

## **LANCASHIRE COMBINED FIRE AUTHORITY**

Meeting to be held on 13 December 2021

### **FIRE PROTECTION REPORTS**

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*Table 1 Executive Summary and Recommendations*

#### **Executive Summary**

This report summarises Lancashire Fire and Rescue Service (LFRS) led prosecutions with respect to fire safety offences, and also sets out convictions resulting from arson and malicious call incidents for which Officers (mainly from the Incident Intelligence Team) have contributed evidence to the Police led Criminal Justice process.

Fire Protection and Business Support Information are included in the report.

#### **Recommendation(s)**

The Authority is asked to note the report.

### **FIRE SAFETY CONVICTIONS**

#### **Prosecutions**

A pre-trial preparation hearing has been heard at Preston Crown Court with respect to a premises being used for commercial and sleeping purposes with inadequate fire safety measures. All three defendants entered not guilty pleas. Due to all three defendants attending court without legal representation the Judge adjourned and set a plea hearing date of 10/12/2021 to allow the defendants to seek legal advice. A trial date has provisionally been set for 05/09/2022 should all three defendants wish to take the case to trial following legal advice.

Currently LFRS Protection teams are investigating and building case files with respect to eight further cases where offences are believed to have been committed under the Regulatory Reform Fire Safety Order 2005.

### **FIRE PROTECTION & BUSINESS SUPPORT INFORMATION**

#### **Risk Based Inspection Programme (RBIP)**

Work continues to refine the data which drives the risk-based inspection programme. This will see further developments in the way data is presented to staff to ensure both Fire Safety Inspecting Officers and Operational Crews are targeting the premises with the greatest potential for harm if the Responsible Persons managing them are not doing so in accordance with the requirements of the Fire Safety Order.

The programme will be continually refined to reflect ongoing changes in legislation and guidance particularly regarding the Fire Safety Act and new Article 24 Regulations.

## **Protection Transformation Team**

### **Fire Safety Act Update.**

Although the Fire Safety Act received Royal Assent on 29 April 2021 it has not yet been enabled. Responsible Persons and Enforcing Authorities are being advised that the delay is in relation to the development of a 'prioritisation tool'. The tool is intended to give freeholders and managing agents the ability to prioritise the speed with which they have their external wall systems assessed. This is a necessary addition to the implementation of the Act, in order to manage its regulatory impact, as nationally the new legislation brings into scope an additional 1.7m residential premises of all heights and there are insufficient numbers of qualified and chartered engineers to accurately assess all premises of all heights immediately.

The Act will expand the scope of the existing Fire Safety Order (FSO) to clarify that where a building contains 2 or more sets of domestic premises, the FSO applies to:

- The building's structure and external walls (including windows, balconies, cladding, insulation, and fixings) and any common parts
- All doors between domestic premises and common parts such as flat entrance doors (or any other relevant door)

In addition to the Fire Safety Act changes, Parliament are also shortly due to consider the addition of eight new Regulations to Article 24 of the Fire Safety Order resulting from the Grenfell Tower Inquiry Part I recommendations. Indications are the Regulations could potentially come into force as early as April 2022 however this may move depending on the parliamentary process. The regulations will include the need for Responsible Persons (for varying heights of residential premises) to:

- Provide Floor Plans to FRS' electronically;
- Provide Information Boxes containing building & emergency plan information;
- Have, and provide to FRS', external wall construction information;
- Notify FRS' if firefighting lifts/equipment is unavailable for more than 24 hours;
- Undertake fire door checks on common areas and apartment entrance doors;
- Provide fire fighter's way finding signage;
- Provide FRS' with current evacuation plans;
- Provide residents with relevant fire safety information regularly.

All of the above will apply to HRRBs above 18m, some will apply to residential premises below 18m. Each regulation will be accompanied by a guidance note setting out how compliance can be achieved.

To support local freeholders, leaseholders and managing agents through the regulatory change the LFRS Protection Support team will update the LFRS website content as and when new guidance becomes available and intends to write to larger premises advising of the forthcoming changes and the need to prepare. The primary purpose of the letter will be to raise awareness of the importance of effective fire

doors and encourage early and *self-motivated compliance* as intelligence from audits to date suggests fire door maintenance is an area where compliance may be lacking.

### **Building Risk Review (BRR) update**

LFRS has completed the BRR ahead of the NFCC deadline of 31<sup>st</sup> Dec 2021. With respect to future Building Safety Bill definitions of what will comprise an in-scope premises (18m in height, or at least 7 storeys) Lancashire currently has 38 premises.

Although all 38 premises have been fully inspected there remains a small number of reports outstanding in relation to external wall systems, for the most part this is due to an increase nationally in the need for these specialist reports and a lack of capacity in the chartered surveying sector to match the demand.

Although the initial BRR work is complete Inspectors continue to address the outstanding information and is continuing to support both owners and residents. Recently a series of letters have been sent to building Responsible Person(s) in line with the NFCC guidance with information continuing to steadily flow in.

Audited	Full Makeup of EWS <sup>1</sup> Known	Awaiting EWS Report	Left to Audit
38	29	9	0
<b>Inspection outcome</b>			
Satisfactory	Informal Advice	Non-Statutory Written	Enforcement
1	1	30	6

Further work continues with those buildings currently just out of scope of the BRR (6 floors), of which inspections and follow up support is being undertaken to ensure compliance. Lancashire has 31 premises at 6 floors, broken down as follows -

Audited	Full Makeup of EWS Known	Awaiting EWS Report	Left to inspect
31	16	15	0
<b>Inspection outcome</b>			
Satisfactory	Informal Advice	Non-Statutory Written	Enforcement
2	1	25	3

### **Business Fire Safety Checks (BFSC)**

The project team has completed development of the software that managers will use to allocate a BFSC as well as the mobile application crews will use to undertake the check itself. Both pieces of development are state of the art and sector leading and will ensure BFSCs are completed with a high degree of consistency and that the Service will in future be able to assure the contribution to risk reduction which is being made by the initiative as the mobile application measures compliance as the crew initially arrives at a premises (the pre-score) and the level of compliance as they leave having identified areas for improvement (the post-score). The system also ensures the visit is followed up with an e-mail to the Responsible Person which is tailored to the specific findings of the BFSC. The app automatically advises crews to contact fully qualified Fire Safety Inspectors if major non-compliance is identified

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<sup>1</sup> EWS: The external wall system made up of the outside wall of a residential building, including cladding, insulation, fire break systems, balconies, and anything else attached to the exterior of the building

which is causing imminent risk to life and cannot be addressed at the time (e.g. inoperable fire alarms or permanently inaccessible fire escapes). Pilot BFSCs have been completed in Northern and Western Areas with feedback from both crews and businesses being positive.

In 2022 BFSCs in Northern and Western will move from pilot to business as usual status and the approach will be rolled out across the whole of Lancashire.

### **Protection training**

In line with the NFCC Competency Framework for Fire Safety Regulators, and the recent release of the 'contextualised register' by the NFCC Protection Policy Reform Unit, four LFRS inspecting officers have embarked on attaining their Engineering Technician (Eng Tech) status with the Institution of Fire Engineers. This work is essential to support the future accreditation of inspecting officers both within LFRS and across the UK, with the initial four individuals undertaking both accreditor and reviewer roles on behalf of the accrediting body (IFE). In addition to ensuring consistent and high-quality inspections in high risk premises in their broadest sense, this accreditation is an essential pre-cursor the HSE has stipulated to enable Fire and Rescue Services to form part of the new 'Building Safety Regulator' when the Building Safety Bill is enacted therefore it is important to act now in readiness for future requirements.

In addition to the BFSC training being delivered to operational crew's, significant additional protection related training is now being developed and delivered for use at point of entry, as a component of ongoing maintenance of skills training and during incident command development (relevant to role). A variety of training methods are being used including dedicated course content as well as on-line learning packages with material being sourced from the NFCC as well as the Local Authority Building Control (LABC) national Virtual Learning Environment (VLE) which FRS' can now access to ensure technical development of staff matches the increasing complexity of the sector. These improvements will ensure LFRS can serve its communities most effectively and enable the Service to demonstrate compliance with the Grenfell Tower Inquiry Part I Action Plan.

### **Protection Organisational Development**

This paper has provided a concise update on the scale and scope of work being undertaken by Officers to ensure LFRS can meet future regulatory demands, support commerce and residential freeholders and leaseholders through a period of challenging change, and whilst doing so keep Lancashire as safe as possible.

A consultation has started with staff and trade unions regarding changes to Fire Safety Inspector and Managerial roles and internal structures which recognises that in order to deliver these changes sustainably and effectively LFRS must be able to recruit, develop and retain a driven, ambitious and competent Protection workforce that not only audits buildings in a targeted and intelligent manner, but also works closely with operational crews to ensure optimal preparedness and response.

## **ARSON & MALICIOUS CALL RISK REDUCTION**

### **R v Jake HALLERD**

44 Dall Street, Burnley BB11 3LB  
INCIDENT – 2009010614

Date and Time of call – 30/09/2020 14:51

This incident involved a deliberate fire set in the ground floor front room of a terraced property. The fire caused damage to a section of carpet and skirting board in the room of origin and smoke damage to the remainder of the property.

On 13/05/2021 the occupier of the house Jake HALLERD pleaded guilty to Arson being reckless as to whether life is endangered and was sentenced to 20 months imprisonment and ordered to pay a victim surcharge of £156.

### **R v Michaela McCARTHY**

52 Whitehall Street, Nelson BB9 9JD  
INCIDENT – 2008005608

Date and Time of call – 15/08/2020 04:14

This incident involved a deliberate fire set in the kitchen of a terraced property. The fire caused severe damage to the room and contents. The remainder of the property suffered moderate smoke damage.

The occupier, Michaela McCARTHY pleaded guilty to Arson being reckless as to whether life is endangered and was sentenced to 2 years imprisonment suspended for 18 months and ordered to participate in a Rehabilitation Activity Requirement for 25 days and to complete 140 hours unpaid work.

### **R v Habib Sultan ARIF**

Various locations in NELSON

Date and Time of calls – March/April 2020

This case involved a prolific malicious caller from Nelson.

Habib Sultan Arif was sentenced at Burnley Crown Court to:

28 weeks imprisonment suspended for 2 years  
40 days rehabilitation activity requirement as ordered by the court.  
9 month drug rehabilitation requirement as ordered by the court.  
To be supervised by the probation service.

**R v (restricted due to patient confidentiality)**

Edisford Ward MHU, Royal Blackburn Hospital  
INCIDENT – 2106012070

Date and Time of call – 30/06/2021 19:51

This incident involved a patient attempting to set fire to various materials on an hospital ward with a cigarette lighter. No serious damage was caused. The perpetrator is a prolific arsonist with previous convictions.

The defendant was fined & received a Conditional Discharge for 6 months.

**R v Laura HOWATSON**

Great Harwood Allotments, Blackburn Rd, Great Harwood  
INCIDENT – 2104010877

Date and Time of call – 25/04/2021 06:39

This incident involved a deliberate fire which destroyed two wooden framed greenhouses and several large conifers causing £2,264 worth of damage.

The defendant pleaded guilty to arson and received a 6 month suspended sentence.

**R v Adam LEWIS and Hadrian GRAHAM**

2 Ward Street, Chorley, PR6 0SF  
INCIDENT – 2103007154

Date and Time of call – 23/03/2021 06:51

This Incident involved 1 car well alight outside a domestic property. Heat from the vehicle had affected the front door of the property and cracked the front window. 2 persons evacuated the property from the rear.

The defendants pleaded guilty to arson being reckless as to whether life is endangered and received the following sentences:

Adam LEWIS - 4 and a half years imprisonment with a 3 year extended licence period.

Hadrian GRAHAM - 4 and a half years imprisonment with a 2 year extended licence period.

## **R v Tiernan DARNTON**

53 Levens Drive, Heysham, LA3 1JW

Date and Time of call – 28/05/2018 04:06

This incident involved a fire which resulted in the tragic death of 94 year old Mary Gregory.

Following a joint Police and Fire investigation the incident was initially treated as an accidental fire. However, in 2019 the case was reopened after Mrs Gregory's grandson Tiernan Darnton confessed to a counsellor that he had started the fire.

Following a trial at Preston Crown Court the defendant was convicted of Murder and sentenced on the 12 November to life with a minimum term of 15 years.

### **Business Risk**

Moderate – Members need to be aware of prosecutions related to fire safety activity and/or arson within Lancashire to satisfy themselves that the required robust approach is being pursued.

### **Environmental Impact**

None

### **Equality and Diversity Implications**

None

### **HR Implications**

None

### **Financial Implications**

None

### **Local Government (Access to Information) Act 1985 List of Background Papers**

*Table 2 Details of any background papers*

Paper:	
Date:	
Contact:	
Reason for inclusion in Part 2 if appropriate:	