



Safest People, Safest Places

Combined Fire Authority

15 September 2023

Business Fire Safety

Report of the Business Fire Safety Member Champion

Purpose of Report

1. The report is to give members an update of business fire safety activity delivered across the Service area.

Background

2. The start of 2022/23 was a challenging time for the Central Business Fire Safety Team with three unexpected leavers out of the establishment of seven in the section. This fully tested the succession planning for the section with new ways of working developed to allow the Service to successfully meet its statutory duties.
3. Findings from HMICFRS have been acted upon and changes can clearly be seen in certain areas highlighted in this report. This has improved Fire Safety delivery, ensured activities are based on risk and forward planning to ensure succession planning with career progression and development for all of the Fire Safety Team.

Risk Based Inspection Programme and Fire Safety Audits

4. The Risk Based Inspection Programme (RBIP) is used to direct the delivery of fire safety audits (FSA) by operational crews and the Central Fire Safety Team to reduce the risk of fire amongst the business community.
5. Following consultation within the Community Risk Management Plan 2023/24 the Service is refreshing the RBIP to ensure all high-risk premises are included and the frequency for inspecting is based on risk.
6. Performance Indicator, PI 17 measures the number of FSA completed by both the central team and operational crews. The central team aim to complete their FSA at very high, high risk and medium risk complex premises, whilst the operational crews complete their FSA

on very low risk, low risk and some medium risk premises. This approach is in line with the Competency Framework for Fire Safety Regulators which the Service has aligned to since 1 April 2022.

7. The table below sets out FSA performance for 2021/22 and 2022/23:

Fire Safety Audits	2021/22	2022/23
Total Number of FSAs	2,120	1,928
Satisfactory Audits	1,517 (71.6%)	1,283 (66.5%)
Unsatisfactory Audits	603 (28.4%)	645 (33.5%)

8. Although the total numbers have slightly decreased, it is positive to note the increase to 33.5% of audits being unsatisfactory, showing that the Service is targeting the correct premises. The reason for the slight decrease was due to the upskilling of members of the central team, with some fire safety qualifications taking up to 12 months to achieve.
9. During our inspection by HMICFRS in 2022, they identified that the Service delivers almost four times the England average for FSA per 100 known premises.

Enforcement and Prosecutions

10. Enforcement activity has increased within the Service, aligned to the increase in unsatisfactory audits and also due to national direction following the Grenfell Tower tragedy.
11. The appropriate level of enforcement at the correct stage of an inspection ensures each step can be achieved should a Duty Holder decide not to participate fully. The following table identifies enforcement activity for 2021/22 and 2022/23:

	2021/22	2022/23
Enforcement	3	6
Prohibition	3	8

12. The direction of the Service is to have a more robust approach to enforcement than previously. This new approach is clearly evident with an increase overall and more Prohibitions notices served.
13. The Service last took court proceedings in 2017 with a successful fine against the Duty Holder due to omissions of the Fire Safety Order. During 2022/23, on attending a joint intervention with the Police, the Service identified and acted upon the findings where nine persons were found to be sleeping within a commercial premises not designed for sleeping.
14. Following investigation and case management the Service on behalf of the Combined Fire Authority served summons on two individuals and two companies in connection with the breaches identified.

15. On August 22, 2023, at Durham Crown Court Mr Tarlochan Singh and 5th Capital Limited pleaded guilty to a total of eight charges, all relating to breaches of the Fire Safety Regulatory Reform Order 2005.

16. Sentencing will take place at Durham Crown Court on October 5, 2023.

Public Complaints / Information or Guidance relating to Fire Safety

17. A large proportion of the central team's work revolves around fire safety complaints and requests for information or guidance with regard to fire safety.

18. Complaints are normally from members of the public concerned about fire safety issues in their workplace or in publicly accessible premises. The Service acts promptly to follow up complaints with the expectation that all complaints will be dealt with within 24 hours.

19. Information or guidance can be requested by those with fire safety concerns or requesting help around fire safety. The Service aims to facilitate this support where possible, however importantly, the Service must strike a careful balance of advice and assistance and not take on the role of a Fire Risk Assessor or Architect. The following table identifies the team's activity in these two areas in 2022/23:

Activity	Job Count	Hours
Information or Guidance	254	200
Complaints	60	138

Building and Licensing Consultations

20. These consultations form part of the Service's statutory duty and are measured as a performance indicator to be completed within 15 days for Building Regulations consultations and 28 days for Licencing consultations. Only Fire Safety Level 4 Diploma qualified staff can complete consultations.

21. Reviewing submissions can take anywhere between an hour for a small renovation, to over a week for more complex projects. They can involve early planning meetings, sometimes years ahead of the programme as well as consultation and scrutiny of the plans when submitted.

22. These consultations are key to ensure new premises are fit for purpose at the start of their life. The following table identifies the central team's activity in these two areas in 2022/23.

Consultation	Job Count	Hours
Building Regulations Consultations	506	703
Other Consultations (Licencing etc)	165	182

Unwanted Fire Signals

23. Through previous Performance Committee reports, members will be aware that unwanted fire signals (UwFS) have increased during 2022/23 with 806 incidents compared to a target of 677. This is despite the current cost recovery process whereby the Business Fire Safety

Team have invoiced premises for £46,814 when they incur three chargeable callouts in a rolling 12-month period.

24. Members will be aware of the change in response to the way the Service responds to calls for assistance from Automatic Fire Alarms (AFA) in non-residential premises commencing on 2 October 2023. It is expected this will have a significant reduction in UwFS realising the following benefits:

- Increased appliance availability to respond to life risk incidents;
- Reduced road risk to the public and staff due to less blue light emergency response journeys;
- An increase of time available for risk critical training;
- An increase of time available for community safety and arson reduction activities;
- An increase of time available for business fire safety activities;
- An increase of time available for operational crews to gather statutory risk critical operational information;
- Reduce the Service's environmental impact by minimising blue light journeys.

Post Fire Management

25. An important area for the Business Fire Safety Team is the investigation and follow up on all non-domestic primary fires. This scrutiny of fires allows the Business Fire Safety Officer to identify if a fire is a direct result of omissions against the Fire Safety Order (FSO) and should this be the case appropriate action is taken.

26. This proactive approach supports safer premises as even if a fire or its consequences were not due to an omission against the FSO, fire safety advice and compliance with the FSO is conducted on each occasion.

Business Engagement

27. To support and engage with businesses to ensure compliance with fire safety legislation, the Business Fire Safety Team have developed a Communication and Engagement Strategy. This includes supporting all national NFCC campaigns, utilising their toolkits and communication channels working with the Service's Communication Team.

28. The fire safety landscape has changed dramatically since the outcomes of the Grenfell Tower Inquiry, with the enactment of new legislation and fire safety practices. The Service has communicated this to businesses, with regular updates to the website, detailing the impact of the new legislation especially the expectations on premises owners to communicate changes and faults on their premises to the Service to inform operational planning.

29. Through the RBIP, the Service engages in audits and inspections with approximately 2,000 premises on an annual basis. This interaction with business owners and Responsible Persons is a key foundation of the Service's engagement approach allowing face to face advice and guidance on fire safety matters to be delivered.

30. In conjunction with Vital Fire Solutions, the central team has held engagement seminars with local businesses, to educate them on the requirements of fire safety legislation.

Recommendations

31. Members are requested to:

- a. note the contents of this report;
- b. receive further reports as appropriate.

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