



Description

This framework enables the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) to meet its statutory duties under primary fire safety legislation. It creates a means by which HIWFRA will be consulted upon any changes in legislation or the approach to providing information, advice, enforcement, and prosecution under the relevant fire safety legislation.

This will enable effective delivery of these duties through our regulatory and enforcement regime in support of the Hampshire and Isle of Wight Fire and Rescue Service (HIWFRS) Safety Plan and in the planning of the Community Risk Management Plan.

This framework demonstrates how HIWFRA will fulfil its duties to inform, educate, and work with responsible persons, but where enforcement and on occasion, eventual prosecution is required will be fair, consistent, and proportionate.

It enables 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.

The framework principles will be equally applied to all circumstances whilst recognising individual and/or community needs.

Contents

Description.....	1
The Framework.....	2
Updates	3

The Framework

There are five core principles within the framework, namely:

Lobbying and consultation

The HIWFRA will be asked to provide a position on new matters relating to fire safety. This may be, for example, in relation to new legislation where the views of elected members are required. In some circumstances, the Authority may decide to proactively lobby on a specific position in relation to this framework in the interests of public safety. The Authority will take a proactive position on the issues that are felt to be most important and will have the maximum influence and impact on making communities safer. The Authority will use member's positions locally to bring about this influence and where appropriate the relevant All-Party Parliamentary Group. Other routes to lobby will include face-to-face or correspondence with Members of Parliament, the Local Government Association, the National Fire Chiefs Council and Select Committees as appropriate.

Information

HIWFRA will provide free information on fire safety to the public through our website, social media, safety campaigns, webinars, and mail drops etc. Information should be current and accurate, inclusive, and tailored specifically to the target audience, for example, certain business types if a thematic approach is adopted at any time. A broad range of media and platforms should be used.

Advice

The Fire and Rescue Services Act 2004 sets out the specific requirement to provide advice on fire safety matters as set out in Section 6 of the Act. This duty includes providing advice to individuals and organisations about fire safety in buildings, fire safety equipment, and fire safety practices. Consideration should be made regarding any changes in secondary legislation and wherever needed this should be communicated to the Responsible Person in a timely manner. Any advice should not conflict with any other advice given.

Regulation

HIWFRA will adopt a risk-based inspection programme for non-domestic premises to regulate compliance under the Regulatory Reform (Fire Safety) Order 2005. Enforcement should be used where good regulation has been fair, consistent, and proportionate but improvement in fire safety has not been achieved by the Responsible Person. It should be informed by our knowledge

of our communities and where needed a thematic approach will be adopted where data or intelligence directs this.

Prosecution

HIWFRA will decide to prosecute following the Code for Crown Prosecutors (2004) which contains two stages in the decision to prosecute on every occasion – the evidential and public interest tests. The cost of potential successful prosecutions should not prevent the Authority from pursuing this line. Whenever it is appropriate cases should be publicised for the benefit of public confidence and learning in the business community.

Updates

Section	What's been updated and why	Date updated	Who updated
Whole document	Creation of new policy document	5 May 2023	Jason Avery