

# Local exemption process – UsFS/AFA reduction strategy

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# 1 Introduction

- 1.1 The London Fire Commissioner agreed through formal LFC governance procedure (LFC-24-022), to non-attendance to Automatic Fire Alarms (AFAs) at commercial premises between the hours of 07:00 to 20:30, save for some limited cases. The agreed exemptions that continue to receive an LFB response to AFAs can be seen in Appendix 1; These exemptions will be managed at the point of call by LFB Mobilising Control at the London Operations Centre (LOC), by way of call filtering policy and mobilising system premises records.
- 1.2 It is acknowledged that there may be future occurrences of specific premises being identified either locally by LFB staff or via a Primary Authority Partnership (PAP), where they consider a new risk is such that it should attract an exemption to non-attendance. Therefore, this policy has been introduced to provide staff with a process to follow in these instances. The term "exemption" in relation to this policy, means a premises is exempt from non-attendance, so will continue to receive an emergency LFB response to all AFA calls.

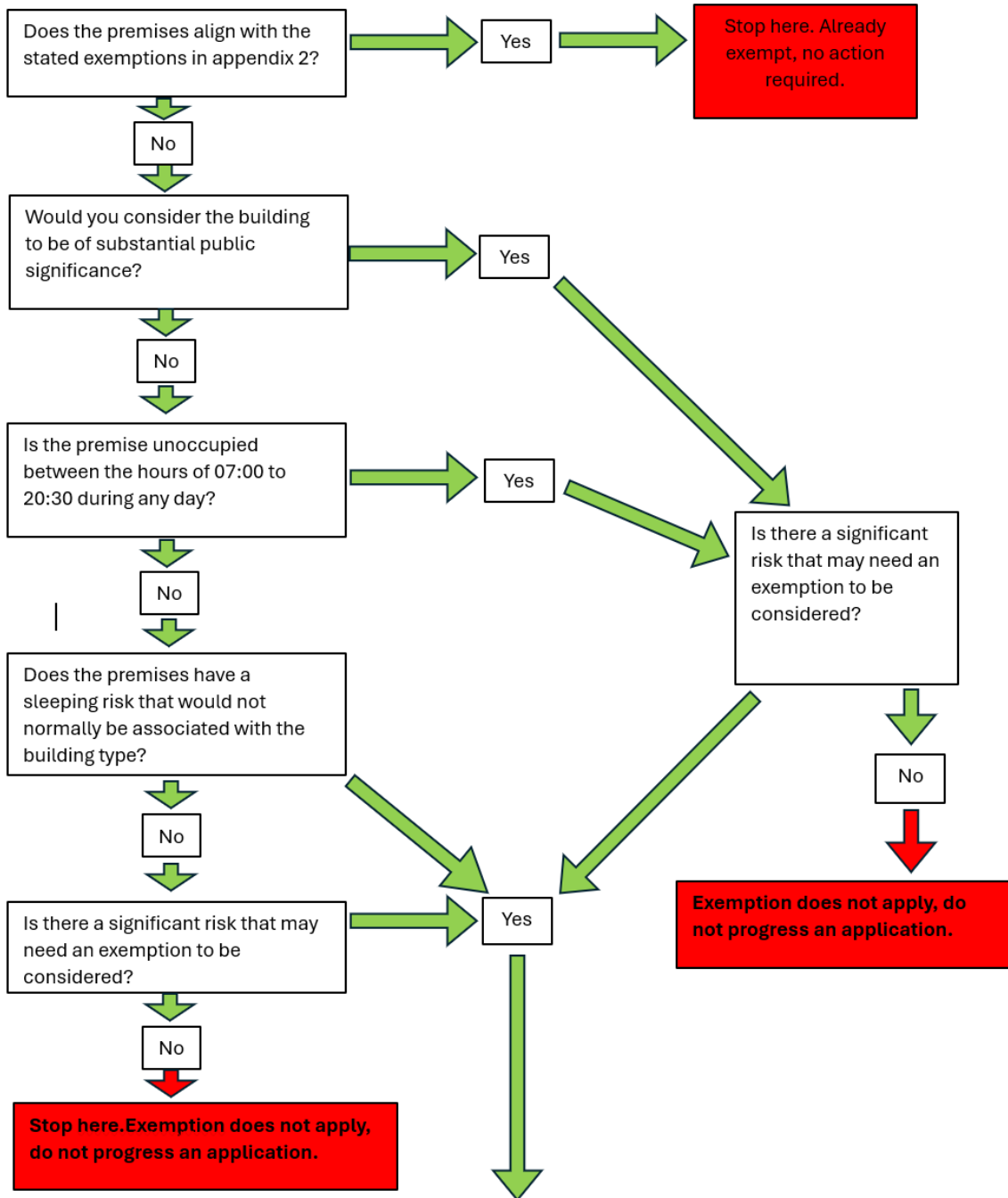
## 2 Premises identification

- 2.1 Local knowledge will play an important part for identification purposes and premises may be identified as potential candidates for exemption through everyday work such as premises audits, fire safety checks, desktop reviews, attendance at operational incidents, use of premises as training venues, etc. As such, initial identification that a premises may qualify for exemption can be made by operational or FRS LFB staff members, or by Primary Authority Partnerships (PAPs).
- 2.2 When a member of staff considers that a commercial building should be considered for exemption from the non-attendance to AFA policy (policy number 412 – Mobilising policy), they should review this against the flow chart in section 3 - Analysis of risk of this policy.
- 2.3 Premises of substantial public significance are listed as an exemption, but this will only apply to premises that have been individually considered via this policy, agreed as an exemption and registered as such on the mobilising system. This descriptor was introduced to try to give some flexibility to staff in situations which may not have been foreseen.

## 3 Analysis of risk

- 3.1 Careful thought should be given to the purpose of the non-attendance to AFA policy, which was introduced because 99% of the AFA's attended by LFB are false alarms. Therefore, it is important that staff only use the exemption process in cases where there is significant risk that sits outside of normal expectations.
- 3.2 Due consideration should be given to where the responsibility for risk sits. Property owners are required by law (The Regulatory Reform (Fire Safety) Order 2005) to make sure premises reach required standards of fire safety. All existing fire risk assessment and general fire precautions arrangements for commercial premises should be on the basis of evacuation without the need for intervention by the fire and rescue service.
- 3.3 In cases where a risk may appear to contravene fire safety legislation, appropriate liaison must be undertaken with the LFB Prevention and Protection Department (P&P) for consideration of enforcement action. P&P should also advise (based on risk posed by the likely resolution time) whether the individual cases should be considered for exemption in accordance with this policy. In cases where a premises would not normally be identified as holding a sleeping risk, but is identified as such, those premises should be considered in line with 3.4 - 3.6 below.

- 3.4 Premises where a sleeping risk legitimately exists as ancillary to the normal use of the premises (which does not of itself normally incorporate sleeping risk). (e.g. offices with caretaker's flat). These cases should be considered for exemption in accordance with this policy.
- 3.5 Premises where sleeping risk exists but is unlawful (i.e. breach of planning/legitimate lawful use of the premises) (e.g. sleeping by staff in a restaurant basement and persons are placed at significant risk as a result). These cases must be referred to the LFB Prevention and Protection (P&P) Department for consideration of enforcement action. P&P should also advise (based on risk posed by the likely resolution time) whether the individual cases should be considered for exemption in accordance with this policy.
- 3.6 Where premises may have ad-hoc sleeping in common parts of transport hubs while in transit/awaiting travel, these premises are managed by the operator whose evacuation arrangements should be expected to take this into account. Therefore, these cases should not be considered for exemption.
- 3.7 Shops with separate self-contained flats above, which have compartmentation and separate entry/exit doors, should not be considered for exemption unless a specific risk to an individual premises has been identified.
- 3.8 Due consideration should be given to whether a premises is occupied during the non-attendance period of 07:00 to 20:30 hours. If the premises is occupied, then any outbreak of fire can be confirmed to the LFB via 999 emergency call and LFB will continue to attend all AFA's where a fire is confirmed. Therefore, if the premises is occupied during these times, the application should not be progressed unless it is considered that there is still a significant risk. Points to be considered are included in Appendix 3.
- 3.9 It should be noted that an application does not mean automatic exemption, it will be considered by local borough managers\* and then the Mobilising, Crewing and Response Governance Board, so appropriate reasoning for exemption will need to be clearly set out on all applications.
- (\*Note – Where a premises is supported by a Primary Authority Partnership (PAP), the BC's role in relation to this policy for any LFB PAP may be carried out by the Primary Authority Team Leader from Prevention and Protection. Where a PAP is established with another Fire and Rescue Service, responsible persons should liaise through their respective fire service and that fire service lead should liaise with LFB directly.)
- 3.10 Where a Head of Service considers that there is a particular need to progress an application outside of this policy (e.g. premises identified via a national security route), the Assistant Commissioner for Prevention and Protection (AC P&P) will be responsible for deciding whether each case will be facilitated. In such cases where the AC P&P agrees, a joint decision between the AC P&P and the relevant HoS will be made as to the most appropriate method of recording and how it will be detailed on the mobilising system.
- 3.11 Having considered a potential premises exemption application against 3.1 to 3.10 of this policy, the next step will be to consider it against the following flowchart.



- Step 1** - Undertake a premise risk assessment (PRA) and record any information in line with the extant guidance contained within PN 800.
- Step 2** - Report risks and liaise with relevant officers/department for appropriate guidance in line with the extant guidance contained within PN 800.
- Step 3** - If the risk is still considered significant and has not been resolved by step 2 – Commence on-line application in accordance with this policy.

## 4 Application for exemption

- 4.1 **Step 1** - Undertake a premise risk assessment (PRA) and record any information in line with the extant guidance contained within Policy number 800 – Management of operation risk information.
- 4.2 **Step 2** - Report risks and liaise with relevant officers/department for appropriate guidance in line with the extant guidance contained within Policy number 800 – Management of operation risk information.
- 4.3 **Step 3** - If the risk is still considered significant and has not been resolved by step 2 – Commence on-line application in accordance with this policy. The on-line application form for exemption should be completed and submitted. This is located on the Hotwire Protection Page; <https://londonfire.sharepoint.com/sites/HW-Operations/SitePages/Protection.aspx>

## 5 Local management review

- 5.1 The Borough Commander (Team Leader for PAP) is responsible for conducting the local management review, they should satisfy themselves that the relevant stages detailed in this policy have been undertaken appropriately and the premises does meet the criteria to proceed.
- 5.2 Consideration should be given to why the premises is thought to be eligible for special consideration, and whether the provided justification is sufficient. Appendix 2 includes points to be considered.
- 5.3 If the Borough Commander (Team Leader for PAP) agrees with the application for exemption, they should annotate the application form appropriately, ensuring that the reasoning for exemption is very clear. The application should then be submitted for consideration.
- 5.4 Once submitted, the on-line application will be sent to the Prevention and Protection (P&P) Department. As the policy owners P&P should provide professional advice for the Mobilising, Crewing and Response Governance Board (MCRGB) as appropriate by annotating the on-line application accordingly before submitting it to the MCRGB.

## 6 Consideration by the Mobilising, Crewing and Response Governance Board (MCRGB)

- 6.1 The Board should consider that the granting of exemptions should be by risk-based exception only. Having taken into account all of the processes and analysis detailed in this policy, the Board should discuss the application and consider whether the risk is of such a nature that the application is either agreed or rejected.
- 6.2 Once the Board has considered the application against this policy, they should make one of the following decisions based on risk and ensure that the decision and reasoning is formally recorded within the on-line application system, so that the BC/TL making the application can access this information.
  - (a) Accept the application.
  - (b) Reject the application.
  - (c) Defer the application and request further information.
- 6.3 Where an application has been rejected, action should be instigated as deemed appropriate by the Board, to remove any exemption that has been put in place which is no longer considered as being required.

- 6.4 If the applicant disagrees with the Board decision, the Board may if they see fit, give the applicant an opportunity to provide further information to support their application at a later date. Otherwise, the Board decision is final, and the application will be closed. In cases where further review is allowed by the Board, any related TSR/exemption may remain in place until that review has taken place.

## **7 Facilitating exemptions**

- 7.1 When the initial application has been agreed, the on-line system will send an automatic notification to PDA section. Once the notification is received by PDA, the exemption should be uploaded onto the mobilising system, so that it is visible to control and mobilising operators when an emergency call is received for that given premises.
- 7.2 When an exemption has been agreed/declined by the MCRGB, the Board administrator should annotate the on-line system against that application. The system will then send an automatic notification of that decision to the applicant, the reviewers and PDA section, they will all be able to access the system to see the decision. If rejected, then PDA should remove any related exemption from the mobilising system.
- 7.3 Future review of the premises should be scheduled and undertaken in line with the PRA process detailed in Policy number 800 – Management of operation risk information.

## **Appendix 1 – List of premises that are exempt from non-attendance to AFA**

- Private dwellings/houses, flats (includes high-rise).
- Houses in multiple occupation.
- Mobile/park homes.
- Houseboats.
- Hospitals.
- Residential care homes/nursing homes/hospices.
- Children's homes.
- Specialised housing premises (e.g., sheltered housing, extra care sheltered housing, supporting living), Student accommodation/halls of residence.
- Schools and nurseries, including residential boarding schools.
- Hotels/motels/bed and breakfasts and other guest accommodation.
- Hostels (e.g., homeless, rehabilitation)/youth hostels.
- Prisons/young offenders' institutions/other secure establishments.
- Grade 1, Grade 2 & Grade 2S Listed Heritage buildings
- Other buildings of substantial public significance as already agreed under this policy.
- High risk sites storing volumes of dangerous substances (e.g. COMAH sites).

## Appendix 2 – Points of consideration

- 1 What is the particular risk that makes this application different to commercial premises that are not exempt?
- 2 All existing fire risk assessment and general fire precautions arrangements for commercial premises should be on the basis of evacuation without the need for intervention by the fire and rescue service. Therefore, how does the risk differ for this premises?
- 3 Is the risk a matter that should warrant consideration for exemption, or should it be dealt with in another way? (e.g. should the matter be referred to P&P for regulatory action in relation to the RRO 2005, including prohibition of inappropriate sleeping/residential use?) If so, will the process take time, so will the risk remain in the interim?
- 4 Is it likely that the premises will be occupied by people (during 07:00 -20:30 hours) who are also likely to investigate an AFA sounding and call the LFB via 999 to confirm the event of fire? (If this is the case, why does the premises warrant exemption?)
- 5 If the premises is not occupied, is there any risk to persons or property? (If yes, how and why? If no, where does the risk sit and is that a matter for LFB or should it sit with the responsible person?)
- 6 Given that the AFA reduction strategy was based on empirical data, is there any empirical data presented with this application and does it support the application?
- 7 Has any presented data been checked and cross referenced? (Consider requesting appropriate data from Business Intelligence that has been checked properly in line with all risk mitigations. i.e. data for all AFAs recorded as fires will differ from AFAs recorded fires that required to be extinguished, and therefore the risk can be read differently for the same data. Hence the need to ensure any data presented is properly checked).



# Document history

## Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA		SDIA	L – 09/10/24	HSWIA	03/10/24	RA	NA
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## Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date

## Subject list

You can find this policy under the following subjects.


## Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification