



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a
Chymunedau](#)

[The Equality, Local Government and
Communities Committee](#)

27/09/2017

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w dystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Gareth Bennett Bywgraffiad Biography	UKIP Cymru UKIP Wales
John Griffiths Bywgraffiad Biography	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Sian Gwenllian Bywgraffiad Biography	Plaid Cymru The Party of Wales
Bethan Jenkins Bywgraffiad Biography	Plaid Cymru The Party of Wales
David Melding Bywgraffiad Biography	Ceidwadwyr Cymreig (yn dirprwyo ar ran Janet Finch–Saunders) Welsh Conservatives (substitute for Janet Finch– Saunders)
Rhianon Passmore Bywgraffiad Biography	Llafur Labour
Jenny Rathbone Bywgraffiad Biography	Llafur Labour
Joyce Watson Bywgraffiad Biography	Llafur Labour

Eraill yn bresennol
Others in attendance

Lesley Griffiths Bywgraffiad Biography	Aelod Cynulliad, Llafur (Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig) Assembly Member, Labour (The Cabinet Secretary for Environment and Rural Affairs)
Neil Hemington	Pennaeth Cynllunio, Llywodraeth Cymru Head of Planning, Welsh Government
Carl Sargeant Bywgraffiad Biography	Aelod Cynulliad, Llafur (Ysgrifennydd y Cabinet dros Gymunedau a Phlant) Assembly Member, Labour (The Cabinet Secretary for Communities and Children)
Martin Swain	Dirprwy Gyfarwyddwr, Diogelwch Cymunedol, Llywodraeth Cymru Deputy Director, Community Safety, Welsh Government
Emma Williams	Dirprwy Gyfarwyddwr, Polisiâu Tai, Llywodraeth Cymru

Deputy Director, Housing Policy, Welsh Government

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance**

Jonathan Baxter	Y Gwasanaeth Ymchwil Research Service
Jennifer Cottle	Cynghorydd Cyfreithiol Legal Adviser
Chloe Davies	Dirprwy Glerc Deputy Clerk
Naomi Stocks	Clerc Clerk

Dechreuodd y cyfarfod am 09:00.

The meeting began at 09:00.

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest**

[1] **John Griffiths:** I welcome everyone to this meeting of the Equality, Local Government and Communities Committee. The first item on our agenda today is introductions, apologies, substitutions and declarations of interest. Janet Finch–Saunders has sent her apologies for items 1 to 5 on the agenda and David Melding will be substituting for her for those items. Janet will then attend for items 6 and 7. Are there any declarations of interest? No.

**Ymchwiliad i Ddiogelwch Tân mewn Tyrau o Fflatiau yng Nghymru:
Sesiwn Dystiolaeth 7**

Inquiry into Fire Safety in High–rise Blocks in Wales: Evidence Session 7

[2] **John Griffiths:** We'll move on then to item 2 on our agenda today, the committee's inquiry into fire safety in high–rise blocks in Wales, and this is our evidence session 7. I'm very pleased to welcome Lesley Griffiths AM, Cabinet Secretary for Environment and Rural Affairs, and Carl Sargeant AM, Cabinet Secretary for Communities and Children. Cabinet Secretaries, would you like to introduce your officials for the record, please?

[3] **The Cabinet Secretary for Communities and Children (Carl Sargeant):** Bore da. Good morning, John and committee. Can I ask Emma to start,

please?

[4] **Ms Williams:** Emma Williams, head of housing policy.

[5] **Mr Swain:** Martin Swain, deputy director for community safety.

[6] **Mr Hemington:** Neil Hemington, chief planner, including building regulations.

[7] **John Griffiths:** Okay, thank you all for that. Perhaps I might get us under way, then, with some initial questions. Firstly, what challenges did the Welsh Government face in the immediate aftermath of the fire at Grenfell Tower, particularly with regard to information flow from the UK Government and then passing that on and communicating that to stakeholders here in Wales?

[8] **Carl Sargeant:** Thank you, Chair. It would be useful, I think, just to point out that I've been taking the lead across Government in terms of the discussions with the UK Government, and Lesley Griffiths and I have regular updates in terms of co-ordinating that across the team of officials as well.

[9] Post Grenfell, which was a very tragic event that happened, the UK Government were quite quick on establishing a working group to look at the effects of what was deemed to be then a risk around building, including the issue that has been more prolific in terms of the aluminium composite material on buildings.

[10] Immediately, my team had direct links into the UK Government and, to be fair, I've no criticism of the UK Government in the way that they've handled this. It's been a very free-flowing discussion. At times, could some of the discussions have been a bit more timely in terms of announcements et cetera? Maybe. But in the spirit of action, I think all Governments have worked particularly well in trying to resolve some of these significant issues across the UK.

[11] We continue with those discussions. I had a telephone conference with Ministers across the UK only last week and my officials continue to work with the UK Government and advisory groups to make sure that we are ahead of any action that's happening from the advisory group.

[12] **John Griffiths:** So, that ongoing contact then, Cabinet Secretary, would

be at both ministerial and official level.

[13] **Carl Sargeant:** Indeed. Ministerial wise, I spoke to Alok Sharma last week and the UK Government officials were there. The Scottish Government were in the room also, and my officials have regular contact and dialogue irrespective of ministerial meetings.

[14] **John Griffiths:** Okay—

[15] **Carl Sargeant:** Sorry, for clarity, I should say that it's not 'my' officials but 'our' officials. We have a team of people across Government that I lead on, but technically some of the officials are in Lesley Griffiths's department.

[16] **John Griffiths:** Okay. So, with regard to that general communication in the immediate aftermath of, as you say, the terrible tragedy, and up to the current time, do you think there are any particular lessons to be learnt? Or, as you characterise it, has it been as smooth and efficient as it could be in the circumstances?

[17] **Carl Sargeant:** I think the framework that's developed across Government has been a useful one. I think it could be replicated in such other events that may or may not occur in the future. I think you always learn from experiences, but this one has not been a bad one. This one has been generally pretty coherent in the messaging. Access to information has been generally okay. I would certainly not in this case be overtly political, but, actually, we wouldn't have to be in this case; it's worked very well.

[18] **John Griffiths:** And you've had direct discussions with the other devolved administrations as well, as part of the wider collective, including the UK Government, on fire safety.

[19] **Carl Sargeant:** Yes.

[20] **John Griffiths:** Okay. Thanks very much for that. Bethan, you had some questions, I believe.

[21] **Bethan Jenkins:** Mae'r **Bethan Jenkins:** The first question is cwestiwn cyntaf ynglŷn â chostau. Yn on costs. Clearly, we have had amlwg, rydym ni wedi cael tystiolaeth evidence already, not only from yn barod, nid yn unig gan landlords, but also from the fire landlordiaid, ond hefyd gan y service. People in the fire service

gwasanaeth tân. Roedd pobl yn y gwasanaeth tân yn dweud eu bod nhw'n gallu ymdopi heb unrhyw arian ychwanegol. Ond, a ydych chi'n credu, gyda'r newidiadau sydd yn mynd i ddod allan o'r gwaith ar lefel San Steffan ar y *building regulations*, a hefyd ar yr hyn sy'n dod allan o'r grŵp gorchwyl—a ydych chi'n credu bod angen mwy o gyllid i landlordiaid er mwyn iddyn nhw allu ymdrin â'r sefyllfa, neu ydych chi'n credu bod popeth yn iawn yn hynny o beth?

[22] **Carl Sargeant:** I think the question is a little bit premature. We don't really know yet what the outcome of the advice may look like. I pay tribute to my colleagues across the UK and, indeed, the services across Wales. They've worked incredibly hard to give as much public confidence as you could get from a very trusted source, the fire service, working with registered social landlords and local authorities, to talk with individuals affected by ACM product. In terms of the long term, we'll have to wait and see what that looks like in terms of risk and risk profile. I have had discussions with the UK Government, saying that it is something that we should bear in mind in terms of cost, and where that would come from. However, the current position is that I do not intend to issue any additional funding to the fire service, nor RSLs, or local authorities in this space at the moment. But we are constantly reviewing that, depending on the amount of risk that is posed.

[23] **Bethan Jenkins:** Dylwn i fod wedi ychwanegu'r ffaith bod efallai angen cefnogaeth ychwanegol ar awdurdodau lleol. Mi wnes i glywed gan rai gweithwyr mewn rhai adrannau mewn awdurdodau lleol, yn yr adrannau penodedig yma, eu bod nhw'n barod yn stryglo o ran adnoddau. Felly, mae hynny'n rhywbeth i chi feddwl amdano hefyd.

Bethan Jenkins: I should have added the fact that perhaps additional spend is needed for local authorities. I heard from some employees in some local authority departments, in these specific departments, that they are already struggling in terms of resources. So, that's something for you to consider as well.

[24] Ond i fynd ymlaen at rywbeth arall wnaeth y pwyllgor glywed fel

But to go on to another issue that the committee heard as evidence, which

tystiolaeth, sef effaith cyfyngu rhenti is the impact of restricting social tai cymdeithasol yn unol â housing rents in line with local chyfraddau lwfans tai lleol. Pa housing allowance rates. What bryderon sydd gyda chi am hynny, a concerns do you have about that, and beth yw eich barn ar hynny? what's your opinion on that?

[25] **Carl Sargeant:** I think we are conscious of that, even outside of the sphere of fire safety. The local housing allowance is only lower than the amount given in very few places, and in that respect, those areas aren't affected by what we would consider fire risk at the moment. So, I don't think the two run hand in hand, although it's a very important question on the principle of housing allowance anyway. And that's something I'm looking at separately from the fire issues. At the moment, we're not aware of a compromise between fire safety and the amount of funding that comes to the RSLs and individuals for housing allowance.

[26] **Bethan Jenkins:** Ocê. Diolch. **Bethan Jenkins:** Okay. Thank you.

[27] **John Griffiths:** Cabinet Secretary, before we go on, I think Rhianon wanted to come in, but before she does, just on the matter of costs, Cabinet Secretary—. Perhaps I should declare an interest here, as Newport City Homes are in a position where they're going to incur substantial costs in dealing with the external cladding system and renewal of that, and, indeed, retrofitting sprinklers. Where you know that RSLs are incurring substantial costs, do you have any role in liaising with those RSLs on the implications? Is it your understanding that that cost will be effectively met by the residents?

[28] **Carl Sargeant:** That is a matter for the RSL. However, I have had discussions with Newport City Homes, as you raise those issues. I am content with the actions that they are taking. They are being very responsible in the way that they've acted within the trigger period of understanding what the testing regime was, what the effects of that were, and involved their residents very well. They've involved their residents very well in terms of the communication process. They took it upon themselves to decide to install sprinklers and the removal of the cladding of the building. At no point have they said that the financial burden should be either one for residents or for ourselves as Government. They have acted very responsibly in terms of dealing with the crisis point that they had.

[29] **John Griffiths:** Could I just probe a little further in terms of your understanding of where that cost might be met, because if it isn't external

sources such as Welsh Government or additional costs for residents, where might that funding come from?

[30] **Carl Sargeant:** There are several routes. That is not a matter for me, Chair. There are potential insurance issues. There are potential calls on their reserves to manage this. Their financial modelling may change long term, but ultimately it is a matter for them.

[31] **John Griffiths:** Okay. Rhianon Passmore.

[32] **Rhianon Passmore:** Thank you, Chair. In regard to the prioritisation of what has to happen around buildings that are slept in over a certain height—you mentioned hospitals and student accommodation—in terms of the assessment of privately owned tenured buildings, where are we in terms of communication with private landlords and how is that going to be rolled out in terms of identification of ACM in higher risk buildings that are privately owned? Could you talk us through where we're at with that?

[33] **John Griffiths:** Perhaps quite briefly, Minister, because we will be coming on to these matters further on in the meeting.

[34] **Carl Sargeant:** Okay. We have acted as we would with the public sector. We engaged with the Welsh Local Government Association very quickly. They are part of the fire advisory group we have, and they've looked at how they can identify public buildings over seven storeys or risk buildings that are profiled as hospitals et cetera. And then, they have they sought to make contact with the owners of those buildings, which has proved quite difficult, but we are progressing that. We have identified several of them—I'll get the numbers in a second for you—but we've identified a number of buildings with ACM. But I expect the private sector to operate in the same way and, to be fair, they are. We have no powers over this, but they do appear to be acting responsibly where we have identified them.

[35] **Rhianon Passmore:** Just to follow up, Chair, if I may, in regard to the Regulatory Reform (Fire Safety) Order 2005, I know that that's further on in the agenda, but is there a need for more authority over an ability to secure public safety and privately tenured buildings?

[36] **Carl Sargeant:** We will await the results of the fire advisory group and whether that is a recommendation from them. There are already powers for local authorities to have closure notices on buildings to remove individuals

from those properties. It's pretty archaic but it works. Now, I think we've got to think about the prevention process here. So, that's the last resort for us. What are the other interim steps that make a safe building, a safe environment for people to live in? If it's not safe, then people should be removed, but all of the conditions that we've seen currently have been managed very effectively by both registered social landlords and private sector buildings, alongside emergency services making sure people are aware of the risks that are posed by this.

[37] **John Griffiths:** Okay. Bethan.

[38] **Bethan Jenkins:** Jest yn fras, **Bethan Jenkins:** Just broadly to go on to informing people who live in flats and what is happening, I went to Newport City Homes and they were having regular meetings, but I didn't visit other places. Has everybody been informing residents and having meetings with them? And also have they been having discussions with people who have special needs? For example, at Newport City Homes there was someone at a high level who felt that they couldn't stay there because of their personal situation and as a result of the discussions surrounding Grenfell. Has that been done in a sensitive way as well?

So, a ydy hynny wedi cael ei wneud mewn ffordd sensitif hefyd?

[39] **Carl Sargeant:** Indeed. As you've visited Newport City Homes, I visited Swansea a couple days after Grenfell and the identification of ACM product in Swansea. I spoke to several residents in there and it was a very mixed message. There were some that were very relaxed about the whole situation, and it was a case of 'we are where we are' and recognising the fire service had been and had come and talked to them. But any additional support that was needed for those units was there. And I also spoke to a lady who felt very compromised in that situation, and she needed support around confidence on that.

09:15

[40] I was very impressed by the fire services and their ability to give reassurance to the individuals who were concerned there. If I was to go there, as I did, or you were to go there and say, 'It's all safe, it's all going to be fine,' I don't believe that they would believe us, but when a trusted source like the fire service does that, and they do it well—. I think they were very effective in managing that element of risk and, also, the nervousness of individuals as tenants.

[41] What we had decided was if we weren't able to reassure residents in that space, we would have to provide alternative accommodation. We never got into that position.

[42] **Bethan Jenkins:** Rwyf fi'n cymryd nad chi sydd yn logio'r cwynion neu'r consýrn. So, nid ydych chi wedi cael unrhyw un sydd wedi bod mewn sefyllfa lle maen nhw wedi gorfod symud neu maen nhw wedi gorfod gwneud unrhyw newidiadau i le maen nhw'n byw yn sgil hwn. Mae hynny'n newyddion da, felly.

Bethan Jenkins: I assume that you don't log any concerns or complaints. So, you haven't had anyone who's been in a situation where they have had to move or have had to make any changes to where they live as a result of this. So, that's good news then.

[43] **Carl Sargeant:** Well, I've had letters galore from individuals in housing situations who feel they have been affected by Grenfell, because they live in social housing, not just in tower blocks. But they feel that they do not have confidence in product that's been put on their premises. Now, we have to take a measured response to that, again, talking to the individuals and giving them reassurance that what we believe to be safe under standards is safe, and until advised otherwise, those products are deemed to be operating reasonably for those building conditions.

[44] I think the key here is to have conversations with the individuals, and to make sure that the RSLs or the local authorities go and talk to the individuals affected by this, because it was a very tragic and very open event that happened, and that affects people differently. I can't have control over that, so, where complaints or concerns come in, they have to be addressed by the authorities, and they have been. I've not seen repetitive letters coming in saying, 'Nobody's been to see me. Nobody's talked to me about these

things.'

[45] **John Griffiths:** Could I ask you a question about fire sprinklers, Cabinet Secretary? We've heard evidence from Newport City Homes that there is concern that the cost of retrofitting fire sprinkler systems may be very high as a result of supply and demand. I'm just wondering whether you, or the UK Government to your knowledge, have had any conversations with the fire sprinkler industry to try and overcome these problems of availability and cost.

[46] **Carl Sargeant:** I haven't, and I think we have to be a little bit careful in moving into this space, as well, Chair. When I said earlier on about the conversations we had with the UK about where we were and what was happening, et cetera, they were really useful. I think, early on in the actions post Grenfell, there was a pressure for authorities to take some sort of action. One of those immediate actions was to remove ACM whatever; if you had ACM, it was coming off. There was a period of time—a week or week and a half—where activity and where identification in London discovered ACM, and the product was, 'You've got to take it off.' There was a big pressure on the market then, one, for removal. Actually, what we do know now is if you expose the ACM, it has potentially higher risks than leaving it on. So, it's got to be done properly, and what we've said is we have to have a fact-driven action. That's why the reporting of the group is something that I'm very keen to make sure we listen to and make a decision on.

[47] That takes us on to the sprinklers side of this. I am a big supporter of sprinklers, and I know the Member, alongside many others in this Assembly, when passing Ann Jones's Measure—. Nobody has ever died, that I'm aware of, in a property that has sprinklers installed. But we should be basing that on fact about why it is the right thing to put sprinklers into these buildings, rather than putting them in because it feels right. And that's difficult when there is public pressure. So, I think what we've got to do, and your committee has to do, is deal with the detail of professional advice rather than anecdotal evidence of a Minister who may have a view. I think it's really important that we stick to people who know what they're talking about and give evidence based on professional advice and that we act on that accordingly—sprinklers alongside that.

[48] **Sian Gwenllian:** Jest yn dilyn o **Sian Gwenllian:** Just following on hynny, felly, nid ydych chi wedi from that, you haven't, therefore, cychwyn y drafodaeth yna eto, o beth started that discussion yet, from

rydych chi'n ei ddweud. Rydych chi'n dweud nad ydych wedi cael unrhyw fath o sgysiau ynghylch gosod y systemau hyn mewn hen adeiladau. Pryd ydych chi'n mynd i gychwyn cael y draffodaeth yna, felly? Beth ydy'r amserlen? Yn amlwg, mae angen y draffodaeth er mwyn cael y dystiolaeth i wybod pa ffordd i fynd.

what you've said. You haven't had any kind of discussion yet with regard to installing these sprinkler systems in older buildings. When are you going to start having that discussion? What's the timetable for it? Obviously, the discussion is needed so that we can gather the evidence in order to know in which direction to go.

[49] **Carl Sargeant:** Well, I've got my fire advisory panel set up in Wales, and there's the UK one. Now, I do know that the UK panel aren't considering sprinklers; that is not part of their policy agenda, while, in Wales, it's very different. I'm waiting for further advice from my fire safety panel to see whether they consider the installation of sprinklers on older buildings, or retrofitting sprinklers, is the right thing to do.

[50] **Sian Gwenllian:** So, what's the timetable on that?

[51] **Carl Sargeant:** In fact, I think our first report is due this week in terms of what the local advice would be on the state of the Welsh nation. In terms of our discussion with the UK Government, that is ongoing continually, but I do understand that sprinklers are not a consideration of the UK Government. I'm correct in that, aren't I?

[52] **Mr Swain:** Yes.

[53] **Carl Sargeant:** Yes.

[54] **Sian Gwenllian:** Yes. What I'm trying to ascertain—. The public think that older buildings should be retrofitted with sprinklers, don't they? I mean, that's the reaction and, as you say, it may be a knee-jerk reaction, but what we need to know, as soon as possible, is what is the evidence for not doing that.

[55] **Carl Sargeant:** Yes, and that advice will come to me. You're right to say—. I will defend my position in terms of saying that I will not be bounced into making a decision that is not based on fact.

[56] **John Griffiths:** So, what you're saying in terms of the cost, and what

we heard in evidence from Newport City Homes about the rapidly rising cost of fire sprinkler systems, is that you think it's premature to consider those issues at this stage, given that you're not convinced of the need for substantial retrofitting of sprinkler systems.

[57] **Carl Sargeant:** Well, it really is unfortunate isn't it, Chair, that, because of a significant disaster, whatever that may be, whether that be the fire at Grenfell or flooding, et cetera, the market reacts to that? Generally, they realise that roof tiles are now at a premium and suddenly roof tiles are double the price. It's the same with the sprinkler position. That's why, I think for us, it's about a measured response to: should we or shouldn't we make an investment in this area, or whatever that is? The costs are between £1,000 and £1,200 per unit, to be installed retrofitted. That's significant if you've got a high-rise block, but we have to ask the question in the first place—. And the Measure went through the Assembly with lots of evidence from professionals, from the fire service et cetera, saying, 'Where are our risk buildings?' Now, it may be a matter for this committee or it may be a matter for another one, whether a review of sprinkler systems—. Actually, it sits with Lesley Griffiths, so she may have a view on this. But, you may want us to reopen that box and ask whether we should make installations retrofit-style because of these reasons. I am hoping that our team will be able to give us some advice to say, 'We should do that', or, 'We should look at that', but what I believe we should think about is how that advice comes forward.

[58] **John Griffiths:** And, as you say, the review is not addressing fire sprinklers as you understand it.

[59] **Carl Sargeant:** In the UK. The UK central review isn't, because sprinklers aren't policy, but I will expect my fire advisory group to give me some further advice on whether that should be included in a Welsh context.

[60] **John Griffiths:** Okay, thank you for that. A few other Members want to come in. Is it on these particular points? On fire sprinklers.

[61] **Joyce Watson:** Yes, it's on this.

[62] **John Griffiths:** Yes. Joyce first, then, and then Jenny.

[63] **Joyce Watson:** Good morning, Cabinet Secretaries. Could I, just for clarity out there, understand that, what you're saying is that it won't be the cost of the sprinklers that would prevent you from fitting them; it will be the

necessity to do so in the first place? I just wanted to get that clarity.

[64] **Carl Sargeant:** Absolutely right. I am a big supporter of sprinklers, and I think certainly our new home provision—building regulations and the Measure—instructs for the installation of sprinklers. The question here is about what is the benefit of doing this on a retrofitted building and what are the risks there. If evidence is presented to us, we should think very carefully about should we be installing on retrofit or risk-profile buildings—so, older buildings over seven storeys or where students are, or whatever that looks like. But we should base that on fact. If it's inquiry level or if it's a committee report, then we should consider that very carefully. But, at the moment, the cost is just part of the building. There are some big industry builders who hate the thought that we're introducing sprinklers anyway and are doing everything they can to circumnavigate the system. I would personally like to close that loophole. However, and with the greatest of respect, we have to base our interventions on advice from fire-safety experts on what is the value of doing this.

[65] **Joyce Watson:** Thank you.

[66] **Jenny Rathbone:** So, just to clarify, could you just tell us which new buildings will be requiring free sprinklers as of today?

[67] **Carl Sargeant:** Ah, Neil might be able to give us some more detail, but—.

[68] **Mr Hemington:** Okay. So, in 2014, high-risk buildings were brought under the Measure. So, that was student halls of residence, hotels, and those sorts of things—essentially, tall buildings where the risk was greatest. Since 2016, the building regulations—. So, if you submitted—. The building regulations post 2016 have caught all residential property. The reference that the Cabinet Secretary is making to, if you like, some of the big housebuilders and the activity they've undertaken, they actually pre-registered sites before 2016, which meant they locked themselves into an earlier set of building regulations. So, some of the houses now that had the building regulations process started before 2016 are not including sprinklers. Anything that has started the process post 2016 should. So, that's, essentially, what's happened. There's been a transitional arrangement.

[69] **Jenny Rathbone:** So, are you able to quantify the number of dwellings

yet to be built that will have got under the radar of the pre-2016 regulations?

[70] **Mr Hemington:** We had some initial information on that, but, depending on whether or not they took the building regulations process forward, they may have fallen out of that sector. So, we haven't got that exact information at the moment.

[71] **Jenny Rathbone:** Okay, but, even if some of them have decided not to go ahead, can you give us any sort of figure so we've got some idea?

[72] **Mr Hemington:** We would have to look into that again.

[73] **Jenny Rathbone:** Okay. Perhaps you could send us a note on that.

[74] **Mr Hemington:** Yes.

[75] **Carl Sargeant:** I think Neil is being very conservative in his replies, and rightly so. My understanding is that there are many thousands of homes that are yet to be built that have, effectively, circumnavigated the sprinkler Measure. My personal view is that that is inappropriate, and I have had discussions, and we've had discussions, about how—if—we can close that loophole. We will try to facilitate a more detailed number for you, but it's many thousands.

[76] **David Melding:** Do you know how long the pre-registered—*[Inaudible.]*—for the pre-2016 building regulations? How long before you have to start building? Can you still build under those regulations?

[77] **Mr Hemington:** Again, we'd have to write to you on that point. I don't have that in front of me at the moment.

[78] **Carl Sargeant:** It's a little bit of a minefield, this, because pre-registration, or a trigger of a building site being started doesn't mean—. So, you may have a site with—

[79] **David Melding:** Just put a shovel in—

[80] **Carl Sargeant:** A gate, a digger and a tonne of hardcore constitutes a start, and you've still got 300 houses to build, and it's—

[81] **Mr Hemington:** Actually, to preserve the building regulations position,

it's actually less than that: you just have to submit a plan with a boundary on it, and I think you have to identify the point of connection to the sewer. So, it was quite an easy exercise to allow that to happen.

[82] **John Griffiths:** Okay. Jenny, did you want to come back on this point?

[83] **Jenny Rathbone:** Obviously, I've got lots of questions following on from this, but I'm happy to come back to it a bit later—

09:30

[84] **John Griffiths:** Okay—

[85] **Jenny Rathbone:** Or not as—

[86] **John Griffiths:** Well, if it's specifically on this matter, Jenny, please—

[87] **Jenny Rathbone:** Well, I think it's relating to what happens—. You know, they submit the regulation, but we saw what happened in Grenfell, which was probably that the original plans would have been hunky-dory, but then there's a whole series of people who got involved amending the plans, which have obviously made it into a firetrap. And so it's really whether the regulations are fit for purpose to ensure that the original plans, which obviously will have been inspected appropriately, are then translated into what it said on the tin and how we can tie up those ends.

[88] **Carl Sargeant:** Can I just offer two thoughts there, if I may, Chair? First of all, we cannot prejudge the Grenfell outcome—

[89] **John Griffiths:** No.

[90] **Jenny Rathbone:** No. I'm not.

[91] **Carl Sargeant:** Just so that we're clear about that. However, based upon building risk, I accept that there are buildings that may or may not be compromised by actions of others post initial build. So, I think there are issues there where we have to join up the building regs—. And this is where the advice will come through to us about what is it that's missing that allows this to happen, so we will have a better understanding about closing some of those issues or even categorisation of work-based risks—so, what does that mean. So, is drilling a satellite dish into a building—does that pose a

significant risk to the compartmentalisation of a building in terms of fire risk or not? And these are the things that I hope the inquiry will be able to give us more details on.

[92] The Grenfell inquiry, actually, is separate from the building regs stuff, and both will offer significant advice, I would expect, where we carry risk. As an aside—and I'm sort of offering the other Minister as well—but I'm more than happy to come; I'm sure the other Minister will do. If you wish to do some more work on sprinklers specifically, I'd be happy to come back to committee, but what I don't think—. I'm not sure by chasing the sprinkler bit here is as helpful as your understanding of trying to understand what happened in terms of post Grenfell. There is a link, but I think there's something more we can do on sprinklers.

[93] **John Griffiths:** Okay. Thank you for that, Cabinet Secretary, and we will be coming back to building regulations later on during this evidence session. Rhianon, is it on these points?

[94] **Rhianon Passmore:** Yes, it is, and it's a general question in regard to the terms of reference of the Grenfell inquiry. You've mentioned that building regs are going to be outside of that. In terms of the holistic and cumulative nature, you mentioned the contractors, which is a big issue for tower blocks in terms of not having permission to get in the building, perhaps carrying out shoddy work. Are you convinced, and you've already given some comment on this, that that is going to be sufficient to give us the proper, due evidence that we need to place our policy in the right area? Because it is the accumulation of all of those issues, as has already been stated, that created such a devastating impact.

[95] **Carl Sargeant:** I think we've got to learn lessons from what happened in Grenfell. I think Grenfell appears to me an extreme case. I have not witnessed anywhere in Wales that appears to have similar circumstances that surrounded the Grenfell estate. However, I do believe that there is a need to consider what happened at Grenfell and why, and are we confident enough to say that that couldn't happen here. I think we have to be very careful in terms of making sure that work done to buildings and all of the regulations—and there's a raft of regulations around building works and fire safety, et cetera—. Do they all join up? I'm not convinced. The advice that we receive will be an important piece of work to say what's missing here.

[96] **John Griffiths:** Okay. Thanks for that, Cabinet Secretary. We're in

danger of straying into areas that we're yet to come to on our agenda and our themed approach. But we'll move on now to David Melding and some further questions on the fire safety advisory group.

[97] **David Melding:** Yes. Just for clarification, really, and to know when we can expect some of the findings. So, they're about to report and issue some initial findings, by the sound of it. How closely will those findings be attached to recommendations, and will those recommendations be made public?

[98] **Carl Sargeant:** The advisory group is an advisory group to me, it's not a public advisory group—or to us. We are expecting that, I think, this week, in terms of our first piece of advice. They will form part of recommendations, and we will then consider that as an action point, depending on what the advice comes back as. And I haven't seen it; I don't know what that will look like. As to whether we continue with the advisory group in its guise of giving further advice to us, I have a chief fire adviser who works full time for us. This is an added string to the bow in terms of the linking up between other agencies—so, we've got the landlords association; the WLGA sit on this board—to try to understand what the big picture looks like here. So, advice will come to me. It's not public advice. I receive advice all the time. But whatever recommendations come out of that we will seriously consider. We will give it some thought on whether we deem it in the public interest to share that with you.

[99] **David Melding:** Presumably, the actual advisory group in its constitution, its secretariat, and, then, the wider contextual and policy information it gets, is provided by your officials. Is that correct? So, there's a lot of integration, actually, isn't there, between your department and the advisory group—as one would expect, and that's not in any way a criticism. But that's basically how it's working.

[100] **Carl Sargeant:** Yes.

[101] **David Melding:** So, I think, from the last bit of your previous answer, then, you will be making some statement for the Assembly to then scrutinise on how you're going to take the advice forward. Now, you're probably going to get a series of responses. So, when would it be reasonable for us to expect that statement in terms of the fundamentals of how the Welsh Government is going to move forward to improve fire safety?

[102] **Carl Sargeant:** I'm not going to give you a date. What I will do, and I hope that you—

[103] **David Melding:** End of autumn, or are we talking spring? I mean—

[104] **Carl Sargeant:** I think we will be able to give you an initial statement very shortly, in terms of the next steps, and that even might be just a very broad statement, but I think what I've tried to do, including over the summer, is keep Members briefed on where we are in conjunction with what's happened at Grenfell. We've got nothing to hide here. This is in the public interest and I, or Lesley Griffiths, will continue to issue statements accordingly. I'm hoping that, once we get advice from our panel, then we will issue a statement or a letter to Members as appropriate. We will have a further interim report from the UK Government in November. I know Lesley Griffiths and I are meeting with—

[105] **The Cabinet Secretary for Environment and Rural Affairs (Lesley Griffiths):** Judith Hackitt.

[106] **Carl Sargeant:** —Judith Hackitt shortly to have a discussion with her around that report and, as appropriate, we will release that information. There is no smoke and mirrors here, in terms of what we're trying to achieve here. It's within the best interests of public safety, and I hope that's recognised by Members in terms of our actions to date.

[107] **David Melding:** Okay. Today's the twenty-seventh isn't it, so there is an updated statement on the Welsh Government's website about the Grenfell Tower disaster, and, under 'current position', you say you've

[108] 'been advised that no school or further education buildings, meeting the priority criteria, have been found to have ACM cladding. This is also the case with residential buildings in the NHS Wales estate.'

[109] Presumably that advice has come from a different source than the advisory group, or is it channelled through there?

[110] **Carl Sargeant:** We have a working group across Government, looking at all of these actions. It's not the advisory group that that would come from; that's from my advisers.

[111] **David Melding:** That's from the wider—. Yes. The qualification

‘meeting the priority criteria’—can you just remind us what the priority criteria are?

[112] **Carl Sargeant:** Emma and Martin will love that question.

[113] **David Melding:** I just wonder why that’s there at all, because I presume that all residential buildings and buildings over a certain height are in.

[114] **Ms Williams:** We’ve taken a general view of seven storeys or above 18m, which is where the difference in building regulations sets it, but in terms of residential hospital, school or social care premises, we’ve taken a view of two storeys or above where there are people sleeping. So, we’ve actually gone over and above the building regs’ height restriction where there are very vulnerable people.

[115] **David Melding:** Right, that’s reassuring. It’s just the word ‘priority’—that could exclude some that would actually qualify under the statement of what needs to be looked at, so they’re not meeting the current priority. I think you’re more general in your answer, there, so that’s reassuring.

[116] **Mr Swain:** It’s probably worth adding that we’ve, in a sense, mirrored what the Department for Communities and Local Government and Cabinet Office have done here, and the reason it’s priority is because it’s residential and where people sleep. I think it’s fair to say that our continued dialogue with them is ‘What next?’, because, obviously, people in buildings below 18m, where there is residential or where people are sleeping, have concerns. We’re starting to talk to them about hotels but there was a sense of a need for prioritisation around risk and the high-rise buildings. That’s why we’ve done it.

[117] **David Melding:** Back to the issue of fire sprinklers, and I agree with your observation that we can’t conflate fire sprinklers completely with the cladding issue, because we could have fire sprinklers in a building and there could still be a catastrophe that could, because of the cladding deficiency, still overtake the building, though we understand, and obviously we await the public inquiry—but it does seem that it was a domestic appliance fire that caused the initial problem in Grenfell, which may well have been dealt with if there’d been a sprinkler system. But that, obviously, is something that will emerge from the evidence.

[118] So, there are several strands to all this, and I can see why you’re

working your way carefully through them, and you don't want us just to look at sprinklers, as if that's going to solve everything. But, I suppose, in terms of the public interest—and I'd like to know whether the advisory group has been asked specifically to respond to this—the Government responded to a private Member's Measure that there should be sprinklers in residential buildings, and I think the whole issue of fire safety was advanced. We got a lot of publicity, there's been a lot of attention since, and the Member concerned, who is now, of course, our Deputy Presiding Officer, won a top international medal for fire safety, awarded by the American fire service. Wales was really in the lead here, but I suppose the judgment we made is that sprinklers are, for modern fire safety, definitely part of what we need to do, and there's been a reduction in fire incidents over the years, but still, to get that even lower, sprinklers are key to the answer. So, if that's the case, it's difficult, isn't it, to say that retrofitting of priority or vulnerable buildings cannot be, now, public policy? I realise there are lots of issues about how you do it, how quickly it can be done reasonably, the effect it has on residents, the effect it has on buildings that are close to redundancy for other issues, and you may just want to rebuild. This couldn't be done in three months, but it does seem to me, as a general principle, given where we are with public policy in Wales, that we must conclude, surely, that retrofitting is going to be necessary.

09:45

[119] **Carl Sargeant:** Well, none of the arguments you posed at the end there about cost or difficulty or anything concern me, because if it's the right thing to do, then we should do that. But I believe we should base our actions on that, and I'm pro-sprinklers, so I accept the intervention of—. So, sprinklers in a bad building are better than no sprinklers in a bad building, but that's my personal view. I think what we need is to have advice from professionals to say, 'This is the reason why we should do this' and I think—. My advisory group isn't looking specifically at sprinklers. They may say—. Post Grenfell, the priority was looking at ACM product, alongside the UK Government, to see whether we are more compromised in Wales or less compromised in Wales. What is the state of the nation? They may come back to me and say, however, 'ACM and all the other actions in a building, because as a Government you already have a view on sprinkles, you may wish to review the sprinkler Measure', and I'd be happy to do that, but it's based upon the advice of the professionals.

[120] **David Melding:** Do you think it would be in the public interest now to

widen their terms of reference so they do offer you a view and a recommendation on retrofitting? Incidentally, I think everyone would agree with you that cost wouldn't be a factor, but capacity certainly would, and that's why it just can't be done within months, probably. It might take longer phasing in. But it seems to me that they should give a view on this, because these are closely related. They're not the same—I accept that the issue of the cladding seems to be the key thing. But it's also true that sprinklers have been referred to in all the evidence we've received—in the communal areas and then whether they should also be in these specific flats as well.

[121] **Carl Sargeant:** Of course. I think there are several strands to the advice that we will receive. So, the Grenfell piece of information around the public inquiry will be really important to try to understand what happened, not only with the building but in the lead up to that. What was the state of the building? Why was that allowed to happen?

[122] There's the evidence around building regulations and fire safety, which will come together to say what the gaps are here. We should consider that the terms of reference of that group—. I said to you earlier on, I'm not sure yet whether the advice I'll get will lead us to think that we should continue this group on. It's highly likely, but that might constitute some other experts on the group in terms of—. If they say the fire regulations and building regulations don't really meet up here, if we're going to change them or review them, maybe, because we have in Wales a Measure around sprinklers, we should include that as well.

[123] So, as I said, I'm very open to understating what 'better' looks like. That's not off the table for me. Indeed, I've spoken to Ann Jones already—and I know Lesley Griffiths has—on her very proactive way of ensuring as many buildings have sprinkles as possible. I love her enthusiasm. I want to try and curb it a little bit so that we make sure we get the advice to support that. I'm sure she could get it to be fair.

[124] **David Melding:** My final question, I suspect, will permit a much shorter answer. Sorry, I didn't mean that in the sense that you—

[125] **Carl Sargeant:** I know what you mean.

[126] **David Melding:** Your answers have been of an appropriate length and full. So, I'm pleased with that. I just wonder how the advisory group is working with the UK independent expert panel. The chair of our advisory

group is on that panel, I think—

[127] **Carl Sargeant:** He's not on the panel.

[128] **David Melding:** No, I've got it confused now. So, what's the link? How do they—?

[129] **Carl Sargeant:** He is directly linked to the chief fire advisor of the UK panel and his name is—Tom?

[130] **Mr Swain:** I think it's Tom.

[131] **David Melding:** You're allowed to make a mistake anyway—

[132] **Carl Sargeant:** The chief fire advisor on the UK panel and our senior fire adviser—

[133] **David Melding:** That's different to the actual UK Government's independent expert panel. Do we have any Welsh representation?

[134] **Carl Sargeant:** No, we don't in terms of direct—

[135] **Mr Swain:** The current chief fire adviser for England is on the panel. The chair of the panel at a UK level is the former chief fire adviser. Our fire adviser has a weekly meeting, either by phone or face to face—

[136] **David Melding:** Okay, so there's official communication.

[137] **Mr Swain:** Yes.

[138] **David Melding:** Should we have someone on or—?

[139] **Carl Sargeant:** That is the only point that I was hoping you wouldn't ask me. So, our discussions with the UK Government have been very good. When we asked for a direct representative on the panel that was dismissed. As it stands, it has not affected the relationship or communication. Would we have liked a direct representative? Yes, we would. But it didn't happen and it has not affected the outcome.

[140] **David Melding:** So, we're in a second best, but sufficient situation because of the official communication.

[141] **Carl Sargeant:** Yes.

[142] **David Melding:** Okay, thanks.

[143] **John Griffiths:** Okay, we need to move on at this stage. Gareth on the fire safety Order.

[144] **Gareth Bennett:** Thanks, Chair. Some of this might have been touched on before, but just for clarity, the first question is relating to the fire safety Order. Do you think that is fit for purpose or could that be amended to make it more effective?

[145] **Carl Sargeant:** Our initial views are that there is probably something up with the system approach, so the building regulations and fire safety Order—I'm awaiting further advice on what that looks like, and why, if we should, make amendments to some parts of that. Although the issue of the fire safety Order is a devolved—

[146] **Mr Swain:** It's currently non-devolved.

[147] **Carl Sargeant:** Non-devolved.

[148] **Gareth Bennett:** Non-devolved—.

[149] **Carl Sargeant:** But that's not an excuse not to do something. I don't think the UK Government are either in that space of, 'Actually we need to look at this more carefully.'

[150] **Gareth Bennett:** So, touching on the fact that it is non-devolved, you are in ongoing discussions with the UK Government on the fire safety Order and the possible reform of it.

[151] **Carl Sargeant:** Yes.

[152] **Gareth Bennett:** Right, okay. We've had local government guidance regarding fire safety in purpose-built blocks of flats, is it your intention that the Welsh Government will be issuing specific guidance for Wales in addition to that guidance or instead of it?

[153] **Carl Sargeant:** I don't know the answer to the question because I don't

know what the evidence suggests yet. If the evidence suggests that we should, then we will, but it's premature to give you a solid answer, Chair.

[154] **Gareth Bennett:** Okay. The first safety Order, as it exists currently, is enforced by fire and rescue authorities and it only covers the common parts of high-rise blocks, so do you think that local authorities have sufficient resources at present to make effective use of their enforcement powers to address the hazards within flats, for example breaches of compartmentation?

[155] **Carl Sargeant:** Do I think they've got enough resources? Yes, I do. Are the regulations right? I do not know, and that's what we're waiting for advice on, to see whether those issues we touched on earlier about breaches of compartmentalisation—it's a really hard word to say—is something that we need to do more work on. My gut feeling is—and I am basing it on evidence—that there is something not quite right here, and I think we should be thinking about how they join up better and who has the powers. As I said, ultimately, the local authority do have a power of closure. So, we have got a backstop position, but I think there's some better work we can do in between there to make sure that they match up.

[156] **Gareth Bennett:** We talked about the resource implications earlier on, and I suppose it's too early to know if there's a possibility that local authorities are going to need further resources, but if that is the case, are they going to be able to get the resources they need?

[157] **Carl Sargeant:** That is a very hypothetical question. I don't know the answer to that because I don't know what the risk is.

[158] **John Griffiths:** Okay. Before we move on, Cabinet Secretary, just going back to the guidance accompanying the Order, is it possible that you could give us some idea of when the revised guidance will be issued and will it take account of the developments arising from Grenfell Tower?

[159] **Carl Sargeant:** Can I write to you with detail about that, Chair, because what I don't want to do is give you false statements? I think it's really important, rather than issue lots of guidance, that we get the guidance right in accordance with what we know, rather than, 'We need to do this quickly'—we've got to do it right.

[160] **John Griffiths:** That's fine. We had evidence that the witnesses believed the review was almost complete, but, no, it'll be fine to—

[161] **Carl Sargeant:** I'd rather be late, Chair, and make sure it's right.

[162] **John Griffiths:** Sure. If you let us know in writing, then that's fine. Okay, we'll move on to building regulations then, and Joyce Watson.

[163] **Joyce Watson:** When the Cabinet Secretary, or Secretaries, will meet with the chair of the independent review into the building regulations and fire safety, what do you think might be the areas of priority that you might discuss?

[164] **Lesley Griffiths:** Okay, thank you. As Carl said in his opening remarks, Carl's leading on this across Government, but, obviously, building regulations sit within my portfolio. So, my officials are part of the team of officials that Carl referred to, and they're offering technical support. I think we're now coming to the cusp of the independent review, and they are going to start looking at building regulations. So, Carl and I are meeting Dame Judith Hackitt on 10 October. We had hoped to have met her prior to this committee session, but unfortunately that hasn't happened. Colleagues will be aware that, obviously, building regulations were devolved to the Assembly back in 2014, so the system that enforces those regulations is very similar to England. The only difference here in Wales is obviously the fire sprinkler necessity. So, when we meet her, obviously it's an introductory meeting. I haven't met her before; I don't think Carl has. So, it's an introductory meeting. I would be very interested in the interim findings of the review. We are due to have an interim report of that review in the autumn. It's autumn now, but I think, probably, it will be towards the end of autumn before we have the substantive report in the spring. So, my personal view, particularly around building regulations, would be to get those interim findings.

[165] **Joyce Watson:** Okay. So, rather than when the leaves are turning green and yellow and orange, it looks like they're going to be regrowing by the time you get that report, which is spring not autumn. But the point here, more seriously, is: how will you make sure that the Welsh perspective will be heard through that review? I know that most of the building regulations are now devolved, but surely we want to be influencing what we want in the areas where we haven't got devolution, like the fire safety Order.

[166] **Lesley Griffiths:** Yes, and that, obviously, will be part of the conversation that Carl will have with her. I think it's very important that we have the communication that we have seen at an official level. I've pushed for

that regular contact. I haven't had any ministerial meetings or telephone conversations with UK Government or Scottish Ministers, but I have had correspondence, because as soon as the Secretary of State at the Department for Communities and Local Government announced that there would be a review of the building regulations, he asked if we wanted to be included, and absolutely we did, because the systems are so similar, apart from the fire sprinkler requirements here in Wales. I thought it was beneficial to do that. So, it's at official level, and the technical support that my officials are offering, and, as I said, I think that will now probably gear up a bit more now that the building regulations are starting to be looked at.

[167] **Joyce Watson:** It's one thing having the regulations, but you've got to inspect, and that has to be done quite thoroughly, frequently and in the same way, wherever that inspection might be taking place. So, are you satisfied, Cabinet Secretary, that the current compliance and inspection regime will be, or is, fit for purpose now, and will be when they might have additional burdens?

[168] **Lesley Griffiths:** I think that's a very fair question. I would say at the current time, 'yes'. We don't know what advice is going to come out of the review, so we would have to look at that very carefully and make sure we've got the capacity within our local authorities to address whatever recommendations come out. You know, would the average officer be able to then take forward those recommendations? So, until we see the recommendations, I couldn't answer that.

[169] **Carl Sargeant:** Can I just add to the contribution made by Lesley in terms of the devolved nature of building regulations and fire safety not being devolved? I think what we've been very clear about is that devolved government produces great opportunities, but what we don't want is to lose the expertise of panels across the UK, which have great advice, in terms of how they're dealing with the issues around ACM and associated fire risks. My view has always been clear that if the review comes up with an action, a recommendation that makes sense—I'm sure all of them will do—then we should very seriously consider those actions. Despite us being a devolved nation, we should think about them very carefully.

10:00

[170] That's why it's not wise for us to do something on our own here, because the expert knowledge is based across the UK and beyond, actually,

so we need to harness that. And that's why there are so many things going on. Where reviews were about to start or stop and report, I think we have to have a pause position here because there's lots of activity about what we considered to be safe six months ago that now may not be, and I don't want to be in that—. I want to be acting, and I know Lesley Griffiths as Minister wants to be acting, on advice from professionals. So, Government business carries on, but we've got to have our eye on the safety of our communities.

[171] **Joyce Watson:** And with having an eye on the safety of the community, there is another aspect to this that perhaps hasn't come up yet, and that's the potential licensing of builders. Anyone could be a builder; I could be a builder in five minutes' time. I wouldn't be able to build anything, but I could say I was a builder—

[172] **Carl Sargeant:** [*Inaudible.*]—licence maybe.

[173] **Joyce Watson:**—and that is a very serious point, because there isn't a licensing regime at the moment underpinning the building industry. And if work is to be carried out, not only do we need to ensure that we've got the rules that guide it, but I think, for me, the first place is that we have the competent people with proven competence underpinned by a system that gives that reassurance. And that, to me, is probably one of the most critical bits in all of this. So, having said that, what work are you doing in that field, because if you have a very large-scale—and we have to bring procurement in—retrofitting programme, if that should be the case, it will be procured and probably it will be given to somebody who can prove competence—one of the big players, in other words—who immediately pass it down the chain to subcontractors in Wales, particularly in Wales? So, there are big, big questions on how that would potentially be managed, and I just put the question out there now whether it is the case that you're looking at that as well.

[174] **Carl Sargeant:** I would hope that all work actioned and financed by Government is delivered by approved contractors. I hear the point, again, by the Member about licensed builders; she's raised this in other forums. It is one that we should maybe consider in the future. There is a building inspection regime about work completed. The Member raises a valid point, but the actions of individuals are varied and we have to consider that within the inspection regime.

[175] **Joyce Watson:** And finally, if I can, in terms of planning, I just wanted a

little bit of clarity about the start date, because I know exactly—and I could name them, but I won't—the companies that have put in mass applications, and you're right, under current rules, that's all they have to do. And then there are various caveats in giving that planning permission, as to whether they start or not, because I used to sit on the planning committee of a local authority. Am I right in thinking that local authorities could put in caveats when they issue their planning guidance that they want that work started sooner rather than later?

[176] **Mr Hemington:** Chair, I'll answer that one. There are two different regimes at work here. As far as building regulations are concerned, that's separate from planning. So, you can pre-register a site, which means submitting a plan for building regulations purposes. As far as planning is concerned, obviously, once you have planning consent you should start works in accordance with the timescale that is on the consent—it could be five year, it could be two years, it could be three years.

[177] **Joyce Watson:** Is that down to the local authority to determine?

[178] **Mr Hemington:** They can shorten the period, but we do have situations where a developer will make a start to the development, which can be quite a small start—create an access, for example—and that then protects the permission that they have. So, we're talking about two different regimes here, but there are two different routes to protect that. The local authority, if it wishes—although many do not do it—could serve a completion notice to make sure the development takes place and is completed, but I believe they have compensation consequences to doing that sort of thing. So, the regimes work in a slightly different way. What we've seen at the moment, certainly as far as this is concerned and sprinklers are concerned, is a lot of pre-registration of sites through the building regulations process. They haven't got planning consent, or they might even not be sites allocated in development plans.

[179] **Joyce Watson:** Okay, thank you.

[180] **Carl Sargeant:** We should say we have asked for legal advice on the ability to seek to put a notice on pre-registered properties. We are awaiting legal advice.

[181] **Lesley Griffiths:** And also on converted buildings as well, because, obviously, that would be applied to converted buildings prior to January

2016.

[182] **John Griffiths:** Okay, thanks for that. Bethan Jenkins.

[183] **Bethan Jenkins:** I just wanted to ask a question based on what you've said regarding devolution. I appreciate that you need to get expertise from across the UK; I'm not disputing that. But I'm just curious as to—. If some of the powers are not devolved in an area where you could be making strides, are you seeking the devolution of that power? I don't have them in front of me now, but you have powers over fire awareness and such, but you don't have a power to go further than that in some areas. That's a very broad analysis without having it in front of me. So, I'm just trying to understand whether you're seeking that or whether you think that, based on the expertise from the UK Government, that should stay there.

[184] **Carl Sargeant:** Two very brief responses—I see the Chair looking at me. First of all, based upon the Orders that we talked about this morning—the fire safety Order—powers in the Wales Act will give us power over that next year. However, there may be other aspects of fire safety and building regulations, or other Acts, that may give us a better outcome in terms of what fire safety and building structure look like, and we have to consider all of those, whether they're devolved or not devolved. I absolutely believe that we should open our arms to as many experts as possible from wherever they are, giving us that advice.

[185] **Lesley Griffiths:** Can I just add as well, Bethan, obviously, next year, as Carl said, we'll get additional powers via the Wales Act, and that will give us the ability then to look at the Building Act itself to see if there is anything we want to do specifically to Wales?

[186] **Bethan Jenkins:** Okay, thanks.

[187] **John Griffiths:** So, at the moment, we've had devolution of executive powers with regard to building regulations, but next year, under the Wales Act, we'll have the legislative power as well.

[188] **Lesley Griffiths:** That's correct.

[189] **John Griffiths:** Okay. Jenny, briefly, if you would, please. We need to move on.

[190] **Jenny Rathbone:** I want to come back to the private sector. I completely understand that we should wait for the UK experts' advice, and that's absolutely sensible, but, in the meantime, I would have thought one of our main objectives must be to ensure that we are not allowing the development of future sick buildings, as of today. So, you said earlier that the contact with the private sector in terms of disclosing information has been good, but I put it to you that good developers would not be slow to come forward and advise you of their plans. My concern is that we seem to have incomplete pictures about the numbers of large-scale private sector developments, particularly high-rise ones. What information do you have about the totality of developments that are about to start or are in progress, where we may need to look again at exactly what these plans are?

[191] **Carl Sargeant:** The Member's right to raise the issue in terms of—. We are in a state of flux at the moment, awaiting information that categorises risk for us. We know there have been ACM failures, and we know that, six months ago or six-or-so months ago, we considered those panels to be compliant with standards and safe to put onto buildings. Evidence may suggest that isn't the case now. It may suggest it's still okay with modification. I do not know the answer to that. In terms of the building of sick buildings, effectively, building regulations currently allow that to happen, because it's deemed as safe, and I have no advice yet to indicate that that is not the case.

[192] **Jenny Rathbone:** Okay. So, while we're awaiting the expert advice across the UK, is it not possible to tighten up the building regulations? For example, one of the things we wrote to you about was the fact that it is not a requirement, in large-scale developments, for them to consult the fire and rescue authority. Good developers, like in the Hayes—the fire officers cited them as an example of good practice—obviously they consult them from the very early stage of their designs. But it's not a requirement. And for those who really want to just get in there, throw something up and get out—. What are the checks and balances to ensure that they're even building something that they promised to do in their planning applications, and that they're not walking away and we're simply left with a massive problem?

[193] **Mr Hemington:** There is a link between the building regulations and the consultation with the fire safety authority, so they should be doing that when the plans come in. So, when the approved plans are submitted—

[194] **Jenny Rathbone:** But they're not obliged to.

[195] **Mr Hemington:** Well, I'll have to check the wording of that. My understanding is that they should be doing that now, but you're telling me that they're not.

[196] **Jenny Rathbone:** Well, that's what the fire officers said in their evidence—that good developers do it, but it's not an obligation. They can't get in there, you know, they're not—

[197] **Mr Hemington:** But the obligation should fall upon the building control authority as well. So, the approved inspector or the local authority should be notifying them that these buildings—. But we can write to you on that.

[198] **Carl Sargeant:** Was that submitted evidence to the committee?

[199] **Jenny Rathbone:** Yes.

[200] **John Griffiths:** Jonathan, do you want to clarify our understanding on this, from the evidence we've received?

[201] **Mr Baxter:** I think the issue was that there's a statutory duty to consult when the plans are submitted. It wasn't quite clear if there was further consultation as the project progressed.

[202] **Jenny Rathbone:** But I also think that they could look at the plans once they've already been submitted, but that's late in the day to be able to actually make appropriate amendments. Anyway, we need to clarify that.

[203] I want to come back, as well, to the issue of competency and capability of local authorities, which have been subject to austerity budgets. It's tempting to cut the back office, which is not as visible as the local library. Given the complexity of the building regulations and the developments of a large-scale building, do local authorities really have the competency to understand what is being proposed? And when somebody comes with a change and wanting to do this slightly differently, do they really have the competency to know whether this is a safe or unsafe proposal?

[204] **Lesley Griffiths:** As I said in an earlier answer to Joyce, I think that's a very pertinent question. It's really important that the officers have that capability, capacity and skills, et cetera and that how they interpret the technical guidance is correct. So, at the current time, are we satisfied that

that's the case? Yes, but as you say, we know that, certainly the planning departments in local authorities, they've seen severe cutbacks, I think, because once the purse is empty, the purse is empty, isn't it? And it's up to the local authorities how they produce those cuts. So, I think, when we have the recommendations from the review, then that is something that we're going to have to look at—whether our guidance has to be different. Also, there are various ways of demonstrating whether compliance is robust, so we need to make sure that, again, those building control officers are interpreting it in the correct way.

[205] **Mr Hemington:** Sorry, just to add to that, we have to remember as well that local authorities don't have a monopoly here; there is a system of approved inspectors as well. The private sector is involved in this process, so it's about ensuring that they have the resources as well.

[206] **Jenny Rathbone:** Well, that's another issue. I wanted to ask a specific question around purpose-built student accommodation, because there's a huge amount of it going on in Wales now—in Swansea and Cardiff in particular. Anxiety is expressed about—. We know that they're subject to lesser considerations than ordinary residential dwellings. For example, the need for natural light to come into the bedroom—there seems to be not a requirement. I wanted to know in what respect those lesser regulations impact on the safety of the fire and the quality of the building materials.

10:15

[207] **Carl Sargeant:** As building regulations are set out, we do not believe that there are any buildings being built dangerously. You have a strong opinion, as many do, about the well-being of individuals in properties, and about natural light et cetera, but we don't believe that there are any buildings being built under current legislation that are unsafe. Until we have a view from the advisory group to say otherwise, then the building regulations stand.

[208] **Jenny Rathbone:** So, as far as you're concerned, PBSAs are subject to the same construction and fire regulations as any other building. It's merely that the design standards are lower.

[209] **Carl Sargeant:** That's correct.

[210] **Mr Hemington:** Obviously, they've been subject to the sprinkler

requirements since 2014, for example. Halls of residence were brought into that in 2014.

[211] **Jenny Rathbone:** Okay. Thank you.

[212] **John Griffiths:** Okay. Rhianon, is it on this point?

[213] **Rhianon Passmore:** Yes, it is. In regard to the Higher Education Funding Council for Wales and their calls to privately-owned student accommodation, I suppose I'm concerned and need reassurance of what we don't know, or what we know we don't know. So, in terms of any unaudited or unevaluated private sector accommodation out there, the risk of harm is probably just as great as if it's social housing. I know that there's less of a mandate. So, my question, really, is: what obligation can you place upon—whether it's hotels or, in HEFCW's case, it's slightly different because of public funding—to be able to audit and evaluate what is out there in terms of cladding, in particular, but also in terms of building regs?

[214] **Carl Sargeant:** To be fair, we've had a really good response from certainly all the public sector and a lot of the private sector. There are still some unknowns, but we've based this on risk profiling—so, 'Where is our major risk here?' We started with seven plus storeys, then we moved into hospitals and other accommodation—sleeping accommodation and cooking et cetera. So, student accommodation is included in that. The local knowledge of both the fire service and local authorities is pretty impressive in terms of understanding what their local base is. So, when I talked to the fire chiefs, they were doing local assessments from local stations about what they deemed to be their risk buildings. That work is still ongoing. As I said, we're moving into the private sector and advice coming from the advisory group about hotels and other buildings that we should be looking at as well in terms of their different height profiles as well. I'll wait for further advice, but I think the early indications of just discussions about the ownership of buildings and the availability to contact the owner of a building is quite challenging—and where that is held. So, we are working with the Land Registry, but some of the owners don't appear to be the owners, or otherwise. So, it's quite a challenging process. Early on in our findings I would think we need to think about some sort of registry of risk as well, so that we know that there is a contact point that we can access very quickly in the need of that event. That is not complete at this stage.

[215] **Rhianon Passmore:** And do we have any timescales attached to that?

[216] **Carl Sargeant:** I'll await advice on that. I think it's really important that we understand what it is we need to do, rather than try and create something that won't work.

[217] **Rhianon Passmore:** And in regard to Jenny's point in regard to HEFCW, their contact and their indirect responsibility around student accommodation that's privately owned, what handle have you got on that in terms of an audit of what's—?

[218] **Carl Sargeant:** Emma might be able to give you more details on that.

[219] **Ms Williams:** Anything that is owned and directly managed by the universities has already been assessed, and there is no ACM at present. We've been adding to the information that we have across the whole private sector estate, from local authorities, from fire and rescue services and from GSI data. We've added to that, in relation to student accommodation, information that HEFCW have been able to provide. So, we're, if you like, triangulating all four lists to make sure we have every property. We're then using the Land Registry to identify owners and working through that to ask exactly the same questions as we've asked of social landlords and of other residential landlords as well. That information is coming in. There is some of it still outstanding. We're about halfway through in terms of the overall private sector in terms of establishing exactly what's out there and pursuing on a regular basis everybody that we haven't yet heard from.

[220] **Rhianon Passmore:** And those that you're not going to hear from—what authority and power have you got to make them comply with what's not there?

[221] **Ms Williams:** In relation to student residential tower blocks, the exact same duties apply there. So, local authorities, under the Housing Act 2004, have duties and powers if they assess that there is a category 1 risk in particular, and we are working very closely with the relevant local authorities.

[222] **Carl Sargeant:** I just think we have to be very focused on what we're doing here at the moment. Grenfell was about a high-rise block that was of significant risk. We have prioritised in that space, so we've moved from high-rise, high-risk buildings and we are working through a process now to other aspects of buildings that, actually, are not directly linked to Grenfell, but may have ACM product or otherwise. We're taking a measured response about

that. This is a huge task, and we have to be thorough. The bit about the people that we can't reach does concern me, but we are trying to find a way through that system.

[223] **Jenny Rathbone:** What—

[224] **John Griffiths:** Jenny, we have to come through the chair when we're asking questions, and Bethan Jenkins has indicated. Bethan.

[225] **Bethan Jenkins:** It won't be very long. I just wanted to ask—I've had concerns from people in Prospect Place and flats in Cardiff Bay about what's happening there. Some of them have got their own residents' associations and meetings, and they're looking for an update. So, I just wondered how you're involving people in the private sector who may not be under the realm of the social landlord giving constant advice. It will be different, won't it? So, I just wanted a brief answer in relation to that. Thanks.

[226] **Carl Sargeant:** I'll be very brief, and then Emma will be as brief as. We are engaged with a lot of those private developers, and that's why people in those areas you talk about are now under notice of that. Information is still expected to flow in exactly the same way in the public sector and the private sector, and we are in communication with local authorities and landlords, owners, saying exactly that. So, I expect the fire service to be involved, as they were in Newport, as they would be—

[227] **Bethan Jenkins:** Do you know what they're doing, though? Sorry to intervene. Do you know what they're doing exactly?

[228] **Carl Sargeant:** Emma might be able to give you some more detail.

[229] **Ms Williams:** In direct relation to Prospect Place, we actually met with the managing agents yesterday for an update. We have the same expectations, as the Cabinet Secretary says, in terms of them looking at and reviewing the advice issued by the Department for Communities and Local Government in terms of mitigating factors, fire wardens and things like that. We know that, in relation to Prospect Place, they have put in place a number of measures in line with those recommendations and they have consulted the fire and rescue service, who've been made aware of any failure results that have come through the BRE testing regime. So, there is an automatic link up with fire and rescue services and we are monitoring the actions that are put in place and will monitor the long-term remediation of those ACM products

where necessary.

[230] **Bethan Jenkins:** And the same would be true of other flats? I've heard a few other ones as well that may be of concern. So, the same is true of them?

[231] **Ms Williams:** Yes. Exactly the same approach has been taken.

[232] **Carl Sargeant:** What we've also seen is that, where ACM product is not in place, responsible landlords are writing to tenants as well saying, 'Your building is not included in this risk profile.' I think that's actually quite reassuring for residents as well.

[233] **John Griffiths:** Okay. Jenny.

[234] **Jenny Rathbone:** What proportion or what number of these high-rise building developers have you not heard from?

[235] **Carl Sargeant:** I can't really answer that, because we don't know which ones we haven't contacted—

[236] **Jenny Rathbone:** Well, but a high-rise building is—

[237] **Carl Sargeant:** There are a few that we have contacted that we haven't had responses from, and Emma has got those numbers.

[238] **Ms Williams:** We have 79 in-scope buildings in the private sector at the moment, of which 48 we have made direct contact with and had some communication with. The balance we are pursuing—to identify the correct person and make sure that we get a response. It might be worth just adding at that point that we've been very grateful to, in particular, the WLGA, but also to local government, who have actually made efforts to do a very quick visual check to make sure that, actually, in pursuing people that we haven't heard from we can pursue those where a visual check of the building indicates there may be a greater need for engagement.

[239] **Jenny Rathbone:** Okay. But there are 31 high-rise buildings where you haven't actually heard—

[240] **Ms Williams:** Where we have not had positive communication yet.

[241] **Carl Sargeant:** But none of them mean that they have ACM product on,

so—

[242] **Jenny Rathbone:** No, absolutely not. But concerns may be hidden behind.

[243] **Carl Sargeant:** Yes.

[244] **Ms Williams:** It is a challenge, and, on occasion, it's a case of the Land Registry records identifying a freeholder, but actually the agent or the leaseholder on a long-term lease who has direct control over that building is somewhere further down the chain, and it's working through that chain to identify the correct person to be able to provide the information we need.

[245] **Sian Gwenllian:** And, of those 31, how many would you deem to be high-risk? How many of those—?

[246] **Ms Williams:** We have none on that list that on visual inspection—and it is just a visual inspection; I would not want to take that as being good enough evidence that we don't need to pursue a direct communication from the responsible person for each of those buildings—. None of them are on our high-risk list.

[247] **Sian Gwenllian:** And, if you don't get a response from them, what course of action is open to you?

[248] **Ms Williams:** The duties and the powers sit with local authorities. So, in the ultimate case of not being able to make contact, then it would fall to the local authority and we would work with the local authorities to use their powers to force a response and any necessary action.

[249] **John Griffiths:** Okay. Could I just move on with a few more questions around the private sector? With regard to those buildings that you have identified, what information have you provided to the owners or the managing agents, particularly in terms of cladding issues, and the steps that they should be taking?

[250] **Carl Sargeant:** Exactly the same as we did with the public sector; we don't see any differentiation between the two sectors.

[251] **John Griffiths:** Okay. And in terms of discussions with local authorities and the fire and rescue services regarding their roles in particular with regard

to the private sector and addressing fire-risk issues, what discussions have you had?

[252] **Carl Sargeant:** It is a complete process that we have replicated through the whole sector. As I said earlier, we don't see any differentiation between the two other than identifying the body that owns the building, which is more problematic in some areas. And, as I said to Rhianon before, we're looking—. That's the early indication that something needs to be considered about registration and risk. So, we operate with the same principle as the fire service in that—

[253] **John Griffiths:** But have you felt that there's a need to point fire and rescue services or local authorities in the direction of some of the private sector risks, given the concentrations?

[254] **Carl Sargeant:** Early on, Chair, when we were even going through the process of trying to identify these buildings and how we would do this, local government proactively sent officers walking around streets to identify buildings that they thought were possibly at risk—seven storey and above are pretty obvious, but, even ones that weren't, looking at what these buildings looked like and even thinking, 'If it's cladded, is there a risk there?' So they've been extremely impressive, the way they've operated.

[255] **John Griffiths:** So, would you say to residents of high-rise blocks, then, that they should be confident that the owners, the managing agents, are taking necessary steps, are properly informed? Could you provide that reassurance to them?

[256] **Carl Sargeant:** Well, all of the ones that we've had contact with, that are engaged with us, I'm confident that they are engaging their residents appropriately, as we would expect the public sector bodies to do as well. The risk that we've identified, as alluded to by Emma, is that there is still some buildings we haven't yet established ownership to move to that next stage. But we will pursue that with vigour.

[257] **John Griffiths:** Okay. David.

[258] **David Melding:** On the cladding system, I notice that Glasgow City Council has also tested the robustness of these systems in strong wind, and some have failed. There are two issues here. If cladding detaches, then that is obviously a physical threat to anyone on the ground. But, of course, if it

remains in place, the integrity could be weakened, and then its vulnerability to fire, or at least its ability to insulate if there is an incident. Are you going to look at that evidence?

10:30

[259] **Carl Sargeant:** We are aware of that. We don't believe we are exposed to that risk here in Wales.

[260] **David Melding:** Okay.

[261] **John Griffiths:** Okay. Can I thank the Cabinet Secretaries and their officials very much for coming along to give evidence to committee today on these very important and serious matters? You will be sent a transcript of your evidence to check for factual accuracy. Thank you very much for coming along today.

[262] **Carl Sargeant:** Thank you, all.

10:30

Papurau i'w Nodi Papers to Note

[263] **John Griffiths:** The next item on our agenda today, item 3, is papers to note. Papers 2 to 5 relate to Communities First, and we will have a draft full report to consider next week. Papers 7 to 9, relating to the legislative consent motion on the Financial Guidance and Claims Bill, we will consider in private session later today. Are there any issues you'd like to raise or are you happy to note those papers and the others? Happy to note. Okay. Thank you very much for that.

10:31

Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y Cyhoedd Motion under Standing Order 17.42(vi) to Resolve to Exclude the Public

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in accordance with Standing Order 17.42(vi).

Cynigiwyd y cynnig.

Motion moved.

[264] **John Griffiths:** Item 4, then, is a motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting. Is the committee content so to do? Okay. We will move into private session.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10:31.

The public part of the meeting ended at 10:31.