

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 particularly following the disastrous fire at Grenfell Tower in June 2017 resulting in the deaths of 71 people. 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 Regulatory Reform (Fire Safety) Order 2005 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 in England and Wales is an unlimited fine in a Magistrates' Court, or an unlimited fine in a Crown Court and/or imprisonment for up to two years. In Scotland the maximum fine for offences under the Fire Safety (Scotland) Act 2005 and the Fire Safety (Scotland Regulations) 2006 in the Sheriffs Court is £20,000 with the same fines or term of imprisonment as above in the higher Courts.

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
- 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. The "Responsible Person" is generally the employer if the workplace is to any extent under their control.

Case Law

- In November 2009, New Look was fined £400,000 with £136,052 costs following a major fire at their Oxford Street store in 2007, although no one was injured in the fire. Following the fire, the London Fire Brigade inspected and found substantial breaches of legislation including inadequate staff training, an inadequate fire risk assessment and blocked exit routes. When the fire occurred, the alarm was reset and prompt evacuation did not take place.
- On 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.
- In November 2017, a London guest house owner was prosecuted, under the Regulatory Reform (Fire Safety) Order 2005, by the London Fire Brigade, fined £250,000 and given a suspended six month prison sentence. The prosecution followed an inspection in 2014 where the London Fire Brigade found an internal staircase had been removed leaving reliance on only an external staircase. There were numerous other failings including inadequate fire doors and no fire detection. A Prohibition Notice was also served limiting the use of the three storey premises to the ground floor.

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.
- Staff are suitably trained in fire safety and the procedures to be followed the event of fire.
- Fire safety equipment and systems (such as fire alarms and detection systems, emergency lighting, fire extinguishers and fire doors are suitably maintained.
- The fire risk assessment is reviewed periodically or when the matters to which it relates have changed.

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