



# Hampshire & Isle of Wight

FIRE & RESCUE AUTHORITY

## HIWFRA Full Authority

Purpose: Approval

Date: **25 JULY 2023**

Title: **POLICY FRAMEWORK FOR FIRE SAFETY**

Report of Chief Fire Officer

### SUMMARY

1. This report seeks approval of the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) policy framework for fire safety.
2. This HIWFRA has statutory duties under primary fire safety legislation to inform, educate, and work with responsible persons. Where enforcement and on occasion, eventual prosecution is required to be fair, consistent, and proportionate. The fire safety policy sets out the Authority's position on such activities.

### BACKGROUND

3. This proposed policy describes how the Authority will deliver fire safety and fulfil its statutory requirements under fire safety law and wider legislation, whilst simultaneously looking forward to future service needs.
4. It will enable officers to deliver all associated procedures and guidance effectively and, where needed, this policy framework will enable new elements of fire safety enforcement to be brought to the HIWFRA's attention.
5. This policy has been created following discussions with the Authority members at the Authority Policy Advisory Group (APAG), where members debated the issues to develop and agree the principles. This policy captures the direction given by the Authority.

## LEGAL IMPLICATIONS

6. Legal requirements on HIWFRA under the relevant legislation in relation to the policy framework are:
  - a) [Fire and Rescue Services Act 2004](#)
  - b) [The Regulatory Reform \(Fire Safety\) Order 2005](#)
  - c) [Fire Safety Act 2021](#)
  - d) [Fire Safety \(England\) Regulations 2022](#)
  - e) [Fire and Rescue National Framework for England 2018](#)

## SUPPORTING OUR SAFETY PLAN AND PRIORITIES

7. By meeting the statutory duties set out by the relevant legislation the Authority will ensure that the priorities within the HIWFRS Safety Plan are met with regards to fire safety in the built environment.

## OPTIONS

8. **Option one:** the Authority approve the policy framework for fire safety.
  - a) The approval and subsequent publishing of the policy sets the direction that the Authority will take relating to fire safety. Having a published policy that clarifies expectations will assist staff, our partners, and businesses in their understanding of the Authority's position.
9. **Option two:** the Authority could choose not to approve the single policy and capture the position within various separate individual policies and procedural documents instead.
  - a) Without a single policy the Authority risks operating with ambiguity which could create inconsistencies in how fire safety will be delivered.

## RISK ANALYSIS

10. The approval of the policy sets the expectation for employees and clarifies the Authority's position. Without a policy the Authority is operating with ambiguity and risks not setting any expectations relating to how fire safety legislation will be delivered.

11. The policy sets the expectation to, staff, our partners, and businesses. Without a policy setting a position there is a risk that individuals won't know how the Authority will deal with the application of fire safety legislation.

#### IMPACT ASSESSMENT

12. Impact Assessment has been completed which is available on request. No significant items have been identified.

#### ENGAGEMENT

13. This policy has been created following discussions with the Authority members at the Authority Policy Advisory Group (APAG), where members debated the issues to develop and agree the principles.
14. The Chambers of Commerce for Hampshire, Isle of Wight, Portsmouth, and Southampton along with the Environment Agency were written to seeking feedback on this policy framework. No adverse comments were received.

#### EVALUATION

15. The policy framework for fire safety will be reviewed periodically to ensure it is meeting legislative requirements and supporting the Authority in meeting its priorities. Any learning captured through the application of the policy will result in amendments being made and an updated version being presented to the Authority for approval.

#### CONCLUSION

16. The approval and publishing of the policy framework for fire safety enforcement creates clarity of the position the Authority takes with regards to this type of activity and removes any ambiguity.

#### RECOMMENDATIONS

17. That the policy for fire safety is approved by HIWFRA Full Authority
18. That the policy for fire safety is published appropriately to ensure clarity of the Authority's position.

## APPENDICES

### 19. Appendix A: Fire Safety Enforcement Policy