

**TO:** Cambridgeshire and Peterborough Fire Authority

**FROM:** Area Commander Stuart Smith, Community Safety and Resilience

**PRESENTING OFFICER(S):** Area Commander Stuart Smith  
07900 267853  
[stuart.smith@cambsfire.gov.uk](mailto:stuart.smith@cambsfire.gov.uk)

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## **FIRE SAFETY LEGISLATION UPDATE - BUILDING SAFETY BILL AND IMPROVEMENTS**

### **1. Purpose**

- 1.1 The purpose of this report is to update the Fire Authority on the Building Safety Bill and the additional burdens on fire and rescue services when the legislation comes into force.
- 1.2 This relates directly to the legal responsibilities the organisation must enforce under the Fire Safety Act as the enforcing authority around building safety.

### **2. Recommendation**

- 2.1 The Authority is asked to note the information within Appendix 1 and the associated risks/issues noted within this report.

### **3. Risk Assessment**

- 3.1 The risk assessment is based on the information provided by the National Fire Chiefs Council (NFCC) in Appendix 1 and the knowledge of fire safety inspectors within the organisation. This is subject to change over the coming year before the Bill is laid in Parliament.
- 3.2 **Political** – the Building Safety Bill provides the Building Safety Regulator (Health and Safety Executive (HSE)) with the power to direct fire and rescue services (FRSs) to provide them with resources to assist with their work. This could come into direct conflict with the Authority's ability to deliver against the integrated Risk Management Plan (IRMP).
- 3.3 **Economic** – it is recognised by the NFCC and Home Office (HO) that, on average, a 30% increase in fire safety inspectors would be required to provide the function required of the Building Safety Regulator (BSR). It has been calculated that this would mean an additional £20 million per annum required for FRSs nationally. The NFCC has been told to expect no more than £7.5 million. A chargeback system to the HSE is being worked through, but it is suggested that only 70% will be recouped in the first two years and after that no

more than 90%. The additional costs would therefore have to be found by FRSs.

- 3.4 **Social** – when first established, the BSR will look to use FRSs to support their work, particularly safety case reviews for existing high-rise premises. As they become established, there is a substantial risk that FRS staff will leave to take better paid jobs in either the BSR department or in private companies providing risk assessments to managers of high-rise premises. This would then put further pressure on existing staff to deliver against the IIRMP through the risk based inspection programme and further work from the BSR.
- 3.5 **Technological** – the impact of this new Bill will require us to invest in technology to ensure our inspectors are provided with the right equipment to allow them to deliver their duties under the inspection and enforcement powers we legally hold. It will also allow responsible persons of high-rise residential buildings to share plans electronically and in paper form into the organisation under the new legislation.
- 3.6 **Legislative** – we have a legal requirement upon the Authority to inspect and enforce the Regulatory Reform (Fire Safety) Order (2005). The new Fire Safety Act 2021, Fire Safety (England) Regulations 2021 and the Building Safety Bill (due March 2023) will mean we are likely to have more legal duties to comply with and enforce against.
- 3.7 **Environmental** - we will spend more time delivering audits on high-risk buildings especially within our cities. Working our sustainability model, we are looking to introduce bicycles to allow our inspectors to travel around these urban areas, reducing our carbon footprint as our delivery increases.

#### 4. **Background**

- 4.1 When the Building Safety Bill receives Royal Assent, it will install a BSR who will be responsible for all residential buildings over 18 metres or seven floors. This also includes care homes and hospitals. All new buildings will have to go through four gateways from planning to occupation, creating a golden thread of information on it. Existing buildings will require a safety case review demonstrating that they have appropriate safety measures in place. It is expected that this is where the burden of work will come to FRSs.
- 4.2 The major concerns for FRSs are around sustained funding of the additional roles required to support the BSR function and the risk of losing highly skilled staff to either the BSR or the private sector. As it takes three to five years to train someone to the levels required to inspect high-risk premises, there could be a period where we may struggle to meet the Risk Based Audit Programme (RBAP) and our IRMP plans.
- 4.3 As an organisation we have been working extremely hard to build capacity and capability within our fire protection teams. The Government has given additional funding within this area of the Service. This fund of £186,000 is being used to provide administrative support and development of staff through secondment opportunities.

4.4 The uplift grant project has been established to ensure we spend the initial funding of £115,000 in line with the grant conditions to make us as efficient and effective as we can be when delivering our legal responsibilities around building fire safety.

4.5 These two funds are currently one-off funding pots meaning it is extremely difficult for us to manage and plan for the medium to long term future.

## 5. Next Steps

5.1 **Building Safety Regulator** - the Building Safety Bill is not expected to receive Royal Assent until April 2022. It is not expected that the BSR will be fully functional until June 2023. The NFCC continues to engage with DLUHC, Home Office and HSE to gain more clarity on the exact role of FRS's.

5.2 **Regional Hubs** - there are discussions nationally about FRSs working within regional BSR hubs. Although this would reduce the burden on services with large quantities of 18 metre plus buildings, it may produce a larger impact on a Service that has 20 in scope but who may be required to commit staff to work on other service's buildings.

5.3 **Development of Staff** - it is recognised that there is a risk of losing our highly skilled staff to the private sector and work is ongoing to train new members of staff to become fire safety inspectors. However this is a lengthy process which also requires commitment from the existing inspectors to support them. This may mean a reduction in some audit activity to support the development of new inspectors.

5.4 **Funding** - the NFCC notes that the additional work required of FRSs from the BSR would require a 30% increase in fire protection staff. However there is no funding mechanism in place to support these positions in the future beyond the current grant funding. There is a risk that the Authority may have to decide on which statutory duties they agree to complete and those they cannot fund. It may also mean that funds must be found from other areas of the Service during a time of financial uncertainty.

## BIBLIOGRAPHY

Source Document	Location	Contact Officer
NFCC Building Safety Bill and Improvement Report	HQ Hinchingsbrooke Cottage Brampton Road Huntingdon	Area Commander Stuart Smith 07900267853 <a href="mailto:stuart.smith@cambsfire.gov.uk">stuart.smith@cambsfire.gov.uk</a>