

<b>Report on</b>	Northern Ireland Fire and Rescue Service – Termination of Memorandum's of Understanding
<b>Date of Meeting</b>	9 <sup>th</sup> June 2020
<b>Reporting Officer</b>	William Wilkinson, Head of Building Control

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To advise Members on the termination of Memorandum's of Understanding (MoU) by the Northern Ireland Fire and Rescue Service (NIFRS) with Mid Ulster District Council in relation to the enforcement of The Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations 2010.
<b>2.0</b>	<b>Background</b>
2.1	Following the introduction of The Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations 2010 it had been identified that barriers would have been created with regards to the ability of Councils to effectively carry out the Licensing functions in relation to licensing places of entertainment, cinemas and premises for the purposes of performing civil marriages or civil partnerships.
2.2	As a result, a Memorandum of Understanding (MoU) in respect of licensing was signed by all 26 Councils in 2013. The signing of the MoU enabled Councils to enforce the Fire Safety Legislation on behalf of the NIFRS, thereby ensuring that Licensing Officers could identify and ensure the rectification of non-compliant issues within licensed premises in a timely manner.
2.3	In addition, a MoU was signed in respect of the Fire Precautions (Workplace Regulations (Northern Ireland) 2001) was signed with the Chief Environmental Health Officers Group NI in August 2015.
2.4	From 2018, the Licensing Forum of Northern Ireland had been working with the NIFRS on the revision of the MoU. There had been constructive discussions on the revisions to the MoU which had led to the completion of a revised MoU in November 2019. It was understood that the revised document was awaiting approval from the NIFRS Board.
2.5	During the discussions regarding the revisions of the MoU over the two year period, it had never been indicated that the NIFRS were considering the termination of the MoU.

<b>3.0</b>	<b>Main Report</b>
3.1	On 26 <sup>th</sup> March 2020, written communication was received by Mid Ulster District Council (see Appendix 1) indicating that the NIFRS were proposing to terminate the MoU originally agreed and signed in 2013 on Monday 6 <sup>th</sup> April 2020.
3.2	As a result of communication being returned to the NIFRS by MUDC, a further letter (see Appendix 2) was received from the NIFRS on 23 <sup>rd</sup> April 2020 indicating that the date of termination had been extended to 1 <sup>st</sup> June 2020.
3.3	Further correspondence has been received from the NIFRS on 3 <sup>rd</sup> May 2020 (see Appendix 3) which outlines a "Council Fire Safety Consultation" document which is being proposed to form the basis for statutory consultation regarding the licensing process. The contents of the document have not been discussed or agreed with the 11 Councils. The information specified within the document is required in accordance with The Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations 2010 although with the termination of the MoU the powers to request this information would revert to the NIFRS.
3.4	A letter of response has been forwarded by the Chief Executive of MUDC highlighting the areas of concern with regards to the termination of the MoU's and the subsequent "Council Fire Safety Consultation" Advice Note which the NIFRS has unilaterally developed.
3.5	It is therefore unlikely that the Council would be in a position to forward the detailed information specified within the "The Council Fire Safety Consultations" to the NIFRS due to the changes in the enforcement of the relevant legislation. In many forms the information specified within the "Council Fire Safety Consultation" reflects the information which was specified to be carried out within the MoU which has been terminated.
3.6	Currently, in line with the requirements of the relevant legislation, the annual inspections of the licensed premises as well as the during performance inspections of those premises have ensured that frequent and detailed visits have been carried out on all premises. Within Mid Ulster, during 2019/2020, 330 inspections were carried out on 210 licensed venues with 85 during performance inspections having taken place during the same period.
3.7	It is unlikely that the NIFRS will continue to carry out a similar number of inspections on the fire safety aspect of all licensed venues on an annual basis.
3.8	The termination of the MoU in relation to The Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations 2010 will result in the application process for the Grant, Renewal or Variation of Entertainment licences being elongated and will almost certainly result in a much slower renewal process for licence holders.
3.9	It will also prove much more difficult to process applications for the licensing of one-off events such as those being proposed for a marquee for a weekend where

	the inspection can only be carried out a few hours before the commencement of a function due to the last minute erection and fit-out of the structure.
3.10	In a case where a fire safety contravention is identified while carrying out a during performance inspection, the inspecting officer will no longer have the power to ensure that remedial works are carried out immediately.
3.11	It is envisaged that the Councils across the Province will re-engage with the NIFRS in an attempt to agree a review of the Termination of the MoU or agree a document for consultation between the NIFRS and the Councils as a matter of urgency.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: None
	Risk Management: It is envisaged that the renewal process for entertainment licensing will be lengthened as a result of the termination of the Memorandum of Understanding
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members to note the content of the report and consider if they wish any further action taken following receipt of NIFRS response of 1 <sup>st</sup> June 2020 – Appendix 4.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Correspondence received from the NIFRS on 26 <sup>th</sup> March 2020
6.2	Appendix 2 – Correspondence received from the NIFRS on 23 <sup>rd</sup> April 2020
6.3	Appendix 3 – Correspondence received from the NIFRS on 3 <sup>rd</sup> May 2020
6.4	Appendix 4 - Correspondence received from NIFRS on 1 <sup>st</sup> June 2020