



## Fire chiefs express disappointment at tweak to safety rules on building height threshold

NEWS: 27/04/20 - 7.00am  
by **PETER APPS**

Fire chiefs have expressed “disappointment” at a subtle change in building safety measures which will see some buildings fall outside the scope of the new safety regime.

**The government has used a threshold of 18m or six storeys (whichever comes first) as the line for the introduction of a number of measures – including funding to remove dangerous cladding and the planned introduction of ‘building safety managers’ recommended by Dame Judith Hackitt.**

But in changes announced at the start of this month, the wording was altered to 18m or ‘more than’ six storeys.

The National Fire Chiefs Council (NFCC), which has been a key advisor to government on its post-Grenfell response, warned that this would eliminate a number of potentially at-risk buildings.

The 18m threshold was in place before Grenfell, as the line at which some measures on combustible facades kicked in and the organisation – which represents fire chiefs in England – said it was aware buildings had been built to narrowly below this line to avoid the rules.

Nick Coombe, building safety programme lead at the NFCC, said: “NFCC are disappointed that the scope of the new regime has departed from the intention laid out in consultation. The change from 18m or six storeys whatever comes first to 18m – or ‘more than’ – six storeys (effectively seven storeys) has missed the opportunity to address existing risk.

“We know there are residential buildings out there which have been constructed around the measuring thresholds in approved

guidance in order to avoid certain safety measures. For example, those which have commercial at the ground floor but are only six storeys due to the double height of the ground floor, will fall just short of the threshold. NFCC is disappointed at these lost opportunities.”

Mr Coombe also expressed concern that mixed-use buildings would fall under different safety regimes – with commercial parts of the building governed by separate legislation.

He said the NFCC would have preferred a “holistic approach” that takes into account the entire building.

He said: “NFCC believe that there should be a holistic approach to buildings in scope ie that there is a whole building approach to safety. The current policy, as we understand it, is that some of the new requirements will only apply to the residential parts of buildings in scope, and the [fire safety order] will still apply to the non-residential parts. The Housing Act will still apply to the domestic premises, meaning there will be three pieces of legislation governing the safety of the building instead of two.

“NFCC are concerned that the safety case regime, which needs to include structural safety, will not apply to the non-residential parts of these buildings. It may therefore be difficult to get a holistic approach to safety, especially where the commercial parts are on the ground floor. The building safety manager will not have any power in these



The Cube in Bolton was narrowly below the 18m threshold (Picture: GMFRS).

parts of the buildings, again leading to a lack of cohesion in the safety of the building and its occupants.”

A spokesperson for the Ministry for Housing, Communities and Local Government said: “The government is bringing about the biggest change in building safety for a generation and we’re supporting industry in ensuring homes are safe, backed by a £1 billion fund for removing unsafe cladding from high-rise buildings.

“We have committed to extending the scope of the new regime, including to other high-risk premises based on any emerging fire risk evidence, and are currently gathering more evidence on fire safety to inform this.”

The spokesperson stressed that the government intends to introduce “duties of co-operation” between responsible persons for mixed use buildings.

# Post-Grenfell regulation aims to transform fire safety in buildings

Nearly three years after the devastating [Grenfell Tower fire](#), the Government has published its proposals for what it calls “the biggest change in building safety for a generation”. Ron Alalouff highlights the main features of the wide-ranging provisions.

The proposals for a new building safety regime are set out in the [Government’s response to the ‘Building a Safer Future’ consultation](#) and are based on the acceptance of all 53 recommendations of Dame Judith Hackitt’s [Independent Review of Building Regulations and Fire Safety](#), and in some cases may go further.

The Government is proposing to apply the new safety regime initially to all multi-occupied residential buildings of at least 18 metres, or more than six storeys (buildings “in scope”), but this can be extended to other premises. The new Building Safety Regulator will have a duty to keep the scope of the regulatory system under review and to provide advice to government when the evidence suggests it should be extended.

The new regulatory structure will initially apply throughout the lifecycle of new builds, and later to the occupation stage of existing buildings. There will be a new duty-holder regime placing greater responsibility on those designing and constructing buildings to explain how they are managing risks and demonstrating that the building is safe to be occupied.

## Building Safety Regulator

The Building Safety Regulator (the regulator) will be responsible for all major regulatory decisions made at key points during the design, construction, occupation and refurbishment of relevant buildings, drawing on the expertise and advice of other regulators and relevant experts, such as fire and rescue services, local authorities and the Health and Safety Executive. Decisions will include whether to allow a building to be constructed and later occupied, and whether the Accountable Person has demonstrated that appropriate actions to mitigate and manage fire and structural risks are being taken. The regulator will have a duty to keep the scope of the system under review and provide advice to the government when it should be extended.

Highlighting the move away from local control, the Building Safety Regulator will also carry out functions at national level, such as:

- Establishing a register of relevant buildings

and other national systems

- Ensuring that residents’ complaints about safety issues are dealt with quickly and effectively
- Producing advice to help duty-holders discharge their responsibilities
- Advising on current and emerging safety risks in relevant buildings
- Hosting centres of excellence to strengthen enforcement, including specialist expertise to assist with prosecuting complex cases, and to develop best practice on engagement with residents.

The regulator will also have a wider role beyond buildings in scope and will carry out regulatory functions that will apply to all buildings. These include ensuring that designers and builders can access “cutting edge” advice on delivering safe, high-performing buildings; advising the Government on changes to the building regulations and Approved Documents; overseeing the performance of building control bodies; and advising on current and emerging risks to building safety and performance. A new oversight structure staffed by a wide range of specialists from across the built environment will replace the current Building Regulations Advisory Committee.

The regulator will also oversee the assurance of competency of those working on buildings across all disciplines, in order to give confidence to duty holders and residents that people are competent to carry out their jobs ensuring quality, safety and compliance with building regulations.

On the Hackitt review’s recommendation, the new Building Safety Regulator is being set up within the Health and Safety Executive – initially in shadow form so that it can work with government to develop relevant legislation such as the Building Safety Bill – and will report directly to the Secretary of State for Housing.

## Duty holders

During the design, construction or refurbishment of buildings, duty holders – including those identified in the Construction (Design and Management) Regulations 2015 (the client, the principal designer, principal contractor, designers and contractors) – will have formal responsibilities for complying with building regulations. A duty holder will usually be an

organisation but could be an individual.

Duty holders during the design and construction phases will also be responsible for meeting the requirements at two of three key sign-off points – gateway two (before the start of construction) and gateway three (before occupation) – where the client will need to demonstrate to the regulator that building regulations have been met and risks are being appropriately managed.

## The Accountable Person

After occupation, the duty holder regime continues with the imposition of specific responsibilities on the Accountable Person, who will be responsible for understanding fire and structural risks in their buildings and taking appropriate actions to mitigate or manage those risks. The Accountable Person will in turn appoint a Building Safety Manager approved by the Building Safety Regulator to deliver day-to-day functions under these obligations.

The Accountable Person will be the individual, partnership or corporate body with the legal right to receive payments for service charges or rent from leaseholders or tenants. In most cases this will be the freeholder or head lessee, including overall landlord or a management company. In complex building ownership situations, there could be more than one Accountable Person.

## Building Registration Certificate

The Accountable Person will be responsible for applying for and meeting the conditions of the Building Registration Certificate. To register a building, the Accountable Person will have to provide information such as the core details identifying the building, as well as details of the Accountable Person and Building Safety Manager.

The regulator may attach specific conditions to the certificate, with the Accountable Person obliged to comply or face penalties including possible criminal sanctions. In cases of non-compliance or poor performance, the regulator would have the power to add, amend or vary the conditions, as well as require the Accountable Person to appoint a replacement Building Safety Manager. A relevant building could not legally be occupied without a valid certificate.

## Building Safety Manager

The Accountable Person will have to make

*continued on next page*

available adequate resources to the Building Safety Manager – which can be a person or a legal entity – to comply with a number of tasks including:

- Ensuring the conditions in the Building Registration Certificate are complied with to the satisfaction of the Accountable Person and the Building Safety Regulator
- Ensuring those employed in the maintenance and management of the building's fire and structural safety have the necessary competence to carry out their roles
- Engaging with residents in the safe management of their building by producing and implementing a resident engagement strategy
- Reporting to a mandatory occurrence reporting regime.

## Safety Case

Reflecting the approach of most other major hazard safety schemes, submitting a safety case report to the regulator will be mandatory. Building Safety Managers will be required to keep safety cases up to date as a way of providing themselves, and their residents, with the assurance that they understand the fire and structural risks in their buildings and are taking appropriate steps to mitigate and manage those risks. Risk assessment principles will be consistent with those that should be undertaken for fire risk assessments under the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).

The Building Registration Certificate and safety case will be reviewed periodically by the regulator. In addition, a review could be triggered by a building refurbishment or a change of Accountable Person, or where the regulator considers it appropriate.

## Golden thread

Echoing the [Hackitt review](#), duty holders will be responsible for creating and maintaining the 'golden thread' of fire and structural safety building information. At the handover stage between gateway three and occupation, this key information will have to be handed over to the Accountable Person, who will continue to be responsible for the information remaining accurate and up to date.

Other provisions in the Government's proposed reforms include:

- Mandatory occurrence reporting, where any fire safety or structural event which is perceived to represent a significant risk to life in relevant buildings must be reported
- Protection for industry whistleblowers
- The need for duty holders to ensure that those they employ are suitably competent.

## Refurbishments

Before a building in scope is refurbished, the Building Safety Manager will need to engage with residents on the proposals and update the safety case on any changes that might affect the safety of the building. If the refurbishment is subject to building regulations, an application will have to be made to the Building Safety Regulator who, depending on the scale of the refurbishment, may request any other relevant information. If the refurbishment is not subject to building regulations but could have an impact on fire or structural safety, the Building Safety Manager will still be required to notify the Building Safety Regulator, but work can start without waiting for a response.

If occupying a building while undertaking refurbishment work carries a significant risk to residents, the Building Safety Manager must demonstrate that their safety can be assured throughout, and that he or she has engaged with them on aspects that affect them and has provided that information to the design and contractor teams.

Residents wanting to refurbish their own property will be required to notify the Building Safety Manager. If the work may impinge on the fire or structural safety of the building, or is subject to building regulations, the resident or contractor will need to notify the Building Safety Regulator before and on completion of the work. Throughout all refurbishment work, the safety case must be updated to demonstrate how risks are being predicted, planned for and managed.

If a review of the safety case leads to the identification of safety risks that require remediation to protect residents' safety, the Accountable Person will be expected to rectify the building to ensure the safety of occupants is prioritised. Building owners remain legally responsible for the safety of their buildings, and are expected to act responsibly and pay for remediation of their buildings.

## Residents' role

Residents will be entitled to receive key information about the safety measures in place with new rights to request access to detailed information where appropriate. The Building Safety Manager will be required to "proactively engage" and communicate with residents to allow them to stay informed and participate in decision-making about the safety of their building. Where a complaint or concern cannot satisfactorily be resolved by the Building Safety Manager, the resident will be able to go directly to the Building Safety Regulator.

As well as having new rights, residents will have a general duty to cooperate with the Building Safety Manager and avoid actions that could pose a threat to the fire and

structural safety of the building. Where cooperation is not forthcoming, the Building Safety Manager will be able to enforce residents' responsibilities where there is a risk to the safety of other residents.

## Construction products

A new national construction products regulator will be responsible for:

- Market surveillance and oversight of local enforcement action
- Enforcement action with manufacturers where issues are judged to be national and/or significant
- Providing advice and support to the industry to improve compliance, and
- Providing technical advice to government.

In addition, a new construction products standards committee comprising technical experts and academics will advise the Secretary of State on whether voluntary industry standards for construction products should become UK regulatory standards. The committee will also provide advice on the conformity assessment process and product test standards, and in particular will advise on:

- The assumptions and weaknesses within the current testing regime, including the effectiveness and accuracy of current tests
- Ways to improve the testing regime and new tests to address the weaknesses
- Innovation in how construction products are tested.

The Government says it has engaged with key stakeholders to ensure the establishment of the committee addresses some of the key issues on product standards identified by the Hackitt review, and in the phase one report of the Grenfell Tower inquiry.

## Industry competence

The interim report of the industry-led Competence Steering Group, published in August 2019, proposed that relevant professional and trade bodies should increase competence in their own sectors through a number of recommendations. These include designing sector-specific competence frameworks and creating an overarching competence framework standard for all trades and professions, setting out benchmark competence requirements including relevant core skills, knowledge, experience and behaviours.

In the meantime, BSI will establish a group to advise on the creation of a suite of national standards that will set out common principles for competence requirements and provide a framework for the three critical

*continued on next page*

roles of Principal Designer, Principal Contractor and Building Safety Manager. These standards will be developed to provide consistency across independent assessment and third-party accreditation schemes. A new industry-led committee will also be established to oversee the longer-term development of the competence frameworks. The Government is also working with the Architects Registration Board to assess how architects maintain and enhance their competence throughout their careers.

The Building Safety Regulator will also have oversight of the competence and performance of building control professionals. The Government intends to create a unified professional structure for both local authority staff and Approved Inspectors, maintaining competence throughout an individual's career. This new structure aims to allow greater collaboration and knowledge-sharing and help address entry hurdles and retention issues to increase capacity.

### Enforcement

The Building Safety Regulator will have powers to intervene, from providing informal advice to issuing 'improvement', 'compliance', or 'stop' notices, the breaching of which will be a criminal offence. The regulator will also be able to review or

revoke the Building Registration Certificate and, where appropriate, to prosecute duty holders and/or the Accountable Person. The sanctions would be designed to reflect the degree to which safety has been compromised and the need to deter non-compliance.

The new regulatory framework is designed to supplement existing requirements on multi-occupied residential buildings under the Fire Safety Order and the Housing Act 2004. Where a building is mixed use, the Government will introduce duties to cooperate between the Responsible Person(s) under the Fire Safety Order and the Accountable Person(s) under the new regime.

The Fire Safety Bill – introduced in parliament on 19 March 2020 – is designed to emphasise that under the Fire Safety Order, building owners and managers of all multi-occupied residential buildings must assess the risks from external walls (including cladding and balconies) and front entrance doors.

Following a consultation, an update to Approved Document B will include measures requiring sprinkler systems and introducing the provision of wayfinding signage in all new high-rise flats over 11 metres tall. A full technical review of

Approved Document B will also take place.

The Government recognises that fire and structural safety issues can be exacerbated by poor procurement, including poorly designed tender specifications and processes, last-minute contractor appointments, lack of appropriate engagement with the supply chain and contract forms which prioritise low-cost solutions at the expense of building safety. The Ministry of Housing, Communities and Local Government will build on work already undertaken to develop practical guidance for the implementation of collaborative procurement methods for the procurement of buildings in scope. This work is overseen by a Procurement Advisory Group comprising procurement experts from industry, professional associations, government and the legal profession.

The Government's proposals for a new building safety regulatory system represent a considerable tightening of regulation through the lifetime of buildings in scope, and may also have a ripple effect on the safety of other buildings. But, it remains to be seen how legislation for the new regime will be drafted and subsequently implemented, and whether it will clarify the responsibilities of everyone concerned with the design, construction, management and occupation of high-rise residential buildings.

# Leaked Barking fire report reveals 'significant risk to life' from blaze

[NEWS](#): 06/05/20 - 7.00am by [JACK SIMPSON](#)

**A devastating fire in Barking in June last year, which posed "a significant risk to life", could have spread much more widely and was fuelled by a deadly combination of timber cladding and plastic mesh on balconies, a leaked expert report has revealed.**

The fire ripped through Samuel Garside House, which led to 61 people evacuating their homes and two people being treated for smoke inhalation. The fire completely destroyed eight flats, whose residents have yet to return nearly a year after the fire.

Inside Housing has obtained a report by fire engineering firm Bureau Veritas for the London Fire Brigade (LFB) which looks into the fire at Samuel Garside House and reveals:

- Combustible timber cladding and black plastic mesh on the balconies created a combination of materials which "meant the



fire from a tiny ignition could effect the entirety of the structure”.

- These materials likely breached the requirement of building guidance that the external should “not provide a medium for fire spread”, despite the building being lower than 18m.
- If the fire had been on the other side of the building it could have ripped through many more neighbouring properties as there was no separation between the timber to break its spread.
- An even bigger disaster was narrowly averted because a 19kg cylinder of propane gas stored on the roof wasn’t damaged by the fire.

Inside Housing revealed [shortly after the blaze that the wood material used for the cladding and balconies at block was ThermoWood](#), a timber product that has a Class D fire rating.

However, tests carried out on the materials by Bureau Veritas after the fire found that the wood did not meet the criteria of a Class D fire rating, while the combination of the wood and plastic covering present did not even meet a Class E fire rating.

Anything rated under Class E is deemed “easily flammable” and can assist fire spread.

### **Barking fire: the inside story**

Included in the make-up of the balconies

was a black plastic mesh, which the report said rapidly spread the fire horizontally and vertically, depositing considerable amounts of “flaming molten plastic droplets” and created “small pool fires” below.

It added: “The use of the black plastic netting with wood meant the fire from a tiny ignition could effect the entirety of the structure.”

The report also said the fire could have been much worse, revealing that a 19kg cylinder of propane was found in the roof of the building following the fire. This was not damaged by the fire.

It also said the fire spread would have been more devastating if it started on the opposite side of the building, where there was no separation between the timber on the balcony and the rest of the block.

It said if the fire had occurred on the “opposite side of the building, the combustibility of the materials could have allowed the fire to have spread along the entire west facing exterior... involving many more properties.”

Bellway, the developer of the block, told Inside Housing that work to remove the timber from Samuel Garside House and the neighbouring Ernest Websdale House had begun but was on pause due to the coronavirus crisis. Work is to resume on 11 May.

When Samuel Garside House was built, the

official guidance – Approved Document B – required cladding materials to have a fire performance of at least Class B on buildings above 18m.

However, it set no standards for the combustibility of cladding below this height and [balconies were widely believed to be exempt](#) at any height – meaning Bellway and architects Sheppard Robson would likely have believed the design was in compliance with the guidance.

However the Bureau Veritas report concluded that the combination of materials was so combustible, it breached the performance standard in Approved Document B, which said the “external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health and safety”.

Bellway said that it could not comment on the findings of the LFB report as it had not received a copy. However, it refuted the claims that the building did not meet regulations and said the design and construction of the development complied with the guidance in Approved Document B (Fire Safety) as well as all other relevant guidance in British Standards.

In 2018, guidance was toughened to ban combustible materials for the external walls of buildings above 18m altogether. Following a consultation, this threshold is likely to be lowered to 11m later this month.



Picture: LFB



There are currently dozens of other blocks and houses across the Barking Riverside development which contain the same or similar wooden cladding and balconies.

A letter from Barking Riverside Limited, the L&Q and Greater London Authority joint venture which owns the Barking Riverside site, to residents in February said that it was looking at options to improve the fire safety on buildings across the development.

The letter, which was titled “update on exterior timber”, said that every building would receive a new independent fire safety report, with any work being started in the autumn at no cost to residents.

Responding to the LFB report, Pete Mason, chair of the Barking Reach Residents Association, said: “Landlords and managing agents had two years since Grenfell to inspect and make good the balconies and cladding throughout the estate and did not.

“We feel all the parties and landlords involved failed to make sure the properties were safe and endangered lives.”

Jonathan Evans, chief executive of cladding company Ash and Lacy and fire safety expert, said the report shows that timber used in construction might be more dangerous than previously thought, adding that the Barking fire adds support to the need for the combustibles ban to be brought to any building over 11m.

He said: “Samuel Garside is significant as it suffered a catastrophic fire, but being under 18m its construction would currently still be possible.

“If the combustible ban were to drop to 11m, then this building with these materials would have become impossible.”

A spokesperson for Bellway said: “As a responsible developer Bellway has worked extremely hard at Barking Riverside to understand and respond to the concerns of the building owners, residents and other key partners.

“We have not received a copy of London Fire Brigade’s report into the fire so cannot comment on the findings at this time but this is not a case of non-compliance.

“We can confirm that the design and construction of the development complied with the guidance in Approved Document B (Fire Safety) as well as all other relevant guidance in British Standards.

“Works to all 70 apartments is now complete, with the final phase of ‘balcony works’ suspended due to COVID-19, these works are now planned to restart on 11th May.

“Interim fire safety measures have been in place, such as simultaneous evacuation strategy, audible alarms and waking watch, to ensure the continued safety of residents until such time as the work is completed.”

A London Fire Brigade spokesperson said: “Following the blaze in De Pass Gardens, our fire safety inspectors worked closely with the responsible person who put in place temporary safety measures, including waking watches and restrictions on balcony usage as well as the installation of common alarm systems.”

#### WHAT THE BUREAU VERITAS REPORT SAID

- The combination of materials in the balconies did not show any significant fire resistance to the ignition of a relatively small fire
- The black plastic netting rapidly spread the fire horizontally and vertically depositing considerable amounts of flaming molten plastic droplets and created small pool fires when landing below
- The lamination of the black plastic netting with wood meant the fire from a tiny ignition could effect the entirety of the structure
- The timber did not meet the criteria for a class D fire rating while the whole structure did not meet the requirement for a class E material.
- The testing concluded that the wood and black plastic netting were significant and probably the primary cause for the rapid vertical and lateral spread of the fire
- The materials sampled did not appear to meet the criteria in Approved Document B, which states “the external envelope of a building should not provide a medium for fire spread if likely to be a risk to safety”
- The rate at which the fire was able to develop showed that the construction constituting a combustible fuel load on the exterior of any multi-storey building (regardless of height greater than 18m) poses a significant risk to life
- Testing and examination of materials used in the construction show that the fire could have been started by a small ignition source.

# Hotel chain fined over £220,000 for fire safety failings

27 APRIL 2020

MILCARDAR LTD, which runs the CampaNile Hotel in Milton Keynes, was handed the fine after the hotel was found to have put staff and guests 'at serious risk of fire'.

[Earlier this year](#), the hotel was said to be facing a 'huge fine' over an evacuation in August 2018, enforced by Buckinghamshire Fire and Rescue Service (BFRS). Milcardar Ltd is an international hotel chain which owns The CampaNile hotel, which saw guests 'evacuated in the middle of the night' on 7 August 2018 after a regular guest noticed all smoke detectors were covered in red plastic.

On calling BFRS, it forcibly evacuated the fully occupied 80 room hotel, which was closed for 'urgent repairs to the alarm system'. When firefighters arrived, staff 'claimed to be unaware of any problems with the fire alarms', and a further investigation discovered that after the fire detection and alarm system was 'condemned', there had been 'no working' smoke detectors for six weeks from 26 June to 7 August that year, with these having been 'deliberately disabled'.

Prosecutor Edmund Gritt stated: 'It would have been necessary to replace the alarm immediately and most likely, given the state of the old system, close the hotel until that work was done. Instead, the danger drifted on. An investigation audit of the premises established a history of failures. It identified the alarm system at the premises had a history of frequent malfunctions.'

'On the evidence, we would say there is a lackadaisical culture affecting the management of fire safety issues and something of a systemic failure.'

The company is a mutual organisation with the world's fifth largest hotel group, Louvre

Hotel Group, with Judge Francis Sheridan commenting in February: 'It is quite a fall from grace. I do not think it was financially motivated, I think the hotel was just appallingly run. It appears to me that is what this case is about. After the disaster in London, I should hope every hotel would have reviewed their fire safety procedures.'

Defending company director Mark Aldridge and the company itself, Adrian Darbshire commented: 'There are quite a lot of lessons to be learned for the company I represent and indeed for the individuals. There has been a programme of rolling out of the guides to the fire alarm systems across not just the CampaNile but other Louvre hotels in the UK.'

'There was a lack of training for the manager who worked under Mr Aldridge, but also Mr Aldridge himself had not had appropriate training. Mr Aldridge, whilst he failed in some of his responsibilities, was placed in quite a difficult position. He was not well supported.'

In turn, Mr Darbshire noted that American testing company NSF International had been contracted to test the fire safety systems, and had created a policy to carry out fire risk assessments and 'prescribe staff training' for the hotel. He commented that the company 'had not carried out its duties properly', with Judge Sheridan agreeing and pointing out that the contractors that the hotel was 'relying on, let them down totally'.

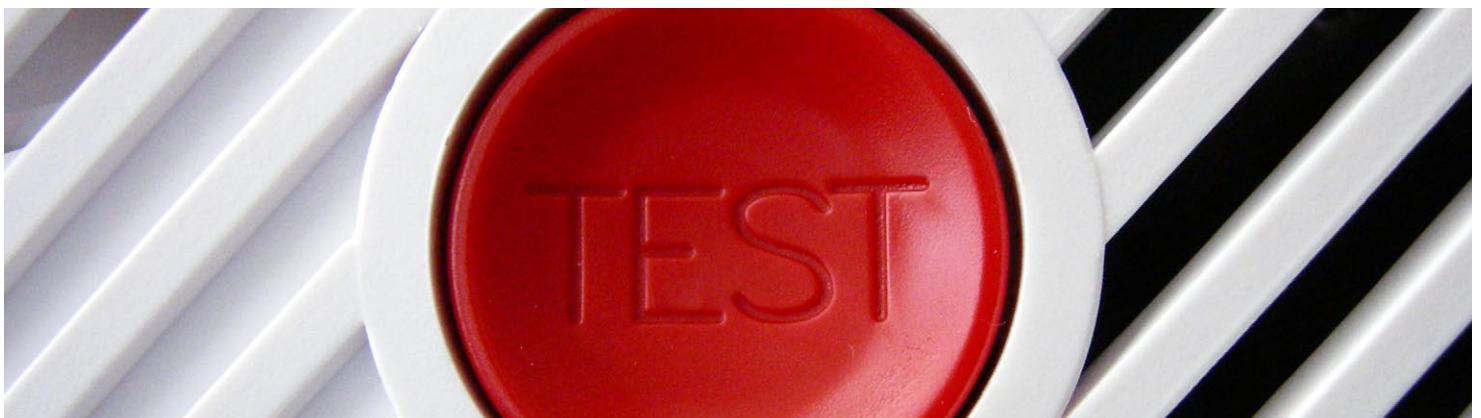
At Aylesbury Crown Court, Mr Aldridge admitted three counts of failing to comply with health and safety regulations, while Milcardar Ltd admitted six counts of the

same charge, with sentencing due soon. The hotel had lost about £30,000 in revenue once it closed to repair the fire alarm system. Judge Sheridan indicated Mr Aldridge 'would not receive a jail term but a fine', though this 'leniency' would 'likely lead to a harsher penalty' for the company, which could face a Proceeds of Crime Act hearing – not yet decided and causing the delay in sentencing in the case.

MiltonKeynes.co.uk has now reported that Mildarcar Ltd was fined £220,850 for 'putting staff and guests [...] at serious risk of fire', with the sentencing conducted remotely due to the COVID-19 pandemic. It was ordered to pay full costs of £33,828 to BFRS, whose officers were 'thanked and commended' by Judge Sheridan for their 'prompt response and attention to the initial fire safety complaint'.

The judge added that there were both 'corporate and management failings' that 'fell far short of appropriate industry standards', though the level of fines were 'dramatically reduced' due to the pandemic's impact on Milcardar's 'ability to trade'.

BFRS area commander and head of service delivery Dave Norris commented: 'The safety of the public is our primary concern, and it is not unreasonable for any hotel guest to expect the basic standards of protection from fire. Where fire safety is not treated seriously by companies, or when company directors neglect their responsibilities, we will take the appropriate course of action which in the most serious cases may result in prosecution.'



# Construction warned to prepare for building safety duty-holder roles

NEWS: 26 May 2020

Construction firms urged to prepare for duty-holder roles under new building safety regime changes before legislation comes into force.

**Construction firms and building managers and owners need to prepare more seriously for the introduction of the forthcoming Building Safety Act, which is expected to come into force next year.**

That's according to CIOB past president Paul Nash, who is a member of the Industry Safety Steering Group, chaired by Dame Judith Hackitt.

Speaking in the run-up to the third anniversary of the Grenfell Tower disaster, Nash said he was concerned that the construction industry as well as building owners and managers were acting too slowly to develop competencies for the new duty-holder roles.

Under official plans, the Building Safety Regulator will oversee the safety of all multi-occupied residential buildings of 18m or more in height, or more than six storeys. It will also have responsibility for a new duty-holder regime operating over a building's lifetime, with greater responsibility on designers and contractors to explain how they are managing safety risks.

Meanwhile an 'accountable person' will be responsible for understanding the fire and structural risks in the buildings they own once they are occupied, and will have to manage those risks by appointing a building safety manager.

Nash said that with hundreds of companies owning buildings expected to fall into the scope of the regime, the number of building safety managers needed was likely to be in the thousands.

And while there are pockets of good practice, he warned that other organisations appear to have made little progress.

Nash said: "Although there is no official estimate at this time, the number of residential buildings in scope of the new Building Safety bill is likely to be in the thousands, so it is reasonable to assume that the number of building safety managers required to ensure compliance will also be in the thousands, even taking into account that some building owners may appoint one building safety manager to oversee several buildings.

"The challenge for our industry right now is



CIOB past president Paul Nash

ensuring that there will be sufficient trained and competent individuals to perform the role in time for when the bill receives royal assent, which is expected sometime next year."

# Hot works blamed for school refurb blaze

NEWS: 9 June 2020

A fire that completely destroyed a Derbyshire school was most likely caused by hot works taking place during a refurbishment project, prompting calls for thermal imaging and hot work training for construction workers.

Firefighters were called to the accidental blaze at Harrington Junior School in Long Eaton on 28 May 2020. Crews from across Derbyshire, Nottinghamshire and Leicestershire attended the scene and

worked throughout the night, with two firefighters sustaining minor injuries.

**[Insurer calls for thermal cameras to spot hot works fires](#)**

Group manager Dean Gazzard, who was the officer in charge at the fire said: "Workers carrying out the refurbishment of the school did everything they could to contain the fire and prevent its spread before

*continued on next page*



the arrival of firefighters.

“Fire crews worked in extreme heat and challenging conditions, but despite everyone’s efforts, the school was totally destroyed by the rapidly spreading fire.”

Kumu Kumar, head of risk engineering at insurance firm Zurich, said: “As the recent blaze that destroyed Harrington Junior School in Long Eaton highlights, hot work remains a constant threat, and more action is needed to tackle the problem. Although the construction industry has well-established safeguards in place, hot work fires are continuing to break out with alarming regularity.

“A combination of approaches – including the use of thermal imaging cameras and hot work training – could help to dramatically reduce the frequency of hot work fires. Costing as little as £400, the devices could prevent millions of pounds worth of damage and reduce the costly impact on local communities.

**Insurer Zurich is urging contractors to adopt thermal imaging cameras as standard to reduce the number of fires caused by ‘hot works’.**

Zurich claimed that a quarter of all accidental fires on construction sites are sparked by work such as welding, grinding and torch-applied roofing, based on information it has obtained under the Freedom of Information Act.

## **Hot works cause 4 in 5 construction fires**

The company’s own claims data shows that 15% of the total cost of all UK fires in commercial and industrial properties involve hot work. The last three years has seen the cost of damage spike to £250m.

Zurich is also calling for contractors to adopt a voluntary licensing system that would see contractors complete a training course before carrying out or supervising hot work. A similar ‘passporting’ approach has been in place in Scandinavian countries since the 1980s, where it has reduced hot work fires to less than 5% of fire losses over the last decade. Contractors complete a one-day training course giving them a licence valid for five years.

It said it wanted to see the adoption of handheld thermal imaging devices, which cost as little as £400, on all non-domestic construction, refurbishment and maintenance projects involving hot work.

Kumu Kumar, director of risk engineering for Zurich UK, said: “Fires caused by hot work have a devastating impact on lives, businesses and communities. The construction industry already has robust hot work controls in place but with fires continuing to break out, additional measures are urgently needed. Thermal cameras could further strengthen the industry’s existing safeguards and help to detect more hot spots

before they ignite. The devices can also be used to take time-stamped photos to demonstrate fire watches have been carried out. Although there is no single solution for preventing hot work fires, this is a relatively cheap and simple measure that could have a far-reaching impact, especially if the cameras are adopted as standard.”

Gary Walpole, safety, health & environmental officer, for the National Federation of Roofing Contractors (NFRC), said: “The NFRC encourages the use of any technology that improves health and safety and within this guidance we recommend the use of thermal cameras, which are relatively cheap compared to the cost associated with fire, and the dangers posed to contractors and the general public.”

Home Office data obtained by Zurich under Freedom of Information shows that between January 2015 and March 2019, fire crews in England attended 1,587 construction fires – of which 28% were caused by hot work, or other sources of heat.

Kumar added: “As lessons from Scandinavia show, better training and awareness around pre-work assessments and post-work fire watch periods could help to dramatically reduce the frequency of fires sparked by hot work. A passporting scheme also encourages best practice and provides peace of mind to businesses when choosing contractors.”



# Smoke Ventilation Maintenance: What you Need to Know

Posted by **TOM ARCHER** of COLT on 11/06/20 10:00

The failure to maintain smoke ventilation systems can be dire. After all, as we've mentioned before, whilst fire grabs more headlines, smoke is the real killer.

The failure to maintain smoke ventilation systems can be dire. After all, as we've mentioned before, whilst fire grabs more headlines, [smoke is the real killer](#).

In fact, twice as many people die from smoke inhalation than they do from burns. Often smoke incapacitates so rapidly that victims are unable to make it to an otherwise accessible exit.

In this post, we will outline everything you need to know about smoke ventilation maintenance, including legislation, frequency, smoke ventilation maintenance services and more.

## Why maintaining smoke ventilation maintenance is so important

Smoke control systems or automatic opening vents (AOVs) are designed to protect people and property. Smoke systems are designed to vent the smoke, heat and fumes that are emitted during a fire.

Smoke system design varies according to the property, however, they are generally placed on roofs and wall spaces that are structurally sound. When heat and smoke detectors are triggered, the vents open automatically, keeping the smoke buoyant and moving out of the building.

It is vital that smoke is efficiently removed from buildings for the following reasons:

1. Smoke is comprised of components that can be lethal if inhaled. These components include:
  - Particles of burnt and partially burnt substances that can bypass the respiratory

system's defences and enter the lungs.

- Toxic gases such as carbon monoxide which can be deadly even in small quantities.
- Vapours that are poisonous if inhaled.

2. Fire can reduce oxygen levels in two ways. The first, by consuming the oxygen and the second, by displacing the oxygen with other gases, this is called Hypoxia.
3. Whilst smoke systems are principally classified as life safety systems, they facilitate fire fighting which becomes more dangerous and difficult in a [smoke-logged building](#).

## Smoke ventilation system maintenance and the law

For life safety equipment such as smoke control systems, building owners must ensure that it is maintained in an efficient state, in efficient working order and in good repair.

This is required by the [Regulatory Reform \(Fire Safety\) Order 2005 \(RRO\)](#).

The Department of Communities and Local Government suggests that the "smoke control system should be maintained by a competent person who is familiar with the fire engineering performance specifications of that specific system".

Also, under the Regulatory Reform (Fire Safety) Order 2005, the responsible person must always keep an accurate record. In the event of a fire, these records may be requested, for example, to make an insurance claim.

## What can go wrong with your smoke ventilation system?

We created a post called "[The accountable person - why smoke control maintenance is vital](#)". In this post, we mentioned that there are so many things that can go wrong with smoke control systems.

These issues could be due to the poor installation of equipment, misuse of smoke equipment by tenants, incorrect advice and lack of knowledge from unqualified maintenance contractors and more.

## Getting contractors to perform smoke ventilation maintenance services

The BS 7346-8 recommends that you get your smoke ventilation system checked Once per year by a qualified engineer. It is your responsibility to check that contractors have the qualifications, [accreditations](#) and training to work in accordance with the regulations.

Colt was the first UK company to be certified to both IFC SDI 19 and SDI 05. This demonstrates not only our competency in fire strategy, scheme design and installation but also our high standards of servicing.

Routine maintenance can extend the life of a product, and reduce the likelihood of downtime. Such a programme also may permit the equipment to be updated in line with the latest technological advances and standards.

To ensure that your smoke control systems are following the latest maintenance regulations, [speak to our service specialists today](#).

Thanks for taking the time to read this post, in our next post, we will share what to expect during a smoke control servicing visit. [Find out more](#).

## EFFECTS OF HYPOXIA

21% OXYGEN AVAILABLE	17% OXYGEN AVAILABLE	12% OXYGEN AVAILABLE	9% OXYGEN AVAILABLE	6% OXYGEN AVAILABLE
NORMAL AIR OUTSIDE	IMPAIRED JUDGEMENT AND COORDINATION	HERADACHE, DIZZINESS, NAUSEA, FATIGUE	UNCONCIOUSNESS	RESPIRATORY ARREST, CARDIAC ARREST, DEATH



Source: adapted from Reporters guide: The consequences of fire, National Fire Protection Association