



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 1  
Legislation Committee No. 1**

**Dydd Mercher, 14 Gorffennaf 2010  
Wednesday, 14 July 2010**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Rosemary Butler	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Chris Franks	Plaid Cymru The Party of Wales
Val Lloyd	Llafur Labour
Rhodri Morgan	Llafur (yn dirprwyo ar ran Ann Jones) Labour (substitute for Ann Jones)

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

Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Liz Wilkinson	Clerc Clerk

*Dechreuodd y cyfarfod am 9.57 a.m.*  
*The meeting began at 9.57 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Rosemary Butler:** Good morning, everyone, and welcome to today's meeting. I welcome Rhodri Morgan who is permanently substituting for Ann Jones while her Proposed Domestic Fire Safety (Wales) Measure is being considered by this committee. I hope that you will enjoy this work, Rhodri.

[2] I want to remind you all that the committee operates bilingually and that you can use the headsets to listen to a translation of the Welsh contributions, or as an induction loop to hear the whole proceedings more clearly. I also remind you to turn off your mobile phones, pagers or other electronic devices. Doing that will not threaten your way of life, but they do interfere with the broadcast and translation systems.

[3] **Rhodri Morgan:** Will they set off the sprinklers? [*Laughter.*]

[4] **Rosemary Butler:** I was just coming to that. If there is a fire alarm—and no drill has been arranged for this morning—the ushers will escort us from the room. There is no need to touch the microphones as they will come on automatically.

9.58 a.m.

**Mesur Arfaethedig Diogelwch Tân Domestig (Cymru)**  
**The Proposed Domestic Fire Safety (Wales) Measure**

[5] **Rosemary Butler:** This morning, we are here to discuss the committee's approach to the scrutiny of the Proposed Domestic Fire Safety (Wales) Measure. You will remember that

it was introduced to the Assembly by Ann Jones on 8 July 2010. The proposed Measure has been referred by the Business Committee to this committee for Stage 1 scrutiny. The committee must report on our consideration of the proposed Measure no later than 12 November 2010, which is the deadline set by the Business Committee. The purpose of the proposed Measure, as set out in the accompanying explanatory memorandum, is

[6] ‘to introduce a requirement for the provision of automatic fire suppression systems in new residential premises in Wales’.

[7] It has the aim of reducing

[8] ‘the incidence of death and injury from fires in newly created residences in Wales’.

[9] The purpose of our meeting today is to agree our approach to Stage 1 scrutiny of the proposed Measure.

[10] I suggest that we scrutinise the proposed Measure as we have done previously. First, we need to consider whether there is a need for a proposed Measure to introduce a requirement for the provision of automatic fire suppression systems in new residential premises in Wales. We need to decide whether the proposed Measure achieves its aim of reducing the incidence of death and injury from fires in newly created residences in Wales. We need to consider: the key provisions set out in the proposed Measure and whether they are appropriate to deliver its aims; the practical and financial implications of the proposed Measure; and the views of stakeholders who will have to work within the new arrangements. Are Members content with that recommended framework? I see that you are.

10.00 a.m.

[11] **Val Lloyd:** What about the inclusion of ‘adaptation’ in bullet point 2?

[12] **Rosemary Butler:** It is this issue of whether it is new but it is also adaptations. Perhaps Stephen, our legal adviser, can advise us on that.

[13] **Mr Davies:** The phrase ‘newly created premises’ is defined for the purposes of the proposed Measure, but, for consultation purposes, perhaps we could add ‘adaptation’ so that it is clearer.

[14] **Rosemary Butler:** We will make sure that that point is added to our final report, as it could be very important.

[15] I suggest that we gather evidence by issuing a general call for evidence, which will be notified to the media and published on the Assembly’s website. We will invite written submissions from key stakeholders and invite witnesses, including Ann Jones to give oral evidence to the committee. Are Members content with that approach? I see that you are. Therefore, I will arrange for a letter to be issued as soon as possible inviting written submissions to inform our work. Those consultations will take place over the summer recess, so, when we come back in September, we will hopefully have received a good response.

[16] We are also looking at inviting people as well as Ann Jones to give evidence. The proposal is that we ask Jane Davidson, Minister for Environment, Sustainability and Housing, the Welsh Local Government Association, representatives from each of the regional fire and rescue services, Community Housing Cymru and representatives of the building industry, preferably the Home Builders Federation given that it represents 80 per cent of the smaller builders in Wales. We should also invite people who have specialist knowledge or experience of automatic fire suppression systems. We will be looking for organisations across the UK to

come to give us evidence. Time permitting, we also suggest inviting Dŵr Cymru and the Association of British Insurers.

[17] **Rhodri**, I think that you wanted to add a couple of others to that list.

[18] **Rhodri Morgan**: Yes. Given that a unique feature of the British housing industry is the availability of mortgages, the Council of Mortgage Lenders should be asked to give written evidence. I understand that it has not expressed a huge amount of interest in the proposed Measure so far, but a little bit of communication from the clerk might help it to appreciate why we consider its advice to the committee to be pretty important.

[19] On the building industry representatives, there are segments in the building industry of people who build houses. There can be individual builders who build to order for an individual who wants to build their own house, there are small builders who build small estates of up to 20 houses, and then there are the big Wimpey-type builders. They are all in different federations, so we need to make sure that we understand how it affects all three of those segments of the building industry. You have your Redrows and the Wimpeys at the top, and then you have the reasonably sized builders, which never build more than 25 houses on small estates in small towns and villages, especially throughout rural Wales, and then you have the builders who will come along and build a house for you if you have your own design and architect, and so on. It is not the same industry, so we need to cover the waterfront in that regard.

[20] **Rosemary Butler**: We will certainly add those.

[21] **Eleanor Burnham**: My question was about finding out who represents the 20 per cent of builders who are not represented by the Home Builders Federation that Rhodri mentioned. Should we not ask the Federation of Small Businesses for written evidence? Do we also have architects on our list inviting written evidence? Would they be relevant?

[22] **Rosemary Butler**: Architects are not on the list, but if you think that they are relevant we could invite the Royal Institute of British Architects.

[23] **Eleanor Burnham**: We could also ask for written evidence from the FSB, as we have the CBI in.

[24] **Rosemary Butler**: Yes. I do not think that we have contacted the Council of Mortgage Lenders in relation to this proposed Measure, only in relation to the proposed Order, which is quite different. We shall therefore ensure that it is included.

[25] **Rhodri Morgan**: The thought occurred to me that we could include the Royal Institute of Chartered Surveyors, which is very active in Wales. Its members carry out inspections of houses. Before you can get a mortgage, you have to have a chartered surveyor look at the house. Given that home information packs have disappeared now, the onus is back on the seller and the purchaser of the house and the mortgage lender to get the right advice on whether the house complies with regulations, and that would be a job for a surveyor, I guess. Therefore, I think that the RICS, which is quite a powerful body in Wales, should be on the list somewhere.

[26] **Rosemary Butler**: Fine. We will ask for written evidence from it. Val, are there any other bodies that you can think of?

[27] **Val Lloyd**: No, I think that they have all been covered.

[28] **Rosemary Butler**: The list is not an exhaustive one; if you think of someone else,

just let the clerk know. That would be very helpful. I will arrange for a letter to be sent out inviting those people to make a written submission over the summer.

[29] Our next meeting will take place on Thursday, 23 September—

[30] **Rhodri Morgan:** Sorry, Chair, but can we just go back to the point about building inspectors? They are part of local government and we need to be specific in our call for evidence, written or oral, from local government. We need to have it from local government in general, but we also need it from local government specifically, from building inspectors.

[31] **Rosemary Butler:** That is important. The other issue is whether this would be a planning matter or whether it would be for building inspectors only.

[32] **Rhodri Morgan:** Building inspectors.

[33] **Rosemary Butler:** I meant when you are applying for planning permission, and the planners—

[34] **Rhodri Morgan:** I do not think that that comes into it.

[35] **Mr Davies:** It would actually be both, because section 4 of the proposed Measure relates to information that you must provide to the local authority planners. When you give the authority the plans, you have to give specific information about what you are going to do about fire sprinklers or automatic fire suppression systems.

[36] **Rosemary Butler:** Then the building inspectors ensure that it is done—but it has to be in the original planning application.

[37] **Mr Davies:** That is right.

[38] **Rosemary Butler:** We just need to ensure that that is clear in our consultations. Thank you for that, Rhodri. I think that the WLGA will cover the planning issue in that regard.

[39] The number of weeks allocated to us by the Business Committee means that time is quite tight for this, so the work will be quite intensive, and the meetings could well be three-hour meetings. If you could please ensure that you slot that into your diaries, that would be helpful.

[40] On 23 September, we hope to take evidence from Ann Jones, the Member in charge of the proposed Measure. The clerking team will confirm the exact times for you before that meeting. There are no other points that we need to cover. I declare the meeting closed.

*Daeth y cyfarfod i ben am 10.08 a.m.  
The meeting ended at 10.08 a.m.*