

Lancashire Combined Fire Authority

Meeting to be held on 18 September 2023

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

There is one case within the court system at present for offences under the Regulatory Reform (Fire Safety) Order 2005. Provisionally set for trial on 16th October 2023.

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

- Specialised Housing / Supported Living Scheme
- Care & Nursing Home
- House in Multiple Occupation used as Student Accommodation
- Mixed commercial and Residential (Takeaway with sleeping above) x2
- Residential Flats x3
- Commercial car repair garage
- Mixed commercial and Residential (in-dining restaurant with sleeping above)

Of the above-mentioned cases, one has been served a summons with a first hearing scheduled for 20th September 2023. Two of the other cases have a draft summons drawn and four are currently under review by legal counsel.

There is also one further case currently being investigated which may see a joint prosecution with the Health and Safety Executive.

FIRE PROTECTION & BUSINESS SUPPORT INFORMATION

Business Fire Safety Checks (BFSC)

As at the end of July 2023, c.3685 BFSC have been undertaken across Lancashire with 619 identifying significant fire safety concerns resulting in follow up action by Protection teams. The delivery of this service is well established across fire stations and is continuing to receive system refinements to support efficient methods of arranging and delivering this valuable risk reduction work.

Legislation Changes Update

From the 1 October 2023 the Regulatory Reform (Fire Safety) Order 2005, will be amended by the introduction of Section 156 of the Building Safety Act 2022. These amendments will require that all responsible persons must now record the fire risk assessment in full (including all the findings) along with the fire safety arrangements for premises in all circumstances.

This is a significant change for responsible persons, as currently the Fire Safety Order only requires a written fire risk assessment if the business has five or more employees or requires a license.

The new legislation will also introduce several additional duties on the responsible person, regarding information they must record and provide along with increasing the level of fines for some offences.

To better prepare responsible persons for these changes, LFRS continue to undertake engagement activities, these include:

- The production of a letter which outlines all relevant changes, is being distributed as part of the protection department's day to day interactions with businesses and premises.
- Digital media and digital copies of the letter are being shared via partners, examples being Local Authority licensing, housing, and the Care Quality Commission (CQC).
- A campaign highlighting the changes is being conducted utilising LFRS social media channels and website.

LFRS will also be supporting Business Safety Week (11th – 17th September) where specific activities, engagement and media will raise awareness and support businesses and responsible persons to prepare for change and keep fire safety a priority.

ARSON RISK REDUCTION

R v Matthew SMITH

Barton Avenue, Blackpool

Date and Time of call – 25/09/2019, 23:55hrs

This incident involved a deliberate fire set in the bedroom of a ground floor flat. The fire caused severe damage by direct burning to the bedroom/contents and severe damage by smoke to the remainder of the flat. The flat located directly above, suffered severe damage by direct burning to the floorboards and light damage by smoke to the remainder of the property.

Following a trial at Preston Crown Court the defendant was found guilty of 'Arson being reckless as to whether life is endangered' and was sentenced to 5 years in prison plus 2 further years on licence.

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