

Appendix 1

Draft response

Belfast City Council welcomes the opportunity to provide a detailed response to this consultation.

The proposals to make amendments to the Fire and Rescue Services (Northern Ireland) Order 2006 is of particular importance to the Council for the following reasons:

Background

Article 50 of the Order of 2006 gives the meaning of a relevant premise, Article 50(1)(a) excludes domestic premises from the definition of a relevant premise and Article 50.(6) for the purposes of Article 50.(1) provides a definition of a domestic premise. This has the effect of removing responsibility for fire safety inspection and enforcement in common areas that exist in flats and apartment blocks (stairs, passageways, gardens and yards etc.) of domestic premises from NIFRS.

The City Council understands that the Department see this as a significant risk, and notes that the Department proposes to make NIFRS responsible for fire safety enforcement in the common areas of domestic premises such as flats and apartment blocks.

The Houses of Multiple Occupation (HMO) Act received Royal Assent in May 2016.

The operation of the HMO licensing scheme will be the responsibility of local District Councils. District Councils will carry out all the checks/inspections (including fire safety) required to license or otherwise a HMO.

The Department of Communities are working towards the implementation of the HMO Act with a commencement date of the 1 April 2019.

To facilitate the provisions and policy intent of the HMO Act the Department of Health proposes to amend the 2006 Order to allow the Chief Fire and Rescue Officer to delegate fire safety inspection for "relevant premises" rather than just "work places" which Article 33.(5) specifies.

Additionally Article 33.(3) and 52.(1) only empowers "fire and rescue officers" to undertake fire safety / enforcement inspections, by amending both Articles to "people" this will allow the delegation of authority to suitably trained and competent District Council staff to undertake fire safety inspections in HMOs.

Amendments

To amend Article 50.(6) to exclude common parts from the definition of domestic premises

To amend Article 33.(5) from "workplaces" to "relevant premises"

To amend Articles 33.(3) and 52.(1) from "fire and rescue officers" to "persons"

What it means

The City Council welcomes the proposal that the Chief Fire and Rescue Officer can authorise suitably trained and competent District Council staff to undertake fire safety inspections in HMOs. This will allow for the existing arrangements to be continued into the new Licensing Regime.

The City Council welcomes the proposal that a Memorandum of Understanding (MoU) will be agreed between local councils and NIFRS. The memorandum will include a detailed training and competency framework in relation to Fire Safety Inspections, Auditing, Enforcement and the handling of evidence in accordance with PACE for designated HMO officers.

Views sought on the proposals

The consultation document consults on the proposal to make amendments to the Fire and Rescue Service (Northern Ireland) Order 2006, which the City Council welcomes, and responds to the following questions:

- Q1. Do you agree that the proposed amendments are necessary to achieve the requirements outlined previously? - **The Council is satisfied that the amendments are necessary.**
- Q2. Are the proposed amendments sufficient to achieve the requirements outlined previously? **Subject to a Memorandum Of Understanding (MOU) being agreed between the NIFRS AND local Councils. Belfast City Council is satisfied that the amendments are sufficient to achieve the requirements outline in the consultation document. It should be noted that any MOU will be subject to any future fee income being set at a level that will ensure full cost recovery.**