

RH 12

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol/

Communities, Equality and Local Government Committee

Bil Rhentu Cartrefi (Cymru)/Renting Homes (Wales) Bill

Ymateb gan: Awdurdod Tân ac Achub Gogledd Cymru

Response from: North Wales Fire and Rescue Service

Introduction

North Wales Fire and Rescue Service provide an emergency response, protection and prevention service to a population of 687,800 people, residing across 6,172 square kilometres or 29% of the total land area of Wales.

The change of focus some years ago towards the promotion of prevention, rather than intervention has proved highly successful in reducing fires of all types and by association deaths and injuries resulting from fire.

We target staff and resources towards areas of greatest need and focus on those who are considered to be at an increased risk of fire as a result of their age, disability, mental health and drug or alcohol dependency.

Our experience tells us that those persons, who are considered to be at greatest risk, often reside in rented accommodation. We continually work in collaboration with Local Authorities, Housing Associations and private landlords in order to reduce this risk and target the most vulnerable for preventative intervention. This manifests in the form of a Home Fire Safety Check (HFSC) and often the provision of risk reduction equipment, installed on a case by case basis.

The relationship that has been built with Local Authorities and Housing Associations make access to large numbers of rented accommodation easier, and the proactive preventative measures that have been developed in partnership are assisting to continue to drive down the numbers of occasions when the fire and rescue service is called to action. However we are very aware that there are a growing number of privately rented properties emerging, as investors capitalise on a gap in the market that social housing is struggling to fill.

Many of these landlords are proactive and responsible; however there are two groups of landlords that do not do all that they could to provide a safe environment for their tenants.

- Those landlords who are utilising a rental income as an investment and are not fully aware of their obligations to provide and maintain a safe home.
- Those landlords who prioritise the maximising of profit, potentially at the detriment of safety standard for their tenants.

To successfully address the problems associated with these two groups there must be a combination of educational and support, along with regulation and enforcement. The first of the two groups can often be addressed through education and support,

however, the only way to address the less responsible landlords is through regulation and enforcement.

In consideration of the '*Renting Homes (Wales) Bill*' and the need for legislation to improve arrangements for renting a home in Wales, North Wales Fire and Rescue Service supports its implementation and considers it a positive step in protecting the interests of both landlord and tenant as well as the safety of the tenant.

North Wales Fire and Rescue Service have a particular interest in Part 4 of the Bill, Condition of the Dwelling.

Condition of Dwelling

Chapter 2 Section 91 of the Renting Homes (Wales) Bill states:

Landlord's obligation: fitness for human habitation

- (1) The landlord under a secure contract, a periodic standard contract or a fixed term standard contract made for a term of less than seven years must ensure that the dwelling is fit for human habitation –
 - (a) On the occupation date of the contract, and
 - (b) For the duration of the contract.

Section 92 describes the:

Landlord's obligation to keep dwelling in repair

- (1) The landlord under a secure contract, a periodic standard contract or a fixed term standard contract made for a term of less than seven years must-
 - (a) Keep in repair the structure and exterior of the dwelling (including drains, gutters and external pipes), and
 - (b) Keep in repair and proper working order the service installations in the dwelling.
- (2) If the dwelling forms part only of a building, the landlord must-
 - (a) Keep in repair the structure and exterior of any part of the building (including drains, gutters and external pipes) in which the landlord has an estate or interest, and
 - (b) Keep in repair and proper working order a service installation which directly or indirectly serves the dwelling, and which either-
 - (i) Forms part of any part of the building in which the landlord has an estate or interest in, or
 - (ii) Is owned by the landlord or is under the landlord's control

The Bill goes on to describe that a 'service installation' means an installation of water, gas or electricity, for sanitation, for space heating or for heating water.

An opportunity exists here to include the provision of smoke detectors and Carbon Monoxide detectors in all rented accommodation as a statutory requirement.

Smoke Alarm Installation and Maintenance

Building Regulations require the provision of smoke alarms in all new dwellings but at present landlords are not legally required to install or maintain smoke alarms in their properties (apart from Landlords of HMOs). Working smoke alarms are known to be an effective life safety device, and analysis suggests that a person is at least four times more likely to die in a fire in the home if they do not have a working smoke alarm.

In North Wales in 2007 the Chief Fire Officer commissioned a task group to examine a sharp increase of accidental fire deaths in dwellings.

The task group identified that the lack of a fitted working smoke detector contributed to 74% (28) of the accidental dwelling fire death incidents during the monitoring period.

Smoke alarm ownership has steadily increased to levels close to 90% in Wales, with figures reaching 94% in North Wales, however the percentage of addresses that suffer a fire and have a smoke alarm that operated is much lower at 64%. The level of ownership in private rented accommodation also has risen, however a non-regulatory approach will encourage responsible landlords, but will never address the problem of the rogue landlord.

North Wales Fire and Rescue Service strongly believes private sector landlords should be required to install and maintain smoke alarms in their properties, with financial civil penalties for those landlords who fail to comply. There is no evidence that an approach of encouragement would result in greater take up.

Indeed, it is suggested that the non-regulatory approach will not be successful in encouraging those landlords who cut corners, as they are likely to be less worried about doing the right thing and more concerned with maximising profit.

Although fire deaths and injuries have reduced as the direct result of the tireless community safety work undertaken by fire and rescue services across the country, a cohort of vulnerable people continue to die or be seriously injured, and their vulnerability and risk is increased if they reside in sub-standard or badly maintained property.

If an opportunity exists to improve the safety standards in rented accommodation by the installation and maintenance of smoke alarms, it can only help fire and rescue services to continue to reduce instances of death and injury for our most vulnerable communities and reduce the impact on the wider public purse.

On 3rd July 2009, six people died in a fire at a council-owned tower block in South London. The theme of the Lakanal House inquest throughout its 11-week period was of mistakes and missed opportunities to correctly manage and enforce. This level of poor management in relation to basic safety requirements exists in different levels of concentration across the country, and without tightening up statute so as to include a requirement to install and maintain basic equipment like smoke alarms, it is unlikely

that we will improve the conditions for those vulnerable tenants who are currently at the mercy of rogue landlords.

It is worthy of note that many partnership agreements already in place with the larger Registered Social Landlords include a voluntary agreement to install and maintain working smoke alarms. As a result, these larger rented housing providers in many cases already conform to the proposed requirements and there would not be any additional cost to them.

It is proven that warning provided by smoke alarms have successfully alerted many occupants to fires in their early stages and as a result saved countless lives. The benefit of requirements to install and maintain smoke alarms in rented accommodation significantly outweighs any costs associated, as most responsible landlords already provide this equipment.

A ten year smoke alarm can be obtained for less than £10 and whilst it is acknowledged that hard wired detectors would need the services of an electrical engineer, costs are low when compared to the economic cost to the wider public purse of a dwelling fire, injury or death.

Across North Wales, since 2009 there have been **502** dwelling fires where smoke alarms have not been installed or properly maintained. In addition during the same time period there have been **14** deaths and **52** injuries where these alarms have again not been installed or properly maintained. We know that a some of these fires have been in poorly maintained rented properties, occupied by tenants with a variety of complex needs.

North Wales Fire & Rescue Service would ask Welsh Government to continue to work towards improving home safety and ensure all tenants have a fire safe home. This can be achieved by including the need to install and maintain smoke alarms as part of the requirement for landlords to provide a safe and habitable home, and subsequently prevent the occurrence of future tragedy that could so easily be avoided.

Electrical Installation Upgrade and Regulation

Whilst it is widely acknowledged that smoke detection significantly reduces the impact of accidental dwelling fires as it raises the alarm in the early stages and subsequently allows for residents to make their escape or extinguish the fire, if it were possible to prevent the fire from occurring in the first place, the numbers of fire deaths or injuries would be reduced further.

Fires in the home begin for a variety of reasons that are often difficult to control or prevent, however fires of electrical origin could be prevented in rented property if better regulation was available, that paid particular attention to:

- The intake to the premises
- Installations fixed within the premises

- Appliances supplied by the landlord.

Electrical Safety First recommends that electrical installations in rented dwellings should be checked by a qualified electrician every 5 years, and that a visual inspection of electrical sockets should be undertaken at each change of tenancy. An inspection by an electrician will cost between £100 and £150

North Wales Fire and Rescue Service is convinced that there should be a statutory requirement for landlords to have electrical installations regularly checked by a competent person, so as to ensure the safety standards in more than 190,000 rented properties across Wales.

Good practice examples of accreditation schemes already exist in parts of England where those who wish to be accredited must provide an Electrical Installation Certificate. The landlords who do become accredited are happy to provide this as they consider the safety of their tenants as a priority. Rogue landlords or those who are less scrupulous will not be accredited and would not carry any out work that is not required in statute. It is suggested that the evidence to support the requirement for an Electrical Installation Certificate is in the improvements achieved in Gas installations since reforms to regulations and the requirement for a Gas Safety certificate some time ago.

North Wales Fire and Rescue Service considers the re-inspection period of 5 years to be appropriate and therefore would support this approach.

Since 2009 North Wales Fire and Rescue Service has attended **501** fires that have resulted from electrical appliances or installations, all of which are likely to have been prevented if a modern fuse board with protective RCD devices had been installed.

North Wales Fire and Rescue Service would also support the need for a visual inspection to be undertaken at each change of tenancy. It would be highly beneficial for this change of tenancy check, to incorporate a wider risk assessment that includes all areas of home safety, including a check of the provision and maintenance of smoke and CO detectors, as well as a home safety check that considers the needs and vulnerabilities of not only the property, but also of the tenant.

Carbon Monoxide (CO) Detectors

Carbon Monoxide (CO) poisoning is a silent killer that affects many tenants in Wales. The extent of CO present in people's homes is still largely unknown; however, a study conducted by John Moore's University in 2011 found 23% of homes surveyed contained CO levels at which symptoms of poisoning can occur. Although gas safety regulations offer some security, the fact remains that many tenants still suffer CO poisoning. Currently a landlord has guidance available in relation to the Housing Health and Safety Rating System and in addition must conform to the following legislation.

- The Gas Safety (Installation & Use) Regulations 1988

- The Electrical Equipment (Safety) Regulations 1994
- Smoke Detectors Act 1991
- The Furniture and Furnishing (Fire) (Safety) Regulations 1988 as amended 1993
- Energy Performance Certificates

Although landlords and letting agents have always been legally required to abide by these rules and regulations, there are alarming numbers of reports and surveys that suggest this is not happening – particularly from a safety perspective. The landlord is the owner of the property and therefore has to take ultimate responsibility for the property and for their tenant's safety, although it is more complex if the landlord discharges some or all of the responsibilities to a letting agent and someone who is classed as a 'qualified person'.

The reason that responsibility is a grey area is because the law is different depending on the type of safety. For example, with Carbon Monoxide, "the Landlord of premises has a non-delegable duty under Regulation 36 of the Gas Safety Regulations to ensure that gas fittings and flues are maintained in a safe condition and an obligation to ensure that appliances and flues are checked."

From a landlords' perspective, it is their "absolute duty to ensure a safe condition is achieved" and if it turns out the property is not safe, then the Landlord will have committed an offence. However, landlords can protect themselves by ensuring a qualified person (i.e. Gas Safe registered person) is employed to carry out the necessary work and it is done at the correct interval of time. If a landlord does this and there is a problem with Carbon Monoxide poisoning, then the fault is likely to lie with the qualified person, so it is unlikely that the landlord will be prosecuted.

Fire safety and responsibility for delivering a safe home to tenants residing in Houses in Multiple Occupation on the other hand is addressed under different rules. If there is a fire, it is not necessarily just the landlord who has a duty to ensure the tenants safety. Unlike with Carbon Monoxide poisoning, the Regulatory Reform (Fire Safety) Order 2005 says tenants should be protected from fire by a 'responsible person'. So this can be a letting or managing agent, a caretaker or the landlord and typically it will depend on who is responsible for maintenance and repairs for the property. It should not be forgotten that the Regulatory Reform (Fire Safety) Order does not apply to single private dwellings and as a result no powers or enforcement is available for much of the private rented housing stock.

The complexity of the responsibility framework also translates into a complex set of interested bodies and associations. However in the case of future tragedies in rented properties, this complexity should not mitigate against the simple fact that the vast majority of CO deaths in rented property will be prevented if all such properties had working CO alarms.

As a result North Wales Fire & Rescue Service would ask Welsh Government to continue to work towards improving home safety and ensure all tenants have a Carbon Monoxide safe home by including the need to install and maintain CO

Detectors as part of the requirement for landlords to provide a safe and habitable home, so as to prevent the occurrence of future tragedy that could so easily be avoided.

Preparations for the new powers requiring landlords to fit smoke alarms and carbon monoxide detectors in private rented homes having been completed in England, and the Energy Act legislation will now be laid before parliament before the end of this parliamentary session.

Summary

The invitation to contribute to the final drafting of the Renting Homes (Wales) Bill and particularly section 4 – Condition of the dwelling, provides us with an opportunity to consider how we can truly impact positively on the health, safety and wellbeing of many of our residents in Wales who reside in private rented accommodation.

Work undertaken previously in partnership in Welsh Government such as requirements for domestic sprinklers to be installed in new premises as well as other community safety and risk reduction work demonstrates the appetite for a collaborative approach to addressing the needs of our communities and another opportunity presents itself here.

By the introduction of a five yearly electrical safety check, that incorporates a check of the electrical intake, the electrical installation and any appliances provided, it is envisaged that the numbers of electrical fires in rented accommodation will decrease.

The additional safeguards of a change of tenancy visual inspection and the requirement for RCD protection will again assist in removing risk and preventing fires.

In the event that a fire was still to occur as the result of a variety of other reasons, the need to continuously promote smoke alarm ownership and maintenance remains. An opportunity exists to close the gaps between new dwellings that require smoke detectors to be installed and older dwellings where there was previously no such requirement.

The steps that have been taken in England to make it a requirement in legislation for the installation of smoke detectors and carbon monoxide detectors in privately rented accommodation are considered to be positive and North Wales Fire and Rescue Service would fully endorse them being included in statute in Wales.

It is acknowledged that the increase in regulation will result in an increase in an enforcement workload for the responsible authority, however it is suggested that these costs are significantly less of a burden on public spending than would result from even one fire death in Wales.

Recommendations

This response incorporates five recommendations and North Wales Fire and Rescue Service requests that consideration is given to:

- 1. Introducing the requirement in the Renting Homes (Wales) Bill/Act for all privately rented accommodation to have a five yearly certified electrical check that considers the intake, the installation and any provided appliances.**
- 2. For there to be a requirement for privately rented properties to be protected by suitable RCD safety devices.**
- 3. For there to be a visual inspection by an electrical engineer at every change of tenancy**
- 4. For there to be a mandatory requirement for the provision and maintenance of smoke alarms in the Renting Homes (Wales) Bill/Act**
- 5. For there to be a mandatory requirement for the provision and maintenance of Carbon Monoxide alarms in the Renting Homes (Wales) Bill/Act**