



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

**Pwyllgor Deddfwriaeth Rhif 1
Legislation Committee No. 1**

**Dydd Iau, 14 Hydref 2010
Thursday, 14 October 2010**

Cynnwys
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Procedural Motion

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Rosemary Butler	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Chris Franks	Plaid Cymru The Party of Wales
Val Lloyd	Llafur Labour
Rhodri Morgan	Llafur (yn dirprwyo ar ran Ann Jones) Labour (substitute for Ann Jones)
Nick Ramsay	Ceidwadwyr Cymreig Welsh Conservatives

Eraill yn bresennol
Others in attendance

Chris Enness	Dirprwy Brif Swyddog Tân, Gwasanaeth Tân ac Achub Staffordshire Deputy Chief Fire Officer, Staffordshire Fire and Rescue Service
Ann Jones	Aelod Cynulliad, Llafur Assembly Member, Labour

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser
Ben Stokes	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Liz Wilkinson	Clerc Clerk

Dechreuodd y cyfarfod am 9.31 a.m.
The meeting began at 9.31 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Rosemary Butler:** Good morning, everyone, and welcome to this meeting of Legislation Committee No. 1. Before we move on to the formal agenda, I remind everyone that the committee operates bilingually and that headsets can be used to listen to the translation of Welsh contributions or as an induction loop to hear proceedings more clearly. I also remind everyone to switch off their mobile phones, pagers and other electronic devices—unless doing so would be life-threatening—as these devices interfere with the translation system. If there is a fire alarm, it is not a rehearsal; ushers will escort us from the room. I have noticed that the firemen with us today are nearest the door. [*Laughter.*] Please do not touch

the microphones as they will come on automatically.

9.32 a.m.

**Mesur Arfaethedig Diogelwch Tân Domestig (Cymru): Cyfnod 1—Sesiwn
Dystiolaeth 4**

The Proposed Domestic Fire Safety (Wales) Measure: Stage 1—Evidence Session 4

[2] **Rosemary Butler:** The purpose of today's meeting is to take further oral evidence from Ann Jones AM, the Member in charge of the Proposed Domestic Fire Safety (Wales) Measure. I welcome Ann to the meeting. She is accompanied by Chris Enness, deputy chief fire officer for the Staffordshire Fire and Rescue Service, and Joanest Jackson, her legal adviser this morning. Welcome to you all. We have a list of questions—you have been through this process before, Ann. I will begin. Could you remind the committee of the purpose and aim of the proposed Measure? Also, what does it provide that cannot be provided through existing legislation or by way of policy initiatives in relation to fire?

[3] **Ann Jones:** Good morning, and thank you for allowing us to come back. The overall aim of the proposed Measure is to reduce the number of fire deaths in Wales and to make our homes a lot safer to live in. Incidences of death had plateaued, but they are sadly on the rise again in Wales. You may remember the battle that the Assembly Government had in trying to move from battery-operated smoke alarms to hard-wired smoke alarms. 'Wired for Safety' was the name of one report in this context, while 'Up in Flames: A Report of the Community Fire Safety Working Group into Arson' was another. We had that battle, and we have put hard-wired smoke alarms into houses. We have educated children, and we now have sprinklers in schools, courtesy of the Welsh Assembly Government. The fire service is always trying to educate members of the public. Sadly, however, we keep on seeing these fire deaths.

[4] Sprinkler systems will put these fires out, in contrast to smoke alarms. A smoke alarm is a detector that notifies you through an alarm that there is a fire in your property. If you are able and mobile enough to get out of your property at that time, you can get out and call the fire brigade. Sadly, if you are not, you could become a victim of the fire. Smoke alarms operate in that way. With a sprinkler system, once the temperature of a fire reaches 68 degrees Celsius—which is quite soon, and many people do not realise how hot a fire can get—the system comes on and douses the fire. The people in the property are able to get out, and property damage is often confined to one room. The fire service then comes in to check the property. There is a safety aspect to this, therefore, for the fire service; firefighters would no longer have to run into burning buildings.

[5] It is also important for the environment. We would have less water pollution, as less contaminated water would have to go down the drain. The last time that I was here, I said that a fire appliance will pump out 3,000 gallons of water onto a fire, whereas a sprinkler will douse a fire with something like 209 gallons. That represents a big saving in the environmental costs. The overall aim is to reduce fire deaths and to make our homes safer. That is what we can do here in Wales through this proposed Measure.

[6] **Rosemary Butler:** Do you not think that that could be achieved through existing legislation or policy initiatives?

[7] **Ann Jones:** No, I do not. Sprinklers have been around a long time. We need legislation for this. It is a shame that people do not install sprinklers all of the time. While building regulations provide for fire doors and hard-wired smoke alarms, we have to regulate for the installation of sprinklers. When building regulations are devolved to the Assembly, we face a situation in which Ministers have to agree to not change building regulations on a

wholesale basis, but only for energy purposes. The purpose of this proposed Measure is to put fire sprinklers into newly built homes, and it would operate alongside devolved building regulations.

[8] **Rosemary Butler:** When you last gave evidence, you advised the committee that you would try to provide a breakdown of the total number of deaths and fires in homes in Wales by the age and type of property. Are you now able to provide this information?

[9] **Ann Jones:** Sadly, no, though it is not for the want of trying. Apparently, the data are not collated in a fashion that would make them available to the committee. I spoke to my local fire service in north Wales and said that, if it could provide me with a list of property fires over the last 10 years, I would attempt to go around and check how old the buildings were. I could do that only in Rhyl and Prestatyn, I suppose, so the exercise would easily outweigh the data.

[10] Fire will occur in every home. Three factors cause fire: men, women and children. Most house fires occur in homes occupied by families. There will be families that occupy new home builds; there will be many families living in properties owned by registered social landlords. As I said, the main causes of fire are men, women and children.

[11] **Eleanor Burnham:** Mae'r sawl sy'n cynrychioli'r diwydiant adeiladu tai wedi awgrymu bod achosion o farwolaethau ac anafiadau oherwydd tân yn llai tebygol o ddigwydd mewn cartrefi newydd, gan fod mesurau diogelwch mwy cadarn ynghlwm wrthynt na'r hyn a oedd yn gysylltiedig â thai hŷn. Maent yn credu ei bod yn hanfodol cynnal gwaith pellach i ganfod a yw hyn yn wir cyn parhau â'r Mesur arfaethedig. Beth yw eich ymateb i hynny? O gofio barn y diwydiant adeiladu tai, sut y gallwch fod yn sicr y bydd y Mesur arfaethedig yn effeithiol?

Eleanor Burnham: Those representing the housebuilding industry have suggested that death and injuries from fire are less likely to occur in new homes, since they have more robust fire safety measures than older housing stock. They believe that it is essential for further work to be undertaken to determine whether this is the case before progressing the proposed Measure. How do you respond to this? In light of the views of the housebuilding industry, how can you be certain that the proposed Measure will be effective?

[12] **Ann Jones:** I started to touch on your question, Eleanor, in the last answer that I gave: men, women and children cause fires and men, women and children live in houses. Regarding what housebuilders are saying about part B of the building regulations, they are talking about the fact that hard-wired smoke alarms are now fitted and that certain properties have to have fire doors of certain specifications. All in all, I feel that builders could have been putting sprinklers in, and we have to regulate to make them do it. The sprinkler system is the final tool in the box. It is the final piece of the jigsaw that will make our homes safer. Through this proposed Measure, we will be able to do that comprehensively in Wales. Putting sprinklers in at the construction stage is the easiest way, though I would like to see retrospective fitting somewhere along the line. With legislation, you have to start from a premise and move forward. While there are fire safety measures, we still see fire deaths occurring; as I said, they are on the rise again, unfortunately. We have to have this proposed Measure to complete the picture. I believe that Chris wants to come in here.

[13] **Mr Enness:** There are a couple of points to bear in mind. New homes will become old homes, and they will change hands. We cannot guarantee that, when they change hands, the new inhabitants will be fire-aware and risk-aware and lead a safe lifestyle. This is about building in safety for the longer term. I will cite the example of Vancouver, which did this in 1974. It is experiencing zero fire deaths at the moment. Had we taken the initiative, people would not still be dying in fires and there would not be the same number of injuries and so on.

9.40 a.m.

[14] There is also the issue of the use of new homes. At the moment, new homes are predominantly owned by people who perhaps have a little more money or education and do not face issues of disaffection, deprivation and disadvantage. Many new homes now are being built for social housing, or are used for other purposes. It is important to bear in mind that we have an opportunity to build in safety at the construction stage.

[15] **Eleanor Burnham:** Er gwaethaf **Eleanor Burnham:** Notwithstanding the cefnogaeth y Gweinidog i'r egwyddorion cyffredinol, gwnaeth yn glir mewn tystiolaeth y byddai angen ystyried costau, manteision a goblygiadau ehangach y Mesur arfaethedig ymhellach cyn gwneud penderfyniad i gyflwyno rheoliadau. A ydych yn credu bod honno'n ffordd resymol o symud ymlaen? A allech roi rhesymau dros eich atebion, os give reasons for your answer?

[16] **Ann Jones:** This is an enabling Measure to allow the Minister to bring forward regulations. It is not for me to tell the Minister how to bring those regulations forward, and the Minister has to satisfy herself that, when the regulations are brought forward, they are fair and an honest appraisal of where the Government wants to take the legislation.

[17] On the cost benefit, we can all talk about figures, but the cost benefit is that we will save a life. I am not prepared to put a price on saving a life; for me, saving a life is the most important thing. It is not just about the saving of a life; there is also the cost to the economy and the cost to local authorities if they have to rehouse people. It is also about the personal loss to families. We are not here to put a price on saving a life, but if by moving in this way we can show that there are no fire deaths, that will be a positive thing. Chris has been doing some work on the cost-benefit analysis. I do not know whether he is in a position to share some of the initial findings. The only cost-benefit analysis report that we have in England and Wales, sadly, is the Building Research Establishment report of 2004, which is based on 2004 data but was issued in 2006. However, if we look at Scottsdale in Arizona, Vancouver or New Zealand, we can find clear evidence and a cost-benefit analysis.

[18] **Mr Enness:** I have written to the clerk about the issues surrounding the work that is currently ongoing with the Building Research Establishment to look into the cost-benefit analysis. We felt that there was a need to update the cost-benefit analysis, because the current cost-benefit analysis in England draws from very few pieces of data—there were very few to draw from, and the data related only to the United Kingdom, and England in particular. It took no account of the value of other installations internationally in the cost benefit, if you think of cost benefit as equalling value. So, we are working with the Building Research Establishment, but unfortunately the work is not in sync with the work of this committee, so it will be completed after this committee has met. However, that said, we have had a meeting, and in my letter I have made it clear that we are aware that the original cost-benefit analysis and findings will move significantly to reflect more of the international studies. Whereas it previously had, for instance, a very low rating on saving life, it will have a very high rating on saving life. We are very hopeful—in fact, we are very confident—that the cost-benefit analysis will change somewhat.

[19] **Rosemary Butler:** I remind Members that you received a copy of Mr Enness's letter in an e-mail that was sent on 7 October. Rhodri Morgan has a supplementary question.

[20] **Rhodri Morgan:** I just wanted to ask about Vancouver, as I have never been there.

Vancouver is a rapidly growing city, which has gone from being the size of Cardiff, with a population of 300,000, to being the size of Birmingham and having a population of 1 million. Therefore, a far higher proportion of the total housing stock would be new. I presume that one reason to explain the elimination of fire deaths would be that such a large proportion of the housing stock is in fact new, having been built since 1974. Any hangover of fire deaths continuing in old housing stock would be a small problem in Vancouver, but might be a large problem in Wales, given the much smaller proportion of the total housing stock that will be caught by the proposed Measure, as it is applicable only to new houses. Is that fair?

[21] **Mr Enness:** Yes, it is a fair point. When Vancouver started doing this, it had to start somewhere. So, much like the figures used here, you will see a slow start at first, and then an increase, until it is much like fitting radiators for home central heating, which you would not dream of not having in a home now. It is the same situation in Vancouver; 50 per cent of its housing stock has had sprinklers since 1974, which still means zero fire deaths year-on-year.

[22] **Eleanor Burnham:** A yw'r Mesur arfaethedig, fel y mae wedi'i ddrafftio, yn rhoi digon o hyblygrwydd i Weinidogion Cymru ystyried canlyniadau'r gwaith hwn? **Eleanor Burnham:** Does the proposed Measure, as drafted, provide the Welsh Ministers with sufficient flexibility to take account of the outcome of this work?

[23] **Ann Jones:** Yes, it does. This is an enabling Measure that allows the Minister to take forward regulations. We must accept that that was the only way that we could get the proposed Measure on the statute book in the time allowed. As you all know, we are at the end of this Assembly, and it would break my heart—as it would for many other people—if this proposed Measure is not passed. It could not have been a frontloaded Measure, so we could not include all the nitty-gritty of regulations. I am confident that the Minister will carry out these regulations, and I would seek assurances that, once the Assembly has passed the proposed Measure, it would look at how these regulations were progressing. Once we get the proposed Measure through, the regulations will follow in time. At the end of the day, there will be less chance of fire deaths in homes. It is ultimately about saving lives.

[24] **Eleanor Burnham:** A oes perygl y bydd gosod systemau llethu tân awtomatig yn cael ei ystyried yn ateb i bob problem mewn anheddau newydd ar draul mesurau ataliol pwysig eraill, fel addysg gymunedol a chodi ymwybyddiaeth y cyhoedd? **Eleanor Burnham:** Is there a danger that the installation of automatic fire suppression systems will be viewed as a panacea for fire safety in new residences at the expense of other important preventative measures, such as community education and public awareness raising?

[25] **Ann Jones:** No, I do not think so. As I said, a sprinkler system is the piece of the jigsaw that will prevent fire deaths in homes in Wales. It must be used in conjunction with all our other mechanisms, so that we have the safest homes possible for our constituents.

[26] In Vancouver and Scottsdale, Arizona, installing sprinkler systems was their first measure. There is now talk in areas that do not have sprinkler systems about community education and awareness; we have already done that. We have thought about public awareness and community education, fire services go out to their communities to do smoke alarm checks, yet we are still having fire deaths. So, we must move forward in order to eradicate fire deaths. We must have something to fall back on, so if we have not managed to stop fire deaths in Wales, then we must look into why that is the case. That is not anyone's fault, but it is about how families live their lives. So, if people go out and turn the chip pan on when they come home—which hopefully they will not do now in north Wales, because the fire service is promoting deep-fat fryers—the sprinkler will save them. Smoke alarms would operate, but if people are fast asleep and do not hear it, they will not get out. The sprinkler would make the difference between them getting up the next morning to clear the mess or for

someone else, usually a loved one, to be clearing it. Sprinklers are an imperative part of the proposed Measure, but they will not take away from all other measures in fire safety.

9.50 a.m.

[27] **Mr Enness:** I will add to Ann's answer, if I may. Ann mentioned that it was a safe fall-back if all else fails, and quite often all else does fail. I remember that while working in north Wales we had a very high-profile campaign on chip-pan fires. The campaign was under way and we thought that it was having a great effect, but come the bank holiday there were deaths as a result of chip-pan fires. There are not just deaths, but injuries and the damage that is caused to the environment, and the consequent cost to the economy across a wide range of partners.

[28] **Val Lloyd:** In evidence, the Minister has suggested that

[29] 'a wider range of options would need to be considered in order to test the case for sprinklers in all new homes.'

[30] These options include limiting the duty to the installation of sprinklers in all new social housing or some new housing on a risk-targeted basis. Did you give any consideration to those alternative options, and if you did consider them, why did you decide against them?

[31] **Ann Jones:** We thought long and hard, and Chris has been involved from the start. The process started as a result of an idea that we had when we were both in north Wales and talked about how sprinklers would help. We have looked at the risk factors and specific areas, but I came to the conclusion that we can always concentrate on those people who are at risk, most of whom will be tenants of registered social landlords. We could make registered social landlords put sprinklers into all their new home builds, and we could make it a condition of their grants. However, there is a whole range of people out there, such as owner-occupiers, for whom that would not work.

[32] I will just talk about the experience in Warrington. There is an estate in Warrington that was in the process of being rebuilt, and the local authority, to its credit, said that it would put sprinklers into the social housing, which it did. The developer chose not to put them in the 100 or so houses in which owner-occupiers were going to live. Within six weeks of the estate being finished, the social landlords moving their tenants in and owner-occupiers moving in, having paid good money for their homes, the owner-occupiers found that they were not equally safe. The tenants of the registered social landlords all had sprinkler systems, but they did not. It was the developer's decision not to put them in because there was no regulation stating that that had to be done. It caused a rift on that estate, because people thought that the tenants of the registered social landlord were getting a better deal—and of course they were, because they were going to be safer in their homes.

[33] So, in a way, I am trying to level it all out so that every new home that is built in Wales will be at the same level, whether it is owned by a registered social landlord or a private developer. That makes it safe for those families that move in, irrespective of whether they are registered social landlord tenants or owner-occupiers. As Chris said, a new house is an old house tomorrow, but it could also change hands tomorrow. We could have targeted a group of people, but they could then move out, or we could have said that a certain group did not need sprinklers, but someone else could then move in who is a higher risk, who would then not have that protection. The risk does transfer; if you are a high-risk family and you move house, that risk goes with you. In this way, we are levelling things out for new homes in Wales and we will lead the way. The Assembly should be aware of the fact that there are people over the border in England who are jealously looking at where we are going. They would not be looking so jealously if they knew what we were going through, as it has taken

nearly four years to get this far. Never mind; they are looking to see what is happening, and we can lead the way. By levelling things out and not just looking at high-risk groups, we are offering this to everyone in Wales, which is socially just.

[34] **Eleanor Burnham:** You have not really used the trump card in relation to demographics that I would use, but I know that you mentioned that last time. Do you think that that point about the many older people that there are now is very important?

[35] **Ann Jones:** Yes, it is. Chris has done a lot of work on demographics.

[36] **Mr Enness:** Interestingly enough, by 2025 over 40 per cent of the population will be over 50. So, given the change in demography—people are living longer and there will be more people with disabilities living at home—which we mentioned last time, it will be increasingly hard for people to get out of properties, so we need to build in safety for sustainability.

[37] **Val Lloyd:** Ann, you have previously told us that installing automatic fire suppression systems is an effective way to protect vulnerable groups who are at greatest risk of death and injury from fire in the home. However, we have also received evidence to suggest that these groups are the least likely to buy new-build houses from private developers. Do you accept that this is the case?

[38] **Ann Jones:** Yes, but as I have said in evidence, I believe that registered social landlords will be the biggest builders or providers of homes in the next few years, so it will be their tenants who will benefit. That is why RSLs are in the game—to ensure that those vulnerable people have a home and a roof over their heads. Just because I am looking at providing for the owner-occupier, it would be wrong to say that I am not targeting vulnerable tenants as well. It is true to say that those vulnerable people will often not be in a position to buy their own homes, but as I say, I cannot see many new homes being built for owner-occupiers over the next few years. The majority of the new homes being built will be for registered social landlords; that is the way that I feel the market will go.

[39] Having said that, some registered social landlords will buy existing properties—owner-occupied homes that are up for sale. I know of one housing association in my area that is buying two or three homes in a road on an estate. They will provide those for vulnerable tenants and at-risk tenants. Wherever they put them, I want a sprinkler system in place, and I also want to be able to say that, when vulnerable tenants move out from the registered social landlord's block into a home in the community somewhere else, they will be as safe as the person next door. It would not matter who they were; it would be levelled out so that everyone in a home would have a sprinkler system that would protect them.

[40] **Val Lloyd:** We have also received evidence that the duty to put sprinkler systems in place when converting a building for use as a residence, or changing existing residences by way of subdivision or amalgamation, may be particularly difficult and more costly to meet. In effect, the application of the requirement to these types of building work would be the same as retrofitting—that is what I am trying to get at. Given that you have previously acknowledged that retrofitting would be impractical, could you explain why you opted to apply the duty to these types of building work?

[41] **Ann Jones:** That is born of a slightly parochial view; I have seen so many homes that used to be family homes turned into houses in multiple occupation, and that is just in my patch. I know that, here in Cardiff, there is a huge amount of student accommodation as well, and the reason we chose to include conversions was to address that factor. If you are to do a big conversion, it will effectively be a new-build, because it will be a new home for whoever moves in. I was trying to ensure that those with big houses who want to turn them into houses

in multiple occupation are no less obliged to fit sprinklers. That might be born of a bit of parochialism, having seen the devastating effect that houses in multiple occupation have had on some communities. If people are to turn their homes into houses in multiple occupation, they will have to do it within the confines of this legislation, because the house will be a home for the people who move in and they will be entitled to the same protection as someone buying a two-bedroom semi as a starter home. That is why I was looking at that.

[42] There may be some additional cost because the building is already standing, but I do not see that as an issue that should stop this proposed Measure going forward. The regulations could cover that and we should just move forward. All I want to do is protect people who are moving into a new home for the first time.

[43] **Val Lloyd:** Could there be instances where the practical difficulties and cost of installing systems would be unduly prohibitive in those sorts of properties? I fully understand the type of property you mean, because my home city has the same problem. How does the proposed Measure take account of these difficulties and costs?

10.00 a.m.

[44] **Ann Jones:** There is always going to be a cost element to installing a sprinkler system. If you are going to have to install one in an older home, cost is not the main issue. I am trying to make sure that what we class as a 'home' is covered. If conversions were not included in the proposed Measure, I would not want to see big houses being converted into HMOs for people to live in as a means of getting around the regulatory need to install sprinkler systems. That is a building work issue. If someone decides to convert their home into a house in multiple occupation, they will have to look at what it is going to cost them. At the end of the day, this is about safety and protecting tenants. It is also about protecting the owners and their properties. Conversions are rarely single-dwelling properties; they are more likely to be houses in multiple occupation. This is about people looking for more money. It is about someone deciding to convert their home because they can fit four tenants in it—even if they are on housing benefit, that could be about £300 a week for them in income. We need to say to these people, 'If you want to do that, you can do it, but do it in a way that provides safety and protection for the tenants who are going to go in there'.

[45] **Val Lloyd:** I will turn now to another aspect of safety, namely maintenance. A number of those giving evidence have stressed the importance of proper maintenance of sprinkler systems. In light of this, can you remind the committee why you chose not to include explicit provision in the proposed Measure about ongoing maintenance of systems? There are three parts to my question. Shall I ask them all now?

[46] **Rosemary Butler:** It is probably best to ask them all.

[47] **Ann Jones:** Yes, please ask them all, and I can write them down.

[48] **Val Lloyd:** Okay. Is it your view that the Welsh Ministers should provide for the ongoing maintenance of systems in regulations? If so, are you content that the proposed Measure makes that intention clear? Finally, in evidence, the Minister suggested that if failures to maintain or replace components result in a system that does not work, it would negate the objective and value of the initial investment. How do you respond to this?

[49] **Ann Jones:** We said at the LCO stage that maintenance would be discussed at the proposed Measure stage. What we have done with the proposed Measure is to make it an enabling piece of legislation. It is for the Assembly to own it and to put the emphasis on having the Minister make the regulations. The Minister could do that. We have always said that BS 9251:2005, which was the British Standard that we looked at in respect of sprinklers,

would be our benchmark and starting point. We could look further at that.

[50] Regarding the Minister's comment on putting a system in but not maintaining it, thereby negating it, Chris is the expert on sprinklers and so I will let him respond to that one. However, I will say that hard-wired smoke alarms are in, yet how many people have their electricity checked every year to make sure that the hard-wire smoke alarm would operate? It is that question, is it not? This will be contained in regulations because it is an important part of the proposed Measure. Chris will respond on the maintenance issues because he understands it far better, based on the work that he has done.

[51] **Mr Enness:** Maintenance is covered by the British standards. There is no need for it to be included anywhere else. The risk of not maintaining is a theoretical issue. There is a risk of not maintaining anything, but it is an extremely low risk. I know of no occurrences where a system has not been maintained and has therefore failed.

[52] **Rhodri Morgan:** I did not catch that.

[53] **Mr Enness:** I know of no occurrences where there has been a failure to maintain a sprinkler system and it has failed to operate as a result.

[54] **Ann Jones:** Joanest has the legal position on this.

[55] **Ms Jackson:** I just want to confirm to the committee that there would be no issue from the legislative competence perspective with regulations made under this proposed Measure providing for maintenance. Not wishing to tell the committee its job, you are discussing the general principles here and not the detail of what would go into the regulations. If a view was to come from the committee that there should be a reference to the regulations providing for maintenance, I am sure that this is something that Ann would be happy to consider on receipt of the committee's report. She would then consider carefully, taking the appropriate advice, whether an amendment should be brought forward at Stage 2 to clarify the position.

[56] **Eleanor Burnham:** I suggest that we had quite compelling evidence from Sir George Pigot last week about maintenance. We questioned him in detail. He mentioned a case where, even though there had been severe damage, the sprinkler worked from within the wall or something like that. He gave an example of this because we asked about it.

[57] **Nick Ramsay:** It does seem relevant.

[58] **Rosemary Butler:** I just wanted to make that point. Joanest has just cleared that up. Ann was saying that it would be contained in regulations, but you cannot say that because you do not know what the Minister is going to do, but I think that Joanest has just cleared that up.

[59] **Ann Jones:** What I was saying was that I would express a wish that I would like to see it.

[60] **Rosemary Butler:** A strong wish, yes.

[61] **Nick Ramsay:** On the issue of maintenance and the chances of malfunction, when we asked you about this initially, the issues that we teased out were about the chances of it going wrong and not functioning when required. However, I seem to remember from our last evidence session that Dŵr Cymru representatives said that there is a separate aspect to maintenance. They talked about a valve that would go from the road or somewhere near the property. They spoke about the need to maintain that to avoid the risk of any contamination back from the house. I would be interested to hear your views on that, because it is not what

we have been discussing about maintenance with regard to the system working. It is more about the effect on the rest of the system, is it not?

[62] **Mr Enness:** Because of current legislation, sprinklers require a non-return valve to stop a transfer of water back into the domestic supply. A non-return valve is what we carry on every fire engine. It is basically a flap, so water can go one way but is stopped from going the other way. That flap will work either by springs, hydraulics or gravity. I would argue that it is pretty much maintenance-free.

[63] **Nick Ramsay:** I thought that was the case, but the issue was raised with us.

[64] **Rosemary Butler:** Does anyone else want to come in on that point?

[65] **Eleanor Burnham:** The water company representatives also mentioned when they had their cannot-do attitude that there was a complexity with metering. They said that they felt that it was not practical to have a meter. Is that an issue that would cause you concern? George Pigot mentioned—

[66] **Rosemary Butler:** I think that we are moving on to—

[67] **Eleanor Burnham:** It is to do with maintenance. It is to do with the structure from the road into the property. He mentioned that other water companies, such as Thames Water, have no problem with this possible metering of the domestic supply on one side and metering for the sprinkler, should it use water, on the other side.

10.10 a.m.

[68] **Ann Jones:** The Water Industry Act 1991 states that water for firefighting purposes should be free. That is my argument. That water should be free. I listened to the evidence from the last session. I was unable to sit in the public gallery, but I listened to the proceedings afterwards. On several occasions I heard the water company giving us the problems that it envisaged around this proposed Measure. I would have expected those representing it, as experts in their field, to be able to come up with solutions. We have asked whether there is a special piece of technology that it would need that we have to advance, and it has said 'no'. It has not come up with solutions, although I wish that it would. I have met with the water company a couple of times during this process. It took stuff away, but we have not seen what it has come back with. I return to the fact that the Water Industry Act says that water for firefighting purposes must be free.

[69] **Rosemary Butler:** On recollection—and we can look it up—I think that Welsh Water said that there was no requirement to have a meter for water sprinklers. It is just that most places now have water meters, so there is a distinct difference. We will now move on. I invite Nick to move on to your proper questions.

[70] **Nick Ramsay:** I wish to ask a few more questions on maintenance and the issue of the cost of maintenance to registered social landlords. You have suggested in the memorandum that

[71] 'Maintenance costs for these properties will be well below the average as staff would be able to schedule maintenance along with other visits to rented properties'.

[72] However, we have heard evidence that the maintenance of these systems should be carried out by a suitably qualified and experienced sprinkler contractor as set out in the British Standard. For clarification, would the cost be well below average or would there be a training element for staff that would push the cost up; and would you need someone qualified

from the start to do it?

[73] **Mr Enness:** The qualification aspect is the easiest one to do. Currently the sprinkler industry requires people that fit and maintain sprinklers to be third-party accredited. To be accredited, you go through a series of checks to make sure that you can do it; much like a CORGI installer and so forth. I would argue that there would be an increase in employment opportunity to allow people to do that. In effect, you are creating a new industry, which people can get into and work from. However, the maintenance would be cheaper because you can maintain more properties without having to drive to one area and then drive a long way to another. At the moment, not many properties have been fitted with sprinkler systems. When you have a block of properties together that have been fitted with sprinkler systems, you can systematically go through them. Registered social housing has to be inspected annually, and social landlords face a number of maintenance responsibilities. There would be absolutely no problem in training people to do the sprinkler maintenance. There may be a small element of cost on re-training, as is the case with any re-training, but I see that as a positive rather than a negative.

[74] **Nick Ramsay:** I think that the question on malfunctions has been adequately dealt with.

[75] **Rosemary Butler:** We will therefore go back to Eleanor.

[76] **Ann Jones:** Just to remind you that at a figure of 16 million to one, you are more likely to win the lottery than have a sprinkler system that fails. [*Laughter.*]

[77] **Nick Ramsay:** I will ask the question then. Member in charge, the risk of an automatic fire suppression system malfunctioning is one in 16 million.

[78] **Ann Jones:** Absolutely. Well done.

[79] **Nick Ramsay:** Do you think that that is well worth the risk?

[80] **Ann Jones:** Yes, I think that it is well worth the risk.

[81] **Nick Ramsay:** I am sorry that I did not initially give you the opportunity to say that.

[82] **Rhodri Morgan:** You can buy him a coffee afterwards.

[83] **Rosemary Butler:** I now call on Eleanor.

[84] **Eleanor Burnham:** Mewn tystiolaeth, awgrymodd y Gweinidog efallai fod angen diffiniad pellach o 'cartref gofal preswyl', ac y gallai tabl D1 yn nogfen gymeradwy Rhan B o'r rheoliadau adeiladu fod yn ddefnyddiol o ran bod yn sail i ddiffiniad o'r fath. Sut yr ydych yn ymateb i hyn?

Eleanor Burnham: In evidence, the Minister suggested that the term 'residential care home' may need to be further defined, and that table D1 of approved document Part B of the building regulations could usefully provide a basis for such definition. How do you respond to this?

[85] **Ann Jones:** That is why I have Joaneest alongside me. She will answer that question.

[86] **Ms Jackson:** Ceir y diffiniad o 'cartref gofal preswyl' yn adran 4(1) y Mesur arfaethedig. Yn adran 4(2), rhoddir pŵer i'r Gweinidogion newid neu ddiwygio'r

Ms Jackson: The definition of 'residential care home' is found in section 4(1) of the proposed Measure. Section 4(2) provides power to Ministers to change or amend that

diffiniad drwy Orchymyn. Felly, ni fyddai trafferth pe bai'n rhaid gwneud hynny.

definition through an Order. Therefore, there would be no problem if it was necessary to do that.

[87] **Eleanor Burnham:** Mewn tystiolaeth, mae'r Rhwydwaith Chwistrellu Tân Cenedlaethol a Gwasanaeth Tân ac Achub Canolbarth a Gorllewin Cymru wedi pwysleisio'r angen i gysoni'r derminoleg er mwyn osgoi dryswch. Maent yn nodi bod yr ymadrodd 'meddiannaeth ddomestig', eisoes yn cael ei dderbyn yn eang gan bawb yn y diwydiant tân. O gofio hynny, a allwch egluro, ar gyfer y cofnod, y rheswm dros ddefnyddio 'preswylfa' yn y Mesur arfaethedig?

Eleanor Burnham: In evidence, the National Fire Sprinkler Network and Mid and West Wales Fire and Rescue Service emphasise the need for consistency in terminology to avoid confusion. They point out that the term 'domestic occupancy' is already widely accepted throughout the fire industry. In view of this, can you clarify, for the record, why the proposed Measure uses the term 'residence'?

[88] **Ann Jones:** We have used the same terminology in the proposed Measure that was in the LCO to avoid confusion. We had long discussions, as Joanest and Chris will remember, in Westminster over residency and the ways that we could define this. At the Welsh Affairs Committee, we agreed that we would put in the wording in the way that we have. We have tried to be consistent. You can call it many different things: it is a new-build house, but it is also a home. We also looked at the legal definitions of the words that we could use. Do you want to add anything, Joanest?

[89] **Ms Jackson:** Yes, the definition of 'residence' in the proposed Measure is wider than is commonly accepted for 'domestic occupancy' in British Standard 9251:2005, which generally refers to single residences. Again, there is the power to which I previously referred to amend the definition of 'residence' if necessary.

[90] **Eleanor Burnham:** Yn olaf, mae adran 6(1)(d) yn rhoi dyletswydd gyffredinol ar Weinidogion Cymru i ymgynghori cyn gwneud rheoliadau i roi effaith i fwriad polisi'r Mesur arfaethedig. A oes unrhyw randdeiliaid y credwch y mae'n hanfodol i Weinidogion Cymru ymgynghori â hwy? Os oes, a ddylid adlewyrchu hyn yn y Mesur arfaethedig?

Eleanor Burnham: Finally, section 6 (1)(d) places a general duty on the Welsh Ministers to consult before making regulations to give effect to the policy intention of the proposed Measure. Are there any stakeholders that you believe it is essential for the Welsh Ministers to consult? If so, should this be reflected in the proposed Measure?

[91] **Ann Jones:** I have met stakeholders and others during the LCO process and before we laid the proposed Measure. In making the regulations, the Minister will have to decide how or who she consults with. However, this is Stage 1 of the proposed Measure and we will await the committee's report. You may recommend that I look to strengthen this in an amendment. I am anxious to act, because this process has taken three and a half years. When I won the ballot in July 2007, everybody said 'Congratulations', and I thought 'Oh, they're all being very nice', but now I know why they congratulated me. It was because it meant that they did not have to go through this process. Having said that, everyone, including housebuilders and registered social landlords has known that this was coming for the past three and a half years. When the proposed Measure is passed, it will become a Measure and they should know that. There will have to be consultation, but most of the consultation, the arguments and the discussions are happening in this scrutiny process. Regulations could be put out and the process could be followed quite reasonably. It is up to the Minister, when making regulations, to decide whether she consults or not.

[92] **Ms Jackson:** The proposed Measure, as drafted, contains a specific requirement to consult prior to making regulations. It confers a fairly generous discretion on the Ministers as to who is consulted. However, as we have said, should the committee's view be that specific stakeholders should be identified on the face of the proposed Measure, Ann will give consideration to that and it can be easily dealt with at Stage 2.

[93] **Nick Ramsay:** On the financial implications of the proposed Measure, a number of those who have given evidence have raised concerns that the cost of installation per dwelling has been underestimated. They point out that the only actual costs referred to in the explanatory memorandum, namely those provided by Community Housing Cymru from a pilot scheme in Aberavon, have not been taken into account in your calculations. Can you clarify whether account was taken of these actual costs in calculating the estimated cost of installation and whether you attempted to obtain any additional figures on actual costs either from within Wales or other parts of the UK?

10.20 a.m.

[94] **Ann Jones:** Having been a member of the Finance Committee, I was conscious of the fact that it has a set of rules by which it likes to see explanatory memoranda to proposed Measures come forward. With that in mind, I set out to put as much flesh on the bones of the proposed Measure, in respect of costs and financial implications, as possible. We gathered our information, and, sadly, we had to gather it from Vancouver, from Scottsdale, Arizona and from New Zealand. We also took in the one or two examples from the UK. It would have been great if we could have had all the financial implications and costings based on evidence from the UK, but that is sadly not the case.

[95] On the issue of the bungalows in Wales, I read what Community Housing Cymru has said about that. I think that, in that case, the reference was to retrospective fitting, although I am not too sure. There were associated problems with that approach. In addition, we know that there is resistance to what is going on, and, where there is resistance, people will always want to bump the costs up, and you will always find things added in. I have a survey of the residents of Studley Green in Wiltshire. They had not had sprinklers in their homes previously, but after they had been put in, 95 per cent of the 204 residents said that, if they were to move to another property, they would like to see sprinklers fitted. That is a testament to where we want to go. So, Studley Green worked, and the water company was very supportive, but we find one with huge costs in Wales, and then they talk about electrical work having to be done. Electrical work is not really part and parcel of the sprinkler systems. By contrast, water companies installed the pipes at Studley Green, working with the registered social landlord and the fire brigade, and we can see the results of that.

[96] As I have said, as we make progress on this, the costs will come down. If a builder goes to buy a sprinkler system for one house, they will pay the full price. If 200 houses are being built, however, they are not going to pay 200 times the full price; they will be able to negotiate the price down. You can go to B&Q and negotiate the price down, and if you are an old-age pensioner and you go on a Wednesday, you can have 10 per cent off. You can do all those sorts of things.

[97] **Rhodri Morgan:** Get the man from Topshop, Philip Green, to do it.

[98] **Ann Jones:** Absolutely. A developer or a builder will go to a builders' merchant for a lower quote. They are talking about nine bungalows in that example, but we are talking about 8,000 houses being built across Wales in future, so I think that the costs will come down. I tried to be as fair with the costs as possible, and we used the BRE report to calculate those costs, even though we feel that its data are slightly out of date. However, we are in the position of being able to refer only to Vancouver, Arizona, and New Zealand. That is the sad

fact of the matter.

[99] **Rhodri Morgan:** Where in New Zealand?

[100] **Ann Jones:** I cannot recall off the top of my head, Rhodri.

[101] **Mr Enness:** New Zealand has a different system from what we would use. It goes directly from the domestic water supply. It is called a BRANZ system, and that is what is fitted all over in New Zealand, although not in every home at the moment.

[102] **Rosemary Butler:** May I just take you back to something that I may have misheard? When you talked about the Aberafan pilot, you said that it was a retrofit. I thought that it involved new homes.

[103] **Ann Jones:** Were they new? Sorry, I beg your pardon.

[104] **Rosemary Butler:** You also talked about Studley Green. Is there any chance of our having the costs for that, or is that too much work for you?

[105] **Ann Jones:** Sir George Pigot has provided information for us on Studley Green. He says—I do wish that people would write in 12 point so that I could read it. He says that Selwood Housing has spent some £120,000 in rebuilding costs over the past eight years. Given that the working life of a sprinkler system is more than 50 years, that would suggest that, over their lifetime, the sprinklers of Studley Green may save the company £750,000. He did not say what the initial costs were.

[106] **Rosemary Butler:** Perhaps you could let us have a copy of that.

[107] **Ann Jones:** I thought that you had had a copy, but, yes, I will provide that.

[108] **Nick Ramsay:** Can you give a bit more detail on the costs contained in the explanatory memorandum? Do they relate purely to new-build residences or have you also analysed the costs when an existing building is converted, whether by sub-dividing or amalgamating existing residences?

[109] **Ann Jones:** We concentrated the costs on new build, as it is very difficult to cost the other aspects that you mentioned. Of the 10,000 properties that we are talking about, we allow for a small percentage to be conversions. It is difficult to do that, but the proposed Measure applies only to substantial work being carried out where complete new residences are being created, and that is where we have taken the costings from. The evidence out there is international or European, so we just have to try to adjust it, which is difficult. I have tried to be fairly open about the costs, but I do not have the specifics because there are very few houses fitted with sprinklers in the UK. Perhaps we should not have put the costs in and just let the Finance Committee tell us off at a later date, but I have tried to be as open as possible. Our costs are realistic, given the evidence on which we have based them, and we have done as good a job as we could, bearing in mind that it is only me and two others doing the work, and not a huge department of the Assembly Government.

[110] **Nick Ramsay:** I sit on the Finance Committee, as you do, and so I know that getting costings through that committee is like getting a camel through the eye of a needle. On the costs of supplying water to the fire suppression system through the mains water supply, Chris touched on that by giving some examples in other countries. We have received evidence that there will be significant extra costs—and this is from Dŵr Cymru, you will not be surprised to hear—to supplying water to sprinklers through the mains water supply, and its costings range from £695 to £976, which I presume is per property. Does that alter your view that the cost of

supplying water additional to those for a domestic supply is not assumed to be significant?

[111] **Mr Enness:** I am surprised at those costings. If I were looking at it as a layperson, I would think that they related to digging up roads and retrofitting. If you are talking about supplying a new home, you are already digging the trench for the water supply in any case, so you are already supplying water to that premises. The cost is just the difference in the size of the pipe from 25 mm to 32 mm. I feel that Welsh Water has taken its evidence from retrofitting, as there is probably more opportunity to take evidence from that. However, we are not talking about retrofitting. You would have to supply water to these premises in any case, so the additional cost would be only for the different size of pipe.

[112] **Eleanor Burnham:** I asked this question last week, and the figures varied from about £685 to £900 or so. I questioned the witnesses about this, and they said that they were talking about digging up different types of roads. I am very pleased that you have clarified that, because the highest price estimate of nearly £1,000 was quite shocking.

[113] **Rosemary Butler:** We could talk about this all day. We will clarify whether the figures refer to retrofitting, digging up roads and the range of other things that go with it. We will check that; otherwise, Ann will be exhausted before we have finished with our questions.

[114] **Nick Ramsay:** My final question is whether you are confident that the estimate of costs is sufficiently robust.

[115] **Ann Jones:** I am. As I said, given my limited resources of me and two others and not a huge department to do the work for us, I have tried to do the best that I can as a backbencher taking this proposed Measure through. I have been told that the explanatory memorandum is one of the better ones, which I was quite pleased to hear. Having sat on the Finance Committee, I have seen some explanatory memoranda that had less information than this one.

10.30 a.m.

[116] **Rhodri Morgan:** The evidence that we have heard over the past few weeks seems to contest your basic premise that the odd exception would require a header tank and/or a pump to ensure that the supply was adequate but that, for the overwhelming majority of new properties, the existing supply unamended would be sufficient for the sprinkler to operate satisfactorily. That has been contested by the water industry and the building industry. They have said that the normality will be an additional header tank and/or a pump, and it is not the case that, if you can run a gravity-fed shower without a pump, you will be able to run a sprinkler without a pump or a header tank. Who is right?

[117] **Ann Jones:** We are.

[118] **Rhodri Morgan:** Funny you should say that.

[119] **Ann Jones:** You would expect that, would you not? Chris has done all the work on this, so I will let him answer. However, I listened to the evidence last week, and I thought that the witnesses kept coming up with problems and saying that there was no solution. I would have expected them to come and offer a solution for you to look at. However, that did not seem to be their approach. Chris will explain this, because it is the case that, if you can have a power shower, that is the level of pressure that is needed. That is still the case, is it not?

[120] **Rosemary Butler:** Are we talking about power showers or other showers?

[121] **Ann Jones:** I meant a shower, sorry. We did talk about power showers.

[122] **Rhodri Morgan:** We are talking gravity-fed showers, are we not?

[123] **Ann Jones:** We said that most people would have a shower. It is my fault for confusing the issue. We went on to talk about power showers later, did we not?

[124] **Mr Enness:** I will deal with the sprinkler issue first and then come back to the shower issue. The most expensive way to install a sprinkler is with a tank and pump. There is no evidence to suggest that, when you are mass-fitting sprinklers, all premises need a tank and a pump. If you look at where the sprinklers—

[125] **Rhodri Morgan:** Let me rephrase the question. The explanatory memorandum and Ann's evidence have suggested that there will be odd occasions where there is low water pressure—perhaps in a house at the top of a hill, or in an isolated dwelling, and so on—and when a pump and a header tank would probably be required. However, for most premises, other than those isolated examples, where you can run a shower, you can run a sprinkler, with no problem. That has been turned on its head by the evidence from the water industry that normal domestic water pressure levels will not do it, and you would have to have a special supply with a header tank and a pump. That spooked the housebuilders, who said that it is the water industry that they deal with, not Ann Jones, and if the water industry says that it cannot provide the necessary pressure, a header tank and pump would be needed to make the fire suppression system work.

[126] So, it has been put to us by the water industry that needing a header tank and pump would be the rule, not the exception; whereas Ann is saying that it would be the exception, not the rule. That is the point, really. Is it 90:10 or 10:90? It is pretty critical.

[127] **Mr Enness:** Absolutely. I maintain that it would be the exception to need a pump. I would say that we are supported by the evidence when there have been mass installations of sprinklers at new properties. The majority have not required a pump. That evidence is not available in the UK, because we do not do it, but if you go back to Studley Green and Warrington, you will see that the premises in question did not all require pumps and tanks.

[128] **Rhodri Morgan:** How do we as a committee get hold of evidence from Vancouver on what the water pressure is? I would guess that British Columbia is a nice, rainy area, similar to Wales. Can you get this evidence for us, or should we e-mail the Vancouver council or the water board of British Columbia, or whatever?

[129] **Eleanor Burnham:** We could always visit.

[130] **Rhodri Morgan:** I am not suggesting that at all. E-mails solve all such problems, in my opinion. However, how can we find out whether the water industry and housebuilders are correct to express fears that, in the light of British or Welsh conditions with our high rainfall, the normal water pressure is not sufficient to run a fire sprinkler?

[131] **Mr Enness:** We could certainly approach Vancouver and Scottsdale, Arizona for that information. However, I am under the impression that the committee has been given evidence by an expert from Yorkshire Water, which has a similar demographic make-up to much of Wales, that has refuted many of the barriers referred to by Welsh Water.

[132] **Rosemary Butler:** The issue is that we are working to a tight timescale here, and, although it would be interesting to have more information from Vancouver or wherever, we could miss our time slot. Ann has been working on this for three and a half years and we do not want to miss the slot. We have evidence on this that we can scrutinise, but if you could get any information to us quickly that would be helpful.

[133] **Ann Jones:** The ex-chief fire officer of Tennessee was prepared to come, but we will get him to give us the evidence in hard copy for you.

[134] **Rhodri Morgan:** You may have picked up on the fact that we were told by Welsh Water—so this is Dŵr Cymru in particular again—that, along the M4 belt, and it is perfectly possible that the same is true along the A55 belt, where a great deal of new private-specification built housing has taken place, they are ‘managing the water pressure down’. To achieve Ofwat objectives of reducing leakage they do not actually fix the leaks, but simply turn the pressure down so that less water is lost through the pinholes in the system. That information was new to me, I must admit. In the Valleys, you cannot do that, so they keep the pressure up in the Valleys and down along the coastal belt, which is where most new housing would be built. Do you have any comments on that? Again, it would be helpful if you could find out from Vancouver what the standard water pressure is there, so that we could establish whether that is one of the reasons it is not a problem in Vancouver when it would be a problem on the M4 belt and probably the A55 belt, where they are managing the pressure down. Most plumbers will tell you that, over the past 20 years, the pressure has gone right down to a degree that they hate, so plumbers would be very happy if they were told that the pressure was going back up and that they could fix the leaks. However, that is going a bit beyond this piece of legislation.

[135] **Ann Jones:** The issue is the number of leaks, which is why they turn the pressure down. Years ago, when I was a control room operator, in a former life, you would have firefighters on the radio shouting at you to get the water company out to increase the pressure for the hydrants. That has always been the case. There was always an issue then when they reduced the water pressure or we were using the fire hydrant for people on dialysis. There was the issue of ensuring that their dialysis treatment was not affected. The water companies have a duty to set the pressure at the level required. It is a separate issue that they need to address. There is a great deal of talk about pressure, but the National Fire Sprinkler Network told us that it is more about the flow of water and the size of the pipe. So, I think that the water pressure issue can be addressed. I listened to Dŵr Cymru’s evidence and they kept saying, ‘Oh, but what about this?’ and so on. I think that there is an element of uncertainty because they have dealt with so few. There is one place in Wales where there are nine bungalows with sprinklers, and there are odd developments of three or four houses where people have installed them. It is not a big issue across the border with the water companies in England. There are about three or four water companies in England that are actively working with others to sort this situation out. So, if it is happening and they are able to make it happen, the same thing should apply here.

[136] **Rhodri Morgan:** Okay, but then there is a trade-off. What is the cost of putting in a domestic mains supply pipe that is three-quarters of an inch instead of three-eighths of an inch? Those are rough measurements as the measurements we were given were all metric. With regard to a mains pipe measuring three-quarters of an inch, the National Fire Sprinkler Network—Sir George Pigot and the retired fire officer, Ronnie King—were emphasising the fact that the cost of that flow through such a pipe if made standard would be almost nothing. However, if that became standard, all these worries about pressure would largely disappear at very little additional cost, and certainly far less than the estimate of £1,000 for the header tank and pump. Do you accept that we are roughly in the right ball park with that?

10.40 a.m.

[137] **Ann Jones:** Yes, I think so. Chris, would you like to come in here?

[138] **Mr Enness:** I would agree. Regarding how sustainable the notion of depressurising water is going to be over the longer term, you are going to have to deal with it anyway. It is a problem that is just being put off. On having a wider-bore pipe, it allows for a greater water

flow so you do not need the pressure. Therefore, if you reduce the pressure by half, with a greater flow, the sprinkler system will still work.

[139] **Rosemary Butler:** I wish to make a point. I am not defending Dŵr Cymru, but it made the point that, if this became law, it would do everything that it possibly could to ensure its implementation. I felt that there was a little negativity there. We have also had evidence from water companies, but the names have not been public, until now.

[140] **Ann Jones:** I am happy to share information with the clerk on the water companies in England that are working proactively at the moment, and that are perhaps slightly further down the road than Welsh Water. I have met with Welsh Water, and I am pleased to hear that they have started. I just hope that they are watching now, because the proposed Measure is going to go through.

[141] **Rhodri Morgan:** Do you think that you overdid things a bit in saying in the explanatory memorandum that it might be possible to use trade-offs in building design and passive fire-protection measures to help address the cost implications of the proposed Measure? You seem to have upset the Association of Specialist Fire Protection. It said, 'Ooh, we do not know about that. We do not like this idea that if you put in fire sprinklers, you do not need smoke detection systems and so on.' Likewise, while architects may be impressed with the idea of being much freer to redesign schools, as you mentioned, builders are not. There would be no need for so many walls; there would be no need for various rolled steel joists here and there; and there would be a freer hand to win architectural prizes for the way in which one-off houses are built.

[142] **Ann Jones:** I think that we were right to point out that there could be some freedoms. I am not talking about a situation where you install a sprinkler so you do not need anything else. As I said earlier, a sprinkler system is a tool in the box. It is another part of the safety jigsaw. We are right to say that there could be issues relating to design freedom. Not everyone wants their houses to be a certain way. There are very innovative ways in which architects can design the living areas of your home if you are able to commission one. It would be quite nice, would it not? There will be an opportunity to discuss that. People will find ways around it, and ask, 'Do we have to have it that way?' We were right to put it in as an opportunity for people to explore.

[143] **Rhodri Morgan:** Okay. I will ask my last question. Sorry, Chris, did you want to add anything?

[144] **Mr Enness:** There are design freedoms that you can have with a sprinkler system. Complications arise when these freedoms are negotiated and decided on a county-by-county basis. Therefore, there is no standard design freedom to be had, because the application of fire safety laws is carried out by fire authorities in their own counties. However, you can have some design freedoms, and some companies that fit sprinklers in residential care homes and so on utilise those freedoms.

[145] **Rhodri Morgan:** I can certainly see that, in schools and residential care homes, it makes things a lot easier to design. However, do you think that that is the case in the domestic home environment, or is this mostly a point for what is partly outside the legislation, namely schools, and partly inside the legislation, namely care homes?

[146] **Ann Jones:** As we have included care homes in the proposed Measure as places that can be a person's residence, we are right to put it in, in that respect. As we are talking about all new-home builds, including new care homes, it has to be in there. Therefore, those design freedoms will be there. They may not necessarily be in your standard two up, two down, but this has to be in there so as to be open and transparent about what is going on.

[147] **Rosemary Butler:** Eleanor, did you want to ask a supplementary question on this?

[148] **Eleanor Burnham:** No, not on this one. You are very kind; thank you, Chair.

[149] **Rhodri Morgan:** I will now ask my last question. You suggested in the explanatory memorandum that the cost of installing and maintaining AFS systems would be incorporated into the value of the house or the rental levels that could be charged to the occupier. Why do you believe that to be the case, and what comments can you make on the very contrary positions taken on that issue by the National House-Building Council and the Home Builders Federation, which also state that it has had that confirmed by the Council of Mortgage Lenders, which allegedly states that new homes are not going to reflect the additional cost of fire suppressant systems, despite the extra safety benefits?

[150] **Ann Jones:** The simple issue is, if you buy a car now, you buy it with an airbag. No-one would dream of buying a car without an airbag.

[151] **Rhodri Morgan:** They are not allowed to.

[152] **Ann Jones:** I return to our two examples of Studley Green and Warrington. If they moved house, 95 per cent of people in Studley Green said that they would like to have sprinklers fitted in their new home. When they were asked whether they were aware that they had sprinklers in their own home—and I will let the clerk have these pie charts—97 per cent said that they were aware and 3 per cent said that they were not. When asked whether they liked having sprinklers in their home, 93 per cent said that they did, and when asked whether they feared them going off accidentally, 66 per cent said that they did not, 12 per cent said that they were not sure and 22 per cent said that they did. When asked whether having sprinklers in their homes made them worry less about fire, 73 per cent agreed. The compelling evidence is there.

[153] As I have said before, when this proposed Measure comes into force and sprinklers are put into new homes, developers will pass on that price. However, I think that people will pay that price, knowing that they have that safety. For example, people in Studley Green are quite prepared to pay the price if they move on and would like to see sprinklers in new-home builds. I would like to think that developers would put them in without adding the cost to the price, but that is utopian. The reality is that house prices will go up, but it is a minimal cost, in the order of £1,500 to £2,000.

[154] **Mr Enness:** It would be between 1 and 2 per cent of the cost.

[155] **Ann Jones:** But what is the price of safety? Housebuilders put central heating in houses and the cost of the house covers that, so I cannot see why they would not want to reflect the cost of sprinkler systems. People are willing to pay for them for their safety.

[156] **Chris Franks:** I want to develop this theme a little. The Home Builders Federation suggested that valuers would not recognise any premium attached to a house with a sprinkler system, and Barratt Homes, a major housebuilding company, suggests something along the same lines. So, if people attach value to sprinkler systems, why is it not reflected in the value of a house?

[157] **Ann Jones:** If we look at the UK, we see that we have sprinkler systems in Warrington, Studley Green and in a couple of other areas, such as the nine bungalows in Aberavon. So, valuers have very little to work on, and they will make an assumption. However, as this becomes reality, as this proposed Measure proceeds, and as we see homes being built that include fire sprinklers, it will become the same situation as that with central

heating. Houses were built without central heating until not very long ago, but you would never dream of building a new home without central heating now. In fact, new carpets and kitchens are fitted in new homes now; we never used to have any of that. The valuers are probably not aware that this legislation is to come in, so once it is there, it will be the same as having airbags in cars. You would go for a car with an airbag, because you would want to be as safe as possible on the road.

[158] If valuers say that sprinklers would not have any effect on house value, you have only to look at how people sell houses to see that that is not true. They add all sorts of things to descriptions, such as nice views, back gardens and enclosed areas. You have only to look in estate agent windows to see that people list everything, and, eventually, you will see sprinkler systems on that list. That time will come. The issue is that valuers do not know their value at the moment.

10.50 a.m.

[159] **Mr Enness:** In areas where sprinklers have been fitted, it has not slowed down building.

[160] **Ann Jones:** That is true.

[161] **Chris Franks:** Are you saying that the additional cost is so marginal that it gets absorbed?

[162] **Mr Enness:** House prices fluctuate between 1 per cent and 2 per cent a month, and that 1 per cent and 2 per cent is the cost of a sprinkler in any case.

[163] **Chris Franks:** I think that you have suggested that the cost of installing and maintaining the systems could be incorporated into lower land values. Could you explain that to me?

[164] **Ann Jones:** You were talking about land values, were you not, Chris? There could be a potential impact on land values either up or down. As we have just discussed in the context of developing the sprinklers, the fluctuation in the house price of 1 to 2 per cent is more like where we are.

[165] **Chris Franks:** Concern has been raised by the housebuilding industry about the potential adverse impact of the proposed Measure on the viability of some developments in Wales. It has been suggested that the proposed Measure, coupled with existing regulatory requirements in relation to planning, affordable housing and sustainable development, might have an adverse impact on the viability of developments. What are your comments on the suggestion that this might be the straw that breaks the camel's back and that makes a development unviable, which means that you do not have the sprinklers or the houses? How would you respond to that?

[166] **Ann Jones:** It is all 'might' there, and therefore it is not definite. This will make new houses in Wales a lot safer. It will make people a lot safer in their homes. We already make children safe in schools by installing sprinklers through the work of the Welsh Assembly Government. Sprinklers are not fitted in schools in England. I think that a few local authorities in England are looking to do that. They are the progressive local authorities, but they are not installed in general. That is what the Welsh Assembly Government has done: we have installed sprinklers in schools; and we are making the children safe in schools. I want to carry that on and make the children safe in their homes.

[167] This is a consequence of devolution. This is what I think the Assembly is all about: it

is about making those decisions and those choices that we think are right for Wales, and making the houses more attractive and safer. We will have building regulations devolved to Wales. As I said at the very start, that is fine, but the Ministers agreed with the Westminster Government that it would be only for energy efficiency, and that we will move on to deal with energy efficiency without making wholesale changes to building regulations. However, the Assembly will own this proposed Measure when it is passed and, I hope, will keep asking questions of the Government with regard to the regulations.

[168] This is about devolution; it is about us being able to say, 'Look, we can do this in Wales. We are making these choices'. People have discussed with me the cross-border issues about developers. I think that this will be one of the finest things that we ever do in our lifetime. As I have said before, we make many laws here; not many of them will save lives, but this one will. It is only an assumption that that will fall. Let us be positive. My cup is always half full and never half empty. This is a positive thing for Wales. We can lead in the UK on this and we can have people looking at what we have done. To me, that is the issue; it is about making people's lives safe.

[169] **Rosemary Butler:** That was a very impassioned response. Was your question answered, Chris?

[170] **Ann Jones:** I will take the emotion out, and Chris will answer that one.

[171] **Chris Franks:** I might crystallise the issue. Would you be content for a development not to take place if the additional cost of the sprinkler system meant that it became unviable? Is it a case of house with a sprinkler system or no house at all?

[172] **Mr Enness:** It is an academic discussion, because there is no evidence to suggest that it slows down the building and that people do not build as a result. In fact, the evidence is to the contrary. International evidence supports that it has not slowed down development. From a fire service point of view, I would always want built-in safety and the maximum safety possible, simply because it does what it says on the tin. It protects, it saves money, lives, injuries, the economy and the environment.

[173] **Chris Franks:** My final question is slightly linked to the earlier one. I have heard Ann say that you cannot put a price on a life, which we all understand, but is there a risk, in some circumstances, that the cost of installing such a system would be so great that it would become unreasonable? I am not talking about the standard, but are there some instances in which it would be prohibitive to install the system, in some people's eyes?

[174] **Ann Jones:** Do you want to answer that, Chris? I would keep making the same point, which is that this is attractive in Wales, because I passionately believe that this is what we are supposed to do. Chris will take the emotion out of this and find it easier to answer than I would.

[175] **Mr Enness:** At the moment, you will have the odd situation in which fitting the new sprinkler will be prohibitively expensive. That is because not many people fit sprinklers, so you may have a pattern of installation, but people will not have access to the cheapest equipment that works. With a new industry, you get a whole range of the things that make that industry easier to sustain and those prohibitive costs will disappear.

[176] **Ann Jones:** The point is that you will not be paying for one sprinkler system, you will have 100 houses, and so you will negotiate a price for 100 sprinkler systems.

[177] **Rosemary Butler:** I will ask the last question. It might be academic, but I think that it will be interesting. It has been suggested in evidence that we have received that the

proposed Measure could have a negative impact on the affordable housing agenda, as the cost of meeting the requirements could result in fewer affordable houses being built. How do you respond to that?

[178] **Ann Jones:** I was pleased when the Minister came to give evidence. She touched on the subject and said that she did not think that the issues around the amount of affordable housing that the Government might commit to would have an impact in any way on what we are trying to do with the proposed Measure. This goes back to the question of cost and, as Chris said, as the industry grows, the cost will become less. It is about how we move forward on this. I was pleased that the Minister did not think that the proposed Measure would, in any way, affect the numbers.

[179] Perhaps the committee would like to know that Angus Council and Fife Regional Council in Scotland have now agreed to put in sprinklers in all their social housing. So, if they are looking to do it in social housing, and there is the Warrington experience of social housing at Studley Green, we can see what is happening there and look at that evidence. I do not think that it will have a great impact on the affordable housing agenda, but it can bring cost benefits to registered social landlords. They will not have to house their tenants elsewhere when a fire destroys a house. So, there are economic benefits of that scale, and we must keep looking at the benefits of the proposed Measure. I am fairly relaxed that it will not have a negative effect on the building of social housing, but will lead to benefits and many more positives. It is therefore worth taking the opportunity to do just that.

[180] **Rosemary Butler:** Does anyone want to add anything?

[181] **Eleanor Burnham:** Would you turn this on its head and say that, eventually, insurers would see this as a benefit if it means that people do not have to claim for the burning down of their house or their flat? Would you say that they might eventually see the light?

[182] **Mr Enness:** That is definitely the case with commercial premises and schools, but not so much with domestic premises, because such a small element of domestic insurance is to do with fires, so insurers do not have much flexibility to lower premiums.

11.00 a.m.

[183] **Eleanor Burnham:** And yet the devastation—

[184] **Mr Enness:** Absolutely.

[185] **Rosemary Butler:** Does anyone else want to raise any points that we have not covered? I see that no-one does.

[186] We have given you a second grilling. Thank you very much indeed for coming here this morning. I thank you and your advisers, Ann, for your contribution to this meeting. A copy of the draft transcript will be sent to you before it is published.

[187] **Rhodri Morgan:** We are all going to Google—

[188] **Chris Franks:** No; we are going to visit.

[189] **Rhodri Morgan:** We will Google ‘Vancouver’, not visit it. [*Laughter.*]

[190] **Rosemary Butler:** I am sure that you will be Googling a lot on this.

11.00 a.m.

**Cynnig Trefniadol
Procedural Motion**

[191] **Rosemary Butler:** I move that

the committee resolves to exclude the public from all future meetings at which we will be deliberating on the content, conclusions or recommendations of our report on the Proposed Domestic Fire Safety (Wales) Measure in accordance with Standing Order No. 10.37(vi).

[192] I see that Members are in agreement. The next meeting will be held on Thursday, 21 October in private session to consider the key issues arising from evidence taken on the proposed Measure. Thank you very much. I declare the meeting closed.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth y cyfarfod i ben am 11.01 a.m.
The meeting ended at 11.01 a.m.*