

## **Legislation Committee No.1**

### **Response to the consultation on the Proposed Domestic Fire Safety (Wales) Measure**

#### **Royal Institution of Chartered Surveyors Wales**

##### RICS Wales Consultation Response - Consultation on the proposed Domestic Fire Safety (Wales) Measure

RICS Wales is the principal body representing professionals employed in the land, property and construction sector and represents some 4000 members divided into 17 professional groups. As part of our Royal Charter we have a commitment to provide advice to the Government of the day and in doing so we have an obligation to bear in mind the public interest as well as the interest of our members.

RICS Wales supports the proposal in principle. However there is always a need to consider effectiveness of the proposal concerned both in achieving its goal and in impact on other policy goals. Specifically this proposal will by necessity be related to the question of the supply of affordable housing. Therefore as we say in our consultation response though we approve of the measure in principle, further study is something we would recommend before implementation.

There is still a need for greater inquiry on the fire suppression systems themselves. Their impact needs careful consideration in a Welsh context in our view to find the most effective solutions. The search for improvement in the safety of our existing housing remains constant however. As a result RICS Wales would support a review of home safety to promote and support the improvement of our existing housing stock. RICS Wales also feels a review of existing home safety measures and their efficiency would be very welcome.

Our detailed response to this consultation is attached.

#### **1. Is there a need for proposed Measure to deliver the aim of reducing the incidence of death and injury from fires in newly created residences in Wales?**

RICS Wales supports the measure in principle but feels further study would be advisable before possible implementation.

**2. Do you think the key provisions within the proposed Measure will help deliver the above aim?**

**In considering this question, it would be helpful if you could comment on the following:**

**(a) the duty to provide automatic fire suppression systems in new residential premises in Wales (section 1(1));**

The proposed measure has a potentially valuable contribution to make to the stated aims. RICS Wales however feels that depending on evidence from an American location with differing circumstances makes it difficult for direct extrapolation to Wales. We would also urge clear guidance in respect of which systems are acceptable, what is needed e.g. would a mist suppression system be acceptable and what standards would apply. For these reasons we would urge further study as to what systems can be judged approved within the context of the proposal for effectiveness.

**(b) the types of building work to which the duty will apply, i.e. building work undertaken to construct a building, to convert a building (or part thereof) for use as a residence (or residences); or to subdivide or amalgamate one or more existing residences so as to create a new residence (or residences) (section 1(2));**

RICS Wales feels the provision is acceptable but is cautious over the potential for disputes between when existing stock is amended and feels further guidance on what actions would trigger the requirements in this proposal would be advisable.

**(c) the enforcement provisions (section 2);**

Enforcement through the Building Act and via Building Control is considered to be appropriate and in keeping with the enforcement of other legislation in relation to building e.g. structural safety, energy conservation, access etc.

**(d) the appropriateness of the powers provided to the Welsh Ministers to prescribe in regulations –**

**□ requirements with which the automatic fire suppression system must comply (section 1(4); and**

This appears reasonable; however section 1(4)(b) seems to carry a potential implication that it will be a continuing requirement with the question if so of how this will be effected.

**□ the provision of information to accompany plans for building work (section 3(1) and (2));**

This is acceptable, however further guidance is needed with regard to (b) as is prescribed – will this be left to Local Authorities or will guidance be available.

(e) **general provision in relation to –**

☐ **interpretation (section 4)**

This is satisfactory.

☐ **regulations and orders (section 6).**

There is a need to ensure that all parties responsible for implementing this proposed measure are clear of their roles and how this will interact with existing legislation.

**3. What are the practical implications of the proposed Measure, in particular do you think there are any potential barriers to implementing the provisions contained in the proposed Measure?**

In the long term it is considered the proposed measure may have the potential for improvements to residential safety. The barriers in the short run however are likely to centre on the costs, how these will be borne amongst stakeholders and the effect on the supply of housing including affordable housing.

**4. What are the financial implications of the proposed Measure, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure.**

There seems to be some differential between the estimated costs in the report and the actual costs incurred by Community Housing Cymru Housing Association on a live project. This would suggest further research maybe required.

In the short term the proposal may have a negative effect on the building industry due to the additional cost implications and in particular the smaller projects for conversion to flats.

**If you would like to make any other comments on the proposed Measure which are not covered in your response to the above questions, please feel free to do so.**

Whilst the principles behind the Measure are supported the following questions and comments are made:

The supporting documents perhaps require clarity as to the type of building and age of buildings in relation to the number of annual deaths.

Have recent improvements to part B of the current Building Regulations resulted in fewer deaths from new homes.

Finally in addition RICS Wales believes the practicalities of the proposal especially as they potentially may impact the question of supply of sufficient affordable housing, mean further detailed inquiry in particular on timescales and implementation would be warmly welcomed to provide guidance. RICS Wales would be delighted to engage further on this proposal in person if required.