

Policy and Sustainability Committee

10:00am, Thursday, 10 June 2021

Council Fire Safety Policy 2021-24

Executive/routine	Routine
Wards	
Council Commitments	

1. Recommendations

- 1.1 It is recommended that the Policy and Sustainability Committee approves the Council Fire Safety Policy 2021-24.

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Council Fire Safety Policy 2021-24

2. Executive summary

- 2.1 This revised policy reconfirms the position of The City of Edinburgh Council with regards regulatory compliance with Scottish fire law and guidance. It also incorporates the Scottish Government response to the Grenfell Tower Inquiry Phase 1 recommendations, bringing in domestic property directly within the scope of the Council's Fire Safety Policy.

3. Background

3.1 Non-domestic Property

In 2005 the regulatory arrangements for fire safety in Scotland changed by the enactment of the Fire (Scotland) Act 2005 by the Scottish Government. The main purpose of this Act was to deliver a modernised fire and rescue service that can respond to the particular demands of the 21st century and contribute to building a safer Scotland.

- 3.2 Fire safety duties for the majority of **non-domestic** premises in Scotland are set out in part three of Fire Scotland (2005) Act and supplementary Fire Safety (Scotland) Regulations 2006.

Non-domestic premises are defined as:

- all workplaces and commercial premises;
- all premises the public have access to; and/or
- all types of houses in multiple occupation.

- 3.3 The regulations set out how fire safety should be managed by employers (duty holders). Essentially, by conducting suitable and sufficient fire risk assessments, underpinned by sector specific guides, employers would ensure that the buildings in which they reside, and the activities therein, were compliant with the relevant fire guidance. The Scottish Fire and Rescue Service became the enforcing authority for these regulations and have supported businesses positively to manage the risk from fire.

3.4 Domestic Property

On 14 June 2017 a fire broke out at Grenfell Tower, a 24-storey residential housing block in North Kensington, London tragically resulting in the deaths of 72 people. Prime Minister Theresa May immediately announced that there would be a formal Inquiry into the tragedy. The Inquiry, Chaired by Sir Martin Moore-Bick, opened on

14 September 2017 and has two distinct phases; Phase 1 focused on the factual narrative of the event - completed 30 October 2019, with Phase 2 of the Inquiry (currently underway) examining the causes of the events of the fire, including how Grenfell Tower came to be in a condition which allowed the significant fire spread and the subsequent loss of life.

- 3.5 The Scottish Government produced a response to the 46 recommendations from the Phase 1 report and acknowledged that, whilst Scotland has its own fire safety, building standards and housing legislation, there is also much similarity in principles and general approach to fire safety.
- 3.6 Two significant domestic fire guides were introduced by the Scottish Government to supplement existing fire legislation and Housing Acts to further promote fire safety in the community.
- 3.7 This newly designed Council Fire Safety Policy incorporates these new fire safety standards necessary to achieve as a landlord / owners / manager of domestic (residential) property of all types, but in particular high rise¹ and existing specialised housing and similar premises².

4. Main report

- 4.1 This City of Edinburgh Council Fire Safety Policy replaces the existing Fire Policy giving greater support to designated 'duty holders' in terms of specialist fire safety advice and guidance. The policy also extends domestic landlord fire safety responsibilities reflecting current fire legislation, Housing (Scotland) Acts and recently published domestic fire safety guides from the Scottish Government.

5. Next Steps

- 5.1 This revised policy will be brought to the attention of all employees along with additional support information for duty holders.

6. Financial Impact

- 6.1 There will be additional cost to provide suitable and sufficient fire risk assessments in both the domestic and non-domestic building portfolios and the provision of additional competent fire advisers to ensure regulatory compliance in accordance with Scottish fire law and the City of Edinburgh Council Internal Audit recommendations for Fire³.
- 6.2 Work will be undertaken within Directorates to ensure that such costs are maintained within existing budgets wherever possible, whilst ensuring compliance with the relevant requirements designed to achieve the protection of safety.

¹ Practical fire safety - existing high rise domestic buildings: guidance - updated March 2021 [Link]

² Practical fire safety for existing specialised housing and similar premises [Link]

³ The City of Edinburgh Council, Internal Audit, 'Life Safety' CW1910 (14.10.2020)

7. Stakeholder/Community Impact

- 7.1 By adopting this policy, the Council will be ensuring both employees and services users who resort to our buildings are safe, so far as is reasonably practicable, from the risk of harm from fire.
- 7.2 Consultation and engagement has taken place with recognised Trade Unions and relevant changes made.
- 7.3 Consultation and engagement has taken place with Directorates and Divisions and associated management teams, and relevant changes made.
- 7.4 There are no negative equality or sustainability issues arising from this Policy.

8. Background reading/external references

- 8.1 The Fire (Scotland) Act 2005 [\[Link\]](#).
- 8.2 The Fire Safety (Scotland) Regulations 2006 [\[Link\]](#).
- 8.3 The Dangerous Substances and Explosive Atmospheres Regulations 2002 [\[Link\]](#)
- 8.4 Civic Government (Scotland) Act 1982 [\[Link\]](#)
- 8.5 Housing (Scotland) Acts [\[Link\]](#)
- 8.6 Grenfell Inquiry, phase 1 recommendations: Scottish Government Response (29th October 2020) [\[Link\]](#).

9. Appendices

- 9.1 Appendix 1 - City of Edinburgh Council Fire Safety Policy 2021-24

Council Fire Safety Policy

Implementation date: 10 June 2021

Control schedule

Approved by	Policy and Sustainability Committee
Approval date	10 June 2021
Senior Responsible Officer	Dr Stephen S. Moir, Executive Director of Resources
Author	Robert H. Allan, Interim Health and Safety Senior Manager
Scheduled for review	10 June 2024

Version control

Version	Date	Author	Comment
0.1	28 Mar 2017	Susan Tannahill	The existing Corporate Fire Safety Policy will be superseded.
0.2	15 May 2018	Susan N. Tannahill	Amendment to Policy Statement in 1.1.
0.3	(see above) 2021	Robert H. Allan	The existing Council Fire Safety Policy will be superseded.

Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
28 Mar 2017	Corporate Policy and Strategy Committee	Council Health and Safety Policy	See link to report
15 May 2018	Corporate Policy and Strategy Committee	Council Health and Safety Policy	See link to report
14 May 2019	Corporate Policy and Strategy Committee	Business Bulletin	See link to report

Council Fire Safety Policy

1.0 Introduction

- 1.1 Fire is recognised as a major threat to the safety of employees, service users and the activities of the Council. An outbreak of even a small fire creates significant risk to life and property, damage to the environment and may compromise our community service activities.

The City of Edinburgh Council will ensure, so far as is reasonably practicable, that the risk associated with fire will be managed in compliance with:

- The Fire (Scotland) Act 2005;
- The Fire Safety (Scotland) Regulations 2006;
- The Dangerous Substances and Explosive Atmospheres Regulations 2002;
- The Civic Government (Scotland) Act 1982;
- The Housing (Scotland) Acts; and
- other relevant legislation and/or guidance.

2.0 Policy Aims

- 2.1 The primary aim of this fire policy is to ensure the health, safety and wellbeing of employees and other persons from the risk of harm from fire. This aim will be met by the provision and implementation of a robust fire safety framework securing management and duty holder/employee control, fire risk assessment and audit/review, applying the appropriate fire safety measures and delivering appropriate training/instruction for persons within the relevant premises.

3.0 Scope

- 3.1 This Fire Safety Policy is designed to protect the health, safety and welfare of all employees, service users and other relevant persons and is applicable to the management of fire safety where the council has direct responsibilities as owners, occupiers, or managers of both domestic and non-domestic premises, as appropriate. It is applicable across all sites and activities, *whether temporary or permanent*, and should be read in conjunction with the Council Health and Safety Policy and supporting Council fire safety guidance notes.

4.0 Roles and Responsibilities

- 4.1 The Council shall organise its fire safety arrangements around existing organisational governance and assurance structures and will ensure the provision of robust leadership and management systems, with clearly defined roles and responsibilities, for fire safety risks.

4.2 The City of Edinburgh Council

The Council and its elected members, as the governing body and employer, have the overall statutory responsibility for occupational health and safety, including fire safety within the Council. Members individually and collectively have a duty to consider fire safety in the course of approving strategy/policy and reviewing the Council's occupational health, safety and fire performance.

4.3 Chief Executive and Corporate Leadership Team

The Chief Executive has delegated authority from the City of Edinburgh Council for the delivery, management and performance of this fire safety policy and is supported in this by the Executive Directors who form the Council's Corporate Leadership Team (CLT), along with other relevant officers who attend that group.

Additionally, the Chief Executive and the CLT will:

- a) implement and endorse this policy as a visible demonstration of ownership and ensure its values are appropriately communicated throughout the organisation;
- b) agree how this policy will be measured, monitored and reported through the setting of appropriate key performance indicators and to review such performance data, celebrating achievement and taking corrective action where targets are not being met;
- c) allocate suitable resources for the proper management of fire safety;
- d) ensure emergency procedures encompass all relevant fire safety related risks; and,
- e) review fire safety performance on an annual basis and share such results with relevant staff.

4.4 Premises/site Fire Safety Duty Holder

The most senior manager/employee within the Service Area e.g. Head Teacher, Care Home Manager, Depot Manager, etc. (or by local agreement) shall be the designated '*Duty Holder*' within the definition of the above legislation. In Council operated multi-occupied premises/sites, in addition to their normal managerial responsibilities, the most senior manager with the largest number of staff on site (or selected by collective agreement) shall be nominated the duty holder responsible for the co-ordination and co-operation of fire safety responsibilities, as appropriate, of cross service area/third party boundaries in the premises or site.

The duty holder is responsible for local (day to day) fire safety arrangements within the relevant premises/site and shall be assisted, as appropriate, by competent persons to;

- a) undertake and review fire risk assessments;
- b) maintain inherent fire related systems, i.e., the testing and maintenance of fire alarm systems, portable fire extinguishers, fire doors etc. in accordance with the relevant British Standard of manufacturer's guidance;
- c) ensure suitable and sufficient emergency arrangements and actions in the event of fire or evacuation (including appointment of fire wardens, production of personal emergency evacuation plans for vulnerable colleagues or visitors, etc.);
- d) conduct quarterly workplace health and safety inspections (which include fire safety audit points);

- e) provide information, instruction and training, including fire safety training, periodical fire evacuations drills – minimum two per year (termly in schools), etc.;
- f) maintain fire safety records (a fire safety logbook shall be used for this purpose); and.
- g) report any fire safety adverse events, including false alarms, on the Council adverse event reporting system¹.

4.5 Head of Property and Facilities Management

In compliance with the Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006 the Head of Property and Facilities Management shall support Council 'duty holders' of relevant buildings and sites (non-domestic) by;

- a) undertaking and providing competent fire risk assessments (including supporting reviews) of relevant buildings taking into account such measures as to;
 - reduce the risk of fire and its spread;
 - secure, at all material times, the means of escape from relevant premises can be safely and effectively used;
 - ensure there is adequate means of fighting fires;
 - detect fires and giving warning in the event of fire;
 - ensure procedures/arrangements for action to be taken in the event of fire are in place;
 - the appropriate instruction and training of employees and for mitigation of the effects of fire; and
 - such other measures in relation to relevant premises as may be prescribed;
- b) providing, maintaining and testing all active and passive fire safety measures within relevant buildings in accordance with the relevant British/European Standards or manufacturers instruction;
- c) ensuring full compliance with the Gas Safety (Installation and Use) (Amendment) Regulations 2018 for the installation, servicing, maintenance or repair of gas appliances and other gas fittings;
- d) ensuring full compliance with the Electricity at Work Regulations 1989 and the requirements for Electrical Installations, IET Wiring Regulations, Eighteenth Edition, BS 7671:2018;
- e) maintaining a central record of fire risk assessments (including reviews) and providing a copy to the duty holder to be held on site;
- f) conducting assessments (including DSEAR²) of premises or sites with hazardous substances or gases and undertaking the required measures / actions to ensure regulatory compliance, as appropriate.

The Head of Property and Facilities Management will secure competent staff (Fire Safety and Accessibility Advisers) to secure compliance with the above (see 4.10 below).

¹ SHE Assure Health and Safety Adverse Event reporting system 2021

² The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) are concerned with preventing or limiting the harmful effects of fires, explosions and similar energy-releasing events and corrosion to metals.

4.6 Head of Place Development

The Head of Place Development is responsible for all Council operated and/or owned domestic and other specified residential property.

- a) The Scottish Building Regulations apply to new building work, such as the erection of a new block of flats, extension of an existing block, buildings being converted to flats or alterations to the building. They impose requirements in respect of various fire safety measures including means of escape, structural fire precautions, smoke control, automatic fire suppression and facilities for the fire and rescue service. Once in ownership/control of the Council the undernoted part b) will then apply.
- b) In existing domestic/other residential building types under the control of the Head of Place Development will ensure compliance with the;
 - the Fire Safety (Scotland) Regulations 2006 (where the Council is the duty holder - the common areas of high-rise domestic buildings, etc. and any facilities, equipment and devices provided for the use by or protection of firefighters, are maintained in an efficient state, efficient working order and in good repair);
 - the Housing (Scotland) Act 1987 (S86) (requiring that all dwellings, regardless of tenure, must have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire);
 - the Housing (Scotland) Act 2006 (requiring inspection and testing of electrical installations in private rented housing);
 - other relevant legislation or local fire safety licensing requirements;
 - Gas Safety (Installation and Use) (Amendment) Regulations 2018 for the installation, servicing, maintenance or repair of gas appliances and other gas fittings; and
 - Electricity at Work Regulations 1989 and the requirements for Electrical Installations, IET Wiring Regulations, Eighteenth Edition, BS 7671:2018.
- c) Whilst not legally required, fire risk assessments and annual reviews will be undertaken in high rise buildings to determine if existing fire safety measures are adequate or if more requires to be done. Fire safety measures include not just physical measures, but also standards of management and person-centred³. Records of such assessments shall be held on site, where appropriate, and centrally stored.
- d) The Head of Place Development will make suitable arrangements to ensure appropriate liaison with the Scottish Fire and Rescue Service to visit high-rise domestic buildings for the purposes of obtaining information so that operational crews can become familiar with the features of the building, including access, availability of water for fire-fighting, and fire-fighting facilities such as firefighting lifts and rising fire mains. These visits are invaluable as pre-planning for an emergency.
- e) Staff who manage high-rise domestic buildings will undertake regular fire safety inspections to identify fire safety / maintenance issues and the presence of combustible substances/or materials (waste, furniture etc.) which might obstruct egress from and access to the property in the event of fire⁴.

³ Practical fire safety guidance for existing specialised housing and similar premises [\[Link\]](#)

⁴ The Civic Government (Scotland) Act 1982 section 93

The frequency of fire safety inspections may vary, depending on how successfully standards are being maintained within a setting. More frequent inspections are likely to be necessary in high rise domestic buildings where there are concerns about anti-social behavior and a consequent threat of fire raising, or where a 'managed use' policy applies to the common areas.

- o The Head of Place Development shall secure competent staff (Fire Safety Advisers) to secure compliance with the above (see 4.10 below).

4.7 Other Relevant Heads of Services

Heads of Service who temporary lease Council building assets to third parties (or make other similar arrangements), e.g. school evening lets, etc. will ensure all duty holder roles and responsibilities are suitably and sufficiently discharged for the period of any let.

4.8 Health and Safety Senior Manager

The Council Health and Safety Senior Manager will provide competent fire safety advice and second line assurance to all Council areas, as required. To facilitate this, a competent Corporate Fire Safety Adviser will be provided within Corporate Health and Safety.

Additionally, the Council Health and Safety Senior Manager, in association with the Corporate and Directorate Fire Safety and Accessibility Advisers (and other relevant persons), will form an 'Unwanted Fire Alarm Signal' (UFAS) intervention group whose purpose will be to examine UFAS metrics and determine suitable mitigation strategies, with relevant duty holders (and others), to reduce UFAS occurrences.

4.9 Corporate Fire Safety Adviser

A Council Corporate Fire Safety Adviser shall be appointed and provide competent fire safety advice and guidance to the Council. Reporting directly to the Health and Safety Senior Manager, the Corporate Fire Safety Adviser will;

- a) ensure the provision of a professional fire safety and accessibility advisory service to the Council;
- b) carry out fire risk assessments and reviews, as required;
- c) conduct fire investigations as part of the adverse event reporting procedures;
- d) review fire evacuation, fire alarm tactical management, fire incident review procedures and managing down unwanted fire alarm activations;
- e) support access and egress strategies for vulnerable or disabled people working in, or visiting, Council premises;
- f) provide sector specific fire guidance, instruction and training, as required;
- g) conduct fire assurance audits to a predetermined annual schedule;
- h) provide support to the Council's Resilience team, as required; and
- i) maintain and develop relationships with relevant enforcing authorities, recognised Trade Unions and other stakeholders, as appropriate.

4.10 Directorate Fire Safety and Accessibility Adviser(s)

To ensure competent operational fire advice and guidance within appropriate Directorates, relevant Heads of Service shall employ a suitable number of Fire Safety and Accessibility Advisers - competent professionals in all areas of fire safety. These Fire Safety and Accessibility Advisers shall, as a minimum;

- a) support the development and delivery of a structured fire safety improvement programme to assist in ensuring that the Council meet its legal requirements;
- b) undertake fire safety risk assessments and inspections to identify non-compliances, and recommend improvement works to ensure statutory compliance;
- c) prepare and submitting a prioritised annual programme of remedial and improvement works across the Directorate property portfolio;
- d) maintain a database on fire safety information in relation to fire protection in buildings, including details of inspections and findings from the Scottish Fire and Rescue Service; and
- e) assist in raising awareness on fire risks across the Council.

4.11 **Line Managers/Supervisors**

Employees that manage staff in any capacity are responsible for promoting good fire safety practices in the workplace, challenging inappropriate behaviours and recognising good practices within their teams.

Additionally, line managers/supervisors will support duty holders by ensuring their direct reports and others under their management control;

- a) adhere to, understand and follow the Council Fire Policy and supporting guidance documents;
- b) receive fire safety training in accordance with their specific training needs, and ensure that records are maintained;
- c) are adequately supervised and monitored to ensure individual and group fire safety; and
- d) report all adverse events or conditions, including unwanted fire alarms signals on the Council adverse event reporting system.

4.12 **All Employees**

Everyone has a responsibility for their own health and safety, as well as that of others who may be affected by their work, acts or omissions. Everyone has the right not to proceed with any activity if they feel it poses a danger to their safety or that of others, and they must immediately raise their concerns with their line manager.

Employees shall:

- a) take reasonable care of themselves and co-operate with the Council on fire safety matters;
- b) carry out their work safely and in accordance with this Policy, protocols, local arrangements/procedures or any relevant legislation;
- c) follow the requirements of the building/site fire risk assessment and pre-determined emergency fire evacuation plan;
- d) do not interfere with or misuse any equipment provided for the purposes of fire safety;
- e) use equipment only for its intended purpose and report any faulty, damaged or unsafe equipment to their line manager/supervisor;
- f) report any personal injury and work-related ill health, and accident or incident (including 'near misses) immediately to their line manager, and assist with any subsequent investigation, including co-operating fully with the provision of witness statements and any other evidence that may be required;
- g) undertake fire safety training and induction, when required;

- h) on discovering a fire, raise the alarm - if the emergency alarms sound, leave by the nearest emergency exit and report to assembly points, as per local fire arrangements;
- i) notify their line manager in advance to set up a Personal Emergency Evacuation Plan (PEEP) if they will need assistance or special arrangements to evacuate; and,
- j) bring any breaches of this Policy, protocols or local health and safety arrangements to the attention of their line manager or building/site duty holder.

4.13 Visitor Arrangements

It is important that when visitors to Council buildings that there is adequate information and signage to ensure their fire safety.

Particular attention should be given to visiting vulnerable individuals and groups to ensure adequate arrangements are in place to ensure a safe emergency evacuation (Generic Emergency Evacuation Plans).

4.14 Contractor Management

In addition to 4.10 above, it is the responsibility of the contract owner within the service area to manage and control the activities of contractors.

Specifically, contract owners shall:

- a) ensure that contractors have undergone appropriate and robust checks, and are deemed competent, suitable and fit to undertake work for the Council;
- b) provide contractors with all necessary information, including this fire safety Policy and relevant procedures to ensure their safety and the safety of others within the building or site;
- c) Ensure contractors adhere to the local fire arrangements within the building/site and to make such arrangements with the duty holder to maintain these whilst in the building;
- d) ensure that all contractors have provided the necessary health and safety control documents (e.g. health and safety risk assessments, method statements, survey reports, etc.);
- e) plan, resource, manage and supervise the contract, as appropriate, (including operating an access/permit to work, etc. system), proportionate with the level of risk, to ensure contractors do not compromise the means of escape from the building or any active or passive fire system within it;
- f) comply with the requirements of the Construction (Design and Management) Regulations 2015, where appropriate;
- g) ensure that all contractor personnel co-operate with any incident investigation on the part of the Council, including the provision of witness evidence; and
- h) inform their Council contract owner if they have any special need or requirement for their personal safety (relevant protected characteristic) whilst engaging with the Council.

5.0 Implementation

5.1 This Policy supersedes the Council Fire Safety Policy dated 15 May 2018.

5.2 Implementation will be effective from 10 June 2021.

6.0 Integrated Impact Assessment

- 6.1 This policy has been assessed as beneficial to employees and the community with no negative integrated risk impact.

7.0 Risk assessment

- 7.1 Failure to adopt this policy and contents carry the following risks;
- a) non-compliance with Scottish fire legislation and Scottish Government housing law and approved codes of practice and guides, potentially leading to enforcing authority actions and/or criminal and civil litigation.
 - b) failure to:
 - secure employees' fire safety at work;
 - protect non-employees against the fire safety risks arising from work activities;
 - prevent significant building asset loss or damage; and
 - control the keeping and use of explosive or highly flammable or dangerous substances.

8.0 Review

- 8.1 In line with the Council's Policy Framework this policy will be reviewed every three years or more frequently if required or best practice materially changes.