

SUMMARY AND CONCLUSIONS

After the Chemie-Pack fire several investigations were published. One of the investigations concerned a quantitative evaluation by the (former) inspection public order and safety (*Inspectie openbare orde en veiligheid*) on the implementation of article 31 of the *security risks act* (Wvr). Article 31 of Wvr describes the competence to oblige some companies to establish a company fire brigade.

The evaluation of the Inspection indicates that there is a backlog in the evaluation process of high risk companies, an incomplete insight into the safety risks of high risk companies and a mismatch between the processes of the Wvr and environmental permits.

The minister for security and justice has assured the second chamber of parliament that the relationship between the state fire brigade and the company fire brigades will be evaluated. Here the possibilities for further reaching public-private partnerships and the relationship with environmental services should also be evaluated.

Research questions

This evaluation has two research questions:

1. How do the content and the process of the assessment of high-risk companies in the context of article 31 of Wvr (which describes the competence to oblige certain companies to establish a company fire brigade) work in practice and how is the cooperation process concerning permit assessments between safety regions and environmental services evaluated?
2. What are the possibilities and restrictions for (public-private) partnerships in industrial sectors within safety regions in the area of fire management, keeping in mind recent developments?

Method

The results of this evaluation are based on several sources. In the first place desk research was conducted: research reports of the Security and Justice Inspectorate, the environmental and transport inspectorate, policy proposals of various safety regions, reports and scientific literature concerning PPS. Secondly interviews were held with independent experts. The selected safety regions are Rotterdam-Rijnmond, Centrals and Western Brabant, Amsterdam, South-Limburg, Zeeland and Groningen. These regions are home to 72% of the companies under the jurisdiction of article 31 of Wvr and show a wide variety in partnership forms and in the state of affairs regarding the evaluation of article 31 companies.

Conclusion 1 The assessment process is increasingly uniform across safety regions

The competence to oblige a company to establish a company fire brigade lies with the safety regions. Chapter 7 of the *besluit veiligheidsregio's* provides a number of provisions for the assessment of companies designated for a company fire brigade. The provisions are further developed in the manual for company fire brigades, which also includes a step-by step plan for the assessment procedure. Even though the step-by-step plan is not legally binding, it is used by the majority (90-95%) of safety regions, unless local circumstances deviate from the presumed circumstances in the plan. This means there is a larger country-wide uniformity in the assessment procedure which is desirable from an equality of rights point of view.

Conclusion 2 Demonstrable progress has been made in reducing the backlog.

In 2011 the inspection public order and safety found a vast backlog in the assessment procedure. This backlog, which varies strongly per region, was partly created during the period in which the municipalities were responsible for the assessment. Now the responsibility has been transferred to the safety regions.

An increasing sense of urgency, a change in priorities following from this, and a higher use of (temporary) capacity have led to clear reductions of the backlog in the 6 selected regions. At the end of 2013 an expected 75-100% of designated companies will have been assessed. The causes of the existing backlog lie in the long process time of the assessment procedures, which are due in part to the absence of any legal deadlines (excluding the completion of a company fire brigade report and appeals after a designation). Furthermore the discussion about credible and normative incident scenarios, in particular the interpretation of the criterion "real and typical" also cause a relatively longer assessment process. Finally the increased complexity, the simultaneous necessity to step up supervision and changes in safety management (regionalisation of the fire brigade, the creation of the RUD's and the BRZO-RUD's) have led to changes to the assessment procedure.

Conclusion 3 In a minority of cases the assessment procedure leads to the designation of a company fire brigade

An assessment procedure under article 31 of Wvr does not automatically lead to the designation of a company fire brigade. In the investigated safety-regions the share of companies designated for a company fire brigade after an assessment procedure lies between 15-40%. The remaining backlog mainly concerns companies for which the incident scenarios are expected to be covered by the basic fire services and preventive facilities (extinguishing systems) so a company fire brigade will not be necessary.

Conclusion 4 The coordination process between the competent authority of WABO and the safety regions is insufficiently secured

In previous evaluations by the Security and Justice Inspectorate and the environmental and transport inspectorate it was concluded that there was room for improvement in the coordination between the competent authority of WABO (environmental services) and the safety regions (competent authority article 31 of Wvr). The recommendation of both inspectorates to synchronise the decision making between environmental permits and article 31 of Wvr was not shared by the minister of safety and justice and the state secretary of infrastructure and the environment. The same goes for the recommendation of both inspectorates to base the designation for a company fire brigade solely on Wvr and not partly on the Wabo permit. On the basis of this evaluation it must be concluded that the recommendations of both inspectorates are still relevant. The coordination between Wvr and Wabo remains a vulnerability. At a legal level the coordination of fire safety in high risk companies is not sufficient, because it is partially organized in the environmental permit and partially in article 31 of Wvr. This leads to unsynchronized procedures, insufficient coordination between the contents of environmental permits and article 31, long assessment processes and the risk that insufficient quality expertise is used in the assessment procedure. There are several initiatives to improve the coordination efforts, but these are informal, dependent on individuals and optional.

Possibilities and challenges for public-private partnership (PPS)

Conclusion 5 PPS can contribute to more efficiency and better quality, but is requires a clear demarcation of competences between the government and the private sector

In fire management there is an increasing number of initiatives for closer cooperation between the public and private sector, usually on the initiative of the private sector. The selected examples show that the legal form, tasks, financing and supervision of various PPS frameworks differ. The benefits of PPS lie in the greater cost efficiency and effectiveness, higher quality and a better image for the companies. There are not many results of PPS in the fire management sector.

The benefits of PPS will become more important in the near future. Governments and companies under increasing financial pressure will search for far-reaching savings in the fire management sector. This process is stimulated further by the increasing complexity of safety management in industrial companies, which often requires specialist expertise. For individual companies it is becoming harder to adhere to the higher quality standards, even more so if supervision from the governments becomes a higher priority.

PPS is not a silver bullet. The realization of efficiency gains asks for a minimal scale and critical mass which is not present everywhere. There is also the risk that the roles, tasks and responsibilities of government and the private sector start to intertwine. The government has two roles in a PPS framework: participant and supervisor. Therefore the competences have to be well defined and there has to be a clear division with the supervisor and enforcer. Especially in cases where a PPS brings together a lot of knowledge and expertise there is a strong need for high quality independent supervision. It should be prevented that the expertise in the area of safety management and company fire brigades flows to the private sector as a consequence of the PPS framework.