

OFFICIAL



Fire Safety Enforcement Policy

Policy No 50

April 2024

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Authored by:	Senior Head of Prevention, Protection and Engagement.
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Implementing Officer:	Head of Prevention, Protection and Engagement.

1. Policy.

1.1 Policy Statement.

Cleveland Fire Brigade (CFB) is committed to making the unitary authorities which we serve a safer place by reducing as far as possible the risks and social and economic costs of fires and other dangers, without imposing unnecessary burden. Securing compliance with legal regulatory requirements is an integral part of achieving this.

This document is supported by other documents required by the Regulators Code¹, namely our Service Standards² and our Challenges, Appeals and Complaints procedure³. This policy has been produced in consultation with the Better Regulation Delivery Office⁴. This policy aims to explain our approach to our regulatory functions in relation to fire safety and public safety in our communities. It also explains the behaviours that business can expect from us and legal constraints and frameworks under which we operate.

CFB enforces the Regulatory Reform (Fire Safety) Order 2005⁵ on behalf of Cleveland Fire Authority. Compliance with fire safety legislation will be achieved through the provision of advice, education and the taking of appropriate interventions.

Securing compliance with statutory requirements and proportionate use of enforcement powers, including prosecution, is an important part of this enforcement policy.

We will ensure that all relevant officers are adequately skilled and are trained in the use of this policy and we will also seek to work with other enforcing authorities to ensure collaborative regulation and sharing of information.

This policy supports the achievement of the Brigade's Corporate Goal of Safer, Stronger Communities where we want our communities to be safer and stronger through the delivery of the corporate outcome of Safer Buildings.

1.2 Policy Objectives.

The aim of this policy and its associated procedure is to ensure that the Authority has a consistent, transparent and legal framework to manage its enforcement activities as the Enforcing Authority within its area with regards to the Regulatory Reform (fire safety) Order 2005.

1.3 Scope.

This policy and its procedure apply to all employees who are directly employed by Cleveland Fire Brigade who are warranted inspecting officers.

¹ [Regulator's Code: A framework for how regulators should engage with those they regulate.](#)

² [Fire Safety General Service Standards](#)

³ [Challenges Appeals and Complaints Procedure](#)

⁴ [Better Regulation Delivery Office](#)

⁵ [The Regulatory Reform \(Fire Safety\) Order 2005](#)

It sets out what businesses and organisations can expect from the Authority's inspecting officers, how we intend to regulate fire safety, what support is available and potential consequences for not complying with fire safety legislation.

1.4 Policy Category.

This policy is categorised as Authority within the policy and strategy framework.

2. Organising.

2.1 The Cleveland Fire Authority (CFA) is responsible for:

- Enforcing the Regulatory Reform (fire safety) Order 2005,
- Delegating powers to the Chief Fire Officer for the appointment of inspecting officers,
- Delegation of powers to executive officers as signatories to statutory enforcement documents,
- Approving the Authority's Enforcement Policy.

2.2 The Brigade's Executive Leadership Team (ELT) is responsible for:

- Agreeing the structure, configuration and the resourcing of protection services to deliver the policy.

2.3 The Chief Fire Officer is responsible for

- Appointing inspectors for the purpose of enforcing the Order,
- Signing on behalf of the Authority statutory notices and their withdrawal,
- Advising the Authority of changes to legislation that effect their enforcement activities and this Policy,
- Following consultation make decisions for the purpose of undertaking prosecutions.

2.4 The Assistant Chief fire Officer, Director of Community Protection is responsible for

- Advising ELT on strategic protection matters relating fire safety enforcement including changes to legislation,
- Overseeing, monitoring and scrutinising the Protection department's activities relating to enforcement of the fire safety order,
- Signing on behalf of the Authority statutory notices and their withdrawal in the absence of the chief fire officer.

2.5 Senior Head of Prevention and Protection is responsible for

- Advising the Director of Community Protection on matters pertaining to Enforcement activities including changes to pertinent legislation,
- Overseeing, monitoring and scrutinising the Protection department's activities relating to enforcement of the fire safety order.

2.6 Head of Protection is responsible for

- Implementation of the Policy and associated Procedures,
- Provide suitable training to ensure inspecting officers can apply the policy and associated procedures,
- Monitor changes and the introduction of new fire safety legislation to ensure this policy continue to meet the needs of the Authority,
- Effectively communicating this policy to staff involved in its execution,
- Initial point of contact with regards to appeals or complaints relating to our enforcement of the Order,
- Reviewing the policy in line with the key document frameworks requirements.

2.7 Enforcement Manager is responsible for

- Ensuring our enforcement activities align with this policy,
- Reviewing the enforcement procedure to ensure it reflects this policy.

2.8 Warranted Inspecting Officers

- Adhere to the ethos and requirements of this policy and associated procedures,
- Report to the Enforcement Manager any identified shortcomings or potential improvements to either this policy or associated procedures.

3. Planning and implementing.

3.1 This policy is underpinned and implemented through the following Fire Engineering Procedure and Guidance Notes:

- Note 1 – Enforcement Procedures;
- Note 2 – Investigation and Evidence Gathering Procedure;
- Note 3 – Interview Procedure;
- Note 4 – Witness Statements procedure;
- Note 5 – Prosecution and caution Procedure;
- Note 6 – Taking of Articles or Substances Procedure.

3.2 All new staff will be made aware of this policy and procedure during their induction. All documents will be available on the Brigade's intranet, the Authority's policy will be made available to the general public on the Protection pages of our website.

- 3.3 Existing staff will be informed of this policy and procedure as per the accepted Policy Framework Procedure. Where necessary, training for those managers involved in the execution of the procedure will be provided by the Head of Protection.

4. Resource Implications.

- 4.1 There is a financial implication associated with policy which cannot be determined the implication is wholly dependent on the activities and arrangements of third-party community businesses and organisations with regards to compliance with the fire safety order and the potential for prosecutions taken by the Authority.
- 4.2 The people resources for enforcing the fire safety order are contained within the Protection Departments establishment for delivering all of the Authority's protection activities.

5. Equality Impact Assessment.

- 5.1 This policy has been assessed in accordance with the Brigade's Equality Impact Assessment Procedure. The initial assessment found no negative impacts and therefore a full assessment has not been conducted.

6. Monitoring.

- 6.1 Monitoring of this document will be aligned to the organisation's register of policies and strategies, the key document framework. Monitoring will take place by the Head of Protection in conjunction with the Enforcement Manager activities under this policy and associated procedures.

7. Audit

- 7.1 This policy will be audited in accordance with the procedure detailed within the Brigade's Assurance Framework.

8. Review.

- 8.1 The Senior Head of Prevention and Protection will ensure a review of this policy is undertaken in April 2027 to ensure it is taking account of any new or emerging political, legislative or reputational factors.

Quick - guide

1. Introduction

Cleveland Fire Authority and its officers will exercise its regulatory functions in accordance with the principles of better regulation and will comply with all relevant laws. Business should have a mainly positive experience of being regulated by the Brigade. To learn more, [click here](#).

2. Principles

The Brigade is tasked with seeing that people are safe in case of fire and believes that deaths and injuries caused by fire in regulated premises are preventable if the right measures are taken. The Brigade and its officers will engage and work with business, in preference to enforcing fire safety standards. To learn more, [click here](#).

3. Regulation

The purpose of enforcement action is to bring about improvements in safety and in attitudes to providing safety. While the Brigade has laid down procedures for its officers, we will take each case on its merits. To learn more, [click here](#).

4. Helping those we Regulate (Transparency)

The Brigade aspires to help regulated businesses and to work with them to resolve fire safety problems but will robustly enforce where the risk to people is highest and when those responsible refuse to help them. To learn more, [click here](#).

5. Targeting

The regulatory policy of the Brigade focuses on risk in case of fire and in places where we will be most effective in saving life. To learn more, [click here](#).

6. Accountability to those we Regulate

The Brigade is accountable for its actions and is open to analysis and questioning of our regulatory work. To learn more, [click here](#).

7. Principles of Enforcement Action

A range of relevant factors will be considered before any enforcement action is taken by the Brigade. When action must be taken to improve safety, the Brigade will be clear about what is required. To learn more, [click here](#).

8. Our Enforcement Action

The Brigade would rather work with business to make places safe than enforce against them. When enforcement is needed; we will be clear about what must be done. Letters or notices may be sent to confirm what business needs to do to. All enforcement will be proportional to the risk. To learn more, [click here](#).

9. After Enforcement Action

The Brigade encourages dialogue and open communication during and after the enforcement process. Requirements for safety and how to challenge what we are asking for will be made clear. To learn more, [click here](#).

10. Failure to Comply with Requirements

When the Brigade makes an enforcement decision, there might be a route to appeal or challenge what we have said. How to do this (and how to complain about our behaviour) will be made clear. Business can talk to us. To learn more, [click here](#).

11. Simple Cautions and Prosecution

If an offence has been committed, it means the law has been broken and the Brigade can take the matter to court. In addition to going to court, there are other actions that the Brigade can take. To learn more, [click here](#).

12. Remediation and Remediation Contribution Orders

Remediation and Remediation Contribution Orders were introduced through the Building Safety Act 2022 Section 123. Remediation Orders allows the first-tier tribunal to make an order against a relevant landlord to repair or maintain anything relating to a relevant defect. Remediation Contribution Orders, allows the first-tier tribunal to make an order relating to the funding of remedial works in respect of defects that cause a building safety risk, where it is considered 'just and equitable' to do so. To learn more [click here](#).

13. Public Register

The Brigade must enter details of certain notices (called 'relevant notices') into a register to which the public have access. (In accordance with the Environment and Safety Information Act 1988). To learn more [Click Here](#)

14. General Data Protection Regulation

The Brigade will comply with General Data Protection Regulation laws. To learn more [Click Here](#)

15. Freedom of Information

The Brigade is subject to the Freedom of Information Act, which provides a right of access to regulatory information held by the Brigade. To learn more, [click here](#).

16. Relevant Legislation

To view [Click Here](#)

1. More on the introduction.

- 1.1 This statement sets out the service that business and others being regulated by the Cleveland Fire Authority can expect from its regulatory and enforcement function and its appointed inspectors. It goes some way to satisfying the Regulators' Code by committing the Brigade and appointed inspectors to the principles of good enforcement with the assistance of effective procedures and clear guidance, which can be viewed by businesses and members of the public. [Business Safety](#)
- 1.2 This Enforcement Policy Statement has been prepared with regard to the following legislation and statutory guidance:
- The Regulators Code - [\[more\]](#);
 - The Regulatory Enforcement and Sanctions Act 2008 - [\[more\]](#);
 - The Legislative and Regulatory Reform Act 2006 - [\[more\]](#);
 - The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 - [\[more\]](#);
 - The Environment and Safety Information Act 1988 - [\[more\]](#);
 - The Regulatory Reform (Fire Safety) Order 2005 - [\[more\]](#);
 - The Licensing Act 2003 - [\[more\]](#);
 - The Manufacture and Storage of Explosives Regulations 2005 - [\[more\]](#);
 - The Petroleum (Consolidation) Regulations 2014 - [\[more\]](#).
- 1.3 The primary function of the regulatory part of the Brigade is to achieve safety in case of fire in premises to which fire safety law applies.

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2. More on our principles

- 2.1 Fire safety regulation is founded on the principle that people should be kept safe in case of fire. We regulate to help secure this safety and through our regulation, we aim to provide a consistently high-quality service to those we regulate. Our regulatory activity generally extends to premises in which there is a trade, business or other undertaking.
- 2.2 Non-compliance with fire safety law will mean that, in our view, people are at risk in case of fire. Where we identify people at risk in case of fire, we will respond proportionately to that risk; taking account of the likelihood and severity of the risk, in line with our service standards [Business Safety](#).
- 2.3 The Brigade believes in firm but fair enforcement of fire safety standards. We aim to achieve this by:
- proportionally applying the law to secure safety;
 - being consistent in our approach to regulation;
 - targeting our resources and enforcement action on the highest risk;

- being transparent about how we operate and regulate; and
 - being accountable for our actions.
- 2.4 We will have regard to the Regulators Code when developing the policies and procedures that guide our regulatory activities. We will encourage and promote fire safety while minimising the associated costs of providing safety from fire.
- 2.5 We believe that by fostering good relationships with our business community and by working with them, we can improve public safety, business resilience, and can remove any unnecessary burdens of complying with fire safety law.
- 2.6 The Brigade will endeavour to engage with the business community, to seek their views about our policies and practices. Details of engaging with us are available on request and on our website [Business Safety](#).
- 2.7 In the most serious cases of danger in case of fire, we will take immediate and decisive action to secure safety, for example by serving a prohibition notice that can stop people from using the premises.

For more information see [NFCC Fire Safety Law](#)

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3. More on the way we approach regulation.

- 3.1 In accordance with the Regulators Code, the Brigade takes enforcement action (and imposes sanctions and penalties) to:
- a) change the behaviour of the offender;
 - b) change societal attitudes to the risks from fire;
 - c) eliminate financial gain or benefit from putting people at risk in case of fire;
 - d) exercise a proportionate response to the nature of the offence and the harm caused;
 - e) restore safety to premises where fire safety risks were found; and
 - f) encourage fire safety to be secured in future;
 - g) impose an appropriate sanction for the particular offender, which can include punishment through the courts (and the public stigma that should be associated with a criminal conviction).

[Click here for more information on the Regulators Code](#)

- 3.2 Avoiding fires is better than protecting people when fire occurs. Where fire is likely and / or the consequences of fire pose a hazard to people, it becomes necessary for us to take action (against the responsible person / duty holder) to reduce the risk. We have a wide range of enforcement action available to us. The actions we may take include:
- a) no action;

- b) providing advice;
 - c) informal action;
 - d) formal action (including enforcement, alterations and prohibition notices);
 - e) taking samples of dangerous materials or extracts of recorded information; and
 - f) securing information to prepare for prosecutions.
- 3.3 The enforcement actions listed above are not written in an absolute order of escalation. Enforcement action taken by the Brigade is scalable and appropriate to the risk to people in case of fire.
- 3.4 When formal enforcement action is necessary, each case will be considered on its merits. All enforcement decisions will be fair, independent and objective. They will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.
- 3.5 All enforcement activities, including investigations and formal actions, will always be conducted in compliance with the statutory powers of the officer and all other relevant legislation, including but not limited to the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, the Human Rights Act 1998, and the Regulation of Investigatory Powers Act 2000, and in accordance with any formal procedures and codes of practice made under this legislation so far as they relate to the regulatory activity of the Brigade.

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4. More on helping those we regulate.

- 4.1 We will help those responsible for delivering safety in case of fire (responsible persons and duty holders) to understand what is expected of them and what they should expect from the Brigade. Legal requirements will be clearly distinguished from best practice or non-statutory fire safety advice. We will publish guidance in a clear, accessible, concise, format using media appropriate to the target audience, in plain language.
- 4.2 Details are available on request and on our [Website](#).

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5. More on targeting.

- 5.1 Our policy on inspections will be to focus primarily on those whose premises and activities give rise to the most serious risk to life in case of fire. In making an assessment of risk, we will take into account the fire safety record of those we regulate and the current risks to people in case of fire.
- 5.2 We will maintain a strategy that will identify and evaluate risks in premises as well as to the wider community and allocate resources to carry out inspections accordingly. We want to see fire safety provided in buildings and may take action against those regarded as putting people at risk in case of fire.

- 5.3 Earned recognition in the form of 3rd party accreditation may be awarded to businesses for assurance of safety in line with BS9997:2019 Fire Risk Management Systems.
- 5.4 Our Brigade Standards and plans including details of our risk-based approach to risk and are available on request and on our [Website](#).

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6. More on our accountability.

- 6.1 The Brigade is accountable to its community for its actions. This means we must have policies and standards against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and for handling complaints.
- 6.2 Cleveland Fire Authority recognises that the Competency Framework for Fire Safety Regulators is a beneficial objective which will provide identified benchmarks to confirm competences, but Cleveland Fire Brigade notes the acknowledgement in paragraph 6.3 within the Framework that it may take time for enforcing authorities to implement it in full. Cleveland Fire Brigade's position is that it's fire safety regulators, who are working towards the objectives of the Framework, are not to be regarded as not competent to carry out their respective fire safety duties, if such officers meet all other criteria for competence in the Framework, as fire safety regulators will only be appointed to roles which the Brigade considers that its fire safety regulators can competently fulfil.
- 6.3 Details are available on request and on our [Website](#)

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7. More on the Principles of Enforcement Action

- 7.1 In assessing necessary and proportionate enforcement action, consideration will be given to (amongst other things):
- the safety history at the premises;
 - the history of operational attendances and false alarms at the premises;
 - safety referrals to the premises from other authorities / interested parties;
 - any Primary Authority relationship that might be in place with the business;
 - the adequacy of fire safety arrangements at the premises;
 - the attitude of the responsible person / duty holder to providing safety;
 - statutory guidance;
 - codes of practice, and;
 - legal advice.
- 7.2 Certain enforcement action, such as the decision to use a Simple Caution and / or the decision to investigate for prosecution, is further and specifically informed by those matters set out below in section 11.

- 7.3 In every case, when we require action to remedy unsafe conditions, we will explain the nature of the unsafe conditions to those responsible and will confirm the same in writing.
- 7.4 Because, subject to any letter or notice we give, work must be done to improve or secure the safety of people in case of fire; we will agree reasonable timescales within which the work must be completed that are agreed with those responsible.
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8. More on our enforcement action.

- 8.1 The Brigade will offer duty holders information and advice both verbally and / or in writing. This will include an explanation of why any specified work is necessary and a time period within which the specified work should be completed. Educating, informing and advising responsible persons and duty holders about their duties under fire safety legislation will form a fundamental element of our enforcement regime. The Brigade will fulfil its obligation under [section 6(2) of the Fire and Rescue Services Act 2004] to give on request, advice on fire safety free of charge.
- 8.2 Where we find risks to safety, we may deal with them by informal means or (where appropriate) we may take formal action by serving alterations, enforcement and / or prohibition notices. We may also issue Simple Cautions, and (in the most serious cases) may prosecute. Before formal enforcement action is taken, inspectors will provide the person responsible with an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference without recourse to formal enforcement action (unless immediate action is required to reduce the risk to life or to prevent evidence from being destroyed).
- 8.3 Our Fire Engineering Procedural Note 1 Enforcement Procedures provides guidance for Fire Safety Inspectors on; the use of informal enforcement including notification of fire safety deficiencies (NFSD) and action plans, enforcement notices, prohibition notices, responses to fires and complaints relating to standards of fire safety, compliance with the Environment and Safety Information Act 1988, fire-fighters' switches and enforcement management/expectation.
- 8.4 In certain circumstances, after evaluating the safety at premises, no action may be required. This will be the case when the safety of people in case of fire has been adequately secured.
- 8.5 If the likelihood of fire is high and the consequences in case of fire are low, advice may be given on how the likelihood can be reduced. Advice may also be given where the consequences of fire might cause harm to people but can be simply avoided. Advice can also be given to point out good practice or to signpost business continuity advice or other business protections, for example protection from flooding.
- 8.6 Where the likelihood of fire is low / medium, or the consequences of a fire are slight, informal action will be taken. Informal action will take the form of a letter, pointing out that people are at risk in case of fire, where in the building they are located and what has led to them being put at risk as well as what should be done to provide safety and how to prevent the same danger from recurring. Informal action may also be taken, if

those responsible have displayed clear intentions to undertake corrective action. Failure to respond to informal action can result in escalation to formal enforcement action.

- 8.7 Formal action will take the form of serving a Notice (alterations, enforcement, and / or prohibition notices). Formal action will be taken when the consequences of fire are such that people are likely to be harmed, suffer serious injury or death. It can require specific action to be taken or certain activities to cease.
 - 8.7.1 Where a reasonable known change to premises or to the use of premises could result in a significant increase in the risks to people on the premises, we may serve an Alterations Notice, which requires the responsible person / duty holder to notify us, before making that known change.
 - 8.7.2 Enforcement Notices require improvements in safety and will point out: that people are at risk in case of fire; where in the building they are located; and what has led to them being put at risk, as well as what should be done to provide safety and how to prevent the same danger from recurring. Enforcement Notices include a reasonable period of time for safety to be put in place. Failure to respond to a formal Notice can result in escalation to an investigation for prosecution.
 - 8.7.3 Where immediate action is considered necessary to keep people safe from fire, a Prohibition Notice, which can prohibit or restrict the use of premises, can be served. An explanation of why such action is required will be given at the time and confirmed in writing. Whereas a Prohibition Notice requires action to remove imminent and immediate risks in case of fire, an Enforcement Notice might also be served to deal with less imminent risks in case of fire.
- 8.8 Fire Safety law gives power to warranted inspectors to take samples of dangerous materials or extracts of recorded safety information and documents. When we take materials or documents we will provide an appropriate receipt.
- 8.9 In the most serious of cases we will gather information and conduct an investigation to prepare for a prosecution. The decision to prosecute a case will be taken by those with authority to do so in accordance with our Scheme of Delegations.
- 8.10 All our members of staff that make enforcement decisions will be required to follow the Regulators Code.

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9. More about after enforcement action.

- 9.1 When the Brigade takes enforcement action, we will discuss what is required to achieve safety for relevant persons with the responsible person / duty holder (taking into account the circumstances of the case, if they have been explained to us).
- 9.2 The Brigade will clearly explain any advice, required actions or decisions taken at the time of our visit and will be willing to discuss such matters on any future occasion to ensure those responsible have clarity of what must be done.

- 9.3 Our letters and notices will provide details in writing of what must be done and how to appeal against any of our regulatory decisions. Our letters and notices will also explain what will happen next, especially if you do not undertake the work. Our website has details of how to complain about our conduct, if you should feel it necessary. [Business Safety](#)
- 9.4 We encourage those responsible for providing safety in case of fire to contact us, especially if there are any questions or comments about our regulatory activity. We will also maintain regular communication (where required) until safety has been provided.

10. More on a failure to comply with requirements.

- 10.1 Rights of and routes to appeal will be clearly set out in writing and issued with our letters.
- 10.2 The failure to comply with an alterations, enforcement or prohibition notice constitutes an offence and may result in prosecution.
- 10.3 We can withdraw alterations, enforcement and prohibition notices at any time, but they will generally be deemed to be in force until such time as the notice is complied with, withdrawn or cancelled by the court.

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11. More on simple cautions and prosecution.

- 11.1 There are a number of offences that can be committed under Fire Safety law. Among the foremost of these are failure to comply with a formal notice and failing to provide safety in case of fire to such extent that one or more people are put at risk of death or serious injury in case of fire.
- 11.2 The Brigade can deal with offenders through prosecution and Simple Cautions. These legal actions are important ways to bring to account those responsible for alleged legal offences. Where appropriate, we will use one of these measures in addition to issuing a formal notice.
- 11.3 A prosecution may be taken following full consideration of the many factors arising for the alleged breaches of the law. Penalties for offences are awarded by the courts and can include fines, imprisonment or both.
- 11.4 A Simple Caution will only be used where a prosecution could be properly brought and there is a realistic prospect of conviction. A Simple Caution includes a written submission from the person responsible that an offence has been committed.
- 11.5 A record of a Simple Caution will be kept on file for three years and if a conviction for a further offence is brought within that period, the written submission of the previous offence will be introduced to the court for consideration.

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12. More on remediation orders and remediation contribution orders.

- 12.1 The introduction of the Building Safety Act 2022 introduced two new enforcement routes, Remediation Order (RO) and Remediation Contribution Orders (RCO), available to the Fire Authority, these routes are also available to the relevant Local Authorities, the Building Safety Regulator or any person that has a legal or equitable interest in the building.
- 12.2 Criteria requirements to apply for an RO include:
 - 12.2.1 The property needs to be a 'relevant building', i.e. one which is either 11m or 5 storeys or more in height and which contains two or more dwellings.
 - 12.2.2 The RO needs to remedy a 'relevant defect', which is defined as a building defect that arises "as a result of anything done (or not done), or anything used (or not used), in connection with relevant works" and that causes a building safety risk.
 - 12.2.3 The RO is made against a 'relevant landlord', which is defined as a landlord who has an obligation to repair or maintain the building.
- 12.3 An RO can be made by the first-tier tribunal and, if granted, can require a landlord to remedy specified relevant defects in a specified time on a building. It is therefore a useful enforcement mechanism if landlords are not fulfilling their obligations in relation to the safety of a building.
- 12.4 The first-tier tribunal can also make RCOs if it considers it just and equitable to do so, and if applied for by an 'interested person'. If granted, these Orders require a specified body corporate (or partnership) to make payments to a specified person in connection with the remediation of relevant defects, as opposed to all of the costs being passed to leaseholders via the service charge.
- 12.5 RCOs can be made against the following type of persons:
 - 12.5.1 A current landlord;
 - 12.5.2 The developer;
 - 12.5.3 Any person 'associated' with any of the above parties. Associated is defined at section 121 of the BSA.
- 12.6 The Protection departments procedure/guidance note 1 – Enforcement, provides greater detail with regards to the liaison between regulators and the application process.

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13. More on the public register of notices

- 13.1 The Environment and Safety Information Act 1988 requires fire services and local authorities to maintain a register of information concerning the issue of prohibition, alteration and enforcement notices. The register must be open to inspection by the public free of charge.

- 13.2 Cleveland Fire Brigade issues these types of notices under the Regulatory Reform (Fire Safety) Order 2005. Publication of this register also fulfils our responsibilities under the Freedom of Information Act 2000.

Further details are available on request or from our [Website](#)

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14. More on general data protection regulations.

- 14.1 The Brigade will comply with the principles of the General Data Protection Regulations 2018 governing the use of personal data received or obtained and will respect the rights and freedoms of those individuals when processing their details. The following document General Data Protection Regulation Policy lays out our strategic approach to meeting these legal requirements. Details are available on request and on our website [Data Protection](#)

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15. More on freedom of information.

- 15.1 Under the Freedom of Information Act 2000, individuals are given 'a general right of access to information held by public authorities in the course of carrying out their functions subject to certain conditions and exemptions'. Under Section 19 of that Act, public authorities are required to produce a publication scheme setting out details of the information routinely published or made available, how the information is made available (in hard copy and on-line), and whether it is available free of charge or on payment.

- 15.2 Details of The Brigade's publication scheme are available on request and on our website. [Freedom of Information](#)

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16. Relevant Legislation.

Legislative and Regulatory Reform Act 2006.

Part 2 of the Legislative and Regulatory Reform Act requires the Brigade to have regard to the Principles of Good Regulation. We recognise that our regulatory activities should be carried out in a way which is: (i) proportionate; (ii) accountable; (iii) consistent; (iv) transparent; and (v) targeted to situations which need action. When we exercise a regulatory function, we have regard to the Regulators Code.

For the full version click here: '[Legislative and Regulatory Reform Act 2006](#)'

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The Regulators Code.

The Regulators Code is a statutory code of practice for regulators and makes six broad requirements:

- a) To carry out their activities in a way that supports those they regulate to comply and grow;
- b) To provide simple and straightforward ways to engage with those they regulate and to hear their views;
- c) To base their regulatory activity on risk;
- d) To share information about compliance and risk;
- e) To ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- f) To ensure their approach to regulatory activity is transparent.

The Brigade has taken regard of the Regulators Code in producing this policy statement.

For the full version click here: [‘The Regulators Code’](#)

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The Environment and Safety Information Act 1988.

The Environment and Safety Information Act requires the Brigade to make a publicly accessible record of formal enforcement action that we have taken.

For the full version click here: [‘The Environment and Safety Information Act 1988’](#)

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The Regulatory Enforcement and Sanctions Act 2008.

The Regulatory Enforcement and Sanctions Act (The RES) established The Local Better Regulation Office (later renamed as the Better Regulation Delivery Office (BRDO)). It also imposed a duty on Regulators to: (a) have regard to any guidance issued by BRDO, (b) a duty to comply with guidance where the Regulator is directed to do so by BRDO, and (c) a duty to have regard to any list of enforcement priorities published by BRDO. As a listed Regulator, the Brigade is committed to these duties.

For the full version click here: [‘The Regulatory Enforcement and Sanctions Act 2008’](#)

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The Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

The Legislative and Regulatory Reform (Regulatory Functions) Order imposes a duty on the Brigade to have regard to the Regulators' Code when determining general policies or principles. It requires that the regulatory activities of the Brigade are carried out in a way which is transparent, accountable, proportionate and consistent, as well as being targeted only at cases in which action is needed. For the full version click here: '[Legislative and Regulatory Reform \(Regulatory Functions\) Order 2007](#)'

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The Petroleum (Consolidation) Regulations 2014.

The responsible authority is the 'petroleum enforcement authority' and can grant 'storage certificates' for premises at which petrol is dispensed and enforces The Petroleum (Consolidation) Regulations in premises to which those regulations apply.

For the full version click here: '[The Petroleum Consolidation Regulations 2014](#)'

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The Regulatory Reform (Fire Safety) Order 2005.

The Regulatory Reform (Fire Safety) Order 2005 principally imposes a general duty on responsible persons and duty holders to take general fire precautions to keep people safe in case of fire and establishes enforcing authorities to enforce the provisions of the Order. The Brigade is an enforcing authority under the Order and is empowered to inspect premises and serve notices to improve safety standards (among others).

For the full version click here: '[The Regulatory Reform \(Fire Safety\) Order 2005](#)'

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The Fire Safety Act 2021.

The Fire Safety Act was introduced to clarify the application of the Regulatory Reform (Fire Safety) Order 2005. It sets out that where a building contains two or more sets of domestic premises the things to which this order applies include, the building's structure and external walls and any common parts including all doors between the domestic premises and common parts.

The reference to external walls includes doors or windows in those walls, and anything attached to the exterior of those walls including balconies.

For the full version click here: '[Fire Safety Act 2021](#)'

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The Fire Safety (England) Regulations 2022.

The Fire Safety (England) regulations were introduced by the Secretary of State under Article 24 of the Regulatory Reform (Fire Safety) Order 2005 and came into effect in January 2023.

They address concerns and issues raised during the first phase of the Grenfell public enquiry, they apply to residential buildings with two or more domestic premises with common parts. The higher the premises the greater the number of provisions apply.

For the full version click here: ['Fire Safety \(England\) Regulations 2023'](#)

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The Building Safety Act 2022.

The Building Safety Act 2022 aims to reform building safety legislation and introduces the new Building Safety Regulator. The Act does not just apply to taller buildings. Parts of the Act will have implications for all buildings as it will make the Regulator responsible for the performance of the building control sector to ensure standards are met, and for setting building standards. The Act will establish an Ombudsman scheme for new build properties, to hold developers to account.

Section 156 of the Act makes amendments to the Regulatory Reform (Fire Safety) Order 2005, the main changes relate to the recording of a premises fire risk assessment, competencies of fire risk assessors and the provision of information to residents and new responsible persons.

For the full version click here: ['Building Safety Act 2022'](#)

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The Higher-Risk Building (Keeping and Provision of Information etc.) (England) Regulations 2023.

This instrument is part of a set of Regulations which implement Part 4 of the Building Safety Act 2022. These Regulations make provision about what information and documents the principal accountable person and any other accountable person for a higher-risk building must keep in relation to that higher-risk building, defined as a building in England that is at least 18 metres in height, or has at least 7 storeys, and contains at least 2 residential units.

Regulation 12 sets out the information and documentation that the accountable persons must provide to Fire and Rescue Authorities.

For the full version click here: ['The Higher-Risk Building \(Keeping and Provision of Information etc.\)\(England\) Regulations 2023'](#)

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The Licensing Act 2003

The Licensing Act establishes the Brigade as a 'responsible authority' with whom the Licensing Authority must consult in connection with Licensable activities, including the sale or supply of alcohol or the provision of regulated entertainment or late night refreshment. The licensing objectives are to promote: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

For the full version click here: ['The Licensing Act 2003'](#)

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The Manufacture and Storage of Explosives Regulations 2005

The responsible authority is the 'local authority' for the purposes of dealing with applications for registration or for a licence to store explosives (under certain prescribed conditions).

For the full version click here: ['The Manufacture and Storage of Explosives Regulations 2005'](#)

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