|  |  |
| --- | --- |
| ***253 - Enforcement Policy*** | |
| Cheshire Fire & Rescue Service enforces the statutory duties imposed by the Regulatory Reform (Fire Safety) Order 2005 on behalf of Cheshire Fire Authority. In discharging these duties, the Service adheres to the principles of best practice recommended by Government for regulatory bodies. This statement details the policy and general principles of enforcement which the Service applies. This policy underpins all Protection policy documents and applies to all Service staff with regulatory enforcement responsibilities.  The Service will ensure that all relevant officers are adequately skilled and are trained in the use of this policy. The Service seeks to work with other enforcing authorities to ensure collaborative regulation and sharing of information as well as best practice. | |
| **OWNER** | **Head of Protection & Organisational Performance** |
| **LAST REVIEW** | **March 2021** |
| **REVIEW DUE DATE** | **24 months** |
| **VERSION CONTROL/AMEND SCHEDULE** | **Controlled by Corp Docs** |
| **CROSS REFERENCES**   * The Regulators Code * The Regulatory Enforcement and Sanctions Act 2008 * Legislative and Regulatory Reform Act 2006 * The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 * The Environment and Safety Information Act 1988 * The Regulatory Reform (Fire Safety) Order 2005 * Fire and Rescue Services Act 2004 * The Licencing Act 2003 * Enforcement Management Model (EMM) issued by the HSE * The Hampton Review: Reducing administrative burdens- effective inspection and enforcement. * HELA/Local Authority Circular 22/10 * CFOA Fire Safety Policy Directive – Enforcement Policy Statement (England & Wales) * [EDOCS-1213 Dignity at Work Policy and Procedure](https://share.cheshirefire.gov.uk/SiteDirectory/CorpDocs/_layouts/15/DocIdRedir.aspx?ID=EDOCS-1213) * [EDOCS-259 Fire Safety Order Prosecutions](https://share.cheshirefire.gov.uk/SiteDirectory/CorpDocs/_layouts/15/DocIdRedir.aspx?ID=EDOCS-259) * [DOCS-55-3634 EIA- Enforcement](https://share.cheshirefire.gov.uk/SiteDirectory/CorpDocs/_layouts/15/DocIdRedir.aspx?ID=DOCS-55-3634) * [EDOCS-258 Enforcement Procedures](https://share.cheshirefire.gov.uk/SiteDirectory/CorpDocs/_layouts/15/DocIdRedir.aspx?ID=EDOCS-258) | |

CONTENTS

[1 Policy Statement 3](#_Toc65763348)

[2 Advice and Guidance 4](#_Toc65763349)

[3 The Purpose and Method of Enforcement 5](#_Toc65763350)

[4 The Principles of Enforcement 6](#_Toc65763351)

[5 Audit and Inspection of Premises 9](#_Toc65763352)

[6 Partnership Working 9](#_Toc65763353)

[7 Enforcement Management Model (EMM) 10](#_Toc65763354)

[8 Decisions on Enforcement Action 10](#_Toc65763355)

[9 Enforcement Options 11](#_Toc65763356)

[10 The Use of Formal Action 15](#_Toc65763357)

[11 Failure to comply with requirements 15](#_Toc65763358)

[12 Publicity 15](#_Toc65763359)

[13 Equality and Diversity 15](#_Toc65763360)

[14 Data Protection 16](#_Toc65763361)

[15 Freedom of Information 16](#_Toc65763362)

[16 Other Legislation 16](#_Toc65763363)

**PART 1 – POLICY SECTION**

# Policy Statement

## The following pages explain our enforcement policy. This document is supported by other documents required by the Regulators Code, namely our Service Standards and our Challenges, Appeals and Complaints procedure. This policy aims to explain our approach to our regulatory functions in relation to fire safety and public safety in our communities. This statement sets out the service that business and others being regulated by us can expect from our regulatory and enforcement functions and our appointed inspectors. It goes someway towards satisfying the Regulator’s Code by committing the Service and its 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.

## Cheshire Fire Authority (the Authority) aim to make the Service area 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 (in premises to which fire safety law applies) is an important part of achieving this aim.

## Cheshire Fire and Rescue Service (the Service) enforces general fire safety legislation on behalf of the Authority in Cheshire West and Chester, Cheshire East, Halton and Warrington. The legislation the Service enforces includes:

* The Regulatory Reform (Fire Safety) Order 2005;
* The Construction (Design and Management) Regulations 2015.

## This Enforcement Policy Statement is based on the principles of “Better Regulation” contained in the Enforcement Concordat and Regulators Code and sets out the approach the Service takes in enforcing legislation. It is used in conjunction with guidance issued by Parliament; The Home Office; the Department for Business, Energy and Industrial Strategy, other relevant government departments and agencies; and the Office for Product Safety and Standards.

## Compliance with fire safety legislation is achieved through education; by providing advice and guidance; and by formal enforcement action. Securing compliance with statutory requirements and proportionate use of enforcement powers, including prosecution, is an important part of this enforcement policy.

# Advice and Guidance

## The Service regards prevention as a preferable option to enforcement. The Service aims to secure compliance, avoiding bureaucracy or imposing excessive cost and seeks to work with the regulated body to support and encourage economic progress, by offering information and advice to those we regulate. Individuals, businesses and other undertakings are encouraged to put safety first and to integrate fire prevention and fire protection requirements into normal working methods.

## In accordance with its duties under section 6 of the Fire and Rescue Services Act 2004 the Service will, to the extent that it considers it reasonable to do so, make arrangements for:

1. The provision of information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire;
2. The provision of advice, on request, regarding:
3. how to prevent fires and restrict their spread in buildings and other property;
4. the means of escape from buildings and other property in case of fire.

## In exercising its duty to provide advice and information, the Authority will not:

1. Undertake fire risk assessments for regulated persons;
2. Draft fire safety policy and procedures on behalf of regulated persons. It is incumbent upon regulated persons to comply with fire safety legislation;
3. Other than in those circumstances, which appear to the Authority to be in the public interest and appropriate to the functions of a best value authority, act as a consultant on fire safety related issues other than as required to meet statutory consultation requirements imposed on other bodies and persons.

## The Service’s officers seek to provide advice that is appropriate to the premises and their use, and will do so by reference to nationally recognised guidance and standards that regulated bodies have assisted in developing. Such advice will cover where to find the appropriate sources of technical information; it will not include recommendations on suppliers, assisting with fire safety risk assessments or provision of specific solutions to fire safety problems.

## Officers shall promote sprinklers and automatic fire detection systems wherever possible and appropriate. Such recommendations do however have due regard to the Service policy on reducing Unwanted Fire Signals. Where recommendations are made on formal Notices or letters, they will be clearly identified as such.

## Where a regulated entity seeks advice or guidance from the Service or its officers about actions needed to correct fire safety deficiencies or otherwise secure compliance with the law this will not automatically lead to formal enforcement action by the Service. The Service would prefer to advise and guide than serve notices or prosecute, but it must reserve the right to act in the public interest according to the circumstances of the case.

## Should enforcement action prove to be necessary in the circumstances of the case, it will be based on the principles, expectations and methodology of the Enforcement management Model (EMM) produced by the Health and Safety Executive (HSE), which is considered national best practice.

# The Purpose and Method of Enforcement

## The purpose of the Service’s enforcement function is to ensure that preventative remedial action is taken to protect persons within and in the immediate vicinity of the premises and to secure compliance with the regulatory system. The need for enforcement may stem from a lack of knowledge or a deliberate or negligent act. The term enforcement has a wide meaning and applies to all dealings between the Service and those on whom the law places a duty.

## The Service 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.

## In accordance with the Regulators Code, the Service takes enforcement action to:

* change the behaviour of the offender;
* change societal attitudes to the risks from fire;
* eliminate financial gain or benefit from putting people at risk in case of fire;
* exercise a proportionate response to the nature of the offence and the harm caused;
* restore safety to premises where fire safety risks were found; and
* encourage fire safety to be secured in future.
* 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);

## 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:

* no action;
* providing advice;
* informal action;
* formal action (including enforcement, alterations and prohibition notices);
* taking samples of dangerous materials or extracts of recorded information; and
* securing information to prepare for prosecutions.

## The enforcement actions listed above are not written in an absolute order of escalation. Enforcement action taken by the Service is scalable and appropriate to the risk to people in case of fire.

## Enforcement Notices, Prohibition Notices, and Prosecutions are important ways to bring individuals, businesses and other undertakings to account for alleged breaches of the law. Where it is appropriate to do so and in accordance with this policy the Service will use one or more of these measures to secure compliance with fire safety law.

## 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, the Service will have regard to the principles of enforcement set out in this policy and the objectives published in the Integrated Risk Management Plan.

# The Principles of Enforcement

## The Service believes in firm but fair enforcement of fire safety law. This is informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how the regulator operates and what those regulated may expect; and accountability for the regulator’s actions.

## Proportionality

### Proportionality means relating enforcement action taken to the risk to public safety. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by the Service to achieve compliance or bring individuals, businesses or other undertakings to account for non-compliance, should be proportionate to any risks to public safety, or to the seriousness of any breach. This includes any actual or potential harm arising from the breach of the law.

### In determining the appropriate action to take, the Service will seek to ensure that consideration is given to the costs, effectiveness and perceptions of fairness of regulation and that these considerations are appropriately balanced against public safety so that so far as is reasonably practicable the costs of actions taken are proportionate to the benefits expected from them.

## Targeting

### Targeting means ensuring that regulatory effort is directed primarily towards those whose activities give rise to higher levels of risk to members of the public/employees (relevant persons) safety where the hazards and risks are less well controlled, or against deliberate offences. The Service aims to make sure, through targeting, that the direction of regulatory effort takes into account the level of risk. Action is primarily focused on those directly responsible for the risk and who are best placed to control it.

### The Service has systems for prioritising regulatory effort. These include a risk based inspection programme (RBIP) and localised plans to identify high risk premises. Risk assessment, utilising methodology and data provided by the Home Office, together with local data, intelligence and knowledge, underpins the Authority’s approach to regulatory activity. The Service seeks to identify relevant and good quality data to continually improve its risk based inspection programme.

### 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.

## Consistency

### Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends. Persons with responsibilities under fire safety law managing similar risks can expect a consistent approach from the Service in the advice tendered; the use of enforcement powers; decisions on whether to prosecute; and in the response to incidents and complaints.

### The Service has arrangements in place to promote consistency in the exercise of discretion, including arrangements for liaison with other enforcing authorities and will seek to continually improve through internal review, audit and consideration of comments received.

## Transparency

### Transparency means helping individuals, businesses and other undertakings to understand what is expected of them and what they should expect from the Service. It also means making clear to businesses, other undertakings and individuals not only what they have to do, where this is relevant, but also what is not expected of them. This involves distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.

### This policy sets out the general policy framework within which the Service operates. Businesses, other undertakings and individuals also need to know what to expect when an officer calls and what rights of complaint are open to them.

### Officers will:

* Offer Individuals, businesses or other undertakings information or advice, either over the phone or in writing, including any warning, they will explain what needs to be done to comply with the law and explain why;
* If asked, write to confirm any advice and to distinguish legal requirements from best practice advice;
* Unless urgent action is necessary, provide an opportunity to discuss what is required to comply with the law before formal enforcement action is taken; A written explanation will be given of any rights of appeal against formal enforcement action at the time the action is taken;
* Identify good practice and will aim to provide positive feedback to encourage and reinforce these good practices and may share them with others as examples of good practice.
* Offer customer satisfaction survey forms during fire safety engagement with businesses and other regulated persons.

## Accountability

### The Service 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.

### Details of how to make a complaint are available on request or on our website: <https://www.cheshirefire.gov.uk/contact-us/compliment-or-complaint>

# Audit and Inspection of Premises

## The Service operates a risk based inspection programme (RBIP). This system utilises data and guidance from the Home Office and the National Fire Chief’s Council together with local intelligence and knowledge and incorporates local risk priorities identified from trends in location, types of fire and assessment of vulnerability of groups in local areas within the service area. From time to time, and particularly if any significant changes are proposed, the Service will consult regulated entities on its methodology through consultation on its Integrated Risk Management Plan or by other means.

## Audits and inspection will be undertaken by officers on the basis of the Service’s RBIP under which priority is given to individual premises and generic premises types or uses that have been assessed as being of relatively higher risk. The greatest audit and inspection effort will be allocated to premises where a compliance breach would pose a serious risk to the safety of relevant persons and the Service has reason to believe that there is a high likelihood of non compliance with the law.

## The Service’s overall enforcement programme takes account of the need to sample small numbers of premises in relatively lower risk categories in order to continually test the methodology used. The Service will respond to allegations of fire risk in any premises for which they are the enforcing authority regardless of the relative risk level of the premises.

# Partnership Working

## The Service has entered into a number of agreements with other enforcing authorities to provide clarification about which authority takes the lead for particular premises types where the enforcement regimes overlap. To minimise audit and inspection burdens for regulated entities the Service will continue to seek to develop, engage in, and foster partnerships working with other enforcers and other stakeholder groups.

## The Service will continue to work with other enforcing authorities, regulated entities and others in order to avoid duplication of collection of information from regulated entities and to seek and 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; and
* Sharing data with other authorities.

## When determining data that may be required from regulated entities the Service will consider the costs and benefits of such requests to regulated entities in order to avoid, so far as is reasonably practicable, requesting data that is not required to demonstrate compliance with the law or the person who is responsible under the law.

## When serious fire safety concerns are raised about a property and a prohibition notice is issued resulting in people having to leave their homes, the Service will work closely with the Local Authority Housing teams to ensure alternative accommodation and support is provided. This process limits the negative impact on people in the community. Contact details for each of the Local Authority Housing teams including a key contact are available within each office.

# Enforcement Management Model (EMM)

## The Service will use discretion in deciding when to investigate or what enforcement action may be appropriate. The Service has a decision-making process (audit form and EMM) which officers follow when deciding on enforcement action and this is publicly available on request. Officers utilise this process when determining enforcement action. Such judgement is made in accordance with Better Regulation principles which are in accordance with the Regulators Code.

# Decisions on Enforcement Action

## The service seeks to ensure that legislation is enforced in an impartial way through policy and management procedures and safeguards.

## Some decisions about enforcement action are taken by the officers who inspect the premises and in consultation with more senior colleagues if appropriate. Particularly serious action, such as prohibition or restriction of the use of premises or part of the premises, can only be authorised by identified officers in accordance with the Signature and Authorisation Policy. The decision to prosecute is taken by the Monitoring Officer following consultation with Deputy Chief Fire Officer.

## 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.

## The Service will ensure that the correct individual and/or company is prosecuted for the correct offence/s.

## The Service is a Public Authority for the purposes of the Human Rights Act 1998 it will apply the principles of the European Convention on Human Rights in accordance with the Act, as it does in all of its enforcement activity. All members of staff that make enforcement decisions will be required to follow the Regulators Code.

# Enforcement Options

## The Service 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 Service 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.

## 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).

## The Service policy on determining the level of enforcement action to take uses a nationally recognised risk assessment based methodology. In deciding what action to take to ensure compliance with the law, the Service considers the following:

* 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.

## The Service will always seek to use enforcement action that is proportionate primarily to the circumstances of the offence and the risk to life, but in so doing will also consider other factors such as the size of the business or undertaking and the nature of its activities.

## Choices of enforcement approach available to the Service are:

* Educate and inform;
* Notification of Deficiencies
* Agreed Action Plan;
* Statutory Notice – Enforcement, Prohibition/Restriction and/or Alteration;
* Referral to other agencies;
* Simple Caution;
* Prosecution through the Criminal Justice System

## The Service keeps its regulatory activities under review through management of its 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.

## Educate and inform

### 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 and the person or persons responsible for fire safety will be informed of this. The Service will also provide fire safety education and advice during the visit.

## Notification of Deficiencies

### 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.

### Informal action will take the form of a letter (a notification of deficiencies), 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. The letter will also detail 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.

## Agreed Action Plans

### Where a fire risk assessment or fire safety audit identifies a need for improvements to a premises, the responsible person will often benefit from advice prior to implementing the necessary works. Inspectors may provide advice to assist the responsible person in planning and prioritising remedial action thereby ensuring best value and maximum benefit is achieved. This may be achieved by formulating an action plan.

### 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 the time scale over which remedial action should be taken. Where an action plan has been compiled and agreed, the responsible person will be made aware that failure to meet the objectives of the plan in full may result in formal enforcement action being taken over any matters outstanding at the end of the agreed period of time for completion.

## Enforcement, Prohibition/Restriction and Alterations Notices

### 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. Officers have access to line manager support when issuing notices of this type.

### 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. In most cases there is a right of appeal against a Notice. Where there is a right of appeal, advice on the appeal mechanism will be set out in writing to the person on whom the notice is served.

### Where a Notice requires changes to a premises in which another enforcing body has a statutory interest, the Service will, so far as is reasonably practicable, consult with such bodies as can reasonably be identified before serving the notice. Any such consultation will not release the person on whom the notice is served from their statutory obligation to consult relevant bodies in respect of works they will undertake as a result of a notice. Any failure by the Service to consult with any particular body or person will not invalidate any notice served under the Regulatory Reform (Fire Safety) Order 2005.

### The following notices are available for use:

1. **Alterations Notices (Article 29)**

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.

1. **Enforcement Notices (Article 30)**

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; 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.

1. **Prohibition/Restriction Notices (Article 31)**

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.

The Service has powers under Article 31 of the Regulatory Reform (Fire Safety) Order 2005 to prohibit the use of the whole or part of premises or to restrict the use of premises. Such action will be considered where conditions are found that constitute a serious risk to life or injury to persons in the event of fire. Rights of appeal will be clearly set out in writing at the time the action is taken.

## Referral to other agencies

### Where other Health and Safety enforcing authorities have a regulatory interest in a particular premises, details will be forwarded to the appropriate agency, for example if apparently dangerous conditions or practices (not related to fire) are noted in a workplace.

## Prosecution

### 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.

### The Service 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. The Service will use discretion in deciding whether to bring a prosecution.

### The decision to prosecute is a serious step. Fair and effective prosecution forms a legitimate element of the Service’s strategy to reduce the risk of death and injury in the workplace by enforcing fire safety law. Any prosecution has serious implications for all involved – including the person prosecuted, casualties, witnesses and Service’s personnel. The Service will apply the guidance set out in the Prosecutions Policy and associated procedures so that it can take fair and consistent decisions about prosecutions.

# The Use of Formal Action

## 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, save where the situation is so serious that immediate action is necessary. Where immediate action is taken to prohibit or restrict the use of a premises this is explained in writing to the relevant party/parties normally within 24 hours.

# Failure to comply with requirements

## Rights of and routes to appeal will be clearly set out in writing and issued with our letters. Appeals must be made within 21 days of the date the notice was served.

## The failure to comply with an alterations, enforcement or prohibition notice constitutes an offence and may result in prosecution.

## 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.

# Publicity

## The Service 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.

## Details of statutory notices served are held on publicly available registers in accordance with the Environment and Safety Information Act 1988.

# Equality and Diversity

## All enforcement decisions will be fair, independent and objective. When formal enforcement action is necessary, each case will be considered on its merits. Enforcement outcomes will not be influenced by any of the protected characteristics of the people involved. Such decisions will not be affected by improper or undue pressure from any source.

## Although the protected characteristics of those involved do not influence the enforcement outcome, it is acknowledged that our enforcement activity may have a positive impact in relation to improving fire safety standards in certain premises. An example of this would be elderly residents living in a residential care premises who may require mobility assistance to evacuate. As part of the audit process, the specific needs of these occupants would be taken into account and where appropriate, additional control measures identified and implemented.

## An Equality Impact Assessment (EIA) had been completed for our enforcement activity – [DOCS-55-3634](https://share.cheshirefire.gov.uk/SiteDirectory/CorpDocs/_layouts/15/DocIdRedir.aspx?ID=DOCS-55-3634).

# Data Protection

## The Service will comply with the principles of the General Data Protection Regulations governing the use of personal data received or obtained and will respect the rights and freedoms of those individuals when processing their details.

# Freedom of Information

## 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 the 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.

## <https://www.cheshirefire.gov.uk/about-us/key-documents/freedom-of-information>

# Other Legislation

## 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 Service.