

**OFFICER REPORT TO COUNCIL****Surrey Fire and Rescue Service
Community Fire Protection delegated powers of signatories****KEY ISSUE/DECISION:**

That Surrey County Council accepts the recommendation by Surrey Fire and Rescue Service to delegate to Station Managers the powers to issue and remove formal notices as contained within the revised Standard Operating Procedure Prot 3.1. This will include the following;

- Prohibition and Restriction Notices under Article 31 of the Regulatory Reform (Fire Safety) Order.
- Prohibition Notices under section 10 of the Safety at Sports Grounds Act 1975 and Section 22 of the Health and Safety at Work Act 1974.
- Improvement Notices under section 21 of the Health and Safety at Work Act 1974.

BACKGROUND:

1. The Chief Fire Officer delegates functions of the Fire Authority to designated officers to sign and issue documents on his behalf. This includes the ability to exercise all the powers of the Authority as an enforcing authority under relevant legislation. This can include to:
 - Authorise the commencement of criminal proceedings (after consultation with Legal Services) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake;
 - Take appropriate action on behalf of the Authority under The Regulatory Reform (Fire Safety Order) 2005;
 - Designate persons as Inspectors under Article 26 of the Fire Safety Order, and to;
 - Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order.
2. Under current arrangements Area and Group Managers are designated officers for the purpose of serving and lifting of formal notices under Article 31 of the Regulatory Reform (Fire Safety) Order 2005, Section 10 of the Safety at Sports Grounds Act 1975, Sections 21 and 22 of the Health and Safety at Work Act 1974. They are not Community Fire Protection practitioners.

3. The Station Managers who lead the Community Fire Protection Teams (who are practitioners) advise the Area and Group Managers on the fire risk to members of the public where formal notices may be issued.
4. The current procedure is inefficient for the following reasons:
 - The length of time to issue a notice may be up to 4 hours.
 - It can take up to four management tiers to be on scene before a notice is issued.
 - Notices are not served by fire safety practitioners.
 - There is additional disruption to businesses which can be reduced.
5. The service has adopted the Regulator’s Compliance Code and fully embraces the Government’s Better Regulation initiative. In order to support that goal, the Service has completed a refresh of its fire safety standard operating procedures to ensure that it meets its obligations. This has included the introduction of an objective risk rating methodology to support Fire Safety Officers determine the level of fire risk to members of the public in any given business premises. This has replaced a subjective assessment which resulted in inconsistent application of the Enforcement Management Model.
6. The proposal is for Station Managers who are Community Fire Protection practitioners to be the primary agents who serve and withdraw formal notices. This will derive improvements by:
 - Improving our effectiveness by reducing the time it takes to serve a notice.
 - Improving our efficiency by having a maximum of two management tiers on scene.
 - Reducing our impact on businesses.
7. The reason for this proposed change is to enable the service to be more accountable through efficient and effective decision making which demonstrates a transparent approach to regulation and enforcement. This change will simplify the service’s ability to issue notices and focus on outcomes at a more local level. It will also reduce duplication and the burden upon businesses.

RECOMMENDATIONS:

The County Council agrees the changes to the Scheme of Delegation attached at appendix 1 which:

- a) gives Station Managers delegated powers to serve and withdraw formal notices under Article 31 of the Regulatory Reform (Fire Safety) Order 2005, Section 10 of the Safety at Sports Grounds Act 1975, Sections 21 and 22 of the Health and Safety at Work Act 1974.
- b) updates job titles and further clarifies the specific delegated powers.

Lead/Contact Officers:

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Sources/background papers:

SFRS GRA: Prot 001 Premises inspections for fire safety purposes
SFRS EIA: GEN/001 Protection fire safety
SFRS EIA/Gen/002 Fire Investigation Policy
The Fire and Rescue Services Act 2004 (The Stationary Office)
The Regulatory Reform (Fire Safety) Order 2005 (The Stationary Office)
DTI (2003) The Local Government Enforcement Concordat.
BIS (2008) The Regulators Compliance Code 2008
SFRS Policy Prev 2 Fire Investigation issue 3
SFRS Prev 2.1 Fire Investigation by designated Fire Investigation Officer (FIOs)
SFRS Policy Prot 1 Fire safety Regulation
SFRS Policy Prot 2 Fire safety administration
SFRS Policy Prot 3 Fire Safety Delegation of Authority
SFRS SOP 3.1 Fire Safety Authorisation.
SFRS SOP Prot 1.1 Inspection of premises for fire safety purposes
SFRS SOP Prot 1.2 Fire safety audits of premises
SFRS SOP Prot 1.5 Formal fire safety enforcement enforcement notices
SFRS SOP Prot 1.6 Formal fire safety enforcement Prohibition restriction notices
SFRS SOP Prot 2.4 Use of Pocket Notebooks
SFRS SOP Resp 4.4 7 (2) (d) Operational data gathering, Site Specific Risk Information
SFRS Toolbox 1.2 Guidance on conducting a fire risk assessment of premises.
