



**NOTTINGHAMSHIRE & CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY -
COMMUNITY SAFETY**

**MINUTES of the meeting held at Fire and Rescue Services HQ, Bestwood Lodge,
Arnold Nottingham NG5 8PD on 9 January 2015 from 10.00am – 11.52am**

Membership

Present

Councillor David Smith (Chair)
Councillor Brian Grocock
Councillor Ken Rigby
Councillor John Wilmott
Councillor Roger Jackson

Absent

Colleagues, partners and others in attendance:

Craig Parkin - Assistant Chief Fire Officer
Keith Jones - Head of Service Delivery
John Mills - Fire Prevention Officer
Cath Ziane-Pryor - Governance Officer

12 APOLOGIES FOR ABSENCE

None.

13 DECLARATIONS OF INTERESTS

None.

14 MINUTES

The Committee confirmed the minutes of the meeting held on 3 October 2014 as a correct record and they were signed by the Chair.

**15 FIRE INVESTIGATION: UNIVERSITY OF NOTTINGHAM - JUBILEE
CAMPUS**

Further to the report submitted to the last meeting, Craig Parkin, Assistant Chief Fire Officer introduced Keith Jones, Head of Service Delivery, and John Mills, Head of Fire Protection.

John Mills, Head of Fire Protection, informed the Committee that whilst the structural fabric of the building, 'Glulam' could bear weights in excess of many other structural fabrics, until the building is completed and all fire safety measures installed, as with most timber frames, buildings are vulnerable to fire.

From the investigation of the fire, the following pattern of events and involvement were reported to the Committee:

- (a) the Fire and Rescue Service was alerted to an incident at the building at 7:55 pm, however, examination of CCTV attached to surrounding buildings, identified smoke emitting from the building from approximately 7:35 pm. During this period the fire became well established;
- (b) on this occasion social media, in the form of filming of the fire by onlookers from different angles, provided a useful tool for investigating the fire and identifying that it originated in the far right of the building where there was an electrical feed and contractors' equipment was stored;
- (c) whilst the building was burnt to the ground, the fire was prevented from affecting other surrounding properties. However, very little evidence remained to assist the fire investigation which involved Nottinghamshire and City of Nottingham Fire and Rescue Service, including the Regional Hydrocarbon Dog Handler, Nottinghamshire Police, and the Health and Safety Executive for Construction Sites;
- (d) the investigation was also supported by :
 - (i) University of Nottingham;
 - (ii) Morgan and Sindall Construction;
 - (iii) Burgoyne's Forensic Investigators;
 - (iv) British Research Establishment;
- (e) fire investigations are undertaken by process of elimination, considering:
 - (i) accidental;
 - (ii) deliberate/criminal;
 - (iii) electrical and/or gas supply;
- (f) Crime Stoppers received a call to say that there was human interference and while this was investigated, no evidence found to confirm this;
- (g) the regional hydrocarbon dog searched the area in which the fire was believed to have started but the very nature of a building site means that where petroleum for generators and other known accelerants which are commonly used in construction are found to be present, it is often not possible to conclude criminal activity;
- (h) electricity and gas mains supply had not been connected to the site but an electrical supply was in place for use by the contractors in the form of generators for their power tools and to charge equipment such as scissor lifts;
- (i) the building contractor, Morgan Sindall, which has an excellent reputation in the industry, were found to have adhered to all fire safety and timber framed construction requirements and even exceeded those requirements;

- (j) it is concluded that electrical supply is the most likely cause of the fire which was exacerbated by the initial recording of smoke at a time when the site was unattended and the fires development for nearly half an hour until the Fire and Rescue Service attended;
- (k) as the GlaxoSmithKline development is to proceed and the contractor retained, Morgan Sindall representatives are to meet with the Fire Service to discuss what further measures can be put in place to improve fire safety on site during the vulnerable period of development. It is predicted that recommendations will include a 24 hour presence on site. As the contractor is on site during the day this may only apply to non-working hours and while a physical presence would be preferable, monitored security cameras would still be of benefit as tackling a fire in its early stages could prevent considerable damage.

Councillors are concerned that while sprinkler systems specifically for buildings during development are available, they are not a legal requirement and insurance companies do not appear to offer reduced premiums if such sprinkler systems are installed. This is not an issue which is confined to large-scale multi-million pound developments, but it is also relevant to domestic properties.

Councillors welcomed the report that sprinklers were a legal requirement in Wales and queried why fire safety measures should be any different for England. It is noted that the Fire Rescue Service nationally continues to lobby for the installation of sprinklers.

RESOLVED

- (1) for the report to be noted;**
- (2) to continue to support the Fire and Rescue Service in its campaign for the installation of sprinkler systems to improve fire safety and reduce risk to life and property;**
- (3) for the thanks and appreciation of the committee to be recorded to all firefighters who had attended the blaze and to all officers involved in the investigation.**

16 CASE SUMMARY: PROSECUTION UNDER REGULATORY REFORM FIRE SAFETY ORDER 2005

John Mills, Head of Fire Protection, and Keith Jones, Head of Service Delivery, informed the Committee of a recent court case involving the Fire Authority in pursuance of fire safety breaches under the Regulatory Reform Fire Safety Order 2005.

The report outlines the case of an individual (RP - responsible person) who although initially appearing to comply with the fire safety requests of the Fire and Rescue Service in regard to 2 properties which he let to hen and stag parties, ultimately challenged the Service and individuals serving within it.

The process by which the case was escalated to Crown Court is summarised as follows:

- (i) following an expression of fire safety concerns by a member of the public who had attended the building, officers inspected the premises in 2010 and the RP was provided with an informal Notice Of Deficiencies which identified areas of fire safety concern and was supported by advice on cost effective solutions to rectify issues at both properties;
- (ii) during 2011 there was a fire at one of the premises and the attending fire crew provided further advice;
- (iii) as a result of this incident and as part of the 'risk-based inspection program', the premises were again inspected in 2012 and fire safety standards were found to have significantly deteriorated. The RP claimed that the 2005 order did not apply to his premises and declined to address the fire safety issues identified. As a result a formal Enforcement Notice was issued. As neither party were willing to alter their stance, the issue was escalated to the Magistrates Court;
- (iv) an initial Magistrates Court hearing was held and an appeal hearing was cancelled. When eventually heard, the Fire Service requested and was awarded court costs totalling £2,500 although this sum is yet to be received;
- (v) during February 2013 the property was re-inspected and it was found that the required works had not been completed to an acceptable standard. Further visits to the premises were denied;
- (vi) the RP requested that the Magistrates Court reopen his appeal against the enforcement notice and following several adjournments this request was denied. Court costs totalling £4,444 were awarded to the Fire Service but are yet to be received;
- (vii) during February 2014 the RP appeared in Nottingham Crown Court and the matter was adjourned to September 2014 for a full trial, at this point the RP changed his plea to guilty on several charges and the Fire Service decided not to pursue the remaining charges due to public interest;
- (viii) during November 2014 Nottingham Crown Court fined the RP £22,000 and he was ordered to pay the Fire and Rescue Service £78,000 towards costs, none of which have been received.

The following points were highlighted and Councillor's questions responded to:

- (a) Officers are not aware that any of the required changes have been made yet but it is understood that the properties are no longer in use;
- (b) the Service does everything in its power to educate, inform and support businesses to improve safety and for the majority of instances this help is accepted and acted upon;
- (c) although pursuing prosecution has proved expensive and full costs have not been awarded to the authority, it is vital that the enforcement program is not undermined and is strictly followed;

- (d) where costs and fines have been awarded, the Service will pursue the payment, this may result in a prison sentence for non-payers;
- (e) the business was not shut down following the initial complaint as it is reasonable to allow time for the safety improvements to be made. It was only when the resistance of the RP to make the improvements that the case was escalated;
- (f) it is not feasible for Local Authorities or the Fire and Rescue Service to inspect all business premises due to capacity. The Fire and Rescue Service does have an ongoing risk based inspection programme relating to 'life risk' and where incidents where 'sleeping risk' premises have been attended by a crew, the priority of a follow up inspection of the site is heightened;
- (g) every premises must have a 'Responsible Person' who takes responsibility for safety. However, the public also have a responsibility report safety concerns.

It is noted that the Service's processes in these type of cases have been highlighted regionally as good practice.

RESOLVED

- (1) to note the report and the workload that this case type creates for the organisation;**
- (2) for Councillors in attendance to be kept informed of the progress of retrieving the costs awarded to the Authority by the courts in this case.**

17 COMMUNITY SAFETY REVIEW

Craig Parkin, Assistant Chief Fire Officer, presented the report which updates Councillors on the Community Safety Review within the organisation, and a revised performance management and reporting process for reporting to this Committee.

The following points were highlighted:

- (a) The review was conducted under four key themes of:
 - (i) Research and information gathering;
 - (ii) Identification of community safety priorities;
 - (iii) Departmental structure options;
 - (iv) Performance monitoring and reporting;
- (b) the Community Safety Team has been restructured so that more resources are focused in the community and in partnership working;
- (c) the 'South' and 'City' groups have been merged;
- (d) the team is better integrated than previously;
- (e) the main priorities of community safety have been identified as:

- (i) personal risk;
- (ii) road safety
- (iii) elderly;
- (iv) education.

Further information on the Performance Framework is to be submitted to the next meeting.

The following responses were given to Councillor's questions:

- (f) the Service is working closely with early intervention agencies with regard to the elderly and dementia sufferers;
- (g) a grant had been secured to provide cycle maintenance sessions for young people which will also provide an opportunity to inform and educate cyclists;
- (h) where people can't be easily educated, including some elderly and dementia citizens, sprinkler systems are especially recommended;
- (i) the Service is keen to engage in further community partnership working but needs to be realistic about the capacity of officers and ensure that engagement is prioritised to where the service can have the most influence;
- (j) it is a concern that the figures held by NCH regarding fires in homes varies from those attended by the Service;
- (k) historically the Fire Prevention Team are focused on securing legislation to support the installation of sprinklers;
- (l) improved sharing of information with the Police will ensure that both Authorities can assist each other in improving community safety and security.

Councillors commented:

- (m) with the drive to keep elderly and infirm people living in their own homes for as long as possible, it is important to ensure that safety is maintained for this growing section of the community;
- (n) there is still an on-going need for cycle safety training for young people but a growing issue is irresponsible driving of disability buggies. Consideration should be given to providing basic safety training;
- (o) it is acknowledged that the Service works closely with Nottingham City Homes (NCH) and several Housing Associations so it is disappointing that for the new-build NCH properties, sprinkler systems are not being installed. This is a short-term financial saving as along with the a potential risk to life, a sprinkler system costing a few hundred pounds is cheap against an average cost of a fire of £65,000 where a sprinkler system hasn't extinguished or inhibited a fire.

RESOLVED to note the report.