



Joint Oireachtas Committee on Housing, Planning, Community & Local Government

BUILDING STANDARDS - FIRE SAFETY, DAMP AND VENTILATION

Dublin Fire Brigade – Thursday 11th October 2018

Opening Statement by Mr Dennis Keeley A/Chief Fire Officer, Dublin Fire Brigade

Chairman and Committee members I first wish to thank you for the invitation and I welcome the opportunity to attend and discuss Fire Safety issues, here today.

My name is Dennis Keeley and I am the A/Chief Fire Officer for Dublin Fire Brigade, I am accompanied here today by my colleague Mary O'Brien Senior Executive Fire Prevention Officer.

Dublin Fire Brigade (DFB) provides the function of the Fire Authority for four Dublin Local Authorities, namely; - Dublin City Council, Dun Laoghaire Rathdown County Council, South Dublin County Council and Fingal County Council.

The Brigade operates a 24/7 Fire, Rescue and Emergency Ambulance Service from 12 fulltime and 2 retained (part time) stations, an Emergency Communications Centre, an administrative Head Quarters, a Fire Prevention and Enforcement Section, a Brigade Training Centre and a Logistics/Workshop Centre. DFB provides emergency cover to Dublin City and County, a region with a population of over 1.35 million and covering an area of 922 km². In 2017 DFB processed in excess of 160,000 Emergency Fire and Ambulance 999/112 calls, there were 39,427 mobilisations to Fire & Rescue Calls and 86,405 mobilisations to Ambulance Calls.

DFB is particularly proactive with respect to safety and has achieved international accreditation, and/or MOUs for all aspects of their service delivery including ISO 9001, OHSAS 18001 and International Association of Emergency Dispatchers (IAED) Centre of Excellence.

The service is guided by the range of policies and procedures issued by the National Directorate for Fire and Emergency Management, (NDFEM) ¹, who set the national policy for Fire Authorities. The National Directorate for Fire and Emergency Management has in recent years provided a range of policy documents and reports to support the delivery of the fire service Nationally including the "Framework for Emergency Management", "Keeping Communities Safe, (KCS) and more recently the publication of the Fire Safety in Ireland a report of the fire safety task force and a summary of conclusions and recommendations.

The functions of a Fire Authority are prescribed in the Fire Services Act 1981 & 2003² to make provision for the prompt and efficient extinguishment of fire, to establish and maintain a fire brigade and to make provision to respond to calls.

The objective of DFB is to respond and deal with fire and medical emergencies as statutorily obliged.

Additionally, our objective is to promote fire safety through education and advice, to help ensure fire safety standards are being adhered to in existing buildings and to ensure the compliance with Building Regulations is achieved through good building design practice by competent professional designers. Consequently, our role is to ensure best practice in terms of fire safety in both new and existing buildings.

Additionally, DFB are guided by the Dangerous Substances Act 1972. The Brigade liaises with the Health and Safety Authority in relation to SEVESO industrial sites and petroleum Licence applications for petrol stations and bulk petroleum storage.

The Fire Services Act 1981 & 2003 and Building Control legislation provide us with powers of inspection and enforcement. DFB inspect all types of buildings, except a dwelling house occupied as a single dwelling which is outside the scope of the Fire Services Act. Where fire safety deficiencies are encountered, DFB may provide advice in relation to fire safety issues or where required utilise powers of enforcement such as a Fire Safety Notice to prohibit the use of a building or part of a building until the deficiencies are remedied. DFB can also issue a Closure Notice for cases where a more immediate risk is considered and if required bring a case to the high court to restrict the use of a building. DFB can also prosecute for non compliance with fire safety standards or indeed non compliance with the aforementioned notices. In 2017 DFB issued 14 Fire Safety Notices, 3 Closure Notices and 12 prosecutions and 2 high Court orders, in 2018 we have served 20 Fire Safety Notices.

The Building Control Acts of 1990 and 2014³ govern the design and construction of buildings, it provides for the making of the Building Regulations⁴ and Building Control Regulations⁵, and the setting up of Building Control Authorities with powers of inspection and enforcement.

The second Schedule of the Building Regulations 1997 - 2017 sets out the 12 distinct parts of the Building Regulations, parts A to M, including Fire which is part B. The Building Regulations are not prescriptive but are performance based regulations. DFB administers Part B of the Building Regulations within Dublin City Council and supports the administration of Part B in the other three Dublin counties. Each part is accompanied with a Technical Guidance Document (TGD)⁶ and DFB primarily deal with TGDB. Works carried out in accordance with TGDB are assumed to demonstrate prima facie evidence of compliance with Building Regulations.

The Building Control Regulations 1997 to 2015 set out procedures and controls which require owners, builders, and registered construction professionals to demonstrate through the Statutory Register of Building Control Activity that the works or buildings concerned have been designed and constructed in compliance with Building Regulations.

Building Control Regulations apply to the construction of new buildings and to existing buildings which undergo an extension, a material alteration or a material change of use, with some exceptions.

It is a statutory requirement of the Building Control Regulations that a Fire Safety Certificate must be sought and obtained for the construction, material alteration, and material change of use and or extension to a building. DFB working in conjunction with the building control authorities of the four Dublin Councils process approximately 1500 Fire Safety Certificate applications per Annum.

A Fire Safety Certificate once granted indicates that a building if built in accordance with the design which was submitted will be in accordance with Building Regulations. It is the responsibility of the designer, the builder and the owner to ensure that the building is built in accordance with the fire safety certificate and the Building Regulations.

With the advent of the Building Control Amendment Regulations (BCAR) in 2014 ⁷, there is now greater oversight and accountability of the construction of building and works.

Challenges in terms of housing standards and fire safety

DFB have no powers of inspection or enforcement in a single dwelling. We can only advise about fire safety. Tragically most fatalities due to fire occur in the single dwelling, in order to address this we undertake community fire safety initiatives throughout the community to give advice and create awareness of fire safety best practice, in essence, to help people keep themselves safe from fire.

All other buildings used for housing, including apartments and hostels, should comply with Building Regulations, if new or if materially changed or extended.

Additionally, the Fire Services Act places responsibility on persons in control of a building for fire safety in that building in terms of the operation and management of the building or apartment or hostel.

However, it is important that persons in control of buildings are aware of their responsibilities, this is especially important in the context of apartments.

The Multi Unit Development Act of 2011 ⁸ provided for the setting up of an Owners Management Company (OMC) for each apartment complex. It is important that a formal OMC is created for each apartment complex complete with sufficient funds to operate.

Under the Fire Services Act, with regard to apartment buildings, the OMC would be considered to be the persons in control of the building and therefore is responsible for fire safety in the apartment building. Therefore, any enforcement action carried out would be directed against the OMC or persons in control of an apartment building. Unless the OMC are adequately funded, they will be impeded in their capacity to manage the fire safety in the apartment

building. The OMC should ensure that active systems are maintained and passive fire safety elements are kept in good repair so as to ensure that the fire safety design strategy of the apartment building is in place.

I would like to highlight the challenges and issues we have noted through our inspection programme, and in particular the deficiencies identified based on legacy building defects that occurred in that decade. We have found both construction defects and management inadequacies. While we have extensive powers as explained under the aforementioned legislation, we are mindful of the impact of our actions and cost to homeowners, our focus is on safety, on risk mitigation and improving the safety of the building. DFB continue to work and engage with stakeholders in this regard. We will however use our powers to full effect, if warranted, to minimise risk to owners / occupiers.

At the fire safety certificate application design stage, DFB are being presented with new building techniques and complex fire safety engineering design innovations. This poses challenges for us in terms of ensuring that the design is in compliance with Building Regulations and ensuring that it will be built correctly. It is vital that there is good education and handover to the owner or eventual users in terms of the fire safety strategy of the building, once the building is complete, to ensure that it will be operated within the fire safety strategy design parameters.

We also consider the effect of these design innovations on our fire fighting capabilities and the health and safety and training of fire-fighters. This is particularly pertinent in both high rise and complex building design. These types of buildings are designed with a myriad of fire safety features, both passive and active systems, to ensure compliance with Building Regulations, and the safety of occupants and fire fighters.

Recommendations

In May 2018 the report “Fire Safety in Ireland”; - report of the Fire Safety task force was published by Department of Housing Planning and Local Government ⁹, this report addresses the public concerns and fears that were generated on foot of the Grenfell fire and makes a number of recommendations to guide fire safety in Ireland. I welcome this report and its recommendations.

It highlights the “engineer, educate and enforce” approach to fire safety in Ireland. I welcome the recommendation of a more targeted inspection and enforcement approach based on risk assessment prioritisation. I also welcome the emphasis on education of “persons in control” and OMC to their responsibilities under the Fire Services Act. I recommend that advice is given to apartment owners and representative bodies on their fire safety responsibilities and the importance of an adequately funded OMC.

The continued emphasis towards community fire safety and helping citizens stay safe from fire is important and should be supported. We have a high presence of smoke alarms in homes

but more can be done to ensure that they are all working correctly. More targeted campaigns and programmes should be developed based on operational intelligence. The leveraging and increased use of social media platforms should also be developed.

Dublin Fire Brigade is at the coalface in terms of ensuring that building design is in compliance with Building Regulations and in responding to fires in these buildings. As our Building Regulations are performance based, we rely on fire safety engineering and also current codes of practice and guidance to check compliance of designs. It is important that standards referenced in guidance are kept current. It is also important that the compliance with Building Regulations is demonstrated in terms of new building techniques and designs. DFB will continue in supporting the NDFEM and Department of Housing Planning and Local Government in the review of new codes of practice and standards with the purpose of improving fire safety in Ireland, and I recommend that the review of Technical Guidance Document B is brought to a conclusion and published. In this regard it will be important to take account of the findings in the Grenfell enquiry.

In conclusion, Dublin Fire Brigade is committed to ensuring that Dublin is best prepared against the risk of fire, we will continue to promote fire safety best practice in all buildings and to help people stay safe in their own homes.

Thank you.

1. National Directorate for fire and Emergency Services
<https://www.housing.gov.ie/local-government/fire-and-emergency-management/national-directorate-fire-and-emergency-management>
2. Fire Services Act 1981 & 2003
<http://www.irishstatutebook.ie/eli/1981/act/30/enacted/en/html>
3. The Building Control Act 1990 & 2007
<http://www.irishstatutebook.ie/eli/2007/act/21/enacted/en/html>
4. Building Regulations
<https://www.housing.gov.ie/housing/building-standards/building-regulations/building-regulations>
5. Building Control Regulations Framework
<https://www.housing.gov.ie/housing/building-standards/building-regulations/building-control>
6. Technical Guidance Documents
<https://www.housing.gov.ie/housing/building-standards/tgd-part-d-materials-and-workmanship/technical-guidance-documents>
7. Building Control Amendment Regulations S.I. 9 of 2014
<http://www.irishstatutebook.ie/eli/2014/si/9/made/en/print>
8. Multi Unit Development Act 2011
<http://www.irishstatutebook.ie/eli/2011/act/2/enacted/en/html>
9. Fire Safety In Ireland, Report of the Fire Safety Taskforce;- May 2018
https://www.housing.gov.ie/sites/default/files/publications/files/fire_safety_in_ireland_-_report_of_the_fire_safety_task_force.pdf