



COMBINED FIRE AUTHORITY

22 FEBRUARY 2019

CHARGING FOR UNWANTED FIRE SIGNALS TRIAL

REPORT OF AREA MANAGER COMMUNITY RISK MANAGEMENT

Purpose of the report

1. This report proposes to introduce a 12-month trial to charge for repeated Unwanted Fire Signals (UwFS) in premises that the Regulatory Reform (Fire Safety) Order 2005 (FSO) applies to. It also highlights the changes to OP/1/24 Service Response to Automatic Fire Alarm Systems and other arrangements to enable a trial.

Background

2. County Durham and Darlington Fire and Rescue Service (CDDFRS) categorise calls to a fire, where on attendance, there is found to be no fire as 'False Alarms'. These calls include:
 - calls from individuals which are made with genuine intention but turned out to be incorrect are recorded as a 'false alarm - good intent';
 - calls from individuals deliberately providing false information are recorded as 'false alarm – malicious';
 - automatic fire alarm and detection systems may be activated deliberately by a person for either good intent or malicious reasons, however, where alarms operate due to a mechanical or electrical fault, or false activation by non-fire conditions e.g. cooking fumes, dust, cigarette smoke etc. and the fire service attend, these are recorded as 'Unwanted Fire Signals' (UwFS).
3. In 2017/18 CDDFRS received a total of 751 UwFS calls to non-domestic premises which equates to 9.4% of all incidents attended by the Service that year, these included factories, offices, shops, hospitals and student accommodation.
4. The Localism Act 2011 introduced amendments to the Fire and Rescue Services Act 2004 which enabled a Fire Authority to recover costs for attending repeated UwFSs.
5. CDDFRS recognises the value of fire detection in protecting people from fire and reducing the numbers of fire deaths and injuries. CDDFRS's objectives through this cost recovery process would be to encourage correct use and management of these systems. To ensure that those responsible have a suitable system with appropriate management processes in place and reduce the number of UwFS caused by these systems.

6. Additionally, where there is a persistent concern with automatic fire detection systems generating UwFS and where it is appropriate to do so, ensure that filtering is applied to prevent unnecessary calls being made to CDDFRS.
7. Fire alarms which actuate when there is no fire can be an indication of poor fire safety management in the premises, those false alarms that result in an attendance by CDDFRS have a significant impact on the availability of operational resources.
8. A considerable amount of work has been carried out in relation to UwFS previously and a downward trend in CDDFRS attendance to these incidents has been seen in previous years, but this appears to have plateaued. A large amount of new student accommodation has been built in Durham City and this appears to be one area that is having a detrimental effect on the number of UwFS that CDDFRS are attending.
9. The inclusion of suitable automatic fire detection in certain circumstances within the Building Regulations and the requirements imposed on certain types of premises under fire safety legislation means that the potential for false alarms will continue to increase year on year. Therefore, there must be a robust procedure in place to ensure that sites giving rise to persistent UwFS are identified and remedial action taken if CDDFRS are to continue driving down the number of UwFS received each year.

Power to introduce cost recovery for UwFS

10. The legal basis for charging comes from the Fire and Rescue Services Act 2004 (FRSA) as amended by the Localism Act 2011.
11. The Fire Authority has no legal power to make a profit from any charges. FRSA (amended) states;

“Section 18A Charging by authorities,

(5) In setting the amount of a charge under subsection (1), a fire and rescue authority must secure that, taking one financial year with another, the authority’s income from charges does not exceed the cost to the authority of taking the action for which the charges are imposed.”

12. The Localism Act also introduced a new power into the FRSA, which allows the Fire Authority to charge for attendance at unwanted fire signals due to an automatic fire alarm (AFA). The FRSA (amended) states:

“Section 18C Cases where a charge may be made for responding to report of fire etc

(3) This section applies to a report of fire if

- (a) the report is of fire at premises that are not domestic premises,*
- (b) the report is false,*
- (c) the report is made as a direct or indirect result of warning equipment having malfunctioned or been misinstalled, and*
- (d) there is a persistent problem with false reports of fire at the premises that are made as a direct or indirect result of warning equipment under common control having malfunctioned or been misinstalled.*

(5) In subsection (3)

“domestic premises” means premises occupied as a private dwelling (including any garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling);

“warning equipment” means equipment installed for the purpose of

(a) detecting fire, or

(b) raising the alarm, or enabling the alarm to be raised, in the event of fire.”

Amendments to OP/1/24

13. To enable a trial to commence, the Service’s operations policy (OP/1/24) has been reviewed and amended to include brief details in section 3 of how the charge for UwFS will be applied, in section 4 the Authority’s legal powers to charge for UwFS and responsibilities within the Service and in section 5 the right to appeal a charge.
14. The amended policy is attached as Appendix A.

Application of cost recovery

15. Details of the new policy for charging for UwFS would be published on the Service website and promoted via social media to inform businesses of the change in policy.
16. The charge for attending an UwFS will be based on the rate within CDDFRS for charging for special services, which is currently £291 per appliance, per hour or part thereof. The special service charge is reviewed regularly by the Service and is based on recovering salary costs for the crew and other associated costs such as fuel and wear and tear to the vehicle.
17. Cost recovery could be applied to all Non-Domestic premises where the Fire Safety Order (FSO) applies, these being:
 - all workplaces and commercial premises;
 - all premises the public have access to;
 - the common areas of multi-occupied residential buildings.
18. The following alarm actuation causes will not generate a charge under the cost recovery process:
 - false alarm incidents resulting from the testing of the system;
 - false alarm incidents resulting from the activation of a break-glass call point.
19. To allow time for improvement, it is proposed that cost recovery could be applied to a premises on the third and any subsequent UwFS generated over a rolling 12-month period.
20. Premises would receive a letter after one UwFS in a rolling 12-month period stating the policy of charging from the third UwFS. Following a second UwFS a follow up letter would be sent to inform the premises that the next UwFS will incur a charge.

21. Discussions would take place with the Area Manager for Emergency Response regarding the possibility of reducing the pre-determined attendance (PDA) for all subsequent automatic fire alarms (AFA) calls in the rolling 12-month period.
22. UwFS incidents would be attributed to the unique property reference number (UPRN) on the Service's community fire risk management information system (CFRMIS) ensuring that it corresponds with one premises only. If the premises have multiple buildings connected to one alarm system this would be classed as one building for the process of charging for UwFS.
23. If the policy had been applied in the year 2017/18 there would have been 135 chargeable incidents for multiple UwFS resulting in up to £39,285 costs being recovered by the Authority.

Other arrangements to implement the trial

24. Before the Fire Authority begins to charge for UwFS, the Localism Act requires the Authority to consult any persons the Authority considers appropriate. If the trial is approved by the Authority, consultation will take place during March 2019 with businesses who are most likely to be affected by the introduction of this policy, such as education establishments and landlords of student accommodation. Taking into consideration the outcome of the consultation, the trial could commence on 1 April 2019.
25. Information will be published on the Service website and via social media to raise awareness and standard letters will be created on CFRMIS to enable the process of warning the Responsible Person and charging to be streamlined. The current UwFS form handed to the Responsible Person or their representative at the premises by operational crews will be revised to include charging information

Implications to the Fire Authority

26. There is a risk that charging for these types of incidents could bring criticism that the Service is penalising businesses for genuine mistakes, but evidence has shown that in June 2018, Northumberland Fire and Rescue Service introduced a policy to charge for attending repeated UwFS which has been positively received by fire safety officers in local businesses. With the inclusion of an appeals procedure and continued engagement with local businesses throughout the trial the Service feels confident this will have a positive impact in reducing risk and improving the management of fire safety in premises.

Recommendations

27. CFA members are requested to:
 - a) **agree** to delegate authority to the Chief Fire Officer to take into consideration the outcome of the consultation process and commence a trial from 1 April 2019 for a 12-month period;
 - b) **agree** to receive further reports as the trial progresses.

Keith Wanley, Area Manager, 0191 3755630



Service Policy

No. OP/1/24

Service Response to Automatic Fire Alarm Systems

Document Overview

The following areas are covered by this document:

- Introduction
- Terminology
- Policy Statement
- Responsibilities
- Right to Appeal UwFS Charges
- Audit and Monitoring
- Further Documents

Sign-off process

	Policy	Procedure	Info note	Date
Section head	✓			
Rep bodies				
SMT				
DCFO / ACFO				
SLT / CFA (if applicable)				
Assurance admin				

Equalities impact assessment

Screening	✓	Full	
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FOI exemption required	Yes		Reason:
	No	✓	

Security level	Restricted	
	Unrestricted	✓

Review date	January 2023
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Document control

Version	Date	Author
001	01/02/2013	Pete McDermott
Reason for change		
New policy		

Version	Date	Author
002	10/01/2019	Chris Hockaday
Reason for change		
Amended to include cost recovering option for UwFS.		

1. INTRODUCTION

- 1.1 Traditionally the Fire and Rescue Service have responded to automatic fire alarm calls (AFA) by sending a predetermined response to every activation. In 2005 the Service experienced 2615 calls to AFAs, this equated to approx. 20% of all incidents attended by the Service that year. Through the efforts of the fire safety section, operational crews and the commercial sector these figures were reduced in 2012 to 1036 calls (14.7%). Following this, County Durham and Darlington Fire and Rescue Service (CDDFRS) decided to introduce a policy whereby fire appliances respond to commercial or non-domestic premises that experience AFAs based on a risk assessed approach.
- 1.2 CDDFRS are committed to improving the service that the public within County Durham and Darlington receive and in-line with the Fire and Rescue Services Act 2004 CDDFRS will continue to provide advice to the commercial sector regarding how to reduce false alarms and unwanted fire signals. CDDFRS will take every opportunity to proactively promote 'best practice' during fire safety visits.

2. TERMINOLOGY

To understand fully the problems experienced by both the fire and rescue service and the commercial sector it is important that all stakeholders use and understand our terminology. The National Fire Chiefs Council use the following definitions:

- AFA – Automatic fire alarm (AFAs indicate the plural form);
- ARC - Alarm Receiving Centre. A continuously staffed remote centre to which information concerning the status of one or more systems is reported;
- FAMO – Fire Alarm Monitoring Organisation. A combined term developed to include all remote fire alarm monitoring organisations e.g. ARC or Telecare Service Provider (TSP);
- False Alarm – A fire alarm signal resulting from a cause or causes other than a fire, in which a system has responded, either as designed or as the technology can be reasonably expected to respond to any of the following;

- A fire like phenomenon or environmental influence (e.g. smoke from a nearby bonfire dust or insects, processes that produce smoke or flame or environmental effects that can render certain types of detector unstable, such as rapid air flow);
 - Accidental damage;
 - Inappropriate human activity (e.g. operation of a system for test or maintenance purposes without prior warning to building occupants and/or a FAMO);
 - Equipment false alarms, in which the fire alarm has resulted from a fault in the system.
- TSP – Telecare Service Provider. A service that enables people, especially older and more vulnerable individuals, to live independently in their own home. It can be a simple community alarm service, able to respond in an emergency and provide regular contact by telephone. It can include detectors or monitors such as motion or falls and fire and gas that trigger a warning to a response centre staffed 24 hours a day, 365 days a year, e.g. Carelink, Redcare, Care Connect;
 - UwFS – A fire alarm actuation due to a mechanical or electrical fault, or false activation by non-fire conditions (e.g. cooking fumes, dust, cigarette smoke etc) where the Fire Service is summoned;
 - CDDFRS also use the term ANT (Alarm Not Attended) which refers to an UwFS that the Fire Service did not attend.

3. POLICY STATEMENT

3.1 The Service will provide a response to AFAs as set out below,

- (a) Between 09:00 and 17:00 Monday to Friday (excluding Bank Holidays) the Service will not attend AFAs to low and medium risk premises unless accompanied by a confirmation that there is an actual fire;
- (b) High risk, special risk and domestic properties will receive a response.

- 3.2 Examples of High-risk properties include COMAH sites, factories with dangerous processes, any premises with a 'sleeping' risk for example hospitals, care homes, hotels, halls of residence or HMO (houses in multiple occupation).
- 3.3 Special risk properties will include those buildings that have a heritage factor for example Durham Cathedral, Auckland Castle or Darlington Crown Street library. Special risk also includes those premises that contain equipment or data that is of significant importance to the Nation or Region.
- 3.4 The level of risk designated for each premise will be documented within the fire risk assessment for that premises and will include the appropriate emergency action plan.
- 3.5 The Service will provide advice to the business community (in-line with resources available) to ensure that all non-domestic premises are aware of their responsibilities under the Regulatory Reform (Fire Safety) Order 2005.
- 3.6 In order to minimise the impact from UwFS the Service will send a letter to each premises that have an UwFS in the first instance. This letter will state that a charge will be made upon the third activation within a rolling 12-month period and for any subsequent activation within the rolling 12-month period. The attending operational crew will also leave an UwFS form at the premises which will outline the procedure for charging.
- 3.7 The charge referred to in 3.6 above will provide cost recovery and will be equal to the Service charge for a special service incident.

4. RESPONSIBILITIES

- 4.1 Legal responsibilities and powers:
 - (a) Fire and Rescue Services Act 2004 Part 2 Section 6 (1) and (2) places a responsibility on the Service to promote fire safety and provide advice to the County Durham and Darlington community.
 - (b) Section 7 (1) of the Fire and Rescue Service Act 2004 ensures that a fire and rescue authority must make provision for the purpose of (a) extinguishing fires in its area, and (b) protecting life and property in the event of fires in its area.
 - (c) The Regulatory Reform (Fire Safety) Order 2005 places a duty on the Responsible Person to carry out a suitable and sufficient fire risk assessment

and ensure that the Relevant Persons within the premises are made aware of fire conditions.

(d) Chapter 2 of the Localism Act 2011 makes amendments to the Fire and Rescue Services Act 2004 and introduces a new power in section 18, which allows the Authority to charge for attendance at unwanted fire signals due to an automatic fire alarm. Section 18C sets out the criteria when a charge may be applied.

4.2 Service Leadership Team (SLT)

Will ensure that this Policy is applied consistently throughout the Service by providing sufficient resources to enable the processes detailed in this policy and any associated procedure to be carried out.

4.3 Performance and Programme Board (PPB)

Will scrutinise performance to confirm that the policy is addressing risk and ensure appropriate corrective measures are taken if necessary.

4.4 Community Risk Management Manager

The Community Risk Management (CRM) manager will monitor the UwFS activity via the CRM Team Leader Meetings, initiate any remedial actions deemed necessary and ensure that an internal audit of the policy and procedures are carried out in-line with the ISO9001.

4.5 Operational Crews

- (a) Will complete the AFA/UwFS Ops documentation (blue forms) at every appropriate incident;
- (b) Provide support and advice to the business community during attendance at AFAs;
- (c) Report AFA issues to the Business Fire Safety Central Team;
- (d) Provide suitable advice during fire safety inspections.

4.6 Business Fire Safety Manager

- (a) Will manage the process of cost recovery for UwFS;
- (b) Will monitor all UwFS on a weekly basis and ensure that letters are sent to all relevant businesses in line with this policy;

- (c) Will raise an invoice with the Finance section to ensure that any charges are sent to the appropriate premises Responsible Person.

4.7 Finance

- (a) Will issue the invoice to the appropriate premises Responsible Person;
- (b) Will monitor the payment of invoices.

4.8 Business Fire Safety District Officers

- (a) Monitor the completed AFA/UwFS documentation;
- (b) Organise specific inspections to premises that generate numerous AFAs;
- (c) Provide support and advice to the business community;
- (d) Consider enforcement actions dependent on the outcome of a fire safety inspection.

5. RIGHT TO APPEAL UwFS CHARGES

- 5.1 Once a charge has been made for an UwFS, the Responsible Person may make an appeal by writing to the Head of Community Risk Management (CRM) stating the reason for the appeal.
- 5.2 The Head of Community Risk Management should respond to the appeal within 28 days of receipt with their findings.

6. AUDIT AND MONITORING

- 6.1 The CRM manager will carry out an internal audit of the policy and procedures in-line with the ISO9001 annual audit programme.
- 6.2 Any recommendations resulting from policy audits will be implemented into the existing policy and related procedures/guidance.

7. FURTHER DOCUMENTS

- 7.1 CPP ISO9001 Procedure 4 - Reduction of Unwanted Fire Signals and False Alarm Procedure;

- 7.2 CFOA Policy for the Reduction of False Alarms and Unwanted Fire Signals;
- 7.3 CFOA Guide on response to Remotely Monitored Fire Signals;
- 7.4 The Regulatory Reform (Fire Safety) Order 2005;
- 7.5 The Fire and Rescue Services Act 2004 as amended by the Localism Act 2011.

30 January 2019

Assistant Chief Fire Officer