



Rialtas na hÉireann  
Government of Ireland

# **FIRE SAFETY IN IRELAND**

## **REPORT OF THE FIRE SAFETY TASK FORCE**

**May 2018**

Prepared by the Department of Housing, Planning and Local Government

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## PREFACE

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Minister for Housing, Planning and Local Government,  
Custom House,  
Dublin 1.

Ministers,

I attach the Report of the Fire Safety Task Force which you established on 27 June 2017 in the aftermath of the Grenfell Tower fire tragedy in London. That shocking event prompted your direction to the National Directorate for Fire and Emergency Management to convene a Task Force to undertake a complete review of our approach to fire safety in Irish society, as well as overseeing the initial actions you directed.

This Report covers the initial actions taken to address public concerns and fears about fire safety in situations similar to Grenfell Tower in Ireland. In relation to multi-storey, multi-unit social housing in Ireland, the Report concludes that it is generally designed, built and equipped appropriately for domestic fire risk. However, our work identified a number of issues, which were addressed as set out in Chapter 7.

In the case of medium to high rise buildings, (greater than 6 stories or 18 m high) 842 buildings (373 residential and 469 non-residential) have been identified in this category through the national survey undertaken. Of these, 291 were identified as having specific external cladding systems (104 residential and 187 non-residential). In 226 of these cases (105 residential and 121 non-residential) building owners have been required by local authorities, using their powers under the Fire Services Act, to assess fire safety in these specific buildings in more detail. National guidance on further actions in light of the results of these fire safety assessments, taking account of emerging information on the cladding issue from international sources, was developed under the aegis of the Task Force and published by the Department in late December 2017. Work is on-going on this assessment process and remediation where necessary. However, at this point the apparent conditions which gave rise to the Grenfell Tower tragedy do not appear to be present in buildings in Ireland and work is underway or at planning stage to address identified fire safety issues.

The first part of the Report describes current arrangements for fire safety in Ireland, which are based on the international approach to systemic risk management. This

reflects three elements – the design and construction of buildings for fire safety; the operation and management of those buildings for fire safety and finally intervention by the local authority fire service when there is an outbreak of fire.

The Report also looks at trends of fire fatalities in Ireland. We note the welcome downward trend in fire fatalities over the past decade. The rate of six fire deaths per million of population, averaged over three years to reflect annual fluctuations, positions Ireland in the league of countries with lower fire fatality rates. However, we should not be complacent – each fire death is one too many – and there is an ever-present potential for some fires to escalate in particular circumstances and to cause multiple fatalities. Unfortunately, after a forty-year record low of 20 fire deaths in 2016, the provisional figures for 2017 indicate a steep increase.

Having discussed and reflected on fire safety issues in Ireland, the Task Force is making recommendations on the aspects which we consider should be prioritised for concerted action in the period ahead. Notwithstanding the concerns about fire safety in high rise buildings and multi-storey multi-unit social housing which gave rise to the creation of the Task Force, it is our view that fire safety in certain categories of buildings providing sleeping accommodation is the area in need of most urgent attention from a life safety perspective. This is not to say that other areas should be neglected but, in our view, a key focus for the period immediately ahead should be on part of the sleeping accommodation sector.

As well as the oversight role of national Government, there are three main dimensions to Ireland's fire safety system:

- personal responsibility in relation to fire safety in our homes and statutory responsibility imposed by section 18(3) of the Fire Services Acts for individual's behaviour in other settings;
- the statutory responsibility which is imposed by section 18(2) of the Fire Services Acts on "persons having control" of buildings (other than dwellings occupied as a single dwelling); and
- the inspection and enforcement role of local fire authorities in relation to section 18(2) and Section 18(3) responsibilities.

The overall composition of this system is seen as appropriate, but in order to ensure that it is operating effectively and satisfactorily, we recommend:

- additional guidance for those with statutory section 18(2) responsibility for fire safety in buildings and a new requirement for a "Public Notice of Fire Safety" in every building to which section 18(2) applies which will assist the public in judging if they are safe in a building;
- new and specific fire safety regulations for the recommended priority "sleeping accommodation" sector;
- new fire safety regulations for large and complex buildings;
- action to identify and target those who neglect their fire safety obligations;

Our recommendations at Chapter 10 and 11 provide for concerted fire safety action in the selected priority areas and a linking of national and local priorities. We recommend monitoring real-time fire service data trends and using this as a basis for future prioritisation of national fire safety campaigns.

We are also recommending a change in the approach to addressing fire safety issues. We propose national fire safety campaigns aimed at targeted areas, rather than what might be perceived as heretofore diffused and somewhat inconsistent efforts. We are of the view that available resources should be deployed as part of new national campaigns aimed at bringing accommodation within the priority sectors to an appropriate fire safety standard in 2018/ 19.

We think also that the overall approach should include a targeted education campaign, making information available to the public to enable them to make informed decisions in relation to their own safety and to report their concerns about fire safety to local authorities.

Finally, we are recommending better targeting and use of resources by local fire authorities in their “engineer, educate & enforcement” roles in support of the recommended measures. These measures, we believe, will enhance the safety levels in both dwellings, where practically all fire deaths occur, and other types of buildings where there is potential for large scale loss of life.

Life is not risk free, and it is not possible to give guarantees in relation to fire safety. However, in its approach, the Task Force has endeavoured to balance the risks of fire safety with the broader needs of society and the resources available to manage that risk. The recommended approach is seen as a proportionate blend of measures to prevent fires, to have appropriate levels of fire protection in buildings and to have an appropriate fire service response in place. This is the approach which we believe is optimal to reduce the probability of a disastrous outcome developing from any fire incident.

Finally, I would like to express my appreciation to the members of the Task Force and staff in the Department who have brought forward ideas and advanced the different strands of work necessary to produce this report and the associated support documents.

Seán Hogan,  
Chair, Fire Safety Task Force,  
National Directorate for Fire and Emergency Management,  
Department of Housing, Planning and Local Government.  
10 May 2018.





## GLOSSARY OF TERMS/ ACRONYMS

AHB	-	Approved Housing Body
ARC	-	Area Risk Categorisation
BCMS	-	Building Control Management System
C Trí-		Project to replace first generation fire service mobilisation and communications facilities
CISM	-	Critical Incident Stress Management
CSO	-	Central Statistics Office
D HPLG	-	Department of Housing, Planning and Local Government
D PER	-	Department of Public Expenditure and Reform
EVG	-	External Validation Process
FSA	-	Fire Services Acts
HAP	-	Housing Assistance Payments
JOC	-	Joint Oireachtas Committee
KCS	-	Keeping Communities Safe
LGMA	-	Local Government Management Association
MEM	-	Major Emergency Management
NDFEM	-	National Directorate for Fire and Emergency Management
NICS	-	National Incident Command System
OHS	-	Occupational Health System
OHSAS	-	Occupational Health and Safety Assessment Series
OPW	-	Office of Public Works
PDA	-	Pre-Determined Attendance
RAS	-	Rental Assistance Scheme
RCC	-	Regional Communications Centre
S,H & W	-	Safety, Health and Welfare
SCA	-	States Claims Agency
SOG	-	Standard Operational Guidance



## **FIRE SAFETY IN IRELAND - EXECUTIVE SUMMARY**

### **Background**

In the early hours of the 14 June 2017, a fire broke out in a flat in Grenfell Tower, North Kensington, London. The fire developed rapidly, spreading upwards and sideways along the exterior of the building and engulfing the floors above the fire, and tragically claimed 72 lives.

In the immediate aftermath of this event, Minister for Housing, Planning and Local Government, Mr Eoghan Murphy, T.D. directed the National Directorate for Fire and Emergency Management in his Department to convene a national Fire Safety Task Force to consider the potential for a similar tragedy in this country and to review and make recommendations on fire safety in Ireland.

### **The Fire Safety Task Force**

The Task Force's membership was drawn from a cross-section of specialist expertise. In addition to planners, regulators, architects and social housing experts, there were also representatives from private sector consultancies, chief fire officers, a staff association and both local and national government. The Task Force met on 12 occasions between July 2017 and April 2018.

### **The Task Force's Initial Actions**

Minister Murphy directed that initial attention focus on two areas which appeared connected with Grenfell Tower – high-rise buildings and multi-storey, multi-unit social housing – and asked the Task Force to oversee work on both. Initially, work focussed on the factors seen as likely to have contributed to the tragedy and a survey was undertaken across the country to establish if the circumstances which led to the disastrous event in London were present in Ireland.

Local authorities were requested to carry out a preliminary survey to identify all buildings of more than six storeys, or 18m in height. Specifically, they were asked to identify those buildings which had external cladding which might be cause for concern. The nationwide survey identified that there were some 842 medium to high rise buildings. 291 of these had external cladding systems of interest. The owners were required under the powers of the Fire Services Acts to undertake detailed fire safety assessments in 226 buildings.

## **Fire Safety in Multi-Storey, Multi-Unit Social Housing**

The Task Force also oversaw the response to Minister Murphy's request to local authorities to assess fire safety measures in their existing multi-storey, multi-unit social housing. Specifically, local authorities were requested to examine fire detection and alarm systems, emergency lighting systems, common escape routes, including corridors, stairways and emergency exits, and to ensure that such systems were both in place and fully functional.

This local authority survey examined fire safety arrangements in 1,227 buildings with more than 16,000 residential units. The survey revealed that communal fire detection and alarm systems were confirmed in 94% of buildings and emergency lighting systems were confirmed in 93% of buildings. It further confirmed that proper escape routes were available in those buildings. Where deficiencies were encountered work was initiated to remedy the situation. This survey provides considerable reassurance of the standard of fire safety within this profile of multi-storey, multi-unit social housing stock.

### **Outcome of this Initial Work**

Typically, disasters result from a progression of failures rather than one single issue and the national surveys have provided re-assurance that the combination of contributory factors in London do not appear to be present in buildings in Ireland. This does not infer that we should be complacent about the standard of fire safety in the existing medium to high-rise building stock. Action to remediate or improve fire safety features was deemed necessary in a number of buildings as a result of the fire safety assessments. While improvement works are underway currently in a small number of buildings (approximately 10% of those where assessments were required) full fire safety assessments and improvement works remain to be completed in some of the identified buildings. The Task Force recommends that national oversight is maintained of this assessment process in the months ahead and that any emergent issues are dealt with and an oversight report is provided to the Minister at the end of the process. However, the survey and follow-up actions are seen to have reduced the probability of a disastrous fire by identifying and dealing with potential contributory issues.

## **Fire Safety in Multi-storey Residential Buildings**

Like the medium to high-rise buildings, the key to life safety in all multi-storey, multi-unit residential buildings is a proper two-stage fire detection and alarm system, together with an evacuation strategy so residents know how to react in the event of fire alarms being activated.

The Task Force recommends that building management companies and/or other "persons having control" of such buildings review their fire safety arrangements and

ensure that appropriate fire protection facilities are present within all multi-storey, multi-unit buildings and that these are checked and maintained routinely and recommends also that fire services offer training to Directors of Apartment Management Companies on key life safety issues.

The experience of actual fires gives confidence that the current fire safety strategy is appropriate and effective in protecting persons living in medium to high-rise buildings. The activation of fire detection and alarm systems, the effective evacuation of the premises, the success of compartmentation/ construction in containing the fire and the efficacy of fire service response are all part of the recommended approach to protecting life safety in all multi-storey residential buildings. The challenge is to ensure that these elements, which contribute to the overall outcome of fire safety, are in place and available in all buildings.

### **Broader Perspective on Fire Safety in Ireland**

As well as overseeing the specific tasks in relation to medium to high rise buildings and multi-storey, multi-unit social housing, the Task Force also undertook a broader review of existing fire safety arrangements in Ireland. This wide-ranging perspective includes legislation, policy and approach to achieving the societal objective of fire safety in Ireland.

The Task Force Report makes a number of recommendations for enhancing the current fire safety system. The statutory responsibilities of the “person having control” of premises, as set out in section 18 of the Fire Services Acts, emerged as a key area of focus for the Task Force and a number of amendments are proposed to the current regulatory system in order to enhance and ensure fire safety in certain categories of buildings, in particular in certain forms of residential/ sleeping accommodation identified as a priority area for fire safety efforts. The legislative amendments proposed by the Task Force seek to clarify and make explicit the statutory obligations imposed on the ‘person having control’ as well as introducing a new mechanism through which the fire safety arrangements in place in premises and sleeping accommodation are brought to the attention of the public. To ensure that “persons having control” of premises take action to fulfil their statutory obligations, a revised focus on enforcement is recommended in parallel to deal with any disregard for fire safety considerations.

In each of the following Chapters, an overview/ conclusions and recommendations of the Task Force are set out. These are presented together for ease of reference as a summary output in a separate document titled “*Report of the Fire Safety Task Force - Summary of Conclusions and Recommendations*”.

# **1 Introduction to Report**

## **1.1 Introduction**

A devastating fire broke out at Grenfell Tower in North Kensington, West London on the early morning of 14 June 2017. Over 40 fire appliances with 200 fire-fighters responded to the incident. Nonetheless, the 24 storey building was engulfed rapidly by an intense fire. It is understood that 72 fatalities have been confirmed by the authorities in London.

Although practically all fire deaths recorded in Ireland occur in the homes of those who die, there is understandable concern about the potential for a fire of similar devastating impact in terms of life loss and social impact. Fire tragedies in non-domestic buildings, on the scale of the London fire, were last witnessed in Ireland in the years 1979/1980/1981 when the Whiddy Oil Terminal, Bundoran Hotel and Stardust nightclub fire tragedies occurred. As well as the threat to life, potential loss of critical infrastructure (e.g. airports, hospitals, industries, schools/colleges) and large scale economic impact could result from a disastrous fire.

This Report outlines current arrangements for fire safety in Ireland and explains roles and responsibilities in relation to fire safety. It describes the range of actions taken in Ireland in the aftermath of the Grenfell Tower fire. It highlights the measures and arrangements in place in Ireland to mitigate the risk of a large scale fire. While the Report is intended primarily to consider the design and construction of buildings and the operation and management of those buildings for fire safety, it also describes arrangements for intervention by local authority fire services when there is an outbreak of fire, including in case of what is termed a “major emergency”.

## **1.2 Initial Actions taken in Ireland**

In response to this tragedy and in recognition of fears expressed for fire safety, on 27 June 2017, the Minister for Housing, Planning and Local Government, Mr Eoghan Murphy, TD, directed the National Directorate for Fire and Emergency Management to convene and co-ordinate a high-level Task Force to lead a re-appraisal of fire safety in Ireland in the wake of the devastating Grenfell Tower fire in London.

The terms of reference of the Task Force are given at Appendix A; membership is listed at Appendix B; and dates of its meetings are given at Appendix C.

The Task Force was requested to prepare an initial report for the Minister by the end of September 2017, with another Report setting out further proposals for the consideration of the Minister in 2018. However, while initial work was undertaken, the timescale for the preparation of the first report was impacted by a number of severe weather events, including ex-Hurricane Ophelia, which required temporary re-

prioritising of the National Directorate's resources away from the Fire Safety Task Force. Near the end of the Task Force work, Storm Emma also impacted on the National Directorate. However, the work of the Task Force has progressed to completion.

The Task Force consists of staff of relevant Divisions of the Department of Housing, Planning and Local Government, in addition to representatives from the local government sector, an international fire service expert and fire safety consultants. Further members with specific expertise, including staff from other public services and a representative of SIPTU, the fire-fighters union, were invited to join the Task Force as work developed and issues emerged. The Task Force established two working groups to look at two specific aspects of its mandate in detail.

In addition to establishing the Task Force, Minister Murphy directed that a number of initial actions be taken, including reviews of fire safety in multi-storey, multi-unit social housing and fire safety in medium and high rise buildings.

Specifically, local authorities were requested to examine fire detection and alarm systems, emergency lighting systems, common escape routes, including corridors, stairways and emergency exits, and to ensure that such systems were both in place and fully functional.

This local authority survey, which is reported in full in Chapter 7, examined fire safety arrangements in 1,227 buildings with more than 16,000 residential units. The survey revealed that communal fire detection and alarm systems were confirmed in 94% of buildings and emergency lighting systems were confirmed in 93% of buildings. It further confirmed that proper escape routes were available in those buildings. Where deficiencies were encountered work was initiated to remedy the situation. This survey provides considerable reassurance of the standard of fire safety within this profile of multi-storey, multi-unit social housing stock. It does not, however, speak to the standards of fire safety in other types of local authority building stock, or building stock in other forms of ownership.

Local authorities were also requested to carry out a preliminary survey to identify buildings of more than six storeys, or more than 18m in height, fitted with external cladding or rain screen systems, with or without insulation, that may be a cause for concern in respect of potential for rapid vertical fire spread. This aspect is reported in Chapter 8 as part of a broader report on fire issues in high rise buildings.

In cases where relevant high rise buildings have been identified, local authorities have decided if the "persons having control" over such buildings should be required to carry out a fire safety assessment (under section 18(6)(a) of the Fire Services Acts, 1981 & 2003) with regard to the cladding system and concealed spaces (cavities) in the external wall construction and its potential impact on fire safety in the building.



Initial research undertaken in response to the Minister's request indicates that there are no residential buildings in Ireland with directly comparable circumstances, or of a similar scale, to Grenfell Tower. The national survey has provided re-assurance that the combination of contributory factors, which appear to have existed in London, are not present in buildings in Ireland.

However, a number of buildings have been identified where concerns exist about external cladding and other issues. The Task Force was requested to oversee and report on the initial steps taken and to consider urgently any potential life safety issues arising and appropriate responses. Action to remediate or improve fire safety features was deemed necessary in a number of the buildings as a result of the fire safety assessments and improvement works are underway currently in a small number of buildings (less than 10% of those where assessments were required). However, full fire safety assessments and improvement works remain to be completed in some of the identified buildings. The survey and follow-up actions are seen to have reduced the probability of a disastrous fire by identifying and dealing with potential issues which could contribute to such an outcome.

In parallel with this initial work, the Task Force began to review and re-appraise existing arrangements and systems for fire safety and related issues which impact on fire safety in Ireland.

In the aftermath of the Grenfell Tower fire, a number of inquiries have been established in the United Kingdom. At the time of writing information has only become available in the form of Dame Hackitt's Interim Report on Building Regulations in England and Wales. This is reported in Section 6.10.1. There will be a need to take account of information and developments arising from the investigations and inquiries into the Grenfell Tower fire as these emerge in the years ahead.

## **2 Report Structure, Methodology and Data**

### **2.1 The Structure of the Report**

This report is structured in eleven chapters.

The initial chapters 3, 4, 5 and 6 review trends in relation to fire fatalities in Ireland and look at current policy and legislative provisions which underpin fire safety as well as local authority fire services in Ireland.

Chapters 7 and 8 report on the initial actions and areas of concern identified in the aftermath of the Grenfell Tower fire.

Chapters 9 discusses fire safety issues identified by the Task Force and Chapter 10 proposes an approach and programme of medium term fire safety work. Chapter 11 considers implementation issues associated with the recommendations made in the Report.

Overviews/ Conclusions and Recommendations are highlighted throughout the Report at the end of each chapter. These are drawn together and summarised in a separate document.

### **2.2 Report Methodology**

This report is prepared on the basis of discussions at the Task Force meetings, which were held fortnightly initially after it was established. Staff of the National Directorate for Fire and Emergency Management prepared briefing papers on priority issues and presented these at Task Force meetings as a basis for structured discussion.

The initial work of the Task Force was concerned with reporting on two aspects - the review of fire safety in multi-storey, multi-unit social housing and fire safety in medium to high rise buildings. The National Directorate for Fire and Emergency Management worked with all local authorities to establish base information in relation to both these issues and agreed initial actions where fire safety concerns were identified. This collaborative process was aided by the pre-existing structures and relationships between local authorities and the National Directorate for Fire and Emergency Management. Specific guidance on appropriate actions was developed by a Task Force Sub-Group to assist fire safety assessments being undertaken by persons having control over buildings where potential risk factors were identified.

The Task Force has also taken an overview of fire safety issues and has sorted these according to recommended priorities for action, recognising that everything cannot be done at once and that priority actions should be focussed on situations which are considered to represent the highest risk to life safety.

The title of the Report “Fire Safety in Ireland” reflects an overview of Ireland’s fire safety system, rather than being an appraisal of fire safety of building categories (other than the two specified) or individual buildings.

## 2.3 Data on Fire Safety

Data on fire in Ireland is derived mainly from the annual returns of local authorities to the National Directorate for Fire and Emergency Management which are compiled into published annual reports<sup>1</sup> (see <http://www.housing.gov.ie/>). See also Chapter 3 on data for fire fatalities.

However, in recent years, the availability of data from the three Fire Services Regional Communications Centres which provide 999/112 call-taking and mobilisation and communication support services has enabled a “Big Data” approach which provides for evidence-led fire service management. Two aspects of this are described below.

### 2.3.1 Area Risk Categorisation

The legal provision governing fire service response is the statutory duty under section 10(2) of the Fire Services Acts, 1981 and 2003 which states:

*Section 10(2) A fire authority shall –*

*(a) make provision for the prompt and efficient extinguishing of fires in buildings and other places of all kinds in its functional area and for the protection and rescue of persons and property from injury by fire.*

In undertaking the statutory duties of section 10(2) fire authorities are required by section 10(3) to have regard to a number of factors. Section 10(3) states:

*Section 10(3) A fire authority shall, in the exercise of its functions under subsection 10(2) have regard (in addition to all other relevant considerations) to the nature of the fire hazards and the probable incidence of and extent of fires in its functional area, the character of the area and the value of the property liable to be damaged by fires*

The initial Area Risk Categorisation process undertaken by all fire services in 2013/14 is based on analysis of three years of actual fire data generated from the three Regional Communication Centres (RCCs). The National Directorate for Fire and Emergency Management worked with the three RCC Contracting Authorities and a specialist contractor to develop a national model for Fire Risk Management in all fire authorities. The objective of the project was to provide spatial analysis of fire service historical incident data, in tandem with modelling of fire service resource deployment capabilities. This project is in line with the international trend towards the use of a risk-

<sup>1</sup> <http://www.housing.gov.ie/local-government/fire-and-emergency-management/fire-statistics>

based approach to managing emergency service provision and brought a national consistency to this process in Ireland.

The first phase of the Risk Based Approach project dealt with the analysis of risk and activity levels, combined with census data, by fire station area on a fire authority by fire authority basis. The initial output from this phase of the risk based approach was a set of initial reports (July 2012) analysing risk and activity levels across each authority based on the fire station grounds. The initial reports were followed up with Supplementary Reports (April/ May 2013) which compiled the initial information and supplemented it with additional information required for the Area Risk Categorisation process.

The data, together with the recommendations in 'Keeping Communities Safe' report, supports local fire service management in service analysis and decision-making and underpins revisions each Fire Authority's resource deployment in light of normal societal, and consequent fire risk, evolution and change.

### **2.3.2 Further Enhancing Fire Data**

Despite progress along the lines described above in recent years, the availability of quality data-sets to assist in planning fire safety remains elusive. For instance, in recent years there are anecdotal reports of a significant number of house-fires caused by stoves, but it wasn't possible to harvest data to determine the extent and locations of this apparently emerging fire safety problem.

One of the objectives of the Fire Services CTrí project, which is at an advanced stage of linking the current three fire service Regional Communication Centres (RCCs) into a single national system, is to make reliable and quality assured data, with spatial information, available for analysis and use in pro-actively managing fire risk.

Progress with the Building Control Management System (BCMS) and SAFIRE Projects will also contribute to data availability which can enhance prioritisation of fire risk and the integration of fire prevention and response (See Unified Risk Model Chapter 11)

The CTrí Project will bring the national objective of having validated, quality assured, open data sets available for analysis, as well making them available for public interrogation and inspection.

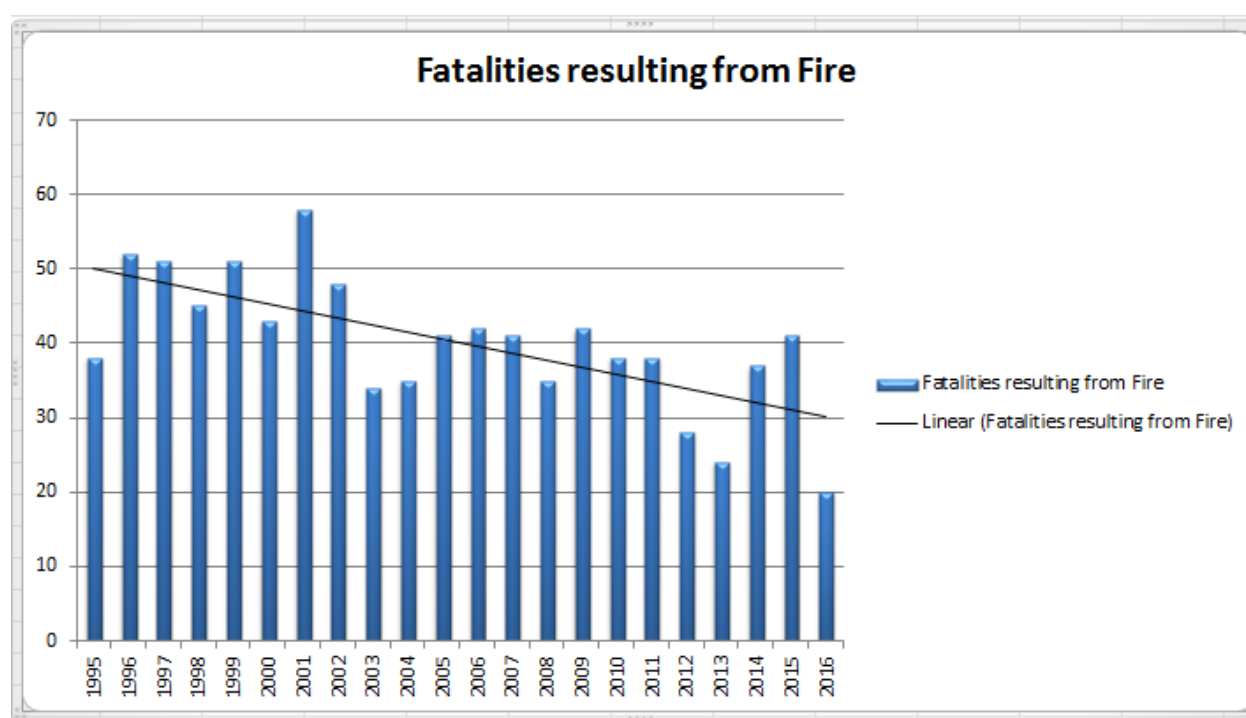
### 3 Fire Fatalities in Ireland

The vast majority of fire fatalities in Ireland occur in the home and fatal fire incidents typically result in one or two deaths each. Fires in dwellings comprise the largest category of societal fire risk and more than 90% of the annual fire death toll occurs in the domestic setting.

The graph below shows the number of fire fatalities recorded each year since 1995. 2016 saw the lowest number (20 deaths) recorded in any year of the previous 40 years. However the provisional figure for 2017 indicates this record low year is being followed by one where the number of fatalities has doubled.

**FIGURE 3.1**

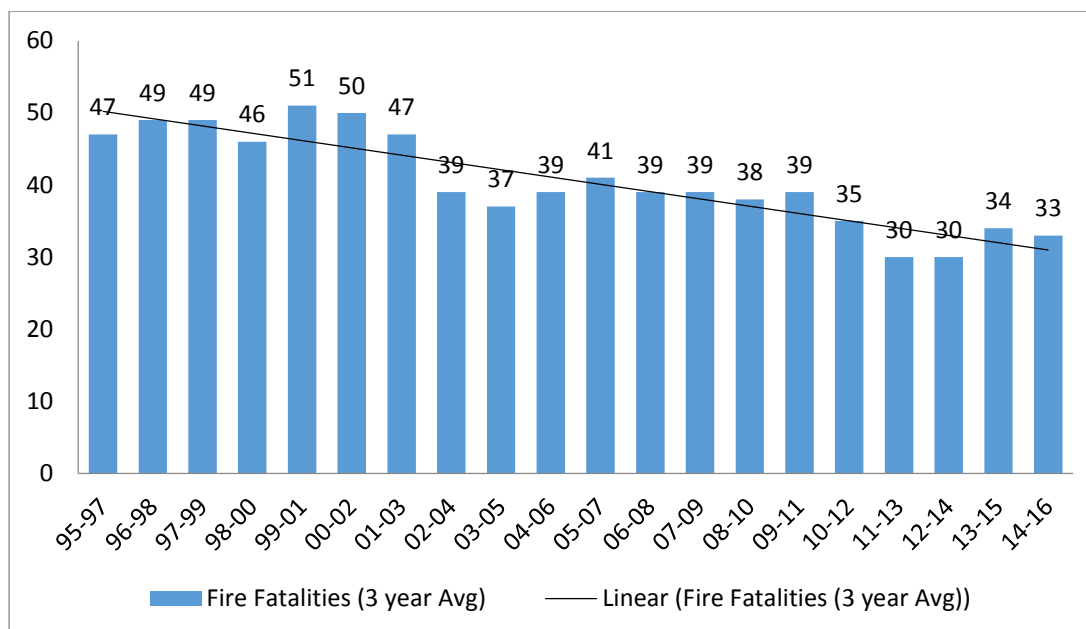
#### **FATALITIES RESULTING FROM FIRES 1995 - 2016**



The graph also illustrates the fluctuations that can occur from year to year. For this reason, 'three year average' fire death figures are compiled in Figure 3.2 to show the overall trend in fire fatalities in Ireland.

The current fire fatality rate per million of population, using the three year average shown below, equates to 6.9 deaths per million of population and is almost half what it was fifteen years ago when it stood at 11.9 fatalities per million of population. Although there is need for caution in comparing international data-sets, this level of fire fatalities positions Ireland among countries with lower fire fatality rates.

**FIGURE 3.2**  
**THREE YEAR AVERAGED FIRE FATALITIES**



There are typically in the order of 4,500 dwelling fires annually in Ireland. The danger from fire is that, unless alerted to the early stages of a fire in a dwelling, either through their own or somebody else's perception (smell or sounds), or a smoke alarm, persons may be overcome by smoke and suffer deadly levels of carbon monoxide (CO) poisoning. The time limit for successful resuscitation from concentrations of CO normally associated with fires is generally regarded as being in minutes, depending on exposure conditions. In reality, some fire casualties may be beyond assistance before a 999/112 call is ever made to the fire service, and the probability of successful rescue by fire brigade intervention is minimal in such cases.

The key contributor to fire safety in dwellings is the presence of working smoke alarms which detect and provide early warning of an incipient fire. This early warning is vital for safe self-evacuation. Installation of domestic smoke alarms has been the focus of consistent fire safety campaigns in Ireland for two decades. Research<sup>2</sup> indicates that there is a very significant uptake (> 90%) of domestic smoke alarms in Irish households. However, it is not as clear that all are tested and are functioning at this high percentage.

<sup>2</sup> McMullan, C., Brown, G.D., and Largey, A., 2015, Risk & Preparedness: An Individual and Household Perspective. Major Emergency Management National Conference, Athlone, Ireland.

It was apparent in reports of a number of fatalities in recent years that, even where smoke alarms were present, persons were unable to respond. Preliminary results of an investigation of coroners' reports over a ten year period commissioned from the Health Research Board indicates that alcohol and/ or drugs were present in the blood of 28% of fire fatality cases. While this research study is being extended, it may indicate a need to re-focus safety messaging on personal behaviour and to identify other vulnerable groups in society.

### **Overview/ Conclusions**

**The overall trend in terms of fire deaths per million of population in Ireland has had a welcome downward trajectory. At 6.9 deaths/ per million of population the fire death rate now is almost half what it was fifteen years ago.**

**There can be significant fluctuations in the numbers of fire deaths recorded from year to year. This is exemplified in 2016 and 2017, where 2016 recorded a forty year low of 20 fire fatalities, only to be doubled to 41 fatalities in 2017.**

**Although it is difficult to compare trends in international statistics, the current rate of fire fatalities/ per million of population positions Ireland at a level where it is in the league of countries which are seen to have minimised deaths from fire.**

**The re-alignment of fire service work towards Community Fire Safety that began with the Farrell Grant Sparks Review Report of 2002 is seen to be a major contributor to the overall downward trend in fatalities in Ireland.**

**Research indicates that there is a very significant uptake (approaching 95%) of domestic smoke alarms in Irish households. However, it is not as clear that all are tested and are functioning at this high percentage.**

**Preliminary results of an investigation commissioned from the Health Research Board of coroners' reports of fire fatalities indicates that alcohol and/ or drugs are present in the blood stream of a significant portion (28%) of fire fatality cases. While this work remains to be concluded, it may indicate a need to re-focus safety messaging on personal behaviour and to identify vulnerable groups in society.**

**Recommendations**

**The efforts that have gone into Community Fire Safety programmes need to be maintained and focussed on those who are perceived as particularly vulnerable to fire risk.**

**Further research needs to be commissioned (e.g. via the CSO's household survey) to confirm the extent to which fire safety measures are in place in peoples' homes and the public's understanding of risk in the domestic setting with a view to informing further fire safety campaigns.**



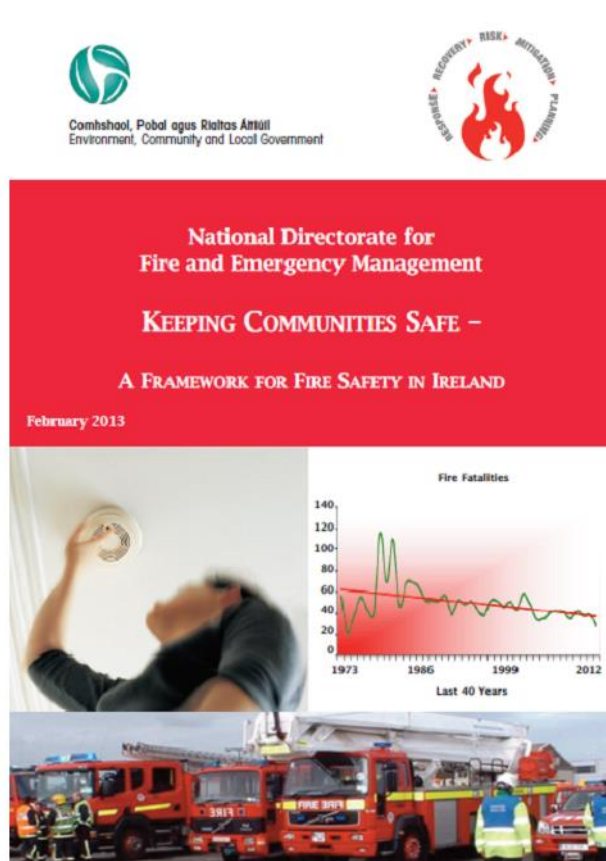
## 4 The Systemic Approach to Fire Safety in Ireland

### 4.1 Introduction

Safety from fire is a responsibility shared by every member of society. A person's own actions and behaviours are seen as a significant determinant of their own, their families and other's safety from fire.

Protecting the public from fire is an important objective for society. Public policy for the area of fire safety in Ireland was reviewed in 2011/12 and is contained in a report titled "Keeping Communities Safe – A Framework for Fire Safety in Ireland".

**FIGURE 4.1**  
**KEEPING COMMUNITIES SAFE**



Legislation sets out specific responsibilities for fire safety and how public bodies work to achieve the objective of a society safe from fire. These background aspects are described in this Chapter.

The policy document titled “Keeping Communities Safe – A Framework for Fire Safety in Ireland”, was developed in 2011/12, approved by Government and published in 2013. This report sets out the overall approach, the methods and the techniques to achieve the objective of keeping communities safe from fire.

However the major focus of the “Keeping Communities Safe” Report (KCS) is the operational response and for the first time, the policy document includes standards and guidance for fire authorities in Ireland which they implement in delivering their statutory functions. KCS is supported by a series of subject-specific documents dealing with issues such as training and safety management systems for fire services, which set out further core processes and approaches for fire service work.

The vision which this policy underpins is of fire services which are effective in keeping people safe in their community and is also a public service which is safe itself, well-managed, effective and efficient. Fire services work to prevent fires and other emergencies happening; they ensure that there are appropriate in-built safety features in buildings to protect occupants from fires, and they respond to assist the public with a view to protecting lives, infrastructure and property when fires do occur. The challenge – as reflected in the document title “Keeping Communities Safe” – is to manage the available resources to achieve an optimal outcome for the public in terms of their individual safety, and to minimise loss and disruption to society.

A key concern is to ensure the safety of staff working in fire services and that fire authorities are able to demonstrate that they comply with legislative requirements to ensure, in so far as is reasonably practicable, the safety of personnel working in the fire services. The work done to ensure appropriate fire safety design and the inclusion of fire prevention and fire protection in the operation and management of buildings is also a major contributor to the safety of fire service personnel responding to fire incidents. Early detection of fire not only increases the probability that persons in a building can exit safely in the event of fire, it also increases the probability that fire services will be made aware of the fire at an earlier stage of its development, thereby also enhancing the prospect of effective and safe intervention.

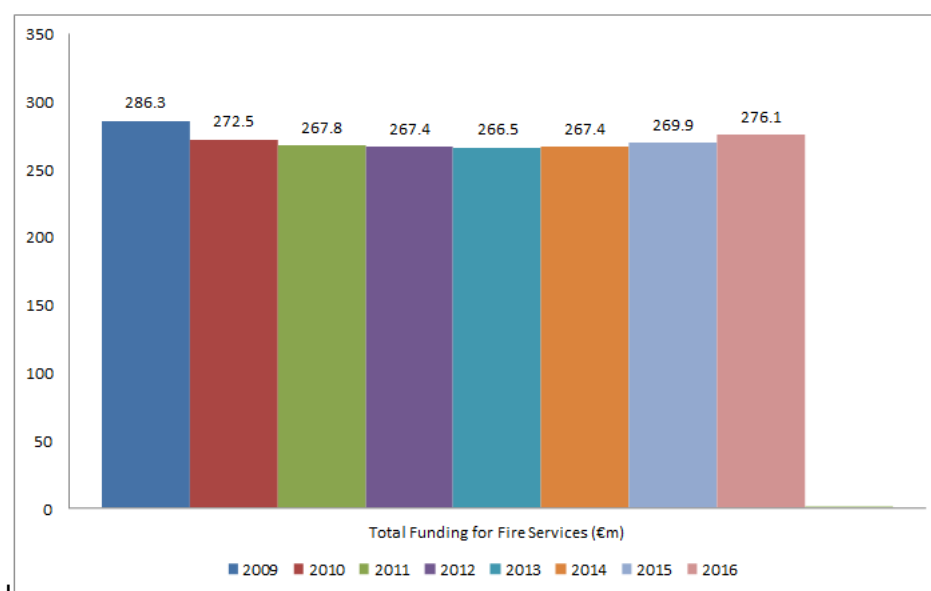
However, the core concern of fire safety policy remains the protection of life, particularly those who are perceived to be most vulnerable to fire risk in society.

## 4.2 Organisational Arrangements

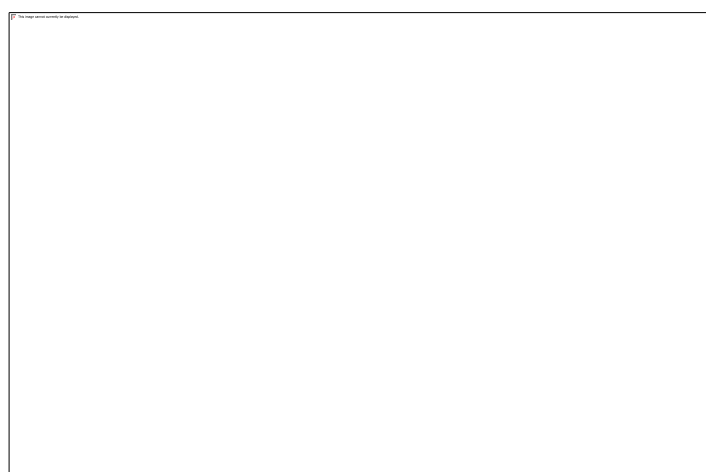
### 4.2.1 Local Authority Fire Services

Front-line fire services are delivered in Ireland by fire authorities (local authorities) as designated in the Fire Services Acts, 1981 and 2003. Fire services are provided by some 3,400 local authority staff operating from a well-distributed infrastructure of 218 fire stations. Local authorities provide some €275m of revenue expenditure per annum to deliver their fire services.

**FIGURE 4.2**  
**LOCAL AUTHORITY ANNUAL REVENUE EXPENDITURE**  
**ON FIRE SERVICES 2009 – 2016**



**FIGURE 4.3**  
**LOCAL AUTHORITY FIRE-FIGHTER**  
**NUMBERS 2009 – 2016**



The great bulk of the local authority fire services personnel are engaged in the operational response activities. However, the shift towards deploying staff and resources for work associated with fire prevention and protection activity began with the Farrell Grant Sparks report (2002) which set the basis for community fire safety work, among other safety initiatives. The global figures quoted above mask the fact that in 2009 there were 270 senior officers in local authorities who managed the fire service. Approximately 50% of this senior officer corps were engaged predominantly on fire safety activity on a full time basis. Those whose primary functions were fire safety related were subject to the 27% reduction in overall local authority staffing in the following years, whereas the operational service was protected from the public service employment moratorium as shown in Figure 4.3 above.

The challenges remain around enabling fire services personnel to use a bigger proportion of their time for appropriate fire safety activities such as pre-incident familiarisation and domestic fire safety checks as well as enhancing internal structured integration of fire safety and operations activity and integrating fire safety with other building planning and control systems to ensure “operational intelligence” is supporting effective operations.

#### **4.2.2 National Leadership and Co-ordination**

At national level, the National Directorate for Fire and Emergency Management was formed within the then Department of Environment, Heritage and Local Government in June 2009 to create an effective model of integrated leadership, development support and oversight by central government of local authorities’ provision of consistently effective, safe and value for money fire and emergency services in Ireland. The 2009 arrangements put in place a management structure at central government level with a clear mandate and visibility to develop national policy and to drive achievement of consistent services by local authorities, while not interfering with existing local political accountability for front-line service delivery. Under this arrangement, responsibility for the day-to-day operation of fire services remains with the local authorities. However, the National Directorate’s mandate includes developing national policies and national standards, and supporting and overseeing their implementation at local level.

The National Directorate for Fire and Emergency Management operates now as part of the Local Government Division of the Department of Housing, Planning and Local Government.

Nine years on from its inception, the Management Board of the National Directorate is perceived to have been particularly effective in aligning national and

local efforts around common public safety objectives. Its role in overseeing the building of an effective and integrated local authority emergency management system has been tested during severe weather events in recent years. Similarly, the successful development of national standards for local authority fire services and the subsequent benchmarking and validations process overseen by the Management Board offers a model for effective collaboration perhaps, without the creation of new specialist agencies.

### **4.3 Implementing the Keeping Communities Safe Policy Document**

A key aspect of delivering the National Directorate's mandate is the implementation of 'Keeping Communities Safe – A Framework for Fire Safety in Ireland'. Implementing Keeping Communities Safe is intended to provide a comprehensive, balanced strategy for the fire services in Ireland and to enhance the safety of the public in their homes and other locations, as well as worker safety, in providing emergency services.

It was envisaged that in the three years 2016 – 2018 the overall approach, methods and techniques outlined in "Keeping Communities Safe" would be used to achieve the objective of keeping people safe from fire and other dangers in Ireland. For the first time, a national policy document provides for fire authorities to benchmark their services against national standards and guidance, enabling them to deliver consistent, quality, safe and effective services in line with international best practice.

### **4.4 Risk Management Approach**

The "Keeping Communities Safe" (KCS) document sets out an holistic, systems approach to achieving the objective of communities safe from fire. It is based on an approach of managing the fire risk to protect lives and property from the threat and occurrence of fire. The systems approach to safety management is an internationally recognised paradigm and underpins the activity of the National Directorate. It has been used also in the development and roll-out of Major Emergency Management arrangements in Ireland over the past decade. Systemic Risk Management is generally seen to involve five stages, as illustrated in Figure 4.4 below:

- identifying hazards and evaluating the risks these hazards pose;
- mitigating those risks by trying to reduce the probability of the event and/or its consequences if it does occur;
- planning and preparing to deal with the risk;
- responding to an incident/ event; and
- reviewing events with a view to learning for the future.

**FIGURE 4.4**  
**SYSTEMS APPROACH TO RISK MANAGEMENT**



Societies are not, and never will be free from the risk of fire. At the core of Keeping Communities Safe is an approach which takes a view of identifying and grading the nature of the different fire risks faced by communities.

The first step in setting standards for fire service response is to undertake an area risk categorisation process which results in the area to which the first response is sent by each fire station, known as the 'fire station ground', being assigned a Risk Category(s) grading. The fire risk categories range across five grades, from very high, high, medium, low to very low risk.

The Risk Category to be assigned to a fire station ground is judged by considering the following criteria;

- population of main urban area;
- population Density/ies of the area (per Km<sup>2</sup>) surrounding main urban area;
- total Population of the Station Ground;
- annual Service Demand Level (Based on Number of Incidents occurring in the station area averaged over three years);
- no. of Dwellings in the station ground & the Annual Dwelling Fire Rate;
- other building fire rates;
- % tertiary incidents;
- RTA activity/(non-clean up) & Special Services rates; and
- extent of Individual Special Hazards (e.g. Institutional, Educational, Industrial, Large Scale Retail/Commercial, SEVESO sites, Places of Public Assembly etc.).

The approach to undertaking the Area Risk Categorisation process is set out in Appendix C of 'Keeping Communities Safe'. This uses tabular formats and relies on census data, the use of local knowledge and operational intelligence. Risk Based Approach Reports, the Major Emergency Management Risk Assessment and other

readily available sources within the local government system (e.g. zonings for planning purposes) provide an adequate picture to determine risk categorisation, with associated area risk designations within each fire station ground. It is the predominant risk in an area that should define its risk categorisation. A number of commercial or industrial buildings in an area predominated by domestic risk would not change a risk categorisation from that associated with the domestic risk.

In applying the risk categorisation system, while it is envisaged that in most cases, a fire station area will fit a single category, situations will arise where an area may be indicated as crossing a number of risk categories. Such situations may become apparent where information about an area appears to place it in two adjacent categories. The categorisations should be seen as indicators rather than absolute determinations in themselves, and this approach is intended as an aid to the judgement of those managing the service.

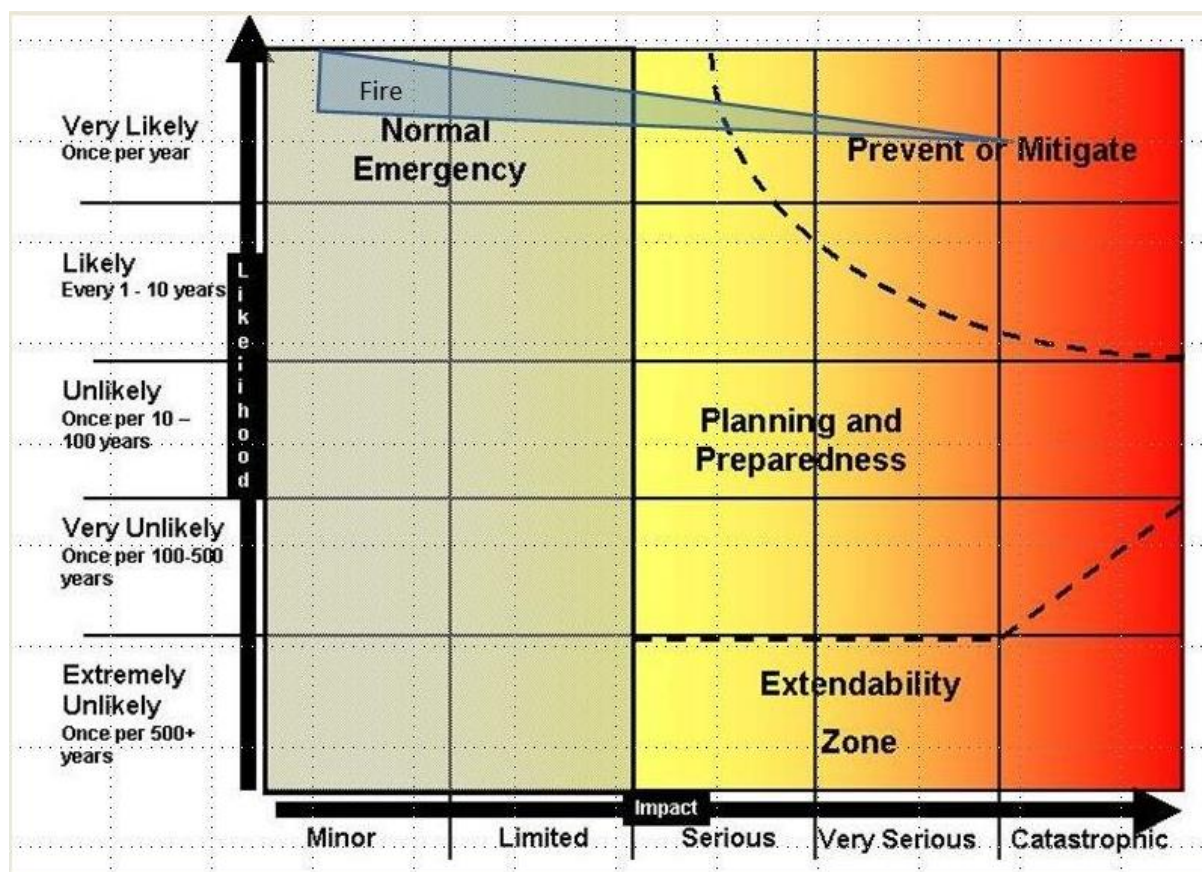
In some cases (e.g. with extensive or widely varying station grounds) it may be appropriate to sub-divide the station ground and have a number of sub-areas of different designations within the same category or even to have different categories. The initial Risk Categorisation may be refined as more information becomes available over time. Also, in dense urban areas where there appears to be different categorisations within a station ground, it may be necessary to consider grids or geographic areas and look at the scale, density, height and other building characteristics that predominate in that area before deciding on a risk categorisation or area risk designation. It is not seen as necessary or appropriate to undertake a building by building appraisal for the purposes of area risk categorisation.

The work of fire services, in all its facets – prevention, protection and response - is geared to actively managing the highest priority fire risks within communities, while maintaining an appropriate level of intervention response capability.

The objective of fire services is to reduce the fire risk – using an appropriate blend of the full range of available approaches – in fire prevention, fire protection and response.



**FIGURE 4.5**  
**PRESENTATION OF SOCIETAL RISK ON 5 x 5 MATRIX**



Guarantees of safety cannot be offered in relation to the outcomes of fire service activity. The 'disaster tree' is an analytical approach used to understand significant events involving loss through fire. It is the common understanding that a fire event may escalate through various levels from initiation and result in loss, damage and/ or death, including multiple deaths. The objective of fire safety activity is to prevent the event starting, or if a fire does start, to prevent it escalating through the various levels to the point of causing death or large-scale loss. The probability of arriving at the point of disastrous outcomes is reduced significantly by fire service activities but fire safety cannot be guaranteed.

Categories of buildings and property other than dwellings, such as institutional buildings (e.g. hospitals and nursing homes), places of public assembly, large shops, office complexes and industrial/ factories have a potential for high or even catastrophic societal loss in the event of fire. The focus in this Report is on both the domestic dwelling fire situation and other categories of property which have to be included in a risk reduction strategy. In some cases significant fire protection works have been



incorporated into certain categories of buildings, either from design/ construction stage and/ or as a result of specific statutory requirements / processes. Fire safety measures are primarily intended to ensure the safety of persons in and about the buildings in question, but such measures also contribute to property protection. Many of the more complex categories of buildings have features to assist fire services response.

A two-stage risk assessment exercise was carried out also by every local authority, initially undertaken as part of the Major Emergency Development Programme 2006 – 2008, and reviewed regularly since. This work is undertaken in accordance with the provisions of a Guidance Document<sup>3</sup> and relevant officers were trained in applying the techniques. The outputs were presented on a risk matrix of the type shown in Figure 4.5 above, and the scenarios identified were used in planning major emergency training and exercises. This work is complementary to the fire services risk management process.

#### 4.5 Applying the Risk Management Approach to Safety Health and Welfare Considerations within the Fire Services

As well as having statutory duties under the Fire Services Acts, local authorities are governed by other legislation in undertaking their functions. One of the most important of these is the Safety, Health and Welfare at Work Act 2005. This imposes a general duty on an employer to ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees, together with a series of specific additional duties relating to identifying and assessing hazards and providing instruction and training. This is a challenging legal responsibility in the context of providing an emergency service, which may be called to respond to situations of all kinds, at any location, within its functional area.

As required by the legislation, fire services use a range of risk management techniques to identify and control the hazards faced by their staff in providing their fire services. Managing safety is integrated into activity of all kinds in fire services, from the standards and processes used in recruitment, initial training, the kind of special appliances and equipment used, the personal protective equipment, the on-going training, instructions, supervision, reviewing and learning. Maintenance (and recording this) as well as auditing and inspection of activity are also key factors in ensuring that fire services comply consistently with statutory duties. The use of the “**safe person concept**” is illustrated in the diagram below.

A key aspect of this includes different forms of risk assessment undertaken by fire services as employers to discharge a particular duty under section 19 of the Safety, Health & Welfare at Work Act.

<sup>3</sup> Major Emergency Management, National Steering Group (2007) *A Guide to Risk Assessment*

- normal workplace risk assessments are set out in Fire Service Ancillary Safety Statements (more than 50% of accidents/incidents typically occur on the fire station);
- Dynamic Risk Assessment is undertaken by the Incident Commander at the scene of each emergency incident as part of the Incident Command system; and
- Generic or Situational Risk Assessments are developed for the various categories of incidents, as part of Standard Operational Guidance.

Employers are required by section 20 of the Safety, Health & Welfare at Work Act to set out their approach to managing safety in the workplace. As part of the Fire Services Change Programme 2005 – 2007, a specific Fire Service Ancillary Safety Statement Template was developed and disseminated to assist fire services in meeting their statutory duties.

More recently, the 2014 guidance, *Managing Safety in Fire Services*, was issued by the National Directorate to align safety, health and welfare in fire services with general local government Safety Management Systems.

All fire services in Ireland have a current Ancillary Safety Statement setting out their policies and approach to managing safety in the workplace. These include risk assessments and safe working practices and procedures. In periodic reviews of their Ancillary Safety Statements, a number of services have developed the format of their statements, reflecting on-going advice from the LGMA on Safety Management Systems for the local government sector and the move by a number of fire services to obtain external accreditation of their Safety Management Systems to OHSAS: 18001 (2007) standards.

## Ensuring Safety, Health & Welfare of Fire Services Personnel



Comhairle na nEagraíochas, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



An Stailínleacht Náisiúnta um Bochtóireacht Dóiteán agus Eigeandála  
National Directorate for Fire and Emergency Management



As well as the overall approach described in Safety Statements, all fire services use the following to ensure that they are complying with their statutory safety, health and welfare duties as set out above:

- the National Incident Command System (NICS);
- Standard Operational Guidelines (SOGs);
- Pre-Determined Attendances (PDAs);
- Brigade Instructions;
- Auditing Systems;
- Occupational Health Systems (OHS); and
- Critical Incident Stress Management Systems (CISM).

Some of these are described in detail in later sections of this Report.

## **Overview/ Conclusions**

**Ireland's approach to fire safety is set out in the 2013 national policy document "Keeping Communities Safe". Policy is based on the internationally recognised systemic approach to risk management which is an internationally recognised safety paradigm. The systems approach underpins the activities of the National Directorate for Fire and Emergency Management and was used in the development and roll-out of Major Emergency Management arrangements in Ireland from 2006 onwards.**

**Local authority fire services work to prevent fires and other emergencies happening in the first instance. They also strive to ensure that there are appropriate in-built safety features in buildings to protect occupants from fires. And when fires do occur, they respond to assist the public with a view to protecting lives, infrastructure and property.**

**Fire services are provided by some 3,400 local authority staff, operating from a well-distributed infrastructure of 218 fire stations. Local authorities allocate some €275m of revenue expenditure per annum to deliver their fire services.**

**Most local authority fire services personnel are engaged in operational response activities. However, the shift towards deploying staff and resources for work associated with fire prevention and protection activity began with the Farrell Grant Sparks report (2002) which set the basis for community fire safety work, among other safety initiatives.**

**Challenges remain around enabling fire services personnel to use a bigger proportion of their time for appropriate fire safety activities, such as pre-incident familiarisation and home fire safety checks as well as enhancing structured integration of fire safety and operations activity and joining fire safety with other building planning and control systems to ensure "operational intelligence" is supporting effective fire service operations.**

**Eight years on from its inception to address national leadership issues in fire services in Ireland, the Management Board of the National Directorate for Fire and Emergency Management is perceived to have been particularly effective in aligning national and local efforts around common public safety objectives. The National Directorate's success in overseeing the building of an effective and integrated emergency management system has been demonstrated during severe weather events in recent years. The development for the first time of national standards for local authority fire**

services and the subsequent benchmarking and validations process overseen by the Management Board is seen as equally significant in terms of a contribution to public safety. The National Directorate's role in steering and reporting the first national fire safety campaign in local authority provided Traveller accommodation was also a significant benefit.

Fire services prioritise the safety of their own staff and use a range of risk management techniques to identify and control the hazards faced by staff in providing their fire services. Managing safety is integrated into activity of all kinds in fire services, from the standards and processes used in recruitment, initial training, the kind of special appliances and equipment used, the personal protective equipment, the on-going training, instructions, supervision, as well as reviewing and learning from activities. Maintenance (and recording) as well as auditing and inspection of activity (to international standards) are also key factors in ensuring that fire services comply consistently with statutory duties on the safety of staff.

As required by section 20 of the Safety, Health & Welfare at Work Act 2005 all fire services in Ireland have a current Ancillary Safety Statement setting out their policies and approach to managing safety in the workplace.

As well as the overall approach described in their statutory Safety Statements, all fire services use the following measures to ensure that they are complying with their statutory safety, health and welfare duties:

- the National Incident Command System, (NICS);
- Standard Operational Guidelines (SOGs);
- Pre-Determined Attendances (PDAs);
- Brigade Instructions;
- Safety Auditing Systems including (OHSAS 18001: 2007/ ISO 45001: 2018);
- Occupational Health Systems (OHS);
- Critical Incident Stress Management Systems (CISM).

The Ancillary Safety Statements include risk assessments and safe working practices and procedures. Fire Services undertake different forms of risk assessment as employers to discharge the specific duty under section 19 of the Safety, Health & Welfare at Work Act:

- normal Workplace risk assessments are set out in Fire Service Ancillary Safety Statements (more than 50% of staff accidents/incidents typically occur on the fire station);
- Dynamic Risk Assessment is undertaken by the Incident Commander at the scene of emergency incidents as part of the Incident Command

system; and

- **Generic or Situational Risk Assessments** are undertaken for the various categories of incidents, derived from a national programme of Standard Operational Guidance.

These risk assessments are complementary with the initial Area Risk Categorisation processes described in Chapter 5. It is proposed in Chapter 9.5.4 to initiate an additional process of fire risk assessment of significant premises and buildings and other fire hazards in fire station areas.

### **Recommendations**

**Fire Services in Ireland should continue to use the systemic risk management paradigm to underpin their approach to managing fire risk.**

**Fire Services in Ireland should undertake the fire risk assessment process of significant premises and buildings and other fire hazards described in Chapter 9.5.4 as an approach to complement current Area Risk Categorisation and other risk assessment processes.**

**The current collaborative arrangements between central and local government in relation to development and implementation of fire safety policy should be continued and strengthened where possible.**

**Fire services should continue to accord high priority to ensuring staff safety in accordance with the requirements of the Safety, Health and Welfare at Work legislation.**

**Fire Services should ensure that Incident Command training and fire-fighting training is related to the priority fire risks premises and buildings in a fire station area, including for fighting fires in medium to high rise buildings**

## 5 Local Authority Fire Services

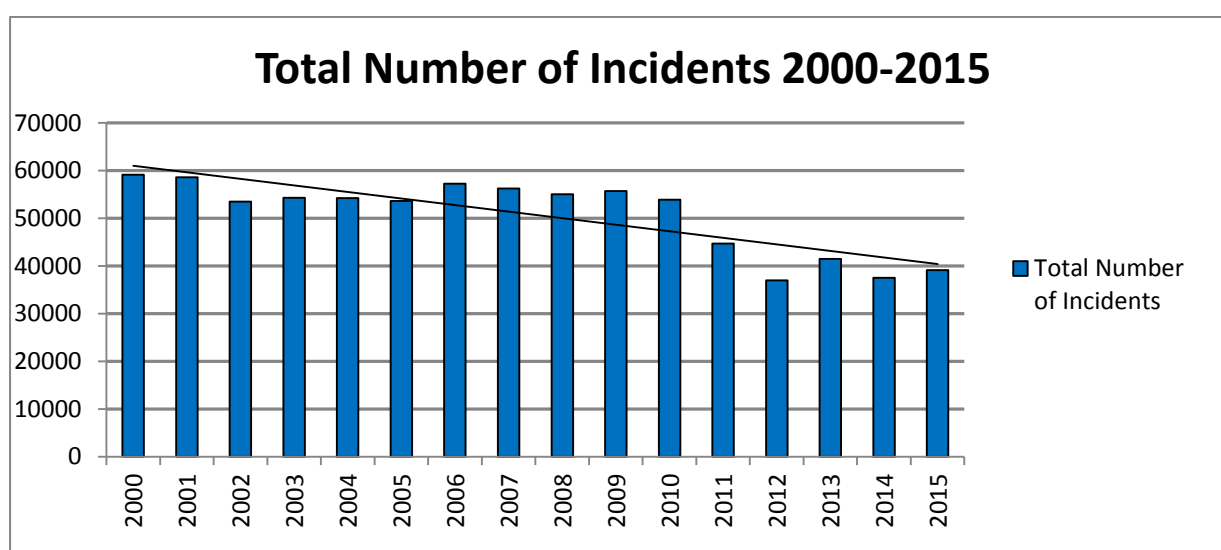
### 5.1 Local Authority Fire Services

Front-line fire services are delivered in Ireland by fire authorities (local authorities) as designated in, and in accordance with, the Fire Services Acts, 1981 and 2003. As noted in Section 4.2.1 above, fire services are provided by some 3,400 local authority staff, operating from a well-distributed infrastructure of 218 fire stations. Local authorities provide €275m of revenue expenditure per annum to deliver their fire services.

Response by fire brigades to incidents of fire is an integral part of the strategy for protecting society from fire. Although the primary focus of this report is on fire safety issues, it was seen as appropriate by the Task Force to describe Ireland's fire response service in this report also.

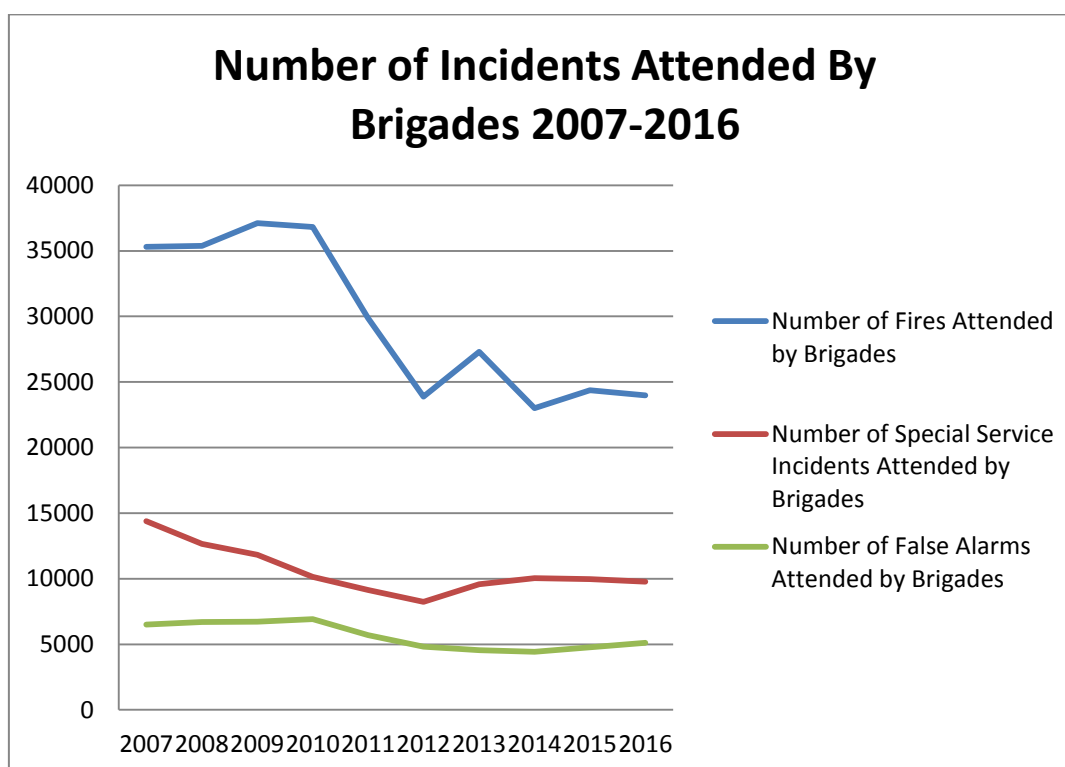
The numbers of incidents to which fire services respond has been in decline in recent years.

**FIGURE 5.1(a)**  
**NUMBER OF INCIDENTS RESPONDED TO BY FIRE SERVICES**  
**2000 – 2015**



Fire services provide responses to a range of emergency situations other than fires also, including Road Traffic Collisions, Hazardous Material Incidences, Rescues, etc., which are known collectively as special services. False alarms also constitute a significant contribution to incident numbers. The relative breakdown between these categories is shown in Figure 5.1(b) below.

**FIGURE 5.1(b)**  
**BREAKDOWN OF INCIDENTS RESPONDED TO BY FIRE SERVICES**  
**2007 – 2016**



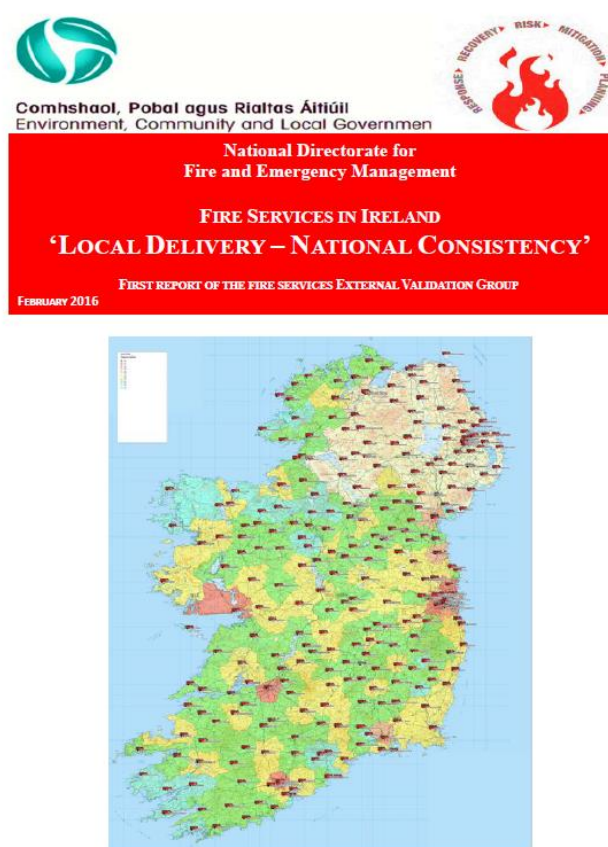
## 5.2 Appraisal of Local Authority Fire Services

The Management Board of the National Directorate for Fire and Emergency Management met on 20 June 2017 at the request of Minister Eoghan Murphy to review the state of preparedness of Ireland's local authority fire services to respond to large scale incidents. In reporting back to the Minister, the Board noted national policy for fire safety and fire services in Ireland, as set out in "*Keeping Communities Safe*" (2013), including the guidance in Chapter 7 on fire station area risk categorisation and linked fire service response capability, and in Chapter 8 with regard to large scale incidents and inter-agency collaboration.

The Board pointed to its Report of April 2016 titled "*Local Delivery – National Consistency – Fire Services in Ireland*". The National Directorate's External Validation Group (EVG) visited all 27 fire services in Ireland during 2014 and 2015. In this first round of external validation, the Group examined four specific areas of enquiry – area risk categorisation and fire service operations; fire safety; safety, health and welfare of staff; and major emergency management.



**FIGURE 5.2**  
**FIRST EXTERNAL VALIDATION REPORT (April 2016)**



The EVG Report (2016) concluded that the available evidence provides for confidence regarding the match of fire service capability with assessed fire risk, in accordance with the national standards published in “Keeping Communities Safe” and specifically that:

- local authority fire services are applying and refining internationally-recognised risk management approaches to reduce the fire risk and the annual toll of life and property loss caused by fire;
- local authority fire services are matching the assessed fire risk in their individual fire station areas with services based on both full-time and retained fire service models, with a comprehensive support infrastructure, and applying a range of appropriate fire prevention and fire protection approaches;
- local authorities have prioritised and maintained the financial and personnel resources in their fire services at a time when they implemented significant reductions in all other areas; and
- local authorities have benchmarked their fire services against national standards and national norms, and a strong degree of national

consistency, linked to fire station area risk categorisation, now exists in fire service provision; all local authorities are using new national norms introduced in 2013 through the “Keeping Communities Safe” national policy document as minimum standards.

### **5.3 Fire Service Response Capability and Area Risk Categorisation**

As noted previously, local authority fire services in Ireland have a well-dispersed infrastructure, providing a generic response which is generally capable of meeting the safety needs of communities. Chapter 7 of “Keeping Communities Safe” (KCS) sets out national standards for local authority fire service response capability and relates this to the area risk categorisations on a fire station by fire station basis. Fire Service response capacity is related to a locally determined area risk categorisation (as shown in Table 5.3), while the Pre-Determined Attendances (PDAs) for the individual categories of incidents indicate the number of appliances which will be mobilised initially in response to a call for assistance (see Section 5.4 below).

While the pre-determined response determines the initial action by category of incident, Table 7.3 of KCS indicates the contingent fire service capability which should be available for deployment in each risk category. This sets out the number of standard fire service first response (Class B) appliances and associated crews which should normally be available to respond into the specific risk category, before any appliance is deployed. This level of response also generally comprises the maximum Pre-Determined Attendance envisaged for a specific hazard in an area and will usually be drawn from a number of fire stations. The Pre-Determined Attendance may be augmented by the Incident Commander, based on the information available.

The Risk Category also points to the target travel time for the first and subsequent pumps to arrive at primary and secondary (i.e. more significant) incidents. These targets are based on a 75% confidence at fire service level, i.e. it is expected that the targets would be achieved on average in three out of four mobilisations by the fire service. It should be noted that these targets are average figures for the purpose of measuring and comparing performance, and many fire services are achieving these targets or better travel times in parts of their functional areas, which may be appropriate for these areas.

**TABLE 5.3**  
**RISK CATEGORISED FIRE SERVICE RESPONSE CAPABILITY**

Risk Category	Standard Fire Appliance (Class B) Response Capability	Travel Times	Associated Crew Levels (incl. crew commanders)
<b>Very High</b>	1	in 8 mins	5
	2	in 10 mins	9
	3	in 15 mins	13
	4	in 20 mins	17
<b>High</b>	1	in 10 mins	5
	2	in 15 mins	9
	3	in 20 mins	13
<b>Medium</b>	1	in 10 mins	5
	2	in 20 mins	9
	3	in 30 mins	13
<b>Low</b>	1	in 20 mins	5
	2	in 40 mins	9
<b>Very Low</b>	1	in 30 mins	5
	2	in 60 mins	9

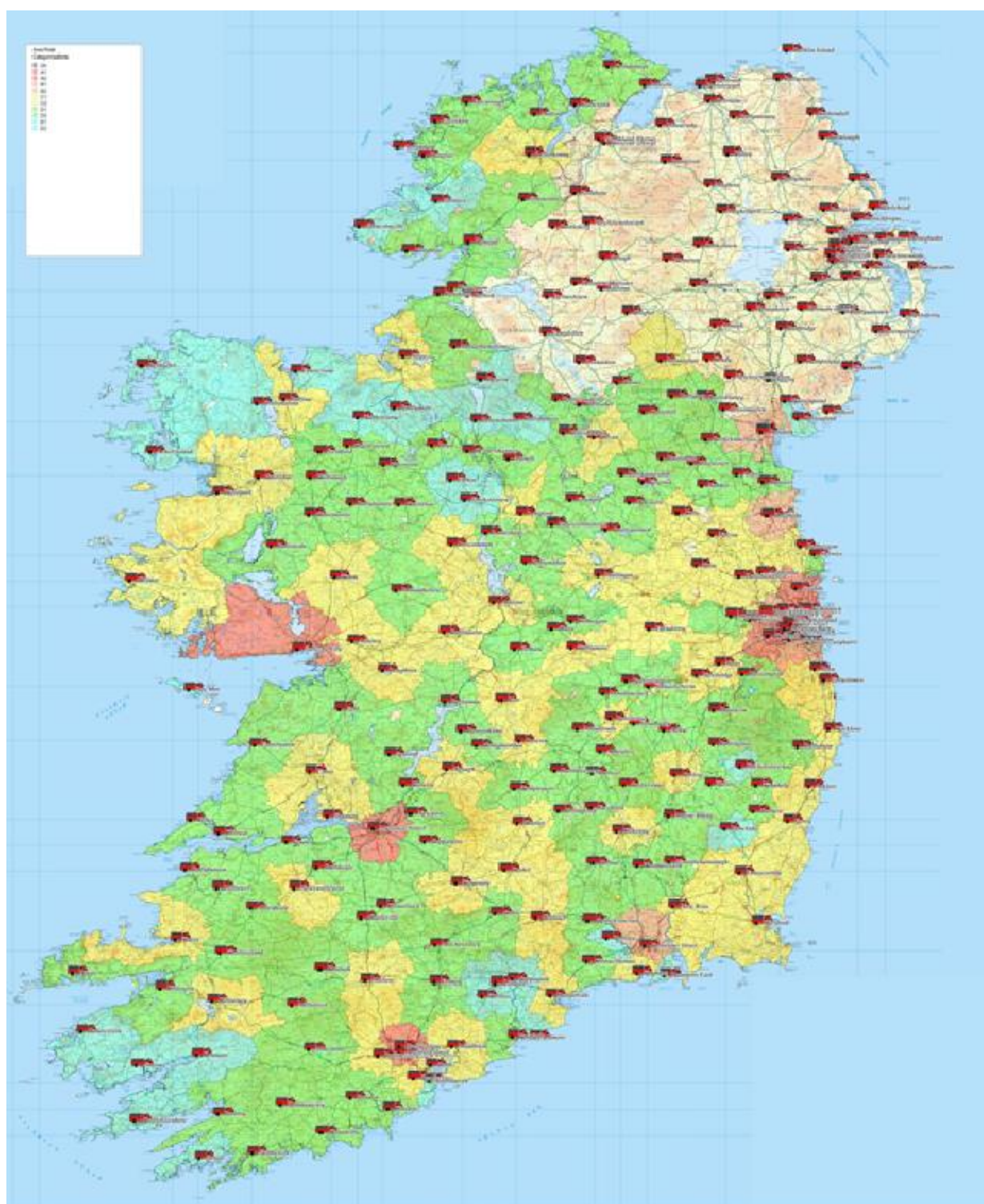
Table 5.4 below provides a breakdown of the number of fire stations and the population in each category.

**TABLE 5.4**  
**SUMMARY OF FIRE STATION AREA RISK CATEGORISATIONS**

Area Risk Category	No. of Stations	Population living in this Category	% National Population
<b>A1</b>	4	444,733	9.93%
<b>A2</b>	7	672,026	15.01%
<b>B1</b>	5	466,045	10.40%
<b>B2</b>	3	187,722	4.19%
<b>C1</b>	22	746,457	16.67%
<b>C2</b>	37	777,596	17.37%
<b>D1</b>	50	602,450	13.46%
<b>D2</b>	59	445,485	9.95%
<b>E1</b>	23	111,545	2.49%
<b>E2</b>	8	23,437	0.52%

FIGURE 5.5 below shows the initial area risk categorisation of the 217 local authority fire stations in place at the time of the first exercise in 2014. (An additional fire station was opened in South Connemara since). This categorisation ranges from very high, generally in large urban areas, through high, medium, low and very low risk categories.

**FIGURE 5.5**  
**RESULTS OF INITIAL AREA RISK CATEGORISATION PROCESS**



A standard and consistent fire service capability and response arrangement has been determined by each fire service which is appropriate for the area risk categorisations in their functional areas.

The templates set out in Appendix C of KCS, based on nine criteria, allied with the use of actual fire service response data provided to each fire service as part of Phase I of the Risk Based Approach (RBA) project as described in Section 2.3 above, enable bench-marking of current response standards. Summary national data from these RBA reports is provided in this section. The figures used in compiling this data include the average turnout times (based on three years of recorded data) of individual stations as well as travel times.

**FIGURE 5.6**

**PERCENTAGE OF NATIONAL POPULATION WHERE FIRST RESPONSE ARRIVES, SHOWN BY 5 MINUTE INCREMENTS**

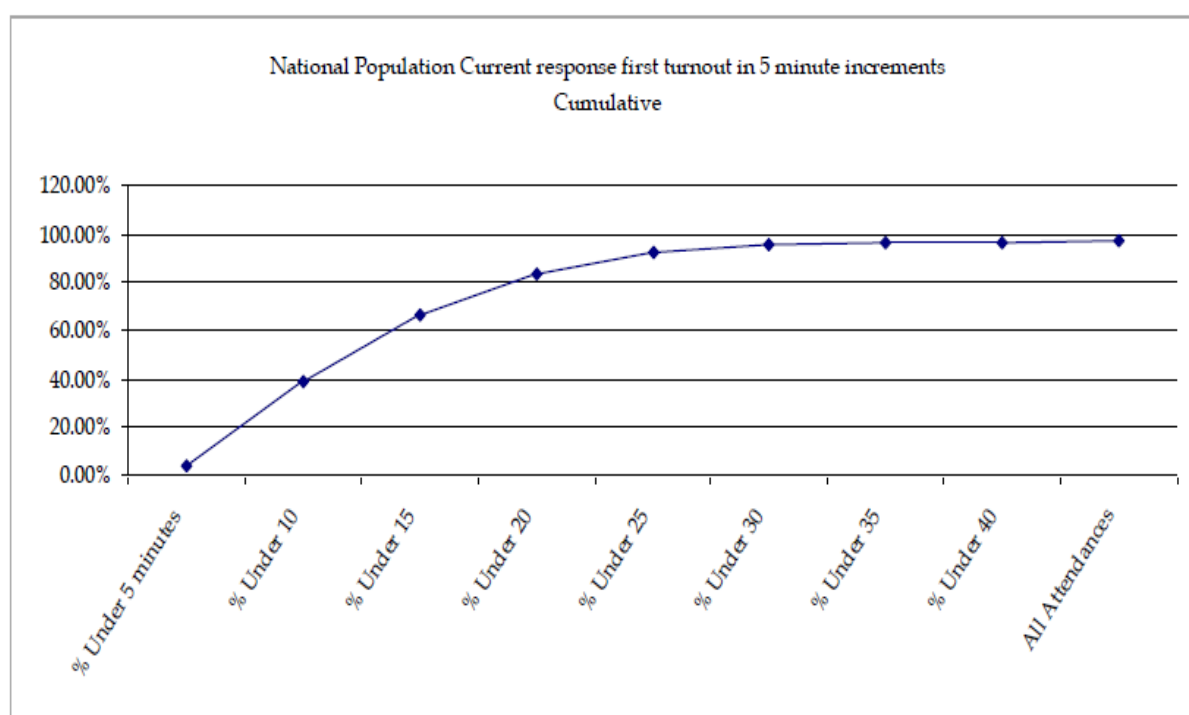


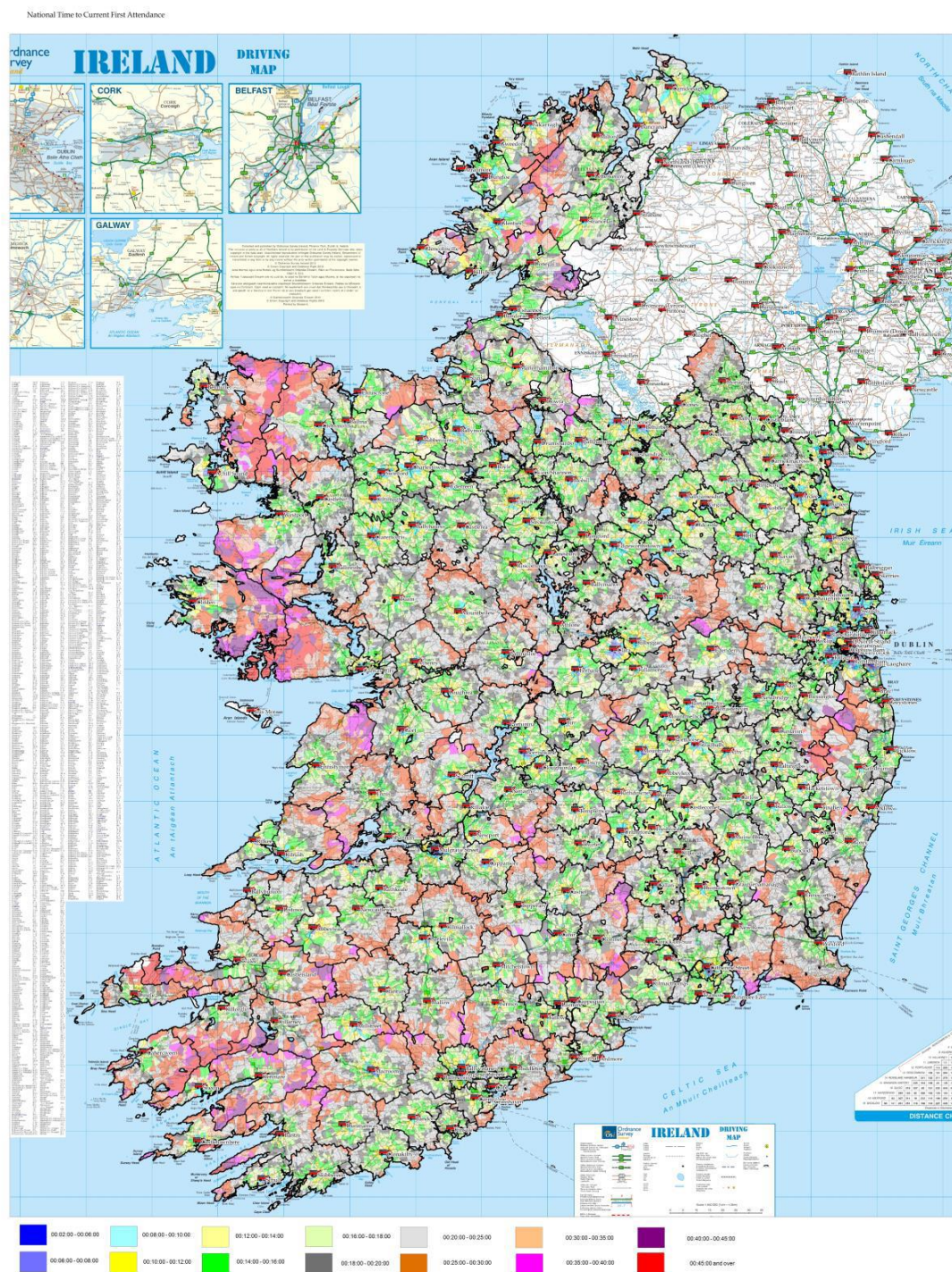
Figure 5.6 is based on the cumulative data shown in Table 5.7 below. This is presented further in Figure 5.8, which illustrates the picture of current first response.



**TABLE 5.7**  
**PERCENTAGE OF NATIONAL POPULATION WHERE FIRST RESPONSE**  
**ARRIVES, BY 5 MINUTE INCREMENTS**

	Population Achieved	Cumulative Population Achieved
<b>Total Population</b>	4,582,912	
<b>Total Population under 5 minutes</b>	187,669	
<b>% Under 5 minutes</b>	4.09%	
<b>Total Population between 5 and 10 minutes</b>	1,582,510	1,770,179
<b>% between 5 and 10 minutes</b>	34.53%	38.63%
<b>Total Population between 10 and 15 minutes</b>	1,263,495	3,033,673
<b>% between 10 and 15 minutes</b>	27.57%	66.20%
<b>Total Population between 15 and 20 minutes</b>	791,031	3,824,704
<b>% between 15 and 20 minutes</b>	17.26%	83.46%
<b>Total Population between 20 and 25 minutes</b>	412,632	4,237,336
<b>% between 20 and 25 minutes</b>	9%	92.46%
<b>Total Population between 25 and 30 minutes</b>	149,906	4,387,242
<b>% between 25 and 30 minutes</b>	3.27%	95.73%
<b>Total Population between 30 and 35 minutes</b>	38,518	4,425,760
<b>% between 30 and 35 minutes</b>	0.84%	96.57%
<b>Total Population between 35 and 40 minutes</b>	12,695	4,438,455
<b>% between 35 and 40 minutes</b>	0.28%	96.85%
<b>Total Population over 40 minutes</b>	29,498	4,467,953
<b>% over 40 minutes</b>	0.64%	97.49%

**FIGURE 5.8**  
**MAP SHOWING FIRST RESPONSE ARRIVAL IN 5 MINUTE INCREMENTS**



### **5.3.1 Fire Stations**

Of the country's 217 fire stations, the majority have been constructed in the last 30 year period and are regarded as having 'full' or 'good' facilities. With a small number of exceptions, those stations which are graded as A, B or C risk categories all have modern fire stations, so that the overwhelming majority of 999/112 calls are responded to from fire stations with full facilities. The Department of Housing, Planning and Local Government provides financial support to local authorities in the form of grants for capital expenditure on facilities for fire services.

A significant number of those with D and E risk categorisations have also been improved, but some fire stations remain which have been assessed as having only fair or poor facilities. Over the last decade, approval-in-principle was given by the Department for the construction of some new fire stations, but as public sector finances contracted it did not prove possible to progress many of these projects. So, while a number of new fire stations and upgrades/extensions have been completed in recent years, some requests for funding remain outstanding. A review of projects on hand led to the announcement of a five-year Fire Services Capital Programme with an allocation of €40 million, based on an annual €8 million allocation, to be used for the purchase of fire appliances and specialist equipment, building or upgrading of prioritised fire stations, an upgrade of the communications and mobilisation system, and improvements to training centres.

This programme will see 16 new fire station construction projects initiated, along with 10 fire station upgrades/refurbishments. The projects in the capital programme will be reassessed on an annual basis and priority may be adjusted to bring forward projects offering best value-for-money and to take account of the state of readiness of the projects. The capital programme also provides replacement of the first generation of fire service mobilisation and communications and provides for replacement of the appliance fleet and purchase of specialist equipment.

### **5.3.2 The Fire Appliance Fleet**

The fire services use an extensive fleet of fire appliances (fire engines) to deliver the response service. Table 5.9 below indicates the numbers and principal types of vehicles in use. Up to 50 other vehicles of various types (workshop vans, minibuses etc.) not listed below are on hand in fire services also.



**TABLE 5.9**  
**FIRE SERVICES APPLIANCE FLEETS**

<b>Vehicle Type</b>	<b>Designation</b>	<b>Numbers in front-line use</b>	<b>Additional on-hand</b>	<b>Total</b>
Class B fire engines	A1 & A2 (Alphas)	293	86	379
Emergency Tenders	B (Bravos)	48	2	50
Aerial Appliances	E (Echos)	41	0	41
Command and Control Units	C (Charlies)	22	0	22
4 Wheel Drives & jeeps	J (Juliets)	150	12	162
Water Tankers	K Kilos	61	0	61
		615	100	715

The number of Class B appliances in the fleet expanded in recent years. It appears that when new fire engines were provided for the fleet, appliances at the other end have not been decommissioned and the older appliances have been assigned as additional vehicles to 'one-pump' stations. Fleet maintenance, and providing full tracking associated with individual appliances, is a major undertaking.

The special appliance fleet of Aerial Appliances, Emergency Tenders, Water Tankers etc. has evolved largely on a single authority basis. Additionally, there is a degree of inconsistency in relation to the provision and use of water tankers across different fire services. Chief Fire Officers are reviewing the special appliance fleet to devise guidance on an optimal, evidence-based appliance fleet configuration and maintenance arrangements, consistent with the Area Risk Categorisation process. Individual services are looking at a range of management actions required to address fleet issues.

### 5.3.3 Specialist Equipment

Fire services provide and maintain a broad range of specialist equipment. Recent national guidance on equipment risk assessment has highlighted the need for equipment to be properly tested and maintained and its status being recorded.

## 5.4 Pre-Determined Attendances

Fire services are mobilised to incidents in accordance with a system of “Pre-Determined Attendances” (PDA). PDAs are the instructions given by a Chief Fire Officer to the relevant Regional Communications Centre for the initial fire service response to a call for assistance. These include:

- Address PDAs – a listing of the order in which fire service response will be mobilised to any given address;
- Incident specific PDAs (e.g. for Domestic Fires, Road Traffic Collisions etc.) setting the numbers and types of appliances to be mobilised to that category of incident;
- Specific Risk Premises PDAs (such as Institutional buildings, Airports, Seveso/industrial etc.) listing the number and sequence of appliances for initial dispatch to the specific building

All PDAs may be varied by the Incident Commander in light of information available on the particular circumstances. Part of the function of the three fire service Regional Communications Centres is to maintain communications with the scene and to mobilise any additional resources ordered by the Incident Commander.

Appendix A of “Keeping Communities Safe” sets out a suite of national fire service PDAs. These PDAs were derived from a ‘Task Analysis’ process associated with each incident type. Fire Services also use Standard Operational Guidance to underpin safe and effective operations, including SOG 3.02 Fire-fighting in High Rise Buildings. (See Section 5.5)

A further suite of reports has been developed to support the principle of dispatch of nearest available resource as identified in the “*Keeping Communities Safe*” policy document. These reports model the predicted order of attendance of primary fire service resources to every geographical location, based on the travel time from fire stations to those individual areas. The results are based on a combination of the actual turnout times of the fire brigades from the fire stations, using three years of cumulative response data, together with the predicted travel times.

The purpose of these reports is to provide an evidence base to support fire authorities to review and redefine the PDAs in their functional areas in accordance with their statutory duties. The preparation of these reports involved technical analysis of

historical response data and geographical information. In the majority of situations, the data supports the current PDAs, and little, or no, change is envisaged. However, the data highlights a number of areas with significant anomalies, and it is considered critical that this information is used as a basis for reviewing fire service attendance at incidents, particularly at boundaries involving other fire services.

The reports show that significant improvements can be obtained by adjusting the first response PDAs to address identified anomalies. It is estimated that 4.5% of the total population stand to benefit directly from better levels of response when this 'nearest available resource' policy is implemented in accordance with the evidence.

These reports represent the second phase of the Risk Based Management project which is intended as a suite of reports which will build up a comprehensive, spatial or geographic picture of fire service activity and the measures utilised to drive down fire risk. It is intended that this, in turn, will feed into a continuous cycle of service improvement through targeted risk mitigation.

There has been a delay in implementing the KCS policy of sending the nearest available fire service resource (in terms of speed of arrival) to emergency incidents, irrespective of administrative boundaries (See Section 11.7). The primary rationale for deciding the order of attendance of appliances in the PDA is the nearest geographical resource to the location of the incident based on projected speed of arrival. In certain circumstances, there may be a specific operational requirement to modify this determinant of response, such as the requirement for retention of cover in risk areas in deciding second and subsequent responses.

While the current analysis underpinning the determination of nearest available resource could be re-run using more recent actual turnout data and adjusted road layouts, it is not anticipated that this exercise would significantly alter the overall results. Also, it is expected the next generation of fire service mobilisation software being procured under the C Trí project will provide dynamic calculation of nearest available resource for each incident and it is envisaged this will be in place by end of 2019.

## **5.5 Standard Operational Guidance (SOGs)**

Standard Operational Guidance (SOG) for fire service operations was developed by the National Directorate and circulated to fire services in a number of tranches between 2010 to 2012. Each of the 47 SOGs issued contained a risk assessment summary, relevant to the topic of the SOG; these updated and standardised Generic Risk Assessments which were issued previously as part of the Ancillary Safety Statement Template in 2007. (See Section 4.5 above)

The SOGs risk assessment summary was provided to assist fire services in preparing risk assessments, required to comply with section 19 of the Safety, Health and Welfare at Work Act. Each fire service went through a 'localisation' process, adapting

the national SOG template to reflect their local circumstances. The information contained in each SOG forms the basis for preparing for specified operational incident types within the fire authority's functional area, as well as for training and complying with the statutory requirement to prepare risk assessments.

The 47 Generic or Situational Risk Assessments are developed for the various categories of incidents which are encountered by fire services, as it is neither feasible or necessary to undertake building specific risk assessments for every building or place to which a fire service may be called to respond. Those premises which are viewed as highest risk in a fire station area would generally be included in pre-incident familiarisation programmes. (See also Section 5.6)

Part of the rationale for the development of generic SOGs is that fire services may be called to incidents at any location within their functional area. While technically, these are places of work, it is impossible for fire services to carry out risk assessments in advance at every location to which they might be called to respond. The generic risk assessments help prepare fire services for dealing with the kind of risks which are likely to be encountered in responding to certain categories of incidents or in certain categories of premises. The SOGs, allied with the dynamic risk assessment undertaken by the Incident Commander at every incident (see Section 5.8 below) and Pre-Incident Planning (see Section 5.6 below) in prioritised high risk buildings constitute significant contributions to safe and effective fire service operations.

All fire services in Ireland adopted an implementation approach and programme for introducing the 47 SOGs, with most fire authorities having completed these programmes at the time of the EVG visits in 2014/ 15. The issuing of four additional SOGs is currently underway.

## **5.6 Pre-Incident Planning**

Pre-Incident Planning (PIP) involves the crews in each fire station visiting the premises which they identify as highest risk (e.g. hospitals, nursing homes, institutions, places of public assembly, SEVESO/industrial plants, shopping centres etc.) in their station area to familiarise themselves with the overall layout of the building(s) and the specific risks and fire safety features associated with that premises. A prelude to such familiarisation visits usually involves the harvesting of information ("operational intelligence") and preparation of site specific Pre-Incident Plans. PIP involves integration of fire prevention and operational activity.

Pre-Incident Planning and Familiarisation work generally is derived, on a station by station basis, from information included in the initial Area Risk Categorisation process. Selection of priority buildings for PIP in each station area is made through local judgement. However, additional information on medium to high-rise buildings has been identified as part of the exercise associated with the work of this Task Force. This additional information needs to be factored into on-going PIP at local level.

## **5.7 Managing Large Scale or Protracted Fire Incidents**

The national policy in relation to normal fire service response provision is set out in section 5.3 above, and this section is concerned with particular arrangements that have to be put in place when large scale incidents occur which require significant fire service resources to be mobilised and brought to bear on a situation.

In general, a large-scale incident would be deemed to be an incident where six or more fire appliances are mobilised to deal with a specific situation. Large scale incidents may involve a proliferation of concurrent incidents for a fire service or across a geographic region requiring mobilisation of significant resources from fire authorities, albeit any specific incident may only require the attendance of a small number of appliances, e.g. widespread wildland fires or flooding.

Incidents may also involve sustaining fire service operations for an extended duration, in some cases over several days and in a few extreme cases over weeks, requiring logistical planning and support. Such incidents put considerable strain on the resources available, in particular for retained crews, where there may not be replacement personnel available if crews are rested during/ following on from long duration incidents. It is also necessary to maintain a level of response capability for other incidents when dealing with a large, widespread or extended situation, and this too has to be planned for and arranged.

When large scale or extended incidents occur, the relevant Chief Fire Officer, together with the Rostered Senior Fire Officer, manages the resources/logistics issues associated with providing and sustaining the fire service response. However, much of the logistical arrangements can be pre-planned. The following table sets out a series of indicative scenarios of the type considered by each fire service. These scenarios are related to the risk categorisation process set out above, and are informed also by the Major Emergency Risk Assessments.

**TABLE 5.4**  
**Preparation for Large Scale or Protracted Scenarios**

<b>Risk Categorisation</b>	<b>Indicative Scenarios</b>	<b>Appliances deployed</b>	<b>Fire-fighters and crew commanders to sustain</b>	<b>Indicative No. of Officers required to run operation</b>
<b>Very High</b>	Large-scale/infrastructure fires;  Multiple fires or widespread events;  Transportation incidents	Scenarios with 6, 12 or 20 Class Bs;  4 Specials (ET + Aerial, ICU).	6      27 12      55 20      90	1 + 3 2 + 5 3 + 7
<b>High</b>	Large-scale/infrastructure fires;  Multiple fires or widespread events;  Transportation incidents	Scenarios with 6, 9 or 12 Class Bs;  3 Specials (ET + Aerial, ICU)	6      27, 9      40 12      55	1 + 3 1 + 4 2 + 5
<b>Medium</b>	Large scale fires;  Multiple fires or widespread events;  Transportations incidents	Scenarios with 6, 8 or 10 Class Bs;  2 Specials, ICU	6      27, 8      36, 10      45	1 + 3 1 + 4 2 + 5
<b>Low</b>	Large fire;  Multiple fires or widespread events;  Transportation incidents	Scenarios with 4, 6 or 8 Class Bs;  Special + ICU	4      18, 6      27 8      36	1 + 2 1 + 3 2 + 4
<b>Very Low</b>	Large fire;  Multiple fires;  Transportation incidents	Scenarios with 3 or 5 Class Bs;  Special + ICU	3      14, 5      23	1 + 2 1 + 3

The capacity of fire services in Ireland to respond to large scale incidents was reviewed by the Management Board of the National Directorate for Fire and Emergency Management in the aftermath of the Grenfell Tower fire. This review concluded, as reported in their External Validation Group Report (April 2016), that local authorities have benchmarked their fire services against national standards and national norms, and that appropriate capacity in terms of fire appliances and fire-fighters, linked to area risk categorisation, now exists in fire service provision.

More importantly, experience with recent fire incidents demonstrate that fire services have the capacity to mobilise and manage resources for large-scale incidents in accordance with national standards.

## **5.8 The National Incident Command System**

The Fire Services National Incident Command System (NICS) is used to manage all fire service response to emergency incidents, but it is particularly necessary to underpin safe and effective large, widespread or extended duration incidents.

Apart from the normal on-site management of incidents at an operational and tactical level, it may be necessary to have a level of off-site management of incidents as described above at a strategic level. This is particularly relevant when a proliferation of concurrent incidents occurs, e.g. severe weather incidents, where the Chief Fire Officer or Rostered Senior Fire Officer in an area may decide that it is necessary to co-ordinate the particular arrangements for a number of incidents from a central location such as the Fire Service Headquarters in conjunction with the relevant Regional Communications Centre. This will normally happen where three or more adjacent fire stations are mobilised to an incident/ series of incidents. Maps, communication facilities and IT support are maintained in fire service HQs for such circumstances.

The 2007 NICS system is currently being reviewed and updated.

## **5.9 Major Emergency Management (MEM)**

In its report to Minister Murphy in June 2017, the National Directorate's Management Board also highlighted the "*Framework for Major Emergency Management*" which was put in place in 2006 to co-ordinate the preparedness and response capability of the Principal Response Agencies – An Garda Síochána, the HSE and the Local Authorities – to deal with large scale incidents of all kinds. The provisions of the Framework have been used successfully to manage and co-ordinate the response to a number of events including severe weather and transport accidents.

It was noted also that a multi-agency group, led by a very effective community group, worked successfully to deliver services for the families affected by the Carrickmines fire tragedy of October 2015. However, arising from the reported experiences in London, Minister Murphy has requested that a renewed focus should be placed on the preparations of local authorities, working with the Principal Response Agencies and



others, for large scale evacuation and operation of rest centres under the aegis of the Framework for Major Emergency Management. *MEM Guidance document 6, A Guide to managing Evacuation and Rest Centres*, was published in October 2015 <sup>4</sup>.

In the event of a major catastrophic fire, the Department of Housing, Planning and Local Government, in exercise of its 'Lead Government Department' role, would convene a National Emergency Co-ordination Group to ensure a "Whole-of-Government" response was brought to bear in supporting the frontline emergency services and to manage the impacts and consequences arising from the situation.

As a follow-on to the development and implementation of the 2006 Framework, the cross-sectoral "National Steering Group on Major Emergency Management" has overseen the development of a working draft 'Mass Fatality Framework' for Ireland. In the event of a mass fatality scenario, hospital mortuaries become overwhelmed and pre-determined arrangements are required to deal with fatalities and respond to the needs of family members of the deceased. Good international practice in the management of fatalities suggests that a single facility be used for all the deceased victims from an incident. Hospitals will prioritise properly the living victims and are likely to be stretched to cope with that task. The mortuary facilities in hospitals have capacity for limited numbers of deceased persons and, in the event of a large scale disaster, it is considered good practice to separate the hospital and mortuary functions where there are a large number of fatalities.

On the recommendation of the National Steering Group for Major Emergency Management, the Department of Housing, Planning and Local Government has a contract in place with a specialist international supplier of mortuary facilities. They are on stand-by and can be called up under contract to provide an appropriate temporary mortuary structure at 24–48 hours notice. This will enable the full range of mortuary processes to be undertaken by those with defined roles (Coroners, Pathologists, Anthropologists, Odontologists and Forensic Specialists etc.). There are likely to be several stages involved, including recovery of fatal casualties, identifying and certification of the dead, and investigating the cause of death, both for coroner's purposes and if there is suspected criminal involvement. The objectives of the mass fatality project include maintaining respect in dealing with deceased victims in a safe and appropriate manner, whilst linking with and caring for the interests of the bereaved families in the quasi-judicial processes associated with the aftermath of such disasters. The Coroner is in charge of the deceased victims' remains until such time as they are returned to the next-of-kin.

A working draft of a "*Guide to Mass Fatality Planning*" has been circulated by the Mass Fatality Expert Group operating under the aegis of the National Steering Group on Major Emergency Management. The document aims to support Principal Response

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<sup>4</sup>

[http://mem.ie/wp-content/uploads/2016/01/A\\_Guide\\_to\\_Evacuation\\_20151.pdf](http://mem.ie/wp-content/uploads/2016/01/A_Guide_to_Evacuation_20151.pdf)



Agencies (PRA's) in their inter-agency planning for mass fatality events on a regional basis. The Guide provides information on:

- the roles & responsibilities of the PRAs and supporting agencies;
- structure and approach for Inter-agency Mass Fatality planning;
- body Holding capacity and deployment;
- response structures;
- the mortuary process & Disaster Victim Identification; and
- public information and communicating with families of deceased victims.

The Guide was put into circulation in February 2018 and work is underway in each of the eight Major Emergency Management regions to develop a Region Mass Fatality Plan supported by appropriate resources, procedures and structures in line with the Major Emergency Management Framework (2006) and the Guide to Mass Fatality Planning (2017).

### **Overview/ Conclusions**

**Over the course of 2014/ 2015, an External Validation Group (EVG) was commissioned by the Management Board of the National Directorate for Fire and Emergency Management to visit every fire service in the country as part of a review of an initial Area Risk Categorisation process in Ireland. In April 2016, the first EVG Report titled “*Local Delivery - National Consistency - Fire Services in Ireland*” was published. The report concluded, inter alia, that:**

- **local authority fire services are applying and refining internationally-recognised risk management approaches to reduce the fire risk and the annual toll of life and property loss caused by fire;**
- **local authority fire services are matching the assessed fire risk in their individual fire station areas with services based on both full-time and retained fire service models, with a comprehensive support infrastructure, and applying a range of appropriate fire prevention and fire protection approaches;**
- **local authorities have prioritised and maintained the financial and personnel resources in their fire services at a time when they implemented significant reductions in all other areas; and**
- **local authorities have benchmarked their fire services against national standards and national norms, and a strong degree of national consistency, linked to fire station area risk categorisation, now exists in fire service provision; all local authorities are using new**

**national norms introduced in 2013 through the “Keeping Communities Safe” national policy document as minimum standards.**

**The EVG Report (2016) concluded also that the available evidence provides confidence regarding the match of fire service capability with assessed fire risk in accordance with the national standards published in the national policy document “Keeping Communities Safe”.**

**For the first time in the history of Irish fire services, the information available and the methodology in “Keeping Communities Safe” has enabled local authorities to benchmark their fire services against national standards and to report on the response standards being achieved. The first fire service appliance arrives in under 10 minutes at 38.6% of incidents; 66.2% in under 15 minutes, 83.5% in under 20 minutes and 95.7% in under 30 minutes.**

**The capacity of fire services in Ireland to respond to large scale incidents was reviewed by the Management Board of the National Directorate for Fire and Emergency Management in the aftermath of the Grenfell Tower fire. This review concluded, as reported in their External Validation Group Report (April 2016), that local authorities have benchmarked their fire services against national standards and national norms, and that appropriate capacity in terms of fire appliances and fire-fighters, linked to area risk categorisation, now exists in fire service provision. More importantly, experience with recent fire incidents demonstrate that fire services have the capacity to mobilise and manage resources for large-scale incidents in accordance with national standards.**

**The policy decision made, as part of the “Keeping Communities Safe” Review process, to maintain the fire service as a local authority service has proven to be correct. Local authorities have:**

- prioritised the resourcing of their fire services through a time of retrenchment;**
- prioritised health and safety of staff, up to and including international standard accreditation (OHSAS 18001: 2007/ ISO 45001: 2018);**
- mandated their fire services to lead development of emergency management and position local authorities as central within inter-agency emergency management;**
- aligned their fire services with other local authority functions including building control, planning and social housing;**
- accounted to local councils of elected members in the first instance;**
- collaborated successfully with National Directorate for Fire and Emergency Management to develop, implement and report on fire**

### **safety priorities.**

**The provision of local authority fire service infrastructure (fire stations, fire appliances and specialist equipment and mobilisation and communications facilities) is supported by the National Directorate for Fire and Emergency Management’s Capital Grants Scheme.**

**The locations of the 217 fire stations provides a good, well-dispersed infrastructure for fire service operations. While the majority of fire stations have been constructed in the past 30 years and have full facilities, a five year (2016–2020) fire station construction/ refurbishment programme is underway for the remaining prioritised projects. An additional fire station was opened in South Connemara in 2017.**

**A further fire appliance procurement programme (23 vehicles) is being undertaken in 2018 under the aegis the Office of Government Procurement. Fire Services management are working to consolidate and move from a single fire authority perspective on specialist appliances to shared provision of such resources.**

### **Recommendations**

**The initial Area Risk Categorisation (ARC) exercise was undertaken in 2013/14 and validated in 2014/15 and reported in 2016. The second round of ARC should commence in 2018 and should take account of the fire risk assessment of significant individual premises and buildings and other fire hazards described in Section 9.5.4.**

**The nationally recommended list of initial Pre-Determined Attendances (PDAs) in Appendix A of “Keeping Community Safe” should be reviewed by the Management Board of the National Directorate for Fire and Emergency Management to ensure that it remains appropriate and up-to-date.**

**Each Fire Service should review its response Pre-Determined Attendances (PDAs) in light of Appendix A of “Keeping Communities Safe” and also taking account of the likely need for specific PDAs for buildings which are within the ambit of the fire risk assessments referred in Chapter 9.5.4. If there is a need for variations, fire services should adjust their responses before end 2018 to align with the minimum standards set as national policy and also to take account of the outcome of the fire risk assessments of individual buildings as described in section 9.5.4. Additional resources in support of the Pre-Determined Attendances may be ordered by the Incident Commander at any stage. (See also recommendation in Chapter 8 in relation**

**to review of PDAs in medium to high rise buildings).**

**Fire station area boundaries and Pre-Determined Attendances should be adjusted to reflect nearest available response, where this is not already the case, on the basis of the data/evidence available which indicates that up to 4.5% of the population could benefit from faster first response times.**

**A new round of External Validation should be commenced in 2018 and in this, each fire service should confirm that it is using the national standard PDAs as a minimum basis for its initial fire service response, that it has set premises specific PDAs where appropriate for premises and buildings within the scope of the fire risk assessment process described in Section 9.5.4 of this Report and that the principle of mobilising the nearest available resource is being applied.**

**The national guidelines for specialist equipment maintenance, testing and recording should be implemented by all fire services in 2018.**

## 6 Legislative Responsibilities for Fire Safety

### 6.1 Introduction

A number of legislative provisions exist which set out responsibilities for fire safety in Ireland. This Chapter describes these legal responsibilities across the various stages of design, construction and operation of buildings.

Part III of the Fire Services Acts, 1981 and 2003 sets out responsibilities and obligations in relation to fire safety in buildings. Section 18 of the Fire Services Acts assigns responsibility for fire safety to the “person having control” of the premises and also imposes an obligation on those on the premises to avoid endangering others through their actions. Section 18 responsibility applies to buildings other than “dwellings occupied as a single dwelling”, which is a very wide and all-encompassing scope.

Fire safety in buildings is generally seen as a function of four aspects:

1. the passive or inbuilt fire safety features in a building, such as the layout and fire resisting construction of the building including the escape routes which enable persons to leave the building safely (referred to as ‘means of escape’); the passive fire safety features appropriate for any given building relate to the use of that building and the scale and occupancy and are set out in relevant guidance documents and codes of practice;
2. the active fire safety features, such as fire detection and alarm systems; the requirements for active features also relate to the use and nature of the building and are set out in guidance and codes of practice;
3. the management of the building, including management of fire safety to prevent fires occurring in the first place and ensure that building services and fire safety are managed to ensure that safety is not compromised and maintaining appropriate record (as in a Fire Safety Register). Again guidance documents and codes of practice for various sectors set out generic fire safety management requirements; and
4. the behaviour of persons in the building who, either through their actions or omission may threaten their own safety and the safety of others in the building.

Part III of the Fire Services Acts also sets out powers of inspection and enforcement which are given to local authorities in their roles as fire authorities. This aspect is discussed further in Section 6.7 below.

Also, legislation in the form of the Building Control Acts 1990 to 2014 regulates the design and construction of buildings, including standards of fire safety. Parallel powers of inspection and enforcement, similar to fire services legislation, are given to local authorities in their roles as building control authorities.

This chapter provides background information on each of these areas, starting with building design and construction, before moving on to responsibilities under section 18 of the Fire Services Acts and finally looking at the statutory roles of local authorities.

## **6.2 Fire Safety in the Design and Construction of Buildings**

The design and construction of buildings is regulated under the Building Control Acts 1990 to 2014. The Acts provide for the making of Building Regulations and Building Control Regulations.

One of the primary purposes for which the Building Regulations are made is the health, safety and welfare of persons in and around buildings. The focus in building regulations is on protection of people rather than property, although fire safety measures designed to protect life may also have the benefit of protecting property.

The Second Schedule of the Building Regulations 1997- 2017 sets out the statutory minimum performance requirements for the design and construction of new buildings (including dwellings), extensions to existing buildings as well as for material alterations and certain material changes of use to existing buildings. The Schedule is comprised of twelve distinct parts, classified Parts A to M, each of which sets functional requirements for buildings or works e.g. structure, fire safety, energy conservation, accessibility etc.

The Department of Housing, Planning and Local Government publishes Technical Guidance Documents (TGDs) in relation to each of the twelve parts. These guidance documents set out how the legal requirements can be achieved in practice. Where works are carried out in accordance with the relevant technical guidance, such works are considered to be, prima facie, in compliance with the relevant regulation(s).

Part B of the Second Schedule of the Building Control Regulations and Technical Guidance Document B deal with Fire Safety. See Section 6.3 below for further information.

The primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings.

The primary purpose of the Building Control Regulations is to set out procedures for the implementation of the building control system and processes to secure compliance with the requirements of the Building Regulations.

Implementation and enforcement of the building control system is a function for the 31 local building control authorities (BCAs), established in each local authority. The BCAs have a suite of inspection, investigatory and enforcement powers under the Building Control Acts 1990 to 2014. Chief Fire Officers manage the building control function in a number of local authorities.

### 6.3 Building Control Regulations

Building Control Regulations set out the procedures for the implementation of the building control system.

Amendments to the Building Control Regulations introduced in 2014, *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), known as BCAR, addressed perceived deficits in the building control regime, by empowering competence and professionalism in construction projects and establishing a chain of responsibility that begins with the owner. This new regime is now well established and has brought a new order to bear on construction projects.

The procedures vary for different categories of buildings and for different circumstances but, in general, the building control process involves the following:

- A Commencement Notice signed by the owner is submitted to the Building Control Authority prior to the commencement of works. In most cases this notice must be accompanied by such plans, calculations, specifications and particulars to outline how the proposed works comply with Building Regulations, a statutory Design Certificate, certificates and forms relating to the assignment of a competent builder and an Assigned Certifier, and a preliminary Inspection Plan;
- when required, a Fire Safety Certificate and Disability Access Certificate must be obtained from the local Building Control Authority;
- a Statutory Certificate of Compliance on Completion, together with relevant compliance documentation (plans, calculations, specification and particulars to outline how the works as completed comply with Building Regulations) and the Inspection Plan as implemented to be lodged with the Building Control Authority before the building is occupied or used.

Statutory fees apply to building control procedures. Building control activities are published on a Statutory Register.

Focusing on Fire Safety issues, a Fire Safety Certificate is required for all new buildings (except dwelling houses) and in respect of certain works to existing buildings, including a material alteration or change of use, to which the requirements of Part B of the Building Regulations apply.

A Fire Safety Certificate granted by a local Building Control Authority specifies that the works or building to which the application relates will, if carried out in accordance with the plans and specifications submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations. A Fire Safety Certificate must be obtained in advance of commencing works on site. Subsequent changes to the design or works that are covered by the Fire Safety Certificate will trigger the need for a revised Fire Safety Certificate.



A facility does however exist where it is proposed to commence work before a Fire Safety Certificate is granted, in which case a seven day notice must be submitted to the Building Control Authority. This a 'fast track' notification of commencement accompanied by a fire safety certificate application. The builder in this instance must commit to promptly carrying out any modifications or conditions that may ultimately be made or attached to the granted Fire Safety Certificate.

Where works are commenced or completed without the necessary Fire Safety Certificate or seven day notice, a Regularisation Certificate may be granted by a Building Control Authority in respect of the works. Any conditions or additional works specified in the Certificate must be carried out within a four month period otherwise the certificate will not have effect.

It is an offence to open, operate or occupy buildings unless the required Fire Safety Certificate, Disability Access Certificate or Regularisation Certificate have been granted and the Certificate of Compliance on Completion has been included on the statutory register.

In general, to ensure compliance with the Building Regulations, as per the processes detailed above, the owner is required to assign competent persons to design (Design Certifier), build (Builder), inspect and certify the building works (Assigned Certifier).

The Design Certifier:

- designs the building works, in conjunction with others,
- co-ordinates design activities, and
- certifies, before works commence, that the proposed design is in compliance with the Building Regulations.

Design work that is not complete or not available for submission at commencement stage should be certified and submitted at a later stage, before the relevant work commences. Similarly, any significant changes or omissions should be certified and submitted before such work commences.

To ensure continuity of the chain of responsibility through to completion, the Assigned Certifier duties include:

- preparation of an inspection plan for the building works in conjunction with designers,
- implementation of inspections in accordance with the inspection plan in conjunction with designers; and
- certification (jointly with the builder) that the construction works are in compliance with the Building Regulations upon completion.

The roles of both the Design Certifier and Assigned Certifier are restricted to competent registered construction professionals, meaning an Architect or a Building



Surveyor or a chartered Engineer who is included on a statutory register maintained respectively by the Royal Institute of the Architects of Ireland, the Society of Chartered Surveyors of Ireland or Engineers Ireland.

The roles and responsibilities of owners, designers, builders and assigned certifiers during building works are set out in the *Code of Practice for Inspecting and Certifying Buildings and Works (September 2016)*. Any change in circumstances in terms of owner, builder or assigned certifier must be notified to the local BCA.

While owners of new single dwellings, on a single development unit, and domestic extensions may opt out of the requirements for statutory certification, compliance with Building Regulations must still be achieved and, while not as extensive as detailed above, Building Control procedures still apply.

#### **6.4 Building Regulations - Part B – Fire Safety**

Part B – Fire Safety sets out the legal requirements in relation to fire safety in respect of new buildings (including dwellings) and in respect of existing buildings undergoing works involving an extension, material alteration or certain material changes of use. The fire safety requirements under Part B represent the national statutory minimum standards applicable to the construction of new buildings, including dwellings. Where works are carried out in accordance with the national guidance provided in Technical Guidance Document B – Fire Safety, this will, *prima facie*, indicate compliance with the fire safety requirements set out in the Building Regulations.

Part B/ TGD B – Fire Safety is under review at present. In the interest of clarity, the TGD is split into two volumes. Volume 1 deals with all buildings other than dwelling houses and Volume 2 deals exclusively with dwelling houses.

In 2017, *Building Regulations (Part B Amendment) Regulations 2017 (S.I. No. 57 of 2017)* and *TGD B Fire Safety – Volume 2 – Dwelling Houses (2017)* were published and came into force on 1 July 2017. This Volume 2 applies to dwelling houses only. Important revisions in the TGD B Volume 2 include:

- enhanced provision for fire detection and alarm systems in dwelling houses;
- guidance on fire safety in community dwelling houses;
- guidance on timber frame construction, including new provisions in respect of timber frame party walls;
- enhanced provisions in respect of loft conversions; and
- new provisions for galleries in dwelling houses and other general updates.

Use of the published Technical Guidance is one method of demonstrating compliance with building regulations, but the adoption of alternative approaches is allowed provided that the relevant requirements of the Regulations are complied with. (See Section 6.7 also on professional judgement etc.)

Work is still ongoing on the development of the legal requirements and guidance associated with the fire safety of buildings other than dwelling houses. The next step in this process will be to issue draft amendments to Part B and a draft *TGD B Fire Safety – Volume 1 – Buildings other than Dwelling Houses* for public consultation.

Until the full review is complete however, the current requirements and guidance for all buildings other than dwelling houses is set out in *Building Regulations (Amendment) Regulations 2006 (S.I. No. 115 of 2006)* and the relevant parts of *TGD B Fire Safety (2006) respectively*.

The Department of Housing, Planning and Local Government is cognisant of the Independent Review of Building Regulations and Fire Safety being carried out in the UK by Dame Hackitt DBE FREng in the aftermath of the Grenfell Tower fire. (See Section 6.10 below on issues arising from this work).

#### **6.4.1 Inspections and Enforcement**

The Building Control Acts, 1990 to 2014 vest powers of inspection, enforcement and prosecution in the **31 Local Authorities** as Building Control Authorities. **The minimum national annual inspection target as agreed with the Local Authorities is 12% to 15% of new buildings covered by valid Commencement Notices received in the Authority's administration area.** However, the majority of local authorities exceed this target. The National Oversight and Audit Commission (NOAC) collects and publishes this data annually.

The Department has been working closely with the Local Government Management Agency on the oversight and governance of the local authority Building Control System to strengthen and improve its effectiveness. One aspect of this project is to enhance the level of meaningful risk based targeted inspections of building activity by Building Control Authorities.

An issue has been raised (Joint Committee on Housing, Planning and Local Government, *Safe as Houses? A Report on Building Standards, Building Controls & Consumer Protection*) in respect of fire safety inspections by specialist building control officers prior to the submission of a certificate of compliance on completion for multiple occupancy developments or developments with a higher level of fire risk.

It is a recommendation of the Task Force that fire safety inspections of new building works, during construction to check compliance with Part B of the Building Regulations, carried out by competent personnel, should be a key component of risk based and targeted building control inspection policies.

In relation to enforcement, failure by an owner or a builder, at the request of a Building Control Authority, to demonstrate compliance with Building Regulations or Building Control Regulations, or to rectify such non-compliance, may be an offence under the

Building Control Acts. If successfully prosecuted in court, such offences may lead to a fine and/or a term of imprisonment.

## **6.5 Statutory Responsibility for Fire Safety in Occupied Buildings**

### **6.5.1 Section 18 (2) Responsibilities**

When a building is constructed and occupied, statutory responsibility for safety is assigned by section 18(2) of the Fire Services Acts, 1981 & 2003 to the ‘person having control’ of the building. The person having control is required to take reasonable measures to guard against the outbreak of fire and to ensure the safety of persons in the event of fire. Section 18(2) states:

**18(2)** *“It shall be the duty of every person having control over premises to which this section applies to—*

- (a) take all reasonable measures to guard against the outbreak of fire on such premises,*
- b) provide reasonable fire safety measures for such premises and prepare and provide appropriate fire safety procedures for ensuring the safety of persons on such premises,*
- (c) ensure that the fire safety measures and procedures referred to in paragraph (b) are applied at all times, and*
- (d) ensure, as far as is reasonably practicable, the safety of persons on the premises in the event of an outbreak of fire whether such outbreak has occurred or not.”*

While this legislation is unambiguous in terms of assigning responsibility for fire safety to the “person having control”, the Task Force is aware that there are issues which arise in this area. Among the questions identified are:

- Is it clear who is the “person having control” of premises to which section 18 applies?
- Is it clear what premises are within the scope of section 18?
- Are the requirements for fire safety clear to those who have section 18 responsibility?
- What advice and guidance is available to help those with section 18 responsibilities?
- How can/ should persons holding section 18 responsibility demonstrate that they are complying with their duties?
- Can those who are not complying with this statutory responsibility be identified?

- Is there a cohort of persons deliberately flouting their section 18(2) responsibilities?

These questions are considered further in Chapter 9.

### 6.5.2 Section 37 Regulations

Section 37 of the Fire Services Acts provides that the Minister (for Housing, Planning and Local Government) may make regulations under the Acts. It states:

*37.—(1) The Minister may make regulations providing for the precautions to be taken in premises to which section 18 applies for the protection of persons and property against risk by fire.*

Section 37(3) provides that regulations may, without prejudice to the generality of the section, specify requirements with regard to a range of matters. Nothing in section 37 Regulations is intended to derogate from the functions of a fire authority under the Acts or from a duty imposed on any person under subsection (2) or (3) of section 18.

Regulations have been made (Ease of Escape Regulations, 1985) under this section 37 provision, but the preferred approach has been to publish statutorily supported Codes of Practice and Guidance to assist persons having control of premises, rather than attempting to regulate fire safety provisions in detail through section 37 Regulations.

However, section 37 Regulations have the potential benefit that failure to comply with the provisions of Regulations is an offence which, with carefully drafted provisions, would facilitate ready prosecution of offenders who fail to implement the necessary provisions.

### 6.5.3 Offences under the Fire Services Acts

It is a criminal offence, prosecutable by the local authority, and with penalties in accordance with the provisions of section 25 of the Licensing of Indoor Events Act 2003 which amended section 5 of the Fire Services Act, 1981 for the owner, occupier or person otherwise having control of a premises to fail to live up to their statutory responsibilities. Section 4 of the Act provides that:

*4 any person who contravenes (by act or omission) any requirement of Part III of this Act or of any regulation under this Act or of any notice to which this Act applies shall be guilty of an offence.*

A person who is guilty of an offence by reason of a contravention of regulations made under section 37 shall be liable—

- (a) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months, or to both, or*
- (b) on conviction on indictment, to a fine not exceeding €130,000 or to imprisonment for a term not exceeding 2 years, or to both*

Where a person is convicted of an offence referred to above and there is a continuation by the person of the offence after the conviction, the legislation provides that person shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable—

*(a) on summary conviction, to a fine not exceeding €500 for each day on which the offence is so continued or to imprisonment for a term not exceeding 6 months, or to both, but if a person is convicted in the same proceedings of 2 or more such further offences, the aggregate term of imprisonment to which the person shall be liable shall not exceed 6 months, or*

*(b) on conviction on indictment, to a fine not exceeding €13,000 for each day on which the offence is so continued, or to imprisonment for a term not exceeding 2 years, or to both, but if a person is convicted in the same proceedings of 2 or more such further offences, the aggregate term of imprisonment to which he or she shall be liable shall not exceed 2 years.*

## **6.6 The Format of “Fire Regulations”**

The general format of fire regulation in Ireland is non-prescriptive in nature, that is to say the general requirement of the type set out under section 18(2) is quite broad and all encompassing. The approach is similar in building regulations, with the legal requirements set out in broad performance terms in the secondary legislation, and guidance on compliance provided in Technical Guidance Documents which may refer to Standards or Codes of Practice. However, the adoption of an approach other than that outlined in the guidance is not precluded provided that the relevant requirements of the Regulations are complied with.

Part of the benefit of this approach is that it facilitates development and innovative design, as well as use of existing buildings which prescriptive regulations could hinder. Engineering approaches may also provide for trade-offs in fire safety features in buildings, although there is an appropriate reluctance on the part of those checking compliance to place over-reliance on active fire safety features, as these need to be properly maintained over the life-time of the building.

Application of alternative techniques and use of approaches other than those set out in guidance are required to be supported by appropriate fire engineering techniques. This requires the use of professional judgement in assessing/demonstrating compliance with ‘fire regulations’.

## **6.7 Roles of Local Authorities in Fire Safety**

The local authorities have statutory enabling powers in their role as fire safety regulators and, if necessary, as enforcers of fire safety standards in accordance with building control legislation and fire services legislation.

Local authorities employ a cohort of competent and experienced Senior Fire Officers with appropriate technical and professional qualifications to undertake relevant fire safety work. This includes core fire safety activity such as adjudicating on applications for fire safety certificates under the building control legislation and carrying out inspections of construction works for compliance with Part B – Fire Safety; inspection programmes in existing buildings such as nursing homes, crèches, schools hotels, apartments etc.; providing advice to planning authorities on fire safety aspects of planning applications; inspecting premises licenced under Intoxicating Liquor, Public Dance Halls and Gaming and Lotteries legislation and giving evidence in Courts in relation to same; licencing of premises storing and retailing petroleum products; guidance on licenced and unlicensed public events; etc.

Fire safety intersects with a range of other sector specific regulatory systems including health, safety and welfare legislation (for workplaces) and the registration of certain categories of premises (e.g. nursing homes, child care premises, tourist accommodation), intoxicating liquor licencing, dance halls, gaming and lottery and registration of clubs, so the local authorities may not be the only public body with a regulatory role in fire safety.

Local authorities are not required by legislation, and could not reasonably be expected, to audit or inspect all building construction works or to audit all buildings for fire safety. On-going responsibility for fire safety rests with the “person having control” of the premises as discussed in Section 6.6.1. In addition to work required under specific legislation, such as inspection of premises licensed under the Intoxicating Liquor Licensing Acts, Public Dance Halls Act, Gaming and Lotteries and Registration of Clubs legislation, local authorities generally operate a system of prioritised auditing based on a risk assessment approach. A number of projects are underway to assist in this overall risk assessment process. The main project (Premises Risk Identification Method – PRIME) involves harvesting summary data from all strands of fire service activity and using it as the basis for prioritising risk premises. (See also Chapter 11)

Local authorities also respond to complaints received about fire safety and undertake an annual programme of prioritised fire safety education, inspection and enforcement work based on their appraisal of fire risk.

One of the recommendations in Chapter 11 - Implementation - is that each fire service prepare and publish its plan setting out its priorities and targets.

Local authorities have a range of powers available including giving advice, requesting the person in control to prepare a Fire Safety Assessment and furnish it to them, serving a fire safety notice requiring certain actions to be taken within a defined time-frame or serving a closure notice to use in an enforcement role if they are not satisfied about fire safety in a particular building.



However, it needs to be understood clearly that statutory responsibility for fire safety rests with the persons having control of buildings/premises, as outlined in Section 6.6.1 above, and not with fire services.

## **6.8 Fire Safety in Public Buildings**

The public have access to a large number of buildings which are provided by Government Departments and other public service organisations to which section 18(2) responsibilities apply. Some public buildings have been identified within the scope of the preliminary reviews being undertaken in respect of medium to high rise buildings (See Chapter 8) and persons having control have been required by local authorities to assess fire safety in specific buildings.

D/PER Circular 1/13 sets out the arrangements and responsibilities around State property assets being managed by OPW and, in particular, the allocation of responsibilities between OPW and the relevant building occupier.

OPW ensures that all new buildings or buildings which involve change of use or material alterations comply with building regulations, including fire safety. A building will not be safe from the risk of fire unless there are appropriate procedures in place to maintain the building, to create evacuation plans and to educate the occupants as to the fire safety issues that may affect them in their workplace.

Fire safety in public buildings managed by the Office of Public Works (OPW) is dealt with on a case by case basis. The level of fire safety management required is determined primarily by the size and complexity of the building being considered.

Guidance for fire safety management is provided in BS9999 “*Fire safety in the design, management and use of buildings – Code of practice*”, (2017). This identifies two management levels:

- Management system level 1 – defined as “Enhanced”;
- Management system level 2 – defined as “Adequate”.

Where buildings are large and/or complex, a Management level 1 system is put in place. This conforms to a high level of assurance and, in the best scenario would have a third party certificate of conformity (e.g. to PAS (Publically Accessible Standard) 7 “Fire Risk Management Specification” (2013). In smaller and less complex buildings, management system level 2 is considered to provide an adequate level of fire safety management, and to meet statutory requirements.

OPW has maintenance contracts in place in respect of relevant buildings, to ensure that active fire safety systems, such as emergency lighting and fire detection and alarm systems are serviced regularly in accordance with the requirement of relevant Irish standards.

In the main, OPW undertakes the role and responsibilities of building owner in relation many public buildings. In order to meet statutory obligations, each building has a person who is nominated to carry out the role of Fire Safety Manager to fulfil the role of the “*person having control*” as defined in the Fire Services Acts. The Fire Safety Manager is in a position of appropriate authority in relation to the building including to allocate budgets to maintain services and rectify issues in relation to the fire safety.

In April 2017, the State Claims Agency (SCA) published a report “Roles & Responsibilities in State Premises” which identified a number of findings and opportunities including in the area of fire safety management. The areas of responsibility (non-exhaustive) identified in the Report are based on requirements in civil law, legislation and the SCA’s interpretation of how they are reflected in Circular 1/13.

Following publication of the Report, the SCA put in place a “Management of State Premises Working Group” which includes OPW, An Garda Síochána and other significant stakeholders in order to strategically prioritise and progress the actions identified in their Report. It is intended that this Group, amongst other issues, will consider and agree how best to ensure that the role of Fire Safety Manager is organised and managed by building occupiers and that all relevant parties are clear about their role. The SCA’s website is a useful resource for building occupiers for guidance in relation to their fire safety obligations.

In October 2017, OPW issued a memorandum to all Facilities Managers/ Building Occupiers entitled “Fire Safety & Compliance in Buildings Maintained by OPW”.

It is recommended that all Government Departments and Public Service Organisations/ Agencies should review fire safety arrangements in the buildings they occupy in terms of potential for life loss, loss of critical national infrastructure and business continuity or potential economic impact.

Government Departments and Agencies should ensure that there is a “person having control” (per section 18(2) of the Fire Services Acts) designated in respect of each building and that they are briefed and trained on fire safety responsibilities. The allocation of section 18(2) responsibilities between relevant building occupiers and owners/ landlords should receive particular emphasis in this review and be clarified., Arrangements for maintenance of active fire safety systems such as fire detection and alarm systems and fire safety management including evacuation procedures should be clear.

Where deficiencies are identified in relation to threats to life safety, programmes to bring public buildings to relevant fire safety standards should be implemented over an appropriate period. In the event that deficiencies are identified by Government Departments/Agencies (who do not hold title in property assets) that relate to the building layout or construction/ fabric, these deficiencies should be notified to the OPW or to the relevant building title holder as appropriate.



There may be cost/budgetary implications arising for Government Departments, Agencies and/or the OPW from this fire safety review exercise as remedial fire safety measures may be identified that need to be funded. However, steps to enhance fire safety management in buildings do not generally incur significant financial cost.

It is also recommended that public service bodies with extensive property portfolios should have access to their own fire safety expertise.

Each Government Department should prepare and publish a summary report on the outcome of the fire safety review of the properties they occupy and other public service organisations should do likewise.

## **6.9 Reviews of Building Regulations and Building Control**

### **6.9.1 Independent Review of Building Regulations and Fire Safety (England and Wales)**

Following the Grenfell Tower fire of June, 2017, among the steps taken by the Government in London was establishment of the Independent Review of Building Regulations and Fire Safety (England and Wales), conducted by Dame Judith Hackitt. Dame Hackitt provided an interim report in December, 2017 – to be followed by a final report in spring, 2018.

Key findings of the interim report deal with the regulatory system for fire safety in high-rise and complex buildings, concluding the system is not fit for purpose. Reasons put forward to support this conclusion are listed below. All the issues listed below are considered in appropriate sections of the Task Force Report including in this Chapter and Chapter 8 (Medium to High Rise Buildings).

- complexity and lack of clarity in current regulations and guidance;
- lack of clarity regarding roles and responsibilities across design, construction and maintenance;
- inadequate means of assessing and ensuring competency of key people throughout the system;
- no additional competency requirements for those working on high-rise and complex buildings;
- weak processes for compliance, enforcement, sanctions, change control;
- inadequate route for residents to escalate concerns; and
- lack of clarity regarding the system of product testing, marketing and quality assurance.

The report sets a direction for targeted work, to be undertaken in the second phase of the review.

As noted also in Section 6.4 above, the guidance on how to achieve fire safety standards, Part B (Fire Safety) of the Building Regulations, in Ireland is currently under

review. The first of two intended Volumes of Technical Guidance Document B was published and came into effect on 1 July 2017. It is proposed that Volume II will take account of recommendations emerging from Dame Hackitt's final report.

### **6.9.2 Joint Committee on Housing, Planning and Local Government Report – “Safe as Houses? A Report on Building Standards, Building Controls and Consumer Protection” - December 2017**

The Joint Committee on Housing, Planning and Local Government published a Report titled “Safe as Houses? – A Report on Building Standards, Building Controls and Consumer Protection” in December 2017. This was distributed at the Task Force meeting in January 2018 with a number of points being noted.

The report highlights a number of issues which are of concern to the Task Force including the extent of developments which took place where buildings were not constructed in accordance with building regulations, including fire safety, in what are referred to in that report as “legacy buildings”. Chapter 1 of the Joint Committee Report describes the pre 2014 building control regime. Chapter 2 describes the reforms introduced under the Building Control (Amendment) Regulations, 2014 (S.I. No. 9 of 2014), made to address identified issues. These are described in Section 9.4.3 of this Report.

Chapter 3 of the Joint Committee Report gives a summary of the perceived strengths and weaknesses of the 2014 reforms and Chapter 4 contains the Committee's recommendations for further reform under four headings:

- 1) A Building Standards and Consumer Protection Agency;
- 2) Making BCAR truly Independent;
- 3) Protecting against Latent Defects; and
- 4) Addressing the Legacy of Bad Building and Poor Regulation.

Two of the Joint Committee's recommendations are of particular relevance to the Fire Safety Task Force as follows:

*2 v Mandatory fire safety inspections by specialist building control officers on all multiple occupancy developments or developments with a higher level of fire risk would be required prior to the submission of a Completion Certificate.*

*4 v the redress scheme should be accompanied by a programme of fire risk assessments based on a methodology designed to assess those boom time developments deemed potentially at risk of containing latent defects.*

The first of these specific issues is addressed in sections 6.3 and 6.4 above and the second in section 9.4.2 of this report.

## Overview/ Conclusions

On-going responsibility for fire safety in any premises (other than dwellings occupied as a single dwelling) rests with the “person having control” of that premises.

The general legal format of fire regulation in Ireland is functional (ie non-prescriptive) in nature, with a similar approach in building regulations. This means that legal requirements are set out in broad performance terms in legislation. Advice on compliance with statutory requirements is provided for designers and persons having fire safety responsibility in Guidance Documents and Codes of Practice. Part of the benefit of this approach is that it facilitates development and innovative design, as well as the use of existing buildings which prescriptive regulations could hinder.

Fire engineering approaches to building safety may also provide for trade-offs in fire safety features in buildings, although there may be reluctance on the part of those checking compliance to place over-reliance on ‘active’ fire safety features, as these need to be properly maintained over the life-time of a building.

The *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014) addressed perceived deficits in the Building Control regime by empowering competence and professionalism in construction projects and establishing a chain of responsibility that begins with the owner. The owner is required to assign competent persons to design, build, inspect and certify the building works. The competent persons, in turn, account for their contribution through the lodgement of compliance documentation, inspection plans and statutory certificates with the relevant building control authority.

The local authorities have statutory enabling powers in their role as building control and fire safety regulators and, if necessary, as enforcers of fire safety standards in accordance with building control legislation and fire services legislation.

Local authorities have a range of powers available ranging from giving Advice, or requesting the person in control to prepare a Fire Safety Assessment and furnish it to them, or serving a Fire Safety Notice requiring certain actions to be taken within a defined time-frame, or serving a Closure Notice, or seeking a High Court order, any of which they can use in an enforcement role if they are not satisfied about fire safety in a particular building. Local authorities are also notice parties for licencing of the

category of premises referred to as ‘Places of Public Assembly’ and may attend and give evidence at annual licencing courts.

Local authorities generally operate a system of prioritised auditing of premises, based on a risk grading approach. A number of projects are underway to assist local authorities in undertaking this individual building risk assessment process in a systematic way.

Overall, the scheme of legislative responsibility for fire safety in Ireland across the design, construction and operation of buildings is well established. It has been adjusted to address perceived weaknesses through revisions of the Fire Services Act in 2003 and the Building Control Amendment Regulations in 2014. However, later sections of this report address further questions raised and make recommendations which are intended to address issues discussed and which would strengthen the overall system and making it more visibly fit for purpose.

## **Recommendations**

Specific fire safety inspections of new building works to check compliance with the Fire Safety Certificate and Part B of the Building Regulations, carried out by competent personnel, should be an additional measure of building control inspection policy.

Each fire service should prepare and publish a fire safety plan setting out its priorities and targets and matching its risk management activities to its life safety priorities. This is discussed further in Chapter 11.

All Government Departments and Public Service Organisations/ Agencies should review fire safety arrangements in the buildings they occupy in terms of potential for life loss, loss of critical national infrastructure and business continuity or potential economic impact.

Government Departments and Agencies should ensure that there is a “person having control” (per section 18(2) of the Fire Services Acts) designated in respect of each building and that they are briefed and trained on fire safety responsibilities. The allocation of section 18(2) responsibilities between relevant building occupiers and owners/ landlords should receive particular emphasis in this review and be clarified. Arrangements for maintenance of active fire safety systems such as fire detection and alarm systems and fire safety management including evacuation procedures should be clear.

**Where deficiencies are identified in relation to threats to life safety, programmes to bring public buildings to relevant fire safety standards should be implemented over an appropriate period. In the event that deficiencies are identified by Government Departments/ Agencies (who do not hold title in property assets) that relate to the building layout or construction/ fabric, these deficiencies should be notified to the OPW or to the relevant building title holder as appropriate.**

**There may be cost/ budgetary implications arising for Government Departments, Agencies and/or the OPW from this fire safety review exercise as remedial fire safety measures may be identified that need to be funded. However, steps to enhance fire safety management in buildings do not generally incur significant financial cost.**

**It is also recommended that public service bodies with extensive property portfolios should have access to their own fire safety expertise.**

**Each Government Department should prepare and publish a summary report on the outcome of the fire safety review of the properties they occupy and other public service organisations should do likewise.**

## **7 Fire Safety in Dwellings**

### **7.1 Dwellings in Ireland**

According to the latest census figures there are over 2 million dwellings in Ireland. The Central Statistics Office (CSO) published the first thematic report of the Census 2016 results - *Profile 1 Housing in Ireland*. The results show that a total of 2,003,645 houses and apartments were enumerated in the 2016 Census. Of these 1,697,665 were occupied by persons usually resident in the State. There were 183,312 vacant houses and apartments, while the census also counted 62,148 vacant holiday homes.

Detached houses account for forty (40%) per cent of dwellings, while twenty-eight (28%) per cent of households reside in semi-detached houses. The number of occupied apartments (purpose built, converted and bedsits) is 204,145. This accounts for 12% of all dwelling types in 2016. Within the Dublin City local authority area, apartments (74,537) were the main dwelling type, for the first time replacing terraced houses (74,446).

The average number of persons per household stood at 2.75 in 2016.

While landlords have a legal obligation to ensure that properties they rent out comply with relevant standards and regulations, responsibility for the safety of persons within each of the almost 1.7 million occupied homes rests with the householder and persons living in that property. Domestic dwellings occupied as a single dwelling are excluded from the inspection and enforcement provisions of the Fire Services Acts.

By far the most effective protection against the threat posed by fire in homes is the domestic smoke alarm. Promoting installation of smoke alarms and regular testing has been on-going for a number of years. As noted in Chapter 3, a recent DCU study, confirmed by other more local studies (Tipperary Fire Service longitudinal studies), indicates that almost 95% of homes in Ireland have smoke alarms fitted.

While the studies indicate that the vast majority of Irish people have absorbed the messages about protecting themselves and their families from fire and live in properties where the primary step to fire safety – the smoke alarm – is present, it is less certain, however, that households routinely check their smoke alarms to ensure they are working properly.

### **7.2 Community Fire Safety Initiatives**

Despite being outside the legislative remit of the Fire Services Acts, 1981 and 2003 significant efforts are devoted by fire services every year to improving fire safety in the home and, as noted above, this works seems to have been effective both in terms of the uptake of smoke alarms and the downward trend in fire fatalities, practically all of which occur in the home.

The National Directorate works with local authority fire services in the areas of fire prevention and fire safety. Collaborative fire safety promotion work includes:

- National Fire Safety Week which takes place annually in October as a joint cross-border initiative with the Northern Ireland Fire & Rescue Service. Various media are used to promote key fire safety messages, including television and radio advertising, online advertising, social media, local radio promotion, and outdoor and public transport advertising both during this week and throughout the year;
- a Primary Schools 'Safety Team' Programme is presented by fire-fighters to third class pupils in approximately 3,300 schools across the country every year. Safety Team packs are supplied by the National Directorate to every fire authority for use in the schools;
- fire safety leaflets, booklets and posters are published and supplied to fire authorities around the country. While the materials for this scheme and the Safety Team Programme are funded by the National Directorate, the personnel involved in implementing the fire safety promotion schemes are supplied by fire authorities;
- the National Directorate continues to work with fire services and other partners in an effort to reduce fire fatalities amongst the most vulnerable of our population (e.g. elderly living alone – 50 % or 66 of 132 fire fatalities in the three years 2014 – 17 were in the age bracket 65+). The National Directorate, through the annual 'Community Fire Alarm Scheme', supplied 14,660 smoke alarms to 25 local authorities in 2016 which are installed by local community groups in the homes of those who are considered at risk from fire.

Fire services should continue Community Fire Safety programmes and activities which have been developed over the past decade. Also, in the aftermath of responding to fire incidents, it is recommended that fire services personnel should call to neighbouring properties to check the presence of fire alarms and to ascertain/ advise re regular testing. In houses where smoke alarms are not present, they should offer to fit self-contained smoke alarms with 10 year batteries and advise occupants on fire safety issues, at the invitation of the householder. In this way, fire safety messaging (and action) can be brought to those most at risk at a time when people are most receptive to this messaging.



## 7.3 Fire Safety in the Rented Sector

### 7.3.1 Housing Standards for the Rented Sector

The rented housing sector is growing in volume in Ireland. Fire safety issues in dwellings, and the key to fire safety – the smoke alarm, are the same regardless of whether housing is owned by the occupant, is part of the private rented sector or is social housing.

Minimum standards for rental accommodation were prescribed in the Housing (Standards for Rented Houses) Regulations 2008, as amended by the Housing (Standards for Rented Houses) (Amendment) Regulations 2009, made under section 18 of the Housing (Miscellaneous Provisions) Act, 1992. With effect from 1 July 2017 the Housing (Standards for Rented Houses) Regulations 2017, came into effect replacing the earlier standards.

As with fire safety and building control, responsibility for enforcement of the regulations in relation to rented housing standards rests with the relevant local authority, supported by a dedicated stream of funding provided from part of the proceeds of tenancy registration fees collected by the Residential Tenancies Board (RTB).

In tandem with the revised regulations, guidelines for local authorities to assist with implementation of the revised regulations are currently in the process of being prepared.

These regulations specify requirements in relation to a range of matters, such as structural repair, sanitary facilities, heating, ventilation, natural light, safety of gas and electrical supply as well as fire safety. With very limited exemptions, these regulations apply to local authority and voluntary housing units, as well as private rented residential accommodation.

Following enactment of the Housing (Miscellaneous Provisions) Act 2009, local authorities have a strengthened legislative framework available to them which provides for the issuing of Improvement Notices and Prohibition Notices where landlords are in breach of their obligations. Fines for non-compliance with the regulations were also increased.

The Housing (Standards for Rented Houses) Regulations 2017 state, inter alia, that -

*"10. (1) Each house shall contain a suitable self-contained fire detection and alarm system.*

*(2) Each house shall contain a suitably located fire blanket.*

*(3) Each self-contained house in a multi-unit building shall contain a suitable fire detection and alarm system and an emergency evacuation plan.*

*(4) A suitable fire detection and alarm system shall be provided in common areas within a multi-unit building.*

*(5) Emergency lighting shall be provided in all common areas within a multi-unit building.*

*(6) Fire detection and alarm systems and emergency lighting systems required under Regulation 10(4) and 10(5) shall be maintained in accordance with current standards.*

*(7) In this Regulation: "current standards" means standards produced by the National Standards Authority of Ireland for Fire Detection and Fire Alarm Systems in Buildings and for Emergency Lighting;*

*"multi-unit building" means a building that contains 2 or more houses that share a common access."*

Subsequently, the Department issued guidelines <sup>5</sup> to housing authorities giving greater detail as to what constitutes compliance with the Regulations.

### **7.3.2 Social Housing**

Social housing is provided directly by local authorities or is sourced through partnerships with Approved Housing Bodies (AHBs) or from private property owners. All social housing tenants have qualified for social housing support following a housing needs assessment. Approximately 130,000 dwellings are owned by local authorities and used to accommodate social housing tenants. A further 30,000 dwellings are owned by the approved housing body sector and used to accommodate social housing tenants on behalf of local authorities under particular contractual agreements. In addition, over 32,000 households are having their housing need met by local authorities in privately rented dwellings, with support under the Housing Assistance Payment (HAP) scheme; a further 18,000 households are accommodated under the Rental Accommodation Scheme (RAS) where properties similarly owned by private owners are made available to local authorities and social housing tenants under rental agreements, and another 9,000 social housing tenants are living in properties owned by private owners but leased by local authorities. Taken together, these sub-categories give a total of 219,000 social housing tenancies.

Each social housing tenant has an agreement with their local authority that sets out the terms and conditions of their relationship with the local authority, e.g. differential rent and implications of anti-social behaviour implications. The local authority has the address of each Social Housing tenant living in their functional area. The landlord and tenant relationship may differ in certain circumstances, for example, in some instances

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<sup>5</sup> [http://www.housing.gov.ie/sites/default/files/publications/files/guidelines\\_for\\_housing\\_authorities\\_-\\_minimum\\_standards\\_in\\_rented\\_accomodation\\_2017.pdf](http://www.housing.gov.ie/sites/default/files/publications/files/guidelines_for_housing_authorities_-_minimum_standards_in_rented_accomodation_2017.pdf)

a property may be privately owned and made available to the local authority for social housing under a long term lease arrangement, where the local authority takes on management and maintenance responsibilities for both the property and the tenant. In other circumstances, for example under the Housing Assistance Payment (HAP) and Rental Accommodation Scheme (RAS), the property owner rents the property to the social housing tenant and the local authority, as the provider of the social housing support to the tenant, pays the rent on the property on the tenant's behalf, however, the property owner retains landlord responsibilities for managing and maintaining the property.

With the exception of HAP supported tenancies, all privately owned dwellings that are used to accommodate social housing tenants are underpinned by contracts between the local authority and the private owner that require the private owner to maintain the unit structurally and have appropriate insurance. Local authority apartment leases place responsibility for '*all structural repairs and maintenance of the exterior of the property*' on the owner, including the roof, walls, all structural parts, pre-cast slabs to which the floor and ceilings are attached and the ground under the property.

As described above, the operation of the HAP scheme differs and there is no contract between the local authority and the private owner in HAP. HAP is underpinned by the Housing (Miscellaneous Provisions) Act 2014. Under the Act, local authorities are required to commence an inspection process within 8 months of the commencement of HAP support being provided in relation to a particular dwelling if not already inspected within the previous 12 months.

All landlords – private, local authority or AHB – are required to comply with the standards of private rented accommodation. AHB and private tenancies (i.e. HAP non-sharing) and RAS type arrangements must be registered with the Residential Tenancies Board (RTB).

In the aftermath of the Grenfell Tower fire the Residential Tenancies Board (RTB) were requested to notify all landlords of their responsibilities and obligations as landlords in terms of ensuring that their properties comply fully with fire safety requirements. The RTB have advised that they have written to all registered landlords highlighting the standards as set out in the Housing (Standards for Rented Houses) Regulations 2017. An information notice on fire safety was put up also on the RTB's website and a further fire safety information leaflet was distributed to landlords.

A report published by the National Oversight and Audit Commission (NOAC) in 2017 indicated low rates of inspection by local authorities of private rental stock, with less than 10% of registered tenancies inspected each year. The Government's Strategy for the Rental Sector is committed to:

- strengthening the inspection capacity of Local Authorities to increase the number and frequency of inspections of rental properties; and

- updating the Standards Regulations (i.e. Housing (Standards for Rented Houses) Regulations 2017 - these were commenced on 1 July 2017);

Providing specific ring-fenced funding from 2018 onwards in order to increase the number of properties inspected, with annual targets for both inspection and compliance are agreed with local authorities with the objective of achieving a 25% annual inspection coverage rate by 2021. Additionally, the Working Group on Rental Standards is developing a standardised training programme for all inspectors working in the area of standards for rental accommodation.

#### **7.4 Fire Safety in Multi-Storey, Multi-Unit Social Housing**

In June 2017 in the aftermath of the Grenfell Tower fire, local authorities were asked to assess fire safety in their multi-storey, multi-unit social housing buildings and specifically looking at fire detection and alarm systems, emergency lighting systems and common escape routes, including corridors, stairways and emergency exits, and to ensure that such systems are in place and fully functional.

This part of the report provides summary information on that received from local authorities in response to Circular Fire 04-17 dealing with *Fire Safety in Local Authority controlled Multi-storey Social Housing*. The Circular requested local authorities to carry out a review of their multi-storey (any building with two or more storeys), multi-unit social housing to ensure that they are meeting their statutory obligations in regards to fire safety, with the emphasis on life safety.

A “Social Housing Working Group” was established under the aegis of the Task Force to oversee this area of work and to link directly with local authorities.

Local authorities were instructed to concentrate specifically on common areas with a primary focus on ensuring that early warning systems, including fire detection and alarm systems, emergency lighting and means of escape including corridors, stairways and emergency exits are in place and functional.

For the purposes of this review, local authority multi-storey, multi-unit social housing were taken to mean:

- (a) local authority owned buildings;
- (b) buildings leased in full by the local authority directly from private owners;
- (c) buildings fully tenanted by social housing tenants and which are owned/leased in full by an Approved Housing Body.

Local authorities were also requested to provide details of recent and planned awareness-raising initiatives and to confirm that they had engaged with Management Companies of privately-owned multi-storey, multi-unit buildings where social housing is being provided.

Responses were received from all 31 local authorities. A tabular summary of the responses received is given in TABLE 7.1 below. (Note the information below relates to the position at the time of completion of reporting i.e. end September 2017)

**TABLE 7.1**  
**Fire Safety in Local Authority controlled Multi-storey, Multi-unit Social Housing**

Summary of Local Authorities responses		
	Buildings	Flats
No. of multi-storey social housing buildings owned by local authorities	925	13,642
No. of multi-storey housing buildings leased in full by local authorities directly from private owners	75	439
No. of multi-storey housing buildings fully tenanted by social housing tenants on foot of agreements with Approved Housing Bodies	227	2,697
<b>Total No. of Buildings</b>	<b>1,227</b>	<b>16,778</b>
Less No. of Buildings with External Balconies	532	
<b>Total No. of Buildings with Common Escape Routes</b>	<b>695</b>	

	No. of systems in place and fully functional	No. of systems tested within last 12 months
<b>Total No. of Buildings with Common Escape Routes</b>	<b>695</b>	<b>695</b>
No. of buildings with fire detection and alarm systems in common <sup>6</sup> escape routes	654	606
No. of buildings with emergency lighting systems in common escape routes	646	582
No. of buildings with fit for purpose common escape routes in place	683	

<sup>6</sup> Common area is generally understood to mean the entrance halls, landings, lifts, lift shafts, staircases and passages from the door of the flat to readily openable exit door(s)

## 7.5 Key Findings from Local Authority Returns

- **1,227** multi-storey, multi-unit social housing buildings in Ireland were reported, containing **16,778** flats:
  - **64%** of buildings and **77%** of flats are in the four Dublin local authority areas
  - **7%** of buildings and **5%** of flats are in the two Cork local authority areas
  - **4%** of buildings and **4%** of flats are in the Limerick local authority area
- The breakdown of buildings by type is as follows:
  - **75%** local authority owned
  - **6%** rented from private landlords
  - **19%** fully tenanted AHB buildings
- **532** buildings (507 in the Dublin City Council area and 25 from six other local authorities) with external common escape routes were considered to be outside the scope of the review as buildings with this type of external access arrangement do not present the same potential hazards in the event of fire.
- The presence of fire detection and alarm systems has been confirmed in **94%** (654) of buildings. It has been confirmed that **87%** (606) of buildings have had their fire detection and alarm systems tested within the last 12 months.
- The presence of emergency lighting systems in common escape routes has been confirmed in **93%** (646) of buildings. It has been confirmed that **84%** (582) of buildings have had their emergency lighting system tested in the last 12 months.
- **695** buildings have fit for purpose common escape routes in place, of which it was confirmed **98%** had unobstructed access/egress at the time of inspection.
- **4%** (25) of buildings were undergoing upgrade works to their early warning systems at the time of reporting.
- **1%** (10) of buildings remained to be inspected at the end of reporting in September 2017. At the time of reporting, local authorities noted difficulties in accessing certain buildings, particularly some of those leased in full directly from private owners. Outstanding inspections were expected to be completed

as a matter of urgency and local authorities were making the necessary arrangements to ensure inspections are completed.

- Of the 685 buildings inspected, local authorities report that, in certain circumstances and due to the nature and/ or design of the building, a fire detection and alarm system is not required in **6** (1%) buildings, and an emergency lighting system is not required in **19** (3%) buildings.
- All local authorities provided details of recent and planned fire safety awareness-raising initiatives.
- All local authorities confirmed that they commenced a process of engagement with management companies of privately-owned multi-storey buildings where social housing is being provided to remind them of their Section 18(2) responsibilities as the 'person having control' of the building.

## **7.6 Overview of Local Authority Returns**

The emphasis of this review was life safety, and ensuring that practical and appropriate fire safety measures namely, early warning systems and unobstructed means of escape, which contribute to preventing loss of life and serious injury are in place in multi-storey, multi-unit social housing across the country.

For the purposes of this review, multi-storey buildings were taken to be those with two storeys or more containing multiple dwelling units; dwelling houses and duplexes were not included. The assessment included both establishing the presence of fire safety systems and escape routes and also testing their functionality.

The objective of the exercise therefore was to ensure that fire safety in multi-storey, multi-unit social housing buildings had been reviewed, identifying and implementing fire safety improvements where necessary, thereby reducing the probability of events that threaten life safety.

Local authorities have responded fully to the Minister's request to review fire safety measures in their multi-storey, multi-unit social housing buildings and have carried out the inspections and works arising within the requested timeframes. Reports have been received from all local authorities. Overall, the review is considered to be a comprehensive exercise, highlighting that local authorities are engaged fully on their fire safety responsibilities to those who rely on multi-storey, multi-unit social housing.

In 2016, in the aftermath of the Carrickmines fire tragedy, local authorities undertook a similar national review of fire safety in local authority provided traveller accommodation together with improvement works. This was reported in a 2016 Review Report



**1,227** multi-storey, multi-unit social housing buildings have been identified by local authorities, equating to **16,778** flats/units. The vast majority of multi-storey, multi-unit social housing buildings are in urban areas, with over **three quarters** (77%) of these buildings located in Dublin, Cork and Limerick. Dublin has by far the highest number of multi-storey, multi-unit social housing buildings with **64%** of these buildings being located across the four Dublin local authority areas.

Of the **1,227** multi-storey, multi-unit social housing buildings identified by local authorities, **75%** of buildings are local authority owned and **25%** are either buildings leased in full by the local authority directly from private owners or buildings fully tenanted by social housing tenants and which are owned/ leased in full by an Approved Housing Body.

**532** of the 1,227 multi-storey, multi-unit social housing buildings identified by local authorities were reported to have external common balconies/ escape routes in place. The vast majority of these buildings (507) are in the Dublin area and reflect a particular design which was common in the 1970's. The need for early warning systems in multi-storey buildings with access and egress via shared open balconies differs from those buildings where access and egress are provided for via internal corridors. In keeping with relevant design standards, housing authorities have not provided fire detection and alarm systems in the open common access balconies of these types of buildings. This is in accordance with design standards applicable for this type of construction and smoke detection and alarms are in place within individual flats.

Of the **695** multi-storey, multi-unit social housing buildings that were inspected, local authorities report that, due to the nature and/ or design of the building, fire detection and alarm systems are considered not to be required in **6** buildings, while emergency lighting systems are considered not to be required in **19** buildings. For instance, a small number of two-storey buildings with a small common entrance area, effectively a porch with a door, shared by both a ground and first floor flat were determined not to require early warning systems. In addition, a number of buildings were reported not to have emergency lighting systems due to public lighting of escape routes being in place.

While housing authorities are responsible for ensuring their multi-storey, multi-unit social housing buildings have appropriate fire safety measures in place, including early warning systems, the Task Force is of the view that the arrangements in place to determine if there is a safety issue are appropriate and there is no need to implement a blanket installation of fire detection and alarm systems or emergency lighting in buildings served by external corridors and staircases.

## **7.7 Assessment of Key Findings**

International fire safety studies indicate that a primary step in preventing the loss of life in fires is “early warning”. This early warning, coupled with fire safety awareness

education, is key to avoiding/ reducing fatalities from fire. As discussed earlier in this chapter, by far the most effective early warning system that can be utilised in homes to protect against the threat posed by fire is the smoke alarm. The DCU study quoted in Chapter 4 indicates that more than **90%** of homes have smoke alarms fitted.

Local authorities report that the presence of fire detection and alarm systems has been confirmed in **94%** of multi-storey, multi-unit social housing buildings. This figure corresponds with the overall national figure, and indicates that fire safety in multi-storey, multi-unit social housing buildings aligns with fire safety in the wider residential sector. Similarly, the confirmed presence of emergency lighting systems in **93%** of buildings inspected is welcomed.

These figures, while positive, highlight that some work remains to be done to ensure that all multi-storey, multi-unit social housing buildings have appropriate early warning systems in place. Local authorities reported that, in a very small number of cases, inspections remain to be carried out at the time of reporting (September 2017). In addition, local authorities report that, in a number of other cases, works arising from the inspections were in progress but were not completed at the time of reporting.

Overall, at the end of reporting in September 2017, **35** buildings remain to be reported on. Inspections have been carried out in **25** of these buildings, with **25** buildings considered to require upgrade works to the fire detection and alarm system, and **20** buildings considered to require upgrade works to the emergency lighting system.

Where such works have been identified, local authorities have reported that a programme of works is in place and that works have commenced on a phased basis. In a number of cases, private contractors have been retained by the local authority to carry out the necessary works.

Local authorities report being able to confirm that **87%** (606) of multi-storey, multi-unit social housing buildings have had their fire detection and alarm systems tested within the last 12 months, and that **84%** (582) of buildings have had their emergency lighting systems tested within the same period.

While these figures are slightly lower than we would wish to be able to report, the deficit is not evidence that testing programmes are not in place in certain buildings. Local authorities have reported that testing programmes are in place for practically all buildings under their direct control. The review process highlighted a handful of local authority buildings where testing programmes were required and the relevant local authorities have confirmed that arrangements are now being put in place to ensure that the early warning systems in these buildings are fit for purpose and tested regularly.

The review process included multi-storey, multi-unit social housing buildings under the control of AHBs/ private owners also. In these types of buildings, the AHB/ private

owner is generally considered to be the “person having control” of the building with responsibility for ensuring that appropriate fire safety measures are in place, maintained and tested regularly. Consequently, local authorities did not have direct access to information in relation to the testing of early warning systems in these buildings as it is retained by the relevant AHB/ owner. In all such cases, local authorities report having contacted the relevant AHB/ owner to request confirmation that early warning systems have been checked and to request a copy of the relevant certification/ documentation. At the time of reporting, local authorities had yet to receive this information in a number of instances, accounting for the majority of buildings yet to be reported on in this regard.

Over one third of multi-storey, multi-unit social housing buildings (of two storey or more) falling within the scope of the review are buildings fully tenanted by Social Housing tenants on foot of agreements with Approved Housing Bodies. The need to identify social housing units within multi-storey buildings and the owners/ management companies of multi-storey buildings where HAP supported tenants as well as RAS properties was identified.

Circular Fire 04/2017 requested that local authorities engage with management companies of privately-owned multi-storey buildings where social housing solutions are being provided to remind them of their fire safety responsibilities as the “person having control” of the building. All local authorities have confirmed that they commenced a process of engagement in this regard. However, a number of local authorities reported having difficulty identifying the management company and contact information for certain privately owned buildings.

As requested in Circular Fire 04/2017, local authorities carried out inspections of multi-storey, multi-unit social housing buildings to ensure that statutory obligations with regards to fire safety were being met. The reports received show that the fire safety arrangements in place in the multi-storey, multi-unit social housing buildings sector are generally of an appropriate standard. However, the devastating fire at Grenfell Tower highlights the critical importance of fire safety in residential accommodation and the need for sustained vigilance in this regard. As such, it is considered appropriate by the Task Force that fire safety in these buildings would be subject to regular and consistent review.

## **7.8 Tenants’ Responsibility for their own Fire Safety**

During the course of its work, the Task Force received reports that, in a number of situations, fire detection and alarm systems, which had been installed by landlords and/ or local authorities in compliance with their statutory requirements, were missing and may have been removed by tenants.

These reports are a cause for concern and raise questions as to circumstances which might lead tenants into such dangerous behaviour. They also highlight the matter of

personal responsibility for household fire safety. The removal/ disabling/ failure to maintain smoke alarms in multi-storey, multi-unit social housing buildings could have fatal implications, not just for the individuals in question, but for other residents of any such buildings.

These reports of fire detection and alarm systems having been removed from a number of multi-storey, multi-unit social housing buildings highlights that some work remains to be done to improve general understanding of fire risk and the importance of early warning systems to life safety.

It also points to a conclusion that the removal/ disabling/ failure to maintain smoke alarms (or other actions or behaviours which endanger fire safety) in contravention of tenancy agreements should be a grounds for serious sanction, possible up to loss of the tenancy. In the case of social housing the local authority, being the housing authority, needs to consider how to react in such circumstances.

## **7.9 Fire Safety Awareness Initiatives**

In addition to carrying out physical inspections of multi-storey multi-unit social housing buildings, local authorities were asked to identify awareness-raising activities that have been undertaken to promote fire safety. As well as committing to continued participation with national awareness-raising initiatives, a number of existing and planned local awareness-raising activities have been brought to the attention of the Task Forces including:

- Awareness programmes for fire safety in specific building types e.g. hospitals, hotels, nursing homes, secondary schools;
- Pre-occupancy induction / training for tenants regarding fire safety;
- Fire Safety in student accommodation - awareness raising campaign in local college/ university;
- Partnerships with organisations dealing with vulnerable sectors of society (e.g. elderly);
- Social housing tenants receiving fire safety messaging by text/ SMS;
- Creation of mobile phone app for local authority staff to use when undertaking inspections;
- Research based approach to targeted community fire safety;
- “Test it Tuesday” social media campaign for testing of smoke alarms.

- The development of a fire safety awareness programme for property managers/ landlords;
- The modification of Pre-incident Planning for multi-storey residential buildings;
- Tenant liaison officer to proactively engage tenants in relation to fire safety awareness;
- The identification of a senior staff member as champion of life safety matters and to ensure organisational compliance with fire safety and other tenant Health & Safety issues.

A small working group of the Task Force was requested to put together an updated leaflet giving basic fire safety information useful to householders. A draft of leaflet was prepared for use in future fire prevention campaigns.

### **Overview/ Conclusions**

**Practically all fire fatalities in Ireland occur in domestic settings. Studies indicate however that the vast majority (more than 90%) of Irish people have absorbed messages about protecting themselves and their families from fire and live in properties where the primary fire safety precaution – the smoke alarm – is present. It is less certain, however, that households routinely check their smoke alarms to ensure they are working properly.**

**Local authorities have responded fully to the Minister's request to review fire safety measures in their multi-storey, multi-unit social housing buildings and have carried out inspections and necessary works arising within the requested timeframes. Overall, the review of fire safety in multi-story, multi-unit social housing is considered to be a comprehensive exercise, highlighting that local authorities are engaged fully on their fire safety responsibilities towards those who rely on social housing.**

**By identifying a small number of buildings where upgrade works were required to early warning systems and through engaging with Approved Housing Body and owners of private buildings leased in full by the local authority, the review process undertaken is seen to have had a positive effect and to have made contributions to both enhancing fire safety in multi-storey, multi-unit social housing buildings and also raising fire safety awareness among owners/ landlords with statutory fire safety responsibilities.**

In the aftermath of the Carrickmines fire tragedy in October 2015, local authorities undertook a similar national review of fire safety in local authority provided traveller accommodation together with improvement works. This work was reported in a 2016 Review.

## **Recommendations**

Fire services should continue Community Fire Safety programmes and activities which have been developed over the past decade. Also, in the aftermath of responding to fire incidents, it is recommended that fire services personnel should call to neighbouring properties to check the presence of fire alarms and to ascertain/ advise re regular testing. In houses where smoke alarms are not present, they should offer to fit self-contained smoke alarms with 10 year batteries and advise occupants on fire safety issues, at the invitation of the householder. In this way, fire safety messaging (and action) can be brought to those most at risk at a time when people are most receptive to this messaging.

Where local authorities provide housing directly, they should continue to ensure that appropriate fire precautions are inbuilt in their properties and that responsibility for fire safety is clearly outlined in their tenancy agreements. The current forms of contract between local authorities and landlords should be reviewed to ensure that fire safety is included appropriately.

Joint training and collaborative working should be developed between housing standards inspectors and relevant fire services personnel. All local authority staff training should take place under the auspices of Local Authority Services National Training Group (LASNTG) and be QQI quality assured.

The Task Force is of the view that installation of fire detection and alarm systems and emergency lighting in multi-storey buildings with external balconies / access and egress via shared open balconies would not be merited, in general. However, the fire safety provisions in buildings with the external access areas should be reviewed by housing authorities.

Periodic reviews/ overview reports of fire safety in local authority provided social housing is seen as beneficial and it is recommended that a review exercise of the type undertaken in 2017 should be undertaken and reported every five years.

**Local authorities should ensure that they receive information in relation to the testing of fire detection and early warning systems in multi-storey, multi-unit social housing buildings under the control of Approved Housing Bodies/ private owners on a regular basis.**

**The removal/ disabling/ failure to maintain smoke alarms (or other actions or behaviours which endanger fire safety) in contravention of tenancy agreements should be a grounds for serious sanction, possible up to loss of the tenancy. In the case of social housing the local authority, being the housing authority, needs to consider how to react in such circumstances.**

**Guidance which codifies existing good practice on systems for the on-going, routine and planned testing and servicing of fire safety measures, including early warning systems and means of escape, in multi-storey, multi-unit social housing buildings should be developed and promulgated.**

**The provision of additional fire safety awareness raising activities should be considered and planned/ carried out by fire authorities, following the development of a number of best practice examples for local authorities in the guidance document referred to above.**

**Further consideration is needed on the overall approach to fire safety awareness, including the possible development of a fresh fire safety messaging campaigns, emphasising the importance of smoke alarms and the need for routine testing, for distribution to all households in the country. The importance of social media, as well as more traditional leaflet type approaches, in communicating safety messages needs to be considered.**



## **8 Fire Safety in Medium and High Rise Buildings**

### **8.1 Introduction**

This Chapter of the Report considers issues associated with fire safety in medium to high rise buildings. Following the dramatic and terrifying scenes of the intense and rapidly spreading fire filmed at Grenfell Tower, local authorities in Ireland were requested to carry out a preliminary survey to identify buildings of more than six storeys, or more than 18m in height, fitted with external cladding or rain screen systems, with or without insulation, that may be a cause for concern in respect of potential for rapid vertical fire spread.

The 18 m height for initial consideration was chosen as this is the threshold height at which specific fire safety requirements are triggered in building regulations. This is also seen as the height above which exterior fire fighting is not practicable.

### **8.2 Fire Safety Standards for Medium to High Rise Buildings**

People have lived, worked and socialised safely in high-rise buildings for many decades and fire safety strategies for high rise buildings and associated standards have been defined and applied over the years. Fires happen in high rise buildings, but the standard approaches to fire safety have succeeded generally in keeping people safe. However, the images from Grenfell Tower showed how the normal fire precautions were negated by the intense fire spreading on the outer face of the building. While there has been speculation as to the factors which led to this outcome, we await the report of the Inquiry being conducted into the fire in the UK to understand the sequence of events that led and contributed to the disastrous failure of normal fire safety measures in Grenfell Tower.

Part B – Fire Safety - of the Building Regulations 1997 – 2017 (as amended) sets out the legal requirements in relation to fire safety in respect of new buildings (including dwellings) and in respect of existing buildings undergoing works involving an extension, material alteration or certain material changes of use. The fire safety requirements under Part B represent the national statutory minimum standards applicable to the construction of new buildings, including dwellings. Where works are carried out in accordance with the national guidance provided in Technical Guidance Document B – Fire Safety (2006), (TGD B) this will, *prima facie*, indicate compliance with the fire safety requirements set out in the Building Regulations.

Provisions in TGD B are set out under five broad headings:

- means of escape in case of fire,
- internal fire spread – wall and ceiling linings,
- internal fire spread – structure,
- external fire spread, and,
- access and facilities for the fire service.

With respect to means of escape for buildings containing flats, TGD B refers to British Standard BS 5588-1:1990 *Fire precautions in the design, construction and use of buildings – Part 1: Code of practice for residential buildings*. The TGD also contains general provisions for means of escape, including for fire detection and alarm in buildings containing flats.

BS 5588-1:1990 provides for construction of buildings containing flats with a single stairway, provided the travel distance on an individual floor is limited. This approach is widely used internationally and has been adopted in the design and construction of many buildings containing flats.

The fire safety strategy for construction of multi-storey buildings containing flats places emphasis on three elements:

- fire resistant construction – to limit fire spread, and contain fire within the flat of origin;
- protection of the stairway, to ensure it remains free of smoke and fire, and available for use by residents evacuating the building; and
- early detection and alarm in the event of fire, to give early warning to residents.

Buildings containing flats are constructed to have a degree of fire resistance, and in most circumstances fires won't spread further than one or two rooms beyond the room of origin and should be contained within the compartment of fire origin.

An important feature of the provision of means of escape in case of fire from such buildings is the protection of the stairway, to ensure it is kept free of smoke and fire, and remains safe for use by residents evacuating the building in the event of fire or alarm. Stairways are enclosed by walls with fire resisting construction, with fire resisting doors and with lobbies and ventilated corridors to prevent smoke entering the stairway.

In the case of buildings containing flats, the current fire safety guidance in TGB B requires two-stage fire detection and alarm systems. Firstly, each flat should be provided with its own internal domestic fire detection and alarm system, which gives an initial warning only within the flat when traces of fire or smoke are detected. The strategy is that residents should evacuate, closing doors behind them, in the event of fire or alarm in their own flat. Secondly, for protection of the shared areas of the building, a fire detection and alarm system is provided to detect fire or smoke arising in the shared escape routes, or a developing fire in an individual flat which may begin to threaten the shared escape routes. This second system gives warning to residents throughout the building. Generally, the intention is that where residents receive warning of a fire in the building, outside their own flat, they should evacuate the building.

In the case of very large or high rise buildings containing flats, there is provision for the fire detection and alarm system to warn initially the occupants in the areas of the building most likely to be affected by fire. In this way, phased evacuation is provided

for; this helps to minimise disruption and to avoid congestion where large numbers of people are using stairways at the same time. Following the initial warning, the fire detection and alarm system can give warning in areas more remote from the fire.

In most buildings and circumstances, the safest approach and the default option for all occupants of the building is to evacuate in the event of fire or alarm. Special provisions (such as progressive horizontal evacuation) are necessary for buildings such as hospitals or nursing homes, where full evacuation of patients or residents may not be feasible or advisable.

The design and construction of buildings containing flats should be in accordance with the fire safety principles set out above and the minimum standards set out in the Building Regulations. Individual buildings should have fire safety strategies involving in-built passive and active fire protection and a complete building management approach.

Additionally, building features provided for active fire safety should be maintained over the life of the building, to ensure they remain available and operate effectively, when required in the event of fire.

As discussed in Chapter 6, implementation of the fire safety strategy and associated management procedures to ensure the safety of people in buildings is the responsibility of the person having control over the premises. In the case of apartment buildings, this is usually the management company.

The first task of the management company in the building therefore is to understand the design strategy for fire safety. To this end, a fire safety file should be created and maintained for each medium to high rise building. This should include information from the design and construction phases and details of passive and active fire protection features of the building. The fire safety file should describe all fire safety procedures in place, especially the procedures for evacuation of the building in the event of fire. The process for calling fire services, investigating and confirming alarm activations and appropriate response actions should be set out.

The management company should also ensure that all building occupants are aware of the fire safety and evacuation arrangements in place and the location of assembly areas. Assembly areas should be chosen, bearing in mind that evacuation into open areas may not always be practical or desirable. Residents of premises containing flats should be informed, including through posting of notices on alarm/ evacuation procedures, regarding the strategy and arrangements in place in their particular building and evacuations should be practiced.

In addition to the fire safety file, the management company should keep a Fire Safety Register in which details of the fire safety responsibilities and active fire protection features are set out and a record kept of maintenance, testing and operation of these. Also, the management company should record details of evacuation drills carried out

in the building, as well as activations of the alarm system or false alarms. Arrangements should be in place to monitor and prevent excessive numbers of nuisance alarms or disproportionate responses.

Where fire services attend a fire or an alarm in a building containing flats, the Incident Commander will be informed of the situation normally by the persons holding responsibility for monitoring the fire alarm system and confirming evacuation status in the building. The Incident Commander will make a decision about the appropriate approach for the circumstances, including the extent to which building evacuation has been completed, the status of the fire alarm and confirmation or otherwise of a fire.

### **8.3 Local Authority Survey of Medium to High Rise Buildings**

This part of the report provides a summary of the information received from fire authorities, in response to Circular Fire 05-17 *Fire safety in multi-storey buildings*. The Circular requested fire authorities to carry out a preliminary survey to identify buildings of more than six storeys, or more than 18m in height, fitted with external cladding or rain screen systems, with or without insulation, and to consider whether use of their power to require a fire safety assessment is warranted, in respect of identified buildings.

Fire authorities were requested to provide information in respect of residential buildings, or buildings including residential accommodation, as well as in respect of other buildings. Residential buildings include flats or maisonettes, residential institutional uses (hospitals, nursing homes, homes for old people or children, school or other similar establishment providing accommodation), and other residential uses (including hotels, hostels, guest buildings, residential colleges, halls of residence).

In carrying out surveys, fire authorities began with a desk-based exercise, making use of information, such as grants of planning permission allied with local knowledge. Based on the information from this initial exercise, site visits were used to confirm qualifying information, including if certain forms of cladding were present on the buildings.

In keeping with the principle that fire safety in buildings is the responsibility of the person having control over the building, fire authorities considered if use of Section 18(6)(a) of the Fire Services Act, 1981 and 2003 was warranted, based on the information from surveys, to require the person having control over the premises to carry out a fire safety assessment of the premises, including the cladding system and concealed spaces (cavities) in the external wall construction.

In the case of industrial or storage buildings, or car parks, it was suggested to fire authorities that these may present a more limited risk to life in the event of fire and

that, unless there are specific reasons for concern in relation to identified buildings of this type, a fire safety assessment may not be warranted, as part of the initial exercise.

A summary of the responses received, from thirty-one fire authorities, is given in Table 8.1, below, reporting on progress with the survey and assessment.

**TABLE 8.1**  
**Summary of responses to Circulars Fire 05-17 & Fire 07-17**

	<b>Residential buildings</b>	<b>Non-residential buildings</b>	<b>Total (residential + non-residential)</b>
Number of buildings >6 storeys or >18m in height	373	469	842
Number of buildings with external cladding of interest	104	187	291
Number of fire safety assessments requested	105	121	226
Number of assessments received, to date	44	64	108

Most of the buildings identified within the scope of the circular are located in the larger cities and urban areas. As can be seen from the Table 8.1 above, fire safety assessments have been deemed warranted in a significant number of cases, – again, primarily in the cities and larger urban areas.

The fire safety issues associated with external cladding are complex and the need for national guidance to ensure consistent and appropriate assessment of fire safety in medium to high rise buildings was raised at the Task Force.

Arising from the work of and discussions at the Task Force in considering this area, a Task Force sub-group was established to develop guidance in respect of fire safety assessment of cladding systems on existing buildings over 18m in height. A Guidance Note was prepared by the sub-group and was approved by the FSTF and circulated in December 2017. The guidance is intended to assist those having control over

buildings, their professional advisors, and fire services staff in either carrying out or reviewing fire safety assessments on existing buildings.

The Guidance Note - ***Fire Safety Guidance Note 01 of 2017 - Assessing Existing Cladding Systems in Buildings of More than Six Storeys, or More than 18m in Height*** provides information on assessment methods for cladding systems on buildings, and includes information regarding the components of cladding systems, and combinations of components that may be found on existing buildings.

The work by persons having control of these buildings and their professional advisers to carry out and report the fire safety assessments is on-going. Up to 1 May 2018, 108 fire safety assessments have been received by fire authorities, and further action is proposed or under consideration in 8 cases (6 residential, and 2 non-residential).

#### **8.4 Pre-Incident Planning at Medium to High Rise Buildings**

As described in Section 5.6, Pre-Incident Planning involves the crews in each fire station visiting the highest risk premises (for example, hospitals, nursing homes, institutions, industrial / Seveso plants, shopping complexes, etc.) in their station area, to familiarise themselves with the overall layout of the building(s) and the specific risks and fire safety features associated with the premises. A prelude to such visits usually involves the harvesting of available information and preparation of site-specific “Pre-Incident Plans” in a process referred to as gathering “operational intelligence”.

Pre-Incident Planning and Familiarisation work is generally developed on a station-by-station basis. Additional information on medium-to-high rise buildings has been identified as part of the surveys carried out by fire authorities. This additional information should be factored into on-going Pre-Incident Planning programmes at local level.

The fire service Station Officer (or in the case of full time services, the District Officer in association with the Station Officers) in each fire station should review the lists of medium to high rise buildings and bring any other medium to high rise buildings which they are aware of in the fire station area of responsibility to the fire authority’s attention using their local knowledge.

The Station Officer should also arrange to include the list of medium to high rise buildings in their station area’s pre-incident familiarisation programme and undertake prioritised pre-incident familiarisation visits to all medium to high rise buildings in the fire station area in 2018.

#### **8.5 Pre-Determined Attendances at Medium to High Rise Buildings**

As noted in section 5.6 above, in accordance with instructions of CFOs, a pre-determined number of fire appliances are dispatched to different categories of



incidents on receipt of 999/112 calls at the three fire service Regional Communication Centres. Appendix A of KCS sets out recommended fire services PDAs for high rise buildings as follows:

<b>Fire – High Rise Building</b>	<b>PDA</b>	<b>Normal crew</b>
No persons reported	2 Class B Appliances	9 including an officer
Persons reported	3 Class B Appliances or 2 Class B + 1 Aerial Appliance	13 or 11

While the initial PDA is intended to deal with a fire confined within the apartment of origin, one of the issues that has arisen is the question of additional fire service capacity to deal with evacuation/ rescues in single staircase high rise buildings. Pending the Report of the Inquiry in the Grenfell Tower fire and any review of PDAs that may arise, CFOs should consider increasing the PDAs for single staircase high-rise buildings beyond that set out in Appendix A of KCS, building on the Task Analysis approach set out in 2013<sup>7</sup>

It should be noted that the PDA for medium to high rise buildings above does not include aerial appliances. Aerial appliances are used by fire services for fighting fires where it is beneficial to deliver large quantities of water onto the fire from a height or to create water curtains to limit radiated heat from a fire.

Rescues are generally effected from within in medium or high rise buildings. For low buildings, all front-line response appliances carry 10.5 and 13.5 m ladders, but the same principle of carrying out search and rescue operations and fire-fighting from within applies. Incident Commanders are empowered to mobilise additional or any resources beyond the initial PDA, including aerial appliances, which may be of assistance.

## **8.6 Fighting Fires in High Rise Buildings**

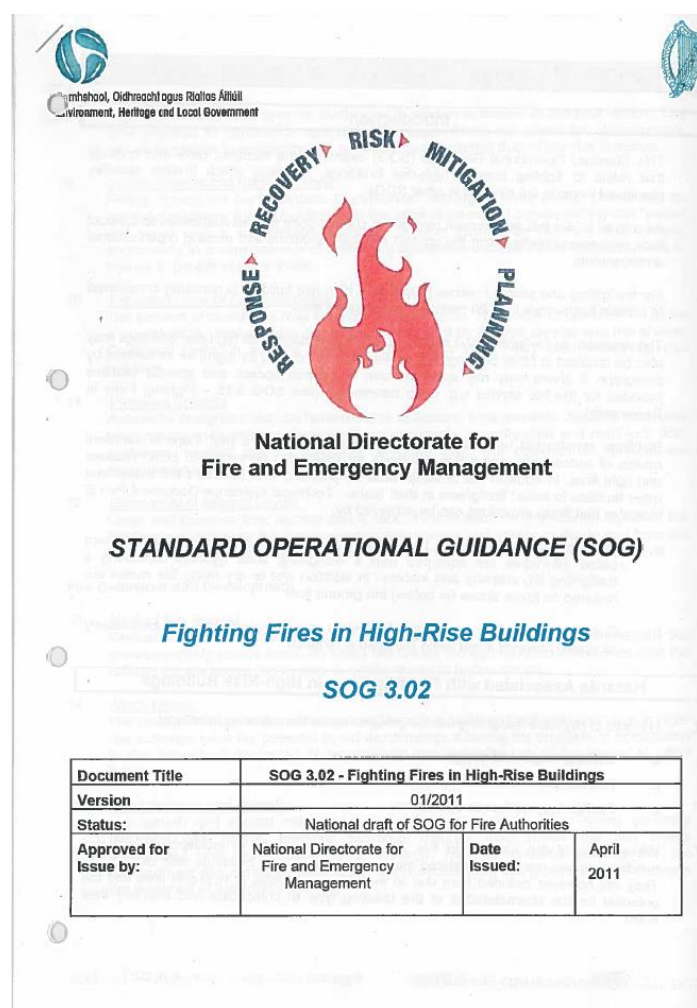
As part of a national programme of issuing Standard Operational Guidance (SOGs) a guidance document was issued by the National Directorate in April 2011 in relation to Fighting Fires in High Rise Buildings. SOG 3.02 provides the national guidance on this subject and identifies hazards and issues associated with fighting fires and conducting search and rescue operations in High Rise buildings. (Note: the Irish definition of “high rise” buildings may not coincide with jurisdictions where high-rise may refer to buildings with more than 50 stories, whereas few buildings in Ireland are over 20 stories). The SOG identifies Control Measures for the hazards identified in tackling

<sup>7</sup> Insert Ref to Task Analysis document



fires in high rise buildings. The national SOGs were adapted by each fire authority as their own statutory (under Section 19 Safety, Health & Welfare at Work Act) risk assessment and guidance for fighting fires in high rise buildings.

The rapid spread of an intense fire along the external surfaces, such as was seen at Grenfell Tower, is not the anticipated normal fire situation in high rise buildings. Where any of the fire safety assessments currently underway indicate potential for rapid vertical spread along the external surfaces of a medium to high rise building, a combination of specific fire safety measures, including changes in the SOG for fighting fires in high rise buildings needs to be considered.



## Overview/ Conclusions

People have lived, worked and socialised safely in high-rise buildings for many decades. Fire safety strategies and associated construction standards for high rise buildings have been defined and applied over the years. Fires happen in high rise buildings, but the standard approaches to fire safety of

compartmentation, protection of escape routes and early detection and alarm, allied with fire service intervention, have succeeded generally in keeping people safe. However, the images from Grenfell Tower showed how the normal fire precautions were negated by the intense fire spreading on the outer face of the building.

**Part B – Fire Safety - of the Building Regulations 1997 – 2017 (as amended)** sets out the legal requirements in relation to fire safety in respect of buildings, including medium to high rise buildings. The fire safety requirements under Part B represent the national statutory minimum standards applicable to the construction of new buildings as well as alterations or certain changes of use.

The fire safety strategy for construction of multi-storey buildings containing flats places emphasis on three elements:

- compartmentation of the building through fire resistant construction of floors and walls – to limit fire spread, and contain fire within the flat of origin;
- protection of the stairway, to ensure it remains free of smoke and fire, and available for use by residents evacuating the building; and
- early detection and alarm in the event of fire, to give early warning to residents.

The fire safety strategy provided for in Technical Guidance Document B – Fire Safety in relation to high-rise buildings includes for two-stage fire detection and alarm systems, with evacuation in the event of activation of second stage fire alarm system.

The work of identifying 842 buildings within the medium and high rise category has been undertaken by local authorities, 291 of which are identified as having certain categories of external cladding. After preliminary consideration, local authorities, using their powers under section 18(6) of the Fire Services Act, have requested the persons having control of 226 of these buildings to have detailed fire safety assessments carried out.

The fire safety issues associated with external cladding are complex, and a document – *Fire Safety Guidance Note 01 of 2017 - Assessing Existing Cladding Systems in Buildings of More than Six Storeys, or More than 18m in Height* – was developed and circulated as a support for those undertaking assessments of cladding in medium to high rise building.

Work is on-going on the fire safety assessment process and remediation where necessary is underway to address identified fire safety issues. However, at this point the combination of contributory factors which

apparently gave rise to the Grenfell Tower tragedy in London do not appear to be present in buildings in Ireland.

The experience of actual fires gives confidence that the current fire safety strategy is appropriate and effective in protecting persons living in medium to high rise buildings. The activation of fire detection and alarm systems, the effective evacuation of the premises, the success of the compartmentation/ construction in containing the fire and the efficacy of the fire service response are all part of the recommended approach to protecting life safety in medium to high rise buildings. The challenge is to ensure that these elements, which contribute to the overall outcome of fire safety, are in place and available in all buildings.

### **Recommendations**

Fire safety strategies in individual buildings involve combinations of the passive and active fire protection and building management systems in place. Building management companies and/ or 'persons having control' should maintain a fire safety file containing relevant fire safety information in respect of their buildings. Fire alarm response procedures should be in place and evacuation drills should be practiced in all medium to high rise residential buildings and recorded in the building fire safety register.

Residents of premises containing flats should be informed regarding the strategy and arrangements in place in their particular building. In most buildings and circumstances, the best approach, and the default option, is for all occupants of a building to evacuate to an appropriate assembly point in the event of the fire alarm being activated. Management companies need to actively manage their buildings and fire alarm systems to minimise nuisance alarms which may negate the benefits of the potential early warning of fire.

Fire Safety assessment processes involving 'persons having control' and local authorities are currently underway in 226 medium to high rise buildings. It is recommended that national oversight is maintained of this assessment process in the months ahead and that any emergent issues are dealt with and an oversight report is provided at the end of the process.

Each fire service should include the buildings identified as part of the survey carried out in response to Circular 05-17 in its programme of Pre-Incident Planning and Familiarisation visits. The lists of medium to high rise buildings should be reviewed by the Station Officer in each fire station area

and this list of buildings should be integrated with current pre-fire planning priorities and familiarisation visits should be undertaken in all by end of 2018. (see Chapter 11 on resourcing)

Marker plates containing key information for responding fire services are in use in some jurisdictions and consideration should be given by the National Directorate for Fire and Emergency Management to regulating for the provision of adaptations of these systems for fire services in Ireland.

Where the fire safety assessment of a building indicates there are significant fire safety issues, the officers in relevant fire station(s) should be informed of the situation by Senior Fire Officers and these buildings should be prioritised for pre-fire planning by staff in relevant fire stations.

The task of assembling and integrating “operational intelligence” – information which is accumulated on buildings through different fire service processes – is seen as vital for effective pre-incident planning and fire service response in case of fire incidents. Additional recommendations are made in Chapter 11 about integrating and streamlining all fire service processes and using IT systems to support information harvesting and integration. Fire services where information exchange on priority risk buildings is not happening routinely at officer level should take steps to ensure that this is remedied without delay.

Fire services should review their Pre-Determined Attendances for medium to high rise buildings. If pre-incident planning, the fire safety assessment processes underway or other fire risk assessments identify any specific issues of concern, the Chief Fire Officer should consider designating a specific Pre-Determined Attendance for that building setting out the number, type and order of dispatch of fire appliances to 999/112 calls for that building.

In addition to reviewing Pre-Determined Attendances for high rise buildings in light of information from the identification and risk assessment of medium to high rise buildings, fire services should review their Standard Operational Guidance, (based on national SOG 3.02 Fighting Fires in High Rise), for necessary adjustment of control measures to deal with identified risks.

The National Directorate for Fire and Emergency Management should review national Standard Operational Guidance 3.02 in light of information that emerges from the Inquiry into the Grenfell Tower fire or other relevant incidents and adjust the national template if necessary and re-circulate to fire authorities. Other relevant Standard Operational Guidance such as SOG

**3.9 – Fighting Fires in Underground Car Parks - should also be reviewed.**

**Fire services in Ireland have 41 aerial appliances with different reach capacity in use currently. All front line appliances carry 13.5m and 10.5m ladders as standard. Although exterior fire-fighting or rescue is unlikely to be a significant factor in fighting fires in medium to high rise buildings, fire services should review the deployment of the aerial appliance fleet with a view to optimising their availability at incidents where they might be used.**

**Fire service officers who are likely to be Incident Commanders at fires in medium to high rise buildings should undertake appropriate training with periodic refresher training also.**

## **9 Further Discussion of Fire Safety Issues**

### **9.1 Introduction**

Chapter 6 of this report set out the legislative position in relation to responsibility for fire safety in Ireland, namely that Section 18(2) of the Fire Services Act, 1981 places responsibility on the “person having control” of the premises. However, while this legislation is unambiguous in terms of assigning responsibility for fire safety to the “person having control”, the Task Force is aware that significant questions and issues arise on this aspect of our fire safety system. This Chapter attempts to capture these issues and discuss them.

A number of questions were identified throughout the Report and in particular in Section 6.5. These are now grouped under four headings as follows:

#### **Section 18(2) Responsibilities**

- Is it clear who is the “person having control” of premises to which Section 18(2) applies?
- Is it clear what premises are within the scope of Section 18(2)?
- Are the requirements for fire safety clear to those who have Section 18(2) responsibility?
- What advice and guidance is available to help those with Section 18(2) responsibilities?
- How can/ should persons holding Section 18(2) responsibility demonstrate that they are complying with their obligations?
- Can those who are not complying with this statutory responsibility be identified and appropriate action taken?
- Is there a cohort of persons deliberately flouting their Section 18(2) responsibilities?

#### **The Public**

- How can persons using buildings know that necessary reasonable and appropriate fire safety measures are in place to keep them safe while on the premises?
- How can the public be empowered to make decisions about fire safety (e.g. – “If fire safety doesn’t check out, get out”)?
- Can the public readily report fire safety concerns they are aware of to fire services?
- Is there sufficient emphasis on the section 18(3) responsibilities of the public to avoid causing fires or negating fire precautions?

#### **General**

- What about overcrowding in buildings?

- What about fire safety in public/ state provided buildings?
- What about buildings, either housing or apartment blocks, which may have 'legacy' non-compliance issues with building regulations?

## **Fire Safety Enforcement**

- Are there adequate powers available to local authorities to compel persons to assume their Section 18(2) responsibilities?
- Do fire authorities have a common approach to fire safety enforcement and is this appropriate?
- Should there be more visible prosecution of offences under the Fire Services Act?
- Is fire safety prioritised sufficiently and is the function resourced appropriately by fire authorities?
- Is there a coherence across all fire safety activity?
- What needs to be done to ensure that the probability of disastrous fires is minimised?

The four headings under which these questions are grouped can be seen to align with the “engineer, educate and enforce” safety paradigm. Each of the above questions is considered in this Chapter. Our proposals in response to addressing these questions are set out in Chapter 10.

In its deliberations and discussions, the Task Force has been guided by a need to give fresh impetus and direction to fire safety in Ireland. Our objective is to ensure strategies are in place and actions are taken which minimise the probability of a disastrous fire.

## **9.2 Section 18 (2) Responsibilities**

### **9.2.1 Identifying the “Person having Control” as per Section 18 (2)**

One of the issues which has been raised at the Task Force is the difficulty which fire authorities have in identifying “the person having control” over buildings and therefore holding the Section 18(2) responsibilities for fire safety.

Lack of information on ownership of property, complex leases on property and company/ organisation arrangements can make it difficult to identify or establish the identity of individuals who hold Section 18(2) responsibility. Section 18(2) imposes very significant legal responsibility, which comes frequently with financial cost, as well as with potential criminal liabilities attached. Some may wish to obscure the assignment of Section 18(2) responsibility deliberately. The section 18 (2) responsibility may be shared between the owner/ landlord and the tenant who leases a premises. However, the key is that the lease, the contract between the parties, should clearly identify where responsibility lies and for what aspects.



In our discussions, the Task Force has considered the possible mechanisms and the pros and cons of putting an additional legislative requirement on Section 18(2) responsibility holders to self-identify and register with fire authorities. This could be in the form of a requirement to provide basic information on their premises and to register their identity with the relevant fire authority. Such information would assist local authorities in undertaking and prioritising their fire risk management work. However, such a registration requirement would likely need new primary legislation, which could be a prolonged process.

An alternative approach discussed at the Task Force could be to require the person having control to post a pre-scribed form of notice at the entrance to their premises, giving their identity and basic fire safety information on the premises. The “notice” would be a visible sign also to all entering the premises that the appropriate person acknowledges their Section 18(2) fire safety responsibility. This “notice” could be required under current Section 37 type regulations.

Failure to post the required notice could be made to be a specific offence under the Fire Services Acts.

These issues are picked up in our proposals set out in Section 10.3.

### **9.2.2 Clarity about Buildings which are within the ambit of Section 18(2)**

Another topic discussed at the Task Force is what buildings are covered by Section 18(2). The dominant view is that practically all uses and types of buildings are encompassed within Section 18(2). Almost every premises therefore, other than a “dwelling occupied as single dwelling”, falls within the ambit of Section 18. However, the questions about clarity mainly arises in considering the exclusion from Section 18(2) of “single dwellings”.

The living arrangements and manner in which people are using buildings have changed since fire safety legislation was introduced and, while it is difficult to define everything in legislation, the Task Force is of the view that additional clarity could be very helpful from a fire safety enforcement perspective.

The possible introduction of further regulations under Section 37 of the Fire Services Act would provide an opportunity to describe certain categories of uses/ living arrangements which would be deemed to be within the scope of the legislation, making their fire safety status clear for both those having control of such buildings, those living in them and the fire authorities in whose area they are located. While additional definitions would probably be helpful, such questions may end up being referred to the Courts for definitive answers. This issue is addressed in Section 10.4.1.

### 9.2.3 Clarity about the Requirements under Section 18(2)

The Section 18(2) responsibility set out in Section 6.6.1 is a standing and on-going requirement, but one question raised is how well this is understood by those holding the responsibility?

The Task Force recognises that there is a need to make it easier for persons having control of premises to which Section 18(2) applies to understand what it is they need to do to discharge their fire safety responsibilities. The Task Force gave consideration to the development of a guide for persons holding Section 18(2) responsibilities. However, the initial draft, which attempted to cover two areas, was considered unwieldy and a decision was taken to split it into a simpler document explaining Section 18(2) and how to meet fire safety responsibilities, with a more detailed guidance on undertaking Fire Safety Assessments of buildings of the type provided for in Section 18(6)(a) of the Fire Services Act 1981 and 2003. Separate draft Guides are now being prepared, and the intention is that these will assist persons in both the public and private sectors who hold statutory responsibility for fire safety in their buildings.

It is intended that publication of guidance documents, as part of a campaign to raise fire safety consciousness, will help clarify requirements and facilitate persons having control of buildings to know what they need to do to comply with their statutory responsibilities.

Part of the intent is to address some mis-conceptions which may exist. There may be a perception that the objective is to “pass the fire officer’s requirements”, a view which could be held erroneous on two counts:

- The need for fire safety management is an on-going requirement which involves a systematic and significant commitment, particularly in complex and large-scale premises.
- Section 18(2) responsibility for fire safety is not transferred to the public authority when they inspect a premises;

The Section 18(2) requirement encompasses a number of elements as described previously in Section 6.6.1. Fire safety, for which the person having control of the premises is responsible, is seen to comprise a number of distinct aspects:

1. The **passive or inbuilt fire safety** features in a building, such as the layout and escape routes from the building and the construction of the building; the required passive fire safety features relate to the use of the building and the scale and occupancy and are set out usually in relevant guidance documents and codes of practice rather than in legislation or regulation. The key to fire safety is that there are adequate means of escape (designed and laid out in

accordance with well recognised parameters) available to enable every person on the premises to leave quickly and safely in the event of fire;

2. The **active fire safety features**, such as fire detection and alarm systems which alert persons on the premises to the danger of fire and enable them to use the means of escape; the requirements for active features also relate to the use and nature of the building and are set out in guidance and codes of practice also;
3. The management of the building including **management of fire safety** to prevent fires occurring in the first place and to manage building services and fire safety to ensure that safety is not compromised; again guidance documents and codes of practice for various sectors set out generic fire safety management requirements. This generally includes dealing with issues such as assignment of staff responsibilities, providing information on fire safety in the premises, training staff for those responsibilities, putting management/oversight arrangements in place, holding evacuation drills/ reviewing incidents to practice/ learn fire safety and maintaining a fire safety register in respect of the premises. It may well be appropriate to maintain a “fire safety file” in respect of the building, containing all matters relating to fire safety in that building.

Buildings constructed since 1992 should comply with the fire safety requirements of Part B of the Building regulations in relation to passive and active fire protection as set out in TGD B – Fire Safety, as outlined in Section 6.5 of this Report. Persons commissioning building works are required to obtain appropriate professional advice for designing and constructing buildings.

Older buildings should be appraised against the passive and active fire safety standards set out in the various guides and codes of practice for different categories of buildings listed in Table 9.1 below, with professional judgement applied to the overall approach to fire safety.

All buildings should comply with the fire safety management chapters in the various guides and codes of practice listed in the Table below.

**TABLE 9.1**  
**FIRE SAFETY GUIDES AND CODES OF PRACTICE FOR VARIOUS CATEGORIES**  
**OF BUILDINGS**

<b>Category of Premises</b>	<b>Title of Document</b>	<b>Year of Publication</b>
Places of Public Assembly	Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly	1989
Places of Public Assembly	Code of Practice for the Management of Fire Safety in Places of Assembly	1989
Hotels & Guesthouses	Guide to Fire Precautions in Existing Hotels, Guesthouses and Similar Premises	1989
Flats	Fire Safety in Flats	1994
Nursing Homes	Fire Safety in Nursing Homes	1996
Indoor Concerts	Code of Practice for Safety at Indoor Concerts	1998
Pre-Schools	Fire Safety in Pre-Schools	1999
Guest Accommodation	Fire Safety in Guest Accommodation	2001

The type of fire precautions required in larger and more complex buildings may require a level of understanding which may not be within the experience of those persons having control of buildings. While the guides and codes of practice are designed to set out fire safety rules for the more common situations, complex fire engineering (including mathematical modelling of fire growth) may have been employed to demonstrate that large-scale building design meets the fire safety requirements of Building Regulations. It is incumbent on the person having control of any building to seek advice from a competent professional where the scale and complexity of fire safety measures require this, and to ensure that complex fire safety strategies are understood by all relevant parties and are not negated in the subsequent management of the building.

As discussed in Section 6.5 of this report, the Fire Services Act provides for the making of Section 37 regulations which can specify particular, detailed fire safety requirements in respect of specific categories of buildings and failure to comply with such regulations can be a specific offence.

However, legal advice highlights the difficulty of putting complex technical requirements into legislation and, while some Section 37 Regulations were made in the 1980's, the general approach, in line with international practice has been to use Guidance Documents and Codes of Practice of the type listed in Table 9.1 to set out fire safety requirements.

#### **9.2.4 Should/ How can persons holding Section 18(2) responsibility demonstrate that they are complying with their statutory duties?**

While Section 18(2) responsibility for fire safety embraces practically every building in the country other than dwellings, and this responsibility can be onerous and extensive, there is no requirement in place for persons holding Section 18(2) responsibility to demonstrate to either the public or fire authorities that they are complying with their responsibilities. The requirement under the Building Control System for a “Fire Safety Certificate” discussed in Section 6.5 relates to ‘certification’ of the design and construction of the building, not its use.

The question arises if such an additional responsibility should be added to Section 18(2) and if so, how could/ should this be achieved?

Some commentators have suggested a State inspection and certification system; however there are two arguments against that option – it could be seen as transferring a legal responsibility which, in the view of the Task Force, is appropriately placed with the person having control, to the state entity which undertakes the inspection and certification. Secondly, the Section 18(2) is an on-going responsibility which could only be ‘certified’ at the point in time of inspection.

Another option would be to require the person having control to furnish a certificate/ statement to the fire authority to the effect that they are discharging their fire safety responsibility. The Task Force is aware of critiques in other jurisdictions of this kind of system which require certification for individual premises that fire safety responsibilities are being complied with.

If such a requirement was in place, the Fire Safety Task Force recognises that such an approach could be potentially beneficial, but note that there is a limited pool of competent professionals available to provide such certification and consider this capacity should be reserved for use in relation to selected priority or specific high risk premises or categories of premises, and should not be a universal requirement. The fire safety assessment process being implemented in relation to medium to high-rise building provides significant pointers to the practicalities of using this approach.

Among the issues discussed at the Task Force was the possibility of adding a statutory requirement to require persons having control of premises to post a “Public Notice of Fire Safety” at the entrance to every building to which Section 18(2) applies. Such a requirement is perceived as having a significant number of potential benefits, and is developed further in the next section and again in section 10.3.

### **9.2.5 Identifying those who are not complying with the statutory Section 18(2) Responsibility**

It is possible that, either through ignorance or for wilful reasons, some persons may not comply with their Section 18(2) responsibilities. This may result in endangering the safety of persons on the premises to whom a duty of care is owed.

- The first step towards fire safety, having identified the person holding Section 18(2) responsibility is to ensure that they are aware of that responsibility;
- The second step is to make clear what that responsibility entails;
- The third step is to bring passive and active fire protection in the building up to relevant standards;
- The fourth step is for the person to manage the building and its facilities properly to minimise the likelihood of fire or, in the event of an outbreak of fire, to ensure that persons can be evacuated quickly and safely.

At any of these four stages, there may be inadequacies or deficiencies which could impact on life safety.

As discussed in Section 9.2 above, additional steps could be considered to ensure that persons are aware of their fire safety responsibilities. One possibility would be to have them register their premises with the relevant fire authority and to provide specified information as part of the registration process. A second would require the posting of a notice at the entrance to the premises. All persons entering could see that there is a level of consciousness of fire safety issues, and if the notice is not present or deficient, then they could respond accordingly.

Having reflected, the Task Force concludes that the option of requiring posting of a notice would be the best step at this point. Development of a registration system could be considered for specific sectors which are identified as having significant rates of non-compliance.

It is the view of the Task Force that the majority of persons having control of premises will want to meet their statutory Section 18(2) duties. Fire authorities are empowered to take a range of actions, as described in Section 6.8 and these are appropriate in the majority of cases where persons engage on enhancing fire safety.

Discussions at the Task Force indicate that there may be a small cohort of individuals who wilfully and recklessly disregard fire safety considerations in the manner in which they use their premises. Reports of a number of cases indicate that there may be patterns of persistent behaviour in this regard. The task for public authorities, assisted by the public, is to identify those who do not want to engage with fire safety issues and direct action to compel them to do so. The Task Force is of the view that the full resources of the State should be brought to bear on identifying any such persons and preventing such behaviour.

However, in cases of willful or persistent offending, the Task Force recommends fire authorities should also seek to prosecute offenders, using the full rigours of the legislation in accordance with the provisions described in Section 6.6. However, the Task Force recognises that the option of legal action in the case of even a single building requires significant resources, including legal advice. Options for undertaking this role effectively and efficiently may need to be considered. Notwithstanding the perceived difficulties, the Task Force strongly recommends a focus on identifying and pursuing persons who are negligent in relation to section 18 responsibilities.

### **9.3 The Public**

#### **9.3.1 How can persons using buildings know that they are safe from fire while on the premises?**

It is in answer to this question that one of the proposals which is made as a recommendation in Section 10.3 has arisen. The option of making Section 37 regulations requiring the posting of a notice – proposed to be known as the “Public Notice of Fire Safety” at the entrance to all premises with Section 18(2) responsibilities. All members of the public and persons entering would be aware that a level of consciousness of fire safety issues is demonstrated through the presence of the notice and the information contained therein. If the notice is not present or is deficient, then they could respond accordingly:

Check it out – ask where the Notice is if it is not readily visible?

If the notice does not exist or is inadequate – Get Out?

Notify the fire services of the situation?

In this way, the public can be empowered to make their own decisions about fire safety and become a vital part in reporting possible fire safety deficiencies to fire authorities.

#### **9.3.2 Can the public easily report their fire safety concerns to fire services?**

If the intention is to engage the public in a comprehensive way in reporting potential fire safety deficiencies to fire services, this needs to be facilitated and made as simple as possible.

It is proposed to dedicate a single national contact point for receiving such calls/information from the public.

#### **9.3.3 Is there appropriate emphasis on the Section 18(3) responsibilities also?**

Section 18(3) of the Fire Services Act states:

*(3) It shall be the duty of every person, being on premises to which this section applies, to conduct himself in such a way as to ensure that as far as is*



*reasonably practicable any person on the premises is not exposed to danger from fire as a consequence of any act or omission of his.*

As discussed above, the Task Force thinks it appropriate that there is a targeted education campaign and making of information available to the public to enable them to make informed decisions in relation to their own safety and to report concerns about fire safety to local authorities.

A campaign to address Section 18(3) safety responsibility issues could be aligned with this. In light of reports indicating that behaviour of individuals has caused/ contributed to a number of fatal fires, we are recommending also that the current section 18(3) responsibility on persons not to endanger others by their actions needs to be highlighted.

The “Public Notice of Fire Safety” could also be used of providing a reminder to all persons on the premises of their Section 18(3) responsibility not to endanger others.

As with persons who ignore their Section 18(2) fire safety responsibilities, consideration needs to be given to taking prosecutions against persons where evidence suggests that their behaviour has contributed to fire loss, through breach of Section 18(3).

Recent high profile prosecutions in another jurisdiction for offences equivalent to breaches of Section 18(2) and 18(3) received a lot of media coverage in Ireland. As well as dealing with specific cases, such prosecutions raise the profile of fire safety and the Task Force recommends that prosecution is considered where such circumstances arise.

## **9.4 General Issues**

### **9.4.1 What about overcrowding in buildings?**

From a fire safety perspective, overcrowding involves permitting more people into a premises than can be safely evacuated in a timely manner i.e. before they are threatened by the consequences of an outbreak of fire. Overcrowding is regarded as a most serious offence from a fire safety perspective in buildings such as places of public assembly and should be treated according to the approach set out in 9.2.5 above.

There is another issue relating to overcrowding in certain forms of residential accommodation, with excessive numbers sleeping in bedrooms (or rooms not intended as bedrooms). Arguments have been made for a recasting of housing legislation to update and simplify the definition of accommodation standards which would in turn define overcrowding conditions.

From a fire safety perspective, the critical issue in this type of residential accommodation is that means of escape have appropriate capacity for the numbers in

the premises, that travel distances to an exit are in accordance with guidance and that escapes routes are unobstructed and readily available. Allied with a proper fire detection and alarm system and appropriate fire resisting construction, means of escape would not generally be compromised by the numbers in residential premises, even if it is regarded as overcrowded. Nonetheless, in calculating occupancy of a residential building from a fire safety perspective, every resident in a premises providing sleeping accommodation should generally be allocated space based on a minimum figure of 5.5 square metres floor area and 13/14 cubic metres of space per person.

Consideration will be given to including this specific occupancy load factor in Section 37 Regulations relating to this sector – see 10.6 below.

The ‘packing in’ of residents may indicate a tendency to ignore fire safety responsibilities and where such cases are found they should be pursued as set out in 9.2.5.

#### **9.4.2 Fire Safety in Apartment Buildings**

The issue of fire safety in apartment buildings is also an important one which was discussed at Task Force. It is estimated that up to 500,000 people live in 200,000 apartments across the country. From a fire safety perspective, the ‘person having control’ of apartment buildings/ premises is the Owner/Occupier Management Company.

The key to life safety in all apartment buildings is a proper two-stage fire detection and alarm system as described in Chapter 8, together with an evacuation strategy and involvement of residents in preventing nuisance alarms and knowing how to react in the event of fire alarms being activated.

One of the issues of which the Task Force is aware is the approach to fire safety in housing and apartment buildings which are found to be non-compliant with building regulations or defective from a fire safety perspective. Instances of such non-compliances have come to light over the past decade where remediation works have had to be undertaken in apartment buildings. Where they have become aware of and involved in such cases, local authority fire services work with management companies and other stakeholders to ensure that appropriate levels of fire safety are achieved which minimise the probability of life loss. Actions are taken on a case by case fire safety assessment.

The Task Force acknowledges also the building control reform agenda that has and continues to pursue policies, initiatives and legislation to ensure a culture of compliance throughout the construction industry. This was referred to in Section 6.3 and the Building Control Reform Agenda is discussed further below as a response to the identified issues.

“Legacy” buildings were the subject also of a series of recommendations in the Report *“Safe as Houses? A Report on Building Standards, Building Controls & Consumer Protection”* (JOC pg 15/16). However, it is noted that this Report is substantially concerned with consumer protection aspects, while the primary concern of the Fire Safety Task Force is life safety.

However, there is a linking of issues, relating to the extent to which deficiencies in compliance with building regulations constitute a threat to life safety? Fears for life safety may be exaggerated for the situations pertaining. There is a need to be conscious of vested interests who may be selling products and services when appraising life safety risks. A *“Framework for Enhancing Fire Safety in Dwellings where Concerns Arise”* was developed and published in 2017 with the aim of balancing understandable fears for life safety in cases where non-compliance with building regulations is present. The intent in this area relates to steps to support persons having control of buildings in identifying fire safety defects and to respond in an appropriate and proportionate manner. When reviewing fire safety in their premises Owner/Occupier Management Companies in apartment blocks are advised to engage persons with Chartered Professional status to advise them.

Fires occur in regulation compliant buildings and fires can and will spread within and between buildings. Fire resistance of an element of structure within a building is a measure of the ability of that element to withstand exposure to the effects of a particular standard test fire for a specified duration. The typical specification of 30 or 60 minute fire resistance is not a guarantee that fire will be contained for 30 or 60 minutes in that building in a real fire situation. Rather it indicates that, for the duration specified in standard test conditions, an element of construction has:

- The ability to maintain its load bearing capacity (resistance to collapse)
- The ability to maintain its integrity (resistance to fire penetration)
- The ability to prevent heat transfer (insulation)

Fires involving accelerants, or when there are particularly strong winds blowing, can spread rapidly.

The inadequacy or absence of fire stopping (methods used to seal around pipes and openings in walls and floors and to close cavities) was identified as a critical issue by witnesses at the Joint Committee (JOC p 28/29). It is mainly specialist sub-contractors who undertake this work. Evidence at the Joint Committee indicated that this is regarded as a semi-skilled role in the construction industry. The Task Force recommends registration of fire stopping sub-contractors as a priority measure within the overall Construction Industry.

The legislative position is clear in terms of where responsibility lies for identifying the need for, arranging of, and funding remedial works where a need for such is identified on the basis of threat to life safety.

The Task Force recommends that building management companies and/ or other “persons having control” of such buildings review their fire safety arrangements and ensure that appropriate fire protection facilities are present within all multi-storey, multi-unit buildings and that these are checked and maintained routinely and a record kept in the Fire Safety Register. Most importantly, residents should be advised of the actions to take in the event of fire alarm, and evacuation drills should be practiced.

An important issue in relation to apartments and flats is that “dwellings occupied as a single dwelling” are not seen as subject to the inspection and enforcement provisions of the Fire Services Acts. However, common areas of such buildings are subject to the powers of inspection. The relationship between the ‘person having control’ of the common area (the building owner or management company) and the owner/ occupier of the individual dwellings occupied as a single dwelling therefore can be a crucial factor for fire safety in apartment block buildings.

Apartment management companies should review the arrangements for ensuring that appropriate fire protection facilities are present within apartments and are checked and maintained routinely, and behaviour which could endanger fire safety or unacceptable practices by residents can be prevented.

It is recommended that Fire Services should offer training to Directors of Apartment Management Companies on key life safety issues including the fire detection and alarm systems, the evacuation procedures and keeping a fire safety file and fire safety register in respect of the building.

An area which could be considered for development is follow-up investigation of incidents of fire in certain categories of buildings. Currently, and appropriately, An Garda Síochána carry out investigations of fires involving fatalities and where arson or other criminal circumstances may be suspected. However, the Garda files are sent to Coroners’ Courts or to the Director of Public Prosecution as appropriate and are not of direct benefit to public safety in terms of closing the loop or providing feedback on the presence (or otherwise) of appropriate fire protection facilities, or the performance of those facilities, or responding fire services during an actual fire.

The data obtained from current fire incident reports is limited also and, while this needs to be improved, it is worth considering establishing a fire reporting/ investigation capability within fire services to provide a professional view of selected/ sample fire incidents.

There have been calls for a widespread “fire risk assessment” process to be undertaken in relation to apartment buildings to determine if there is a significant fire safety problem. However, it is doubtful if a blanket inspection approach would be a proportionate or practical response to this issue. Rather, the Task Force favours the approach set out in the preceeding paragraphs, focussed on review of fire detection and alarm systems and evacuation arrangement. A number of buildings with non-compliance issues have been identified, and remediation has been/ is being put in

place. It is suggested that an extensive “look-back” inspection scheme would not be a priority from the life safety perspective, whatever about its merits from a consumer protection perspective and, when allied with the issues of capacity, is not recommended. Instead, the Task Force commends the current approach of dealing with issues on a case by case basis as they emerge, as well as gathering risk management information through developing the fire reporting/ investigation capacity.

Some of the reported issues in relation to fire safety in apartment buildings may reflect a broader problem in relation to funding of apartment management companies, where there may be significant levels of non-payment of service charges. Without the funding streams from their service charges, Owner Management Companies may be severely limited in their capacity to maintain existing fire protection facilities, let alone to review or tackle other fire safety issues.

Efficient and timely recovery of service charges in apartment blocks needs to be facilitated, so that funding is available to maintain, enhance and replace fire protection facilities.

### **9.4.3 The Building Control Reform Agenda**

In response to the building failures that have emerged over the past decade and following a review of the existing system of Building Control (in 2011), a Building Control Reform Agenda has been developed, pursued and substantially progressed to ensure they are not repeated. The focus has been on implementing reforms to ensure strong and effective regulation of the building control system; a culture of compliance within the construction industry and effective and efficient oversight by the Building Control Authorities.

Key milestones (to date) include:

- the introduction of the Building Control (Amendment) Regulations 2014, which required greater accountability in relation to compliance with Building Regulations in the form of statutory certification before and during construction;
- the strengthening of oversight and governance of the local authority Building Control System to improve its effectiveness; and
- the approval (by Government) in May 2017, of draft heads of a Bill to place the Construction Industry Register Ireland (CIRI) on a statutory footing.

### **9.4.4 Building Control (Amendment) Regulations 2014 (BCAR)**

In accordance with the Building Control (Amendment) Regulations 2014 (S.I. No.9 of 2014) the owner is required to assign competent persons to design, build, inspect and certify the building works. The competent persons, in turn, account for their contribution through the lodgement of compliance documentation, inspection plans and statutory certificates with the relevant building control authority.

The main provisions of S.I. No. 9 of 2014 include:

- (i) Certified compliance documentation must be submitted to the local building control authority before works commence; e.g. the design of a building must be certified by a registered construction professional <sup>8</sup> to demonstrate compliance with the Building Regulations before works commence;
- (ii) owners must appoint a competent builder to undertake and certify construction works;
- (iii) owners must appoint a registered construction professional as an 'assigned certifier' to –
  - prepare an inspection plan for the building works,
  - carry out, or oversee, inspections in accordance with the inspection plan; and
  - certify (jointly with the builder) that the construction works are in compliance with the Building Regulations upon completion;
- (iv) designers, builders and 'assigned certifiers' must accept legal liability for their work;
- (v) any change in circumstances in terms of owner, builder or assigned certifier must be notified to the local building control authority;
- (vi) A Code of Practice for Inspecting and Certifying Buildings and Works was developed to outline the roles and responsibilities of owners, designers, builders, assigned certifiers, etc. during building works;
- (vii) drawings and particulars relevant to the building works will be accessible to any person who subsequently acquires an interest in the building.

The statutory *Certificate of Compliance on Completion* (for certain works) signed by both a registered construction professional and the builder must be in place prior to occupation of the building. It effectively represents a badge of approval, reassuring owners of buildings that their building is compliant with building regulations.

#### **9.4.5 Building Control Authorities**

In parallel with the S.I. No. 9 of 2014, a project was established in the Local Government Management Agency to strengthen and improve the effectiveness of local Building Control Authorities. A number of enhancements have been delivered to date and others are in progress, including:

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<sup>8</sup> A registered construction professional is an Architect or a Building Surveyor or a chartered Engineer who is included on a statutory register maintained respectively by the Royal Institute of the Architects of Ireland, the Society of Chartered Surveyors of Ireland or Engineers Ireland



1. To facilitate the consistent implementation of the changes introduced by S.I. No. 9 of 2014 and to assist local building control authorities (BCAs) in handling the additional workload, the Building Control Management System (BCMS) was developed. BCMS is a national IT enabler; it was launched by the Local Government Management Agency (LGMA) in March 2014 to coincide with the commencement of S.I. No. 9 of 2014. The BCMS facilitates the electronic administration of building control functions and provides a common platform for clear and consistent administration of building control matters across the local authority sector.
2. Having enabled efficiencies through the BCMS for building control authorities, the focus moved to standardisation of operational activity. The “Framework for Building Control Authorities” was first published in September 2014, to standardise work practices, systems, procedures and decision-making in relation to oversight of building control activity across the sector, to enhance consistency of approach nationally, and to move towards a risk-based approach to inspections by building control authorities. A revised version was published in June 2016.
3. To further support local building control authorities in their daily activities, a compliance support work stream has been developed. This provides a mechanism for dealing with queries, either from building control staff and/or private practitioners making submissions to Building Control Authorities, at a centralised level that can be applied nationally. A number of FAQs have been answered through this system.
4. To fully empower staff in Building Control Authorities to carry out their work effectively, training programmes are being developed. This includes foundation level to provide minimum competency training for those new to the role, annual continuous professional development for all staff involved in building control and professional post graduate courses to enable greater specialisation. In an ever evolving construction environment this professional approach is absolutely necessary.

Finally and most fundamentally of all, is the requirement for Building Control Authorities, who have the powers of inspection, enforcement and prosecution vested in them under the Building Control Acts, to effectively to act like the police force of building control activity by carrying out meaningful inspections. At present the minimum national annual inspection target as agreed with the Local Authorities is 12% to 15% of new buildings covered by *valid* Commencement Notices received in the Authority’s administration area. However, the majority of local authorities exceed this target. The National Oversight and Audit Commission (NOAC) collects and publishes this data annually. In 2016 25% of new buildings were inspected. The target and approach is being reviewed with the aim of positioning Building Control Authorities to carry out risk based targeted inspections by making more efficient and effective use of



the resources available for inspections. In the interest of identifying risk, a BCMS module has been developed to collect pertinent data about proposed works as part of the commencement notice procedure. This has been deployed now and informs building control staff of the risk profile of works about to commence and facilitates the planning of the most effective stages to inspect such works.

These work streams are being developed through a structure for the governance and oversight of Building Control. Dublin City Council has been designated as the lead building control authority for the sector.

Three Building Control Regions<sup>9</sup> have also been established. Each Building Control Authority is a member of one of the Building Control Regions. These regional committees meet quarterly and are attended by building control officers from each local authority. This engenders collaboration across the regions and provides an important mechanism for regular communication and feedback between the lead authority and local authorities.

#### **9.4.6 Building Control (Construction Industry Register Ireland) Bill**

At the end of May 2017, the Government approved the draft heads of a Bill to place the Construction Industry Register Ireland (CIRI) on a statutory footing and the Bill was referred to the Joint Committee on Housing, Planning, and Local Government for pre-legislative scrutiny. The Committee completed its report in December 2017, The Bill is now progressing to drafting.

The main objective of the Building Control (Construction Industry Register Ireland) Bill 2017 is to develop and promote a culture of competence, good practice and compliance with the building regulations within the builder community of the construction sector, which will benefit consumers and the general public.

This will be achieved by the establishment of a mandatory statutory register on which a builder must be included in order to carry out works under the Building Control Acts.

The CIRI register will be divided into a number of different categories depending on the nature and complexity of the works involved. A builder will have to demonstrate competence in the area, or areas of construction to which his application for registration relates. It is intended that specialist contractors, such as those who carry out specific fire-safety works e.g. fire-stopping will have a specific category.

Once enacted, the Bill will provide consumers who engage a registered builder with the assurance that they are dealing with a competent and compliant operator. It will complement the reforms which have been made through the Building Control (Amendment) Regulations 2014 and contribute to the development of a culture of competence and compliance within the construction sector.

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<sup>9</sup> Greater Dublin/Eastern and Midlands Region; Northern and Western Region; Southern Region.

## 9.5 Enforcement

### 9.5.1 Are there adequate powers available to local authorities to compel persons to assume their Section 18 responsibilities?

Local authorities have a range of powers available to use in an enforcement role if they are not satisfied about fire safety in a particular building. Fire authorities generally operate on the basis of programmes of prioritised fire safety inspections. They also respond to specific complaints and may take a range of enforcement actions, from

- giving advice (orally or in writing) in relation to fire safety to the owner or occupier of any premises,
- giving warnings (orally or in writing) in relation to fire safety to the owner or occupier of any premises,
- seeking to have an assessment of fire safety carried out for the premises,
- serving a Fire Safety Notice requiring certain fire safety enhancement works to be carried out or that the use of the premises is limited or ceases altogether,
- serving closure notices directly on the person having control over any premises where there are significant concerns for life safety,
- seeking High Court orders for the immediate closure of premises.

Fire services use different powers in different situations, depending on the seriousness of the perceived threat to life safety. However, it needs to be understood clearly that primary statutory responsibility for fire safety continues to rest with the persons having control of buildings/ premises, as outlined above, and not with fire services.

### 9.5.2 Should there be more visible prosecutions for offences under the Fire Services Act?

The general approach of local authorities is to identify the owner of a premises and, depending on the particular situation, to engage with them using one of the powers available to achieve the desired result of enhancing fire safety. This will usually involve negotiations with professional advisers for the person having control.

Engagement with the legal/ courts system on individual buildings is resource intensive for local authorities. Fire services do attend and may object at annual or special licencing courts and this is a particularly efficient mechanism for achieving fire safety results. However, use of the courts system is generally avoided in dealing with individual cases, as it ties up fire service personnel for what may be limited fire safety achievement.

The number of prosecutions annually for breaches of fire safety legislation is also very small, as most persons having control do what is required when issues are brought to their attention.

However, the Task Force is of the view that there is a need to pursue the cohort referred to in 9.2.5 vigorously where breaches of legislation can be identified and to prosecute any offences identified and recommends accordingly. Likewise in situations where fatal fires have occurred, it may be appropriate for fire authorities to consider prosecutions relating to either Section 18(2) or 18(3) responsibilities. Fire authority staff and their legal advisers may need upskilling in preparing and presenting such cases for Court.

### **9.5.3 Is fire safety an adequate priority and is the function resourced appropriately in local authorities?**

The local authorities have statutory roles as fire safety regulators and, if necessary, as enforcers of fire safety standards in accordance with building control legislation, described above, and fire services legislation. Fire safety may be considered also in the interface with a range of other sector specific regulatory systems including health, safety and welfare at work legislation and the registration of certain categories of premises (e.g. nursing homes and child care premises) with health authorities.

As discussed in Section 6.8 local authorities employ a cohort of Senior Fire Officers with appropriate technical and professional qualifications to undertake relevant tasks. Officers are required to exercise their professional judgement, drawing on fire safety engineering principles and knowledge of relevant codes of practice and standards and fire safety modelling in their work and to report and/ or give evidence in court on these matters.

Since the introduction of the 'Assigned Certifier' role under BCAR requires registration with a relevant professional body (Engineers Ireland, The Royal Institute of Architects of Ireland or Society of Chartered Surveyors Ireland) the Task Force believes it is appropriate that relevant Senior Fire Officers should achieve a similar registration with one of the above professional bodies.

It is recommended also that consideration should be given to developing an appropriate form of 'peer review' of Senior Fire Officers professional decision-making to quality assure work in this area.

We also believe that fire services should recruit professional officers with appropriate backgrounds/ experience in the construction industry who can undertake the recommended inspections of construction works for compliance with Part B – Fire Safety of building regulations. We believe this work should be integrated with the general building control inspection regime. The BCMS now collects data and key information on the building construction, its height and other elements which inform risk and facilitates planning or risk based inspection of construction works. The BCMS is also being developed to facilitate the online application of the range of Fire Safety Certificates, Disability Access Certificates and Dispensations and Relaxations.

An overview of the resources which local authority allocate directly to run their fire services each year was given in Section 4.2. As well as the €275m annual budgets, a considerable amount of indirect support is provided by the local authority to ensure that the 24/7/365 fire service can operate.

Without having exact breakdowns of budgets, it is clear that the bulk of fire service expenditure goes on the costs associated with the response element of the fire service. All staff in fire services can/ should/ do play some role in promoting fire safety, and enhanced involvement in new roles such as Community Fire Safety Programmes and other activities has helped the retained fire service in situations where numbers of emergency incidents continue to decline.

However, a preliminary estimate indicates that the percentage of overall resources dedicated to the technical fire safety is probably of the order of 2 – 4% of overall local authority fire service budgets. This report is recommending a range of measures which, if adopted, will require resourcing both within local authorities and at national level. The effectiveness of all current expenditure programmes in fire services needs to be reviewed periodically, with a view to further development of appropriate services and enhancing safety outcomes for resources deployed. This Report, with its multiple recommendations, provides an opportunity to undertake such a review to identify where additional resources may be needed and to provide a strategic management view about where existing resources can be used more effectively for the objective of public safety. It is appropriate that a greater proportion of resources is used in the fire protection field into the future, while maintaining the current ‘contingent’ fire service response capability.

#### **9.5.4 Fire Risk Assessment of Significant Individual Premises/ Buildings**

The Area Risk Categorisation process referred to in Chapter 4 takes an overview of fire risk in each fire station area on the basis of a number of parameters. Amongst these parameters is the extent to which there are individual special hazards within the fire station area. The “area” process was not intended to review fire safety or assess fire risk in individual buildings, but it is appropriate that fire risk assessments are undertaken in relation to significant individual premises/ complexes or buildings or other fire hazards in fire station areas.

As noted in Chapter 6, responsibility for fire safety (including assessing fire risk and putting an appropriate package of fire safety measures in place) rests with the “person having control” of those premises. Fire safety in buildings is generally assessed as a function of the occupancy/ use of the building, the passive fire protection (inbuilt in the layout and construction of the building), active fire protection (fire detection and alarm) and fire safety management arrangements (preventing fires and maintaining buildings and facilities in working conditions).

Building control and fire authorities are empowered to, and use their powers, to ensure that fire safety is taken into account in the design, construction and operation of

premises and buildings. This report has made recommendations to enhance fire safety in what are perceived as the highest life risk situations.

Local authorities do not and could not reasonably be expected to audit all building construction or to audit all buildings for fire safety. Generally, they operate a system of prioritised auditing based on a risk assessment and prioritisation. They also respond to complaints received about fire safety and undertake an annual programme of prioritised fire safety education, audit and enforcement work based on their appraisal of fire risk.

While many fire authorities have identified the priority buildings from a fire safety perspective, it is proposed that a systematic process of identifying and fire risk rating (or “risk banding”) of premises of key interest to fire services should be undertaken. Premises or buildings which are of significant interest to fire services because of their scale and importance to a community are likely to have been subject already to appropriate fire safety measures, including design, construction and management of fire safety. Premises which may be regarded as significant and ‘high hazard’ by virtue of use or for other reasons may not be ‘high risk’, as the fire hazard may well have been identified and be managed appropriately.

The possibility of capturing information on buildings through models such as are currently in the process of being developed as part of the BCMS (building control) and the SAFIRE (fire service) projects offers potential to harness a wide range of sources, including actual incidents of fire, as part of a continuous prioritisation and fire risk management process.

It is expected that the full range of interactions, including requiring fire safety assessments under Section 18 (6) of the Fire Services Act and conducting inspections, would result where this fire risk assessment process indicates fire safety deficits or concern.

This fire risk assessment process could also feed into the next round of Area Risk Categorisation and also into Chief Fire Officers determining pre-determined attendances for specific risks.

## **9.6 Conclusion**

The discussion of the various questions identified by the Task Force in the previous sections forms the basis for the remainder of this Report. In the next chapter, Chapter 10, a series of proposals and recommendations to enhance fire safety are set out. In Chapter 11, issues connected with the implementation of these proposals are developed.

## **Overview/ Conclusions**

**In its work, the Task Force identified a number of issues and questions which the members believe need to be addressed. These questions are set out and discussed in Chapter 9 of the Report, and specific proposals and recommendations for dealing with the issues are given in Chapter 10.**

**While Section 18 (2) of the Fire Services Acts is clear that responsibility for fire safety rests with the ‘person having control’ of a building or premises, it is less certain that the ‘person having control’ is identified or readily identifiable in respect of many buildings.**

**There is also some ambiguity about the buildings to which the provisions of Section 18(2) of the Fire Services Acts apply. While most buildings are taken to be within the remit of this legislation, “dwellings occupied as a single dwelling” are excluded specifically from the provisions of the Acts. However, it is not always clear what constitutes a dwelling occupied as a single dwelling.**

**As discussed earlier, the question of how well fire safety responsibility is understood by those holding it also requires attention, as does the question of how the person having control of premises can demonstrate that they are complying with their statutory obligations.**

**The Task Force placed considerable emphasis on how persons who, through ignorance or wilful neglect, are not complying with their statutory fire safety responsibilities can be identified and held to account.**

**Looking at the situation from a different perspective, the Task Force considered also how the general public, in the form of persons using buildings, can know or be reassured if they are safe from fire while on the premises, how they can report their fire safety concerns to appropriate authorities and if they are aware of their own statutory responsibility not to endanger others through acts or omissions which could result in fire.**

**In response to the building failures that have emerged over the past decade and following a review of the existing system of Building Control, a Building Control Reform Agenda has been developed, pursued and substantially progressed. The focus has been on implementing reforms to ensure strong and effective regulation of the building control system; a culture of compliance within the construction industry and effective and efficient oversight by the Building Control Authorities.**



- In accordance with the Building Control (Amendment) Regulations 2014 (S.I. No.9 of 2014) the owner of a development is required to assign competent persons to design, build, inspect and certify the building works. The competent persons, in turn, account for their contribution through the lodgement of compliance documentation, inspection plans and statutory certificates with the relevant building control authority.
- In parallel with the S.I. No. 9 of 2014, a project is in place in the Local Government Management Agency to strengthen and improve the effectiveness of local Building Control Authorities. A number of enhancements have been delivered to date and others are in progress.
- At the end of May 2017, the Government approved the draft heads of a Bill to place the Construction Industry Register Ireland (CIRI) on a statutory footing. The Bill has been through a number of preliminary scrutiny stages and is now progressing to drafting. The Bill will establish a mandatory statutory register which a builder must be included on in order to carry out works under the Building Control Acts. The CIRI register will be divided into a number of different categories depending on the nature and complexity of the works involved and a builder will have to demonstrate competence in the area, or areas of construction to which his application for registration relates. It is intended that specialist contractors, such as those who carry out specific fire-safety works e.g. fire-stopping will have a specific category.

The issue of fire safety in apartment buildings is also an important one which was discussed at Task Force. It is estimated that up to 500,000 people live in 200,000 apartments across the country. From a fire safety perspective, the ‘person having control’ of the premises is the Owner/ Occupier Management Company.

An important issue in relation to apartments and flats is that “dwellings occupied as a single dwelling” are not subject to the inspection and enforcement provisions of the Fire Services Acts. However, common areas of such buildings are subject to the legislative provisions. The relationship between the ‘person having control’ of the common area (the building owner or management company) and the owner/ occupier of the individual dwellings occupied as a single dwelling therefore can be a crucial factor for fire safety in apartment block buildings.



There has been concern about fire safety issues in the apartment sector arising from a number of high profile cases where remediation works have had to be undertaken in apartment buildings. Fears for life safety can sometimes be exaggerated for the situations pertaining. A “Framework for Enhancing Fire Safety in Dwellings where Concerns Arise” was developed and published with the aim of balancing understandable fears for life safety in cases where non-compliance with building regulations are present.

The key to life safety in apartment buildings is a proper two stage fire detection and alarm system as described in Chapter 8, together with an evacuation strategy and involvement of residents in preventing nuisance alarms and knowing how to react in the event of fire alarms being activated.

Where they have become aware of and involved in such cases, local authority fire services work with management companies and other stakeholders to ensure that appropriate levels of fire safety are achieved which minimise the probability of life loss. Actions are based on a case by case fire safety assessment.

The issues in relation to fire safety in apartment buildings may reflect a broader problem in relation to funding of apartment management companies, where there may be significant levels of non-payment of service charges. Without the funding streams from their service charges, Owner Management Companies may be severely limited in their capacity to maintain existing fire protection facilities, let alone to review or tackle other fire safety issues.

#### **Recommendations:**

All Senior Fire Officers in local authorities working in the technical fire safety field should aim to achieve Chartered Professional status from one of the relevant profession bodies by the end of 2019.

Consideration should be given to developing an appropriate form of ‘peer review’ of Senior Fire Officers professional decision-making to quality assure work in this area.

Fire Services should ensure that adequate risk prioritised inspections of

**fire safety measures/ compliance with Part B are carried out by Senior Fire Officers with appropriate professional qualifications as part of the general building control inspection regime.**

**Other fire officers who are working in less technical fire safety roles should undertake relevant training under the National Directorate for Fire and Emergency Management / Local Authority Services National Training Group annual programmes.**

**Fire Services in Ireland should undertake an additional fire risk assessment process of significant premises and buildings and other fire hazards in fire station areas as an approach to complement current Area Risk Categorisation and other risk assessment processes described in Chapters 4 & 5.**

**When reviewing fire safety in their premises Owner/ Occupier Management Companies in apartment blocks should only engage persons with Chartered Professional status to advise them.**

**Fire Services should offer training to Directors of Apartment Management Companies on key life safety issues including the fire detection and alarm systems, the evacuation procedures and keeping a fire safety file and fire safety register in respect of the building.**

**Apartment management companies should review the arrangements for ensuring that appropriate fire protection facilities are present within apartments and are checked and maintained routinely, and behaviour which could endanger fire safety or unacceptable practices by residents can be prevented.**

**Efficient and timely recovery of service charges in apartment blocks needs to be facilitated, so that funding is available to maintain, enhance and replace fire protection facilities.**

## 10 Moving Forward with Fire Safety

### 10.1 Introduction

Conclusions and recommendations have been set out in each chapter of this report as considered appropriate by the Task Force. In this chapter, we put forward a series of recommendations for enhancing the current system of fire safety in Ireland.

Conscious that all recommendations cannot be implemented at once, we also take account of the priorities of action which arise from the discussions at the Task Force. Our primary focus is on making the Section 18(2) statutory responsibility, which we think is appropriate, into a more practical and effective vehicle for ensuring that the objective of a society without disastrous fires is made more likely.

From the Task Force perspective, the main concern is for life safety, and we believe the greatest threat of multiple fatality fire exists currently in certain forms of lower end, higher density residential accommodation which may have inadequate fire protection facilities and may be overcrowded. The buildings within this category therefore should be the first priority for fire safety efforts.

Section 18(2) responsibilities are seen to apply to a broad range of persons. Proposals and recommendations in this Chapter involve looking at those with Section 18 (2) responsibilities under a number of sub-categories:

- Persons having control of premises of any kind, who should take certain actions to demonstrate to the public that they are conscious of their fire safety responsibility and that they provide accessible information to the public about fire safety management in that premises;
- Persons having control of premises which fall within the category of residential premises which are identified as posing the most serious risk to life;
- Persons having control of large scale or complex premises where large numbers of the public are habitually accommodated;
- Persons having control of premises who persistently or wilfully neglect their fire safety responsibilities.

The Task Force recommends that a “Guide to Fire Safety Responsibility” be prepared by the National Directorate for Fire and Emergency Management and disseminated as part of a campaign to assist those with Section 18(2) responsibility to know and understand how to comply with their statutory duties and responsibilities. It is envisaged that the regulatory changes proposed below would be introduced as part of national campaigns to enhance and assure fire safety in areas of priority concern.

The Task Force makes further proposals to address these sectors as follows:

- Section 10.3 discusses the provision of general guidance on Section 18(2) responsibilities and the introduction of Section 37 Regulations requiring the

“person having control” to place a “Public Notice of Fire Safety” in all premises to which Section 18(2) applies.

- Proposals are set out in Section 10.4 below for an enhanced Section 37 regulatory system and to commence a national programme to examine and improve fire safety in the part of the residential sector which is of greatest concern and to enable a comprehensive fire safety status report to be prepared on that sector.
- Section 10.5 discusses the possible introduction of a set of Section 37 Regulations aimed at ensuring fire safety in certain large scale or high risk priority premises.
- This Chapter also sets out proposals in Section 10.6 for dealing with persons having control of premises who appear to be wilfully avoiding their Section 18(2) responsibilities.

## 10.2 Extended Use of Section 37 Regulations

Section 37 of the Fire Services Act provides that the Minister (for Housing, Planning and Local Government) may make regulations under the Act. It states:

*37.—(1) The Minister may make regulations providing for the precautions to be taken in premises to which section 18 applies for the protection of persons and property against risk by fire.*

Section 37(3) provides that regulations may, without prejudice to the generality of the section, specify requirements with regard to a range of matters. This extends to the provision and maintenance of signs and notices on procedures to be followed in the event of fire.

Nothing in Section 37 Regulations is intended to derogate from the functions of a fire authority under the Act or from a duty imposed on any person under subsection (2) or (3) of Section 18.

Regulations have been made (Ease of Escape Regulations, 1985) under this provision, but the preferred approach has been to publish statutorily supported Codes of Practice and Guidance to assist persons having control of premises, rather than attempting to regulate fire safety provisions in detail through Section 37 Regulations.

However, section 37 Regulations have the advantage that failure to comply with the provisions of Regulations is an offence which, with carefully drafted provisions, would facilitate ready prosecution of offenders who fail to implement the necessary provisions.

Section 4 of the Fire Services Act provides that “any person who contravenes (by act or omission) any requirement of Part III of the Act or of any regulation under the Act or of any notice to which the Act applies shall be guilty of an offence. Penalties for offences were discussed in Section 6.6.3.

The 1981 Act, amended in 2003, provides an oversight role in fire safety to fire authorities and provides that a fire authority may inspect any premises to which Section 18 applies. However, fire services report that they can encounter significant difficulties in trying to identify the “person having control” over premises to which Section 18 applies and their efforts to ensure that fire safety responsibilities are being discharged can be hampered at this first step. It is proposed therefore that a Section 37 Regulation would be introduced under which every premises to which Section 18(2) applies would be required to display information including name and contact information for the person designated as having section 18 (2) responsibility.

### **10.3 Guidance for Persons Having Section 18(2) Responsibility and Requirement for “Public Notice of Fire Safety” in Premises**

The Task Force is proposing two elements to enhance general awareness and understanding of Section 18(2) responsibilities. The first of these involves preparation and dissemination of a new Guide to Section 18(2) responsibilities.

The second is to create a statutory S 37 requirement for every person having control of a premises to which Section 18(2) applies to prepare and fix a public notice of fire safety on their premises. The Minister (for Housing, Planning and Local Government) should consider making a new regulation under Section 37 of the Fire Services Act requiring the person having control of all categories of premises to which Section 18 (2) applies to:

- Prepare a “Public Notice of Fire Safety” containing specified information in respect of the premises, including the name of the person having control of the premises, and to affix this notice at each entrance so that it is legible to the public.
- Display the “Public Notice of Fire Safety” in their premises;
- To implement advice and precautions set out in any code of practice or Guide to Fire Safety in respect of that category of premises and
- Maintain a fire safety register in respect of the premises.

Under the proposed regulations, it will be the responsibility of persons having control of Section 18(2) premises to prepare the necessary document and to erect and maintain it on their premises.

The actual requirement to prepare the “Public Notice of Fire Safety” is not perceived as particularly onerous in itself. At its simplest, this would involve filling in a pre-printed form. It is envisaged that the requirement to affix the “Public Notice of Fire Safety” would apply in all premises to which the regulations apply. This is, in effect, would be a visible statement about fire safety in the premises for the benefit of those entering the premises.

The absence of the Notice would be a specific offence under the Regulations, readily prosecutable and more importantly, its absence would indicate to the public that all

may not be well from a fire safety perspective. The safety message for the public is simple “If you don’t see the Public Notice of Fire Safety, ask about its absence and consider if you should remain there”.

The fact that the notice exists means that if local fire services come to the premises, they will be able to identify the person having control. If the Notice is present, they can readily validate the basic information on the premises to ensure that information provided is accurate. If the Notice is not posted, they can begin enforcement or offence proceedings against the person having control.

The requirement to display the ‘Public Notice of Fire Safety’ would provide a visible vehicle for:

- raising the awareness of fire safety with persons holding Section 18(2) responsibilities and require a positive action from them, demonstrating that they are conscious of their statutory duty and requiring them to make explicit certain information about how they are discharging that duty;
- The ‘self-declaration’ element of the regulations would enable fire authorities to readily identify the “person having control” over every premises to facilitate their interactions/ inspection programmes with priority sectors.
- The requirement for a “Public Notice of Fire Safety” would provide important and relevant information on fire safety to persons using the premises, enabling them in the first instance to be assured that there is a consciousness of fire safety management on the premises and secondly to make an informed judgement about their own safety if there is
  - (a) no public notice, or
  - (b) the information it contains does not tally with what they see or experience;

The notice would also highlights a contact path if they wish to report fire safety concerns to the fire authority;

The “Public Notice of Fire Safety” could also have the benefit of providing a reminder for all persons on the premises of their Section 18(3) responsibility, that is, not to endanger others through their actions or omissions while on the premises.

It would be an offence for the owner, occupier or person otherwise having control of a premises to which these regulations apply to fail to comply with the provisions of Section 37 Regulations. The following are the specific offences which are envisaged:

- to fail to display a “Public Notice of Fire Safety” in any such premises;
- to knowingly include false information in the Public Notice;
- to fail to have any of the specified fire precautions in place and effective;
- to fail to have a current/ up to date Premises Fire Safety Register.

## 10.4 New Initiatives for Fire Safety in the Residential Sector

Notwithstanding that the Task Force was requested to consider fire safety in multi-storey, multi-unit Social Housing and Medium to High Rise buildings initially, a view has emerged since the beginning of the work of the Task Force that the most present risk to life safety is in some sectors of lower end, higher density residential accommodation. It was identified also that there is a need to clarify the categories of premises providing sleeping accommodation to which Section 18(2) of the Act applies and to put in place an effective, consistently applied regulatory regime which will ensure that this fire risk is managed by those with Section 18(2) responsibilities.

The Minister (for Housing, Planning and Local Government) should consider making additional regulations under Section 37 of the Fire Services Act for certain types of premises within the sleeping accommodation category which are regarded as highest life safety priority. These regulations would require 'persons having control' over the specified premises to implement advice and precautions set out in relevant Codes of Practice and Guides to Fire Safety in respect of that category of premises and specifically to:

- Have an appropriate working fire detection and alarm system in the premises;
- Provide and maintain proper escape routes from all parts of the premises;
- Ensure doors on escape routes are readily openable from the inside, without use of a key;
- Provide emergency lighting appropriate for the scale and use of the building;
- Provide instructions and guidance for residents on actions to take and arrange practice evacuations; and
- Maintain a fire safety register in respect of the premises.

This type of regulation, through specific requirements in the sectors seen as bearing the most risk to life safety, will make explicit the requirements for fire safety as part of a national fire safety campaign in the residential sector.

These regulations are intended to be introduced as part of a national fire safety programme for specific sectors, which would support and facilitate integrated working with other property inspection regimes through providing training and agreeing procedures for cross-reporting of safety issues.

It is proposed that these Regulations would apply to certain categories of sleeping accommodation, defined as including the categories of premises listed below. It is not intended to include certain categories of buildings where the fire safety provisions are well understood or where immediate concerns for life safety are not seen to be as high a priority.

The categories of premises suggested for initial inclusion are set out below.



“Sleeping Accommodation” would mean a building or any part of a building used for the purposes of providing sleeping accommodation for a defined number of persons which is paid for directly or on behalf of those sleeping on the premises, that is to say a building or premises used as one of the following:

- Hostel;
- Short-term let;
- Bed & Breakfast type accommodation
- Student accommodation, (whether purpose built or in an existing building eg Gaeltacht houses);
- Dormitory accommodation associated with a school;
- Other dormitory accommodation;
- Building subdivided into flats, apartments or other sleeping accommodation;
- A building (including a house) shared by (X) or more unrelated persons;
- Premises used to accommodate refugees or homeless persons;

Although not envisaged for inclusion in the proposed regulations described in this Section 10.4, other types of residential accommodation would be included within the more general provisions proposed under Section 10.3 referring to the ‘Public Notice of Fire Safety’.

### **10.5 Regulation of Fire Safety in Specific Categories of Large Scale and Complex Buildings**

The Minister (for Housing, Planning and Local Government) should consider make additional regulations under Section 37 of the Fire Services Act in relation to certain categories of large scale or complex premises where large numbers of the public can be present. These regulations would provide for:

- Preparing and keeping a Fire Safety File in respect of the premises which records the fire safety strategy on which the building is designed and constructed.
- Having evacuation procedures in place which are exercised periodically;
- Having staff on the premises trained in respect of their roles in fire safety and evacuation;
- Having an appropriate working fire detection and alarm system in the premises;
- Providing and maintaining proper escape routes from all parts of the premises;
- Ensuring doors on escape routes are readily openable, without use of a key;
- Providing emergency lighting appropriate for the scale and use of the building; and

- Keeping a fire safety register in respect of the maintenance of the premises and its fire protection facilities and the fire safety roles of staff and their training and evacuation procedures and drills.

As a further step, additional regulations under Section 37 of the Fire Services Act could be considered in relation to certain prioritised categories of large scale or complex premises, requiring the person having control to have a Fire Safety Assessment prepared by appropriate professional advisers and lodged with the relevant fire authority.

As part of the initial work undertaken in response to the Grenfell Tower fire, medium to high rise buildings were identified and the powers of fire authorities under Section 18(6) of the Fire Services Act were invoked to require an assessment of fire safety to be undertaken in 226 premises and reported to the fire authority. The experience described in Chapter 8 in relation to undertaking fire safety assessments on a large scale underlines the capacity issues for appropriately qualified and experienced professionals available to undertake such assessments. However, the Task Force consider it appropriate that consideration be given to using a similar approach for sectors other than medium to high rise buildings.

The National Directorate for Fire and Emergency Management should develop and publish a guide to preparing a Fire Safety Assessment. Fire Safety Assessments should be prepared only by those with appropriate qualifications and experience and who are registered with Chartered Member status in one of the appropriate professional institutions.

#### **10.6 “Person having Control” who Disregard Section 18 (2) Responsibilities**

Section 9.2.5 above noted that it is possible, either through ignorance or for wilful reasons, that some persons may not comply with their Section 18(2) responsibilities. This may result in endangering the safety of persons on the premises to whom a duty of care is owed.

It is the view of the Task Force that the majority of persons having control of premises will want to meet their statutory Section 18(2) duties. The task therefore is to identify those who do not want to engage with this and direct action to compel them to do so. Discussions at the Task Force indicate that there may be a small cohort of individuals who recklessly disregard fire safety considerations in the manner in which they use their premises. These reports indicate that there may be patterns of persistent behaviour in this regard. The Task Force is of the view that the full resources of the State should be brought to bear on identifying any such persons and preventing such behaviour.

The first step is to identify any such persons.

Fire services or local authorities may already be aware of persons in this category from complaints received or situations identified in inspections. However, it is

proposed that an inter-agency group would be convened by fire services at quarterly intervals for a two year period to share information on premises of concern and to identify persons having control of these, with a view to taking swift and effective action under an appropriate legislative code.

Fire authorities are empowered to take a range of actions, as described in Section 9.5.1 and these are appropriate in the majority of cases where persons engage on enhancing fire safety.

However, in cases of reckless or persistent offending, the Task Force recommends fire authorities should also seek to prosecute offenders, using the full rigours of the legislation in accordance with the provisions described in Section 6.6.3. Notwithstanding the perceived difficulties, the Task Force strongly recommends a focus on identifying and pursuing such persons, as a means of giving a clear signal that this behaviour is unacceptable in society.

The proposed regulations above should make it easier for the local authorities to pursue effectively those who recklessly or wilfully ignore their fire safety responsibilities.

#### **Overview/ Conclusions:**

**The Task Force has concentrated on making the Section 18 (2) responsibility on the ‘person having control’ of premises for fire safety into a more practical and effective vehicle for ensuring the fire safety objectives of society, where the probability of disastrous fires is reduced to a minimum, can be achieved.**

**From the Task Force perspective, the main concern is for life safety and we believe the greatest threat of multiple fatality fire exists currently in certain forms of residential accommodation which have inadequate fire protection facilities and are frequently overcrowded. The buildings within this category therefore should be the first priority for fire safety efforts.**

**Section 18(2) responsibilities are seen to apply to a broad range of persons. Proposals and recommendations in this Chapter involve looking at those with Section 18 (2) responsibilities under a number of sub-categories:**

- **Persons having control of premises of any kind, where the scale and occupancy of the premises do not indicate an undue risk to life from fire, but who nonetheless should take certain actions to demonstrate to the public that they are conscious of their fire safety responsibility**

and that they provide accessible information to the public about fire safety management in that premises;

- Persons having control of premises which fall within the category of residential premises which are identified as posing the most serious risk to life;
- Persons having control of large scale or complex premises where large numbers of the public are habitually accommodated;
- Persons having control of premises who persistently or wilfully neglect their fire safety responsibilities.

Additional regulatory supports are necessary to underpin national campaigns to enhance and ensure fire safety in the categories of buildings of priority concern.

The fire safety system needs to evolve in a direction where members of the public can be informed and exercise judgement in respect of their own safety.

The legislative provision which enables a fire authority to require a 'person having control' over a premises to have a Fire Safety Assessment prepared in respect of that premises and submitted to the fire authority is a powerful tool which can be invoked in appropriate situations, but the experience of the assessment of 237 buildings within the medium to high rise category highlights that there are constraints in terms of the capacity of fire engineering professions to provide these.

#### **Recommendations:**

The Task Force recommends that a guide be prepared by the National Directorate for Fire and Emergency Management and disseminated as part of a campaign to assist those with Section 18(2) responsibility to know and understand how to comply with their statutory duties and responsibilities.

The Minister (for Housing, Planning and Local Government) should consider making a new regulation under Section 37 of the Fire Services Act requiring the person having control of all categories of premises to which Section 18 (2) applies to prepare a "Public Notice of Fire Safety" containing specified information in respect of the premises, including the name of the person having control of the premises, and to affix this notice at each entrance so that it is legible to the public.

The Minister (for Housing, Planning and Local Government) should consider

**making additional regulations under Section 37 of the Fire Services Act for certain types of premises within the sleeping accommodation category which are regarded as highest life safety priority. These regulations would require ‘persons having control’ over the specified premises to implement advice and precautions set out in relevant Codes of Practice and Guides to Fire Safety in respect of that category of premises and, specifically, to:**

- **Have an appropriate working fire detection and alarm system in the premises;**
- **Provide and maintain proper escape routes from all parts of the premises;**
- **Ensure doors on escape routes are readily openable from the inside, without use of a key;**
- **Provide emergency lighting appropriate for the scale and use of the building;**
- **Provide instructions and guidance for residents on actions to take and arrange practice evacuations; and**
- **Maintain a fire safety register in respect of the premises.**

**The Minister (for Housing, Planning and Local Government) should consider make additional regulations under Section 37 of the Fire Services Act in relation to certain categories of large scale or high risk premises where large numbers of the public can be present. These regulations would provide for:**

- **Preparing and keeping a Fire Safety File in respect of the premises which records the fire safety strategy on which the building is designed and constructed.**
- **Having evacuation procedures in place which are exercised periodically;**
- **Having staff on the premises trained in respect of their roles in fire safety and evacuation;**
- **Having an appropriate working fire detection and alarm system in the premises;**
- **Providing and maintaining proper escape routes from all parts of the premises;**
- **Ensuring doors on escape routes are readily openable, without use of a key;**
- **Providing emergency lighting appropriate for the scale and use of the building; and**
- **Keeping a fire safety register in respect of the maintenance of the premises and its fire protection facilities and the fire safety roles of staff and their training and evacuation procedures and drills.**

**The National Directorate for Fire and Emergency Management should develop and publish a guide to preparing a Fire Safety Assessment.**

**Fire Safety Assessments should be prepared only by those with appropriate qualifications and experience and who are registered with Chartered Member status in one of the appropriate professional institutions.**

## **11 Implementation Issues**

### **11.1 Introduction**

This report sets out a series of significant recommendations which, if accepted, will need to be carried through. This Chapter addresses anticipated issues associated with implementation of these recommendations.

While difficulties can be anticipated in implementing the 63 recommendations in the Report, the Task Force members believe that the goal of fire safety is both necessary and achievable and that the prize of enhancing fire safety in vulnerable sectors of society makes it essential to carry through.

### **11.2 A Governance and Working Structure**

An appropriate Governance and Working Structure is necessary for the Implementation phase. It is recommended that the National Directorate for Fire and Emergency Management in the Department of Housing Planning and Local Government is the appropriate location and has the necessary established record of collaborative working which will be required to successfully implement the recommendations of this Report.

The Management Board of the National Directorate, which oversaw the previous national safety campaign on Traveller Accommodation, should be tasked to carry through the accepted recommendations of the Report. The Management Board, at its discretion, could establish a “Fire Safety Sub-Committee”. Progress would be reported to the Minister for Housing, Planning and Local Government by the Management Board of the National Directorate.

As a working structure the Task Force has effectively completed its task. However the two sub-groups established (social housing and medium to high rise buildings) should continue to operate and to report on their respective areas to the Management Board in the manner of “Task and Finish Groups”. Further Task and Finish Groups could be formed to undertake the specific tasks.

It appears to the Task Force that there will be a need to strengthen the core staff of the National Directorate working in the fire safety area to carry forward the significant recommendations in this report. The proposed regulatory changes will also require a significant resource commitment.



### 11.3 Creating National Fire Safety Campaigns

Among the core recommendations of this report is to move to co-ordinated national fire safety campaigns. The implementation of this recommendation in the priority residential sector is seen as being another national fire safety campaign targeted at a specific vulnerable group. This will be co-ordinated and led and reported upon by the National Directorate for Fire and Emergency Management at national level, working with local authorities in relation to their functional areas.

The first such national fire safety campaign was the Programme to Review and Enhance Fire Safety in Local Authority Provided Traveller Accommodation.<sup>10</sup> The review of fire safety in multi-storey, multi-unit social housing and medium to high rise buildings in the aftermath of Grenfell Tower fire, and the collaboration of central and local government in planning, undertaking and reporting these in Chapters 7 & 8 of this report respectively, is another example of the concept of national fire safety campaigns. The experience to date therefore suggests that such campaigns are not just possible, but are effective and appropriate.

It is anticipated that this fire safety campaign, aimed at what are perceived to be vulnerable residential sectors which should be prioritised from a life safety perspective, will require available resources at both national and local level to be re-allocated into this priority sphere in 2018 and 2019.

### 11.4 Next Steps & Assignment of Roles

It is envisaged that the following steps will be needed to achieve the objectives of a national safety programme:

- A Project Initiation Document will be prepared setting out the project plan;
- Appropriate working structures should be maintained and developed as necessary – the Social Housing Sub Group and the High Rise Buildings sub-groups did valuable work and need to continue to oversee work in these respective areas. Other working groups (probably best referred to as Task and Finish Groups) will be added to these two as required to bring together the appropriate expertise for specific tasks;
- Roles will be assigned, with leadership, co-ordination and reporting falling primarily to National Directorate at national level; local implementation tasks being undertaken by local authorities, with the Chief Fire Officer leading, co-ordinating and reporting within the local authority;
- An IT support project to be developed with LGMA – some elements already under consider with SAFIRE Project;
- The current three regional fire service communications centres which are being upgraded into a resilient national infrastructure under the C Trí project will be

<sup>10</sup> National Directorate for Fire and Emergency Management – Report on Programme to Review and Enhance Fire Safety in Local Authority Provided Traveller Accommodation (Sept 2016)

requested to provide a 24 hour call answering service for the public who wish to ring fire authorities with concerns/ queries about fire safety;

- Introduction and Training would be provided for all involved in the system to ensure consistent implementation;
- Relevant guidance will be developed by National Directorate in association with fire services;
- Resourcing implications of proposed work to be considered, including making optimal use of existing resources;
- Continuing to monitor reports and information emerging from the UK as the Grenfell Tower Inquiries progress and consider any necessary actions.

### **11.5 Practicalities of Implementing New Section 37 Regulations**

The introduction of new legal instruments requires consideration. The recommendations in this report relate to secondary rather than primary legislation. This should help make this a more achievable goal. Nonetheless, practical aspects would be expected to arise in making regulations along the lines discussed above.

It is suggested that the envisaged Regulations would be commenced at appropriate stages throughout the remainder of 2018 and into 2019, using the intervening periods to put in place the necessary infrastructure, systems and resources to underpin the requirements of the Regulations.

Any proposal for new primary legislation would be a major undertaking with high degrees of uncertainty associated, but this may prove necessary/ appropriate.

The National Directorate will need to devote considerable resources to the legislative/ regulatory recommendations herein.

### **11.6 National Support for Local Implementation**

The work of the National Directorate has been, heretofore, significantly aimed at supporting local service delivery to achieve the objective of consistency and quality in fire safety and fire services. This involves national support and national service development programmes as well as national guidance and standards which support national policy.

The success of this model is visible and reported fully in the first EVG Report “Local Delivery – National Consistency” (2016). It is perhaps more dramatically visible in the successful collaborative development and operation of the national emergency management system put in place between National Directorate and local authorities after the publication of the Framework for Major Emergency Management (2006). This system was used and further evolved to manage a succession of severe weather and

other emergencies, culminating with the response to ex-Hurricane Ophelia in October 2017 and snow-Storm Emma in March 2018.

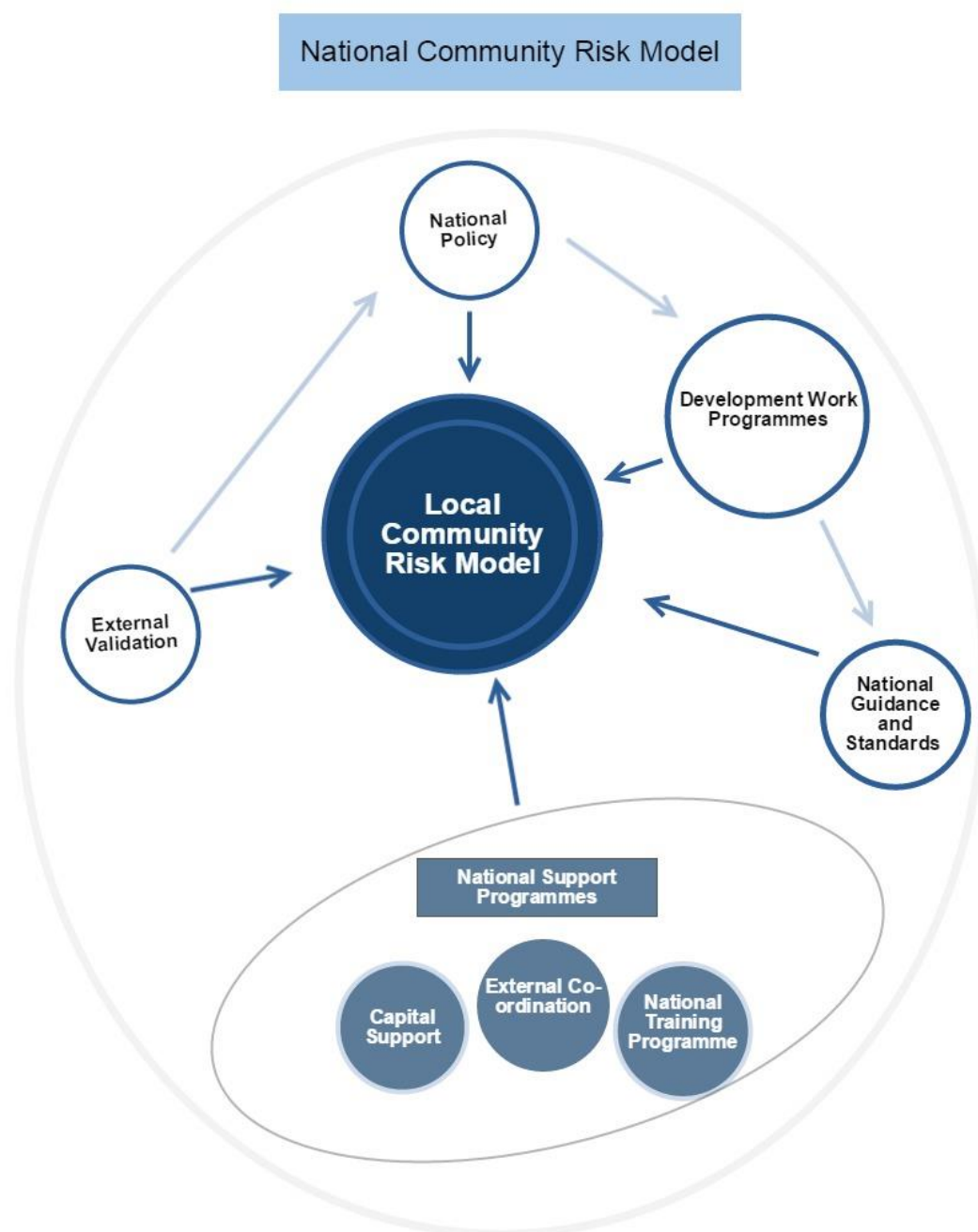
In looking to the National Directorate's future role of leadership and steering the direction of development work in the fire service, a "National Community Risk Model" is proposed which is illustrated in Figure 11.1 below.

This diagram illustrates how national policy, national development work programmes, national guidance and standards and national support programmes (training, capital, co-ordination) can assist in the delivery of the elements of the "Local Community Risk Model" discussed in 11.5 below.

External validation of local authority implementation of safety initiatives is identified as a new process which is a very important part of the feedback loop on the national activity.

The model of leadership and collaboration between central and local government which has been established under the aegis of the National Directorate may be a viable and effective alternative to the calls/recommendations for single focus agencies.

**FIGURE 11.1**  
**ALIGNING THE NATIONAL AND LOCAL EFFORTS FOR SAFETY**



## **11.7 The Local Government Sector**

### **11.7.1 Alignment within Local Government**

Local authorities provide a range of services for their communities. It was viewed as a considerable strength by the Task Force that many of the services which impact on fire safety reside within the local government domain - planning, building control, disabled access, fire services, fire safety, urban development and social housing to name but some of the sections of local authorities.

The Task Force noted the strength and possibilities of this configuration and supports recent suggestions that enhanced co-ordination of the local authority interface with those involved in development and operating buildings would yield benefits all round. What is envisaged is that, for instance, a person wishing to undertake a renovation project of a town centre building could approach the relevant local authority, which would facilitate and co-ordinate the developer to meet relevant regulating sections of the local authority. While all the statutory permissions would still have to be obtained, the developer would be facilitated in bringing forward a desirable project and being dealt with in a timely and co-ordinated fashion by the local authority as an entity rather than as a series of sequential hurdles.

This type of co-ordinated approach is seen as particularly important from a fire safety perspective. For example, it can be very difficult to make existing buildings comply with prescriptive standards and professional judgement will likely dominate rather than code-compliance as the means of demonstrating fire safety.

### **11.7.2 Coherence across elements of Fire Services Work**

During the first round of External Validation Group (EVG) visits, an aspect of good practice that was evident was that many fire services were in the process of joining up individual aspects of fire service activity, for example, the linking of Safety Management Systems with Training, or the linking of statutory Fire Prevention with Pre-Incident Planning. In some cases, a direct link to the initial Area Risk Categorisation process, (ARC) was provided. The EVG report concluded that by putting ARC at the centre of all major strands of fire service activity, efforts in each area can be aligned better with the objective of risk reduction. A “Unified Risk Model”, was proposed as illustrated in Figure 11.2 below to capture what is happening and further embed the risk management approach in Irish Fire Services.

In this approach, the Area Risk Categorisation (ARC) provides the core information for all fire authority risk management activity. The articulation of a “Unified Risk Model” (URM) approach can enhance connections between areas of performance and provide a logic path between all associated areas of activity. The Unified Risk Model proposed can help build consistency across services. It reflects existing best practice, and can integrate Ireland's approach to the identification of risk, and unify policy and

process to manage, reduce and eliminate risk, delivering safer communities across Ireland.

It was suggested in the EVG Report of April 2016 that the ARC process can, and should, be placed at the centre of all aspects of fire service activity to create a unified fire risk management model.

The principle of a “Unified Risk Model” (URM) is to integrate and co-ordinate the various component activities around the Area Risk Categorisation, ARC. For the next iteration of EVG, it was suggested that by aligning component service activity areas, both to the area risk categorisation, and in many cases with each other, a powerful risk management approach, as envisaged in the original Keeping Communities Safe document will be embedded in Irish fire services. In this approach, the Area Risk Categorisation is regarded as the central document to which all others should link, as well as other individual plans being aligned with one, two or three others.

Individual fire services already have developed many of the elements described below, and it is suggested that this approach of building and relating service activities around the ARC can be further incorporated into the next round of ARCs and Section 26 Plans.

The URM approach also fits with the Major Emergency Planning process. The URM can draw from the hazard identification and risk assessment elements of the local authority’s Major Emergency Plan, as well as highlighting the arrangements for inter-service co-ordination and co-operation in the areas of risk mitigation, preparedness & preplanning, training and exercises, response and recovery.

The component parts of the URM may be articulated as follows:

**Operations Plan.** To include response arrangements including fire stations, services and roles, appliances and equipment, mobilising, PDA’s - speed and weight, crewing levels, operational policy, procedures and guidance etc.

**Statutory Fire Prevention Plan.** To include a structured programme of prioritised statutory fire prevention activity, the tempo, nature and frequency of activity, inspections, licensing and during performance inspections, (DPI) etc.

**Community Fire Safety Plan.** To include a priority programme, engagement strategy, targeted activity, demand reduction initiatives, evaluation and assessment criteria. Also to include partner organisations with which the fire service works, initiatives to be undertaken collaboratively, costs and benefits, priorities, innovation and evaluated outcomes.

**Safety Management System.** To include either the local authority Safety Management System or OHSAS (migration to ISO 45,001) accredited plan, cross cutting all activities undertaken throughout the fire authority and within which safety remains a priority issue.

**Training Plan.** To include a localised training needs assessment, incorporating the requirement for training at national, regional and local level, including an on-going station training programme which is responsive, both to the safety management system, and to emerging trends and priorities.

**Pre-Incident Plans.** These plans should set out the character, layout and nature of risk which exists within the authority's area and each fire station area. These plans should identify and prioritise those risks judged to pose the most significant hazards and provide information in a format usable by responding crews. Such plans should be available to crews, pre-arrival, and crews should be involved in visiting priority sites.

The above plans were envisaged as being supported by the following enablers:

**Asset Management Plans.** These plans should include the servicing, testing, maintenance and certification of all equipment, vehicles and property, including the appropriate benchmarking of costs, planned obsolescence and scheduled replacement.

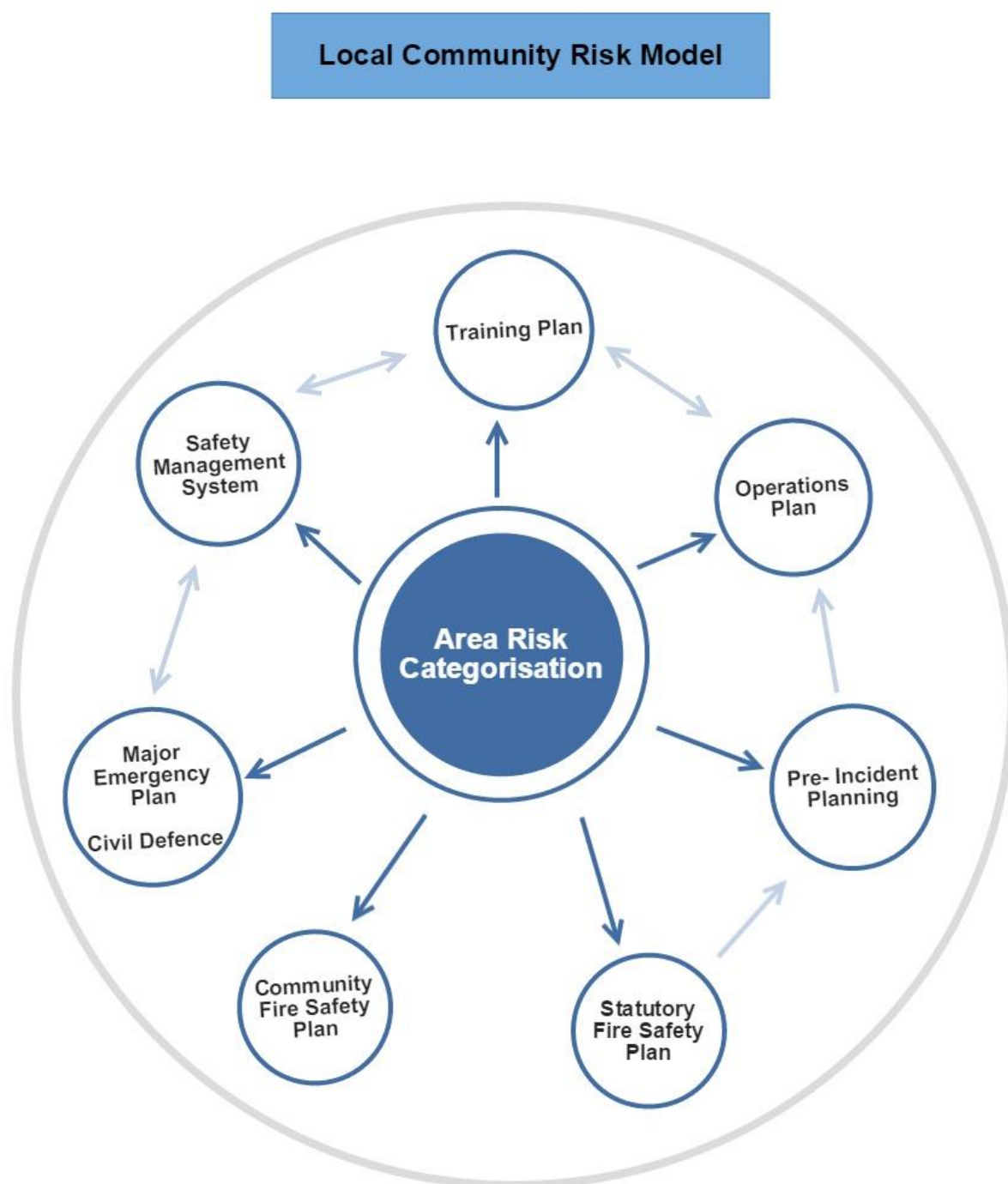
**Quality Assurance Plan.** To include the planned quality assurance of all processes, operations, prevention, training, and to include the establishment of public opinion and their view on the quality of services delivered.

**Communications Plan.** To include an assessment of the system of sharing information, internal discussion processes, talking and listening, open forum discussions, employee opinion and representation and influence, external messaging and public engagement.

**Performance Plan.** To include the identification of service priorities, the adoption of standards and targets, the management of information, the publishing of measured outcomes and the analysis behind achievement or non-achievement of goals.



**FIGURE 11.2**  
**THE UNIFIED RISK MODEL**



### 11.7.3 Resourcing

An overview of the resources which local authorities allocate directly to run their fire services each year was given in Section 4.2.

Local authorities provide a range of services for their communities. It was viewed as a considerable strength by the Task Force that many of the services which impact on fire safety reside within the local government domain - planning, building control, disabled access, fire services, fire safety, urban development and social housing to name but some of the sections of local authorities. In addition to fire related services they provide, local authorities are also centrally involved in preparation for and response to major emergencies of all kinds. In the case of the four Dublin local authorities, this includes a fire based emergency medical or ambulance service. The possibility of retained fire services providing a first response to assist the National Ambulance Service without diminishing their fire service capability is under active consideration. The abilities of fire-fighters to assist/attend to medical emergencies enhances the overall capacity to respond to incidents involving significant numbers of casualties.

This report is recommending a range of measures which, if adopted, will require resourcing both within local authorities and at national level.

The effectiveness of all current expenditure programmes in fire services needs to be reviewed periodically, with a view to further development of appropriate services and enhancing safety outcomes for resources deployed. This Report, with its multiple recommendations, provides an opportunity to undertake such a review to identify where additional resources may be needed and to provide a strategic management view about where existing resources can be used more effectively for the objective of public safety. It is appropriate that a greater proportion of resources is used in the fire protection field into the future, while maintaining the current 'contingent' fire service response capability.

#### **Overview/ Conclusions:**

**While difficulties can be anticipated at implementation stage, the Task Force believes that it is essential to carry through the recommendations in this report if the goal of enhancing fire safety in vulnerable sectors of society is to be achieved.**

**The Programme to Review and Enhance Fire Safety in Local Authority Provided Traveller Accommodation in 2016, together with the review of fire safety in social housing and medium to high rise buildings described in this report, are examples of the collaboration of central and local government in planning, undertaking and reporting national fire safety campaigns. The experience to date therefore suggests that such campaigns are not just**

possible, but are effective and appropriate.

The work of the National Directorate has been, heretofore, significantly aimed at supporting local service delivery to achieve the objective of consistency and quality in fire safety and fire services. The success of this model is visible and reported fully in the first EVG Report “Local Delivery – National Consistency” (2016). It is also visible in the successful collaborative development and operation of the national emergency management system put in place and which was used to manage a succession of severe weather and other emergencies, culminating with the response to ex-hurricane Ophelia in October 2017 and snow-storm Emma in March 2018.

The National Directorate for Fire and Emergency Management will need to devote considerable resources to the legislative/ regulatory recommendations herein.

A “National Community Risk Model” is proposed which illustrates how national policy, national development work programmes, national guidance and standards and national support programmes (training, capital, co-ordination) can assist local authorities in the delivery of the elements of the “Local Community Risk Model”.

External validation is a valuable process initiated in 2014 by the National Directorate for Fire and Emergency Management which is a very important part of the feedback loop for national fire risk management activity.

The model of leadership and collaboration between central and local government, which has been established under the aegis of the National Directorate for Fire and Emergency Management offers a viable and effective alternative to the calls/ recommendations for establishing single focus agencies.

Local authorities provide a range of services for their communities. It was viewed as a considerable strength by the Task Force that many of the services which impact on fire safety reside within the local government domain - planning, building control, disabled access, fire services, fire safety, urban development and social housing to name but some of the sections of local authorities. In addition to fire related services they provide, local authorities are also centrally involved in preparation for and response to major emergencies of all kinds. In the case of the four Dublin local authorities, this includes a fire based emergency medical or ambulance service. The possibility of retained fire services providing a first response to assist the National Ambulance Service without diminishing their fire service capability is under active consideration. The abilities of fire-fighters to assist/attend to medical emergencies enhances the overall capacity to

**respond to incidents involving significant numbers of casualties.**

**This report is recommending a range of measures which, if adopted, will require resourcing both within local authorities and at national level.**

### **Recommendations**

**An implementation structure is required which will lead and co-ordinate national fire safety campaigns aimed at what are perceived as the vulnerable residential sectors, and these should be prioritised from a life safety perspective. These fire safety campaigns will require available resources at both national and local level to be re-allocated into this priority sphere and augmented in 2018 and 2019.**

**Local authorities should work in an integrated fashion in exercising their various regulatory aspects on projects such as planning, building control and fire safety.**

**The process of joining up individual aspects of fire service activity in a form of a “Local Community Risk Model” or “Unified Risk Model” is recommended to further embed the risk management approach in Irish Fire Services.**

## **LIST OF APPENDICES**

**Appendix A – Fire Safety Task Force - Terms of Reference**

**Appendix B – Fire Safety Task Force – Members**

**Appendix C – Fire Safety Task Force – Meetings**

# **APPENDIX A**

## **FIRE SAFETY TASK FORCE**

### **TERMS OF REFERENCE**

The following are the Terms of Reference for the Fire Safety Task Force arising from consideration of drafts and discussions at the initial meetings of the Task Force.

1. To identify and consider urgently issues which could impact on life safety in Ireland in the aftermath of the Grenfell Tower fire of 14 June 2017 and, where considered necessary, to initiate appropriate remedial action through the bodies with relevant responsibility and to oversee and provide an interim report on this task by end September 2017;
2. To appraise existing arrangements and systems for fire safety, and related issues which impact on fire safety, in Ireland and to assemble base-line descriptions and information which underpin analysis of fire safety and to prepare a Report, with proposals for change if considered necessary, for submission to the Minister for Housing, Planning, and Local Government at the end of Quarter 1 of 2018;
3. To monitor information and material relating to the Grenfell Tower fire emerging from England and to consider if/ how such information should be incorporated into fire safety in Ireland.

## APPENDIX B

### MEMBERS OF FIRE SAFETY TASK FORCE

Name	Organisation	Position
Seán Hogan	D/HPLG & NDFEM	Chair Task Force and National Director NDFEM
Brian Sweeney	Management Board, NDFEM	Former CFO, Strathclyde Fire & Rescue
Catherine Kelleghan	OPW	Principal
Dave Carroll	Tipperary Fire Service & Chief Fire Officers Association (CFOA)	CFO Tipp and Chair of CFOA
John Barry	D/HPLG	SAFA, NDFEM
Eamon O'Boyle	Eamon O'Boyle & Associates, Fire Safety Consultants	Principal
David Hannigan	D/HPLG	AP, Building Standards
John Mulholland	Laois Co Co & City and County Management Agency (CCMA)	CE Laois and Chair CCMA Sub-Committee
Fearghal Reidy	Local Government Management Agency (LGMA)	Senior Executive
Conor O'Sullivan	D/HPLG	AP, NDFEM
Fiona Quinn*	D/HPLG	A/ Sec, Corporate and Business Support Division
Mary Hurley	D/HPLG	A/ Sec, Social Housing Division
Nina Murray**	D/HPLG	Principal, Social Housing Division
Pat Fleming	Dublin Fire Brigade	Chief Fire Officer
Roisin Heuston	D/HPLG	Communications Section
Peter Bluett	Bluett & O'Donoghue Architects	Principal
Sarah Neary	D/HPLG	Principal Adviser, Building Standards
Tom Daly	SIPTU	District Officer, DFB
Eamonn Smyth	D/HPLG	Inspector, Building Standards

\* Replaced by Mr Paul Lemass, A/Sec, Local Government Division

\*\* Replaced by Ms Emer Connolly, Principal Officer, who has been replaced by Ms Sinead Kehoe, Principal Officer.

\*\*\* Replaced by Ms Paula Butler, Asst. Chief Exec, LGMA



## APPENDIX C

### FIRE SAFETY TASK FORCE

#### MEETINGS OF THE TASK FORCE

Meeting No	Date	Time	Venue: Custom House
1	12 <sup>th</sup> July 2017	14.00	Custom House
2	26 <sup>th</sup> July 2017	11.00	Custom House
3	16 <sup>th</sup> Aug 2017	11.00	Custom House
4	30 <sup>th</sup> Aug 2017	11.00	Custom House
5	13 <sup>th</sup> Sept 2017	11.00	Custom House
6	27 <sup>th</sup> Sept 2017	11.00	Custom House
7	21 <sup>st</sup> Nov 2017	11.00	National Emergency Co-ordination Centre
8	15 <sup>th</sup> Dec 2017	11.00	Custom House
9	25 <sup>th</sup> Jan 2018	14.15	Custom House
10	22 <sup>nd</sup> Feb 2018	11.00	National Emergency Co-ordination Centre
11	26 <sup>th</sup> April 2018	14.30	Custom House
12	3 <sup>rd</sup> May 2018	14.30	Custom House



An tSúiríocht Náisiúnta um Bainistíocht Dóiteáin agus Éigeandála  
National Directorate for Fire and Emergency Management

...cation

Department of Housing, Planning and Local Government  
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