

FS WP 3

Ymchwiliad i ddiogelwch tân mewn tyrau o fflatiau yng Nghymru (Papur Gwyn Llywodraeth Cymru – Adeiladau Mwy Diogel yng Nghymru: Ymgynghoriad) Inquiry into fire safety in high rise blocks in Wales (Welsh Government white paper - Safer Buildings in Wales: A Consultation)

Ymateb gan: Gwasanaeth Tân ac Achub Gogledd Cymru

Response from: North Wales Fire and Rescue Service

Equality, Local Government and Communities Committee

Inquiry into fire safety in high-rise buildings
North Wales Fire and Rescue Service

Welsh Government

Consultation Document

Safer Buildings in Wales: A Consultation : A Briefing Note

A Building Safety White Paper

The White Paper sets out proposals for comprehensive reform of legislation that contributes to building safety. Welsh Government is proposing a new Building Safety Regime for Wales. The proposals cover two distinct areas, the building and occupation of residential buildings.

The White Paper is focussed on the changes required to improve fire safety in all multi occupied residential premises that fall into the following two categories:

Category 1 – these buildings would be subject to the most onerous requirements of the Building Safety Regime. These buildings **will be 18m or more in height or more than 6 storeys and contain two or more dwellings.**

Category 2 - these buildings would be subject to numerous requirements of the Building Safety Regime. These buildings will be residential properties **with two or more dwellings that are no more than 18m in height.**

Welsh Government proposes to do this by instigating a design and build regime with three hard stop points. These hard stop points are known as gateways. Gateway 1 is the planning stage. Gateway 2 is the detailed plan approval stage and Gateway 3

occurs at occupation. At all three gateways the FRS will have the ability to prevent the developer moving to the next stage. As well as the gateways the design and build stage requires the nomination of duty holders, to make it clear where responsibility lie. In addition, the developer will have to provide documentation regarding the build, materials and design of the premises which will be available for all to see, this is known as the Golden Thread.

Following occupation and for all existing Cat 1 and 2 premises an annual Fire Risk Assessment (FRA) will be required. This FRA should be carried out by a suitably qualified professional. All Cat 1 and 2 premises will also be required to identify the Accountable Person. The Accountable Person will have legal responsibility for the safety of the whole building, for residential purposes. As fires in Cat 1 buildings will have a greater impact, they will require a higher standard of fire safety. This standard will involve the creation of the role of a Building Safety Manager and the production of a document called the safety case. The White Paper also recognises the importance of engagement with the residents of a premises. It also proposes that regulators will need to go beyond the front door of premises to ensure the building is safe from fire.

The White Paper also discusses some of the potential regulatory regimes. The document gives a number of options based on local, regional or national structures and involving the current regulators (FRS, Building Control and Housing Enforcement) or the creation of a new single regulatory body, as has been created in England. The White Paper does not give a preferred preference as to how these bodies would interact with each other. It does however, recognise the importance of FRS in ensuring the regulation of fire safety.

Key Considerations for NWFRS

- High numbers of Cat 2 premises we do not currently inspect.
We have not been able to quantify the additional number of premises that will fall into Cat 2. It is reasonable to expect that the numbers will be in excess of 2000 (estimate). As we currently have the capacity to complete 1000 audits per year it is clear that the inclusion of Cat 2 premises in our inspection regime will have an impact on our inspection programme. Either current high risk premises, inspected under the Regulatory Reform Order, will be inspected less regularly or more staff will need to be employed. If more staff are employed we will be able to ensure the continued safety of

existing High Risk Premises and the additional Residential Premises requiring regulating, following the adoption of the Safer Buildings proposals.

- Increased workload due to changes in the design and build phases.
The changes proposed in the design and building of Cat 1 premises will require us to engage for longer with the build process. FRS skills will be required at all 3 gateways to ensure compliance with fire safety legislation and building regulations. Staff will be required to support and comment on changes to design and materials throughout the design and build process.
- Greater administrative burdens to comply with all the requirements of the new legislation.
We are already expecting an increase in workload brought about due to changes in the planning process making us statutory consultees. Clearly changes to the Building Control process, the instigation of the Golden Thread and increased regulatory requirements will all require administering and sharing in an appropriate format.
- Unknown workload relating to residents engagement.
The requirements for Residents and The Accountable Person to understand their duties and challenge decisions and behaviours will have a direct impact on both Business and Community Safety. The Accountable Person has a requirement to ensure fire protection within all parts of their premises. One way of discharging this duty is to use Community Safety personnel to ensure Residents are aware of fire risk in the home and have received advice to reduce that risk. Residents will be engaging with Business Fire Safety personnel to ensure that the Accountable Person has recognised all the risk and mitigated them in a suitable manner.
Both of these examples will lead to a greater workload for ourselves.
- The organisation of the Regulatory bodies
The White Paper does not have a preference regarding future regulation but instead suggest a number of possible scenarios. Our preference would be to continue with separate regulators. These Regulators will need to ensure greater cooperation and agree areas of responsibility.
The White Paper also proposes greater scrutiny beyond the front door of peoples flats. Both the legislation and Regulators will need to clarify who and how this is to be achieved.
- In the relationship between new and existing legislation.

The White Paper proposes changes to legislation relating to residential premises. The White Paper recognises the current legislative environment but does not examine the opportunities to improve this legislation.

- Additional skills and experience required to audit and advise on new regime.
The White Paper references both the Hackitt Report and The Building Safety Expert Group (BSEG) as important pieces of work in setting the reference points for the White Paper to address. Both Hackitt and the BSEG state that competency of all individuals involved in the build, design, regulation and management of residential premises must be ensured. All industries involved in the build, design, regulation and management of residential premises have worked with Dame Hackitt to produce an agreed Competency Framework. Whilst the White Paper recognises the importance of competency in certain aspects of the legislation, it does not deal with it as a separate heading. This will result in confusion as to what competency looks like in Wales.
- Maintaining existing staff in a market where their skills will be in demand.
If the proposals in the White Paper are adopted it is foreseeable that many areas will suffer a skills shortage. In Fire Safety this could lead to members of staff being offered better wages and conditions of service, leading to trained and experienced staff potentially leaving the Service.

Conclusion

North Wales Fire and Rescue Service recognises the White Paper as a significant step forward in fire safety, in residential buildings. We will work with the Welsh Government to ensure the legislation provides the guidance and protection that residents of high risk residential premises deserve. The White Paper sets out a clear route to achieve this and whilst we have set out a number of issues that require further clarity, we endorse the aims and outcomes within the White Paper.