

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	EXTRAORDINARY FIRE AUTHORITY
DATE OF MEETING	9 JULY 2024
SUBJECT	AUTOMATIC FIRE ALARMS CONSULTATION 2024 – RESULTS AND SUMMARY REPORT
LEAD OFFICER	PAUL BREMBLE, HEAD OF CORPORATE SERVICES AND JIM POWELL, AREA MANAGER COLLABORATION AND POLICY
LEAD MEMBER	COUNCILLOR PAUL GITTINGS
EXEMPT INFORMATION	NONE
ACTION	FOR DECISION

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide Fire Authority members with the results of the Automatic Fire Alarms (AFA) consultation which ran from 4 March 2024 – 13 May 2024.
- 1.2 The results are presented in the summary report at Appendix A and will enable members to conscientiously consider the views of respondents prior to making a decision on the proposed changes to the way Royal Berkshire Fire and Rescue Service (RBFRS) responds to AFAs.

2. RECOMMENDATION

That the Fire Authority:

- 2.1 **NOTE** and **CONSIDER** the results of the AFA consultation as set out in the summary report at appendix A.
- 2.2 **AGREE** with the member Task and Finish Group recommendation to adopt Option 3.

3. REPORT

- 3.1 At the Fire Authority meeting on 15 February 2024, the Authority agreed to consult the public on changes to the way RBFRS responds to Automatic Fire Alarms.

- 3.2 False Alarms make up a significant proportion of the incidents RBFRS attend, and this was noted by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) who concluded that "the service should ensure it addresses effectively the burden of false alarms (termed 'unwanted fire signals')."
- 3.3 The Fire Authority's Community Risk Management Plan (CRMP) set out a priority to address the burden of Automatic Fire Alarms on the service and the public "We will work with businesses to educate them on their responsibility under the Regulatory Reform (Fire Safety) Order 2005. Fire Safety Order 2005 to reduce the impact of unwanted fire signals (automatic fire alarms) on our operational crews"
- 3.4 False Alarms account for 45% of all incidents and 99.3% of Automatic Fire Alarm notifications require no action by the service. Of those that were actual incidents, particularly in the premises subject to the consultation, the impact was minor. Attending these types of incidents disrupts essential activities which are undertaken daily by our Firefighters.
- 3.5 The evidence suggests that by changing the way we respond to some of these incidents, as set out in the consultation document, the service could reduce this disruption and provide more time for those key activities which would have greater benefits for our communities and across the service.
- 3.6 The consultation proposed three options and are summarised (from page 12 of the summary report (page 30 of the agenda pack)) as:
- 3.7 **Option 1 – We will stop automatically sending a fire engine to an automatic fire alarm notification at buildings in Category A when there is no confirmed fire, 24 hours a day, 365 days of the year.**
- 3.8 **Option 2 - We will stop automatically sending a fire engine to an automatic fire alarm notification at buildings in Category A when there is no confirmed fire, 24 hours a day, 365 days of the year.**
- We will stop automatically sending a fire engine to an automatic fire alarm notification at buildings in Category B between 9am and 6pm, 365 days of the year, when the buildings are likely to be occupied and therefore the Responsible Person can confirm if there is an emergency response needed.**
- 3.9 **Option 3 - We will stop automatically sending a fire engine to an automatic fire alarm notification at buildings in Category A when there is no confirmed fire, 24 hours a day, 365 days of the year.**
- We will stop automatically sending a fire engine to an automatic fire alarm notification at buildings in Category B when there is no confirmed fire, 24 hours a day, 365 days of the year.**
- 3.10 For clarity and in respect of all the above options - **If a fire is confirmed or we receive a 999 call, we will immediately send a fire engine. We will continue to send fire engines to automatic fire alarm notifications from residential homes.**

- 3.11 The summary report sets out the responses to these options and overall, the most preferred option was option 2, with Option 3 second and Option 1 a close third preference overall.
- 3.12 The report also explores the distribution of peoples second and third choices and preferences related to the make up of respondents. The majority of Businesses, schools and the public preferred Option 2 whereas the majority of RBFRS Staff preferred option. 3
- 3.13 As with the initial consultation process, a member task and finish group was convened to carefully consider the consultation results and propose a recommendation.
- 3.14 The outcome of this deliberation was a proposal to recommend Option 3, based on the following rationale:
- 3.15 Service data tells us that for the types of property included in this option, over 99% of AFA activations are false alarms and for those that are not false alarms the impact is low. Furthermore, our data also tells us that we do not see any injuries related to AFA activations in these sort of buildings. That is primarily because they are required by law to have fire safety measures in place that include fire detection, means of escape and evacuation procedures and that these measures are the responsibility of the 'Responsible Person'¹.
- 3.16 The service recognises that the majority of respondents who chose Option 2 as their first preference were from businesses, schools and the general public. Broadly speaking this seems to be around the perceived increase in risk of not attending AFAs at night, and the potential for a delayed response should an actual fire occur where RBFRS has not attended the initial call to an AFA. The data indicates that this is a low risk. To further mitigate this issue, RBFRS will deliver a comprehensive communications and engagement plan to work with schools, businesses and so on to ensure they understand what is required of them and that they have time to put appropriate measures in place e.g. effective keyholder arrangements, in line with their duties as a Responsible Person.
- 3.17 As described in the consultation document, the primary aim of this initiative is to enable the service to manage risk in the most effective and appropriate way. The data indicates that Option 3 will provide the most benefit in terms of reducing the impact and disruption to frontline crews attending false alarms. This ensures we can deliver the best service to the public by having resources available when needed and supporting Firefighter safety through less disruption and more time for operational training and risk visits. As stated in the consultation document, this initiative is not

¹ **Meaning of “responsible person”**

3. In this Order “responsible person” means—

- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control;
- (b) in relation to any premises not falling within paragraph (a)—
 - (i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or
 - (ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

about saving money. Therefore, the recommendation of Option 3 has no financial bearing.

- 3.18 Implementation and delivery of Option 3 is likely to be more effective than Option 2. This is because Option 2 splits Category A and B buildings by time of day. This will present Fire Control Operators with more challenges in making mobilising decisions. This could mean that it would be more challenging to realise the benefits indicated in the data. These challenges are significantly reduced in Option 3 which does not differentiate deployment conditions by time of day. Option 3 was the most preferred option of TVFCS staff who responded to the consultation.
- 3.19 The recommendation of Option 3 was also considered in light of developments in the sector, where FRS across the country are making similar decisions. Option 3, or very similar ways of working, have already been adopted by many services. Furthermore, a number of services have gone further, including neighbouring Surrey Fire and Rescue service, who will no longer attend AFAs in [residential or domestic properties](#). Members of the task and finish group felt that Option 3 provided the right balance of risk both locally and against the national picture.
- 3.20 This movement in the sector towards reducing the burden of false alarms also means that the national benchmark for AFA/false alarm attendance, used by HMICFRS to assess how well FRS are performing, will continue to drop as more and more services take decisions to reduce or stop attendance to Automatic Fire Alarms. RBFPS was significantly above that benchmark, as set out in the HMICFRS report from 2021/22, and the data indicates that Option 3 provides the most benefit in terms of working towards meeting that benchmark.
- 3.21 For these reasons the Task and Finish group determined that Option 3 should be recommended to the Fire Authority, acknowledging that members would still need to conscientiously consider both this recommendation and the full results of consultation (Appendix A) at Fire Authority Meeting, prior to making a final decision.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Prevention: We will reduce the risk to our communities through our partnership duties and prevention education activities, ensuring that our services are accessible to all.
- 4.2 Response: We will ensure that our people are trained and resources are located to provide the most effective response and to have a positive impact on incidents in our communities.
- 4.4 Resilience: We will ensure we are resilient and work with our partners to promote and build resilience in the communities we serve.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no additional financial burdens in delivering any of the options presented in the consultation.

- 5.2 There may be some minor savings in fuel costs due to reduced appliance movements however the proposed changes do not offer monetary savings and this has not been a driving factor in developing the proposals. The focus is solely on reducing risk by minimising disruption to those key activities we know will provide the most benefit in keeping people safe.

6. LEGAL IMPLICATIONS

- 6.1 There is a legal requirement under Section 7(2)(c) of the Fire and Rescue Services Act 2004 to “make arrangements for dealing with calls for help and for summoning personnel”, in order to discharge its obligations under section 7(1) to extinguish fires in its area and protecting life and property in the event of fires in its area.
- 6.2 The obligations under the Fire and Rescue Services Act 2004 are ‘target duties’ and not actionable, by someone suffering loss, for breach of duty; and the English courts have consistently ruled along the lines that no duty of care arises (save in circumstances where personnel attend and make matters worse).
- 6.3 The principles established are that a fire and rescue authority may be liable where its negligent acts cause physical harm, but owes no positive duties to act to protect others from harm in the absence of a specific voluntary assumption of responsibility [Capital and Counties Plc v Hampshire CC \[1997\] EWCA CIV 3091](#) ‘In our judgment the fire brigade are not under a common law duty to answer the call for help and are not under a duty to take care to do so. If therefore they fail to turn up or fail to turn up in time because they have carelessly misunderstood the message, got lost on the way or run into a tree, they are not liable.’
- 6.4 In responding to calls English courts have distinguished the fire and rescue duties from ambulance service obligations as the ambulance service is an arm of the health service which might owe a duty of care in similar circumstances. In [Kent v Griffiths & Ors \[2000\] EWCA Civ 3017 \(3 February 2000\)](#) it was held that it was arguable that, once a 999 call was accepted, a relationship of sufficient proximity was established between the caller and the ambulance service and, whilst the ambulance service operated in difficult circumstances, it was possible that a court would find that it was fair, just and reasonable to impose a duty of care on it
- 6.5 The legal obligations concerning the requirement to consult and how consultation should be conducted are set out in the ‘Legal obligations’ section of the consultation document. It defines the requirement to consult on CRMP matters as set out in the Fire and Rescue National Framework for England and describes the common law framework set out in the four [Gunning Principles](#) (R v London Borough of Brent [1985] 84 LGR 168).

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 An initial impact assessment has been carried out and will be reviewed as part of the implementation of the selected option.

8. RISK IMPLICATIONS

- 8.1 The analysis of any implications are outlined in the consultation document at Appendix A. Essentially this change represents a low risk to the public and will enable more time for other risk mitigation activity to occur, such as Safe and Well visits.
- 8.2 This proposal will not change the fundamental position that RBFRS will always mobilise resources where there is a confirmed fire.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 AFA mobilisations are managed and delivered on behalf of RBFRS by Thames Valley Fire Control Service, a collaboration between Buckinghamshire and Milton Keynes Fire Authority, Oxfordshire County Council and Royal Berkshire Fire Authority.
- 9.2 Officers have been working closely with partners in Oxfordshire and Buckinghamshire Fire and Rescue Service to work towards an aligned policy for mobilising to AFAs.

10. PRINCIPAL CONSULTATION

- 10.1 Chief Fire Officer
- 10.2 Chief Financial Officer
- 10.3 Monitoring Officer

11. BACKGROUND PAPERS

- 11.1 Automatic Fire Alarm Consultation - [Minutes of the meeting of Royal Berkshire Fire Authority 15 February 2024 \[minute 47\]](#)

12. APPENDICES

- 12.1 Appendix A – Automatic Fire Alarms Consultation 2024 – Summary report
- 12.2 Appendix B – Buckinghamshire FRS Consultation Response
- 12.3 Appendix C – Oxfordshire FRS Consultation Response
- 12.4 Appendix D – Full Survey closing report

13. CONTACT DETAILS

- 13.1 Area Manager Paul Bremble bremblep@rbfrs.co.uk
- 13.2 Area Manager Jim Powell powellj@rbfrs.co.uk