

Dear Huw,

Proposed Legislative Competence Order - Domestic sprinklers

I refer to your invitation to the Deputy Minister for Housing dated 14th April inviting her to submit evidence at the Committee hearing on the 29th April 2008. I am happy to accept as Minister responsible for the built environment and sustainability. In advance of the hearing I present the following as written evidence of the Assembly Government's views for the committee to consider.

Responsibility for the Fire and Rescue Services in Wales was transferred to the National Assembly (now Welsh Ministers) in 2006 and sits within the portfolio of my colleague the Minister for Social Justice and Local Government.

The Assembly Government has demonstrated its commitment to tackling domestic and non deliberate fires providing funding for a range of initiatives as part of its community fire safety policy since before devolution of the Fire and Rescue Service in 2004, with over £27 million having been made available to date. This includes funding hard-wired smoke detectors in social housing and funding the Fire and Rescue Service to purchase over 153,000 smoke detectors and other fire safe equipment for use with vulnerable householders. This has enabled the Service to increase their programme of Home Fire Safety Checks, targeting those most at risk.

In April 2007 the Assembly Government also established a £12m, three year, school sprinkler programme, aimed at providing sprinklers in schools considered as vulnerable and at risk to arson. To date £3.9m in funding has been provided to fit sprinklers in 22 schools. This initiative complements the Education Department's Schools Building Improvement Capital Grant, which now makes it a requirement for all new build and significant school refurbishments to have a sprinkler system fitted.

Responsibility for fire resistance, detection and means of escape in new dwellings is covered by the Building Regulations for England and Wales. "OneWales" commits the Assembly Government to pursuing transfer of responsibility for the Building Regulations which is currently the subject of discussion with the Department of Communities and Local Government.

The aim of this proposed Order would perhaps be better dealt with through changes to the Building Regulations, the main legislation for setting building standards. In the absence of agreement at this point to transfer to the Welsh Ministers the executive power to make/amend Building Regulations it is appropriate for other mechanisms to influence building standards, such as this proposed Order, to be supported.

The Assembly Government therefore supports the principle of the proposed Order and its objectives to reduce death and injury through domestic fires and to reduce the economic and sustainability consequences of such fires. We have already recognised the role that sprinkler systems can play, including reducing the need for rebuilding and damage repair, through our grant funding policy for new and major refurbishment schools projects and extra care elderly housing.

There are however a number of issues which will require consideration, if not at the current stage, certainly when scrutinising any subsequent 'Measure'. These include water supply and pressure issues and quantifying the costs and likely benefits of a Measure which mainly affects new housing with an annual output in Wales of less than 1% of the existing housing stock.

In estimating the costs of installing sprinklers particular consideration should be given of the implications of retrofitting where (b),(c) or (d) of the draft LCO definition applies. Particularly relevant will be capacity of existing water main infrastructure and pressure and the cost implications of providing on-site water storage where mains capacity/pressure is insufficient. Estimates of costs would also need to take account of ongoing maintenance responsibilities.

It will therefore be critical when considering any subsequent 'Measure' that costs and benefits are properly scrutinised. In that regard I would refer the committee to the BRE cost benefit analysis of domestic sprinklers undertaken as part of the 2006 review of part B of the Building Regulations.

In supporting the principle of this proposed Order I would ask the Committee to look at the draft wording of definitions, in particular new "residential" premises. It is not clear whether the intention is to affect only houses or go wider. The use of 'residential' could include care homes, student accommodation (see Building Regulations Approved document category definitions).

We have not considered the detail of text of the proposed Order. I would ask that I be allowed to submit further written evidence before the conclusion of the Committee's evidence gathering phase.



Jane Davidson AM

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing