

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

3RD DECEMBER 2007

1. CROWN PREMISES INSPECTION – (FIRE SAFETY)

Report of the Chief Fire Officer.

RECOMMENDED

THAT the Fire Authority grants consent to fire safety inspectors to undertake fire safety inspections and enforcement of the Regulatory Reform (Fire Safety) Order (RRFSO) 2005 on behalf of the Crown Property Inspection Group (CPIG).

2. PURPOSE OF REPORT

This report is submitted to seek approval from the Fire Authority to formally allow Crown owned and Crown occupied premises to be inspected by West Midlands Fire Service fire safety inspectors.

3. BACKGROUND

- 3.1 With the demise of Her Majesty's Fire Safety Inspectorate the Crown Premises Inspection Group, as part of The Chief Fire and Rescue Service Advisors Unit, has found it increasingly difficult due to resources to inspect Crown owned/occupied premises. An approach was made to The Chief Fire Officers' Association regarding the feasibility of transferring the fire safety data and inspection responsibility to Local Authority Fire and Rescue Services for the lower risk category premises. It was agreed that this proposed transition and transfer should be trialled by West Midlands Fire Service.
- 3.2 Written authorisation has been received from CPIG giving our fire safety inspectors, powers of inspection and enforcement in Crown property which was not legally permitted previously.
- 3.3 Before inspection can take place, consent to accept this authorisation must be given by West Midlands Fire and Rescue Authority in line with Article 28 of the RRFSO (2005).

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 came into force in October 2006 and contains provisions giving Fire and Rescue Authorities and other enforcing bodies the duty to enforce fire safety in non-domestic premises.

Enforcing authorities are also required to have regard to guidance given by the Secretary of State about the Order and this guidance has now started to emerge.

Article 28 of the Order allows Crown Inspectors to utilise the services of fire officers in undertaking auditing work by authorising an employee of the Fire and Rescue Authority to exercise powers of inspection. The employing Fire & Rescue Authority must be consulted and consent to such an arrangement. The power of inspection has to be in writing and does not extend to taking enforcement action.

6. **TRADE UNION CONSULTATION**

The FBU has been consulted.

7. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

- 1) RRFSO - Article 28 (2) - Consent must be obtained by Fire and Rescue Authority
- 2) Regulatory Reform (Fire Safety) Order 2005: Guidance Note No. 1
- 3) Minutes from CFOAs' National Fire Safety Committee meeting – 13th February 2007
- 4) Draft Memorandum of Understanding between CPIG and Fire Authorities
- 5) Letter of authorisation (under Article 28 of the RRFSO 2005) from CPIG granting permission to Fire and Rescue Services to inspect Crown owned/occupied premises

F. J. E. SHEEHAN
CHIEF FIRE OFFICER