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Y Gweinidog Tai ac Adfywio
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Llywodraeth Cymru
Welsh Government

John Griffiths AM
Chair
Equality, Local Government and Communities Committee

12 June 2018

Dear John,

Thank you for your letter seeking an update on the Welsh Government's actions to enhance fire safety in Wales in the light of the final report of the Independent Review of Building Regulations and Fire Safety.

Dame Judith Hackitt, who chaired the review, published her report on 17 May. It provides a comprehensive analysis across a number of policy areas, and makes wide-ranging recommendations for a radical overhaul of a system she views as "not fit for purpose". This endeavour is therefore cross-cutting - with attendant and inherent complexity - but is also necessary to safeguard and reassure people that they are safe.

Dame Judith recognised in her report that, whilst some actions can be taken in short order, others will take time to get right and implement - particularly where they may require legislative change. I wrote to Assembly Members on 23 May, welcoming the review, which was commissioned by the UK Government and which recommends actions in an English context. I set out in my statement how the Welsh Government intends to respond. It is clearly essential that we commit to an appropriately considered, detailed Welsh response to this comprehensive review. The First Minister has asked me to constitute and chair an Expert Group which will provide an opportunity to break down the recommendations and review their impact and ramifications for Wales as we consider how best to give them practical effect. I will provide further information on the work of the Expert Group as soon as practicable and aim to provide a detailed route map on the Welsh Government's approach by the end of this year.

A number of Dame Judith's recommendations chime with the input of the Fire Safety Advisory Group, established by the Welsh Government. As requested, I am setting out an update on how these are being taken forward.

Identification of, and information on, high-rise residential buildings

The work to establish the particulars of high-rise residential buildings in Wales was significant, and I fully appreciate the value of ensuring the data gathered is built upon so that it remains accurate and up-to-date.

In liaison with the Fire Safety Advisory Group, my officials met representatives of the Welsh Local Government Association, its Data Unit, and the South Wales Fire and Rescue Service to assess options and agree a way forward. It was decided that the data which had, up to that point, been collected and collated by the Welsh Government, would be handed over to local authorities. Local authorities have received relevant detail and particulars of the high-rise residential buildings in their area. They have been asked to ensure the information is maintained, kept under review, shared with associated agencies (including the FRS) as appropriate, and to make subsequent changes as necessary. Local authorities should also add to the data as and when new builds fall into scope. We appreciate the WLGA's ongoing support.

The Hackitt Review also recognised the necessity of having the right information and recommended establishing a digital database, to be maintained, in England, by the proposed Joint Competent Authority (JCA) in respect of Higher Risk Residential Buildings (HRRBs). This "golden thread" approach is welcome, but its application underlines the necessity of a considered Welsh response to the recommendations. We will determine, for example, whether the facility and composition of a JCA best reflects and serves the Welsh context. In terms of the multi-occupancy HRRBs for which a JCA would be constituted, Dame Judith categorised these as being, "10 storeys or more in height." Our focus to date, and one which I am not proposing to change, has been trained on buildings typically of seven storeys or more. We have collected detail on this type of building and I expect that data solutions in Wales will continue to be developed accordingly.

Private sector – the role of block managing agents

The Welsh Government has committed to tackling unfair practice in the leasehold sector. Last March, I announced an interim package of measures to address the issues of poor practice in the use of leasehold. Measures included:

- the introduction of new minimum standards for any lease agreement for properties sold through the 'Help to Buy – Wales' scheme
- limiting the use of 'Help to Buy – Wales' funding to purchase new leasehold houses
- establishing the 'Help to Buy – Wales' Conveyancer Accreditation Scheme to ensure all potential purchasers have access to good quality independent advice, and
- the announcement that a voluntary code of practice will be put in place to help improve standards, promote best practice and improve engagement in the property management sector. A multi-disciplinary task and finish group is being established to support policy development in this area.

Over the longer term, the Welsh Government is collaborating with the UK Government in support of the Law Commission's project on reforming residential leasehold, commissioning research to understand the severity and extent of leasehold problems in Wales. I am also considering the most effective ways to professionalise and raise standards in the property management sector, including by working together with the UK Government on areas of shared concern.

More broadly, the Independent Review made a number of recommendations which would impact on "dutyholders," as well as on the rights and responsibilities of residents themselves. We will continue to develop and refine the appropriate options and I will keep the Committee updated as to progress.

Fire risk assessors

Our position on fire risk assessors has not changed. Anyone engaged to carry out a fire risk assessment should be suitably qualified and experienced. The simplest way of providing for this would be to take a similar approach to that for other regulated trades, and to require such people to be members in good standing of an appropriate professional body such as the Institution of Fire Engineers. There have already been prosecutions of rogue fire risk assessors, including in Wales, but this usually depends on their 'advice' being implicated in the causes of an actual fire.

Such changes would require primary legislation, however. While the subject matter of the Regulatory Reform (Fire Safety) Order 2005 is now within competence, the powers under which the Order was made have long since been repealed – and were never devolved anyway. So there is no means of imposing these requirements in secondary legislation. Primary legislation may also be needed to make other changes to the Order, such as taking a more stringent approach to fire safety in high-rise blocks than in other buildings, or requiring annual fire risk assessments. While we are fully committed to these changes, it would be wrong to expect them to happen swiftly – a broader issue which Dame Judith recognised in her report.

The Independent Review of Building Regulations and Fire Safety identified concerns about the standard and competence across key roles in the building and fire safety industry, recommending the establishment of, “an overarching body to provide oversight of competence requirements.” Again, we will develop options and an implementation plan that work for Wales and is part of a *systemic* approach.

I thank the Committee for its ongoing interest and engagement and will, of course, continue to keep you and Assembly Members updated as we progress this complex, but vital, body of work.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

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