

# Public Document Pack

To: All Members of the Authority

J. Henshaw  
LLB (Hons)  
Clerk to the Authority

Tel: 0151 296 4000  
Extn: 4112 Helen Peek

Your ref:

Our ref HP/NP

Date: 14 October 2013

Dear Sir/Madam,

You are invited to attend a meeting of the **AUTHORITY** to be held at **1.00 pm** on **TUESDAY, 22ND OCTOBER, 2013** in the Wirral Suite at Merseyside Fire and Rescue Service Headquarters, Bridle Road, Bootle.

**PLEASE NOTE:** There will be training on Equality and Diversity following this meeting.

Yours faithfully,



Clerk to the Authority

Encl.

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**MERSEYSIDE FIRE AND RESCUE AUTHORITY**

**AUTHORITY**

**22 OCTOBER 2013**

**AGENDA**

**1. Preliminary Matters**

The Authority is requested to consider the identification of:

- a) declarations of interest by individual Members in relation to any item of business on the Agenda
- b) any additional items of business which the Chair has determined should be considered as matters of urgency; and
- c) items of business which may require the exclusion of the press and public during consideration thereof because of the possibility of the disclosure of exempt information.

**2. Minutes of the Previous Meeting (Pages 1 - 10)**

The Minutes of the previous meeting of the Authority, held on 3<sup>rd</sup> September 2013, are submitted for approval as a correct record and for signature by the Chair.

**3. Community Fire Protection Policy And Risk Based Strategy (Pages 11 - 66)**

**(CFO/122/13)**

To consider Report CFO/122/13 and associated Equality Impact Assessment of the Chief Fire Officer, concerning amendments to the revised Community Fire Protection Policy and the introduction of the new Community Fire Protection Risk Based Strategy.

**4. Risk Based Response To Automatic Fire Alarms - Phase 2 (Pages 67 - 92)**

**(CFO/123/13)**

To consider Report CFO/123/13 and associated Equality Impact Assessment of the Chief Fire Officer, concerning progress of the phased implementation of the new Unwanted Fire Signals Protocol, the outcomes of the stakeholder consultation regarding the go-live of Phase 2; and the outcomes of the revised risk assessment and the resultant implementation of Phase 2.

**5. The Living Wage (Pages 93 - 96)  
(CFO/111/13)**

To consider report CFO/111/13 of the Deputy Chief Fire Officer concerning the Living Wage.

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If any Members have queries, comments or require additional information relating to any item on the agenda please contact Committee Services and we will endeavour to provide the information you require for the meeting. Of course this does not affect the right of any Member to raise questions in the meeting itself but it may assist Members in their consideration of an item if additional information is available.

Refreshments

Any Members attending on Authority business straight from work or for long periods of time, and require a sandwich, please contact Democratic Services, prior to your arrival, for arrangements to be made.

**MERSEYSIDE FIRE AND RESCUE AUTHORITY****3 SEPTEMBER 2013****MINUTES**

**Present:** Councillors Les Byrom, Linda Maloney, Vi Bebb, Andrew Blackburn, Ted Grannell, John Kelly, Jimmy Mahon, Pat Moloney, Barbara Murray, Tony Newman, Lesley Rennie, Denise Roberts, Jean Stapleton and Sharon Sullivan

**Also Present:**

**Apologies of absence were received from:** Cllr Dave Hanratty (Chair), Cllr Robbie Ayres, Cllr Roy Gladden and Cllr Steve Niblock

**CHAIRS ANNOUNCEMENTS**

At the opening of the meeting, the Chair made the following announcements:

- Members were informed of the funeral which had taken place that morning of Firefighter Steve Hunt of Greater Manchester Fire & Rescue Service.

The Chair asked all present to rise for a moments silence, in remembrance of FF Hunt.

- The Chair then welcomed Mr Ian Parkinson and Mr Anthony Boyle, applicants for Co-Opted Member and Independent Person respectively, who were in attendance in relation to Agenda Item 4.
- Members were also informed that following the written Ministerial Statement by Local Government Minister Brandon Lewis MP (and in response to consultation), to move the date of the English local Elections in 2014 to the same day as the European Elections, being 22<sup>nd</sup> May 2014, it has now been confirmed by the District Councils of Merseyside that their Annual General Meetings have been moved to later dates. As a result, MFRA are required to move the date of its AGM, to allow sufficient time for Councils to appoint Members to MFRA.

Therefore it was agreed that the **AGM for MFRA be moved from 12<sup>th</sup> June 2014, to Thursday 3<sup>rd</sup> July 2014.**

It was also agreed that, as a result of this change, the **Authority Meeting scheduled for 26<sup>th</sup> June 2014, be cancelled.**

1. **Preliminary Matters**

The Authority considered the identification of any declarations of interest, matters of urgency or items that would require the exclusion of the press and public due to the disclosure of exempt information.

Resolved that:

- a) no declarations of interest were made by individual Members in relation to any item of business on the Agenda.
- b) the following items on the Agenda were determined by the Chair to be considered as matters of urgency:
  - **Item 10 - Outcomes Of The Resolution Advisory Panel**  
*This item was agreed to be considered as a matter of urgency, due to the timing of - the Panel Meeting; and receipt of the Independent Chair's recommendations.*
  - **Item 11 – Industrial Action Planning (in support of Verbal Update on Outcome of National FBU Ballot)**  
*This item was agreed to be considered as a matter of urgency, due to the close date of the ballot; and the outcome of the ballot.*
- c) the following items required the exclusion of the press and public due to the disclosure of exempt information:
  - **Item 12 – MFRA Public & Private Partnership Venture**

2. **Minutes of the Previous Meeting**

The Minutes of the previous meeting of the authority, held on 27<sup>th</sup> June 2013, were approved as a correct record and signed accordingly by the Chair.

3. **Minutes of the Member Development Group 13 Aug 2013**

Members considered the Minutes of the last meeting of the Member Development Group, held on 13<sup>th</sup> August 2013 and the recommendations contained therein.

Members Resolved that:

The following recommendations contained within the Minutes of the Member Development Group on 13<sup>th</sup> August 2013, be approved:

- a) A Learning Lunch be provided to Members on 19<sup>th</sup> November 2013, demonstrating the Portal and highlighting what information can be accessed through it.

- b) During the Learning Lunch, Members be asked to consider the type of information they would like to access through the Portal; and indicate their potential use of the Portal, in order to guide future developments.
- c) Once the new Members Room has been completed as part of the JCC Project, "Clinic Days" be arranged for Members to drop in for a tutorial on how to use, access information; and navigate their way around the Portal. Members of staff from the Portal Team and the ICT Team are to be available for these tutorials.
- d) The Authority encourage Members to complete feedback forms following their attendance at conferences and event.
- e) The feedback form used, be amended to include details concerning the cost of attendance at the event, including travelling and subsistence costs etc...
- f) The amended form and any feedback received from Members following attendance at events, be reported back to the next meeting of the Member Development Group.
- g) A Report concerning feedback received throughout the year, be submitted annually to the last Authority Meeting prior to the AGM, to enable full consideration of the value of future attendance, prior to the Authority approving conferences and events for the following Municipal year.
- h) Wherever possible, only one topic be covered in any "Learning Lunch" slot.
- i) The Authority continue with the schedule of set days for Members station visits.
- j) Invites to station visits continue to be open to all Members, however note that due to the space available within many stations, it may be beneficial to have only approximately 8 Members in attendance.
- k) A Report be submitted to the meeting of the Policy & Resources Committee on 26<sup>th</sup> September 2013, regarding the provision of training for staff; and the associated savings in providing more training internally.
- l) The Organisational Development Manager look into the possibility of Members participating in any ICT Training run for staff.
- m) Following Members one-to-one meetings and the development of training plans, the most appropriate accreditation methods be looked into.
- n) Members of the Member Development Group, each undertake a 360 degree appraisal, as a trial for the Authority to consider rolling out to all Members.

- o) The Organisational Development Manager liaise with other local authorities, to establish how they are accrediting Members and whether there is any scope/ appetite for providing learning and accreditation jointly.
- p) Arrangements be made for all Members to meet with the Organisation Development Manager for a one-to-one development meeting, before the end of February 2014.
- q) Following completion of all one-to-one's analysis be conducted to establish training needs; and those needs be met within a realistic timeframe.
- r) Following completion and analysis of all Members one-to-one's, accreditation options be looked into.
- s) Minutes of the Member Development Group, be submitted to full Authority Meetings for Members information and for recommendations to be approved.

**4. Appointment Of Co-Opted Member And Independent Person**

(CFO/099/13)

Members considered Report CFO/099/13 of the Clerk to the Authority, concerning the recommendations of the Interview Panel in relation to the proposed candidates for appointment to the roles of Co-Opted Member and Independent Person.

**Members Resolved that:**

- a) The recommendation of the interview panel in relation to the appointment of an Independent Person, be noted.
- b) The appointment of Mr Anthony Boyle as Independent Person, subject to satisfactory references, be confirmed.
- c) The recommendation of the interview panel in relation to the appointment of a Co-Opted Member, be noted.
- d) The appointment of Mr Ian Parkinson to the position of Co-Opted Member of the Authority, subject to satisfactory references, be confirmed.

**5. Staff Travel Plan - Feedback from Task & Finish Group**

(CFO/086/13)

Members considered Report CFO/ 086/13 of the Clerk to the Authority on behalf of the Task & Finish Group, concerning feedback from the Task & Finish Group established to scrutinise staff travel plans.



Members Resolved that:

- a) The feedback from the Task & Finish Group regarding the Travel Plan, be noted.
- b) The site specific travel plans for the Joint Control Centre and the Toxteth Firefit Hub (including Toxteth Fire Station), be endorsed.
- c) The following actions be approved:
  - i) That officers consider environmental implications at the point of recruitment or transfer of staff, or at the point of other employee related policy development.
  - ii) That officers consider a system whereby information about availability of pool vehicles can be provided to all staff.
  - iii) That officers develop such systems incorporating a travel hierarchy and the feasibility of other forms of transport and/ or the possibility of using pool cars and pool bikes.
  - iv) That officers liaise with partner organisations in the area about sharing travel arrangements (e.g a work bus) in order to put forward any viable business plan to Mersey Travel.
  - v) That officers consider when any review of the current lease car scheme takes place, the environmental implications of any future scheme.
  - vi) That the targets outlined in Appendix C to the report, for staff modes of travel, are adopted by the Authority and that any campaigns aimed at achievement of such targets are supported by the Authority.
  - vii) Regular surveys of staff travel be undertaken to monitor progress against these targets and review them where necessary.
- d) Their thanks be placed on record to all Members and Officers involved in the Task & Finish Group.

**6. MFRA Response To Liverpool City Region Governance Review**

(CFO/106/13)

Members considered Report CFO/106/13 of the Chief Fire Officer, concerning the proposed response to the Liverpool City Region governance review consultation exercise.

Members discussed the proposed response in detail, with several Members highlighting a number of concerns that they have regarding the proposals for a Liverpool City Region Combined Authority.

Following debate, Members voted on whether to approve the proposed response to the consultation.

The result of the vote was as follows:

|                  |           |
|------------------|-----------|
| <b>For</b>       | <b>12</b> |
| <b>Against</b>   | <b>2</b>  |
| <b>Abstained</b> | <b>0</b>  |

The recommendation was carried.

Members Resolved that:

The proposed response to the Liverpool City Region governance review consultation, be approved for submission by the deadline of 6<sup>th</sup> September 2013.

**7. Local Government Financial Settlement 2014/15 and 2015/16 - Technical Consultation**

(CFO/105/13)

Members considered Report CFO/105/13 of the Deputy Chief Executive, concerning a technical consultation paper on the Local Government Finance Settlement for 2014/15 and 2015/16 which was released by the Government on 25<sup>th</sup> July 2013.

Members Resolved that:

- a) The report and the initial draft response, be noted.
- b) The Deputy Chief Executive be requested to finalise the response in consultation with the Chair, taking account of any comments from AMFRA, CFOA, LGA and the Merseyside Districts.
- c) That the response be circulated electronically to all Members for comment, prior to being submitted.

**8. Impact Of The Government Finance Announcement**

(CFO/103/13)

Members considered Report CFO/103/13 of the Deputy Chief Executive, concerning the Government announcement regarding the level of grant it will provide to the Authority for the financial years of 2014/15 and 2015/16.

Members resolved that the content of the report; and the implications on Merseyside Fire & Rescue Authority and the services it provides, be noted.

**9. A Strategic Overview Of Estates - Identification Of Key Priorities**

(CFO/102/13)

Members considered Report CFO/102/13 of the Deputy Chief Executive, concerning a review of the property portfolio of the Authority and recommendations for savings in light of the forecast significant reductions in funding.

Members discussed the report in detail and sought clarity regarding the recommendations.

Officers confirmed that Members were not being asked to make any decisions at this moment in time regarding station mergers, but were being asked to grant permission for officers to look into options in order to bring back detailed proposals for the Authority's consideration at a later stage.

**Members Resolved that:**

- a) The content of the report be noted.
- b) The following recommendations, as set out in Appendix A to the report, be approved:
  - l) The Authority identify strategic mergers that allow operational response to be maintained, whilst improving community and firefighter facilities and reducing costs.

Having assessed the location of the newer stations and the operational response needs of the service, the Chief Fire Officer has identified that the two key geographic options where strategic mergers should be considered following consultation are:

a) Wirral:

Merging West Kirby and Upton to create a much improved station with extensive community facilities at Greasby, which would allow operational standards to be maintained whilst improving the capability for community partnerships.

In addition, consideration might be given to the opportunities for the future development of Heswall. This site is commercially attractive and working with private/ public partners may create opportunities to improve facilities or relocate services.

b) St.Helens and Knowsley:

Members have already approved in principle, the working up of a feasibility study for the mergers of Huyton and Whiston fire stations at Prescott. There are a number of merger options to be considered across St. Helens and Knowsley, including Huyton/ Whiston, St.Helens/ Eccleston or Whiston/ Eccleston.

- II) The Chief Fire Officer report back with detailed proposals on how to take the above recommendation forward.
- III) For all stations, the aim should be to encourage partners to create community hubs and to share costs, reduce wasted space and provide better facilities. Reserves should be used for invest to save schemes which deliver long term revenue streams from partners.
- IV) The Authority should sensibly invest in small scale works that would improve firefighter and community facilities at older stations in the short-term. £0.5m of the capital investment reserve should be set aside to support these works.
- V) The Chief Fire Officer review the facilities at the TDA and report in full on what improvements and investments are required to ensure firefighter safety.
- VI) Note the following key projects that are being progressed:
  - Improvements to the LLAR accommodation facilities at Newton and Formby Fire Stations, where additional land has been acquired and accommodation blocks will be built.
  - The new Joint Command and Control Centre with Merseyside Police (including the refurbishment of HQ and the development of a new secondary MACC). This is a major multi million pound project and much of the focus of estates and other support teams will be on the delivery of this by the target date of May 2014.
- VII) Note the following mid scale projects that are planned:
  - Replacement of diesel tanks
  - 5 year electrical testing
  - Upton Training Tower
  - Kensington Training Tower

- Demolition of Claires Building at Liverpool City Community Fire Station.

**10. Shift Change Negotiation Update - Resolution Advisory Panel Outcomes**  
(CFO/108/13)

Members considered Report CFO/108/13 of the Chief Fire Officer, concerning the outcomes of the Resolution Advisory Panel (RAP) held on 19<sup>th</sup> August 2013; and the recommendations made in relation to the proposal to move to a 12/12 default duty system by the Independent Chair.

The Chief Fire Officer informed Members that both parties accepted the recommendations of the Independent Chair, however both parties also noted the unnecessary disruption that two changes in duty system within a relatively short period of time, would have on staff. Therefore, Members were updated on negotiations to introduce the move to the 12/12 default duty system by 1<sup>st</sup> January 2014.

Members Resolved that:

- a) That the outcome of the RAP, be noted.
- b) The continued commitment of the Chief Fire Officer and the Fire Brigades Union, to achieve a negotiated settlement that meets the operational needs of the Authority and the aspirations of employees, be noted.
- c) The thanks and appreciation of the Authority, be conveyed to all individuals involved in the negotiations.

**11. Verbal Update - Outcome Of National FBU Ballot Regarding Pensions**  
(CFO/110/13)

Members considered a verbal update from the Chief Fire Officer, concerning the outcome of the national FBU ballot regarding pensions; and supporting Report CFO/110/13 of the Chief Fire Officer concerning the planning undertaken in preparation for industrial action by the Fire Brigades Union.

Members were informed that the ballot for industrial action, concluded on 29<sup>th</sup> August 2013 with a "yes" vote. They were informed that as yet, strike dates have not been announced, however the Fire Brigades Union has 7 days to inform the Authority of strike dates, and there is a total of 28 days in which strike action must be taken.

Members Resolved that:

- a) The fact that the FBU will take industrial action on dates yet to be announced, be noted.

- b) The resilience arrangements in place to ensure that the Authority continues to meet its statutory duties, be approved.
- c) The application of the Authority's established policies and arrangements in relation to any industrial action (including those pension issues described in the financial implications of the report), be confirmed.

**12. MFRA Public And Private Partnership Venture**

(CFO/104/13)

The Minutes of this Item contain EXEMPT information by virtue of Paragraph 3 to Part 1 of Schedule 12A of the Local Government Act 1972.

Close

Date of next meeting Tuesday, 22 October 2013

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**AGENDA ITEM:**

|                                     |   |
|-------------------------------------|---|
| <b>REPORT TO:</b><br>Meeting of the | <b>MERSEYSIDE FIRE &amp; RESCUE AUTHORITY</b>                               |
| <b>DATE:</b>                        | <b>22<sup>ND</sup> OCTOBER 2013</b>   |
| <b>REPORT NO.</b>                   | <b>CFO/122/13</b>   |
| <b>REPORTING OFFICER:</b>           | <b>CHIEF FIRE OFFICER</b>   |
| <b>CONTACT OFFICER:</b>             | <b>AM MYLES PLATT – DIRECTOR OF PREVENTION &amp; PROTECTION, EXTN; 4644</b> |
| <b>OFFICERS CONSULTED:</b>          | <b>GM GUY KEEN</b>  |
| <b>SUBJECT:</b>                     | <b>COMMUNITY FIRE PROTECTION POLICY AND RISK BASED STRATEGY</b>             |

|                 |          |   |
|-----------------|----------|---|
| <b>APPENDIX</b> | <b>A</b> | <b>Draft Community Fire Protection Policy</b> |
|                 | <b>B</b> | <b>Draft Service Instruction</b>              |
|                 | <b>C</b> | <b>Equality Impact Assessment</b>             |

Purpose of Report

1. To request that the Authority note the amendments to the revised Community Fire Protection Policy (Appendix A) and the introduction of the new Community Fire Protection Risk Based Strategy (Appendix B).

Recommendation

2. That the Authority approve the amended Fire Protection Policy and Service Instruction for the Protection Risk Based Strategy.

Introduction & Background

3. The Community Fire Protection (Protection) Policy sets out how Merseyside Fire and Rescue Authority delivers Protection (legislative fire safety) work in order to meet its statutory duties under the Fire and Rescue Service Act 2004, the Regulatory Reform (Fire Safety) Order 2005 and various other fire safety legislation.
4. The current Policy (Number CFSPOL04) has been reviewed as a consequence of Departmental restructure and the release of the 2012 Fire and Rescue National Framework for England.

5. The Policy has been amended to provide a stronger focus upon the Service's Mission and to consider all of the Authorities duties under various pieces of fire safety legislation and the Equalities Act 2010.
6. The Policy considers the delivery of outcomes as defined in the IRMP and Service Plan.
7. The Policy adopts a "Risk Based" approach for Community Fire Protection. Details of the Risk Based Strategy and Programmes that fall out of this Policy are detailed in the proposed Service Instruction: Protection Risk Based Strategy, attached as Appendix B.

#### Equality & Diversity Implications

8. A full Equality Impact Assessment has been completed for the new Policy and Risk Based Strategy. The impact assessment is attached as Appendix C.

#### Staff Implications

9. The amended policy has no direct impact upon staff.

#### Legal Implications

10. The Policy sets out the Authorities statutory duty under section 6 of the Fire Services Act 2004, the Regulatory Reform (Fire Safety) Order 2005, the Regulators Compliance Code and other fire safety legislation where the Authority has a duty to enforce (see appendix A of the Policy) and to consult upon (see appendix B of the Policy).

#### Financial Implications & Value for Money

11. There are no additional financial and value for money implications, contained within this report.

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

12. The amended policy considers and makes reference to the management of risk, health and safety and the environment.

#### Contribution to Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Firefighters

13. The amended Policy and the new Risk Based Strategy sets out the contribution to our mission through the application and discharge of our statutory duties.



**BACKGROUND PAPERS**

N/A

**\*Glossary of Terms**

MFRA - Merseyside Fire & Rescue Authority





**Appendix C. Equality Impact Assessment**



"An Excellent Authority"

## Policy PROPOL04

Community Fire Protection Policy

### Document Control

#### Description and Purpose

| Active date | Review date | Author      | Editor  | Publisher |
|-------------|-------------|-------------|---|-----------|
| 09/2013     | 25/09/2014  | GM Guy keen | AM Myles Platt                                      |           |
| Permanent   | X           | Temporary   | If temporary, review date must be 3 months or less. |           |

#### Amendment History

| Version | Date       | Reasons for Change | Amended by                                     |
|---------|------------|--------------------|--|
| 1.02    | 22/03/2011 | John Ennis         | Reviewed as per Retention Policy               |
| 1.03    | 30/03/2012 | John Ennis         | Reviewed as per Retention Policy               |
| 2.01    | 20/09/2013 | Guy Keen           | Departmental Review/Revised National Framework |

#### Risk Assessment (if applicable)

| Date Completed | Review Date | Assessed by | Document location | Verified by(H&S) |
|----------------|-------------|-------------|-------------------|------------------|
|                |             |             |                   |                  |

#### Equalities Impact Assessment

| Initial | Full | Date       | Reviewed by  | Document location |
|---------|------|------------|--------------|-------------------|
|         |      | 16/07/2013 | Wendy Kenyon |                   |

#### Civil Contingencies Impact Assessment (if applicable)

| Date | Assessed by | Document location |
|------|-------------|-------------------|
|      |             |                   |

#### Related Documents

| Doc. Type | Ref. No. | Title                                 | Document location |           |
|-----------|----------|---------------------------------------|-------------------|-----------|
| 001       |          | Regulatory Reform (Fire Safety) Order | CLG               | 2005      |
| 002       |          | Regulators Compliance Code:           | CLG               | 2007      |
| 003       |          | MFRS IRMP 2012/15                     | MFRS              | 2012      |
| 004       |          | National Framework Document           | CLG               | 2012      |
| 005       |          | SI CFP Risk Based Strategy            | MFRS              | v1.0 2013 |

#### Contact

| Department                | Email  | Telephone ext. |
|---------------------------|--|----------------|
| Prevention and Protection | <a href="mailto:mylesplatt@merseyfire.gov.uk">mylesplatt@merseyfire.gov.uk</a> | 4421           |

#### target audience

|                    |   |                 |   |                 |   |               |   |  |  |
|--------------------|---|-----------------|---|-----------------|---|---------------|---|--|--|
| All MFRS           | X | Ops Staff       | X | Fire Protection | X | P and P staff | X |  |  |
| Principal officers | X | Senior officers | X | Non uniformed   | X |               |   |  |  |

#### Relevant legislation (if any)

As Above

## **COMMUNITY FIRE PROTECTION POLICY**

Number – [this will be allocated by Strategy and Performance Function]

### **1. Policy Introduction and Background**

The purpose of this policy is to outline the Community Fire Protection (Protection) work which enables Merseyside Fire and Rescue Authority (the Authority) to meet its statutory duty under relevant legislation and the Government's expectations and requirements as set out in The Fire and Rescue National Framework for England<sup>1</sup> (the National Framework). This Policy directly supports the Service's mission 'Safer, Stronger Communities, Safe Effective Firefighters' by directing resources to ensuring the appropriate levels of Fire Protection and Firefighter safety are met and where necessary enforced according to the standards required in the relevant fire safety legislation. This includes a responsibility to direct resources in order to influence standards of fire safety in the built environment in order to actively support the Service's mission.

The Authority has delegated the responsibility for implementing this Policy to the Deputy Chief Fire Officer who in turn has committed the delivery of this function to the Area Manager of Prevention and Protection. The Area Manager presides over the District Managers who retain responsibility of the delivery of Protection services at District level and the Protection Manager who will be responsible for managing the central policy support, fire engineering and the quality assurance for the function of Community Fire Protection.

### **2. Policy Explanation**

The legislative onus upon the Authority falls in three distinct categories:

1. Legislation that the Authority has a responsibility to regulate (see Appendix A);
2. Legislation that the Authority has a responsibility to consult upon (see Appendix B); and
3. Legislation that the Authority's regulators are required to comply with (see Appendix C).

The Government has a duty under The Fire and Rescue Services Act 2004 to produce the National Framework and keep it current. Fire and rescue authorities must have regard to the National Framework in carrying out their duties and in respect of Protection it directs authorities to:

".. deliver effective and proportionate ... Protection activities" (p7)

".. produce an integrated risk management plan that identifies and assesses all foreseeable fire and rescue related risks that could affect its community" (p25)

The integrated risk management plan (IRMP) must:

".. demonstrate how ... Protection ... activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way"; and

"set out its management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the principles of better

regulation set out in the Statutory Code of Compliance for Regulators<sup>2</sup>, and the Enforcement Concordat<sup>3</sup>" (p25)

Therefore the Service's IRMP adopts a risk based approach to directing resources in order to meet the Government's expectations for Protection and the statutory obligations placed upon the Authority. The IRMP also sets out the Service's mission, its financial objectives and value for money principles which add further context to this Policy. Consequently all work streams that fall out of this Policy will be prioritised according to a combination of statutory requirement and risk assessment to take account of the risk from fire to 'relevant persons', the Community of Merseyside and MFRA personnel. Equality and diversity will be a cross-cutting theme throughout all areas to ensure that vulnerable groups enjoy the same levels of Fire Protection. The Service will record, monitor and demonstrate outcomes monitor and manage performance and conduct management reviews including comparison with peers.

For legislation that the Authority has a statutory duty to regulate, resource will be allocated according to risk based inspection frequencies utilising national guidance on risk categorisation, local risk information, intelligence from local and national fire trends and consideration of the potential impact upon the community (loss of life, serious injury, damage to the local economy, the environment including heritage). The risk based inspection frequencies are set out in the Service's Risk Based Strategy for Protection.

### **3. Policy Implementation**

The Authority will meet its statutory duty to enforce the provisions of fire safety legislation whilst having regard to the Regulators Compliance Code<sup>2</sup> and the Enforcement Concordat<sup>3</sup>; therefore will:

- Promote a positive and proactive approach to compliance by educating and informing stakeholders on their responsibilities;
- Respond proportionately to regulatory breaches;
- Adopt a robust approach to challenging poor fire safety management;
- Prevent unjustifiable demand upon MFRS operational response; this will include criteria for responding to unwanted fire signals.

Part 2, section 6 of the Fire and Rescue Services Act 2004<sup>6</sup> places a statutory duty upon MFRS to promote fire safety, by providing information and advice on matters relating to Community Fire Protection. To fulfil this requirement the Service will commit resource to:

- Working with partners and stakeholders to campaign and promote the adoption of fire safety interventions and the enhancement of fire safety knowledge;
- Local, regional and national collaboration with our peers in the fire and rescue service, the fire industry and business and commerce;
- Adopt a risk based approach to providing relevant advice on matters of fire safety, via a first line enquiries facility using Fire Service Direct, signposting to national guidance and where the risk requires through the intervention of MFRS officers;



- Information and communication technology to maximise the efficiency and performance of the Protection Department and the accessibility of fire safety information to all our partners and stakeholders.

For legislation that the Authority has a statutory duty to consult upon resource will be allocated in line with the Service's Risk Based Strategy for Protection<sup>5</sup>.

The requirements of the legislation placed upon the Authority's regulators are specifically detailed in the Service Instruction, the Community Fire Protection Risk Based Strategy for Protection.

**\*NB Legislation/ Orders/ Statutory Instruments/ Guidance coming into force after this Policy is published, will be applicable.**

**Appendix A Legislation that the Authority has a Statutory Duty to Regulate**

Fire and Rescue Services Act 2004, part 6, sections 44 and 45.  
Available at <http://www.legislation.gov.uk/ukpga/2004/21/contents>

Regulatory Reform (Fire Safety) Order 2005. Available at  
<http://www.legislation.gov.uk/uksi/2005/1541/contents/made>

The Fire Precautions (Sub-surface Railway Stations)(England) Regulations 2009. Available at  
<http://www.legislation.gov.uk/uksi/2009/782/contents/made>

Fireworks Act 2003 (and statutory provisions of the 2003 Act):  
Available at <http://www.legislation.gov.uk/ukpga/2003/22/contents>

Fireworks Regulations 2004. Available at  
<http://www.legislation.gov.uk/uksi/2004/1836/contents/made>

Consumer Protection Act 1987. Available at  
<http://www.legislation.gov.uk/ukpga/1987/43>

Health and Safety at Work Etc Act 1974. (and statutory provisions of the 1974 Act): Available at <http://www.hse.gov.uk/legislation/hswa.htm>

Petroleum Act 1928. Available at  
<http://www.legislation.gov.uk/ukpga/Geo5/18-19/32>

Petroleum-spirit (Motor Vehicles, etc) Regulations 1929. Available at  
<http://www.legislation.gov.uk/uksro/1929/952/contents/made>

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The Dangerous Substances (Notification and Marking of Sites) Regulations 1990. Available at  
<http://www.legislation.gov.uk/uksi/1990/304/contents/made>

**Appendix B Legislation that the Authority has a Statutory Duty to Consult Upon**

Fire and Rescue Services Act 2004, part 2, section 6. Available at  
<http://www.legislation.gov.uk/ukpga/2004/21/contents>

The Building Regulations 2010. Available at  
<http://www.legislation.gov.uk/uksi/2010/2214/contents/made>

Town & Country Planning Act 1990. Available at  
<http://www.legislation.gov.uk/ukpga/1990/8/contents>

Licensing Act 2003. Available at  
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County of Merseyside Act. Not available online.

Safety of Sports Grounds Act 1975. Available at  
<http://www.legislation.gov.uk/ukpga/1975/52>

The Dangerous Substances (Notification and Marking of Sites)  
Regulations 1990. Available at  
<http://www.legislation.gov.uk/uksi/1990/304/contents/made>

**Appendix C Legislation that the Authority's Regulators are required to Comply With**

Regulatory Enforcement and Sanctions Act 2008. Available at:

<http://www.legislation.gov.uk/ukpga/2008/13/contents>

Enterprise and Regulatory Reform Act 2013. Available at:

<http://www.legislation.gov.uk/ukpga/2013/24/contents/enacted>

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*"An Excellent Authority"*

## Service Instruction

Community Fire Protection Risk Based Strategy

## Document Control

### Description and Purpose

This document is intended to give guidance to **all personnel on the Services Community Fire Protection Risk Based Strategy**

| Active date | Review date | Author      | Editor  | Publisher      |
|-------------|-------------|-------------|---|----------------|
| March 2013  | March 2014  | GM Guy Keen |   | AM Myles Platt |
| Permanent   |             | Temporary   | If temporary, review date must be 3 months or less. |                |

### Amendment History

| Version | Date | Reasons for Change | Amended by |
|---------|------|--------------------|------------|
|         |      |                    |            |
|         |      |                    |            |

### Risk Assessment (if applicable)

| Date Completed | Review Date | Assessed by | Document location | Verified by(H&S) |
|----------------|-------------|-------------|-------------------|------------------|
|                |             |             |                   |                  |

### Equalities Impact Assessment

| Initial | Full | Date  | Reviewed by  | Document location |
|---------|------|-------|--------------|-------------------|
|         |      | 02/13 | Wendy Kenyon |                   |

### Civil Contingencies Impact Assessment (if applicable)

| Date | Assessed by | Document location |
|------|-------------|-------------------|
|      |             |                   |

### Related Documents

| Doc. Type    | Ref. No.                   | Title  | Document location                                   |
|--------------|----------------------------|--|---|
| Policy       | PROPOL04                   | Community Fire Protection Policy             |   |
| SI           | 0525                       | Licensed Premises – multi agency inspections | Potential to include within this SI, see this draft |
| SI           | 0521                       | Fire safety inspections definitions          | To be reviewed as part of 601 update                |
| CLG Guidance | Guidance Note 3            | Fire Safety On Sub-surface Railway Stations  | Portal  |
| CLG Guidance | Fire Risk Assessment Guide | Transport Premises and Facilities            | Portal  |
| SI           | 0794                       | Residential Care Home                        | Portal  |

### Contact

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**Target audience**

| <b>All MF&amp;RS</b>              |  | <b>Response</b>        |  | <b>Protection</b>    |  | <b>Prevention</b> |  | <b>Ops Planning</b> |  |
|-----------------------------------|--|------------------------|--|----------------------|--|-------------------|--|---------------------|--|
| <b>Strategic Management Group</b> |  | <b>Senior officers</b> |  | <b>Non uniformed</b> |  |                   |  |                     |  |

**Relevant legislation (if any)**

**Regulatory Reform (Fire Safety) Order 2005**  
**Licensing Act 2003**  
**Housing Act 2004**  
**Petroleum (Consolidation) Act 1928**  
**Manufacture and Storage of Explosives Regulations 2005**  
**Explosives Act 1875**  
**Fireworks (Amendment) Regulations 2004**  
**Management of Health and Safety at Work Regulations 1999**  
**Health & Safety at Work etc. Act 1974**  
**Dangerous Substances & Explosive Atmosphere Regulations 2002**  
**Regulatory Enforcement and Sanctions Act 2008**  
**Enterprise and Regulatory Reform Act 2013**



## COMMUNITY FIRE PROTECTION RISK BASED STRATEGY

### Purpose

The purpose of this instruction is to:

1. Detail the Fire Protection Risk Based Strategy as required by the duties placed upon Merseyside Fire and Rescue Authority (the Authority) through fire safety legislation and national government expectations as detailed in the Community Fire Protection Policy (the Policy).
2. Act as a parent document for the Community Fire Protection (CFP) risk based inspection/audit programmes (see Appendices A – F).

### Objectives

- To detail the **rationale** and **risk profile** behind the Protection risk based strategy;
- To identify the **programmes** of Protection activities required to mitigate the risk on communities through a risk based approach to enforcing the Fire Safety legislation (as detailed in the Policy) in line with the Authority's Integrated Risk Management Plan (IRMP) and the associated prevention, protection and response arrangements;
- To **prioritise** all work streams that fall out of the Policy according to a combination of statutory requirement and risk assessment which take account of the risk from fire to relevant persons, the Community of Merseyside and MFRS personnel;
- To detail the statutory requirements of **Better Regulation** which the Authority is required to adhere to in the performance of its CFP duties;
- To ensure **equality and diversity** will be a cross-cutting theme throughout the Programmes such that vulnerable groups enjoy the same levels of Fire Protection.
- To detail the **Performance Management** responsibilities and relevant Local Performance Indicators (LPIs).

### Rationale

In ensuring that the Authority's statutory fire protection duties are discharged efficiently and effectively, it is necessary to provide capacity to manage both predictable and unpredictable workload. Predictable workload includes regular inspection and audit workloads which are calculated in the relevant programmes utilising matrices that consider the number and type of relevant premises and the perceived risk. Unpredictable workload includes work that arises outside of the control of MFRS such as post fire inspections, fire safety complaints and consultations under building control and planning.

## CFP Risk Based Inspection/Audit Programmes

The CFP central Department are responsible for publishing the following risk based inspection/audit programmes. Each programme is detailed within the appendices of this Instruction:

1. [Fire Safety Audit Programme \(Appendix A\)](#);
2. [Petroleum Licencing Inspection Programme \(Appendix B\)](#);
3. [Explosives Licencing Inspection Programme \(Appendix C\)](#);
4. [Sub-surface Railways Inspection Programme \(Appendix D\)](#);
5. [Building Control and Planning Consultation \(Appendix E\)](#);
6. [Peak Hours Inspection Strategy \(Appendix F\)](#).

These appendices include reference to the relevant national guidance and supporting documentation for each of the programmes.

## Risk Based Priority Groups

The first priority of inspecting officers is to respond to conditions causing immediate risk of very serious injury to persons. These may become apparent during an inspection; through a complaint; a request for advice or following a fire.

Responding to such conditions means reducing the risk to persons to tolerable levels as soon as is possible. This is achieved using a variety of informal and formal means, up to and including prohibiting or restricting the use of premises. It also means, where appropriate, carrying out enforcement action against those responsible by way of prosecution.

Each CFP programme will prioritise work according to the following categories:

| Level              | Definition   | Response                          |
|--------------------|--|-----------------------------------|
| <b>Priority 1:</b> | Protection work that mitigates imminent and serious risk to life.<br>E.g. Enforcement and prohibition workloads.   | Immediate response                |
| <b>Priority 2:</b> | Protection work that ensures appropriate fire safety measures for premises with significant hazards that if insufficiently managed would pose a serious risk to life.<br>E.g. Fire Safety Audits or Inspections (fireworks, explosives, petroleum & sub-surface railways) for premises having a very high risk rating. | Audit / inspect every 6-12 months |
| <b>Priority 3:</b> | Fire Safety Audits / Inspections for premises having a high risk rating.   | Audit / inspect every 24 months   |
| <b>Priority 4:</b> | Fire Safety Audits / Inspections for premises having a medium risk rating.   | Audit / inspect every 36 months   |
| <b>Priority 5:</b> | Fire Safety Audits / Inspections for premises having a low risk rating.  | Random sampling 10% per annum     |

## Better Regulation

### 5 Principles of Better Regulation

Enforcing Authorities are required to ensure regulatory functions comply with the Better Regulation Executive's five principles of good regulation:

**Targeted** – resources are focused on higher-risk premises, reflecting local need and national priorities. Our aim is to create a 'level playing field' for businesses to ensure that non-compliant responsible persons are identified and compliant businesses and consumers are protected.

**Proportionate** – enforcement action will reflect the level of risk to the public and the seriousness of the possible offence. This should increase compliance without creating unfair burdens on businesses.

**Consistent** – advice to business will be reliable and robust. Where circumstances are similar, inspecting officers will act in similar ways. Expert advice about regulatory issues that businesses can trust will give them more confidence to invest and grow.

**Transparent** – businesses must be able to understand what is expected of them and what they can anticipate in return. This builds trust between inspecting officers and businesses, increasing efficiency and improving outcomes.

**Accountable** – activities are open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures. This allows businesses and communities to shape the services they receive.

These principles provide the basis for our risk-based, approach to enforcement which will forge new relationships between the Authority and business owners.

### Regulators' Compliance Code

The Regulators' Compliance Code (as provided by the Legislative and Regulatory Reform Act 2006, December 2007) together with the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, defines "regulatory functions" for the purposes of the Act, e.g. "All the regulatory functions exercisable by Fire and Rescue Authorities in England".

The Code also sets out more detailed principles to which the Authority is required to have regard. Failure to comply with the Act and/or Code may constitute grounds for judicial review.

The Authority is not bound to follow a provision of the Code if it properly concludes that the provision is either not relevant or is outweighed by another relevant consideration. Any decision to depart from the Code will be properly reasoned and based on material evidence.

This Authority already plays an important part in delivering outcomes that matter to communities and local economies. Our role is especially important in supporting the community by providing accessible authoritative advice and minimising the burdens of regulation, while maintaining and improving essential protection for businesses.

In the current challenging environment we endeavour to work together with other regulatory services and businesses to ensure that local regulation provides proper protection and prepares for recovery and growth.

In line with principles of better regulation we are determined to:

- Apply the practice and principles of continuous improvement in our regulatory services, embedding robust performance management that supports a culture attuned to the needs of business and communities.
- Maximise the use of resources in delivering better outcomes for local people through partnership and considering options for greater collaboration, such as shared services.
- Build on the engagement that we already have with local businesses in order to gather and disseminate information on business needs.
- Target service provision in the light of the economic profile of specific areas and the threats presented.
- Develop collaborative approaches to the delivery of services that match local priorities and the needs of businesses and consumers.

The above principles underpin how we work with businesses. We encourage inspecting officers to see all businesses as our customers. The Authority will cooperate with partners and to inform, involve and consult local people in improving our services.

According to the principles of best value we will continue to reduce the social and economic cost of fire to the business community of Merseyside, using the Authority's resources in a way that ensures that our regulatory activity entails the minimum burden on businesses, compatible with achieving desired regulatory outcomes, and which focuses our activities on those who pose the most serious risk and on those who are most likely to fail to comply.

### **Equality and Diversity**

Each programmed audit or inspection under the CFP risk based strategy will monitor and record equality and diversity data at all initial audits and inspections. This data will be managed by the central CFP policy team at SHQ who will conduct an annual review and report findings to the Diversity Action Group.

### **Performance Management**

A Local Performance Indicator target: "audits per officer per month" (pro-rata to availability) is set centrally by the Area Manager for Prevention and Protection.

It is acknowledged that no 2 audits or inspections can be benchmarked accurately against each other due to a wide variety of risk, complexity and scale that exists in premises across Merseyside. Therefore it is incumbent on the District Watch Manager to assure inspection/audit workloads are allocated according to officer competence and balanced in terms of complexity. This will ensure that each CFP Officer takes a fair proportion of the audit/inspection workload.

Achievement of District LPIs and the effective prioritisation of work in accordance with this section will be quality assured by central scrutiny by the CFP Policy and Fire Engineering Team.

## Primary Authority Scheme

The Primary Authority Scheme (PAS) is a statutory scheme established by the Regulatory Enforcement and Sanctions Act 2008 (RESA), the scheme provides a partnership between a single Local Authority and a business, and acts as a single point of contact. The Department for Business, Innovation and Skills oversee the Better Regulation Delivery Office (BRDO) and are responsible for operating the scheme.

Primary Authorities currently exist for Petroleum **AND** Explosive inspections but not for the Order; as of May 2013, **62,000 premises** nationally are covered by these schemes. However, BDRO in partnership with CFOA have run pilot schemes for both statutory and non-statutory PAS for the Order (January to June 2013) and it is expected that RESA will be amended in 2014 to include the Order.

RESA creates a number of statutory duties for Enforcing Authorities, for example; Enforcing Authorities **MUST** 'have regard to' published inspection plans, (the inspection plan is compiled by the Primary Authority and states how programmed, planned and proactive checks are carried out on their partner business). Therefore the risk based inspection programmes for fire safety audits, petroleum inspections and explosives inspections will take account of any published inspection plans under PAS.

The inspection plans will almost always require an enforcing authority to provide details of their inspection findings, this is meant to allow the Primary Authority to identify where and how they are getting their inspection plan right and how to correct any shortfalls.

## Appendix A Fire Safety Audit Programme

### Purpose

The purpose of this instruction is to:

1. Detail the Fire Safety Audit Programme (FSAP) as required by the duties placed upon Merseyside Fire and Rescue Authority (the Authority) through the **Regulatory Reform (Fire Safety) Order 2005** (the Order) as detailed in the Community Fire Protection Policy (the Policy) and the Community Fire Protection Risk Based Strategy (RBS).
2. Provide instruction and guidance to personnel regarding the FSAP.

### Objectives

- To align the FSAP with the Community Fire Protection Policy, the RBS and relevant national guidance;
- To identify the **programme** of Protection activities required to mitigate the risk on communities through a risk based approach to regulatory duties imposed upon the Authority by the Order (as detailed in the Policy);
- To detail a risk based approach to committing Authority resources to the FSAP;
- To enable the Authority to show that it is meeting its regulatory responsibilities in respect of the Order and demonstrate that we are focusing our resources on those premises that represent the greatest risk in the event of fire.

### Rationale

The FSAP is subordinate to and must be read in conjunction with the RBS which provides generic direction on the following related matters:

- **Prioritisation** of Community Fire Protection work streams;
- Statutory requirements of **Better Regulation**;
- **Equality and diversity**; and
- **Performance Management** responsibilities and relevant Local Performance Indicators (LPIs).

The FSAP ensures a risk based approach by considering an assessment of the risk posed by generic types of premises and individual buildings, based upon the best intelligence available to the Authority. The main source of intelligence is the Community Fire Protection Management Information System (MIS), this intelligence will be utilised to effectively predict workloads under this programme in consideration of the predicted availability of resources.

As per the RBS, premises which present the highest risk will be audited and inspected more frequently. Premises considered to be lowest risk will be audited primarily in response to complaints, following incidents or on a random basis to verify their lower risk classification and to confirm that the responsible persons are complying with their statutory duty imposed by the requirements of fire safety law.

## Impact upon the IRMP

The FSAP will support the IRMP through the provision of a measure of fire safety and the acquisition of information to enable risk assessment of non-domestic buildings and determine an initial operational response.

Reducing risk within premises is an integral part of the Authority's overall risk reduction process and risk data gathered during visits will be used to enhance information within FSEC which will, in turn be used to help develop our IRMP.

## CFP Resources

Fire protection personnel will engage in risk reduction work appropriate to their level of expertise and their role. All personnel will collect risk data about premises as part of their normal role. This data will enable us to target our prevention, protection and response options effectively, efficiently and in a verifiable manner.

In ensuring that the Authority's statutory fire protection duties are discharged efficiently and effectively, it is necessary to provide capacity to manage both predictable and unpredictable workload. Predictable workload includes regular inspection and audit workloads which are calculated in the relevant programmes utilising a matrix considering the number and type of relevant premises and the perceived risk. Unpredictable workload includes work that arises outside of the control of MFRS such as post fire inspections, fire safety complaints and consultations under building control and planning.

When carrying out audits emphasis should be placed on ensuring that the responsible person has an understanding of their obligations rather than picking up every potential incidence of non-compliance.

## Risk Assessment Methodology

### Background

Prior to the implementation of the Order, the Chief Fire Officers' Association (CFOA) in partnership with the Office of the Deputy Prime Minister<sup>1</sup> produced guidance on a risk based approach to managing a fire safety programme, this guidance was issued under **Fire Service Circular 1/2004** and was titled '**IRMP Guidance Note 4**'. Consequently MFRS adopted this guidance from the outset and made the following decisions:

- Risk data on premises from previous fire safety inspections completed under the Fire Precautions Act would be discounted due to significant differences between the nature of inspections under the Act compared to that of audits under the Order;
- Risk scores for all relevant premises would commence based solely upon generic risk scores according to occupancy type (see Table 1 and 2 below) as detailed in IRMP Guidance Note 4 and recorded accordingly in the MIS;

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<sup>1</sup> The Office of the Deputy Prime Minister was previously the Government Department responsible for the Fire and Rescue Service, this responsibility now falls to the department for Communities and Local Government.

- Risk scores for premises would then be refined on the MIS following completion of each Audit and the calendar of re-audits adjusted accordingly;
- The FSAP would commence with an aim to audit all premises falling into the medium risk band and above and would be completed in order of the highest generic risk scores on occupancy types, i.e. commencing with sleeping risk premises (hospitals, hotels, care homes and so on).
- The calendar of Audit work under the FSAP would be automatically populated in the MIS then allocated to the relevant District Community Fire Protection office.

In 2009 the department of Communities and Local Government (CLG) published a revised IRMP Guidance Note 4 under **Fire and Rescue Service Circular 53/2009**, this remains as the current national guidance and has been adopted by the Authority. The revised guidance included the CLG update of the 'Other Building Fire Frequencies data.

### Current Fire Risk Assessment Methodology

The FSAP is underpinned by a determination of the level of risk presented by premises. The targeting of inspections will be determined by their priority when set against other premises which may present a greater or lesser risk. The focus of the Order is life safety, the FSAP therefore considers risk in those terms and all risks in this appendix are for '**societal**' life risk.

IRMP Guidance Note 4 risk based methodology utilises a relative risk score to model generic levels of risk in premises under the Order. The relative risk score was developed for the **Fire Service Emergency Cover (FSEC) toolkit**, which is a robust, third-party validated risk assessment and resource deployment tool. The individual scores for buildings assessed in FSEC can be exported and used as direct and compatible inputs for the relative risk score.

The relative risk score takes into account a detailed analysis of national data (including information from the **National Incident Recording System (NIRS)** and data from other sources. This includes evidence-based, empirical evaluations of the risk in buildings in terms of:

- The **frequency of fires nationally by type of premises**, taken from the NIRS based on national and international, data;
- The effectiveness of passive and active fire precautions;
- The impact of fire safety management; and
- The societal risk presented by the type of occupancy, e.g. less mobile occupants.

Risk is defined as the probability that an incident will occur multiplied by the impact that it will have. Hence, a low frequency may not mean a low risk, if the consequence is high. Similarly, high frequencies do not necessarily mean high risk.

For example, whilst skip fires are common they do not generally cause injuries and so do not generally represent a high life risk. Large hospital fires are relatively uncommon but may lead to severe consequences so represent a higher life risk.

Based on this definition, the national data gives the average frequency of fire for the building occupancy type. This is based on their calculated national fire frequencies (Tables 1, 2).



**Table 1. FSEC Occupancy Types**

| FSEC Occupancy Codes |                              |   |                                    |
|----------------------|------------------------------|---|------------------------------------|
| A                    | Hospitals & Prisons          | K | Public Buildings                   |
| B                    | Care homes                   | L | Licensed Premises                  |
| C                    | HMO                          | M | Schools                            |
| D                    | Purpose Built Flats          | N | Shops                              |
| E                    | Hostels                      | P | other buildings open to the public |
| F                    | Hotels                       | R | Factories/Warehouses               |
| G                    | Houses converted to flats    | S | Offices                            |
| H                    | Other sleeping accommodation | T | Other workplaces                   |
| J                    | Further Education            |   |                                    |

The risk in individual buildings can then be calculated according to a risk score, based on the extent to which an individual building moves away from the average frequency and likely impact, taking account of fire safety management and other building issues listed above.

For example, if the building has good fire safety management, both the fire frequency and the impact of fire are likely to be less than average for the type of building.

The new risk score is the relative risk score which can then be used to prioritise future inspections. These relative risk bands will be used to inform inspection frequencies (Table 3).

The numerical values in the tables found in Tables 2 and 3 are intended to provide general guidance on generic levels of risk. They represent comparable levels of risk across all premises and are used as a guide in determining the overall priorities for inspection. They should not be used to dictate the action to be taken by inspecting officers in respect of individual premises.

**Table 2. FSEC Societal Life Risk Fire Frequencies and Relative Risk Scores***(Revised February 2012, Sophisticated amendment Relative Risk Calculation LSN 63971 / SR SR800614610).*

| Occupancy Type                         | Average FSEC Societal Life Risk Fire Rate per 1,000,000 Buildings per year | Relative Risk Bands  |                  |                 |                  |          |
|--|--|----------------------|------------------|-----------------|------------------|----------|
|  |  | Very High            | High             | Medium          | Low              | Very Low |
|  |  | FSEC Life Risk Score |                  |                 |                  |          |
|  |  | 10+                  | >10 to 3         | >3 to <-3       | -3 to <-10       | <-10     |
| Relative Risk Scores                   |  |                      |                  |                 |                  |          |
| Hospitals and Prisons (A)              | 676  | >=6.83               | <6.83-<br>>=6.31 | <6.31-<br>>5.35 | <=5.35-<br>>4.83 | <=4.83   |
| Hostels (E)                            | 167  | >=6.22               | <6.22-<br>>=5.70 | <5.70-<br>>4.75 | <=4.75-<br>>4.22 | <=4.22   |
| Care Homes (B)                         | 128  | >=6.11               | <6.11-<br>>=5.58 | <5.58-<br>>4.63 | <=4.63-<br>>4.11 | <=4.11   |
| HMO's (C)                              | 106  | >=6.03               | <6.03-<br>>=5.50 | <5.50-<br>>4.55 | <=4.55-<br>>4.03 | <=4.03   |
| Houses converted to flats (G)          | 106  | >=6.03               | <6.03-<br>>=5.50 | <5.50-<br>>4.55 | <=4.55-<br>>4.03 | <=4.03   |
| Purpose built Flats (D)                | 106  | >=6.03               | <6.03-<br>>=5.50 | <5.50-<br>>4.55 | <=4.55-<br>>4.03 | <=4.03   |
| Hotels (F)                             | 77   | >=5.89               | <5.89-<br>>=5.36 | <5.36-<br>>4.41 | <=4.41-<br>>3.89 | <=3.89   |
| Shops (N)                              | 63   | >=5.80               | <5.80-<br>>=5.28 | <5.28-<br>>4.32 | <=4.32-<br>>3.80 | <=3.80   |
| Other sleeping accommodation (H)       | 21   | >=5.32               | <5.32-<br>>=4.80 | <4.80-<br>>3.85 | <=3.85-<br>>3.32 | <=3.32   |
| Schools (M)                            | 11   | >=5.04               | <5.04-<br>>=4.52 | <4.52-<br>>3.56 | <=3.56-<br>>3.04 | <=3.04   |
| Further Education (J)                  | 11   | >=5.04               | <5.04-<br>>=4.52 | <4.52-<br>>3.56 | <=3.56-<br>>3.04 | <=3.04   |
| Public Buildings (K)                   | 11   | >=5.04               | <5.04-<br>>=4.52 | <4.52-<br>>3.57 | <=3.56-<br>>3.04 | <=3.04   |
| Other buildings open to the public (P) | 11   | >=5.04               | <5.04-<br>>=4.52 | <4.52-<br>>3.56 | <=3.56-<br>>3.04 | <=3.04   |
| Licensed Premises (L)                  | 10   | >=5.00               | <5.00-<br>>=4.48 | <4.48-<br>>3.52 | <=3.52-<br>>3.00 | <=3.00   |
| Factories/Warehouses (R)               | 4  | >=4.60               | <4.60-<br>>=4.08 | <4.08-<br>>3.12 | <=3.12-<br>>2.6  | <=2.60   |
| Other Workplaces (T)                   | 4  | >=4.60               | <4.60-<br>>=4.08 | <4.08-<br>>3.12 | <=3.12-<br>>2.60 | <=2.60   |
| Offices (S)                            | 3  | >=4.48               | <4.48-<br>>=3.95 | <3.95-<br>>3.00 | <=3.00-<br>>2.48 | <=2.48   |

**Note:** The societal life risk fire rates in this table differ from those used in the FSEC toolkit:

1. In FSEC, the societal life risk fire rates quoted in the risk definitions are rounded values so are slightly different to those above.
2. The societal life risk fire rates quoted in this table for some occupancy types (shops, offices etc) are half those used in FSEC - this is because FSEC multiplies the fire frequency by 2 for buildings only occupied during the day

**Table 3 Relative risk level matrix**

| Table 11: Relative Risk Level Matrix - Fire Safety Inspections  |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
|---|----------|-----------|--------------|----------------------------------|--------|-------|--------------------------|------------------------------|-------------------|-----------------|-------------------|--------|------|-------------------------------|----------------------|--------|-----------------|
| Rules applied to display data - Relative Risk Rating box includes lower integer value. If 2 values from table fall into same box default to higher risk. VH and VL range keeps 2 boxes to allow for > or < values |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| Premises Use Group  | Hospital | Care Home | HMO Tenement | Purpose Built Flats E->4 Storeys | Hostel | Hotel | House Converted to Flats | Other Sleeping Accommodation | Further Education | Public Building | Licensed Premises | School | Shop | Other Premises Open to Public | Factory or Warehouse | Office | Other workplace |
| FSEC Group  | A        | B         | C            | D                                | E      | F     | G                        | H                            | J                 | K               | L                 | M      | N    | P                             | R                    | S      | T               |
| Relative Risk Rating  |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 8   |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 7.75  |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 7.5   |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 7.25  |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 7   |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 6.75  | VH       |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 6.5   | H        |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 6.25  | H        | A         | A            | A                                | A      | A     | A                        |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 6   | M        | VH        | VH           | VH                               | VH     | A     | VH                       |                              |                   |                 |                   |        |      |                               |                      |        |                 |
| 5.75  | M        | H         | H            | H                                | H      | VH    | H                        |                              |                   |                 |                   |        |      | VH                            |                      |        |                 |
| 5.5   | M        | H         | H            | H                                | H      | H     | H                        | A                            |                   |                 |                   |        |      |                               |                      |        |                 |
| 5.25  | M        | M         | M            | M                                | M      | H     | M                        | H                            |                   |                 |                   |        |      | H                             |                      |        |                 |
| 5   | L        | M         | M            | M                                | M      | M     | M                        | H                            | VH                | VH              | VH                | A      | M    | VH                            |                      |        |                 |
| 4.75  | L        | M         | M            | M                                | M      | M     | M                        | M                            | H                 | H               | H                 | H      | M    | H                             | A                    |        | A               |
| 4.5   | VL       | L         | M            | M                                | L      | M     | M                        | M                            | H                 | H               | H                 | H      | M    | H                             | VH                   | A      | VH              |
| 4.25  | V        | L         | L            | L                                | L      | L     | L                        | M                            | M                 | M               | M                 | M      | M    | M                             | H                    | VH     | H               |
| 4   |          | L         | L            | L                                | VL     | L     | L                        | M                            | M                 | M               | M                 | M      | L    | M                             | H                    | H      | H               |
| 3.75  |          | VL        | VL           | VL                               | V      | L     | VL                       | L                            | M                 | M               | M                 | M      | L    | M                             | M                    | H      | M               |
| 3.5   |          | V         | V            | V                                |        | VL    | V                        | L                            | M                 | M               | M                 | M      | VL   | M                             | M                    | M      | M               |
| 3.25  |          |           |              |                                  |        | V     |                          | VL                           | L                 | L               | L                 | L      | V    | L                             | M                    | M      | M               |
| 3   |          |           |              |                                  |        |       |                          | V                            | L                 | L               | L                 | L      |      | L                             | L                    | M      | L               |
| 2.75  |          |           |              |                                  |        |       |                          |                              | VL                | VL              | VL                | VL     |      | VL                            | L                    | L      | L               |
| 2.5   |          |           |              |                                  |        |       |                          |                              | V                 | V               | V                 | V      |      | V                             | L                    | L      | L               |
| 2.25  |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               | VL                   | VL     | VL              |
| 2   |          |           |              |                                  |        |       |                          |                              |                   |                 |                   |        |      |                               | V                    | V      | V               |

**The Authority's Premises Risk Database provides a pictorial representation of the relative risk scores of buildings and categorises them using colour codes. Table 4 provides the risk profile for Merseyside. Similar profiles are available for each District or Station area on request.**

The number indicated in each coloured box (Table 4) is the number of premises in Merseyside (as recorded in the MIS) with that particular risk rating score. The value in the right hand column indicates the total risk rating 'score' at that level.

**Table 4 - The risk profile for Merseyside FRS**

| score | A  | B   | C    | D    | E  | F   | G  | H    | J   | K    | L    | M    | N     | P    | R    | S    | T    | Z   | TOT   | VAL      |
|-------|----|-----|------|------|----|-----|----|------|-----|------|------|------|-------|------|------|------|------|-----|-------|----------|
| 650   |    |     |      |      |    |     |    |      |     |      |      |      |       |      |      |      |      |     |       |          |
| 625   | 1  |     |      |      |    |     |    |      |     |      |      |      |       |      |      |      |      |     | 1     | 625      |
| 600   | 6  |     |      |      |    |     |    |      |     |      |      |      |       |      |      |      |      |     | 8     | 4800     |
| 575   | 14 | 2   | 1    | 2    |    |     |    |      |     |      |      |      |       |      |      |      |      |     | 19    | 10925    |
| 550   | 46 | 16  |      | 2    |    |     |    |      |     |      |      |      | 3     |      |      |      |      |     | 67    | 36850    |
| 525   | 15 | 34  |      | 3    |    |     | 1  | 1    |     |      |      |      | 48    |      |      |      |      |     | 102   | 53550    |
| 500   | 26 | 263 |      | 11   | 5  | 11  | 6  | 30   |     |      |      |      | 121   |      |      |      |      |     | 473   | 236500   |
| 475   | 25 | 20  | 2    | 6    | 7  | 16  |    | 21   |     | 1    | 6    | 4    | 1404  |      |      |      |      |     | 1512  | 718200   |
| 450   |    | 143 | 7    | 18   | 33 | 127 | 1  | 137  |     | 2    | 20   | 10   | 261   | 7    | 2    |      |      |     | 771   | 346950   |
| 425   |    | 128 | 4    | 66   | 9  | 58  | 21 | 7    | 2   |      | 44   | 16   | 956   | 18   | 12   | 1    | 38   |     | 1380  | 586500   |
| 400   |    | 43  |      | 1    | 13 | 26  |    | 52   | 23  | 75   | 301  | 77   | 1777  | 200  | 106  | 49   | 266  |     | 3009  | 1203600  |
| 375   | 49 | 501 | 3667 | 1129 | 28 | 300 | 71 | 1757 | 406 | 1025 | 3803 | 5323 | 13669 | 2773 | 7184 | 8078 | 790  |     | 52684 | 19756500 |
| 350   |    | 18  |      |      |    | 13  | 1  | 8    | 32  | 51   | 191  | 100  | 469   | 167  | 1432 | 880  | 382  |     | 3642  | 1274700  |
| 325   |    |     |      |      | 1  | 6   |    | 3    | 36  | 17   | 239  | 125  | 311   | 80   | 782  | 880  | 318  |     | 2129  | 691925   |
| 300   |    |     |      |      |    |     |    |      | 43  | 25   | 4    | 20   |       |      | 82   | 1050 | 880  | 880 | 2214  | 664200   |
| 275   |    |     |      |      |    |     |    |      |     |      | 81   | 13   | 23    | 3    | 745  | 1080 | 572  |     | 2517  | 692175   |
| 250   |    |     |      | 1    |    | 1   | 1  | 3    | 3   | 2    | 51   | 3    | 755   | 33   | 54   | 605  | 91   |     | 1603  | 400750   |
| 225   |    |     |      |      |    |     |    |      | 2   | 7    | 6    | 26   | 2     | 181  | 20   | 258  | 1108 | 135 | 1745  | 392625   |
| 200   |    |     |      |      |    |     |    |      |     |      |      |      | 1     |      |      |      | 32   | 1   | 35    | 7000     |
| 175   |    |     |      |      |    |     |    |      | 2   | 1    | 6    | 1    | 4     | 116  | 22   | 52   | 499  | 30  | 733   | 128275   |
| 150   |    |     |      |      |    |     |    |      |     |      |      |      |       | 1    | 1    | 1    | 2    |     | 5     | 750      |
| 125   |    |     |      |      |    |     |    |      |     |      |      |      |       |      |      | 1    | 2    |     | 3     | 375      |
| 100   |    |     |      |      |    |     |    |      |     |      |      |      |       |      |      |      |      |     |       |          |

**Table 5 Inspection frequency taken from relative risk rating**

| Relative Risk Score | Risk Rating | Frequency           |
|---------------------|-------------|---------------------|
| Above 575           | Very High   | 6-12 Months         |
| 476 - 575           | High        | 24 Months           |
| 376 - 475           | Medium      | 36 Months           |
| 276 - 375           | Low         | Sample 10%          |
| Below 276           | Very Low    | Post-fire/complaint |

The types and number of inspections are provided in Table 6.

### Programmed Audit Frequencies

Programmed inspections will concentrate on those premises with a risk factor score of **376 or above (i.e. Medium Risk and higher)**.

The frequency of inspections is automatically calculated and proposed by our Premises Risk Database. The database uses the frequency rate per risk factor level as indicated in Table 5.

**Table 6 - Audits for 2013/2014**

| <b>Proactive Audits</b> |                                    |                          |
|-------------------------|------------------------------------|--------------------------|
| <b>FSEC Group</b>       | <b>Premises Use Group</b>          | <b>Programmed Audits</b> |
| A                       | Hospitals & Prisons                |                          |
| B                       | Care homes                         |                          |
| C                       | HMO                                |                          |
| D                       | Purpose Built Flats                |                          |
| E                       | Hostels                            |                          |
| F                       | Hotels                             |                          |
| G                       | Houses converted to flats          |                          |
| H                       | Other sleeping accommodation       |                          |
| J                       | Further Education                  |                          |
| K                       | Public Buildings                   |                          |
| L                       | Licensed Premises                  |                          |
| L                       | Licensed Premises (Peak Activity)  |                          |
| M                       | Schools                            |                          |
| N                       | Shops                              |                          |
| P                       | other buildings open to the public |                          |
| R                       | Factories/Warehouses               |                          |
| S                       | Offices                            |                          |
| T                       | Other workplaces                   |                          |
| <b>Reactive Audits</b>  |                                    | <b>Estimated</b>         |
|                         | Article 31 Notice – follow up      |                          |
|                         | Enforcement Notice – follow up     |                          |
|                         | Statutory Notifications            |                          |
|                         | Post – Fire Inspections/Audits     |                          |
|                         | Complaints                         |                          |
|                         | Advice                             |                          |
|                         | Unwanted fire signal reduction     |                          |

## Sample/Themed Inspections

The levels of fire risk within non-domestic premises in Merseyside may change over time. Premises that have been profiled by the Authority and considered higher risk will be subjected to sample or themed inspections in order to re-evaluate the standards of fire safety. In addition, certain premises that have been profiled lower risk will be given lower priority.

## Re-audits Frequencies

Re-audit frequencies will be set according to the risk score identified at the conclusion of the last audit conducted by a qualified officer of the Authority, as opposed to the FSEC generic risk score. This methodology will provide greater accuracy in the risk based approach to the FSAP.

## Equality and Diversity

At the commencement of each audit the auditing officer will complete an equality and diversity monitoring form to record equality and diversity data at all initial audits and inspections. This data will be managed by the central CFP policy team at SHQ who will conduct an annual review and report findings to the Diversity Action Group.

## Performance Management

Each District office is set a Local Performance Indicator target of **8 audits per officer per month** (pro-rata to availability).

It is acknowledged that no 2 audits or inspections can be benchmarked accurately against each other due to a wide variety of risk, complexity and scale that exists in premises across Merseyside. Therefore it is incumbent on the District CFP Watch Manager to assure inspection/audit workloads are allocated according to officer competence and balanced in terms of complexity. This will ensure that each CFP Officer takes a fair proportion of the audit/inspection workload.

## Appendix B Petroleum Inspection Programme

### Purpose

The purpose of this appendix is to:

1. Detail the Petroleum Inspection Programme (PIP) as required by the duties placed upon Merseyside Fire and Rescue Authority (the Authority) through the following legislation:
  - a. Health and Safety at Work Act 1974 (HASAWA) and statutory provisions of the 1974 Act;
  - b. Petroleum (Consolidation) Act 1928 (PCA);
  - c. Petroleum-spirit (Motor Vehicles, etc.) Regulations 1929;
  - d. The Dangerous Substances and Explosive Atmosphere Regulations 2002. (DSEAR);
  - e. Public Health Act 1961;
  - f. Construction (Design and Management) Regulations 2007;
  - g. The Dangerous Substances (Notification and Marking of Sites) Regulations 1990.
  - h. Enterprise and Regulatory Reform Act 2013.

And as detailed in the Community Fire Protection Policy (the Policy) and the Community Fire Protection Risk Based Strategy (RBS).

2. Provide instruction and guidance to personnel regarding the PIP.

### Objectives

- To align the PIP with the Community Fire Protection Policy, the RBS and relevant national guidance;
- To identify the **programme** of Protection activities required to mitigate the risk on communities through a risk based approach to regulatory duties imposed upon the Authority by the legislation (as detailed in the Policy);
- To detail a risk based approach to committing Authority resources to the PIP;
- To enable the Authority to show that it is meeting its regulatory responsibilities in respect of the above legislation and demonstrate that we are focusing our resources on those premises that represent the greatest risk.

### Introduction

The Authority is the Petroleum Licensing Authority (PLA) as empowered by the PCA. Although much of the PCA has been repealed as a result of the introduction of DSEAR, the PLA remains in force for the licensing of Petrol Filling Stations (PFS) and other facilities where petrol is stored and dispensed as a fuel into the tanks of internal combustion engines. The Authority is therefore responsible for the granting of petroleum licences whether this is an initial application, renewal or transfer of licence.

As per the Policy and the RBS, the Authority has adopted a risk based strategy to petroleum inspection activity. Under the provisions of S.2(2) of the PCA, the Authority is given the discretion to determine the length of time that a licence can remain in force. The frequency of recorded risk based inspections is considered transparent, auditable and proportionate to the level of risk associated with sites storing dangerous substances.

## Petroleum Licences

The Authority issue petroleum licences to retail and non-retail petrol filling stations on Merseyside. The County currently has 156 licensed PFS; the licenses are renewed on an annual basis. The process for Petroleum licencing (application and renewal) is managed from Service Headquarters (SHQ) by Community Safety Administration.

The PLA has the power to set conditions on the petroleum licence as they see fit, however the Authority has adopted the model licence conditions in line with industry standards and will only vary licence conditions for reasons of ensuring additional safety requirements are met. Petrol retailers must be compliant with the licence conditions and the statutory requirements of DSEAR to protect against the risks from fire, explosion and similar events arising from dangerous substances used or present in the workplace.

Failure to comply with the licence conditions and requirements of DSEAR may result in enforcement action or prosecution. Although a petroleum licence once issued cannot be revoked the PLA may refuse to renew a licence at the time of renewal on safety grounds, though it is likely that health & safety enforcement would precede any decision to refuse a licence.

Scope for increasing the duration of an annual petroleum licence to two and three years and this may be considered by the Authority provided that there is continuous petrol retailer compliance.

## Risk Based Methodology

The risk score methodology is adopted from a best practice model devised by London Fire Brigade that considers four risk sections:

- The type and nature of PFS site;
- The site location and proximity to other life, property and environmental risks;
- The nature and condition of the PFS equipment; and
- The **standard of fire safety management** at the PFS.

All PFS inspections are undertaken and managed at District level by warranted Fire Safety Inspectors under Section 19 of the HASAWA. Electronic site files allow the inspection programme to be monitored from SHQ. During inspection the inspecting officer gathers information to complete a spread-sheet form which is downloaded from the Services portal at:

<http://intranetportal/sites/cs/protection/LFS%20Standard%20Letters%20and%20Forms/Forms/AllItems.aspx?RootFolder=%2fsites%2fcs%2fprotection%2fLFS%20Standard%20Letters%20and%20Forms%2fPetroleum%20Forms&FolderCTID=0x0120004E0A62B75729AC49A32874B3547075C9&View=%7b4A4E31E3%2d40FA%2d4594%2d8F8B%2d55164F20F16A%7d> (see Annex A).



The form populates risk scores against each individual component in each section then automatically aggregates a total risk score from all four sections. The frequency of inspections is determined by the risk score, ranging from 6 months for very high risk premises to two years for low risk premises (see Table 1 below).

**Table 1. Risk Score Inspection Frequency**

| Risk Score | Hazard / Risk Class     | Inspection Frequency |
|------------|-------------------------|----------------------|
| > 95       | Very High Hazard / Risk | 6 Months             |
| 76 - 94    | High Hazard / Risk      | 12 Months            |
| 51 - 75    | Medium Hazard / Risk    | 18 Months            |
| < 50       | Low Hazard / Risk       | 2 Years              |

The inspection frequency takes account of the inspection burden on business, available Community Fire Protection resources and most importantly a period suitable to adequately assure an acceptable level of safety at each site. Inspections will be arranged to take place with the manager (or another suitably responsible person) on site to assist with the inspection process and relay initial findings.

### Contraventions

Where the inspection highlights contraventions of the legislation and work is required to achieve compliance then the inspection period generated by the risk rating spreadsheet will take effect from the date all works are completed.

#### Example

- Initial inspection 1 January 14 – inspection frequency calculated 2 years but with minor works that will need a follow-up inspection.
- Follow-up inspection and completed works March 2014.
- Re-inspection programmed for March 2016.

It is important to note that it will not be necessary to complete another risk rating until the time of re-inspection. Inspections generally should not be undertaken prior to the date generated by the inspection frequency.

The PIP is predicted to determine a future inspection frequency average for PFS's of between 18 months to two years provided the inspection programme is followed. The strategy provides for efficient use of resources to deliver an effective inspection programme designed to ensure the safety of members of the public when using licensed petrol filling stations in Merseyside.

## Appendix C Explosives Licensing Inspection Programme

### Purpose

The purpose of this appendix is to;

1. Detail the Explosives Inspection Programme and give a brief overview of the methodology used to arrive at the risk rating scoring, the relevant legislation is;
  - a. The Health and Safety at Work Act 1974 (Chapter 37) (HASAWA)
  - b. The Manufacture and Storage of Explosives Regulations 2005. (MSER)
  - c. The Regulatory Reform (Fire Safety) Order 2005 (the Order)
  - d. Explosives Act 1875
  - e. The Fireworks Regulations 2004
  - f. The Management of Health and Safety at Work Regulations 1999 (MHSWR)
  - g. The Fireworks (Amendment) Regulations 2004.
  - h. The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
  - i. The Regulatory Enforcement and Sanctions Act 2008 (RESA)
  - j. Enterprise and Regulatory Reform Act 2013.
2. To provide an overview of how the authority will meet its regulatory responsibilities within the Community Fire Protection Risk Based Strategy (RBS).

### Introduction

Merseyside Fire and Rescue Authority is the Enforcing Authority for MSER where up to 2000kg Net Explosive Content (NEC) of pyrotechnical articles are stored, where those articles are fireworks, airbag inflators or small arms ammunition, the authority issues Registrations for quantities up to 250 kg (NEC) and Licenses for storage up to 2000kg (NEC). MFRA currently has 220 premises on file, of these 26 are licenced, the remainder are Registrations. MSER recognises that a risk assessment is required for premises storing explosives, MHSWR require the risk from a work activity to be assessed and appropriate measures taken to control it.

Section 5 of DSEAR places a duty upon an employer to carry out a suitable and sufficient risk assessment of the risks to his employees which arise from a dangerous substance.

Where 5 or more persons are employed the significant findings must be recorded (DSEAR 5(4)), the regulations require the employer to apply measures consistent with the risk assessment and appropriate to the nature of the activity or operation.

Article 9 of The Order requires the responsible person to make a suitable and sufficient assessment of the risks to which relevant persons are exposed.

Article 9(2) states; "Where a dangerous substance is or is liable to be present in or on the premises, the risk assessment must include consideration of the matters set out in Part 1 of Schedule 1. (Matters to be Considered in Risk Assessment in Respect of Dangerous Substances).

The correct application of the above legislation by the employer, and enforcement by MF&RS, will drive the risk in businesses to an acceptable level resulting in a Low to Medium inspection frequency, this will assist MFRS in applying the correct inspection frequency and maximum use of available resources.

Where possible, it is envisaged that Fire Protection Audits and Explosives Inspections can be carried out by one suitably trained and warranted Inspector simultaneously, avoiding duplication and a wasteful use of time and resources. This method of dual role inspector responsibilities (appointed under HASAWA, S.19, and the Order, Article 26), as currently applied to Petroleum/Fire Protection Officers, maximises the abilities of the inspectors provides a degree of resilience to the authority by maintaining numerous Multi-faceted officers and is consistent with the [principles of Better Regulation](#).

## Methodology

The risk based methodology used will identify the following;

- (a) The type of storage unit used (brick/stone building, ISO container, magazine store, etc.).
- (b) The quantity and type of explosives stored.
- (c) The level of Fire Safety applied to the storage.
- (d) The level of compliance/non-compliance with MSER, DSEAR, and the Order.

Utilising this methodology the inspecting officer will assess the premises to determine whether the risk is Low, Medium, or High risk, and thus the frequency of inspection:

| Hazard / Risk Class | Inspection Frequency |
|---------------------|----------------------|
| High Risk           | 12 Months            |
| Medium Risk         | 18 Months            |
| Low Risk            | 24 Months            |

Over the next 12 months the CFP Department will develop an electronic profiling tool to gather the required information during an inspection against pre-set numerical criteria similar. The tool will be based upon existing best practice (such as the Petroleum Inspections profiling tool) in order to determine a specific risk score that aligns to the risk categories / inspection frequencies.

A 10% annual sample will be conducted of premises falling into the Low to Medium categories to ensure the suitability of the risk profiling tool, the outcomes of these inspections will potentially deliver changes to the scoring mechanism to reflect an accurate assessment of the risk.

Once the profiling tool has been established then all previous risk scores will be disregarded, and the risk based approach to explosives licensing inspections programme will consider all premises against the new numerical risk score methodology, therefore re-inspection frequencies will be zeroed at this point. Initially this will require all licenced and registered premises to be inspected in the following 12 months, however it is anticipated that the number of inspections in proceeding years will reduce:

It is likely that **Licensed** premises will continue to generate an annual inspection, this leaves 194 **Registered** premises that will potentially receive a less frequent inspection, a 50% success in this area will mean 87 premises will be removed from the annual inspection regime, (194 less 50% = 97 premises, less 10% annual Sampling (9.7 rounded up to 10) therefore equals 87 premises.

This reduction based upon an assumed average explosives inspection time of 4 hours each will provide the authority with an additional 174 hours inspector time availability (assuming a conservative increase from 12 monthly inspections to an 18 month inspection frequency).

## Re-Inspection Frequencies

The re-inspection frequency for explosives stores will be generated by the outcome of the adapted Petroleum risk profiling tool, the scores will determine the risk, which will allow the authority to plan ahead for up to a maximum two year period.

The use of the profiling tool does **not** restrict the Inspecting Officer to the score outcomes; they can be over-ridden where the score does not adequately reflect the circumstances found. Any changes need to be with the agreement of a Senior Fire Protection Officer after full discussion and consultation.

## Contraventions

Where contraventions are found The Enforcement Management Model (EMM) current version 3.1, will be used to ensure any action taken is proportional to the health and Safety risk and the seriousness of the breach.

Any enforcement decisions must be impartial, justified and procedurally correct, they must also reflect the need to consult with Primary Authorities via the secure BRDO Primary Authority IT system (**where applicable**).

Whilst the majority of non-Primary Authority contraventions will be dealt with without the need to take any formal action it does not preclude the ability of the inspecting officers to issue formal notices such as Cautions, Enforcement Notices (HASAWA sec 21), and in extreme circumstances Prohibition Notices (HASAWA sec 22).

In extreme cases seizure of the explosives may occur, this is carried out by HASAWA section 19 Officers (using HASAWA sec 25) under powers granted under section 74 of The Explosives Act 1875, such explosives may be liable to forfeiture if a Court so directs.

Contraventions will generate a high score in the profiling tool, therefore any premises that may have previously achieved a Low to Medium score, will have the inspection frequency raised to a higher level if they are issued with a formal notification of contravention.

If the premises are found to have attained their previous Low to Medium score at the following re-inspection the revised inspection frequency will be applied from that time.

## Explosives Legislative Review (ELR)

The HSE is currently working with other regulators and the explosives sector to review all health and safety explosives legislation, with the aim of reducing the regulatory burden on business through clarification and simplification.

It is anticipated that the review will deliver an integrated and modernised suite of legislation and guidance in 2014, reducing the burden on business and providing a sound legislative foundation for the explosives sector of the future, MSER will be incorporated into this review, the results may influence our explosives strategy and inspection frequency.

## Appendix D Sub-Surface Railway Stations Inspection Programme

### Purpose

The purpose of this appendix is to:

1. Detail the Sub-surface Stations Inspection Programme (SSIP) as required by the duties placed upon Merseyside Fire and Rescue Authority (the Authority) through the following legislation:
  - a. The Fire Precautions (Sub-surface Railway Stations) Regulations 2009
  - b. The Fire Safety Order 2005
  - c. Health and Safety at Work Act 1974 (HASAWA) and statutory provisions of the 1974 Act;

And as detailed in the Community Fire Protection Policy (the Policy) and the Community Fire Protection Risk Based Strategy (RBS).

### Objectives

- To align the SSIP with the Community Fire Protection Policy, the RBS and relevant national guidance;
- To identify the **programme** of Protection activities required to mitigate the risk on communities through a risk based approach to regulatory duties imposed upon the Authority by the Order (as detailed in the Policy);
- To detail a risk based approach to committing Authority resources to the SSIP;
- To enable the Authority to show that it is meeting its regulatory responsibilities in respect of the above legislation, and demonstrate that we are focusing our resources on those premises that represent the greatest risk in the event of fire.

### Introduction

The greater communities of Merseyside are served by an electrified 700volt DC 3<sup>rd</sup> rail transport network consisting of 66 stations, and 120km of track. 5 of these stations are sub-surface stations providing rapid transit around Liverpool City Centre, and a cross river link to the Wirral, via an underground network of tunnels known as the Loop and Link lines respectively. These stations are situated at;

- Liverpool Central Station
- Moorfields - Liverpool
- Lime Street - Liverpool
- James Street - Liverpool
- Hamilton Square – Wirral

**NB:** Conway Park Station in Birkenhead is also situated below ground, but as it was constructed without a roof, leaving the platform areas open to above, it is not considered to be a true sub-surface station and is therefore not covered by the sub-surface regulations.

## Liaison Arrangements

Following the findings and recommendations of the report following the Kings Cross Fire, additional prescriptive fire safety regulations were enacted (The Fire Precautions (Sub-surface Railway Stations) Regulations) to ensure that a minimum level of fire precautions and management procedures were put in place and maintained on all existing sub-surface stations. These regulations have been recently amended, and run concurrently with the requirements of the FSO.

Consequently, all such requirements have been subject to regular meetings and consultation arrangements with the station's owners Network Rail (NR), and the train operating companies (the TOC) who occupy the stations as tenants (currently Merseyrail Electrics). This has resulted in premises that comply completely with all relevant regulatory requirements, and have a high level of fire safety systems and procedures in place.

Alterations Notices issued under Article 29 of the FSO have been served on NR to ensure that no alterations are made to any of the stations without prior consultation with MFRS.

## Risk Based Methodology

All sub-surface stations are audited by the nominated MFRS Rail Fire Safety Liaison Officer, using the standard FSO audit form.

Using the FSEC Societal Life Risk Frequencies applicable to '*Other Buildings Open to the Public*' (see [Appendix A, Table 2](#)) the form populates risk scores against each individual component in each section then automatically aggregates a total risk score. The frequency of inspections is determined by the resulting Relative Risk Score, ranging from 6 months for very high risk premises to five years for low risk premises.

The inspection frequency takes account of the inspection burden on business, available Community Fire Protection resources and most importantly a period suitable to adequately assure an acceptable level of safety at each site. Inspections will be arranged to take place with the station's manager (or another suitably responsible person) on site to assist with the inspection process and relay initial findings.

### Relative Risk Score Inspection Frequency

| Risk Score  | Hazard / Risk Class     | Inspection Frequency |
|-------------|-------------------------|----------------------|
| > 5.04      | Very High Hazard / Risk | 6 Months             |
| 4.52 – 5.03 | High Hazard / Risk      | 24 Months            |
| 3.57 – 4.51 | Medium Hazard / Risk    | 36 Months            |
| 3.04 – 3.56 | Low Hazard / Risk       | 5 Years              |

## **Contraventions**

If the inspection highlights contraventions of the legislation, and work is required to achieve compliance, then the matter must be referred to NR or the TOC for immediate action. The inspection period generated by the risk rating spreadsheet will take effect from the date all works are completed.

## Appendix E Building Control & Planning Consultation Programme

### Purpose

The purpose of this appendix is to:

1. Detail the Building Control & Planning Consultation Programme (BCPCP) as required by the duties placed upon Merseyside Fire and Rescue Authority (the Authority) through the following legislation:
  - a. The Building Regulations 2010.
  - b. Town & Country Planning Act 1990.
  - c. County of Merseyside Act.
  - d. Safety of Sports Grounds Act 1975.
  - e. The Dangerous Substances (Notification and Marking of Sites) Regulations 1990.

And as detailed in the Community Fire Protection Policy (the Policy) and the Community Fire Protection Risk Based Strategy (RBS).

2. Provide instruction and guidance to personnel regarding the BCPCP.

### Objectives

- To align the BCPCP with the Community Fire Protection Policy, the RBS and relevant national guidance;
- To identify the **programme** of Protection activities required to mitigate the risk on communities through a risk based approach to regulatory duties imposed upon the Authority by the legislation(as detailed in the Policy);
- To detail the approach to committing Authority resources to the BCPCP;
- To enable the Authority to show that it is meeting its regulatory responsibilities in respect of the above legislation and demonstrate that we are focusing our resources on those premises that represent the greatest risk.

### Introduction

The methodology for programming work to the BCPCP is different to that of other inspection programmes due to the nature of the legislation and the way in which the work is generated, i.e. the legislation (see Purpose, paragraph number 1 above) places a statutory duty on the Authority to consult on Building Control and Planning applications, however the number of such applications is dependent on a wide number of factors over which the Authority has no control. Therefore the workload cannot be accurately predicted.

The statutory requirement for the Authority to consult on all Building Control and Planning applications is also reinforced by the Policy which provides directs resources in order to influence standards of fire safety in the built environment in order to actively support the Service's mission.



### **Programme Methodology**

For planning purposes the number of forecasted Building Control and Planning consultations will be based upon an average of the numbers taken from the previous 3 years. This figure will then be utilised to review the numbers of Protection Officers allocated to this work stream and in addition to consideration of other CFP work streams may be utilised to inform the numbers of CFP personnel allocated to each individual office. Under the new structure with effect from 9 September 2013, Building Planning and Control consultations will be managed from the central CFP Policy team at Service Headquarters.

Calculations based upon hours completed on Building Regulations consultations and planning applications for last 3 the fiscal years indicates that 6 officers are required.

## Appendix F Peak Hours Inspection Programme

### Purpose

The purpose of this appendix is to:

1. Detail the programme of 'peak hours' inspections as required by the duties placed upon the Authority through the following legislation:
  - a. Regulatory Reform (Fire Safety) Order 2005 – (Fire Safety Order)
  - b. Licensing Act 2003
  - c. Housing Act 2004
  - d. Health and Safety at Work Act 1974 (HASAWA) and statutory provisions of the 1974 Act
  - e. Petroleum (Consolidation) Act 1928 (PCA)
  - f. The Dangerous Substances and Explosive Atmosphere Regulations 2002. (DSEAR)

And as detailed in the Community Fire Protection Policy (the Policy) and the Community Fire Protection Risk Based Strategy (RBS). It will also support the Service's Fire Safety Audit Programme. (FSAP)

### Objectives

- To align the Peak Hours Inspection Programme (PHIP) with the Community Fire Protection Policy, the RBS and relevant national guidance;
- To support the programme of Protection activities required to mitigate the risk on communities through a risk based approach to regulatory duties imposed upon the Authority by the Order (as detailed in the Policy);
- To provide a risk based approach to committing Authority resources to this strategy;
- To enable the Authority to show that it is meeting its regulatory responsibilities in respect of the above legislation and demonstrate that we are focusing our resources on those premises that represent the greatest risk in the event of fire.

### Introduction

In order to mitigate the risk of fire at relevant premises the Authority will utilise local and national intelligence to address and action concerns during times of peak activity within any premises that is subject to fire safety legislation. Frequently due to type and nature of fire risk within premises, peak activity will often occur outside of core business hours.

Peak hours should be construed as the time where the risk in relation to either the activity, the numbers of people using a premises or reduction of staff impacts on the safe management of fire risk in a premises or site. For example;

1. Licensed premises generally operate different core business hours and the occupancy greatly increases.
2. Residential Care Premises reduce staff during night-time periods as such it has the potential to affect the management and operation of the evacuation strategy employed.
3. PFS may provide only automated dispensing at certain times of the day, often coupled with a reduction of on-site management.

MF&RS will provide a both a pro-active and reactive response to local and national risk intelligence and fire trends via the PHIP e.g. potential detrimental effects on fire safety management, national trends in fire related issues or local intelligence such as concerns raised by local Partner agencies. We will subsequently enforce the rights to enter premises at reasonable times to investigate and assess the legislative compliance of relevant premises as per the risk based methodology.

## **Risk Based Methodology**

This methodology is based around the principles of life safety for premises to which the Fire Safety Order applies and the requirements of DSEAR for PFS.

### Licensed premises

- Occupancy level is above 300 persons
- Premises with sleeping accommodation that is not separated by fire resisting construction
- Premises only afforded heat detection where sleeping accommodation is available for owner/manager/tenant.

### Residential Care Premises

- Based on the outcome of a report on a national significant incident in a residential care home (Rose Park, Strathclyde) which led to a number of fire fatalities, a proactive initiative has commenced to conduct Peak Hours inspection programme for residential care homes in Merseyside (see SI 0794 for further guidance).

### Petroleum filling stations

- The type and nature of PFS site
- Appropriate emergency response and procedures
- The site location and proximity to other life, property and environmental risks.

### Article 31 Senior Officers

- Article 31 Senior Officers will respond to ad hoc complaints regarding any relevant premises that this programme applies to, where such a complaint raises any concerns over the safety of relevant persons in or on that premises or that could be affected by that premises they will arrange to conduct a Peak Hours inspection.
- The officers will create an incident log via MACC which is updated to identify the purpose and location of any inspections and any resources allocated to it.
- In conducting any Peak Hours Inspections the Article 31 officer will be responsible for conducting a risk assessment with regards to the safety of MF&RS personnel responding to any such inspection and will record the findings and control measures on the MACC incident log.

This does not preclude any circumstances where potential risk to life is noted at a relevant premises or site.

**Merseyside Fire and Rescue Service**  
**Equality Impact Assessment Form**

|  |  |
|--|--|
| <b>Title of policy:</b>  | <b>Fire Protection Risk Based Strategy</b><br><br><i>(Including the Community Fire Protection Policy and associated Risk Appendices)</i> |
| <b>Department:</b>   | <b>Prevention and Protection</b>   |
| <b>Date:</b>   | <b>26.2.13 updated 16.7.13</b>   |
| <b>1: What is the aim or purpose of the policy</b>   |  |
| <i>This should identify “the legitimate aim” of the policy (there may be more than one)</i>  |  |
| <p>The purpose of the strategy is to detail fire protection risk based strategies as required by the duties placed upon Merseyside Fire and Rescue Authority (the Authority) through fire safety legislation and national government expectations as detailed in the Community Fire Protection Policy (the Policy).</p> <p>The risk based strategy acts as a parent document for the Community Fire Protection (CFP) risk based inspection/audit programmes which are included as appendices to the strategy SI; Fire safety Audit Programme, Petroleum Licencing Inspection Programme, Explosives Licences Programme, Sub-Surface Railways Inspection Programme, Building and Control and Planning consultation and Peak Hours Inspection Strategy.</p> <p>The aims and objectives of the policy are to :</p> <ul style="list-style-type: none"> <li>• To detail the rationale and risk profile behind the Protection risk based strategy;</li> <li>• To identify the programmes of Protection activities required to mitigate the risk on communities through a risk based approach to enforcing the Fire Safety legislation (as detailed in the Policy) in line with the Authority’s Integrated Risk Management Plan (IRMP) and the associated preventative, protective and response arrangements;</li> <li>• To prioritise all work streams that fall out of the Policy according to a combination of statutory requirement and risk assessment which take account of the risk from fire to relevant persons, the Community of Merseyside and MFRA personnel;</li> <li>• To detail the statutory requirements of Better Regulation which the Authority is required to adhere to in the performance of its CFP duties;</li> <li>• To ensure equality and diversity will be a cross-cutting theme</li> </ul> |  |

throughout the Programmes such that vulnerable groups enjoy the same levels of Fire Protection.

- To detail the Performance Management responsibilities and relevant Local Performance Indicators (LPIs).

The policy contributes to the mission of MF&RS Safer and Stronger Communities – Safe Effective Fire fighter and ensures that the Authority’s statutory fire protection duties are discharged efficiently and effectively to respond to both predictable and unpredictable workloads.

Each District office is set a Local Performance Indicator target of **8** audits per officer per month (pro-rata to availability).

The Community Fire Protection policy sets out how Merseyside Fire and Rescue Authority delivers protection work in order to meet its statutory duties under the Fire Services Act 2004, the regulatory reform Order 2005 and the various other fire safety legislation.

**2: Who will be affected by the policy?**

- The diverse communities of Merseyside within each local authority.
- MFRA staff.
- All premises other than single private dwellings are considered under the Regulatory Reform (Fire safety) Order 2005 and other relevant fire safety legislation.

**3. Monitoring**

*Summarise the findings of any monitoring data you have considered regarding this policy. This could include data which shows whether the policy is having the desired outcomes and also its impact on members of different equality groups.*

**What monitoring data have you considered?**

Historical Data used to identify risk is obtained from the incident recording system (IRS) and the protection information management system provided by Sophtlogic. Equality Impact Assessments for each local area will be considered when targeting risk

The MFRS report “ Non Domestic properties Fire report 2008 ” provides some analyses of data by incidents from 2004 to 2009

**What did it show?**

There are over 35,000 known premises which fall under the legislation. As the premises gazetteer comes on line, early indication shows that there are as many premises again that fall under the legislation.

Provides a summary of the types of fire incidents by district and business type and helps to profile the likelihood of a fire occurring in different business communities

|   |  |
|---|--|
| <p>Equality monitoring information for each local area will be considered when targeting risk</p> | <p>, the top 3 being - Industrial and commercial properties 22. 5% of fires, retail 21.6% education 8% of Fires for the 4 year period covered by the report.</p> <p>Other key points in the report relevant to Equality are :</p> <ul style="list-style-type: none"> <li>• The Places of Worship property type saw the highest proportion of incidents with no smoke alarm. 84% (37 out of 44) did not have a smoke alarm in the vicinity of the fire.</li> </ul> <p>30 to 40 year age group are most likely to be affected and injured by a fire.</p> <p>Males have a significantly higher proportion of fire injury.</p> |
|---|--|

**4: Research**

*Summarise the findings of any research you have considered regarding this policy. This could include quantitative data and qualitative information; anything you have obtained from other sources e.g. CFOA/CLG guidance, other FRSs, etc*

| <p><b>What research have you considered?</b></p>                                       | <p><b>What did it show?</b></p>   |
|--|---|
| <p>Various fire safety legislation</p>   | <p>MFRA has a duty under various pieces of legislation (as detailed in the policy) to enforce and consult upon matters pertaining to fire safety.</p>   |
| <p>The Statutory Code of Compliance for Regulators, and the Enforcement Concordat.</p> | <p>Enforcement activities should be robust and proportional to risk. The code sets out more detailed principles to which the authority is required to have regard. Failure to comply with the act or code may constitute grounds for judicial review.</p> |

|  |   |
|--|---|
| <p>National CFOA Guidance for Risk profiling.</p> <p>Fire and rescue National Framework for England 2012</p>   | <p>The better regulations executive five principles of good regulation provide the basis for MFRA risk based approach to enforcement which will forge new relationships between the authority and business owners. Guidance shows that a combination of historic fire data, business intelligence, CFOA practice briefs, local knowledge and the outcome of equality impact assessments for each geographical area will inform MFRA when planning its inspection and engagement plan.</p> |
| <p><b>5. Consultation</b></p> <p><i>Summarise the opinions of any consultation. Who was consulted and how? (This should include reference to people and organisations identified in section 2 above)</i></p> <p><i>Outline any plans to inform consultees of the results of the consultation</i></p> |   |
| <p><b>What Consultation have you undertaken?</b></p> <p>Consultation with other FRS under the CFOA communities of Practice.</p> <p>North West Regional Task group</p>  | <p><b>What did it say?</b></p> <p>The targeting and profiling of risk and the impact of prosecution and enforcement should be in line with CFOA guidance and consistent in terms of risk.</p> <p>Equality Impact are formerly recognised and discussed</p>  |



## 6. Conclusions

*Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts)*

### (a) Age

This policy will positively affect those older people as they are amongst those who are most likely to suffer from poor fire safety provisions in their accommodation / workplace – particularly those in the private landlord sector , for example nursing homes and sheltered accommodation\*.

Therefore the Policy will reduce the risk to persons in this protected group through the enhancement of suitable and sufficient levels of fire safety in the built environment covered by the various pieces of fire safety legislation.

Regular monitoring and review of the audit process will identify the impact, including enforcement and prosecution, on communities and individuals of a particular age and subsequent consultation will enable MFRA to carry out targeted fire safety education and awareness to business around ensuring older employees/customers are considered when developing fire risk assessments and training.

\*The Fire Safety Order only applies to common areas in sheltered accommodation.

### (b) Disability (including mental, physical and sensory conditions)

The Policy will have a positive impact upon this protected group who tend to be at higher risk of death and or injury from fire. Therefore the Policy will reduce the risk to persons in this protected group through the enhancement of suitable and sufficient levels of fire safety in the built environment covered by the various pieces of fire safety legislation. Regular monitoring and review of the audit process will identify the impact, including enforcement and prosecution, on communities and individuals of a particular disability.

The audit inspections will assess businesses procedures, equipment and training for safe evacuation of disabled people and those members of the public who may have difficulty egressing from a building independently including those with sensory and mobility impairments in the event of a fire.

Where a responsible person does not make provisions for the safe evacuation of disabled people from its premises, this may be viewed as discrimination under Equality Act 2010 (DDA). It may also constitute a failure to comply with the requirements of the Regulatory Reform (Fire Safety) Order 2005

Public bodies have an additional duty under the Equality Act, called the Public Sector Equality Duty (PSED), which from January 2011 requires them to proactively promote the equality of disabled people. This will require public bodies to do even more to ensure that disabled people do not face discrimination by not being provided with a safe evacuation plan from buildings.

**(c) Race (include: nationality, national or ethnic origin and/or colour)**

This policy will positively affect this group as they are amongst those who are most likely to suffer from poor fire safety provisions in their accommodation/ workplace – particularly those in the private landlord sector and in small businesses (e.g. restaurants, farming, factory work and manual labour work ) and those on minimum wage. In summary those who are most vulnerable in society.

MFRA have identified certain groups, for example, South Asian families who have had a higher percentage of enforcements than other ethnic groups due to the nature of their business and their cultural approach to safety and risk. This has resulted in a planned increase in engagement and education from prevention and protection staff to raise awareness and reduce risk with this group and will continue over the life of this policy. The audit and inspection strategy is aimed at reducing the risk to persons in this protected group through the enhancement of suitable and sufficient levels of fire safety in the built environment covered by the various pieces of fire safety legislation.

Regular monitoring and review of the audit process will identify the impact, including enforcement and prosecution, on communities and individuals of a particular race.

**(d) Religion or Belief**

As with (C) above MFRA have identified certain religious groups, for example, South Asian families, predominantly Muslim and Sikh who have had a higher percentage of enforcements than other religious groups due to the nature of their business- i.e. takeaways and restaurants with accommodation. This has resulted in a planned increase in engagement and education from prevention and protection staff to raise awareness and reduce risk.

The Policy will have a positive impact upon this protected group by reducing the risk to persons in this protected group through the enhancement of suitable and sufficient levels of fire safety in the built environment covered by the various pieces of fire safety legislation.

Regular monitoring and review of the audit process will identify the impact, including enforcement and prosecution, on communities and individuals of a particular religion or belief. Further consultation and engagement with community faith groups is important to ensuring fire safety and fire legislation education and awareness campaigns are conducted effectively.

**(e) Sex (include gender reassignment, marriage or civil partnership and pregnancy or maternity)**

The Policy will have a positive impact upon this protected group by reducing the risk to persons in this protected group through the enhancement of suitable and sufficient levels of fire safety in the built environment covered by the various pieces of fire safety legislation. Regular monitoring and review of the audit process will identify the impact, including enforcement and prosecution, on communities and individuals of a particular sex.

**(f) Sexual Orientation**

The Policy will have a positive impact upon this protected group by reducing the risk to persons in this protected group through the enhancement of suitable and sufficient levels of fire safety in the built environment covered by the various pieces of fire safety legislation. MFRA will analyse the register to identify potential geographical locations where enforcement and prosecution is taking place and whether particular groups from within those areas are identified. Local knowledge and engagement with partners will assist in MFRA in identifying protected groups within specific geographical areas.

Regular monitoring and review of the audit process will identify the impact, including enforcement and prosecution, on communities and individuals of a particular sexual orientation.

**(g) Socio-economic disadvantage**

This policy will positively affect this group as they are amongst those who are most likely to suffer from poor fire safety provisions in their accommodation / workplace – particularly those in the private landlord sector , those in the small business sector (e.g. restaurants, farming, factory work, labouring ) and those on minimum wage as stated under the comments in (a).

Currently those workers and families who own and work in takeaways and restaurants and reside in those properties have been subject to enforcement and prosecution. The trend is that they are located in the more deprived wards of the County as identified via post code. MFRA will promote fire safety awareness to the groups via the website and active engagement and safety campaigns.

The Policy will have a positive impact upon this protected group by reducing the risk to persons in this protected group through the enhancement of suitable and sufficient levels of fire safety in the built environment covered by the various pieces of fire safety legislation. Regular monitoring and review of the audit process will identify the impact, including enforcement and prosecution, on communities and individuals of a particular socio-economic disadvantage.

## 7. Decisions

*If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way. If no changes are proposed, the policy needs to be objectively justified as being an appropriate and necessary means of achieving the legitimate aim set out in 1 above.*

The Strategy , Policy and associated appendices are designed to target risk and prevent death injury and property loss for all members of the community. Impact on different communities and protected groups will be monitored as part of the performance management frame work and the review of Equality Impact assessments.

Regular monitoring and review of the audit, enforcement and prosecution activities of MFRA will highlight any impact upon a particular protected group more than others. Trends will be monitored via equality impact assessment and scrutiny to identify and respond to proportionally to that impact.

## 8. Equality Improvement Plan

*List any changes to our policies or procedures that need to be included in the Equality Action Plan/Service Plan.*

The Diversity and Consultation Manager recommends that the following actions are part of the implementation plan for delivering and monitoring the risk based strategy and community fire protection policy. These activities can be included as part of the Equality and Diversity Priorities Action Plan for 2013-15 if the required once fully approved.

| <b>Recommendations</b>   | <b>Responsibility of</b>                                   | <b>Completed by</b> |
|--|--|---------------------|
| <p>To review the risk based strategy(and policy and associated appendices) during its first year of operation in relation to the 9 protected equality groups to establish if there are any further needs in relation to :</p> <ol style="list-style-type: none"> <li>1. Staff training or educational awareness for staff involved in completing the Audits to enable them to fully understand any E and D impacts that the audits may present.</li> <li>2. Assessing the risks based strategy during its first year of use to establish if</li> </ol> | <p>AM Myles Platt /<br/>GM Guy Keen /<br/>Wendy Kenyon</p> |                     |

|   |  |  |
|---|--|--|
| <p>appropriate risks are taken into account for those businesses that are particularly involved with vulnerable at risk groups such as the elderly and the disabled.</p> <ol style="list-style-type: none"> <li>3. To engage with partner agencies /community groups who work closely with those vulnerable groups( Aged, disabled and ill health) at risk to advise and educate them about the importance of protection and the inspection in business so that they may cascade down through to their members.</li> <li>4. To consult with partner agencies who provide guidance and advice to businesses/owners within the protected groups who are most likely to have poor fire protection procedures in place and low levels of fire safety and risk assessments.</li> <li>5. Continue to target fire safety campaigns for the business community groups at most risk.</li> <li>6. Monitoring and analysing fire incidents data relevant to Equality and Diversity impacts should be reviewed further and carried out annually where possible to enable this policy and strategy to be monitored effectively.</li> </ol> |  |  |
|---|--|--|

**9. Equality & Diversity Sign Off**

*The completed EIA form must be signed off by the Diversity Manager before it is submitted to Strategic Management Group or Authority.*

**Signed off by:**  **Date:**

For any advice, support or guidance about completing this form please contact the [DiversityTeam@merseyfire.gov.uk](mailto:DiversityTeam@merseyfire.gov.uk) or on 0151 296 4422

The completed form should be emailed to the Diversity Team at the above address for inclusion on the Diversity Action Group Agenda

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**AGENDA ITEM:**

|                                     |   |
|-------------------------------------|---|
| <b>REPORT TO:</b><br>Meeting of the | <b>MERSEYSIDE FIRE &amp; RESCUE AUTHORITY</b>                               |
| <b>DATE:</b>                        | <b>22<sup>ND</sup> OCTOBER 2013</b>   |
| <b>REPORT NO.</b>                   | <b>CFO/123/13</b>   |
| <b>REPORTING OFFICER:</b>           | <b>CHIEF FIRE OFFICER</b>   |
| <b>CONTACT OFFICER:</b>             | <b>AM MYLES PLATT – DIRECTOR OF PREVENTION &amp; PROTECTION, EXTN; 4644</b> |
| <b>OFFICERS CONSULTED:</b>          | <b>GM GUY KEEN</b>  |
| <b>SUBJECT:</b>                     | <b>RISK BASED RESPONSE TO AUTOMATIC FIRE ALARMS PHASE 2</b>                 |

**Appendix A      Consultation Briefing Note (included within Report)**  
**Appendix B      Equality Impact Assessment**

Purpose of Report

1. To update the Authority on the progress of the phased implementation of the new Unwanted Fire Signals (UwFS) protocol.
2. To report on the outcome of the stakeholder consultations regarding go-live of Phase 2.
3. To report the outcomes of the revised risk assessment and seek Members approval for the implementation of Phase 2 resulting from the above.

Recommendation

4. That the Authority approves the implementation of Phase 2 of the UwFS protocol for November 1<sup>st</sup> 2013 as advanced in this report, notably that:
  - (a) The current protocol be extended to cover the 24 hour period and exempt sleeping risk, such as hospitals, hotels and hostels, due to the risk to the safety of the Community and to responding Firefighters in the event of any delay in response arising from the failure to develop a timely back-up call to the Authority.

(b) Significant sleeping risk premises (e.g. Hospitals, Care Homes, Hotels and Hostels ) are automatically exempted during night-time hours.

(c) The decision to charge for Unwanted Fire Signals be reviewed and that further work be completed to identify a suitable methodology.

### Executive Summary

**Phase 1** of the new protocol for responding to Automatic Fire Alarm (AFA) actuations was implemented on 1<sup>st</sup> November 2012 for day-time hours only.

Phase 1 resulted in a **49.95%** reduction in UwFS.

**Phase 2** Go-live will be 1<sup>st</sup> November 2013. From that date the Authority will only make an emergency response to premises if a back-up call is received via the 999 system regardless of the time of the day.

Automatic exemptions and the facility for exceptional exemptions established during Phase 1 will still apply.

The risk based approach to the new protocol has been revised following outcomes from Phase 1, stakeholder engagement and feedback.

The key recommendation arising from this risk assessment is that significant sleeping risk premises (e.g. Hospitals, Care Homes, Hotels and Hostels) are automatically exempted during night time hours.

Stakeholder engagement has resulted in a number of positive suggestions put forward for consideration for example, charging for repeat offenders and partnerships with stakeholder groups.

Consultation highlighted the following requirements:

- Greater engagement with FAMO's/ARC's;
- Greater engagement with Small and Medium Enterprise's (SME's);
- Identification of exempted premises.

### Introduction and Background

5. At the Authority meeting held on 19<sup>th</sup> January 2012, (CFO/015/12) Members agreed to change the Services response to fire calls generated by Automatic Fire Alarm (AFA) systems, in an attempt to reduce the burden of Unwanted Fire Signals (UwFS).

6. Previous reports established that UwFS's increase risk to firefighters and the public due to a number of factors including:

- a. Increased road use (including emergency response);



- b. Lost productivity for business
  - c. Lost productivity for the Service. Calculation based upon 2011-12 data indicated lost productivity in the region of 20,000 hours which would otherwise have been applied to activities to enhance community and firefighter safety.
7. Following consultation seminars in June 2012 the Authority agreed to implement the change in protocol in phases. Phase 1 was implemented in November 2012 with the second phase due to commence in November 2013.
  8. Phase 1 of the protocol distinguishes between 'night-time' (19.30hrs-07.30hrs) and 'day-time' (07.30hrs-19.30hrs). With emergency response only being committed to certain categories of premises upon receipt of a back-up call from the premises confirming a fire or suspicion of a fire during the daytime.
  9. As a result of this change in response, the first nine months (1<sup>st</sup> November 2013 – 31<sup>st</sup> July 2013) delivered a **49.95%** reduction in UwFS compared to the same nine month period the previous year.
  10. Day-time UwFS have reduced by 1751 from 2680 to 929 for the same period the previous year, a fall of **65.33%**. In comparison night-time UwFS have reduced by 224 from 1270 to 1046 for the same period the previous year, a fall of **17.64%**.
  11. Call Volume; - the amount of calls received at MACC to actuations of Automatic Fire Alarm actuations has fallen by **25.37%** overall - indicating that premises are now taking ownership of their AFA systems more than they have done in the past.
  12. Stage 2 is due to commence on the 1<sup>st</sup> November 2013.
  13. Two, one day consultation events (4<sup>th</sup> and 5<sup>th</sup> September 2013) have been completed the first being for generic stakeholders (i.e. Responsible Persons, Premises Managers and Facilities Managers) and the second for Fire Alarm Monitoring Organisations (FAMO's) / Alarm Receiving Centres (ARC's).
  14. Day one was well attended and the audience actively engaged with the briefing both in raising their concerns and making a number of positive suggestions. A full outline of the points raised are detailed in Appendix A.
  15. Whilst the FAMO's and ARCs were invited to attend day 2, the limited turn out indicates the need to engage more effectively with this group.
  16. The key concern from the FAMO's and ARC's who did attend was the difficulties created by significant inconsistencies in AFA responses by different FRS's.
  17. Table 1 below shows all UwFS for the past nine months. The available data shows 'day time' and 'night time' performance figures for each of the FSEC codes with a brief summary as to the types of premises contained within each FSEC band.

18. Further details regarding the refresh of the risk assessment are included in the briefing note at Appendix A. Three options were considered:
- a. Full implementation of Second Stage to include night time hours – ie non-attendance at all premises included in the present 'day time' schedule to be extended to the 'night time' period.
  - b. Extend current scope of protocol with a view to delaying the second stage implementation until a future date, as yet determined.
  - c. Full implementation of Second Stage to include night time hours; Exempt all sleeping risk during night time hours. This option maintains the current Risk Based Response to Automatic Fire Alarm Actuations for premises during the day; 0730hrs to 1930hrs, and extends the approach to non-sleeping risk premises at night time 1930hrs to 0730hrs.

## Recommendations

19. To extend the current protocol to cover the 24 hour period and exempt sleeping risk such as hospitals, hotels and hostels due to the risk to the safety of the Community and to responding Firefighters in the event of any delay in response arising from the failure to deliver a timely back-up call to the Authority. Stakeholder engagement provided consistent and clear evidence that given the complexity of challenges in such environments that a delay in sending a back-up call in the event of a real fire was a foreseeable risk.
20. Based upon existing data, Protection officers have calculated that whilst still providing full emergency cover to fire calls generated by AFA systems during 'night time' hours to all sleeping risks, a further annual reduction in UwFS Nov 2013 – Oct 2014 of **21.7%** is predicted.
21. The figures highlighted in red in Table 1 below are the potential reductions in UwFS for particular premises should the recommendations be adopted. This would deliver an overall reduction of UwFS of **70.65%**.
22. This report concludes that the additional risks identified in point 13 above outweigh any potential performance gain and the risks identified in point 2 above. Therefore this report recommends that significant sleeping risk premises (e.g. Hospitals, Care Homes, Hotels and Hostels) are automatically exempted during night-time hours.
23. For matters of consistency the night-time hours should remain as 19:30 to 07:30 hours however, sleeping risk concerns relate to hours where people are asleep and staff levels are low. This could arguably be refined to a shorter time period subject to review at a later stage.

Table 1 UwFS for nine month period 01/11/12 – 31/07/13

| FSEC         | Day        | Night       | Total       | Brief Description  |
|--------------|------------|-------------|-------------|--|
| 02 01        | 17         | 110         | 127         | Hospitals and Prisons  |
| 02 02        | 86         | 52          | 138         | Elderly Persons, children's, mentally handicapped homes              |
| 02 03        | 11         | 13          | 24          | HiMO's (Houses in multiple occupation)                               |
| 02 04        | 70         | 57          | 127         | High Rise Flats – 4 storeys and above                                |
| 02 05        | 9          | 12          | 21          | Hostels – Youth, bail, and YMCA                                      |
| 02 06        | 0          | 21          | 21          | Hotels, B+B's, Guest Houses  |
| 02 07        | 48         | 47          | 95          | Houses converted to flats  |
| 02 08        | 614        | 307         | 921         | All other sleeping – <b>sheltered housing</b> , flats under 4 storey |
| 02 09        | 1          | 15          | 16          | University, colleges   |
| 02 10        | 15         | 39          | 54          | Public buildings – libraries, museums, courts, art galleries         |
| 02 11        | 9          | 68          | 77          | Licensed Premises  |
| 02 12        | 2          | 55          | 57          | Schools – including occupational training centres                    |
| 02 13        | 13         | 69          | 82          | Shops – including. Petrol Stations                                   |
| 02 14        | 7          | 32          | 39          | Other premises open to public – Stadia, halls, cinemas etc.          |
| 02 15        | 8          | 85          | 93          | Factories/Warehouses   |
| 02 16        | 15         | 42          | 57          | Offices  |
| 02 17        | 3          | 23          | 26          | Other workplaces   |
| <b>Total</b> | <b>928</b> | <b>1047</b> | <b>1975</b> |  |

Source: Vision Boss.

24. The protocol from November 2013 would be:

- The Authority will no longer respond to calls generated by Automatic Fire Alarms unless a back-up call is received via the 999 system confirming there is a fire, or that physical signs of fire exist.
- All single private domestic dwellings, Care Homes, Sheltered Housing schemes, HiMO's and dwellings where the responsibility for the safety of the occupiers rests with the individuals, who reside there, will be exempted from this policy.
- **All** sleeping accommodation will be exempted between (19.30-07.30)
- The Authority will consider the management of significant risks with the responsible persons directly. Any request for exemption for significant risks will be considered by the Community Fire Protection exemption panel.
- Premises whose fire alarm system is configured to coincidence actuation principles ('double knock') will, following consultation with MFRA Community Fire Protection Department, receive a full emergency response.

25. At present the Authority has a policy of not charging for UwFS. Part of the argument behind this decision is the belief that it would not be in the public interest, however suggestions for MFRA to charge repeat offenders during stakeholder briefings were widely supported during the consultations.

26. The Localism Bill enables Fire & Rescue Authorities to charge Responsible Persons for UwFS; this approach has already been adopted by other FRS. Managed appropriately, this could become a viable deterrent encouraging Responsible Persons to take ownership of their AFA systems and reduce the number of UwFS produced. This report therefore recommends that the decision to charge for UwFS be reviewed and that further work is completed to identify a suitable methodology.
27. The Localism Bill does not allow for Fire Services to levy a charge for UwFS against domestic properties (Localism Act s18 paragraph. (3) (a)).
28. Sheltered Housing schemes (See table 2 below) are classed as domestic premises and are exempt from charging but are now the largest group producing UwFS. Partnerships with both Prevention and Protection officers with Responsible Persons (Registered Social Landlords) will be developed to reduce the numbers of UwFS in Sheltered Housing schemes.

**Table 2 UwFS in Sheltered Housing schemes**  
(Sorted by station ground having most occurrences)

| Station               | Nov-12    | Dec-12    | Jan-13    | Feb-13    | Mar-13    | Apr-13    | May-13    | Jun-13    | Jul-13    | Total      |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| 20 - Birkenhead       | 7         | 13        | 9         | 5         | 8         | 9         | 11        | 4         | 6         | 72         |
| 31 - Crosby           | 6         | 11        | 1         | 7         | 11        | 3         | 6         | 4         | 6         | 55         |
| 10 - Kirkdale         | 5         | 6         | 7         | 4         | 6         | 6         | 7         | 8         | 4         | 53         |
| 25 - Wallasey         | 5         | 9         | 4         | 4         | 12        | 8         | 6         | 3         | 1         | 52         |
| 33 - Southport        | 8         | 7         | 5         | 4         | 3         | 6         | 6         | 5         | 8         | 52         |
| 15 - Toxteth          | 2         | 7         | 6         | 8         | 4         | 3         | 7         | 2         | 7         | 46         |
| 19 - Croxteth         |           | 1         | 6         | 1         | 3         | 4         | 3         | 1         | 6         | 25         |
| 12 - Kensington       | 3         | 3         | 2         | 6         | 3         | 2         | 1         | 1         | 2         | 23         |
| 18 - Aintree          | 2         | 3         | 3         | 1         | 6         | 1         | 3         | 2         | 2         | 23         |
| 16 - Old Swan         | 4         | 3         | 2         | 1         | 2         |           | 4         | 3         | 3         | 22         |
| 30 - Bootle/Netherton | 1         | 6         |           | 1         | 2         | 1         | 3         | 3         | 3         | 20         |
| 50 - St Helens        | 3         | 3         |           |           | 3         | 2         | 4         | 1         | 4         | 20         |
| 11 - Liverpool City   | 2         | 2         | 3         | 4         | 2         | 1         | 2         |           |           | 16         |
| 17 - Belle Vale       | 3         |           | 2         |           | 3         | 3         | 2         | 1         | 2         | 16         |
| 52 - Eccleston        | 2         | 2         | 1         |           | 2         | 1         | 3         | 3         | 1         | 15         |
| 14 - Speke/Garston    | 3         | 3         |           | 3         |           | 1         | 2         | 2         |           | 14         |
| 21 - Bromborough      |           |           | 1         | 2         | 1         | 4         | 2         | 4         |           | 14         |
| 23 - Upton            |           |           | 3         | 1         | 2         | 1         |           | 2         |           | 9          |
| 41 - Whiston          |           | 1         |           | 1         |           | 1         | 1         | 2         | 2         | 8          |
| 13 - Allerton         |           | 1         |           | 2         |           |           | 1         | 1         | 2         | 7          |
| 22 - Heswall          | 1         |           |           |           | 2         | 1         |           | 1         |           | 5          |
| 40 - Huyton           |           | 1         |           | 1         |           | 1         | 1         |           | 1         | 5          |
| 42 - Kirkby           |           |           | 1         |           | 1         |           | 1         | 2         |           | 5          |
| 51 - Newton           |           | 1         | 1         |           |           |           | 1         | 1         | 1         | 5          |
| 24 - West Kirby       |           |           |           |           |           |           |           | 1         | 1         | 2          |
| 32 - Formby           |           | 1         | 1         |           |           |           |           |           |           | 2          |
| <b>Grand Total</b>    | <b>57</b> | <b>84</b> | <b>58</b> | <b>56</b> | <b>76</b> | <b>59</b> | <b>77</b> | <b>57</b> | <b>62</b> | <b>586</b> |

Source: IRS

## **Further Challenges**

29. Mobilising appliances to alarm activations at night will depend on the type of premises the call is received from. To respond to all 'sleeping accommodation' can only be achieved if the quality of information currently held is both available and more importantly accurate.
30. In 2008 the Vision gazetteer was cross-matched to the NLPG by an external party. 6% of properties could not be matched by the external party. These records were therefore processed in-house between 2009 and 2010. Any matches made in-house were quality checked. Matches by the external party have not been quality checked.
31. Information held on Community Protection's Premise Record files (Sophtlogic) total more than 30,000 premises and at present is more reliable than the NLPG.
32. Consideration must be given to cross mapping information held on Sophtlogic on individual premises with current records held on the Vision mobilising system.
33. To improve further the identification of sleeping risks throughout Merseyside the introduction of a declaration within informative messages passed by operational crews at every incident could be utilised. Appliance commanders stating whether a premise is either 'Residential' or 'Commercial' can be added into the message then retrieved by Data Management and cross referenced to the Vision system.
34. Information gathered by the SSRI process to be cross referenced with information in the Vision mobilising system.
35. The amount of work generated by cross referencing of information and recording on Vision will have to be considered should the recommendations be approved.

## Equality & Diversity Implications

36. A full Equality Impact Assessment is attached as Appendix B.

## Staff Implications

37. Additional staffing will be required to cross reference all premises data held within the Authority against individual premises records held in the Vision mobilising system.

## Legal Implications

38. Section 7 of the Fire and Rescue Services Act 2004 states a Fire and Rescue Service has a duty to make provision for the purpose of extinguishing fires in its area and protecting life and property in the event of fires. Such provision is to include making arrangements for dealing with calls for help and summoning

personnel. The wording provides latitude in the arrangements made to discharge that function.

39. The adoption of the protocols advanced in this report places emphasis on the duty of the "Responsible Person" for premises, as defined in the Regulatory Reform Order (Fire Safety) 2005.
40. The Authority has no legal responsibility to respond to UwFS however, the Localism Act 2011 will give a power to charge for responding to UwFS (subject to stringent criteria).

#### Financial Implications & Value for Money

41. Research shows that from mobilisation to an appliance booking available again, takes on average almost 35mins per UwFS. Assuming four persons per appliance this equates to 2.2 'staff' hours of lost productivity per appliance per UwFS. The average response to an UwFS is 2.25 appliances.
42. The new protocol has reduced UwFS by 1975 compared to the same period the previous year. This equates 1975 UwFS x 2.25 Appliances x 2.2 'staff' hours per appliance = 9,776.25 hours. Therefore, MFRA have increased the time available for other areas of productivity which can be better utilised by further training, community safety activities, etc.
43. Additional funding may be required to resource data management.

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

44. The second stage of the protocol will have a direct positive impact on the environment by reducing the number of appliance movements undertaken unnecessarily and reduce the number of accidents involving appliance movements due to the reduction in calls.
45. Based on the number of calls received and responded to in all FSEC coded premises in the 09 – 17 categories (non-residential) from November 2012 – July 2013 compared to the total number of UwFS received during the same period, there is a potential for a further reduction of **21.7%** in UwFS next year, compared to this year. This figure would be achievable while still responding to all sleeping accommodation at night time.
46. Quality assurance on the information held in the Vision mobilising system will ensure that the correct response is made to fire calls generated by AFA systems particularly to sleeping risks at night time and exempted groups during day time hours.

Contribution to **\*\*Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Fire-fighters\*\***

47. A further reduction in UwFS of a potential **21.7%** will increase availability for genuine fire calls. There will be fewer appliances conducting 'blue-light' runs thereby making the roads of Merseyside safer for other road users and pedestrians alike. Additional time will be available for Community Safety, training and SSRI visits.

**BACKGROUND PAPERS**

48. CFO/015/12

**\*Glossary of Terms**

AFA - Automatic Fire Alarm  
ARC - Alarm Receiving Centre  
FAMO- Fire Alarm Monitoring Organisation  
FRS – Fire and Rescue Service  
FSEC - Fire Service Emergency Cover  
HiMO - House in Multiple Occupations  
MFRA - Merseyside Fire and Rescue Authority  
NLPG - National Land and Property Gazetteer  
SME – Small and Medium Enterprise  
UwFS - Unwanted Fire Signals  
SSRI – Site Specific Risk Information

## Appendix A Community Protection Team Briefing Note

|   |       |              |            |
|---|-------|--------------|------------|
| <b>Briefing Note Number:</b>                                  | 001CH | <b>Date:</b> | 25/07/2013 |
| Risk Based Approach to AFA Actuations Update and Way Forward. |       |              |            |

|             |                |
|-------------|----------------|
| <b>To</b>   | GM GUY KEEN    |
| <b>From</b> | SM CHRIS HEAD. |

### Summary

MFRS Risk Based Response to Automatic Fire Alarm Actuations was introduced on 31<sup>st</sup> October 2012. A review of this protocol has focused on the following areas

- i.) Data analysis of the effect of the protocol on UWFS and call volume
- ii.) Changes in British Standards and relevant Case Law
- iii.) Updated Risk Assessment.
- iv.) Communication strategy/Engagement with Stakeholders

Protection managers have conducted a risk-benefit review of three options for implementation from 1<sup>st</sup> November 2013 which identifies Option 3 (Full implementation, with exemption for all sleeping risk at night time hours requires further consideration) as the optimum solution which best balances the risks.

### Review Findings

- i.) Data analysis of the effect on UWFS and call volume.

On 19<sup>TH</sup> January 2012 the Fire Authority passed a resolution to change the way MF&RS responded to fire calls generated by Automatic Fire Alarm systems. The new protocol was introduced on 1<sup>st</sup> November 2012.

In the first nine months since implementation (1<sup>st</sup> November 2013 – 31<sup>st</sup> July 2013) there has been a **49.95%** reduction in Unwanted Fire Signals (UwFS) compared to the same period the previous year.

This is due primarily by the adherence of MF&RS staff to the new protocol, especially the control room operatives at MACC in issuing the Call Challenge instigated as part of the protocol.

The protocol distinguishes between 'night-time' (19.30hrs-07.30hrs) and 'day-time' (07.30hrs-19.30hrs). UwFS have reduced by a greater percentage during day-time hours than night-time as the staged implementation of the protocol only affects MF&RS's responses during the day-time hours. The second stage – 24 hour Call Challenging - is due to commence 1<sup>st</sup> November 2013.

For the first nine months of the protocol day-time UwFS have reduced to 929 from 2680 for the same period the previous year, a fall of **65.33%**. In comparison night-time UwFS have reduced to 1046 from 1270 again for the same period the previous year, a fall of **17.64%**.



Additionally, 'Call Volume'; - the amount of calls received at MACC to actuations of Automatic Fire Alarm actuations has fallen by **25.37%** indicating that premises are now managing there AFA systems and safety procedures far better than they have done in the past.

To conclude the first stage implementation of the protocol has yielded the following reductions:

UwFS have dropped by 49.95%

Day-time UwFS fell by 65.33%

Night-time UwFS fell by 17.64% and

Call Volume has reduced by 25.37%

Attached Doc. 1.

ii.) Changes in British Standards and relevant Case Law.

BS 5839-1:2013 "Fire detection and fire alarm systems for buildings. Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises", has been amended this year and includes the following "In residential care premises, where early extinguishing action by the fire and rescue service is critical to life safety, it is not appropriate to delay the summoning of the fire and rescue service when the fire alarm system operates."

**Please note that residential care homes are currently exempt**

Attached Doc 2.

A recent legal case; Grand Pier Limited vs. System 2 Security Limited 21<sup>st</sup>. December 2012 before His Honour Judge Havelock – Allan QC cited BS 5979 : 2007 Remote centres receiving signals from fire and security systems. Code of practice. His Honour referred specifically to the practice of filtering automatic fire alarm actuations by Alarm Receiving Centres and quoted BS 5979 " Fire alarm signals should usually be passed without delay and without the application of filtering procedures" Albeit with the acknowledgement that " Filtering procedures should be implemented if required by the emergency fire service"

His Honour also cited CFOA Protocol for the Reduction of False Alarms and unwanted Fire Signals 2008 ( Superseded 2010) " The default for all call filtering should be: if in doubt, a FRS response should be made."

Attached Doc 3.

Attached Doc 4

iii.) Communication Strategy.

External and Internal Communication was carried out prior to the implementation of the protocol.

This will need to be repeated and / or modified for implementation of the second phase. Key activities will include

- Stakeholder presentations.
- Information Bulletins in Trade and Service Sector publications
- Updated website information

Attached Doc 5.

iv.) Updated Risk Assessment

Risk assessment includes levels of risk resultant from implementation of second stage option.

Whilst the risk assessment calculates risk based on 'Likelihood X Severity', it is also important to see loss in terms of organizational, financial and reputational terms.

Implementation of the second phase

Service Instruction 0039: Risk Based Response to Automatic Fire Alarm Actuations. States "MF&RS will aim to implement the protocol to include 'Night' time hours (from 19:30 to 07:30 hours) from October 2013 and will work with stakeholders towards this"

In view of points (i.) and (ii.) Consideration is now required as to this implementation.

**Options:**

1. Full implementation of Second Stage to include night time hours
2. Extend current scope of protocol with a view to introducing second stage at a determined future date
3. Full implementation of Second Stage to include night time hours; Exempt all sleeping risk eg Hospitals, Hotels during night time hours. This option maintains our current Risk Based Response to Automatic Fire Alarm Actuations for premises during the day; 0730hrs to 1930hrs, and extends the approach to non-sleeping risk premises at night time 1930hrs to 0730hrs.

| <u>Option</u> | <u>Key Risks</u>  | <u>Key Benefits</u>  |
|---------------|---|--|
| 1             | <ul style="list-style-type: none"> <li>• Increased risk of multiple fire fatalities in the event of a delayed response to a fire in a large sleeping risk e.g. Hospitals</li> <li>• Increased risk of property loss and to fire-fighters conducting fire-fighting operations in the event of a delayed response to a fire in a building that would otherwise have received a fast response under previous years UwFS protocols.</li> </ul>  | <ul style="list-style-type: none"> <li>• Maximum potential to reduce UwFS</li> </ul>   |
| 2             | <ul style="list-style-type: none"> <li>• Limited potential for further reductions in UwFS</li> <li>• Potential to reduce the momentum gained through the new protocol in giving stakeholders greater ownership of the risk and the consequential reduction in UwFS.</li> </ul>  | <ul style="list-style-type: none"> <li>• No added benefit over current position</li> </ul>   |
| 3             | <ul style="list-style-type: none"> <li>• Will not achieve maximum potential to reduce UwFS</li> <li>• Increased risk of property loss and to fire-fighters conducting fire-fighting operations in the event of a delayed response to a fire in a building that would otherwise have received a fast response under previous years UwFS protocols.</li> <li>• Potential for signals from AFA's in sleeping risk premises to be filtered out due to a failure to identify the property as a sleeping risk.</li> </ul> | <ul style="list-style-type: none"> <li>• Likely to achieve substantial further reductions in UwFS by a further 10-15% over current reductions (2012/13).</li> <li>• No increased risk of multiple fire fatalities in the event of a delayed response to a fire in a large sleeping risk</li> </ul> |

**Conclusion.**

Significant reduction in UWFS has already been achieved by the first stage of the protocol, against our mission statement of Safer, Stronger Communities, Safe, Effective Firefighters, i.e.:

Reduction in UWFS through a risk based approach;

- Releases operational capacity to attend emergency incidents.
- Increases capacity for prevention and protection activities.
- Increases capacity for operational training.
- Reduces road risk through reduction of Appliance mobilizations.

Based on the above risk-benefit review Option 3 provides the optimum choice for overall risk reduction, however to maximise the effectiveness of this option it is essential that MACC are provided with a mechanism to identify which AFA calls relate to sleeping risk premises.

Experience since the implementation of the new protocol on 1<sup>st</sup> November 2012 have demonstrated that Call Handling centres regularly fail to identify details regarding premises that are exempt from the protocol when they are passing AFA calls through to MACC, this has led to failures in MF&RS responding to premises that are entitled to an emergency response e.g. regular failures to identify residential premises. Therefore experience suggests that Call Handling centres cannot be relied upon to identify whether or not a premises is a sleeping risk.

Protection are able to provide MACC with data from Sophtlogic that will accurately identify sleeping risk premises, however, the Sophtlogic list does not include all sleeping risk premises in Merseyside, it only includes premises that we have identified on the system. Additionally our enquiries have indicated that the Sophtlogic data is likely to be incompatible with MACC systems. Therefore, for Option 3 to be effective, Protection will be required to work with MACC to provide data in a usable format and further to this additional options should be explored that will influence Call Handling centres to clearly identify sleeping risk premises when passing AFA calls.

## Attached Documents

1. UwFS Data Nov. 2012 to July 2013
2. BS 5839 PT. 1. Amendments 2013
3. Court Ruling Grand Pier Ltd vs. System 2 Security Ltd. 21-12-2012
4. CFOA Protocol for the Reduction of False Alarms and unwanted Fire Signals 2010
5. Draft Communications Strategy.
6. Service Instruction 0039: Risk Based Response to Automatic Fire Alarm Actuations Flow Chart v2.0
7. Updated Risk Assessment.

### **Stakeholder Briefing**

Comments made regarding agreeing with the principle, but the timescales are very short. It was confirmed that the plans remain as per the consultation period earlier last year and that the phase were put in to allow more time for premises to make any necessary changes.

Comments that the exemption policy needs to be clear, there is confusion regarding premises that are exempt, not realising that they are exempt.

Query raised about if there will be a 'Phase 3'

It was confirmed there are no plans to implement a 'Phase 3', only possibly tweaks to 'Phase 2'.

Query raised regarding what the MFRS definition of 'Double Knock' is.

Comments from an audience member regarding updating risk assessments, and changing company's policies/purchasing equipment etc. to fit in with the new MFRS AFA policy.

Southport/Formby General Hospital raised point that they have vulnerable people (i.e. on ventilators, cancer patient etc) as a sleeping risk at night time with a low staff. They are concerned it could take notable time for the RP to locate if/where a fire was actually occurring. This concern was shared by other hospitals and care providers.

Suggestion made from audience regarding if the firebike can be used to attend premises following AFA's to verify fires.

Possibility of charging was discussed for repeat offenders.

Discussion ensued regarding different fire services having differing policies regarding AFA's, which can be confusing, especially for Housing Trusts etc, who have premises across County's – it is difficult for them to co-ordinate the various policies, and it adds to money invested/man power. Asked about the possibility of having one policy across all premises, in all County's.

Comments were made regarding the timescale of implementing the change – can people with a lot of buildings to look after have a longer period of time prior to implementation in order to redo risk assessments? All who believed they needed additional time for this to remain behind after the meeting were invited for to stay behind for further discussion and to arrange meetings to discuss justification for this, only Wirral Health Trust stayed behind, a meeting has been set in place.

Concerns were raised regarding the effectiveness of the previous communication strategy, particularly by the Knowsley Chamber of Commerce regarding Small – Medium Enterprise businesses.

Concerns were raised regarding the upcoming industrial action will affect the implementation of the new AFA policy.

The point was made the no managing agents have attended the briefing.

### **Post meeting Protection officers held a debrief.**

Suggested advertising the change to policy on fire engines.

Include Chamber of Commerce in communications strategy.

Discussed a financial contract involving charges for exemption/penalties. I.e. an accumulating charge, which for the first 3 UwFS at any location the fee would be suspended, but on the 4<sup>th</sup> occasion they would be billed for all 4 occasions.

Suggested organisations short-staffed at night can form local partnerships to spread the cost of a fire warden who would have responsibility for the checking of fire alarms.

Note – the slide on the budget cuts described *3 Phases of cuts*, in hindsight this terminology caused some members of the audience to confuse the *3 phases of cuts* with the *2 phases of implementation of the new protocol*. This led to a number of stakeholder asking anxious questions over *Phase 3* of the protocol (see 2.3 above). Hence the presentation for the following day and for the website was amended to describe *3 rounds of cuts*.

This point should be reinforced in any follow up communications.

**Unwanted Fire Signals Seminar**  
**05.09.13**

**Q** *Monitoring Station:* We now have 7 weeks to notify our customers that there will no longer be a response to unconfirmed AFAs. If the customer already has double knock system in place, will you still attend?

**A** *GK:* Double knock systems that have been approved by MFRS will receive an immediate response without a secondary confirmation. Persons looking to invest in any new system should contact MFRS for advice on suitable systems. There is currently a written policy on the MFRS website including information on the BS5839 Part 1 double knock system.

**Q** *Attendee:* Can customers use CCTV to confirm signs of fire when a fire alarm is actuated?

**A** *GK:* Yes.

**Q** *Attendee:* If we have the recommended double knock system (BS5839 Part 1) installed, actuation receive an immediate response?

**A** *GK:* We will continue to provide an immediate response so long as this system remains reliable. If there is continuing actuation resulting in unwanted fire signals, this will be reviewed.

**Q** *Attendee:* Where would you draw the line on attending false alarms?

**A** *GK:* We will adopt a risk based approach to false alarms and are unable to provide generic advice. Installed systems (British Stands systems are recommended) require reliable confirmation of fire.

**Q** *Attendee:* Is there a formula for cut off point?

**A** *GK:* No. We can continue to work with persons so long as progress is being made and MFRS resources remain available for emergencies.

**Q** *Attendee:* Have there been any deaths during the trail?

**A** *GK:* Not in Merseyside.

**Q** *Attendee:* Part of the industry, namely TSA (?) are installing none double knock systems and instructing Monitoring Stations to dial '999' on all actuations. How can this be rectified?

**A** *GK:* We need to continue to work closely with all involved and remain open to suggestions on how we can best move forward.

**Q** *Attendee:* We use internal URNs (Unique Reference Numbers) which are generated following attended risk assessments of premises and the types of burglar alarms installed. These also confirm that the systems were fitted by approved installers and systems are to standard. Would you consider using URNs on call monitoring stations that identify if a premise has an MFRS agreed double knock system in place, or has already been agreed as an exempt premise?

**A** *GK:* We will look into URNs possibilities and how technology can help take this forward.

**C** *Attendee:* Our URNs are accessible by our monitoring stations via an online connection. Once accessed by our monitoring stations, they can then relay any relevant information that is stored on our system about each premise.

**C** *GK:* MFRS systems already record an internal UPRN (Unique Premise Reference Number) on our system and would need to reconfigure our systems adding another field if we were to record external URNs from reliable sources.

**Q** *Attendee:* have you considered charging for unwanted fire signals to recover costs?

**A** *GK:* This has been discussed and will be considered.

**C** *Attendee:* Architects, building planners and persons designing fire systems in buildings have no knowledge of what a double knock system is.

**Q** *Attendee:* Can we advise you in advance of residential premises known to us?

**A** *GK:* Yes. If your installers inform monitoring stations that a premises is residential. The monitoring station can then advise MACC when dialling '999'. This information can also be forwarded to MFRS on [AFaenquiries@merseyfire.gov.uk](mailto:AFaenquiries@merseyfire.gov.uk) to be added to our records.

**Q** *Attendee:* How do we notify MFRS of premises we believe are exempt?

**A** *GK:* Email full details through to [AFEnquiries@merseyfire.gov.uk](mailto:AFEnquiries@merseyfire.gov.uk) . These will then be reviewed and may require a site visit.

**Q** *Attendee:* Will you response to alarm actuations from empty building that have no responsible person on site to confirm fire?

**A** *GK:* Only if the premise has been agreed as exempt.

**Q** *Attendee:* Until a premise has been agreed as exempt, will you no longer initiate an immediate response to unconfirmed alarm actuations from 1<sup>st</sup> November 2013?

**A** *GK:* We will no longer attend unless fire or signs of fire have been confirmed.

**C** *Attendee:* Although we can understand why this change is happening, I don't agree with the way it has been implemented.

**A** *GK:* We are always open to ideas and suggestions of better ways to do things.

**Q** *Attendee:* If an alarm goes off in a multi occupied premises that includes residential premises (e.g. betting shop with flats above), how will alarm actuation be dealt with in this scenario?

**A** *GK:* If there is a residential risk, we will respond immediately however this will continue to be monitored.

**Q** *Attendee:* Have there already been exemptions put in place during Phase 1?

**A** *GK:* Yes. There have been premises identified as exemptions. All exemptions are temporary and we continue to work closely with these premises to reduce risk, make improvements and move towards removing the exemption.

**Q** *Attendee:* Do monitoring stations need to know what sites are exempt?

**A** *GK:* If installers know of any agreed exempt premises, they should forward this information on to the monitoring stations as they will need to relay this information when calling '999'.

**C** *Attendee:* It would be beneficial to have only accredited installers and approved alarm systems in use going forward.

**A** *GK:* We continue to work with CFOA, Tech Standards, political groups and government to lobby industry over this issue.

**C** *Attendee:* There are two main organisations that cover intruder alarm companies (attendee will forward details of these companies to the AFA email address). It may be of benefit to cascade details of the response changes of AFAs for their information.

**Q** *Attendee:* How do you know if an agreed premise has an agreed exemption?

**A** *GK:* Our internal system records this information which is then accessed on receipt of a '999' call.

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## **Debrief:**

### Next steps:

- Carry out a search in Sophtlogic to identify ARCs and FAMOs. These should be included in future communications
- Prosecution to be added to website
- Additional guidance to be added to website to provide clarity
- Revisit fire motorbike use
- Feed recommendations to MP to then take to SMG for go live on 1<sup>st</sup> November
- Update FAQs document that exists on the website

**Merseyside Fire and Rescue Service**  
**Equality Impact Assessment Form**

|   |  |
|---|--|
| <b>Title of policy/report/project:</b>  | <b>Stage 2. Unwanted Fire Signals Reduction Policy</b> |
| <b>Department:</b>  | <b>Prevention and Protection</b>                       |
| <b>Date:</b>  | <b>25<sup>th</sup> September 2013</b>                  |
| <p><b>1: What is the aim or purpose of the policy/report/project</b></p> <p><i>This should identify “the legitimate aim” of the policy/report/project (there may be more than one)</i></p>  |  |
| <p>The current AFA Policy has been in place since November 2012. To reduce Unwanted Fire Signals and their impact on MFRS. In November of 2013, stage 2 of this policy will be implemented, which looks to extend the current policy in place for daytime hours 0730 – 1930 to the night time period 1930 – 0730. A number of options are available with the key recommendation to extend the current policy across the night time period, but to exempt sleeping risk..</p>  |  |
| <p><b>2: Who will be affected by the policy/report/project?</b></p> <p><i>This should identify the persons/organisations who may need to be consulted about the policy /report/project and its outcomes (There may be more than one)</i></p>  |  |
| <p>This policy is concerned with the reducing the number of UwFS incidents Merseyside Fire and Rescue Service attend, therefore the people who would be most affected by this policy are the ‘Responsible Person’ for each organisation or building as detailed within the Regulatory Reform (Fire Safety) Order 2005. It is the responsibility of this person to have in place a risk assessment that details what actions should be taken upon the actuation of an automatic fire alarm system.</p> <p>In addition to this, other people will be affected by this policy. This includes:</p> <ul style="list-style-type: none"> <li>• The business community of Merseyside</li> <li>• Other premises with automatic fire alarm systems</li> <li>• Merseyside Fire and Rescue Authority members</li> </ul> |  |

**3. Monitoring**

*Summarise the findings of any monitoring data you have considered regarding this policy/report/project. This could include data which shows whether it is having the desired outcomes and also its impact on members of different equality groups.*

**What monitoring data have you considered?**

Monthly Data for Automatic Fire Call Actuations and Resultant UWFS for the period November 2012 – July 2013, compared to the same period for the previous year.

**What did it show?**

In the first nine months since implementation (1st November 2012 – 31st July 2013) there has been a 49.95% reduction in Unwanted Fire Signals (UwFS) compared to the same period the previous year. This is due primarily by the adherence of MF&RS staff to the new protocol, especially the control room operatives at MACC in issuing the Call Challenge instigated as part of the protocol.

The protocol distinguishes between 'night-time' (19.30hrs-07.30hrs) and 'day-time' (07.30hrs-19.30hrs). UwFS have reduced by a greater percentage during day-time hours than night-time as the staged implementation of the protocol only affects MF&RS's responses during the day-time hours. The second stage – 24 hour Call Challenging - is due to commence 1st November 2013. For the first nine months of the protocol day-time UwFS have reduced to 929 from 2680 for the same period the previous year, a fall of 65.33%. In comparison night-time UwFS have reduced to 1046 from 1270 again for the same period the previous year, a fall of 17.64%.



**4: Research**

*Summarise the findings of any research you have considered regarding this policy/report/project. This could include quantitative data and qualitative information; anything you have obtained from other sources e.g. CFOA/CLG guidance, other FRSs, etc*

**What research have you considered?**

Changes in British Standards.

Relevant Case Law

Chief Fire Officers Association guidance for UwFS

**What did it show?**

Changes in British Standards;  
BS 5839-1:2013 “Fire detection and fire alarm systems for buildings. Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises”, has been amended this year and includes the following “In residential care premises, where early extinguishing action by the fire and rescue service is critical to life safety, it is not appropriate to delay the summoning of the fire and rescue service when the fire alarm system operates.”  
Please note that residential care homes are currently exempt

Relevant Case Law  
A recent legal case; Grand Pier Limited vs. System 2 Security Limited 21st. December 2012 before His Honour Judge Havelock – Allan QC cited BS 5979 : 2007 Remote centres receiving signals from fire and security systems. Code of practice. His Honour referred specifically to the practice of filtering automatic fire alarm actuations by Alarm Receiving Centres and quoted BS 5979 “ Fire alarm signals should usually be passed without delay and without the application of filtering procedures” Albeit with the acknowledgement that “ Filtering procedures should be implemented if required by the emergency fire service” His Honour also cited CFOA Protocol for the Reduction of False Alarms and unwanted Fire Signals 2008 ( Superseded 2010) “ The default for all call filtering should be: if in doubt, a FRS response should be made.”

In 2010, the Chief Fire Officers Association produced some guidance related to UwFS. The ‘Protocol for the Reduction of False Alarms & Unwanted Fire Signals’ and ‘Best Practice for Summoning a Fire Response via Fire Alarm Monitoring Organisations’ documentation considers a holistic approach to both improve premises

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| <p>Department for Communities and Local Government guidance - 'Costs and benefits of alternative responses to automatic fire alarms'</p> | <p>fire safety and protect valuable fire and rescue service resources. This documentation shows a flow chart for call filtering and response. Most fire and rescue services have used this documentation as a basis for their own strategy, and tailored the guidance to best suit their own policies. Merseyside Fire and Rescue Service have worked closely with Greater Manchester, Lancashire, Cheshire, Warwickshire and Nottinghamshire fire and rescue services to establish 'best practice' in establishing a response to reducing UwFS.</p> <p>Merseyside Fire and Rescue Service have used the Chief Fire Officers Association guidance as the basis for the new policy and have established a close working relationship with the other fire and rescue services in the North West through an UwFS working group. This will allow for monitoring each individual Service's approach to UwFS reduction and support the development of a regional strategy.</p> <p>In 2008, the Department for Communities and Local Government published a report called 'Costs and benefits of alternative responses to automatic fire alarms'. This report investigated the alternative approaches that could be taken with regards to response. This document outlined the benefits of a changed UwFS response:</p> <ul style="list-style-type: none"> <li>• Increased availability of appliances for attending other emergency calls</li> <li>• Cashable savings</li> <li>• Releases resources for training and community and statutory fire safety tasks</li> <li>• Fewer road traffic collisions</li> <li>• Reduction of problematic call out workloads in the case of a small number of 'busy' fire stations in cities.</li> </ul> <p>In addition, for Merseyside, there would be cashable savings in relation to attendance at UwFS incidents. In the year 2011/12, UwFS cost taxpayers of Merseyside over £1.6 million (using figures from the Fire Industry Association). The Service also spent 116 days in 2011/12 attending UwFS incidents (based on Fire Industry Association figures, which assume that 1 UwFS incident equals 30 minutes). The implementation of an UwFS policy has the potential to deliver savings in terms of money and staff time/resources.</p> <p>This documentation also outlines the potential risks of</p> |
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|  | <p>implementing an UwFS policy. These include:</p> <ul style="list-style-type: none"> <li>• Increased risk of building damage – can be mitigated by encouraging occupants to confirm fire by telephoning the fire and rescue service</li> <li>• Negative impact on public or business confidence – can be mitigated by hosting public consultation events prior to implementing new strategy</li> <li>• Increased risk to occupants – can be mitigated with a risk based response which includes an assessment of risk to life.</li> </ul> <p>Merseyside Fire and Rescue Service have considered these risks, and placed the following mitigation strategies to reduce the risks:</p> <ul style="list-style-type: none"> <li>• Delivery of communication and consultation events to explain the change in response.</li> <li>• Work with stakeholders to implement the policy</li> <li>• All single private domestic dwellings and dwellings where the responsibility for the safety of the occupiers rests with the individuals, who reside there, will be exempted from this policy.</li> </ul> <p>It has been recognised that there may be a delay in attending fire incidents due to call challenging. The Department for Communities and Local Government guidance suggests that this may be up to 5 minutes. Merseyside Fire and Rescue Service are working with and providing information to the ‘Responsible Persons’ to ensure that correct procedures are in place to minimise this risk.</p> |
| <p><b>5. Consultation</b></p> <p><i>Summarise the opinions of any consultation. Who was consulted and how? (This should include reference to people and organisations identified in section 2 above)</i><br/> <i>Outline any plans to inform consultees of the results of the consultation</i></p> |   |
| <p><b>What Consultation have you undertaken?</b></p> <p>Chief Fire Officers Association – Regional UwFS committee</p>  | <p><b>What did it say?</b></p> <p>The five North West fire and rescue services (Cheshire, Cumbria, Greater Manchester, Lancashire and Merseyside) meet quarterly as part of the Chief Fire Officers Association regional UwFS committee to establish best practice in dealing with UwFS. All of the North West fire and rescue services, and others nationally, are using the Chief Fire Officers Association’s guidance on implementing an UwFS strategy. As part of</p>   |

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| <p>Communication events with 'Responsible Persons'</p> | <p>this committee, the participating fire and rescue services are sharing results with each other, and this will form best practice for the North West. As part of this committee, it has been reported that other fire and rescue services have not witnessed a reduction in UwFS related to reducing the number of appliances to automatically attend UwFS incidents or changing the manner of response (i.e. blue light response to non-blue light response). This suggests the need to explore a new strategy for reducing UwFS.</p> <p>Merseyside Fire and Rescue Service has hosted 2 Consultation events in September of this year to consult with Stakeholders and Alarm Receiving Centres as to implementation of Stage 2 .</p> <p>In summary, affected organisations recognised the reality faced by MFRs and its need to reduce UWFS, concern was raised over sleeping risk at night time and the short time scale afforded to implementation of Stage 2.</p> |
|--|--|

## 6. Conclusions

*Taking into account the results of the monitoring, research and consultation, set out how the policy/report/project impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts)*

### (a) Age

Implementation of stage 2 will have a positive impact on elderly persons in so far as they occupy sleeping risk premises and will be exempt.

Residents aged over 65 are most vulnerable from fire. Sixty-five percent of the accidental dwelling fire fatalities between 2007/08 and 2010/11 involved a resident aged over 65.

### (b) Disability including mental, physical and sensory conditions)

*Persons from this protected group will be exempt from Stage 2 of the policy if they are in sleeping accommodation at night time*

### (c) Race (include: nationality, national or ethnic origin and/or colour)

The proposed changes may have a negative impact on minority groups. Research shows that these groups may be less likely to contact public services. They may also be less likely to understand the complex legislative or operational guidance provided to them. A considerable number of minority groups are engaged with the 'night-time' economy, for example fast food outlets and the provision of accommodation associated with these types of building.

To mitigate risk associated with this, Merseyside Fire and Rescue Service will need to provide communication materials in plain, easy to understand English to ensure residents from this protected group understand the content. In addition, the Service will continue to provide advice and guidance to residents within this group to support the development of a risk management plan. The Service has also considered utilising the bilingual community fire prevention advocates to help deliver the message.

**(d) Religion or Belief**

The proposed changes may have a negative impact on religion or belief. There are a number of key religious buildings within Merseyside. Responding only to confirmed fires may be seen as a reduction in services delivered to these groups.

To mitigate risk associated with this, Merseyside Fire and Rescue Service will provide communication materials in plain, easy to understand English is language proves to be a barrier. In addition, the Service will continue to provide advice and guidance to identified 'Responsible Persons' to support the development of a risk management plan. The Service has also considered utilising the bilingual community fire prevention advocates to help deliver the message.

**(e) Sex (include gender reassignment, marriage or civil partnership and pregnancy or maternity)**

No impacts (positive or negative) can be found on the grounds of gender.

**(f) Sexual Orientation**

No impacts (positive or negative) can be found on the grounds of sexual orientation.

**(g) Socio-economic disadvantage**

Exempting sleeping accommodation at night time will have a positive impact in communities that are socio-economically disadvantaged. However businesses and services in such areas will be affected by stage 2 of the protocol, and if not managed effectively by the Responsible Person may be vulnerable to loss or damage through fire in the night time period.

**7. Decisions**

*If the policy/report/project will have a negative impact on members of one or more of the protected groups, explain how it will change or why it is to continue in the same way.*

*If no changes are proposed, the policy/report/project needs to be objectively justified as being an appropriate and necessary means of achieving the legitimate aim set out in 1 above.*

The impact of this policy will ultimately result in Merseyside Fire and Rescue Service attending fewer UwFS. Fire incident statistics are showing the proportion of UwFS that the Service is attending is increasing annually. If current trends continue, it is anticipated that over 40% of incidents attended by the Service in 2014/15 will be UwFS. This is unsustainable in terms of both monetary costs and staff time.

Overall, there would not appear to be a negative impact to protected groups related to implementing Stage 2 of the protocol.

There is no legal responsibility for any Fire and Rescue Service to respond to calls originating from an automatic fire alarm system to establish if there is a fire. Rather, it is the legal responsibility, as detailed within the Regulatory Reform (Fire Safety) Order 2005, of the "Responsible Person" at the property to have in place a suitable and sufficient Fire Risk Assessment that details, amongst other measures, what actions are to be taken upon actuation of the Automatic Fire Alarm system. One such action is to investigate the reason for the actuation of the system and then notify the Fire Service via the 999 system if a fire is confirmed. Merseyside Fire and Rescue Service will continue to work with and support organisations to ensure they have appropriate risk management plans in place. If there are language barriers identified, the Fire Safety Inspector will ensure that communication is delivered in a way that is easy to understand. If required, a bilingual advocate will be available to translate this information.

Finally, it is important to stress that the implementation of this policy does not affect residential properties where the responsibility for fire safety rests with the occupant who resides there. These properties will receive a full emergency response to all actuations of their automatic fire alarm systems.

## 8. Equality Improvement Plan

*List any changes to our policies or procedures that need to be included in the Equality Action Plan/Service Plan.*

**SEE ACTION PLANNED IN SECTION 9 BELOW**

## 9. Equality & Diversity Sign Off

**Signed off by:**

Wendy Kenyon

**Date:**

30.9.13

| Action Planned  | Responsibility of   | Completed by   |
|---|---|----------------|
| To monitor the impact of Stage 2 on protected groups highlighted in section 6 above, as potentially being more negatively affected by the changes stage 2 | Guy Keen and Staff with support from Diveristy & Consultation Manager | September 2014 |

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| <p>For any advice, support or guidance about completing this form please contact the <a href="mailto:DiversityTeam@merseyfire.gov.uk">DiversityTeam@merseyfire.gov.uk</a> or on 0151 296 4237</p> <p><b>The completed form along with the related policy/report/project document should be emailed to the Diversity Team at: <a href="mailto:DiversityTeam@merseyfire.gov.uk">DiversityTeam@merseyfire.gov.uk</a></b></p> |  |  |

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**AGENDA ITEM:**

|                            |   |
|----------------------------|---|
| <b>REPORT TO:</b>          | <b>MERSEYSIDE FIRE &amp; RESCUE AUTHORITY</b> |
| <b>DATE:</b>               | <b>22<sup>ND</sup> OCTOBER 2013</b>           |
| <b>REPORT NO.</b>          | <b>CFO/111/13</b>                             |
| <b>REPORTING OFFICER:</b>  | <b>DCFO GARRIGAN</b>                          |
| <b>CONTACT OFFICER:</b>    | <b>NICK MERNOCK, DIRECTOR OF POD.</b>         |
| <b>OFFICERS CONSULTED:</b> | <b>AMANDA CROSS, HR PROJECTS OFFICER</b>      |
| <b>SUBJECT:</b>            | <b>THE LIVING WAGE</b>                        |

**THERE ARE NO APPENDICES TO THIS REPORT.**

**A GLOSSARY OF TERMS IS PROVIDED AT THE END OF THIS REPORT FOR YOUR INFORMATION**

Purpose of Report

1. To request that Members note the contents of this report into the Living Wage. (The report has been produced in response to the Authority meeting 7<sup>th</sup> May 2013 during which Members considered Report CFO/053/13 and requested that a report regarding the Living Wage should be produced).
2. To provide an outline of the Living Wage and its comparator, the National Minimum Wage (NMW)
3. To identify the number of the Authority's employees who are currently employed below the Living wage and to provide a costing of how much it would be to raise these employees to this level of payment.

Recommendation

4. That Members note the content of the report and consider;
  - a) The adoption of the Living Wage at the time of the 2014/15 Budget Setting process at which point the Living Wage increase in November could be factored into the overall budget, as changes could see an increase in wage costs to the Authority and potentially the number of employees who would be eligible for the enhanced payment.
  - b) Payment to all eligible employees would then be implemented from 1<sup>st</sup> April 2014

### Introduction & Background

5. The concept of the Living Wage originated in London with a group of parents who argued that working two jobs on the National Minimum Wage (NMW) in order to meet living costs, left no time for family life. They successfully campaigned to the accountancy firm KPMG who adopted the concept and advocated on their behalf. In 2005, The Greater London Authority (GLA) was persuaded that the London Living Wage was necessary and created a unit to set a London rate. Ken Livingstone and Boris Johnson have since promoted and remunerated in line with the Living wage
6. The concept has spread UK wide and is sponsored by the Joseph Rowntree Foundation and has seven Principle partners including, AVIVA, Unison, Linklaters and Save the Children. The Archbishop of York has recently taken the Chair of the Living Wage Commission. Politicians on all sides have spoken favourably about the concept.
7. Organisations can become accredited to the Living Wage Foundation and receive a Living Wage Employer mark.
8. The Living Wage is an informal benchmark, not a legally enforceable minimum level of pay like the National Minimum wage (NMW). The NMW is set by the Chancellor of the Exchequer each year on advice of the Low Pay Commission and is enforced by HM Revenue and Customs (HMRC).
9. The Living Wage is currently calculated by the Centre for Research Policy at Loughborough University using a Minimum Income Standard which determines how much income households need to afford an "acceptable" standard of living. The annual update takes into account changes in inflation, tax and benefits levels and rebases the figures every four years to consider whether the "basket of items" used is appropriate. The figure rises in November and the last annual increase resulted in an increase of 25 pence per hour.
10. The Living Wage is now set at £8.55 an hour in London and £7.45 an hour in the rest of the UK. By comparison the NMW is currently set at £6.19 for all regions for those over 21 years old (£4.98 for 18 to 20 year olds)

### Arguments for a Living Wage

11. Employers who have initiated it (currently 140) report increased retention and productivity, reduced absenteeism and an enhanced ability to recruit and a better quality of life for their workforce.
12. There is an argument that those employers who pay their staff too little, rely on the Government and therefore the taxpayers to subsidise the low wages of their staff through the payment of top up state benefits, such as tax credits. As a result the argument follows that if basic pay levels were higher on average then the state would save in benefit payments.
13. Additionally employees have more disposable income and therefore the economy theoretically benefits through an increase in demand. Following this economic

argument, this stimulates a reduction in unemployment levels to meet demand and thus state benefits payments are again reduced accordingly.

#### Arguments against a Living Wage

14. The Low Pay Commission sets the NMW and has legally enforceable rights. The Living Wage has no legal authority or audit mechanism.
15. The Living Wage increases wage bills at a time when employers are seeking to reduce costs, as a result fewer people may be employed and younger, unskilled workers may find it harder to gain work and experience.
16. The larger public sector organisations supporting the Living Wage are amongst those hardest hit by spending cuts and whilst in principle many support the concept they cannot increase their employees' wages.
17. Although not a requirement of accreditation, employers should also encourage suppliers to make a commitment to encourage increase their salaries in line with Living Wage changes. As such there is a risk that suppliers will pass the costs onto the primary employer.
18. Similarly, Living Wage employers are expected to timetable a process for all contracted and sub contracted staff to move to the Living Wage within 2 to 3 years in order to be accredited. This also hits public sector organisations who have moved to outsourcing models to reduce costs.
19. The Authority has concluded the implementation of the National Job Evaluation Scheme, with all organisational post being evaluated and graded according to 13 role specific factors The introduction of the Living Wage and consequent removal of 3 grade points could lead to an erosion of grade differentials and subsequent regarding claims
20. The National Joint Council in determining the Green Book pay review and subsequent 1% pay award also considered low pay in conjunction with the Representative bodies, and decided to remove only one spinal column grade point.

#### Equality & Diversity Implications

21. There are a number of positive Equality and Diversity implications in relation to the proposals contained within this report.
22. All grade 1 employees regardless of the protected characteristics as determined by the Equalities Act 2010 would benefit from an increase in pay, and could reduce subsequent grade differentials and reduce pay claims.

#### Staff Implications

23. Currently seventeen paid employees would receive a pay rise to enable them to meet the Living Wage. If the concept is adopted by the Authority savings would need to be made to pay for this as part of the 2014/15 budget setting process.

Legal Implications

24. None contained within this report.

Financial Implications & Value for Money

25. Assuming the Living Wage remains at £7.45 p/hr, only those on Grade 1 do not achieve this salary point( currently 17 employees). Those on grade 2 achieve this after 3 incremental rises. However, from a purely budget perspective as MFRA budgets at the top of the grade the only financial budget impact would be to increase Grade 1 posts from £6.81 to £7.45 point. As a result the first three incremental points of Grade 2 would need to be deleted.

26. The affected grade 1 employees are cleaners and some couriers. The current establishment is being reduced to reflect the Estates phase 1 savings. Therefore an assumption is made that all current vacant cleaners posts are in the process of being deleted and this is reflected in the projected costing. The table below details the additional costs of moving to a Living Wage.

|                        | Hourly Rate | On-cost     | Total     |
|------------------------|-------------|-------------|-----------|
| Top of current grade 1 | 6.81        | <b>0.99</b> |           |
| living wage rate       | 7.45        | 1.12        |           |
| Increase in Budget     | 0.64        | 0.13        | 0.77      |
| Yearly cost            | 1,168.00    | 251.00      | 1,419.00  |
| Budget cost            | 16,251.89   | 3,492.49    | 19,744.37 |

Risk Management, Health & Safety, and Environmental Implications

29. The proposal is to progress staff through the current grades to the minimum point of advantage which will be the Living wage rate of pay. Whilst it is unlikely this will initially impact of grade structures, it may impact on grade differentials in the future, resulting in role re-evaluation requests and possible regratings

Contribution to Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Firefighters”

30. By ensuring that our lowest paid employees can concentrate on their employment with MFRA without recourse to additional jobs in order to provide wage considered to be “acceptable” by the Living Wage Foundations

**BACKGROUND PAPERS**

None

**\*Glossary of Terms**

NMW- National Minimum Wage

GLA- Greater London Authority