

Lancashire Combined Fire Authority

Meeting to be held on 3 October 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

Two cases are within the court system at present for offences under the Regulatory Reform (Fire Safety) Order 2005 (RRO).

One of the cases was scheduled for trial at Preston Crown Court in early September 2022 however this has been vacated and provisionally set for trial in October 2022.

The other case concerns a working men's club where two persons were fatally injured; this is to be heard at Blackpool Magistrates Court on 12 September 2022.

Protection teams continue to investigate and build files in relation to eleven further cases wherein offences are believed to have been committed under the RRO, involving the following types of premises:

- Commercial Car Breakers
- Care & Nursing Home
- Licensed Public House / Bar
- 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

Business Fire Safety Checks (BFSC)

The BFSC training programme has now rolled out to all wholetime watches across Lancashire.

To date, circa 580 BFSC have been undertaken across Lancashire with 136, (23%), identifying significant fire safety concerns resulting in follow up action by Protection teams.

Legislation Changes Update

The Fire Safety Act 2021 (the Act) received Royal Assent on 29 April 2021 and commenced on 16 May 2022. The Act amends the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).

The Act 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.

At the same time The Fire Safety (England) Regulations 2022 (the Regulations) were 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.

To ensure premises affected by these changes are kept informed and to enable them to adapt and plan to address these changes now, and in the future, LFRS has written to 1940 residential flats premises of all heights. LFRS has also updated its website to provide information on the changes, with links to the government websites that contain more in-depth guidance.

Building Risk Review (BRR) and tall buildings update

Where it is identified, either by the Responsible Person or by way of audit, that a premises would not behave as expected in the event of fire, LFRS apply an interim measure process which, amongst several fire safety activities, also includes an increased operational response in the event of incident occurring.

Lancashire had a total of 15 premises where this policy was applied. Following complex remediation works, 6 premises have now come out of interim measures, leaving 9 with ongoing remediation works being undertaken.

To give an appreciation of the costs involved in remediation and the complexity levels for Protection teams to ensure buildings are made safer, a housing provider of three high rise blocks of flats in Preston has spent approximately £3.2million on remediation works.

The work consisted of upgrading fire alarm systems to support the interim measures, along with improving internal vertical and horizontal compartmentation throughout and removing combustible external wall systems from the three blocks.

The Protection team continue to work closely with those responsible for the buildings whilst remaining acutely aware of the complexities relating to cost, the lack of funding and a shortage of external wall surveyors which results in remediation timescales becoming protracted.

LFRS under the RRO now have the regulatory powers for external wall systems and flat fire doors. Consequently, Protection teams are working closely with responsible persons using the fire safety enforcement logic to jointly agree fair, realistic remediation timescales and action plans.

ARSON RISK REDUCTION

R v Dale STEELE

St Helens Road, Ormskirk
Date and Time of call – 31/10/2020, 20:08

This incident involved the deliberate ignition of combustible items located in the sub floor area of a domestic property. The occupier, who was found in bed, had lit the fire to extract metal from electric cabling. The fire caused moderate damage to the underside of the ground floor and severe smoke damage to the remainder of the house.

The defendant pleaded guilty on the first day of trial and was sentenced to 21 months, suspended for 2 years. They were also ordered to complete a 'Thinking Skills' programme, 20 hours of rehabilitation activities, and made subject to a restraining order in respect of neighbours.

R v Restricted (due to age)

2 incidents: Empress Mill, Byron Road, Colne and Skipton Road, Colne
Date and Time of call - 29/10/2020, 21:32 and 30/10/2020, 01:13

The incident at Empress Mill involved the ignition of liquid which had been poured through the letterbox of a commercial property. The fire caused severe damage to the door and entrance hallway.

The incident at Skipton Road involved the deliberate ignition of a large garage used as a workshop and three adjacent smaller garages. The garages and contents were destroyed by the fire and several nearby domestic properties suffered cracked windows.

The defendant received a youth rehabilitation order, electronic monitoring and was ordered to complete activities with the Youth Offending Team.

R v Nicola CLAYTON

Bridgeside, Carnforth, LA5 9LF

Date and Time of call – 31/03/2021, 00:52

This incident involved the deliberate ignition, by the occupier, of a sofa in the living room of a domestic property. The fire caused severe damage to the sofa and severe smoke damage to the living room.

The defendant pleaded guilty to arson with intent to endanger life and was sentenced to 20 months imprisonment suspended for 20 months, ordered to undertake 20 hours specific rehabilitation and to pay costs to the CPS.

R v Louis RILEY

Fraser Street, Burnley, BB10 1UL

Date and Time of call – 04/06/2021, 07:39

This incident involved three separate points of origin of fire within three separate rooms of a domestic property. Fortunately, the fires did not spread a significant distance from the points of origin, but severe damage was caused to a section of floor covering and floorboards in the living room and bedroom.

The defendant pleaded guilty to 'arson being reckless to whether life was endangered', and was sentenced to 4 years imprisonment with an extended licence period of 3 years.

R v HARTLEY

The ACE Centre, Cross Street, Nelson BB9 7NN

Date and Time of call – 21/06/2022, 10:10

This incident involved a building that was being used as a COVID-19 test site. On the morning of the incident, staff discovered a coffee jar outside the building. The jar contained approximately 200ml of solvent which staff poured down the drain to dispose. The jar had a wick in place, suggesting it could be used as a firebomb.

The defendant received 4 years imprisonment with an extended licence period of 3 years.

R v Darren SANDBACH

2 incidents: Blackburn Road, Haslingden and Beaconsfield Street, Haslingden

Date and Time of call – 26/01/2022, 18:35 & 18:46

The incident at Blackburn Road involved the deliberate ignition of a wheelie bin placed at the entrance door to a flat above a commercial property. The fire caused severe damage to the wheelie bin, door frame, guttering and soil pipe, and light smoke damage to the entrance hallway and stairwell.

The incident at Beaconsfield Street involved the deliberate ignition of window blinds in the defendants flat. The fire was out on arrival of fire crews.

The defendant was charged on suspicion of arson, reckless arson, arson with intent to endanger life, burglary, and common assault and subsequently sentenced to three years imprisonment.

R v Johnathan HARTLEY

Reads Avenue, Blackpool

Date and Time of call – 25/10/2021, 17:43

This incident involved two separate points of origin of fire within the lounge of a ground floor flat, causing damage to a small section of carpet and curtains within the lounge and smoke damage to the flat.

The occupier pleaded guilty to arson with intent, and received a two-year suspended prison sentence and 40 hours community service.

R v Dillan WHITE

Musbury Tor, Haslingden (Wildfire)

Date and Time of call – 22/04/2022, 20:09

This incident involved a wildfire which caused damage to approximately two hectares of moorland.

The defendant admitted reckless arson and received a conditional caution.

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: N/a