

# Lancashire Combined Fire Authority

Meeting to be held on 25 April 2022

## Fire Protection Reports

Contact for further information:

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*Executive summary and recommendations*

### **Executive Summary**

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

Fire Protection and Business Support Information is also included to provide Members with an update on the continually evolving fire safety regulatory position, and how the Service is developing and adapting both its services and workforce to ensure it keeps pace with the changes to keep public and firefighters safe in the built environment.

### **Recommendation**

The Authority is asked to note the report.

## **FIRE SAFETY CONVICTIONS**

### **Prosecutions**

A plea hearing is scheduled to take place at Preston Crown Court on the 11 April 2022 for a case involving a mixed used premises, used for both commercial and sleeping purposes, with inadequate fire safety measures.

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 Car Breakers
- 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 Schemes (PAS)**

The Service has received 381 requests for primary authority advice from its 15 PAS members in the year to April 2022. The PAS process remains valuable to both LFRS and partners in a period where the importance of fire safety is continually increasing and conscientious businesses, particularly those responsible for residential premises, seek greater levels of guidance and support regarding how best to plan and integrate ongoing legislative change into their working practices.

### **Building Risk Review (BRR) and tall buildings update**

As previously reported, LFRS completed the building risk review ahead of the December 2021 deadline, with Lancashire having 38 High Risk Residential Buildings (HRRBs) 'in-scope' for the new Building Safety Act (18m in height or at least 7 storeys). Inspectors are still awaiting a small number of External Wall System (EWS) specialist reports due for the most part to a shortage of chartered fire engineers to meet the national demand.

Until the new the Building Safety Bill is enacted, and the frequency of audit for HRRBs is confirmed at a national level, LFRS will continue to inspect these premises on a 12 monthly frequency as part of its Risk Based Inspection Program (RBIP). In addition, the 2022-23 RBIP will include a proportion of Lancashire's 11m-18m residential premises, now referred to as Medium Rise Residential Buildings (MRRBs). Taking a risk-based approach inspectors will focus on premises with potentially non-compliant External Wall Systems and residential buildings where occupants may require greater assistance to escape in the event of fire.

Whether it is identified by an LFRS audit, or by responsible persons undertaking their own fire and EWS risk assessments, it is sometimes the case that residential premises are found to have non-compliant EWS and/or other significant fire safety failings (such as serious compartmentation breaches or defective smoke management systems). In these cases the existing 'stay-put' evacuation strategy may no longer be suitable and immediate measures are required to protect residents by transitioning the premises to a full 'simultaneous evacuation' strategy. In these circumstances LFRS Inspectors work with freeholders, leaseholders, management companies, local authority housing teams and residents to proportionately and consistently apply principles advocated in national guidance (<https://www.nationalfirechiefs.org.uk/Simultaneous-evacuation-guidance>). The process is known as moving the building into 'Interim Measures'. The LFRS interim measures policy sees a joined-up approach across several departments and North West Fire Control to share premises information which also ensures an enhanced operational response is pre-planned and additional Home Fire Safety Checks are provided. Once satisfactory measures have been put in place, following a further inspection by the Protection Department, a building may then be taken out of interim measures and stay put evacuation strategy restored. Depending on the complexity and extent of the problems, this process can take several years as freeholders and leaseholders work through the various government led processes to seek financial support for both the interim period and the necessary work to resolve the underlying problems, before moving to planning, procurement and delivery of the necessary works. Lancashire currently has 14 premises that are in interim measures.

## **Automatic Fire Alarm (AFA) Policy**

To continue to reduce the societal risk caused by false alarms, LFRS' new AFA attendance policy commenced on the 1<sup>st</sup> April 2022. Appliances will no longer attend a sounding fire alarm at non-sleeping risk premises, between the hours of 8am and 7pm, unless there is confirmation of fire, or the building meets an exemption criteria.

Throughout the implementation phase officers have engaged with Alarm Receiving Centres, Business owners and other stakeholders. Further details are available at <https://www.lancsfirerescue.org.uk/safety/business-safety/our-response-to-automatic-fire-alarms/>

The implementation will be carefully monitored and will be supported by a refreshed Unwanted Fire Signal (UWFS) policy that will be applied by operational crews and business safety advisors to continue to reduce false alarms in all building types (not just those covered by the new AFA attendance policy).

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

Week commencing 14<sup>th</sup> March saw the start of the service wide rollout of BFSC training. Over the next 6 months the training will be delivered to all wholtime operational personnel by a dedicated team. The training has been designed to not only support the delivery of the BFSC but also to upskill operational staff in their fire protection knowledge of the evolving built environment, a national area of need identified throughout the Grenfell Tower Enquiry.

## **Legislation Changes Update**

LFRS awaits the regulatory powers from the implementation of the Fire Safety Act 2021 which is expected imminently. The Fire Safety Act 2021 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, Fire and Rescue Services are informed by the NFCC Protection Policy Reform unit that 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 FRSs with current evacuation plans
- Provide residents with relevant fire safety information regularly.

In preparation for enablement, LFRS is working to develop information, ICT functionality and processes to ensure a smooth transition and support business.

The Protection Support Team have written to all premises likely to be impacted by the changes to raise awareness and help them to prepare. This process is being supported by ongoing amendments to LFRS' website:

<https://www.lancsfirerescue.org.uk/safety/business-safety/multi-occupancy-and-high-rise-buildings/>

The Building Safety Bill underwent its third reading in the House of Lords on the 31<sup>st</sup> March. Given its importance and potential impact, the Bill continues to evolve significantly through the amendments process. Recently the need for the Accountable Person to appoint a Building Safety Manager has been removed due to the costs which would be passed on to leaseholders (although the Accountable Person still has to manage their buildings effectively).

### **Department Structure**

Over the coming months the fire safety department will undergo changes in structure to support the evolving legislation and the developing built environment. The first stage will see the appointment of new Fire Safety Managers (FSM) to lead area based teams along with a new Built Environment and Ops Liaison Manager. The changes will ensure Protection staff are trained and developed in a manner that aligns with the NFCC competency framework for regulators and will provide increasingly close connections between Fire Protection work and Operational Preparedness and Response.

### **ARSON RISK REDUCTION**

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#### **R v Ivanka VELIKOVA**

Basnett St Burnley BB10 3ET

INCIDENT – 2109004387

Date and Time of call – 11/09/2021 17:05

This incident involved a first-floor bedroom of a semi-detached house. The defendant, the occupier at the time, admitted deliberately setting fire to a bed. The fire caused severe damage to the first-floor bedroom and contents, and light damage by smoke to the remainder of the first floor.

The defendant pleaded guilty to arson and received a prison sentence of 3 years and 4 months.

**R v Michael PINDER**

Westgate, Burnley BB11 1RT

INCIDENT – 2007003632

Date and Time of call – 12/07/2020 10:59

This incident involved the deliberate ignition of a duvet on a sofa in a first floor flat by the occupier. The fire was found to have been extinguished prior to the arrival of the fire service. The fire caused severe damage to the sofa and moderate damage by smoke to the remainder of the flat.

The defendant pleaded guilty to arson being reckless and received a prison sentence of 4 years and 6 months with a 5-year extended licence period.

**R v Lisa HARTLEY**

St Marys Close Blackburn

INCIDENT – 2006007757

Date and Time of call – 21/06/2020 17:38

This incident involved the deliberate ignition of a tea towel in the hallway of a ground floor flat. The fire caused moderate damage by heat to a door and light damage by smoke to the remainder of the flat. Following a precautionary check up at hospital the occupier was arrested and charged for arson with intent to endanger life.

The defendant pleaded guilty to arson being reckless and was sentenced to 12 months in prison.

**R v Joe Robert HOWARTH**

Raikes Wood Close, Barnoldswick

INCIDENT – 2012001370

Date and Time of call – 06/12/2020 03:34

This incident was a special service call involving fuel which had been poured through the front door letterbox of a domestic property. Upon arrival of the fire service there was a strong smell of fuel inside the property.

The defendant pleaded guilty to reckless arson and received a 12 month suspended sentence.

## **Two youths under the age of 18**

High Street, Skelmersdale - Former Co-op Bank offices

INCIDENT – 2009005064

Date and Time of call – 15/09/2020 19:40

This was a six-pump incident involving the unoccupied former Co-op Bank office building. Upon arrival of the fire service the fire was found to be well established with the upper floors well alight. Operation Merlin, the multi-agency plan to mitigate hazards to the community and environment, was declared due to the large smoke plume and confirmation of asbestos within the building. The incident lasted 36 hours, causing severe damage to the entire building which was subsequently demolished.

Police prepared a file for the CPS to determine whether to charge two youths in connection with the incident. A decision was made to issue each of the youths with a youth conditional caution.

### **Business Risk**

Moderate – Members to be aware of prosecutions related to fire safety activity and/or arson within Lancashire to satisfy themselves that appropriate measures are being taken, in conjunction with other agencies, to mitigate further risk within the built environment and Lancashire's communities.

### **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: