

**Fire (Scotland) Act 2005:
Draft Fire Safety Guide: Places of Entertainment and Assembly
Response of the Scottish Council of Jewish Communities**

Introduction

The Fire (Scotland) Act 2005 (referred to hereafter as the Act) and the proposed “Practical Fire Safety Guidance for Places of Entertainment and Assembly” (referred to hereafter as the Regulations) which would be implemented under Section 57 (1) of the Act offer an opportunity to introduce better practices in the management of places of worship and community buildings. However it should be recognised that although these buildings are currently largely outside the current regime, and often for instance do not require Fire Certificates, their fire safety record is good. Accordingly we emphasise that any change must be proportionate.

Risk Assessments

The use of risk assessments is now widespread and is seen as good practice, as it eliminates the formulaic application of solutions without proper consideration of the circumstances. As the use of risk assessments has spread it has become widely recognised that a risk assessment must be undertaken by a “competent person”. To be deemed competent a person must have adequate knowledge, understanding and training.

In the draft Regulations this is confirmed and indeed the Regulations state (paragraph 34) that:

“Persons can be considered proficient where they have sufficient technical training and experience or knowledge, both to carry out a fire safety risk assessment and understand fully the procedures and management involved, and to undertake properly the measures referred to in this guide. Risk assessment in complex premises may require the assessor to have a greater level of knowledge and expertise”.

This is sound practice and is to be welcomed. However, under the Act a person who has control to “any extent” of relevant premises is required to carry out a risk assessment and, consequent to that, take relevant measures to ensure the safety of those using the premises. We are concerned that, in premises used by a wide range of small community organisations, many people with some extent of control do not have the requisite expertise to undertake an effective risk assessment – nor adequate funding to pay someone else to undertake it on their behalf.

Concerns

The Scottish Government's view of how the Regulations should be implemented, as expressed at the Consultation Meeting of 15 August 2007 at Victoria Quay, give us much additional cause for concern, since it does not take realistic account of small community organisations, and is therefore entirely unworkable. Our experience of acting as a Registered Organisation to facilitate Disclosure Scotland applications on behalf of the Jewish community heightens our concern, as that system illustrates only too graphically what may happen when Regulations that appear reasonable are interpreted in an overly strict manner, far in excess of what any reasonable person might understand them to mean.

If the approach adopted under Health & Safety legislation is followed then risk assessments would be prepared by suitably qualified persons, and mechanisms put in place to ensure that anyone who may find themselves at risk is apprised of the findings and of the associated mitigation measures.

However, the advice given at the consultation meeting was that **ALL** parties to the use of the building will require to undertake their own separate risk assessment for each use of premises. Whilst at first glance this may seem uncontroversial, it is in our opinion likely to impact adversely on communal organisations where much of the responsibility falls on volunteers. The example discussed at the consultation meeting was of four badminton players given permission to use the church hall for a knockabout game, who must not only undertake their own fire safety risk assessment, but must first complete the relevant paperwork to notify them of their obligation to do so. In our view that is not only disproportionate, but also counterproductive. Very few small organisations are likely to comply with such stringent regulations, and fire safety will be most effectively served by good regulations with which all organisations feel able to comply, than by an insistence on the "best" regulations which will be more often honoured in the breach than the observance.

If the Regulations require volunteers to take on additional responsibilities of which they have no knowledge or understanding, the outcome is likely to be a reduction in those volunteering and a diminution of the availability of community premises for use by other bodies, i.e. a fragmentation of our community - hardly, we believe, the desired outcome.

The Jewish Community is typical of many communities in that there is within it a network of organisations that own and / or use the community's buildings for a wide variety of purposes. It is important that this is not hindered by the new Regulations. By way of example we would like to describe one situation within our community. The Jewish Community Centre is housed in premises belonging to Giffnock Synagogue. The community centre is used by youth organisations for their meetings. If ALL parties which have "control to any extent" have to be involved in the process then this would require the following parties to consider the circumstances:

- ◆ Giffnock Synagogue – as owner
- ◆ Glasgow Jewish Representative Council – as lessee
- ◆ Jewish Community Centre – as manager
- ◆ UJIA – as a tenant and organiser of youth activities
- ◆ Youth Forum –as meeting organiser.

On most occasions none of the first four of these will have a representative on the premises during the meeting or event being held by the fifth.

Clearly it is neither desirable nor practical for ALL of these parties to conduct a separate survey and risk assessment before each weekly meeting - the more particularly since this is only one of many meetings held in the course of each week by a wide variety of organisations and the premises are in almost continuous use.

As previously stated such a procedure would discourage the use of communal premises and blur responsibilities with all parties thinking “it is not my responsibility”. This would be entirely counterproductive.

Our Views

There is always room for improvement, and appropriate regulations may enable those involved in using premises to be better informed of the associated risks, mitigation measures and safety procedures. However, this can only be achieved if risk assessments are prepared by the relevant responsible parties. We accept that there are some responsibilities which lie with the building owner and others with the lessee, tenant and manager. These are however hierarchical and one can build on the other. Indeed in many cases, where there is cooperation between the parties, a single appointment can be made to prepare all relevant risk assessments.

We would refer to practice in the field of Health and Safety. We would envisage that a series of generic risk assessments would be prepared to cover the different ways in which a building is normally used. Consider a community hall; it could be used as follows:

- ◆ Relatively small numbers with little equipment (e.g. sports such as indoor football, badminton, general training)
- ◆ Events where there may be tables set out and significant numbers involved (e.g. bazaars, jumble sales)
- ◆ Large groups of seated people (e.g. public meetings, plays, recitals)
- ◆ Large groups of people seated at tables (e.g. dinners, whist drives, quiz evenings)
- ◆ Mixed events (e.g. a dance where there could be the band, a clear area of floor and tables and chairs around the edge).

Where a new or different use arises then a specific Risk assessment will be required although this may be developed from one of the existing Risk assessments. Users would then be given the relevant Risk assessment to their proposed use of the building. By reviewing the Risk assessment they will heighten their awareness of how the building

should be used, what the key safety considerations are and how to respond in an emergency. This will improve safety without overwhelming owners, managers and users and discouraging the use of communal properties.

Conclusions

The Regulations are crucial to the appropriate and effective implementation of the Act, and we believe that by adopting the type of approach used in Health and Safety matters a pragmatic and workable solution can be developed. We do, however, have concerns that enforcement agencies may interpret the Regulations in an overly restrictive way that would stifle communal activities. To reduce the likelihood of this we emphasise that the Regulations must be proportionate, and worded in a manner that is clear, unambiguous, and, above all, workable for small as well as large organisations, and that their implementation and enforcement must also be proportionate.

Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

This submission is made by the Scottish Council of Jewish Communities after widespread discussions within the Scottish Jewish community. The following organisations have been consulted and join with the Council in making this submission:

1. Aberdeen Hebrew Congregation
2. B'nai Akiva
3. Community Security Trust
4. Dundee Hebrew Congregation
5. Edinburgh Hebrew Congregation
6. Edinburgh Liberal Jewish Community
7. Garnethill Hebrew Congregation
8. Giffnock and Newlands Hebrew Congregation
9. Glasgow Jewish Representative Council
10. Glasgow Reform Synagogue
11. (Glasgow) Jewish Community Centre
12. Habonim
13. Israel Information Office
14. KKL Scotland
15. Langside Hebrew Congregation
16. Maccabi
17. Netherlee Clarkston and Queen's Park Hebrew Congregation
18. Newton Mearns Hebrew Congregation
19. Northern Region Chaplaincy Board
20. Queen's Park Charitable Trust
21. Scottish Jewish Archive Centre
22. United Joint Israel Appeal