



Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

Decision Report

Please ensure all sections below are completed

Report reference number: 027-21

Government security classification (Not protectively marked):

Title of report: Essex County Fire and Rescue Service (ECFRS) Enforcement and Prosecution Policy

Area of county / stakeholders affected: County wide

Report by: Director of Operations, ECFRS

Date of report: 15 March 2021

Enquiries to: Assistant Director Prevention and Protection, ECFRS

1. Purpose of the report

The purpose of this report is to present the reviewed ECFRS Enforcement and Prosecution Policy to the Police, Fire and Crime Commissioner.

2. Recommendations

That the Police, Fire and Crime Commissioner notes and approves the reviewed ECFRS Enforcement and Prosecution Policy.

3. Benefits of the proposal

The Police, Fire and Crime Commissioner Fire and Rescue Authority is committed to improving the safety and quality of life for residents, workers, and visitors across Essex. ECFRS is an integral part of supporting this aim. The Enforcement and Prosecution Policy supports the ECFRS Protection Strategy which aligns to the priorities set out within the Fire and Rescue Plan and sets out how we identify risk and ensure safety from fire within the commercial built environment across Greater Essex.

The Policy ensures that ECFRS can effectively utilise all the powers of enforcement available to a fire and rescue service. It sets out the powers of enforcement available, the escalation routes from informal resolution to formal enforcement on the basis of risk to the safety of the

people of Essex and how this enforcement activity is resourced. ECFRS needs to have a clear policy which sets out how its enforcement function is effectively discharged in order to deliver on statutory duties.

4. Background and proposal

The ECFRS Enforcement and Prosecution Policy is not a new policy but is one which has been reviewed and updated in light of National developments. The review of this policy is part of and sits under the governance of the ECFRS Protection Improvement Plan, which was set out following an inspection of HMICFRS by Her Majesty's Inspectorate. The policy focuses on strengthening ECFRS enforcement ability and capability and an early move to enforcement (where appropriate and in response to risk) to signal a clear intent to ensure safety from fire.

The policy covers our intent to effectively engage with and educate our business community more proactively and is in line with the National Fire Chiefs Council (NFCC) principles of good enforcement.

5. Alternative options considered and rejected

It is recommended that the Enforcement and Prosecution Policy is approved as it is required to support ECFRS in fulfilling statutory duties.

6. Strategic priorities

The Policy supports the following priorities as stated in the Fire and Rescue Plan:

- Helping vulnerable people stay safe,
- Prevention, Protection & Response,
- Collaborate with our Partners,

The policy supports the Service Integrated Risk Management Plan (IRMP) and the ECFRS Protection Strategy.

7. Operational implications

This policy is a key part of identifying and addressing risk from fire within the commercial built environment and is intended to equip Officers to make judgements on carrying out enforcement action. The policy is not a new policy but rather, is a revision to an existing policy that exists to support the over-arching Protection Strategy. ECFRS staff and Officers and representative bodies who are impacted have been made aware of and engaged.

8. Financial implications

Consideration for the aims of this policy were included in the formulation and setting of the 2021 – 22 budget. Post Grenfell, an increase in enforcement activity may be reasonable anticipated. This can be off-set to a degree by cost recovery. The additional liability may be further offset using grant funding from central government which has been allocated via the Section 151 Officer for this purpose.

9. Legal implications

ECFRS has a legal requirement under the Regulatory Reform Order to enforce on non-compliance of the Order. This policy sets out clearly how we will ensure we meet that obligation.

10. Staffing implications

There are ongoing recruitment and training activities to ensure that ECFRS has the right number of officers with appropriate training and qualifications to discharge the requirements of this policy and thus FRS statutory duties.

11. Equality and Diversity implications

ECFRS must ensure that enforcement activity is carried out in a fair and equitable manner which does not adversely or unfairly impact on any group of people. Engagement activity must be carried out in such a way to be inclusive. A People Impact Assessment has been carried out on the Policy and this will continue to be monitored.

12. Risks

The proposed reviewed Enforcement Policy exists to allow ECFRS to take enforcement action to reduce risk associated with the built environment across Essex. Risk to ECFRS associated with the changing legislative environment continues to be monitored.

13. Governance Boards

The Enforcement and Prosecution Policy has been approved by the ECFRS Service Leadership Team prior to being submitted to the Strategic Board for approval.

14. Background papers

Appendix 1: Protection Strategy

Decision Process (027-21)

Step 1A - Chief Fire Officer Comments

(The Chief Fire Officer is asked in their capacity as the Head of Paid Service to comment on the proposal.)

.....I support this recommendation.....

Sign: ...  Date: ...15/3/21

Step 1B – Consultation with representative bodies


(The Chief Fire Officer is to set out the consultation that has been undertaken with the representative bodies)

This policy is a review of an existing policy within ECFRS. It forms part of the Protection Strategy which representative bodies were consulted.

Step 2 - Statutory Officer Review

The report will be reviewed by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority’s (“the Commissioner’s”) Monitoring Officer and Chief Finance Officer prior to review and sign off by the Commissioner or their Deputy.

Deputy Monitoring Officer Sign: 
Print: Darren Horsman
Date: 16 March 2021

Chief Finance Officer Sign: ... 
Print: ...Neil Cross...
Date: . 15/3/21.

Step 3 - Publication

Is the report for publication? **YES**

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'none' if applicable)

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If the report is not for publication, the Monitoring Officer will decide if and how the public can be informed of the decision.

Step 4 - Redaction

If the report is for publication, is redaction required:

- 1 Of Decision Sheet **NO**
- 2 Of Appendix **NO**

If 'YES', please provide details of required redaction:

.....

Date redaction carried out:

If redaction is required, the Chief Finance Officer or the Monitoring Officer are to sign off that redaction has been completed.

Sign: Print:
.....

Date signed:

Step 5 - Decision by the Police, Fire and Crime Commissioner or Deputy Police, Fire and Crime Commissioner

I agree the recommendations to this report:

Sign:  (PFCC)

Print: Roger Hirst Date signed: 18 March 2021