



**DORSET & WILTSHIRE  
FIRE AND RESCUE**

# Making Dorset and Wiltshire Safer

# **Enforcement Plan**



PASSIONATE ABOUT  
**CHANGING & SAVING LIVES**

# DORSET & WILTSHIRE FIRE AND RESCUE SERVICE

## Enforcement Plan

To be used in conjunction with the [Community Safety Plan 2021-24](#)

### Protection (PR)

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## 1 Purpose & Definition

- 1.1 Dorset & Wiltshire Fire and Rescue Service (DWFRS) sets out the vision, values and strategic direction for how we intend to deliver services detailed within our Community Safety Plan. We focus on five strategic aims and to support this we have published our [Community Safety Plan 2021-24](#) (CSP) which is supported by our [Approach to Community Risk Management Planning](#). These documents detail how the strategic aims for Prevention, Protection and Response will be used to tackle existing and potential risks identified within our communities.
- 1.2 The strategic aim most relevant to our Protection (fire safety) team is the aim to 'Protect you and the Environment from Harm'. This represents our legal obligation to keep buildings and businesses safe for people to use.
- 1.3 Without imposing unnecessary burdens on business, we aim to achieve this by:
- Ensuring that our public buildings and workplaces are protected from the risk of fire by promoting ways of making all types of property safer, targeting premises most at risk and, where necessary, enforcing fire safety legislation.
  - Having a management strategy and inspection programme to enforce fire safety legislation targeting high risk premises.
  - Providing education and advice to promote better understanding of how fire protection measures can reduce the impact of fire on the environment, reduce the risks of fire, and minimise the social and economic costs of fires.

## 2 Legislation

- 2.1 DWFRS enforces fire safety legislation on behalf of the Dorset & Wiltshire Fire Authority. The legislation we enforce includes:
- The Regulatory Reform (Fire Safety) Order 2005.
  - Health and Safety at Work Etc. Act 1974.

- The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR).
- The Construction (Design and Management) Regulations 2015.
- The Health and Safety Signs and Signals Regulations 1996.

2.2 This Enforcement procedure is based on the principles of 'Better Regulation' and sets out the approach we take to enforcing legislation.

2.3 It is used in conjunction with relevant guidance issued by:

- Parliament.
- Department for Levelling Up, Housing and Communities (DLUHC).
- Department for Business, Energy & Industrial Strategy.
- Other relevant government departments and agencies.

2.4 Compliance with fire safety legislation is achieved through:

- education: providing advice and guidance to improve fire safety standards
- formal enforcement action: when required to achieve statutory compliance.

2.5 An important part of our enforcement strategy is to secure compliance with statutory requirements by measured and consistent application of the available enforcement powers, including prosecution where appropriate.

2.6 We will:

- make sure our officers (Fire Safety Managers and inspectors) are adequately trained in the skills required to apply the principles contained in this document, and;
- seek to work with other enforcing authorities to ensure collaborative regulation and sharing of information where appropriate.

### **3 Advice & Guidance**

3.1 The Service regards prevention as better than cure and in doing so, we will:

- aim to secure compliance
- avoid bureaucracy
- avoid imposing excessive cost
- seek to work with those we regulate, to support and encourage economic progress, by offering information and advice
- encourage individuals, businesses and other undertakings to put safety first and to integrate fire prevention and protection requirements into their normal working practices.
- provide general guidance and specific advice as required to our partners under the Primary Authority scheme.

3.2 In accordance with our duties under Section 6 of the Fire and Rescue Services Act 2004 with regard to the steps needed to prevent fires, deaths, or injuries and to the extent that we consider it reasonable to do so, we will provide:

- information

- guidance
- publicity
- encouragement
- advice, on request, about:
  - how to prevent fires and restrict their spread in buildings and other property
  - the means of escape from buildings and other property in case of fire.

3.3 Our duty to provide advice and information **does not include** matters such as:

- undertaking fire risk assessments for regulated entities
- appearing in court on behalf of regulated entities in any prosecution brought by a third party including another enforcing authority, under health and safety or fire safety legislation, except as an expert or neutral witness for the court
- drafting fire safety policies and procedures on behalf of regulated persons. It is their responsibility to comply with fire safety legislation.

3.4 Except in those circumstances, which appear to us to be in the public interest and appropriate to the functions of a best value authority, we will not act as a consultant on fire safety related issues, other than as required to meet statutory consultation requirements imposed on other bodies and persons.

3.5 Our officers provide advice that is appropriate to premises and their use. In doing so, they refer to nationally recognised guidance and standards, developed with the assistance of Industry representatives.

3.6 In exceptional circumstances where use of national guidance may not be appropriate, we will apply local guidance, though the standards applied will not be below those accepted at national level.

3.7 We welcome comments from regulated representatives on style, format and content to assist in the review of guidance used and future development.

3.8 Where those regulated seek advice or guidance from us or our officers about actions needed to correct fire safety deficiencies or to secure compliance with the law this will not automatically lead to formal enforcement action.

3.9 Should enforcement action prove to be necessary, it will be subject to the principles, expectations and methodology of the [Enforcement Management Model](#) (EMM) produced by the Health and Safety Executive (HSE), which is considered nationally as 'best practice'.

3.10 We prefer to give advice and guidance rather than serve formal notices or prosecute. We do however reserve the right to act robustly where necessary in the public interest to achieve and maintain adequate safety in regulated premises.

3.11 Where legal partnerships have been established under the Primary Authority Scheme, specific or assured advice may be provided in line with the scheme rules to help partner organisations to comply with regulations.

3.12 We will ensure any advice provided by us is in line with best practice and published guidance and complies with the principles contained in this document.

3.13 We will work with other regulators in order to resolve disputes which arise from assured or general advice provided by us to partner organisations, however this does not preclude the taking of enforcement action by this Authority or other

regulators where partner organisations fire safety provisions are found to be deficient.

## **4 The Purpose and Method of Enforcement**

- 4.1 The purpose of our enforcement function is to ensure preventative remedial action is taken to protect relevant persons, and to secure compliance with the regulatory system.
- 4.2 The need to take enforcement action may stem from:
- a lack of knowledge
  - deliberate conduct
  - a negligent act.
- 4.3 The term enforcement has a wide meaning and applies to all dealings between the Dorset and Wiltshire Fire and Rescue Service and those on whom the law places a duty.
- 4.4 The purpose of enforcement is to:
- promote and achieve sustained compliance with the law and provide safe premises for people to use.
  - ensure the responsible person for a regulated premises takes appropriate action to deal with breaches of legislation in a timely fashion, particularly where serious risks to the safety of relevant persons have been identified.
  - ensure that individuals, businesses and/or other undertakings that breach fire safety requirements are held to account, which may include bringing alleged offenders before the courts.
- 4.5 Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims might be pursued, nor is it taken to assist such claims.
- 4.6 We have a wide range of interventions at our disposal to secure compliance with the law and to guarantee a proportionate response to criminal offences. Our officers may offer individuals, businesses and other undertakings information and advice either:
- in person
  - in writing (by letter or email)
  - over the telephone
- 4.7 This may include a warning that, in the opinion of the officer, they are failing to comply with the law.
- 4.8 Where appropriate, officers may:
- Inform and educate the responsible person, either verbally or in writing by letter or email
  - agree an action plan for improvements submitted by the responsible person
  - provide an informal written notification of deficiencies in the form of a Fire Safety Matters (FSM) letter and associated schedule of works
  - serve a formal enforcement or alterations notice



- prohibit or restrict the use of all or parts of a premises
- prosecute or serve a simple caution

4.9 The use of enforcement notices, alterations notices, prohibition notices, simple cautions and, as a last resort, prosecution are important ways to bring individuals, businesses and other undertakings to account for breaches of the law. In the case of businesses, it also serves to prevent unscrupulous managers from cutting costs on safety in order to gain an unfair advantage over their competitors.

4.10 In accordance with this procedure and where it is appropriate to do so, we will use one or more of these enforcement measures in order to secure compliance with fire safety law.

4.11 Investigating the circumstances encountered during audits, or following incidents or complaints, is essential before taking any enforcement action. In deciding what resources to devote to these investigations, we will take note of the principles of enforcement set out in this document and the objectives published within our CSP.

4.12 We apply our discretion for deciding when to investigate or what enforcement action may be appropriate. Subject to legal privilege, we will set down in writing the decision-making process which our officers will follow when deciding on enforcement action and make this publicly available on request.

4.13 Officers will utilise the process and supporting information available when considering enforcement action. Such judgements will be made in accordance with Better Regulation principles and the [Regulators Code](#).

## 5 The Principles of Enforcement

5.1 The Authority believes in firm but fair enforcement of fire safety law, informed by the principles of:

- proportionality in application of the law to secure compliance
- targeting of enforcement action
- consistency of approach
- transparency on how we operate and what regulated entities can expect
- accountability for our actions.

5.2 Proportionality

5.2.1 Proportionality includes balancing the enforcement action taken against the perceived risk to public safety and the seriousness of any harm which may occur.

5.2.2 The public and those we regulate expect action we take to achieve compliance or to bring to account cases of non-compliance proportionate to the:

- risks to public safety
- seriousness of any breach of the regulations.

5.2.3 This includes consideration of any actual or potential harm which may arise from such a breach.

5.2.4 In determining the appropriate action to take, we also consider:

- the costs
- the effectiveness
- the perceptions of fairness.

5.2.5 We balance these considerations against public safety to make sure, where practicable, the costs of actions taken are proportionate to the benefits expected from them.

### 5.3 Targeting

5.3.1 Targeting means making sure our regulatory effort is directed primarily towards those whose activities present higher levels of risk to the safety of the public, employees, and other relevant persons.

5.3.2 Through targeting, we aim to ensure that the direction of regulatory effort considers the perceived level of risk. We primarily focus action on those directly responsible for the risk and who are best placed to control it.

5.3.3 We restrict our programme of routine reinspection's on premises which have been previously inspected to a dip-sampling system. This allows us to monitor continued compliance whilst being able to focus our resources on premises or business sectors that have not been subject to recent compliance inspection programs.

5.3.4 This allows us to prioritise our regulatory effort by:

- Utilising a risk-based inspection programme to concentrate our resources primarily on those whose premises and activities which give rise to the most serious risk to life in case of fire
- Developing thematic plans to identify high risk premises based on local risk assessment, national intelligence, fire sector guidance or government requirements.

5.3.5 Assessment of the risk by utilising methodology and data provided by the DLUHC together with local data, intelligence and knowledge, underpins our approach to regulatory activity. We seek to identify relevant and good quality data to continually improve our risk-based audit and inspection programme.

### 5.4 Consistency

5.4.1 Consistency of approach does not mean uniformity; it means taking a similar approach in similar circumstances to achieve similar outcomes. Persons with responsibilities under fire safety law managing similar risks can expect a consistent approach from us in the way in which we:

- provide advice
- use our enforcement powers
- make decisions on whether to prosecute breaches of the law
- respond to incidents and complaints.

5.4.2 We have arrangements in place to promote consistency in the exercise of discretion. This includes arrangements for liaison with other enforcing authorities and we seek to continually improve through internal review and audit, and the consideration of comments or complaints received.



## 5.5 Transparency

5.5.1 Transparency means helping individuals, businesses and other undertakings to understand what is expected of them and what they can expect from the Authority. It also means making clear not only what they have to do, why this is relevant, but also what is not expected of them. This involves distinguishing between statutory requirements and advice or guidance provided to indicate what is desirable but not compulsory.

5.5.2 Individuals, businesses and other undertakings also need to know what to expect when an officer calls and what rights of complaint or appeal are open to them.

5.5.3 The public can expect the following when dealing with an officer:

- When officers offer information or advice, either face-to-face or in writing, (including any warning) they will explain what needs to be done to comply with the law and explain why.
- Officers, if asked, will write to confirm advice given and to distinguish legal requirements from best practice advice.
- Unless urgent action is necessary, officers will offer an opportunity to discuss what is required to comply with the law before formal enforcement action is taken.
- Officers will provide a written explanation of any rights of appeal against formal enforcement action at the time the action is taken.
- Where examples of good practice are identified, officers aim to provide positive feedback to encourage and reinforce these good practices. They may share them with others as examples of good practice.

## 5.6 Accountability/Responsibilities

5.6.1 Regulators are accountable to the public for their actions. This means that enforcing authorities must have policies and standards against which they can be judged. They must also have an effective and easily accessible mechanism for dealing with comments and handling complaints.

5.6.2 Our “Compliments and Complaints” process is explained on our website, [dwfire.org.uk](http://dwfire.org.uk). Having a public-facing process demonstrates that we take their comments and complaints seriously. These comments can help highlight potential problems or weaknesses in our systems as well as helping us to build on the things that we do well.

## 6 Audit and Inspection of Premises

6.1 The Service operates a risk-based system of audit and inspection of premises.

6.1.1 This system utilises data and guidance provided by DLUHC together with local intelligence and knowledge and incorporates local risk priorities identified from:

- trends in location
- types of fire
- assessment of vulnerability of groups in local areas within Dorset and Wiltshire.

- 6.1.2 From time-to-time, and particularly if any significant changes are proposed, we consult those regulated on our methodology. We do this through consultation on our Community Risk Management Plan or by other specific means if appropriate.
- 6.1.3 Officers undertake audits and inspection on the basis of our risk-based system, giving priority to individual premises and generic premises types or uses that have been assessed as being of higher risk.
- 6.1.4 We allocate the greatest audit and inspection effort to premises where a compliance breach would pose a serious risk to the safety of relevant persons and we have reason to believe that there is a high likelihood of non-compliance with the law.
- 6.1.5 We respond to concerns of fire risk in any premises for which we are the enforcing authority regardless of the relative risk level of the premises.
- 6.1.6 Where enforcement regimes overlap, we have entered into agreements with other enforcing authorities to provide clarification about which authority takes the lead for particular premises types. This does not prejudice the taking of immediate enforcement action where required to provide adequate safety for people.
- 6.1.7 To minimise audit and inspection burdens for those regulated, we continue to seek to develop, engage in and foster partnerships working with other enforcers and stakeholder groups particularly through Local Strategic Partnerships. See section 13.2 below for details of some of the key partners and enforcers we work with.
- 6.1.8 We continue to work with other enforcing authorities, regulated entities and others in order to avoid duplicating the collection of information and to seek to implement ways of:
- varying data requests according to risk
  - limiting collection to specific regulated entities sectors/sub-sectors
  - reducing the frequency of data collection
  - obtaining data from other sources
  - allowing electronic submission
  - requesting only data which is justified by risk assessment
  - sharing data with other authorities.
- 6.1.9 When determining data we may require from those regulated, we consider the costs and benefits of such requests in order to avoid, so far as is reasonably practicable, requesting data that is not required to demonstrate compliance with the law.
- 6.2 The Use of Formal Action
- 6.2.1 Before formal enforcement action is taken, officers provide an opportunity to those responsible for complying to make representations and, where possible, to resolve points of difference, except where the situation is so serious that immediate action is necessary.

- 6.2.2 Where immediate action is taken to prohibit or restrict the use of a premises officers explain this in writing to the relevant parties, normally within 24 hours.
- 6.2.3 Where rights of appeal exist against formal action, we clearly state this and provide written information on the appeal process.
- 6.3 Decisions on Enforcement
- 6.3.1 The Service seeks to make sure legislation is enforced in an impartial way through management procedures and safeguards.
- 6.3.2 Decisions about formal enforcement action are taken by the officers who inspect the premises, in consultation with a Fire Safety Manager.
- 6.3.3 Immediate action, such as prohibition or restriction of the use of premises or part of the premises, must also be authorised by a Fire Safety Manager who is also a designated signatory.
- 6.3.4 The decision to prosecute is taken by the Head of Fire Safety following a case review and consultation with the Fire Safety Enforcement Manager, the inspecting officer, and the Service legal advisor(s).
- 6.3.5 Officers will be fair, independent and objective when considering enforcement action and must not allow their personal views to cloud their judgement.
- 6.3.6 We will make every effort to make sure the correct individual and/or company is prosecuted for the correct offence(s).
- 6.3.7 We are a Public Authority for the purposes of the Human Rights Act 1998 and apply the principles of the European Convention on Human Rights in accordance with the Act, as we do within all of our enforcement activity.

## **7 Enforcement Options**

- 7.1 To determine the level of enforcement action to take we utilise nationally recognised risk assessment-based methodology, considering the following factors:
- The nature and seriousness of any alleged offence(s).
  - the risk of death or serious injury.
  - Previous experience and record of compliance of the responsible person.
  - Action taken to prevent any recurrence.
  - The likely effectiveness of the various enforcement options.
  - Any explanation offered and the circumstances and attitude of the responsible person.
  - Any statutory defence available.
- 7.1.1 We always seek to use enforcement action that is proportionate in the circumstances of the offence and the risk to life, but in so doing also consider other factors, such as; the size of the business or undertaking and the nature of its activities.
- 7.1.2 Choices of enforcement approach available to us are:

- Educate and inform
- Agree an Action Plan submitted by the responsible person
- Provide details of corrective actions informally through a letter of Fire Safety Matters
- Statutory notice identifying the nature of the corrective action needed
- Prohibition/restriction of use
- Referral to other agencies with enforcement powers where appropriate
- Prosecution through the Criminal Justice System.

7.1.3 We keep our regulatory activities under review through management of our fire safety enforcement function. This ensures, so far as reasonably practicable, that all actions are proportionate and impose the minimum burden necessary to secure reasonable compliance with the law.

## 7.2 Educate and Inform

7.2.1 When a minor fire safety deficiency is found, we may give verbal or written advice. Officers may also give advice on how to comply with the law. Where advice is not mandatory this is made clear.

7.2.2 We will provide appropriate advice to our Primary Authority Partners in accordance with our approved Primary Authority Partnership agreements.

## 7.3 Agreed Action Plans

7.3.1 The Service will only agree a plan that has been requested by the responsible person; officers do not offer a plan.

7.3.2 In order to agree an action plan, the responsible person must have already completed a suitable and sufficient fire safety risk assessment which identifies the fire safety failures and identifies a prioritised corrective actions schedule.

7.3.3 The aim of an action plan is to focus attention on where a risk is identified, what preventive and protective measures are necessary to either reduce the risk to an acceptable level or eliminate the risk altogether and provide a time scale in which remedial action should be completed.

7.3.4 Where it has been established that works have been prioritised appropriately and there is a willingness on the part of the responsible person to complete the actions within an acceptable time scale, our officers may consider to accept an Action Plan in place of other enforcement options.

7.3.5 Officers may provide advice to assist the responsible person in planning and prioritising remedial action thereby ensuring best value and maximum benefit is achieved.

7.3.6 We will advise the responsible person that failure to meet the objectives of the plan may result in formal enforcement action being taken.

## 7.4 Fire Safety Matters Letter and Schedule of Improvements

7.4.1 Fire Safety Matters letters and the accompanying schedule of improvements (FSM letters) are informal ways to communicate risks identified during an

inspection which will require rectification but are initially expected to fall below the formal enforcement action threshold.

7.4.2 FSM letters are generally used when;

- Arrangements are regarded as generally adequate to protect people although some risk requiring remedial action has been identified.
- The attitude and commitment of the responsible person is such that there is no reason to suspect that remedial actions will not be completed as required.

7.4.3 The FSM letter is available in two standard templates;

- Fire Safety Matters (Risk) – No Revisit. Safety concerns were found that are regarded as minor in nature or would ordinarily warrant a revisit but due to some compelling reason, e.g. the attitude of the duty holder, the inspector feels that returning would be unnecessary.
- Fire Safety Matters (Risk) – Revisit. Safety concerns are such that a revisit is necessary. This may include matters which would otherwise be dealt with by an Enforcement Notice were it not for the conduct and perceived attitude of the responsible person.

7.4.4 FSM letters may include general fire safety advice. Specific requirements will be provided in an attached schedule of improvements. A reasonable timescale for completion will be identified.

7.4.5 Whilst the FSM letter and schedule are an informal way to correct any deficiencies identified, we reserve the right to escalate to an Enforcement Notice at any point in the process where we consider that inadequate progress is being made, the situation has worsened, or time allowed to comply has expired.

7.5 Enforcement Notices

7.5.1 We use regulatory notices calling for corrective action where there is a clear breach of the law, where the degree of risk or harm from the situation is significant, and where a remedy needs to be identified and secured within a set period of time.

7.5.2 Notices specify the problem and will either require a remedy as determined by officers or (if the legislation allows) may allow for other action with an equivalent remedial effect. Where there is a right of appeal, information on the appeal mechanism is set out in writing to the person on whom the notice is served.

7.5.3 Where a notice requires changes to premises in which another enforcing body has a statutory interest, we will (so far as is reasonably practicable) consult with such bodies as can reasonably be identified before serving the notice.

7.5.4 Any such consultation does not release the person on whom the notice is served from their statutory obligation to consult relevant bodies in respect of works they may be required to undertake as a result of a notice.

7.5.5 Any failure by DWFRS to consult with any particular body does not invalidate a notice served under the Regulatory Reform (Fire Safety) Order 2005.

7.6 Alterations Notices

7.6.1 We will serve an alteration notice where we are of the opinion that the premises constitute, or will constitute, a serious risk to relevant persons if certain changes

are made to the features, occupation use or other criteria as specified on the notice.

7.6.2 The notice will require the responsible person to conduct a risk assessment and consult with DWFRS prior to making any of the specified changes.

## 7.7 Prohibition/Restriction Notices

7.7.1 The Service has powers under Article 31 of the Regulatory Reform (Fire Safety) Order 2005 and Sections 21 and 22 of the Health and Safety at Work etc. Act 1974 to prohibit the use of the whole or part of premises or to restrict the use of premises.

7.7.2 We consider such actions where conditions are found that constitute a serious risk to life or injury to persons in the event of fire. Where immediate action is necessary, we provide an explanation at the time (as far as is practicable) of why such action is required and confirm this in writing. Where there are rights of appeal, we clearly set these out in writing at the time the action is taken.

## 7.8 Prosecution

7.8.1 The Service uses discretion in deciding whether to bring a prosecution.

7.8.2 The decision to prosecute is a serious step. Fair and effective prosecution forms a legitimate element of our strategy to reduce the risk of death and injury in regulated premises by enforcing fire safety law. Any prosecution has serious implications for all involved, including the:

- person prosecuted
- casualties
- witnesses
- fire service staff.

7.8.3 We apply the guidance set out below so that we can take fair and consistent decisions about prosecutions.

7.8.4 Criminal proceedings are taken against those persons responsible for the offence. Where a Corporate body is involved, it is usual practice to prosecute the Corporate body where the offence resulted from their activities.

7.8.5 However, we also consider any part played in the offence by the officers of the Corporate body, where it can be shown that the offence was attributable to neglect or other failings on their part and, if appropriate, prosecute such officers in addition to, or as an alternative to, the Corporate body. Such officers include:

- Directors
- Managers
- Company Secretary.

7.8.6 We may also consider taking action against:

- staff
- contractors



- any other person.

7.8.7 The decision whether to prosecute considers the evidential test and the relevant public interest factors set down by the Director of Public Prosecutions in the [Code for Crown Prosecutors](#). No prosecution may go ahead unless we find there is sufficient evidence to provide a realistic prospect of conviction and we decide that prosecution is in the public interest.

7.8.8 When in the course of an investigation we have collected sufficient evidence to provide a realistic prospect of conviction and have decided, in accordance with the Code for Crown Prosecutors that it is in the public interest, then that prosecution will go ahead.

7.8.9 Where the circumstances warrant it and there is evidence available to support a case, we may prosecute without warning or recourse to alternative sanctions.

7.9 Referrals to Other Agencies

7.10 Where other Health and Safety enforcing authorities, such as the Health and Safety Executive, Care Quality Commission or local Authority Environmental Health teams have a regulatory interest in a particular premises, we will forward details of concerns to the appropriate agency. For example, where apparently dangerous conditions or practices not related to fire are noted in a workplace or concerns over housing conditions exist.

## 8 Public Interest Factors

8.1 The Service considers the factors outlined in the enforcement options above in deciding whether or not to prosecute:

8.2 These factors are not exhaustive and those which apply will depend on the circumstances of each case. Deciding on the public interest is not simply a matter of adding up the number of factors for and against prosecution. We consider each applicable factor and weight these appropriately. We decide their importance in the circumstances of each case and then make an overall assessment.

8.3 Where there is sufficient evidence, we will consider prosecution in any of the following circumstances:

- Breaches of legislation that placed people at risk of death or serious injury.
- Persistent breaches of statutory requirements in relation to the same undertaking.
- Failure to comply with formal remedial requirements, such as the requirements of an enforcement notice. It is unacceptable to ignore remedial requirements and unfair to those who take action to comply.
- Reckless disregard for fire safety requirements. It is in the interests of all, that irresponsible operations are brought into compliance.
- Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information. It is essential that lawful requests for information by the Service or its Officers are complied with and that accurate information is always supplied to enable us to exercise informed regulation.

- Obstruction of Officers in carrying out their duties as conferred on them by HM Government. We regard the obstruction of, or assaults on, our Officers whilst lawfully carrying out their duties as a serious matter.

## 9 Human Rights and Other Statutory Compliance

- 9.1 All enforcement procedure development and enforcement action is carried out in a manner which complies with the Human Rights Act 1998 and the requirements of other legislation.
- 9.2 Our Officers will comply with all relevant codes of practice, unless a code is not mandatory and there are good reasons which justify non-compliance.

## 10 Publicity

- 10.1 DWFRS will consider publicising any conviction, which could serve to draw attention to the need to comply with fire safety requirements or deter anyone tempted to disregard their duties under fire safety law.
- 10.2 Details of statutory notices served are recorded on a [publicly available register](#) in accordance with the requirements of the Environment and Safety Information Act 1988.

## 11 Actions by Courts

- 11.1 In cases of sufficient gravity, for example but not exclusively, where serious injury or ill health has resulted, we consider requesting the Magistrates to refer the case to the Crown Court. The same factors as listed in paragraph '[Enforcement Options](#)' are used, but consideration is also given to the sentencing powers of the Magistrates' Court.

## 12 Penalties

- 12.1 Existing law gives the courts considerable scope to punish offenders and to deter others. Courts may impose unlimited fines and, in some cases, imprisonment.
- 12.2 DWFRS will continue to raise the awareness of the courts to the gravity of offences and encourage them to make full use of their powers. We will seek to recover the costs of investigation and court proceedings.

## 13 Further Information

You can obtain further information about how the Authority enforces fire safety regulation and from where we seek guidance on how to fairly and consistently deploy our enforcement options from the following sources:

- [Community Safety Plan \(CSP\)](#)
- [The Regulators Code](#)
- [The Better Regulation framework](#)
- [The Code for Crown Prosecutors.](#)

- 13.1 Compliments and Complaints.

If you want to make a complaint about the service you have received from us, leave us a compliment, or just know more about the process, follow this link to our website [Compliments and Complaints](#).

- 13.2 Partners Agencies and Enforcing Authorities.

A list of some of the local enforcement and supporting partner organisations which we work with can be found on our [website](#). We also work routinely with national agencies such as (this list is not exhaustive):

- [The Health & Safety Executive](#)
- [The Care Quality Commission](#)
- [Immigration Enforcement](#)
- [The Environment Agency](#)

### 13.3 Data Protection.

The Data Protection Act 2018 controls how your personal information is used by organisations, businesses or the government.

13.4 We will comply with the principles of the Data Protection and will respect the rights and freedoms of individuals when processing their details.

13.5 Further information on how we will collect and process personal information is available on our [website](#).

### 13.6 Freedom of Information

The Freedom of Information Act 2000 is about making information available to the public to increase accountability and transparency in the decisions we make and about the services we provide. Further information is available on our [website](#)

## 14 Monitoring & Assurance

### 14.1 Document & Procedure Management

14.1.1 This document will be reviewed at routine intervals in line with current Service policy and our document review protocols, as required by changes in statutory requirements or other guidance, or as caused by review or events which may affect the way in which we enforce the Regulatory Reform (Fire Safety) Order 2005, or other related legislation.

14.1.2 The Head of Fire Safety is responsible for ensuring the content of this document reflects the Service's strategic aims and is integrated fully into the 'Protection Departmental Plan, PR27'.

14.1.3 The Enforcement Manager is responsible for ensuring that the content of this document is accurate and complies with our legal obligations, in conjunction with specific advice and guidance provided by our legal advisor.

14.1.4 The Enforcement Manager is responsible for ensuring this policy is fully integrated into Service processes and associated operating procedures.

14.1.5 Fire Safety Managers and inspectors (officers) are responsible for providing fair and consistent delivery of fire safety enforcement options to regulated entities in line with the principals of this policy.

14.1.6 This policy is reinforced through regular training events and all new and existing officers and fire safety managers must be familiar with its content.

# 15 Document Management

<b>Policy Statement Reference:</b> <a href="#">Community Safety Plan 2021-24</a>			
<b>Owner</b>	<b>Review Date</b>	<b>Author</b>	<b>Status</b>
Tim Gray	28/02/2024	Neville Mullings	Published

## 15.1 Version Control:

Version	Page & Par Ref	Date	Changes Made	Authorised By
V5.0		8/11/2021	References to CRPM changed to CSP	Tim Gray
V4.0	Entire Document	12/10/2021	Reviewed for compatibility with the Community Safety Plan 2021-24, CSP and the Protection Departmental Plan. Appropriate links and references updated. MHCLG changed to DLUHC.	Neville Mullings
V3.0	Entire Document	18/12/2020	Review to include clarification of enforcement options, partnership working information, new hyperlinks to guidance and correction of minor typographical errors. FOI & Data protection sections added.	Neville Mullings
V2.0	Entire document		References to Primary Authority & FSM Letters + general wording review	
V1.0	Entire document	21/09/2018	Review prior to publication	Sean Blizzard
TCV	Entire document	13/07/2018	Plain English and formatting suggestions	Tonya Saben
V0.2	Entire document	09/07/2018	Amendments	Sean Blizzard
V0.1	Entire document	28/06/2018	Document development	Tonya Saben

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