

CONSULTATION ON CHANGES TO THE FIRE AND RESCUE SERVICES (NORTHERN IRELAND) ORDER 2006	5th June 2018
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR DECISION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Innovation and Transformation
Outcome	A change of definition of domestic premises, authorised officer and accommodation of new responsibilities for HMO's.
Lead Officer	Head of Health & Built environment
Cost: (If applicable)	N/A

Background

The Department of Health issued a consultation document on 9th April 2018 on proposals to make amendments to the Fire and Rescue Services (Northern Ireland) Order 2006. Responses are sought by 3rd June 2018. An extension has been sought so that Councils response may be considered.

Article 50 of the Order of 2006 gives the meaning of a relevant premise, Article 50(1) (a) excludes domestic premises from the definition of a relevant premise. This has the effect of removing responsibility for fire safety inspection and enforcement in common areas that exist in flats and apartment blocks (stairs, passageways, gardens and yards etc.) of domestic premises from NIFRS.

The Department see this as a significant risk and propose to make NIFRS responsible for fire safety enforcement in the common areas of domestic premises such as flats and apartment blocks.

The Houses of Multiple Occupation (HMO) Act received Royal Assent in May 2016. The operation of the HMO licensing scheme will be the responsibility of local District Councils. District Councils will carry out all the checks/inspections (including fire safety) required to license or otherwise a HMO. The Department for Communities (DfC) are working towards the implementation of the HMO Act with a commencement date of the 1 April 2019.

To facilitate this transfer of powers, the current Order requires amendment to allow the Chief Fire and Rescue Officer to delegate fire safety inspections for Houses in Multiple Occupation. Additionally Article 33.(3) and 52.(1) only empowers "fire and

rescue officers” to undertake fire safety / enforcement inspections, by amending both Articles to “people” this will allow the delegation of authority to suitably trained and competent District Council staff to undertake fire safety inspections in HMOs. It is envisaged that those transferring officers would be authorised following consideration of their competency.

A Memorandum of Understanding (MoU) will require to be agreed between local councils and NIFRS. That will clarify and coordinate the roles and responsibilities in the future with respect to fire safety inspection in HMO premises.

The proposals will not impact the existing fire safety arrangements in relation to HMO’s while the DfC progress the necessary regulations to bring the new licensing arrangements into place.

The document consults on the proposal to make amendments to the Fire and Rescue Service (Northern Ireland) Order 2006 and seeks responses to the following questions:

Q1. Do you agree that the proposed amendments are necessary to achieve the requirements outlined previously? -

Suggested Response: Causeway Coast and Glens Borough Council is satisfied that the proposed amendments are necessary to facilitate the transfer of powers to local councils and to include Houses in Multiple occupation as relevant premises.

Q2. Are the proposed amendments sufficient to achieve the requirements outlined previously?

Suggested Response: Causeway Coast and Glens Borough Council is satisfied that the amendments are sufficient to achieve the requirements outline in the consultation document.

However the amendments should be coordinated with the introduction of the HMO legislation to ensure a smooth transition. It is essential that any agreed MoU with Councils is finalised well in advance of any transfer of powers to clarify and coordinate roles and responsibilities.

It is also suggested that reference to common areas in purpose built blocks of apartments /flats should also include those that are not purpose built but that could be created from a change of use situation/building conversion.

Recommendation

It is recommended that Causeway Coast and Glens Borough Council endorse the suggested responses above to the consultation document and that these be submitted to the Department of Health for consideration.