

AGENDA MANAGEMENT SHEET

Name of Committee Cabinet

Date of Committee 12th January 2006

Report Title Policy for the implementation of the Regulatory Reform (Fire Safety) Order within Warwickshire

Summary Notification of a change to a risk based enforcement inspection regime, in line with national guidance, following the introduction of the Regulatory Reform (Fire Safety) Order 2005.

For further information please contact:

Trevor Brice Deputy County Fire Officer Tel: 01926 423231 trevorbrice@warwickshire.gov.uk	Richard Buxton Fire Safety Support Manager Tel: 01926 410800 richardbuxton@warwickshire.gov.uk
--	---

Would the recommended decision be contrary to the Budget and Policy Framework? No

Background papers None

Appendices None

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s)
- Other Elected Members Councillor John Haynes – report noted.
Councillor Dave Shilton
- Cabinet Member Councillor Richard Hobbs – report noted.
- Chief Executive
- Legal Ian Marriott – budget implication and funding options. Update of delegations required in the Constitution.

- Finance Oliver Winters – Impact on the policy if budget bid is not successful.
- Other Chief Officers
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Cabinet – 12th January 2006

Policy for Implementation of the Regulatory Reform (Fire Safety) Order within Warwickshire

Report from the Strategic Director of Community Protection

Recommendation

Cabinet support the policy as a means to satisfy the requirements of the Regulatory Reform (Fire Safety) Order 2005, which will be implemented on 1st April 2006 and the introduction of a risk based inspection regime, based on national guidance.

1. Introduction

- 1.1 The Regulatory Reform (Fire Safety) Order 2005 will come into force on 1st April 2006. This places a statutory duty on Fire and Rescue Authorities (Warwickshire County Council) to enforce the provisions of the Order in relation to premises within their area.

2. Background

- 2.1 The Regulatory Reform (Fire Safety) Order 2005 replaces two major pieces of fire safety legislation; the Fire Precautions Act 1971 (as amended), and the Fire Precautions (Workplace) Regulations 1997 (as amended). The Order also consolidates the fire safety provisions of other legislation under one simplified set of goal-based requirements.
- 2.2 The Order builds on previous Regulations in that it applies not only to persons at work, but to all persons lawfully on the premises, and those not on the premises who may be affected by a fire on the premises.
- 2.3 The main requirements of the Order call for a Fire Risk Assessment to be carried out by the responsible person for the premise, which is then used as the basis for compliance.

- 2.4 The new Order applies to all premises, except:
- Domestic premises
 - Offshore installations
 - Ships and aircraft
 - Mines and boreholes, and
 - Agricultural land
- 2.5 It is proposed, following national guidance, that enforcement can be best achieved by the use of a risk based inspection regime that identifies those persons at greatest risk and sets an enforcement inspection programme to meet this need.
- 2.6 The requirement of a risk based inspection programme coupled with the need to collect and report on a number of new performance indicators to the Office of the Deputy Prime Minister has necessitated a Capital Budget Bid in the order of £65,000 for 2006/07 to facilitate the purchase and installation of a replacement electronic management information system.
- 2.7 This new system will enable the County Council to demonstrate in a transparent and auditable manner how it is meeting its legislative responsibilities and in particular how the levels of risk are assessed and the resulting inspection activity determined.

3. Policy

- 3.1 Details of the policy are provided below. The full policy document is available on request from the Fire Safety Support Manager, Richard Buxton.
- 3.2 The policy sets out the framework for implementation of both the enforcement of the Fire Safety Order and the risk based inspection regime.
- 3.3 Using a risk based inspection regime will enable the Authority to implement its statutory enforcement requirements using existing personnel.
- 3.4 As no fixed inspection timescales are imposed, the regime will allow greater flexibility than the current inspection regime, allowing life risk to be determined by the outcomes of intelligence gathered through the Integrated Risk Management Plans (IRMP).
- 3.5 Targeted inspection campaigns can be introduced where required, and specific risks reduced by a combination of both community and legislative action.
- 3.6 The development and management of a Risk Based Inspection Programme will provide important data to assist in the development and evaluation of the Service's IRMP. This will enable the Service to fulfil its duty to manage the fire risk in the community.

- 3.7 The Risk Based Inspection Programme forms part of the Service's overall integrated approach to risk management by prioritising the inspection of premises.
- 3.8 The process of inspecting premises, assessing risks and making enforcement decisions where appropriate will embody the principles expectations and methodology of the Enforcement Management Model (EMM) produced by the Health and Safety Executive (HSE), which is considered national best practice, and the Enforcement Concordat.
- 3.9 The introduction of a new electronic management information system will allow information to be gathered and audited to assist in both establishing the risk areas within the County and the enforcement of the Fire Safety Order.

4. Risk Benefit Analysis

- 4.1 The introduction of a Risk Based Inspection Regime will allow high life risk premises to be inspected using the existing available resources. Without its introduction the Authority will not be able to demonstrate that it is complying with its statutory obligations for the monitoring and policing of the increased number of premises that will fall within the scope of the new Order.
- 4.2 The Chief Fire Officers Association national guidance supports a risk based inspection approach.
- 4.3 Failure to introduce a new electronic management information system into the Authority will inhibit the processes by which the levels of risk are determined from being completed and impede the implementation of the Risk Based Inspection Regime. The Authority will not therefore be able to comply fully with the statutory requirements of the legislation, nor will it be able to submit audited annual returns to the Office of the Deputy Prime Minister.

5. Recommendations

- 5.1 Cabinet support the policy as a means to satisfy the requirements of the Regulatory Reform (Fire Safety) Order 2005, which will be implemented on 1st April 2006 and the introduction of a risk based inspection regime, based on national guidance.

WILLIAM BROWN
Strategic Director of Community Protection.

December 2005