Introduction

This document outlines the procedures adopted by WYFRS in approving the fire safety aspects of building work.

The aim of the approvals process is that there should be no need for extra building work to be undertaken at the end of a building project and before the building can be occupied for its intended purpose.

This aim can only be achieved where all parties take a methodical joint approach to fire safety, whilst discharging their respective statutory duties and responsibilities.

Legislation

There are two pieces of legislation which work in parallel during the approvals process

Building Regulations

Fire safety requirements are given in Part B of Schedule 1 to the Building Regulations 2000 (as amended).

These cover means of escape, fire alarms, fire spread, and access and facilities for the fire and rescue service. Guidance on some ways of meeting the requirements is given in Approved Document B Volumes 1 and 2 (Fire safety).

The Regulatory Reform (Fire Safety) Order 2005 – RR(FS) O

This imposes a general duty to take such fire precautions as may be reasonably required to ensure that premises are safe for the occupants and those in the immediate vicinity and a general duty to carry out a risk assessment. The Order applies to all non-domestic premises, which includes the common parts of apartment buildings and both the common and shared parts of HMOs. Article 6 of the Order does exclude some premises such as certain mines, vehicles and land forming part of an agricultural or forestry undertaking.

The parallel application of the fire safety requirements of the Building Regulations and the RR(FS) O emphasises the need for consultation between the applicant and the administrating bodies involved at the earliest opportunity.

Before serving an enforcement notice under the RR(FS) O, Inspecting Officers will consult with other authorities and persons with an interest in the premises to ensure that the measures to be required by the notice are appropriate in the light of other restrictions which might apply to the premises.

Statutory Consultation

Inspecting Officers will follow the guidance contained in “Building Regulations and Fire Safety Procedural Guidance”.

This guide explains the steps involved in approving the fire safety aspects of building work, and the interaction between Building Regulations and other statutory fire safety requirements in England and Wales.
This fourth edition of the Procedural Guide takes account of the changes brought about by the introduction of regulation 16B (provision of fire safety information – see appendix G, ADB volume 2) of the Building Regulations.

From 6 April 2007 a new requirement 16B was introduced for all new ‘building work’ to which the Fire Safety Order applies, or will apply once work is completed.

Regulation 16B requires the provision of the fire safety information, as produced at the construction stage, to be passed on to the responsible person to facilitate the risk assessment process AND to help ensure ongoing fire safety.

The information should include the design and construction and the services, fittings and equipment provided.

**The Division of Responsibility**

During the design and construction phase of a project, the building control body will check on compliance with the requirements of the Building Regulations.

In order to facilitate the consultation process they should take a co-ordinating role with WYFRS and, where appropriate, with other regulatory bodies. Any recommendations and advice given should be channelled through the building control body to the applicant.

Once a building is occupied and in use, WYFRS takes on the co-ordinating role as they have the enforcement role for the RR(FS) O.
Appendix A – Workflow Overview

Pre Submission Consultation

Applicant seeks independent advice re fire safety aspects of scheme

Send FSLET039

Identify other bodies involved and inform applicant of necessary consultation procedures
Advice must distinguish between:-

1. Items necessary for compliance with FSO on occupation of premises
2. Observations relating to requirements of building regulations
3. Items which are advisory in nature and not enforceable in legislation

Send copy of letter to local authority building control (or approved inspector where known to be involved)
Pre Submission Consultation
Complex or Fire Engineered Buildings

Joint meeting arranged by the building control body (attended by Fire Authority, designer, architect, applicant and other interested parties)

Record of main points of meeting kept and circulated to all parties. Clear distinction made between:-
1. Building regulations requirements
2. FSO requirements
3. Advice which is not enforceable

Further clarification of issues relating to fire safety made in writing to the building control body by WYFRS as and when required.
Statutory Consultation
Local Authority Building Control or Approved Inspector

- FSO applies to premises or will apply after building work
- Building control body must consult with WYFRS
- Building control body submits two sets of plans (or amended plans if changes made to an earlier application)
- WYFRS reply within 15 working days of receipt

Return one copy of plans with
(FSLET037A & FSLET038 for AI) with observations relating to building regulations. Make physical comments on plan where necessary

FSLET037 cover letter for applicant. Clearly distinguish between requirements of FSO and advice which is not enforceable.

Do not contact applicant direct. All contact must be via building control body

Failure to agree with building control body
- Discuss with district Manager. Send letter. Set down concerns and recommendations in a formal case. Include details of any enforcement action which may be taken upon occupation of the building

Construction

Completion

Occupation