

To: Don Foster

From: Brian Martin
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Repeal of fire protection provisions in Local Acts.

Summary

1. This submission provides background on the repeals of fire protection provisions contained in Local Acts.

Timing

2. Routine – All the necessary clearances have been obtained and the Statutory Instrument is now being finalised for your for signature.

Recommendation

3. That you note the content of this submission.

Background

4. The Department carried out a targeted consultation in August 2010 on proposals to repeal the fire protection provisions of Local Acts. The average annual regulatory savings from these repeals are estimated to be in the order of £1.8m per year
5. The local Acts contain a wide range of miscellaneous provisions – dealing with such things as street trading, dog fouling, parks etc. 23 of them (listed in **Annex A**) have one or more specific provisions for fire precautions. The local Act provisions impose costs from additional fire protection and from additional administrative procedure. They can also create procedural problems where developers choose to use an Approved Inspector.
6. Whilst the fire protection provisions of the Acts vary, they tend to include typical provisions which give Local Authorities the discretion to impose additional requirements for fire protection which are more onerous than would be required in national building regulations for warehouses, car parks and tall buildings. The County of Avon Act for instance, which applies in Bath, includes a provision for fire protection in car parks.
7. In 2005 a study, commissioned by the Department, concluded that whilst these provisions had some effect on reducing property losses, they have no statistically significant impact on life safety. The last Government made a commitment to repeal Local Act measures relating to warehouses in 2006 when the last review of Part B (Fire safety) of the Building Regulations introduced national provisions for sprinkler protection in large warehouse buildings.
8. The associated Impact Assessment was cleared by the Regulatory Policy Committee but it was decided to delay taking these repeals forward until a suitable opportunity arose. Since then following Cabinet Committee clearance, the government's intention to repeal these provisions was signalled as part of the consultation package for Building Regulations published in January of this year.

Consideration

9. Broadly, those respondents to the consultation that supported repeal did so because Local Acts imposed unnecessary bureaucratic and cost burdens on business. Many Local Authorities also supported repeal because they no longer make use of their powers set out in the Local Acts. Interestingly, some appeared to be unaware of their existence.
10. Most Fire and Rescue Services opposed repeal, as did the Fire Brigades Union. The most significant reasons put forward for not repealing the Local Acts was the potential impact on **fire-fighter safety** from reduced requirements for automatic sprinklers in large storage buildings and underground car parks that would be lost. Another major concern cited is that the Building Regulations, for England and Wales, are only concerned with life safety and do not take account of the wider economic impact on the local community of a major fire (and was therefore out of step with the "**Localism**" agenda) or the **environmental impact**.
11. **Fire-fighter safety** - The proposed repeals would inevitably have some impact on risk for fire-fighters but this is likely to be immeasurably small. The national provisions for fire protection in Building Regulations do already include detailed measures to protect fire-fighters. There has been no case made as to why fire-fighters in some areas covered by local acts should be better protected than in others.
12. **Localism** - A key presentational issue is how the proposed repeal of these provisions fits with localism. We have taken the view that leaving businesses to make their own decisions about protecting their investments from fire, as they do for other risks (e.g. flood, business interruption, financial protection etc) is in keeping with the broad principles of localism.
13. **Environmental impact** - The effect of fire on the environment is often overstated by lobbyists promoting higher standards. Large fires do result in the release of Carbon Dioxide and other damaging substances into the environment but the total impact is considered to be relatively small. Any environmental benefits from enhanced fire protection need to be balanced against the environmental damage costs of manufacturing and installing fire protection systems. The net result, in most cases, is unlikely to be significant.

Nest Steps

14. We will send up the Statutory Instrument for your signature shortly.

Brian Martin

CC:

Secretaries to all Ministers

All Advisers

Peter Schofield
Jon Bright
Bob Ledsome
Anthony Burd

Annex A - Local Acts Containing Fire Protection Provisions

London Building Acts (Amendment) Act 1939

County of Merseyside Act 1980

West Midlands County Council Act 1980

Cheshire County Council Act 1980

Isle of Wight Act 1980

South Yorkshire Act 1980

Greater Manchester Act 1981

County of Kent Act 1981

Derbyshire Act 1981

Humberside Act 1982

County of Avon Act 1982

Cumbria Act 1982

Hampshire Act 1983

Staffordshire Act 1983

County of Lancashire Act 1984

Surrey Act 1985

Bournemouth Borough Council Act 1985

Leicestershire Act 1985

Hereford City Council Act 1985

Worcester City Council Act 1985

Poole Borough Council Act 1986

Berkshire Act 1986

County of Cleveland Act 1987