



Belfast City Council

Report to: Health and Environmental Services Committee
Subject: **New Fire Safety Regulations**
Date: 8th September 2010
Reporting Officer: Trevor Martin, Head of Building Control, Ext. 2450
Contact Officer: Stephen Hewitt, Building Control Manager, Ext. 2435

Relevant Background Information

At your meeting in May 2009, Members were advised of the consultation by the DHSSPS on the draft Fire Safety Regulations (Northern Ireland) 2009 which seek to simplify existing fire safety legislation and reinforce the modern risk-based approach to fire prevention.

In the agreed Council response to the consultation it was emphasised that self regulation, which these Regulations effectively introduce, will not deliver the fire safety compliance that is necessary and may indeed lead to increased problems in non domestic buildings.

To introduce these Regulations the Department will be required to enact Part 3 of the Fire and Rescue Services (NI) Order 2006. This Part refers to the enforcement of fire safety matters and effectively removes Council powers to enforce fire safety terms and conditions under our Entertainment, Cinema and Amusement Permit legislation.

Fire safety would, in future, be regulated through fire risk assessments which the NIFRS would audit and inspect. Council Licensing Officers' ability to ensure the safety of persons on licensed premises would therefore be affected and our statutory duty undermined.

Through the Institute of Licensing, the Licensing Forum and Building Control Northern Ireland, Council Licensing Officers have been in negotiation with the NIFRS and the DHSSPS regarding these changes and as a result the enactment of Part 3 of the 2006 Order has been delayed by the Assembly Health Committee until this matter has been resolved.

Key Issues

Following these negotiations the Northern Ireland Fire & Rescue Services Board wrote to NILGA regarding devolving powers under Article 33(5) of the Fire & Rescue Services (NI) Order 2006 in respect of licensed premises to Councils.

The proposal from the NIFRS Board is that Council Licensing Officers be authorised under the 2006 Order and that they would enforce fire safety matters in licensed premises through the 2006 Order. In effect this will permit Licensing Officers to continue with the full range of duties that they currently undertake with regard to licensed premises ensuring, for example, that they are not overcrowded and that escape routes are available in the event of an emergency.

In response to the letter, at the NILGA Executive on 14 May 2010, it was agreed that, in principle, NILGA supported these proposals. However, it was noted that further work would be necessary to ensure an agreed protocol or Memorandum of Understanding is drafted to facilitate effective working with the Board. NILGA have also written to the Chief Executives of all Councils advising them regarding the matter.

A copy of the letter to NILGA and their response is attached for your information. This report was taken to the Licensing Committee on 18th August purely as an informative as their Committee has responsibility for the range of work to be delegated.

Resource Implications

Financial

These functions are at present being carried out by Council Officers and it is not envisaged that accepting these devolved powers will lead to any additional financial burden.

Human Resources

There will be some initial training implications for staff if the new powers are devolved but it is expected that these will be catered for within existing budget provision.

Asset and Other Implications

Should these powers be devolved to Councils there is no expectation that they will lead to any increased level of enforcement action by Councils.

Decision

As this would involve the devolution of powers to staff within the Building Control Service Members are requested to agree, in principle, to support these proposals subject to further work being undertaken to ensure an agreed protocol or Memorandum of Understanding is drafted to facilitate effective working with the Board. Should you agree to this course of action the implications associated with undertaking this work will, once fully explored and identified, be reported to you at a future meeting to enable you to determine whether or not the Council will permit Licensing Officers to be authorised under the 2006 Order to enforce fire safety matters in licensed premises.

Documents Attached

For your information, the following supporting documents are contained in the appendix to this report:-

- Letter to NILGA from NIFRS
- Response from NILGA to NIFRS