

Report on	Amendments to the Fire and Rescue Service (Northern Ireland) Order 2006.
Date of Meeting	8th May 2018
Reporting Officer	William Wilkinson
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Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To advise Members on the Consultation document on the proposal to make amendments to the Fire and Rescue Service (Northern Ireland) Order 2006 (See Appendix 1).
2.0	Background
2.1	Under current legislation the Fire and Rescue Service has no legal avenue to pursue fire safety irregularities in the common areas of purpose built blocks of flats/apartments. The proposed amendment will make the NIFRS responsible for inspection and enforcement in these common areas.
3.0	Main Report
3.1	<p>It is proposed under the House of Multiple Occupation Act 2016 (HMO) that the operation of the licensing scheme for HMOs will be transferred in April 2019 to local councils. It will therefore be the responsibility of local councils to carry out fire safety inspections of HMO's. It is envisaged that a small number of councils will centrally employ the HMO team, which will cover all HMOs within all 11 Council areas.</p> <p>To facilitate the transfer of powers, The Fire and Rescue Services (Northern Ireland) Order 2006, requires amendment; as legislation currently stands the NIFRS can only delegate powers for fire safety enforcement for a workplace and therefore does not address or include HMOs. It also notes that only fire and rescue officers are authorised to carry out duties with regards to fire safety inspections for workplaces which does not cover HMOs. The proposed amendments to Article 33(3) and 52(1) will address this issue and allow authorised council staff (HMO trained officers) to carry out fire safety inspections on HMOs, which will be now deemed relevant premises.</p> <p>The NIFRS intends to manage delegation for fire safety inspections via an agreed Memorandum of Understanding with each District Council, which will clarify and co-ordinate all roles and responsibilities. It is envisaged nothing in the proposals will change current arrangements until the Department progress the necessary regulations to bring the new licensing arrangements into place and the Chief Fire Officer is assured of the competency of District Councils to undertake fire safety checks in HMOs. The proposed amendments to the current legislation will ease the transfer of powers to Council and</p>

	<p>should have little resource impact on Mid Ulster District Council although additional training of Building Control Officers may be necessary.</p> <p>This consultation document consults on the proposal to make amendments to the Fire and Rescue Service (Northern Ireland) Order 2006. The questions and proposed comments are as detailed below:</p> <p>Q1. Do you agree that the proposed amendments are necessary to achieve the requirements outlined previously? If not please explain why?</p> <p>Yes, the proposed amendments are essential to ensure that the current legislation is adequate to facilitate the transfer of powers to Local Councils. The Fire and Rescue Services (Northern Ireland) Order 2006 requires amendment because as legislation currently stands the NIFRS can only delegate powers for fire safety enforcement for a workplace and therefore does not address HMOs. It also notes that only Fire and Rescue Officers are authorised to carry out duties with regards to fire safety inspections for workplaces which does not cover HMOs. The proposed amendments to Article 33(3) and 52(1) will address this issue and allow authorised council staff (HMO trained officers) to carry out fire safety inspections on HMOs, which will then be deemed relevant premises.</p> <p>Q2. Are the proposed amendment sufficient to achieve the requirements outlined previously? If not please explain why?</p> <p>Yes, however it is essential for an agreed Memorandum of Understanding (MoU) with each District Council to be finalised well in advance of any transfer of powers to clarify and co-ordinate roles and responsibilities to ensure a smooth transition.</p> <p>In addition, the consultation makes reference to common areas in ‘purpose built’ blocks of apartment/flats however it does not appear to address those not purpose built that could be created from a change of use situation such as, a large dwelling converted or offices converted to apartments/flats etc. It is therefore assumed these potential common areas are addressed equally as ‘purposed built’ noted, but further clarity on the wording would be required to ensure capture of these conversions.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Dependent on service delivery arrangements agreed for HMO Regulation
	Human: Dependent on service delivery arrangements agreed for HMO Regulation
	Risk Management: None
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)

5.1	For Members to consider and approve the draft responses to Questions 1 and 2 of the Public Consultation in relation to the Fire and Rescue Service (Northern Ireland) Order 2006 Amendment as detailed above to the Department of Health.
6.0	Documents Attached & References
6.1	Appendix 1 – The Public Consultation on “The Fire and Rescue Services (Northern Ireland) Order 2006 Amendment.