



# Equality, Local Government and Communities Committee

Inquiry into fire safety in high-rise buildings

Mid and West Wales Fire and Rescue Service



## Overview

Welsh Government Consultation Document

Safer Buildings in Wales: A Consultation

A Building Safety White Paper

Welsh Government (WG) are proposing a new Building Safety Regime for Wales. This will present a significant overhaul to the existing system, it would also result in the most expansive building safety regime in the UK.

Welsh Government propose that the scope of the Building Safety Regime covers all multi-occupied residential buildings. This refers to any building where there are two or more dwellings, regardless of whether there is a shared front door to the building. This means that the scope of the regime would capture a house converted into two flats, a licensed House in Multiple Occupation through to a high-rise apartment block.

Within the proposal, the document suggest that there would be two categories of buildings in scope although an alternative model could see this broken down into 3 categories. In terms of the two category approach this would see categorisation as follows:

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

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

Mid and West Wales Fire and Rescue Service (MWWFRS) records indicate that there are 50 High Rise Residential Buildings within our area which fall into Category 1. This may be significantly more as there are another 32 residential buildings which are 6 storeys in height but their height in metres, and as such attainment of the 18m threshold, is not known at present.

The number of Category 2 buildings is difficult to quantify at this stage and further work is ongoing to extract this data. WG have indicated within the document that they estimate that there are between 13,000 and 37,000 qualifying premises in Wales. Initial evaluation of the data we hold suggests that there are in excess of 5,500 premises within the scope of the Category 2 designation for the Mid and West Wales Fire and Rescue Service area.

The regulation of High Rise Residential Buildings has historically provided challenges in identifying the Responsible Person accountable for the building. This consultation proposes a duty holder role for all buildings occupied within the scope of the regime; this is a welcome proposal and will provide clarity and accessibility in terms of engagement and enforcement activities.

## **Priority Areas**

There are a number of elements within the consultation which will impact upon Mid and West Wales Fire and Rescue Service; these are detailed below as priority areas.

### **1. Buildings in Scope**

The consultation proposes that the scope of the Building Safety Regime will cover all multi-occupied residential buildings. This means any building where there are two or more dwellings, regardless of whether there is a shared front door to the building. The scope of the regime would capture a house converted into two flats, a licensed House in Multiple Occupation through to a high-rise apartment block.

Whilst parts of the buildings proposed to be in scope already feature as relevant areas within existing legislation, they would not typically all feature as part of a Risk Based Inspection Programme. The added focus on the Category 2 buildings in particular would place a significant increase in workload on Mid and West Wales Fire and Rescue Service; these are residential buildings of 6 floors or less which consist of two or more dwellings. It is estimated from the data that is currently held that there are in excess of 5,500 buildings of this nature within our Service area.

### **2. Categorisation of Buildings**

The consultation proposes two options for categorisation of buildings in scope. Regardless which option is implemented, the resulting workload will have a significant impact on the auditing activities of the Service and will require proportionate resourcing. The new regime will undoubtedly improve the regulation of building safety for those buildings in scope as will the extended remit of the Fire Safety Bill to provide access and regulatory overview to other areas of the buildings.

### **3. Building Safety Regime and the Fire Safety Order**

The Building Safety Regime will provide an important legislative lever that will increase the safety of occupants of High Rise Residential Buildings and other buildings in scope. It will sit

alongside the Fire Safety Order as complementary fire safety legislation but their application would be distinctly separate. This will require Fire Safety Inspectors to be upskilled to be able to effectively engage in any new regulatory role, this will naturally have an impact on the requirement for training, maintenance of competence and potential restructure of existing Fire and Rescue Service Protection teams' resources.

#### **4. Omissions from Buildings in Scope**

The proposal recognises that single flats above commercial premises, such as restaurants, shops, or pubs, would not be covered by the scope of this proposal. The document proposes to strengthen the Fire Safety Order to improve fire safety measures in such premises.

It is disappointing that these types of premise do not feature within the scope of the proposal as they typically account for a regular purpose group which attracts a regulatory spotlight from Fire and Rescue Service Protection teams. Any amendment to the Fire Safety Order should be robust enough to ensure that these premises are adequately regulated.

#### **5. Gateway Control Points**

Currently, Fire and Rescue Services are involved at the proposed Gateway 2 point which is before construction begins and also following occupation. The current involvement at proposed Gateway 2 is as a statutory consultee for Building Regulations Consultations.

Consultation at Gateway 1, before planning permission is granted, is currently voluntary and Mid and West Wales Fire and Rescue Service (MAWWFRS) receives approximately 5 consultation requests per year. Any increase in statutory consultation workload will inevitably lead to an increased resource demand. This relates not only to the initial consultation response but also with the management of any appeals arising as part of the process.

The gateway control methodology is welcome and will ensure that any issues are dealt with at source and to the satisfaction of the regulating authority at that stage.

## **6. Statutory Consultees**

Prior to the publication of the current consultation document (Safer Buildings in Wales: A Consultation), Mid and West Wales Fire Authority responded to a separate consultation document issued last July (2020) relating to 'Fire and Rescue Authorities becoming statutory consultees in the development management process'. This would see Fire and Rescue Authorities becoming statutory consultees at the pre planning stage and would enable observations to be provided on matters such as water supplies, access for emergency vehicles and proximity to areas prone to instances of wildfire for example. It is estimated that this work will attract in the region of 250 additional consultation requests per year for Mid and West Wales Fire and Rescue Service.

In addition to the proposals within the consultation 'Fire and Rescue Authorities becoming statutory consultees in the development management process', the current consultation (Safer Buildings in Wales: A Consultation) proposes additional duties for Fire and Rescue Services in Wales.

For Category 1 buildings the current consultation proposes that a Fire Statement is prepared to help planning authorities and highway authorities to consider the ongoing requirements of tall buildings and how these features can be safeguarded. Fire and Rescue Services will be expected to bring any errors or omission to the attention of local planning authorities as part of their statutory consultee role.

The current consultation advises that Fire and Rescue Services will have a closer role with developers and advisers on fire safety issues, such as the type and number of fire appliances that may be needed to respond to a fire in any given building.

## **7. Promoting Building Safety**

Promoting fire safety is a statutory function of Fire and Rescue Services under Section 6 of the Fire and Rescue Services Act 2004, this is typically discharged via a raft of fire prevention and fire protection measures.

Mid and West Wales Fire and Rescue Service already engage widely with private, public and commercial stakeholders and the proposed requirement for the Accountable Person to provide general fire safety advice for residents is welcomed. It is likely that as a result of this requirement that requests for advice, education and engagement from both the Community

Safety and Business Fire Safety teams of Mid and West Wales Fire and Rescue Service' will greatly increase.

## **8. Assistance to Evacuate**

It is not normal for a full evacuation to be undertaken in a purpose built block of flats, however in some cases, for instance if a fire spreads out of control this may be necessary.

The consultation proposes that residents who may require assistance to escape in the event of a full evacuation should have the right to voluntarily supply their details to the Accountable Person, who would be under a duty to collate them, and to supply them immediately to the Fire & Rescue Service in the event that an evacuation of the building was necessary.

This site specific information will be valuable in the event of an evacuation event occurring, however keeping any records up to date and current will involve ongoing engagement with the Accountable Person of each building in scope.

## **9. Regulatory Arrangements**

Regulatory oversight in Wales is currently split between the 3 Welsh Fire and Rescue Services and 22 Local Authorities. The agreed model for the new Building Safety Regulator, where it will sit, how it will be structured and funded, and the sourcing of necessary capacity and expertise is still to be determined.

The current regulators have specialist knowledge of building safety although more effective collaboration and effective dialogue would support a stronger regulatory regime. We feel that a wider range of regulators (multiple regulators) would in practice slow regulatory processes and create greater confusion.

Conversely, a single regulator is going to need to draw upon the expertise and technical experience of existing authorities. This means that existing regulators would still retain involvement in the regulatory landscape. What this means in practice is that the extent to which there really is a 'single' regulator could again be tempered by the operational reality.

At this time, Mid and West Wales Fire and Rescue Service is of the opinion that the proposed concurrent regulatory model would best serve the aims of this proposal. This would maintain

the existing model and improve identified deficiencies to strengthen the regulatory regime going forward. This could include developing a framework to clarify which aspects each Authority is responsible for to avoid overlap/duplication of efforts.

### **10. Joint Inspection Team**

The development of a Joint Inspection Team will allow closer collaborative assessment of High Rise Residential Buildings in the first instance. Whilst the Joint Inspection Team will have no exclusive legal authority, it should be the case that the team will benefit and be able to execute the legal authority of its constituent members.

The proposed partners within this team will further enhance existing lines of partnership communication and will be a valuable step towards maximising the safety of residents of buildings in scope. The Fire and Rescue Service will form a key and integral part of the initial Joint Inspection Team and any subsequent team established on a more permanent basis; as a result, consideration will need to be given to how Fire and Rescue Services resource this team and its resulting impact on other statutory Fire Safety activities.

### **Conclusion**

Mid and West Wales Fire and Rescue Service support the consultation and the key themes of its proposals, whilst recognising that there is further work to be done to identify and develop stronger regulation. The proposals are not piecemeal in any way and represent an approach that is stronger, clearer and sustainable for the future, placing the safety of building residents at the forefront of such changes

It is clear that the proposal will have a significant impact on the resourcing demands placed upon Mid & West Wales Fire & Rescue Service. In addition, any future amendments to the current Risk Based Inspection Programme will have a further impact on current statutory work based on existing Fire & Rescue Service resources.