

Rebecca Evans AC/AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration



Llywodraeth Cymru
Welsh Government

Alun Davies AC/AM
Ysgrifennydd y Cabinet dros Lywodraeth Leol a
Gwasanaethau Cyhoeddus
Cabinet Secretary for Local Government and Public Services

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

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John Griffiths AC
Cadeirydd
Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
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Annwyl John,

Diolch ichi am eich llythyr ac am ddiddordeb parhaus y Pwyllgor mewn materion diogelwch tân yn dilyn y trychineb yn Nhŵr Grenfell.

Mae ymateb Llywodraeth Cymru i'r sefyllfa gymhleth yn cael ei hyrwyddo ar draws yr amrywiol bortffolios, fel y bo'n briodol. Mae'r Gweinidog Tai ac Adfywio yn cydlyn ymateb Llywodraeth Cymru, sy'n cynnwys gwaith y Grŵp Cyngori ar Ddiogelwch Tân a gwaith penodol sy'n gysylltiedig â llety preswyl uchel iawn; Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus sy'n arwain y Gwasanaethau Tân ac Achub, diogelwch tân, ac, yn fwy cyffredinol, wrth gwrs, ar gyfer Llywodraeth Leol; ac mae Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig yn parhau â'i diddordeb penodol yn y rheoliadau adeiladu a swyddogaethau cynllunio. Yn unol â'r dull hwn, gweler isod ein hymateb ar y cyd i gwestiynau penodol y Pwyllgor.

Rwy'n siwr eich bod yn cydnabod bod Llywodraeth Cymru yn parhau i fabwysiadu dull cyfrifol, dynamig a chynhwysol i sicrhau bod y partïon perthnasol yn cymryd camau gwybodus. Mae hyn yn hollbwysig er mwyn sicrhau bod trigolion adeiladau uchel iawn yng Nghymru mor ddiogel â phosibl. Mae'r sefyllfa yn dilyn trychineb Grenfell yn parhau i ddatblygu ac, wrth i hynny ddigwydd, bydd ein hymateb yn rhoi ystyriaeth ofalus i ganfyddiadau'r adolygiad annibynnol o reoliadau adeiladu a diogelwch tân ac, wedi hynny, canfyddiadau'r ymchwiliad cyhoeddus.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Alun.Davies@llyw.cymru
Correspondence.Alun.Davies@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Rhagwelwn y bydd hyn yn ategu profiad blaenorol rhagweithiol Llywodraeth Cymru o wella diogelwch preswylwyr. Rydym, er enghraifft, wedi cyflwyno gofyniad i systemau llethu tân (system chwistrellu fel arfer) gael eu gosod ym mhob llety a thŷ preswyl newydd a rhai sy'n cael eu haddasu ac, wrth gwrs, mae gofyniad hirsefydlog i osod larymau mwg ym mhob tŷ newydd.

Bydd y Rheoliadau Eiddo Ffit i Bobl Fyw Ynddo (FFHH), a gaiff eu llunio o dan Ddeddf Rhentu Cartrefi (Cymru) 2016, yn diweddarau'r dull a ddefnyddir i benderfynu a yw annedd yn ffit i bobl fyw ynddi mewn dwy ffordd:

1. Bydd 29 o faterion ac amgylchiadau y mae'n rhaid eu hystyried wrth benderfynu a yw eiddo yn ffit i bobl fyw ynddo, a
2. Rhoddir gofynion penodol ar landlordiaid i helpu i sicrhau nad yw problemau ac amgylchiadau penodol yn codi.

Ar hyn o bryd cynigir tri gofyniad:

- sicrhau presenoldeb larymau mwg
- sicrhau presenoldeb synwryddion carbon monocsid
- sicrhau y cynhelir prawf diogelwch trydan o leiaf bob pum mlynedd.

Bu'r rheoliadau hyn yn destun ymgynghoriad cyhoeddus a ddaeth i ben ar 12 Ionawr ac rydym yn ystyried yr ymatebion hyn yn awr.

Grŵp Cynghori ar Ddiogelwch Tân

Mae'r Gweinidog Tai ac Adfywio wedi cwrdd â chadeirydd y Grŵp Cynghori ar Ddiogelwch Tân, Des Tidbury sydd, fel y cofiwch, hefyd yn gwasanaethu fel Prif Gynghorydd ac Arolygydd Tân ac Achub i Gymru - rôl a fydd yn parhau nes y daw ei dymor yn y swydd i ben ym mis Mehefin. Trafodwyd argymhellion y Grŵp ac mae copi o'r rhain wedi'i atodi ynghyd ag ymateb y Gweinidog (a 'datganiad sefyllfa' cynharach y Grŵp Cynghori' ac ymatebion yr Ysgrifennydd Cabinet dros Gymunedau a Phlant ar y pryd iddynt).

Croesawodd Llywodraeth Cymru yr ystyriaeth feddylgar a roddwyd gan y Grŵp Cynghori ar Ddiogelwch Tân i'r materion dan sylw a, hefyd, ei gyswllt â Phanel Arbenigol y DU ar Ddiogelwch Tân. Mae'r ymgysylltiad hwn wedi bod yn fuddiol i sicrhau llif amserol a phriodol o wybodaeth rhwng y ddau gorff a'r sefydliadau sy'n aelodau ohono.

Dymunwn weld hyn yn parhau ac rydym wedi gofyn i Mr Tidbury barhau i gadeirio'r Grŵp Cynghori ar Ddiogelwch Tân hyd fis Mehefin. Bydd hyn yn rhoi cyfle hefyd i'r Grŵp ystyried ac elfennau diogelwch tân adolygiad annibynnol y Fonesig Judith Hackitt o reoliadau a diogelwch tân adeiladau ac adrodd ar hynny i Lywodraeth Cymru. Disgwylir i argymhellion terfynol y Fonesig Judith gael eu cyflwyno yn y gwanwyn. Wedi hynny, byddwn yn parhau i sicrhau bod gennym ddull/iau priodol ar waith ar gyfer yr amrediad o gyngor a mewnbwn y gallai fod eu hangen arnom wrth inni gynllunio a gweithredu unrhyw newidiadau i gyngor a rheoliadau adeiladu a diogelwch tân.

Adolygiad Annibynnol o Reoliadau Adeiladu a Diogelwch

Yn nhermau'r adolygiad, cyfarfu Ysgrifennydd y Cabinet dros Gymunedau a Phlant ar y pryd, ac Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig ar y pryd, â'r Fonesig Judith Hackitt fis Hydref y llynedd. Mynegodd Ysgrifennyddion y Cabinet eu cefnogaeth hwy a'u swyddogion i'r adolygiad ac fe wnaethant gytuno i hwyluso ymgysylltiad â rhanddeiliaid yng Nghymru. Cynhaliwyd gweithdy a oedd yn cynnwys cynrychiolwyr o ddiwydiant adeiladu Cymru, rheoleiddwyr, y Gwasanaethau Tân ac Achub, rheolwyr tai a thenantiaid ym mis Ionawr y llynedd. Rhoddodd hyn gyfle i'r Fonesig Judith a'i thîm adolygu glywed ymatebion o Gymru i ganfyddiadau ac argymhellion ei hadroddiad interim, a gyhoeddwyd ym mis Rhagfyr y llynedd.

Roedd yr adroddiad hwn yn ymgorffori nifer o argymhellion cychwynnol, ar lefel llywodraeth a diwydiant. Rydym wedi derbyn y rhai sy'n berthnasol i ni. Mae Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig wedi cyhoeddi cylchlythyr cynghori yn ddiweddar i gyrff Rheoli Adeiladu, yn pwysleisio'r angen i sicrhau ymgysylltiad cynnar gyda'r Gwasanaethau Tân ac Achub, a'u bod yn ystyried eu cyngor ac annog darparu gwybodaeth ddigonol i'r rhai sy'n gyfrifol am asesu risgiau tân o dan Orchymyn Tân a Diogelwch 2005. Edrychwn ymlaen yn awr at yr adroddiad terfynol a byddwn yn ystyried ei ganfyddiadau'n ofalus.

Tân Trydanol

Ar y pwynt hwn, rydym yn nodi pryder, fel y mynegwyd gan y pwyllgor seneddol, ynglŷn â rôl achosol bosibl offer trydanol yn y tân yn Nhŵr Grenfell. Nid yw achosion y tân a'r ffactorau a gyfrannodd ato yn gwbl hysbys ar hyn o bryd ac, wrth gwrs, maent yn faterion sy'n destun ymchwiliad cyhoeddus. Yn ogystal, ni ddatblygodd y trasiedi oherwydd achos cychwynnol y tân, ond o ganlyniad i'r cyflymder y bu i'r tân ledaenu, gan oresgyn adraniadau'r adeilad. Gallai'r amodau a arweiniodd at y sefyllfa hon fod wedi digwydd yn dilyn unrhyw fath o dân, p'un a ddechreuodd o ganlyniad i goginio, deunyddiau smygwyr neu gyfarpar trydanol. Mae canolbwyntio ar achos cychwynnol y tân yn golygu y gallem ddiystyru'r pwynt hollbwysig hwn. Felly, nid ydym wedi cyflwyno sylwadau penodol i Lywodraeth y DU nac i Adolygiad Hackitt ar y mater hwn.

Fodd bynnag, nid yw hyn yn golygu nad ydym yn awyddus i leihau nifer y tanau trydanol yng Nghymru. Mae tanau mewn anheddau sy'n deillio o'r cyflenwad trydan yn cynyddu, yn wahanol i danau anheddau o unrhyw ffynhonnell hysbys arall. Rydym wedi bod yn gweithio gyda'r Awdurdodau Tân ac Achub ac Electric Safety First i ddeall y duedd hon ac i lunio dulliau o fynd i'r afael â'r broblem. Mae'r darn hwn o waith yn drylwyr iawn, ac mae wedi cynnwys archwilio adroddiadau cannoedd o danau unigol. Byddwn yn cyhoeddi'r canlyniadau maes o law, ond mae eisoes yn amlwg bod hon yn broblem wirioneddol nad yw o bosibl yn digwydd unrhyw le arall yn y DU. Gwyddom hefyd fod y duedd hon yn ymwneud â thanau sy'n deillio o seilwaith y cyflenwad trydan ei hun - mesuryddion, bocsys ffiwsys, ceblau a socedi - sydd o bosibl yn gysylltiedig ag oedran yr eiddo neu osodiad ei system drydanol (mae cynnig Llywodraeth Cymru yn yr ymgynghoriad diweddar ar reoliadau FFHH ar gyfer profion diogelwch trydanol yn berthnasol i'r perygl posibl hwn). Nid yw'n berthnasol i danau mewn dyfeisiau trydanol, y mae eu niferoedd yn parhau i leihau. Er bod y gwaith hwn wedi'i wneud cyn tân Grenfell ac mai dim ond cysylltiad anuniongyrchol sydd ag ef, mae'n dangos pa mor ddifrifol yw ein hystyriaeth ni a'n partneriaid o'r materion hyn.

Adeiladau preswyl uchel iawn yn y sector preifat

Mae Llywodraeth Cymru wedi ymdrechu'n ddygn i sicrhau bod darlun mor gyflawn â phosibl ar gael o'r stoc tai ar ffurf adeiladau uchel iawn yn y sector preifat. Er gwaethaf y cymhlethdodau, a drafodwyd yn flaenorol gyda'r Pwyllgor, mae'n bleser gennym gadarnhau ein bod wedi nodi pob adeilad preswyl uchel iawn yng Nghymru, wedi caffael manylion cyswllt eu perchenogion a/neu asiantau rheoli ac wedi sefydlu'r cyswllt cyfathrebu angenrheidiol gyda phob un ohonynt. Felly, rydym wedi gallu sicrhau bod gan y rhai sy'n gyfrifol am yr adeiladau fynediad at y canllawiau priodol a mwyaf diweddar. Yn ogystal, drwy ein dulliau rheoli achosion, rydym mewn sefyllfa i fonitro'r gwaith o greu a gweithredu cynlluniau adfer pan fydd eu hangen.

Fel diweddariad, ar hyn o bryd y nifer presennol o adeiladau preswyl uchel iawn yn y sector preifat sydd â deunydd cyfansawdd alwminiwm (ACM) sy'n cyfateb â phrofion BRE sydd wedi methu yw 12. Mae ein dulliau rheoli achosion yn parhau i ddarparu cefnogaeth i'r awdurdodau lleol perthnasol wrth iddynt arfer eu dyletswyddau eu hunain i gydweithio gyda pherchenogion adeiladau ac asiantau. Mae hyn yn cynnwys cysylltiad rheolaidd rhwng uwch swyddogion ac amrediad o randdeiliaid, sy'n cynnwys y Gwasanaethau Tân ac Achub. Byddwn yn parhau i weithio gydag awdurdodau lleol i fonitro cynnydd yn erbyn camau adferol angenrheidiol, waeth ym mha sector y maent.

Bydd cydweithwyr yn y Cabinet a'n swyddogion yn trafod hefyd â Gweinyddiaeth Tai, Cymunedau a Llywodraeth Leol Llywodraeth y DU (MHCLG), sy'n gyfrifol am gynhyrchu llawer o'r cyngor technegol sydd ar gael ar asesiadau risg i adeiladau presennol.

Deunydd Cyfansawdd nad yw'n Alwminiwm

Gwyddoch y bu'r ffocws cychwynnol ar gladin ACM, sef y cladin a ddefnyddiwyd ar Dŵr Grenfell.

Cyhoeddodd MHCLG ganllaw cychwynnol ar adeiladau uchel iawn heb gladin ACM ym mis Rhagfyr y llynedd. Mae'r canllaw, sydd eisoes wedi'i ddosbarthu'n eang, yn cymhell perchnogion ac asiantau i edrych ar adeiladau a'u diogelwch ar sail unigol a, phan fydd pryderon yn cael eu nodi, ceisio cyngor arbenigol annibynnol. Mae MHCLG wedi gwneud ymrwymiad i ymchwilio ymhellach i berfformiad tân systemau waliau allanol, gyda'r bwriad o'i gyhoeddi yn ddiweddarach yn 2018. Byddwn, wrth gwrs, yn parhau i sicrhau bod perchenogion a rhanddeiliaid allweddol eraill yn cael unrhyw wybodaeth am ddatblygiadau a chynghor. Mae ein swyddogion yn gweithio yn awr gyda rhanddeiliaid i ddatblygu darlun cliriach o faterion diogelwch adeiladau a'r system asesu risgiau.

Blociau uchel yng Nghaerdydd

Rydym yn croesawu gweithredoedd cyfrifol Cyngor Sir Caerdydd yn comisiynu cyngor annibynnol ac amserol ar ddiogelwch chwe adeilad preswyl heb gladin ACM.

Mae swyddogion wedi cwrdd â Chyngor Sir Caerdydd ynghyd â Gwasanaeth Tân ac Achub De Cymru a swyddogion allweddol eraill llywodraeth leol a rhanddeiliaid tai er mwyn sicrhau dealltwriaeth well o'r sefyllfa, y camau gweithredu hyd yma, gweithgarwch arfaethedig ac i ddysgu o'r profiad. Rydym ninnau, fel chithau, yn croesawu'r defnydd calonogol o wardeiniaid tân 24 awr a hefyd, y systemau chwistrellu sydd wedi'u hôl-osod drwy'r adeiladau. Byddwn yn parhau i ymgysylltu â phartïon wrth i gynlluniau tymor hwy gael eu gweithredu.

Mae dull Caerdydd yn pwysleisio pwysigrwydd ystyried, *ar sail unigol*, diogelwch tân ac adeiladau cyffredinol pob bloc preswyl uchel. Yn hytrach nac ailffocysu, ac ystyried math arall o ddeunydd cladin, mae'r dull ehangach hwn yn gam rhesymol er mwyn sicrhau diogelwch parhaus preswylwyr.

O safbwynt ataliol, hoffwn bwysleisio eto werth comisiynu cyngor diogelwch arbenigol, priodol ac, wrth gwrs, cymryd unrhyw gamau gweithredu dilynol a nodwyd. I'r perwyl hwn, ysgrifennodd y Gweinidog Tai ac Adfywio at holl Aelodau'r Cynulliad ym mis Ionawr, yn rhoi'r wybodaeth ddiweddaraf iddynt ar ganllawiau sy'n gysylltiedig ag adeiladau uchel iawn nad oes ganddynt gladin ACM.

Yr eiddoch yn gywir



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Fire Safety Advisory Group

Position Statement

As we approach the 100th day (22 September) since the Grenfell Tower fire, it seems timely to provide this informal update on the Fire Safety Advisory Group's response and its position on developments subsequent to the fire.

Fire Safety Advisory Group

The [Fire Safety Advisory Group](#) was established on 6 July for an initial period of 3 months, to be reviewed thereafter. The Group, which meets weekly, is chaired by Des Tidbury, Chief Fire and Rescue Advisor for Wales. Its members comprise the Chief Fire Officer for South Wales Fire and Rescue Service and representatives of the Welsh Local Government Association, Community Housing Cymru, the Residential Landlords Association (Wales), Welsh Council for Voluntary Action and the Tenant Participation Advisory Service Cymru.

The [Terms of Reference](#), as agreed with the Cabinet Secretary for Communities and Children, outline the priorities for the Group in relation to the safety of high-rise buildings, identifying and considering possible actions following the Grenfell Tragedy.

This statement updates on our agreed position on a number of fronts and makes recommendations for the Cabinet Secretary's consideration.

Building Research Establishment Large-Scale Tests and Associated Guidance

In broad terms, we welcomed the BRE testing regime and the, ultimately extended, schedule of tested ACM and insulation configurations. We consider that, whilst it would be impracticable to replicate the myriad ACM cladding and insulation types, the seven tests provide a satisfactorily broad basis for advice.

The subsequent guidance requires building owners and landlords to take fire safety measures and to seek expert advice on processes for replacing material where their cladding systems correspond with failed rigs.

There seem to us to be likely practical resource implications for owners/landlords in all sectors. These include the availability of 'approved' ACM cladding; industry capacity to fit the same; financial capacity and implications for owners and landlords and, registered fire safety engineers (estimated to be around 250).

We continue to have regard to subsequent UK-level guidance, but recognise the limits and its capacity to respond to a complex and fast-moving environment.

Given the experience and composition of the UK Expert Panel and the clarity of guidance, which we consider is accessible even to readers with little technical knowledge, the Group has no significant issue with endorsing guidance issued subsequent to the BRE full system tests.

Owner and Landlord: Tenant Engagement

The gravity of the Grenfell situation and speed and range of subsequent issues and developments will have led to anxiety amongst tenants in high-rise buildings. Appropriate engagement, alongside safeguarding and remediation actions, are essential to ensuring people are – and *feel* – safe and informed.

The Group invited and heard from social landlords about the steps they had taken to keep tenants well-informed and reassured. We were pleased to have had a presentation from Newport City Homes (NCH) and were impressed by the breadth and nature of their extensive tenant engagement. I attach a PDF to the [pack](#) with which we were presented. NCH have been generous in agreeing to this being shared more broadly, perhaps as part of the ‘caseworker’ approach being taken by your officials. We feel that this provides a sound blueprint and can be a useful touchstone for cross-sector landlords. We have also been impressed by the speed with which NCH has commenced the installation of sprinklers in its buildings.

Whilst Fire and Rescue Services have welcomed the involvement of owners and managing agents, and in turn their engagement with tenants, we have also noted the role that Third Sector organisation, charities and community groups can play in providing additional communication routes and reassurance and support to tenants.

Identification of ‘In-Scope’ Buildings

The efforts of the WLGA, local authorities, fire and rescue services and your officials and others notwithstanding, the ability to identify the existence, location and ownership of buildings of 7 storeys (18 metres) or more has been challenging. Indeed, the initial data collection by Welsh Government defining high-rise buildings as those with 7 storeys or more does not relate exactly to the fire safety risk, nor to any regulations laid out in Approved Document B part 2.

Future action could more carefully define high-rise buildings as either:

- those of 18 metres or more in height, to the floor of the top storey, as described in diagram C6, p.210 of Approved Document B, part 2. (In terms of rationale for focus on buildings of, or beyond, a specific height, this would then relate directly and clearly to the ease of evacuation and the ability of FRS to intervene effectively.) Or, alternatively, as those of:
- 18 metres or above height of building, as described in diagram C4 on page 209 of Approved Document B part 2.

The remit of this Group has been to focus on buildings of 7 storeys/18 metres or more, however, overtime this may change in terms of scope for lower-rise buildings.

Identification of Tall Buildings

The picture, particularly - but not exclusively - about the private sector, remains frustratingly incomplete. We understand that effective identification of private sector buildings is, equally at least, a challenge in the other parts of the UK.

It might reasonably be assumed, particularly to a 'lay' observer, that reliable, accurate and timely data about the quantum of tall buildings in any local authority area could be readily accessible. That this appears not to be the case points to the need for a reform of the system and its ability to record information about the totality of this type of building stock and up-to-date ownership and/or managing agency particulars. This may be more a matter of appropriate data collection and recording (and clearly-defined expectations around the same) rather than something which needs statutory intervention to rectify. In either case, we would recommend that further work is undertaken, considering other models across the UK so that, should a future scenario emerge, we can learn and apply lessons so that appropriate information about cross-sector buildings is established and retained

Private Sector

Identifying private sector landlords (perhaps more accurately, freeholders and/or managing agents for the freeholders), or even properties, has been a significant challenge. The reasons for the difficulty in terms of engagement, assuming bodies are first sighted on requests for information, will centre on uncertainty on how matters will be resolved in terms of ownership, managing agents, and a host of other issues including financial liability. There is a lack of clarity or understanding around how material designed and fitted in accordance with building regulations and standards could subsequently fail either initial or large-scale tests. As details continue to emerge, these should be shared broadly and a definitive statement on funding given to clarify the situation.

Focus on High-Rise Residential Buildings

As per the Terms of Reference for the Fire Safety Advisory Group, the initial focus of the Group is the safety of high-rise buildings. This includes the consideration of - on a risk basis - all high-rise buildings on a tenure neutral basis, concentrating on those with a 'sleeping risk', including other forms of housing, the NHS estate, schools and further education establishments, and the higher education estate.

The agreed timescale for the Group established an initial period of three months from 6th July, to be reviewed thereafter. As 6 October approaches, the Group would welcome any early view on its role, if any, and how it can be useful to the Cabinet Secretary beyond that point.

Fire Risk Assessors

I have referenced the availability of fire engineers. The Group has also considered the arrangements for the registration and appropriate training of competent Fire Risk Assessors. Presently, there is no requirement for Fire Risk Assessors to be registered, maintain continuous professional development, or to provide satisfactory evidence of initial or ongoing competence. We presume that this will be picked up in the independent review, but would urge that this is indeed the case.

Review of Building Regulations

The Group welcomes the independent review of building regulations, led by Dame Judith Hackitt. Whilst this will be concerned with the English statutory framework, there is, and should be, clear read-across to the Welsh context.

The FSAG's specific remit and composition were based on issues specific to fire (rather than to the broader matter of building) safety. Whilst we welcome a watching brief and an opportunity to input as necessary, the group's current configuration and resources are not geared to playing a lead role in any parallel review that the Welsh Government may determine to take forward.

Priorities and Procurement

There are apparent complexities involved as focus broadens beyond the initial concentration on ACM cladding. These can relate to practical and commercial decisions in respect of replacement materials: clearly, landlords will wish to replace deficient cladding with a substitute that is approved and which will be an acceptable long-term alternative. As things stand, there may be a balance between early action (which may avoid cost issues stemming from supply and demand) and awaiting a final, definitive analysis of 'safe' cladding systems. Any implications of future changes will need to be communicated to staff responsible for procurement and to take account of any longstanding contractual commitments. Input from the National Procurement Service, on a Wales level, would be helpful.

Similarly, as far fewer buildings have been identified in Wales which require the replacement of (particularly) Category 3 ACM, than is the case in England, we would welcome further clarification of how remediation is to be prioritised. That is to say, an orderly system of remediation, rather than an 'ability to pay'.

We welcome discussions between your officials and their DCLG counterparts on supply chain issues and will further welcome updates on the same.

Mitigating Action

We agree that sprinkler (or water suppressions) systems, crucially as *part* of a suite of fire safety measures, are a highly effective asset in preventing the spread of fire. In that sense, the 2016 legislation taken forward by the Welsh Government, requiring new builds and conversions to have sprinkler systems in place, is hugely positive. In terms of retro-fitting, however, we accept that there are legislative and financial challenges (although, as stated previously, we welcome NCH and Swansea's actions on sprinkler fitting).

We have noted that tenants' questions about sprinklers seem to centre on possible costs to them and potential impact on upholstery and fixtures and fittings. Again, this is an area where enhanced engagement with tenants (and 'myth-busting') can be helpful.

Relationship with other Groups and Knowledge-Sharing

Over time, the flow of information between the UK Expert Panel and the Fire Safety Advisory Group has improved. Informal weekly updates between both bodies have proved most effective in enabling our clearer understanding of developments and underpinning issues. We intend to continue in this vein.

The FSAG has also been involved and welcomed more recent regular briefing discussions between colleagues in the UK Expert Panel and Scottish counterparts. I intend to propose a four-nations symposium as an effective way better to understand

the current situation and to share experiences and developing good practice. We will keep you apprised of developments.

Recommendations

We would make the following initial recommendations:

Collection and Availability of Data – Notwithstanding the obvious efforts of all concerned, the apparent lack of readily-available data relating to high-rise buildings is a matter of some concern. Much work, across local authorities, the Welsh Government, the WLGA and Third Sector, has gone into identifying and collating information on high-rise buildings in Wales. This information should be preserved and built on as a highly useful foundation for future broad, reliable and accessible information. Local authorities should be made aware of clear expectations around what needs to be collected, collated and reported; and expectations should take cognisance of the Information Commissioner's own recommendations in this respect.

Identification of responsible persons – Due to a range of complex owner and landlord scenarios, the identification of responsible persons can prove challenging. The Grenfell Tower aftermath and attempts to discern responsible persons have amplified this concern. We would recommend that any future revision to the Fire Safety Order addresses and clarifies the position and requirements, so far as possible.

Managing Agents - The role of 'block' managing agents (distinguished from manager of private rental accommodation) in the private sector is crucial. Competency, however, appears variable and the Group recommends exploring the feasibility of including additional activities that are carried out by block managers into Section 6(3) of Part 1 of the Housing (Wales) Act 2014 which will result in them requiring to be licensed and be trained.

Fire Risk Assessors – as part of any review of the Fire Safety Order, adopt a more stringent approach for the appointment, registration, training and competence of fire risk assessors.

Fire Safety Advisory Group - That the Group's focus remains trained on high-rise buildings, and it continues to operate for a further three-month period, before being reviewed again.

Finally, I would be happy to brief you or provide further detail if you would find that helpful.



Des Tidbury

Chair, Fire Safety Advisory Group



Ein cyf/Our ref: MA-P-CS-3440-17

Des Tidbury
Fire&Rescue Adviser and Inspector for Wales
Des.Tidbury@gov.wales

26th October 2017

Dear Des

Thank you for briefing me last week in regard to the Fire Safety Advisory Group's initial recommendations. I set out my response to your recommendations below.

Collection and Availability of Data:

Recommendation: "Notwithstanding the obvious efforts of all concerned, the apparent lack of readily-available data relating to high-rise buildings is a matter of some concern. Much work, across local authorities, the Welsh Government, the WLGA and Third Sector, has gone into identifying and collating information on high-rise buildings in Wales. This information should be preserved and built on as a highly useful foundation for future broad, reliable and accessible information. Local authorities should be made aware of clear expectations around what needs to be collected, collated and reported; and expectations should take cognisance of the Information Commissioner's own recommendations in this respect."

You are correct in your assessment of the significant work undertaken to identify high-rise buildings, and I have welcomed the input of partners in helping complete the data, but also in terms of the level of challenge. My officials are currently considering options which can ensure that information held by local authorities is complete, up-to-date and readily available. They will brief the Fire Safety Advisory Group, which includes representation from the Welsh Local Government Association, and I will welcome the Group's further input before I decide how best to take this work forward.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Carl.Sargeant@llyw.cymru
Correspondence.Carl.Sargeant@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Identification of responsible persons: Fire Risk Assessors:

Recommendations: *“Due to a range of complex owner and landlord scenarios, the identification of responsible persons can prove challenging. The Grenfell Tower aftermath and attempts to discern responsible persons have amplified this concern. We would recommend that any future revision to the Fire Safety Order addresses and clarifies the position and requirements, so far as possible; – as part of any review of the Fire Safety Order, adopt a more stringent approach for the appointment, registration, training and competence of fire risk assessors.”*

In taking these recommendations together, I agree that there is a good case in principle for reviewing the Regulatory Reform (Fire Safety) Order 2005. Certainly, a review could include clarifying the position of responsible persons and requiring minimum standards of competence for fire risk assessors, as well as reflecting the evidence and recommendations of the Public Inquiry and the Independent Review of Building Regulations and Fire Safety. The power to amend the Order is not devolved, although the National Assembly for Wales will acquire legislative competence in this area next year. In advance of that, I would welcome any further detail you may provide.

Managing Agents:

Recommendation: *“The role of ‘block’ managing agents (distinguished from manager of private rental accommodation) in the private sector is crucial. Competency, however, appears variable and the Group recommends exploring the feasibility of including additional activities that are carried out by block managers into Section 6(3) of Part 1 of the Housing (Wales) Act 2014 which will result in them requiring to be licenced and be trained.”*

We will work with stakeholders to consider options and mechanisms to improve the consistent competence of leasehold managing agents. One such option would be to legislate for the compulsory registration and licensing of all leasehold management agents, in the same way as we did for the private rented sector. This would then require all staff involved in leasehold property management to be suitably trained and for licensed leasehold management agents to be ‘fit and proper’ and adhere to a Code of Practice. I will consider the options, including the potential to pilot proposals in the first instance.

Fire Safety Advisory Group:

Recommendation: *“That the Group’s focus remains trained on high-rise buildings, and it continues to operate for a further three-month period, before being reviewed again.”*

The Group’s work has been useful, both as a means to ensure effective communications with the UK Expert Panel and in developing advice concerning fire safety issues in Wales. I am content, therefore, to agree to a three-month extension from the date of this letter.

I would welcome your continued focus on fire safety in high-rise residential buildings, which should include student accommodation in the private sector. I note you are continuing to meet owners and managing agents with a view to developing further advice on good practice for engaging and informing residents in circumstances where there are concerns about fire safety. Your further recommendations on that, and your position in terms of preventative and mitigating measures, would be most helpful. I will review the Group's ongoing status in January.

Finally, could I thank you and the Group members for your ongoing commitment and time in taking forward this important work.

Yours sincerely

A handwritten signature in grey ink, reading 'Carl Sargeant' in a cursive style.

Carl Sargeant AC/AM

Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children

Fire Safety Advisory Group

Recommendations, January 2018

The Fire Safety Advisory Group (FSAG), constituted by the former Cabinet Secretary for Communities and Children, Carl Sargeant AM, has met since July 2017, in the aftermath of the tragic fire at Grenfell Tower. FSAG comprises representatives of the Fire and Rescue Service, the Welsh Local Government Association, Community Housing Cymru, TPAS Cymru, the Residential Landlords Association, and the Welsh Council for Voluntary Action. As Chief Fire and Rescue Advisor for Wales, I have had the privilege of chairing the Group, which was established to link with the UK Expert Panel and to make recommendations to Welsh Ministers about fire safety in high-rise residential buildings in Wales. Our terms of reference are attached.

I issued the FSAG's 'position statement', including a number of initial recommendations, to Carl Sargeant last September. In reviewing the same, Mr Sargeant determined to extend the Group's remit until January, with its future considered after that point. I am, therefore, submitting the FSAG's comments and recommendations for the extended period and will await your response and any further instructions you may have.

Resident Engagement: Good Practice

The FSAG, having heard from a number of landlords / managing agents and considered their experiences, offers recommendations for resident engagement in the form of a template (attached). The document is non-technical and should, of course, be considered alongside statutory duties. Its recommendations have been tested with a tenant forum, with thanks to TPAS Cymru, and a group of landlords, with thanks to the Residential Landlords Association.

Recommendation: We recommend that the Welsh Government accepts the actions identified in the attached document as good practice, with a view to adopting and circulating or signposting as and when future fire safety, and possibly other, issues arise in buildings.

Independent Review of Building Regulations and Fire Safety: Interim Recommendations

The FSAG supports Dame Judith Hackitt's interim recommendations, a number of which have direct implications for those involved in fire safety. Indeed, FSAG previously called for greater clarity in respect of 'responsible persons' and professional competency criteria and development for fire risk assessors. The FSAG agrees that the early, systematic engagement of fire safety officers from the design stage of developing tall buildings is particularly important.

Recommendation: Insofar as they relate to fire safety issues, the FSAG recommends the Welsh Government, where responsible, takes steps to comply with Dame Judith's interim recommendations, which, in part, chime with our own previous recommendations.

Data Collection

Our position statement stressed the importance of having, and maintaining, reliable data. As previously, we consider that the existing data held by the Welsh Government – developed in conjunction with a range of partners, including local government and Fire and Rescue Services - is a good starting point and should be maintained and built upon by local authorities. The data, which is or should be extant and therefore not burdensome to collect, can drive closer working with FRS, improved intelligence and, ultimately greater reassurance of resident safety in tall buildings (i.e. for the purposes of this group, those of 18 metres height or more). Naturally, the information should be updated as and when circumstances, including the release of new buildings, require.

Recommendation: In advance of other reviews reaching a conclusion, the FSAG considers that – as a minimum – local authorities should be able to draw on accurate, timely information to:

- identify the number of residential tall buildings and hotels in their area;
- establish the cladding type, where appropriate;
- establish safety features in place (and, where applicable, certified testing thereof). This should include, for example, whether sprinkler systems are in place; smoke detection facilities; number of stairwells;
- ascertain the date and outcome of the most recent fire safety inspection (particularly noting whether any improvement or enforcement notice was issued);
- identify the ownership/responsible person details for each tall building;
- develop an understanding of particular risk and whether appropriate arrangements are in place for identified vulnerable people.

This entails a close working relationship between local authorities and the appropriate Fire and Rescue Service. It would appear that the data held by the two services does not always tally. Regular, at least twice-yearly, meetings between local government and FRS should be held to triangulate the information each holds and to identify, share and act upon any particular concerns or developments.

Future of the Fire Safety Advisory Group

I would conclude that the Group has been an effective conduit for maintaining a clear and open line of communication with the UK Expert Panel, chaired by Sir Ken Knight. I have had regular update conversations with Sir Ken. Since the Group's inception, however, the response following the Grenfell Tower fire has broadened

considerably, as appropriate, and has thrown up myriad issues stretching beyond FSAG's remit. These include, for example, remedial work, supply chain, the testing regime and technical aspects of financial impact, including mortgage, valuation and insurance implications.

FSAG has run alongside the UK Expert Panel and also Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety. The implications in and for Wales of Dame Judith's review are clearly a matter for Welsh ministers, but she has concluded, at this early stage, that systemic, broad change is needed in the building control and enforcement environment, with ramifications both for government and industry. This clearly outstrips the expertise of the Fire Safety Advisory Group, as currently constituted.

In terms of remit, I trust that our engagement with stakeholders and production of the good practice document can be helpful in ensuring "...that people living in high-rise accommodation are suitably informed and feel reassured and safe." I am not sure, however, that we have much more to add at this point in time and any future remit would need to reflect current developments.

Recommendation: We would suggest that a focused Fire Safety Group may still have a role to play as part of the broader approach to building safety. The role might be better played, however, as a *reference* resource or group (considering specific issues as they emerge and with a refreshed membership equipped to provide advice on technical matters).

This could feed into the bigger picture, particularly in terms of advice you may require related to the independent review of building regulations, building and, of course, fire safety. In any event, I would envisage retaining contact with the chair of the UK Expert Panel and being in a position to continue updating you and your officials as you see fit.

Finally, I would like to express my sincere thanks to the members of the FSAG, who have given freely of their time. I would, of course, be very happy to brief you in person if you would find that helpful. I look forward to your comments and further requirements.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Des Tidbury', with a long horizontal stroke extending to the right.

Des Tidbury

Chair, Fire Safety Advisory Group

Fire Safety Advisory Group

Resident Engagement: Principles for Good Practice

Effective and timely engagement with residents is important, both in practical terms, but also to build trust, reassure people, provide certainty where possible, reinforce messages about appropriate fire safety behaviours -- a joint responsibility -- and alleviate anxiety.

The Fire Safety Advisory Group, having heard from a number of landlords / managing agents and considered their experiences, offers the following recommendations, which have been tested with a tenants' forum.

We consider that the following steps, to be taken by owners/managing agents as soon as practicable once cladding systems are known to correspond to failed Building Research Establishment large-scale tests, could form the basis of future guidance.

Set the Context:

Be proactive in establishing the full context, rather than assuming residents will know the background leading up to engagement, explaining that:

- tests have been undertaken following the fire at Grenfell Tower, London in which the types of external cladding used accelerated the spread of fire;
- owners of tall buildings (18 metres or more in height) were asked to submit samples of cladding to the independent Building Research Establishment. Seven tests were conducted on different types of Aluminium Composite Material cladding and insulation filler to see how they behaved in an extreme fire situation; and
- the type of cladding used on the building/s corresponds with a 'failed' test and you are now taking the steps identified in Government guidance. (You may wish to emphasise that your system had been approved/was deemed compliant at the point of installation.)

Reassurance:

Set out the steps you have taken in the design, build and running of the property.

Particularly, you should state if the following apply or are present:

- smoke / CO alarms are in place and are regularly tested;

- automatic sprinkler systems are fitted in common / private areas (linking to the Welsh Government's document, "A Resident's Guide to Sprinklers" would be helpful and informative)
<http://gov.wales/docs/desh/publications/151218householders-guide-to-fire-sprinklers-en.pdf><http://gov.wales/docs/desh/publications/151218householders-guide-to-fire-sprinklers-en.pdf>
- a recent Fire and Rescue Service fire safety inspection has been conducted (with date and detail); and
- the building evacuation procedure/strategy in place;.
- other fire safety features of the building (for example, Automatic Opening Vents, compartmentation etc.); and reference to the
- current regular testing and fire safety monitoring regime.

Measures to improve safety:

Of course, making buildings and their occupiers as safe as can be is a joint endeavour. It is important to take the opportunity to reinforce messages about how residents can play their part in keeping themselves safe through appropriate behaviour. Your Fire and Rescue Service can provide support in identifying 'dos and don'ts'. You may also wish to consider setting out expected behaviours and responsibilities, perhaps building these into tenancy agreements and leaseholder purchase documentation, where applicable.

'Know your building':

Similarly, there is an opportunity to broaden awareness of building-specific details for example: the location of fire escapes, fire doors, fire safety equipment, evacuation procedure, muster points, and key contacts.

N.B. Fire Risk Assessments are required to be carried out on all commercial premises, and also on the communal areas of residential premises. The responsible person for your premises must be able to provide this to a resident should they wish to see it Your Fire and Rescue Service may also strongly recommend a 'Type 4' assessment, i.e. beyond the 'front door,' is carried out.

What you are doing now further to improve resident safety:

State clearly, with timescales, what further steps you are / will be taking including:

- inspection by Fire and Rescue Service, and/or local authority housing departments:

- any Fire and Rescue Service recommendations;
- examination of the building/s by an approved Fire Engineer; and, as appropriate:
- removal of any ACM cladding;
- retro-fitting sprinklers systems;
- deployment of fire wardens / safety patrol; and
- any changes to fire safety policy (for example, evacuation procedures, fire detection testing, making space for FRS vehicular access, and any changes to tenancy agreements).

It is also appropriate, if you haven't already, to reassess *who* lives in the building and any specific modifications which may be necessary for, e.g., elderly people and / or those with limited mobility.

Financial impact on residents

Clearly, for many residents, a key concern will be the financial impact on them of any fire/building safety measures. It is strongly recommended that early and transparent indications should be given, wherever possible, of any remediation costs which may fall to residents.

You should indicate at the outset the remediation costs, the anticipated 'lifespan' of costs and the mechanism for cost recovery, (consider breaking this down into three categories: tenants on an assured or similar tenancy; tenants in the private rented sector; and leaseholders).

Communication medium / media:

Timing: Residents should expect to know of test results as soon as possible after you become aware. Delays in advertising residents may create more uncertainty, leading to avoidable anxiety and diminished trust. If full details are not available, or further tests are required to clarify the position, you should publish a timescale of actions and advise when you expect to receive the final result/s. Prompt reassurance about fire safety measures, on the other hand, will be beneficial.

Medium: Give particular thought to *how* you will communicate. A letter should be the bare minimum. Good practice will include leafleting, face-to-face communication, and possibly 'door knocks'. Also, surgeries with managing agents and the FRS have been effective in answering concerns and giving authoritative and practical reassurance. In any case, you should think about how and when you can give further, verbal reassurance and to check messages have been understood and concerns addressed.

Accessible contact: Residents should be clear about who is their key contact. Establish details on who they can discuss concerns with, when and how. A named

contact/s, available at times to suit residents, through a variety of means ('phones, SMS, internet, personally) should be identified.

Key dates: Make sure residents are aware of timescales and key dates. This includes any surgeries, inspections, but also anticipated timescales for remediation work.

Language: Think carefully about the most appropriate and effective style of communication for your residents. A mix and balance of accessible (non-technical) words and pictures can be helpful and powerful in getting messages across. Pictures for 'dos and don'ts' and 'know your building' might be more readily understood. You should also give thought to translating documents where residents do not have English / Welsh as a first language and to providing information in formats accessible to those with particular needs.

County Voluntary Councils (CVCs) are based in every local authority area around Wales and will be able to provide information about any local support available to translate and / or disseminate materials.

Resources:

Much has happened in the months following the fire at Grenfell Tower and the outcomes and recommendations of the independent review of building safety and fire safety and, separately, the public inquiry, will impact on policy and potentially legislation.

DCLG

You can and should keep up to date through following progress and announcements at DCLG <https://www.gov.uk/government/collections/grenfell-tower> and FAQs <http://gov.wales/topics/housing-and-regeneration/services-and-support/grenfell-tower-faqs/?lang=en>

Fire & Rescue Services

The Fire and Rescue Service is a vital, expert resource. You can get in touch with them for advice on any fire safety-related concerns. The following document gives safety advice for high rise living, advice is also provided by the three regional Fire & Rescue Services in the links below:-



high rise living
(003).docx

South Wales Fire and Rescue Service – Fire safety advice for residents: High Rise Living - http://www.southwales-fire.gov.uk/English/business_fire_safety/Pages/High-riseling.aspx

Mid and West Wales Fire and Rescue Service - Fire Safety in High Rise flats - <http://www.mawwfire.gov.uk/English/Safety/At-Home/Pages/Fire-Safety-in-High-Rise-Flats.aspx>

North Wales Fire and Rescue Service – Advice for High Rise Living - <http://www.nwales-fireservice.org.uk/keeping-you-safe/at-home/high-rise-living/>

Welsh Government

The Welsh Government building safety programme team can be contacted at: housingresponses@gov.wales. The team may also put you in touch with other owners / managing agents who have been through post-test situations and who can share the resources they have developed or discuss their experiences. If you would like to consider changes to your tenancy agreements, you could contact your representative organisation for advice.