

# Charging for automatic fire alarms

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 Responsible work team: **Policy team**

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# Warning

**Please note:** Charging for AFA's is currently suspended whilst the charging process is reviewed. For further information or guidance, please contact the FSR Policy Team on extension 30845.

## 1 Introduction

- 1.1 The Brigade categorises calls to fire where, on attendance, there is found to be no fire as 'False Alarms'. These include calls from individuals who genuinely believe there to be a fire but this information turns out to be incorrect. These are recorded as 'false alarm, good intent'. A second category of false alarm calls arise from malicious action (recorded as 'false alarm, malicious'). There is a third category of false alarm calls resulting from automatic fire alarm systems from both non-domestic and domestic premises (recorded as AFAs). These types of false alarms result from malfunction of equipment, poor installation and a combination of environmental influences, such as those created by inappropriate human behaviour. Between April 2014 and March 2015, the Brigade attended 34,676 AFA calls, 20,667 of which were to non-domestic premises.
- 1.2 The Brigade recognises the value of fire alarms in protecting people from fire and reducing the numbers of fire deaths and injuries. The Brigade's objective through the application of a cost recovery charge is to encourage proper use and management of automatic fire alarm systems. This aims to ensure those responsible have a suitable system with appropriate management processes in place, so as to reduce the number of false alarms caused by these systems. And further, that where persistent false alarms occur and where it is appropriate to do so, that filtering is applied to prevent unnecessary calls being made to emergency services. Fire alarms which actuate when there is no fire can be an indication of poor fire safety management on the premises and those false alarms that result in an attendance by the Brigade have a significant impact on the use of operational resources.
- 1.3 Since 2005/06 (the year with the highest number of AFAs in non-domestic buildings), the number of attended AFA incidents had reduced by around 28 per cent prior to the introduction of AFA cost recovery. This reduction is due to the efforts to engage with Responsible Persons as part of the reduction strategy and should be seen in the context of a significant increase in the number of alarm installations across London.
- 1.4 To enable Fire and Rescue Services (FRSs) to further encourage an improvement in alarm management practices, a statutory power to charge for attendance at false alarms in certain defined circumstances was introduced by the Localism Act 2011. This amended the Fire and Rescue Services Act 2004 (FRSA) by inserting S18A-18C. These powers came into effect on 18 February 2012 for all fire and rescue authorities in England. As a result, fire and rescue services may, under Section 18C of the FRSA, charge for responding to reports of fire where:
  - (a) The report is of fire at premises that are not domestic premises;
  - (b) the report is false;
  - (c) the report is made as a direct or indirect result of warning equipment having malfunctioned or been misinstalled; and
  - (d) there is a persistent problem with false reports of fire at the premises that are made as a direct or indirect result of warning equipment under common control having malfunctioned or been misinstalled
- 1.5 The introduction of a charge for attending AFA calls was consulted on as part of the fifth London Safety Plan (LSP5), the final version of which was approved at a meeting of the Authority on 12

September 2013. Premises producing false alarm calls that meet all four criteria detailed in paragraph 1.4 will receive an invoice for the 10<sup>th</sup> call and subsequent calls in a rolling 12 month period. Should the level of chargeable calls drop below 10 in a rolling 12 month period, a charge will not be issued.

- 1.6 Section 18A(2) of the FRSA says that S18A(1) 'authorises a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by the London Fire Commissioner (LFC).' It is therefore open to the LFC to come to a reasonable decision on who should be charged in respect of individual premises. To establish a reasonable and consistent approach in this regard, the invoice will, whenever practicable, be issued to the 'Responsible Person', as defined by the Regulatory Reform (Fire Safety) Order 2005 (RRO). In the event this cannot be achieved for whatever reason, the charge shall be issued on the owner/operator of the fire alarm system.
- 1.7 In recognition of particular risk, there will be no charge levied against care homes. Sheltered housing will not be charged as they are categorised as domestic premises. The Information Management Team has compiled an agreed list of property types on IMS that are automatically excluded from the charging process.
- 1.8 In addition, the LFC will not charge for AFAs arising from smoking, testing of the fire alarm system, nor for those actuations caused by break glass call points.

## 2 Applying the charging criteria

- 2.1 For a charge to be valid, it must comply with the legislation as detailed in paragraph 1.4, meeting each of the four conditions further detailed below:
  - To be considered persistent, there must have been at least nine previous incidents that meet the charging criteria within the preceding 12 months.
  - To be considered 'non domestic', the premises will be identified and recorded as such by the attending crew. Reasonable checks are made to ensure the premises are non-domestic prior to invoices being issued. S18C (5) FRSA defines 'domestic premises' as '*premises occupied as a private dwelling (including any garden, yard, garage, outhouse, or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling*'.
  - To be considered false, the incident is recorded as attendance to a non-fire event due to actuation of an automatic fire alarm system (Stop Code 4).
  - To determine whether the false alarm was caused as a result of the warning equipment having malfunctioned or been misinstalled, attending crews will collect information on the cause of the actuation and administrative checks will validate whether the incident can be considered due to a malfunction or misinstallation of the fire alarm system.
- 2.2 Recipients of invoices may appeal the charge where they are of the opinion that the criteria for charging have not been met. When an appeal is submitted, consideration will be given to the supporting evidence so that it can be determined whether the cause of the AFA meets the criteria for charging (set out in S18C FRSA, and as detailed above).
- 2.3 The purpose of applying a charge is to stimulate an improvement in the local management of automatic fire alarm systems. This is expected to have the following impact:
  - (a) An improvement in local alarm management practices.
  - (b) An increase in the general standard of fire safety at the premises.

- (c) An improvement in the local response to potential emergency situations.
  - (d) A reduction in the unnecessary burden on LFB resources.
  - (e) An increase in the availability of appliances & staff for real emergencies and training.
  - (f) An improvement in efficiency resulting in better value FRS service provision to the people and visitors of London.
- 2.4 The charging process is one element which supports the LFC's policy of encouraging better management of fire alarm systems and reducing the number of False Alarms and Unwanted Fire Signals policy (FSIGN209). The components of the existing policy include: Operational guidance and referral (detailed in policy number 697 – automatic fire alarms, operational response); engagement by Fire Safety Officers as part of the fire safety audit process or specific targeting of producers of high levels of Unwanted Fire Signals; call filtering by Brigade Control Operators to limit unnecessary attendance to known false alarm incidents, working with industry and external bodies to improve supporting practices.
- 2.5 As the enforcing authority of the Regulatory Reform (Fire Safety) Order 2005 (the Order), the LFC may consider enforcement action where excessive false alarms are related to non-compliance of the Order. Any such action will always be taken in accordance with the LFC's Enforcement Policy and is independent of the charging process.
- 2.6 The charging process is supported by the data recorded by attending operational crew. This data is processed by Information Management into regular reports of incidents that meet chargeable criteria. The reports are considered by Fire Safety administrators and an invoice is prepared and issued. Enquiries about charging will be dealt with by Fire Safety administration. Non-payment issues are managed by Finance and referred to the legal department if it becomes necessary to commence court proceedings to recover the outstanding sum.
- 2.7 The appeals process will provide for further detailed investigation to confirm the validity of a queried charge. Where necessary, this will be supported by legal department action. Payments will be received and processed by Finance.

### **3 Policy communication and owner engagement**

- 3.1 The Fifth London Safety Plan provided an opportunity for public consultation and feedback and consequent support for the introduction of the AFA charging policy. Details of its operation are available from the LFC website.
- 3.2 The LFB website provides information on charging and the appeal process.
- 3.3 Any premises producing five AFAs in any 12 month rolling period will be issued a letter that warns of a charge applicable for AFAs in excess of nine in any 12 month period.
- 3.4 The Area Fire Safety Group Commanders will ensure that Borough Commanders, operational crews and area fire safety teams work together to encourage the appropriate level of management from persons responsible for premises fire alarm systems.
- 3.5 Borough Commanders support the reduction and charging processes, making use of local contacts with persons responsible for premises producing high volumes of AFAs to assist in driving down AFA levels and encouraging appropriate levels of alarm system management. They may also help identify person/s to be invoiced if that information is not readily available to fire safety admin staff.
- 3.6 Operational crews are required to accurately record the location and data pertaining to AFA incidents. Operations management provided guidance sessions for crews operating in locations

where there are premises known to produce high numbers of AFAs. Additional guidance or training will be considered by Operations, should it be deemed required.

- 3.7 Consideration will be given to making policy number 697 a mandatory training element for operational crew.
- 3.8 Fire safety inspecting officers will address issues around AFA levels as part of the standard audit process and in premises specifically identified as producing excessive levels of AFAs. This will include informing and educating those persons responsible for fire alarm systems that produce AFAs and that persistent AFAs may result in a charge.

## **4 Mobilising and filtering**

- 4.1 Operational policy number 412 details the pre-determined attendance for AFA calls to non-domestic and domestic properties. Mobilising practices will not change as a result of the introduction of charging. In the event Control are questioned by a caller about the Brigade's charging policy, they have been provided with a text instruction for use in response under the appropriate Mobilising User Requirement papers.
- 4.2 Call filtering for certain AFA calls has been in place since 13 July 2009 and details can be found in policy number 539. Call filtering practices will not change as a result of the introduction of charging.
- 4.3 Incidents recorded as 'Code 4' (i.e.: resulted in an attendance being dispatched to an AFA incident and confirmed as such by the stop code AFA) may be subject to the charging process even where subsequently advised that an attendance is not required.

## **5 Operational response and incident reporting**

- 5.1 Operational crews are required to take particular care to accurately record relevant data supporting cost recovery for all AFA incidents attended.

## **6 IM data reporting**

- 6.1 The following incident causes are excluded from the charging process:

- (a) False alarm incidents resulting from testing of the system.
- (b) False alarm incidents resulting from smoking.
- (c) False alarm incidents resulting from Break Glass Call Point activations.

The reason for excluding testing and smoking from charging is a result of guidance from DCLG that they do not meet the criteria set out in S18C FRSA because these are not circumstances in which an alarm has been 'mis-installed'.

- 6.2 Information Management provide a report facility in the live reports area of Hotwire. This enables ad hoc charging report data to be accessed by FSR Administration staff at the appropriate frequency necessary to support the charging process. The IMS data will inform of all incidents meeting the following criteria:
  - (a) The incident has a stop code of AFA, indicating it to have been a false alarm incident.
  - (b) It is not an incident occurring at premises that are identified as domestic.
  - (c) It is not an incident occurring at premises classed as non-domestic but further identified as being excluded from the charging process, i.e.: care homes, sheltered housing, other.

- (d) It is the tenth, or more, incident (meeting chargeable criteria) that has occurred at the premises within the preceding 12 month rolling period.
  - (e) A report will indicate postcodes that have had five AFAs in a 12 month rolling period to allow for the issue of warning letters following any necessary administration checks.
- 6.3 Chargeable incidents will not be based on the numbers of appliances attending a single incident. A single charge will apply for each chargeable incident.
- 6.4 IM provide monthly and quarterly reports describing the impact and extent of charging as deemed necessary by agreement between AC FSR and IM.

## **7 Process for charging**

- 7.1 With the application of the exceptions noted paragraph 6.1, an invoice will be raised in respect of the tenth and subsequent AFA attendances in a rolling 12 month period, that are reasonably considered to meet all of the charging criteria set out in paragraph 1.4 above.
- 7.2 This policy should be read in conjunction with PN402 – Charging for special services.
- 7.3 A separate invoice will be raised against each incident by FSR admin department.
- 7.4 The invoice should be raised and issued within 14 days of the date of the AFA incident. If the invoice is not issued within 30 days, it cannot be sent without first referring the delay to the FSR Admin manager and obtaining an authorisation for issue. Any failure to issue an invoice must be recorded against the chargeable data by FSR admin department. Authorisation to issue an invoice 60 days or more after the date of incident may only be provided from Finance department.
- 7.5 The invoice will be issued to the Responsible Person as defined under the RRO. If this person cannot be readily identified, the invoice may be issued to the owner/operator of the fire alarm system.
- 7.6 AFA incidents will be attributed to a postcode. A postcode may (or may not) consist of multiple premises. For the purposes of charging, AFAs will be effectively assigned to a 'site'. A site may consist of one (or more, when specifically identified) postcodes. A single postcode will only be recognised as more than one site when the AFA incident address record indicates that the address is unrelated to another address for the same postcode or where we have identified that there is genuine reason to acknowledge and record a postcode as consisting of more than one site. To be recognised as a different site, it is necessary that the other buildings under that postcode do not share a common alarm system or a linked alarm system or shared fire alarm management practices. When there is a question over which address is responsible for the AFA, appropriate investigation will be carried out by the LFB in conjunction with responsible persons from that site. To ensure that invoices are correctly issued, separate sites under a single postcode must be discernible through the incident address record and crews must therefore record the location of the incident and not necessarily the address they were mobilised to.
- 7.7 The invoice will contain the following detail as standard:  
Incident type, incident number, address, time and date.

THE LFC HAS THE POWER UNDER S18A-C FIRE AND RESCUE SERVICES ACT 2004 TO CHARGE FOR RESPONDING TO REPORTS OF FIRE FROM NON-DOMESTIC PREMISES WHERE THE REPORT IS FALSE, IS MADE AS A DIRECT OR INDIRECT RESULT OF WARNING EQUIPMENT HAVING MALFUNCTIONED OR BEEN MISINSTALLED AND THERE IS A PERSISTENT PROBLEM WITH FALSE REPORTS OF FIRE AT THE PREMISES, MADE AS A DIRECT OR INDIRECT RESULT OF WARNING EQUIPMENT UNDER COMMON CONTROL

HAVING MALFUNCTIONED OR BEEN MISINSTALLED. AN INVOICE IS RAISED FOR THE TENTH AND ALL SUBSEQUENT CHARGEABLE CALLS IN A ROLLING 12 MONTH PERIOD. OUR RECORDS SHOW THE ABOVE INCIDENT MEETS THESE CRITERIA. DETAILS OF LFC'S POLICY AND HOW TO APPEAL A CHARGE CAN BE FOUND AT [HTTP://WWW.LONDON-FIRE.GOV.UK/REDUCINGAFAS.ASP](http://www.london-fire.gov.uk/reducingafas.asp)

## **8 Fire Safety Regulation action**

- 8.1 On inspection of the IM chargeable incident report, FSR Admin will identify the premises that have had five chargeable AFA incidents in the previous 12 month rolling period. A check will be made and, if such a letter has not been issued within the last 12 months, a letter will be sent to warn that five AFA attendances have been recorded and that the responsible person may be charged for AFA attendance exceeding nine in a rolling 12 month period. A record of issued letters will be maintained.
- 8.2 On receipt of IM report, FSR admin will review the incidents identified as chargeable. Consideration will need to be given to any manual notes, such as whether a single postcode consists of more than one site and data must be specifically confirmed, or that multiple postcodes should have data combined in order to reflect AFAs from a single site. FSR admin will check that an invoice has not already been raised for the incident, prepare the invoice and inform Finance so it can be issued. A record of invoices will be maintained and it is to include the following indicators:
  - (a) Incident number.
  - (b) Date.
  - (c) Time.
  - (d) Noted cause.
  - (e) Property type.
  - (f) Address.
  - (g) Post code.
  - (h) Borough.
  - (i) Invoice raised date.
  - (j) Confirmed paid.
  - (k) Referred to legal.
  - (l) Comments.
- 8.3 FSR Admin will identify the responsible person from existing Farynor data. Where this is not available or in doubt, they will contact the Team Leader and ask for this information to be verified. The TL will provide this information through IO or use of the Borough Commander investigating or contact of the site.
- 8.4 FSR Admin should raise the invoice within 14 days of the incident. If an invoice cannot be prepared for issue within 30 days of the incident, it must be immediately referred to the FRS admin manager for their attention.
- 8.5 FSR Admin will keep a record of sites that have been charged and will provide a monthly report to all TLs and Borough Commanders, detailing sites that have been issued with a warning letter (five AFAs), or have been issued with an invoice.

- 8.6 FSR Admin will keep a log of invoices referred to legal by Finance as 'bad debt'.
- 8.7 FSR Admin will immediately inform Finance of any appeal received and update them on the outcome of that appeal.
- 8.8 Team leaders will check the charging data and allocate FS13 jobs in accordance with FSIGN209.
- 8.9 Enquiries on managing AFAs or false alarms should be passed to the TL for allocation to an IO to resolve. Enquiries about the invoice should be dealt with by FSR admin where possible or referred to the TL/IO/Duty IO/Finance department as appropriate.

## **9 Finance**

- 9.1 Invoices are to be raised and issued within 14 days of the incident to meet standard LFB issue targets. Being VAT-able, this is a requirement (although we can, as a Local Authority, issue our invoices within 30 days in accordance with HMRC regulations).
- 9.2 FSR Admin will have drafted the invoice for review. Finance will issue the invoice within 24 hours of receipt.
- 9.3 Finance will respond to enquiries restricted to the invoice and payment, such as providing purchase order numbers. Other enquiries, such as how to avoid future charges or questions about whether the charge should apply, should be directed to FSR Admin.
- 9.4 Finance will process any payments. FSR Admin may request a report detailing invoices paid.
- 9.5 Finance will issue reminders after 28 days, then at 14 days and then make a phone call to chase payment. Where payment remains outstanding, Finance will liaise with FSR, in accordance with Policy number 881 'Corporate debt collection and recovery policy' and unpaid invoices may then be referred to the Legal department, in accordance with the corporate debt collection policy.
- 9.6 Finance will be advised of invoices under appeal by FSR Admin and await instruction before processing further.

## **10 Monitoring and management reporting**

- 10.1 Regular monitoring ensures effective operation of the charging policy and appropriate supporting/recording actions.
- 10.2 The FRS admin E will review the timeliness of processing chargeable incidents, the recording of incident data action and the impact on workload. Any concerns must be reported to the DAC, FSR at the earliest opportunity.
- 10.3 A monthly report is to be provided by FSR Admin that includes:
  - (a) The number of sites that have had five AFA attendances within the reporting period and a running total for the year. Also, the associated number of warning letters issued.
  - (b) The number of sites that have had 10 or more AFA attendances in the reporting period and a running total for the year. Also, the associated number of invoices issued.
  - (c) The number of chargeable incidents with invoice details under investigation.
  - (d) The number of chargeable incidents that were issued within 14 days.
  - (e) The number of chargeable incident invoices that could not be issued within 30 days.

## 11 Appeals

- 11.1 All appeals to a charge for the attendance of a false alarm are to be submitted in writing. They must be sent to FSR Admin Team, 169 Union Street, London SE1 0LL or emailed to the Fire Safety Admin team as listed on the invoice: <mailto:FSR-AdminSupport@london-fire.gov.uk>
- 11.2 Appeals must be received within 28 days of receipt of the invoice and are to be investigated and responded to within 21 days.
- 11.3 All applications to appeal must indicate which aspect from the criteria of Section 18C FRSA is the foundation of the appeal. The appeal must also clearly state why it is believed that the incident does not comply with the chargeable criteria detailed in Section 18C. If the appeal does not include this information it cannot be considered and will be rejected. However, if the appeal contains information that demonstrates the incident was not chargeable, the charge should be cancelled.
- 11.4 Within 2 working days of receipt of an appeal, it will be logged on the AFA appeals database and an acknowledgement letter will be sent out. Correct recording on the database will automatically notify all relevant internal parties once the contacts tab is updated. This process will assist in maintaining an overview for each relevant department.
- 11.5 The AFA cost recovery team will gather information and refer the incident for confirmation of action as appropriate: FSR admin D/FSR admin E/FSR policy group/TL/IO/borough commander/Legal department. This information will be entered onto the AFA appeal form (available as a Fire Safety (Statutory and Community) form document) which will then be forwarded with any accompanying information to be considered by the FSR admin D in the first instance (stage 1 response). Where necessary/appropriate, the FRS D may pass the appeal to the FRS E for resolution.
- 11.6 When considering whether or not it qualifies as a chargeable call in itself, it is important to confirm that there is sufficient evidence to support this charge and whether the premises has had nine or more chargeable attendances in the preceding 12 months. FRS D to arrange collection of available evidence in support of pursuit of payment.
- 11.7 DAC for Fire Safety (Statutory and Community) has overall responsibility for the monitoring and handling of the appeals process. The FSR admin E is to be informed of all appeals received and will liaise with the DAC as necessary. On receipt of a challenge to the outcome of the appeal, the case will be escalated to stage two. The AFA charging team are responsible for forwarding the necessary evidence through the line management chain for consideration by DAC who will review the FRS D/Es decision.
- 11.8 All appeals will result in a written response to advise of the outcome. If the appeal is not upheld, FSR admin will inform Finance that payment should be expected and the procedure for debt recovery, as set out in Policy 881, should be followed..
- 11.9 Proposals to reject appeals can be discussed with Legal in order to confirm there is no reason not to pursue payment and that this can be supported, if necessary, in court.

11.10 Invoices that contain an administrative error, e.g. not addressed to the correct person or organisation responsible, are not resolved under an appeal. These are issues that should be resolved through appropriate correction and re-issue of the invoice as necessary. Note that advice indicating our determination of the extent of the site as incorrect must be investigated. In order for a site to be considered 'independent', there must be clear evidence to demonstrate that the organisation responsible for the incident operates independently. This requires separation of all fire alarm related practices including: ownership, alarm system, monitoring practices and management.

## Appendix 1 - Property types subject to cost recovery charge

- 1 The following property types are excluded from the cost recovery charge:
  - (a) Dwellings
  - (b) Care homes and sheltered housing.
    - (i) Self contained sheltered housing.
    - (ii) Nursing/care home/hospice.
    - (iii) Retirement/old persons home.
- 2 Non domestic premises types are subject to cost recovery.
- 3 The following 'other residential' property types are subject to cost recovery:
  - (i) Boarding house/B&B for homeless/asylum seekers
  - (ii) Boarding house/B&B other
  - (iii) Boarding school accommodation
  - (iv) Children's home
  - (v) Hostel (e.g. for homeless people)
  - (vi) Hotel/motel
  - (vii) Nurses'/doctors' accommodation
  - (viii) Student hall of residence
  - (ix) Youth hostel

## Document history

### Assessments

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

EIA	11/04/2013	SDIA	11/04/2013	HSWIA		RA	
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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
Page 5	New paragraph 6.2 added, following paragraphs renumbered.	19/02/2014
Page 11	Subject list and FOIA exemptions tables.	29/10/2014
Pages 8-9	Section 10 completely updated.	31/03/2015
Throughout	Top management review changes, references to Fire Safety Regulation department replaced with Fire Safety (Statutory and Community).	19/08/2015
Throughout	Removal of break glass call points (BGCP) from cost recovery and clarification of chargeable incidents.	03/02/2016
Page 2	Warning paragraph added.	30/05/2017
Throughout	Terminology changes made to the content.	04/09/2020

### Subject list

You can find this policy under the following subjects.

Automatic fire alarms	Fire alarms
Fire safety	Incident management
Risk	Risk management

### Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

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