It is my pleasant duty to welcome Naomi Alleyne and Colin Hanks from the Welsh Local Government Association.

[2] I remind you that the committee operates bilingually, and that headsets are provided for translation; translation is on channel 1 and channel 0 is for enhancing the audio output of the committee for those who need it. If there is a fire alarm, the ushers will escort us from the room. You should turn off any mobile phones, pagers or any other electronic devices that you may have because they interfere with the broadcasting and translation systems. Do not touch the microphones, despite the tempting buttons in front of you. They will automatically switch to you when you begin to speak.

9.17 a.m.

**Gorchymyn Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol)**  
**(Rhif 7) 2008**  
**National Assembly for Wales (Legislative Competence) (No. 7) Order 2008**

[3] **Huw Lewis:** Again, I welcome Naomi and Colin and thank them for being here this morning. We want to explore the issues with you through a series of questions from committee members. I will ask the first few questions. The first question is general but important: do you support the general principle of the proposed Order that fire sprinklers should be fitted in all new residential properties?

[4] **Ms Alleyne:** Thank you for the opportunity to come and talk to committee members this morning. As you will see from the evidence in the letter that we submitted to committee members, the Welsh Local Government Association supports the move by the National Assembly and this committee to help further improve fire safety in the home. The evidence that is provided in the information supporting the LCO is that fire sprinklers in the home are very effective in reducing fire deaths, and obviously, as a consequence of that, the injuries that individuals would receive as a result of fire in the home. Given the concerns that have been raised for a number of years around fire deaths in homes, we generally support the scope of the LCO.

[5] **Huw Lewis:** Okay, thank you; that is very clear. You are also very clear in your submission that any requirement to install the sprinkler systems should be dealt with through building regulations. Can you explain why you feel that so clearly?

[6] **Ms Alleyne:** Our evidence does not say that we believe that it should be dealt with through building regulations; the information that we received from our advisers across local government was that the building regulations could be another avenue through which to obtain the powers that this LCO is looking to obtain. Some of the difficulty with the building regulations—and given that we are appearing in the final evidence-gathering session, we have had the opportunity to read evidence that has been provided by others—is that there is obviously some concern about whether or not the building regulations would come in a timely manner for the Assembly to deal with the issue, and rather drag out the time frame.

9.20 a.m.

[7] It did not appear in any of the evidence that there are ongoing discussions that would give us a time frame for the devolution of those building regulations. In terms of expediency, the LCO would be a much quicker route to allow that to happen. Obviously, again, the building regulations might give some additional powers to the Assembly that could look at other aspects of domestic build, but we just raised that as an issue. We were not saying in our evidence that we would prefer building regulations to be used; we were just raising it as an alternative, rather than suggesting that. In terms of expediency, the LCO would be a much

quicker route to obtain the powers that you are looking for.

[8] **Huw Lewis:** Just a final point from me, if we were to go ahead with this and everything were to go successfully in terms of the LCO's progress and this became law, from your perspective, what do you think would be the key worries or concerns that local government might then be faced with? What is the downside, if you like?

[9] **Ms Alleyne:** In terms of the evidence that we have submitted, the potential concerns—I say 'potential' because if we can identify some of those concerns, you could look at possible solutions and ways of mitigating them—would include some of the cost implications. In terms of the evidence that has been submitted, it is estimated that there would be an additional cost of about 1 per cent to 1.5 per cent. Affordable housing is obviously a key concern for local government, the Assembly Government and the Assembly at this moment in time. There is only a certain pot of money available under social housing grants that can be used to develop new social housing and in terms of section 106 agreements with private developers. There are some issues around costs that need to be considered in terms of the maintenance of the sprinklers, because if you are having them in new-build homes, in social housing, you are much more likely to have structures or processes in place to ensure that they can be inspected and maintained on a regular basis. However, if you have sprinklers in privately built homes, how would you monitor or regulate their maintenance? Obviously, a sprinkler system is only going to be effective if it actually works when it is needed. I think that some of the downsides are around the costs. I am not saying that they are insurmountable concerns; it is just that we would need to look at what the implications were.

[10] Colin has passed me a note, so I will just come back to the issue around building regulations, in case we do not come back to it otherwise. I think that there is concern that if you use the building regulations, there would be the possibility of diluting the requirements in relation to the specifics that you are looking at in the LCO today.

[11] In terms of the concerns, what we have looked at is more around some of the costs, but, again, that is not to say that those concerns could not be overcome, but that we would need to look at what the impact of those costs would be. I think that what is needed is a full discussion, at an early stage, with all the stakeholders—everyone who is involved in this process—so that everything is very clear around what the opportunities are and in terms of the potential for economies of scale. Colin and I were just talking about that. If you can buy sprinkler systems en masse, it will reduce those costs. I think that there are ways of getting around those costs; it is just that we need to look at what those implications would be.

[12] **Huw Lewis:** Thank you, Naomi and Colin. There will now be a series of questions from Janet Ryder.

[13] **Janet Ryder:** If you have seen the evidence that we have taken previously, you will know that there has been some discussion around some of the terms used in the LCO. The Order seeks to require the installation of sprinklers in all new residential premises. Are there any other types of premises that you would like to see included within the scope of the Order?

[14] **Mr Hanks:** The fire and rescue service's view is quite clear on this. In terms of expediency, again, we think that if we go in with too broad an aspiration, it is unlikely to be met, so we are quite happy to focus on new-build properties and to capture those. We have said before that it will take time, but within a generation from the introduction of that legislation in relation to new build, you will start to catch all those people who will occupy social housing at some point and the more vulnerable groups. We think that targeting new build is the most appropriate way of introducing the LCO.

[15] **Janet Ryder:** We heard evidence last week that it would take up to 100 years to

install sprinkler systems in all properties in Wales, given that we are targeting new builds only. Can you confirm that you are satisfied that, if we target new buildings, we will start to achieve what we want to achieve, and that that would happen within—

[16] **Mr Hanks:** Yes, we will. It will not happen overnight, but, within a decade, we will have made a good start. As well as the private sector, we have a social housing sector that is funded by the Welsh Assembly Government through development grants to housing associations, and they also house vulnerable groups. So, targeting new builds will ultimately protect those most at risk within our society.

[17] **Janet Ryder:** You have talked about targeting specific groups, and Community Housing Cymru also talked about targeting resources towards those identified as being at most risk. I presume, from the way that you are talking, that you think that we should be targeting resources towards those groups—I would welcome elaboration on that. In that case, do you think that the provisions of the Order should aim to target those groups of people and properties considered most at risk?

[18] **Mr Hanks:** The difficulty is that, if you make a comparison between houses of multiple occupation in England and Wales, fire deaths and injuries seem to be an issue with HMOs in England, but thankfully, not to the same extent in Wales. I am not sure exactly why that is the case—whether we manage them better in Wales, or whether they are better regulated. I know that in England, something like 38 per cent of fire deaths and injuries occur in HMOs, but we do not seem to have that problem in Wales.

[19] In terms of the LCO, it is about what is realistic. If we go in with too broad an approach, I think that we are unlikely to succeed. If we target new housing in the first instance, who is to say that we could not broaden that legal definition in future, if we wanted to go down that route within Wales? However, I am happy to target new housing—that is the way to start in Wales.

[20] **Janet Ryder:** So, that is new housing generally.

[21] **Ms Alleyne:** May I clarify the question? Are you asking whether we should target new-build homes or all homes, in terms of those who are vulnerable?

[22] **Janet Ryder:** The LCO targets ‘new residential premises’. We have heard arguments that we should be targeting those most at risk. We have also heard arguments that using ‘new residential properties’ is a poor way of targeting the vulnerable, because even if new houses are built for a specific group, you do not know who would subsequently take over those properties. Therefore, the suggestion is that the LCO should refer to all residential property. I was just seeking your views on that.

[23] **Ms Alleyne:** I support what Colin said—we need to start somewhere. The difficulty is, if you were targeting those at risk, including existing homes, then obviously you would be looking for different powers, and there would be a host of different implications that you would need to look at. It is difficult, and the evidence that the fire and rescues service and authorities have provided reflects the kind of people who have died in those fires—they are generally those who are vulnerable. However, there is a need to start somewhere and look at the implications, and assess the impact of different ways of moving forward.

[24] Going back to the original question—and I am sorry if I answer others—one of the concerns I had about the terminology in the explanatory memorandum, which I think we mentioned in our paper, is that it allows for a statutory requirement to install a sprinkler system in ‘existing residential premises under-going significant alteration’. That includes some premises that are converted for use as a single residence. There could be scope for

confusion if you stop at that point, because what does 'significant alteration' mean? One of the questions that we raised in our evidence was whether 'significant alteration' would cover properties being improved under the Wales housing quality standard. There is always some leeway for interpretation unless the legal definitions are completely correct. Having read the evidence to the committee, my understanding is that the use of 'significant alteration' is not intended to include houses being improved under the Wales housing quality standard, but my suggestion is that some of those terms in the explanatory memorandum are clarified so that we are clear about what houses, and what residential homes, are included.

9.30 a.m.

[25] **Janet Ryder:** Would you like to see it state that homes should be renovated up to the quality standard?

[26] **Ms Alleyne:** Not at the moment. The requirement to install the 10-year, hard-wired smoke detectors is satisfactory at this time, given that most housing bodies will now have developed their business plans for moving towards meeting the Wales housing quality standard. That would be an additional burden that would require additional resource at this time, so we would not support including the Wales housing quality standard in the definition at this time.

[27] **Huw Lewis:** Are you happy with that, Janet?

[28] **Janet Ryder:** Yes, thank you. That has answered my question.

[29] **Peter Black:** In your submission, you highlight your concerns about the cost implications of the proposed LCO. How significant do you think the impact of the LCO will be on the ability to develop affordable homes and what steps do you think will be taken to mitigate that?

[30] **Ms Alleyne:** We are only going on the evidence that has been submitted through the papers that the committee has been looking at. It is difficult to assess what the impact would be. As I said, you only have a certain amount of social housing grant, which needs to produce social housing across Wales. We have not done any research, and we would need to have discussions with the housing associations about what that would mean in terms of being able to ensure that those homes were built, in terms of cost and time and such issues. As I said at the beginning, it is not so much that those costs are insurmountable; it is just that we need to consider the implications.

[31] On private developments and section 106 agreements, again we would need discussions with building developers on what that would mean. Evidence has been submitted that, in the long term, some of those costs are likely to be built in, but again, it is about a standard that you are looking to produce. Colin and I were talking earlier about the fact that there is evidence on how we have changed culture over time in many other areas, for example, the car industry and airbags. Those would have been an additional cost at the time, but today, people expect them as standard.

[32] So, we are talking about looking at the cultural change of getting all parties that would be involved in this to understand the rationale and the potential benefits. Not only have you secured improved fire safety in the home, but you also have many knock-on positive effects. Some of them are identified in the evidence, such as fewer risks to firefighters when they go into a building to tackle fires and less water would be needed to put out the fires. Furthermore, whereas a fire would previously have caused huge damage and prevented people from living in a property, with this facility you would not be faced with having to find temporary accommodation and dealing with rebuilding costs. So, although the cost in this

case is upfront, other cost benefits would be considered in the long term. However, this issue relates to cultural change and getting everyone to understand what benefits will be produced. It is difficult, without having that discussion with developers and housing associations, to know whether that would mean a lower percentage of affordable homes or social housing being created and then having to balance the long-term significance of that.

[33] **Mr Hanks:** On your comments about wider costs, it is unlikely, with a sprinkler system, that a fire would spread beyond the room of origin. If you contain the fire to one room, there will be less damage from fire and smoke, and a sprinkler system would use around one tenth of the water that the fire and rescue service would use to extinguish the fire. Without a sprinkler system there would be a delay while the alarm was raised and while the fire and rescue service was travelling to the scene and fighting the fire. Clearly, that also has an effect on costs to the NHS in terms of injuries and on the economy in terms of deaths. There are also housing costs and the environmental effect of carbon emissions and the carbon footprint of building costs and recycling material and the energy used to repair the damage.

[34] **Peter Black:** You state in your submission that consideration needs to be given to the administration of any requirement to install sprinkler systems in new residential premises. Can you expand on that?

[35] **Ms Alleyne:** I think, again, that that came from some of our advisers, and was linked into whether building regulations or the LCO would be used to grant that power. Again, it is about ensuring that everyone is clear about the expectations and the standards that are required. I guess that different sprinkler systems are available on the market, so it is about being clear with regard to standards and requirements. Ensuring that all new build complies with the requirements is not as much of an issue, because you would have standards that would be expected for all new-build homes in Wales.

[36] However, in terms of maintaining sprinklers, or ensuring that what was installed was working, it might be easier in social housing, where you have a landlord who has some of those responsibilities. However, in the longer term, in private homes, how do you ensure that those are maintained, and would they be regulated? Would someone check that that happened annually? There is a cost to that maintenance, so, because of that, would people decide, 'I do not need it done this year, I will have it done next year'? Therefore, it questions the effectiveness of sprinklers in homes.

[37] However, on administration, I have nothing further to say. If it was a standard that all new homes were expected to comply with, new build would need to do that.

[38] **Peter Black:** You raise an interesting point, because, if we were going down the building regulation route, this requirement would be enforced by local authorities through their normal powers under building regulations. You state that planning officers are not practised in dealing with the internal design of buildings. Therefore, would you envisage that local authorities would enforce this requirement, ensuring that new-build homes had these sprinklers put in? If you do envisage that, where would that fall within the local authority? Would it go to the building regulations, irrespective of the fact that it is not a part of that, or would you need additional resources in local authorities to administer that requirement?

[39] **Ms Alleyne:** I cannot give you a full answer now—I can take that issue away. In seeking information around the LCO, we talked to some of our planning advisers. Their view was that they would not have the powers as it currently stood, so we would need to look at what they needed, and what the implications of that would be in terms of any resources that would be required. However, we could take that away if you wanted, and provide further information.



[40] **Peter Black:** It is a matter for a Measure anyway, but, as you raised it in your evidence, it is worth asking the question.

[41] **Ms Alleyne:** Would you like us to see whether we could provide additional information?

[42] **Huw Lewis:** Yes, that would be useful—Peter raises a pertinent point. You have the next questions, Sandy, although some of the points that you were going to raise may have been explored already.

[43] **Sandy Mewies:** Thank you, Chair. Colin in particular has talked about the cost savings of having sprinkler systems—it would be cheaper to rebuild because there would not be as much damage, and so on. However, has there been any discussion in local authorities as to the impact not of the cost of putting the sprinkler systems in, but of the possible savings? I do not know whether that has been discussed.

[44] **Ms Alleyne:** I am sorry, we have not had an opportunity to discuss it—it has been a rather busy time because of the election.

[45] **Huw Lewis:** You do not want to discuss that all over again. [*Laughter.*]

[46] **Ms Alleyne:** The WLGA has established an internal fire forum, where we meet with chief fire officers and chairs and vice-chairs of fire and rescue authorities across Wales. I believe that our next meeting is due in September or October, and it is likely that this issue will be on the agenda. Talking to Colin quickly, some of you may remember the big fire in Newport a few months ago. There were several implications in terms of the impact of that on the local community, and the requirements on the local authority to rehouse people and to ensure that properties were safe. It was a big, difficult process, in terms of ensuring that all that organisation occurred, because, although it was a business that went up, quite a few fires spread to neighbouring homes.

9.40 a.m.

[47] So, this is a question of what you can do to improve fire safety for people in their own homes, and in the local community, because the disruption that is caused to those individuals is not good; there is the stress of having to deal with that, as well as the cost of ensuring that those homes are safe, in the short-term and the longer term. There are cost implications. I can suggest that we put it on the agenda for our next fire forum; we have not had an opportunity as yet, but Colin may have had some discussions with the fire and rescue authority members.

[48] **Mr Hanks:** I have not had particular discussions on cost. We are in a transition period in terms of fire authority members at the moment, but this issue will be part of the induction and briefing session for new members. However, a specific conversation about cost has not yet taken place.

[49] **Sandy Mewies:** I think what you are saying, Naomi, is that from what discussions there have been so far, the Welsh Local Government Association seems to think that this LCO has positive implications for local authorities but that they have not yet been teased out.

[50] **Ms Alleyne:** That is right.

[51] **Sandy Mewies:** Thank you. We have received evidence about a fire sprinkler pilot scheme in a new development in Aberavon. I am looking at the technical difficulties in

installing domestic sprinkler systems. Do you have any evidence or experience of fire sprinkler pilot schemes, and, if so, could you provide us with details of the schemes and any of the benefits or difficulties that have been experienced?

[52] **Ms Alleyne:** I was not aware of the scheme in Aberavon. Can you say something on that, Colin?

[53] **Mr Hanks:** In north Wales, we are working with the North Wales Housing Association. We have been working with it on supporting a bid for development grants. We have agreed to fund the sprinkler cost element of those two properties. They are not installed; we are still going through the design stage. On difficulties with water supplies, with regard to the scheme that you are referring to, there has been some protracted debate about water pressure. Regrettably, the water industry is in such a state that its network is causing it some difficulties through leakage, and one of its control measures is to reduce the pressure to reduce the amount of water leaking.

[54] **Sandy Mewies:** We received evidence on that last week—that it reduces the pressure to reduce the leakage.

[55] **Mr Hanks:** Yes, it does.

[56] **Sandy Mewies:** Would it not be better to repair the pipe?

[57] **Mr Hanks:** Clearly, it would, and there is a huge economic factor at play nationally in terms of the state of the water industry's network.

[58] **Sandy Mewies:** There is a cost to leaks, which is why the industry does that, is there not?

[59] **Mr Hanks:** Yes. There is a cost to water loss through leakage. However, on the sprinkler systems, the committee will recall from the evidence we presented previously that there are about five different ways of providing the appropriate water supply under the British standard. Connecting to the mains is just one of them; there are four other ways, including various pumped water or tank schemes that guarantee the supply of water for the duration of the operation of the sprinkler head.

[60] **Mr Alleyne:** I will just come back on a point there. You have read CHC's evidence, in which it talked about the scheme in Aberavon. We would want to ensure that, when such pilot schemes have worked or been developed in Wales, we learn from those processes. One of the points to make is that that was a pilot scheme, and that there would be a great deal to be learned from that, such as the need for early negotiations with Welsh Water. The evidence also mentioned some of the related electrical and building work required for the sprinkler system. We need to look at what we could have done to make that whole process much easier. As I said previously, it is important that all stakeholders understand what is required and are willing to play their part in ensuring that, if this LCO—and any related Measures—go through, what we have the other end is effective and not problematic because there may be some issues with the water supplier or water pressure. It requires all interested parties to understand the implications for them so that they can take action to redress any difficulties, and perhaps foresee difficulties.

[61] **Janet Ryder:** It is not quite a supplementary question, but something came out of last week's evidence that I would like to get the fire authorities' views on. I know that you are not speaking for the fire authorities, but we cannot divorce you from the job that you do. Community Housing Cymru last week put forward evidence to suggest that sprinkler systems are now superfluous. It was of the opinion that, through changing standards,

building regulations and so on, the ability to contain a fire already exists, more or less, in new house build, and that a sprinkler system might be superfluous. Would you like to respond to that in any way?

[62] **Mr Hanks:** It is difficult for me to agree with the statement that sprinkler systems are superfluous, because, while you can have a hard-wired smoke alarm that will raise the alarm, it does nothing more than that, and there have been countless tragic events in north Wales where smoke alarms have operated, but individuals, for a variety of reasons, have not been able to respond as you would expect, whether they were affected by alcohol or their age—either they were elderly or very young. A sprinkler is the ultimate safety device. It is described, slightly glibly, as a firefighter in every room, 24 hours a day, but a sprinkler will fight a fire, contain a fire in a room and raise the alarm. So, if you are not able to make your own way out of a property, at least something is fighting the fire until the professionals can arrive and rescue you. It buys you more time, whereas a smoke alarm will raise the alarm but do nothing to extinguish the fire.

[63] **Mark Isherwood:** Following on from that, in the evidence we received in the last session, the case put to us was that there had been no evidence of fire deaths or uncontrollable fires in newer properties built under the tighter regulations that have been in place in recent years. The witnesses felt that there was a need for greater analysis of the evidence base to identify which groups in which types of properties and properties of what age were at highest risk, acknowledging that Wales has some of the oldest housing stock and highest rates of home ownership in Europe and one of the highest levels of unfit properties, a significant proportion of which is owned by vulnerable groups of people. How do you respond to the suggestion that we need this evidence base in order to focus our priorities for the forthcoming period of time?

[64] **Mr Hanks:** I can provide plenty of evidence that, although the design of a building is important in controlling a fire, it is the behaviour and the lifestyle of the individuals who occupy the building that is the key. No amount of building design will change the behaviour of a 38-year-old male who returns home after drinking, decides to cook and then falls asleep under the influence of alcohol. If there is then a fire, it will be detected early by the hard-wired smoke detector—assuming that the property was built after 1991—but that is all that it will do, it will do nothing to contain or fight the fire. So, my response is that the fitting of smoke detectors has been a significant advance in promoting fire safety, but the ultimate is domestic sprinklers, because they protect a whole range of individuals, whatever their age, medical condition or lifestyle. On lifestyle factors in north Wales, some recent research identified seven factors that we think are the key to driving down the incidence of fire deaths and injuries.

[65] **Ms Alleyne:** Another point is that the introduction of this LCO or a Measure would not preclude the fire and rescue authorities from continuing the fire safety work that they are now doing across all those homes. The fire and rescue authorities should be congratulated for their work, particularly over the last few years, on trying to improve fire safety in existing homes. However, there is still work to be done. So, I do not think that this LCO or any Measure should stop any of the ongoing work to improve fire safety in those homes.

[66] **Huw Lewis:** We are nearing the end of our allotted time. It will need to be brief, but is there anything that you feel that you came along this morning wanting to emphasise or draw out that you have not been able to through these questions? Is there anything that the WLGA would really like us to know?

9.50 a.m.

[67] **Ms Alleyne:** As I have said previously, we would need to ensure that the implications

of the LCO are considered fully and dealt with appropriately. All stakeholders should ensure that they play their part to ensure that it is effective, should the Assembly receive this power.

[68] **Mr Hanks:** I wish to emphasise the fact that this a unique opportunity for us to lead in Wales on delivering significant fire safety measures within Wales. The most appropriate way of addressing the issue is through this type of legislation and by targeting new build. Clearly, once this LCO has been passed by the Assembly and in other places, Wales will be leading the way in delivering significant fire safety measures for our respective communities.

[69] **Huw Lewis:** Thank you both for your time and trouble today and for your very pertinent evidence; it is much appreciated.

[70] I now welcome Mr Colin King from the Building Research Establishment Wales. First, will you briefly tell the committee about your role and expertise with regard to our work?

[71] **Mr King:** I am current employed as the sustainable construction manager for BRE Wales. I also sit in the BRE environmental assessment method centre, which is where the fire certification and the red book are produced for certification and loss prevention. I have worked in the construction industry on introducing sprinklers into high-rise, low-rise and commercial premises, and I have looked into some of the research that the BRE has undertaken into the effectiveness of water sprinklers in the UK. We currently also give advice to the Scottish Parliament and the Department for Communities and Local Government on their stance on installing sprinklers in homes. I am also one of the authors of the 'Code for Sustainable Homes', which is the new standard for new build. We are currently looking at introducing sprinklers in the code as an added credit.

[72] **Huw Lewis:** As you have perhaps just heard, we want to explore issues through questions from committee members. I have a couple of questions to begin. In your 2006 report, one of the main findings was that smoke alarms fitted in the room where a fire originates responded in 31 per cent to 57 per cent of the time required by sprinklers and well before conditions had become life-threatening; that is a thumbs up for smoke alarms, obviously. In light of that, do you support the general principle of this proposed Order that we should fit fire sprinklers in new residential properties?

[73] **Mr King:** Generically, yes, I think that the introduction of sprinklers is to be supported. The main issue, from our point of view, is that we must ensure that there is not total reliance on the sprinkler system and that we do not move away from traditional firefighting and fire compartmentation. The research that we have done on what is going on in the American and Canadian markets and so on, is very much about the fact that, where sprinklers are the only source of fire prevention, they do not work particularly well, and about not moving away from some of the more traditional ways of controlling a fire. In principle, the idea of introducing sprinklers is a good one, if the issues around reliability, water pressure, cost and so on can be addressed.

[74] **Huw Lewis:** Do you have any key concerns? You mentioned traditional anti-fire design and devices that should not be ignored and that we should keep going on with that, but is there any other key difficulty with this proposal, from your perspective?

[75] **Mr King:** Not necessarily with the proposal itself, but there is with the principle of sprinklers. The moving population within buildings, such as in high-rise buildings, means that the familiarity of escape routes is fine for those who live there, but not as good for those who do not, and research shows that people do not always take the shortest route or the flagged exit in an emergency. There are issues around the fact that, if you relax traditional fire prevention measures too much and rely on sprinklers, you will not always get the benefits. So,

it is a case of getting the mix right between traditional designs and sprinkler systems in properties, not just for the people who live there, but for visitors to the properties. However, that is not necessarily an issue in low-rise buildings.

[76] What I could not quite gather was whether the proposal was just for new builds or whether it was also to retrofit sprinklers into existing properties. If it is just for new builds, that raises issues in that it is not the most vulnerable people in our society who are buying new-build properties. So, as the fire officer just mentioned, the people who are ambulant-disabled, blind or who have a disadvantage of some description would not benefit from this type of proposal, and yet they should be the ones to benefit the most from it.

[77] **Huw Lewis:** So, you are saying that, from your perspective, it might be worth considering broadening the scope of the Order to include other types of property?

[78] **Mr King:** The sole purpose of fire sprinklers is to preserve life, and yet the people whose lives are most at risk will not necessarily benefit from this measure. It is definitely a good starting point, and all initiatives need a starting point, but it is just a matter of whether the most disadvantaged in our society need to be considered within that provision, as well.

[79] **Janet Ryder:** You might have answered this question with your last sentence. A lot of the evidence that we have heard has indicated that it will be difficult to target those who are the most vulnerable because of the types of properties that they choose to live in. However, the introduction of this LCO, and the Measures that will stem from it, will start to create a standard in itself, something to aim for and to achieve. Would you therefore support this LCO, if we can get it through, for new residential properties—or however we will term them—on the basis that it is at least significant in making a start on the process?

[80] **Mr King:** Absolutely. The most important thing in changing the performance of any building is to make a start somewhere, and the new-build market is the obvious place to start, because it is easy to integrate such changes into the building fabric.

[81] **Huw Lewis:** Sandy Mewies now has a series of questions.

[82] **Sandy Mewies:** We have received evidence suggesting that new-build properties are more capable of providing better fire safety, because the materials used are not so combustible, the means of escape are better, they are fitted with smoke detectors, and so on. First, do you agree with that? Secondly, do you think that the Order would be more effective if it targeted older properties? Thirdly, have you done any research on the differences between the fire safety of new and older housing?

[83] **Mr King:** We are just about to complete a piece of research on that and on the cost-effectiveness of sprinklers through making savings in the design and running costs, and so on. So, we have just been finishing that off for the Department of Communities and Local Government. However, I do not necessarily subscribe to the theory that modern properties perform any better than older properties. The principles are fairly sound about staggered plasterboard and fireline board, and so on, but, at the end of the day, even though a product might be certified to be fireproof for 30 or 60 minutes, that is the test-case performance, and that might not be the real-life exit time. It just means that a given section of that material will give you that performance in a test scenario. You are talking about five, 10 or 15 minutes at the very most, even with some that are rated at 30 or 60 minutes. It is just some vagaries as regards how materials are certified.

[84] In many ways, some of the older and more traditionally solid-walled properties would probably perform better than newer properties, because of their inherent thermal mass: they are built of stone and it is only the finishes and the likes that are likely to combust. There has

always been some concern about timber-framed houses and insulation and all the rest of it, but there is no real evidence to prove that they would fare any worse once they are alight.

10.00 a.m.

[85] Since the advent of the timber frame in the early 1960s, fire design has improved with staggered plasterboard, fireline board and better insulation materials. To be honest, I do not think that any one is better than the other. With regard to gauging its effectiveness, the new-build market is ideal, because you can integrate fire safety measures and get a better idea of the costs and their performance.

[86] To go slightly off the subject, there are concerns about the cost of affordable housing anyway. Affordable housing is not really affordable; it just happens to be a bit cheaper than all the other housing. What is affordable is one of the issues we are working on. There are many things involved in that, and the introduction of the code will uplift social housing building costs by between £3,000 and £8,000 a unit, so there is now another cost that must be factored in. There is an overheated housing market that will now suffer an uplift of £10,000 in build cost per unit, in addition to inflated land values and so on. However, that is a different subject.

[87] **Sandy Mewies:** In your evidence, you note that design freedoms have been available in commercial properties because of sprinkler systems. Could similar design freedoms be offered in residential properties? If so, would you have any concerns that some regulations would be relaxed because of the installation of sprinklers?

[88] **Mr King:** For traditional domestic properties, they will not really be any relaxation because they have so little designed in anyway. However, once you go above three, four or five storeys, it could affect the likes of firefighting shafts, because properties with sprinklers need fewer firefighting shafts. There is a cost implication as the height and density of a building increase. In the new high-rise apartments being built in the south of Cardiff and in Newport and Swansea, there could be some savings to be made, because there would be less designing-in of robustness and compartmentalisation.

[89] My concern is that sprinkler systems are not a panacea for all ills, but there is a balance to be achieved so that some of the benefits of other measures can be incorporated with a sprinkler system. I would be concerned because people do not always do what they are meant to do in a fire; it is the headless-chicken scenario, because panic sets in. We have run through a few scenarios in our head office at Garston of how people act in the event of a fire, looking at people movement, and so on, and we have found that people just do not move as they are meant to according to the rules and regulations. You have to account for that fact, and anything that reduces people's ability to escape from a building would have to be considered carefully.

[90] **Peter Black:** The committee has heard evidence from the fire and rescue service that the chances of a sprinkler system failing are very small indeed. However, in your submission, you say that consideration should be given to sprinkler reliability. Could you expand on that?

[91] **Mr King:** The main issue is that most of the research has been done on American and Canadian systems, and not a great deal has been done on the UK sprinkler systems market. There are quite a few issues with regard to the reliability of the American systems. So, if we are to allow some relaxation of the traditional methods of compartmentalisation, we need to be sure that the water supply will always be at the right pressure, that it will always be available, and that the sprinklers work as designed. It is hard to say any more than that. We are uneasy about the reliability of some sprinkler systems. It is about getting the right system, designed by the right people, in the right place.

[92] **Peter Black:** During your research, did you identify any instances of a sprinkler system failing to activate during a fire?

[93] **Mr King:** We did not find instances of a sprinkler system failing to act, but there were instances of it failing to work as designed. That was because a little too much reliance had been placed on the sprinkler system.

[94] **Peter Black:** The committee has also heard evidence that sprinklers are effective in controlling all types of fire, including electrical fires. Is that borne out by your research, or have you encountered any type of fire that a sprinkler has been unable to tackle effectively?

[95] **Mr King:** They are all fairly effective, but the ones that we have looked at were not always as reliable in the case of an electrical fire. So, there may be some issues in that regard, but, to be honest, I would like to dig into our research a little more and submit the real findings to the committee, if that is okay.

[96] **Peter Black:** That would be helpful.

[97] **Mr King:** We have done a lot of case studies and have been involved in many major incidents in the UK, to see what did and did not work.

[98] **Peter Black:** Can you recall a particular incident involving an electrical fire?

[99] **Mr King:** I have read about a case study that was based, again, on the American market. That was where it had come from. The case involved an outbreak of fire at four different locations. The system had been designed to target specifically the kitchen and the areas with a higher likelihood of fire, and so it was not as robust in other areas of the property. Unfortunately, given how the property was being used, the system had been unloaded in what was deemed to be a low-risk area.

[100] **Peter Black:** It was the way the fire prevention system had been designed as opposed to the effectiveness of—

[101] **Mr King:** Yes. There were too many assumptions that people would perform as expected and use the house as intended, but there were too many ganged sockets and there was too much overload. It was a low-risk area that turned into a high-risk area because of cultural and behavioural issues.

[102] **Huw Lewis:** I will come in here, Peter, before you move on. We have heard quite a bit about BS 9251:2005. When that standard was being met, with everything being done correctly, were there problems with electrical fires even then?

[103] **Mr King:** No. Not that our research has identified. This is purely in the American context, and that is the main issue that we had with that.

[104] **Huw Lewis:** Thanks, Mr King. Janet Ryder will now ask a series of questions.

[105] **Janet Ryder:** You might have answered some of these already. You say that further research needs to be undertaken on the benefits and issues with integrating automatic water-suppression systems into building design in the domestic market. Would you like to expand a little further on that? In particular, do you think that such research should be carried out before the Assembly seeks to have the powers transferred from Westminster via this proposed Order?

[106] **Mr King:** What I was referring to was not necessarily what the LCO covers, now that I understand that it covers new build. However, I think that we need to research what to do with the older types of properties and the different groups of people. The British standard and the design issues in new build are fairly well covered, and so we have no major concerns about that aspect. What we need additional research on is the issue about the most vulnerable in society not buying new properties. They are probably living in housing of a poorer standard, and they are less likely to help themselves and less likely to be able to afford such things as smoke alarms, fire extinguishers and fire blankets, so they are not even taking some of the more standard steps. That is what we are looking into, as we feel that there is a gap, and we are asking how we can properly address the existing market rather than the new-build market.

[107] **Janet Ryder:** You also say in your submission that it is important that sufficient risk analysis be undertaken at submission stage. Have you anything further to say about that, or do you think that you have covered it?

[108] **Mr King:** Not really. Like many aspects that are newly introduced to a design, the assumption is that the people designing the properties are experts in the field. I feel that a detailed risk analysis is needed of how a building is designed and how the sprinkler system is designed to work. Traditionally, in the UK, houses are designed by architects who are not necessarily experts in fire prevention. A design may well look aesthetically pleasing, and it may use the right materials, but it might not perform as well as it could. I just think that someone or a body of acknowledged experts on fire prevention should carry out some sort of risk analysis at some stage, or they could send out guidance on what should be incorporated in building design. Whenever there is a new initiative, unfortunately, a new body of experts pops up to fill the gap, but they may not be genuine experts in the field.

[109] **Janet Ryder:** Several witnesses have told us—and you have touched on this—that research undertaken by the Building Research Establishment suggests that sprinklers are not cost effective in residential premises other than care homes and high-rise buildings. However, the report of the pilot study that you have included in your evidence says that,

[110] ‘It was not possible to provide a direct estimate of sprinkler effectiveness from the UK fire statistics...Statistical and other data from other countries may not be directly applicable or appropriate for the UK situation’.

[111] You have referred a lot to America. Could you clarify the conclusions that can safely be drawn from your research with regard to the cost-effectiveness of sprinklers in residential properties?

10.10 a.m.

[112] **Mr King:** When the report was carried out in 2003-04, there were no data or case studies in the UK about where sprinklers had been incorporated. That is the piece of work that we will finish in the next week or two. We have looked at the UK market and at whether the information that we have gathered from Europe and North America relates to the UK market. It would be good for the committee to receive a copy of that report, which is the latest, up-to-date information. It may be five years since the original research was done. We now have more up-to-date data. It was really about how much things cost to buy in America, integrating that, and the fact that they have always had this type of firefighting procedure in America. We now have to get a new body of skills and a way of integrating this into buildings in the UK without any real wealth of expertise in doing that. However, our latest report will shed a lot more light on that and will perhaps look a little more favourably on the individual residential rather than the multi-residential market.



[113] **Mark Isherwood:** Your submission states that sprinklers are being installed in new three-bedroomed, semi-detached houses for around £1,000. What is the source for that figure and do those systems comply with BS 9251:2005?

[114] **Mr King:** I will have to get back to you on that, because that section of the report was given to me by the Fire Research Station in Garston. I can get back to you by the end of tomorrow with that information.

[115] **Mark Isherwood:** Your estimates state that installing a residential sprinkler system would add between 1 and 2 per cent of the cost of a new build. However, those figures also date back to 2000-01. Do you have more recent estimates for that, or could you provide them?

[116] **Mr King:** The current report is up to date with current build costs and the current cost of the systems. The latest report should answer both of those questions.

[117] **Mark Isherwood:** Could you explain how the definition of 'residential' used in the pilot study compares to the definition in the proposed legislative competence Order?

[118] **Mr King:** Not without doing a little more research. I have not read all of the report; I was not one of its authors. However, I fed into it. If you have a specific question, I can certainly answer that for you. Would someone be able to e-mail me that question?

[119] **Huw Lewis:** Of course. It would be very helpful if you could respond. That would be great.

[120] **Mark Isherwood:** Your submission also states that consideration should be given to the ongoing maintenance and enforcement issues that may, or will, arise. Could you expand on that, please? What are your concerns?

[121] **Mr King:** The real issue with anything that is put in place is that it will need regular testing and maintenance, whether it is a dry riser, a sprinkler system, a gas boiler, or any particular function within the building. It is probably easier to control when it is under local authority or registered social landlord control, as they have methods of maintenance and a programme of maintenance for gas safety checks. All of this could be done at the same time. The major issue is if this becomes widespread in low-rise buildings; it would be an additional burden placed on the householder that may or may not be at the top of their list of priorities, unless there was a regulation and certification system for doing that. Unfortunately, these days, it would become part of a list of priorities and they may not think that maintaining a fire sprinkler system is more important than being able to eat, pay the mortgage, or something like that. Those issues would need to be addressed with regard to low-rise buildings. In high-rise buildings, as long as there is a responsible building manager, the service charge and the ground rent should cover the maintenance of the private side of those things. However, that would mean an increase in the running costs.

[122] Our main concern would be low-rise buildings, if it was down to individual householders who did not come under the umbrella of a local authority or RSL. Would they maintain that system? Do they carry out gas safety checks on their boilers every year? Probably not. It is a cultural issue. They are meant to, but do they do it?

[123] **Mark Isherwood:** How important, therefore, do you think it is that issues of maintenance and enforcement should be provided for within the Order itself?

[124] **Mr King:** I think that it is very important that they are included, particularly in relation to low-rise buildings, to be honest. We are all very familiar with the fact that when gas boilers give people carbon monoxide poisoning in houses, it is usually because they have

not maintained them. If a sprinkler does not go off, it will be because it has not been maintained properly. It may not happen for three, four or five years, but I think that it is something to consider upfront: how are we going to ensure that these sprinkler systems are maintained, if it goes down to the level of individual residents' properties?

[125] **Huw Lewis:** Mr King, before you go, is there anything that we have not explored through questions that you would like to bring to the committee's attention as an important point this morning?

[126] **Mr King:** I think that the major issue is who is going to regulate it. Naturally, in our opinion, it would sit with building control and become part of the sign-off process for building control. It is not a planning issue—planning is tied down with enough of its own worries. It is really down to building control and there needs to be the right level of discussion between building control, the fire officers and the designers, so that any relaxations are risk-managed properly. That is the really important thing that we are concerned about: if there becomes a total reliance on sprinklers and a move away from some of the more traditional systems of compartmentation, it could cause problems in the future. It is just about getting the balance right. We welcome the fact that you are looking into making sprinklers mandatory, but the issues are how that is to be managed and certified, so that people are putting in the right systems and commissioning them correctly.

[127] **Huw Lewis:** Mr King, thank you for your very clear and important evidence this morning. Thank you for taking the trouble to be with us. I know that we will be able to e-mail those supplementary questions to you, and your response to those will be equally as valuable.

[128] **Mr King:** I will get back to you as soon as I can. Thank you.

[129] **Sandy Mewies:** Chair, before Mr King goes, is it possible for us to have—

[130] **Mr King:** I will get a copy when I go back and I will e-mail it to the clerk.

[131] **Huw Lewis:** Sorry, I assumed that that was going to happen.

[132] **Mr King:** I assumed that that was one of the bits of information that you wanted. It is about the cost-effectiveness and reliability of sprinklers. It will be our latest, up-to-date research on sprinklers.

[133] **Sandy Mewies:** Thank you.

[134] **Huw Lewis:** We now move on to the cause of all our woes, Ann Jones AM. Ann is joined this morning by Keith Bush, the chief legal adviser and director of legal services at our very own National Assembly. I will not ask Ann and Keith to introduce themselves because I think that we are familiar with their roles. We will kick off with some questions, Ann.

[135] In the Minister's evidence, last week, she said that she would favour the scope of the proposed Order being as broadly drawn as possible and as closely reflective of the building regulations as possible. She also said that she anticipated the transfer of functions in relation to the building regulations occurring some time this year. On that basis, do you still think that your Order is necessary? Secondly, has the Minister's evidence changed your view on the scope of the Order? Do you still favour a narrow Order or would you prefer to broaden its context?

[136] **Ann Jones:** I realised when the LCO went through to the ballot stage that building regulations could be a way of achieving this. However, as you said, building regulations are not presently devolved to the Assembly. We are assuming that they will be in the autumn of

2008 or even beyond then. Once those powers are devolved, they will provide Welsh Ministers with the power to incorporate a requirement in the building regulations, but it will not compel the Ministers to do it. In other words, it would give them the opportunity to do it, but that would depend on their programme or on the way in which they would then take the building regulations forward. So, only by pursuing this LCO and a subsequent Measure could we, as an Assembly, bring forward a timescale for the new law. It is my view that it would be better for new residential premises to be constructed with sprinklers as a result of my proposed LCO, rather than having new homes being built without such protection while we wait for building regulations to be devolved to us.

10.20 a.m.

[137] I think that it was the Minister's official who said that it may take two to three years, while they consult on building regulations, and, in those two to three years, we would have missed the opportunity for sprinklers to be installed through this legislation.

[138] On broadening the scope, I took the decision to keep the LCO narrow and focused as an opportunity to achieve the goal of protecting new-build homes with sprinkler systems. It is an attempt to improve fire safety and to stop unnecessary fire deaths. I did this to ensure that we could make progress. If the committee recommends a different approach or if it has other views, I am happy to consider those. However, at the moment, the scope of the LCO is understood. The principle behind it is something that can be achieved. If we are about anything, we are about attempting to achieve, rather than pursuing a complex route of constantly adding or taking things away without achieving anything. I want to achieve this, and I am sure that the Assembly wants to make progress on this—an area where we have been told that we could lead the process. We could be one of the world leaders; we could certainly lead in Europe. That is the aim, but, as I say, I am happy to consider further anything that the committee recommends.

[139] **Peter Black:** When the Minister gave evidence, we pressed her on how she would broaden the scope of the LCO. I think that she accepted that it referred to new residential properties, as you have said—and I think that there is general support for that principle. However, she said that one way it could be broadened would be by removing the definitions from the LCO and leaving it up to the Measure to define the approach that we take. She felt that that would give her more scope with regard to bringing forward Measures and in terms of what could be done with that power when it is devolved to the Assembly. Would you support that approach as a way forward that will achieve what you want to achieve but which, at the same time, will give the Assembly a broader scope with regard to how the Measure is drafted?

[140] **Ann Jones:** There is a certain amount of discussion to be had about what Measures would follow from the proposed LCO. When I put the definition of the matter into the LCO it was, as I said previously in giving evidence to the committee, an attempt to give an open and transparent idea of what we want to those who will be looking at this—it is out on the table, and nothing is hidden. I am happy to consider fully the committee's report, but the LCO as it stands indicates quite clearly what we are about and what the idea behind the LCO is. I understand where the Minister is coming from, and I am grateful that she has accepted the LCO in principle and that it would be a huge step forward. Given the uncertainty with regard to the devolution of building regulations, at this stage, I would favour pursuing the LCO in its current form.

[141] **Huw Lewis:** To continue with the Minister's comments, she also questioned the merit of having the building regulations and the Order in force at the same time. She suggested that the provisions of the Order would apply over and above the building regulations and could cancel out compensatory savings that could be made following the

installation of sprinklers, such as greater design freedoms, for example. What do you make of that?

[142] **Ann Jones:** If we pass the LCO as it is, I would want to take Measures forward. We would then have to have discussions about those Measures. It would be for the Welsh Assembly Government to decide whether or not to introduce its own requirements and what priorities it would make. There would be those of us who would push to give this a high priority, but nevertheless, it would be the Government's decision. If building regulations were devolved before a Measure could be made under my LCO, I could then ask to place a duty on Welsh Ministers to include provisions for requiring the installation of sprinkler systems into building regulations; that would then achieve my aim.

[143] So, in a way, I can see how my LCO could strengthen and complement building regulations and powers rather than duplicating or even nullifying costs. There could be a stronger element there that we could move forward together. At the moment, it is hard to envisage that, because building regulations are not devolved.

[144] **Huw Lewis:** You know that we have heard evidence from Dŵr Cymru, which suggested that the costs of installing a sprinkler system would be more or less the same, regardless of the size of the property, and that a pilot scheme undertaken in Aberafan found that the costs of installing sprinklers was more in the region of 3 per cent of total construction costs as opposed to the 1 to 2 per cent figure that has been floated. What is your view on that? Do you think that there would be a disproportionate cost effect on smaller properties or on first-time buyers, for example?

[145] **Ann Jones:** I was interested to hear that the Building Research Establishment has a new report out, which the committee will see. I used BRE's installation costs when considering construction costs. Those costs will vary according to the size of property being built or according to significant alterations or conversions. Perhaps we could consider installation costs more fully when we discuss proposed Measures. The cost will depend on the details of Measures.

[146] Listening to Dŵr Cymru's evidence last week, it was quite clear that there had been some problems. Sandy referred to the fact that Dŵr Cymru said that it had reduced water pressure in order to avoid leakage. I was interested in that because perhaps the question should have been: should you not repair the leakage rather than reduce the pressure? In my previous work with the fire service, that would have been my comment.

[147] There were some initial problems with the pilot scheme that was mentioned, and there would be initial costs that would push the costs up. However, going to new home build, I would like to get the infrastructure right so that there would not be associated problems or additional costs. Like you, I will wait to see BRE's latest indication of costs, but I do not think that first-time buyers or any new buyers would be swayed by this. I think that the cost is at the developers' stage and I am sure that, should this go ahead, developers will not nip down to B&Q to buy a sprinkler system; they will buy them from recognised distributors and they will buy them at a cost according to however many houses they happen to be building at the time. It will not be a question of, 'What is the cost of a sprinkler system?', but of, 'I am building 100 houses, give me a price'. I am sure that we will then be able to work out, if we have affordable housing in a scheme, the cost of installing sprinklers across the piece.

10.30 a.m.

[148] **Huw Lewis:** I want to explore the old versus new debate in terms of fire safety in residential properties. This morning, Mr King from BRE said things that were contrary to what many of us had been taking as a given: that new properties are better and safer. He

seemed to pooh-pooh that, to some extent. Do you believe that we are still correct in focusing on new properties? Is there not a case for looking at older properties being included in the scope of this, and perhaps for prioritising certain types of buildings within older properties? Are we correct to stick to new properties?

[149] **Ann Jones:** For the purpose of attempting to alter the way in which we deal with fire safety in Wales, I believe that new build is the right way forward. What it means is that, should this proposed LCO become law at a given point, we would know that anything that was built after that date would then be fitted with sprinkler systems; that is similar to the situation that those built after 2001 are fitted with hard-wired smoke detectors.

[150] **Mr Hanks:** It was 1991.

[151] **Ann Jones:** It was after 1991—it is even longer ago. It is interesting to hear what the BRE said this morning about older properties. You would have thought that, as we moved forward, we would have been looking at ways in which fire safety is considered. However, I am confident that new build would benefit from sprinkler systems. Should we target older properties? In an ideal world, I would say yes, and you would expect me to say that, given the number of tragedies that I saw when I worked in the fire service.

[152] However, practically and pragmatically, I do not believe that it could happen; you have to start from somewhere, and then move on. I do not know how you would do it in older properties, other than through registered social landlords. It puts an unfair disadvantage on registered social landlords if their properties must be sprinklered if they buy them up out of housing stock. That is unfair, because the private home owner does not have to do that, and it becomes, again, a slightly unfair disadvantage to those who are attempting to provide houses. However, with older properties, I am sure that people will see that, if they move into a new property, or they have family moving into a new property, where sprinkler systems have been installed, they will look at doing something similar in their own properties if they can.

[153] I remain optimistic that this will go through quickly, and that we will see that benefit, and that, hopefully, others will then follow suit. I take the lead from the fire service, and from designers, as to the best way of protecting people in new homes in Wales.

[154] **Huw Lewis:** Thank you, Ann. Sandy Mewies has the next questions.

[155] **Sandy Mewies:** This morning, Naomi Alleyne from the WLGA raised some points on definitions. The first point was that paragraph 35 of the explanatory memorandum mentions ‘residential premises under-going significant alteration’—I believe that her question centred on the ‘significant’ part of that. Do you have any clarification on what exactly is meant by that?

[156] **Ann Jones:** It is a long time since I have read paragraph 35. What we were trying to do there was to give a flavour of what we expected to be covered there. A property ‘under-going significant alteration’ is where you would take, for example, a hotel, or a building that was previously a hotel, and change it into four or five residential flats; that is a significant alteration. It was that sort of thing that we were looking to cover.

[157] **Mr Bush:** May I help on that?

[158] **Ann Jones:** Yes, I think that you should, because you wrote it. [*Laughter.*]

[159] **Mr Bush:** To be fair, the way in which it is expressed in the explanatory memorandum is perhaps a little less clear than it could be. The intention is to refer back to the classes of alterations that are set out in the Order—the conversion, in other words, of

premises, so as to create one or more new residential units. Therefore, there is no added situation where there is a significant alteration that does not create a new residential unit. So, in other words, if you wanted to refurbish an existing residential property, that would not trigger the ability to legislate for that situation. A significant alteration really means the subdivision or conversion of an existing residential unit, or an existing non-residential unit, into one or more new residential units.

[160] **Sandy Mewies:** Are you saying that there is a need to clarify this further perhaps and indicate, in paragraph 35, that there is a reference back here to a more substantial change?

[161] **Mr Bush:** I am sure that that is right, because the function of the explanatory memorandum is to make it easier to understand the proposed LCO, and, to some extent, that can mean that one uses rather imprecise language to try to get the idea over. That is something that needs to be looked at to ensure that it is clear and that it does not add anything to the classes of cases that are set out in the Order itself.

[162] **Sandy Mewies:** Something else that concerned the WLGA in its evidence was that homes that will be, or have been, renovated to meet the Welsh quality housing standard may fall within the definition of those that have been, or will be, significantly altered. Its concerns were focused on costs, Chair. I think that Naomi Alleyne said that its conclusion was that it would not be the case, but do you have any different interpretations?

[163] **Ann Jones:** As it is currently worded, it was not intended that that would be the case—Keith put it more eloquently. If new residential units are created and housing stock is renovated, say by reducing six bedsits to two flats, that would be a new residential unit. It would then be covered by the LCO. Given the current wording, I would not, necessarily, see it as that.

[164] **Mr Bush:** That is absolutely right. The fear that it has expressed, which has been generated by the wording of the explanatory memorandum, has no substance. That would only be the case, as Ann said, if more units were created than exist at the moment; the LCO would cover that situation.

[165] **Mark Isherwood:** As you know, we have received a great deal of evidence emphasising the importance of regular maintenance of the systems. Having heard that evidence, are you still satisfied that the proposed Order makes adequate provision for that?

[166] **Ann Jones:** As I say, the LCO is there. The installation and maintenance of any sprinkler system could be honed down in a Measure. That is where we would have to look at the detail of how we would expect the maintenance of any sprinkler system to be covered. British Standard 9251—I have always called it the 9251 committee—states clearly that maintenance is covered under that. However, that is something for a Measure. If we get the LCO through, we can look at Measures; that is where we could include the regular maintenance of such systems.

[167] **Mark Isherwood:** As you are also aware, we have received a great deal of evidence questioning how the provisions of the Order would be enforced. Do you still think that the proposed Order, as drafted, provides for enforcement of the policy, and, if not, do you feel that it now should?

[168] **Ann Jones:** Again, that is an issue for a Measure. If we get the LCO, and then a Measure, through, it is law. So, it would be against the law not to have a sprinkler system fitted. Therefore, we would be looking at enforcement at the Measure stage. There are various suggestions there on who should or should not be the enforcers, and again those detailed proposals are for the Measure stage.

10.40 a.m.

[169] **Huw Lewis:** I see that you are content with that, Mark. We will have some questions on terminology now from Peter.

[170] **Ann Jones:** Peter likes his terminology, does he not?

[171] **Huw Lewis:** Yes; there is no-one better.

[172] **Peter Black:** Thank you. It is what scrutiny is all about, Ann. The proposed Order applies to new residential premises. Can you set out what properties you intend should be encompassed by that term?

[173] **Ann Jones:** The last time I came to the committee I said that my intention was for it to encompass all new home build: all the new houses where families, individuals or anyone would reside as their home. We then get into the situation of how we look at that, but it is still my intention to include all new-build housing and conversions to residential use, so that would mean conversions from offices to houses and from hotels to several flats or whatever. I consider that the term 'residential' includes new single-dwelling houses and any new building constructed for or converted to residential use. I can see any new-build sheltered housing or care homes as part of the new-build scenario as well as blocks of flats, and within that I would include any new-build student accommodation, because, whatever students might think about it, while they are living in the town where their university is located, that is their home. As a parent, I would say, 'No, their home is still with me, because they are my babies.', but it is their new home, they are residing there and therefore I would include that under this term as well.

[174] I do not know if there is much else. We touched on whether caravans or houseboats should be included, and I think that you could use the term 'residential' for them, although obviously not for touring caravans. Static mobile homes rather than caravans could be covered under the residential tag in this LCO. That was my intention, and I still believe that that is the way forward.

[175] **Huw Lewis:** I am sorry to interrupt, but mention of student accommodation in particular flags up a concern. Are you also talking about communal areas in such buildings? Are you simply talking about the residential unit or about communal areas too?

[176] **Ann Jones:** There is no point in putting a sprinkler system into an individual residential unit in a block of a dozen flats without covering the communal area, because the communal area is probably where it would be more of an advantage to have a sprinkler system. I never went to university, so I have never lived in student accommodation, but I have a good idea of what happens in communal areas that would mean that a sprinkler system needs to operate—

[177] **Huw Lewis:** I cannot remember.

[178] **Ann Jones:** I am talking about the fact that they make toast when they come in at 3 a.m. and things like that.

[179] **Huw Lewis:** If you say so, Ann. [*Laughter.*]

[180] **Ann Jones:** Or they put the frying pan on at 3 a.m.. So, I would include communal areas in the new build.

[181] **Peter Black:** I went to university. I am sure that you have no idea of what goes on in communal areas, but you are right that people tend to cook chips and so on at that time of the morning and it is a clear danger area.

[182] **Ann Jones:** Absolutely. Thank you, Peter, for getting us back on an even keel.

[183] **Peter Black:** The fire and rescue service said that it did not consider that care homes were covered by the proposal. You have just said that they are, so we will go with what you said. This is the danger of having debates on definitions around the LCO as opposed to a Measure.

[184] **Ann Jones:** I think so. In fairness to the fire service, when it said that, it was in the context of whether we should look at care homes as they are now. I am quite specific that any new-build care home could be covered by this; I am not advocating that care homes be retrofitted. Perhaps that is where the fire service is coming from. In an ideal world, I would like to see that sort of thing happen, but we do not live in an ideal world. You are right that we need to look at Measures, and those Measures will be definitive about what we can do. My intention for the LCO was to keep it as narrow and focused as possible so that people understood what we were asking for the powers for and the reasons why we were asking for those powers. As you say, at the Measure stage, we will need to drill down into what we can and cannot do.

[185] **Peter Black:** The danger is that if you define residential premises too narrowly in the LCO, you may not be able to include things in the Measure that you might want to include. The legal advice is important here.

[186] **Mr Bush:** The intention is that it should be narrow in terms of being limited to new premises, but that the residential side of things—in other words, defining what kinds of properties can be covered—should be as wide as we can make it, so that, potentially, it would cover buildings such as residential care homes, colleges, halls of residence and so on, and possibly even wider. As Ann has rightly said, the Measure stage is when one will address difficult issues of precise definition—and it may even go further than that. It is the kind of issue that might be addressed by regulations to be made under a proposed Measure, because new ways of living are constantly being invented and you need to be able to follow those and adjust the coverage of a Measure in response to a change in circumstances. So, ‘residential premises’ is a pretty wide definition, which we hope is wide enough to cover anything that one might conceivably want to cover.

[187] **Peter Black:** My last question is more to help us with our recommendations. We have had evidence that the term ‘sprinkler system’ should be replaced with either ‘automatic water-suppression system’ or ‘automatic fire-suppression system’. Do you have a view on that?

[188] **Ann Jones:** That is why I brought technical advisers with me. The terminology used in the LCO, which I have used throughout, was given to me by the British Automatic Fire Sprinkler Association, and I bow to its greater knowledge on that. To me, a sprinkler system is a sprinkler system, but the terminology that we used was what the association advised us to use.

[189] **Peter Black:** ‘Automatic water-suppression system’ is so much sexier, is it not?

[190] **Ann Jones:** I will let you decide that one, Peter. *[Laughter.]* I do not care what you call it, as long as it achieves the aim of getting the system into new-build homes.

[191] **Peter Black:** Absolutely.



[192] **Sandy Mewies:** The term ‘automatic water-suppression system’ does not fit the bill, because it is an ‘automatic fire suppression system’, surely?

[193] **Ann Jones:** I knew I should have had Ray Cassar here.

[194] **Mr Bush:** My first attempt at it was just to say ‘sprinkler system’, but, as Ann has pointed out, advice was given to her by the people who know about these things that it should be more precise than that. However, if recommendations come from the committee on the basis of evidence that is put forward, we will look at that evidence.

[195] **Huw Lewis:** It is amazing how quickly we get into Swiftian territory when we start to talk about definitions.

[196] The last few questions are from me, Ann, unless Members want to come back with supplementary questions. We have heard evidence calling for the Order to include references to the famous BS 9251:2005, with regard to the types and standards of sprinklers, and so on. Do you think that we should include that in the Order?

[197] **Ann Jones:** BS 9251:2005 is very much the working bible. To include it in the Order could restrict future legislative competencies of the Assembly. If it is there as the working document in the background, referred to in the explanatory memorandum and referred to for definitions, such as whether they should be called ‘sprinkler systems’ or ‘automatic water-suppression systems’, or whatever, that would be a better way of taking it forward.

10.50 a.m.

[198] **Mr Bush:** Could I just add, Chair, that if you put it in the LCO, if the British Standards Institute changes the number of the relevant standard, you will lose your power to legislate. That is the kind of thing that would usually be left to regulations. You could say, in a Measure, that Ministers could make regulations that would provide for certain standards that are deemed to satisfy the requirements of the Measure. Then, from time to time, as different standards came forward, regulations could amend that to respond to the situation.

[199] **Huw Lewis:** That sounds like good common sense. I have a final question. Going back to the Minister’s comments, I got the distinct impression that she preferred not to include definitions in the Order at all, leaving them for future Measures. Is there an exception to that? Are there any definitions that we should have in the Order?

[200] **Ann Jones:** As I say, I have put those definitions in to attempt to be open and transparent about what was intended under the LCO. If the committee recommends a different approach, or if you recommend that, we will certainly give it fair consideration. However, it makes it clear where we are going; as Keith said, we included the definition because we were trying to give a flavour of what we were hoping to do. The scope of the LCO is narrowed to new builds, but I am happy to look at the committee’s recommendations on that, if you so wish.

[201] **Mr Bush:** In this particular case, the definition helps to widen the scope a bit. I will explain what I mean. If you were to take out the interpretation of ‘new residential premises’, and it referred only to provision for and in connection with the requirement that a sprinkler system be installed in new residential premises, there would be a danger that people would read it as meaning new build in the sense of a new house or block of flats on a green field site. However, the intention here is to extend that, and make it clear that it includes the conversion to residential use of previously non-residential premises. So, the definition of ‘new residential premises’ helps to widen the scope from what you would otherwise interpret the phrase to

mean. Although I am sure that the Minister's point that, in principle, definitions should be left for Measures where that is at all possible is right, it may be that the committee will think that, in this particular case, you need to define 'new residential premises', because that is how you make it clear that it extends to conversions of existing buildings.

[202] **Huw Lewis:** If Members are content, it just remains for me to ask Ann whether there is anything that we have not dealt with this morning that she would like to raise briefly?

[203] **Ann Jones:** No, I am content, Chair. I just wish to thank you for the way that the evidence sessions have gone. They have been very useful and have gathered the right information for us to move this forward. So, I put on record my thanks to you and to committee members for the way in which this has been debated.

[204] **Huw Lewis:** Thank you, Ann, and thank you Mr Bush for your time and trouble in coming here this morning.

[205] The evidence sessions are now over. As I mentioned in our informal discussions, the usual run of things with LCOs—although it is perhaps early days to have a 'usual run of things'—will be to meet in private when the committee is deliberating on content, conclusions and recommendations for the report. I do not think that Mark was with us at the time, but there was a suggestion from Janet, who is absent at the moment, that we continue with private meetings, but hold one final meeting in public. We need to make a formal decision on that now. Shall we just continue to meet in private, and produce a report, or would Members like to have a public session at the end?

[206] **Peter Black:** We need to have a private session to discuss the contents of the report, but I think that Janet is right that we should have a public session on the final report.

[207] **Huw Lewis:** Are you content with that, Mark?

[208] **Mark Isherwood:** Yes. Given that we will, hopefully, have achieved agreement on the contents of the report by that stage, what will we be hoping to achieve at that meeting? Will it be just a very short one?

[209] **Huw Lewis:** Hopefully. Let us be optimistic.

[210] The very final thing—a little piece of good news—is that those meetings will now start at 9.30 a.m. since we do not have to invite witnesses. Thank you for your questions and your work so far, but there is still more to do, so I will see you soon. Thank you.

*Daeth y cyfarfod i ben am 10.55 a.m.  
The meeting ended at 10.55 a.m.*