



## Community Risk Management (Protection) Policy Service Policy: PROPOL04

This is an unpublished work, the Copyright in which vests in Merseyside Fire & Rescue Service. All rights reserved. The information contained herein is the property of Merseyside Fire & Rescue Service and is supplied without liability for errors or omissions. No part may be reproduced or used except as authorised by Contract or other written permission. The Copyright and the foregoing restriction on reproduction and use extend to all media in which information may be embodied ©

### Document Control:

| Active date | Review date  | Author | Editor | Publisher |
|-------------|--------------|--------|--------|-----------|
| 2020        | January 2026 |        |        |           |

### Amendment History:

| Version | Date     | Author | Reasons for Change  |
|---------|----------|--------|---|
| 1.02    | 22/03/13 |        | Reviewed as per Retention Policy  |
| 1.03    | 30/03/13 |        | Reviewed as per Retention Policy  |
| 2.01    | 21/01/14 |        | Department Review/Revised National Framework  |
| 2.02    | 09/06/15 |        | Annual review / Changes in MFRS Management Structure  |
| 2.03    | 21/03/17 |        | Annual Review   |
| 2.04    | 01/04/18 |        | Annual Review   |
| 3.04    | 19/03/19 |        | Annual Review/ Changes in Inspection Strategy   |
| 4.01    | 20/07/20 |        | Annual Review/ Involvement in Legislative change  |
| 4.02    | MAY 2021 |        | Review to reflect proposed changes to Legislation and increased scope of Protection Activity                            |
| 5.0     | 01.04.22 |        | Periodic review. Inclusion of NFCC position statement regarding fire safety regulator competency                        |
| 6.0     | 04.01.23 |        | Reviewed to align with newly compiled Protection Directorate Plan and to include new legislation.                       |
| 7.0     | 19.02.24 |        | Annual Review. Amended to reflect alignment to 2024/25 Functional Delivery Plan. EIA also reviewed and updated.         |
| 8.0     | 15.01.25 |        | Annual Review. IRMP references replaced with CRMP. Inclusion of reference to the NFCC Core Code of Ethics at section 3. |

### Equalities Impact Assessment:

| Initial | Full | Date       | Reviewed by | Comments          |
|---------|------|------------|-------------|-------------------|
|         | X    | 04/01/2024 | ED&I Team   | Located on Portal |

### Civil Contingencies Impact Assessment:

| Date | Reviewed by | Comments |
|------|-------------|----------|
|      |             |          |

### Related Documents:

| Doc. Type               | Ref No.  | Title  | Location                                       |
|-------------------------|----------|--|--|
| Functional Plan         | 2024/25  | Community Risk Management Functional Plan        | Portal   |
| Home Office Publication | May 2018 | Fire and Rescue National Framework for England   | <a href="#">National-framework-for-England</a> |
| NFCC Guidance           | V1.0     | Competency Framework for Fire Safety Regulators  | Portal   |
| Directorate Plan        | V1.1     | Protection Directorate Plan 2023-2027            | Portal   |
| Service Instruction     | 0805     | Community Fire Protection Risk Based Methodology | <a href="#">SI 0805 RBS</a>                    |

### Distribution List:

| Name | Position | Department |
|------|----------|------------|
|      |          |            |

### Sign-Off List:

| Name | Position |
|------|----------|
|      |          |

**Target Audience:**

| All MFRS | Principal Officers | Senior Officers | Operational Crews | Fire Safety | Community Fire Safety | Support Staff |
|----------|--------------------|-----------------|-------------------|-------------|-----------------------|---------------|
| x        | x                  | x               | x                 | x           | x                     | x             |

**Ownership:**

|                         |     |   |        |  |
|-------------------------|-----|---|--------|--|
| FOI exemption required? | Yes |   | URL    |  |
|                         | No  | x | Reason |  |

**Legislation:**

|              |  |
|--------------|--|
| <b>Title</b> | <ul style="list-style-type: none"> <li>• The Fire and Rescue Services Act 2004</li> <li>• The Regulatory Reform (Fire Safety Order) 2005</li> <li>• The Building Safety Act 2022</li> <li>• The Fire Safety Act 2021</li> <li>• The Fire Safety (England) Regulations 2022</li> <li>• The Fire and Rescue National Framework</li> <li>• The Equality Act 2010</li> <li>• The Petroleum (Consolidation) Regulations 2014</li> <li>• Environment and Safety Information Act</li> <li>• The Fire Precautions (Sub-surface Railway Stations) (England) Regulations 2009</li> <li>• Construction (Design and Management) Regulations</li> <li>• Fire Safety and Safety of Places of Sport Act</li> <li>• Police and Criminal Evidence Act</li> <li>• Criminal Procedures and Investigations Act (CPIA)</li> <li>• Regulatory Enforcement and Sanctions Act</li> <li>• The Explosives Regulations 2014</li> <li>• The Regulators Code</li> <li>• The Protection Fire Standard</li> </ul> |
|--------------|--|

**Contact:**

|                   |  |                       |
|-------------------|--|-----------------------|
| <b>Department</b> | <b>Email</b>   | <b>Telephone ext.</b> |
| Protection        | <a href="mailto:ProtectionDept@merseyfire.gov.uk">ProtectionDept@merseyfire.gov.uk</a> | 4607                  |

## PROPOL04 Community Risk Management Protection Policy

### 1. Policy Introduction and Background:

The Community Risk Management (CRM) Protection directorate will discharge the core function of Fire Safety as laid down in the Fire and Rescue Services Act 2004 on behalf of MFRA.

We will meet the expectations of the provision within the Fire and Rescue National Framework for England for promoting fire safety, including fire prevention, and have a locally determined risk-based inspection programme in place for enforcing compliance with the provisions of the Regulatory Reform (Fire Safety) Order 2005 in premises to which it applies.

We will follow extant national guidance in respect of Communities and Local Government IRMP/CRMP Guidance Note 4 - A risk assessment based approach to managing a fire safety inspection programme and incorporate this into our Protection Strategy. Important as such guidance is, as an Enforcing Authority we will exercise our regulatory responsibility according to our priorities as laid down in our Community Risk Management Plan and as described in our annual functional plans.

The nature of risk is that it has the inherent capacity to develop in terms of breadth and scope. In meeting this dynamic risk environment MFRA will use local and national intelligence on premises to focus fire safety resources where the need is greatest, this may be in terms of national issues following the Grenfell Tower fire, or more locally through themed interventions such as our peak hour's inspections, for example, the night time economy licensed premises.

As legislation is introduced in response to the need for better regulation of fire safety we will respond to government consultations and take a full and active part in the shaping of new fire safety legislation to make it fit for purpose both now and in the future.

We will meet our statutory duty and enforcement responsibilities against the relevant legislation:

Regulatory Reform (Fire Safety) Order 2005

The Explosives Regulations 2014

The Petroleum (Consolidation) Regulations 2014

The Fire Precautions (Sub-surface Railway Stations) (England) Regulations 2009

In doing so we will protect relevant persons from harm, provide advice, guidance and when necessary use enforcement to keep the communities of Merseyside and our firefighters safe.

### 2. Policy Explanation:

In Exercising our Regulatory function Protection Department will meet statutory principles so that:

1. Regulatory activities are carried out in a way which is transparent, accountable, proportionate and consistent
2. Regulatory activities are targeted at those premises deemed to pose the highest risk from fire to the relevant persons
3. Regulatory activities are conducted by trained, qualified and competent personnel in accordance with the Competency Framework for Fire Safety Regulators

This accords with the Regulators Code 2014 unless on the basis of material evidence, we conclude that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, then we will exercise the right not to be bound or follow that provision, in which case we will record that decision and the reasons for it.

MFRA recognises that the Competency Framework for Fire Safety Regulators is a beneficial objective which will provide identified benchmarks to confirm competences. We acknowledge that it may take time to fully implement the Framework. Our position is that our 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 within competency framework. They will only be appointed to roles which we know our fire safety regulators can competently fulfil.

### 3. Policy Implementation:

For legislation that the Authority has a statutory duty to regulate, resources will be allocated according to risk based inspection intelligence using both national guidance on risk categorisation and local risk information.

We will utilise a local Risk Based Inspection Programme (RBIP) using available risk data to produce a clear inspection regime, which will enable our resources to efficiently target the Highest Risk premises in Merseyside.

We will be effective by using this as the basis for inspecting premises whilst remaining adaptable and flexible enough so that we can respond quickly to identified risks.

It is critical that we can carry out our regulatory responsibility as necessary, irrespective of time of day or location. This will be discharged via the appropriate personnel within the Protection Directorate who are trained and qualified in accordance with the requirements stipulated within the NFCC Competency Framework for Fire Safety Regulators. We will:

1. Establish the facts and communicate accurately, promptly and in plain language
2. Where enforcement action is required for non-compliance; be proportionate and fair
3. Explain fully the reasons for decisions, and treat people with dignity and respect
4. When dealing with non-compliance matters, be clear and transparent in regards to the advice being given, actions required or decisions taken, and the reasons for these and provide an opportunity for dialogue in relation to the advice, requirements or decisions taken
5. Where we can demonstrate that immediate enforcement action is required, be decisive, clear and consistent in the application of the relevant legislation
6. Promote a positive and proactive approach to compliance by educating and informing stakeholders on their responsibilities
7. Prevent unjustifiable demand upon MFRS operational response; this will include criteria for responding to automatic fire alarm actuations
8. Enter into suitable partnerships under the Primary Authority Scheme where this is in the interests of the relevant parties
9. Work with partners and stakeholders to campaign and promote the adoption of fire safety interventions and the enhancement of fire safety knowledge
10. Operate in accordance with the NFCC Core Code of Ethics

The responsibility for discharging this policy resides with the personnel within the Protection function which will be structured to ensure clear roles and responsibilities are allocated and clear lines of reporting are in place.

Annual actions/key deliverables will be presented in the associated functional delivery plan which in turn is a discharging element of the Protection Directorate Plan.