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Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: MA/P/JJ/2546/19

John Griffiths AC/AM
Chair
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6 August 2019

Dear John

Equality, Local Government and Communities Committee Response Letter

Thank you for your letter dated 4 July in response to the publication of the Building Safety Expert Group's 'A Road Map to safer buildings in Wales', and in reference to both my oral statements regarding the Road Map.

I have previously accepted in principle all recommendation in the Road Map, and am grateful for the opportunity to provide the Equality, Local Government and Communities Committee with further details on how I propose we take those recommendations forward. Set out below is a response to each of the matters raised in your letter.

My officials have now sent all AMs a copy of the Building Safety Programme Board's more detailed plan. These plans are also available in the Assembly Library. This included a written paper detailing the workstreams required to improve the current system and provide the policy proposals for legislative reform. Also included was a project chart indicating the timeline for these workstreams, culminating in the development of new primary legislation which would be ready to be taken forward during the next Assembly, subject of course to the next Government.

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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.

In Plenary on 21 May, I noted the need for consensus between regulators and other stakeholders, and that we had yet to achieve that fully across all issues. I do not believe there is anything particularly contentious about replacing the Fire Safety Order; but it is plainly vital that all interested parties fully embrace all elements of a new building safety regime. So I make no apology for taking the time to build and sustain that consensus.

You asked me about the timing of a Bill to replace the Fire Safety Order. I remain committed to legislate on this and other related matters. My intention is to bring forward legislative changes within this assembly term to improve current legislation. These changes, for example making the Fire and Rescue Services a statutory consultee during the planning stage will help improve our system, but this is not the whole system change required. The pressure on the Welsh Government's legislative programme is severe, and it is unlikely that time can be found in the current Assembly for a Bill of the scale we would need. My aim, as the project plan indicates, is to undertake as much of the work as possible during the remainder of this Assembly term, to allow the next Government to bring forward legislation early in the next Assembly term if it chooses to do so. I would once again reiterate the need for a comprehensive programme of change, which will require a coherent approach across issues, not only looking to make change to the Fire Safety Order, but the whole system.

You asked about data on fire doors in council houses. Welsh Government do not hold this data, nor should it. It is not the role of Government to hold an inventory list of every product in use in the construction industry in Wales. I note the Inside Housing article uses estimates provided by Councils in England and is unclear as to the extent that the fire doors are non-compliant. It is one thing to estimate how many fire doors are non-compliant, but without the evidence, replacing these fire doors could be costly with no material benefit. We have published guidance under the Fire Safety Order, advising 'responsible persons' to refresh their fire risk assessment on the basis of the information about fire doors which has emerged. It is for responsible persons to assure themselves of the risks and take appropriate action.

My officials continue to engage with UK Government over their testing programme, including fire doors and cladding, and are monitoring the situation. I am pleased that MHCLG recently issued the results of timber fire doors and have confirmed that all of the timber doors tested passed the required 30 minute fire rating standard when tested on both sides. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818164/Cover_Letter_for_Timber_Release.pdf

Although fire doors are only one fire safety measure in a high-rise building, I do of course recognise their importance.

The Building Safety Programme Board will oversee the work to develop the Safety Case and Golden Thread data in Wales, which will include information in relation to fire safety features such as fire doors. We will consider how best to work with the UK Government and other key partners to build a database, with technology and a platform that will require a careful balance between security and transparency.

You asked about level 4 invasive testing. The value of requiring all high-rise residential buildings to undertake these tests is not clear and no decision on this has yet been made. The Occupation Task and Finish Group will consider the likely impact of these recommendations and how they will effect current resources, both in terms of numbers and the expertise available. Whilst I acknowledge that invasive testing is the only way to uncover certain building defects, I must also consider the primary role of fire and rescue services, and how best to utilise their specialist and limited resources.

There are ongoing and emerging issues in relation to fire safety products, for example High Pressure Laminate. We are working closely with MHCLG on their proposals to create a body with oversight of construction products that fall outside of the EU harmonised standard. There is limited space at testing houses, however, I am pleased that the market is beginning to respond and is looking at ways to expand capacity. My officials continue to liaise with MHCLG on this issue.

To my knowledge, high rise residential buildings in Wales that have sought tests have now received results. We continue to work with building owners to ensure that they take action where necessary to secure the safety of their residents.

I am proud of our world first legislation in Wales to mandate sprinklers in all new and converted dwellings and flats. Our record in the public sector is very strong with nearly 70% of high-rise residential buildings in the Welsh social housing sector having sprinklers fitted. The private sector is an improving picture, but I acknowledge more work is required to increase the numbers of buildings with sprinklers, particularly in older high-rise blocks. My officials have been working on proposals to look at options on how to increase the numbers of private sector high-rise residential buildings with sprinklers. Retro-fitting sprinklers is something I am very keen on supporting and I will report back to the Committee on this matter in due course.

Remediation plans to remove and replace non-compliant ACM cladding are in place for all buildings affected in Wales. This is not a quick and easy fix and developers have been working to source and plan the replacement cladding. The cladding on one building has already been replaced and work for a number of other buildings is due to commence in September. On a number of other buildings work is ongoing for example contractors have been appointed or procurement exercises are underway. I am writing to request further updates on progress, I will keep the Committee updated.

The Residential Leasehold Reform Task and Finish Group has published its report on 17 July. Their recommendation was to 'Develop a consolidated single Code for Wales linked to a licensing or accreditation scheme requiring members to recognise and adhere to the Code of Practice'. I will carefully consider all their recommendations and provide a response in the autumn.

Dame Judith Hackitt rightly claims that no system should allow clients to choose their own regulator. It is therefore important that Approved Inspectors are completely independent. However, I am not yet convinced that local authorities should be the sole regulator for high-rise residential buildings. I am therefore seeking further expert advice on the role of the building control bodies (local authority or private approved inspector) under the new system. This work will form part of the task set for the Design and Construction Task and Finish Group. This work will include competence and resource implications.

As your letter acknowledges, these issues are complex and technically difficult. To reform such a broad and multifaceted system as Dame Judith Hackitt and the ELGC Committee has called for, requires significant and comprehensive collaboration. My officials have been working with colleagues to establish new working groups to bring detail to the proposals set out in the Building Safety Expert Groups' Road Map and have established a Programme Board to oversee this work. New research has also been commissioned to help inform the scope of these reforms and to provide data for an economic analysis. As we progress with this work, we will continue to depend on technical advice, legal expertise and intergovernmental negotiations.

We are working at pace, but progress will take time. I understand the frustrations expressed by the Committee, but I want to reassert my commitment to delivering lasting improvements to building safety in Wales. To this end, I hope the more detailed plans sent to you have gone some way to alleviate your concerns over the pace of these reforms.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive style with a large initial 'J'.

Julie James AC/AM

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