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Dear Oliver,

Red Tape Challenge: Fire safety

As a Department, we are fully committed to the deregulation and growth agenda so as to free local firms, local government and local communities of unnecessary burdens and red tape. Indeed, analysis by *The Spectator* has identified that we are the most deregulating department.¹

Fire safety as "red tape"

However, we have been reflecting on the appropriateness of the inclusion of the fire safety regulations in the Red Tape Challenge. As you will be aware these are being considered as part of the cross-cutting Health and Safety theme, which is to be in the spotlight from 30 June. We are concerned that the underlying presumption that fire safety is "Red Tape" and should be removed, reduced or revoked. This is likely to inflict significant reputational harm on the Government.

In launching the Red Tape Challenge on reducing regulation, we acknowledged that where regulation is well designed and proportionate, it should stay. We also acknowledged that, in some instances, there was a need for proper standards to be in place to deliver an appropriate level of public assurance. Fire safety was cited as one such example.

Recent reform

The fire safety regulations are relatively new - the Regulatory Reform (Fire Safety) Order 2005 came into effect in October 2006. The Order created a much simplified fire safety regime for all commercial buildings and others to which the public have access. It swept away over 70 fire safety Acts of Parliament, and numerous Statutory Instruments, to provide businesses and others, including the enforcing authorities, with a simple and straightforward legal framework in which to take responsibility for fire safety measures and deliver an acceptable standard level of public safety.

The Order is based on proportionality: it does not impose prescriptive solutions but gives those with responsibilities the flexibility to decide how best to comply, taking account of the specific circumstances and type of occupancy of their buildings. As such, its introduction was supported by the business community.

¹ <http://www.spectator.co.uk/coffeehouse/6541323/who-are-the-governments-regulation-busters.thtml>

High-profile issues

The 2009 Fire Precautions (Sub-surface Railway Stations) (England) Regulations (introduced in 2009) were put in place to provide reassurance that the introduction of the Fire Safety Order would not compromise the high standards of public safety that were introduced following the King's Cross fire in 1987.

These have a totemic significance with the public, and with the employees' representative bodies, and any suggestion that the Government may be considering removing the current level of protection could raise public concerns, not least as we are about to respond to the Coroners report into 7/7 which will again focus media interest on underground safety.

The timing is also particularly sensitive as we approach the anniversary of the tragic fire at Lakanal House in Camberwell in which six people lost their lives. Key to the ongoing investigation will be the application of the Fire Safety Order and any suggestion that it may be removed is likely to be emotive.

Given this is a sensitive issue in London, one could easily see how such a red tape review would lead to negative coverage in papers like the *Evening Standard*.

Other review mechanisms

As part of the recent revoking statutory duties exercise (which you will be aware has already been very controversial), we considered whether to put forward these regulations for review, and concluded that given the significant impact they had achieved in rationalising the legislation, based on risk assessment principles, and their implementation of a number of EU Directives, it would be counter-productive.

An initial evaluation into the effectiveness of the Fire Safety Order had also found that, as a new piece of legislation, it was generally bedding in well with the business community, the enforcing authorities and the fire industry.

We are continuing, in the context of the recent Fire Futures review, to engage with the Fire and Rescue Service and the fire safety industry to ensure the effective implementation of the regulations, particularly in relation to improving consistency of enforcement. It would be odd to initiate yet another consultation on fire just months after the last one.

This is not to say that there is not scope for further de-regulation. For example, we are looking at addressing the inconsistent fire regulation from legacy Local Acts, where different fire protection standards operate *within* and across fire authority areas. Our review of red tape on construction and housebuilding also provides an opportunity to remove cumulative burdens.

Conclusion

In this context, we have real concerns that the inclusion of the fire safety protection as part of the Red Tape Challenge is open to wilful misinterpretation by the Labour Party. In light of our other ongoing reviews, we would therefore request that fire safety is removed from the Red Tape Challenge exercise.



BOB NEILL MP