

**Rebecca Evans AM**  
**Minister for Housing and Regeneration**  
**Welsh Government**

17 May 2018

Dear Rebecca

**On-going inquiry into fire safety in high rise buildings**

Thank you for your letter dated 18 April 2018 responding to the Committee's queries relating to its on-going work on fire safety in high rise buildings in Wales. I also appreciated the opportunity to meet you on 17 April to talk about this issue. We discussed your response at our meeting on 25 April and agreed that I should write to follow-up on a number of issues.

We acknowledge that the final report of the Independent Review of Building Regulations and Fire Safety ('the Hackitt Review') will be published imminently. We appreciate therefore that the Welsh Government is awaiting the findings of the final report before making any definitive decisions on the most appropriate way forward, including any legislative changes that may be deemed necessary. With this in mind, we would like you to report back to the Committee on the Government's next steps in enhancing fire safety, as soon as possible following the publication of the Review's findings. In doing so, we would like you, in particular, to address the issues outlined below.



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

We are pleased that the Welsh Government has now identified all high-rise residential buildings in Wales and has established contact with all owners and/or managing agents. While this is a welcome step, this information will be of limited use over time if it is not maintained and updated. As such, we believe it is important to ensure that suitable arrangements are put in place to provide for this. We note that, in October 2017, the previous Cabinet Secretary for Communities and Children advised the Fire Safety Advisory Group ('the FSAG') that Government officials were considering options in this regard and would seek further input from the FSAG before deciding on a suitable way forward. We would like an update on how the Government intends to ensure that the newly acquired information on high-rise residential buildings, including owner and/or managing agents contact details, is maintained, up-to-date, and readily accessible to relevant bodies.

## **Private sector – the role of block managing agents**

We note the concerns raised by the FSAG that the competency of block managing agents in the private leasehold sector is variable. Given the role of block managing agents, and in particular the potential for agents to be under a duty to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005 ('the 2005 Order'), we share the FSAG's concerns.

We are aware that the UK Government has already begun work on strengthening the regulation of leasehold property management in England and has recently consulted on proposals, which include establishing a new regulatory body. It has subsequently committed to establishing a Working Group to take forward these proposals. You have previously announced that the Welsh Government is giving consideration to leasehold reform. We hope this will give the opportunity for the issue of leasehold property management to be addressed.



The Welsh Government has a strong track record in seeking to improve protection for tenants in the private rented sector by ensuring appropriate regulation of lettings and managing agents through measures introduced under Part 1 of the Housing (Wales) Act 2014. However, these measures do not extend to managing agents in the private leasehold sector, including those who provide block management services. We are concerned that this imbalance could be considered a weakness within the current regulatory regime.

We note the FSAG's recommendation that the Welsh Government explores the feasibility of extending the licensing regime for managing agents in the private rented sector to block managing agents in the private leasehold sector. In responding to this recommendation, the previous Cabinet Secretary for Communities and Children reported that he would consider the options for addressing inconsistency in competency of block managing agents, including the potential to pilot proposals. We would welcome an update from the Minister for Housing and Regeneration on the development of any proposals to strengthen the regulation of leasehold property management in the private sector.

We are also seeking reassurance that the Welsh Government will provide support to companies set up to manage privately owned residential blocks. We are aware that there are a number of blocks where the responsibility for block management has passed to the flat owners and that they are now having to deal with complex issues. In particular, we are concerned about the potentially high cost of removing and replacing dangerous cladding (as well as undertaking other fire safety improvements) and the financial consequences for both managing companies and flat owners. What actions are the Welsh Government taking to ensure management boards have the skills and resources to deal with these issues?

### **Fire Risk Assessors**

We are concerned that, under the current fire safety regime, there is no requirement for Fire Risk Assessors to be registered or to provide satisfactory evidence of initial or ongoing competence. This was an issue that was originally raised when we first took evidence in July 2017, and one which we highlighted in



our initial correspondence with the Welsh Government. We believe that this is a clear weakness within the current regime, which potentially puts occupants at risk.

We acknowledge the steps the Cabinet Secretary for Energy, Planning and Rural Affairs has already taken to encourage the provision of adequate information to those responsible for fire risk assessment under the 2005 Order. While this is a welcome interim measure, we believe that the Welsh Government should consider introducing more stringent requirements on Fire Safety Assessors.

The previous Cabinet Secretary for Communities and Children acknowledged that there was a good case in principle for reviewing the 2005 Order, as recommended by the FSAG. At the time of responding to the FSAG's recommendation, the National Assembly did not have the necessary legislative competence to make changes to the 2005 Order. We are aware that this position changed on 1 April following the move to a 'reserved powers' model. With this in mind, and following the publication of the Hackitt Review's final report, we would welcome the Welsh Government's position on reviewing the 2005 Order, with a view to introducing more stringent requirements on Fire Risk Assessors.

I look forward to your response in due course.

Yours sincerely



John Griffiths AM  
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.



We welcome correspondence in Welsh or English.

