

## **Environment and Communities Committee**

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<b>Date of Meeting:</b>	10 November 2022
<b>Report Title:</b>	Notice of Motion: Sprinklers Save Lives and Protect Property from Fire
<b>Report of:</b>	Jayne Traverse, Executive Director of Place
<b>Report Reference No:</b>	EC/23/22- 23
<b>Ward(s) Affected:</b>	All

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### **1. Purpose of Report**

- 1.1. At the full Council Meeting of 20 July 2022 a notice of motion was proposed in relation to the fitting of sprinklers in buildings in the borough. This report responds to that notice of motion.

### **2. Executive Summary**

- 2.1. A Notice of Motion relating to the fitting of sprinklers in buildings in the borough was proposed to Council at its meeting on 20 July 2022. The motion was proposed by Councillor N Mannion and seconded by Councillor J Nicholas.
- 2.2. The motion proposed that the Council be a leader in securing the fitting of sprinklers in buildings in the borough. The full Notice of Motion is provided at paragraph 6.1.
- 2.3. Council referred the motion to the Environment and Communities Committee.
- 2.4. The primary legislation under which the Council promotes and enforces fire safety is Building Regulations which play a significant role ensuring the design and construction of new and modified buildings mitigates the risks associated with fire. The regulations include the requirement of sprinklers for new buildings above 11m in height where they contain at least one dwelling unit. Planning policies may compliment such regulations, but it is important that planning requirements do not overstep into areas better addressed by other legislation.

### **3. Recommendations**

- 3.1. That the Committee note the national legislation and regulations that promote and enforce fire safety in buildings.

- 3.2. That the Committee decide what action, if any, they wish to take in response to the Notice of Motion.

#### 4. Reasons for Recommendations

- 4.1. The Cheshire East Council Constitution sets out the procedure for Notices of Motion submitted to Council. A motion referred to the relevant decision-making body must be considered within two meeting cycles. At the meeting to which the motion has been referred for consideration, the proposer of the motion if present shall be invited to speak first, followed by the seconder. The matter will then be opened up to wider discussion.

#### 5. Other Options Considered

- 5.1. No other options were considered. In the interests of being open and transparent, the response to this Notice of Motion to Council will be considered by the relevant service Committee in accordance with the Council's Constitution

#### 6. Background

- 6.1. The full Notice of Motion proposed to Council was as follows.

##### ***Sprinklers Save Lives and Protect Property from Fire***

*We want our Council to be a leader in securing the fitting of sprinklers in buildings in our Borough.*

*We want it to lead by example: fitting sprinklers during major refurbishments of its buildings; specifying the fitting of sprinklers in buildings that are constructed on its behalf; and prioritising the fitting of sprinklers in buildings that it owns where specific risks exist (for example, where people sleep).*

*We wish to do all that we can to secure the fitting of sprinklers in the following building types:*

- *Care homes, Extra Care Facilities and Specialised Housing*
- *Flats and apartment blocks (below 11m)\**
- *Houses in Multiple Occupation*
- *Schools*
- *Large High Bay warehousing\*\**

*We know that legislative change is required to national planning and building policy in this area. However, we know of the success that local authorities have had in shaping local development policies through for example, neighbourhood planning and supplementary planning documents.*

*Therefore, we recommend:*

1. *Our council explores local policy options to promote and secure the fitting of sprinklers in the above building types when they are built, or if they undergo a major refurbishment.*
2. *Our council writes to the Secretary of State for the Department for Levelling Up, Housing and Communities and local Members of Parliament to promote changes to the law to require sprinklers in at least the above building types.*
3. *Our council writes to the Secretary of State for the Department for Education to strongly oppose the proposed removal of sprinkler provisions from the revision of the design guide for fire safety in schools (Building Bulletin 100) and to request that the requirement for sprinklers in schools is strengthened rather than removed.*

*This proposal has the unanimous support of the Cheshire Fire & Rescue Authority and is now being submitted to each of the four Councils that are covered by the Fire & Rescue Authority.*

### **Background Information**

*Sprinklers save lives, protect property and benefit the environment.*

*There have been no recorded fire deaths in a building fitted with correctly installed and maintained residential sprinklers.*

*Only the sprinkler affected by the fire will activate using a controlled quantity of water*

*There is a 1 in 16 million chance that a sprinkler will discharge due to a manufacturing defect.*

*Sprinklers are cost effective*

*It is a well-known fact that many businesses that suffer from significant fires and fire damage never return to operation. Sprinklers can safeguard against this and will significantly improve business continuity.*

*Cheshire Fire Authority has worked with Registered Social Landlords across Cheshire to secure the fitting of sprinklers in high-rise buildings. To date 17 high-rise buildings out of a possible 21 have been fitted with sprinklers with a further one in the fit-out stage. All were part-funded by Cheshire Fire Authority.*

*The following link takes you to videos showing the effectiveness of sprinklers and a comparison of a fire in a room with and without sprinklers fitted.*

<https://www.cheshirefire.gov.uk/business-safety/sprinklers/how-sprinklers-work/watch-how-sprinklers-put-out-fires>

*\* Flats and apartment buildings above 11m are now required to be fitted with sprinklers*

*\*\* High Bay Warehousing does not need sprinklers until they exceed 20,000m<sup>2</sup>. As an example it can be 200m long and 100m wide before it needs sprinklers.*

- 6.2.** The primary legislation under which the Council promotes and enforces fire safety in new and existing domestic properties is through the Building Regulations 2010. The Building Regulations play a significant role ensuring the design and construction of new and modified buildings mitigates the risks associated with fire. Examples include the provision of fire doors, fire resistant materials, the containment of fire risk through design and adequate means of escape and the inclusion of appropriate fire and smoke detection systems. All of these factors combined affect the safety of our buildings.
- 6.3.** Section 1 of the Building Act 1984 authorises the Secretary of State to make such Regulations to secure the health, safety and well-being of persons in or around buildings together with others who may be affected by them. The recent Building Safety Act 2022 has established in law the role of the Building Safety Regulator to oversee the profession moving forward, taking a lead role for buildings over 18m that contain dwellings.
- 6.4.** In May 2020 the primary set of documents referred to as “Approved Document B” issued under the Building Regulations 2010 were amended to include the requirement of sprinklers for new buildings above 11m in height where they contain at least one dwelling unit.
- 6.5.** Whilst legislation does not include buildings under 11m the industry does appear to be responding to some of the catastrophic implications of fire and designing in the use of sprinklers where appropriate, such as extra care premises.
- 6.6.** The current British Standard for Fire safety in the design, management and use of residential buildings (BS9991:2015) includes a definition for specialized housing and where sprinklers are included allows compensatory measures such as increased evacuation travel distances.
- 6.7.** The Building Control service apply consideration to the use of sprinklers as part of a fire engineering solution when considering compliance with the Regulations. There are areas where the use of sprinklers can be used to offset requirements for passive fire safety measures.
- 6.8.** Planning policies may compliment such regulations, but it is important that planning requirements do not overstep into areas better addressed by other legislation. Enforcement against non-compliance rests with the Building Control Authority and not the Planning Authority.
- 6.9.** Planning has recently taken on a formal role in considering fire safety matters through the introduction of ‘planning gateway one’ in August 2021. It affects buildings 18 metres or more in height, or seven or more storeys, containing two or more dwellings or residential student accommodation. Its purpose is to bring forward thinking on fire safety matters as they relate to land use planning

to the earliest possible stage in the development process. For relevant buildings it requires:

- developers to submit, with their planning application, a fire statement setting out fire safety considerations; and
- the Health and Safety Executive to be consulted by the local planning authority before granting planning permission

**6.10.** The Notice of Motion proposed to Council highlights two planning policy routes through which fire safety in buildings might be introduced as a material planning consideration in determining planning applications for several categories of development, going beyond the requirements of 'planning gateway one'. The first, neighbourhood plans, are prepared by Town and Parish Councils. The scope of policies within these plans is a matter for the relevant local council. The second identified route is through a supplementary planning document (SPD). SPDs are intended to provide additional planning guidance to support the implementation of policies in the adopted Local Plan. The Local Plan Strategy contains no explicit policy about fire safety in buildings. Policy SC3 (Health and Well-Being) supports new developments that provide healthy living and improve health and well-being through, amongst other things, sound safety standards. What is meant by sound safety standards is not explained in the supporting information accompanying the policy. Safety is referred to, however, in the context of preventing crime through design measures, such as providing for the surveillance of public spaces. The emerging Site Allocations and Development Policies Document also does not provide a relevant policy hook.

**6.11.** An alternative option is for a new policy about fire safety in buildings to be considered and tested through the Local Plan Update. However, even if successfully included, it would not become a weighty material consideration until the latter stages of the plan-making process

**6.12.** Building Bulletin 100 (BB100), published in 2007, is non-statutory guidance on fire safety for schools. The guidance covers designing a school building so that pupils and staff will have early warning if a fire breaks out and can evacuate quickly and safely. BB100 advises how to minimise the spread of fire and how to ensure the building structure is adequately resistant to fire. It also includes requirements for access and facilities for the Fire and Rescue Services. A consultation was undertaken by the Department for Education from 27 May to 8 August 2021 on proposed revisions to the Building Bulletin 100 design guide for fire safety in schools. The government are currently considering the responses.

## **7. Implications**

### **7.1. Legal**

7.1.1. Paragraphs 6.2 to 6.11 above detail the primary legislation under which the Council promotes and enforces fire safety in new and existing domestic properties and the legal implications for the council are contained therein.

7.1.2. It is recommended that further legal advice is sought should the Motion be accepted on the scope of promoting fire safety in policies as material considerations over and above the current legal framework.

## **7.2. Finance**

7.2.1. There would be staffing resource implications for the Planning service if the council chooses to explore local planning policy options to promote and secure the fitting of sprinklers over and above the requirements of Building Regulations. The priority of this activity would need to be considered against the policy priorities set out in the Local Development Scheme.

## **7.3. Policy**

7.3.1. There are no policy implications arising from this report.

## **7.4. Equality**

7.4.1. There are no equality implications arising from this report.

## **7.5. Human Resources**

7.5.1. There are no Human Resources implications arising from this report.

## **7.6. Risk Management**

7.6.1. The recommendations of the motion propose to influence policy that could help mitigate the risk to people and property from fire.

## **7.7. Rural Communities**

7.7.1. There are no implications for rural communities arising from this report.

## **7.8. Children and Young People/Cared for Children**

7.8.1. The motion includes a recommendation to write to the Secretary of State for the Department for Education to oppose the proposed removal of sprinkler provisions from the revision of the design guide for fire safety in schools (Building Bulletin 100) and to request that the requirement for sprinklers in schools is strengthened rather than removed.

## **7.9. Public Health**

7.9.1. There are no implications for public health arising from this report.

## **7.10. Climate Change**

7.10.1. There are no implications for climate change arising from this report.

<b>Access to Information</b>	
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Appendices:	n/a
Background Papers:	<a href="#">Building Bulletin 100: design for fire safety in schools - GOV.UK (www.gov.uk)</a> <a href="#">Building Bulletin 100 - Department for Education - Citizen Space</a>