

[REDACTED]
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref [REDACTED]
Ein cyf/Our ref [REDACTED]

Kirsten Heaven
His Majesty's Assistant Coroner

c/o [REDACTED]
Coroners Case Manager
[REDACTED]

16 January 2025

Dear Kirsten,

Thank you for your letter and Regulation 28 Report in relation to the Inquests following the sad deaths of Naemat and Muhammad Esmael.

I am responding in relation to the first Matter of Concern raised in your Report, regarding the provision of smoke alarms within rented accommodation. The second Matter of Concern relates to the possible removal by South Wales Police (SWP) of relevant items from the scene of the fire, and to the working relationship between SWP and Mid and West Wales Fire and Rescue Service (MWWFRS). Those are operational matters for SWP and MWWFRS over which the Welsh Government has no control; as such there is no action we can take which would address this concern. However, I note your Report has also been issued to the Head of Mid and West Wales Fire and Rescue Service and I understand that he will respond on that Matter.

Regarding the first Matter of Concern, [Section 91 of the Renting Homes \(Wales\) Act 2016](#) ('the 2016 Act') places a general duty on landlords to ensure rented homes are fit for human habitation. Section 94(1) of the 2016 Act also places a duty on the Welsh Ministers to prescribe matters and circumstances to which regard must be had when determining whether a home is fit for human habitation. This is further supplemented by Section 93(3), which gives a power to the Welsh Ministers to impose requirements on landlords to prevent any matters or circumstances arising that may cause a home to be unfit.

The duty to prescribe matters and circumstances to be considered in relation to fitness, as well as the power to impose preventative requirements, are addressed in the [Renting Homes \(Fitness for Human Habitation\) \(Wales\) Regulations 2022](#) ('the Regulations'). The Regulations prescribe the same 29 hazards that local authorities use in conducting assessments under the statutory [Housing Health and Safety Rating System](#), which includes the hazard of fire. The Regulations impose specific preventative requirements relating to smoke alarms, carbon monoxide alarms and the inspection and testing of the electrical installation. Regarding smoke alarms, landlords are required to ensure a hard-wired,

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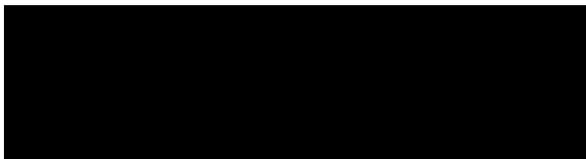
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

interconnected smoke alarm, that is in repair and in proper working order, is present on each storey of a rented dwelling. If a landlord fails to comply with this requirement, the dwelling is deemed to be unfit for human habitation and the contract-holder is not required to pay rent during the period of non-compliance. Whilst this is the minimum statutory requirement, [non-statutory guidance](#) accompanying the Regulations also states that, depending on the size of the dwelling landlords, may consider it appropriate to ensure the presence of more than one smoke alarm on each storey.

The current statutory requirements were the subject of a [public consultation](#) carried out in 2017. The consultation proposed a requirement for a smoke alarm in proper working order to be present on each storey of the dwelling on which there is a room used wholly or partly as living accommodation. As well as asking whether there should be a statutory duty on landlords to fit smoke alarms, the consultation also sought views on the type of smoke alarm to be installed and whether alarms should be interlinked. 91% of respondents to the consultation agreed that requiring landlords to fit smoke alarms was a reasonable and proportionate preventative measure. 53% of respondents considered there should be further requirements specified in the Regulations, with the majority favouring a requirement for hard-wired, inter-linked alarms. The final version of the Regulations made in January 2022 closely followed the findings of the consultation. For information, the requirement in Wales in relation to having one hard-wired, inter-linked smoke alarm on each storey of a rented dwelling, though not in every room, is similar to the requirements in England and Scotland.

Although the Welsh Government keeps all legislation under review, the 2016 Act is additionally subject to a three-year independent evaluation. This is considering all aspects of the legislation and the [Phase 1 report](#) has indicated a good awareness of the requirements in the Regulations, with landlords, agents and contract-holders all commenting on the increased provision of smoke alarms and the other preventative measures. Phase 2 of the evaluation is currently nearing completion and Phase 3, which will report in 2025, will consider the overall impact of the 2016 Act, including the Regulations. The findings of your Regulation 28 report will be considered alongside the ongoing findings from the independent evaluation and will inform a decision as to whether any changes to the current regulations are required.

Yours sincerely



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