

In good working order

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The responsibilities of the fire service and building control bodies can sometimes bring complexities in agreeing solutions, explains Michael Morgan

Made law in 2006, [The Regulatory Reform \(Fire Safety\) Order 2005 \(RRFSO\)](#) was brought in to consolidate and rationalise fire safety legislation previously covered under a plethora of statutes and second tier legislation. It was hoped that this single piece of legislation would lessen the burden and simplify requirements for businesses and building owners with a view to improve overall fire safety in buildings. A single regime could be easily administered and applied.

The big change was the designation of a 'responsible person', with the duty of ensuring fire-safety compliance and provisions; in short, the employer, owner or person in control of the premises. Where particular expertise is called for, such as fire-risk assessments, the task of identifying potential fire hazards and considering people at risk can be passed to a 'competent person'.

There are numerous guides in circulation to help with risk assessment. Landmark cases such as the [Chumleigh Lodge Hotel](#) and [Lakanal House inquiry](#) have brought its importance to the fore, but more needs to be done.

Building control bodies

[Building control bodies \(BCB\)](#) can play an important part in fire-risk assessment and have duties to consult the fire service, with the aim of avoiding the need for additional work following completion. [The Building Regulations and Fire Safety Procedural Guidance](#), which is soon to be updated, states:

'This aim can only be achieved where all parties take a methodical joint approach to fire safety, while discharging their respective statutory duties and responsibilities.'

Where building projects deviate from Approved Document guidance, the fire service and BCB may disagree on what meets the functional requirements of the Building Regulations. Ultimately, the BCB may have the final say but there may be serious repercussions if the advice given by the fire authority is ignored.

One particular example where consultation is of benefit is improvements to Material Alterations subject to 'no worse' scenarios covered under Regulation 4 (3) of the Building Regulations. In one situation I came across, a means of escape was seriously jeopardised by old arrangements but made no worse by the client's new proposals. The insistence of a fire officer that if this was not dealt with under the Building Regulations, it would be dealt with under the RRFSO, led to the client making the much needed improvement works.

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Conversely, there are instances where a fire officer has, in my opinion, been unhelpful and/or unreasonable in advice and requirements. At one recent scheme, there were issues relating to fire-service vehicle access, a dead-end road longer than 20m.

This problem had not been picked up at the planning stage and would cause problems to not only the site in question but the remainder of the street. We sought to assist the applicants in finding solutions agreeable to both ourselves and the fire authority.

The fire engineer proposed a number of remedies, but because the deviation pertained to requirement B5 it was imperative the fire service was 'on board' with the solution.

The only solution acceptable to the fire service was a domestic sprinkler installation, which the client was keen to avoid. Being customer-focused, I was open to investigating other options. The real worry was not the inflexibility ? or that sprinklers seem to be the panacea for everything ? but the fact it was stated that we as the BCB may accept this alternative arrangement even though the fire service were 'not satisfied'.

The fire authority's role as the 'consultee' and our role are clear but when it comes to fire service it seems imperative to secure agreement. Guidance cannot cover every instance and greater provision may be necessary, but due to the fact that they will be fighting the fire should one occur, it seems that, sometimes, the fire service can be dictatorial in a very diplomatic way. I suppose this means the RRFSO is working?

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Further information

- Related competencies include: [Fire safety](#) , [Legal and regulatory compliance](#)
- This feature is taken from the RICS *Building control journal* (November/December 2014)