



Safest People, Safest Places

Combined Fire Authority

21 September 2020

Fire Safety - Government Consultation

Report of the Area Manager, Community Risk Management

Purpose of Report

1. This report provides members with a precis of the Government's consultation on changes to fire safety legislation and how it is proposed to implement the recommendations set out in the Grenfell Tower Inquiry Phase 1 report that require new legislation. Attached as Appendix 1 is a draft response to the consultation for members consideration and approval.

Background

2. The consultation is a further step in the Government's actions to improve fire and building safety for all buildings. It also sets out how it is proposed to implement the recommendations addressed directly to Government by the Grenfell Tower Inquiry Phase 1 report, accepted by the Prime Minister on the day of the report being published in October 2019. The proposals focus on providing residents with greater assurance and fire safety improvements in their buildings; driving effective and sustainable operational outcomes for fire-fighters; and holding Responsible Persons (including building owners and managers) to account.
3. There are three thematic sections in this consultation. Each section is divided into topical chapters which provide background information to the lead question(s). Respondents can answer as many or as few questions as they wish. The consultation closes on 12 October 2020.

The Regulatory Reform (Fire Safety) Order 2005

4. The Regulatory Reform (Fire Safety) Order 2005 (FSO) is the cornerstone of general fire safety legislation and extends to England and Wales, regulating fire safety in non-domestic premises, including workplaces and the non-domestic parts of multi-occupied residential buildings.
5. The FSO places fire safety duties on persons with control of non-domestic premises – the Responsible Persons (RP) - and on others (duty holders) to the extent of their responsibilities under the FSO. The FSO principally adopts a risk-based approach to fire safety requiring RPs to ensure that general fire precautions are in place. In this way the FSO promotes the avoidance of fires and the mitigation of the effects of fires.
6. The Government is currently in the process of legislating to amend the FSO. The Fire Safety Bill seeks to clarify the scope of the FSO, which will lead to better identification, assessment and enforcement against fire risks in multi-occupied residential buildings. The Bill will clarify that the FSO applies to the structure, external walls (including cladding and balconies) and individual flat entrance doors between domestic premises and the non-domestic parts. It will also affirm the ability for the Fire and Rescue Service to enforce against non-compliance in relation to these parts of such premises. The Bill provides a firm foundation on which to implement the Grenfell Tower Inquiry Phase 1 recommendations. This consultation sets out proposals in relation to buildings in England only.

Section 1: Strengthening of the Fire Safety Order and Improving Compliance

7. The significant key areas addressed within this section are:
 - **Guidance:** There is a plan to overhaul the current suite of guidance. This is not subject to consultation although we are seeking views on matters relating to the adequacy of the relevant provisions in the Order and on the form of revised or new guidance.
 - **Responsible Persons:** Consultation on placing a legal requirement on the RP to record who they are, the extent of their responsibility for the building under the FSO, their contact information as part of the fire risk assessment and whether they should be required to provide a contact address in the United Kingdom.
 - **Quality of Fire Risk Assessments:** A proposal to introduce a competence requirement for fire risk assessors. We also propose to impose a legal requirement on RPs to record the entirety of their fire risk assessments.
 - **Provision of Information:** Consultation on whether to require RPs in all multi-occupied residential buildings to provide specific fire safety information to residents.
 - **Enforcement and Sanctions:** Revised guidance on these issues will provide additional clarity and support for enforcing authorities to take action against non-compliance with the FSO. Views are being sought on the sufficiency of the level of fines available for specific offences under the Order.

- **Higher Risk Workplaces:** Regulations under the FSO may be made requiring additional precautions to be taken in relation to risk to relevant persons in such higher risk premises.
- **Fees and Charges:** To enable Fire and Rescue Authorities (FRAs) to charge for enforcement activity under the FSO.
- **Charging for False Fire Alarms:** The consultation is also seeking views on the current criteria for charging for false fire alarms for FSO regulated premises.

Section 2: Implementation of the Grenfell Tower Inquiry Phase 1 Report Recommendations

8. The significant key areas addressed within this section are:

- **Definition of Height for High-Rise Buildings:** Proposal for setting a clear height threshold for the category of buildings referred to as “high-rise”. This is aligned to the proposed scope of the Building Safety Bill on enactment, which is 18 metres and/or more than six storeys, whichever comes first.
- **External Walls:** A requirement for RPs to provide local FRSSs with information about the design of the building’s external walls and details of the materials they are constructed from.
- **Plans:** A proposal to require RPs to provide their local FRS with up-to-date floor plans which identify the location of key firefighting systems.
- **Evacuation Plans:** A proposed requirement for RPs to draw up and keep under regular review evacuation plans.
- **Personal Emergency Evacuation Plans (PEEP):** Proposal to require RPs to provide details of any residents, who self-identify to them as requiring assistance to evacuate, to their local FRS and to place this information in a Premises Information Box.
- **Information to Residents for all multi-occupied residential buildings:** Proposal to require the RP to provide fire safety information (including instructions for evacuation) in an accessible manner.
- **Fire Doors:** Proposal to require RPs to undertake checks of the self-closing devices in multi-occupied residential buildings over 11 metres and above.
- **Fire Doors:** It is proposed to require RPs to undertake checks of the self-closing devices in multi-occupied residential buildings over 11 metres and above.

Section 3: Building Control Bodies consultation with Fire and Rescue Authorities

9. The significant key areas addressed within this section are:

- **Information Sharing:** Is current guidance on information to be provided to Fire and Rescue Authorities sufficient or are there any areas where this should be improved.
- **Plans Certificates:** We are seeking views on whether there is value in plans certificates being mandatory for buildings covered by the FSO, or whether further guidance would be more beneficial.

- **Timeliness of Response:** Views are being sought on whether further consultation points in the process should be prescribed in legislation, and if so when they should be prescribed to promote timely engagement between the building control body and the FRA.
- **Response Timescales:** Should there be a statutory timeframe for responses by the FRA to provide further clarity about what is required and when, and if so, what it should be.
- **Dispute Resolution:** Are there problems with resolving disputes between building control bodies and Fire and Rescue Authorities which could benefit from a mediation panel and, if so, which representative bodies should be involved.

Consultation Process

10. During the consultation period a wide range of external stakeholders including the Fire and Rescue Services, other enforcing authorities, RPs including building owners, managers and duty holders, residents' groups, existing regulators and other organisations who represent those who have statutory responsibilities under the FSO or are otherwise affected by it will be given the opportunity to respond to this consultation.
11. A draft response to the consultation is attached as Appendix 1 for members to consider and approve. Consultation closes on 12 October 2020.

Recommendations

12. CFA members are requested to:

- a. note the content of the report;
- b. approve the draft response to the consultation attached as Appendix 1.

AM Keith Wanley, 0191 3755630