



Department for
Communities and
Local Government

Brandon Lewis MP
Minister of State for Housing and Planning

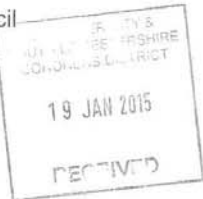
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15 JAN 2015

Dear Mr Coutts-wood

REGULATION 28 REPORT TO PREVENT FUTURE DEATHS

Thank you for your letter of 9 October 2014, enclosing your report under Regulation 28 following your inquest into the death of Mr Wade Dahyabhai Patel whose death was caused by injuries sustained from breakage of glass resulting from a collision with a glazed door. I am replying as Minister for Housing. I am sorry for the delay in replying.

I was very sorry to hear about the death of Mr Patel and would like to offer every sympathy to his family and friends.

In your letter, you suggest that the Department for Communities and Local Government may be able to take steps to prevent incidents of this nature occurring in the future. You will appreciate that I cannot comment on the specific issues raised by this case as I am not in possession of the full facts. However, I have set out below a general description of the scope of Building Regulations relevant to this matter and the duties of landlords and local authorities in respect of property standards.

Part K (Protection from collision, falling and impact) of the Building Regulations sets out a range of requirements to ensure that glazing is installed in a way which makes reasonable provision for safety, particularly in vulnerable locations such as doors, and in order that where glass does break, it does so safely. This does not absolutely preclude the risk of injury from glazing but does significantly reduce the likely severity of those injuries.

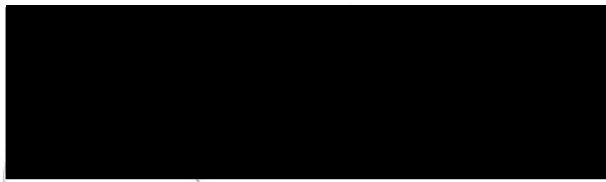
However, the Building Regulations only apply where building work takes place, typically the erection or extension of a building and the Building Act 1984 does not provide for the retrospective application of current standards to existing buildings. The Regulations therefore will not require that existing doors be made to comply with current standards, unless building work subject to the Regulations is carried out to the part of the building in question. Requiring old buildings, designed and built with very different standards in mind, to meet the most modern Building Regulation requirements would have major implications for

the existing building stock and the government has no plans to change the application of Building Regulations in this respect.

Landlords have a common law duty to take reasonable care to ensure that a furnished dwelling is safe to be lived in. The Defective Premises Act 1972 also places a duty on landlords to take reasonable care to ensure that their tenants, or any other person likely to be affected, are reasonably safe from personal injury caused by a defect which exists at or after the time a tenancy was entered into and is due to an act or omission by the landlord which, had the landlord known about the defect, could have been rectified by maintenance or repair.

The quality of privately rented housing has improved rapidly over the past decade, and levels of satisfaction compare well to other tenures. However, a small minority of properties in the sector are in poor condition. Tenants have a right to live in safe and well maintained homes and local authorities have strong powers to tackle poor quality accommodation in their area. We expect them to use those powers if necessary. Where a serious hazard is identified, the local authority must take appropriate action. This can include formal action such as issuing an improvement notice requiring the owner to make improvements to the property, banning the use of the whole or part of a dwelling or taking emergency action to fix the hazard where there is an immediate risk to health and safety. Local authorities use the Housing Health and Safety Rating System (HHSRS) to assess risks and guidance is available to landlords to help them identify risks and take remedial action. The HHSRS guidance includes collisions with doors as a hazard. The government has no plans to change the HHSRS.

I am grateful to you for bringing the sad circumstances of Mr Wade Dahyabhai Patel's death to my attention and for the opportunity to set out the Government's position on these matters.



BRANDON LEWIS MP