

FIRE SAFETY ENFORCEMENT POLICY

REPORT OF THE CHIEF FIRE OFFICER



For Approval

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval for the review and amendment to the Authority's Fire Safety Enforcement Policy, attached as Appendix 1.

2. RECOMMENDATION

- 2.1 To approve the Authority's Fire Safety Enforcement Policy, attached as Appendix 1.

3. BACKGROUND

- 3.1 Cleveland Fire Authority is the Enforcing Authority for the Regulatory Reform (Fire Safety) Order 2005¹ for the vast majority of premises that fall within its scope². The Authority's officers exercise its regulatory functions in accordance with the principles of Better Regulation and comply with relevant legislation. The Fire Safety Enforcement Policy is written in a style to engage with the public as recommended by NFCC guidance and is publicly available. The policy sets out how the Brigade intends to regulate premises to ensure the safety of relevant persons.

4. AMENDMENT TO THE FIRE SAFETY ENFORCEMENT POLICY

- 4.1 A new section relating to the powers provided to Fire and Rescue Authorities (FRA) through the introduction of the Building Safety Act (2022) has been added as Section 12.
- 4.2 The new power provides a new enforcement route through Remediation Orders (RO)³, which can be utilised by several enforcing authorities and is utilised where a relevant landlord is not adequately remediating their premises. Remediation Orders can be applied for through a first-tier tribunal. Section 12 of the revised policy provides brief details on Remediation Orders and then explains Remediation Contribution Orders, which the tribunal can make if applied for by an interested person.

¹ [Regulatory Reform Order 2005](#);

² Examples of premises that fall outside the scope of the Regulatory Reform (Fire Safety) Order 2005 include domestic premises, offshore installations, ships, fields, aircraft, mines and boreholes.

³ A remediation order is an order made against a relevant landlord (Building Safety Act, section 123). A relevant landlord is defined as a landlord under a lease of the building or any part of it who is required, under the lease or by virtue of enactment, to repair or maintain anything relating to a relevant defect.

4.3 Further detail is incorporated into the Fire Engineering internal Enforcement Procedure which provides guidance for officers to follow in the event the Authority feels it appropriate to follow the enforcement route.

4.4 Three further pieces of legislation have been added to Section 16. These are:

- Fire Safety Act 2021⁴
- Fire Safety (England) Regulations 2022⁵
- Building Safety Act 2022⁶

A brief description of the purpose of the legislation is provided with links to the specific instruments.

4.5 The responsibilities of the Authority are included in section two (Organising) of the policy and describe that the Authority 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

4.6 No further changes to the Brigade's Fire Safety Enforcement Policy are proposed at this time.

4.7 An equality impact assessment has been undertaken on the implementation of revised Fire Safety Enforcement policy and no issues have been identified that would negatively impact any protected characteristic group.

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⁴ [Fire Safety Act 2021](#);

⁵ [Fire Safety \(England\) Regulations 2023](#);

⁶ [Building Safety Act 2022](#).