

Buckinghamshire & Milton Keynes Fire Authority



MEETING	Extraordinary Fire Authority Meeting
DATE OF MEETING	23 January 2020
OFFICER	Graham Britten, Director of Legal and Governance
LEAD MEMBER	Councillor Lesley Clarke OBE, Chairman
SUBJECT OF THE REPORT	Fire Protection Board
EXECUTIVE SUMMARY	<p>The purpose of this report is to apprise the Authority, in its role as the governance body for Buckinghamshire Fire and Rescue Service, of recent correspondence received by its Chairman and Chief Fire Officer about the establishment of a Fire Protection Board ('FPB').</p> <p>The Fire Protection Board has established itself at the direction of the, then, Minister of State for Policing and the Fire Service, the Rt Hon Nick Hurd to address issues relating to the safety of residential premises in England, 18 metres or above in height, which are clad in Aluminium Composite Material ('ACM').</p> <p>The attached correspondence sets out the purpose and intent of the FPB and requirements that it has imposed on fire and rescue services to provide assurances to fire and rescue authorities and to the FPB as to the fire safety risk of specified premises in their areas and as to the effectiveness of their pre-planned responses to these specified premises in the event of a fire.</p> <p>The details of this 'assurance framework' and 'underpinning assurance' are set out in the letter dated 21 November 2019 addressed to CFO Thelwell and cc'd to the Chairman (Annex A) from the FPB Chairman. The response to this letter from the Chairman of the Authority is at Annex B.</p> <p>A further letter from the FPB Chairman is at Annex C. This letter included details of the membership of the FPB and its Terms of Reference (marked as 'Draft').</p> <p>It is not intended via this report to detail the practical difficulties that Buckinghamshire Fire and Rescue Service would face in attempting to properly answer the questions which comprise the underpinning assurance. These difficulties were aired in a telephone conference convened by the FPB Chairman on 19 December 2019 referenced in his letter dated 23 December 2019 (Annex D) and were factors taken into account in extending the deadline for responses</p>

	from 31 December 2019 to 31 January 2020.
ACTION	Noting
RECOMMENDATIONS	<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. the establishment of the Fire Protection Board (FPB), its membership and its current terms of reference be noted; 2. the exchange of correspondence between the Chairman of the Authority and the Chairman of the FPB be noted; 3. the content of the assurance questions (i.e. question 1 and question 2) required to be answered by the Chief Fire Officer and returned to the FPB be noted; and 4. it be noted that any responses made to the assurance questions by the Chief Fire Officer will be caveated and be dependent on the actions taken by the 'responsible person' in relation to the Improvement Notice served by AVDC.
RISK MANAGEMENT	<p>The Authority has responsibilities under the Fire and Rescue Services Act 2004 to promote fire safety and to give advice about how to prevent fires, how to restrict their spread and about means of escape. However, it is also the enforcing authority for dealing with breaches by any 'Responsible Person' of fire safety requirements imposed by the Regulatory Reform (Fire Safety) Order 2005 ('RRO'). The RRO does not apply to most domestic premises but it does apply to the 'common parts' of residential properties, such as blocks of flats, where typically the 'Responsible Person' will be the owner of the freehold or leasehold.</p> <p>Under the RRO it is the responsibility of the 'Responsible Person', not the Authority, to carry out an assessment of the risks from fire, to identify what general fire precautions are required for those particular premises, and to put in place appropriate fire safety arrangements.</p> <p>Legal uncertainty has arisen to the extent to which, if at all, external cladding constitutes 'common parts' of a residential building within the meaning of the RRO. In the Queen's Speech 2019 the Government has proposed a Fire Safety Bill through which it states, "the main elements of the Bill are:</p> <ul style="list-style-type: none"> • Clarifying that the scope of the [RRO] includes the external walls of the building, including cladding, and fire doors for domestic premises of multiple occupancy.

	<ul style="list-style-type: none"> • Strengthening the relevant enforcement powers to hold building owners and managers to account. • Providing a transitional period for building owners and managers (the “responsible person”) and Fire and Rescue Services to put in place the infrastructure for these changes.” <p>In the interim in November 2018 the previous Government had already issued an amendment to the operating guidance on the Housing Health and Safety Rating System which made clear that housing authorities (eg the Buckinghamshire district councils and Milton Keynes Council) have powers under the Housing Act 2004 to assess the outside of buildings for fire hazards. The accompanying statement said that housing authorities could carry out emergency work themselves if necessary and recover the costs from building owners, adding that ‘local authorities will get the Government’s full backing, including financial support if necessary, to enable them to carry out emergency work’.</p> <p>There is only one premises within scope of the FPB’s ‘assurance framework’ for the Authority: Friars House, 4 Great Western Street, Aylesbury (per Annex A). An Improvement Notice was served on the premises’ owner by AVDC on 19 December 2019 which set out a schedule of required works to remediate fire hazards including the following:</p> <ul style="list-style-type: none"> • An external survey of the building cladding and associated works; • Internal compartmentation survey and associated works; • Installation of a fire detection and alarm system within each flat and replacement of any damaged fire doors; and • Inspection and test of the automatic opening vents, passenger lift, wet riser and dry riser systems. <p>The Improvement Notice can be appealed by the recipient to the Cambridge County Court offices before 4 pm on 10 January 2020.</p> <p>The Improvement Notice specifies deadlines for compliance for the different remedial works by certain dates ranging from 6 weeks to 12 months.</p> <p>A copy of the notice is appended as Annex E</p>
<p>FINANCIAL IMPLICATIONS</p>	<p>None arising from the recommendations and the proposed course of action.</p>
<p>LEGAL IMPLICATIONS</p>	<p>None arising from the recommendations. The Fire Protection Board is an ad hoc body with no powers of</p>

	compulsion requiring the Authority to respond to its requests.
CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	The Policing and Crime Act 2017 requires the Authority to keep opportunities for collaboration with the police and ambulance services under review. The obligations under the 'assurance framework' fall solely on a relevant fire and rescue authority.
HEALTH AND SAFETY	None arising from the recommendations.
EQUALITY AND DIVERSITY	No implications arising from the recommendations.
USE OF RESOURCES	To provide the level of assurance required by the Fire Protection Board in its 'underpinning assurance' questionnaire would have significant resource implications for the Authority. It does not have the capabilities to undertake the engineering and design testing of ACM cladding or other external wall systems on high rise buildings. These are matters for the 'responsible person' (the premises owner). The Terms of Reference of the Fire Protection Board provide that the Board 'consider extending this regime to other categories of high risk buildings...', which could multiply the demand on the Authority's resources if it were required to 'assure'.
PROVENANCE SECTION & BACKGROUND PAPERS	
APPENDICES	<p>Annex A: Letter from the Chairman of the Fire Protection Board/Chairman of the National Fire Chiefs Council, 21 November 2019, with enclosed 'Assurance Framework Appendix A- Assurance Guidance'.</p> <p>Annex B: Letter from the Chairman of the Authority, 10 December 2019.</p> <p>Annex C: Letter from the Chairman of the Fire Protection Board/Chairman of the National Fire Chiefs Council, 18 December 2019, with three enclosures.</p> <p>Annex D: Letter from the Chairman of the Fire Protection Board/Chairman of the National Fire Chiefs Council, 23 December 2019, with enclosure.</p> <p>Annex E: AVDC Improvement Notice.</p>
TIME REQUIRED	15 Minutes
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