



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

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

**Dydd Iau, 23 Medi 2010
Thursday, 23 September 2010**

Cynnwys
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The Proposed Domestic Fire Safety (Wales) Measure: Stage 1—Evidence Session 1

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 diprwyo ar ran Ann Jones) Labour (substitute for Ann Jones)
Nick Ramsay	Ceidwadwyr Cymreig Welsh Conservatives

Eraill yn bresennol
Others in attendance

Andrew Bateson	Cyfarwyddwr Gwasanaethau Technegol, Tai Cadwyn Director of Technical Services, Cadwyn Housing
Jane Davidson	Aelod Cynulliad, Llafur, y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai Assembly Member, Labour, Minister for Environment, Sustainability and Housing
Chris Enness	Dirprwy Brif Swyddog Tân, Gwasanaeth Tân ac Achub Staffordshire Deputy Chief Fire Officer, Staffordshire Fire and Rescue Service
David Hedges	Ymgynghorydd Polisi Tai, Tai Cymunedol Cymru Housing Policy Adviser, Community Housing Cymru
Nia James	Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services, Welsh Assembly Government
Ann Jones	Aelod Cynulliad, Llafur Assembly Member, Labour
François Samuel	Pennaeth Adeiladu, Llywodraeth Cynulliad Cymru Head of Construction, Welsh Assembly Government

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

Keith Bush	Prif Gyngorydd Cyfreithiol Chief Legal Adviser
Stephen Davies	Cyngorydd Cyfreithiol Legal Adviser
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Ben Stokes	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Liz Wilkinson	Clerc Clerk

Dechreuodd y cyfarfod am 9.29 a.m.
The meeting began at 9.29 a.m.

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

[1] **Rosemary Butler:** Good morning, everyone, and welcome to today's meeting. I remind Members that Rhodri Morgan, Assembly Member, will be substituting for Ann Jones for the duration of this committee's consideration of Ann's Proposed Domestic Fire Safety (Wales) Measure. So, welcome to you, Rhodri.

[2] I remind Members that the committee operates bilingually and that you can use your headsets to listen to a translation of Welsh contributions, or as an induction loop to hear the whole proceedings more clearly. Please turn off any mobile phones, pagers or other electronic devices, as long as it will not threaten your life to do so, as they interfere with the broadcast and translation systems. If the fire alarm sounds, the ushers will escort us from the room. Please do not touch the microphones, as they will come on automatically when you wish to speak. I remind Members that our legal adviser this morning is Stephen Davies, and we also have Ben Stokes from the Members' research service in attendance.

9.30 a.m.

**Mesur Arfaethedig Diogelwch Tân Domestig (Cymru): Cyfnod 1—Sesiwn
Dystiolaeth 1
The Proposed Domestic Fire Safety (Wales) Measure: Stage 1—Evidence Session
1**

[3] **Rosemary Butler:** The purpose of today's meeting is to take oral evidence in connection with the Proposed Domestic Fire Safety (Wales) Measure. You will recall that the proposed Measure has been referred to this committee by the Business Committee in accordance with Standing Order No. 23.21. The role of this committee as set out in Standing Orders is to consider and to report on the general principles of the proposed Measure. The committee must report to the Assembly no later than 12 November 2010. By way of reminder, the purpose of the proposed Measure is to require the provision of automatic fire suppression systems in new residential premises in Wales.

[4] I welcome Ann Jones, who normally sits on our side of the table, as the Member in charge of the proposed Measure. She is accompanied this morning by Chris Ennes, who is now deputy chief fire officer at Staffordshire Fire and Rescue Service, and Keith Bush, the chief legal adviser. Ann, would you like to make a contribution to start?

[5] **Ann Jones:** I thank the committee, and certainly Rhodri for substituting for me to allow me to sit here as the Member in charge of the proposed Measure. I remind committee that this is a result of the successful LCO process that I took through on the same issue. I was pleased that the Assembly and Westminster gave fulsome praise to the way in which the Assembly was leading on this issue. This is what I think devolution is all about: us making our citizens' lives a lot easier, much better, and a lot safer. Some of the Measures and laws that we pass here might not often save lives, but I am confident that this one will. That is what I came into politics to do, and I think that this is a shining example of how we can make the devolution settlement really work for the citizens of Wales.

[6] **Rosemary Butler:** Fine, we shall just go straight into questions. I will start. Ann, what does the proposed Measure provide that cannot be provided through the existing legislative framework in relation to fire safety in newly created residences?

[7] **Ann Jones:** Fire safety in newly created residences refers to the fitting of hardwired smoke alarms, which is essential and part of the building regulations for new premises. At this

point, we ought to say that smoke alarms just alert you to the fact that there is a fire, the difference being that sprinklers will extinguish a fire. So, if you have a smoke alarm, it activates when there is a fire in your premises. You have to remember that if you are able to get out—that is, if you are fully mobile—you can do so and call the fire service, and then wait while the fire takes hold, but at least you will not, hopefully, have been injured. A sprinkler, however, will detect a fire, activate itself and douse the fire. All that happens then is that you call the fire service, which will attend to do a check to ensure that the rest of the building is okay. That is a lot safer, as you can leave the building once the sprinkler has activated and the fire will be put out, and also firefighters do not have to enter a burning building to look for people, as often happens. So, it is also a safety mechanism for firefighters. While they probably do not like to hear me saying that we need to protect them, as they want to be going in to save people, which is their job, we all have a duty to make it safer for them, where we can.

[8] Building regs at the moment stipulate that buildings over 30m high should have sprinkler systems installed. What I want to do is ensure that we have a sprinkler system fitted in every new home and in all new residential buildings. That is not provided for currently. If it were, we would not have spent three and a half years going through the LCO process, and we would not be taking this proposed Measure through, because it would already be there. Sprinklers have been around since 1885; they are nothing new. I think that the time has come for us to include them in legislation. It is obvious that, unless we legislate, we will not have sprinkler systems fitted.

[9] **Rosemary Butler:** The functions of making and amending the building regulations are to be transferred to the Welsh Ministers under the Welsh Ministers (Transfer of Functions) Order No. 2) 2009, which will come into force on December 31, 2011. It will provide the Welsh Ministers with the power to strengthen the building regulations in respect of fire safety. In view of this, why do you think that the proposed Measure is necessary?

[10] **Ann Jones:** The reason that I am trying to take this proposed Measure through is because it will become an Assembly Measure, so the Assembly will have control over it. Building regulations are being devolved, although we had hoped that they would have been devolved a little earlier. However, the devolution of building regulations is happening, but there is a sunrise clause in the proposed Measure that says that we will not amend building regulations for a considerable time, except for those dealing with energy efficiency. We can provide sprinklers in all new home builds through the proposed Measure, and I am happy to see it continue through the process, complementing building regulations and future work that we may do on them.

[11] **Rhodri Morgan:** The committee has received evidence from the housebuilding industry to suggest that newly built homes have ‘more rigorous fire safety measures’ than older housing stock. In view of the protection already afforded by the Building Regulations 2000, which require all newly built homes to have, for instance, smoke detectors, which you have already touched on in your preamble, why do you think that the proposed Measure is appropriate?

[12] **Ann Jones:** I have touched on the fact that hard-wired smoke alarms are a requirement for new builds, and I hope that I have demonstrated that smoke alarms are good and that they alert you to the fact that there is a fire. However, a sprinkler system is another measure for us to build. We have put sprinklers into warehouses and schools in Wales—I am hoping that England will follow—so we are leaving a patch of people, such as owner-occupiers who buy their own homes, among the swathe of people who are left untouched by the need to put those sprinklers in. Registered social landlords are starting to put sprinklers in buildings, and there will come a time where we will have an unequal safety mechanism for some people. That is what I want to try to equal out. By putting sprinklers into all new home

build, I am making everyone equal.

[13] **Rhodri Morgan:** Except for retrofitting sprinklers into old housing stock. You might say that that is the highest priority, but it is so damned difficult to do. Is there no practical way of retrofitting sprinklers?

[14] **Ann Jones:** Absolutely—that is utopia. I would love to see us retrofit sprinklers but we just cannot do that. Chris may want to say something about retrofitting.

[15] **Mr Enness:** If you think about the resistance that you get to something that is simple to do, such as provide a sprinkler to a new build where the water supply is already there, think of the resistance that you will get to having to dig up roads to lay new mains so that you can retrofit them. The issue about fire safety legislation in new homes is that every building that burns is covered by building regulations, but it does not stop them from burning down. Every fire that we attend as a fire service is in a building that is covered by building regulations. We have an ageing demography—people are getting older, more vulnerable and less able to leave their homes. Therefore, the ‘get out’ policy is becoming less appropriate. We need to be able to protect people where they are, and sprinklers provide that protection.

[16] **Rhodri Morgan:** Concern has also been expressed in evidence that no examination of the effectiveness of existing fire safety measures required under the Building Regulations 2000 has been carried out. It has been suggested that if real concerns exist in relation to the effectiveness of these measures, a more fundamental review of part B of the regulation in relation to fire safety is required. What is your response to that?

[17] **Ann Jones:** As I said, sprinklers have been around since 1885, and if developers had put sprinklers into properties we would not be sitting here today. It is not for me as the Member responsible for the proposed Measure to review part B of the building regulations, as they are only being devolved now. There has been an opportunity for developers to put sprinklers in. It brings me to the example of the Warrington estate; half of it was rebuilt for registered social landlord housing and half for owner-occupier housing. The developer was told, because of the regulations under the housing grant, to install sprinklers where the registered social housing would be, and he chose not to install them in the owner-occupier homes. Within weeks of the owner-occupiers moving in, there were all sorts of derogatory comments about those who were in properties with registered social landlords being better protected than hard-working people who were buying their own homes. I want to see this proposed Measure being passed because I want to stop that inequality.

9.40 a.m.

[18] **Rhodri Morgan:** The NHBC has made a point about preferring to see the completion of Parliament’s consideration of the Building Regulations (Review) Bill. What is your response to its claim that it would be ‘more reasonable’ for the Building Regulations (Review) Bill to reach its conclusion before progressing further with your Proposed Domestic Fire Safety (Wales) Measure, so that some account could be taken of the outcome of Parliament’s consideration of the Building Regulations (Review) Bill?

[19] **Ann Jones:** I think that the Bill going through Parliament was a private Members’ Bill. I think that it was Lord Harrison’s Bill that was taken through and defeated at the Second Reading. I am not sure. Perhaps Keith can explain.

[20] **Mr Bush:** As Ann has said, it is a backbench peer, Lord Harrison, who has introduced this Bill in the House of Lords. It has clearly been inspired by much of the work that Ann has done, if I may say so, because I see that some of the language of the Bill reflects the language of the legislative competence Order that she put through.

- [21] **Rhodri Morgan:** With royalties paid to Ann Jones.
- [22] **Ann Jones:** I wish. [*Laughter.*]
- [23] **Mr Bush:** If it were to become law—and given the circumstances, there may be questions marks over that—
- [24] **Rhodri Morgan:** Has whatever that was started in the old Parliament been allowed to be carried over; or has it started since May?
- [25] **Ann Jones:** No, I think that it had to be brought through again.
- [26] **Mr Bush:** I believe that it was introduced in July. I am only saying that its prospect of becoming law may be problematic. If it were to become law, it merely requires the Secretary of State to carry out a review and impact assessment of what would be the effect of amending the building regulations to provide for what this proposed Measure would provide for. Therefore, 12 months would be allowed for that to take place and any outcome will be in around two years in the future. It would not actually require the Secretary of State, or indeed the Welsh Ministers, to amend the building regulations.
- [27] **Ann Jones:** I think that this is about devolution. This is devolution working; it is about us making our place and our country much safer for the residents. That is what devolution is about. If not, I have been an Assembly Member for nearly 11 years under a misapprehension. I thought that that was what devolution meant. We are having building regulations devolved, so we will be responsible for them. This is a responsible proposed Measure that can stand on its own in Wales under the devolution settlement.
- [28] **Rhodri Morgan:** There is no law that states that Wales cannot lead and be copied elsewhere.
- [29] **Ann Jones:** No, that is right.
- [30] **Rhodri Morgan:** Okay. I have now finished.
- [31] **Val Lloyd:** You might have answered in a previous response part, if not all, of the first question that I was about to ask you. However, I wish to ask it for the record, for obvious reasons. Could you remind the committee why the duty to provide automatic fire suppression systems, set out in section 1 of your proposed Measure, applies only to newly created residences and not to existing housing stock?
- [32] **Ann Jones:** Yes, I think that I have done so. I mentioned utopia. I would have dearly loved to see this happen, but as politicians we need to be pragmatic in our approach. As Chris said, resistance to retrospective fitting of sprinkler systems would be enormous, and the cost would be tremendous to whoever is installing those sprinkler systems and the people concerned. We should start with new builds and draw a line in the sand, effectively, whenever this comes into force. It would not cost as much, as it could be done at the construction stage. Therefore it is easier to install and easier to see. We can look across to England, to Warrington, and we also take our views from Vancouver and Scottsdale, Arizona and the benefits seen there—we must start somewhere. Any house being refurbished, turned into flats or substantially extended will be covered in the proposed Measure. Hopefully, we will see it. We have to start somewhere. When my grandchild of eight weeks looks for a home, I hope that it will be fully fitted with sprinklers, and that it will be the legacy of this Assembly that has made that happen.

[33] **Val Lloyd:** The committee has received evidence questioning whether the statistics provided in the explanatory memorandum, which relate to death and injuries from fire in all dwellings in Wales, are

[34] ‘sufficiently focussed to accurately assess the benefit of the proposed Measure’.

[35] Of the figures provided in paragraphs 3.8 and 3.9 of the explanatory memorandum, can you clarify how many of the fires occurred in newly built homes and how many were in older housing stock? Secondly, can you also provide details of the types of dwellings within which the fires occurred; for example, house, flat or caravan?

[36] **Ann Jones:** To go back some 20 years to when I was a fire control operator, one of my duties was to fill in the FDR1 forms—it is awful, because I cannot even remember what the FDR stands for. However, it was a form that the fire service was required to fill in once it had been to an incident that involved a house or property. We would be required to identify the type of property, such as a semi-detached or terraced house, and roughly the age of the property. I have tried to find out whether that system remains. Computer systems have developed and they interrogate this form. I do not think that it is even called FDR1 now.

[37] **Mr Enness:** No, it is known as the incident reporting system.

[38] **Ann Jones:** I have been unable to get hard figures but we are working on that. I will try to get some figures that break down the number of deaths and injuries in new properties, as opposed to deaths and injuries in older properties. I will try to do so during the course of your scrutiny of this proposed Measure. I do not know whether you, as a committee, could write to Communities and Local Government to ask whether the figures are easily collected, because we do not want to put an awful lot of burden on overworked staff within the fire service.

[39] **Rosemary Butler:** If you could find those figures, Ann, and submit them in written evidence that would be helpful. We will also make some inquiries. Would you like to move on, Val?

[40] **Val Lloyd:** Yes. We raised that question because we have had some evidence that suggested that further work needs to be undertaken.

[41] **Ann Jones:** I will just say that a new home today is an old home tomorrow. We just have to look at fire deaths. While we look at statistics and find that it is nought point whatever per cent, we must remember that every fire death affects someone, their family and the local economy. We need to keep that in perspective when we look at statistics.

[42] **Val Lloyd:** Yes, certainly. It has been suggested that a more effective approach to reducing the incidence of death and injuries from fire would be to concentrate efforts on improving fire safety in older housing stock. How would you respond to that?

[43] **Ann Jones:** I think that you could look at fire safety in older stock alongside the proposed Measure. I think that my proposed Measure can go ahead. If people take stock of the fact that new homes will be better protected, perhaps they will look at doing what they can about fire safety in older properties. I think that this proposed Measure leads the way, and shows Wales leading the way. We should be proud of what we are doing here. I would like to see every house fully protected but I know that I am not able to do that. The part that I am playing might just jog the memories or the consciences of some and they may take another look at the developments in their dwellings.

[44] **Val Lloyd:** Again, according to the evidence that the committee has received, it is

generally accepted that certain socioeconomic groups are more at risk of fire than others. I am sure that you know that. In view of this, would it be more sensible to seek ways to target improved fire safety measures according to those known risk factors in groups?

[45] **Ann Jones:** If we target safety measures at everyone it will make it equal for everyone. A good proportion of the new build that I hope will come after we have passed this proposed Measure will be for registered social landlords. They are the ones to whom the Assembly will give the housing grants. They accommodate those who are vulnerable and most at risk.

9.50 a.m.

[46] Social problems affect the risk of fire, and there are people who are more at risk of fire, but fire can strike anyone. Through this proposed Measure, we are equalising things for everyone. Anyone in a new home in Wales will have a sprinkler system installed and, hopefully, the registered social landlord new builds will cover those people who are less fortunate and unable to heed the education messages that the fire service and the Welsh Assembly Government are conveying. Registered social landlords will be made to install sprinkler systems.

[47] Fire deaths have plateaued now, therefore something has to be done to decrease fire deaths. On average, there are 20 deaths a year in Wales, which is 20 families and 20 people, as well as the costs to the economy. This proposed Measure will stop that. We will protect those vulnerable people through the registered social landlords.

[48] **Val Lloyd:** The committee has received evidence from a number of sources that tell us that research undertaken in the United Kingdom has failed to support the case for automatic fire suppression systems other than in residential care homes, blocks of flats that are over 11 storeys, and some new social housing. In view of this, why have you chosen not to adopt a more targeted approach, possibly, for example, in line with the findings of the Building Research Establishment review and the Department of Communities and Local Government report?

[49] **Ann Jones:** Throughout this I have tried to demonstrate that I want to see an equal society in Wales. This proposed Measure equalises it all. The BRE report, which was published in 2004, did make those points, but because it affects England I will pass it over to Chris, because he has been heavily involved in the BRE report. He will be able to give us some updated information about it.

[50] **Mr Enness:** The BRE report requires updating. Although it was published in 2004, much of the information was taken from way back before we were installing sprinklers; therefore we did not have the empirical evidence to include in the report to make it more robust. I work very closely with the BRE on the updating of this report. The figures will change. The figures on how a sprinkler influences the saving of life will change and will be more reflective of the findings of studies in America and Canada. The BRE report requires updating, as the BRE itself accepts, which is why the report is being updated, using the same models, but using more up-to-date evidence.

[51] **Val Lloyd:** I understand that the latest BRE review is due in the autumn. Did you consider possibly waiting for the outcome of that review before you proceeded?

[52] **Ann Jones:** No. You could carry on waiting and waiting. Some of us in the fire service have been waiting and hoping that developers would, through goodwill, install sprinklers. The arguments are there, and we have made them time and again, but that has not happened. There comes a time when you just have to say, 'No, we cannot wait anymore'. If

the report is out in the autumn, I will look at it and see what is included in it. As with most reports that we eagerly await, there is slippage. I need to see this proposed Measure through and it needs to be through before the end of this Assembly. I could not afford to wait any longer, but I will look at the report when it comes out to see whether there is anything that we could add that would assist us in making our argument.

[53] **Val Lloyd:** Thank you very much.

[54] **Rosemary Butler:** We will now move on to Eleanor Burnham.

[55] **Eleanor Burnham:** Wrth roi tystiolaeth i'r pwyllgor, awgrymodd Gwasanaeth Tân ac Achub Canolbarth a Gorllewin Cymru y dylid dileu'r term 'newydd' yn adran 1(2)(c) a (d), gan ddweud y gallai roi'r cyfle i'r rheiny sydd am osgoi'r cyfrifoldeb o ddarparu taenellwyr wneud hynny. Beth yw eich barn ar hyn?

Eleanor Burnham: In evidence to the committee, Mid and West Wales Fire and Rescue Service suggested that the term 'new' in section 1(2)(c) and (d) should be deleted since it may provide an avenue of challenge for those looking to avoid installing sprinklers. What are your views on this?

[56] **Ann Jones:** That is one for my legal people to deal with. Before I pass it on to Keith, I will just say that we had great support from Westminster during the LCO process. The Welsh Affairs Committee and the House of Lords Constitution Committee were very keen to see the wording. I accepted their recommendation and I gave them my word that I would include it. I will let Keith explain the legal reasons.

[57] **Mr Bush:** Yr wyf yn derbyn yn gyffredinol y gall fod amwysedd ynglŷn â'r gair 'newydd'. Pan fyddwch yn dweud, 'Mae gennyf arddwr newydd', nid yw hynny'n golygu bod y person hwnnw newydd gael ei eni. Os ydych yn dweud, 'Mae gennyf gar newydd', nid yw hynny o reidrwydd yn golygu bod y car yn newydd sbon. Yn y cyddestun hwn, yr wyf yn ffyddiog bod yr ystyr yn berffaith glir. Hynny yw, yr ydym yn sôn yma am greu annedd newydd oddi wrth nifer o anheddau a oedd yno o'r blaen, sef y rhai presennol. Felly, yr wyf yn ffyddiog nad yw'r pryder sydd wedi cael ei godi yn un sy'n gofyn am newid i'r geiriad. Fodd bynnag, yr wyf yn berffaith fodlon edrych drachefn ar y geiriad, fel yr wyf yn siŵr y bydd Ann, er mwyn gweld a oes modd gwneud yr ystyr yn hollol glir.

Mr Bush: I accept in general that there can be ambiguity around the word 'new'. When you say, 'I have a new gardener', it does not mean that that person has just been born. If you say, 'I have a new car', it does not necessarily mean that the car is brand new. In this context, I am confident that the meaning is perfectly clear. That is, we are talking here about creating a new dwelling separate from the number of dwellings that were previously there, namely the present dwellings. Therefore, I am confident that the concern that has been raised does not require a change to the wording. However, I am content, as I am sure that Ann will be, to look again at the wording to see if the meaning can be made completely clear.

[58] **Eleanor Burnham:** Pam y gwnaethoch ddewis darparu i Weinidogion Cymru bennu'r gofynion hynny y dylai systemau llethu tân awtomatig eu bodloni yn y rheoliadau, yn hytrach na chynnwys y gofynion ar wyneb y Mesur arfaethedig?

Eleanor Burnham: Why have you chosen to provide for the Welsh Ministers to prescribe in regulations the requirements that automatic fire suppression systems must comply with, instead of including these on the face of the proposed Measure?

[59] **Ann Jones:** We thought long and hard about the proposed Measure, and, as you know, it took three and a half years to complete the LCO process. So, I have given quite a lot of thought to this, because I was confident that we would get the LCO. I had given a lot of

thought to how I would introduce the proposed Measure following the LCO, and this will be the very first one that the Assembly has done from start to finish—it will be the very first Member proposed Measure to come from a Member proposed LCO that the Assembly will have done. We looked at front-loading the proposed Measure with all the requirements, but time is short and we need to get it through. I am confident that the Minister will bring regulations forward, and I am grateful for her support of that in principle and acknowledgement that that will happen. Keith, do you want to talk about the legal aspects of it?

[60] **Mr Bush:** Darpariaeth ganolog y Mesur arfaethedig yw darparu bod yn rhaid i'r anheddau dan sylw gynnwys system llethu tân awtomatig. Beth yw system llethu tân awtomatig? Mae'n amlwg y gall system o'r fath gymryd nifer o ffurfiau, ac y bydd gofynion technegol y systemau hynny yn datblygu dros gyfnod o amser wrth i dechnoleg ddatblygu. Felly, mae'n arferol diprwyo i reoliadau ddarparu bod safon dechnegol arbennig i gael ei digoni gan system arbennig, oherwydd pe baech yn rhoi hynny ar wyneb y Mesur arfaethedig a phe bai safonau'r diwydiant yn newid, byddai'n rhaid newid y Mesur, sy'n hollol anymarferol. Felly, mae hynny'n un rheswm da dros ddirprwyo safonau technegol i reoliadau a wneir gan Weinidogion.

Mr Bush: The proposed Measure's central provision is to provide that the dwellings concerned must include an automatic fire suppression system. Obviously, such a system can take many forms, and the technical requirements of those systems will develop over time as technology develops. Therefore, it is usual to delegate to regulations the provision of a certain technical standard to be complied with by a specific system, because if you put that on the face of the proposed Measure and the industry standards change, you would have to change the Measure, which is completely impractical. So, that is one good reason for delegating technical standards to regulations made by Ministers.

10.00 a.m.

[61] Yn ail—ac mae hyn yn berthnasol i'r hyn a ddywedodd Ann—mae rheolau o dan gyfraith Ewrop sy'n golygu bod yn rhaid i safonau technegol gael eu dangos i Gomisiwn Ewrop o flaen llaw, fel bod ganddo ddigon o amser i farnu a ydynt yn ymyrryd mewn unrhyw ffordd ym masnach rydd o fewn yr Undeb Ewropeaidd. Mae hynny'n golygu bod proses a bod angen trafodaeth ac yn y blaen. Felly, ni ellir gwneud hynny yn ymarferol drwy roi manylion technegol ar wyneb Mesur arfaethedig fel hwn.

Secondly—and this is relevant to what Ann was saying—there are rules under European law that mean that technical standards have to be shown to the European Commission beforehand, so that it has enough time to decide whether they interfere in any way with free trade within the European Union. That means that there is a process and a discussion has to be held and so on. So, in practical terms that cannot be done by having the technical details on the face of a proposed Measure such as this.

[62] **Eleanor Burnham:** Mae adran 1(4)(a) yn darparu

Eleanor Burnham: Section 1(4)(a) provides that

[63] 'bod yn rhaid darparu system llethu tân awtomatig ym mhob preswylfa'.

'each residence must be provided with an automatic fire suppression system'.

[64] A ragwelir y byddai angen system llethu tân awtomatig ar gyfer y breswylfa gyfan, neu a fyddai darparu taenellwr mewn ystafell neu ystafelloedd penodol yn ddigonol?

Is it envisaged that an automatic fire suppression system would be required for the whole of the residence, or would having a sprinkler in a selected room or rooms be sufficient?

[65] **Ann Jones:** My understanding is that we would look at the current standard that is applied to fire sprinkler systems, which is BS 9251:2005. Therefore, it is when the regulations are made that the discussion will take place about where the sprinkler systems will be. I think that it is prescribed in the standard that they should be in living areas, and we would expect nothing less than the standard.

[66] **Mr Bush:** Eto, byddai hynny'n cael ei nodi mewn rheoliadau, a byddai'r rheoliadau a wneir gan Weinidogion yn gallu gwahaniaethu rhwng gwahanol fathau o adeiladau, er enghraifft. Nid wyf yn arbenigwr technegol, wrth gwrs, ond caf ar ddeall y gallai'r gofynion amrywio rhwng gwahanol fathau o adeilad. Mae'n berffaith briodol gadael hynny i'r rheoliadau, felly.

Mr Bush: Again, that would be set out in regulations, and the regulations that Ministers would make would be able to differentiate, for example, between different types of buildings. I am not a technical expert, of course, but I understand that the requirements could vary between different types of buildings. It is perfectly appropriate to leave that to regulations, therefore.

[67] **Eleanor Burnham:** Felly, yr ydych yn fodlon bod digon o eglurder ynglŷn â'r mater pwysig hwn?

Eleanor Burnham: Therefore, you are satisfied that there is sufficient clarity on this important point?

[68] **Mr Bush:** Yr wyf yn fodlon bod y pŵer sydd gan Weinidogion i ddelio â'r manylion yn ddigon i ddelio â'r pwynt hwnnw.

Mr Bush: I am satisfied that the power that the Ministers have to deal with the details are sufficient to deal with that point.

[69] **Chris Franks:** We all know of the problems to do with maintenance. It is the curse of school buildings; we may have had a shiny new school, for example, but then there is no money to maintain it. Is there a danger that there will be similar situation with a newly installed sprinkler system, where the householder fails to maintain it?

[70] **Ann Jones:** I think that the maintenance of the system would be prescribed in the regulations when the Minister comes to make them. Chris has done a lot of work on sprinklers; we should say that he is the lead on sprinklers for the Chief Fire Officers Association. I hope that he will be able to cite Wales as an example and get England to follow us. Chris, could you answer that one, because I do not understand the technicalities?

[71] **Mr Enness:** We over-mystify the maintenance of a sprinkler system. In everyone's home there is water going to a tap. You turn the tap on, and water comes out. The same is true for a sprinkler system; it is just that the heat actuates a bulb, which allows the water to come out. So, the water is fully charged to the system as it is fully charged to a tap; it is no more technical than that. The maintenance of it involves a quick visual inspection and a run-through—it is like flushing the toilet. So, we over-mystify the maintenance of a sprinkler system. It is like any water-serviced appliance; provided that the water is on, the system will work.

[72] **Chris Franks:** I see. So, in your view it would be wrong to compare it to, say, the maintenance of a gas boiler, which involves having to do something to the boiler, while in the case of a sprinkler a quick visual inspection would be carried out.

[73] **Mr Jones:** There would be a quick visual inspection and a flush-through of the system, which is like turning the tap on for five minutes.

[74] **Chris Franks:** Okay, thank you.

[75] **Rosemary Butler:** Eleanor wanted to come in on this point.

[76] **Eleanor Burnham:** Thank you. This might not be relevant, and, if so, I am sure that you will pick me up on it. There are issues to do with the cleanliness of water systems. There has been a lot of discussion about legionnaire's disease, and I read somewhere that you should always put the right chemicals in your car's screenwash because of legionnaire's. Is that an issue that might have to be dealt with?

[77] **Mr Enness:** That is a good point. Where there are dead legs in the water system, the bacteria that causes legionnaire's disease are allowed to flourish and grow. Our current water regulations do not allow dead legs in the system. That is why we are not allowed to trial lower-cost sprinkler systems in the UK unless we have dispensation from the water companies to do so.

[78] **Mr Bush:** So that there is no misunderstanding, I just want to say that the proposed Measure as it stands does not impose a continuing maintenance obligation on the owners or occupiers of properties. It ensures that a proper system is installed and it can go further than that, as the regulations made by the Ministers could make it a condition that a suitable maintenance agreement be offered to the purchaser. However, at the moment, it does not provide that the purchaser has a positive duty to maintain the system. The Assembly's legislative competence could extend to that, but there are major implications about that kind of obligation, which would have been impossible to deal with in the limited time that Ann has had to bring this proposed Measure before the Assembly. For example, you can fit a smoke detector to your house, but if you do not ensure that the battery is renewed every now and again, it will not work. Would you want to have the law saying that someone from the local council can come into your house to check that you have changed the batteries on the smoke detectors? I am not saying that there is not an important issue there, but it is not one that is addressed in the proposed Measure as it stands.

[79] **Nick Ramsay:** I have a brief question on the point that Keith Bush just made. From what you have just said, if someone buys a new-build house, there is nothing stopping them disabling the system and selling the house on. Then, there would be no obligation to have a sprinkler system in that property. Is that correct?

[80] **Mr Bush:** There is nothing in the proposed Measure that would prevent that.

[81] **Ann Jones:** Except that regulations could prescribe for that, when the Minister makes them.

[82] **Rhodri Morgan:** I have a quick supplementary question. I am afraid that I am probably being as thick as this table, but how do you test a sprinkler system and that the water supply is working without it soaking your house?

[83] **Mr Enness:** The most common test would be a run-through, so you would have a piece of hose ready, unscrew a bulb and allow the system to run through. The most visual and easiest test is to ensure that the valve is in the open position. If the valve is open, the water is on. It is the same with a tap.

[84] **Rosemary Butler:** Nick has some more supplementary questions on this point.

[85] **Nick Ramsay:** I am also being as thick as this table, probably, but with a sprinkler system, is the problem with a malfunction in the system more that it works when you do not want it to, rather than it not working when you need it to?

[86] **Ann Jones:** Let me answer this, as this is my favourite question. The chances of you winning the lottery when you buy a ticket are 16 million to one, and that is the same chance

that you will have a malfunction of a sprinkler system. Sprinklers do not leak and do not malfunction. If they do, it is a one in 16 million chance. The benefits of a sprinkler system are that you walk away from your house if you have a fire, and you can go back into your house after it has been checked. Invariably, the sprinkler will operate and put the fire out. It is usually caused by cigarettes or ashtrays left on the side of the settee. All you do is replace your three-piece suite. You may have to redecorate your front room, but you do not have to touch upstairs. That is the benefit of the sprinkler system. The image of the malfunction comes from people who have watched *Casino Royale* or *Casualty* on the BBC, where they see beds or sofas floating off and bobbing along on the water. The amount of water that a sprinkler uses is far less than would be used if the fire service had to put a fire out. The fire service will pump enormous amounts of water—I think it is something like 3,000 gallons. A sprinkler system uses considerably less—I think about 200 gallons, or maybe less. You do not have the problem of contaminated water in the drains either.

10.10 a.m.

[87] **Chris Franks:** We have covered the question on malfunctions, but what about leakages? We would have water pipes all over the house if this were implemented, which we do not have currently. What is the likelihood of leakages? Do you have any evidence to give to the committee on that point?

[88] **Ann Jones:** Water leakages are no more and no less likely, because the water runs through the same pipes. The sprinkler system will not put an extra burden on the pipes. It will not be the sprinkler system that malfunctions or causes a water leak. I think that you have done some work on this, Chris, again with the Building Research Establishment.

[89] **Mr Enness:** Yes, we are starting to use new technology in the pipework. It sounds like something flash and amazing but it is just a different construction of pipe. Instead of using copper pipes, which we have always used for water in past, we are starting to use plastic piping. Plastic piping is considerably more reliable and less prone to corrosion and other issues that cause it to leak, so the developments in the sprinkler industry and the materials that they are using mean that pipes are less and less likely to leak. However, they always have a chance of leaking and malfunctioning and there is always a chance of putting a nail through them, but the risk is no more or less than for anything else in the household.

[90] **Chris Franks:** What will be the lifespan of the systems? The point that I am trying to tease out is whether it has a life of 20 years and the householder would have to replace the pipes.

[91] **Mr Enness:** No, the minimum lifespan of a sprinkler system at the moment is 50 years—and that is the minimum.

[92] **Chris Franks:** I want to go back to a point made earlier. My image is that there would be a considerably greater length of water pipe in a house with a sprinkler system, which would mean more opportunity for leaks. Is that a reasonable assumption?

[93] **Mr Enness:** No, because the sprinkler systems are in straight lines with heads coming off them. You are more likely to find leaks in water systems where there are bends and joins, and there are fewer joins in a sprinkler system.

[94] **Rosemary Butler:** I know that we are beginning to run out of time, but I want to go back to the point that Chris Franks was making. You have chosen not to include a provision on maintenance in the proposed Measure. Could the absence of such a provision undermine its effectiveness in achieving this aim? Please give as short an answer as you can.

[95] **Ann Jones:** No. I would say that the sprinkler system being installed is an advantage in itself. The maintenance requirement is minimal and I do not think that it affects the proposed Measure at all.

[96] **Nick Ramsay:** Concern has been raised by the National House-Building Council that you have underestimated the level of training and resources required to ensure that building control bodies are effectively able to meet their responsibilities under section 2. How do you respond to that?

[97] **Ann Jones:** Any developer now has to have a building control officer, and building inspectors have to sign certificates before a developer can sell a house. Just to rewind a bit, over the past three and a half years, I have brought builders' attention to sprinklers through the LCO process and now through the Measure process. Builders are aware of it. I have met builders before the LCO stage, during it and before the Measure stage, so they are aware that this is coming in. I think that the costs are minimal compared with the savings to be made at the other end, to the economy and to homeowners. I just feel that these comments are just builders clutching at straws—I did not want to say that, but I have—in an attempt not to have this sprinkler system, for various reasons. I believe that we can get over these costs. We have the building control now, and we are adding to it. Previously in new homes, building control did not have to look for smoke alarms; now, it does. I did not see a big increase in cost when that came into being.

[98] **Nick Ramsay:** The NHBC also points out that approved inspectors do not have any formal enforcement powers, and that section 2 would need to take account of that. Can you clarify how the enforcement arrangements will work in practice, in instances where approved inspectors from the private sector are used to inspect systems?

[99] **Ann Jones:** That is a question for Keith.

[100] **Mr Bush:** I preface my answer by saying that there was no pre-legislative consultation in the case of this proposed Measure, so a number of technical issues about the drafting of it were not identified before it was introduced. Those are being identified now, and I should say that the Minister's lawyers have been helpful in drawing attention to a number of them, particularly in relation to enforcement. The proposed Measure tries to align very closely the enforcement of obligations under the proposed Measure with those under building regulations. However, it is quite clear from the exchanges that I have had with the Minister's lawyers and from the NHBC's representations that we have not got it 100 per cent right yet. One area in which further detailed work is needed is in relation to the work of approved inspectors under Part II of the Building Act 1984. The intention is that it should be possible to enforce this proposed Measure in that way, in the same way as through the more usual local authority inspector route. That and a number of other similar issues are technical in nature and can be dealt with by Stage 2 amendments. If this proposed Measure proceeds past Stage 1 consideration, I will be drafting some amendments for Ann to table, which can deal with that and the associated points.

[101] **Nick Ramsay:** The NHBC has also questioned how the proposed Measure is intended to apply in situations where the services of an approved inspector are used, whereby the local authority will be informed of proposed building work via the submission of an initial notice. Can you clarify whether the information that is required under section 3(2) will need to be included at the initial notice stage?

[102] **Mr Bush:** The answer is the same: it is not as clear as it could be at the moment, and that will need to be dealt with by an amendment.

[103] **Nick Ramsay:** Can you clarify whether the proposed Measure, as currently drafted,

would apply to applications for regularisation, whereby an application is made to a local authority building control service for retrospective approval of building work that was previously carried out without building regulations approval?

[104] **Mr Bush:** The answer is the same again, I am afraid. As I said earlier, the intention is that the same effectiveness of enforcement as applies in relation to building regulations will also apply to this. It is just a question of getting the detail right so that that outcome is achieved. Retrospective applications are one particular aspect of that process, so we need to look at the proposed Measure to ensure that it is crystal clear that if somebody applies for building regulation approval retrospectively, that is for work that has already been completed, if they have not complied with the requirements of this proposed Measure, they will not get retrospective building regulation approval.

[105] **Nick Ramsay:** Why have you chosen to provide for the Welsh Ministers to prescribe in regulations the specific information that must be included in notice or plans for the purpose of demonstrating compliance, instead of including that on the face of the proposed Measure?

[106] **Ann Jones:** That is another question for you, Keith.

[107] **Nick Ramsay:** Sorry, Ann. I am not ignoring you.

[108] **Ann Jones:** That is fine. It is what we have legal people for.

[109] **Mr Bush:** It is simply because of the level of technical detail that would have to be spelled out, and the lack of flexibility that it would entail, given that those details would need to cover different kinds of situations and will change as time goes by. Information might be provided, for example, simply by referring to certification by some approved body of the proposed system. Alternatively, it could require detailed plans that set out the specification of a purpose-designed system. You could not, in practice, put all that into the proposed Measure itself. It is much more appropriate for that to be dealt with in regulations made by the Minister.

[110] **Rosemary Butler:** Eleanor, we will move on to your questions.

10.20 a.m.

[111] **Eleanor Burnham:** I want to ask about the installation of these systems. I have had quite a lot of work done in various houses that I have lived in, and there are often questions about plumbers, plumbing, you name it—I am sure that you have all had experience of that. Who will be deciding on the details of installation, such as who will be doing the installation and who will need to be trained to install?

[112] **Ann Jones:** Sprinkler systems, as I said, have been around since 1885, and therefore people already understand the technology. The sprinkler industry assures me that there are sufficient people with the appropriate knowledge. When you think about how we are going to be building our houses, we are not going to be building a lot—although I would like to see us building many more—and so fewer will be required to do the building. The installation of these systems will have to be done by competent installers, and that will be done. Third-party accreditation will also have to be considered. Ultimately, it will be for the developers to ensure that they put the sprinkler system in as per this proposed Measure and the regulations that the Minister will make. It will be for the developer to decide on the system. The developer will have to comply with the systems, as per the standards in the regulations.

[113] **Eleanor Burnham:** I think that this next question has been answered, but I had better ask it as it is quite formal here. The proposed Measure provides no definition of automatic fire

suppression systems. I believe that Keith elaborated on this earlier, but can you explain briefly why that is?

[114] **Ann Jones:** We are looking at automatic fire suppression systems, which we call sprinklers. Chris mentioned that they are trialling and testing a low-cost sprinkler system and that there are other methods. We do not want to be too prescriptive on the face of the proposed Measure or we would have to keep coming back to amend it, because standards change, so the proposed Measure should not purely reflect the standards of the day.

[115] **Eleanor Burnham:** The committee has received evidence suggesting that there may be some confusion about the meaning of the term 'residence'. More specifically, clarification has been sought about whether the term includes caravans, houseboats and other non-building structures used solely as permanent dwellings and holiday dwellings or cottages. Can you confirm whether the latter fall within the scope of the proposed Measure?

[116] **Ann Jones:** I have spent a lot of time on this, but Keith has the definitive answer on this question.

[117] **Mr Bush:** Mobile caravans and houseboats would not be covered, because the Assembly cannot legislate in relation to standards relating to vehicles and vessels; that is a specific exclusion. Holiday chalets are definitely covered. Static caravans are in a little bit of a grey area; in principle, they would be covered, but what we have done is incorporate into the proposed Measure a power for the Minister, by Order, to amend the definition of residence. So, if there is any uncertainty about whether, for example, a particular kind of static mobile home—to use that expression—falls within the description of a dwelling house, then there is a facility in the proposed Measure for that to be clarified by an Order made by the Minister. The range of different kinds of structures that could or could not be regarded as being a dwelling house may be difficult to define definitely on the face of the proposed Measure.

[118] **Eleanor Burnham:** To clarify, there are many areas where people live 12 months a year in static-home-type dwellings. Given that they have to be renewed, would they then fall within the scope of this proposed Measure because they would then be new?

[119] **Mr Bush:** First, the frequency or length of residence within a dwelling is irrelevant, so it does not matter whether they are only occasionally used or whether they are used as permanent residences. If some work is done to a holiday chalet, for instance, unless that is the provision of a new dwelling, then that would not be covered. So, renewing, refreshing, updating or refurbishing a building would not trigger the provisions of this proposed Measure.

[120] **Eleanor Burnham:** As so much of the implementation of the proposed Measure is dependent on the bringing forward of, and the detail to be contained within, regulations made by the Welsh Ministers, are you confident that you have achieved the right balance between the powers on the face of the proposed Measure and those contained in regulations?

[121] **Rosemary Butler:** I was going to suggest that that question has been covered earlier.

[122] **Eleanor Burnham:** I do apologise.

[123] **Rosemary Butler:** That is okay. If the committee is comfortable with this suggestion, we will not put questions 25 and 26 on the impact of regulations to Ann this morning. We will ask those when she comes back for the second time. I propose that we move on to discuss issues that relate to water, if the committee is happy to do so, unless Rhodri particularly wants to ask questions 25 and 26. I think that it would probably be more beneficial if we asked those questions towards the end of the process.

[124] **Rhodri Morgan:** In the light of what Keith Bush has just said, I should declare an interest in having one of the better-known static caravans in Wales. [*Laughter.*] Although, it is not a park home, as they call the places where you live all year around—that is what you were referring to when you mentioned a ‘chalet’—I thought that I should declare an interest.

[125] On the question of water supply, concern has been raised in evidence that you have underestimated the practical difficulties associated with the provision and maintenance of a water supply of sufficient pressure to ensure the effective operation of the automatic fire suppression system. What is your response to that evidence?

[126] **Ann Jones:** I will let Chris answer that question because it is technical.

[127] **Mr Enness:** I do not think that there is any underestimation going on. The fact is that every premise has a water supply—if you can run a shower, you can run a sprinkler system. It is no more technical than that. There are five different sources in the current British Standard 9251:2005 by which you can draw water to make it easy and accessible for all. So, the argument is around whether we want to change and do anything different because we have our systems in place. I would argue that if you want to lead and ensure that people do not die in a house, then, yes, it will do that. It is unbelievably simple to incorporate a sprinkler system into a new home—if it has water, then it can have a sprinkler system.

[128] **Rhodri Morgan:** Yes, but the question is whether there is enough pressure. Some showers do not work very well unless you have a pump because there is just not enough gravity between the header tank in the roof space and where the shower is.

[129] **Mr Enness:** In those areas where you require pressure, you can put a pump in; it is quite a simple process and is within the standards. People think that we are going to be putting pumps and tanks into every home, but we are not.

[130] **Rhodri Morgan:** No, but I think that that does raise an important issue about pumps because a number of those giving evidence disputed the assumption that is made in the explanatory memorandum that extra water storage—presumably, a header tank and pump—will not be required for the purposes of installing an effective automatic pressured system. What you have just said withdraws from the statement in Ann’s explanatory memorandum. What you are saying now, following your answer to my previous question, indicates that you will require a pump in certain properties, even though the explanatory memorandum says that you will not.

[131] **Ann Jones:** Certain properties, given the geography of Wales, have water pressure difficulties, not to mention the additional problem of water companies turning the pressure down to avoid water gushing out of leaks. We are trying to say that where you have a water supply—and that covers a large majority of the homes in Wales—there is no need for a separate system. People are trying to say that you will have to have a separate system and we are saying, ‘No, you do not, if the water pressure is sufficient’. For me, that was the issue. I do not know if Chris wants to add anything.

[132] **Eleanor Burnham:** Did you not say earlier that sprinklers would be installed only in the downstairs areas of a home?

[133] **Ann Jones:** No.

[134] **Eleanor Burnham:** I thought that you said that they would only be placed in living areas.

[135] **Ann Jones:** Living areas include sleeping areas.

[136] **Eleanor Burnham:** Okay, I misunderstood that.

[137] **Ann Jones:** They will not be in the roof or the toilet.

[138] **Rhodri Morgan:** Although old properties may have a problem with sufficient water pressure, new properties are built with a standard amount of gravity pressure from a header tank to a shower and, by implication, if there is enough pressure from the header tank to operate a shower to normal standards—although not necessarily these fancy power showers—such as a normal gravity-fed shower, then it will do the same job for the fire sprinkler system with no problem.

10.30 a.m.

[139] **Mr Enness:** In most circumstances, yes. There will be occasions when a pump is required, but it would certainly not be required on every occasion. I think that we kind of confuse that.

[140] **Rhodri Morgan:** Do you accept that where an additional water pressure system—next to a header tank and pump and so on—will need to be installed, there are financial implications to that in certain locations where the water has to run uphill to get to the house and so on, and that there could be financial implications to that in those rare houses that are built in odd locations where water pressure is weak?

[141] **Mr Enness:** Yes, on the odd occasion when a pump would be required it would cost slightly more.

[142] **Rosemary Butler:** I will finish with the final question. In evidence to the committee, Dŵr Cymru points out that some dwellings rely on private sources of water as opposed to mains water supply. Can you clarify how the proposed Measure takes account of this?

[143] **Ann Jones:** I think that we have gone through the water system. Whatever arrangements you make for a water system for your home, for you to turn your taps on, whether it is a private supply or not, the pressure will be there. People who have private supplies of water must have showers, so the pressure is there. I do not really see that that is an issue that cannot be overcome.

[144] **Rosemary Butler:** If there are any more questions we can either write to you or reserve them until you come to see us again. Thank you very much for giving evidence in what is a very impressive manner, and for bringing your experts with you. You will be aware that you will get a copy of the draft transcript before it is published.

[145] **Ann Jones:** I will leave you with just one thought about a former Welsh chief fire officer who contacted me today to tell me that he failed to prevent 150 deaths and 4,500 injuries during his 20 years as a chief fire officer in Wales. He considers that to be a failure and when people ask why, during his retirement, he is working so hard to support sprinklers, he says, ‘I am trying to put right what I failed to do back then’.

[146] We could go back to the fact that former congressman and now president of the National Fire Protection Association in the USA, Jim Shannon, has told me that the campaign to require sprinklers in all new homes in the United States is picking up tremendous momentum. He says that they are greatly inspired by the strong leadership coming from Wales to adopt this crucial safety measure. He has said that this idea’s time has come, and Wales has the opportunity to lead the rest of the world. As I said before, not many laws that

we pass will save lives, but I feel that this one will do so.

[147] **Rosemary Butler:** Thank you. I think that the Minister is here, but she has to leave quite promptly, so it would be helpful if the committee could take only a short break.

*Gohiriwyd y cyfarfod rhwng 10.32 a.m. a 10.35 a.m.
The meeting adjourned between 10.32 a.m. and 10.35 a.m.*

[148] **Rosemary Butler:** I welcome Jane Davidson, the Minister for Environment, Sustainability and Housing, who is going to give evidence to us. The Minister is accompanied by François Samuel, the head of construction at the Welsh Assembly Government, and by Nia James from the Legal Services department of the Welsh Assembly Government. I think that you know the format by now, Minister, as you have been before us a few times. We have a list of questions. Is there anything that you want to say at the beginning or shall we move straight into questions?

[149] **The Minister for Environment, Sustainability and Housing (Jane Davidson):** We will move straight into questions.

[150] **Rosemary Butler:** In your evidence, you state that

[151] ‘the case for a requirement for fire suppression systems in new and converted residential accommodation has yet to be made.’

[152] Can you explain why you believe this is the case?

[153] **Jane Davidson:** We have said from the beginning of this process that we support the general principle behind the proposed Measure of reducing the risk of injury and death through domestic fires. However, this committee, the Finance Committee and the Constitutional Affairs Committee will be able to explore the specific proposals in the proposed Measure that is before you. The reason why we believe that the case has yet to be made is that the regulatory impact assessment does not currently provide a basis for judging the likely costs and benefits of the proposed Measure. Those impacts have been discussed and estimated, but they have not been compared explicitly. However, that is a matter that can be addressed.

[154] **Rosemary Butler:** I wonder whether I can tease a little more out of you. Can you clarify whether you support the general principles of the proposed Measure, and whether you agree with its aims and are satisfied that it is needed?

[155] **Jane Davidson:** We have always supported the general principle of the proposed Measure to look at reducing risk of injury and death through domestic fires.

[156] **Nick Ramsay:** The committee has received evidence from the Member in charge of the proposed Measure and the fire and rescue service to suggest that the installation of automatic fire-suppression systems will significantly reduce, or even eradicate, death from fires in newly created residences, as well as reduce injuries and property damage and improve the safety of firefighters. Do you believe that these potential benefits provide sufficient justification for the proposed Measure?

[157] **Jane Davidson:** There is clearly justification for action, and, as I have said, we support the proposed Measure in principle, but we have said that we need to look at costs and benefits in more detail, allied with close consideration of the committee’s findings. We said that in the Plenary response in relation to the legislative competence Order. We also note the

views expressed by Dŵr Cymru and Dee Valley Water on the cost assumptions in the regulatory impact assessment and, therefore, the need to visit costs. You will be fully aware of that in the evidence that you will receive. There is the fire officers' work with regard to the current Building Research Establishment review, a draft of which, we understand, is due to come forward in late October, which we think is extremely material to the committee's considerations.

[158] **Nick Ramsay:** While recognising the contribution made by community education and the provision of smoke alarms in tackling death and injury from fire, the Chief Fire Officers Association Wales has asserted that the only way to prevent fire deaths among the most vulnerable groups is by influencing building design and the installation of automatic fire-suppression systems. What are your views on this?

[159] **Jane Davidson:** Activity by the fire and rescue service and the mandatory installation of smoke detectors in new dwellings has reduced the incidence of death and injury from fire. Additional powers are also available to local authorities in the context of vulnerable categories. We assume that the fire officer-commissioned BRE review will take account of the impact of these actions in assessing the likely further benefit of sprinklers.

10.40 a.m.

[160] **Nick Ramsay:** This committee has received evidence from the housebuilding industry to suggest that sufficient protection is already afforded to newly built homes by the Building Regulations 2000, which require all newly built homes to have, among other things, hard-wired smoke detectors. Do you agree with the assessment of the housebuilding industry?

[161] **Jane Davidson:** The current building regulations were last reviewed in 2006, and the most current assessment of the case for sprinklers was the 2004 study. We are awaiting the results of the new study as to whether the situation has changed, while retaining our support for the general principle.

[162] **Nick Ramsay:** Concerns have been raised in evidence that no examination of the effectiveness of existing fire safety measures required under the building regulations has been carried out. It has been suggested that, if real concern exists in relation to the effectiveness of these measures, a more fundamental review of part B of the regulations relating to fire safety is required. What are your views on this?

[163] **Jane Davidson:** We are unaware of any evidence to suggest a need for improvement in part B provisions generally, and the relatively short time that has elapsed means that statistical evidence of the need for change may not be available yet. I am afraid that that takes us back to the study that is due to come out later this autumn.

[164] **Nick Ramsay:** Can you confirm that any changes that may be necessary in relation to fire safety could be made by the Welsh Ministers once the Welsh Minister (Transfer of Functions) (No. 2) Order 2009 comes into effect in December next year? If so, could it be argued that the introduction of new legislation in the form of the proposed Measure is unnecessary?

[165] **Jane Davidson:** It is certainly true to say that the functions transferred to the Welsh Ministers would provide the power to improve fire safety, including the requirement for the installation of sprinklers. However, this has been a long, complex process over the last few years, looking at the best mechanism for supporting the private Member's application in the context of this particular proposal that is being considered by the committee. As the regulations do not come into effect until December 2011, we as a Government supported the legislative competence Order coming forward separately.

[166] **Rhodri Morgan:** What are your views on the evidence that we have had that, really, we should be concentrating our efforts on improving fire safety in older housing stock rather than bringing in new measures to improve fire safety where it is already better than in the rest of the housing stock—in other words, in new housing? Do you have views on that?

[167] **Jane Davidson:** We do not hold statistics on the distribution of fire by property age. I would hope that the fire and rescue service would know where that data can be captured. It is reasonable to assume that the downward trend in domestic injuries and fatalities is in part due to the installation of mains-wired smoke detectors in new homes from 1992, which would therefore point to a higher risk in older properties without smoke detectors. However, if we take the parallel agenda of making buildings more sustainable and energy-efficient for the future, although legislation cannot be retrospective, the opportunity is there to legislate for new buildings in a different way to the older stock. One often has to do major Government programmes around retrofitting to tackle issues around older stock.

[168] **Rhodri Morgan:** Accepting that you cannot have retrospective legislation, might there be more bang for the buck in retrofitting—particularly in vulnerable types of housing such as houses in multiple occupation? Are we bringing in a belt-and-braces approach to new property, with smoke detectors and fire sprinklers, whereas we do not have either in the older stock?

[169] **Jane Davidson:** We certainly know that elderly and low-income households are accepted high-risk categories, and action by the registered social landlords, who are installing smoke detectors, ensuring that fire and safety service home safety fire inspections are carried out and ensuring the provision of smoke detectors for the elderly are examples of how the values of targeting have already been recognised. However, you described the belt-and-braces approach, and the ultimate solution may well lie in a combination of actions such as these and regulations for new housing.

[170] **Rhodri Morgan:** All right, that is me finished.

[171] **Rosemary Butler:** Eleanor Burnham is next.

[172] **Eleanor Burnham:** This is No. 7. Generally—

[173] **Rhodri Morgan:** No, I have finished.

[174] **Rosemary Butler:** You are on No. 9, Eleanor.

[175] **Eleanor Burnham:** I beg your pardon. I thought that we had not dealt with some of the questions.

[176] **Rosemary Butler:** You have to concentrate on this you know, Eleanor.

[177] **Eleanor Burnham:** I thought that we had not dealt with questions 7 and 8, but if you say that we have, then we have.

[178] **Rosemary Butler:** If you can just move on to No. 9, that will be fine.

[179] **Eleanor Burnham:** Yn ei **Eleanor Burnham:** In its evidence, dystiolaeth, awgrymodd Cartrefi Cymunedol Community Housing Cymru suggested that Cymru y dylid ystyried sefydlu cynlluniau consideration should be given to establishing treialu ar gyfer pobl sydd â diddordeb, os pilot schemes for those who have an interest, yw'r Mesur yn cael ei basio. Nod y cynllun if the Measure is passed. The aim of the

fyddai amlygu unrhyw faterion ymarferol a rhwystrau posibl i weithredu'r Mesur arfaethedig. A ydych o blaid y dull hwn o weithredu? Os felly, a yw hyn yn rhywbeth y gellid ei gyflawni cyn gwneud y rheoliadau o dan y Mesur pan ddaw?

scheme would be to highlight any practical issues and potential barriers to the implementation of the proposed Measure. Do you favour such an approach? If so, is it something that can be introduced before regulations are made under the eventual Measure?

[180] **Jane Davidson:** We agree that pilot schemes provide useful practical experience of the installation and maintenance of systems. To take, once again, the parallel of sustainable building, some 15 per cent of our social housing grant has been operating in developing pilots at the higher level of the code since 2008 so that we have very real experience of the value, and we are seeing very great energy efficiency values and improved situations for tenants in the form of reduced payment on energy as a result of that agenda.

[181] Pilot schemes have to be of a scale to demonstrate the costs that would apply if there was to be a general requirement for sprinklers. In that model, 15 per cent is what we have done in the context of the sustainable buildings agenda. Of course, it may be possible to pilot ahead of the consideration of regulations that will depend on future work programmes and timescales.

[182] **Eleanor Burnham:** Awgrymodd nifer o dystion y dylid ymgymryd â'r math o waith yr ydych yn cyfeirio ato cyn i'r Mesur arfaethedig fynd yn ei flaen, ac y gellid defnyddio canlyniadau'r gwaith hwn i benderfynu a oes angen deddfwriaeth. A yw'r dull hwn o weithredu yn un rhesymol yn eich barn chi?

Eleanor Burnham: A number of witnesses have suggested that the type of work that you referred to should be undertaken before the proposed Measure proceeds, and that the results of such work could be used to decide whether legislation is necessary. Is that a reasonable way to proceed in your opinion?

[183] **Jane Davidson:** Certainly, from the Government's perspective, we do not believe that all issues need to be resolved at this stage, as implementation will be dependent on further subordinate legislation, which will be subject to proper consultation by the Welsh Ministers and be available to a wider group of people. At the time when further subordinate legislation is being properly considered, those issues would have to be fully considered. Of course, there could be a decision to support the passing of the proposed Measure during this Assembly. Also, there is a range of options that the committee would want to consider to do with regulations that would need to come forward under a future Assembly, and there is the issue of whether the eventual Measure is commenced by Order.

[184] **Val Lloyd:** Turning to the duty to provide automatic fire suppression systems, in your evidence, you point out that the number of new or converted dwellings built each year makes a very small addition to the existing housing stock. Would you think it reasonable to suggest that it will take a considerable number of years before the benefits of the proposed Measure are realised and, if so, do you think that the proposed Measure offers the most effective way of achieving its stated aim?

[185] **Jane Davidson:** It is clear that it will take a considerable amount of time before coverage materially affects the risk of fire, and it is difficult to predict the rate at which a general requirement for sprinklers would impact on the higher-risk category of households. The fire and rescue service is best able to identify the risk profile, and its experience of successful interventions—what works where, and where the gaps are—is most relevant in the context of that answer.

10.50 a.m.

[186] **Val Lloyd:** Staying with the topic, you touched in your evidence on the design life of automatic fire suppression systems and the fact that there is no guarantee for private housing that systems would be replaced. Could this undermine the long-term effectiveness of the proposed Measure?

[187] **Jane Davidson:** If failures to maintain or replace components results in a system that does not work, it negates the objective and the value of the initial investment. While paragraph 8.22 of the regulatory impact assessment estimates that the annual cost of maintenance based on the reduced level is 33 per cent of households undertaking annual maintenance, it does not reflect the impact of the lower maintenance assumption on the likely benefits. This is an area that requires some additional thought.

[188] **Nick Ramsay:** I am interested in that statement, Minister, because if the system is not maintained, it negates the value of the initial investment. If that system works for any length of time and saves a life in that process, would the investment not be worth it?

[189] **Jane Davidson:** What I specifically said was that if the failure to maintain or replace components results in a system that does not work, that would negate the objective and value of the initial investment. As I have said a number of times, because we support the general principle where the approach saves lives, we will continue to support that as a Government. However, there are issues around maintenance that need to be addressed to make sure that the investment is taken forward in the context of systems that work. That is about effectiveness.

[190] **Nick Ramsay:** I hear your concerns, Minister; it is just about that word ‘negate’. I have made points about the maintenance of such a system, but the word ‘negate’ is very harsh, is it not? It is basically saying that there would be no merit at all in a system that was not maintained at some point in the future. For the amount of time that it worked, would there not be a merit to it?

[191] **Jane Davidson:** It is an accurate description in the context of a scenario that, if you have a system that does not work, that negates the objective. It is just a fact; it was not specifically applied to this. In terms of any aspect of any policy, if the system does not work it negates the objective for introducing the policy in the first place.

[192] **Eleanor Burnham:** The deputy chief fire officer of Staffordshire, who is an expert and a guru in these matters, has already explained to us that this is a very simple and easily managed application. If you have water in the house, you have a water sprinkler. There is very little that can go wrong in this regard, and the issue of maintenance is perhaps being overstated. How do you respond to that, Minister?

[193] **Jane Davidson:** I will ask François, as the official who has looked at these issues, to comment on maintenance issues.

[194] **Eleanor Burnham:** Does he have technical expertise in this regard?

[195] **Mr Samuel:** I have some understanding—it is a developing area and there is not much empirical evidence on domestic installations. I accept that maintenance of a sprinkler system may be simple—simpler, in fact, than the maintenance of a gas installation. The issue is that it needs to be considered and risk-assessed. If the risk is low, that would feature in the assessment.

[196] **Val Lloyd:** That leads on to my next question regarding the ongoing maintenance of systems. Can you clarify whether the issue of such maintenance could be addressed in regulations made under the proposed Measure?

[197] **Jane Davidson:** As a lawyer, Nia can help us on that.

[198] **Ms James:** Yes, it could, and that is because section 5 of the proposed Measure seems to provide the Welsh Ministers with powers to make regulations under the proposed Measure. That power includes a power to make provisions that could amend or modify the proposed Measure. So, if maintenance was considered as something that needed to be addressed to give full effect to the proposed Measure, it could be amended using that power.

[199] **Val Lloyd:** Turning to the issue of enforcement, in your evidence, Minister, you question the effectiveness of the enforcement provisions provided for in section 2, and in particular you advise that section 33—which is on tests of conformity—of the Building Act 1984 has not been started and that the transfer of functions Order does not transfer the ability to commence that section. Could you expand on that point, and in particular the effect that it has on the ability to enforce the duty to provide automatic fire suppression systems?

[200] **Jane Davidson:** There are some legal issues where we have already suggested to Ann Jones that we are happy to make Nia's legal advice available to her in developing the agenda. On this particular issue, because section 33 of the Building Act 1984 has not been commenced, we are unclear about the intended effect of section 2 in relation to testing. We note that section 33 confers testing powers on local authorities only, whereas there may also be a need to confers testing powers on approved inspectors as well. So, these are legal clarifications that our legal adviser is very happy to work with the Member on.

[201] **Val Lloyd:** Turning now to the provision of information, in your evidence you question whether section 3 of the proposed Measure, which relates to the provision of information, recognises and takes account of both routes available to house builders to secure compliance with the Building Regulations 2000. Could you expand on that issue? How would the proposed Measure need to be amended to address it?

[202] **Jane Davidson:** This is a continuation of the previous point, because there are two routes for checking compliance with building regulations: the local authority building control route and that of the private approved inspector. The proposed Measure does not identify specifically the role of the approved inspector, which is the alternative building control body.

[203] **Rosemary Butler:** Are you clear on that point, Val?

[204] **Val Lloyd:** I am not—sorry, it is because of my lack of knowledge on the building regulations. You may have covered the point in my next question, but for completeness I would like to ask it. In your evidence you also question the timescales provided for in section 3(3) in relation to non-compliance, and suggest that it would be more appropriate if section 3 were integrated into the equivalent provisions of the building regulations. Could you expand on that?

[205] **Jane Davidson:** It is the same issue. As the proposed Measure does not appear to take account of the two routes to building regulations compliance, namely local authorities and approved inspectors, the reference in section 3(1)(a) to 'notice' is ambiguous, as both routes utilise notices. Having similar timescales for a full planning submission would prevent confusion for the applicant when submitting two separate types of application. Currently, there are five weeks for a full plan's application of building regulations, whereas 28 days is specified in the proposed Measure. Those sorts of issues just need to be aligned. That can be done very easily through dialogue between our lawyers and lawyers advising the Member.

[206] **Val Lloyd:** Thank you, Minister, that is helpful.

[207] **Eleanor Burnham:** Mae fy nghwestiwn yn ymwneud â dadansoddiad. Yn eich tystiolaeth yr ydych yn awgrymu bod angen ymhelaethu ymhellach ar y term ‘cartrefi gofal preswyl’. A allwch egluro pam mae angen gwneud hyn?

Eleanor Burnham: My question is on interpretation. In your evidence you suggest that there is a need to expand on the term ‘residential care home’. Can you explain why this is necessary?

[208] **Jane Davidson:** Once again, it is about legal definitions, and making sure that any legislation is accurate. We believe that it is helpful to set out the uses and type of accommodation that a residential care could comprise, perhaps drawing on the list in Approved Document B, which relates to fire safety requirements under building regulations.

[209] **Eleanor Burnham:** Nodwyd pryderon mewn tystiolaeth am effaith niweidiol posibl y Mesur arfaethedig ar hyfywedd y sector datblygu tai yng Nghymru. Awgrymwyd y bydd datblygwyr tai yn llai tebygol o barhau i adeiladu tai yng Nghymru pe bai'r baich rheoleiddiol yng Nghymru yn fwy nag ydyw yn ardaloedd eraill y Deyrnas Unedig. A gytunwch â'r farn hon?

Eleanor Burnham: Concern has been raised in evidence with regard to the potential adverse impact of the proposed Measure on the viability of the housing development sector in Wales. It has been suggested that if the regulatory burden in Wales is greater than in other areas of the UK there is a risk that developers are less likely to continue to build houses in Wales. Do you agree with this view?

11.00 a.m.

[210] **Jane Davidson:** It is clear that those whose interests operate in a lowest-common-denominator threshold will always want the least amount of regulation and the greatest parity of intention across the United Kingdom. To go back to the sustainability agenda, we have confidence in our more ambitious targets in delivering sustainability in housing. We believe that it is better for the people of Wales that we have those higher targets, which I think are broadly supported by Assembly Members as well as by the Assembly Government. Those targets also help developers to gain additional skills that mean that they are better placed to win contracts in other parts of the United Kingdom. I would suggest, therefore, that it is difficult to generalise in this context, because the housing markets respond to a range of factors, of which the cost of provision is only one; those factors are normally a combination of land availability and value, construction costs, the availability of planning permission and individual cash flow requirements. It is, therefore, difficult to generalise as to the impact that the higher cost of including sprinklers in homes would have, but I know from the Member herself, and from the points that she has given in evidence, that she sees the inclusion of sprinklers as a positive attribute, and that people would be prepared to pay a higher cost for that additional belt-and-braces security.

[211] **Eleanor Burnham:** Yn olaf, mynegodd nifer o dystion bryder y gallai'r Mesur arfaethedig gael effaith negyddol ar yr agenda tai fforddiadwy, oherwydd y gallai'r gost o fodloni gofynion y Mesur arfaethedig arwain at gynnydd yn y gost o adeiladu tai newydd; beth yw eich barn am hyn?

Eleanor Burnham: Finally, a number of those giving evidence have raised concerns that the proposed Measure could have a negative impact on the affordable housing agenda, as the cost of meeting the requirements of the proposed Measure could result in an increase in the cost of building new homes; what are your views on this?

[212] **Jane Davidson:** Any cost that is brought forward in the system, in the public or private domains, will mean that slightly fewer homes will, perhaps, be built for the same amount of money. It is important that this is picked up on in regulatory impact assessments for affordable housing. This Government has a very strong commitment to affordable

housing; our current target is achieving 6,500 additional affordable homes by 2011, and we often look at imposing section 106 agreements on private developers as a condition of granting planning permission in our work with registered social landlords and the private sector. Those agreements can reflect any commitments, particularly any legislative requirements of the Assembly Government. This is not a showstopper in any way; it will just need to be planned for in a proper and considered way. If similar targets for the delivery of a number of affordable homes are set by another Assembly Government, the amount of Government money that is allocated to deliver those targets would need to reflect any additional commitments that are made.

[213] **Rosemary Butler:** I did not understand the reference to a showstopper; it is a phrase that people use, but I am not sure about the context here. What do you mean by a showstopper?

[214] **Jane Davidson:** When people are looking at the delivery of new legislation, a range of legitimate concerns will be expressed, any of which might, in broad terms, be seen to override the need for legislation. I do not think that the issues around the amount of affordable housing that any Government might commit to would have that impact in any way on the proposal that the Member is making. This matter could be picked up by a new Assembly Government in its commitment to affordable housing, and the money made available for that commitment would need to reflect any legislative requirements that have been put in place.

[215] **Nick Ramsay:** The explanatory memorandum assumes that the costs of preparing regulations under the proposed Measure would be ‘minimal’, and that any guidance required to supplement the regulations would—have I said something funny? I usually do—cost the Welsh Government up to £10,000 a year. Are you content that this is a fair estimate?

[216] **Jane Davidson:** This is a very important question. The official in charge of this matter tells me that these costs are likely to be an underestimate. It is true that the regulations take a significant effort, because developing them requires administrative and technical effort, legal and specialist advice, public consultation review, submission under the EU technical directive implementation, and support. Since, at the moment, François Samuel is the existing staff resource, I think that he is assuming that there will need to be additional resources made available to take this agenda forward.

[217] **Nick Ramsay:** So ‘minimal’ was the right word to use. I will move on to my next question. The estimated cost for registered social landlords of meeting the requirements of the proposed Measure is between £0.5 million and £3.3 million per year. Concern has been raised by Community Housing Cymru about how this cost will be met. Would you be prepared to make additional funding available through the social housing grant to meet this cost?

[218] **Jane Davidson:** That question will come to a future administration. At the moment, we are awaiting the outcome of the comprehensive spending review to clarify how the WAG block grant will be affected. This proposed piece of legislation needs to go through its proper consideration in the Assembly, and there will always be competing demands on future resource. However, as I said in reply to a previous question, if the proposed Measure goes forward in the way that the Member envisages, and is passed by the Assembly, then any Government will need to take into account the implications of the proposed Measure in allocating costs to this agenda.

[219] **Nick Ramsay:** Registered social landlords could potentially be required to meet the cost, or a proportion of the cost. How do you think they would do that?

[220] **Jane Davidson:** They would have some capacity to shoulder additional costs themselves, but there would be some constraint. I am sure that Community Housing Cymru

would have said that in the context of the requirements of lenders, rent policies and their own priorities as responsible social landlords. There would need to be an appropriate dialogue around that agenda.

[221] **Rosemary Butler:** Would you like to ask the next question, Nick? I think that it ties in quite well with that.

[222] **Nick Ramsay:** It has been suggested in evidence that the Welsh Government would need to give consideration to adjusting the acceptable cost guidance to take account of the extra costs associated with meeting the requirements of the proposed Measure. How do you respond to that?

[223] **Jane Davidson:** Absolutely. We would have to take account of the implications of higher costs to the registered social landlords as part of the deliberations over subsequent regulations under the Measure. If higher costs would be incurred, we would, as with any policy that imposed higher costs on registered social landlords, take account of these in setting acceptable cost guidance.

[224] **Rosemary Butler:** Rhodri would like to pick up some points from earlier on.

[225] **Rhodri Morgan:** Yn eich tystiolaeth ysgrifenedig, yr ydych yn nodi y bydd yn rhaid i chi fel Gweinidog—ar yr amod y daw'r Mesur arfaethedig hwn yn gyfraith yn y pen draw—wneud dadansoddiad o'r costau a'r buddion, a hefyd o'r goblygiadau helaethach. Dim ond wedyn y byddwch yn penderfynu gwneud y rheoliadau ai peidio er mwyn troi bwriad y Mesur arfaethedig yn realiti. A yw hynny'n wir? Hynny yw, os bydd y Mesur yn cael ei basio i fod yn gyfraith, mae opsiwn gan y Gweinidog i gyflwyno rheoliadau neu beidio ar ôl gwneud dadansoddiad o'r costau a'r buddion. Ai dyna eich dehongliad o natur cyfrifoldebau'r Gweinidog?

Rhodri Morgan: In your written evidence, you indicate that as a Minister—providing that this proposed Measure ultimately becomes law—you will have to make an analysis of the costs and benefits, as well as of the wider implications. Only then will you decide whether you will make regulations in order to turn the intent of proposed Measure into reality. Is that correct? That is, if the Measure is passed and becomes law, the Minister has the option to bring regulations forward or not after making an analysis of the costs and benefits. Is that your interpretation of the nature of the Minister's responsibilities?

[226] **Jane Davidson:** I would like to seek Nia's advice on the legislative responsibilities of the Minister following the passing of the proposed Measure.

[227] **Rhodri Morgan:** I will clarify. Do you have the option to do nothing if this proposed Measure is passed? In other words, if the cost-benefit analysis led the Minister to the conclusion that it was not a particularly good idea, do you have the option to do nothing, or is it that you have the option to do various things following a cost-benefit analysis, but that you do not have the option to do nothing?

[228] **Rosemary Butler:** You can provide an answer in writing, if that would be helpful.

11.10 a.m.

[229] **Jane Davidson:** Well, perhaps François can help there.

[230] **Rosemary Butler:** If you could give an answer now, that would be good.

[231] **Mr Samuel:** Nia will correct me if I am wrong, but I believe that the proposed

Measure provides powers to the Welsh Ministers to make further regulations; it does not stipulate how and when those powers would be used.

[232] **Ms James:** That is right.

[233] **Rhodri Morgan:** It is not obligatory, then. If the cost-benefit analysis was negative and showed poor value for money, the Minister is not obliged to bring forward regulations.

[234] **Ms James:** There would be an obligation to keep the commencement of the proposed Measure under review.

[235] **Rosemary Butler:** I would not suggest that you have floored the Minister and her department, Rhodri, but you have obviously given them something to think about. Could you give us a written reply to that question, Minister, perhaps?

[236] **Mr Samuel:** You have certainly given me something to think about.

[237] **Rhodri Morgan:** Let me expand on my point a little, then. A cost-benefit analysis would take x amount of time—it would be very useful if you could give us some idea of how long you think that it would take to carry out that analysis—and then, if it was positive or negative or something in between, when would the work commence? When would a final decision be taken on what form to respond to the analysis, either by saying that this is not worth doing for now, or that it is worth doing in a certain form? Can you give us some idea as to whether we are talking about a wait of one, two or three years, depending on whether the cost-benefit analysis was positive, iffy or negative?

[238] **Jane Davidson:** This is an important question, but the answer depends on what the proposed Measure looks like at the end of the process; that will determine what the legal obligations for the Minister will be. That is why we cannot give you a categorical answer at this point. We could, however, give you, as a committee, legal advice from the Government's perspective on the options available for the commencement of the obligations. You could, for example, look at commencing the legislation by Order, which would then enable you to look at the cost-benefit analysis in the context of regulations, and use the Order to commence the legislation. Alternatively, you could pass the legislation in the normal way in this administration, with a range of options on how you commence it, which would then impact on the way that it is taken forward by the next administration and on the appropriate timescales.

[239] **Rhodri Morgan:** On the timing of the process, does the kind of cost-benefit analysis that I think that you have said in your written evidence that you would wish to undertake entail three, 12 or 18 months of work? Is it possible to estimate the time that it would take?

[240] **Jane Davidson:** To some extent, it will depend on the work that is undertaken by fire officers in the latest review, which is a very important piece of work in this context and what other work will need to be done after that review.

[241] **Mr Samuel:** My experience is that these can take between six months and a year to carry out.

[242] **Rosemary Butler:** Thank you very much. We have asked you many questions, Minister; is there anything else that you want to add? I see that there is not. As you are aware, a copy of the draft transcript will be sent to you by the Clerk for your comments before it is finalised and published; you should receive it within a few days.

[243] **Jane Davidson:** Thank you.

[244] **Rosemary Butler:** We will now hear evidence from Community Housing Cymru. Are Members content to go straight into that evidence session? I see that you are. We were due to hear evidence from Andrew Bateson, Director of Technical Services for Cadwyn Housing, but he is unavoidably detained this morning, so David Hedges, who is the Housing Policy Adviser for Community Housing Cymru, will answer the questions. If there are any points that you feel that you cannot give an answer on, Mr Hedges, you can give us a written reply, but I am sure that you will manage very well.

[245] **Mr Hedges:** I will try my best. I do not have a legal adviser or a technical expert with me; I am here on my own, so I will do what I can.

[246] **Rosemary Butler:** I am sure that you will manage very well. I will ask the first question. Notwithstanding the concerns that you have raised in evidence in relation to the technical and financial implications, it would seem that you support the general principles of the proposed Measure. Can you confirm that that is the case?

[247] **Mr Hedges:** The short answer is 'yes', but can I say a little bit more?

[248] **Rosemary Butler:** I will just ask you a supplementary question. What, do you think, the proposed Measure provides that cannot be provided through existing legislation or policy initiatives?

[249] **Mr Hedges:** We had a debate in Community Housing Cymru about how we should respond to this. I think that it is fair to say that there is some concern and angst among the housebuilding industry and others who have an interest in this. At one level you cannot argue with the notion that this makes perfect sense. These sprinkler systems, where they exist, seem to work. I learned this morning that they have been around since 1885. I am sure that I have read that somewhere before. Of course, the nature of housebuilding has changed slightly since 1885, and people's expectations and so on have also changed a great deal since then. We remain positive. One of the key issues for us, which weaves its way through our evidence, is that we do think that a lot more work needs to be done on gathering some decent evidence. I am a policy person, therefore I believe in evidence-based policy. I would not want to see the Assembly making bad legislation that does not work. I think that the best way of designing legislation that works is to test out your ideas, which is why part of our approach is to suggest doing some pilots. I sat in the public gallery while you heard a bit this morning about the testing of different things that are happening. I was intrigued with some of the discussion taking place where you were questioning the various witnesses about the nature of sprinklers, systems, water storage and pumps. There are many questions to be asked and many technical issues to be addressed that some pilot schemes might actually help to sort out. Much of the mythology that exists around sprinkler systems is probably quite irrational, but until we get to see some hard evidence and some analysis you cannot really deal with those natural objections that people have.

[250] **Rosemary Butler:** That is interesting. Rhodri Morgan is next.

[251] **Rhodri Morgan:** Your evidence states that you prefer a risk-based approach to the content of this proposed Measure and that you want to see the evidence on whether there would be a better way of reducing injury and death from fires in housing in Wales if you were to use a risk-based approach, looking at types of property and resident and the consequent variation in fire risk. Do you have evidence on that? Does a risk-based approach mean not going at this through legislation? It is quite hard for us to say, 'We have legislation before us; we are scrutinising a piece of legislation, but might there be something else that you would want to do, either as well, not in legislation, or instead?' You seem to be saying that a risk-based approach is instead of legislation, not in addition to it. Could you talk us through your views on that?

[252] **Mr Hedges:** I would not necessarily say that it is instead of legislation. In all things you need sticks and carrots, do you not? I used this analogy recently with a young person who did not know what I meant and I explained, ‘You beat a donkey with a stick, but you put a carrot in front of the donkey to make it move forward’. Housing associations work in a highly regulated environment. They do the things that they are required to do by law and by regulation through the National Assembly. They do a lot more because they know that it is in the best interests of their tenants. For example, housing associations are installing carbon monoxide detectors because there is a fear about the risk of carbon monoxide deaths. I do not think that housing associations are required to install carbon monoxide detectors in all of their properties, but a number of them are beginning to do so in response to the changing needs and aspirations—

[253] **Rhodri Morgan:** Yes, but is that an argument against this proposed Measure or not?

[254] **Mr Hedges:** Not at all. You have had some evidence. I must admit that I have not read all of it because I did not have the time to do so, but you had some evidence from one of the fire and rescue services, which gave, in an appendix, a recent example of a fire in a property in Holyhead. If you read the example, which I have before me, you will see that it provides the case in question and what happened. It then gives you the background and explains that the local authority made a risk assessment of an individual living in a complex of flats who was a heavy smoker and an alcoholic. The view was that she posed a risk, so a decision was taken to install sprinklers in the block of flats. Subsequently, there was a fire, the sprinklers worked and her life was saved. That demonstrates the value of identifying risks in the population and in the types of housing schemes that may make you decide to take a different tack.

11.20 a.m.

[255] We are building 8,000 to 8,500 new homes every year in Wales and the total stock of homes in Wales is in the order of 1 million. I have not done the maths, but how long will it take you to put sprinkler systems in every home? We are talking about generations, are we not? If you want to have a greater impact, you may decide to do something in addition to putting sprinklers in new homes.

[256] **Rhodri Morgan:** It is always possible to say that nothing should be done until everything can be done at the same time, or you could say that each step taken through new legislation takes you some way towards utopia, even though it does not take you all the way. We have heard today that legislating to retrofit older properties, although they may be at greater risk, is utopian. It is difficult to think of the practical problems of introducing legislation to retrofit sprinklers, even though we accept that older properties are at greater risk than new properties, because they do not have smoke alarms.

[257] **Mr Hedges:** We retrofit all the time. Housing associations are already doing it; they are going into existing dwellings and making them much more energy efficient. It is hugely costly and inconvenient for tenants, but the view was taken that it is an effective way of achieving an objective.

[258] **Rhodri Morgan:** So, is that an argument for retrofitting older properties or is it an argument against this proposed Measure, which prescribes fitting sprinklers in new properties?

[259] **Mr Hedges:** Your remit is to look at general principles, is it not? We have been positive and said that this is a positive thing to be doing. We have also said that if what you are trying to do is reduce serious injury and death through fire, there is a risk that if you take

your eye off the ball by focusing on the fact that you will have a Measure that deals with new properties, you will still have injuries and deaths from fire. How would you respond to that?

[260] **Rhodri Morgan:** I do not think that anyone is arguing against action in relation to a high-risk individual tenant, such as an alcoholic who smokes in bed, because you can see the problems there, or as regards older housing and houses in multiple occupation in particular; more should be done on that front. However, is that an argument, as you seem to be saying, against this proposed Measure?

[261] **Mr Hedges:** No, it is not.

[262] **Eleanor Burnham:** So, is it your utopian aspiration to do what the Member wishes to do and possibly—and I do not know whether this is legally permissible—to mention your tack as well?

[263] **Mr Hedges:** It would be ineffective, would it not? You have had enough evidence to suggest that a line must be drawn on cost. You make decisions on what to spend money on all the time. The health service decides whether it is going to make funding available to provide drugs to people with cancer, and some people get the drugs and others do not. Those kinds of decisions are made all the time. How effectively you make decisions about where to put resources is an issue that you must decide on, whatever the legislation states. Perhaps we will get to talk about some of the costing issues.

[264] **Rosemary Butler:** The committee is considering this particular piece of legislation today. For Members' information, the case that David referred to is in the chief fire officer's evidence, which is included in the pack. Rhodri, have you finished asking your questions? I see that you have. We therefore move on to Eleanor Burnham.

[265] **Eleanor Burnham:** Credaf eich bod wedi ateb y cwestiwn hwn, oherwydd soniasoch am gynlluniau peilot, ond fe'i gofynnaf beth bynnag. Beth yw'r manteision o weithredu yn y modd hwn ac o gynnal cynlluniau peilot? Sut ydych chi'n rhagweld y byddai'r cynlluniau hyn yn cael eu gweithredu? **Eleanor Burnham:** I think that you have answered this question, because you mentioned pilot schemes, but I will ask it anyway. What are the advantages of approaching it in this way and running pilot schemes? How do you envisage that these schemes would operate?

[266] **Mr Hedges:** The idea of having pilot schemes is to learn about what happens when you move on from the estimates. One flaw of the explanatory memorandum is where it considers cost benefit. Most of the numbers are estimates and Community Housing Cymru, in evidence to the LCO committee, mentioned a pilot that Dewi Sant Housing Association had undertaken in Aberafan, which obtained some real numbers, but the explanatory memorandum said that they seemed particularly high. Compared with the estimate, they were high, but they were real costs. Pilot schemes will give you real costs. They will also, if constructed properly, bring together all the various parties that you would want to be involved in this process to deal with design, specification, implementation, construction and maintenance—anyone who might have an interest in this and who might have a legitimate concern. You might bring insurers in, along with fire and safety officers and building inspectors, and you would work through these schemes. At the end of the day, you would have some quality data from which you could undertake an effective cost-benefit analysis.

[267] **Nick Ramsay:** On that interesting point, the Member in charge has reminded us that sprinkler technology is not new; it has been around for quite a while. When you talk about the pilot schemes in those terms, it strikes me that you are talking about them as though they are revolutionary and as though we do not have any prior examples, but that is not the case, is it?

There are examples of sprinkler systems out there that have been fitted, and it is not that we are introducing some new and revolutionary type of technology into a construction process.

[268] **Mr Hedges:** No, and pilot schemes are about evolution. We do not want to be talking about developing schemes with technology that does not change. I was quite interested to hear the answers to your questions on sprinklers. If you are allowed to get out of this building, I would urge you to go to see a scheme with sprinklers in it and talk to the people who are responsible for their maintenance and the occupiers of the property. In our evidence, we talked about a scheme in Wiltshire where a housing association built 210 properties, all of which had sprinkler systems that have gone off a few times and have saved some lives. However, I was talking to the person responsible for their maintenance, who said that maintenance was a real bugbear and a real issue. For example, people paint over sprinkler heads because they do not like the look of them. They do not realise what the sprinkler does, so every year when the association goes in to undertake maintenance, it has to physically replace the sprinkler head.

[269] I also have information, which I can send to you if it would be useful, on the maintenance regime for sprinkler systems. It involves more than just a visual inspection and running water through the system, particularly if you have to start installing pumps and water tanks where there is insufficient water pressure. That is another idea that we would like to see tested in a pilot scheme. As I understand it, the very few schemes that have fitted sprinklers have done so in areas where the water pressure is high, so no-one has had to think about what to do if the water pressure were insufficient. The assumption is, and you would want to test it, that you would then need a tank of stored water to give you enough pressure to run the sprinklers. I am not aware of schemes where that approach has been tested.

[270] **Eleanor Burnham:** That was going to be my next question. So, perhaps you can give us some practical examples of instances where your members have experienced difficulties regarding the provision and maintenance of the water supply and sufficient water pressure. Are you just talking about Wales now? You talked about Wiltshire, but perhaps the water supply in Wales is a little more effective than it is in Wiltshire.

[271] **Mr Hedges:** You need only look to your evidence from Dŵr Cymru. That will tell you all about water pressure. This is not about supply, but about pressure. The pilot scheme in Aberafan was fraught with difficulties. The housing association had to deal with Dŵr Cymru on the size of the pipes, who would guarantee the pressure, whether the pressure would be there all the time and what would happen if there were insufficient pressure—it was a nightmare. I understand that the pilot scheme gave out all the signals that this was not an easy thing to do.

[272] **Eleanor Burnham:** May I suggest, Chair, that we need to discuss that? Is Dŵr Cymru coming in to give evidence?

[273] **Rosemary Butler:** Yes. I think that Rhodri Morgan wanted to come in on that point.

[274] **Rhodri Morgan:** Briefly, when that point was put to Ann Jones and her team, the deputy chief fire officer of Staffordshire, on behalf of the Chief Fire Officers Association, made it clear that if you can have a shower, you can have a sprinkler system. He said that the same preconditions for having a shower would apply to having a sprinkler system and you would not find a new house that did not have sufficient water pressure to have a shower. Therefore, you would not have a new house in that position, except in quite exceptional circumstances such as a single dwelling being built halfway up a mountain, for example, at the end of the mains. In all normal circumstances, if you can have a shower, you can have a sprinkler system. Is that your understanding?

11.30 a.m.

[275] **Mr Hedges:** I am not a technical expert, so I need to be careful, but I was surprised when I heard that answer. If you read a lot of the material, such as Dŵr Cymru's evidence, and listen to the concerns of CHC's members, you will realise that the fear is that, in large parts of Wales, there will be insufficient pressure to make systems effective. However, you also had some evidence this morning that some low-pressure systems are being tested. That is exactly the kind of thing that you could trial in a pilot scheme. Pilot schemes are a great opportunity to try things out. They also provide an opportunity for people to be creative and innovative. A new design of system could be trialled in a housing association scheme.

[276] **Rhodri Morgan:** May I ask a brief supplementary question to the supplementary question?

[277] **Rosemary Butler:** On that issue, I point out that Dŵr Cymru will be giving evidence on 7 October, so we can pick up those technical things at that session.

[278] **Rhodri Morgan:** You may like to consider the point further and get technical supporting evidence from the people you have at your disposal on the proposition that shower capability equals sprinkler capability. If you do not think that that is correct, that would be significant for this committee. If you could provide it in writing to us, I would find that enormously helpful and so would the committee.

[279] **Rosemary Butler:** Thank you very much. Val Lloyd has the next question.

[280] **Val Lloyd:** I have a question about water storage. You raise concerns in your evidence about the possible risk of legionella bacteria, which lead to legionnaire's disease, from the automatic fire suppression systems in instances in which water is left unused in storage tanks. Can you expand on that concern? Have your members had any experience of this?

[281] **Mr Hedges:** The day after our evidence was submitted we had the latest legionella outbreak, which reinforced members' concerns about the disease and how to deal with it. This worry comes in only in the context of a stored water supply. The assumption is that water will be sitting in pipes and in the tank for weeks, months or possibly even years. There is a risk that if you have stored water in a loft, which might be warmer, legionella bacteria may grow there. If there is a fire in the property and the sprinkler system activates, I understand that there would be mists of water, so you would have very fine water droplets aiming to extinguish the fire. I am told that a fine mist of water that could be breathed in by the occupants is exactly the kind of situation that people are afraid of with legionella. So, you would not want to invest in creating a system that might extinguish a fire but lead to the risk of legionella infection.

[282] Housing associations have a responsibility to assess the risk associated with such things. When we were drafting our evidence, a number of our members asked whether, if they did not have adequate water pressure and had to have a store of water that would be sitting in pipes for an extended period, there was a risk of legionella and how they should deal with it. Again, in a pilot scheme, you might find a way of dealing with that, such as ultraviolet treatment of the water. I am not technical, but—

[283] **Val Lloyd:** Have you had an outbreak of legionnaire's disease?

[284] **Rosemary Butler:** No, but there was a recent outbreak.

[285] **Val Lloyd:** I was not certain, at the beginning, whether you were saying—

[286] **Mr Hedges:** Housing associations are regularly reminded of their responsibilities as landlords. There is advice out there now about the maintenance of sprinkler heads and how often they should be cleaned. Some of this may be alarmist, but our members are saying that they have a responsibility and that they need to ask the right kinds of questions.

[287] **Rosemary Butler:** Nick Ramsay, do you want to come in on that?

[288] **Nick Ramsay:** Yes, I am intrigued by that answer. Given the choice between putting out a fire or thinking about the consequences of legionnaire's disease, I would want the fire dealt with. You were talking about one type of sprinkler system technology. Without being too technical, previous witnesses have said that you can have a system that is open and does not carry a risk of legionnaire's disease. So, it is simply not the case that water will stand in a tank year after year and then there will be the possibility of legionnaire's disease when the system activates.

[289] **Mr Hedges:** That is based on confusion about mains pressure-powered systems and stored-water systems. Our members are concerned about having a large volume of water sitting unused, because it is separate from the domestic water system.

[290] **Rosemary Butler:** We will move on to your questions, Nick.

[291] **Nick Ramsay:** The cost estimates of installing automatic fire suppression systems set out in the explanatory memorandum accompanying the proposed Measure range from £978 to £1,719 per property. How do these compare with the actual cost of installation reported by your members?

[292] **Mr Hedges:** I touched on this earlier on, and we refer in our evidence to cost. The only evidence that associations have about installation costs is coming out of the schemes where they are installing sprinklers—like the extra care housing schemes, which you may be aware of. We have quoted some figures from that report. One of our members approached a fire sprinkler installer and asked about the cost of installing these schemes in new housing, and we have given you some figures of between £3,000 and £5,000. My worry all the time when we look at numbers is that so many of them are based on estimates, not on real costs. Again, to reinforce the point, pilot schemes would enable you to get some real figures to do a proper analysis of the costs and benefits.

[293] **Nick Ramsay:** I have figures here from the explanatory memorandum of between £0.5 million and £3.3 million per annum for the overall cost of installation for registered social landlords. You have said repeatedly now that you think that a pilot scheme would be the answer—

[294] **Mr Hedges:** Sorry to be boring.

[295] **Nick Ramsay:** Not at all—it is good to get these things clear. Do you think that those figures of between £0.5 million and £3.3 million are a fair estimate, if not exactly right, of the costs to RSLs, or could they be quite a lot higher?

[296] **Mr Hedges:** I cannot say, because they are a grossing up of an individual figure, which I would question, because they are estimates. I would be much happier to talk about numbers for the whole of the sector if we had a real idea of the costs that we are talking about. The more you spend on each individual property, the less you have to provide properties generally. The argument will come down to how much you want to spend on the design and specification standards in individual new dwellings, certainly in the housing association sector, because the more you spend on individual properties, the less money you have to build

homes. The share of the cake is smaller. In the 20-odd years in which I have been working in social housing, we have had a perpetual housing crisis, and the mantra has been that we do not build enough affordable homes. I want to see as many affordable homes built as possible, and I want to spread the available budget as far as I can. The more regulation we have that forces associations to install things in homes, the less money there will be across the piece.

[297] **Rosemary Butler:** Nick, do you want to move on to the next questions?

[298] **Nick Ramsay:** Okay. Moving on to maintenance issues, the proposed Measure makes no provision for the ongoing maintenance of automatic fire suppression systems following installation. In your view, is there a danger that that could undermine the effectiveness of the proposed Measure in meeting its aim?

[299] **Mr Hedges:** Maintenance is a specialist function. There was something in the explanatory memorandum that suggested that housing associations' maintenance teams could carry out that work, but I asked that question of a number of maintenance managers, and they said that it was like testing fire alarm systems or other devices in that it is a specialist function, and they would have to employ contractors to do it. However, associations have a statutory duty to maintain their homes, so if it was a question of having to get it done, it would be something that associations would do. They would have to employ contractors to do it, and there would be a cost attached to that. When I spoke to the chap responsible for the scheme in Wiltshire, he talked about maintenance being the biggest bugbear. I know that you were talking earlier about the lifetime of systems, and a period of 50 years was given to you. In Wiltshire, the housing association is seven years into a scheme and is already replacing some of the technology because it has moved on. It is spending £300 a year or more on replacing panels in individual properties to ensure that the systems still work properly. These things have to be borne in mind, and someone ultimately has to pay for these things. You either try to accommodate them within the broad cost of the work that you charge for, as rent, or you try to put them in the form of a service charge to tenants. I am not sure whether we yet know whether the maintenance of sprinkler systems is an eligible service charge.

11.40 a.m.

[300] **Rhodri Morgan:** Is that in any way different from every other single improvement to building regulations there has ever been, going back to the Artisans' and Labourers' Dwellings Improvement Act 1875, the damp-proof courses that came in in the 1920s, and the things that you would never dream of doing without now, such as cavity walls? When they came in, the same arguments would have been deployed, would they not?

[301] **Mr Hedges:** I have not been around long enough to say.

[302] **Rhodri Morgan:** No, but you can work out the principle. Every time you say something like, 'From henceforth there will be damp-proof courses in every house', people will make the same arguments, as happened when people were told that they had to have cavity walls for better insulation. You would never go back to a single-skin wall now, would you?

[303] **Mr Hedges:** I am not suggesting that you would, and I not suggesting—

[304] **Rhodri Morgan:** Is the argument that you have just put forward not the same standard argument that is trotted out every time an improvement is brought in? People would say exactly the same as you have just said about fire sprinklers.

[305] **Mr Hedges:** We have said that a pilot scheme might provide a real opportunity to look at issues such as this, because the feedback that I have had personally from people is that

it is an expensive liability that causes problems and inconvenience, and somebody has to pay for it. They are real issues for people. You might be able to find a way to deal with those issues through a pilot scheme.

[306] **Rhodri Morgan:** Yes, but the somebody-has-to-pay-for-it argument would have been much more profound at the time when people were told that, instead of having single-skin walls, they had to have double-skin walls and those little butterfly joints in between to reduce heat loss. People must have found it staggering and must have thought, ‘What do you want two walls for around the outside of a house?’.

[307] **Mr Hedges:** Yes, but we make judgments all the time, and we base them on the benefits. If we were really good in Wales, in our industry, we would involve consumers much more. We are very producer-led in housing, so we make decisions about what people have to live with. We do not give tenants an opportunity to exercise choice over whether they want these things; they have to pay for them.

[308] **Eleanor Burnham:** Have you actually discussed this with tenants, either in the places that you run or those that you are aware of? You mentioned Wiltshire, which is an interesting example. In your experience, what are people’s views? Would they prefer to have a dousing with a sprinkler—with a bit of inconvenience or, in the worst-case scenario, the possibility of legionnaire’s disease—rather than be killed in their own homes?

[309] **Mr Hedges:** What a leading question that is. [*Laughter.*] I am not aware that our members have had discussions with their tenants.

[310] **Eleanor Burnham:** Should you not be having those discussions?

[311] **Mr Hedges:** It may be that we will have to if there is a consultation at some point in future about bringing this in. We would then have those discussions with our members. I imagine that, in Wiltshire, they spent a lot of time talking to their prospective tenants about doing this. I think that it is quite telling that, since the scheme in 2003, they have not built another scheme with sprinklers.

[312] **Rosemary Butler:** I think that Mr Hedges is saying that he fundamentally agrees with this proposal, but he is rightly highlighting—

[313] **Mr Hedges:** Am I being too antagonistic?

[314] **Rosemary Butler:** No, no. Far from it. You should have been at previous meetings. [*Laughter.*] From what you are saying, you are highlighting issues that need to be considered, and that is only right and proper.

[315] **Mr Hedges:** I keep repeating myself here, but, as part of a pilot scheme, you might find a way of training the maintenance staff in housing associations and giving them the skills to carry out these annual checks, which are quite significant. However, at the moment, no association is going to say that it will happily take on these specialist responsibilities.

[316] **Eleanor Burnham:** I would think, from my little experience, that another important question is about the insurance issue. Have you had much experience of difficulties with insurers to do with sprinklers?

[317] **Mr Hedges:** No experience that I can bring to bear. I am told that the insurance industry likes the scheme in Wiltshire. Again, however, you would involve insurance specialists in this matter.

[318] **Rosemary Butler:** The next question was going to be about maintenance costs and how you would envisage paying for them, but I think that you have answered that, so I will ask my final question. In your evidence, you suggest that it would be important for the Welsh Government to take a more flexible approach towards affordable housing to offset the additional costs to housing associations that would be brought about as a result of the proposed Measure. Can you expand on that?

[319] **Mr Hedges:** I touched on this a little earlier. If you decide that it is that important to put a sprinkler system in a new home, you would vary some other aspect of the home's standard specification to accommodate the costs of making that improvement. In other words, would you look to make homes slightly smaller, or would you cut back in some way on the specification so that the overall cost of producing the property is not significantly greater? All the time, you are asking whether this is the kind of standard that you want to be providing for people and thinking about whether you should go a little further, and, if you think you should, asking how you will pay for it. Will you get a grant from the Assembly Government to fund it? Will you have to borrow more? Will tenants have to pay more rent? Will housing benefit pay for it? So, it is really about seeing that improvement in the round.

[320] **Rosemary Butler:** Nick Ramsay, you wanted to come back on this point.

[321] **Nick Ramsay:** Yes, briefly. My question ties in with Rhodri Morgan's previous question and the example of the cavity wall. Clearly, there is a cost. You mention that tenants might believe that this is a liability or an inconvenience, but surely you accept that there is a difference between a sprinkler system and even the cavity wall example. If a house has a single skin, it will be colder but there will be no threat to life—

[322] **Mr Hedges:** Well, loads of people die because they do not have enough warmth in their home, and we gave evidence to the committee that was looking at the legislative competence Order that more people die of the cold in their home than from fires. It was not the evidence that people wanted to hear—

[323] **Nick Ramsay:** With all due respect, that will not happen overnight, will it? It will not happen in one example. Without getting drawn into the merits of double-skinned walls—and we have them now—if you accept that people are going to die as a result of not having a sprinkler system, that is an argument for having it, whatever the cost.

[324] **Mr Hedges:** Loads of homes in Wales are very poorly insulated. People have ineffective heating systems and cannot afford to put their gas fires on. Look at the number of excess winter deaths. I do not want to get into that; we have lost the argument on that, in a sense. If you are looking at deaths in the home, however, you would find that fire is not the biggest cause. This proposal focuses on fire. Look at the data on what causes death in the home. Fire is not the biggest cause of death in the home.

[325] **Nick Ramsay:** But it is a cause.

[326] **Mr Hedges:** It is a cause, sure.

[327] **Rosemary Butler:** Does anyone else want to ask a question? I see that no-one does. Thank you very much, Mr Hedges, for answering our questions. Please give our best wishes to Mr Bateson.

[328] **Mr Hedges:** It was his wife, actually.

[329] **Rosemary Butler:** Okay. You will be sent a copy of the draft report of this morning's meeting for you to check before the final version is published. Thank you for

coming; your contribution has been very helpful. That brings today's meeting to a close.

Daeth y cyfarfod i ben am 11.47 a.m.
The meeting ended at 11.47 a.m.