



HAMPSHIRE
FIRE AND
RESCUE
AUTHORITY

Purpose: Approval

Date: 20 February 2019

Title: **Fire Safety Advice Policy Position**

Report of Chief Fire Officer

SUMMARY

1. Hampshire Fire and Rescue Authority (HFRA), has a duty to consider the extent that it considers reasonable to provide information and advice for the purposes of fire safety. This is set out within The Fire and Rescue Act 2004, Section 6.
2. Hampshire Fire and Rescue Service (HFRS) carries out fire safety activities in many ways. These activities differ in domestic dwellings and non-domestic premises.
3. The purpose of this paper is to consider a policy position for HFRA to fulfil its duty for fire safety information and advice.

BACKGROUND

4. The Fire and Rescue Act 2004 is the primary legislation setting out the provisions for a Fire and Rescue Authority (FRA) and the functions of it.
5. Part 2 deals with the functions of a FRA and Section 6 sets out the functions with specific regard to "Fire Safety".
6. Section 6 states:
 - (a) *(1) A Fire and Rescue Authority must make provision for the purposes of promoting Fire Safety.*
 - (b) *(2) In making provision under subsection (1) a fire and rescue authority must **in particular to the extent that its considers reasonable to do so**, make arrangements for –*
 - (a) the provision of information, publicly and encouragement in respect the steps to be taken to prevent fires and death and injury by fire;*
 - (b) the giving of advice, on request about –*

- (i) how to prevent fires and restrict their spread in buildings and other property;*
- (ii) the means of escape from buildings and other property in case of fire.*

(Fire and Rescue Services Act 2004, Section 6)

7. This paper considers the section in bold above to establish the extent HFRA considers it reasonable to provide Fire Safety information and advice on request as set out above.
8. HFRS have current strategies for the provision of Fire Safety advice. These strategies vary for domestic and non-domestic premises.

DOMESTIC PREMISES

9. Domestic premises present the people in Hampshire most at risk from fire. HFRA do not have any other legislation to assist with making people in domestic premises safer from fire.
10. HFRS target those most vulnerable due to personal characteristics or health needs and work extensively with other agencies to provide fire safety advice, directly to the person or those who care for them. This strategy is known as “Safe and Well” in Hampshire.
11. HFRS provide bespoke information to those not most vulnerable, through the use of the online tool “Safe and Sound”. This is accessed on request by members of the public, and through regular safety marketing campaigns. This provides bespoke advice regarding preventing a fire, fire spread advice and evacuation plan.
12. Through the HFRS website, generic advice is presented regarding fire safety. Periodically fire safety campaigns, specific to a particular issue, are also conducted by HFRS.
13. It is proposed that HFRA consider it reasonable to provide specific and targeted advice to those most vulnerable in their home as described in paragraph 10.

NON-DOMESTIC PREMISES

14. In non-domestic premises, HFRA has another piece of legislation – The [Regulatory Reform \(Fire Safety\) Order 2005](#) (FSO), to assist with making people; in non-domestic premises, safer from fire. HFRA are the enforcing authority for the FSO in Hampshire.
15. The FSO specifically places a duty on the Responsible Person (RP) of a building to conduct a risk assessment and to put in place arrangements to

ensure the safety of people in and around the building. HFRA does **not** provide premises specific information such as a fire risk assessment.

16. HFRS target those buildings most likely to present a risk to people. These buildings will be visited by trained fire safety inspectors, where fire safety issues will be identified. These issues will be remedied using the enforcement powers of the Authority, provided by the FSO. This is the HFRS Risk Based Inspection Programme (RBIP).
17. HFRS provide tailored workshops to those types of buildings most likely to present fire risks or when requested by the RP of a type of building. These workshops are marketed to the responsible persons of the particular type of building. The content includes:
 - (i) The legislation (FSO);
 - (ii) Responsibilities of a RP;
 - (iii) Common shortfalls in the building type;
 - (iv) Auditor's and Enforcer's expectations of this building type;
 - (v) Protecting businesses by promoting business continuity.
18. HFRS freely gives telephone advice to RP on request. Questions are also accepted through a specific area of the HFRS website.
19. The HFRS website also contains information intended for RP to understand their obligations. The web-based information also signposts to government guidance and documents so that all information relevant to their building or premises is available.

SUPPORTING OUR SERVICE PLAN AND PRIORITIES

20. The HFRA approach to both domestic and non-domestic buildings support our aim stated within the service plan:

“To reduce risk across Hampshire by creating pioneering partnerships that target the most vulnerable people and places. Sharing knowledge and skills is at the heart of our Service’s future. Our approach helps us to meet the wide range of societal and demographic changes that affect daily life, ensuring people are safer at home, work, travelling and socialising.”

CONSULTATION

21. This report follows two presentations and debate by members of HFRA at the Authority Policy Advisory Group (APAG) in September and November 2018.
22. This is formalising current practise in Hampshire. With no significant changes proposed, this has not been considered for public consultation.

RESOURCE IMPLICATIONS

23. Fire Risk Assessments are significantly different from auditing work of HFRA inspectors. Additional training and investment would be required to upskill inspectors to conduct Fire Risk Assessment, should this option be implemented.
24. The recommendation best fits with the current resources and which were consulted upon during the last IRMP. Any changes to the recommendation will have an impact on the number of resources required.

ENVIRONMENTAL AND SUSTAINABILITY IMPACT ASSESSMENT

25. No additional impacts have been identified for this policy position or its implementation.

LEGAL IMPLICATIONS

26. The Fire and Rescue Act 2004 section 6, requires that HFRA must consider what is reasonable in terms of providing information and giving advice on request with regards fire safety.
27. There is no provided definition or expectation guiding the term “reasonable”.
28. By HFRA considering the options at both APAG meetings and within this report, and concluding a position, HFRA will have fulfilled its legal requirement set out in the Fire and Rescue Act 2004 section 6.

EQUALITY IMPACT ASSESSMENT

29. An impact assessment has been carried out.
30. The proposals in this report are considered compatible with the provisions of equality and human rights legislation.

OPTIONS

31. Domestic dwellings house Hampshire’s most vulnerable people. It is proposed that HFRA consider it a reasonable option to provide specific and targeted advice to those most vulnerable in their home as described in paragraph 10.
32. There are two proposed options for non-domestic buildings:
 - (a) HFRA provide information and give advice on request with regards fire safety and means of escape in the form of:
 - Web-based information and link to HM Government documentation;
 - Focussed workshops;

- Telephone advice;
 - Through campaigns.
- (b) HFRA provide the full fire safety information and advice including specific advice known as Fire Risk Assessment (FRA).

RISK ANALYSIS

33. The [FSO](#) was introduced in October 2006. Fire and rescue authorities have a duty to enforce fire safety in non-domestic premises. HFRA has this duty in Hampshire.
34. The FSO primary objective is to provide minimum fire safety standards, following a Fire Risk Assessment. There is a potential for conflict of interest where HFRS complete the Fire Risk Assessment where the Authority is the enforcing authority.
35. There is a potential to confuse responsible persons, whose duty it is to conduct a Fire Risk Assessment, if HFRS complete a Fire Risk Assessment. This may lead to less Fire Risk Assessments being completed in Hampshire premises.

CONCLUSION

36. The Fire and Rescue Act 2004, Section 6 makes a specific requirement for HFRA to consider to what extent it deems reasonable to provide information and advice with regards to fire safety.
37. Fire safety information and advice is delivered differently for domestic dwellings and non-domestic premises.
38. HFRA enforce the FSO, which applies solely to non-domestic premises. The RP of a non-domestic premises has a duty to complete a Fire Risk Assessment and provide minimum fire safety standards.
39. HFRS provide a number of different options to the public for providing information and advice on fire safety. This report sets out a proposal for what is deemed reasonable for HFRA to provide within the scope of its' duty.

RECOMMENDATION

40. That specific and targeted advice to those most vulnerable in their home is approved by Hampshire Fire and Rescue Authority, as what is reasonable to provide within the scope of its' duty, for domestic dwellings, under The Fire and Rescue Act 2004, Section 6.

41. That Option (a) is approved by Hampshire Fire and Rescue Authority, as what is reasonable to provide within the scope of its' duty, for non-domestic premises, under the Fire and Rescue Act 2004, Section 6.

APPENDICES ATTACHED

42. Appendix A – Hampshire Fire and Rescue Authority Position Statement – Fire Safety Advice

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