



**Northern Ireland  
Fire & Rescue Service**

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**Chief Fire & Rescue Officer (Interim)**  
Michael Graham

Our Ref: GS/SM/LETS/15776

20 March 2020

Mr A Tohill  
Chief Executive  
Mid Ulster District Council  
Dungannon Office  
Circular Road  
Dungannon  
BT71 6DT

Dear Chief Executive

The purpose of this letter is to inform you that at a meeting of the NIFRS Board on 25 February 2020, NIFRS Board has determined that a series of Memorandums of Understanding (MoU), that have been signed with councils and one other group, are to be terminated with effect from **Monday, 6 April 2020**. The MoUs that will be terminated are listed in Table 1 overleaf.

The background is that during the public consultation, prior to the introduction of The Fire & Rescue Services (Northern Ireland) Order 2006 (The 2006 Order), feedback indicated that arrangements may cause a barrier to the effective performance of councils in relation to their licensing functions, particularly in the context of licensing places of entertainment, cinemas and premises for the purposes of performing civil marriages or civil partnership registrations.

The solution proposed was that the NIFRS Board could delegate powers through a MoU to council licensing officers to enforce the fire safety duties of The 2006 Order in respect of relevant premises, or parts of relevant premises, that require a licence.

In January 2013, a MoU, in respect of licensing, was signed with the 26 district councils, which was prior to the merger to 11 councils. In November 2013, a MoU in respect of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001 was signed with the Chief Environmental Health Officers Group NI and in August 2015, a MoU in respect of building control consultations was signed with Newry, Mourne and Down District Council, but this was not signed with the other 10 councils. These MoUs have created an inconsistency of approach and a review was initiated 12 months ago with a view to strengthening arrangements.

The review highlighted that since the MoUs were signed in 2013, councils' licensing officers have been unable to implement the competency arrangements recommended in '*Competency Framework for Business Fire Safety Regulators*' published by the Chief Fire Officers Association in November 2013.

In May 2018, Dame Judith Hackitt's report titled '*Building a Safer Future - Independent Review of Building Regulations and Fire Safety*' made a series of recommendations in relation to competence, one of which was recommending the National Fire Chiefs Council (formerly the Chief Fire Officers Association) to review the Competency Framework for Business Fire Safety Regulators. An officer from NIFRS is a member of the review team and although the new competency framework is not yet published, it is nearing completion and NIFRS is aware of the content. The framework will require all fire safety enforcing officers to be competent and be trained to a national standard and with a recognised accreditation or professional body.

The review has indicated that it is unlikely that councils will be able to achieve or maintain the new competency requirements recommended by the National Framework which are at a higher standard and require assessment and continuing professional development. It should be noted that NIFRS does not permit new fire and rescue inspecting officers to enforce fire safety legislation until each officer has been trained and assessed as competent.

NIFRS does not believe termination will be a barrier to the effective performance of councils because no such arrangement is in place with any other licences, permits, or certificates issued by a council, for example, in respect of premises used for: HMOs; betting; gaming; amusements; hairdressers; sex establishments; caravan sites; sale of petroleum; or sports grounds.

It is for these reasons the NIFRS Board is terminating the MoU in respect of licensing.

The MoU in respect of building control consultations with Newry, Mourne and Down District Council is being terminated due to the inconsistency across Northern Ireland, in that a MoU is not in place with the other 10 councils and this has had no effect on working arrangements.

The MoU with the Chief Environmental Health Officers Group Northern Ireland is being terminated because councils are responsible for enforcement of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001 and arrangements need to be in place directly between NIFRS and the respective council and not an independent group.

Following the termination of the MoUs, NIFRS will continue to liaise closely in respect of fire safety with respective council departments in all regards and ensure effective working arrangements. Our capability to respond to consultations, queries and joint inspections has significantly increased and we now have 25 fire safety inspectors and 12 fire safety managers in place to assist and enforce fire safety legislation across Northern Ireland. Our website at [www.nifrs.org](http://www.nifrs.org) now contains a series of fire safety technical guides, advice notes and templates which will assist to provide guidance for council officers. In addition, new advice will soon be added, specifically in relation to council fire safety consultation procedures, which will greatly assist your officers.

Should your officers wish to meet to discuss arrangements, Assistant Chief Fire & Rescue Officer Alan Walmsley and Group Commander Geoff Somerville continue to remain available to meet at any time. If required, please contact Geoff Somerville by email at [geoff.somerville@nifrs.org](mailto:geoff.somerville@nifrs.org) to make the necessary arrangements.

I wish to sincerely thank your council licensing officers for assisting to enforce the fire safety legislation during this period and our combined approach has and will continue to make Northern Ireland a safer place for all. I look forward to continuing our joint working in the years ahead.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Graham', with a long horizontal flourish extending to the right.

**Michael Graham**  
**Chief Fire & Rescue Officer (Interim)**

**Table 1 - NIFRS MoUs terminated from 6 April 2020**

<b>MoU Title</b>	<b>MoU Signed With</b>	<b>Signed</b>
Memorandum of Understanding Relating to Co-ordination of Fire Safety Enforcement in Premises Regulated and Licensed by District Councils under The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010	Antrim Borough Council	12/01/2013
	Ards Borough Council	12/01/2013
	Armagh City and District Council	12/01/2013
	Ballymena Borough Council	12/01/2013
	Ballymoney Borough Council	12/01/2013
	Banbridge District Council	12/01/2013
	Belfast City Council	12/01/2013
	Carrickfergus Borough Council	12/01/2013
	Castlereagh Borough Council	12/01/2013
	Coleraine Borough Council	12/01/2013
	Cookstown District Council	12/01/2013
	Craigavon Borough Council	12/01/2013
	Derry City Council	12/01/2013
	Down District Council	19/07/2013
	Dungannon & South Tyrone Borough Council	12/01/2013
	Fermanagh District Council	12/01/2013
	Larne Borough Council	12/01/2013
	Limavady Borough Council	12/01/2013
	Lisburn City Council	12/01/2013
	Magherafelt District Council	12/01/2013
	Moyle District Council	12/01/2013
	Newry, Mourne and Down District Council	26/08/2015
	Newtownabbey Borough Council	12/01/2013
	North Down Borough Council	12/01/2013
	Omagh District Council	12/01/2013
	Strabane District Council	12/01/2013

MoU Title	MoU Signed With	Signed
Memorandum of Understanding Co-operation and Protocols Between Newry, Mourne and Down District Council and Northern Ireland Fire & Rescue Service in Relation to Fire Safety	Newry, Mourne and Down District Council	26/08/2015
Relating to Co-ordination of Memorandum of Understanding Relating to Fire Safety Enforcement Roles for The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010	Chief Environmental Health Officers Group Northern Ireland	05/12/2013





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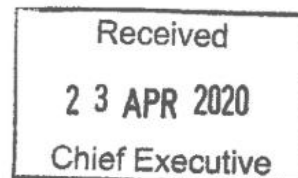
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**Chief Fire & Rescue Officer (Interim)**  
Michael Graham

17 April 2020

Mr A Tohill  
Chief Executive  
Mid Ulster District Council  
Dungannon Office  
Circular Road  
Dungannon  
BT71 6DT



Dear Chief Executive

**Re: Extension of MoU termination date**

In my letter dated 20 March 2020, I wrote to you to inform you that at a meeting of the NIFRS Board on 25 February 2020, it was determined that a series of Memorandums of Understanding (MoU), that have been signed with councils and one other group, are to be terminated.

Please accept my apology for not providing the necessary 30 days' notice; I therefore extend the date of termination from Monday 6 April 2020 to **Monday 1 June 2020**.

Please refer to the original letter for detail on the reasons for termination, the list of MoUs to be terminated and contact details to arrange a meeting, if required, to discuss arrangements. Due to the impact of Covid-19, and until restrictions are lifted, meetings will be facilitated via a conference call.

Yours sincerely

A handwritten signature in black ink, appearing to read "M Graham", followed by a long horizontal line.

**Michael Graham**  
**Chief Fire & Rescue Officer (Interim)**



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**Chief Fire & Rescue Officer (Interim)**  
Michael Graham

Our Ref: GS/SMcC/LETS/15783

1 May 2020

Mr A Tohill  
Chief Executive  
Mid Ulster District Council  
Dungannon Office  
Circular Road  
Dungannon  
BT71 6DT

Dear Chief Executive

**RE: COUNCIL FIRE SAFETY CONSULTATIONS**

The Chief Fire & Rescue Officer wrote to you on the 17 April 2020 to extend the date of termination for a series of Memorandums of Understanding (MoU) that have been signed with councils and the Chief Environmental Health Officers Group Northern Ireland to **Monday, 1 June 2020**.

Following termination, Northern Ireland Fire & Rescue Service (NIFRS) intends to ensure that the working relationships that have been developed over many years between council officers and NIFRS fire safety inspectors continue to operate effectively and consistently.

Opportunities exist to enhance current arrangements and it is NIFRS' desire to identify any gaps that currently exist in fire safety consultation procedures. It is NIFRS' intention, through the accompanying advice note, to ensure procedures are clearly documented and readily accessible to officers from all departments within each organisation.

Work has been completed over previous years to document and develop procedures for the range of fire safety consultations that need to be completed by each organisation. That work involved discussions with the Licensing Forum Northern Ireland, Building Control Northern Ireland, the Chief Environmental Health Officers Group Northern Ireland and Northern Ireland HMO Unit.

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1 May 2020

Mr A Tohill

However, none of the procedures developed are openly visible, or easily accessible, by those who need to be able to reference them on a day-to-day basis and therefore, as new staff are appointed, knowledge is often lost.

Therefore, the intention is to close that gap and improve arrangements by merging all of the developed procedures into a single Fire Safety Legislation Advice Note titled 'Council Fire Safety Consultations' which is attached for your consideration. To ensure the note is widely communicated and to ensure there is clarity for all involved, NIFRS will make it freely available for download from the NIFRS website.

The advice note is divided into five sections; the enhancement this will achieve over previous arrangements is summarised in the table below.

Section	Enhancement
1 – Licensing	Consultation procedures are unaffected and are enhanced by the publication of the simplified procedures. Termination of the MoU ensures clear demarcation of legislative responsibilities and removes the anomaly in that no such arrangement is in place with any other licences, permits, or certificates, issued by a council, for example, in respect of premises used for HMOs; betting; gaming; amusements; hairdressers; sex establishments; caravan sites; sale of petroleum; or sports grounds.
2 - Building Control	Only one MoU had been signed with Newry, Mourne and Down District Council. No arrangement had been made with the other 10 councils. This publication ensures continuity across all councils.
3 - Environmental Health	Procedures were previously described in a MoU with an independent group which did not represent councils. Procedures were not transparent and need to be in place directly with councils.
4 - Houses in Multiple Occupation	Procedures are at the early stage of development with the recently established Northern Ireland HMO Unit. This section can be easily updated when necessary.
5 - Consultation Locations	The fire safety offices operated by NIFRS are listed for ease of approach, including all contact details.



1 May 2020

Mr A Tohill

The proposed advice note will become the sixth in a series. The pathway to the five that are currently published is via [www.nifrs.org](http://www.nifrs.org), then via the 'Business Safety Advice' link, and then via the 'Fire Safety Legislation Advice Notes link.

The advantages of this approach include:

- simplicity and consistency across all councils;
- ease of access to a single document detailing all consultation processes;
- transparency and visibility of consultation processes;
- reduction in administration;
- reviews and amendments can be easily facilitated;
- the process is more sustainable over the longer-term; and
- public information is facilitated.

Following the termination of the MoU, and to ensure continuity of approach, the advice note will be published on Monday, 1 June 2020. In advance, any comments on the content are welcome prior to publication; this may be submitted to [protection@nifrs.org](mailto:protection@nifrs.org) for consideration.

Following publication, the advice note will remain a live document and, as such, the new arrangements will enable it to be easily updated at any time to ensure currency is maintained.

I would welcome your assistance to widely communicate this approach with the relevant officers in your council and I will ensure all of the relevant officers within NIFRS are fully trained on consultation procedures.

Yours sincerely



**Paddy Gallagher**  
**Assistant Chief Fire & Rescue Officer**  
**Director of Service Delivery**

Enc - NIFRS, Fire Safety Legislation Advice Note 006, Council Fire Safety Consultations, Draft Version 5 - 27 April 2020



**Northern Ireland Fire & Rescue Service**  
**Fire Safety Legislation Advice Note 006**

**Council Fire Safety Consultations**

Draft Version 5 - 27 April 2020

The purpose of this advice note is to assist officers from both Northern Ireland Fire & Rescue Service (NIFRS) and councils by describing procedures for fire safety consultations for each of the different remits involved.

Fire safety consultations have been operating successfully for many years and excellent working relationships have been developed between council officers and NIFRS fire safety inspectors.

The aims of this advice note are to build on existing procedures and provide a flexible approach that can easily be amended when updates are required. It will assist to provide openness and transparency and will help to achieve a consistent approach for all the officers involved. In addition, it will ensure knowledge transfer is easily achieved when new officers are appointed into respective remits.

The note is divided into five sections as listed below.

The reason for initiating a consultation may be due to legislative requirements or for goodwill advice. Where necessary, a consultation can be initiated by contacting the appropriate location detailed in Section 5.

<b>Section</b>	<b>Page</b>
1 LICENSING .....	2
2 BUILDING CONTROL .....	4
3 ENVIRONMENTAL HEALTH.....	6
4 HOUSES IN MULTIPLE OCCUPATION.....	12
5 CONSULTATION LOCATIONS .....	13

# **1 LICENSING**

Councils are statutorily obliged to consult with NIFRS and to take into consideration any comments that NIFRS may make in relation to the application for premises that fall within the scope of:

- The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 as amended; and
- The Cinemas (Northern Ireland) Order 1991.

Councils may also wish to consult with NIFRS prior to the issue of any other licence, registration, or certification scheme issued by the council.

## **1.1 Licence Grant or Variation**

Prior to a licence grant or variation, the council will consult with NIFRS and forward copies of:

- the application;
- the maximum permitted occupancy calculated by the council and the methodology used to calculate (Building Regulations Technical Booklet E, Risk Assessment Guide for Small and Medium Places of Assembly; Risk Assessment Guide for Large Places of Assembly or BS9999);
- one set of marked up fire safety plans;
- the fire risk assessment; and
- engineered solution or management strategy (if applicable).

Where copies of the above items have not been received, NIFRS will respond accordingly.

## **1.2 Licence Renewal**

Prior to a licence renewal, the council will consult with NIFRS and forward a copy of:

- the application.

NIFRS will carry out a desktop review of the existing premises file and any additional information provided. A joint inspection or fire safety audit for the renewal of a licence will only be undertaken for a licence renewal where there is clear benefit in doing so.

## **1.3 Acknowledgement**

NIFRS will acknowledge receipt of each consultation received.

## **1.4 Joint Inspections**

The Council Licensing Officer, or NIFRS officer may request a joint inspection (if deemed necessary) with the appropriate persons responsible for fire safety in the premises. The joint inspection should be completed within 28 days from the date of application. During a joint inspection, NIFRS will carry out a full audit of the premises.

Following the inspection, NIFRS will send the appropriate person an audit outcome letter (Broadly Compliant, Notice of Deficiencies, Action Plan, or Enforcement Notice) and provide a copy to the council. NIFRS will always carry out a follow up inspection for an Action Plan or Enforcement Notice and may carry out a follow up inspection for a Notice of Deficiencies.

A joint inspection may not be necessary on all occasions and will generally not be necessary:

- for single storey, simple premises with sufficient exits direct to external air; or
- for temporary structures such as tents or marquees; or
- where the proposed licence variation is minor and can be assessed from the fire safety information provided; or
- for a licence renewal.

## **1.5 Consultation Responses**

NIFRS will aim to provide the council with a consultation response within 28 calendar days from the receipt of a consultation request.

## **1.6 Informing NIFRS of Outcome**

When a licence is granted, varied or renewed, the council should provide NIFRS with a copy of the issued licence.

When a licence is suspended or removed, the council should inform NIFRS.



## **2 BUILDING CONTROL**

### **2.1 Pre-Submission Meetings**

When Building Control receives a request for a pre-submission meeting on a large, complex building or buildings containing engineered solutions, they may advise NIFRS of the request and offer NIFRS the opportunity to take part in the pre-submission meeting.

If the offer is accepted, in advance of the pre-submission meeting, Building Control will forward relevant documentation (where available) to allow adequate time for NIFRS to review the proposal.

Where appropriate, NIFRS and Building Control will meet, prior to any pre-submission meeting, to discuss a joint approach.

### **2.2 Small Commercial/Domestic Building Regulation Applications**

When processing routine domestic applications or small commercial code compliant buildings, it is not necessary for Building Control to share this information with NIFRS. However, there may be circumstances where, due to the large scale of multi-storey apartments, Building Control may forward details of the scheme to NIFRS in order for NIFRS to either pass comment to Building Control for consideration, or become familiar with the proposed fire fighting measures.

### **2.3 Non-Domestic Building Regulation Applications**

Where proposals involve buildings with substantial deviations from the codes or buildings with fire engineered solutions, Building Control may forward relevant documentation to NIFRS which will include a copy of the Building Control comments.

If NIFRS wishes to make comment, this should be done within 14 working days, unless an extended period has been indicated by agreement. Any unresolved issues may result in enforcement action by NIFRS following a fire safety audit after the premises is occupied.

### **2.4 Approval of Plans or Completion of Works**

It is the sole responsibility of Building Control to approve or reject plans and issue Completion Certificates in relation to determining Building Regulations compliance. In doing so, Building Control will give due regard to any comments made by NIFRS.

It is advantageous to NIFRS to have accurate drawings which reflect what has been built in order to aid the development of firefighter safety. Where Building Control has access to 'as-built' plans, a copy should be sent to NIFRS.

## **2.5 Enforcement**

Where NIFRS proposes to issue an Enforcement Notice including a requirement to make an alteration on a relevant premises, the council must be consulted in accordance with Article 37(3)(a). The two parties will endeavor at all times to reach a unified position in respect of the above.

Building Control may inform NIFRS where a Contravention Notice has been served; where the issues relate to fire safety, this will typically be on buildings which are occupied and not works under construction, and prior to the issue of a completion certificate.

## **2.6 Joint Inspections**

There will be occasions, particularly on large or complex projects, where a joint Building Control and NIFRS inspection would be beneficial to aid the smooth transition between the construction phase and occupation of the building. Where this is the case, Building Control or NIFRS may propose a joint inspection on relevant projects at an early stage, prior to occupation.

## **2.7 Reciprocal Notification Arrangements**

Where Building Control becomes aware of unauthorised activity or matters which may impact on the fire safety of people in or about occupied 'relevant premises', they should notify NIFRS.

Where NIFRS becomes aware of unauthorised building works or matters which may require Building Control consultation, they should notify the respective council and advise the owner of the premises to contact the relevant Building Control department.

## **3 ENVIRONMENTAL HEALTH**

### **3.1 Overview**

The 2001 Workplace Regulations were not repealed by the 2006 Order and remain in force.

When the 2001 Workplace Regulations were introduced, they created a change in enforcement duties for NIFRS and for councils.

The 2006 Order made no change to the enforcement roles of councils under the Health and Safety at Work (Northern Ireland) Order 1978, hereafter referred to as the '1978 Order'.

When the 2001 Workplace Regulations were introduced, they required employers to carry out a fire risk assessment. The 2006 Order has extended this requirement and places a responsibility on employers, and persons who have control to any extent over relevant premises, to carry out a fire risk assessment.

The main outcome for enforcing authorities from the enactment of Part III of the 2006 Order in 2010 is that it has restricted the application of the 1978 Order and the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 (as amended) to the extent that it now excludes the control of fire risks (ie, general fire precautions) for enforcement purposes from the main body of health and safety legislation. These provisions are now enforced via the 2006 Order by NIFRS.

Health and safety law is enforced in Northern Ireland by Council Environmental Health Departments and the Health and Safety Executive for Northern Ireland (HSENI), depending on the business activity being carried on.

In general councils are responsible if the business is office based; retail or wholesale; retail or wholesale warehousing; tyre and exhaust fitters; restaurants; take away food shops; mobile snack bars and catering services; hotels; guesthouses; residential homes (but not nursing homes); leisure and entertainment facilities (privately owned); exhibitions; religious places of worship and other associated activities; undertakers; the practice or presentation of the arts, sports, games, entertainment or other cultural or recreational activities; therapeutic and beauty services; and animal care.

HSENI is responsible for other premises.

The following sections provide guidance to ensure consistent enforcement practice and to provide protocols for future liaison between the relevant enforcing authorities.

## **3.2 Enforcement**

In broad terms the division of enforcement concerns on the one hand 'General' and on the other 'Process' Fire Precautions.

Work process is defined by Article 51(3) of the 2006 Order as:

*"all aspects of work involving, or in connection with:*

- (a) the use of plant or machinery; or*
- (b) the use or storage of any dangerous substance".*

The division of responsibilities are described as below.

## **3.3 General Fire Precautions Enforced by NIFRS**

NIFRS is responsible for enforcing the 2006 Order and the 2010 Fire Safety Regulations across all relevant premises.

This is achieved through carrying out audits of relevant premises to confirm legislative compliance in the following areas:

- Fire safety arrangements;
- Elimination or reduction of risks from dangerous substances;
- Means for fighting fire and means for giving warning in the event of fire;
- Means of escape;
- Procedures for serious and imminent danger from fire and for danger areas;
- Additional emergency measures in respect of dangerous substances;
- Maintenance;
- Safety assistance;
- Provision of information to employees;
- Provision of information to employers and the self-employed from outside undertakings;
- Training;
- Co-operation and co-ordination;
- Duties of employees; and
- Maintenance of measures provided in relevant premises for protection of firefighters.

## **3.4 Process Fire Precautions Enforced by Councils**

Process fire precautions include special, technical or organisational measures required to be taken or observed in any workplace in connection with the carrying on of any work process where those measures:

- (a) are designed to prevent or reduce the likelihood of fire arising from such a work process or reduce its intensity; and

- (b) are required to be taken or observed to ensure compliance with any requirement of the relevant statutory provisions within the meaning given by Article 2(2) of the 1978 Order.

Work processes refer to all aspects of work involving, or in connection with the use of, plant or machinery, or the use or storage of any dangerous substance.

### **3.5 Enforcement Overlap**

General Fire Precautions and Process Fire Precautions terms may overlap and affect each other in practice. For example, the provision of firefighting equipment in regard to a specific process may also form part of the General Fire Precautions identified by the employer/responsible person in their fire risk assessment for the workplace and, under certain circumstances, separation or containment of stored materials may be identified in the fire risk assessment as being required either to safeguard the means of escape in the case of fire or for fire prevention and process control or for prevention of fire spread.

In the case of protection of means of escape, enforcement would lie with NIFRS. Issues relating to fire risk assessment regarding all aspects of fire will, in all cases, be enforced by NIFRS under the 2006 Order if it is of the opinion that the fire risk assessment for the premises is not suitable and sufficient.

Fire prevention/process/spread is dealt with by Environmental Health Officers authorised under the 1978 Order.

It should be noted that NIFRS has a duty to give advice, where requested, in both General Fire Precautions and Process Fire Precautions scenarios.

Where enforcement action is being considered, NIFRS and the council should notify and liaise with each other.

The matters listed below are examples which may cause evident concern in relation to general and process fire precautions. Such matters may be self-evident or may be drawn to an inspector's attention, eg, by a safety representative.

The lists are not intended to be exhaustive.

### **3.6 Matters of Evident Concern relating to General Fire Precautions**

1. Fire exits which cannot be easily and immediately opened from the inside, eg, by panic bolts, or other suitable emergency fastening.
2. Significantly obstructed exit doors, passageways, gangways or staircases.
3. Open stairways in multi-storey building containing significant quantities of flammable materials.



4. The keeping of flammable materials in locations or circumstances such that they may prejudice the means of escape in case of fire.
5. Significant breaches of fire-resisting enclosures, such as missing or permanently open fire doors on escape routes.
6. The absence of, or clearly inadequate provision or maintenance of, fire extinguishers or other equipment for general firefighting purposes.
7. Lack of a fire alarm in a large building or in a building where there are significant quantities of explosive or highly flammable materials where the building, or a substantial part of it, is not licensed by HSE under The Explosives Act 1875, or where a fireworks licence has been issued by the Department of Justice.
8. Fire alarms that are not in **full** working order.
9. The absence of, or the inadequacy of, emergency lighting in a building where there are significant quantities of explosive or highly flammable materials where the building, or a substantial part of it, is not licensed by HSE under The Explosives Act 1875, or where a fireworks licence has been issued by the Department of Justice.
10. The absence of, or clearly inadequate, fire routine procedures and staff training in the actions to take in the event of fire.

### **3.7 Matters of Evident Concern relating to Process Fire Precautions**

1. Highly flammable liquids: clearly unsatisfactory conditions of storage or use; lack of control of solvent fume; poor control of sources of ignition; substantial spillages of any highly flammable liquid.
2. Gas cylinders containing flammable gases: clearly unsatisfactory conditions of storage or use; poor control of sources of ignition; substantial escape of any flammable gas.
3. Hot work on vessels which have contained flammables and which have not been adequately cleaned.
4. Flammable gas generation or compression plant situated inside buildings.
5. Substantial quantities of polyurethane foam in workrooms.
6. Excessively dusty conditions involving flammable dusts.
7. Excessive deposits of flammable solids or liquids. Examples include cooking oils and fat in and around extraction ductwork in catering establishments and lubricating oils and grease around machinery.
8. Radioactive substances which are high fire risks: unsatisfactory conditions of storage and use. This category might include certain highly flammable liquids which have radioactive properties.

### **3.8 Liaison**

The enforcement overlaps require close liaison between councils and NIFRS. In particular, the following should be covered by liaison procedures:

1. When District Council inspectors become aware of deficiencies in General Fire Precautions, which are matters of evident concern;
2. Where NIFRS inspectors become aware of deficiencies in Process Fire Precautions, which are matters of evident concern;
3. When the issue of a Prohibition Notice or an Improvement Notice which might affect General Fire Precautions is being considered by a District Council inspector;
4. When the issue of a Prohibition Notice or imposition of a requirement which might affect Process Fire Precautions or any other aspect of safety is being considered by NIFRS; and
5. To meet requirements for consultation as required by legislation.

### **3.9 Council Actions relating to General Fire Precautions**

When Council inspectors become aware of deficiencies of evident concern in General Fire Precautions, NIFRS should be informed as follows:

1. Where an immediate risk to life is suspected, notify NIFRS by telephone to enable action to be taken promptly. NIFRS should inform the inspector subsequently of the action taken; and
2. Where an immediate risk to life is not suspected, notify NIFRS in writing, using MoU Sample Letter 2 as referenced in Appendix A.

General Fire Precautions Immediate Risk to Life Examples:

- blocked/locked or unusable means of escape;
- improper storage of large quantities of highly flammable goods; and
- defective/unusable fire warning system.

Where the matters concerned prove to be within the responsibility of another enforcing authority, NIFRS will forward the notification as appropriate and advise the inspector.

In certain cases when requirements of General Fire Precautions and Process Fire Precautions overlap, joint action may be appropriate. In such cases the initiative for further action regarding General Fire Precautions will rest with NIFRS.

Where a council inspector is in any doubt about the seriousness of the deficiencies, he/she should contact NIFRS by telephone. Where the matters of concern are rectified at the time of the inspection, the inspector should inform NIFRS in writing.

### **3.10 NIFRS Actions relating to Process Fire Precautions**

When NIFRS inspectors become aware of deficiencies of evident concern in Process Fire Precautions, the council should be informed as follows:

1. Where immediate risk to life is suspected, NIFRS shall notify the relevant council by telephone to allow prompt action. The council inspector involved should inform NIFRS of any subsequent action; and
2. Where an immediate risk to life is not suspected, NIFRS will notify the council inspector writing, using MoU Sample Letter 3 as referenced in Appendix A.

Process Fire Precautions Immediate Risk to Life Examples:

- incorrect storage of flammable goods around machinery;
- gas cylinders containing flammable gases: clearly unsatisfactory conditions of storage or use; poor control of sources of ignition; substantial escape of any flammable gas;
- hot work on vessels which have contained flammables and which have not been adequately cleaned; and
- excessively dusty conditions involving flammable dusts.

Where the matters concerned prove to be within the responsibility of another enforcing authority, the District Council will forward the notification as appropriate and advise NIFRS.

Where a NIFRS inspector is in any doubt about the seriousness of the deficiencies, he/she should contact the council by telephone. Where the matters of concern are rectified at the time of the inspection, the inspector should inform the council in writing.

### **3.11 Complaints Procedures**

Where enforcing authorities receive complaints relating to General Fire Precautions or Process Fire Precautions, officers should determine who is the lead authority to investigate.

If necessary, the complainant should be advised to contact the relevant authority and, if possible, assistance should be provided to the complainant by providing the relevant contact details.

In cases where the complaint is anonymous, the details should be passed on directly by the receiving authority.

## **4 HOUSES IN MULTIPLE OCCUPATION**

### **4.1 Overview**

The Houses in Multiple Occupation Act (Northern Ireland) 2016, was brought into effect by Regulations on 1 April 2019 and transferred the regulation of HMOs to councils, coordinated by the Northern Ireland HMO Unit.

The fire safety legislation which applies to HMOs in Northern Ireland is:

- The Fire and Rescue Services (Northern Ireland) Order 2006; and
- The Fire Safety Regulations (Northern Ireland) 2010.

NIFRS is the enforcing authority. A House in Multiple Occupation is defined as a relevant premises by Article 50(6) of the 2006 Order.

The fire safety legislation places a duty on employers, owners and persons with control of premises, (referred to as 'appropriate persons'), to carry out a fire risk assessment and to record the significant findings if a licence or registration under a statutory provision is required.

The 'appropriate person' is also required to take such fire safety measures as to ensure the safety of persons on the premises from fire in order to satisfy the requirements of the legislation and the enforcing authority.

The fire safety measures required in an HMO are described in "NIFRS HMO Fire Safety Guide" which is available at [www.nifrs.org](http://www.nifrs.org).

### **4.2 Consultation Arrangements**

Councils are statutorily obliged to consult with NIFRS and to take into consideration any comments that NIFRS may make in relation to the application for premises that fall within the scope of the Houses in Multiple Occupation Act (Northern Ireland) 2016.

Any such consultation should be by exception and only in relation to a specific concern about an individual premises. Consultations should be sent directly to the location as detailed in Section 5.

### **4.3 Concerns**

NIFRS will adopt a risk based approach to any concerns received from Northern Ireland HMO Unit.

## 5 CONSULTATION LOCATIONS

Good local working relationships will enable councils to identify which NIFRS location to send the consultation to.

If there is any doubt, the location may be identified by a phone call, or by email, to the most appropriate office as below:

<p><b>Northern Area Command</b></p> <p>Prevention &amp; Protection Department Northern Area Command Headquarters 21 Henry Street Ballymena BT42 3AA</p> <p>Phone: 028 2565 1806 Email: <a href="mailto:northern.safety@nifrs.org">northern.safety@nifrs.org</a></p>	<p><b>Eastern Area Command</b></p> <p>Prevention &amp; Protection Department Eastern Area Command Headquarters 6 Bankmore Street Belfast BT7 1AQ</p> <p>Phone: 028 9031 0360 Email: <a href="mailto:eastern@nifrs.org">eastern@nifrs.org</a></p>
<p><b>Southern Area Command</b></p> <p>Prevention &amp; Protection Department Southern Area Command Headquarters Thomas Street Portadown BE62 3AH</p> <p>Phone: 028 3833 2222 Email: <a href="mailto:southern@nifrs.org">southern@nifrs.org</a></p> <p>Additional Offices:</p> <p>Prevention &amp; Protection Department Bangor District Headquarters 92 Newtownards Road Bangor BT19 1SZ</p> <p>Phone: 028 9127 1906 Email: <a href="mailto:bangor.district@nifrs.org">bangor.district@nifrs.org</a></p> <p>Prevention &amp; Protection Department Newry District Headquarters 6 Upper Edward Street Newry BT35 6AX</p> <p>Phone: 028 3083 5633 Email: <a href="mailto:newry.district@nifrs.org">newry.district@nifrs.org</a></p>	<p><b>Western Area Command</b></p> <p>Prevention &amp; Protection Department Western Area Command Headquarters 10 Crescent Link Londonderry BT47 5FR</p> <p>Phone: 028 7131 1162 Email: <a href="mailto:western@nifrs.org">western@nifrs.org</a></p> <p>Additional Office:</p> <p>Prevention &amp; Protection Department Omagh District Headquarters 1 Killybrack Road Omagh BT79 7DG</p> <p>Phone: 028 8224 1190 Email: <a href="mailto:omagh.district@nifrs.org">omagh.district@nifrs.org</a></p>



For any queries please contact:

**Group Commander (Protection)**

Northern Ireland Fire & Rescue Service  
1 Seymour Street  
Lisburn  
BT27 4SX  
Tel 028 9266 4221

Phone: 028 9266 4221

Email: [protection@nifrs.org](mailto:protection@nifrs.org)



**Northern Ireland  
Fire & Rescue Service**

**Headquarters**

1 Seymour Street  
Lisburn BT27 4SX

**T 028 9266 4221**

**F 028 9267 7402**

[enquiries@nifrs.org](mailto:enquiries@nifrs.org)

[www.nifrs.org](http://www.nifrs.org)

**Chief Fire & Rescue Officer (Interim)**

Michael Graham

Our Ref: PG/SMcC/LETS/15788

29 May 2020

Mr A Tohill  
Chief Executive  
Mid Ulster District Council  
Dungannon Office  
Circular Road  
Dungannon  
BT71 6DT

Dear Chief Executive

I have considered responses received from recipients of my previous letter dated 1 May 2020, in relation to Northern Ireland Fire & Rescue Service's (NIFRS) intention to terminate Memorandums of Understanding (MoU) currently in place with councils and the Chief Environmental Health Officers Group Northern Ireland on Monday, 1 June 2020.

Based on responses received, I intend to defer the termination of the MoU to enable further engagement to take place with all parties.

I will be in contact with you in due course to arrange a suitable time to resolve the situation.

Yours sincerely

A handwritten signature in black ink, appearing to read "Paddy Gallagher", with a long horizontal flourish extending to the right.

**Paddy Gallagher**  
**Assistant Chief Fire & Rescue Officer**  
**Director of Service Delivery**