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Dear Will,

RED TAPE CHALLENGE AND FIRE SAFETY REGULATIONS

1. In June this year our Minister, Bob Neill, wrote to Oliver Letwin expressing concern over the inclusion of the fire safety regulations in the Health and Safety theme of Red Tape Challenge and requested that these regulations, all of which have only been recently introduced, be removed from the Red Tape Challenge altogether.
2. My Minister's concern was that the inclusion of these regulations could lead to negative or deliberately misleading press coverage, which would inflict significant reputational harm on the Government and could be presented as removing important public safety protections. After discussion between our Ministers a compromise was agreed allowing the fire safety regulations to be withdrawn from the Health and Safety theme and considered as part of the wider DCLG-led Housing, Construction and Planning (HCP) theme.
3. In August this year DCLG embarked on an ambitious and rigorous programme of internal challenge to prepare for the HCP theme. Policy teams developed in depth business cases which set out the pros and cons of deregulation options and detailed where alternatives to regulation would be appropriate. These businesses cases provided the basis for a red team vs blue team challenge in which officials from Director General down participated as well as others from other government departments.
4. Having reviewed the fire regulations through the internal challenge and in preparation for the HCP theme going live, Bob Neill remains firmly of the view that the fire regulations should be removed from the RTC and he has asked me to write at official level to highlight these concerns.
5. Bob Neill is concerned that any benefits arising from continuing to include the fire safety regulations in the RTC - which promotes a presumption in favour of deregulation - would soon be negated by those who could accuse the Government of actively seeking to remove, or water down, the existing fire safety protections that exist for the benefit of both employees and the wider public. This concern is particularly evident in relation to the inclusion of the 2009 Fire Precautions (Sub-Surface Railway Stations) (England) Regulations within the HCP theme. As discussed in his letter of 15 June, the tragic events of the 1989 King's Cross fire and the most report into 7/7 mean that these regulations are likely to resonate deeply with both the public as well as the employee representative

organisations.

6. Our Minister considers there is significant scope for our intentions to be misrepresented, damaging the confidence of the travelling public, both at home, and, in view of the Olympics' reliance on public transport, abroad; impacting adversely on the currently sensitive industrial relations with the RMT and others. Given the potential for mischievous and misleading negative publicity on this, our Ministers feel that the Government's reputation could be irrevocably damaged if it were perceived to be weakening its commitment to public safety.

7. This letter should not be taken to imply that we are not taking the issue of enforcement very seriously indeed, and looking closely at how we can, where necessary, improve the experience of those who feel it is undertaken in a heavy handed and disproportionate manner. We recognise, from the comments made by small accommodation providers that came through the recent DCMS-led Hospitality theme, that there are some concerns within this specific sector that the audit approach being adopted by some fire safety officers may be over-zealous and or disproportionate. However, these concerns focus on the enforcement of the regulations, rather than their application per se, and, it is clear from the majority of comments made in both the Hospitality theme, that the public clearly understand and support the need for there to be an appropriate regulatory framework in place to provide public safety assurance.

8. As you are aware, DCLG is fast approaching the launch of the HCP theme. It will therefore be important for us to resolve this issue before the theme launches to avoid creating any public anxiety and sending mixed messages about this Government's approach to public safety. It would be helpful to have your response to these concerns as soon as possible. I look forward to hearing from you.

Yours sincerely,

Stephen

Stephen Aldridge