AGENDA MANAGEMENT SHEET

Name of Committee	**Communities Overview and Scrutiny Committee**
Date of Committee	**30 June 2011**
Report Title	**Fire Protection - The enforcement role of the Fire and Rescue Service**
Summary	Warwickshire Fire and Rescue Service (WFRS) has a statutory responsibility on behalf of the Fire and Rescue Authority, for the enforcement of the Regulatory Reform (Fire Safety) Order 2005. This paper outlines the enforcement responsibilities of the Fire Authority and outlines options for future service provision. This covers the scope of responsibility, methods of enforcement and some of the challenges being faced. The challenges are based around service provision within a smaller, more dynamic structure.
For further information please contact:	Gary Phillips Deputy Chief Fire Officer 01926 423231
Would the recommended decision be contrary to the Budget and Policy Framework?	No
Background papers	N/A
Appendices	Appendix 1 – Compliance value matrix Appendix 2 - WFRS Prevention and Protection Strategy 2011-2015

CONSULTATION ALREADY UNDERTAKEN:-   Details to be specified

Other Committees	☐	
Local Member(s)	☐	
Other Elected Members	☒	Cllr John Whitehouse (Chair), Cllr Saint (Conservatives), Cllr Chattaway (Labour), Cllr Sarah Boad (Liberal Democrats)
Cabinet Member	☒	Cllr Richard Hobbs
Chief Executive	☐	
Legal	☒	Greta Needham

Finance	☒	Helen Murphy (FSM WFRS)
Other Chief Officers	☐	
District Councils	☐	
Health Authority	☐	
Police	☐	
Other Bodies/Individuals	☐	

FINAL DECISION

SUGGESTED NEXT STEPS: Details to be specified

Further consideration by this Committee	
To Council	☐
To Cabinet	☐
To an O and S Committee	☐
To an Area Committee	☐
Further Consultation	☐

Communities Overview and Scrutiny Committee
30 June 2011

Fire Protection - The enforcement role of the Fire and Rescue Service

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Recommendation

That the Communities Overview and Scrutiny Committee:
- consider the contents of the report
- scrutinise the Strategy
- identify areas for further scrutiny and/or
- make recommendations as appropriate.

1.0   Why WFRS enforces legislation?

1.1   Warwickshire Fire and Rescue Service (WFRS) has a statutory responsibility on behalf of the Fire and Rescue Authority, for the enforcement of the Regulatory Reform (Fire Safety) Order 2005. The Service also has statutory responsibility to consult with other enforcing authorities in matters relating to the following:

- Building Control, (Building Regulations)
- Environmental Health, (Housing)
- Social Services
- Local Education Authorities
- Office for Standards in Education (OFSTED)
- National Health Service Trusts
- Commission for Social Care Standards, and
- Licensing.

1.2   There is also a requirement under the Fire and Rescue Services Act 2004 under section 6 to promote fire safety in its area and make arrangements for the provision of information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire. We do this by giving advice on:

(i)   fire prevention measures and stopping fire spread,

(ii)   providing adequate means of escape from buildings and other property in case of fire, and

(iii)   the installation of fire alarm systems, portable fire extinguishers and fixed fire suppression systems.

2.0 Where and what type of enforcement do officers engage in?

2.1 Enforcement jurisdiction lies within county boundaries and inspection activity plays a direct contribution to reducing the risk to firefighters and communities by ensuring premises (the built environment) comply with appropriate standards of fire protection. This is a key contribution to the Integrated Risk Management Plan (IRMP). Inspecting powers extend to most types of premises, with the exception of private dwellings.

2.2 Our officers are actively engaged through a risk-based inspection programme which meets the recommendations of the Chief Fire Officers' Association (CFOA) guidelines. The risks are prioritised by those that in the case of fire, pose a significant risk to life, the environment and to the nation's heritage. Premises of higher risk are placed on the inspection programme and lower risk premises are sampled or inspected where emerging fire trends appear.

3.0 How do officers exercise their powers of enforcement?

3.1 By using a risk-based approach to inspections the fire and rescue service within Warwickshire ensures it directs its resources to those premises which are deemed to carry the most substantial perceived risk to life. This frequently can involve inspecting and auditing premises involving sleeping risk e.g. hotels, boarding houses or residential care complexes.

3.2 Officers do not prescribe a method or solution to fire safety arrangements within premises, but judge the existing fire safety arrangements in much the same way as other health and safety legislation; by inspecting and auditing fire risk assessments and fire management procedures.

3.3 There will be occasions when officers need to exercise their enforcement powers. This is always done in a proportionate way using goodwill advice, enforcement notices, and in the most serious cases, prohibition notices. A prohibition notice, could for example, restrict the use of part or all of a building until adequate fire safety arrangements have been implemented.

3.4 Officers can, from time to time, be called upon to deal with a complaint relating to fire safety within a building. These can relate to overcrowding, blocked fire exits, faulty fire alarm systems or unauthorised building works being undertaken. Our officers will use their professional judgement in these circumstances, and apply a variety of guidelines to offer practical solutions. It is only on the rare and most serious occasions that their full legal powers are exercised e.g. prosecution.

4.0 Who carries out the fire safety enforcement?

4.1 WFRS adopts a tiered approach to its enforcement activities. While all of our inspecting staff wear uniforms, they perform very different roles depending

upon their skills, training and experience. The fire protection manager is capable of conducting and advising all fire safety staff on all matters relating to the inspection processes. The manager also has responsibility for ensuring all changes in legislation; approved national guidance and policy are acted upon and incorporated into current practice. All fire protection enforcement staff are required to carry out audit inspections and enforcement action under the fire safety order and other statutory provisions. Fire protection officers also have additional responsibilities to check and consult on all building regulation design submissions for the whole county to ensure compliance with fire protection standards in new and altered buildings.

4.2   All inspectors must be competent in the roles that they perform. Specialist training is given through a number of training providers, including the Fire Service College (FSC). As training and experience is gained, officers' inspection performance is monitored to assure professional standards are maintained at the highest levels. This is part of the role of the fire protection manager, and enables the team to assist each other with their professional development.

4.3   Inspectors are supported in their duties by a small team of clerical staff, who ensure inspection data is available, records are maintained, reports notices and letters produced in a timely fashion, CAD drawing plans are produced and kept up to date and web page guidance maintained.

4.4   Under the revised department fire protection structure, the following officer resource will be available to deliver our statutory enforcement responsibilities:

- 1 x Fire Protection Manager

- 2 x Fire Protection Officers

- 2.8 x Fire Protection Inspectors

5.0   Frequency and scope of enforcement activity

5.1   The development and management of a risk-based inspection programme provides important data to assist in the development and evaluation of the Service's Integrated Risk Management Plan (IRMP). This enables the Service to fulfil its duty to manage the fire risk in the community.

5.2   Inspection frequency is determined by both the type of building occupancy e.g. hospital, care home, factory and by the results of an the carrying out of an on-site audit, which will apply a risk rating which not only reflects the compliance with the Fire Safety Order but also the potential risk of loss of life or serious injury. The FRS carried out 2061 inspections/consultations in the last year resulting in the issue of 10 enforcement notices and 2 prohibition notices.

5.3 The on-site audit will also check the following:

    a) Receipt of a Building Regulations completion certificate for new buildings,
    b) Notification of a serious fire incident occurring at a property, and
    c) Notification from operational personnel of a serious risk to persons due to the lack of fire protection measures within a property.

5.4 In conducting a fire safety audit our officers will:

- Establish that a fire safety management system exists (policy or procedure),
- Check each element of the fire risk assessment (hazard identification, risk assessment, control measures, review),
- Confirm that systems are being implemented through the checking of sample items (select particular components of each element),
- Confirm compliance by observation and communication (look and listen for evidence, talk to persons),
- Identify deficiencies (in the areas selected for audit), and
- Address deficiencies in a proportionate way.

5.5 The fire safety audit will include a physical inspection of at least one of the following:

- Common parts and fire safety systems of multi-occupied premises
- Final exits
- Protected/external staircases
- External routes
- Areas licensed for public entertainment

5.6 The inspection frequency will be determined by a risk rating, determined by the premises type and the level of compliance found during the audit (see appendix 1). This ensures that those premises that pose the greatest risk, are audited most frequently.

6.0 Challenges to the enforcement activity in the economic climate

6.1 WFRS is playing its role in delivering corporate savings and is reducing its annual budget accordingly.

6.2 This has resulted in the following posts being removed from the Community Protection establishment:

    1. Fire Alarm Reduction Manager (FARM),
    2. Fire Protection Inspector (1 day/week),
    3. Clerk/typist (26 hours/week),
    4. Fire Safety systems administrator (23 hours/week),
    5. Community Safety Manager,

6.   Community Liaison Officer (7.5 hours/week),
7.   Young People's Initiative Manager,
8.   Crew Manager Youth Development,
9.   Youth Development Assistant (2 posts), and
10.   Youth Development Assistant/administrator.

6.2   Fire Safety enforcement and advice in the north of the county may be substantially changed by the closure of the Nuneaton Office. This will result in all delivery being resourced from a single central location, as opposed to a local service being provided by a local inspector. This is also complimentary to the agenda of locating all of our services together i.e. the operational command centre.

6.3   The FLARE programme will 'mainstreamed' into the wider community safety programme and not delivered by a dedicated team.

6.4   Fewer fire safety enforcement staff means that the inspection programme will be adjusted to reduce the number of audits being carried out. This places a greater responsibility on occupiers and owners to *get it right* by themselves. Occupiers and owners of commercial premises' who will be supported by the provision of more 'lower level' risk based inspections from operational crews (see 7.2).

6.5   Our policy of driving down Automatic Fire Alarms has reduced numbers of unwanted fire signals to a low level; therefore there will no longer be a dedicated Fire Alarm Reduction Manager. Within the operational command structure the station commanders will be responsible to drive targets down further through localised engagement, supported by centralised technical support.

7.0   The future – how WFRS will respond to the challenges ahead

7.1   We have developed a new Community Protection Strategy that aligns our workforce planning to our statutory requirements. This will be supported by policies and procedures that equip our staff with the guidance necessary to maintain the quality of service provision.

7.2   We will seek to engage more effectively with frontline operational firefighters. This will be achieved by providing them with new skills to conduct basic levels of inspections under the Regulatory Reform (Fire Safety) Order 2005. This will ensure firefighters become more familiar with local operational risk, facilitate better sharing of risk information between key departments and will enhance understanding of fire safety legal requirements to a wider audience.

7.3   We will develop a partnership approach in relation to passive fire protection systems; in particular we wish to significantly raise the profile and importance of sprinkler systems within Warwickshire. There is very strong evidence to support the wider use of sprinklers across all types of premises, and we shall be seeking further support from Officers and Members to deliver this

significant improvement to our built environment and, more importantly, the safety of our firefighters and communities.

7.4   We shall use an intelligence model (the Strategic Assessment) to help plan our work activities and identify our priorities, based on risk. We shall work with our partners, such as the Warwickshire Observatory, to use the data in the most appropriate way.

7.5   We will ensure our staff receive training to the highest possible standard, so that high quality of service provision is maintained at those premises where we inspect or audit. We will endeavour to deliver a consistent and proportionate approach to our fire safety legislative responsibilities.

8.0   Recommendation

8.1   That the Communities Overview and Scrutiny Committee note the contents of this report and resolves to support the approach the Fire and Rescue Service is taking in delivering the statutory duty placed upon the Fire Authority.

Report Author: Gary Phillips

Head of Service: n/a

Strategic Director: Graeme Smith

Portfolio Holders: Councillor Hobbs

14 June 2011

Appendix 1

Table 1: COMPLIANCE LEVEL / RISK SCORE MATRIX (Values within the matrix = Compliance Level)

Inspection Frequency	Over All Risk Score (Compliance Risk Rating plus Risk Weighting)
1 year	8
2 years	7
3 years	6
4 years	5
5 years	4
Sample	3
Sample	2
Sample	1

PREMISES USE GROUP	HOSPITAL	CARE HOMES	HMO TENAMENT	PURPOSE BUILT FLATS >= 4 STOREYS	HOSTELS AND BOARDING SCHOOLS	HOTEL	HOUSES CONVERTED TO FLATS	OTHER SLEEPING ACCOMMODATION	FURTHER EDUCATION	PUBLIC BUILDINGS	LICENCED PREMISES	SCHOOL	SHOP	OTHER PREMISES OPEN TO PUBLIC	FACTORY OR WAREHOUSE	OFFICE	OTHER WORKPLACE	NIGHT CLUB / THEATRE / CINEMA
FSEC Code / Compliance Risk Rating	A	B	C	D	E	F	G	H	J	K	L	M	N	P	R	S	T	U
8	VP																	VP
7	P	VP	VP		VP		VP											P
6	A	P	P	VP	P	VP	P	VP					VP	VP				A
5	G	A	A	P	A	P	A	P	VP	VP	VP	VP	P	P	VP	VP	VP	G
4	VG	G	G	A	G	A	G	A	P	P	P	P	A	A	P	P	P	VG
3		VG	VG	G	VG	G	VG	G	A	A	A	A	G	G	A	A	A	
2				VG		VG		VG	G	G	G	G	VG	VG	G	G	G	
1									VG	VG	VG	VG			VG	VG	VG	

Compliance Level

VP	5 = Very Poor
P	4 = Poor
A	3 = Average
G	2 = Good
VG	1 = Very Good

Appendix 2

Warwickshire Fire and Rescue Service

Prevention and Protection Strategy

2011 - 2015

Contents

1. Foreword

Welcome to Warwickshire Fire and Rescue Service's Prevention and Protection Strategy for 2011 to 2015. This is a fundamental and underpinning strategy to support the Integrated Risk Management Plan (IRMP).

This strategy will be evolving over the coming years and it demonstrates a proactive commitment to protecting the communities of Warwickshire and making them a safer place to live. We aim to do this by:

- **Keeping the public safe by**:
    1. effectively responding to emergencies,
    2. proactively working to prevent emergencies,
    3. enforcing fire safety legislation, and
    4. protecting the environment.
- **Keeping firefighters safe by**:
    1. developing a skilled workforce,
    2. promoting health, safety and welfare,
    3. providing the right equipment and information to do the job, and
    4. reducing anti-social behaviour.
- **Doing our best by**:
    1. providing strong and effective leadership,
    2. delivering a value for money service,
    3. meeting community expectations, and
    4. working with partners to provide a better service.

This strategy sets out how we will deliver and modify prevention and protection approaches to our communities. It is tailored to meet the diverse needs of our communities, taking into account the changeable environment in which the modern fire and rescue service operates.

Our service delivery vision is to work closely with partners with a clear focus on appropriate themes derived from risk analysis. This strategy will align with the new service delivery command structure to ensure that resources are allocated accordingly to meet both our operational response requirements while ensuring Warwickshire's built environment is well protected through effective local management and good building design. We have redesigned our prevention and protection management structure to ensure there is greater flexibility to respond in the challenging financial climate.

Warwickshire Fire and Rescue Service is committed to delivering the highest quality of services to Warwickshire communities, putting them at the forefront of everything we do.

Graeme Smith.

Graeme Smith
Chief Fire Officer

2.   Introduction

Warwickshire has a diverse ethnic population with a wide variation in levels of income, wealth and age.

Warwickshire lies to the south and east of the West Midlands conurbation, and has established links with Coventry, Birmingham and Solihull in the West Midlands region, but also with the South East. Despite the focus of population within the main towns of the County, a significant part of Warwickshire is rural in nature. Warwickshire lies at the heart of Britain's transport network and several key strategic routes pass through the county. Warwickshire is a two-tier local authority and comprises five District/Borough areas:

- North Warwickshire Borough
- Nuneaton and Bedworth Borough
- Rugby Borough
- Stratford-on-Avon District
- Warwick District

The latest population estimates, for mid-year 2009, suggest Warwickshire is home to 535,100 people. Warwickshire's population has been growing for the past four decades and the county is now home to 77,000 (17%) more people than at the start of the 1970s. Growth has been particularly rapid in recent years, with continued in-migration from the urban areas of Coventry and Birmingham a key factor behind this trend.

The latest Warwickshire Quality of Life Survey indicates that although there is variation in the quality of life experienced by residents within a borough or district, in general terms, Nuneaton and Bedworth Borough tends to perform less well across the range of economic, social and environmental indicators. Such indicators will be used by us to prioritise our resources where they are needed most.

Latest estimates on population growth confirm that the over 85 age group is set to treble by 2033. This projection will have significant influence on our approach to preventing emergencies from happening – we will be ready to react to the changing circumstances by truly understanding our customers.

The diverse demography of Warwickshire brings challenges to us as a fire and rescue service and this strategy lays down our ambition of how Warwickshire Fire and Rescue Service will rise to this challenge. This will involve a flexible approach to our service provision, so that we can react to short term risks while maintaining key resources to known priorities in the medium term.

3.   What we want to achieve

This looks at what the strategy is aiming to achieve through our prevention and protection activities and covers **six** key areas:

1.   **Delivering high quality fire protection advice via a risk based inspection programme,**
2.   **Complying with our statutory duty for preventing emergencies by educating communities to take responsibility for their own safety,**
3.   **Reducing impacts from accidental dwelling fires (ADFs) by seeking to understand their causes and having a range of responses for dealing with them,**
4.   **Reducing the consequences of arson and deliberate small fires by actively targeting anti-social behaviour,**
5.   **Working with partners to minimise the effects of road traffic collisions e.g. Warwickshire road safety partnership, and**
6.   **Improving community confidence and perceptions in our service**

The Fire and Rescue Service National Framework states that prevention programmes will remain at the heart of the work of the fire and rescue authorities within local communities. We intend achieving our desired outcomes by influencing the behaviour of our most vulnerable groups within our communities, through educating young people, influencing businesses and contributing to the broader outcomes of national initiatives such as 'Fire Futures Reports'.

There is much emphasis being placed on:

- Localism and accountability,
- Delivery models,
- Effective working, and
- National interests.

Much of what we want to achieve through this strategy supports these themes, and we will be working with industry partners wherever possible to ensure improve fire safety arrangements in business, commercial and residential properties. We will be actively encouraging, for example, the fitting of sprinkler systems and other 'passive' fire protection measures.

At the heart of the strategy the community protection department will be committed to the delivery of our IRMP. The strategy also recognises the new political arena and challenging financial environment in which the service operates following the Comprehensive Spending Review 2010.

Warwickshire Fire and Rescue Service will work proactively towards reducing the impact of fire in all premises and to target those premises that pose the greatest risk to life, property, the environment and the nation's heritage. This role derives from the Fire and Rescue Services Act 2004, the National Framework and the Fire Safety Order 2005.

Persons most at risk by virtue of their mosaic group profile are identified through a strategic assessment process, which at the time of producing this strategy is in its third version within Warwickshire. This strategy recognises the importance of the strategic assessment in enabling the service priorities to be identified and delivery methods aligned.

With regard to road traffic collisions (RTCs), it is known that young and novice drivers are at a higher risk of being involved in a RTC than other drivers. Warwickshire Fire and Rescue Service recognises the role other key agencies and partners have in reducing risks to our communities on issues of road safety and we will work with them to deliver improvements.

A strong emphasis will be placed on end user satisfaction and Warwickshire Fire and Rescue Service will focus on tackling themes of:

- ❖ Alcohol
- ❖ Health
- ❖ Community and Partnership Engagement, and
- ❖ Young people.

We don't intend to be restricted by excessive 'red tape', placing much importance on delivering what we need to make our communities safer. There is clear belief within our service that our dedicated staff know where the risks are and how to tackle them. Our teams will be given the right skills and tools to achieve a safer society within Warwickshire.

4.   Delivering the Strategy

The following areas are important to making sure this strategy is successful:

- Clear policies, procedures and guidance to support the six key areas of this strategy
- Local level delivery aligned to local priorities
- Recognition of the benefits, strengths and opportunities that arise from partnership working
- Using an appropriate intelligence model and taking advantage of data acquired from a variety of sources
- Identifying key priority work areas
- Targeted use of resources
- Recognising and utilising specific skills and attributes of staff and teams
- Measuring delivery and end user satisfaction through effective evaluation

Engagement with staff will be a critical factor in delivering our strategy. Communication structures will be formed at management and team levels to ensure that expectations are clearly understood. Our teams see themselves as deliverers of quality services who can work in partnership for the benefit of society. This can be summed up as:

Providing professional expertise and acting as an enabler to support local communities to make Warwickshire a safer place to live and work.

Warwickshire Fire and Rescue Service is a local authority fire and rescue service and operates within a professional framework with governance arrangements driven from Warwickshire County Council while operating to national guidance provided from Communities and Local Government department, national fire and rescue advisory unit, and chief fire officers' association. This strategy will utilise guidance, toolkits and governance arrangements provided from professional sources to ensure standards and delivery align with the expectations of Warwickshire communities.

The measures of the success of community protection activity will be agreed and reported through performance management arrangements agreed by Service Management Team. These arrangements will enable leadership and management to make adjustments to performance actions to ensure they align with our priorities.

Performance data will be used from a range of sources, including peer groups, and best practice models will be considered, evaluated and implemented as determined by the demographic needs of Warwickshire. Every effort will be made to minimise waste and duplication of effort in everything we do.

This strategy may be supplemented and amended as circumstances require, ensuring the focus of our attention puts the safety of our communities and firefighters at the heart of what we are doing.

5. Extract from 2011 – 2012 Strategic Assessment

Warwickshire Fire & Rescue – 2011-12 Strategic Priorities

PROPOSED PRIORITIES

Accidental Dwelling Fires
-To target the most vulnerable and 'at risk' groups within the local community with Home Fire Safety Checks
- Maintain both 'alcohol' and 'health' as cross-cutting themes

Deliberate Fires - Property
- Focus on void and vulnerable premises

Deliberate Fires – Small Fires
- Focus on mainstreaming the Small Fires Unit over the next twelve months
- Specifically targeting youth related anti-social behaviour in partnership with the Police and District/Borough Councils
- Maintain 'young people' as a cross-cutting theme

Road Traffic Collisions
-To maintain Road Safety as a priority and support the Warwickshire Road Safety Partnership in preventing road safety casualties
-Focus on reducing the number of young drivers as road casualties, targeting driver attitudes and behaviours
- Maintain 'young people' as a cross-cutting theme

Community Confidence & Perceptions
- Focus on maintaining a high level of service user satisfaction

THEMES

- **ALCOHOL**
- **HEALTH**
- **YOUNG PEOPLE**
- **PARTNERSHIP & COMMUNITY ENGAGEMENT**

The circles indicate the types of harm being addressed

- Death & Injury
- Loss
- Fear & Distress