

Lancashire Combined Fire Authority

Meeting to be held on 27 June 2022

Fire Protection Report

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Executive Summary

This report summarises Lancashire Fire and Rescue Service (LFRS) prosecutions pertaining to fire safety offences, in addition to convictions resulting from arson incidents which have been progressed via the criminal justice process.

Given the rapidly evolving regulatory change in building fire safety, an update on Fire Protection and Business Support is also provided, detailing how the Service is adapting delivery whilst developing our workforce, to ensure that we keep pace with the changes and improve public and firefighter safety within the built environment.

Recommendation

The Authority is asked to note the report.

FIRE SAFETY CONVICTIONS

Prosecutions

A plea hearing was heard 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.

The case is set for trial at Preston Crown Court on the week commencing the 5 October 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 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 (Student Accommodation)
- House in Multiple Occupation (Specialised Housing)
- House in Multiple Occupation x2

FIRE PROTECTION & BUSINESS SUPPORT INFORMATION

Business Fire Safety Checks (BFSC)

The BFSC roll-out schedule remains on track with a significant number of wholetime stations now live and undertaking the BFSC as part of business engagement activities. The planned training will conclude in early August to allow for catch up sessions and to ensure newly appointed Firefighters are adequately trained. At this point all wholetime stations will be undertaking BFSC as part of their normal business activities.

We recently showcased our BFSC product to other Fire and Rescue Services (FRS) via NFCC, resulting in several subsequent follow-up requests and the provision of support to enable those FRS to develop their own BFSC approaches.

Legislation Changes Update

On 18 May 2022 the Minister of State for Building Safety and Fire announced two key changes to fire safety legislation. The improvements continue to build on the package of changes introduced following the Grenfell Tower fire and findings from the independent inspection reports.

The changes include the commencement of the Fire Safety Act 2021 which will make sure all blocks of flats are properly assessed for fire safety risks (including external wall systems and fire doors) and the Fire Safety (England) Regulations 2022 which will help ensure people feel safe in their homes.

The Fire Safety Act 2021 (Now in force) - *Applies to new and existing buildings.*

The Act, which received Royal Assent on 29 April 2021 and commenced on 16 May 2022, clarifies that responsible persons (RPs) for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts. The Act clarifies that where a building contains 2 or more sets of domestic premises, the Fire Safety Order 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)

Fire Risk Assessment Prioritisation Tool - *Applies to existing buildings.*

The Protection Policy Reform Unit has supported the Home Office Task and Finish Group in the production of a new Fire Risk Assessment Prioritisation Tool (FRAPT). The online tool is designed to help Responsible Persons to understand the degree of urgency to have their External Wall Systems assessed. The tool is necessary as the commencement of the act could see all Responsible Persons for multi-occupied premises purchasing external wall system (EWS) assessments. This has the

potential to overwhelm the capability to provide this service nationally and in most cases would be over-provision as the first part of any EWS assessment is the need to consider whether one is needed at all.

Fire Safety (England) Regulations 2022 (Coming into force January 2023) - Applies to new and existing buildings.

The Fire Safety (England) Regulations 2022 are being introduced as an important step towards implementing the recommendations of the Grenfell Tower Inquiry Phase 1 report. The Regulations are being introduced under Article 24 of the Fire Safety Order and will come into force on 23 January 2023 although most of the requirements will require the responsible person (RP) to plan and prepare ahead of the Regulations coming in.

The requirements vary:

- some provisions apply regardless of height
- additional provisions are needed once a building reaches 11m
- more are introduced when a building reaches 18m or 7 storeys (or more)

For all multi-occupied residential buildings, of 2 or more sets of domestic premises, residents must be provided with:

- Instructions on how to report a fire and what to do once a fire has occurred.
- Information emphasising the importance of fire doors.

For multi-occupied residential buildings over 11 metres in height - the above plus:

- Annual and quarterly fire door checks: The RP must undertake best endeavours to carry out annual checks of flat entrance doors. The RP must undertake quarterly checks of all fire doors in the common parts.

For High-rise residential buildings (over 18m or 7 storeys or more) – the above plus:

- Building Plans: The RP must provide FRS with up-to-date building floor plans by electronic means and place a hard copy, alongside a single page building plan which identifies key firefighting equipment, in a secure information box on site.
- External Wall Systems: The RP must provide FRS information about the design and materials of a high-rise building's external wall system and to inform the FRS of any material changes to these walls. Also, they will be required to provide information in relation to the level of risk that the design and materials of the external wall structure gives rise to and any mitigating steps taken.
- Lifts and other Key Fire-Fighting Equipment: The RP must undertake monthly checks on the operation of lifts intended for use by firefighters, and evacuation lifts in their building and check the functionality of other key pieces of firefighting equipment. The RP must report any defective lifts or equipment to FRS as soon as possible after detection if the fault cannot be fixed within 24 hours, and to record the outcome of checks and make them available to residents.
- Secure Information Boxes: The RP must install and maintain a secure information box in their building. This box must contain the name and contact details of the RP and hard copies of the building floor plans.

- Wayfinding Signage: The RP must install signage visible in low light or smoky conditions that identifies flat and floor numbers in stairwells

Amendments to Residential Building Regulations (take effect 01 Dec 2022) *Applies to New High and Medium Rise Residential Buildings*

From December 2022 all new residential buildings:

- over 11m will have to include a Secure Information Box
- over 18m will also have to incorporate an Evacuation Alert System

The Building Regulation changes also include:

- A complete ban on Metal Composite Material panels with unmodified polyethylene core, known as MCM PE, on all new buildings at any height.
- Expanding the ban on the use of combustible materials in and on the external walls of new blocks of flats, hospitals, student accommodation and dormitories in boarding schools over 18m to also include new hotels, hostels and boarding houses of this height.
- Further restricting the combustibility of materials used in and on the external walls of residential buildings, between 11-18m in height.

Next Steps – Supporting Residential Premises and internal process change

Most larger premises affected by the changes have previously been written to by the Service, keeping them informed of anticipated developments. Ongoing communication and website development will now build upon this.

Fire Safety audit processes will be modified to incorporate the new Fire Safety Act requirements and Regulations (the latter in greater detail as more guidance emerges). Operational pre-planning will be refined to include use of Secure Information Boxes and digital information exchange.

ARSON RISK REDUCTION

R v Christopher BENNETT

Queen Victoria Road, Burnley

INCIDENT – 2103005209

Date and Time of call – 17/03/2021, 15:40

This incident involved the deliberate ignition of waste materials stored in the bin compound of a property undergoing renovation. Five people were working inside the property at the time of the incident. The fire caused severe damage to a small section of the roof and heavy smoke logging to the property.

The defendant pleaded guilty to arson being reckless as to whether life was endangered and received a prison sentence of 3 years.

R v Terence HAVENS

Skipton Road/Bath Street, Colne

INCIDENT – 2107005932

Date and Time of call – 16/07/2021, 22:20

This incident involved a deliberate fire in a terraced house. The fire was accelerated by an ignitable liquid. The defendant was an occupant of the property which was also occupied by three other adults who managed to self-evacuate.

The fire caused severe damage to the kitchen and living room structure and contents, moderate smoke damage to the ground floor bedroom, first floor bathroom and 3 bedrooms, minor smoke damage to basement.

The defendant pleaded guilty to arson being reckless as to whether life was endangered and received a prison sentence of 8 years and 4 months

R v Montell CHINNO

Sandyforth Avenue, Thornton, Cleveleys

INCIDENT – 2008011112

Date and Time of call – 31/08/2020, 21:49

This incident involved the deliberate ignition of curtains in the kitchen of a semi-detached house by the occupier. The fire, which caused smoke logging throughout the property, was noticed by the neighbour who alerted the fire service.

The defendant was sentenced to a 24-month community order.

R v Anthony BENSON

St James Street Burnley

INCIDENT – 2205006000

Date and Time of call – 16/05/2022, 19:13

This incident involved a hair salon. The owner entered and found smoke inside. On arrival fire crews found fire damage to the underneath of a sink unit and a hole in the wall where the waste from the kitchen sink exited. The fire was caused by the application of a naked flame to a combustible item that had been inserted into the hole.

Given the lack of prior convictions, the defendant was given a Conditional Caution and ordered to pay the owner of the business £100 in damages.

Business Risk

Moderate – Members are made 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

Paper:

Date:

Contact:

Reason for inclusion in Part 2 if appropriate: