

CORPORATE HEALTH AND SAFETY COMMITTEE – 19TH APRIL 2004

SUBJECT: FIRE SAFETY

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To inform the Corporate Health and Safety Committee of the legal obligations placed on the Authority with regard to fire safety and to outline the measures, which have been or are being taken to ensure compliance by the Council.

2. SUMMARY

- 2.1 Current legislation requires amongst other things that employers are required to provide written Fire Risk Assessments most of their buildings.
- 2.2 Over the past few months, following inspections by the Fire Authority, Notices have been served on the Authority which have included the requirement to provide Fire Risk Assessments for the buildings in question.
- 2.3 This report explains how compliance will be achieved by prioritising the order in which buildings are inspected and then embarking on a programme of inspecting all buildings under council control within the next 12 months

3. THE REPORT

3.1 Current Legislation

- 3.1.1 The Council has a statutory duty to ensure that fire prevention is undertaken to reasonable levels in every workplace.
- 3.1.2 The Fire Precautions (Workplace) Regulations. 1997 and the Fire Precautions (Workplace) (amendment) Regulations 1999 are the main legal requirements relating to fire safety and contain the safety measures which need to be in place such as:-
- Ensuring means for detecting and fighting fire
 - Escaping from workplaces in the event of a fire
 - Requiring employers to undertake fire risk assessments, and to review them on an annual basis
- 3.1.3 For many years, the design of buildings for fire safety purposes has been largely based on prescriptive approaches, which although have served well, lack flexibility. The use of codes of practice and approved documents have generally led to an improvement in fire safety. It has always been possible to have a non-compliant building, which on analysis, can be shown to be safe. Conversely, it has been shown that code compliant can under some circumstances, be inadequate. There has been more in recent years by those involved in fire precautions away from prescriptive documents towards a more risk centred approach.
- 3.1.4 In 1989 the European Council of Ministers adopted the Framework and Workplace Directives and member governments were required to implement them by 1st January 1993 for new premises and 1st January 1996 for existing workplaces. As a result of the above, the Fire

Precautions (Workplace) Regulations were introduced on 1st December 1997. One of the main requirements of the directives is that employers must assess the risks of a fire occurring and the consequences it would have on staff and other people who may be in the workplace. There is a requirement to record the assessment in writing where five or more people are employed and to review the assessment should circumstances dictate. Whilst in many structures such an assessment should be a simple affair, large employers will have to take a more detailed and disciplined approach to this requirement.

- 3.1.5 Risk assessment is by no means a new concept, it is used by building designers and building control officers since the introduction of the 1985 Building Regulations to ensure compliance with the functional requirements of the Regulations.
- 3.1.6 There are also some important provisions that are implicit within other legislative frameworks.
- 3.1.7 The Health & Safety at Work Act 1974 Section 2(1) places a general duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees. Section 3 of the Act places an additional duty on the employers to conduct their businesses so that, so far as reasonably practicable, they do not expose other persons not in their employment to health and safety risks. These duties include protecting employees and other persons from the risks or effects of fire.
- 3.1.8 The Management of Health & Safety at Work Regulations 1999 require employers to take into account the relevant provisions of the Fire Precautions (Workplace) Regulations 1997 when fulfilling certain specified duties under the Management Regulations.

In particular, fire precautions should be included in:

- The general risk assessments for the employer's workplace
- The nomination of competent persons to assist in compliance with relevant legislation
- The information provided to the employees and the employees of other employers who may be affected
- The procedures to ensure co-operation and co-ordination with other employers in shared premises.

3.2 Recent Activities

- 3.2.1 Recently, the Council has received approximately 10 Notices from the Fire Authority requiring the undertaking of work to comply with the legislative requirements. These Notices have usually required various remedial works, alterations or the provision of safe systems, within a 90 day period. Everyone of these Notices also contains a requirement that, fire risk assessments be undertaken. This increase in activity has been brought about because the present regime which relies on the issue of Fire Certificates was superseded by a risk-based approach to fire safety on the 31st March. All Notices which have been served have been or are being complied with within the specified period.
- 3.2.2 Initially an issue arose where Notices were being served on individual Directors and the response was unco-ordinated. Following a meeting with the Divisional Officer, the Senior Corporate Safety Officer is now informed of an intended inspection and he or his representative meets the Fire Officer on site. This has greatly reduced the need for the Fire Authority to use a formal approach.

3.3 Corporate Procedures Already in Place

- 3.3.1 Corporate policies and procedures with regard to fire safety are presently undergoing a review, these include -

- A Corporate Fire Policy
- Each premise has a Fire Precautions Log Book which assists Building Managers in complying with their obligations under the legislation by providing a record of events.
- Each Building Manager, Fire Warden and Mustering Officer has been issued with a document outlining the legislative requirements and giving advice on compliance.

3.4 Fire Risk Assessments

- 3.4.1 Risk analysis and assessment can be performed on any premises, large or small by a suitably qualified fire safety professional. The process is fairly specialised and can be carried out by an external contractor or in-house.
- 3.4.2 Within the council's Building Control Section three members of staff currently have the necessary competencies to enable them to carry out the assessments with a further one in training. Depending on the size of the building these assessments can take between one hour and one day to complete.
- 3.4.3 The time taken to carry out a risk assessment will vary greatly according to its type, its use and in particular its size. Some inspections have taken as little as an hour while others almost a day. It is anticipated therefore that Directorates will be charged between £50 - £500 per inspection.
- 3.4.4 Up to the present time, most of the buildings that have had fire risk assessments are those which have been the subject of Fire Authority Notices. Few proactive assessments have yet been undertaken.
- 3.4.5 At a meeting of the Health and Safety Liaison Officer Group held on the 3rd March 2004 it was agreed that representatives discuss with their Directorates or Business Units the current position and identify strategies for ensuring that risk assessments are carried out by prioritisation.

4. FINANCIAL IMPLICATIONS

- 4.1 As stated in 3.4.3 individual written fire risk assessments could cost anywhere between £50 and £500 (if not more for complex or large premises). Each Directorate or Business Unit will need to identify the source of the funding, for initial risk-assessments and the annual reviews required.
- 4.2 There may also be financial implications for any remedial work identified as being necessary as a result of the risk-assessments. These costs are unquantifiable at present but could be substantial.

5. PERSONNEL IMPLICATIONS

- 5.1 Enquiries with the Building Control Section indicate that the increased number of inspections can be carried out within existing staff resources, if their services are required and engaged.

6. RECOMMENDATION

- 6.1 That the Corporate Health and Safety Committee note the contents of the report.

Author: Mike Workman, Commercial Services Manager, Ext 5221
Consultees: Steve Delahaye, Chief Trading Standards Officer, Ext 5316
Roger Webb, Director of the Environment
Paul White, Head of Building Control.