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Welsh Government

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Cabinet Secretary for Energy, Planning and Rural Affairs

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

John Griffiths AM  
Chair  
Equality, Local Government and Communities Committee

ELGC(5)-12-18 Papur 5 / Paper 5

18<sup>th</sup> April 2018

Dear John,

Thank you for your letter and for the Committee's ongoing interest in fire safety issues in the light of the tragedy at Grenfell Tower.

The Welsh Government's response to the complex situation is, as appropriate, being driven across portfolios. The Minister for Housing and Regeneration is coordinating the Welsh Government's response, including the work of the Fire Safety Advisory Group and specific work relating to residential high-rise accommodation; the Cabinet Secretary for Local Government and Public Services has the lead on the Fire and Rescue Services, fire safety, and, more broadly, of course, for Local Government; and the Cabinet Secretary for Energy, Planning and Rural Affairs maintains her specific interest in the building regulations and planning functions. In accordance with this approach, please find below our joint reply to the Committee's specific questions.

As am sure you will recognise, the Welsh Government continues to take a responsible, dynamic and inclusive approach to ensuring informed actions are taken by the relevant parties. This is vital to ensuring residents of high-rise buildings in Wales are as safe as can be. The post-Grenfell situation continues to evolve and, as it does, our response will take careful note of the findings of the independent review of building regulations and fire safety and, thereafter, those of the public inquiry. We anticipate this will augment the Welsh Government's proactive track record of enhancing resident safety.

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

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

We have, for example, introduced a requirement for fire suppression systems (typically sprinklers) to be fitted in all new and converted residential accommodation and housing and, of course, there is a long-standing requirement for smoke alarms in new housing.

The Fitness for Human Habitation (FFHH) Regulations, to be made under the Renting Homes (Wales) Act 2016, will update the approach to determining whether a dwelling is FFHH in two ways:

1. There will be 29 matters and circumstances to which regard must be had when determining whether a property is FFHH, and
2. Specific requirements will be placed on landlords to help ensure certain matters and circumstances do not arise.

Currently there are three requirements proposed:

- to ensure the presence of smoke alarms
- to ensure the presence of carbon monoxide detectors, and
- to ensure an electrical safety test is conducted at least every five years.

These regulations were subject to a public consultation which closed on 12 January and we are currently considering the responses.

### **Fire Safety Advisory Group**

The Minister for Housing and Regeneration has met with the chair of the Fire Safety Advisory Group, Des Tidbury who, you will recall, also currently serves as Chief Fire and Rescue Advisor and Inspector for Wales - a role he will hold until his term ends in June. They discussed the Group's recommendations, a copy of which is attached alongside the Minister's response (as well as the Advisory Group's earlier 'position statement' and the then Cabinet Secretary for Communities and Children's response to the same).

The Welsh Government welcomed the thoughtful consideration given by the Fire Safety Advisory Group to the issues at hand, and, also, its interaction with the UK Fire Safety Expert Panel. This engagement has been beneficial in helping ensure the timely and proper flow of information between the two bodies and their constituent members.

We wish to see this approach continued, and have asked Mr Tidbury to continue to chair the Fire Safety Advisory Group until June. This will also provide opportunity for the Group to consider and report to the Welsh Government on the fire safety elements of Dame Judith Hackitt's independent review of building regulations and fire safety. Dame Judith's final recommendations are expected this spring. Thereafter, we will continue to ensure we have in place appropriate mechanism/s for the breadth of advice and input we may need as we design and implement any changes to building and fire safety advice and regulation.

### **Independent Review of Building Regulations and Fire Safety**

In terms of the review, the then Cabinet Secretaries for Communities and Children, and Environment and Rural Affairs met Dame Judith Hackitt last October. The Cabinet Secretaries offered their and their officials' support for the review and agreed to facilitate Welsh stakeholder engagement.

A workshop including representatives of the Welsh construction industry, regulators, Fire and Rescue Services, housing management and tenants, was held last January. This afforded Dame Judith and her review team an opportunity to hear responses from Wales to the findings and recommendations of her interim report, which was published last December.

The report incorporated a number of initial recommendations, both at governmental and industry levels. We have accepted those which fall to us. The Cabinet Secretary for Energy, Planning and Rural Affairs has also recently issued an advice circular to Building Control bodies, emphasising the need to ensure early engagement with Fire and Rescue Services, to have regard to their advice and to encourage the provision of adequate information to those responsible for fire risk assessment under the Fire and Safety Order, 2005. We now look forward to the final report and will consider its findings with due care.

## **Electrical Fire**

At this point, we note concern, as expressed by the parliamentary committee, over the potential causal role in the fire at Grenfell Tower of an electrical appliance. The causes and contributory factors to the fire are yet to be fully determined and, of course, are a matter for the public inquiry. Furthermore, the tragedy arose not because of the initial cause of the fire, but because of the speed with which it propagated, overcoming the compartmentation of the building. The conditions which allowed the situation to happen could well have come into play following any kind of fire, whether started, for example, by cooking, smokers' materials or an electrical appliance. Focusing on the initial cause of the fire risks missing this crucial point. Accordingly, we have not made specific representations to the UK Government or to the Hackitt Review on this issue.

However, this is not to say we are not concerned to reduce the incidence of electrical fires in Wales. Dwelling fires originating in the electricity supply are increasing, unlike dwelling fires from any other known source. We have been working with the Fire and Rescue Authorities and with Electrical Safety First to understand this trend and to devise a means of addressing it. This is a very rigorous piece of work, which has involved examining reports of hundreds of individual fires. We will publish the results shortly, but it is already clear this is a genuine problem probably not replicated elsewhere in the UK. We also know the trend concerns fires originating in the supply infrastructure itself – meters, fuse boxes, cabling and sockets – quite possibly related to the age of the property or its electrical installation (the Welsh Government proposal in the recent consultation on FFHH regulations for electrical safety testing applies to this potential hazard). It does not relate to fires in electrical appliances, which are in sustained decline. While this work predates the Grenfell fire and is only indirectly related to it, it does show how seriously we and our partners take these matters.

## **High-rise residential buildings in the private sector**

The Welsh Government has made strenuous efforts to ensure it has as complete a picture as possible of high-rise housing stock in the private sector. Despite the complexities, previously discussed with the Committee, we are pleased to confirm we have identified all high-rise residential buildings in Wales, acquired contact details for their owners and/or managing agents and have established the necessary communications with them all. Thus, we have been able to ensure those responsible for the buildings have access to the appropriate and most recent guidance.

Additionally, through our case management approach, we are in a position to monitor the formulation and implementation of remediation plans where these are required.

By way of update, the current number of high-rise residential buildings in the private sector with aluminium composite material (ACM) cladding corresponding with failed BRE tests stands at 12. Our case management continues to provide support to the relevant local authorities as they discharge their own duties in working with building owners and agents. This includes regular interaction between senior officials and a range of stakeholders, including the Fire and Rescue Services. We will continue to work with local authorities to monitor progress against necessary remedial action, irrespective of sector.

Cabinet colleagues and our officials also continue to liaise with the UK Government's Ministry for Housing, Communities and Local Government (MHCLG), which has generated much of the technical advice in respect of existing building risk assessment.

### **Non-Aluminium Composite Material**

You will know the initial focus has been on ACM cladding, which had been in place on Grenfell Tower.

MHCLG published initial guidance on non-ACM high-rise buildings last December. The guidance, which we have shared broadly, exhorts owners and agents to view buildings and their safety on an individual basis and, where concerns are identified, to seek independent specialist advice. The MHCLG has committed to further research into fire performance of external wall systems, with a view to publishing later in 2018. We will, of course, continue to ensure owners and other key stakeholders are kept abreast of developments and advice. Our officials are currently working with stakeholders to develop a clearer picture of broad building safety issues and the risk assessment regime.

### **High-rise blocks in Cardiff**

We welcome the responsible actions of Cardiff County Council in commissioning timely, independent advice in respect of the safety of six residential buildings which do not have ACM cladding.

Officials have met Cardiff County Council along with the South Wales Fire and Rescue Service and other key local government and housing stakeholders to better understand the situation, actions taken to date, planned activity and to learn from the experience. Like you, we welcome the reassuring deployment of round-the-clock fire wardens and, also, the retro-fitting of sprinklers throughout the buildings. We will continue to engage with the parties as longer-term plans are enacted.

Cardiff's approach serves to underline the vital importance of considering, *on an individual basis*, the overall fire *and* building safety of each tall residential block. Rather than a re-focus, taking in another type of cladding material, this broader approach is a rational step in ensuring residents' ongoing safety.

From a preventative perspective, we would reiterate the value of commissioning appropriate, expert safety advice and, of course, taking any subsequent identified actions. In this vein, the Minister for Housing and Regeneration wrote to all Assembly Members in January, updating them on guidance relating to high-rise buildings which do not feature ACM cladding.

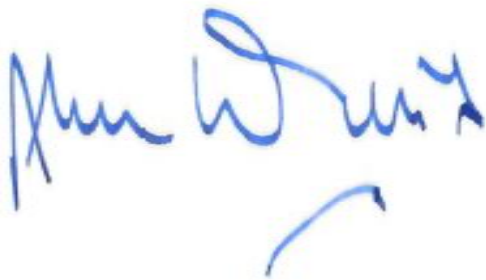
Yours sincerely



**Rebecca Evans AC/AM**

Y Gweinidog Tai ac Adfywio

Minister for Housing and Regeneration



**Alun Davies AC/AM**

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus

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Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig

Cabinet Secretary for Energy, Planning and Rural Affairs

## **Fire Safety Advisory Group**

### **Position Statement**

As we approach the 100<sup>th</sup> day (22 September) since the Grenfell Tower fire, it seems timely to provide this informal update on the Fire Safety Advisory Group's response and its position on developments subsequent to the fire.

#### **Fire Safety Advisory Group**

The [Fire Safety Advisory Group](#) was established on 6 July for an initial period of 3 months, to be reviewed thereafter. The Group, which meets weekly, is chaired by Des Tidbury, Chief Fire and Rescue Advisor for Wales. Its members comprise the Chief Fire Officer for South Wales Fire and Rescue Service and representatives of the Welsh Local Government Association, Community Housing Cymru, the Residential Landlords Association (Wales), Welsh Council for Voluntary Action and the Tenant Participation Advisory Service Cymru.

The [Terms of Reference](#), as agreed with the Cabinet Secretary for Communities and Children, outline the priorities for the Group in relation to the safety of high-rise buildings, identifying and considering possible actions following the Grenfell Tragedy.

This statement updates on our agreed position on a number of fronts and makes recommendations for the Cabinet Secretary's consideration.

#### **Building Research Establishment Large-Scale Tests and Associated Guidance**

In broad terms, we welcomed the BRE testing regime and the, ultimately extended, schedule of tested ACM and insulation configurations. We consider that, whilst it would be impracticable to replicate the myriad ACM cladding and insulation types, the seven tests provide a satisfactorily broad basis for advice.

The subsequent guidance requires building owners and landlords to take fire safety measures and to seek expert advice on processes for replacing material where their cladding systems correspond with failed rigs.

There seem to us to be likely practical resource implications for owners/landlords in all sectors. These include the availability of 'approved' ACM cladding; industry capacity to fit the same; financial capacity and implications for owners and landlords and, registered fire safety engineers (estimated to be around 250).

We continue to have regard to subsequent UK-level guidance, but recognise the limits and its capacity to respond to a complex and fast-moving environment.

Given the experience and composition of the UK Expert Panel and the clarity of guidance, which we consider is accessible even to readers with little technical knowledge, the Group has no significant issue with endorsing guidance issued subsequent to the BRE full system tests.

## **Owner and Landlord: Tenant Engagement**

The gravity of the Grenfell situation and speed and range of subsequent issues and developments will have led to anxiety amongst tenants in high-rise buildings. Appropriate engagement, alongside safeguarding and remediation actions, are essential to ensuring people are – and *feel* – safe and informed.

The Group invited and heard from social landlords about the steps they had taken to keep tenants well-informed and reassured. We were pleased to have had a presentation from Newport City Homes (NCH) and were impressed by the breadth and nature of their extensive tenant engagement. I attach a PDF to the [pack](#) with which we were presented. NCH have been generous in agreeing to this being shared more broadly, perhaps as part of the ‘caseworker’ approach being taken by your officials. We feel that this provides a sound blueprint and can be a useful touchstone for cross-sector landlords. We have also been impressed by the speed with which NCH has commenced the installation of sprinklers in its buildings.

Whilst Fire and Rescue Services have welcomed the involvement of owners and managing agents, and in turn their engagement with tenants, we have also noted the role that Third Sector organisation, charities and community groups can play in providing additional communication routes and reassurance and support to tenants.

## **Identification of ‘In-Scope’ Buildings**

The efforts of the WLGA, local authorities, fire and rescue services and your officials and others notwithstanding, the ability to identify the existence, location and ownership of buildings of 7 storeys (18 metres) or more has been challenging. Indeed, the initial data collection by Welsh Government defining high-rise buildings as those with 7 storeys or more does not relate exactly to the fire safety risk, nor to any regulations laid out in Approved Document B part 2.

Future action could more carefully define high-rise buildings as either:

- those of 18 metres or more in height, to the floor of the top storey, as described in diagram C6, p.210 of Approved Document B, part 2. (In terms of rationale for focus on buildings of, or beyond, a specific height, this would then relate directly and clearly to the ease of evacuation and the ability of FRS to intervene effectively.) Or, alternatively, as those of:
- 18 metres or above height of building, as described in diagram C4 on page 209 of Approved Document B part 2.

The remit of this Group has been to focus on buildings of 7 storeys/18 metres or more, however, overtime this may change in terms of scope for lower-rise buildings.

## **Identification of Tall Buildings**

The picture, particularly - but not exclusively - about the private sector, remains frustratingly incomplete. We understand that effective identification of private sector buildings is, equally at least, a challenge in the other parts of the UK.

It might reasonably be assumed, particularly to a 'lay' observer, that reliable, accurate and timely data about the quantum of tall buildings in any local authority area could be readily accessible. That this appears not to be the case points to the need for a reform of the system and its ability to record information about the totality of this type of building stock and up-to-date ownership and/or managing agency particulars. This may be more a matter of appropriate data collection and recording (and clearly-defined expectations around the same) rather than something which needs statutory intervention to rectify. In either case, we would recommend that further work is undertaken, considering other models across the UK so that, should a future scenario emerge, we can learn and apply lessons so that appropriate information about cross-sector buildings is established and retained

## **Private Sector**

Identifying private sector landlords (perhaps more accurately, freeholders and/or managing agents for the freeholders), or even properties, has been a significant challenge. The reasons for the difficulty in terms of engagement, assuming bodies are first sighted on requests for information, will centre on uncertainty on how matters will be resolved in terms of ownership, managing agents, and a host of other issues including financial liability. There is a lack of clarity or understanding around how material designed and fitted in accordance with building regulations and standards could subsequently fail either initial or large-scale tests. As details continue to emerge, these should be shared broadly and a definitive statement on funding given to clarify the situation.

## **Focus on High-Rise Residential Buildings**

As per the Terms of Reference for the Fire Safety Advisory Group, the initial focus of the Group is the safety of high-rise buildings. This includes the consideration of - on a risk basis - all high-rise buildings on a tenure neutral basis, concentrating on those with a 'sleeping risk', including other forms of housing, the NHS estate, schools and further education establishments, and the higher education estate.

The agreed timescale for the Group established an initial period of three months from 6th July, to be reviewed thereafter. As 6 October approaches, the Group would welcome any early view on its role, if any, and how it can be useful to the Cabinet Secretary beyond that point.

## **Fire Risk Assessors**

I have referenced the availability of fire engineers. The Group has also considered the arrangements for the registration and appropriate training of competent Fire Risk Assessors. Presently, there is no requirement for Fire Risk Assessors to be registered, maintain continuous professional development, or to provide satisfactory evidence of initial or ongoing competence. We presume that this will be picked up in the independent review, but would urge that this is indeed the case.

## **Review of Building Regulations**

The Group welcomes the independent review of building regulations, led by Dame Judith Hackitt. Whilst this will be concerned with the English statutory framework, there is, and should be, clear read-across to the Welsh context.



The FSAG's specific remit and composition were based on issues specific to fire (rather than to the broader matter of building) safety. Whilst we welcome a watching brief and an opportunity to input as necessary, the group's current configuration and resources are not geared to playing a lead role in any parallel review that the Welsh Government may determine to take forward.

## **Priorities and Procurement**

There are apparent complexities involved as focus broadens beyond the initial concentration on ACM cladding. These can relate to practical and commercial decisions in respect of replacement materials: clearly, landlords will wish to replace deficient cladding with a substitute that is approved and which will be an acceptable long-term alternative. As things stand, there may be a balance between early action (which may avoid cost issues stemming from supply and demand) and awaiting a final, definitive analysis of 'safe' cladding systems. Any implications of future changes will need to be communicated to staff responsible for procurement and to take account of any longstanding contractual commitments. Input from the National Procurement Service, on a Wales level, would be helpful.

Similarly, as far fewer buildings have been identified in Wales which require the replacement of (particularly) Category 3 ACM, than is the case in England, we would welcome further clarification of how remediation is to be prioritised. That is to say, an orderly system of remediation, rather than an 'ability to pay'.

We welcome discussions between your officials and their DCLG counterparts on supply chain issues and will further welcome updates on the same.

## **Mitigating Action**

We agree that sprinkler (or water suppressions) systems, crucially as *part* of a suite of fire safety measures, are a highly effective asset in preventing the spread of fire. In that sense, the 2016 legislation taken forward by the Welsh Government, requiring new builds and conversions to have sprinkler systems in place, is hugely positive. In terms of retro-fitting, however, we accept that there are legislative and financial challenges (although, as stated previously, we welcome NCH and Swansea's actions on sprinkler fitting).

We have noted that tenants' questions about sprinklers seem to centre on possible costs to them and potential impact on upholstery and fixtures and fittings. Again, this is an area where enhanced engagement with tenants (and 'myth-busting') can be helpful.

## **Relationship with other Groups and Knowledge-Sharing**

Over time, the flow of information between the UK Expert Panel and the Fire Safety Advisory Group has improved. Informal weekly updates between both bodies have proved most effective in enabling our clearer understanding of developments and underpinning issues. We intend to continue in this vein.

The FSAG has also been involved and welcomed more recent regular briefing discussions between colleagues in the UK Expert Panel and Scottish counterparts. I intend to propose a four-nations symposium as an effective way better to understand

the current situation and to share experiences and developing good practice. We will keep you apprised of developments.

## **Recommendations**

We would make the following initial recommendations:

Collection and Availability of Data – Notwithstanding the obvious efforts of all concerned, the apparent lack of readily-available data relating to high-rise buildings is a matter of some concern. Much work, across local authorities, the Welsh Government, the WLGA and Third Sector, has gone into identifying and collating information on high-rise buildings in Wales. This information should be preserved and built on as a highly useful foundation for future broad, reliable and accessible information. Local authorities should be made aware of clear expectations around what needs to be collected, collated and reported; and expectations should take cognisance of the Information Commissioner's own recommendations in this respect.

Identification of responsible persons – Due to a range of complex owner and landlord scenarios, the identification of responsible persons can prove challenging. The Grenfell Tower aftermath and attempts to discern responsible persons have amplified this concern. We would recommend that any future revision to the Fire Safety Order addresses and clarifies the position and requirements, so far as possible.

Managing Agents - The role of 'block' managing agents (distinguished from manager of private rental accommodation) in the private sector is crucial. Competency, however, appears variable and the Group recommends exploring the feasibility of including additional activities that are carried out by block managers into Section 6(3) of Part 1 of the Housing (Wales) Act 2014 which will result in them requiring to be licensed and be trained.

Fire Risk Assessors – as part of any review of the Fire Safety Order, adopt a more stringent approach for the appointment, registration, training and competence of fire risk assessors.

Fire Safety Advisory Group - That the Group's focus remains trained on high-rise buildings, and it continues to operate for a further three-month period, before being reviewed again.

Finally, I would be happy to brief you or provide further detail if you would find that helpful.



**Des Tidbury**

**Chair, Fire Safety Advisory Group**



Ein cyf/Our ref: MA-P-CS-3440-17

Des Tidbury  
Fire&Rescue Adviser and Inspector for Wales  
Des.Tidbury@gov.wales

26<sup>th</sup> October 2017

Dear Des

Thank you for briefing me last week in regard to the Fire Safety Advisory Group's initial recommendations. I set out my response to your recommendations below.

Collection and Availability of Data:

*Recommendation: "Notwithstanding the obvious efforts of all concerned, the apparent lack of readily-available data relating to high-rise buildings is a matter of some concern. Much work, across local authorities, the Welsh Government, the WLGA and Third Sector, has gone into identifying and collating information on high-rise buildings in Wales. This information should be preserved and built on as a highly useful foundation for future broad, reliable and accessible information. Local authorities should be made aware of clear expectations around what needs to be collected, collated and reported; and expectations should take cognisance of the Information Commissioner's own recommendations in this respect."*

You are correct in your assessment of the significant work undertaken to identify high-rise buildings, and I have welcomed the input of partners in helping complete the data, but also in terms of the level of challenge. My officials are currently considering options which can ensure that information held by local authorities is complete, up-to-date and readily available. They will brief the Fire Safety Advisory Group, which includes representation from the Welsh Local Government Association, and I will welcome the Group's further input before I decide how best to take this work forward.

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

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

### Identification of responsible persons: Fire Risk Assessors:

Recommendations: *“Due to a range of complex owner and landlord scenarios, the identification of responsible persons can prove challenging. The Grenfell Tower aftermath and attempts to discern responsible persons have amplified this concern. We would recommend that any future revision to the Fire Safety Order addresses and clarifies the position and requirements, so far as possible; – as part of any review of the Fire Safety Order, adopt a more stringent approach for the appointment, registration, training and competence of fire risk assessors.”*

In taking these recommendations together, I agree that there is a good case in principle for reviewing the Regulatory Reform (Fire Safety) Order 2005. Certainly, a review could include clarifying the position of responsible persons and requiring minimum standards of competence for fire risk assessors, as well as reflecting the evidence and recommendations of the Public Inquiry and the Independent Review of Building Regulations and Fire Safety. The power to amend the Order is not devolved, although the National Assembly for Wales will acquire legislative competence in this area next year. In advance of that, I would welcome any further detail you may provide.

### Managing Agents:

Recommendation: *“The role of ‘block’ managing agents (distinguished from manager of private rental accommodation) in the private sector is crucial. Competency, however, appears variable and the Group recommends exploring the feasibility of including additional activities that are carried out by block managers into Section 6(3) of Part 1 of the Housing (Wales) Act 2014 which will result in them requiring to be licenced and be trained.”*

We will work with stakeholders to consider options and mechanisms to improve the consistent competence of leasehold managing agents. One such option would be to legislate for the compulsory registration and licensing of all leasehold management agents, in the same way as we did for the private rented sector. This would then require all staff involved in leasehold property management to be suitably trained and for licensed leasehold management agents to be ‘fit and proper’ and adhere to a Code of Practice. I will consider the options, including the potential to pilot proposals in the first instance.

### Fire Safety Advisory Group:

Recommendation: *“That the Group’s focus remains trained on high-rise buildings, and it continues to operate for a further three-month period, before being reviewed again.”*

The Group’s work has been useful, both as a means to ensure effective communications with the UK Expert Panel and in developing advice concerning fire safety issues in Wales. I am content, therefore, to agree to a three-month extension from the date of this letter.

I would welcome your continued focus on fire safety in high-rise residential buildings, which should include student accommodation in the private sector. I note you are continuing to meet owners and managing agents with a view to developing further advice on good practice for engaging and informing residents in circumstances where there are concerns about fire safety. Your further recommendations on that, and your position in terms of preventative and mitigating measures, would be most helpful. I will review the Group's ongoing status in January.

Finally, could I thank you and the Group members for your ongoing commitment and time in taking forward this important work.

Yours sincerely

A handwritten signature in grey ink, reading 'Carl Sargeant' in a cursive style.

**Carl Sargeant AC/AM**

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

## **Fire Safety Advisory Group**

### **Recommendations, January 2018**

The Fire Safety Advisory Group (FSAG), constituted by the former Cabinet Secretary for Communities and Children, Carl Sargeant AM, has met since July 2017, in the aftermath of the tragic fire at Grenfell Tower. FSAG comprises representatives of the Fire and Rescue Service, the Welsh Local Government Association, Community Housing Cymru, TPAS Cymru, the Residential Landlords Association, and the Welsh Council for Voluntary Action. As Chief Fire and Rescue Advisor for Wales, I have had the privilege of chairing the Group, which was established to link with the UK Expert Panel and to make recommendations to Welsh Ministers about fire safety in high-rise residential buildings in Wales. Our terms of reference are attached.

I issued the FSAG's 'position statement', including a number of initial recommendations, to Carl Sargeant last September. In reviewing the same, Mr Sargeant determined to extend the Group's remit until January, with its future considered after that point. I am, therefore, submitting the FSAG's comments and recommendations for the extended period and will await your response and any further instructions you may have.

#### **Resident Engagement: Good Practice**

The FSAG, having heard from a number of landlords / managing agents and considered their experiences, offers recommendations for resident engagement in the form of a template (attached). The document is non-technical and should, of course, be considered alongside statutory duties. Its recommendations have been tested with a tenant forum, with thanks to TPAS Cymru, and a group of landlords, with thanks to the Residential Landlords Association.

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

#### **Independent Review of Building Regulations and Fire Safety: Interim Recommendations**

The FSAG supports Dame Judith Hackitt's interim recommendations, a number of which have direct implications for those involved in fire safety. Indeed, FSAG previously called for greater clarity in respect of 'responsible persons' and professional competency criteria and development for fire risk assessors. The FSAG agrees that the early, systematic engagement of fire safety officers from the design stage of developing tall buildings is particularly important.

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

### Data Collection

Our position statement stressed the importance of having, and maintaining, reliable data. As previously, we consider that the existing data held by the Welsh Government – developed in conjunction with a range of partners, including local government and Fire and Rescue Services - is a good starting point and should be maintained and built upon by local authorities. The data, which is or should be extant and therefore not burdensome to collect, can drive closer working with FRS, improved intelligence and, ultimately greater reassurance of resident safety in tall buildings (i.e. for the purposes of this group, those of 18 metres height or more). Naturally, the information should be updated as and when circumstances, including the release of new buildings, require.

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

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

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

### Future of the Fire Safety Advisory Group

I would conclude that the Group has been an effective conduit for maintaining a clear and open line of communication with the UK Expert Panel, chaired by Sir Ken Knight. I have had regular update conversations with Sir Ken. Since the Group's inception, however, the response following the Grenfell Tower fire has broadened

considerably, as appropriate, and has thrown up myriad issues stretching beyond FSAG's remit. These include, for example, remedial work, supply chain, the testing regime and technical aspects of financial impact, including mortgage, valuation and insurance implications.

FSAG has run alongside the UK Expert Panel and also Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety. The implications in and for Wales of Dame Judith's review are clearly a matter for Welsh ministers, but she has concluded, at this early stage, that systemic, broad change is needed in the building control and enforcement environment, with ramifications both for government and industry. This clearly outstrips the expertise of the Fire Safety Advisory Group, as currently constituted.

In terms of remit, I trust that our engagement with stakeholders and production of the good practice document can be helpful in ensuring "...that people living in high-rise accommodation are suitably informed and feel reassured and safe." I am not sure, however, that we have much more to add at this point in time and any future remit would need to reflect current developments.

**Recommendation:** We would suggest that a focused Fire Safety Group may still have a role to play as part of the broader approach to building safety. The role might be better played, however, as a *reference* resource or group (considering specific issues as they emerge and with a refreshed membership equipped to provide advice on technical matters).

This could feed into the bigger picture, particularly in terms of advice you may require related to the independent review of building regulations, building and, of course, fire safety. In any event, I would envisage retaining contact with the chair of the UK Expert Panel and being in a position to continue updating you and your officials as you see fit.

Finally, I would like to express my sincere thanks to the members of the FSAG, who have given freely of their time. I would, of course, be very happy to brief you in person if you would find that helpful. I look forward to your comments and further requirements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Des Tidbury', with a long horizontal stroke extending to the right.

**Des Tidbury**

**Chair, Fire Safety Advisory Group**



## **Fire Safety Advisory Group**

### Resident Engagement: Principles for Good Practice

Effective and timely engagement with residents is important, both in practical terms, but also to build trust, reassure people, provide certainty where possible, reinforce messages about appropriate fire safety behaviours -- a joint responsibility -- and alleviate anxiety.

The Fire Safety Advisory Group, having heard from a number of landlords / managing agents and considered their experiences, offers the following recommendations, which have been tested with a tenants' forum.

We consider that the following steps, to be taken by owners/managing agents as soon as practicable once cladding systems are known to correspond to failed Building Research Establishment large-scale tests, could form the basis of future guidance.

#### **Set the Context:**

Be proactive in establishing the full context, rather than assuming residents will know the background leading up to engagement, explaining that:

- tests have been undertaken following the fire at Grenfell Tower, London in which the types of external cladding used accelerated the spread of fire;
- owners of tall buildings (18 metres or more in height) were asked to submit samples of cladding to the independent Building Research Establishment. Seven tests were conducted on different types of Aluminium Composite Material cladding and insulation filler to see how they behaved in an extreme fire situation; and
- the type of cladding used on the building/s corresponds with a 'failed' test and you are now taking the steps identified in Government guidance. (You may wish to emphasise that your system had been approved/was deemed compliant at the point of installation.)

#### **Reassurance:**

Set out the steps you have taken in the design, build and running of the property.

Particularly, you should state if the following apply or are present:

- smoke / CO alarms are in place and are regularly tested;

- automatic sprinkler systems are fitted in common / private areas (linking to the Welsh Government's document, "A Resident's Guide to Sprinklers" would be helpful and informative)  
<http://gov.wales/docs/desh/publications/151218householders-guide-to-fire-sprinklers-en.pdf><http://gov.wales/docs/desh/publications/151218householders-guide-to-fire-sprinklers-en.pdf>
- a recent Fire and Rescue Service fire safety inspection has been conducted (with date and detail); and
- the building evacuation procedure/strategy in place;.
- other fire safety features of the building (for example, Automatic Opening Vents, compartmentation etc.); and reference to the
- current regular testing and fire safety monitoring regime.

### **Measures to improve safety:**

Of course, making buildings and their occupiers as safe as can be is a joint endeavour. It is important to take the opportunity to reinforce messages about how residents can play their part in keeping themselves safe through appropriate behaviour. Your Fire and Rescue Service can provide support in identifying 'dos and don'ts'. You may also wish to consider setting out expected behaviours and responsibilities, perhaps building these into tenancy agreements and leaseholder purchase documentation, where applicable.

#### 'Know your building':

Similarly, there is an opportunity to broaden awareness of building-specific details for example: the location of fire escapes, fire doors, fire safety equipment, evacuation procedure, muster points, and key contacts.

N.B. Fire Risk Assessments are required to be carried out on all commercial premises, and also on the communal areas of residential premises. The responsible person for your premises must be able to provide this to a resident should they wish to see it Your Fire and Rescue Service may also strongly recommend a 'Type 4' assessment, i.e. beyond the 'front door,' is carried out.

#### What you are doing now further to improve resident safety:

State clearly, with timescales, what further steps you are / will be taking including:

- inspection by Fire and Rescue Service, and/or local authority housing departments:

- any Fire and Rescue Service recommendations;
- examination of the building/s by an approved Fire Engineer; and, as appropriate:
- removal of any ACM cladding;
- retro-fitting sprinklers systems;
- deployment of fire wardens / safety patrol; and
- any changes to fire safety policy (for example, evacuation procedures, fire detection testing, making space for FRS vehicular access, and any changes to tenancy agreements).

It is also appropriate, if you haven't already, to reassess *who* lives in the building and any specific modifications which may be necessary for, e.g., elderly people and / or those with limited mobility.

### **Financial impact on residents**

Clearly, for many residents, a key concern will be the financial impact on them of any fire/building safety measures. It is strongly recommended that early and transparent indications should be given, wherever possible, of any remediation costs which may fall to residents.

You should indicate at the outset the remediation costs, the anticipated 'lifespan' of costs and the mechanism for cost recovery, (consider breaking this down into three categories: tenants on an assured or similar tenancy; tenants in the private rented sector; and leaseholders).

### Communication medium / media:

**Timing:** Residents should expect to know of test results as soon as possible after you become aware. Delays in advertising residents may create more uncertainty, leading to avoidable anxiety and diminished trust. If full details are not available, or further tests are required to clarify the position, you should publish a timescale of actions and advise when you expect to receive the final result/s. Prompt reassurance about fire safety measures, on the other hand, will be beneficial.

**Medium:** Give particular thought to *how* you will communicate. A letter should be the bare minimum. Good practice will include leafleting, face-to-face communication, and possibly 'door knocks'. Also, surgeries with managing agents and the FRS have been effective in answering concerns and giving authoritative and practical reassurance. In any case, you should think about how and when you can give further, verbal reassurance and to check messages have been understood and concerns addressed.

**Accessible contact:** Residents should be clear about who is their key contact. Establish details on who they can discuss concerns with, when and how. A named

contact/s, available at times to suit residents, through a variety of means ('phones, SMS, internet, personally) should be identified.

**Key dates:** Make sure residents are aware of timescales and key dates. This includes any surgeries, inspections, but also anticipated timescales for remediation work.

**Language:** Think carefully about the most appropriate and effective style of communication for your residents. A mix and balance of accessible (non-technical) words and pictures can be helpful and powerful in getting messages across. Pictures for 'dos and don'ts' and 'know your building' might be more readily understood. You should also give thought to translating documents where residents do not have English / Welsh as a first language and to providing information in formats accessible to those with particular needs.

County Voluntary Councils (CVCs) are based in every local authority area around Wales and will be able to provide information about any local support available to translate and / or disseminate materials.

#### Resources:

Much has happened in the months following the fire at Grenfell Tower and the outcomes and recommendations of the independent review of building safety and fire safety and, separately, the public inquiry, will impact on policy and potentially legislation.

#### **DCLG**

You can and should keep up to date through following progress and announcements at DCLG <https://www.gov.uk/government/collections/grenfell-tower> and FAQs <http://gov.wales/topics/housing-and-regeneration/services-and-support/grenfell-tower-faqs/?lang=en>

#### **Fire & Rescue Services**

The Fire and Rescue Service is a vital, expert resource. You can get in touch with them for advice on any fire safety-related concerns. The following document gives safety advice for high rise living, advice is also provided by the three regional Fire & Rescue Services in the links below:-



high rise living  
(003).docx

**South Wales Fire and Rescue Service** – Fire safety advice for residents: High Rise Living - [http://www.southwales-fire.gov.uk/English/business\\_fire\\_safety/Pages/High-riseling.aspx](http://www.southwales-fire.gov.uk/English/business_fire_safety/Pages/High-riseling.aspx)

**Mid and West Wales Fire and Rescue Service** - Fire Safety in High Rise flats -  
<http://www.mawwfire.gov.uk/English/Safety/At-Home/Pages/Fire-Safety-in-High-Rise-Flats.aspx>

**North Wales Fire and Rescue Service** – Advice for High Rise Living -  
<http://www.nwales-fireservice.org.uk/keeping-you-safe/at-home/high-rise-living/>

### **Welsh Government**

The Welsh Government building safety programme team can be contacted at: [housingresponses@gov.wales](mailto:housingresponses@gov.wales). The team may also put you in touch with other owners / managing agents who have been through post-test situations and who can share the resources they have developed or discuss their experiences. If you would like to consider changes to your tenancy agreements, you could contact your representative organisation for advice.