

# **MERSEYSIDE FIRE AND RESCUE AUTHORITY**

## **PERFORMANCE REPORT TO THE PERFORMANCE AND SCRUTINY COMMITTEE**

**12 JANUARY 2016**

**SUBJECT: COMMUNITY FIRE PROTECTION UPDATE**

**REPORT NUMBER: CFO/006/16**

**APPENDICES: APPENDIX A: ENGAGING WITH DIVERSE  
BUSINESS SEMINAR REPORT**

**REPORTING OFFICER: DEPUTY CHIEF FIRE OFFICER**

**RESPONSIBLE OFFICER: JAMES BERRY – AREA MANAGER COMMUNITY  
RISK MANAGEMENT**

**OFFICERS CONSULTED: GM GUY KEEN, SM ANDY GROOM, SM CHRIS HEAD,  
SM STEVE TAYLOR.**

### **Purpose of Report**

1. To request that Members consider the performance of the Community Fire Protection function over 2015.

### **Introduction and Background**

2. This aim of this report is to update members on the key areas of performance achieved within the Protection function during 2014/15 and includes details of the Department for Communities and Local Government (DCLG) returns and specific information on the Protection functional plan for 2015/16.

3. This report accompanies a short Learning Lunch presentation for Members, prior to the Performance & Scrutiny Committee on 12<sup>th</sup> January 2016.
4. The purpose of the Community Fire Protection (Protection) function is to fulfil the statutory duties of the Authority in respect of promoting Fire Safety (s6 Fire and Rescue Services Act 2004), enforcing Fire Safety Legislation and in doing so support the Service's mission for Safer, Stronger Communities - Safe, Effective Firefighters. This is achieved by refining and delivering the Protection Risk Based Strategy
5. The Fire Safety Legislation includes: The Regulatory Reform (Fire Safety) Order 2005 (RRFSO); Fire Precautions (Sub-surface Railway Station) (England) Regulations 2009; Fireworks Act 2003; Fireworks Regulations 2004; Explosives Regulations 2014; Dangerous Substances and Explosive Atmosphere Regulations 2002; Petroleum Act 1928; Petroleum Regulations 1929; Construction (Design and Management) Regulations 2007 and The Dangerous Substances (Notification and Marking of Sites) Regulations 1990.
6. The legislative onus upon the Authority of the above falls in three distinct categories:
  - a. Legislation that the Authority has a responsibility to regulate;
  - b. Legislation that the Authority has a responsibility to consult upon; and
  - c. Legislation that governs the conduct of regulators (the Regulators Code).
7. The Protection Risk Based strategy directs the functions resources to target risk priority in order to influence standards of fire safety in the built environment. The targeting methodology is detailed in Service Instruction 0805 and ensures that audits and inspections are prioritised according to risk in a proportionate and transparent manner as required by the Regulators code.

### **Functional Plan 2015**

8. Over 2014/15 the Function has made good progress on the succession plan through investment and development in the senior Protection managers and fire engineering capability in the central team. Officers have worked closely with professional colleagues through Chief Fire Officers Association (CFOA) forums at national and regional level contributing to and benefitting from a range of professional tools such as the national CFOA performance benchmarking, the qualifications and curriculum framework and the Fires in the Built Environment training package for operational crews.
9. The current functional plan for Protection, 2015-16, identified a number of local and national influences.
10. Local influencers:
  - a. Financial challenges due to significant cuts in Service and Departmental budgets;
  - b. Succession gaps will begin to emerge from a combination of factors including retirement, retention, and maintenance and development of technical competence.

- c. An outdated management information system is starting to hinder the efficient and effective delivery of the Community Fire Protection function.
- 11. National influences:
  - a. New legislation and statutory obligations enacted in 2014 that will have the biggest impact upon how Fire and Rescue Authorities deliver the function of Protection since the implementation of the Fire Precautions Act in 1972.
- 12. In recognition of these challenges the 2015/16 priorities are to:
  - a. Commence implementation of 2020 plans to optimise the Protection structure to deliver the strategic priorities for Protection in the Service.
  - b. Commence implementation of a new management information system (MIS) to support efficient and effective performance delivery against the Protection risk based strategy.
  - c. Implement a revised Risk Based Inspection programme with a greater focus on targeting Protection performance on reducing high risk.
- 13. These priorities will enable the Function to meet these challenges by ensuring that our people, our procedures and our systems are fit for purpose and actively support optimum performance against the risk based strategy whilst supporting business compliance in line with government expectations in the current economic climate.
- 14. The Function has made the following progress in respect of the above deliverables:

#### 2020 Implementation

- 15. The 2020 plan is a 5 year plan which includes a new structure aligned to the CFOA competence framework and optimises technical and operational skill sets to enhance the value and productivity of Protection personnel despite significant budget challenges.
- 16. The plan acknowledges and overcomes the Function's succession challenges, provides future capacity and resilience, creates significant opportunities for green book personnel, refocuses operational protection staff where they can best utilise their Protection skillsets to optimise operational safety and effectiveness and yet still releases 16% savings against the 2014/15 budget.
- 17. 2020 Implementation plans have been subject to all stages of scrutiny and are seen as a model of best practice for 2020 reviews. The plan has made excellent progress and is on track to complete all of the key deliverables set for this financial year, including:
  - a. Recruit and develop up to 5 competent Fire Safety Advisers in line with the 2020 plan. 3 have been recruited in 2015 and are making excellent progress with further recruitment planned for spring 2016;
  - b. Implement the new Ops-Protection Watch Manager role. Recruitment is ongoing, selection will take part in January 2016 and positions are planned to be filled in February;

- c. Recruit and develop 2 competent green book Protection Middle-Managers. Selection will take place in January 2016 and positions are planned to be filled in February;
- d. Commence accreditation of Protection Officers to the CFOA national qualifications & competence framework.

#### Protection Management Information System

18. Implementation of a new MIS has slipped significantly. After several years of working on this project it became clear that none of the available solutions either from commercial suppliers or partnerships with other Services were fit for the needs of the Service.
- a. It has been established that Service-wide integration of Information and Communication Technology (ICT) systems is a strategic priority. Therefore all ICT systems projects have been realigned under the Services functional restructure (August 2015) as part of a wider strategic review and now sits under Area Manager John McNeill. The Protection MIS project has been identified as a top priority.
  - b. The Protection MIS is to be developed internally with Protection staff working closely with the ICT development team to produce a bespoke 'fit for purpose' system that is based on modern technology and can support mobile working.
  - c. The development of the MIS will use current methodologies for IT systems development; using storyboards (end user system functionality requirements) and sprints (intensive system development in distinct stages with tangible product development at the end of each sprint).
  - d. This new MIS when fully developed will be user friendly for Inspecting Officers and Operational crews alike. It will contain active monitoring information, in order that premises at greater risk of fire can be targeted more effectively and will also have performance management tools to enable local and annual performance reporting to DCLG. Crucially the new MIS will facilitate safety critical premises information to be disseminated appropriately across the organisation.

#### Protection Risk Based Strategy

19. The Risk Based Strategy has been revised and is now more focused on higher risk. Outcomes to date include:
- a. A successful pilot using Operational Crews to complete Fire Safety Assessments appropriate to their level of competence;
  - b. Agreed adoption of the new CFOA short audit form. Officers are currently being trained on the form and we are on-track to go-live as part of a regional collaboration in April 2016;
  - c. With the introduction of the new 2020 structure the function has commenced a rolling review that ensures Officers with higher levels of expertise are more focused on premises with higher risk levels.

- d. Early indications of success of this deliverable are evidenced by the rise in the nature of challenges regarding failures of fire safety in the built environment, as shown in the following case studies:

#### **Case Study 1: Sekander Prosecution**

20. The owner of a café in South Liverpool (Café Sekander, 165 Allerton Rd) was summonsed to Liverpool Magistrates Court for committing several RRFSO offenses, including a number of breaches of a Prohibition Notice.
21. Due to the aggravating features associated with this case (mainly being the level of deceit by the owner) the judge ordered the case be heard in Liverpool Crown Court.
22. Whilst at the Crown Court, the owner pleaded guilty to several offences and was sentenced to 8 months imprisonment, this is MFRA's first custodial case
23. Although we have prosecuted a number of offenders for offences committed under the RRFSO it has been well publicised which will assist in sending a clear message that serious breaches to fire safety legislation and particularly persons who flout Prohibition Notices, will not be tolerated in Merseyside.

#### **Case Study 2: Fire Separation in Major Construction projects**

24. A site visit to a local school on 9<sup>th</sup> January 2015 following a fire on 7<sup>th</sup> January 2015 (incident no 32304) identified serious fire separation concerns due to smoke spread from the ground floor kitchen to the 1<sup>st</sup> floor protected staircase.
25. The school was built as part of a Private Finance Initiative (PFI) initiative. The investigation led to 11 additional PFI sites where the same issues were detected. As the issues potentially had national implications Protection Officers utilised the CFOA Community of Practice to share the risk information. It was subsequently established that the same issue had been found in other major new-build / refurbishment projects across England with estimated repair bills totalling in excess of £100m.
26. Officers escalated the issue to the CFOA Fire Engineering Technical Standards Group due to the national potential in order that the risk information can be effectively shared with other Fire and Rescue Services and that national guidance is produced to ensure that these issues are dealt with consistently and effectively.

#### **Unwanted Fire Signals (UwFS) Performance & Review**

27. The current protocol for response to Automatic Fire Signals (AFAs) introduced in November 2012 is now in its third year. Having made excellent progress in years 1 and 2, through establishing 2 stages of the protocol, year 3 then saw some moderate increases with a 6.2% increase in UwFS compared to the previous year.
28. In order to analyse UwFS information in greater detail all data relating to AFA incidents that the Service attends is now gathered directly from the Incident Recording System (IRS). This has allowed Protection Department to identify

more closely both the types and individual premises that are generating high levels of AFA incidents.

29. A number of options were considered to address the increases seen in UwFS over the 2014 to 2015 period.
  - a. Extending the current protocol of not responding to additional types of sleeping accommodation between the day time hours 07:30 – 19:30
  - b. Charging premises for attendance at UwFS under the Fire and Rescue services Act 2004 as amended by the Localism Act 2011
  - c. Targeting premises with high levels of UwFS and working with them to address this.
30. Option c was considered to be the most appropriate course of action and was introduced in September 2015. This has resulted in the top 20 premises with the highest levels of AFA activations being contacted by Protection Departments and working with Responsible Persons to reduce such activations.
31. Results to date have been encouraging.
  - a. September 2015; 13.2 % Reduction
  - b. October 2015; 7.9% Reduction
  - c. November 2015; 17.3% Reduction.
32. Protection Department will continue to implement this approach and work with premises to improve UwFS performance where possible.
33. The Function is also gathering information on the charging models applied elsewhere as was suggested by the Performance and Scrutiny Committee. A report detailing the findings will follow this report.

#### Better Regulation

34. Better Regulation continues to be a Government priority with increasing legislation under the Enterprise and Regulatory Reform Act 2013 and the refreshed and strengthened Regulators Code requiring a stronger commitment from regulators to support Business compliance whilst preventing any unnecessary burden.
35. The Protection department continues to take a proactive approach to the Better Regulation agenda and has made good progress:
  - Primary Authority Scheme (PAS)
    - a. Following on from the success of our involvement in the statutory pilot, Primary Authority partnerships with A.S.Watson (Superdrug) and Ladbrokes were ratified in April 2015 to full formal status by the Secretary of State.
    - b. These schemes have resulted in over £9000 income being generated to date. This income is restricted to cost recovery only and consequently is reinvested back into development of protection

capacity for the future where it provides some mitigation against succession and potential redundancy risk.

- c. As per previous reports to the Authority the Protection department continues to take a cautious approach to PAS partnerships to ensure that our capacity to deliver against our risk based inspection programme is not compromised.
- d. From time to time opportunities are likely to arise where the department is approached by other businesses seeking PAS partnerships. Where such arises Protection officers will consider the business case and where it is deemed to be in the interests of the Service the department will report back to the Authority with recommendations to extend the number of partnerships.

#### Engaging with Diverse Business

- e. Last year Protection managers became concerned with the number of ethnic minority businesses that were coming to our attention in terms of enforcement and prosecution activity. Working in collaboration with the Consultation and Diversity Manager and the CFOA NW Protection Task Group (PTG) Officers identified that this was a national issue that warranted further investigation.
- f. As a direct consequence Merseyside took the lead in hosting a national seminar in partnership with CFOA, the Institute of Fire Engineers and the Asian Fire Service Association (AFSA).
- g. The aim of the seminar was to gain a better understanding of the challenges of supporting compliance in diverse businesses and to share learning from both good practice and also initiatives that had failed to deliver.
- h. The seminar attracted a number of prominent speakers; it was well attended and received excellent feedback from delegates. A report has been written by Wendy Kenyon and Guy Keen that captures the contents of the day and outlines an action plan aimed to overcome the existing challenges.
- i. The report (see appendix A) has been forwarded to the CFOA Business Safety Group for consideration of CFOA becoming the lead body for delivering against the actions.
- j. As a consequence of his involvement in the seminar, GM Guy Keen was a runner up in the AFSA awards category for champion of equality and diversity, receiving a certificate of merit for supporting inclusion, equality and diversity.

#### Enforcements & Prosecutions.

- 36. The Protection department enforces legislation for which the Authority has a statutory responsibility paying due regard with The Regulators Code 2014.
- 37. In maintaining a proportionate approach to those that we regulate, Officers respond to identified non-compliance of legislation through clear explanation of

what the non-compliant item or activity is, give advice and actions required to achieve compliance, and the reasons for these. Where appropriate Officers will provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that the Authority act in a way that is proportionate and consistent.

38. This does not apply where Officers can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.
39. Immediate enforcement action has been required on a number of occasions during 2015 and where necessary Officers have served Prohibition and Enforcement Notices on premises that present a serious risk to the safety of relevant persons.
40. In the last year the Protection department has prepared 6 cases for prosecution by the Authority, with a further 2 cases currently being worked on. These range from relatively simple and straightforward but serious breaches in Legislation such as sleeping in business premises where a Prohibition Notice is in place to more complex cases. Over the course of 2015 Protection Officers served 8 Enforcement Notices, 27 Prohibition Notices and 3 Alterations notices.

#### Fires in the Built Environment Training (FiBE)

41. FiBE is Fire Protection training concentrating on 4 specific areas; building construction, fire safety law and regulations, means of escape from buildings, and fire safety systems in buildings. This training was identified as a requirement for crews in a CFOA skills gap report in 2012, and it was left to individual fire and rescue services to deliver their own training.
42. The first module relating to building construction has now been successfully delivered over a 4 month period to all operational crews, with a few outstanding mop-up sessions ongoing. The remaining modules will be delivered in 2016, possibly as part of a 2 day course at the Training and Development Academy.
43. In support of the FiBE objectives, a complete program of Protection training, consisting of 24 hours input, was also delivered by Protection officers to the recent recruit course, and that training package will form the basis for the next phase of operational protection training.

#### Planning and Building Regulations

44. The handling of all building regulations submissions and consultations was centralised into Headquarters to be processed by a specialist team of Protection Officers in 2014, and has now been in place for over 12 months.
45. During 2015, the team have dealt with over 1500 submissions for new build and refurbished buildings across the county.
46. The amount of electronic submissions being received, as opposed to the more traditional written plans, has shown a marked increase during this time, and it is envisaged that this will increase even more over the next 12 months as the government encourages more initiatives and schemes to support the move towards a 'paperless' society. Consequently, Protection Officers are putting

plans in place to identify the departments long term needs in order to deliver this objective.

47. 2015 has seen an increase in the amount of submissions received that rely on a 'fire engineered' approach to complying with the requirements of building regulations. Most of these submissions rely on fire modelling to support their proposal, therefore investigations are planned for early in 2016 into the provision of appropriate software and training to support and enhance the capacity of the team to evaluate these submissions.

---

### **Equality and Diversity Implications**

---

48. There are no direct equality and diversity implications in relation to this report.

---

### **Staff Implications**

---

49. There are no new staff implications contained within this report.

---

### **Legal Implications**

---

50. Merseyside Fire and Rescue Authority has a duty to exercise its statutory functions which includes the provision of fire safety and to comply with all other relevant legislation in regard to acting as an enforcing Authority

---

### **Financial Implications & Value for Money**

---

51. There are no new financial implications contained within this report.

---

### **Risk Management, Health & Safety, and Environmental Implications**

---

52. There are no new risk management, health and safety or environmental implications contained within this report.

---

### **Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters***

---

53. The work undertaken by Community Fire Protection has had a significant impact upon reducing fire safety risks within the built environment. It achieves this through inspections and audits, action plans, enforcement, prohibitions and prosecutions to ensure effective compliance with fire safety legislation. This has a direct impact upon improving the safety of communities in Merseyside by reducing the risk of
-

fires in the built environment. The planning and building team have a direct input on influencing the provision of safety features and facilities for firefighters in new build and refurbishments across the county. The 2020 plan has also refocused the role of Operational officers to ensure that technical fire safety knowledge, skills and experience is better utilised to support safe and effective firefighting operations.

---

## **Recommendation**

---

54. That Members;

- a) Consider performance in relation to this report concerning the Community Fire Protection department, and
  
- b) Scrutinise the information contained within this report concerning the Community Fire Protection department

---

## **BACKGROUND PAPERS**

---

---

## **GLOSSARY OF TERMS**

---

AFA	Automatic Fire Signals
AFSA	Asian Fire Service Association
CFOA	Chief Fire Officers Association
DCLG	Department for Communities and Local Government
FiBE	Fires in the Built Environment
ICT	Information and Communication Technology
IRS	Incident Recording System
Authority	Merseyside Fire and Rescue Authority
MIS	Management Information System
PAS	Primary Authority Scheme
PTG	Protection Task Group
RRFSO	Regulatory Reform (Fire Safety) Order 2005
UwFS	Unwanted Fire Signals