

## Fire Strategy: Management Briefing

A strategy is defined as “a carefully devised plan of action to achieve a goal, or the art of developing or carrying out such a plan.” In essence a Fire Strategy is just that.

### Key information

Fire safety enforcement remains high on the regulatory agenda. The enforcing authority will usually be the local fire and rescue authority and enforcement will normally be carried out by a fire inspector, but can also be carried out by an employee of the authority who is authorised in writing by the fire authority. Inspectors have wide-ranging powers, including entering and inspecting premises, taking copies of documents and records, and taking samples of substances to determine their fire resistance or flammability.

It is an offence to fail to comply with any of the duties or requirements imposed by the Fire Safety Order where this gives rise to a risk of death or serious injury in case of fire. Further offences include failure to comply with the requirements of alteration, enforcement or prohibition notices.

The maximum penalty for an offence under the order is £20,000 in a Magistrates' Court, or an unlimited fine in a Crown Court and/or imprisonment for up to two years.

### The enforcing authority can serve:

- alteration notices which identify premises where the alterations would give rise to serious risks and requiring the person to notify the fire authority of any changes to the premises before they take place.
- enforcement notices requiring the responsible person to remedy a specific failure and directing suitable measures to remedy the failure within a specified period of time
- prohibition notices for serious risks immediately restricting or prohibiting the use of part or all of the premises for the matters which give rise to the risk
- by way of an informal notice a 'deficiency notice' which is advisory and has no legal status, however, if such a notice is ignored a formal enforcement notice could be served or a prosecution initiated.

### Legislation

The Regulatory Reform (Fire Safety) Order 2005 places a requirement upon the 'Responsible Person' (or in Scotland the 'Duty Holder,') to have in place an effective management plan for dealing with circumstances that can reasonably be foreseen, should a fire occur.

### Case Law

November 2009 – New Look retailers were fined £250,000 and £150,000 respectively for failing to provide a 'Suitable and Sufficient' fire risk assessment and for failure to provide adequate training for staff. Costs of £136,000 were also imposed. The Court of Appeal upheld these fines on appeal.

20 April 2010, Tesco were fined £95,000 and ordered to pay £24,321 in costs after pleading guilty to five breaches of the 2005 Order.

On 11 May 2010, Paul Ashley, of P and Ashley Timberworks, pleaded guilty to eight breaches of the 2005 Order at Chester Crown Court. Mr Ashley was fined £80,000 and ordered to pay costs of £50,300 to Cheshire Fire and Rescue Service.

You must ensure:

- there is a clear written allocation of management responsibility for fire safety matters and clear fire safety arrangements
- you have appointed a competent source of fire safety advice
- a 'Suitable and Sufficient' Fire Risk Assessment is undertaken by a competent person
- the findings of the assessment are acted upon
- an effective emergency plan (Fire Strategy) is drawn up
- all parts of the premises and activities are considered
- other building users are involved (cooperation/coordination)
- that persons especially at risk are identified
- the assessment is reviewed periodically or when the matters to which it relates have changed

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