

<b>MERSEYSIDE FIRE &amp; RESCUE AUTHORITY</b>			
<b>MEETING OF THE:</b>	<b>FULL AUTHORITY</b>		
<b>DATE:</b>	<b>21<sup>ST</sup> MAY 2020</b>	<b>REPORT NO:</b>	<b>CFO/023/20</b>
<b>PRESENTING OFFICER</b>	<b>CHIEF FIRE OFFICER</b>		
<b>RESPONSIBLE OFFICER:</b>	<b>ACFO MOTTRAM</b>	<b>REPORT AUTHOR:</b>	<b>AM JAMES BERRY – AM PROTECTION</b>
<b>OFFICERS CONSULTED:</b>			
<b>TITLE OF REPORT:</b>	<b>FIRE SAFETY BILL</b>		
<b>APPENDICES:</b>	<b>APPENDIX 1. HOUSE OF COMMONS BRIEFING PAPER</b> <b>APPENDIX 2. LETTER TO ALL FRS</b> <b>APPENDIX 3. PROTECTION GRANT FUNDING</b>		

### **Purpose of Report**

1. To inform the Authority of the progress of the Fire Safety Bill, its current objectives, and potential impact as it transitions into law.
2. To Inform the Authority of the additional Government grant funding to be provided to Fire and Rescue Services to support Protection Work

### **Recommendation**

3. That Members note the content of the report.

### **Introduction and Background**

#### Background

4. Following the Grenfell Fire June 14th, 2017, the subsequent Hackitt Review in 2018, and the Grenfell Tower Inquiry Phase 1 Report in 2019, the Government have sought to take steps around fire safety. On March 19th, 2020, the Government introduced the Fire Safety Bill (FSB) to form part of that response. It is part of a series of changes by the Government to both fire safety and building safety, with further primary and secondary legislation to follow.

#### Summary

5. The FSB amends the Regulatory Reform (Fire Safety) Order 2005 (FSO) and aims to deliver greater clarity over responsibility for fire safety in buildings containing more than one home. The Second Reading of the Bill took place on April 29<sup>th</sup>, 2020. (Appendix 1)
6. The FSO applies to all non-domestic premises, including communal areas of residential buildings with multiple homes. The FSO designates those in control of

premises as the responsible person for fire safety, and they have a duty to undertake assessments and manage risk. The FSO is enforced by Fire and Rescue Authorities.

7. There is a lack of clarity within the existing FSO over enforcement responsibility regarding the building's structure, external walls and certain common parts. The Government undertook a Call for Evidence in 2019, to which MFRS contributed, to inform the amendments required by the FSB.
8. Specifically, the proposed FSB details that external walls, cladding, and the front doors of residential property which lead onto common parts, come under the FSO and should be audited, inspected and enforced accordingly. It also clarifies that external walls in the order include doors or windows in the walls and anything attached to the exterior of the walls (including balconies).
9. These amendments are expected to result in increased enforcement action, particularly where remediation of aluminium composite material (ACM) cladding is not taking place, or where other external wall systems are deemed to fall short of the flammability standards following risk assessment.
10. A second Bill, the Building Safety Bill, proposes new and enhanced regulatory regimes for building safety and construction products, and ensure residents have a stronger voice in the system. The Bill is yet to be published.
11. Government will also establish a new national building safety regulator within the HSE, responsible for implementing and enforcing a more stringent regulatory regime for high-rise residential buildings, and providing wider oversight of safety and performance.
12. The Government is expected to engage in consultation this spring on secondary legislation.

### Impact

13. The FSB will have a significant impact on both enforcing authorities and building owners in respect of multi occupied residential premises.
14. The FSB will provide a foundation for secondary legislation to take forward recommendations from the Grenfell Tower Inquiry Phase 1 Report. This is expected to impose greater responsibility on building owners and managers of high-rise and multi-occupied residential buildings as detailed above, but also in respect of regular inspections of lifts, review of evacuation plans, provision of fire safety instructions, and ensuring the necessary standards of doors, all of which will have implications of auditing and review by MFRA.
15. All building owners will likely have to undertake a new fire risk assessment of their premises, due to the change of scope. The new assessment will have a greater level of technical complexity, and there is general shortage of competent assessors to undertake this, which is likely to result in more frequent enforcement activity where the assessment is deemed not fit for purpose.

16. The FSB will also give the Secretary of State for Housing, Communities and Local Government the powers to amend the list of qualifying premises that fall within the scope of the FSO by way of secondary legislation. At present, the proposals would mainly affect buildings of 18 metres or more in height, but possible amendments might well include a widely supported reduction in this threshold to 11 metres.
17. It is expected that further details will be forthcoming from Government regarding the relationship between the fire service and the new building regulator.
18. MFRA will need to supplement its resourcing of Fire Protection by way of recruitment and training of personnel, to meet the increased needs of the revised FSO, other legislation and guidance. There is a general shortage of sufficiently trained, qualified and competent people to undertake such roles at present.
19. The Home Office have released details on the 29 April 2020 of the Government funding to FRS amounting to £20 million, to support Protection activity and improve levels of safety.(Appendix 2) MFRS will receive just over £524, 000.(Appendix 3)

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### **Equality and Diversity Implications**

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20. None at this time.

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### **Staff Implications**

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21. Detailed analysis of staff and resource impact are not available at this time, but will kept under review as the detail of the FSB and any secondary legislation become known.
22. Reinforcement of the Fire Protection function has already begun, but will require further increases to support the increase in work.

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### **Legal Implications**

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23. Detailed analysis of the legal impact is not available at this time, but will kept under review as the detail of the FSB and any secondary legislation become known.

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

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24. Detailed financial implications are not available at this time. However, of note is the government grant to the FRS sector to support protection activity in delivery against the increased demand.
25. MFRA grant in this respect is £524,198.52, however this grant is only a one-off payment and therefore any required permanent changes to Protection will need to be contained within the overall available budget over the longer term.
26. This will kept under review as the detail of the FSB and any secondary legislation become known

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

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27. None at this time.

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

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28. The FSB will enhance enforcement scope of MFRA in ensuring safer communities.

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## **BACKGROUND PAPERS**

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## **GLOSSARY OF TERMS**

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<b>FSB</b>	Fire Safety Bill
<b>FSO</b>	Regulatory Reform (Fire Safety) Order