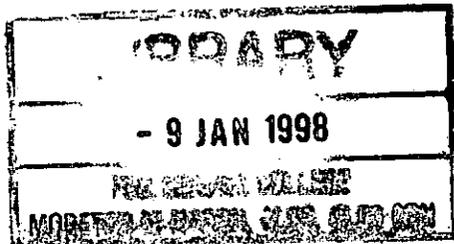




HOME OFFICE
HORSEFERRY HOUSE, DEAN RYLE STREET
LONDON SW1P 2AW



To: All Chief Fire Officers

7 January 1998

Dear Chief Officer

DEAR CHIEF OFFICER LETTER 1/998

This letter deals with a number of matters which are summarised below. More detailed information is contained in the relevant Items attached to the letter.

A CFBAC SUMMARY REPORT NO 77: DEVELOPMENT OF A USER-FRIENDLY INTERFACE FOR A FIRE MODEL

This item informs Chief Fire Officers of CFBAC Report No 77 which describes a project to date conducted under the auspices of the Home Office Fire Research Programme to investigate the potential for developing the field model into a more user-friendly form capable of use by both the expert and the non-expert alike.

B CONTINGENCY PLANNING FOR YEAR 2000

This item advises Chief Officers of the importance of ensuring serious and concerted senior management commitment to dealing with millennium problems in computers.

C SUB-SURFACE AT-INCIDENT COMMUNICATIONS

This item advises Chief Officers of on-going research and development activity targeted at improving sub-surface at-incident radio communications for those locations where fixed installations were not justified or practicable.

D CONSTRUCTION (HEALTH, SAFETY AND WELFARE) REGULATIONS 1996

This item informs Chief Fire Officers of :-

1. ISSUE OF GUIDANCE BY THE HSE
2. ENFORCEMENT POWERS UNDER REGULATION 33

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E SAFE WORK IN CONFINED SPACES (CONFINED SPACES REGULATIONS 1997)

This item draws Chief Fire Officers attention to the enactment and publication of the Confined Spaces Regulations 1997, together with an approved code of practice (ACOP). These regulations come in to force on 28 January 1998. The regulations and approved code of practice have been published as a combined document which provides practical guidance about interpretation and implementation.

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Yours faithfully

G. Meldrum

**G. MELDRUM CBE QFSM D.Univ. FIFireE CIMgt
HER MAJESTY'S CHIEF INSPECTOR OF FIRE SERVICES**

**CFBAC SUMMARY REPORT NO 77: DEVELOPMENT OF A USER-FRIENDLY
INTERFACE FOR A FIRE MODEL**

Fire engineering is playing an increasing role in building design and fire models are useful tools for predicting the effects of fire and for helping to assess the fire safety of the proposed building. However, field models give a detailed picture of fire development but are more complex to use.

2. The enclosed CFBAC Report No 77 describes a project to date conducted under the auspices of the Home Office Fire Research Programme to investigate the potential for developing the field model into a more user-friendly form capable of use by both the expert and the non-expert alike. The University of Greenwich was contracted to develop and incorporate into the model, a user-friendly method of operation. The result has been the development of the "Smartfire" model. Some further work is required before "Smartfire" is ready for distribution but it is hoped that "Smartfire" will provide a useful educational tool to familiarise fire professionals with field fire modelling and also be used by more experienced fire engineers to make fire hazard assessments.
3. The report gives a basic outline of the potential of the model, and further details can be obtained by contacting Dr Brian Hume of the Home Office Fire Research & Development Group on 0171-217-8008.
4. There are no cost implications arising from this part of the letter.

Telephone Contact Number: 0171-217-8043 (Policy)
0171-217-8008 (Technical)

CONTINGENCY PLANNING FOR YEAR 2000

The attached paper is a set of guidance notes for the fire service on coping with millennium problems in computers. The guidance states:

“A seemingly simple problem which has the capability to bring major corporations to their knees requires thorough investigation and careful planning. Taking action immediately should allow the problem to be managed, although significant redeployment of manpower and financial resources may be necessary.”

It should be noted that lack of compliance in other systems might require action from the fire service. For example, two police forces have received discouraging responses from the petrochemical industry about how well their plans are progressing.

Telephone contact number John Harwood 0171 217 8183

ITEM C
DCOL 1/1998

SUB-SURFACE AT-INCIDENT COMMUNICATIONS

The Radio Frequency and Communications Planning Unit (RFCPU) of the Home Office are involved in on-going research and development activity on behalf of the fire and police services targeted at improving sub-surface at-incident radio communications for those locations where fixed installations were not justified or practicable.

Recently RFCPU produced a technical specification for equipment and engaged a company to build six prototype units for further trials, mainly to establish optimal deployment practices. Attached is the RFCPU report on the trials which confirm that the equipment does provide a means of substantially improving sub-surface radio communications

RFCPU intend to revise MG49 in response to the trials.

Telephone contact number Brian Hill 0171 217 8067

**CONSTRUCTION (HEALTH, SAFETY AND WELFARE) REGULATIONS
1996:**

1. **ISSUE OF GUIDANCE BY THE HSE**
2. **ENFORCEMENT POWERS UNDER REGULATION 33**

The HSE's guidance on the Construction (Health, Safety and Welfare) Regulations 1996 was published on 24 November. The guidance (*Fire Safety in construction work: Guidance for clients, designers and those managing and carrying out construction work involving significant fire risks*, HSG168, ISBN 0-7176-1332-1, £8.95) is obtainable from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS (tel: 01787 881165; fax: 01787 313995).

2. The HSE will shortly issue to their inspectors an Operational Circular (OC 401/3) on *The Enforcement of Fire Safety Standards during Construction Work*. In order to ensure that the information given to fire authorities and HSE inspectors is consistent, the Home Office has agreed with the HSE to amend the Operational Circular for issue to fire authorities. This will be issued through a DCOL when the necessary consent from the HSE has been obtained.
3. The HSE has made the Home Office aware of a number of queries received by HSE inspectors from fire brigades concerning the powers that should be used to enforce the Regulations. Pending the issue of the Operational Circular, the following information is given on the matters about which there seems to have been most uncertainty.
4. Because the Regulations are made under the Health and Safety at Work etc. Act 1974, the fire authority, in the exercise of its responsibility as enforcing authority under regulation 33, is enabled to use the powers of the 1974 Act. The Regulations are "relevant statutory provisions" for the purposes of the Act. (Section 53(1) of the Act defines "relevant statutory provisions" as meaning, *inter alia*, "the provisions...of any health and safety regulations".) A contravention of regulations 19, 20 or 21 would, therefore, be a breach of relevant statutory provisions. Therefore, *inter alia*, the fire authority can use the prohibition notice under section 22 of the Act when

acting as enforcing authority. Although section 27 of the Act does not empower the enforcing authority to obtain information which it needs for the discharge of its functions - (the section empowers the Health and Safety Commission, with the consent of the Secretary of State, to obtain information either for itself or for the enforcing authority) - section 20 of the Act gives inspectors powers for the purpose of carrying into effect any of the relevant statutory provisions within the field of responsibility of the enforcing authority.

5. Paragraph 9 of Fire Service Circular 4/1997 deals with those cases where a fire officer considers that there is or might be a serious risk of fire on the construction site, but it is not a construction site (namely, partially occupied) for which he has enforcement powers under regulation 33. In such cases, he can take immediate action under section 10 of the Fire Precautions Act 1971. Where, however, the construction site is partially occupied, then, by virtue of regulation 33, he can exercise the power under section 22 of the 1974 Act. Section 22 may only be exercised within the field of responsibility of the fire authority under the Regulations. Section 10 is not an alternative means of enforcing the provisions for which a fire authority is made the enforcing authority under the Regulations. The purpose of section 10 is different; it is part of the powers of the fire authority when carrying out its wider duties as fire authority. Accordingly, where the fire authority is acting as enforcing authority under the Regulations, it ought to use section 22.

6. Paragraph 4 of DCOL 11/1996 advises Chief Fire Officers to consult with their fire authorities to ensure that their inspecting officers are authorised to undertake the enforcement power under regulation 33. Fire authorities must appoint inspecting officers under section 19(1) of the 1974 Act. Fire authorities are enforcing authorities for the purposes of the Act. Section 18(5) of the Act places a duty on any authority which is made responsible for the enforcement of any health and safety provisions to make adequate arrangements for the enforcement of those provisions. Section 19(1) empowers an enforcing authority to appoint such inspectors as may be necessary to carry into effect any health and safety regulations for which it is responsible. Section 19(2) requires that such appointments shall be in writing specifying which powers conferred on inspectors by the relevant statutory provisions are to be exercisable.

Telephone contact number: 0171-217 8196

ITEM E

DCOL 1/1998

SAFE WORK IN CONFINED SPACES (CONFINED SPACES REGULATIONS 1997)

Introduction

1. This item draws Chief Fire Officers attention to the enactment and publication of the Confined Spaces Regulations 1997, together with an approved code of practice (ACOP). These regulations come in to force on 28 January 1998. The regulations and approved code of practice have been published as a combined document which provides practical guidance about interpretation and implementation.

2. It is particularly important that the fire service recognise the extent to which the regulations cover fire service activities, and that the definitions of a 'confined space' are fully understood. The definition includes, for example, any chamber, tank, vat, silo, trench, pipe, sewer, flue, well or other similar space in which, by virtue of its enclosed nature, there arises a reasonably foreseeable specified risk. These 'similar spaces' might include such things as buildings, rooms, ships cargo holds etc. The 'specified risks' which might arise include the risk of serious injury to any person at work arising from fire and explosion and many other areas of work that firefighters might be likely to experience during special service incidents.

3. Under these regulations a 'confined space' has two defining features. "First, it is a place which is substantially (though not always entirely) enclosed and secondly, there will be a reasonably foreseeable risk of serious injury from hazardous substances or conditions within the space or nearby". Inevitably, the operational work of the Fire Service will substantially fall within the requirements of the regulations. It is therefore imperative that a risk assessment is carried out before committing Fire Service personnel to any incident to which these regulations apply.

6. There are three areas which will require assessment by fire brigades. These are:-

1. *The normal station working environment, which will include areas such as roof voids, tanks, cellars and cable ducts, which may be visited by brigade personnel, contractors etc.*
2. *Training areas, such as tunnels, search and rescue facilities particularly those-involving smoke and-fire training buildings and compartments.*
3. *The operational environment.*

7. Whilst there is provision for the granting of exemption certificates, there are no exemptions for the training and operational environment, other than that which applies to the latter in respect of the need to carry out atmosphere pre testing procedures prior to effecting a rescue where BA is to be worn. Therefore brigades will be expected to take into account all the risks and hazards associated with various type of incidents to which these regulations may apply. As an example, the recently published information in respect of silos, gave guidance on what would be required having taken the confined space regulations into account.

8. The Home Office intends to consider all past and future guidance with particular

emphasis on the effects of these new regulations and will issue further information as appropriate and necessary.

9. The regulations and approved code of practice is available price £7.50 from HSE books. (ISBN 0 - 7176 - 1405 - 0)



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