

# Fire Safety Bill: Second Reading

## House of Commons

Wednesday 29 April 2020

### Key messages:

- The LGA has been calling for councils and fire services to be given effective powers and meaningful sanctions to ensure residents are safe – and feel safe – in their homes.
- We welcome the introduction of the Fire Safety Bill (FSB) and hope it will be an important step in the right direction. We are concerned about some of the practicalities of the Bill, how it aligns with the building safety proposals the Ministry of Housing, Communities and Local Government (MHCLG) is preparing, and the costs it may impose on councils and other building owners.
- To ensure the legislation is successful in protecting lives, national government must ensure that local government is reimbursed for any additional costs arising out of the operational changes mandated by this Bill.
- The Government needs to provide an assurance that when the Building Safety Bill (BSB) is introduced it will be fully aligned with the amended Fire Safety Order to create a workable building safety system. At present we are concerned that disparities between the Fire Safety Order's concept of a Responsible Person and the proposals for an Accountable Person and a Building Safety Manager contained in the Government's response to the [Building A Safer Future consultation response](#) could confuse duty holders.
- The Government needs to ensure that there are enough trained professionals to carry out the new-style fire risk assessments. There is a chronic shortage of fire engineering expertise in the UK at present. The Government needs to act now to set up degree, conversion and apprenticeship schemes to address this – without more fire engineers the FSB may fail.
- The Government should not make councils and other freeholders responsible for issues beyond their control. The FSB makes duty-holders responsible for fire doors, even if they are owned by leaseholders. Requiring councils to inspect fire doors is likely to prove unworkable and extremely costly.
- Councils would also like government to clarify if existing fire risk assessments are still valid. There are half a million fire risk assessments in social housing and redoing them all in short order would be very expensive and logistically challenging. We understand this is not the Government's intention, but it would reassure councils if that was stated in Parliament.
- We have various concerns about the practicalities of some of the recommendations of the Grenfell Tower Inquiry that are to be added to the FSB via secondary legislation.



# Briefing

For more information, please contact:  
Jade Hall, Public Affairs and Campaigns Adviser  
Jade.Hall@local.gov.uk 02076643108

## Further information:

### About the Fire Safety Bill

- On Thursday 19 March 2020, the Government introduced the [Fire Safety Bill \(FSB\)](#). The Bill will amend the Fire Safety Order 2005 to clarify that the responsible person or duty-holder for multi-occupied, residential buildings must consider the external walls of the building and entrance doors to individual flats that open into common parts when conducting a fire risk assessment. This clarification will empower fire and rescue services to take enforcement action.
- The Bill will also provide a foundation for secondary legislation to take forward recommendations from the Grenfell Tower Inquiry phase one report and some issues arising from the call for evidence on the Fire Safety Order issued last year, the [response](#) to which was published alongside the FSB. The Home Office has promised a consultation this spring on the secondary legislation.
- The clarification the FSB provides is necessary because only the common parts of a residential block of flats are covered by the requirement to produce a fire risk assessment and there has been some disagreement as to whether external wall systems needed to be considered. The FSB seeks to ensure that the external wall cladding system is taken into account.
- We [welcomed](#) the Bill, but said it needs to be backed up by further effective powers and sanctions, which have been promised in the forthcoming Building Safety Bill, and sufficient funding to carry out the necessary inspections and enforcement activity.
- While we agree that a fire risk assessment needs to take account of fire doors and cladding systems and supports the aims of the Bill, we are concerned about the practicalities and the costs that may be imposed on councils and other building owners by elements of the Bill. National government must ensure that local government is reimbursed for any additional costs arising out of operational changes mandated by this Bill.

### Aligning with the Building Safety Bill

- It is important that the FSB and the BSB align effectively. It is also vitally important that the Responsible Person (Fire Safety Order) and the Accountable Person (BSB) align, both to avoid confusing duty-holders and to avoid unscrupulous landlords gaming the system by transferring buildings to offshore ownership. Government have assured stakeholders that this will be the case.
- The consultation on secondary legislation will cover how Responsible Persons work together. The call for evidence response published alongside the Bill emphasises the difficulty regulators face in enforcing the Fire Safety Order unless there is a clearly-identified UK-based responsible person. Without this, it is difficult to take enforcement action as it is unclear who that action should be taken against, offshore owners can be impossible to trace or prosecute and months can be lost in tracking down the correct person. This needs to be dealt with in secondary legislation.
- We are concerned that the effectiveness of the FSB could be undermined by subsequent reforms in the BSB. For example:
  - The BSB is likely to focus attention on buildings over 18 metres, creating a two-

tier building safety system in the UK. Height is only one factor in assessing risk and some of our most dangerous buildings (for example The Cube in Bolton) are under 18 metres – specifically to avoid the tighter regulation. The strength of the Fire Safety Order 2005 is that it applies at any height, we do not want that undermined by the BSB.

- There is uncertainty around the relationship between the fire service and the new building regulator to be established under the BSB. We are concerned that the establishment of a national regulator could suck key staff away from the Fire and Rescue Service and that the BSB may introduce an overly bureaucratic system. The FSB should be accompanied by an assurance that nothing will be done to hamper the fire services' role in ensuring safety in residential buildings, and that councils will not be burdened by unnecessary reporting duties.
- For ten years the fire doors industry supplied non-compliant fire doors to councils and housing associations. It is estimated that the cost of fixing fire doors is over £700 million. Councils and housing associations have been left to meet the costs. The Government needs to regulate the industry and require them to provide compensation.
- It is important to note that the Fire Safety Bill does not mention residents. Residents need to be able to raise complaints. They must also be given the right to see the fire risk assessment for their building and a non-technical summary version of it designed to be understood by the layperson. We hope that this will be covered by the BSB, but the FSB offers a good opportunity to obtain it.
- The Coroner's letter to the Ministry of Housing Communities and Local Government following the fire at Lakanal House in 2009 identified shortcomings in the FSO and recommended that a clarification of the definition of common parts be published. This Bill does not deliver on the coroner's wishes, as her concerns were around the need to inspect individual flats to identify compartmentation breaches. We hope that the BSB will address this.

### **Availability of key staff**

- There is concern that there are not enough trained assessors to complete Fire Risk Assessments under the new Fire Safety Order. We understand that the Fire Industry Association will be putting out guidance to its members stating that they should not provide fire risk assessments that cover cladding unless they have the requisite expertise, which we understand most do not. There is also concern that the insurance and mortgage industries might start requiring new fire risk assessments to insure buildings. This would have serious implications and could leave many buildings without adequate insurance.
- The Government needs to give an assurance that there are sufficient competent persons to carry out the new-style fire risk assessments and that an appropriate transition period is provided, whilst keeping residents safe.
- There is a chronic shortage of fire engineering expertise in the UK at present. The Government should also set up degree, conversion and apprenticeship schemes to address this – without more fire engineers the FSB may fail.
- Councils would also like Government to clarify if existing fire risk assessments are still valid. There are half a million fire risk assessments in social housing and redoing them all in short order would be very expensive and logistically challenging.

## **Secondary legislation**

- Secondary legislation will be consulted upon to deliver the recommendations of the Grenfell Tower Inquiry.
- The Grenfell Tower Inquiry has made some very important findings and we support most of its recommendations. We are concerned about the practicality of some recommendations which either place an unreasonable burden on duty holders, threaten to overwhelm regulators with unnecessary information, or are simply unworkable in practice.