

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

19 NOVEMBER 2018

1. INVESTMENT IN PROTECTION RESOURCES

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT members note the impacts of reductions in Protection resources because of core funding reductions and the need for further financial investment.
- 1.2 THAT members note the potential impacts to the efficient and effective delivery of the Authority's statutory fire safety responsibilities because of the external environment.
- 1.3 THAT members approve further investment in Protection resources to enable the Authority to maintain effective discharge of statutory fire safety responsibilities.

2. PURPOSE OF REPORT

This report highlights the impact of continued resource reductions within the Protection function, as a result of core funding reductions to meet the challenges of the comprehensive spending review. The report also identifies increased demands on resources due to the internal and external environment and the need for investment to enable the Authority to continue to effectively discharge its statutory responsibilities in relation to fire safety. The need for investment in Protection resources was referenced in the Authority Report Strategy Options 2019 – 2022 dated 17 September 2018.

3. **BACKGROUND**

3.1 It is a requirement under the National Framework for Fire and Rescue Services to consider all risks in their area and provide the resources and strategy to manage and reduce those risks and protect the public from the risk. Fire and Rescue Services should ensure Protection has enough capacity through suitably qualified Fire Safety Officers to effectively implement Integrated Risk Management Plans (IRMPs), risk-based inspection programmes and discharge their statutory fire safety duties in relation to:

- inspections and audits
- prohibition and enforcement action
- consultations
- carry out additional activities as a result of an independent review

3.2 To enable the effective discharge of the Authority's statutory responsibilities the Protection function consists of Fire Safety Officers (FSOs) responsible for carrying out pre-planned fire safety audits in high risk premises to ensure compliance and enforcement of fire safety legislative requirements.

3.3 FSOs and Fire Engineers also conduct statutory building regulation consultations and support development projects including those incorporating fire engineered solutions. Technical officers are also responsible for managing all aspects of regulatory activities relating to licensing, petroleum, explosives, public events, enforcement and prosecutions.

3.4 Staffing levels within the Protection function have seen a 41% reduction in the numbers of FSOs from 105 in 2002 to the current establishment of 60.

3.5 Protection continues to experience increasing demands for its resources to effectively reduce risk, ensure public safety and provide public reassurance due to the external environment. Forecasting future demand due to recent changes in legislation and outcomes of the Grenfell Tower incident will further increase the demands placed upon existing resources.

4. **INSPECTION AND AUDITS**

- 4.1 Requirements of the National Framework for Fire and Rescue Services stipulates a duty to promote fire safety determined from a risk based inspection programme and the Regulatory (Fire Safety) Reform Order 2005 states FRSs have a duty to enforce the requirements of the legislation.
- 4.2 This duty is discharged through FSOs who carry out pre-planned audits within high risk premises determined by the risk based inspection programme (RBiP).
- 4.3 In addition to pre-planned audits in high and life risk premises there has been an increase in the number of fire safety complaints. In 2018, 83% of reactive audits have involved high life risk premises requiring intervention by FSOs competent to sector standards.
- 4.4 There has also been an increase in the number of fire safety complaints due to heightened public awareness following the Grenfell Tower incident; and fire safety referrals from partners and other regulators due to collaborative working.
- 4.5 Furthermore, operational personnel have received fire safety training to support the delivery of integrated Prevention, Protection and Response activities. This training is core to the delivery of the Safe and Strong risk reduction strategy of crews engaging with businesses to provide advice and education of legislative responsibilities and reducing fire risk within regulated premises. However, since the implementation of Safe and Strong in August 2018, there has been an immediate 15% increase in the number of fire safety referrals.
- 4.6 The impact of the imbalance of reactive and planned protection activities further reduces FSO capacity to carry out effective pre-planned audits in high risk premises determined by the RBiP, to reduce risk to life and ensure compliance with fire safety legislation.

5. **STAFFING RESILIENCE**

- 5.1 In addition to reduced establishment, operational (Grey Book) FSOs are also required to support operational staffing arrangements by providing resilience shifts to maintain fleet availability.
- 5.2 Provision of integrated resilience results in approximately 550 days per year that FSOs are unavailable to carry out pre-planned audits in high risk premises.
- 5.3 However, it is intended subject to approval, that the additional investment of 10 FSOs will continue to provide resilience to support maintaining fleet availability.

6. **PROHIBITIONS AND ENFORCEMENT**

- 6.1 The demand for enforcement and prosecution activities as a result of pre-planned audits, reactive referrals and complaints have continued to increase. Prohibition and enforcement activities involve FSOs undertaking multiple visits to affected premises and are time consuming, resulting in further reductions in capacity to complete high risk audits. The Service has experienced an increase in prosecution cases since 2010:

Year	Prosecution Cases
2010	39
2017	110
2018 (<i>end of September</i>)	106

- 6.2 Of the Prohibitions issued since 16/17 less than 10% have related to non-life risk premises where life risk was only identified following audit or inspection. FSOs have served 27 Prohibitions within the first and second quarters of 2018-19, which 9 have required further enforcement action and preparations for prosecution. Some enforcement activities have extended beyond fire safety legislation and required instigation of Safeguarding, Human Trafficking and Modern-Day Slavery interventions by FSOs.

7. PLANNING AND BUILDING REGULATION CONSULTATIONS

- 7.1 The Authority has non-statutory responsibilities to respond within 21 days to planning application consultations and a statutory responsibility to respond within 15 days for building regulation consultations. The Applications team are experiencing an increase in demand and complexity of consultations which continues to be challenging to achieve statutory obligations.
- 7.2 Recent changes to the Housing Act relating to applications and licensing requirements for Houses in Multiple Occupancy (HMO) received by Local Authorities, requires consultation with Fire Authorities under specified conditions. Initial information provided by Local Authorities highlights significant increases in HMO licence applications estimated to be between 300 - 400%. Specifically, Birmingham City Council (BCC) are anticipating applications to be in the 1000's.
- 7.3 WMFS will be expected to consult and respond to these applications where fire safety risks are identified, or the Local Authority are taking enforcement action following application. The extent of the impact of the requirement for consultation of HMO applications is currently unknown, but will result in an increased demand for the Applications team who are currently experiencing challenging demands to achieve existing statutory consultation obligations.
- 7.4 The current demands on the Applications team is expatiated by the type and complexity of consultations which include fire engineered solutions and major projects, requiring support from the Fire Engineering team. Protection resources are also impacted through provision of continued support and engagement with major projects and developments as they progress through the life stages of design, construction and occupation.
- 7.5 Demands of future large-scale developments such as Coventry City of Culture, HS2 Rail Network and Commonwealth Games, which incorporates a large regeneration project around Birmingham for stadia and an Athletes Village, will further increase demand for Protection resources.

- 7.6 A further high-profile project being undertaken by BCC is the review of Fire Risk Assessments and retro fitting of sprinkler systems within their stock of residential high-rise buildings. BCC has sought continued support and guidance through the Fire Engineering team which has recently been impacted due to the loss of 3 Fire Engineers.

8. **IMPACTS OF THE EXTERNAL ENVIRONMENT**

- 8.1 It is a requirement under the National Framework for Fire and Rescue Services to consider all risks in their area and provide the resources and strategies to manage and protect the public from risk. A FRS is also expected to carry out any additional activities as a result of an independent review.
- 8.2 Whilst identified risk within the IRMP has not changed, the consequences of the Grenfell Tower incident have resulted in heightened national interest and awareness of the risks of fire within high rise buildings. The perceptions and concerns of members of the community and building owners has necessitated the re-prioritisation of targeted Prevention and Protection activities to ensure public safety and provide public reassurance. This re-prioritisation of Protection resources supported joint Site-Specific Risk Information (SSRI) visits with operational personnel and completion of fire safety audits in all residential high-rise buildings (551) and other buildings reporting suspected or confirmed ACM cladding within the private and public sectors.
- 8.3 The re-prioritisation of Protection resources has impacted on available capacity to conduct pre-planned risk-based audits within high risk premises directed by the RBiP.
- 8.4 Whilst the future impacts following Grenfell are yet to be confirmed, the recommendations of the Independent Review of Building Regulations and Fire Safety conducted by Dame Judith Hackitt, suggests that there will be significant implications for fire and rescue authorities (FRAs).

- 8.5 One such recommendation considers a new regulatory framework for Higher Risk Residential Buildings (HRRB) incorporating design, construction and refurbishment and also occupancy stages of buildings under the regulation of a Joint Competent Authority incorporates the FRA whose involvement is to be determined. In the event that the recommendation is implemented, it has been identified that there will be resource implications for FRAs both in carrying out the role as part of the Joint Competent Authority and ensuring they have suitably qualified people.
- 8.6 As a key element of the new tripartite regulator, the Joint Competent Authority, FRAs will have a significantly greater role in the approval process for building HRRBs. This includes being consulted at the planning stage for the building of new HRRBs, and when any applications are submitted in relation to other buildings in the immediate vicinity of a HRRB, FRAs will also be involved in reviewing fire safety arrangements within existing buildings. This will result in a potential increase in the number of fire safety audits, in addition to pre-planned risk-based audits and statutory building regulation consultations within already stretched resources.
- 8.7 The impacts of the external environment in relation to the implementation of any recommendations of the Independent Review of Building Regulations and Fire Safety; potential changes in legislation and competence requirements will need continual review to determine future resource requirements and the FRA ability to effectively discharge its statutory fire safety responsibilities.

9. **RESOURCE INVESTMENT**

- 9.1 The proposed resource investment incorporates increasing the establishment by 1 Station Manager to enhance partnership working with members of the West Midlands Combined Authority and business community and increasing the number of FSOs by 10 Watch Commander A's.
- 9.2 Additional resources will enhance the effectiveness of discharging the Authority's statutory responsibilities and support risk reduction activities including:

- pre-planned audits in high risk premises determined by the Risk Based Inspection Programme,
- Ensure compliance and enforcement of fire safety legislation
- Delivery of Primary Authority Scheme responsibilities
- Statutory consultations
- Supporting future major projects and developments in relation to fire safety and engineered solutions

9.3 FSO investment will require a period of training and development to achieve competence in accordance with sector standards, anticipated to take approximately 9-12 months before enhanced organisational value is released.

9.4 Further investment is also required for continual development and upskilling of FSO knowledge and skills to enhance FSO capabilities across the existing Protection team, to ensure the Authority continues to effectively discharge its statutory fire safety responsibilities and meet the challenges of the external environment.

9.5 Investment in resources provides an opportunity to further enable Protection to better reflect the diversity within our business community.

10. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment has been carried out. The initial Equality Impact Assessment did not raise any issues which required a full Equality Impact Assessment to be completed.

11. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 places a general duty on Responsible Persons and others who have control to any extent to provide general fire precautions to keep people safe in case of fire. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

12. **FINANCIAL IMPLICATIONS**

- 12.1 The total annual estimated costs for the Protection resources would be approximately £582k as reflected below:

Investment	£,000	£,000
Staff		
1 x Station Commander B (non FDS)	56	
10 x Watch Commander A	456	
		512
Training & Development *		42
Travelling		24
ICT		4
Total		582

*Subject to competency requirements arising from the outcome of the Grenfell enquiry

- 12.2 There is currently no specific budget provision to cover the above investment costs and so the ability to meet the indicated investment needs to be considered alongside service change options reported in the Authority Report Strategy Options 2019 – 2022 dated 17 September 2018.
- 12.3 It is anticipated subject to approval and considering processing time to facilitate recruitment and selection, that increases in Protection resources take effect from April 2019.
- 12.4 Provision of 22 resilience shifts per FSO results in £5500 financial efficiencies per year due to reduced Voluntary Additional Shift (VAS) requirements. Additional investment of 10 FSOs provides a potential saving of £55K per year in VAS payments.

13. **ENVIRONMENTAL IMPLICATIONS**

No environmental issues will arise from this work stream.

14. **ORGANISATIONAL DEVELOPMENT**

- 14.1 Investment in the provision of Protection resources, continual development and upskilling of FSOs will enhance organisational capability to ensure the Authority continues to effectively discharge its statutory fire safety responsibilities and providing public reassurance and safety within a changing external environment.
- 14.2 There are further training and development requirements for FSOs relating to attaining professional qualifications and achieving standards of sector competence to enable FSOs to carryout audits and enforcement activities within high risk premises.

BACKGROUND PAPERS

Authority Report 17 September 2018 - Strategy Options 2019 – 2022.

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