

LANCASHIRE COMBINED FIRE AUTHORITY

Meeting to be held on 21 February 2022

FIRE PROTECTION REPORTS

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Table 1 Executive Summary and Recommendations

Executive Summary

This report summarises Lancashire Fire and Rescue Service (LFRS) prosecutions with respect to fire safety offences, and convictions resulting from arson and malicious calls, for which officers have contributed evidence to the Police led criminal justice process.

Fire protection and business support information is also included in the report to provide Members with an update on the continually evolving regulatory position; in particular, our ongoing work to ensure business and residential premises providers are supported through the changes, and how LFRS staff are being trained and developed to deliver against increasingly complex regulatory expectations.

Recommendation(s)

The Authority is asked to note the report.

FIRE SAFETY CONVICTIONS

Prosecutions

On 10 December 2021 a plea hearing was undertaken at Preston Crown Court relating to a mixed used premises being used for both commercial and sleeping purposes with inadequate fire safety. All three defendants were represented by defence counsel with one pleading not guilty to all offences and the others indicating they wanted to make application to dismiss (the charges), so no further pleas were offered. A further hearing is scheduled at Preston Crown Court on the 11 April 2022.

Protection teams continue to investigate and build files in relation to twelve further cases wherein offences are believed to have been committed under the Regulatory Reform (Fire Safety) Order 2005, involving the following types of premises:

- Commercial Garage
- Care & Nursing Home
- Licensed Public House / Bar x2
- Mixed commercial and Residential (Takeaway with Sleeping above) x3
- Residential Flats
- House in Multiple Occupation used as Student Accommodation
- House in Multiple Occupation used as Specialised Housing
- House in Multiple Occupation x2

FIRE PROTECTION & BUSINESS SUPPORT INFORMATION

Primary Authority Scheme (PAS)

Presently LFRS has 15 primary authority contracts with businesses in Lancashire and across the country. Since April 2021 the Primary Authority Officer has undertaken over 300 fire related interactions with PAS members. Contract reviews have concluded with all partners requesting extensions of the scheme and some requesting additional hours (of support) after identifying the benefits of our PAS offering.

Fire Safety Act Update

Although the Fire Safety Act received Royal Assent on 29 April 2021 it is yet to be 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 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 two or more 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 could be delayed depending on parliamentary time and process. The regulations will include the need for Responsible Persons to:

- Provide Floor Plans to Fire and Rescue Services (FRS) electronically
- Provide Information Boxes containing building and emergency plan information
- Have, and provide to FRS, external wall construction information
- Notify FRS if firefighting lifts/equipment becomes unavailable for more than 24 hours
- Undertake fire door checks on common areas and apartment entrance doors
- Provide firefighters with wayfinding signage
- Provide FRS with current evacuation plans
- Provide residents with relevant fire safety information regularly.

All the above elements will apply to High Rise Residential Buildings 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.

Protection support staff continue to support freeholders, leaseholders, and their appointed managing agents through this regulatory change with a recent mailshot to residential premises advising of the forthcoming changes, the need to maintain awareness, and to begin to prepare.

Building Risk Review (BRR) update

LFRS completed BRR work ahead of the NFCC deadline of 31 December 2021. In terms of Building Safety Bill definitions of 'in-scope' premises (18m in height, or at least 7 storeys) Lancashire currently has 38.

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.

Business Fire Safety Checks (BFSC)

Following the successful pilot of the BFSC in simple non-sleeping risk premises, the BFSC systems and training have been further enhanced to enable LFRS to extend this offer into sleeping and mixed used premises. The BFSC is currently in phase 1 of the project plan with Service wide training planned for all wholtime operational personnel commencing March 2022 and completing by June 2022.

The electronic allocation portal and iPad based BFSC App developed by the project team appear to be sector leading, with the process attracting national interest from several FRS who are beginning their journey into upskilling non-technical staff to check commercial premises.

Protection training

In line with the NFCC Competency Framework for Fire Safety Regulators, we continue to develop inspecting officers to support delivery of the Risk Based Inspection Program.

The roll out of the BFSC to all wholtime operational personnel draws on both locally developed and nationally available content and will be the foundation for ongoing training to increase built environment risk awareness amongst operational staff to drive increasingly effective operational preparedness and response, and to deliver actions which all FRS are expected to complete resulting from the Grenfell Tower Inquiry.

A European wide tendering process is currently underway for fire safety qualification training and specialist courses over a 4-year period. This tender process aims to solidify current training and development programs for Fire Safety staff (new and existing). Securing this approach will ensure the Service can quickly develop Inspecting Officers to competence and provide continuity of training providers.

Four LFRS inspecting officers have embarked on attaining their Engineering Technician (Eng Tech) status and registration on to the auditors register with the Institution of Fire Engineers (a process collectively known as the contextualised register). 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 accreditator and reviewer roles on behalf of the accrediting body, the Institution of Fire Engineers.

In addition to ensuring consistent and high-quality inspections in high-risk premises, this accreditation is an essential pre-cursor that the Health and Safety Executive has specified to enable FRS to form part of the future 'Building Safety Regulator', established when the Building Safety Bill is enacted, emphasising the importance of acting now in readiness for future requirements.

ARSON RISK REDUCTION

R v Robert TAYLOR

Halifax Bank, 61-71 Church Street, Blackpool, FY1 1HU

INCIDENT – 2009009798

Date and Time of call – 28/09/2020 14:11

This incident involved the defendant dousing the premises in petrol and threatening to start a fire. Staff and members of the public managed to exit the premises but the defendant refused to come out, leading to a 12-hour standoff with armed police.

On 10/12/2021 at Preston Crown Court the defendant pleaded guilty to various charges and was sentenced to 2 years and 4 months imprisonment.

R v Jaden PATTERSON

Woodlands Children's Care Home, Mill St, Bolton Le Sands

INCIDENT – 2109002138

Date and Time of call – 06/09/2021 15:49

This incident involved the deliberate ignition of a duvet on a bed in a children's care home. The premises fire alarm activated, alerting staff who were able to extinguish the fire before it got out of control.

The defendant received a Youth Conditional Caution at Preston Youth Court

Business Risk

Moderate – Members are provided oversight of prosecutions related to fire safety activity and/or arson, so as to be assured that the required robust approach is being pursued in relation to these incidents.

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

Paper:

Date:

Contact:

Reason for inclusion in Part 2 if appropriate: