

Fire Strategy: Director's Briefing



Barbour

Environment, Health & Safety

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's authorised in writing by an inspector. 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 due to 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 a £5,000 fine in a Magistrates' Court, or an unlimited fine in a Crown Court and/or imprisonment 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 serious risks posed and requiring proposals for improvement to be submitted by the responsible person
- enforcement notices requiring the responsible person to remedy a specific failure and directing suitable measures to remedy the failure
- prohibition notices for serious risks immediately prohibiting the use of the premises for the purposes which give rise to the risk
- by way of an informal notice a 'deficiency notice' which is advisory and has no legal status however.

You must ensure:

- a Responsible Person has been appointed
- a 'Suitable and Sufficient' Fire risk Assessment is undertaken
- the findings of the assessment are acted upon
- an effective emergency plan (Fire Strategy) is drawn up
- all parts of the building are considered.
- other building users are involved (cooperation/coordination)
- that persons at risk are identified
- the assessment is reviewed periodically or when necessary.

“ An effective management plan must be in place”

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.

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.



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