



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

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

26th 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.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Carl.Sargeant@llyw.cymru
Correspondence.Carl.Sargeant@gov.wales

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