

## EAST SUSSEX FIRE AND RESCUE SERVICE

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| <b>Meeting</b>         | Scrutiny & Audit Panel                        |
| <b>Date</b>            | 21 July 2021                                  |
| <b>Title of Report</b> | Protection Update                             |
| <b>By</b>              | Assistant Chief Fire Officer Mark Matthews    |
| <b>Lead Officer</b>    | Group Manager Business Safety George O'Reilly |

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| <b>Background Papers</b> | Fire Safety Consultation, 20th July 2020<br><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919566/20200717_FINAL_Fire_Safety_Consultation_Document.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919566/20200717_FINAL_Fire_Safety_Consultation_Document.pdf</a>   |
|                          | Home Office Fire Safety Consultation Response, 17th March 2021<br><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970325/UPDATED_FINAL_Government_Response_to_Fire_Safety_Consultation.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970325/UPDATED_FINAL_Government_Response_to_Fire_Safety_Consultation.pdf</a> |

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| <b>Appendices</b> | None |
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### Implications

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| <b>CORPORATE RISK</b>             | ✓ | <b>LEGAL</b>                  | ✓ |
| <b>ENVIRONMENTAL</b>              |   | <b>POLICY</b>                 | ✓ |
| <b>FINANCIAL</b>                  |   | <b>POLITICAL</b>              | ✓ |
| <b>HEALTH &amp; SAFETY</b>        | ✓ | <b>OTHER (please specify)</b> |   |
| <b>HUMAN RESOURCES</b>            |   | <b>CORE BRIEF</b>             |   |
| <b>EQUALITY IMPACT ASSESSMENT</b> |   |                               |   |

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| <b>PURPOSE OF REPORT</b> | To provide an update to the Panel on areas of work nationally and locally impacting our Business Safety Department. |
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| <b>EXECUTIVE SUMMARY</b> | As a direct result of the Grenfell Tower Tragedy, the Government and fire safety industry including East Sussex Fire & Rescue Service (ESFRS) are in the process of identifying and implementing significant learning from this incident to ensure it does not happen again. The various inquiries and reviews have already released many findings and recommendations that the Government and industry now need to consider and implement. |
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This includes the new 'Fire Safety Act', a new 'Building Safety Bill' currently going through Parliament and many guidance and procedural changes that will directly impact our Protection delivery. Many of these changes will be informed and shaped by the industry and as such many consultations have taken place and continue to take place, with the Fire Service response often being led by the National Fire Chiefs Council (NFCC).

One of the more significant consultations is the Fire Safety Consultation run by the Home Office (HO). It contained 139 questions aimed at identifying what, if any, policy and legislative changes are needed to improve fire safety. It outlined proposals designed to strengthen legislation and improve compliance, Implement the Grenfell Tower Inquiry Phase 1 Report (GTIP1) recommendations and Improve the effectiveness of the building consultation process. The Business Safety department within ESFRS have contributed to this and many other consultations. Our commitment to implementing the Grenfell Tower Inquiry's (GTI) recommendations remains undimmed. Our Business Safety department has been working tirelessly to assess and embed new guidance and legislation, such as the new Fire Safety Act, whilst at the same time still delivering our statutory responsibilities to enforce the Fire Safety Order and provide Fire Safety Advice. All of this at a time when interactions have been challenging due to the COVID Pandemic. We have also restructured our Department and used Government Grant funding to resource our Business Safety Department to better prepare ourselves for further changes and work streams that will be released over the coming months and years. This includes the new Building Safety Bill, further recommendations from the GTI, new guidance from the NFCC directly and indirectly linked to these national work streams, such as a new 'Competency Framework' and Building Consultation and Planning procedures.

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**RECOMMENDATIONS**

That the members of the Scrutiny & Audit Panel:

- a) notes the content of the report;
  - b) notes the update on current work streams and progress in response to the emerging detail contained in the Fire Safety and Building Safety bills as a result of the Home Office responses to the Fire Safety consultation, and
  - c) considers whether any further information or assurance is required from officers.
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## 1. INTRODUCTION

- 1.1. In the early hours of 14th June 2017, a fire took hold in Grenfell Tower, which was so severe that it has resulted in a root and branch review of how we deliver safe buildings within the UK. The review is being fed by a formal inquiry chaired by Sir Martin Moore-Bick as well as the “Independent Review of Building Regulations and Fire Safety” led by Dame Judith Hackitt which has been completed. These national work streams have led to both national changes as well as resultant local work streams to embed these changes within ESFRS.

## 2. THE HOME OFFICE CONSULTATION

- 2.1. To help inform how the industry will learn from and implement changes recommended by the above inquiries and reviews, the Home Office held a Fire Safety Consultation. It was published on 20 July 2020 and sought to further deliver the Government’s objective to improve building and fire safety in all regulated premises where people live, stay or work. It outlined proposals designed to:

- **Strengthen the Regulatory Reform (Fire Safety) Order 2005** (The FSO) and improve compliance in all regulated premises (section 1),
- **Implement the Grenfell Tower Inquiry Phase 1 Report (GTIP1) recommendations** that require a change in the law (section 2),
- **Improve the effectiveness of consultation between Building Control Bodies (BCBs) and Fire and Rescue Authorities (FRAs)** on planning for building work and the arrangements for the handover of fire safety information (section 3).

- 2.2. ESFRS responded to this consultation in great detail before the consultation closed on 12 October 2020. Many of the areas covered within the consultation have led to the changes and actions detailed in this paper.

## 3. THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

- 3.1. The FSO was introduced in October 2006 and covers the ongoing fire safety management of a premises while occupied. The FSO requires a responsible person (RP) to undertake, and review regularly, a fire risk assessment of the premises, to remove or reduce any significant risk and to put in place and maintain fire precautions that are adequate and proportionate to manage the remaining risk to life from fire. The FSO covers all premises other than single private dwellings.

## 4. THE FIRE SAFETY ACT

- 4.1. The Fire Safety Act has now passed through Parliament and is awaiting a commencement date. It clarifies that the scope of the FSO applies to the structure, external walls and individual flat entrance doors of multi-occupied residential buildings.
- 4.2. The clarification provided by the Fire Safety Act also allows Government to take forward the Grenfell Tower Inquiry Phase 1 (GTIP1) recommendations in relation to creating explicit duties for the RP in relation to sharing information on external walls

and flat entrance doors. We will need to be able to accept this information and make it available to our employees when required. This work is ongoing within the Service.

4.3. The Act will also provide a foundation for secondary legislation to take forward recommendations from the Grenfell Tower Inquiry phase one report, which stated that building owners and managers of high-rise and multi-occupied residential buildings should be responsible for a number of areas including:

- Regular inspections of lifts and the reporting of results to the local fire and rescue services
- Ensuring evacuation plans are reviewed and regularly updated and personal evacuation plans are in place for residents whose ability to evacuate may be compromised. These plans should be available on the premises by way of a 'Premises Information Box' (PIB).
- Ensuring fire safety instructions are provided to residents in a form that they can reasonably be expected to understand
- Ensuring individual flat entrance doors, where the external walls of the building have unsafe cladding, comply with current standards

## **5. THE BUILDING SAFETY BILL**

5.1. The Government is due to introduce the Building Safety Bill. The Bill was published in draft on 20 July 2020 and will put in place an enhanced safety framework for high-rise residential buildings, taking forward the relevant recommendations from Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety. In the first instance, it is proposed that the new building safety regime applies to high-rise residential buildings of 18 metres and above or more than six storeys (whichever is reached first).

5.2. The main elements of the draft building safety legislation are:

- A new system to oversee the performance of building control functions,
- Clearer accountability for, and stronger duties on, those responsible for the safety of higher-risk buildings throughout design, construction and occupation.
- Giving residents a stronger voice in the system,
- Stronger enforcement and sanctions
- A new stronger and clearer framework to provide national oversight of construction products, to ensure all products meet high performance standards.

5.3. The FSO and the Housing Act 2004 (where appropriate) will continue to apply alongside the Building Safety Bill and the Government intends to address the interaction between the different regimes within buildings in scope through operational guidance.

## **6. REVIEW OF FSO SUPPORTING GUIDANCE**

6.1. The Fire Safety Consultation included a commitment to overhaul the existing guidance under the FSO. The Government established a Guidance Steering Group to provide direction and expertise on the overhaul of FSO guidance in recognition that

new and revised guides will be needed to reflect changes coming out of the Fire Safety Act and any other legislation affecting the FSO. This work has been split into three tranches to align with these potential amendments and will make sure that the guidance supports RPs, enforcing authorities, fire risk assessors and anyone else affected by the changes to understand their new duties. Responses from the consultation indicate that revised guidance will be an important part in delivering the outcomes of the consultation. The findings of the consultation will also be used to support this work.

## **7. IMPLICATIONS FOR THE SERVICE**

- 7.1. The Business Safety Support Team continue to monitor outcomes of the above inquiry and national reviews and ensure the Service is proactive in responding to the findings and the significant additional work streams as they are identified. A Business Safety Legislation Delivery Board has been stood up to ensure all aspects of the Fire Safety Act and Building Safety Bills are monitored and the implications and impact for ESFRS's Business Safety function are considered in a timely manner. This will include the potential financial and other resource impacts of additional statutory duties placed upon the Service.

## **8. SERVICE DELIVERY AND PROTECTION WORK STREAMS**

### **8.1. Risk Based Inspection Programme**

A wholesale review and evaluation of the current Risk Based Inspection Program (RBIP) has been undertaken. The aim of the RBIP is to develop over time an accurate understanding of the risk of fire in a premises and those that occupy them. This impact will be measured on individual risk, societal risk, fire-fighter risk and community risk also including heritage and the environmental risks. In this way we can direct ESFRS resources to where they are most needed to reduce the potential for loss of life, serious injury, commercial, economic and social costs and meet ESFRS statutory obligations. This has been developed in consultation and cognisance of proposals and current work streams of the NFCC Prevention Policy and Reform Unit (PPRU) through National and Regional forums. A reviewed Prevention and Protection Strategy and RBIP policy will be presented to SLT for consideration.

- 8.2 To support the above holistic risk reduction strategy, the Fire Authority has agreed to provide £2m funding to enable an electronic database known as 'Customer Relationship Management' (CRM) to be developed and enhanced so that it will complement and support the exchange of risk information to ensure it gets to the right resource in a timely manner to enable risk reduction activities to be carried out by appropriately trained members of staff and volunteers..

## **9. BUILDING RISK REVIEW (BRR)**

- 9.1. On 5th September 2019, the Secretary of State for MHCLG stated 'I expect all high rise buildings to have been inspected or assured by the time the new building safety regime is in place, or no later than 2021'.
- 9.2. A key piece of work for the Business Safety Department is the Building Risk Review (BRR) which is designed to increase the pace of inspection activity across high rise

residential buildings of which 345 initial buildings in scope have been reduced down to 286 in scope buildings within the Authority area.

- 9.3. Supporting this programme, Government allocated grant funding, which the Senior Leadership Team agreed would be used to establish the BRR team overseen and directed by the BRR Strategic Board. This Board have determined that the BRR team will as a minimum triage all buildings in scope and will gather the relevant information required to justify the grant. They will also, however, endeavour to carry out an initial audit (desk top/short/full) for each premises by the end of December 2021. This will be over and above the requirements of the grant as detailed by government and repeated in the NFCC BRR guidance repeated above.

## **10. GRENFELL TOWER TASK AND FINISH GROUP UPDATE**

- 10.1. The Grenfell Tower task & finish group first met in December 2020. At that time, the Service had an existing plan of 138 separate action points collated into 22 work streams. A report to the Fire Authority's Scrutiny and Audit Panel in July 2020 reported that of these 22 work streams, 17 were outstanding and 5 had been completed including:

- A gap analysis on the 138 recommendations against our key operational policies has been carried out, with the majority of our policies being fit for purpose.
- A new Fire Survival Guidance Policy
- New Fire Ground Digital Radios, repeaters and ancillary equipment has been purchased to improve incident ground communications
- Improvements to our Site Specific Risk Information (SSRI) process to require crews to gather and record effective operational information around building risk and operational tactics

## **11. SPRINKLERS**

### **11.1. Sprinkler Update**

There has been a significant step forward in recent months with the publication of the latest revision of Approved Document B (supporting guidance for meeting the Fire Safety requirements of the Building Regulations in England), which now requires sprinklers to be fitted in all new (and existing blocks undergoing material alterations) over 11m. There is still a major push to extend the scope further in England, who are still somewhat behind Wales and Scotland regarding the scope of buildings requiring sprinkler protection.

### **11.2. Sprinkler Saves**

There have been 2 significant sprinkler saves in recent months, one in a commercial premises and one in a domestic premises.

### **11.3. Match Funding**

Progress for the final 2 blocks with Brighton & Hove City Council (St James House and Essex Place) has been halted since the COVID pandemic hit in March 2020.

During this time, it has become apparent that the impending Building Safety Bill [BSB] is likely to have a significant impact on existing high rise residential blocks and Brighton & Hove City Council's aspirations to retro-fit sprinklers all their existing high rise blocks may have to be revisited once the priorities from the BSB are known. This appears to be a common concern among other block owners, who are loath to commit to funding until the impact of the BSB is known.

ESFRS were involved in a joint project with the Guinness Partnership following a significant fire in a block of flats owned by them in Brighton. They identified 2 further social housing blocks in the Brighton area that they felt would benefit from sprinkler protection. ESFRS provided advice regarding the design of the system and attended on-line meetings with the residents to address any queries and concerns they had, as well as regular project meetings during the installation itself. Both blocks have now been completed.

## **12. PRIMARY AUTHORITY PARTNERSHIPS**

The Business Safety support team currently delivers Primary Authority Partnership support via two flexi Station Managers within the support team with support provided by an external specialist.

### **12.1. Current Active Partnerships**

There are currently 11 direct Primary Authority Partnerships and three co-ordinated partnerships.

## **13. RECENT ENGAGEMENTS**

13.1. A project in-conjunction with the Eastbourne Hospitality Association, Trading Standards, Food Standards and Licensing successfully rolled out a webinar aimed at sleeping accommodation and restaurants within the Eastbourne area. The webinars were split into three groups – Bed & Breakfast's and small hotels, large hotels and restaurants. The association members selected the areas they wanted our Officers to cover in the sessions. The webinars were followed up with a questions and answer session for each group, this was an open forum where they were free to ask questions in relation to fire safety and enforcement. Members of the association booked onto these sessions via their association and the sessions were delivered via Microsoft teams.

13.2. The group also engaged with local college students, studying film and media, who filmed, directed and edited the webinars which they were able to use as part of their practical assessment for their examinations. The webinars and Q&A sessions will be used within the association to share amongst its members.

## **14. COVID RECOVERY PATHWAY AND PROTECTION**

14.1. With regards to Business Safety, an amended risk assessment has been agreed that enables our inspecting officers not only to continue to carry out our statutory enforcement duties in person but also enables our proactive audit activity to be carried out face to face.

- 14.2. It also introduces a return to carrying out non-statutory activities such as carrying out site visits to provide goodwill advice to businesses such as those opening as we return to a form of normality, Primary Authority Partnership visits to premises outside of county where we have previously placed requests on hold.

## **15. COMPETENCY AND ASSURANCE FRAMEWORK**

- 15.1. All current Inspecting Officer cadre have now been booked on L4 Certificate and L4 Diploma accredited learning to bring them in line with the requirements of the National Competency Framework
- 15.2. Work is on-going to deliver training for Non Fire Safety Specialist Personnel. A wide range of staff (Grey and Green book) are to receive an internal e-learn package in Business Safety covering:
- Fire Safety Checks: introduction
  - Fire Safety Checks: in Simple Commercial Premises
  - Fire Safety Checks: in shops and restaurants with dwellings above
  - Fire Safety Checks: in purpose built blocks of flats
- 15.3. An Introduction to Fire Safety Advisor training (accredited to L3 certificate aimed at Crew and Watch Manager roles) will be rolled out across the Service for whole-time and On-Call staff.
- 15.4. Third party accreditation for all Inspecting Officers will be progressed in line with the new National agreement reached with the Institute of Fire Engineers (IFE).

## **16. BUSINESS SAFETY ASSURANCE FRAMEWORK**

- 16.1. The assurance framework now sets out how the Service will routinely review the delivery of the Business Safety function at a local level, with assurance provided through programmed formal audits of the individual offices.

## **17. MISCELLANEOUS**

- 17.1. The Service has formally responded to the consultation on the following:
1. The proposed National Prevention and Protection Standards presented and proposed by the Fire Standards Board
  2. The Local Authorities Coordinators of Regulatory Services (LACoRS) guide consultation from the NFCC.
  3. NFCC surveys on Risk Based Inspection Programmes and Ways of Working
- 17.2. New consultations in progress:
1. Building Bulletin 100
  2. Personal Emergency Evacuation Plans (PEEPs) in High Rise Residential Buildings (HRRBs)
- 17.3. The NFCC have released 'Inspecting and Enforcing Fire Safety in High Rise Residential Buildings. *A toolkit for Fire Safety Regulators*'. This Toolkit is intended to support Fire Safety Regulators undertaking inspections of high rise residential



buildings which aligns with the current BRR programme but the general principles may be relevant to other premises.

- 17.4. The NFCC has partnered with the Local Authority Building Control (LABC) to enable fire safety regulators and fire engineers to access training materials through the new learning portal. This will be a central part of our ongoing maintenance of competence and Continuous Personal Development (CPD) regime.